

<u>No:</u>	BH2026/01622	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Palmer And Harvey House 106 - 112 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Application to vary condition 1 (approved drawings) and 5 (landscaping) of planning permission BH2022/01365 to construct basement level to provide ancillary office floorspace, alterations to elevations and internal layout, new photovoltaic panels and plant at roof level, alterations to site layout including revised scheme of hard and soft landscaping, relocated bicycle and bin store and accessible parking spaces and other associated works.		
<u>Officer:</u>	Helen Hobbs,	<u>Valid Date:</u>	08.07.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.09.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Iceni Projects Da Vinci House 44 Saffron Hill London EC1N 8FH		
<u>Applicant:</u>	Nicolaudie UK Limited C/o Iceni Projects Da Vinci House 44 Saffron Hill London EC1N 8FH		

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 and block plan	PL-010	Rev.00	08-Jul-26
Proposed Drawing	PL-200	Rev.01	30-Sep-26
Proposed Drawing	PL-300	Rev.00	08-Jul-26
Proposed Drawing	PL-301	Rev.00	08-Jul-26
Proposed Drawing	PL-302	Rev.01	30-Sep-26
Proposed Drawing	PL-400	Rev.00	08-Jul-26
Proposed Drawing	LLD3662-LAN-DWG-010	Rev.02	08-Jul-26
Proposed Drawing	LLD3662-LAN-DWG-100	Rev.04	30-Sep-26
Proposed Drawing	LLD3662-LAN-DWG-200	Rev.01	30-Sep-26

Proposed Drawing	LLD3662-LAN-DWG-300	Rev.00	08-Jul-26
------------------	---------------------	--------	-----------

2. Not Used.
3. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window and door treatments
 - e) 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.
4. The disabled parking spaces hereby approved 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 DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
5. The development shall be implemented in strict accordance with the landscaping scheme shown on drawing nos. LLD3662-LAN-DWG-100 Rev 04 and LLD3662-LAN-DWG-200 Rev 01 received on 30.09.2026 and LLD3662-LAN-DWG-1010 Rev 02 and LLD3662-LAN-DWG-300 Rev 00 received on 8.07.2026.
 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 comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.
6. The premises shall be used as an office (Use Class E(g) (i) and (ii)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policy DM21 of Brighton & Hove City Plan Part 2.

7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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 Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

8. Within 6 months of first occupation of the non-residential development 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.

9. The use hereby permitted shall not be carried out except between the hours of 08:00 and 20:00 on Mondays to Sundays, including 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.

10. The mechanical plant and ventilation systems hereby approved shall be installed, operated and maintained in strict accordance with the specifications, operating assumptions and acoustic mitigation set out in the External Plant Assessment, reference 37311/3/2/2, received on 10 September 2026.

Before the associated plant is first operated:

1. The 2.3-metre-high rooftop plant enclosure, including its walls, weather louvres and louvred access door, shall be fully installed;
2. The communications/server-room condenser shall be provided with the covered acoustic-louvred enclosure specified in the assessment; and
3. All inlet and exhaust attenuators shall achieve at least the insertion losses specified in Table 11 of the assessment.

The approved acoustic mitigation shall thereafter be retained and maintained. Any replacement plant shall have sound levels no greater than the corresponding equipment assessed in the approved report.

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 Two.

11. The rooftop condensers, mechanical ventilation and extract systems assessed for daytime operation shall only operate between 08:00 and 20:00 on any day.

This restriction shall not apply to the communications/server-room condenser, provided that the approved covered acoustic-louvred enclosure as required by condition 10, has been installed and is thereafter retained and maintained.

Reason: The acoustic assessment relies upon the main office plant operating during daytime hours only, and to safeguard the amenities of the occupiers of neighbouring properties, in accordance with Policies DM20 and DM40 of Brighton & Hove City Plan Part Two.

12. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out in the affected area until a method statement identifying, assessing the risk and proposing remediation has been submitted to and approved in writing by the Local Planning Authority.

The remediation shall be carried out in accordance with the approved method statement and, where required, a verification report shall be submitted to and approved in writing by the Local Planning Authority before the affected part of the development is occupied.

Reason: To safeguard the health of future occupiers and the environment, and to comply with Policy DM41 of Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

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

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

2. SITE LOCATION

- 2.1. Palmer and Harvey House comprises an existing modern building of between four and eight storeys. The main building is set well back from the Davigdor Road frontage. The building was originally built as offices, however, has since more recently been extended and converted into residential flats. The main building form appears as a modest four storey block with a larger and wider an

eight-storey attached block set behind sited east to west and partly behind the neighbouring Preece House, which is also a purpose-built office block.

- 2.2. The proposed development plot, which forms the subject of this application, is an area of land directly in front of the main Palmer and Harvey House building, which formerly contained planting and front landscaping to the site and an entranceway into the main building beyond. This area has since been cleared and ground has been excavated. A recent certificate of lawfulness has confirmed the commencement of development for the works approved under planning permission BH2022/01365. The Certificate confirmed that the groundworks on the site have taken place and any existing structures, landscaping and planting have been removed and foundations of the approved building have been excavated.
- 2.3. The site is located on the northern side of Davigdor Road and backs onto the Peacock Industrial Estate. There are residential uses on the opposite side of Davigdor Road.

3. RELEVANT HISTORY

- 3.1. **BH2026/01208** Non-Material Amendment to application BH2022/01365 to amend development description to: Erection of building to provide Class E office floorspace. Approved 29.06.2026 .
- 3.2. **BH2025/02842** Certificate of lawfulness to confirm the commencement of development for the works approved under planning permission. Approved 09.02.2026
- 3.3. **PRE2025/00159** Proposed amendments to planning permission BH2022/01365. Response provided 02.09.2025. The response summary generally considered the development acceptable in principle, subject to full consultation and consideration of further information provided at application stage.
- 3.4. **BH2022/01365** Erection of three storey office building with roof terrace to provide Class E office floorspace. Approved 11/11/2022.
- 3.5. **BH2021/00633** Erection of a three storey building with roof terrace to provide new office space (E). Refused 26.08.2021

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to vary conditions 1 (approved drawings) and 5 (landscaping) of planning permission BH2022/01365 to construct a basement level to provide ancillary office floorspace. The amendments also include alterations to the elevations including revised fenestration patterns and increasing the roof parapet detailing, the addition of photovoltaic panels and plant at roof level, revisions to the internal layout and revised landscaping and relocated bicycle/bin store and parking layout changes.

5. REPRESENTATIONS

- 5.1. Representations have been received from **thirty-two (32)** people including a letter with 7 signatories, objecting to the proposed development for the following reasons:
- Loss of views
 - Loss of sunlight
 - Loss of daylight
 - Noise and disturbance
 - Noise and disturbance during construction
 - Overdevelopment
 - Loss of outlook
 - Loss of privacy
 - Increase in dust
 - Impact of the use of the roof top areas
 - Visual amenity of the wider site
 - Impact on the pedestrian routes within the wider site/access to the Palmer house building behind the approved building site
 - Changes to the wider site since the original permission
 - Increased activity and office space/ more intensive use of the approved building
 - Increase in height of the approved building due to the addition of the plant
 - Loss of open space
 - Traffic and parking
 - Cycle parking provision, and
 - Solar glare and reflection from the solar panels.
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Environmental Health:** Comment 25/08/2026
No objection in principle, subject to further information and clarifications. A focused acoustic addendum is requested to validate the plant and enclosure arrangement.
- 6.2. Environmental Health also requires submission of the referenced Phase I and Phase II Ground Investigation (October 2025), or an equivalent contaminated land assessment, to confirm the suitability of the site for the proposed basement development and infiltration drainage strategy, particularly given the presence of made ground, a Principal Aquifer and the site's groundwater vulnerability.

Further Comment dated 16/09/2026 following receipt of revised acoustic assessment

- 6.3. The ground investigation did not identify unacceptable contamination or complete pollutant linkages for the proposed commercial use.
- 6.4. The revised acoustic assessment predicts compliance with the adopted daytime and night time criteria subject to the specified operating hours and acoustic mitigation.
- 6.5. Conditions are recommended in relation to the plant noise and acoustic mitigation, hours of plant operation and any discovery of contamination during construction.
- 6.6. **Planning Policy:** No Comment
- 6.7. **Sustainable Transport:** Comment
The principle of the revised landscaping, bin store location and cycle access are acceptable in principle, some further confirmation is required in relation to the width of the cycle access. The accessible parking bays require some further amendments to provide sufficient rear access areas.
- 6.8. **Arboriculture:** Verbal No objection
The submitted details show sufficient landscaping for the development. The proposed scheme includes four native trees and areas of native hedgerow planting, which will provide some ecological and visual benefits. The scheme is considered acceptable and sufficient.
- 6.9. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two

DM11	New Business Floorspace
DM20	Protection of Amenity
DM34	Transport Interchanges
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM40	Protection of the Environment and Health – Pollution and Nuisance
DM43	Sustainable Urban Drainage
SSA3	Land at Lyon Close, Hove

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the additional basement level and external revisions, impact on the character and appearance of the existing property, streetscene and surrounding area, impact on neighbouring property, transport issues and sustainability.
- 9.2. Under approved application BH2022/01365, the site has an extant permission for a three storey office building. The main amendments proposed in this current application include;
- New basement level (ancillary office floorspace),
 - Raised parapet roof detailing,
 - Window design across all elevations including larger openings,
 - Changes to external finish materials,
 - Internal floor layout changes,
 - PV panels,
 - Revisions to the roof plant,
 - Site layout changes and landscaping alterations, and
 - Relocated bin and bike stores

Design and Appearance:

- 9.3. The approved scheme comprised a three-storey office building characterised by the use of brick with recessed brick panels, decorative brick screening features and a zinc-clad roof enclosure.

- 9.4. Above ground level, the revised scheme retains the approved scale, footprint and overall massing of the building. The development would continue to read as a three-storey office building. The roof top enclosure, which previously housed the lift run would be larger due to the inclusion of the roof plant (approximately 260mm wider) but would remain set back from the principal elevations and would have the same height as the previously approved scheme. This would ensure it would not be overly dominant and as such, the proposal would not materially alter the townscape presence of the approved building or its relationship with surrounding development.
- 9.5. The most notable changes relate to the elevational treatment and materials. The original recessed brick screening panels have been replaced with a more simplified arrangement comprising yellow multi-stock facing brickwork, dark grey engineering brick at ground-floor level, dark grey PPC aluminium windows and doors, and a vertically jointed zinc-clad roof enclosure.
- 9.6. The now proposed materials are considered acceptable and have been revised in response to other recent developments along this stretch of streetscene. The use of yellow stock brick reflects materials commonly found within the surrounding townscape, whilst the dark grey aluminium framing and zinc-clad roof enclosure provide a contemporary appearance. The retention of a clearly defined roof plant enclosure ensures that building services remain visually integrated within the overall composition.
- 9.7. The proposed fenestration has been revised to appear more simplified, albeit with additional larger openings in place of the previous blank window features.
- 9.8. The main building height would be increased by way of raising the parapet detailing by approximately 230mm, in order to improve weatherproofing and in part to obscure the proposed addition of the solar panels to the main flat roof. These elements would not be highly evident from the streetscene or wider area, given the overall height of the building and position of the building within the streetscene.
- 9.9. The addition of the basement level would not be evident from the streetscene as it would be located below ground level and therefore would not have any material impact on the appearance of the development.
- 9.10. Accordingly, the proposed amendments are considered acceptable in design terms and would preserve the quality of the approved development whilst maintaining an appropriate relationship with the character and appearance of the surrounding area.

Impact on Amenity

- 9.11. The proposed development was originally approved under planning permission BH2022/01365, where the impacts on neighbouring occupiers in terms of outlook, light, privacy and general residential amenity were fully assessed and found to be acceptable.

- 9.12. Since the 2022 application has been approved, several of the recent neighbouring developments have been completed and occupied. The most notable being the main Palmer and Harvey House building which has now been converted and occupied as residential. The neighbouring site at 113-118 Davigdor Road has been built and occupied, now known as Gradino Apartments and is a 5-8 storey block of flats, with commercial at ground floor. Whilst these developments were not previously occupied at the time of the 2022 application, the impact of the approved three storey office building on these neighbouring developments was assessed and fully considered.
- 9.13. The proposed basement level would be wholly contained beneath the approved building footprint and would not alter the scale, massing or external appearance of the development above ground. No window openings would be provided to the basement level as it would all be positioned subterranean. As such, it would not result in any additional impacts on neighbouring occupiers in terms of loss of light, outlook, overbearing effect or privacy. It is acknowledged that the additional floor space would intensify the use, however, given the nature of the floor space and its limitations, any increase in use would not be significant.
- 9.14. The submitted amendments would include a modest increase in the height of the parapet by approximately 230mm. Given the very limited scale of this increase, it is not considered that it would materially alter the relationship between the development and surrounding properties or give rise to any additional appreciable loss of light, outlook, overshadowing or increased sense of enclosure.
- 9.15. No updated Daylight and Sunlight Assessment has been submitted with the application. However, this is not considered necessary in this instance given the minor nature of the proposed changes. The approved scheme was accompanied by a Daylight and Sunlight Assessment which was reviewed and did not identify any significant adverse impacts that would warrant refusal. Having regard to the limited increase in height and the fact that the overall scale, siting and massing of the approved building remain substantially unchanged, it is considered unlikely that the amendments would result in any materially different daylight or sunlight effects to those previously assessed.
- 9.16. The revised window arrangements include larger openings across the elevations. Whilst these amendments have the potential to increase opportunities for overlooking, the positions of the windows remain substantially similar to the previously approved windows and the relationship with neighbouring properties remains unchanged. Given the separation distances to surrounding residential development and the commercial nature of the accommodation, it is not considered that the amendments would result in materially greater overlooking or loss of privacy than that already assessed and accepted under the extant permission.
- 9.17. The proposed photovoltaic panels would be positioned at roof level and would be read as subservient additions to the approved building. Similarly, the roof plant would remain contained within the approved rooftop arrangements and whilst larger than the previous roof top additions, as it has been set in from the

roof edges, would not have any significant impacts on the neighbouring residential developments. Neither amendment would materially increase the overall height, bulk or visual presence of the building and therefore would not give rise to any additional impacts in terms of outlook, overshadowing or overbearing effect. The angle and height of the solar panels are unlikely to cause any harmful glare to the properties directly opposite the site.

- 9.18. The application is accompanied by an updated acoustic assessment which considers the potential impact of noise generated by the proposed plant on nearby residential properties, including the neighbouring residential buildings at Gradino, Palmer House and Preece House, together with residential properties on Davigdor Road.
- 9.19. The assessment was undertaken having regard to relevant acoustic guidance and standards, including BS4142:2014, and evaluated the cumulative noise generated by all proposed plant operating simultaneously under worst-case conditions. The report confirms that, subject to the incorporation of the specified mitigation measures, including acoustic enclosures, screens and attenuators, the proposed plant would achieve the required design criteria at all nearby residential receptors. Predicted noise levels are below the recommended daytime and night-time limits for the surrounding residential properties.
- 9.20. The assessment also confirms that the principal office plant would operate only between 08:00 and 20:00 hours, whilst the communications plant serving the server room would operate continuously but would be enclosed within appropriate acoustic mitigation to ensure compliance with the required noise criteria.
- 9.21. The Council's Environmental Health team has reviewed the submitted information and raises no objection to the proposed amendments. Environmental Health recommends conditions to secure the implementation of the noise mitigation measures identified within the acoustic assessment and to restrict the operational hours of the main office plant equipment. Subject to these conditions, it is considered that the development would not give rise to unacceptable levels of noise or disturbance to neighbouring occupiers.
- 9.22. Concerns have been raised by neighbouring occupiers regarding the cumulative noise impacts arising from the proposed plant associated with this development and concurrent planning application at the neighbouring site, 113-118 Davigdor Road (BH2026/01608). Whilst this is a material consideration, the two applications must be determined on their own individual planning merits. Nevertheless, consideration has been given to the potential for cumulative impacts. Having regard to the separation distance between the two developments, the location of the respective plant equipment and the mitigation measures proposed as part of each scheme, it is not considered that the combined operation of the plant would give rise to a significant increase in noise levels at surrounding residential properties. Furthermore, the submitted acoustic assessment demonstrates that the plant associated with the application site would operate within acceptable noise limits at the nearest sensitive receptors and Environmental Health have raised no objection subject to appropriate

conditions for both applications/developments. In these circumstances, it is not considered that the cumulative effects of the two developments would result in unacceptable harm to neighbouring residential amenity.

- 9.23. Accordingly, the proposal is considered acceptable in respect of noise impacts and would comply with Policy DM20 and DM40 of the Brighton & Hove City Plan Part Two.
- 9.24. Overall, therefore, the application is considered acceptable in terms of its impact on residential amenity.

Standard of New Office Accommodation

- 9.25. The proposed basement level would provide an additional 133sqm of ancillary office floorspace. Whilst there would be no natural lighting, the application states that the floor would be integrated into the overall office use providing facilities for staff, storage, studio and ancillary spaces. These ancillary spaces are considered an acceptable utilisation of the site and would not be harmfully impeded by the lack of natural lighting.
- 9.26. The revisions also include layout changes to the previously approved floors. There is no objection to these changes. The external alterations to the fenestration would allow more natural light into the building. This would improve the standard of office accommodation overall.

Landscaping

- 9.27. The approved scheme included an area of landscaping to the north of the building comprising planting, a small pond/tree garden, green roofed structures and soft landscaping intended to soften views of the development and improve the setting of the site. Further landscaping details were secured by condition.
- 9.28. This Section 73 application proposes amendments to the landscaping layout associated with changes to the site arrangement, including the relocation of cycle and refuse stores. The revised landscaping strategy would continue to provide areas of planting, although has removed the pond feature. This is not objected to in principle.
- 9.29. The amendments are not considered to materially alter the overall landscaping quality of the development. The scheme includes 4 small trees to the north side of the building along with various blocks of native hedging to the front and rear of the building. Full landscaping and planting details have been submitted and have been reviewed by the Council's Arboriculturist who raises no objection to the landscaping scheme and planting details.
- 9.30. As such, the earlier applied landscape condition will be reworded to ensure the landscaping is carried out in accordance with the details submitted.

Sustainable Transport

- 9.31. The proposed amendments would not result in any significant changes to the site's transport impacts when compared with the extant permission. The scheme continues to provide cycle parking in excess of the minimum standards required

for the proposed office floorspace, whilst two accessible parking spaces are retained within the site. Amended plans have been submitted which address the initial comments of the Transport Officer. A condition is re-attached requiring the implementation of the cycle storage provision prior to first occupation.

Sustainability

- 9.32. As with the original permission, a condition would be attached to ensure that BREEAM 'very good' standard is met in accordance with Policy CP8 of the CPP1.
- 9.33. The addition of the solar panels are welcomed and would enhance the sustainability measures secured on the original scheme. The plans provided show the height and location of the proposed panels and therefore no further details are required via condition.

Biodiversity Net Gain

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

Other Matters Including Those Raised in Representations

- 9.36. A number of representations received regarding the current application raise objections to the development as a whole, including the principle, scale and form of the proposed building. However, these matters were fully considered under the original application and the principle of a three-storey office building on the site has already been accepted through the grant of planning permission, which remains extant. The current application is made under Section 73 and seeks permission for amendments to the approved scheme. As such, the assessment focuses on the acceptability of the proposed changes now sought and whether they would result in any material additional impacts beyond those already found acceptable under the extant permission.
- 9.37. Concerns regarding noise and disturbance arising during the construction phase have been raised. However, construction activities are temporary in nature and do not form part of the permanent development proposed under this application. The construction process is generally controlled through separate legislation and environmental management procedures. Whilst some temporary disturbance may arise during construction, this would be limited in duration. The earlier approval did not require the submission of a Construction Environmental Management Plan. Due to the nature and scale of the proposed amendments, this remains the case.
- 9.38. Representations have raised concerns regarding pedestrian and disabled access to Palmer House and other areas of the wider site. However, the current Section 73 application does not propose amendments to the wider access arrangements serving the site or adjoining land. The application relates to amendments to the approved office building, including changes to materials, fenestration, internal layouts, plant and landscaping, and does not alter the

approved means of access, apart from their own cycle store/bin store locations and the layout of the two disabled parking spaces. The issue of access to the other developments on the site falls outside the scope of the amendments currently under consideration.

- 9.39. It should also be noted that a number of representations referenced the use of the roof as an outdoor roof terrace. This was removed during the original application and was not part of the approved development. This remains the case. No roof terrace or roof level amenity space is being provided.

Conclusion

- 9.40. The proposed amendments to the extant planning permission would not materially alter the approved scale, massing or overall appearance of the development and are considered acceptable in design terms. The introduction of an ancillary basement level, revised elevational treatment, material changes, increased parapet height, photovoltaic panels, plant equipment and landscaping revisions would not result in significant harm to the character of the area or the amenities of neighbouring occupiers. Subject to the recommended conditions, including those relating to landscaping, noise mitigation, plant operation and sustainability measures, no significant impacts would occur.
- 9.41. Taking all material considerations into account, the proposed amendments are considered to accord with the relevant policies of the Brighton & Hove City Plan Part One and City Plan Part Two. The application is therefore recommended for approval.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

- 10.3. Two disabled parking spaces are proposed at the rear of the building, and the office proposal includes lift access.