

<u>No:</u>	BH2026/01608	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	113 - 118 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Alterations to roof plant on North-Eastern corner at first floor level incorporating installation of enclosure.		
<u>Officer:</u>	Helen Hobbs,	<u>Valid Date:</u>	10.07.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.09.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
Agent:	DMH Stallard Origin One 106 High Street Crawley RH10 1BD		
Applicant:	IMEX Events 113-118 Davigdor Road Hove Brighton & Hove BN3 1RE		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	21/1008 - 01		10-Jul-26
Block Plan	21/1008 - 02		10-Jul-26
Proposed Drawing	21/1008 - 04		06-Jul-26
Proposed Drawing	21/1008 - 05		06-Jul-26
Proposed Drawing	21/1008 - 06		06-Jul-26
Proposed Drawing	21/1008 - 07		06-Jul-26
Proposed Drawing	21/1008 - 08		06-Jul-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. Unless otherwise agreed in writing, within 1 month of this permission, the acoustic enclosure and all associated noise and vibration control measures hereby approved shall be installed in full accordance with the approved drawings and:

- a. The Environmental Noise Assessment prepared by Ian Sharland Limited, reference M6058, version 1, dated 21 May 2026, received 06/0/2026;
- b. The Soundscape Assessment prepared by Acoustic South East, reference J3961, issue 1, dated 11 June 2026; and
- c. The technical details contained within the further acoustic response prepared by Acoustic South East and dated 28 August 2026.

The approved measures shall be fully installed, sealed and commissioned before the plant is returned to normal operation. They shall thereafter be retained and maintained in effective working order for as long as the associated plant remains in operation.

Reason: To safeguard the amenities of neighbouring occupiers and to comply with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

- 4. Unless otherwise agreed in writing, within six weeks of completion and commissioning of the acoustic enclosure, a post-installation acoustic verification report shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall be undertaken by a suitably qualified and competent acoustician in accordance with BS 4142:2014+A1:2019 and shall:

- a. identify the nearest and acoustically most exposed noise-sensitive façades and explain the selection of the assessment positions;
- b. include assessment at positions representative of the most affected first-floor and second-floor residential receptors;
- c. account for the completed orientation and directivity of the enclosure inlet and discharge;
- d. include simultaneous operation of both heat-recovery units at the maximum reasonably foreseeable and reproducible operating duty;
- e. record the plant operating mode, loading and relevant Building Management System settings;
- f. include suitable plant-on and plant-off measurements to determine the specific sound contribution from the plant;
- g. assess tonality, impulsivity, intermittency and any other readily distinctive acoustic characteristic of the sound as installed;
- h. state the specific sound level, applicable acoustic-feature corrections and resulting Rating Level at each representative receptor;
- i. record any material airflow-generated, breakout or structure-borne noise or perceptible vibration attributable to the completed installation identified during attended observations, where access is available;
- j. record the residual acoustic environment, identify any other commercial plant that was materially audible or operating during the assessment and explain how the specific contribution from the plant associated with this permission was determined; and
- k. demonstrate compliance with Condition 31 of planning permission BH2018/02926.

Where compliance is not demonstrated, a scheme of additional mitigation and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority within one month of completion of the verification assessment.

The approved additional mitigation shall be implemented in accordance with the approved timetable and a further verification report shall be submitted to and

approved in writing by the Local Planning Authority within one month of completion of the remedial works.

Reason: The predicted Rating Level has a limited margin below the requirement of Condition 31 of BH2018/02926. Post-installation verification is necessary to confirm the effectiveness of the completed acoustic enclosure at representative first-floor and second-floor receptors and to safeguard neighbouring residential amenity, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

5. The plant and machinery hereby permitted shall not be operated except between 07:00 and 17:00 on Mondays to Fridays and shall not be operated on Saturdays, Sundays, Bank or Public Holidays.

This condition shall not prevent operation reasonably necessary for commissioning and acoustic verification undertaken in accordance with Condition 2.

Reason: The submitted acoustic assessment and adopted daytime background sound level are based on operation during these hours, and the restriction is necessary to safeguard the amenities of neighbouring occupiers in accordance with Policies DM20 and DM40 of the 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.
2. The applicant is advised that the grant of planning permission does not authorise a statutory nuisance. Compliance with the planning permission and associated conditions does not remove the requirement to comply with any abatement notice served under Part III of the Environmental Protection Act 1990.
3. 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. The application relates a part 5, part 8 storey building with ground floor offices space and residential flats above, located on the western side of Davigdor Road within a mixed commercial and residential area. The building was recently constructed following an earlier approval BH2018/02926 set out in the history below. The application relates to an area of roof in the north eastern corner of the existing building.

3. RELEVANT HISTORY

- 3.1. **BH2023/00351** Application for approval of details reserved by condition 12 (cycle parking), condition 13 (pedestrian routes), condition 14 (landscaping) and condition 17 (bird boxes) of application BH2018/02926. Approved 4.9.2023
- 3.2. **BH2018/02926** Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works. Approved 29.05.2019
- 3.3. **BH2014/02308** Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works. Approved 5.11.2015

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for alterations to the existing roof plant and enclosure on the north eastern corner of the first floor level.
- 4.2. The site has existing plant within an existing enclosure. The proposal seeks to retain the current plant and enclosure but erect a new bespoke enclosure in and around the existing to provide better sound insulation and reduce noise and vibration currently experienced.
- 4.3. Some of the new sound insulation features would be within the existing structure such as new acoustic louvre walls. The element that would be the most significantly visible would be a new silencer and attenuators positioned on the roof of the enclosure.
- 4.4. The existing plant has been the basis for existing Environmental Health complaints. The application seeks to secure mitigations and features to reduce the noise and disturbance impact.

5. REPRESENTATIONS

- 5.1. Representations have been received from **fifteen (15)** people as well as a letter with 7 signatories, objecting to the proposed development for the following reasons:
- Poor design and increased height
 - Noise and disturbance
 - Location of plant
 - Loss of Daylight
 - Impact on outlook
 - Sense of enclosure
 - overshadowing
 - Previous mitigation measures haven't been successful
- 5.2. Some comments received also refer to the application at Palmer and Harvey House, which adjoins the application site (BH2026/01622). Any relevant concerns that solely relate to the Palmer and Harvey Site have been addressed within the Officers report for application BH2026/01622.
- 5.3. Full details of representations received can be found online on the planning register

6. CONSULTATIONS

Internal:

Environmental Health: Comment 20/08/2026

- 6.1. No objection in principle but further information required, notes that the predicted noise levels are only marginally below the required limit and therefore seeks further information.
- 6.2. Further Comment 29/09/206 following receipt of additional acoustic information
The Environmental Health Officer has reviewed the further representations from residents and additional acoustic information submitted by the applicant. No objection from a noise perspective, subject to appropriate conditions.
- 6.3. The proposed acoustic enclosure would provide a substantial reduction in noise from the existing plant equipment, addressing an established source of disturbance to neighbouring residents. While residents raised concerns regarding receptor selection, plant directivity, intermittency, vibration, operating conditions and cumulative impacts. Satisfied that these matters can be addressed through post-installation testing and verification rather than requiring additional pre-determination assessment. Conditions are recommended to secure installation of the mitigation measures, acoustic verification, retention of anti-vibration measures and restrictions on operating hours.

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 Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM40	Protection of the Environment and Health - Pollution and Nuisance
SSA3	Land at Lyon Close, Hove

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the installation of the new plant enclosure in terms of design and appearance and impact on neighbouring amenity including noise and disturbance.

History of the site

- 9.2. The site at 113-119 Davigdor Road was granted planning permission under application BH2018/02926, for the demolition of the existing buildings and redevelopment of the site to provide a mixed-use development comprising office accommodation at ground floor and 52 residential flats within the upper floors. As part of the development roof top plant at 1st floor level was approved.
- 9.3. Following implementation of the permission and occupation of the building, Environmental Health received a number of complaints from occupiers of nearby residential properties, including residents of Gradino Apartments (the approved flats within the development approved under BH2018/02926), regarding noise

arising from the operation of two rooftop heat recovery units. Acoustic investigations subsequently undertaken identified that the plant was generating noise levels that were causing disturbance to nearby residents, including those within the application site, and that mitigation measures were required to address the issue.

- 9.4. Condition 31 of planning permission BH2018/02926 requires that noise from plant and machinery, associated with the development, is controlled to protect neighbouring occupiers. In response to the complaints and subsequent acoustic assessments, the applicant has brought forward the current proposal for an acoustic enclosure around the existing rooftop plant. The purpose of the enclosure is to attenuate noise emissions from the heat recovery units and improve the acoustic environment for nearby residential properties.
- 9.5. The plant is located approximately 8m from the nearest flat which is flat 2 located on the first floor of the building. Flats 3, 4 and 5 also face onto the flat roof and the plant, with flats 12, 13, 14 and 15 being located on floor 2 directly above.

Design and Appearance

- 9.6. The proposed development includes the installation of an acoustic enclosure around existing rooftop plant equipment on the north eastern corner of the building at first floor level.
- 9.7. The application seeks permission for alterations to the existing roof plant and enclosure.
- 9.8. The site has existing plant within an existing enclosure. The proposal seeks to retain the current plant and enclosure but erect a new bespoke enclosure in and around the existing to provide better sound insulation and reduce noise and vibration currently experienced.
- 9.9. Some of the new sound insulation features would be within the existing structure such as new acoustic louvre walls. The element that would be the most significantly visible would be a new silencer and attenuators positioned on the roof of the enclosure.
- 9.10. The proposal comprises a bespoke acoustic enclosure around the existing plant, positioned inside the walls of the existing enclosure. These elements would therefore not be visible. The enclosure would have new roof panels installed with new silencers and attenuators positioned above, these elements would project 0.8m higher than the existing plant enclosure. All visible elements would be finished in a powder-coated colour matching the existing plant compound, reducing their visual prominence.
- 9.11. The enclosure has been designed as a functional piece of infrastructure and would not appear incongruous within its rooftop setting. While the increased height would result in some additional visibility from neighbouring properties, the structure would remain clearly subordinate to the host building and would not materially alter the overall appearance of the development. Given the siting, it would not be overly dominant in wider views from Davigdor Road.

- 9.12. Given its location, purpose and relationship with the approved building, the enclosure is not considered to result in unacceptable harm to the appearance of the host building or the character and appearance of the surrounding area. The proposal is therefore considered to accord with Policies CP12 and CP15 of City Plan Part One and Policies DM18 and DM21 of City Plan Part Two.

Impact on Amenity

- 9.13. A number of objections to the application have been received from occupiers of nearby residential properties, including flats within the application site. The concerns raised include the impact of the increased height and mass of the enclosure on outlook, sense of enclosure, daylight and sunlight, the proximity of the structure to first-floor balconies, the cumulative effect of this proposal alongside application BH2026/01622, and whether alternative solutions to address the existing plant noise issue have been adequately explored.
- 9.14. No information has been provided by the applicant as to whether alternative locations have been explored. This current application is therefore solely assessing whether the proposed alterations to the existing plant are considered acceptable. Full assessments have been made of the plant remaining in the current location.
- 9.15. The proposed enclosure would increase some of the height of the existing rooftop plant area by approximately 0.8m and would result in a greater degree of visibility when viewed from neighbouring flats that overlook the relevant part of the first floor flat roof. In particular, residents of several first and second floor flats within Gradino Apartments have expressed concerns that the structure would be visible from habitable room windows and private balconies and would contribute to a greater sense of enclosure.
- 9.16. These concerns are acknowledged. However, the enclosure would be located on an existing flat roof already occupied by plant equipment and associated screening. Whilst its height would slightly increase, the development would remain confined to the roof area and would not introduce a new building element at this level. It is considered that the proposal would not result in an overbearing form of development or an unacceptable loss of outlook sufficient to warrant refusal.
- 9.17. Residents have also raised concerns regarding the cumulative impacts of this proposal when considered alongside the current application at Palmer and Harvey House (BH2026/01622), particularly in relation to daylight, sunlight and enclosure. These matters have been carefully considered as part of the assessment of both applications. Whilst the enclosure would result in some additional obstruction of views across the roof area, it is not considered that its scale or siting would result in a material loss of daylight or sunlight to neighbouring occupiers. Furthermore, the harm to outlook is balanced against the fact that the proposed enclosure has a specific functional purpose in mitigating noise from the existing plant and is considered proportionate to addressing an identified amenity concern.

- 9.18. In terms of noise and disturbance, the Environmental Health Officer has confirmed that the existing heat recovery units have generated complaints from nearby residents and that the proposed acoustic enclosure is capable of delivering a substantial reduction in noise levels. Following consideration of representations from local residents and a review of the submitted acoustic evidence, the Environmental Health Officer raises no significant objections and advises that the proposal would provide a significant improvement to the existing impacts, subject to conditions requiring installation of the enclosure, post-installation verification testing, retention of noise and vibration mitigation measures and controls over operating hours.
- 9.19. While concerns have been raised regarding vibration, the selection of acoustic receptors, plant directivity and alternative locations for the plant equipment, the Environmental Health Officer has concluded that these matters can be appropriately addressed through the recommended planning conditions and verification process.
- 9.20. Subject to the recommended conditions, the proposal is not considered to result in unacceptable harm to the living conditions of neighbouring occupiers to such an extent to warrant refusal and is therefore considered to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

Biodiversity Net Gain

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

Conclusion

- 9.23. The enclosure would marginally increase the height and massing of the existing plant area however no significant harm to the appearance of the development or to neighbouring amenity are considered to result from the proposal subject to the recommended conditions. The works are required to mitigate the noise impacts associated with the plant serving the building and considered to be in accordance with the Brighton and Hove City Plan Part One and City Plan Part Two.

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.