

<u>No:</u>	BH2026/00110	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	36 Kingsthorpe Road Hove BN3 5HR		
<u>Proposal:</u>	Demolish existing single storey commercial building (Use Class E) and erection of a five storey building comprising of 14no. flats (Use Class C3).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	05.02.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07.05.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	10.06.2026
<u>Agent:</u>	Mr Alex Bateman Mohsin Cooper 7 Hove Manor Parade Hove Street Hove BN3 2DF		
<u>Applicant:</u>	Ms Emma Taylor-Moore Suite A4 Skylon Court Rotherwas Hereford HR2 6JS		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement based on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed or significantly advanced, on or before the 25 November 2026 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of this report:

S106 Agreement Heads of Terms

- Contribution to Affordable Housing (£394,105) (including Late-Stage Viability Review)
- Employment and Training Strategy
- Contribution for Employment and Skills Training (£4,200)
- BNG Monitoring fee (TBC)

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	010	A	02-Apr-26
Proposed Drawing	001	B	07-Apr-26
Proposed Drawing	P-011		07-Apr-26
Proposed Drawing	P002	C	07-Apr-26

Proposed Drawing	P005	A	07-Apr-26
Other	BNG Matric		19-Jan-26
Report/Statement	Ecological Appraisal and BNG Assessment		19-Jan-26
Report/Statement	Noise Assessment		19-Jan-26
Report/Statement	Arboriculture Impact Assessment		19-Jan-26
Other	Tree Protection Plan		19-Jan-26
Location and block plan	001		19-Jan-26
Proposed Drawing	P003		05-Feb-26
Proposed Drawing	P004		05-Feb-26

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

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

3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- samples/details of all cladding to be used, including details of their treatment to protect against weathering
- samples/details of all hard surfacing materials
- samples/details of the proposed window, door and balcony treatments
- 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 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling 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.

5. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans P003 and P004 received on 5th February 2026, and P002 rev C received on 7th April 2026. The internal layouts shall be retained as first implemented thereafter.
Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two
6. For the avoidance of doubt, and as shown on the approved drawings, the balconies hereby approved shall not be first brought into use until opaque glazed privacy screen(s) of 1.7 metres in height (measured from the finished floor level of the terrace/balcony) have been installed on the side boundaries of the balconies. The screen(s) shall thereafter be retained.
Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two
7. The development hereby permitted shall not commence (except for demolition and site clearance) until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
8. The hard surface of the external landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.
9. Prior to occupation of the development hereby permitted, a scheme for hard and soft 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 and details of tree pit design, use of guards or other

protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

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

- 10. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the tree protection measures identified in the submitted Arboricultural Method Statement (AMS) and Tree Protection Plan received on 19th January 2026 are in place. The measures and construction methods specified within these documents shall thereafter be retained/carried out throughout the construction process. The protective 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.

Construction of the proposed cycle parking as shown on the submitted drawings within the root protection area beneath the existing tree canopies shall use an above ground 'no dig' method and shall be carried out with direct supervision of a qualified arboriculturist. The development hereby permitted shall not be first occupied until a written report and photographic evidence have been submitted to and agreed in writing by the Local Planning Authority to demonstrate that the tree protection measures and construction methods were undertaken appropriately and under expert supervision.

Reason: As this matter is fundamental to protecting the trees which are to be retained on/adjacent to 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.

- 11. 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 1 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 protect biodiversity to comply with policies DM20, DM37, CP10 and DM40 of Brighton & Hove City Plan.

12. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.

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.

13. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

14. Prior to the installation of any air source heat pump(s), details of the Microgeneration Certification Scheme (MCS) 020 assessment shall be provided to the Local Planning Authority for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained as such.

Reason: To ensure the development is sustainable and to safeguard the amenities of the occupiers of neighbouring properties and to comply with policies CP8, DM44, DM20 and DM40 of Brighton & Hove City Plan Part 2.

15. No development above ground floor slab level 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. This shall include management and maintenance details. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details. The development shall subsequently be implemented, managed and maintained in accordance with the approved scheme. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM41, DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

16. The piling or other foundation works using penetrative methods shall not commence until such time as a Foundation Scheme has been submitted to,

and approved in writing by, the Local Planning Authority (LPA). The Scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- Foundation Works Risk Assessment
- A conceptual site model
- Specification of the type, number and depth of proposed piles/foundations.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the LPA.

Reason: To ensure that the proposed development, does not harm groundwater resources or public health in line with paragraph 187 of the NPPF and DM42 of the Brighton and Hove City Plan Part 2

17. The windows in the east and west elevation of the development, marked as obscured glass on the approved drawings of the development hereby permitted and the 1.7m high obscure balustrade screens to the side of the balconies as shown on the approved drawings shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

18. Soundproofing measures related to windows and ventilation, as recommended in Chapters 8 and 9, of the submitted Acoustic South East Planning Noise Assessment report dated the 3 December 2025 received on 19th January 2026 shall be implemented prior to the first occupation of the development and shall thereafter be retained as such.

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

19. 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 occupiers of the development and neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

20. No development, including demolition, shall take place until a Construction and Demolition Environmental Management Plan (CDEMP) has been submitted to and approved in writing by the Local Planning Authority. The CDEMP shall include:

- (i) Timescales for the Proposed Development including details of any phases and the forecasted completion date;

- (ii) Details 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 and contact details (including details of any considerate constructor or similar scheme);
- (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction/demolition including all associated vehicular movements;
- (vi) Details of the construction/demolition compound including plant and material storage and manoeuvring areas;
- (vii) Details of the type, height and siting of any construction/demolition hoardings and boundary treatments;
- (viii) A plan showing construction traffic routes and details of any traffic management/signage;
- (ix) Details of site waste management.

The construction/demolition of the development shall be carried out in full compliance with the approved CDEMP.

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.

21. Unless otherwise agreed in advance and in writing with the Local Planning Authority, works associated with the construction of the development hereby permitted including demolition, plant operation and HGVs and other construction vehicles accessing/egressing the site shall only be undertaken between the following hours:

- 8am to 6pm Monday to Friday
- 9am to 1pm Saturdays
- no work on Sundays and Bank/Public Holidays

Reason: To protect the amenity of local residents and occupiers and the wider area, in accordance with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

22. No development (except for demolition and site clearance) shall take place until a scheme setting out highway works to implement the removal of the redundant vehicular crossover onto the site and reinstatement of the footway on Kingsthorpe Road, has been submitted to and approved in writing by the local planning authority. No part of the development 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 of the City Plan Part One and DM33 of City Plan Part 2.

23. 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.

24. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, including 'hedgehog highways' (where close board fencing is to be used), biodiverse landscape planting (i.e. at least 75% native and/or non-native plants of recognised wildlife value) and a minimum of one bat brick/box, 17No. swift bricks/boxes and 14No. bee bricks has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a. purpose and conservation objectives for the proposed works;
- b. review of site potential and constraints;
- c. detailed design(s) and/or working method(s) to achieve stated objectives;
- d. extent and location /area of proposed works on appropriate scale maps and plans;
- e. type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g. persons responsible for implementing the works;
- h. details of initial aftercare and long-term maintenance;
- i. details for monitoring and remedial measures;
- j. details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 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.

25. All ecological measures and/or works shall be carried out as part of the development in accordance with the details contained in the Ecological Appraisal and Biodiversity Net Gain Assessment (Deepdene Ecology Ltd, December 2025 Version 01) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006,

Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.

26. Deemed Biodiversity Gain Plan Condition:

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 Ecological Appraisal and Biodiversity Net Gain Assessment dated December 2025 Version 01 and prepared by Deepdene Ecology Ltd; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition"). Also to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

27. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the 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, 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.

28. No development (including demolition) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

- 1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation
- 2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.
- 3. A tiered risk assessment using the results of the site investigation referred to in (2).
- 4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
- 5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the

remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. 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 accordance with policy DM42 of the Brighton and Hove City Plan Part 2

29. Prior to any part of the permitted development being occupied, a Verification Report demonstrating the completion of works set out in the approved remediation strategy (secured by the above condition) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. 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 the land and water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

30. 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 LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy 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 from previously unidentified contamination sources at the development site and to comply with policy DM42 of the Brighton and Hove City Plan Part 2

31. The wheelchair accessible dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1of City Plan Part 2.

32. Other than demolition work, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal including a detailed design, associated management and maintenance plan and an implementation timetable, has been submitted to and

approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage and drainage treatment is available to serve the development and to comply with policies DM42, DM43 and CP11 of Brighton & Hove City Plan.

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 Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

3. The applicant is advised that this planning permission does not override the need to go through the Local Highway Authority's (LHA) Approval in Principle (AIP) process for all necessary works (including temporary works) adjacent to (that is, within 3.66m) and within the highway (including under and over). Nor does it override the need to gain any appropriate highway licences prior to the commencement of any construction works. To avoid delay the applicant must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) well in advance of planned start of works.
4. To align with Policy DM33 of the Brighton & Hove City Plan Part Two, cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority will not usually approve vertical hanging racks as they are difficult for many people to use and considered to be contrary to local policy and the Equality Act 2010. The LHA

approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. We will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system seen at railway stations. Provision should be made for tricycles, reclining cycles and cargo bikes.

5. The Applicant must contact the Highway Authority by e-mail (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay and prior to any works commencing on-site and on the public highway. The LHA will advise and ensure that ALL Permits and Licences necessary for the site are obtained; and ALL Fees due to the LHA for each Licence/Permits are paid before any Completion Certificates are issued to the Applicant/Developer; or their Contractor.
6. The LHA has assessed this application and determined that the development would not currently be eligible for residents parking permits. Details of the development will be passed to BHCC as Traffic Authority so they can reassess this decision prior to first occupation. At that point, if you disagree with this categorisation, you will have the right to provide evidence that there is capacity in the surrounding streets for the likely parking demand of this development. For details on how to do this please contact transport.dcapps@brighton-hove.gov.uk
7. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace.
8. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
9. The applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, odour, fumes or vibration, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
10. Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant/developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on board to enable approval of detailed works. To start the process with the Asset Protection team, the applicant/developer should use the Asset Protection

Customer Experience (ACE) system found on Network Rail's Asset Protection website: <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>. This website also provides more information about the Asset Protection team and the services they offer.

11. The applicant is advised to consult Southern Water to ensure measures to protect/divert the public water supply main are agreed including details of any tree planting or soft landscaping proposal within 6 metres of the public water apparatus.

2. SITE LOCATION

- 2.1. The site is currently occupied by a single-storey, vacant commercial building, last used as an artists supply storage and retail store (Use Class E), with associated hardstanding for off-road parking at the front. To the rear, the site is bounded the main south coast railway line. There is an existing hardstanding and matures trees along the rear boundary act as a buffer between the railway and the site. Immediately to the east of the site is 'The Pinnacle' a five storey office-to-residential conversion.
- 2.2. Kingsthorpe Road is lined on its north side with a terrace built in the mid-2010s, featuring a combination of buff brick at ground floor, white render at first floor, and black timber cladding at second floor. The southern side of the street is characterised by postwar semi-detached dwellings closest to the site, with a small cluster of late 20th-century terraced further to the west. The wider townscape comprises a varied mix of building types including terraced housing, converted commercial buildings and more recent midrise apartment developments. West Hove Infant School lies to the south of the site on School Road.
- 2.3. The site is identified in the Brighton and Hove City Plan Part One (CPP1) under Policy CP3.4 as an employment-led mixed use (employment and residential) redevelopment site allocation, known as School Road Hove. Recent applications for development within the wider site allocation are outlined in the history section below.

3. RELEVANT HISTORY

- 3.1. **PRE2025/00218** Pre-app advice sought to demolish an existing single storey commercial building (Use Class E) to erect a five storey building comprising of 14no. flats (Use Class C3). Advice issued 9/12/2025

4. RELEVANT HISTORY AT OTHER SITES

Rayford House (now The Pinnacle), School Road Hove

- 4.1. **BH2021/00284** Erection of a three storey extension to first, second and third floors above existing front foyer to provide 3no. two bed dwellings (C3). Approved - 9th April 2021
- 4.2. **BH2020/00955** Erection of four storey extension to east side to form 4no additional 2 bedroom dwellings and associated works. Approved - 22nd June 2020
- 4.3. **BH2019/02587** Prior approval for change of use from offices (B1) to residential (C3) to form 44no flats. Approved - 23rd October 2019
- Westerman Complex School Road
- 4.4. **BH2016/02535** Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale. Approved - 3rd August 2018

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to demolish the existing single storey commercial building (Use Class E) and the erection of a five-storey building comprising of 14 residential flats (Use Class C3). These 14 flats would consist of one (1) Studio unit, four (4) one bed units, eight (8) two bed units and one (1) three bed unit.
- 5.2. Amended plans have been received during the course of the planning application which result in a minor change to the elevations of the building, which removed brick columns to either side of the front elevations rendered central panel. This was submitted to address comments from the Council's Urban Designer.
- 5.3. The development would have a contemporary flat roofed design, with the use of predominantly light and dark brick to the elevations, and a large rendered area to the front elevation. The top floor would be finished in a cladding system which would also be used on part of the western elevation. Each of the proposed flats would have an outdoor private amenity area, with private terraces to the ground floor and balconies to the higher units. A shared communal garden area would be provided to the rear, which would also contain the bike store. No car parking is proposed as part of the development.

6. REPRESENTATIONS

- 6.1. **Fifteen (15)** representations have been received objecting to the development for the following reasons

Design Concerns

- Overdevelopment of the site
- Inappropriate height

- Too close to boundaries
- Out of character with other developments/ storey too high
- Overbearing/ tower over neighbouring properties, and
- Residential Amenity

Traffic and Highway

- Additional Traffic movements
- Highway safety
- Addition vehicles and impact on school children
- Parking pressure already existing and would be made worse
- Car free development not practical, and
- The access to trains at Aldington Station is restricted

Amenity

- Crime and anti-social behaviour
- Overshadowing
- Intrusive design/loss of privacy
- Impact on property value, and
- Impact on view and outlook

Standard of accommodation

- Consideration of waste facilities must be given, and
- Poor standard of accommodation in the new units in relation to light

Other

- Noise and disruption through construction and impact on mental health
- Area already significantly developed
- Only developers needs are served, and
- Cumulative impact of recent development must be considered

Two (2) representations have been received in support of the development for the following reasons:

- Good design
- Commercial element not required for this location
- More housing needed in residential locations
- Good connection to public transport
- School Road street scheme has reduced access, and
- Cycle storage well-designed

7. CONSULTATIONS

Internal

7.1. Arboriculture Team No objection

The construction of the cycle parking within the root protection area and beneath existing tree canopy of three network rail trees - the above ground no dig specification is feasible it will require direct arboriculture supervision to ensure correct installation.

- 7.2. Recommend any tree protection condition to include a requirement for a written report with photographs of install by the arboriculture clerk of works to discharge condition.
- 7.3. **Archaeological Officer No Objection**
No significant archaeological remains are likely to be affected by the proposals.
- 7.4. **Ecologist No Objection**
The site is unlikely to have significant ecological impacts on designated wildlife sites and trees to the rear will be retained and protected.
- 7.5. A preliminary bat survey was undertaken and concluded negligible suitability for roosting bats. A sensitive lighting design will be needed given the wooded railway corridor which is suitable for foraging and commuting bats. The site has low suitability to support badgers, hedgehogs, reptile/amphibians. It has potential to support small numbers of common nesting birds.
- 7.6. Appropriate mitigation and enhancement should be secured via condition. The site can offer significant onsite habitat credits to meet statutory Biodiversity Net Gain (BNG). Conditions are required to ensure compliance with the submitted Ecological Appraisal and BNG assessment and the submission of an Ecological Design Strategy (EDS). If significant on-site BNG is provided a habitat management and monitoring plan will be required. Soft landscaping should be incorporated. Provision of green roofs is encouraged. Bat/bird/bee nesting boxes should be provided.
- 7.7. **Environmental Health Team No objection**
The Noise Impact Assessment (NIA) was assessed and contaminated land concerns reviewed. Conditions required in relation to Noise Levels, Soundproofing, Delivery and Service Management Plan (DSMP), Construction and Environmental Management Plan (CEMP), Construction Hours.
- 7.8. **Housing Team Comment**
The viability of affordable housing (on site or as commuted sum) must be independently assessed.
- 7.9. **Local Employment Scheme, Skills & Employment Comment**
An Employment & Training Strategy must be submitted for approval at least 1 month prior to commencement of the development. The Council's template is required to cover all relevant phases of the project. The Strategy should set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's objectives. A financial contribution towards skills and training is required (£4,200).
- 7.10. **Net Zero Team No response.**
- 7.11. **Planning Policy No Objection**
The proposal would lead to a net loss of employment floor space. Through an updated redundancy and employment report the applicant considers that due

to site constraints surrounding uses access limitations market demand and viability there is no realistic deliverable or policy compliant prospect of re providing employment floor space in a form that would be viable, attract a sustained employer demand, or meet the objectives of policy CP 3.4. The applicant has considered the options of including ground floor commercial units and a live work scheme. The applicant has provided a financial viability assessment (FVA) with development appraisals to test the two options. The report suggests that both options are not financially viable, with marginal profit in each. Subject to this being verified by the case officer or independent verification it is considered that the applicant has provided the necessary evidence to justify a net loss of employment floor space in accordance with CP3.4.

7.12. Sustainable Drainage Strategy No objection

Further information required by condition :

- Evidence of approval from Southern Water for the discharge of foul water
- Confirmation of the foul water disposal method
- Evidence that any drainage infrastructure proposed for re-use is in an acceptable condition and that it has sufficient capacity for the anticipated peak discharge rate
- The results of BRE 365 testing demonstrating that infiltration of surface water is not feasible, otherwise drainage plans updated to include infiltration.

7.13. Transport Planning No objection

Acceptable subject to conditions for Cycle parking, Delivery and Servicing Management Plan and a Demolition and Construction Plan. The removal of the frontage parking area creates additional kerbside capacity on Kingsthorpe Road. The existing double yellow line arrangement should therefore be reviewed through the highway works process, with a TRO made as necessary. The final frontage arrangement, including any loading provision or additional parking, should be agreed with the LHA Parking Design & Implementation Team.

7.14. Urban Design Team Comment

The scheme has evolved following pre-application discussions, and several aspects of the design have improved. Improvements to the entrance sequence and the introduction of a clearer arrival point are welcomed and help improve legibility in accordance with SPD17 Urban Design Framework Section 3.4 (Movement and Connectivity).

- 7.15. Consider a pre-commencement planning condition is appropriate given the scale of the development and to ensure high quality materials are delivered and the scheme fully meets the design quality expectations set out within Policy CP12, DM18, and SPD17.

External

7.16. District Valuation Office Comment

When assessed with regards to full planning policy requirements (comprising £779,000 commuted sum for affordable housing and CIL of £151,526), the

scheme is not considered viable. Through a gradual reduction of the commuted sum amount, the maximum amount of commuted sum that would be supported (with a viable scheme) is £394,105.

7.17. **Environment Agency No Objection**

Contaminated Land, ground water, piling risk, and drainage system conditions required.

7.18. **Network Rail Comment**

Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on board to enable approval of detailed works.

7.19. **Sussex Police No comment**

7.20. **Southern Water Comment**

Conditions should be imposed to protect water apparatus and to seek details of foul and surface water drainage.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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 updates October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019)
- Hove Station Neighbourhood Plan

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery

CP2	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
CP14	Housing density
CP18	Healthy City
CP19	Housing mix
CP20	Affordable Housing
SA6	Sustainable Neighbourhoods

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protection of the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Waste & Minerals Plan Policy

WMP3d	Minimising and Management Waste During Construction
WMP3e	Waste Management in New Development

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

Hove Station Neighbourhood Plan

H5	Housing Mix and Tenure
H6	Affordable Housing
H7	Employment
H8	Design and Public Realm
H13	Parking and Movement
H14	Developer Contributions

Other Documents

Brighton & Hove Employment Land Study (background paper to City Plan)

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations relating to the determination of this application are the principle of the proposed development particularly in relation Planning Policy and the strategic aims of the site, urban design considerations, impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of the development

Loss of Employment floorspace

- 10.2. The site forms part of an employment-led mixed-use redevelopment site allocation as identified in CPP1 Policy CP3.4 - School Road Hove. Policy CP3 seeks to protect and enhance employment land in the city. The starting point for the policy is that there should be no loss of employment floor space. The policy states that in order to secure good quality modern flexible employment floor space, the council will allow employment-led mixed-use development on identified employment sites. The aim is to seek high-quality modern business floor space but also contribute towards housing delivery in the city. Such an approach has been achieved and delivered in other sites within this wider allocated site, such as the adjacent 18-34 Kingsthorpe Road development and at the former Westerman Complex on School Road.
- 10.3. The proposal in this application would contain no employment floor space and therefore conflicts with the objective of retaining employment provision, and employment-led mixed uses on allocated sites.
- 10.4. In an attempt to justify this approach, the planning application was accompanied by a redundancy report which focused on the tests of redundancy for unallocated employment sites. It did not address the particular policy requirements for sites allocated for mixed-use employment and residential redevelopment required under CP3.4. The Policy Team initially raised an objection in this regard.
- 10.5. In response to issues raised by planning policy officers, the applicant submitted additional information in respect of policy CP3.4. The applicant submitted an updated Redundancy and Employment Re-Provision Report and a Financial Viability Assessment (FVA). Information was also provided with respect of the possibilities of incorporating live/work units or incorporating ground floor commercial units with residential uses above. The report indicates that the site has been assessed against a range of potential employment formats including small ground floor studio or maker units, flexible Class E workspace, managed office suites, low impact creative or commercial units and hybrid live work formats, together with employment uses more generally including office studio light industrial and creative uses.
- 10.6. The report considers this that the site is constrained due to significant on street parking pressure and congestion associated with nearby school uses. The report considers these conditions limit the ability to safely accommodate servicing deliveries and operational movements. It is stated there in no realistic

opportunity to introduce dedicated servicing bays adequate or loading arrangements without creating conflict with neighbouring residential and educational uses and so redevelopment cannot satisfactorily resolve access and servicing constraints. The report argues that replacement employment space is not realistic because of these site constraints and access issues, as well as due to market demand and viability considerations.

- 10.7. It is agreed that the prevailing character of the immediate area is residential, and that the road layout and site restrictions are a limitation of the site. Together with the review of the updated report regarding demand and availability and the viability appraisal, policy officers conclude sufficient evidence has been provided to justify the loss of employment floorspace in this instance.
- 10.8. It is noted that the site is also located within the Hove Station Neighbourhood Plan area within the Stoneham sub area. An objective of the plan is to secure mixed but contemporary land uses including both residential development and substantial employment opportunities. Hove Station Neighbourhood Plan Policy H7, Employment, is relevant and states that cultural facilities including arts and crafts studios and workshops will be encouraged. However as noted above, the development would not deliver employment floor space.
- 10.9. On balance, on review of the robust information provided, it is considered that the loss of employment floorspace for this site has been adequately justified, and there is no objection, in this instance, to the lack of new employment space within the development of the site. Weight is also given to housing provision within the overall planning balance, see below.

Housing Considerations

- 10.10. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 10.11. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply
- 10.12. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

- 10.13. The proposal would make a modest but welcome contribution of 14 housing units (plus an affordable housing commuted sum) and this is given weight within the planning balance given the acute need for housing delivery.

Housing Mix

- 10.14. City Plan policies do not specify a required housing mix, however Policy CP19 states that developments will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. The supporting text at paragraph 4.213 indicates the majority of housing need/demand across the city for both market and affordable is for 2 and 3 bedroomed properties at 34% and 31% respectively. The most recent Strategic Housing Market Assessment 2023 indicates that 45-50% of demand for market dwellings is for 2 bedroomed dwellings.
- 10.15. The proposal comprises 1 studio (7%), 4 one-bedroom (29%), 8 two-bedroom (57%), and 1 (7%) three-bedroom units.
- 10.16. As the proposal includes a greater proportion of two-bedroom units than one-bedroom units, and contains a three-bed unit, it is considered that the mix proposed is broadly acceptable and satisfies the requirements of policy CP19 for this relatively small-scale scheme. The Housing Team raise no objection to the development.

Affordable Housing Considerations

- 10.17. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high housing need in the city combined with the physical restraints of developing. Commuted sums provided for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings.
- 10.18. This development proposal is for 14 flats, meaning 30% affordable housing, 4 units, is the policy compliant position or a contribution of £779,000 (based on the council's adopted Developer Contributions Technical Guidance).
- 10.19. A financial viability assessment was submitted with the application which concluded that the development was unable to provide affordable housing or financial contributions for viability reasons. This viability assessment was independently reviewed by the District Valuation Service on behalf of the LPA, and some of the methodology and conclusions were not agreed, and a contribution towards affordable housing was assessed as viable, albeit at a reduced rate from the £779,000. In response, officers have revisited and discussed the affordable housing contributions with the applicant. The applicant has now agreed to the payment of a reduced contribution towards affordable housing provision of £394,105, which has been assessed by the

District Valuation Service as supportable. This shall be secured by section 106 and shall be subject to a late-stage affordability review.

- 10.20. Overall, it is considered that the principle of bringing forward the redevelopment of this site without an employment floor area has been justified in this instance, and the provision of housing is welcome in the context of the lack of housing supply in the city. The housing mix and the affordable housing contribution has been justified.

Design Considerations

- 10.21. City Plan Policies CP12 and DM18 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate and achieve excellence in sustainable building design and construction. Policy DM19 seeks to ensure developments make the most effective and efficient use of sites.
- 10.22. The existing building is a single storey, flat roof commercial building, previously used by Lawrence Paint Supplies. In front of the building is hardstanding and would have provided customer car parking. The existing building is of low architectural merit, and the redevelopment of the site presents an opportunity to create a building of more visual interests whilst making more efficient use of the land.
- 10.23. At five storeys in height, the development represents a marked increase in scale relative to the existing building which is single storey. However, the height does reflect the evolving scale of development within the surrounding area. The top floor would be set back from the front elevation and in from the side elevations of the building. This stepping of the upper floor would help moderate the overall height and would provide a transition in the height of the buildings either side of the site, The Pinnacle to the east at 5 storeys in height, and the lower scale buildings to the west 24-34 Kingsthorpe Road at 3 storeys in height.
- 10.24. Whilst the building would sit comfortably below the height of The Pinnacle, it is acknowledged that the building height would be fairly imposing when viewed with the 3 storey building to the west. However, the fourth floor would be recessed from the main façade by approximately 1m to the sides and approximately 1.9m to the front. This approach would reduce the perceived scale of the building, particularly when viewed from the front. In addition, the balconies towards the sides of the front elevation of the building would break up the visual mass of the front of the property by limiting the solidity of the front elevation.
- 10.25. The design and positioning of the fenestration is considered to be acceptable. The single point of pedestrian access from Kingsthorpe Road is considered suitable. The addition of a clearly articulated entrance canopy would help to reinforce the main entrance and the design integrity of the front elevation overall. The design also allows for an area of front landscaping immediately adjacent to the highway which is welcome.

- 10.26. In terms of footprint and siting, the new building would have a comparable front building line to the properties either side, which would be slightly further forward in the plot than the existing building line. The overall footprint of the building is considered to an acceptable scale. The development would have less projection to the rear than the existing building. This would allow for meaningful communal amenity space to be delivered to the rear of the property. There would a minimal gap between the side elevations of the building and the buildings either side. However, it is not out of character with the built form of the area and with the front building line of the neighbouring sites respected, and the height of the building justified, the development is not considered to appear unduly cramped within the plot.
- 10.27. The height, footprint and building line would give the new building an overall mass which would be acceptable in the local context and not appear as an overdevelopment of the site.
- 10.28. In regard to materials, the design approach takes cues from nearby development along School Road and Kingsthorpe Road, particularly using brick and rendered elements. The use of brick as the primary material is supported and reflects the prevailing character of surrounding development. The proposed palette of buff brick, slate blue brick, white render and terracotta composite cladding would introduce four distinct materials to a relatively small residential scheme. As commented by the Urban Designer, this does risk creating a visually busy front elevation. Amended plans have been received which removed the buff brick columns to the render panel, and supporting information confirm the use of a multi-stock brick to provide tonal variation to the façade. This is considered a welcome improvement
- 10.29. The Urban Designer's reservations regarding the potential for the terracotta cladding appearing tonally flat are noted. In response to this, some justification has been made for its inclusion, including the weathering and sustainability credentials. This material would not be used extensively on the elevations. It would be used on the top floor accommodation, which is set back from the main elevations, around the front entrance, and on the west elevation. The Urban Designer advocates a more restrained material palette should be explored. Full samples of material are secured by condition. It has been confirmed the roof of the property would not be used for solar PV, and at this stage of the design process no plant is proposed for the roof.
- 10.30. Overall, the scale and massing of the new building is considered to be acceptable. Although the height would exceed that of the Kingsthorpe Road to the west by a notable degree, the set back of the stop floor would provide some visual relief. On balance the design of building is considered acceptable. The proposal is considered to be an appropriate and sympathetic development which does not cause significant harm to the character and appearance of the site or streetscene. The design and appearance of the building considered to be in accordance with policies CP12 of the Brighton and Hove City Plan Part One and DM18, DM19 and DM21 of the Brighton and Hove City Plan Part Two and the Urban Design Framework SPD17.

Standard of Accommodation:

- 10.31. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

Unit	Floor	Unit Type	Gross Internal Area
1	Ground floor	Studio	39sqm
2	Ground floor	1 bed 2p	50sqm
3	Ground floor	2 bed 3p (M4(3))	71sqm
4	First floor	2 bed 4p	73sqm
5	First Floor	1 bed 2p	57sqm
6	First floor	2 bed 4p	71sqm
7	Second floor	2 bed 4p	73sqm
8	Second floor	1 bed 2p	57sqm
9	Second floor	2 bed 4p	71sqm
10	Third floor	2 bed 4p	77sqm
11	Third floor	1 bed 2p	53sqm
12	Third floor	2 bed 4p	71sqm
13	Fourth floor	3 bed 4p	80sqm
14	Fourth floor	2 bed 3p	62sqm

- 10.32. The submitted information shows that the new residential units would meet minimum standards in relation to the NDSS. The gross internal areas of each unit including the sizes of bed space and storage areas show compliance with minimum space standards. The scheme also incorporates an M4(3) wheelchair accessible dwelling to the rear of the ground floor whilst all other units would be M4(2) accessible and adaptable dwellings. A lift is proposed to all levels of accommodation.
- 10.33. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook. The flats would generally have good aspect and light to habitable rooms. It is noted that given the close proximity of the building with The Pinnacle to the east, outlook from windows in the east elevation of the building would be restricted. In the majority of units, these are secondary windows or bathroom windows, the exception is unit 13 where it is the sole window to the third bedroom. Given that this restricted outlook impacts only one bedroom window in the whole development, this compromise is not considered significant.
- 10.34. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Each unit would benefit from an external amenity space in the form of a balcony or terrace. In addition, a landscaped communal amenity area would be provided to the rear of the site. The cycle

storage would be to rear of site, and dedicated communal refuse and recycling space is allocated internally.

- 10.35. It is also necessary to consider any potential noise issues in accordance with CPP2 policy DM40 given the proximity of the residential apartments to the commercial unit to the west. The railway line to the north is also a potential source of noise. The application is accompanied by a Noise Assessment. The Environmental Health Team have not objected to the development and with conditions attached to secure the mitigation methods proposed in the Noise Assessment, it is considered that the future occupiers would not be exposed to noise and disturbance.
- 10.36. Overall, the development is considered to deliver fourteen residential flats with a good standard of residential accommodation throughout in accordance with policies DM1, DM20 and DM40 of City Plan Part 2.

Impact on Amenity:

- 10.37. Policy DM20 of the City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. The proposal represents a significant increase in scale and massing compared to the existing building, with potential impacts on neighbouring occupiers in terms of outlook and sunlight and daylight.
- 10.38. The new building would be constructed in close proximity to the side site boundaries. The side windows which face the site within The Pinnacle development to the east would be somewhat enclosed by the development. The application site is however unusual being only single storey at present and it is allocated for redevelopment, and impact to these windows is unavoidable to an extent. At present, above ground floor level, these side windows have open aspect to the west, therefore any building in this location would have a pronounced impact on these windows. Of consideration also is the information submitted with the application that shows that these windows are not the sole windows to habitable rooms in The Pinnacle, so whilst there would be an impact on the windows, in terms of the significance on living conditions for occupiers in The Pinnacle, the impact would not be so significant as to warrant refusal of the application.
- 10.39. There is generally a good separation distance between the development and windows in properties to the south. The development would be within one metre of the western boundary, which is shared with a neighbouring commercial development 34 Kingsthorpe Road. The impact on this property would be pronounced, with the new building towering over the neighbour. Side facing and rear facing windows would be impacted by a degree of enclosure however as a commercial property the impact would not be so significant as to warrant refusal of the application. The properties further to the west, 32 and 32A Kingsthorpe Road would feel some enclosure from the building, but given the separation distance, the building would not be overbearing.

- 10.40. Overall whilst the visual impact of the development would give neighbouring occupiers a much more developed outlook and be more enclosing to a degree, the harm would not be so significant as to warrant refusal of the application. Loss of view is not a material planning consideration.
- 10.41. In regard to privacy, primary outlook from the residential units would be from windows on either the front or the rear elevations. Balconies are proposed for the first, second and third floors. On the rear elevation, and an obscured glass balustrade 1.7m high is shown on the side elevation of the balconies. On the upper floor units, balconies across the front and rear elevations would also have an obscured glass panel to the side elevations. All of these panels shown as obscured glass, and would be secured by condition to protect against mutual overlooking over the boundaries and ensure outlook from the new flats would be directed to the front to the rear of the site.
- 10.42. The majority of windows on the side elevation of the new building are shown to be obscured glass and can be conditioned as such. Such windows are largely secondary to serve those particular rooms so are not the only source of light/outlook, or serve bathrooms and stairways. Given the close proximity of the development to The Pinnacle development to the east, any side windows are likely to contribute to a sense of perceived overlooking from the new windows, even with obscured glazing. However, with obscured glass there would be no demonstrable impact on privacy, and therefore the impact would not be so significant as to warrant refusal. There would be ample separation distances between the new development and the properties to the opposite to prevent any significant impact in terms of loss of privacy or overlooking.
- 10.43. A Daylight and Sunlight Assessment has been submitted with the application. Undertaken by XDA Consulting Ltd, the assessment has been carried out in accordance with the BRE Guidance "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BR 209, 2022)". The study considers the potential impact of the proposed development on neighbouring residential properties at 32 and 32A Kingsthorpe Road to the west, and The Pinnacle to the east of the site. As a commercial premises, 34 Kingsthorpe Road has not been assessed. As noted above, windows in this property are likely to be impacted by the development but are afforded less protection as commercial premises than residential uses.
- 10.44. The study assessed daylight, (Vertical Sky Component (VSC) and No Sky Line (NSL)), sunlight, and garden overshadowing. It concludes that the majority of neighbouring windows retain Vertical Sky Component values that remain compliant with BRE guidance. A small number of windows at The Pinnacle experience reductions in VSC; however, as noted above, these windows, which face west on to the development site, serve as secondary windows to the affected rooms. The analysis confirms that the affected rooms continue to receive adequate skylight, with no reduction below BRE threshold values. No noticeable adverse impact on internal daylight levels is predicted for any neighbouring habitable rooms.

- 10.45. In regard to sunlight, BRE guidance requires sunlight assessment only for living rooms windows facing within 90 degrees of due south. As no relevant neighbouring living room windows face the proposed development, a detailed sunlight assessment was not required. The report identified a minor increase in overshadowing in the gardens of 32-32A Kingsthorpe Road however the proportion of garden areas receiving at least two hours of direct sunlight remains within BRE guideline thresholds.
- 10.46. Policy DM40 of the City Plan addresses environmental protection. Representations made on the application concerning noise and disturbance have been considered. The development could create additional activity associated with the site, including comings and goings associated with a residential development, and the occupation of private amenity space. However, this site is in a largely residential area, and the character of the movements and activities would be comparable with that of neighbouring uses. It is not anticipated that development would increase crime or anti-social behaviour. Sussex Police have not objected to the development. The Environmental Health Team have advocated the need for a construction hours condition. They have also suggested a Delivery and Service management Plan (DSMP) however there is no commercial element to this proposal and this is not considered justified in this instance.
- 10.47. Overall, the development is not considered to have a significant impact on adjoining residents in terms of privacy, outlook, light or overshadowing and therefore no significant or demonstrable harm would result. The development would not impact conflict with the objectives of policies DM20 and DM40 of CPP2

Sustainable Transport:

- 10.48. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. The NPPF states that the use of sustainable modes of transport should be pursued. Policy CP9 (2c) of the City Plan is also relevant in that it requires all new major developments to submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures.
- 10.49. The application is accompanied by a transport assessment. The Transport Statement concludes that the site is well located for sustainable travel, a car-free residential development is appropriate, and policy-compliant. In terms of trip generation, it is stated that the proposals will reduce vehicle trips compared to the existing commercial uses.
- 10.50. The Transport Team have been consulted on the application and raise no objection to the development. Nevertheless, parking and transport consideration have been consistently raised as an issue from the public consultation on the development. The site lies within the Controlled Parking Zone (CPZ) Zone R. Surrounding road car parking demand is high. The site has very good public transport links with Aldington Train Station in very close

proximity to the east, and bus and cycle links available on Portland Road immediately to the south. The Transport Team have confirmed that the development would be acceptable as car free development, and that with current demand for parking so high, residents would not be eligible for residents parking permits. It is also noted that there is potential for some additional wider residential parking in front site, where existing double yellow lines would be redundant. This provision would be secured via condition (as part of highway works secured under s278 agreement).

- 10.51. Cycle parking has been shown towards the rear of the site in the form of a covered area with both vertical storage and, following amended plans, some Sheffield stands. Visitor Sheffield stands have also been shown to the front of the development. The amount of cycle parking proposed is considered acceptable, however the Transport Team do not advocate vertical cycle storage for accessibility reasons. Further details can be sought by condition.
- 10.52. The Transport Team have sought details of motorcycle parking, but this has not been fully explained. It is not considered necessary for motorcycle parking to be implemented as part of the development and therefore a condition in relation to motorcycle parking is not considered necessary in this instance.
- 10.53. It is acknowledged that residents have experienced a significantly amount of construction traffic from neighbour development in recent years. With the site allocated for redevelopment within the City Plan, this has been somewhat unavoidable. The demolition of the existing building and construction of the new building would contribute to further disruption, however a planning condition to secure a Construction / Demolition Environmental Management Plan CEMP/DEMP offers an opportunity to mitigate the impact.

Sustainability and Energy Efficiency

- 10.54. City Plan policy CP8 states that the council will seek that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint in addition policy DM44 requires all major residential and non-residential development to submit an energy statement to provide details of the building fabric efficiency and low and zero carbon technologies and to estimate the CO2 savings that will be achieved.
- 10.55. The supporting energy and sustainability statement details how the proposal would achieve a 70% improvement on the carbon emissions targets set out by part L (2021) using air source heat pump (ASHP)-driven heating system. This is welcomed and the ASHP would be secured via condition. An EPC rating of B shall be achieved for all dwellings and will be conditioned. Water efficiency conditions shall also be imposed.
- 10.56. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities and comply with Policies CP8 and DM44 of the City Plan.
- 10.57. To comply with policies CP11, DM42 and DM43, and reduce environmental impacts and flood risk, the development should aim to incorporate a

Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition. General drainage details for foul and surface water provision can also be secured via condition.

Land Contamination

- 10.58. The Environment Agency have commented on the application. Given the previous use of the site, land contamination conditions are required and a condition restricting piling on site. This will ensure any potential for land contamination is suitably mitigated against in accordance with policy DM42 of CPP2, and the Environmental Health team and the Environment Agency raise no objection on this basis.

Waste Management

- 10.59. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling facilities. These facilities are shown on the ground floor of the building in a designated internal space. Representation from members of the public made on the application concerning the existing waste facilities has been noted, however the facilities shown are considered adequate. Waste management during demolition/construction would be secured by condition.

Ecology and Biodiversity

- 10.60. The Ecologist is in agreement with the recommendations outlined in the Ecological Impact Appraisal (EclA) and Biodiversity Net Gain (BNG) assessment which has been submitted with the application. The measures outlined in this document including for an Ecology Design Strategy (EDS) is supported and can be secured by condition.
- 10.61. Although the site has low suitability to support foraging and commuting species, the submitted ecological appraisal also includes mitigation for any protected species.
- 10.62. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees, swifts and bats. For this development, 14 bee bricks, 17 swift brocks/boxes and 1 bat roost feature must be secured. The Ecologist notes the locations of bee bricks shown in the Design and Access Statement (DAS, Mohsin Cooper, January 2026) should not be supported as they in a confined built zone that may act as a wind tunnel and is distant from foraging. The locations can be secured as part of the EDS condition.
- 10.63. Due to the current developed site and the limited amount of new habitat units to be provided onsite, and the form in which it is to be provided (mixed scrub, modified grassland and scattered trees), it is unlikely that a Habitat Management and Monitoring Plan (HMMP) and a S106 Agreement to secure any associated monitoring costs is required. This is being clarified with Ecology Officers and will be updated prior to determination. In any event the scheme will provide an uplift of 0.06 habitat units, over the existing baseline of 0.09

habitat units, so a 69% increase in onsite BNG which is in excess of the 10% national mandatory BNG required and meets policy requirements of CP10 and DM37.

Trees and Arboriculture

- 10.64. The northern boundary of the site is marked by mature trees. The tree survey indicates that three of these trees are within the application site and four lie outside the site boundary on land owned by Network Rail.
- 10.65. All the trees to the rear of the site (T1-T7) which form part of the wooded railway corridor will be retained and protected in accordance with the Arboriculture Impact Assessment (AMS). This includes protective fencing, and 'no dig principles' to form the cycle parking facilities which are proposed for the rear of the site and within the Root Protection Zones (RPZs) of T1 and T2 system. The new building itself would not impact the trees although the demolition may impact RPZ. The Council's Arboriculture Team are in agreement with the findings of the AMS and the position of tree protection fencing and method of construction subject to Arboriculturist supervision on-site, and a written report to document the process. This can be secured by condition.

Other Planning Matters

- 10.66. As part of the objectives of City Plan Part 1 Policy CP2 (and SA6 Sustainable Neighbourhoods), major developments are expected to provide direct provision of employment and training initiatives and promote employment for local construction workers. City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases following the Brighton & Hove Local Employment Scheme (BHLES).
- 10.67. Therefore, an Employment and Training Strategy is recommended to be secured via condition. With regards to securing the resources required to enable delivery of this and the BHLES, it is recommended that the Corporate Director for the project, i.e. the applicant, enters into a Memo of Understanding with the Local Planning Authority (LPA) to agree that fees of £4,200 be made available to the LPA (based on the council's Developer Contributions Technical Guidance).

Other Matters Raised in Representations

- 10.68. There has been representation made regarding the impact of the construction of the development. Some amount of disruption would be inevitable due to the extent of the demolition required, the size of the replacement building and the proximity of neighbouring properties. The impacts of this can be reduced through a robust DEMP/CEMP which is secured by condition. The Environmental Health Department have also suggested a condition relating to Hours of Construction, however would be expected to be incorporated within the CEMP and therefore a separate condition for construction hours is not considered necessary.

- 10.69. Loss of view is not a material planning consideration. However, the impact of the development on the residential amenity has been fully assessed, including the impact on outlook, and no significant impacts have been identified, and the development is considered acceptable in this regard.
- 10.70. Network Rail have been consulted on the application. Due to the close proximity to Networks Rail infrastructure, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. The ASPRO team would review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on board to enable approval of detailed works.

11. CONCLUSION

- 11.1. The principle of the development is acceptable; the loss of the employment floorspace has been justified in this instance and weight is given in the planning balance to housing provision. The proposed new building is considered to be of an acceptable design and scale, taking into account the prevailing character of the surrounding area, subject to further details in relation to the materials for the building. The replacement building can deliver a good standard of housing with access to sustainable transport options. Whilst there will be some impact to neighbouring amenity it would not be so significant to warrant refusal, and the proposal would make effective use of the site. The recommendation is minded to grant subject to a legal agreement to secure an affordable housing contribution, employment training (and any costs associated with a BNG and a HMMP if required).

12. BIODIVERSITY NET GAIN

- 12.1. The development would be subject to Statutory Biodiversity Net Gain under Schedule 7A of the Town & Country Planning Act.

13. EQUALITIES

- 13.1. 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.

- 13.2. 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.
- 13.3. Level access can be achieved and all floors accessible from the elevator. A wheelchair accessible unit is proposed on the ground floor, and all other units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

14. COMMUNITY INFRASTRUCTURE LEVY

- 14.1. 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 would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

15. S106 AGREEMENT

- 15.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
- 15.2. The proposed development fails to provide a mechanism by which to secure affordable housing, or a financial contribution towards it in the city, contrary to Policies CP7 and CP20 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
- 15.3. The proposed development fails to provide a mechanism by which to secure a Habitat Management and Monitoring Plan and the associated costs, contrary to schedule 7A of the Town and Country Planning Act 1990, and Policies CP10 of Brighton & Hove City Plan Part One and DM37 of City Plan Part Two. (TBC if relevant)
- 15.4. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy SS1, SA6, CP2, CP7 and DA6 of the Brighton & Hove City Plan Part One, SSA4 of Brighton & Hove City Plan Part Two and the Council's Developer Contributions Technical Guidance.
- 15.5. The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policies CP2, DA3 and CP7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.

