

Report to	<b>Planning Committee</b>
Date	<b>15 March 2012</b>
By	<b>Director of Planning</b>
Local Authority	<b>Brighton and Hove City Council</b>
Applications	<b>BH2011/03861</b>
Application	<p><b>Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732.</b></p> <p><b>Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people".</b></p> <p><b>Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to remove reference to the minimum of 2000 car parking spaces and increase the maximum number from 2200 to 3000 and to read as follows - "The Stadium shall not be brought into use unless and until details of arrangements for car parking for a maximum of 3,000 cars at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium have been submitted to and approved by the Local Planning Authority and the said car parking provided. No Outdoor Event for which these parking spaces are required in accordance with the Travel Management Plan shall take place unless such parking spaces are available for use by persons attending the said Outdoor Event. The total number of car parking spaces to be provided for Outdoor Event traffic shall not exceed 3,000 within 1.5km of the Stadium."</b></p>
Address	<b>American Express Community Stadium, Village Way, Brighton</b>
Purpose of Report	<b>The South Downs National Park Authority has been consulted as a neighbouring authority therefore the purpose of this report is for Members to consider comments to be submitted to Brighton and Hove City Council, the determining Planning Authority.</b>

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**Recommendation: It is recommended to advise Brighton and Hove City Council that the South Downs National Park Authority recommends conditions, which upon being addressed there would be no objection, for the reasons set out in paragraph 6 of this report**

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## **1. Introduction**

- 1.1 A planning application seeking to increase the capacity of the American Express Community Stadium (AMEX), vary the previously imposed parking conditions and make physical alterations to the stadium is currently under consideration by Brighton and Hove City Council, the Planning Authority for the area in which the site is located. The South Downs National Park Authority (SDNPA) has been consulted as the adjoining Planning Authority.

## **2. The Site and Proposal**

- 2.1 The application site comprises the AMEX Stadium, located on Village Way near Falmer, and several pockets of land around the stadium including land at the University of Sussex and Brighton Aldridge Community Academy (the former Falmer High School).
- 2.2 The stadium is located to the south of, and adjacent to, the A27 with access gained from the B2123 (The Drove) to the east of the site. The University of Sussex is located immediately to the north of both the stadium and A27 whilst Brighton Aldridge Community Academy is located to the immediate south of the A27 and immediate west of the stadium.
- 2.3 The site lies outside of, but encompassed by, the National Park (NP) forming part of an undesignated finger of land protruding north-east from Brighton terminating at the northern boundary of the University of Sussex. Therefore, whilst none of the site lies within the National Park (NP), it is within 0.25km of the Park at several points along the application site boundary. As such, match-day highway congestion, travel disruption and unauthorised parking can often occur close to, or in, the NP.
- 2.4 The application seeks the variation of conditions 39 and 43 of BH2001/02418 (attendances) and 35 and 38 of BH2008/02732 (parking). If permitted this would result in two changes: the capacity would be able to increase from 22,500 to 30,750 by 'filling in' the corners of the stadium and constructing the internal upper section of the east stand; and enable the total number of event day car parking spaces within 1.5km of the stadium to increase to 3,000 (with no minimum) up from a maximum of 2,200 and a minimum of 2,000.
- 2.5 The application also seeks a number of minor physical alterations to the exterior of the stadium. These include a glazed entrance at ground floor level to the south stand, the introduction of ten ribbon windows to the south stand, four new doors and the replacement of a metal door with a glazed door.

## **3. Relevant Policy Context**

- 3.1 The following national policy documents are relevant to this application:
  - PPS1 Delivering Sustainable Development
  - PPS4 Planning for Sustainable Economic Growth
  - PPG13 Transport
  - PPG17 Planning for Open Space, Sport and Recreation
- 3.2 The Government published a consultation draft National Planning Policy Framework (NPPF) on 25 July 2011. As it is a consultation draft, and therefore subject to change, it can be given little material weight in consideration of this application.
- 3.3 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area in the South East Plan and the Brighton and Hove Local Plan 2005.
- 3.4 The South East Plan was adopted by the Secretary of State on 6 May 2009. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the Plan remains part of the development plan at this time but the intention to revoke could be a material consideration. Under the Localism Act 2011, the Government may by order revoke all or part of the Regional Spatial Strategies. Presently, no such order has been made, and as such the South East Plan still forms part of the development plan and is a material consideration in decision making. The following policies are relevant to this application:
  - C2 The South Downs
  - CC1 Sustainable development
  - CC6 Sustainable Communities and Character of the Environment
  - CO5 Transport
  - T1 Manage and Invest
  - T4 Parking
  - T5 Travel Plans and Advice
  - TSR3 Regionally Significant Sports Facilities

- 3.5 The following 'saved' policies in the Brighton and Hove Local Plan 2005 are relevant to this application:
- TR1 Development and the Demand for Travel
  - TR2 Public Transport Accessibility and Parking
  - TR4 Travel Plans
  - TR7 Safe Development
  - TR18 Parking for People with a Mobility Related Disability
  - TR19 Parking Standards
  - SU9 Pollution and Noise Control
  - SU10 Noise Nuisance
  - QD1 Design – Quality of Development and Design Statements
  - QD Landscape Design
  - QD17 Protection and Integration of Nature Conservation Features
  - SR16 Major Sporting and Recreational Facilities
  - SR23 Community Stadium
- 3.6 The following Supplementary Planning Guidance (SPG) is also relevant:
- BH4 Parking Standards

#### **4. Relevant Issues and Assessment**

- 4.1 As a consultee the SDNPA does not have access to all the consultation responses and third-party comments supplied to and held by Brighton and Hove City Council. Therefore, the purpose of this consultation response is to assess and highlight the impact of the application upon the purposes and duty of the National Park and, in particular, the impact upon the landscape of the South Downs National Park and its setting in accordance with the first purpose.
- 4.2 The SDNPA recognises the incremental socio-economic and tourism benefits the stadium fosters both for Brighton and the NP. However, there are two key issues that require reassurance: the physical alterations to the stadium and their impact; and the impact that the increased capacity, and subsequent requirement for additional parking and pressure upon infrastructure, will have upon the landscape of the adjacent NP.
- 4.3 The increased seating capacity will be achieved through a number of internal alterations that were factored into the initial stadium design and, as such, the expansion will have little external impact. Nonetheless, there are a number of external physical alterations to the stadium to improve both legibility and access. However, these are modest in number and minor in scale and will have no significant impact upon the setting of the character and landscape of the NP.
- 4.4 The SDNPA welcomes the applicant's intention to promote sustainable modes of transport, in particular bus and rail modes, and any increase in parking should be minor and in proportion to the additional capacity sought to limit any landscape impact upon the NP.
- 4.3 The proposal seeks the opportunity for 800 further cars to be parked within 1.5km of the stadium – a circumference that includes a significant element of NP. However, it is acknowledged that any land that does not currently have planning permission to be utilised as parking would require expressed consent to do so and this application would not, in itself, grant such permission. The SDNPA do not currently consider that any significant parking provision within the NP would be compatible with the SDNPA's purposes and duty.
- 4.4 The applicant's intention is for the additional 8,250 supporters to access the stadium primarily through rail (Falmer Station) and park and ride (Mill Road, Mithras House and Racecourse) transport modes with the additional car parking spaces only servicing a small element of the additional capacity. However, problems have already been highlighted by Network Rail regarding the capacity for additional passengers at Falmer Station (due to the short platform length) and by the Highways Agency regarding congestion on the A27. This is likely to put additional pressure on the need for parking.
- 4.5 The additional parking, therefore, is proposed to be achieved through maximising existing and consented opportunities at neighbouring facilities, which the applicants transport study

demonstrates are currently underutilised. The applicants contend there is existing unused capacity for 400 car parking spaces (equivalent to 1,240 people) at the University of Sussex, 111 spaces (300 people) at Brighton Aldridge Community Academy and 70-100 spaces (190-270 people) at the temporarily consented Bennett's Field Car Park. This would therefore cater for between 770 and 800 additional car parking spaces. If this is not realised there is also the opportunity to take up an additional consented (but not yet implemented) 1,000 spaces at Brighton Aldridge Community Academy.

- 4.6 Given the ability to facilitate the increased demand for parking within the existing parking stock available to the stadium it is not considered that approval of the application would lead to undue pressure to seek consent for new parking areas. As such, there is likely to be little landscape impact upon the setting of the NP from either the intensified use of the existing parking or pressure to consent parking within the NP as a result of this application.
- 4.7 However, the proposal would result in an intensification of usage of the site and this would lead to pressure on the local highway network and the A27. The SDNPA would consider that appropriate highway management is required to ensure that the proposal does not result in unacceptable highway congestion for those visiting the NP, visual harm to the setting of the NP or harm to the tranquillity, air quality and reputation of the NP.
- 4.8 To manage the above risks the travel plan currently imposed, via planning condition, should be revisited and strengthened to take into account the concerns of the SDNPA in order to ensure that the SDNPA's purposes and duty are adhered to. The travel plan should also be reviewed and revised regularly to ensure that the impact upon the NP is limited and continually reduced over time. In particular, the travel plan should ensure that the stadium operators are actively encouraging sustainable modes of transport – via improving bus and rail infrastructure - and exploring further opportunities to reduce the vehicular and pollution impact upon the NP.

## **5. Conclusion**

- 5.1 Whilst the SDNPA appreciates the principle of increasing the capacity of the stadium, and the socio-economic benefits this will foster, Brighton and Hove City Council are requested to consider the special qualities of the NP and the impact any development would have upon the NP. This is relevant to conditions encouraging sustainable modes of transport and managing traffic flow through the travel plan and educating visitors about the need to both respect and enjoy the NP.

## **6. Recommendations**

- 6.1 It is recommended that the South Downs National Park Authority raise no objection to the principle of the proposed development subject to planning conditions requiring the submission of samples of materials for any new external works to the stadium and the imposition of a travel plan encouraging collaborative working to minimise unauthorised parking, improve the capacity of Falmer Train Station and reduce the carbon footprint of stadium users.

## **7 Crime and Disorder Implications**

- 7.1 It is considered that the proposal does not raise any crime and disorder implications.

## **8 Human Rights Implications**

- 8.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **9 Equalities Act 2010**

- 9.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010

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Appendices 1. Location plan  
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Background Documents  
Application and associated documents for BH2011/03861  
PPS1, PPS4, PPG13 and PPG17  
The South East Plan 2009  
Brighton and Hove Local Plan 2005

