

PLANNING COMMITTEE ADDENDUM Late List & Additional Representations

2.00PM, WEDNESDAY, 7 OCTOBER 2026

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

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63	TO CONSIDER AND DETERMINE PLANNING APPLICATIONS	3 - 16

7th October 2026 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment																																																
25	41 - 44 Western Road Brighton BN1 2EB	BH2024/02608	An additional condition will be added as follows to ensure necessary controls over the type of use: 'The premises shall be used only for purposes falling within Class E(a), E(b), E(c) and E(e) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes within Class E of that Schedule, without the prior written approval of the Local Planning Authority. Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part 2, and to ensure the vitality and viability of the prime retail frontage and to comply with policy DM12 of the City Plan Part 2.'																																																
61	1 Barrack Yard	BH2025/02689	Condition 1 Plans List - Updated to reflect correct plan submission date (bolded for reference): <table border="1"> <thead> <tr> <th>Plan Type</th><th>Reference</th><th>Version</th><th>Date Received</th></tr> </thead> <tbody> <tr> <td>Location and block plan</td><td>001</td><td>B</td><td>13-Apr-26</td></tr> <tr> <td>Location and block plan</td><td>002</td><td>B</td><td>13-Apr-26</td></tr> <tr> <td>Proposed Drawing</td><td>150</td><td>C</td><td>21-Sep-26</td></tr> <tr> <td>Proposed Drawing</td><td>151</td><td></td><td>04-Nov-25</td></tr> <tr> <td>Proposed Drawing</td><td>152</td><td></td><td>04-Nov-25</td></tr> <tr> <td>Proposed Drawing</td><td>153</td><td>B</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>154</td><td>B</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>200</td><td>D</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>004</td><td>B</td><td>13-Apr-26</td></tr> <tr> <td>Proposed Drawing</td><td>210</td><td>D</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>211</td><td>D</td><td>20-Jul-26</td></tr> </tbody> </table> Condition wording changes:	Plan Type	Reference	Version	Date Received	Location and block plan	001	B	13-Apr-26	Location and block plan	002	B	13-Apr-26	Proposed Drawing	150	C	21-Sep-26	Proposed Drawing	151		04-Nov-25	Proposed Drawing	152		04-Nov-25	Proposed Drawing	153	B	20-Jul-26	Proposed Drawing	154	B	20-Jul-26	Proposed Drawing	200	D	20-Jul-26	Proposed Drawing	004	B	13-Apr-26	Proposed Drawing	210	D	20-Jul-26	Proposed Drawing	211	D	20-Jul-26
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			Condition 3: amended trigger point for materials condition submission to be 'prior to external works' (as no new ground floor slab is being installed, which was original trigger point) Condition 8: amended and reduced lighting condition wording to state: <i>Prior to the installation of any external lighting, details of its location, design, levels of luminance, hours of operation and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.</i> This is now considered proportionate to the scale of the development proposed. Condition 11: amended trigger point for drainage condition submission to be 'prior to external works or below ground drainage works' (as no new ground floor slab is being installed, which was original trigger point) Condition 18: amended trigger point for ecological condition submission to be 'prior to external works' (as no new ground floor slab is being installed, which was original trigger point) Condition 25: amended wheelchair and accessible and adaptable dwellings wording to state Unit 3 is the proposed M4(3) unit and all other units, except Unit 5 and 8, shall be M4(2) units. Units 5 and 8 cannot be M4(2) compliant as they have a separate stairs from ground to first floor and no lift access.
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97	Brighton and Hove High School Junior Department, Radinden Manor Road, Hove, BN3 6NH	BH2026/00749	2 further representations received from Councillor Samer Bagaeen maintaining his <u>objection</u>. See full copies appended to this Late List. 4 further representations received <u>objecting</u> to the scheme on grounds covered and addressed within the report, in summary: - How will occupants be vetted; site is close to schools/safeguarding issues - Do residents need support; needs robust management - 47 people not needed to guard/prevent anti-social behaviour - Intensity of use; harm to residential character - Noise and disturbance - Highways safety/congestion - Infrastructure strain Consultee comments received from Transport Team: <u>No objection subject to conditions</u> requiring cycle parking scheme, delivery and service management plan and car park layout/management scheme. Plus permit-free Informative. Officer response: The following conditions are recommended, as per the Transport Team's request, with amendments to ensure they are reasonable and proportionate to the temporary nature of the proposal: Additional Condition: Within 3 months of this decision a Delivery & Service Management Plan (DSMP) shall be submitted to the Local Planning Authority for written approval. All deliveries and servicing arrangements shall thereafter be carried out in accordance with the approved details. The DSMP shall include: -anticipated types and sizes of delivery and servicing vehicles -anticipated frequency and timing of deliveries and servicing -proposed stopping and loading arrangements -measures to manage clusters of deliveries, peak-period deliveries and unsuccessful delivery attempts
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			-confirmation of how vehicles can lawfully stop adjacent to the site having regard to the existing SCHOOL KEEP CLEAR restriction, and evidence to demonstrate whether an amendment to the Traffic Regulation Order to allow loading/unloading is necessary (and evidence of carrying out of that TRO if proven to be required). Reason: In order to ensure the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies DM20, DM40, DM33 and DM36 of the Brighton & Hove City Plan Two. Additional Condition: Within 3 months of approval of the development hereby permitted, a car park layout plan shall have been submitted to the Local Planning Authority for written approval. This shall include details of existing and proposed parking areas and signage (markings and signs) for the management of all forms of parking and stopping as appropriate and details of: - how the 4 parking spaces will be allocated and managed - how vehicles safely and conveniently turn to leave the site in a forward gear - evidence of any provisions for the mobility and visually impaired such as tactile paving The approved parking scheme shall be fully implemented and made available for use thereafter the formal approval by occupants/visitors of the HMO development hereby approved. Reason: To ensure the development provides for the needs of occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of City Plan Part One & DM33 and DM36 of City Plan Part Two. Additional Informative: Restriction of Parking Permits - The Local Highway Authority has assessed this application and determined that the development should not be eligible for residents' parking permits within the Controlled Parking Zone. Details of the development will be passed to BHCC as Traffic Authority to make a Traffic Regulation Order (TRO)
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			following the grant of permission. As part of the TRO process, if you disagree with this categorisation, you will have the right to provide evidence that there is capacity in the surrounding streets for the likely parking demand of this development. For details on how to do this please contact transport.dccapps@brighton-hove.gov.uk National Planning Policy Framework update: The recent NPPF (17/8/26) at DM8 states: <i>'In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.'</i> In this case, the carrying out of internal works to the school building was brought to the council's attention via enquiries made to the Enforcement Team in January this year. The works themselves did not require planning permission however the owner of the building was advised that planning permission would be required to change the use of the building to HMO use. The applicant initially contested the need for permission for the use however did prepare an application which was submitted on 27th March this year (the current proposal). In the meantime, the HMO use began in early March, so the application was retrospective. In terms of the NPPF, there is no firm or clear evidence that the unauthorised use was intentional or that the council was ignored as the owner was in dialogue with the council from an early stage and did submit the application in a timely way. There is no evidence of any attempt to avoid the planning process or to establish a use in a manner that would create a complex enforcement situation for the Council. It is nevertheless noted that the developer was advised in January of the need for consent and that an application was not submitted in advance of the use
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			commencing. In terms of the current recommendation, it remains officers view that even if additional (substantial) weight were given to the applicant's intention and fact this is a retrospective proposal, this does not sufficiently outweigh the planning balance towards a refusal, given the impacts of the proposal as outlined within the report. It should also be noted that whilst the NPPF is a material consideration, the starting point for assessment of a planning proposal are the policies of the statutory Development Plan.
139	25 Drove Road, Brighton	BH2026/01166	Update to para 9.8 of the report to clarify that the sign at the junction of Warren Road and Drove Road that states 'no motorised vehicles' contains additional text underneath that says 'except for access and Horse Drawn vehicles'. NPPF update The NPPF update with regard to retrospective applications (as set out above) is relevant to this proposal. In this case, in terms of the main equine/residential use (within the National Park), this is a matter for that planning authority (the South Downs National Park) to consider. Whilst there has been a previous refusal of the main use there is no evidence of the applicant's original intentions (within the current application) and it is understood the applicant is in regular dialogue with the SDNPA to regularise matters. In terms of the proposal for Brighton & Hove City Council, namely solely the use of the access, the proposal has been granted permission once before, and an extension to that consent is now sought. It is acknowledged that previous consent has now lapsed, however it can be seen the applicant wishes to swiftly regularise the situation. In terms of the current recommendation, it remains officers view that even if additional (substantial) weight were given to the applicant's intention and fact this is a retrospective proposal, this does not sufficiently outweigh the planning balance towards a refusal, given the limited impacts of the proposal as outlined within the report. It should also be noted that whilst the NPPF is a material consideration, the starting point for assessment of a planning proposal are the policies of the statutory

			Development Plan.



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COUNCILLOR REPRESENTATION

Cllr. Samer Bagaeen

**BH2026/00749 – Brighton And Hove High School Junior Department,
Radinden Manor Road**

27th September 2026:

I am writing to raise serious concerns regarding BH2026/00749 and the unauthorised change of use of the former Brighton & Hove High School Junior Department at Radinden Manor Road from an educational use to a 47-person sui generis HMO.

Having considered the application and the further information submitted by Maddox Planning on 8 July as attached from the Portal, I remain very concerned both about the planning merits of the proposal and about how the unauthorised use has been allowed to commence and continue without planning permission.

There are two distinct issues here and I would be grateful if they could be addressed separately: first, whether this proposal complies with the Development Plan; and second, the Council's handling of the planning breach.

Policy DM9 and the loss of an educational/community facility

The applicant's central argument appears to be that the building is "no longer required for the school's operational purposes".

That is not, in itself, the test in Policy DM9.

The fact that GDST no longer wishes to use this particular building does not demonstrate that the educational/community facility is no longer needed, that suitable alternative provision with sufficient capacity exists, that the building cannot reasonably accommodate another educational or community use, or that there is no current or future demand supported by appropriate marketing.

I therefore want to understand precisely which limb of DM9 officers consider the proposal satisfies and what evidence supports that conclusion.

In particular, what evidence has been provided of active, flexible and appropriate marketing for educational or other community uses? Marketing a valuable site for redevelopment or alternative uses is plainly not the same thing as demonstrating an absence of demand for community use.

This is a substantial, purpose-built educational facility. Its former operator deciding that it no longer requires it cannot, by itself, extinguish its value or status as educational/community infrastructure.

A temporary permission does not resolve the policy conflict

I am also unconvinced by the attempt to recast this as a two-year "meanwhile use".

Temporary development still requires compliance with the Development Plan. Calling the applicant's latest case.

We are told that the building is no longer required for educational purposes and that this supports its temporary loss. Yet the applicant proposes a condition



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requiring the building, at the end of the two-year period, to "revert to its lawful use immediately preceding the grant of this permission".
That lawful use is educational.

If the building can realistically revert to F1 educational use in two years, I struggle to understand an argument that it cannot presently serve an educational or alternative community function. If there is no realistic prospect of such reversion, I question what meaningful planning purpose the proposed condition serves. I would like this contradiction addressed explicitly in the officer assessment.

This is a 47-person HMO

The scale of what is proposed must also not be lost behind references to "property guardians".

This is an application for a **47-person sui generis HMO**. It is not an ordinary shared house and "property guardianship" is a management arrangement, not a land-use category or planning justification.

Forty-seven unrelated adults potentially generate 47 independent patterns of movement, employment, visitors, deliveries, taxis, refuse, outdoor activity and late-night activity. That is materially different from the structured, predominantly daytime and term-time occupation associated with the former school.

I therefore expect a rigorous assessment against DM7 and all relevant amenity, transport, waste, residential quality and neighbouring amenity policies.

The existence of a Head Guardian, monthly inspections, an app or a management company does not answer those land-use questions. Planning permission runs with the land. The Committee must consider whether a 47-person HMO is acceptable here, not whether officers are satisfied with the current operator's management arrangements.

The retrospective application and enforcement history

I am particularly concerned that this material change of use appears to have been implemented before planning permission was obtained.

I recognise that planning enforcement is discretionary and that the Council can invite a retrospective application. That is not the point I am making.

My concern is that an unauthorised material change of use involving residential occupation by up to 47 people appears to have commenced and then continued while the planning merits remained unresolved.

I therefore need a clear chronology of the enforcement position.

Please confirm:

1. when officers first became aware that residential occupation of the former school had commenced;
2. when the Council considers the material change of use to have occurred;
3. whether an enforcement case was opened and, if so, when;
4. what investigation and assessment was undertaken;
5. whether officers concluded that a breach of planning control had occurred;
6. what consideration determination of the retrospective application; and
7. what action will now be taken if permission is refused.



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This matters because the applicant must not acquire a planning advantage from having implemented the development first.

The application should be assessed as though the unauthorised change of use had not occurred. The fact that people are now living in the building cannot be allowed to turn the application into a fait accompli or create an implicit argument that permission should be granted because unwinding the situation would now be difficult.

That would invert the proper operation of the planning system.

I would therefore also appreciate explicit confirmation that **no positive weight is being afforded in the planning balance to the fact that the HMO has already been established or that residents are already in occupation.**

Information required before determination

Before this application is determined, I would like officers to provide a clear response on:

- the specific DM9 test relied upon and the evidence demonstrating compliance with it;
- evidence of marketing for educational and other community uses;
- evidence concerning current and future demand for such accommodation within the city;
- whether officers have independently assessed the suitability of the building for continued F1 or alternative community use;
- the maximum number of people presently occupying the property;
- the maximum number proposed;
- the assessment against DM7, including the cumulative effects associated with a 47-person HMO;
- the enforcement chronology and reasons for the approach taken; and
- confirmation that the existing unauthorised occupation will not influence the assessment of the acceptability of the proposed use.

At present, I cannot see that the applicant has demonstrated compliance with DM9 simply by establishing that GDST itself no longer needs the building. Nor do I consider that describing the proposal as a temporary "meanwhile use", or pointing to the benefits of property guardianship, answers the fundamental Development Plan questions.

There is also a wider issue of confidence in the planning system here. Residents are entitled to expect that substantial material changes of use obtain planning permission before they take place. Where that does not happen, they are entitled to understand what the Council did about it and to be reassured that carrying out development first does not confer an advantage when permission is subsequently sought.

I would therefore be grateful for a substantive response to these points before BH2026/00749 is determined, even if a further delay to planning committee is necessary in this instance.

I would also ask that this email is placed on the application file as my formal ward councillor representation and that the application is not determined until then.



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Cllr. Samer Bagaeen

**BH2026/00749 – Brighton And Hove High School Junior Department,
Radinden Manor Road**

1st October 2026:

The officer's recommendation is not supported by the evidence or the development plan. The report acknowledges direct conflicts with Policies DM9, CP21, DM7 and DM44, but repeatedly relies on the scheme's two-year duration and claimed housing benefits to discount them. Temporary permission may affect the weight given to harm; it does not erase policy requirements, cure missing evidence or make an unacceptable use acceptable.

The decisive failures

- Protected community use: there is no marketing, needs assessment or evidence that the former school is redundant or unsuitable for another education, health, childcare, voluntary or community use. The DM9 tests are therefore unmet. A reversion condition cannot guarantee that any community use will return.
- Excessive HMO concentration: the proposal breaches CP21's 10% threshold and conflicts with DM7. A wider-area figure of about 1.4% cannot override the policy's deliberate 50-metre test. Nor can a 47-person HMO credibly be treated as merely "one residential unit" when assessing its local intensity.
- Demonstrated operational harm: this is retrospective, so the Committee has evidence from actual occupation - late-night noise, antisocial behaviour, vehicles and taxis, obstructed access, overflowing bins, poor maintenance and inadequate management. Those reports cannot rationally be displaced by assumptions that future management will work.
- Weak and unenforceable mitigation: "broad accordance" with arrangements in an email is neither precise nor robust. Monthly visits, no guaranteed professional on-site manager, no complaint response times, no escalation process and no clear controls over visitors, taxis, deliveries or smoking do not provide effective safeguards.
- Missing technical evidence: there is no adequate independent noise assessment, parking or servicing evidence, defined refuse and cycle-storage solution, or demonstrated compliance with DM44. The absence of a transport objection is not positive technical evidence, and statutory nuisance powers are not a substitute for preventing harm through planning.

The planning balance is clear

The claimed benefits are limited and unsecured: the use lasts only two years; it contributes one temporary residential unit for housing-supply purposes; affordable rents and key-worker occupation cannot be guaranteed; and 47 occupied rooms have not been confirmed. They do not outweigh four admitted policy conflicts, a substantial breach of the local HMO threshold and evidence of harm already experienced. The 6 Marlborough Place appeal reinforces the central principle: temporary guardianship does not disapply policy or remove the need for the evidence required at the date of decision.

Required decision: under section 38(6), permission should be refused because the material considerations identified do not justify departure from the development plan. The refusal should rest on: loss of protected community accommodation; excessive HMO concentration and intensity; failure to safeguard neighbouring amenity; inadequate parking, servicing, waste and cycle-storage evidence; and failure to demonstrate compliance with sustainability policy. At the absolute minimum, determination should be deferred until robust community-use, noise, management, transport, waste, cycle-storage and energy evidence is before the Committee. The Council should decide on evidence - not grant first and hope that conditions solve acknowledged problems later.