

<u>No:</u>	BH2023/02622	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Tennis Courts Hove Park Old Shoreham Road Hove BN3 7BF		
<u>Proposal:</u>	Erection of single storey timber pavilion adjoining tennis courts with associated landscaping.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	02.10.2023
<u>Con Area:</u>	None	<u>Expiry Date:</u>	27.11.2023
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	13.12.2023
<u>Agent:</u>	Harp And Bright Ltd 64 Byron Street Hove BN3 5BB		
<u>Applicant:</u>	Hove Park Tennis Alliance Tennis Courts Hove Park Old Shoreham Road Hove BN3 7BF		

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	1040/1.001	A	18 October 2023
Proposed Drawing	1040/2.001	A	18 October 2023
Proposed Drawing	1040/2.002	A	18 October 2023
Proposed Drawing	1040/2.003	B	27 October 2023
Arboricultural Report	NJC2084	-	25 September 2023
Proposed Drawing	NJC2084_02_1 30923	-	25 September 2023

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

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

3. No 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.

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 CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM18 and DM28 of the Brighton & Hove City Plan Part Two.

4. Prior to the use of the development hereby permitted, and notwithstanding the approved drawings, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
 - b) a schedule detailing sizes and numbers/densities of all proposed trees/plants including 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 measures that have been taken to ensure the building is accessible for persons of all abilities;

The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area; to ensure that the development is accessible for all persons; and to comply with policies CP10, CP11, CP12, CP13 and CP15 of the Brighton & Hove City Plan Part One; and DM18, DM22, DM28, DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

5. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement prepared by Nicholas Jonas Consultants Limited are in place. The protection measures shall be retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP15 of the Brighton & Hove City Plan Part One, DM22, DM28 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roof and green wall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roof and wall shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

7. Within six (6) months of first use 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.

8. Prior to first use of the development hereby approved, details of the photovoltaic array as shown on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first use of the development hereby permitted and maintained in place thereafter.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8 and CP12 of the Brighton & Hove City Plan Part One, and DM44 of the Brighton & Hove City Plan Part Two.

9.
 - (i) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority for approval in writing within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in advance and in writing with the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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 to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than

sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the Defra Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.

3. 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>
4. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).

2. SITE LOCATION

- 2.1. The application site is an area of land within the locally listed Hove Park, located on the northern side of Old Shoreham Road (the A270). The site is adjacent to seven tennis courts provided towards the southern end of the park. It is a grassed area of approximately 580m² in area located to the south of The Pavilion Tea House, and is currently home to two table tennis tables and a small hornbeam tree. It is designated Open Space, a Nature Improvement Area, and within an Archaeological Notification Area.

3. STATEMENT OF SIGNIFICANCE

- 3.1. Formerly part of the Stanford Estate and used for market gardening and agricultural land, the land forming Hove Park was purchased by Hove Borough Council for use as a public park on 30th October 1899. The southern part of the park was officially opened on 24 May 1906 with further sports facilities and a drinking fountain added by 1908. Works to the northern half of the park continued over the next decade. The designs had to respect The Droveaway, which formed an ancient droving route across the area.
- 3.2. The sports facilities are focussed to the south of the park, with grassed areas and mature trees to the north. Along Old Shoreham Road, there is a terracotta structure housing a plaque to commemorate the opening of the park. In the southwest corner is the 'Goldstone'. It likely formed an outlier to a stone circle in the area and was known as a 'Druidical stone'. It was re-erected in its current location having been buried for many years. The pavilion dates from 1925, originally containing a café, dressing rooms and toilets. Wooden fencing surrounding the site was removed in 1937 in order to make the park more

accessible. The miniature railway opened in 1951 (formerly at Withdean Olympic Stadium).

4. RELEVANT HISTORY

- 4.1. **BH2022/02299** Erection of single-storey timber pavilion adjoining existing tennis courts incorporating covered terrace, cycle storage, associated landscaping and fencing. Refused for one reason:

“The proposed development will result in the loss of a Council-owned White Mulberry tree due to it creating an unacceptable accumulation of development around said tree (detrimentally impacting on its root system) and requiring significant pruning. Loss of this tree would represent harm to the visual amenities of the area and local biodiversity, contrary to policies CP10 and CP13 of the Brighton & Hove City Plan Part One, and DM22 and DM37 of the Brighton & Hove City Plan Part Two.”

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2017/02805 - The Pavilion Tea House** Erection of single storey cafe to replace existing cafe (A3), including w.c. facilities and external covered seating. Approved

6. APPLICATION DESCRIPTION

- 6.1. Planning permission is sought for the erection of a detached pavilion building featuring a green roof design and canopy and raised decking around three of its sides. The building would provide a seating area, a W/C, storage space, and a refreshment area for users of the tennis courts and football pitches. External materials include timber cladding, with a section of green wall on the north façade, and aluminium fenestration. The building is designed to be wheelchair accessible, and a solar panel array sits atop the green roof. Also included in the proposed development is an area of biodiverse planting on the west side of the building, replacing a grassed patch of land approximately 33m² in area.

7. REPRESENTATIONS

- 7.1. Fifty (50) representations have been received, objecting to the proposal on the following grounds:
- Potential impact on the health of nearby trees
 - Potential cumulative impact of the proposed development and the extant permission at the café.
 - The pavilion is too large.
 - A pavilion should only be permitted as part of a park-wide masterplan.
 - Loss of Open Space
 - Loss of view across the park.
 - Lack of 3d images in the submitted information.
 - Increased congestion on pathways from additional footfall.

- Insufficient public consultation - not in accordance with Statement of Community Involvement 2015.
 - The previous location assessed under application BH2022/02299 should be re-assessed.
 - The building will be used only by a small section of the community.
 - Disruption during the construction process.
 - Loss of light/overshadowing
 - Too much building work close to dwellings.
 - Loss of table tennis facilities
 - Cost to the Council from water and electricity used by the pavilion.
 - The Council should be providing better public toilets.
 - The pavilion would be an eyesore.
 - Lack of information on long-term maintenance
 - The biodiversity checklist is uncredited.
 - Existing buildings should be utilised instead of building new.
 - The proposed development could set an undesirable precedent.
- 7.2. A petition has been received with two hundred and six (206) signatures, objecting to the proposed development on the ground of its location.
- 7.3. Eighty-three (83) representations have been received, supporting the proposal on the following grounds:
- Improved sports facilities
 - Improved toilet and changing facilities.
 - The pavilion is well designed.
 - Biodiversity improvements are included in the design.
 - No trees are proposed to be lost.
 - The pavilion is wheelchair accessible.
 - The table tennis tables are to be relocated, not removed.
 - The space is not currently used for children's play.
 - There is plenty of other space that children could play in.
 - The pavilion would not block views to most of the tennis courts from the café.
- 7.4. Three (3) representations have been received, making the following comments on the proposal:
- One building conjoining the café and tennis pavilion uses would be preferred.
 - Clarification is required on whether the toilet facilities will be open for use by all members of the public, and what the opening hours would be.
 - Having a privately accessible toilet is likely to lead to conflict.
 - Windows may be subject to vandalism.

8. CONSULTATIONS

8.1. Arboriculture - Verbal **No Objection**

No Objection, subject to the power and water supplies being as shown on the proposed plans, and subject to the tree protection measures proposed in the Arboricultural Method Statement being implemented.

8.2. **Brighton and Hove Archaeological Society Comment**

The proposed development lies close to the location of a possible Roman site, indicated by finds of pottery and roofing tile. Hove Park has also had finds of Neolithic flintwork.

8.3. **City Parks - Verbal Support**

8.4. **County Archaeology No Objection, subject to conditions**

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

8.5. **Heritage No Objection**

The proposed position for the pavilion will add to the existing cluster of park buildings and is considered appropriate. There is no objection to the overall form of the structure or the proposed natural timber cladding. It is considered that the provision of the building will support the continued use of the park for sports activities which is identified as part of the park's significance and the heritage team therefore considers that the proposal is appropriate.

8.6. **Sports Facilities - Verbal No Objection**

8.7. **Transport No Objection, subject to conditions**

The proposed development should provide a minimum of two Sheffield cycle stands, secured by condition, in the interests of encouraging active travel to/from the site.

9. MATERIAL CONSIDERATIONS

9.1. 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.

9.2. 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);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

10. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP8	Sustainable Buildings
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP15	Heritage
CP16	Open Space
CP17	Sports Provision

Brighton & Hove City Plan Part Two (CPP2)

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM31	Archaeological Interest
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
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11. CONSIDERATIONS & ASSESSMENT

- 11.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development; and the potential impacts on the amenities of local residents and park visitors; on highway safety; on biodiversity; and on the historic significance of Hove Park as a locally listed heritage asset. A site visit was undertaken in October 2023.

Principle of Development

- 11.2. The application site lies within Hove Park which is designated Open Space and proposes improved Sports Provision; therefore, policies CP16 and CP17 of the CPP1 are relevant.
- 11.3. Policy CP16 states:
“Planning permission resulting in the loss of open space...will only be granted where: The proposed development is ancillary to the use of the open space and will result in only a small loss of open space, provides improvements to and better use of the remaining space and optimises public access;...”
- 11.4. Policy CP17 supports the provision/enhancement of sports facilities, including the following:
“To facilitate the council's aspiration to increase participation in sports and physical activity, the council will safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces through the following:
- ...
2. *Require [sic] the retention, seek the enhancement and more effective use of existing indoor and outdoor sports facilities and spaces in accordance with the Sports Facilities Plan and the Open Space, Sport and Recreation Study and subsequent approved revisions, audits and strategies...*
 5. *Require [sic] new development to contribute to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates...*
 6. *New sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards, optimise their accessibility and affordability to all users, including the local community and visitors. Proposals should seek to improve the variety of provision in the city and increase participation in sport and physical activity, especially from sectors of the community currently under represented.”*
- 11.5. The proposed development would result in the loss of approximately 136m² of grassed space within Hove Park to provide the footprint of the building and accessway, and a further 32m² to be relandscaped with a variety of planting.
- 11.6. Concerns have been raised that the wider area (the 580m² between the café and the tennis courts) is used by visitors to the café to sit and play with children, or watch tennis. The proposed development would maintain approximately 412m² (or 71%) of the existing space, which could continue to be used for this purpose, including the areas closest to the café itself. It is therefore considered that the space would remain usable for informal recreation and public amenity, and also noted that there is significant open grassed space in the wider surroundings for such use.
- 11.7. It is considered that the development would enhance sports facilities in Hove Park by providing storage, refreshment and toilet facilities and an internal seating area. The benefits to the sports offer within the park is considered to be more significant than the minor harm caused by the loss of part of the grassed

area in this instance, and there is therefore no conflict with CPP1 policies CP16 and CP17.

- 11.8. The existing table tennis tables would be required to be relocated elsewhere within the park; the City Parks team is able to manage these works outside the scope of this application.
- 11.9. Concerns have been raised that the proposed development would be used by only a small section of society. However, it is designed to serve users of the publicly-available tennis courts and football pitches which is considered a significant enough userbase to warrant a development of this scale.

Design and Appearance

- 11.10. The proposed building is similar in scale to the existing two buildings in this area of the park, namely the café, and the health and fitness centre/public toilets. It would be single storey in height with a flat roof form, reducing its visual profile. Lightweight external materials such as timber cladding are considered suitable for this location, and the features such as green roof and wall will soften the appearance of the structure.
- 11.11. The original scheme has been amended to enliven the north and west elevations, which would be the most prominent as viewed from the closest pathway, and it is considered that the appearance of the development would be acceptable. Improvements to the design included the installation of a living green wall on the northern elevation, and alternating materials on the west elevation. Planning conditions would be attached to any permission granted, requiring further details on all external materials, including the specifications for the green wall and roof, to guarantee design quality.
- 11.12. Concerns have been raised that the proposed development would cause a loss of views of the tennis courts for café patrons. The development would impede some views of courts 1-3 from the seating area in front of the café but as views are not a material consideration this cannot be given weight.
- 11.13. Concerns have been raised that no information on the long term maintenance plan for the building has been submitted. This information is not typically required as part of a planning application; the Council has powers to ensure that the appearance of the building would not degrade over time to the extent that it harms the visual amenities of the power, so concerns over maintenance for a scheme of this scale would not justify reason to withhold permission.

Impact on Heritage Assets

- 11.14. Hove Park is a non-designated heritage asset; the southern half of the park has been in use for sports-related activities since as early as 1908 and remains in such use to this date. Given the developed setting of the proposed development (i.e., adjacent to tennis courts and nearby to several other buildings) and its use to support sports functions, it is considered that it would have a neutral impact on the historic significance of Hove Park.

- 11.15. The proposed development is a sufficient distance from the Engineerium Conservation Area (and the listed buildings within it) that it should have a neutral impact on the historic significance of these designated heritage assets.

Impact on Amenities

- 11.16. The proposed development is single storey in height, and it is not considered that the shadow it would cast would be significantly harmful to park users; the LPA holds no concerns in this regard. It has been asserted that it would reduce the light to the seating area in front of the café but given the scale of the development and the separation between it and the seating area (approximately 14m) the potential harm in this regard is considered limited.
- 11.17. The proposed development is not considered likely to significantly increase activity or noise output from the park around the tennis courts that is likely to impact on the amenities of park users or the occupants of the closest residential dwellings (approximately 70m to the west on Park View Road) so concerns raised through public consultation are not shared by the LPA. The new development would also not be highly visible from Park View Road so would not impact on residents in this regard.
- 11.18. The potential impact caused by the building work itself is not a material planning consideration to be given any weight in the assessment of the proposal. Although some level of disruption is very likely, this would be in the short-term only and is not reason to withhold planning permission. The development site is approximately 70m from the closest dwellinghouses (on Park View Road); given the scale of the construction significant disruption to residents is not anticipated.

Impact on the Public Highway

- 11.19. Concerns have been raised that the proposed development would result in congestion within the park. Due to the scale of the development and its use associated with the existing tennis courts it is not anticipated that it will lead to a significant increase in foot traffic that existing infrastructure would be unable to accommodate; the Local Highway Authority has also not objected to the development.
- 11.20. The Local Highway Authority has requested that secure cycle parking should be part of the proposal in the interest of encouraging trips to and from the site by sustainable means. In this instance it is considered that the benefits of cycle parking need be weighed against the loss of more open space for cycle parking and the necessary access. Given the public location and high foot traffic in the area it would also be undesirable to site the cycle parking on the north or west sides of the development where parked cycles would be less visible and more vulnerable to theft or vandalism. There would also be significant value in providing a larger communal cycle parking bank that could serve a wider array of park users, rather than a piecemeal approach. In this instance, therefore, it is not considered essential for cycle parking to be secured as part of this proposal.

Biodiversity

- 11.21. The proposed development includes significant biodiversity improvements within the immediate area. The existing land is grassed and offers limited

biodiversity; the development features a biodiverse roof, a green wall, and an area of approximately 32m² of biodiverse planting which itself would include silver birch trees. These are all welcome features of the development; further details shall be secured by condition to ensure that biodiversity enhancements are maximised.

- 11.22. It has been asserted in the representations received that the Biodiversity Checklist is uncredited so cannot be taken into consideration; the LPA has not been presented with reasonable grounds to doubt the findings of the document. The development is a single storey building erected upon a grassed area; it is not anticipated to have any significant impact on existing local biodiversity.

Arboriculture

- 11.23. The proposed development is in close proximity with two trees: a small Hornbeam and a large Sycamore. The development does not intrude into the root protection areas of either tree; it is not considered that there would be any significant impact on the health of either tree. A scheme for the protection of both trees (including temporary fencing and a construction inclusion zone) has been submitted and is considered to be sufficient to maintain the health and safety of the trees. Development in accordance with the tree protection plan shall be secured by condition.

- 11.24. The cumulative impact of the proposed development and the extant permission BH2017/02805 has been questioned in the representations received. As abovementioned, the proposed development does not impact on the root protection areas of either of the closest trees so there should be no cumulative impact.

- 11.25. It has been stated in the representations received that the area of the refused application BH2022/02299 should be reviewed. Said application was refused by the Planning Committee in accordance with the case officer's recommendation due to the anticipated loss of a tree on the site; the LPA has not been presented with any evidence that the situation has changed in this regard since that decision was issued in February 2023, so a review of the acceptability of the previously proposed site has not been justified.

- 11.26. It has also been stated in the representations received that loss of trees should be considered acceptable since they can be replaced. This view is not shared by the LPA; best practice is to retain existing trees and design around them, rather than replacing them with immature specimens that will take years to mitigate the loss to biodiversity caused by the removal of mature trees.

Sustainable Drainage

- 11.27. A soakaway just east of the proposed building is shown on the Proposed Site Plan. Given the relatively modest scale of the proposed development and its presence in the middle of a grassed area, it is not anticipated that it will constitute any significant flood risk; however, further details will be required by condition as part of a wider landscaping scheme to ensure the development is sustainable in this regard.

Sustainability

- 11.28. The proposed development includes a solar panel array on its rooftop, which will generate clean renewable energy; this is welcomed in principle and shall be secured by condition. A condition shall be included with any permission granted that the development achieve a minimum BREEAM New Construction rating of 'Very Good', in order that it meets the LPA's sustainability targets.

Other Considerations

- 11.29. It has been asserted in the representations received that the Council has not advertised the scheme in accordance with its Statement of Community Involvement 2015, stating that public meetings should have been held; however, the section of the Statement that has been referenced details voluntary measures that developers are encouraged to undertake for major applications, and so is not relevant to the current scheme. The LPA advertised the scheme in accordance with the Statement: letters were sent to adjacent residential dwellings; public notices have been displayed in the park; and the application was displayed on the Council website on the weekly list.
- 11.30. The site lies within an archaeological notification area; the County Archaeologist has confirmed that they have no concerns with regards to the proposed development, subject to a condition requiring a programme of archaeological works.
- 11.31. Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area.
- 11.32. Concerns have been raised that the Council would be paying utility bills for the development; this not been confirmed and furthermore is not a material planning consideration. Likewise, the opinion that the Council should provide better public toilets is not a material consideration for this application.
- 11.33. Whether the new W/C facilities will be open to the general public has been raised as a concern; however, this is not a material planning consideration, and the close proximity of existing public toilets to the site is noted .
- 11.34. It has been alleged that the proposed development may be vandalised; there is inherent risk with all development, particularly in public areas, but this would not be reasonable grounds to refuse planning permission.
- 11.35. The application has been critiqued by members of the public for not including predictive 3D images; this has not prejudiced the LPA's ability to assess the planning merits of the proposal.

Conclusion

- 11.36. The proposed development would improve the sports facilities offer within Hove Park by providing storage, seating, refreshment and W/C facilities for use by the tennis court and football pitch users. The loss of a contextually small area of

open space is considered to be justified in this instance. The development is considered to be well-designed in terms of appearance and is not anticipated to have any detrimental impact on the amenities of local residents or park users. The development has been designed in a manner that will safeguard existing trees around the site and improve local biodiversity.

12. EQUALITIES

- 12.1. The building would include a ramped access and level thresholds so would be fully accessible by wheelchair, including the WC.