

<u>No:</u>	BH2025/01881	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Withdean Sports Complex Tongdean Lane Brighton BN1 5JD		
<u>Proposal:</u>	Extension to North elevation of existing sports complex to include new community swimming pool facility, accessible changing facilities, associated ancillary and plant spaces, overflow carpark, landscaping and refurbishment of reception area to create link to the swimming pool.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	14.08.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09.10.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.12.2025
<u>Agent:</u>	Box Architects 1 Foundry Square Leeds LS11 5DL		
<u>Applicant:</u>	Brighton And Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	WTH-BOX-03-XX-D-A-0305	C01	29-Jul-25
Block Plan	WTH-BOX-03-XX-D-A-0310	C03	22-Oct-25
Proposed Drawing	WTH-BOX-03-00-D-A-0300	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-B1-D-A-0301	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-RF-D-A-0302	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-XX-D-A-0320	C02	22-Oct-25
Proposed Drawing	WTH-BOX-03-XX-D-A-0321	C02	22-Oct-25
Proposed Drawing	WTH-BOX-SK-XX-D-A-0311	C03	22-Oct-25
Proposed Drawing	WTH-BOX-SK-XX-D-A-0330	C01	23-Sep-25
Proposed Drawing	200.22080-ACE-00-ZZ-D-C-3201	P01	14-Nov-25
Other	TREE PROTECTION PLAN		01-Aug-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions

3. No works of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

4. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised 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 policies DM18 of the Brighton and Hove City Plan Part Two, CP8 of the Brighton & Hove City Plan Part One, WMP3 of the Waste Plan (2013), and RM0 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan.

5. No development above ground floor slab level shall take place until a scheme setting out highway works to implement the new/extended footway across the verge on Tongdean Lane and new Highway Signs at the Tongdean Lane/Withdean Road junction, has been submitted to and approved in writing by the local planning authority. No part of the building hereby approved shall be occupied until the approved highway works have been carried out in accordance with the approved scheme.
Reason: To ensure safe pedestrian, cyclist and vehicular access into, out of and past the site and road safety for all road users and to comply with policies CP9, CP11, CP13 of the City Plan Part One and DM33 of City Plan Part 2.

6. No development, including enabling works or demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. They shall include:
 - a). The phases (if applicable) of the development hereby permitted, including the forecasted completion date
 - b). A scheme setting out 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
 - c). Details of proposed site accesses and any pitlanes or loading / unloading areas within the highway, which shall be sufficient to allow all vehicles to enter and exit these in forward gear without reversing on the highway
 - d). Details of hours of demolition and construction including all associated vehicular movements

- e). Details of the demolition and construction compound
- f). A plan showing demolition and construction traffic routes and the type and the number of vehicles forecast to use these by phase of construction
- g). Details of measures to protect highway assets and to mitigate impacts on public transport and emergency services and provide for their continued operation during the works
- h). Details of vehicle cleaning facilities to prevent mud and dirt being trafficked onto the highway from the site or being washed onto it
- i). Details of any temporary traffic management and signage along the construction routes, at site access and elsewhere in the vicinity of the site
- j). Details of employee and contractor parking

The demolition and construction works shall be carried out in accordance with the approved CEMP and no part of the development hereby approved shall be occupied until the approved highway works have been carried out in accordance with the agreed details.

Reason: As this matter is fundamental to the protection of neighbouring amenity, highway safety and managing waste throughout development works and to comply with Policies CP8 and CP9 of the Brighton & Hove City Plan Part One, DM20, DM33 and DM40 of the Brighton and Hove City Plan Part Two, WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Revised Policies and SPD03.

7. No development (including any demolition, site clearance or enabling works) shall take place until:
 - (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain Assessment dated November 2025 and prepared by Pennine Ecological; and
 - (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

8. No development shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the approved Biodiversity Gain Plan (BGP) and include:
 - i) a non-technical summary;
 - ii) the roles and responsibilities of the people or organisations delivering the HMMP;
 - iii) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - iv) the management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the first use of the development;
 - v) the monitoring methodology and frequency in respect of the created or enhanced habitat; and

- vi) provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created/enhanced habitat specified in the approved BGP shall be provided and thereafter managed and maintained in accordance with the approved HMMP.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

- 9. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the completed habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

- 10. Habitat monitoring reports shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan. The reports shall include (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) any contingencies and/or remedial action for agreement. Any agreed contingencies or remedial action shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended), policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two, and Supplementary Planning Document 11: Nature Conservation and Development.

- 11. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Tree Protection Plan received on 01/08/2025 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction – Recommendations' and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

12. In the event that excavation within the root protection area of protected trees (as identified in the submitted Tree Protection Plan received on 01/08/2025) is required to take place, prior to any works to trees, a construction method statement for the no dig ground protection, to include details of proposed materials and installation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and 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.
13. No development above ground floor slab level shall take place until a drainage strategy detailing the proposed means of foul water disposal, including swimming pool backwash water (and of the contents of the pool if these need to be drained to the sewer), and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker.
The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
14. No development to the car parks shall commence on site until a Scheme of Management of 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 at least include the following measures:
- Details of how the proposal complies with SPD14 Parking Standards
 - Details of how each car parking space will be allocated and managed
- The above Scheme and associated parking plan must be implemented prior to the occupation of the building and thereafter be maintained as such.
Reason: To ensure the development maintains a sustainable transport strategy and to comply with SPD14 Parking Standards and CP9 of the City Plan Part One and policy DM33 of City Plan Part Two.
15. No works to any external surfaces 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 cladding to be used, including details of their treatment to protect against weathering
 - b) samples/details of all hard surfacing materials
 - c) 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 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

16. The proposed development shall not be brought into use until a Management Plan, setting out noise management and safety measures associated with operation of the pool and car park(s) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include an acoustic assessment which takes into account cumulative impact, low-frequency control, and verification measures.

The development shall be operated in accordance with the approved management plans and thereafter maintained.

Reason: To safeguard the amenities of the locality and to comply with policy CP15 of the City Plan Part One and DM20 and DM40 of Brighton & Hove City Plan Part Two.

17. The proposed development shall not be brought into use until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

18. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall 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 and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part i) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

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

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

19. 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 details of proposed (and any remaining existing), cycle parking, motorcycle parking, car parking, electric vehicle parking and charging, mobility scooter parking and charging, disabled parking, customer parking, parent and child parking, loading bays, taxi pick-up and drop off,

upgrade/expansion of bikeshare, and signage (markings and signs) for the management of all forms of parking and stopping as appropriate (such as numbered spaces and Department for Transport approved names and symbols (e.g. for a disabled bay) inside and outside of the space).

This should also include details of

- how vehicles safely and conveniently turn to leave the site in a forward gear
- dropped kerbs from footways and tactile paving where appropriate for the mobility and visually impaired including adults with child buggies.

The approved car parking layout 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.

20. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be 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.

21. The development hereby permitted shall not be brought into use until a Plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall also include details of measures along the western, northern and southern boundaries of the new overflow car park to mitigate any noise impacts to neighbouring properties, which may include introduction of acoustic fencing. Section drawings may be required to establish land levels.

The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to mitigate noise impacts, to comply with policies DM18, DM20, DM21 and DM40 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.

22. The development hereby permitted shall not be brought into use until a scheme for landscaping has been 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, with nursery stock sizing of trees to be a minimum 12-14cm;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
- d. details of a maintenance regime, to include a three-year watering programme for any new trees from April to September;

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

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

- 23. The development hereby permitted shall not be brought into use until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

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

- 24. Prior to first occupation of the development hereby approved, details of the proposed photovoltaic array hereby approved, including details of the position, size, protrusion from the roof (when measured perpendicular with the external surface of the roof), fixing, colour and finish, associated equipment, and any minor strengthening works to the roof, 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. Once installed, the solar panels equipment shall be maintained/kept in good order and it/they shall be removed as soon as reasonably practicable when no longer operational or in use.

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 and DM44 of the Brighton & Hove City Plan Part Two.

- 25. The development hereby permitted shall not be brought into use until full details of level access around the site, by way of the outside ramp hereby permitted, shall be 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 the development provides for the needs of disabled staff and visitors to the site and to comply with policy DM33 of Brighton & Hove City Plan Part 2.

26. Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall reference and be integrated into the full site Travel Plan and shall be supported by a Travel Pack or Travel Packs for staff and centre users. The Travel Plan should have as objectives:

- to reduce single occupancy vehicle use for staff and users
- to encourage trips to the new development by active and sustainable modes for all
- to minimise the incidents and impact of overspill parking

It shall include as a minimum, the following measures, unless otherwise agreed:

- Production and distribution of travel information packs for staff and centre users, packs may be digital or hard copy
- Regular counts of vehicles parked on-site
- Active on-site activity timetable management to smooth peaks and troughs
- Live communication of current available parking spaces
- Special discounts or perks for active travel and public transport
- Provision of bicycle maintenance stands including pumps and basic tools
- Digital displays of bus departures on site
- Special discounts or perks for active travel and public transport users

And for staff the following measures, unless otherwise agreed:

- Establishment of a Bicycle User group (BUG)
- Appointment of an active travel champion to promote initiatives, provide induction to new staff
- Interest free loans for season ticket or bicycle purchases
- Cycle to work scheme (salary sacrifice)
- Maintenance of a car-sharing database and exploration of shared staff vehicles
- Preferential parking areas for those car sharing
- Free cycle training
- 3 x Dr Bike maintenance sessions per year to include a learning element
- Public transport buddy schemes (coordination of shift patterns for female staff to allow for safer travel together)
- Guaranteed taxi home for car sharers

The Travel Plan shall commit to regular surveys of staff, centre users, and of cycling infrastructure, and a regime of monitoring at years 1, 3, and 5 to be submitted to the LPA.

The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies CP9 of the City Plan Part One and DM35 of City Plan Part Two.

27. Within 6 months of first occupation of the Outdoor Sports Hub hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' 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.
28. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2.
29. 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.
30. The development hereby approved should 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 and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
31. The use hereby permitted shall not be carried out except between the hours of 06:00 and 22:00 on Mondays to Fridays, and between 07:00 and 21:00 on Saturdays and Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
32. Details of any green living roofs proposed shall have been submitted to and approved in writing by the Local Planning Authority, prior to their installation. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement and sustainability on the site and in accordance with Policy DM37 of Brighton & Hove City Plan Part 2, Policies CP8 and CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
4. 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 Professionals (ILP) 'Guidance Note 1 for the Reduction of Obtrusive Light (2021)' for Zone E 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 Professionals) 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).
5. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
7. The applicant is advised to consult with Southern Water on the landscaping proposals in proximity of public apparatus prior to approving details of landscaping, in order to ensure the proposals are in accordance with Southern Water guidance.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to the north-east/east section of the Withdean Sports Complex site. The existing land is used for parking and access associated with the existing leisure centre and other sports facilities on the wider Withdean Sports Complex site, as well as surrounding landscaped areas. The site includes one of two vehicular accesses to the Withdean Sports Complex to the north on Tongdean Lane. The north-west car park within the application site sits at a higher level to the existing reception entrance to the leisure centre, which are currently linked via a ramp.
- 2.2. Beyond the Sports Complex, there are residential properties on the opposite side of Tongdean Lane to the north, and on Tongdean Lane and Shepherds Croft to the west. The railway line embankment is to the far-east beyond Withdean Road, and the Withdean Woods Local Nature Reserve is to the far south, but in both cases with considerable separation from the site.
- 2.3. Planning permission is sought for an extension to the north elevation of the existing sports complex, to include new community swimming pool facility, accessible changing facilities, associated ancillary and plant spaces, overflow carpark, landscaping and refurbishment of reception area to create link to the swimming pool.
- 2.4. The details are as follows
 - Proposed extension containing circulation and changing, pool hall, and plant.
 - Pool extension is single-storey structure with double height pool hall within pitched roof.
 - External materials to include metal roof and wall cladding, brick plinth, metal copings, metal louvres, and aluminium for the windows.
 - Photovoltaic panels on pitched roof.
 - Proposed swimming pool consisting of 25m 5-lane pool.
 - Replacement of existing ramp from reception to carpark.
 - Alterations to existing carpark and proposed additional overflow carpark resulting in net loss of 12no. spaces.

3. RELEVANT HISTORY

- 3.1. **PRE2025/00099** New pool extension to the existing Withdean Leisure Centre and landscaped area with external plant room enclosure (Pre-application).
Response:
 - The proposed swimming pool facility would expand and enhance access to Brighton & Hove's sports services, and would be supported in principle.
 - There is a significant public benefit to the proposals. To maximise this benefit through will require a high quality, sustainable design with durable materials and detailing which will ensure the quality of the building is retained over the long term.
 - There would not be an objection to footprint or massing.

- It is recommended that further consideration is made as to how increased glazing on the facades can help provide a more inviting and open & airy space for future users of the facility.
- 3.2. **BH2024/02477** Re-surfacing of tarmacadam MUGA (Multi Use Games Area) sports pitch. Replacement of existing 2700mm height chainlink fencing with 3000mm height 'duo-8' fencing. Painted line-markings and surface colour of pitch changes. Installation of new floodlights, mesh wind-screening, storage container and wheelchair access - Approved 11/02/2025
- 3.3. **BH2022/03439** Creation of a small-sided football facility with 4no. pitches, improved drainage and associated features including ball stop fencing and entrance gates, a storage container, 16no. LED floodlights, 3no. covered spectator shelters, cycle parking, hard-standing areas and vehicular access - Approved 08/06/2023
- 3.4. **BH2022/02972** Erection of 3no. canopy-covered padel tennis courts incorporating 12no. floodlights and associated works - Approved 06/07/2023

4. REPRESENTATIONS

- 4.1. Representations have been received from **eight (8)** individuals, objecting to the proposed development for the following reasons:
- Lack of public consultation;
 - Lack of reasons given why a swimming pool is necessary;
 - Lack of detail of noise of overflow car park;
 - Operational hours until 11pm on weekdays is too late;
 - Lighting in car park would cause light pollution;
 - Removing the chalk bank, and introduction of hard landscaping could cause a knock on effect of flooding;
 - Lack of detail of proposed boundary fence details;
 - Proposed development would increase traffic and congestion in the area, including through parking overspill;
 - The Transport Assessment is flawed as it excludes future developments;
 - The design of the building is insensitive to the area and the massing is unsuitable, creating an adverse visual impact;
 - Increased traffic would in turn lead to greater air pollution in the surrounding area;
 - Pedestrian access to the site is poor and could lead to more accidents;
 - Coaches and buses park illegally, and increased traffic will make the danger to school children worse;
 - The new pedestrian gate will further encourage more coach drop-offs on double yellow lines;
 - Not enough space for the influx of cars this will bring, causing pressure on street parking in surrounding roads;
 - Lack of details of the sustainable and durable building materials to be used;
 - Building would overlook houses;
 - Withdean Stadium complex is already used to full saturation;

- The Ecological Report is flawed and lacks proper field work and is not a fair reflection of the impact on the western extent of the site;
 - No Environmental Impact Assessment (EIA) has been carried out;
 - Concern regarding removing any trees.
 - The development will make existing flooding issues worse by removing permeable areas and changing runoff patterns.
- 4.2. Representations have been received from **three (3)** individuals, supporting the proposed development for the following reasons:
- A hub for sport is exciting for the community;
 - Pool will greatly enhance the existing facilities;
 - Relocating parking will help relieve congestion;
 - The pool will also promote and encourage healthier lifestyle;
 - Especially accessible to north of the city.
- 4.3. Full details of consultation responses received can be found online on the planning register.

5. CONSULTATIONS

Internal:

- 5.1. **Arboriculture Team: No objection**
Two trees are proposed for removal, T7 and T8 on the supplied Tree Survey, although their loss is regretted, they are not of a condition to justify retention, their loss to be mitigated with replacement planting.
- 5.2. The overflow car park impacts upon three trees, T4, T5 and T6 on the survey, excavation within the root protection area (rpa) of T4 is proposed within the method statement, ground protection measures necessary for T5 and T6. BHCC Arboriculture have concerns over locating vehicular parking bays near existing trees, both for the construction requirements and post development. T5 and T6 (both Norway maples) due to their location are highly prominent within the street scene.
- 5.3. An option 2 has recently been received, this version avoiding excavation within the root protection areas of the adjacent trees, we would consider this to be a more appropriate design, it is compliant with BS 5837 and minimises root disturbance to retained trees; BHCC Arboriculture would wish to see this option confirmed within decision.
- 5.4. BHCC Arboriculture raise no objection to this application, however, should option 1 be preferred the team would require a condition for a construction method statement.
- 5.5. BHCC Arboriculture wish to see a landscaping condition for the replacement trees, this to include the provision of a three-year watering programme from April to September; nursery stock sizing to be a minimum 12-14cm. Watering within this timeframe is essential in ensuring successful establishment.

- 5.6. **Environmental Health:** Comment
The Environmental Noise Assessment identifies external plant as the main noise source for the proposed extension. Mitigation measures are proposed to reduce noise to acceptable levels, including a large louvred enclosure for the external plant area, absorptive lining inside the plant enclosure, and atmospheric-side silencers for AHUs and other air-handling plant
- 5.7. Due to the history of complaints about noise generated from the Withdean Stadium, it is pertinent that the applicant can show that a robust acoustic design has been carefully incorporated into the proposed layout to prevent further impact on amenity.
- 5.8. Further details required on cumulative impact, low-frequency control, and verification measures.
- 5.9. **Sustainability Team:** No objection
The development adopts a fabric-first approach with high insulation levels, LED lighting with occupancy controls, PV panels for renewable energy, and measures to minimise overheating. Circular economy principles are supported through sustainable material selection, though a Site Waste Management Plan should be required to ensure waste reduction. Water-saving fittings are also proposed to promote resource efficiency.
- 5.10. The development complies with Part L 2021, exceeding requirements by achieving an additional 15.35% CO₂ reduction beyond the baseline. It targets a BREEAM 'Very Good' rating with a score of 56.34%, though this is only slightly above the 55% threshold, requiring careful management to retain compliance. The applicant confirmed that hot water will be provided via an efficient air source heat pump, but evidence of the predicted EPC 'B' rating is still missing.
- 5.11. **Sustainable Drainage:** No objection
According to the RoFSW (Risk of Flooding from Surface Water) map, parts of the site are indicated as being at risk from this source. However, no development appears to have been proposed for these areas. A Flood Risk Assessment has been submitted, and the applicant has indicated that the site is not at risk of groundwater flooding based on, in part, ground investigations undertaken in April and May 2025 to a depth of 20 metres. Groundwater levels in the city can fluctuate widely throughout the year, and that recorded levels during the period when investigations took place is well below the peak. Therefore, it is entirely possible that the site could be at risk of groundwater flooding. However, the nature of this development means that all below ground assets are of limited vulnerability. Therefore, the team will require no further information relating to groundwater flood risk.
- 5.12. The proposed drainage system is for all surface water to be captured by permeable paving and bioretention features. These and a proposed attenuation tank will be used to limit the discharge to an existing deep soakaway to 2.0l/s. Testing found that the made ground on site has negligible infiltration rates, and no new soakaways are proposed. The locations of raingardens and other bioretention features are also subject to final confirmation. The team therefore

will need a finalised version of the drainage layout when available. A maintenance and management plan should be updated to identify parties responsible for maintenance. If the water is proposed to be infiltrated, as is currently the case, confirmation that the drainage strategy offers sufficient treatment to prevent groundwater contamination is still required. As the site is located within a groundwater source protection zone, this is particularly important.

- 5.13. Foul waters are proposed to be discharged to the adjacent public sewer to the west of the site via an existing connection. Peak discharge rates have not been submitted, but Southern Water have confirmed that their sewer has the available capacity for 6l/s. Therefore, the team will need confirmation that the peak discharge rates are anticipated to be less than 6l/s, and that the infrastructure proposed for foul discharge is in an appropriate condition and, on site, has the available capacity.
- 5.14. **Sustainable Transport:** No objection
The proposals are mostly within the site boundary and so have no boundary to the public highway. Exceptions are a new pedestrian access from Tongdean Lane and proposed new highway signage on Withdean Road. These works should be secured by a minor works S278 agreement.
- 5.15. The Highway Authority do not seek amendments to public transport access to support this application, but soft measures to promote more use of the existing services and routes should be provided via a Travel Plan.
- 5.16. The development proposes an additional 20 secure, covered and lit cycle parking spaces located close to the main building. This is welcomed to meet policy levels of centre user parking, but a further 3 spaces for staff are required. A location for the new cycle parking is indicated on the plans and is accepted, but further details of the enclosure and type of cycle parking should be secured by cycle parking scheme condition to ensure it meets policy standards
- 5.17. The proposed development will be built onto the existing car park and so will result in an overall modest loss of car parking spaces. Despite the provision of a new overflow parking area for 28 vehicles, the net result is an overall reduction of 12 regular car parking spaces.
- 5.18. Existing use parking demand surveys were undertaken and provide parking accumulation data 24 hours a day for all days between July 2024 and June 2025, which is considered excellent baseline data. Despite the modest reduction in spaces, the estimates show that for 98% of the surveyed time the parking provision is likely to meet demand. The analysis shows that incidents of parking overspill already occur occasionally. But with the addition of the swimming pool, they are likely to happen once per week and depending on the scenario this could lead to 30 or more cars overspilling once or twice a month. Whilst even the high scenario would not give grounds for an objection to the application by the Highway Authority, a Travel Plan, Car Park layout Plan and Car Park Management Plan are required to mitigate incidents of overspill parking and reduce them to a minimum.

- 5.19. Peak parking demand is between 7pm and 9pm on Tuesday and Wednesday nights and there is a smaller lunch time peak. These peak demand times for the car park do not coincide with peak traffic on the nearby London Road as measured by camera counts (7-8am and 4-6pm peaks). We are content that the proposed development traffic will be supported by the existing road network.
- 5.20. The Local Highway Authority have indicated that Withdean is not identified as suitable for intensification of its Park & Ride use, and the parking data submitted with the present application was gathered whilst the Park & Ride has been in operation. Therefore, the presence of the Park & Ride does not give grounds for an objection to the present planning application.
- 5.21. The application is acceptable subject to the conditions relating to Car Park Layout & Management Plan, Travel Plan, Minor Works S278 condition, External Lighting and Floodlighting, Cycle Parking Scheme, and Construction Environment Management Plan.
- 5.22. **Urban Design Officer:** No objection
 The applicant should clarify whether the pool is intended for future swimming competitions and training use by swimming clubs. The positioning of the new community pool is logical and responds well to the site constraints, the existing sports complex, and the budget of the scheme. The scale and built form relate well to the architectural character of the existing sports complex. Large-format windows providing daylight into the ramped circulation space linking the new pool with the main entrance are a positive feature. The proposed external materials are well chosen, successfully distinguishing the three functional elements of the building (circulation and changing, pool hall, and plant). The Design & Access Statement outlines positive community engagement.
- Updated Comment:
- 5.23. The applicant has confirmed Swim England's position on the 5-lane pool, which is positive and good to hear that all main parties are comfortable with the approach.
- External:
- 5.24. **County Ecology:** Comment
Initial Comment:
 Insufficient information regarding bats and BNG has been provided at this stage (*note this has since been provided and will be updated on the Late List*).
- 5.25. The majority of works covered by the application will take place to the north of the existing sports complex, furthest from the Withdean & Westdene Woods Local Nature Reserve (LNR) and ancient semi-natural woodland (ASNW) and separated from them by the sports complex building itself. An access road and area of overflow parking extends around the western elevation of the building and further south. To ensure that the LNR and ASNW are not impacted during the construction process, best practice measures relating to dust, water pollution

etc. should be included in a Construction Environment Management Plan (CEMP) which could be secured by condition.

- 5.26. Given the nature, scale and location of the proposed development, provided that best practice construction methods are secured, there are unlikely to be any significant ecological impacts on any designated sites or semi-natural habitats. Compensation for habitat losses will be addressed through the BNG process.
- 5.27. All trees with the potential to be impacted by the works should be subject to a ground-level tree assessment (GLTA).
- 5.28. As suitable habitat will be retained and enhanced on-site, the team consider that in this specific case the risk could be sufficiently mitigated through the application of precautionary, construction working methods such as phased and directional vegetation clearance. These could be detailed in a Biodiversity Method Statement (BMS) and secured by condition.
- 5.29. In terms of Biodiversity Net Gain, there is a lack of information on grassland but the final details do not need to be agreed until submission of a Biodiversity Gain Plan (BGP) post-determination, with a request that the applicant either support the BGP with improved survey information or assign habitat condition on a precautionary basis.

Further Comment: No objection following further information.

- 5.30. The PEA now refers to eight individual trees (as in the arb report) and states that none have any bat roost potential. It also states that the tree groups at either end of the proposed overflow car park have been treated as scrub (individual specimens are not sufficiently large to qualify as individual trees) and are therefore highly unlikely to have bat roost potential.
- 5.31. **Southern Water:** No objection
There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 6 l/s for the above development. The applicant should ensure that the Trade Effluent discharge licence has been obtained, before the connection to the public sewerage network can be approved.
- 5.32. The rate and times of discharge of swimming pool backwash water to the sewer and of the contents of the pool if these need to be drained to the sewer, would have to be agreed with Southern Water.
- 5.33. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
- 5.34. Full details of consultation responses received can be found online on the planning register.

6. MATERIAL CONSIDERATIONS

- 6.1. 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.
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP2	Sustainable economic development
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public realm
CP16	Open space
CP17	Sports provision
CP18	Healthy city

Brighton & Hove City Plan Part Two:

DM9	Community facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM35	Travel Plans
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM38	Local Green Spaces
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of development, provision of sports facilities, the impact on the visual amenities of the surrounding area, and the impact on neighbouring amenity. Other main considerations include landscaping and impact on trees, the impact on highways, access, biodiversity, drainage/flooding and sustainability.

Principle of the Development:

- 8.2. The proposed development to create a new indoor swimming pool (Class Use F2) would not be a change of land use in planning terms as it would be an extension to the existing sports complex with existing indoor and outdoor community/sports facilities (Class Use E/F2). Policy DM9 clarifies that swimming pools are classed as 'local community uses'.
- 8.3. Policy CP17 (Sports Provision) seeks to facilitate the council's aspiration to increase participation in sports and physical activity, which includes expanding and enhancing access to Brighton & Hove's sports services, facilities and spaces. The policy recognises the importance of Withdean Sports Complex alongside other existing major sporting venues in order to seek their enhancement and more effective use. This includes, where possible, improving these existing facilities with greater public access and uses provided to promote physical activity and sport. The supporting text to the policy refers to the Council's adopted Sports Facilities Plan 2021-2031 which identified a need to expand and improve public facilities especially swimming pools, sports halls, health and fitness suites, artificial grass pitches. The Sports Complex is identified as the location of the 'North Hub' in the Brighton & Hove City Council Sports Facilities Investment Plan.
- 8.4. Policy CP18 (Healthy City) sets out that Planning will support programmes and strategies which aim to promote healthier lifestyles, which includes encouraging development that works towards promoting health and active living for all age groups, including healthy living options for older people and active space for children. Healthy urban environments are promoted by the policy which encompasses a need to facilitate access to sport facilities, recreation, cultural and community facilities, and health facilities.
- 8.5. Given the policy context outlined above, the proposed leisure use (i.e. swimming pool) and improved leisure offer on this site is welcomed in principle given that

it would deliver a sports based activity in the context of the sports complex on the wider site, and there is an identified shortage of swimming pools in the city. The Council's Sports facilities Investment Plan 2021-31 identifies that the current demand for pool water in the city exceeds supply. The proposal would contribute to the supply and would also contribute towards the council aspiration to promote healthier lifestyles. The submitted Design & Access Statement refers to consultation with local swimming clubs, local schools and Swim England, and that all parties were satisfied with the proposals. It has been set out that the facility is proposed as 5 lanes rather than 6 lanes to ensure providing swimming space for the community without it being a 'competitive' facility, given the future plans to propose a competitive facility elsewhere in the city (King Alfred).

- 8.6. Withdean Sports Complex is a large leisure centre providing a wide range of indoor and outdoor facilities for public use. The proposed pool use would add to the overall visitor offer of the wider sports complex. The provision of a new indoor sports facility would accord with policies CP17 and CP18. The positive benefits of a swimming pool development here are therefore given significant weight.
- 8.7. CPP1 Policy CP16 Open Space requires the retention of, and better, more effective use of all existing open space. Part of the site is classified as Open Space, and there would be some loss of green spaces replaced by the proposed extension. However, this is considered to be a small loss of open space overall, and these spaces are not utilised for public use and are instead areas of landscaping around access and buildings. The proposals would bring part of the open space land into more effective use (with the creation of the new indoor sports facility) that would complement other uses and spaces within the wider sports complex area. The proposal is therefore considered to not conflict with the requirements of Policy CP16.
- 8.8. Policy DM9 states that planning permission will be granted for new community facilities where the proposed use is compatible with adjoining and nearby uses, where the site is close to the community it serves and is readily accessible by sustainable transport, and where community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel. The proposed swimming pool will be compatible with the existing leisure and sports facilities, and the site is well connected to public transport links and in walking distance to many nearby local residential areas. It is therefore considered that the proposal is in accordance with Policy DM9.
- 8.9. Given the above, it is considered that the proposal is considered acceptable in principle, subject to full consideration of the proposal as set out in the sections of the report below.

Design and Appearance

Footprint/Massing

- 8.10. The existing leisure centre building has a pitched roof form with extensive glazing facades including pink tinted frame, and other rendered/cladded walls. On the north elevation, there is an existing fire escape stair, and an existing fire escape access path. To the north of the building is a steep landscaped

embankment, which sits in between the existing building and the existing car park to the north.

- 8.11. The proposed extension would be sited on the north wall of the existing leisure centre building. It would be pulled back from the west end of the existing building and would extend north into the existing car park. The submitted Design & Access statement sets out the different options explored for the layout and external appearance of the extension, and the proposal was subject to pre-application discussions with the Local Planning Authority. The chosen design of the extension consequently would have a box shape with different proportions to the existing building. It is considered that a longer and thinner extension spanning the north elevation would have had the potential to sit more comfortably and align itself better with the existing building. However, the applicant has stated that a full width extension was not pursued primarily due to the buildability and difficulties that would entail with the foundations. Instead, the proposed footprint would enable retention of part of the existing landscaped bank, and the proposed extension would also have an overall lower ridgeline than the existing building. It is also noted that the proposed design would be sited further from the nearest neighbouring residential properties, which is considered to be a benefit. The Urban Design Officer has stated that the scale and built form relate well to the architectural character of the existing sports complex. Overall, it is considered that the positioning of the extension would work well alongside the existing building, and taking into account the constraints of the site
- 8.12. The proposed extension design results in an area of space (back-land area) retained in between and partly separating the extension from the existing building. It is understood that retaining the north elevation of the existing building allows for the existing fire strategy of 3no. fire escapes to be retained, as well as avoiding relocating existing servicing and vents along that wall. This space is proposed to be fenced off at lower level with new gate access, and this space would not be visible from the main entrance and east side. Given that this separation would be mostly hidden and taking into consideration the structural and fire safety implications, it is considered that this design is appropriate in this instance.
- 8.13. A new external plant room with acoustic enclosure is proposed in south-west corner, partially screened by proposed tree planting. This is considered an appropriate location for plant equipment, subject to further details required of the external materials of the structure, required as part of a condition requiring full details of external materials.

Appearance/Materiality

- 8.14. The proposed perforated metal roof would rise up to a ridge towards the west, with a ridge height substantially lower than the existing building roofline. This still allows for a higher roof height where it is required to gain height within the pool hall. The roof height would be at its lowest towards the east elevation which has the main entrance, and the 'link bridge' element would be lower than the rest of the extension which breaks up the bulk of the new addition. Overall, the

extension heights, levels and roof design are considered appropriate to its context.

- 8.15. The walls of the extension would consist of a metal cladding with a brick plinth at the base, with a perforated deck metal roof. The 'link bridge' and plant room area would consist of the same brick as the plinth on the main part of the extension. Other materials include, metal copings, metal louvres, and aluminium for the windows and the façade lettering. The Council Urban Design officer has stated that proposed external materials are well chosen, successfully distinguishing the three functional elements of the building (circulation and changing, pool hall, and plant).
- 8.16. There would be a large expanse of metal cladding on the facades, as the glazing on the main exposed elevations (north and east elevations) would be minimised. Large-format windows providing daylight into the ramped circulation space linking the new pool with the main entrance are considered to be a positive feature. At pre-application stage, it was requested that additional glazing was placed into the elevations of the indoor pool room in order to maximise natural light into the pool area. Activating elevations for the indoor swimming pool is however difficult, and must be weighed against privacy for users of the pool and also safety issues due to the reflection and glare onto the water affecting sight for lifeguards and users of the pool. A degree of additional glazing was however able to be added in order to enhance natural light and improve visual connection to the outside, whilst also providing privacy using obscure glazing. The windows are located on the north elevation which provides the best source of diffuse natural light without glare. It has been indicated that the introduction of further glazing would reduce thermal efficiency, result in excessive glare, and would impact on the viability of the project. Taking into account these issues, and given that the design has improved since pre-application stage with increased glazing and an improved visual connection to the outdoors, the design is considered appropriate in the context of the appearance of the existing building and the character of the surrounding area. Further details of the external materials are required by condition.
- 8.17. The proposal is therefore considered to comply with policies CP12 and DM18, and would represent good quality design.

Accessibility:

- 8.18. Currently, the existing leisure centre building is accessed via the east elevation main entrance from the car park or the existing pedestrian pathways. This would be retained as part of the proposals. However, it would include the refurbishment of the existing reception area, including new ramps and stair access internally and externally. The existing outside ramp is stated as being in poor condition with uneven surfacing. The proposal is to upgrade the access from the upper floor car park to existing entrance with a new gently sloping landscaped walkway. This would provide step-free access for all users including those using wheelchairs. It is stated in the submission that new landscaping would be designed at shallow gradients in order to make the site more accessible to wheelchair users.

- 8.19. The internal accessibility proposals have also been presented in the submission. It is understood that there will be use of colour contrast along access for the visually impaired. There would be a wheelchair ramped route to the pool, accessible changing cubicles and accessible shower room, as well as access into pool such as walk-in steps and pool pod lift for elderly, disabled or any persons who find access to pool difficult.
- 8.20. Overall, it is considered that the proposals would improve general access for pedestrians in and around the site, as well as improving accessibility with inclusive design for the mobility impaired, which is welcomed.

Landscaping:

- 8.21. Policy DM22 of City Plan Part 2 states 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.
- 8.22. Introduction of new greening of wild planting and trees around the perimeter would be successful in providing planting buffer for car-park/hard surfaces and help to provide privacy from any windows into the pool area. New soft landscaping is proposed to replace an existing ramp on the south-east corner (close to the main entrance) that is set around the existing tennis courts, as well as new landscaping adjoining the car park and path to entrance and retained/new landscaping in south-west corner. This will contribute to softening the appearance of the plant room on the west elevation. The other soft landscaping north of the extension would help enhance the visual appearance of areas that are mostly hardstanding as existing.
- 8.23. Overall, it is considered that, alongside the improved access routes to the leisure centre, the proposed soft landscaping would enhance the site in appearance whilst also softening the visual impact of the proposed extension. Full details of the proposed landscaping scheme, including maintenance programme, are required by condition.

Ecology:

- 8.24. Policies CP10 and DM37 of the Brighton & Hove City Plan state that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development. The development would also be subject to a mandatory 10% Biodiversity Net Gain requirement.
- 8.25. The application site does not have a specific designation for its nature conservation interest. The nearest designated site is Withdean & Westdene Woods Local Nature Reserve (LNR) 25m to the south of the site, which incorporates ancient semi-natural woodland (ASNW) 70m south. Most of the works are proposed a significant distance away, however as the proposed overflow car park works would be nearer, a CEMP required by condition would need to have regard to potential dust and water pollution impact.

- 8.26. The proposed loss of bramble scrub, grassland and trees (see below) are proposed to be mitigated by enhancing remaining grassland areas as part of the Biodiversity Net Gain (BNG) proposals. Further information in this regard and a revised Metric has been submitted to address the initial comments of the County Ecologist. In order to provide Biodiversity Net (BNG) gain on site, the landscaping proposals around the existing tennis courts would replace existing grassland with tree planting, wildflower area and shrub beds. The proposals would result in an overall biodiversity net gain of 2.44%. In order for the proposal to achieve 10% net gain, 0.17 habitat units are required. The applicant proposes to deliver the remaining net gains through purchasing off-site habitat units from a habitat bank. Full details, including off-site habitat units, are secured by condition.
- 8.27. Given the application site's proximity to the LNR and ASNW, terrestrial species such as hedgehogs or widespread reptiles could access the site, and therefore details of precautionary construction working methods are required within a Biodiversity Method Statement required by condition. The Preliminary Ecological Assessment (PEA) has been updated and further assessment of the potential for bat roosts in trees has been provided. The PEA now refers to eight individual trees (and the other tree groups) and confirms that none have any bat roost potential.
- 8.28. The County Ecologist has confirmed that this is an acceptable approach and is to comment formally in advance of the planning committee (and any appropriate conditions will be recommended in the Late List).

Impact on Trees:

- 8.29. There are no Tree Protection Orders (TPOs) identified on site. However, the proposed overflow car park would be in close proximity to 8 no. individual trees and 2 no. mixed groups, located along the western boundary of the site to the south-west of the existing leisure centre building. 2 no. trees are proposed for removal, which are 'T7' and 'T8' in the submission, located close to the boundary of 13 & 15 Shepherds Croft). The Council Arboriculture Team state that the loss is regretted, however they are not of a condition to justify their retention, and consideration is given to the loss being mitigated with replacement planting.
- 8.30. The proposed overflow car park would impact on three other trees (T4, T5 and T6). The initial submission suggested that excavation would be required within the root protection area (RPA) of one of these trees (T4), which the Council Arboriculture Team raised concern about, including other potential construction and post-construction impact to the Norway maples that are highly prominent of the street scene (T5 and T6). During the application, it was clarified that there is a second favoured option, which would avoid excavation with the RPA of the adjacent trees, which would minimise root disturbance. This would be preferred by the Council Arboriculture Team, however if the excavation is required, a construction method statement would be required by condition. The submission includes details of the protective fencing required at construction stage, and would be secured by condition.

Impact on Neighbouring Amenity:

- 8.31. Policy DM20 of the City Plan Part Two 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. Policy DM40 seeks to ensure developments do not cause any undue noise or pollution.
- 8.32. The proposed pool facility would be able to be used by all in the community, and so overall the proposals would be considered a positive development for neighbouring residents and beyond. There are already several leisure uses in this wider sports complex location which generate activity. As an indoor facility, any noise from within the proposed extension is unlikely to be significantly audible from the nearest residential dwellings. There are generally considered to be no significant issues envisaged with the proposed footfall of pedestrian activity and any related noise or disturbance.
- 8.33. Any noise from the facility or general comings and goings of users to the swimming pool building (via the existing entrance) would generally not be unreasonable arising from an existing public leisure centre, particularly one that already has outdoor sports facilities. It is therefore considered that the proposed swimming pool development would not result in an increased noise impact compared to the activity that could take place on the site currently.
- 8.34. It is therefore considered that the proposal would be acceptable in terms of any resultant noise disturbance. It should however be noted that the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.
- 8.35. Subject to a condition for the floodlighting to be turned off at 10pm, and submission of a Noise Management Plan to set out noise management of customers and safety measures by the operator, the potential noise/disturbance impact here is not considered to be so significant as to warrant refusal of the application on this basis.
- 8.36. There is a reasonable distance between proposed building development and the nearest residential properties, which would limit impact on neighbouring properties in terms of outlook, overbearing development, loss of light and loss of privacy.
- 8.37. No significant details of lighting to the exterior of the extension or to the proposed overflow parking area have been provided, however a condition can ensure brightness is not excessive and ensure they are visually sympathetic and are designed to mitigate any impacts. Full details of the lighting scheme are required by condition
- 8.38. The proposed overflow car park would be closer to neighbouring residents than the proposed swimming pool building, and so the most noise and disturbance impact may emanate from associated activity (engines running, doors slamming, talking etc) within the overflow car park, especially in the evening when the swimming pool facility is still open.

- 8.39. New car parking spaces would be sited close to the western boundary and therefore close to the bottom of the gardens of neighbouring properties on Shepherds Croft. Although some noise and disturbance may occur, especially at busier times, a new timber fence is proposed around the overflow car park, which at the boundary would either replace or be in addition to the existing boundary treatment. Notwithstanding this, full details of the boundary treatments are required by condition, to ensure the boundary would provide some mitigation from any noise and disturbance that may occur (e.g. via an acoustic fence).
- 8.40. The proposed opening hours on the submitted application form are 06:00 and 23:00 on Mondays to Fridays, and between 07:00 and 20:00 on Saturdays and Sundays, however it is understood the existing leisure centre closes at 22.00 throughout the week. Given this, and the location of the site within a predominantly residential area, it is considered appropriate to restrict opening hours during the week until 22.00 by condition. The applicant has agreed to the reduced opening hours, and are secured by condition. .
- 8.41. A condition can secure a Construction Environmental Management Plan (CEMP) to mitigate construction impacts.

Flood Risk:

- 8.42. CPP1 policy CP11 requires development to include SuDS to avoid any increase in flood risk and CPP2 Policy DM43 requires all development to achieve a reduction in the level of surface water leaving the site.
- 8.43. The Council Local Flood Authority have identified that parts of the site are indicated as being at risk from flooding from surface water, however no development is proposed in these areas of the site. A Flood Risk Assessment has been submitted which states that based on ground investigations, the site is not at risk of groundwater flooding. The Local Flood Authority confirm that the nature of this development means that all below ground assets are of limited vulnerability.
- 8.44. The applicant has submitted a surface water and foul water drainage strategy including drainage plans and accompanying information such as topographic surveys, site plans, existing sewer mapping, and a proposed maintenance and management plan. The proposed drainage system is for surface water to be captured by permeable paving and bioretention features, as well a proposed attenuation tank. This would limit the discharge to an existing deep soakaway, and this is considered appropriate by the Council Local Flood Authority, subject to further details of the drainage layout required by condition, which would include a SuDs assessment, updated maintenance plan, and an assessment to the risk of groundwater contamination.
- 8.45. In relation to foul water, Southern Water have confirmed that the sewer has the available capacity, providing peak discharge rates are suitable and that the infrastructure is in an appropriate condition. Details are required by condition.

- 8.46. The submission indicates potential for a green roof to contribute to surface water attenuation; however this is not presented in the submitted drainage layout or on the drawings. Details of any green roof proposed will be secured by condition.

Sustainable Transport:

- 8.47. The NPPF (2024) in general terms aims to promote a sustainable approach to development by balancing the transport system in favour of modes of sustainable transport and to give people a choice about how they travel.
- 8.48. In summary paragraph 110 advises that "...development should be focused on locations which can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes". Paragraph 115 seeks to ensure that "sustainable transport modes are prioritised...safe and suitable access to the site can be achieved for all...and that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree through a vision-led approach." Paragraph 116 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or that the residual cumulative impacts would be severe.
- 8.49. DM33 (Safe, sustainable and active travel) of the CPP2 requires that "new developments should be 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 (Travel Plans and Transport Assessments) and DM36 (Parking and Servicing) and SPD14 Parking Standards are similarly relevant to the proposal and seek to promote sustainable forms of travel.
- 8.50. A Transport Assessment has been submitted and has been fully assessed in consultation with the Local Highway Authority. Overall, there is no objection to the content within the submitted Transport Assessment.

Vehicle Parking

- 8.51. The existing upper car provides 110 no. spaces. There are also 199 no. available in the lower car park. The on-site total of 17 no. accessible spaces is retained in the proposals, but their location may be changed to improve distance to main entrance, details of which are secured by a Car Park Layout Plan condition. Details of EV charging provision are also required in the Car Park Layout Plan. The plan will also require, if possible, 6 no. additional motorcycle spaces.
- 8.52. The proposed extension would result in the loss of some car parking spaces. The local Highway Authority consider the overall net reduction of 12 regular car parking spaces as a modest loss, as the proposed overflow car park recoups the loss of 28 other spaces. The submitted Transport Assessment indicates that the proposed swimming pool could lead to an extra demand for 34no. car parking spaces at peak swimming pool use times. Parking data for the existing car parks suggest that there is spare capacity during the day, although there is occasional high usage during some lunchtime hours and 7pm-9pm midweek. There is also some informal park and ride use of the car park, which has reduced in demand since parking charges were increased. It is noted that there are no Controlled Parking Zones that restrict on-street parking in the streets immediately north and

west of the site, and so at peak times, any overspill will be to parking in nearby streets, which has been raised as a concern by public objections to the application.

- 8.53. However, the estimates area that for 98% of the surveyed time, the parking provision reduced by 12no. spaces would still be likely to meet demand. The Highway Authority have analysed parking overspill to occur occasionally as existing, with 30 or more cars expected to overspill once or twice a month as proposed. However, even the high scenarios are not so significant as to warrant objection by the Highway Authority, and any incidents of overspill car parking can be reduced with the securing of a Travel Plan to monitor parking use and manage the swimming pool timetable, a car park layout plan to review further opportunities for on-site parking, and a car park management plan to ensure all available on-site parking is used.
- 8.54. The impacts of any additional trip generation or parking overspill are not considered to be so significant here and it is expected that the site and its surrounding transport network could adequately accommodate any increase in trips associated with the proposed development.

Other Highway Matters

- 8.55. The works to/adjoining the highway are limited to a new pedestrian access from Tongdean Lane following walking audit for desire lines, and new wayfinding/signage through site and to the rail/bus links on Withdean Road. These works are secured by a minor works (s278 agreement) condition.
- 8.56. The site is in a residential area on the outskirts of the city and so is not a highly accessible location for the majority of users who are likely to come from across the city. However, the site is served by bus routes including its own bus stop and other bus routes within a short walk from the site. Preston Park Train station is within 2km and has a direct pedestrian route. It would be expected that there would be an increase in trips because the development would provide for a new facility attracting new users to the leisure centre. It appears that, despite the site not being in a central location, there is a strong use of sustainable travel for users of the existing facilities. 'Soft' measures to promote more use of the existing sustainable transport services and routes are required in a condition for a Travel Plan.
- 8.57. Access for servicing is via existing vehicular access points on Tongdean Lane, used by refuse vehicles and emergency services. This is confirmed on the car park layout and is considered acceptable as retained. The existing 'emergency access' west of the existing leisure centre would be used to access the new overspill car park. There would be no change to the emergency access as a result of this. The Upper Car Park would now provide an informal drop-off point for the leisure centre, which is welcomed. Other deliveries & servicing can be acceptably operated from within the car park. A Delivery and Servicing Management Plan is required by condition to ensure operation can be made safely in a busy pedestrian environment.

- 8.58. An additional 20 no. cycle parking spaces are proposed (in addition to the 30 no. existing in close proximity to the leisure centre building). This is an acceptable provision and details, including of the secured enclosure, are required by condition. Details of the proposals to expand/upgrade the bikeshare hub are also required by Car Park Layout Plan condition.
- 8.59. A Construction Environment Management Plan detailing phases of development and associated vehicle movements, as well as details of how highway assets will be protected during construction, will be required by a CEMP condition.

Sustainability:

- 8.60. City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. CPP2 Policy DM44 (Energy Efficiency and Renewables) states that all development should improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute to the Brighton & Hove target to become a carbon neutral city by 2030.
- 8.61. The Sustainability Checklist submitted indicates the proposed extension will aspire to meet 'Very Good' BREEAM standard. BREEAM standards shall be secured by condition. The submission indicates a 'Very Good' rating can be achieved. Policy DM44 also requires non-residential development to achieve at least a 19% reduction in carbon emissions over Part L. The applicant has indicated that the proposal goes further, with an additional 15.35% reduction beyond the Part L 2021 baseline. The proposal also requires submission of a minimum rating "B" Energy Performance Certificate, which is required by condition.
- 8.62. It is suggested that the roof height is minimised where possible in order to improve energy efficiency, reduce heat loss and optimise mechanical ventilation performance. In terms of proposed technologies, a heat recovery ventilation system is proposed to capture heat from outgoing air to warm incoming fresh air, which is intended to reduce energy consumption. It is indicated that high levels of insulation in the walls, roof, and floor would be incorporated, in order to minimise heat loss and reduce the demand for heating and cooling. Air source heat pumps are also proposed for heating and hot water. The installation of PV Panels to support on-site renewable energy generation is also welcomed. The drawings indicate a semi-automatic pool cover which would provide energy efficiency when the pool is not in use. The proposals overall would comply with policies CP8 and DM44.
- 8.63. Details of minimising waste will be required by condition through a Site Waste Management Plan.

Land Contamination:

- 8.64. There are no known land contamination sources on site. A land discovery condition is required should any contaminants be found during construction works.

Other Matters Including Those Raised in Representations:

- 8.65. Due to the nature, scale and location of the proposed development, the application being classed as a 'minor' (not major) application, and that this is an extension to an existing use, it is considered that the proposed development is not likely to have significant environmental effects within the terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal is not located in a 'sensitive area' and would not meet the threshold of more than 1 hectare of urban development and thus would not be defined as 'Schedule 2' development where any further screening would be required.

9. EQUALITIES

- 9.1. 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.
- 9.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 9.3. The inclusion of ramp access, accessible changing area and pool steps/pod lift are welcome additions to ensure the facility is accessible to all users.

10. COMMUNITY INFRASTRUCTURE LEVY

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

