

Planning Committee

Date: **2 July 2025**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Thomson (Chair), Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard (Deputy Chair), C Theobald and Winder

Conservation Advisory Group Representative

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AGENDA

103 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

104 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the meeting held on 4 June 2025.

105 CHAIR'S COMMUNICATIONS

106 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 26 June 2025.

107 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

108 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

Public Speakers Note: Any persons wishing to speak at a meeting of the Planning Committee shall give written notice of their intention to do so to the Democratic Services Officer 4 working days before the meeting (the Committee usually meet on a Wednesday, which means the notice has to be **received by 12 noon the preceding Thursday**).

To register to speak please email Democratic Services at:
democratic.services@brighton-hove.gov.uk

Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak, the 3 minutes will need to be shared, or one person may be elected by communal consent to speak for all.

MAJOR APPLICATIONS

- | | | |
|---|--|------------------|
| A | BH2025/00264 - Brighton College Preparatory School, Walpole Lodge, 2 Walpole Road and Pre-Prep School, Eastern Road, 2 Belle Vue Gardens and 141 & 143 Eastern Road Brighton - Full Planning | 13 - 102 |
| B | BH2023/03293 - 9-12 St Catherines Terrace, Hove - Full Planning | 103 - 130 |

MINOR APPLICATIONS

- | | | |
|---|--|------------------|
| C | BH2025/00889 - The FreeButt, 1 Phoenix Place, Brighton - Full Planning | 131 - 152 |
| D | BH2024/01962 - 63 Lyminster Avenue, Brighton - Full Planning | 153 - 170 |

INFORMATION ITEMS

- | | | |
|------------|--|------------------|
| 109 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

(copy attached). | 171 - 172 |
|------------|--|------------------|

110 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

111 APPEAL DECISIONS

173 - 178

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes (01273 290569, email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 JUNE 2025

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cattell, Earthey, Nann, Parrott, Robinson, Shanks, Sheard, C Theobald and Winder

Apologies: Councillor Thomson

Officers in attendance: Maria Seale (Planning Manager - Interim), Katie Kam (Senior Lawyer), Charlie Partridge (Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

94 PROCEDURAL BUSINESS

a) Declarations of substitutes

94.1 None for this meeting.

b) Declarations of interests

94.2 None for this meeting.

c) Exclusion of the press and public

94.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

94.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

d) Use of mobile phones and tablets

94.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

95 MINUTES OF THE PREVIOUS MEETING

- 95.1 Councillor Theobald requested that the minutes of 7 May 2025 reflect that regarding planning application BH2024/02729 - Royal Sussex County Hospital, Eastern Road, Brighton, they were noted as mentioning both the height of the proposals and that they considered the previous design to be better. The Democratic Services officer agreed to include the comments in the minutes for 7 May 2025 planning committee.

RESOLVED – That the minutes of the meeting held on 7 May 2025, with amendments, were agreed.

96 CHAIR'S COMMUNICATIONS

- 96.1 Councillor Sheard noted that Councillor Thomson wished to thank Councillor Loughran for their work as the previous committee chair and to Jane Moseley (Planning Manager) who had left the authority. The councillor also wanted to congratulate Maria Seale and Matthew Gest for taking over the role.

97 PUBLIC QUESTIONS

- 97.1 There were none.

98 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 98.1 There were no site visit requests.

99 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 99.1 The Democratic Services officer called the agenda applications to the committee. The following items were not called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation:

- Item B: BH2024/02796: 4/4A Church Place, Brighton
- Item D: BH2025/00150: 31 Wanderdown Road, Brighton

A BH2025/00387 - 182 Old Shoreham Road, Hove - Full Planning

1. The Planning Manager introduced the application to the committee. Maria Seale informed the committee that a further representation had been received, however, the matters covered have already been addressed in the report.

Answers to committee Member questions

2. Councillor Robinson was informed by the highways officer that a review of the site could be undertaken if problems occur.
3. Councillor Theobald was informed that the car park was for all the stores at the retail park. The application would not attract s106 or CIL payments. The applicant confirmed the existing mezzanine floor would be removed as it was not required, and toilets would be provided for customers.

4. Councillor Earthey was informed that the planning committee could only consider the application and not the potential traffic issues that may arise, as no change of use was occurring. It was noted that the store opening hours would not be 24hrs and would be restricted as per the Committee report.
5. Councillor Nann was informed by the Highways officer that the Local Highway Authority would monitor the impact of the store if required.
6. Councillor Robinson was informed that the application did not require a traffic assessment as the use of the site stays the same.
7. Councillor Shanks was informed that there are no limits on the number of supermarkets in the city as competition is not a consideration, but that policy sought to control their location (when permission is required for their use).

Debate

8. Councillor Cattell considered the scheme was basically a change to the shop frontage, and the proposals were a huge improvement.
9. Councillor Nann considered the existing building looked bleak and the proposed works look good. The councillor supported the application.
10. Councillor Theobald welcomed the development and the considered the design to be good with extra glazing. The proposals were also considered good for jobs. The councillor supported the application.
11. Councillor Robinson considered the proposals to be an improvement to the area and the new glazing will be good. The councillor supported the application.
12. Councillor Winder considered the existing building to be shabby and the proposals to be an improvement. The councillor supported the application.
13. Councillor Earthey supported the application.

Vote

14. A vote was taken, and the committee agreed unanimously to grant planning permission.
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

B BH2024/02796 - 4/4a Church Place, Brighton - Full Planning

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

C BH2025/00363 - Hanover Crescent Enclosure, Brighton - Full Planning

16. The case officer introduced the application to the committee.

Speakers

17. Paul Papadopoulos addressed the committee as an objecting resident and stated that they had legal objections to the proposals, and that the courts stated that the objections must be taken into account. Under 1981 act there is a statutory ban on structures on the enclosure. Only a shed may be erected for maintenance purposes and the application will be in breach. There are no 'get out' clauses. No approval for the proposals has been agreed at the enclosure board annual general meeting. The application is a misuse of private funds. The council own the land, and this is a breach of trust.

18. Martha Turland addressed the committee as a member of the Hanover Crescent committee, the applicant and stated that the scheme had received support by 72% of the committee. The funds used for the scheme would be repaid to the committee in use charges. The proposal was submitted to support cleaner environment. Hanover Crescent currently have no access to on street chargers. The East Sussex 1981 Act should not be part of the consideration process.

19. The legal officer noted that the East Sussex 1981 Act was outside planning considerations and the committee were able to determine the application and that any redress under this Act should be sought outside of the planning application.

Answers to committee Member questions

20. Councillor Shanks was informed by the applicant that the crescent is a private road with no access to parking zone permits. There are 48 parking bays and 42 vehicles currently. The charger will not be for (general) public use only Crescent residents.

21. Councillor Robinson was informed that East Sussex 1981 Act was not a planning issue.

22. Councillor Theobald was informed that the garden area was large and was shown the amount of area lost and the size of the kiosk and electric vehicle charging post.

23. Councillor Cattell was informed that the existing wooden posts on the enclosure were not classed as 'buildings' and would be structures.

24. Councillor Parrott was informed by the applicant that the electric vehicle charger could extended to service more than one vehicle in the future, should that be required.

Debate

25. Councillor Theobald noted that the trees on the enclosure were protected. The proposed electric vehicle charger was good, and most residents supported the scheme. The councillor supported the application.

26. Councillor Robinson considered there was nothing to dislike. There were no charging points currently available, so they supported the application.

27. Councillor Shanks considered the proposals to be a great project, and they supported the application.

28. Councillor Cattell noted the crescent was not in a parking zone and considered the use of the electric vehicle charger would be good.

Vote

29. A vote was taken, and the committee agreed unanimously to grant planning permission.

30. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

D BH2025/00150 - 31 Wanderdown Road, Brighton - Full Planning

1. This application was not called for discussion. The officer recommendation was therefore taken as having been agreed unanimously.

100 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

100.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

101 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

101.1 None for this agenda.

102 APPEAL DECISIONS

102.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 2.54pm

Signed _____ Chair

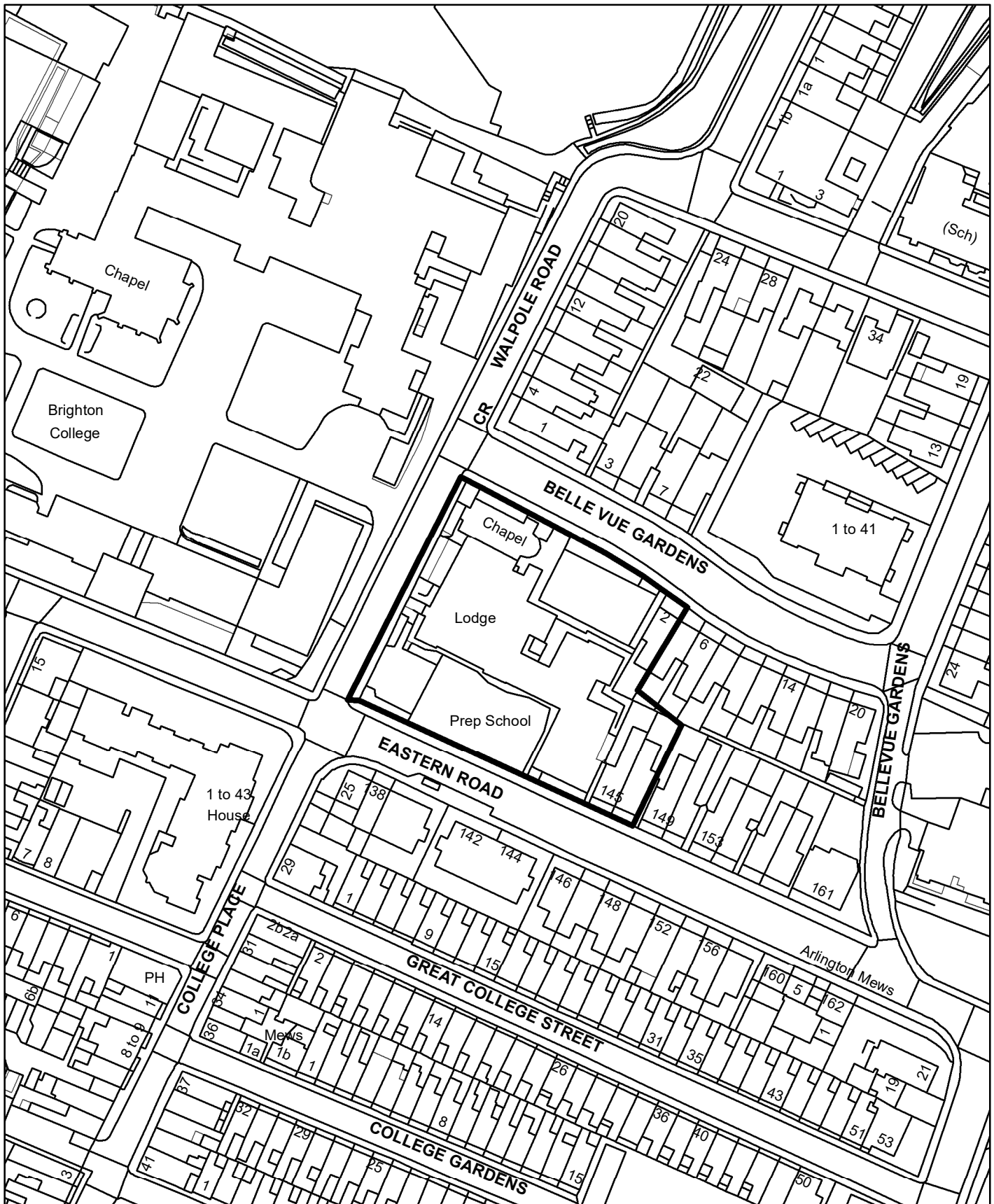
Dated this _____ day of _____

ITEM A

**Brighton College Preparatory School,
Walpole Lodge,
Pre-Prep School Eastern Road,
2 Belle Vue Gardens and
141 And 143 Eastern Road
BH2025/00264
Full Planning**

DATE OF COMMITTEE: 2nd July 2025

BH2025 00264 - Brighton College
(2 Belle Vue Gardens and 141 And 143 Eastern Road site)



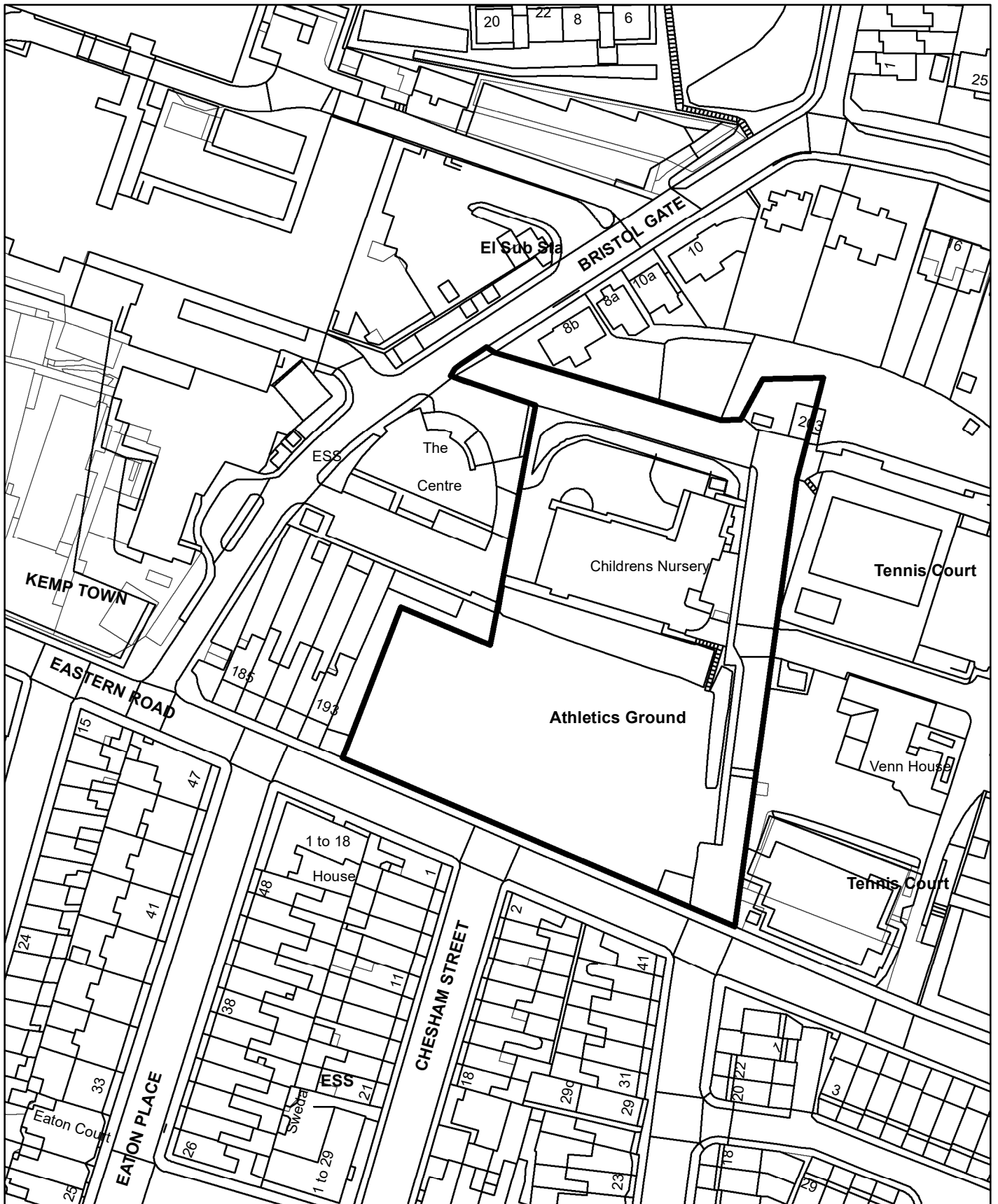
**Brighton & Hove
City Council**

N



Scale: 1:1,250

BH2025 00264 - Brighton College (Walpole Lodge site)



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>rNo:</u>	BH2025/00264	<u>Wards:</u>	Queens Park & Whitehawk and Marina
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Preparatory School Walpole Lodge 2 Walpole Road And Pre-Prep School Eastern Road, 2 Belle Vue Gardens And 141 and 143 Eastern Road Brighton		
<u>Proposal:</u>	(1) Erection of a new teaching building at the St Mary's Hall site including new classrooms, a new multi-use hall with independent access and specialist teaching rooms, associated access, hard and soft landscaping, boundary treatments and other associated works; and (2) Redevelopment of the Convent site, including demolition of 20th century extensions, change of use of existing Prep School to boarding accommodation (Use Class C2), roof extension to the existing building, erection of a new building to provide boarding accommodation for students and associated residential staff, adjoining offices, common rooms, kitchens and support spaces, associated access, hard and soft landscaping, boundary treatments and other associated works including ancillary residential accommodation for the staff at 2 Belle Vue Gardens and 141 and 143 Eastern Road. Attachment of 2no new pedestrian gates to wall and proposed substation structure abutting wall at St Marys site.		
<u>Officer:</u>	Matthew Gest tel. 292525	<u>Valid Date:</u>	11.02.2025
<u>Con Area:</u>	College Conservation Area	<u>Expiry Date:</u>	13.05.2025
<u>Agent:</u>	Lichfields, The Minster Building, 21 Mincing Lane, London, EC3R 7AG		
<u>Applicant:</u>	Brighton College, c/o Lichfields.		

1. EXECUTIVE SUMMARY

- 1.1. Brighton College is an independent boarding and day school for boys and girls aged 3 – 18 years old. The college campus is formed principally of three sites positioned and separated along Eastern Road on the east side of the City.
- 1.2. The College was established in 1845 and is currently providing education to approximately 1800 pupils with the vast majority (1200) from BN postcodes. The

College is a key contributor to the local economy of the City directly employing nearly 700 staff. The College is nationally recognised for the education it provides.

- 1.3. The application is a conjoined proposal relating to two sites along Eastern Road, Brighton; (1) the playing field area south of the existing Brighton College pre-prep school situated in the grounds of the former St Mary's Hall School hereafter referred to as the "St Mary's" site and (2) the existing Brighton College Prep School campus at the junction of Walpole Road and Eastern Road adjacent to the existing main college campus hereafter referred to as the "Convent" site.
- 1.4. The application proposes development at the two sites. A new purpose-built educational building is proposed on the eastern end of the playing field at the St Mary's site to provide a combined campus for Years 1-6. The existing traditional lodge buildings at the Convent site would then be converted solely for use as boarding accommodation and a new purpose-built boarding accommodation block would be erected on the eastern part of the site. The application proposes the demolition of several 20th Century buildings along with proposed new landscaping, tree and shrub planting, revised boundary treatments and associated works to adjacent buildings.
- 1.5. The development has been proposed within a single application as the proposals are inextricably linked with regards to planning policy and other material planning considerations.
- 1.6. The application has received a considerable number of representations of over six hundred in support of and objection to the proposals.
- 1.7. Minor design amendments and additional information has been sought and received to address concerns principally relating to matters of Urban Design, Heritage, Highways, Ecology, Sustainable Drainage and Sustainability.
- 1.8. Consultation responses from Sport England and the Council's Planning Policy team raise no objection to development upon the playing field area at St Mary's in this instance subject to a legal agreement and specific planning conditions as discussed in detail later in this report.
- 1.9. The new school building at the St Mary's site is considered to be of acceptable design and appearance and subject to the recommendations of this report would not be considered to cause visual or amenity harm to the area. The St Marys development would not be sited within a Conservation Area but is set in the context and surroundings of a Grade II Listed flint wall adjacent to the East Cliff Conservation Area.
- 1.10. The proposals at the Walpole Road site including the removal of a number of 20th Century unsympathetic buildings and extensions would overall provide visual benefits and enhancements to the public realm and College Conservation Area in which the proposal is sited. The new building at Walpole Road is considered to be of an acceptable design and scale which would not be harmful to residential amenity subject to the conditions and obligations recommended in this report.

- 1.11. Highways impacts from the new school building at the St Marys site are considered to be suitably mitigated by proposals which include the ongoing review and monitoring of a Travel Plan which would incorporate matters relating to the whole school operation across all sites providing a strategic solution to issues raised and reported in the representations received. The proposal is considered to result in a significant reduction of overall and peak traffic at the Convent site which is welcomed.
- 1.12. On balance, subject to the conditions and obligations identified, the harm outlined in the report is considered to be outweighed by the benefits of the proposal and the development is considered to be compliant with local and national planning policy. The application is recommended for approval.
- 1.13. As this report covers two distinct and individual sites, where possible and for ease of reference, within each section this report will refer first to matters and impacts relating to the St Mary's site and then the Convent site.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to:
- A) Completion of a s106 Agreement and secure the Heads of Term as set out below:
- Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
 - Travel plan monitoring obligations (£7249)
 - Submission of an agreed scope and schedule of works to the western boundary wall along Walpole Road to be implemented within 18 months of the details being agreed.
 - Employment and Training Strategy
 - Contribution of £6360 for Employment and Skills Training
- B) The Conditions & Informatives set out at Appendix B

SAVE THAT should the s106 agreement not be completed on or before 4th October 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of this report:

3. SITE LOCATION

St Mary's

- 3.1. The St Mary's site is currently in use as the Brighton College Pre-Prep School Campus (Years 0-4) and is sited on the northern side of Eastern Road approximately 50m east of the Royal Sussex County Hospital (RSCH). The site, originally part of the St Mary's Hall school grounds (established in 1836) is accessed from Eastern Road and is formed of a grassed playing field area bounded by Grade II Listed flint walls and an L shaped post-modern school building sited upon an embankment above erected in 1989 and extended in 2004.

An interior access road provides access from Eastern Road and continues around the eastern and northern boundaries of the site.

- 3.2. The site is not within the East Cliff Conservation Area, the northern boundary of which runs along the middle of Eastern Road south of the site. The Grade II Listed Building of the former St Mary's Hall senior school is situated approximately 70m to the east outside of the site. To the south are the residential streets of Chesham Street, Eaton Place and Chichester Place, to the west are five immediately adjacent terraced residential properties before the junction with Bristol Gate and the buildings of the Royal Sussex County Hospital. Adjacent to the north west is the Macmillan Cancer Information and Support Centre. To the direct north and set on higher land are the rear gardens of residential properties of Bristol Gate and to the east between the site and the original St Mary's Hall School building are a number of ancillary buildings, temporary construction buildings and portacabins relating to the NHS and ongoing NHS development. The site is designated as an Archaeological Notification Area, it is designated as Open space and has an area Tree Preservation Order (TPO) part covering the embankment.

The Convent Site

- 3.3. The Convent site is currently in use as the Brighton College Prep School campus (Years 5-8) and is sited at the east side of the junction of Walpole Road and Eastern Road and is bordered by Belle Vue Gardens to the north. The site, originally a pair of lodge buildings, converted into a convent in the late 19th Century, now presents as one principal white stucco three storey building together with a number of later 20th century extensions and additions across the site considered to be of limited architectural value. A red brick chapel building is sited in the north west corner and two caged multi use exterior game areas, designated as Open Space, sit along the northern and southern boundaries of the site upon the street frontages. The land rises to the north such that the chapel and northern areas of the site are on higher land than the southern parts. The lodge buildings are traditional buildings of some conservation importance and significance but there are no statutory or locally listed buildings or structures at the Convent site.
- 3.4. The site is situated within the College Conservation Area the boundary of which runs directly along the eastern and southern sides of the site and includes the principal college campus and grounds to the west, Walpole Terrace and parts of College Terrace and Canning Street to the north. The Convent site is adjacent to the principal Brighton College campus across Walpole Road and the Convent site is otherwise adjacent to residential properties of Belle Vue Gardens and Eastern Road to the north and east. The site is partly within the Eastern Road and Edward Street Development Area (DA5). The northern boundary of the East Cliff Conservation Area runs along the middle of Eastern Road south of the site. Neither site is within an Air Quality Management Area (AQMA), however an AQMA is designated immediately adjacent to the Royal Sussex County Hospital between the two sites.

4. RELEVANT HISTORY

- 4.1. **BH2025/00265** - Alterations to wall including: re-alignment of railings; attachment of access gates and railings; extension of existing wall; and proposed substation structure abutting wall (Listed Building Consent) - Under Consideration
- 4.2. **BH2025/00646** - Installation of temporary modular Portakabin building on land north of tennis courts - Under Consideration
- 4.3. **PRE2024/00088** - To create a combined Prep and Pre-Prep campus at the existing St Mary's site. This will be achieved by a new building at that relates to both the existing building and the sports field. The new boarding accommodation would include two boarding houses which will consist of approximately 150 beds for pupils aged 13-18. - Advice issued 29th July 2024
- 4.4. **BH2023/01038** - Roof alterations incorporating 3no rear dormer windows and 6no front rooflights, erection of 2no single storey rear extensions and amalgamation of units at 8, 10 and 12 Walpole Road for use as a school boarding house (C2) with revised fenestration and associated landscaping. Refused 25th September 2023 - Appeal Dismissed 30th December 2024

5. APPLICATION DESCRIPTION

- (1) Erection of a new teaching building at the St Mary's Hall site including new classrooms, a new multi-use hall with independent access and specialist teaching rooms, associated access, hard and soft landscaping, boundary treatments and other associated works including attachment of pedestrian gates to wall and a proposed substation structure abutting southern wall.
- (2) Redevelopment of the Convent site including demolition of 20th century extensions, change of use of existing Prep School to boarding accommodation (Use Class C2), roof extension to the existing building, erection of a new building to provide boarding accommodation for students and associated residential staff, adjoining offices, common rooms, kitchens and support spaces, associated access, hard and soft landscaping, boundary treatments and other associated works including ancillary residential accommodation for staff at 2 Belle Vue Gardens and 141 and 143 Eastern Road.

St Marys (1)

- 5.1. The proposal is to erect a new three storey educational building along the eastern boundary of the site perpendicular to Eastern Road. The building would be sited adjacent to the existing interior access road upon part of the eastern side of the grassed playing field area. The building would have an average height of 10.5m, an overall maximum height of 15.5m an approximate width of 15m and a gross internal area of approximately 1567m².
- 5.2. The proposed building would assume a design form of a row of 7 terraced sections with a repeating gabled roof form, rectangular and circular windows and would be clad in light material tones utilising a hard wearing ceramic batten system. The building would house new classrooms, specialist teaching spaces and a multi-use

hall providing the education facilities for years 5 and 6 who are proposed to be relocated from the Convent site.

- 5.3. A new access to the site for pedestrians and cyclists would be created on Bristol Gate and vehicle entry to the site would remain as existing from Eastern Road however a new vehicle exit would be created onto Bristol Gate utilising an existing access road in the northern part of the site whilst also retaining the existing return exit onto Eastern Road approximately 40m east of the entrance. The interior access road would be widened and formalised to provide dedicated bays for school drop-off and pick up including provisions for cycle and staff parking.

The Convent Site (2)

- 5.4. The application proposes the demolition of the 20th Century buildings and extensions existing across the site measuring approximately 685m² including the flat roof garage in the north west corner. The existing principle former lodge buildings would be converted to boarding accommodation with a new mansard roof extension and renewed dormer windows with the exteriors and windows being otherwise restored. A new 3-5 storey boarding house would be erected between the lodge building and the neighbouring eastern most property on Belle Vue Gardens (in use and ownership by Brighton College) and the remainder of the site would be landscaped with hard and soft landscaping treatments including a revised and renewed boundary wall around the site perimeter.
- 5.5. The proposed new boarding accommodation block would be set into the rising land levels and be 9m in height at the northern end where the land level is highest appearing as 6m from pavement level on Belle Vue Gardens. The building would be appear 13m high on the southern elevation. The building would be of a contemporary design with curved corners, a mansard roof, dormers and rectangular windows. The material finish would be a mix of knapped flint, render and pale brick with a slate clad roof.
- 5.6. The two boarding houses together would provide accommodation for approximately 150 children aged 13-18 with the existing teaching facilities partly relocated to the St Mary's site (years 5-6) and partly to the principal campus (years 7-8). The principal pedestrian accesses to the site would be from Belle Vue Gardens, Walpole Road and Eastern Road and would remain largely as existing.
- 5.7. Directly adjacent to the Convent site are two traditional terraced houses on the Eastern Road frontage and a neighbouring property along Belle Vue Gardens which are both owned and utilised by Brighton College as ancillary staff and teaching areas, these are proposed to be redeveloped for use as staff accommodation.

Amendments

- 5.8. Amended plans and further information have been provided during the course of the application. Principally the amendments have constituted some minor design amendments to the southern elevation of the new buildings at both the Convent and St Mary's site. The amendments have related to adjusting the position and form of some windows at the Convent site and the introduction of some detailing to the southern elevation of the St Mary's site.

- 5.9. Further amendments relating to the provision of parking as well as an undertaking to provide a whole school travel plan have also been received during the course of the application in order to address the highways impacts of these proposals. Additional highways information in the form of a “sensitivity test” has also been submitted which includes an assessment of the impacts of potential future pupil numbers in a projected “worst case scenario” of maximum occupancy and attendance.

6. REPRESENTATIONS

- 6.1. Overall and in total **Six hundred and nineteen (619)** public representations have been received during the course of the application. These are summarised below. Full details of representations received can be found online on the Council’s planning register.
- 6.2. **Two hundred and ninety nine (299)** representations were received from individuals and the following groups: **The NHS Trust, The Regency Society and Hove Civic Society** supporting the proposed development for the following reasons:

Amenity

- Improvement to residential amenity
- Boarding house will be improvement with less noise
- No increase in noise beyond normal school
- Boarding students more mature - less impact on neighbours
- Would like to see existing curfews retained - current occupants cause no problem
- Pupils contribute positively in their behaviour to the area

Design and Appearance

- Good design in keeping with the area
- Will make the area more aesthetically pleasing
- Visual enhancement to street scene and streetscape
- Imaginative choice of materials
- Exemplary landscaping
- Modern buildings positive contribution to the area
- Buildings architecturally sympathetic
- Benefit and overall improvement to the townscape of Kemptown
- Increase of green space at Boarding House site very beneficial
- New development landscaping and buildings will be vast improvement on existing buildings and cages
- Removal of "cage" / fenced off play areas visually very positive.
- Boarding house reduced in size which is an improvement

Education

- Improved educational facility and learning environment
- Educational enhancement and cohesion from development

- Building at St Marys will be a major upgrade to existing facilities
- College embraces ambition and is catalyst for positive change
- Less school places at St Marys than before
- Scheme contributes to improvement of local school provision
- College provides excellent SEN and dyslexia support
- Improved educational facility and learning environment

Heritage

- In keeping with Listed Building
- Preservation of historic building positive with a sustainable purpose

Highways

- Will ease traffic
- Will alleviate pressure on congestion and on street parking
- Won't be occupied all year so will lessen it's impact
- Moving classrooms to SMH will improve and ease congestion
- Will reduce the need for parents to drive between the two sites
- Pollution will be less at Walpole Road
- Would not increase daily traffic
- Will improve parking availability in Walpole Road
- Benefits of reduction of traffic as more concentrated on the prep school St Marys Site
- Beneficial to local area through lack of dropping off/pick up at Belle Vue Gardens

Other

- Economic benefits to local businesses from boarders
- No loss of meaningful open space
- Overall better use of the site
- Will reduce pressure on local housing.
- Area round the existing school is well maintained by Brighton College
- College benefits families from other regions and countries and cultures
- Scheme is much more positive than possible alternatives such as convent site being sold.
- College has very positive impact upon the city and vitality of Kemptown.
- Many local people employed by the scheme
- College contributes positively to local community and local life.
- Will enable school to provide places for refugees
- College has been slowly enhancing Kemp Town and the College CA.
- Investment in local community and economy good for the city
- Investment will support future employment and many local people employed as result of the scheme
- New building is sustainable
- Boarding use is semi-residential and was previously school
- Proposal would safeguard jobs
- College has a number of initiatives to contribute to community and local economy

- 6.3. **Two hundred and sixty eight (268)** representations were received from individuals and the following groups, WILD Kemptown, objecting to the proposed development for the following reasons:

Amenity

- Noise
- Over development
- Overshadowing
- Reduction in Air Quality
- Loss of privacy
- Loss of light
- Development too close to boundary
- Overbearing
- Fundamentally change the residential character of the neighbourhood
- Overly dominant massing of buildings
- Restriction of view
- 150 boarders would be harmful and create nuisance
- Increasing intensity of business operations in residential area
- Contrary to SA6, balanced neighbourhoods and harmful to community cohesion
- Concerns on use of the boarding accommodation outside of regular school year eg. rented to language students/Air BnB
- Boarding house will create antisocial behaviour and excessive noise
- Noise management plan/ noise impact assessment required for long term
- annual noise monitoring and community complaint system
- Harm to amenity (Belle Vue) from numbers
- Would cause light pollution
- School boarders able to use playing field after hours and regularly cause nuisance.
- Sports field likely to require floodlighting in future - no details on light disturbance

Design and Appearance

- Poor Design
- Inappropriate height
- Out of place modern design of buildings
- Drawings not accurate and are deceptive
- Change of character to overall area from continuous expansion and large buildings
- Visual character of St Mary's site detrimental effect on East Cliff CA
- St Marys building will dominate local area obscuring clear views
- Would reduce open character of the area
- Porthole windows on St Mary's inappropriate

Education

- No transparent data on waiting lists or accommodation shortfalls - is there any need?
- Contrary to decisions to reduce school places

- College has already overexpanded and further expansion not justified
- Private school should not expand when state schools closing resulting in reduction in choice

Environmental

- Concerns on SUV's adding to pollution
- Toxic air pollution rising fast exacerbated by the proposal
- Constant construction work in the area.
- Lacks sustainability measures
- Increased pollution and increase of carbon emissions
- No strategy for waste/pollution or controlling carbon emissions
- No demonstrable substantial BNG benefits
- Harmful to Biodiversity and existing trees
- Presence of Badger sett on St Mary's site
- College disregards health and wellbeing of local residents
- Surface water and subsidence concerns on listed wall at St Marys
- Concerns on drainage (St Mary's site) and effects of water on the listed walls - concerns of surface water causing subsidence
- Concerns on groundwater movements and site drainage issues - drainage plan already acknowledges at capacity of/or at risk of flooding
- Proposal risks chalk dissolution and subsidence

Heritage

- Adversely affects Conservation Area
- Adverse effect on Listed Building
- Erosion of historic character and over intensification in CA fundamentally affecting areas character.
- Visually harmful and out of keeping with College Conservation Area
- Disruption to roofline and historic rhythm
- Contrary to policies of the City Plan; CP15, DM26 and DM29
- Plans show loss of historic architectural aspects
- Objection to demolition of convent building
- Harms to the listed flint walls
- Would hide views of the flint walls

Highways

- Additional traffic
- Disruption from construction / noise and dust
- Poorly/double parked vehicles creating hazards crossing the road
- Regardless of College plans the crossroad at Eastern Rd is already dangerous
- Journeys using Eastern Road less efficient than just reverting to seafront road.
- Road closures due to construction
- Servicing and Delivery likely to make local issues worse
- No parking solutions for extra coaches required for boarders
- Increase in delivery traffic - Walpole Rd
- Cycling would be more hazardous
- Zebra crossing on Eastern Road should be Pelican Crossing
- Insufficient parking for coach pickup/drop off at Walpole Road

- Needs traffic and pedestrian safety review (to include 30day review of coach parking in Sutherland Road)
- Will cause pavement congestion and compromise pavement safety
- Student increase create hazards to use of the footways
- College should be required to have dedicated pick up and drop off sites
- Madeira Park and Ride underused.
- Parents selfish during pick up and drop off.
- Insufficient cycle parking
- Conflicts with City Plan policies
- Figures in application show 77% of pre-prep and 64.5% of prep students are picked up and dropped off by car.
- More likely to cause increase accidents and incidents near St Mary's Hall
- No visibility of school monitors - monitoring behaviour/traffic
- Concerns on Bristol Gate and emergency vehicle route / outside trauma centre and general hospital
- Concerns on emergency vehicles access along eastern road
- Increase of bus and luxury coach usage causing problems
- Delivery and Servicing increase - effects on Belle Vue Gardens and Eastern Rd. Minimal pavement widths
- Residential parking already stressed
- Increased demand and obstructions to and on public transport
- Congestion on Eastern Road at peak hours already - cars double parked, poor driver behaviour
- Traffic concerns on Bristol Gate, particularly from queuing traffic blocking access to A&E and for emergency vehicles and patients
- Refuse collections on Bristol Gate will become harder and more problematic
- Compromises patient care and response times for emergency vehicles

Other

- Detrimental effect on property value
- No economic benefit
- Poor history of planning compliance
- Local plan is now out of date not fit for purpose
- Concerns on inaccurate assessments in submission
- Contrary to Appeal decision outcome on Walpole Road
- Scheme lacks public benefits
- College doesn't deliver on community sharing commitments (sports facility)
- Boarding house should be sited at St Marys
- Existing buildings near St Marys will be removed eventually
- Concerns that a refused application will lead to loss of more housing stock
- Private business seeking to expand shouldn't be given weight
- Proposal do not comply with NPPF
- Questions on Brighton College commercial operations
- Hard surfacing of field irreversible
- Too much general disruption from local construction
- Additional strain on local amenities/shops etc
- Too much expansion and development constantly disrupting the local community

- Over institutionalisation on Walpole Road
 - Loss of open space contrary to policy and no mitigation
 - Should require community use agreement
 - Concern on cumulative building work with the hospital also being re-developed
 - No plan for post development engagement with local community
 - Consultation has been manipulated by the College
 - BC should expand somewhere else
 - Insufficient open space at Walpole Road
 - Any approval should include agreement to not purchase any further housing stock
 - Any social benefits small and outweighed by harm to the community
- 6.4. **Three (3)** representations were received commenting on the proposed development:
- Will remove traffic from Walpole Road location and reduce institutional presence in the area and create more trade for local businesses
 - Queries whether the additional support staff would be entitled to apply for residents permits and whether this would materially worsen the situation.
- 6.5. **Councillors Tristram Burden, Gary Wilkinson, Gill Williams, Milla Gauge, Kerry Pickett, Ollice Sykes, David McGregor and Birgit Miller** object to the proposal. A copy of their individual representations can be found at the end of this report.

7. CONSULTATIONS

Internal:

- 7.1. **Air Quality:** No objection subject to conditions
This proposal shall not change vehicle trips significantly (>100 per day) or add new fixed combustion processes with emissions to air. A monitored plan is required to encourage active travel, electrification, connectivity by public transport and lift share. As a minimum, HGV used for construction shall meet the Euro-VI emission standard (same as the RC Hospital, 3Ts ten years ago). If these conditions can be met, on grounds of air quality I recommend approval.
- 7.2. **Arboriculture:** No objection subject to conditions
The loss of trees at Walpole Lodge (Convent) regretted but proposed mitigation planting of 8 large specimens is welcomed. No removal of trees at St Mary's site and proposed planting of 13 large specimens is robust. Tree protection condition required to secure protection measures and site meeting for T3 (St Marys site).
- 7.3. **City Clean:** None received
- 7.4. **Economic Development:** No comment
- 7.5. **Employment and skills:** Comment

Based on the information provided in the application, a contribution is requested of £6,360 via s106 Agreement towards the Local Employment Scheme and that an Employment and Training strategy should be secured.

7.6. Environmental Health: No objection subject to conditions

No known contamination issues at either site although a discovery condition is recommended. A construction, Environmental Management Plan is recommended to cover both sites and stages of the development including consultation with neighbours. Mitigation measures measured within Sound Matters Acoustic report should be carried out prior to first occupation and further condition recommended to secure acceptable noise levels from plant on the site.

7.7. Heritage: No objection subject to conditions

St Mary's: The new building is considered to be neutral in terms of enhancements to views from surrounding heritage assets. NPPF requires that "*proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*" The proposal therefore is considered to result in less than substantial harm at the lower end of the scale and applicant encouraged to provide public benefits in regards to environmental enhancements to wall on the west side of Walpole Road to balance this. The proposed substation and access gates from Eastern Road are acceptable and flint base to the new building preferred.

7.8. Convent: Two chimney stacks to the lodge building should still be retained and should be removed from demolition plans. The new build is considered appropriate in scale and both buildings complement one another, choice of materials being white brick and flint is considered appropriate .

7.9. Conditions recommended for window details, material samples, ensuring new pipework is cast iron and requiring no cables or flues to street facing elevations. Additional condition is also recommended to secure public realm improvements to the north running boundary on the western side of Walpole Road in order to provide sufficient benefit.

7.10. Planning Policy: Comment

The principal of redevelopment from education use to boarding house use at the Convent site is considered acceptable. However, the loss of education floorspace is dependant on provision of new education floorspace at the St Mary's site in order to meet policy requirement CPP2 DM9.2(a). The applicant should clarify the total amount of education floorspace to be lost at the Convent site and should clarify that the replacement educational floorspace at the St Mary's site is of a sufficient size in order to ensure the policy requirements of DM9.2(a) are met.

7.11. The provision of boarding accommodation on the Convent site is considered to comply with CPP1 SA6. Although it would increase the presence of residential institutions in this location, it would not displace any existing residents nor result in any loss of residential stock and is considered to contribute towards maintaining sustainable neighbourhoods.

- 7.12. There are no policies in the City Plan guiding provision of boarding accommodation. Policies relating to purpose-built student accommodation should be applied flexibly. The case officer should ensure the standard of accommodation is suitable for proposed occupants including size of bedroom and provision of adequate study and communal facilities.
- 7.13. Although the development at the St Mary's site would result in loss of open space which is contrary to policy CP16, the comments from Sport England will be a material consideration in terms of whether the loss could be justified and whether an exception to policy could be allowed.
- 7.14. **Sustainability:** No objection subject to conditions
Further measures encouraged but development acceptable on balance.
- 7.15. Conditions recommended for water efficiency, details required for solar PV panel placement, EV charging point at St Mary's site, require EPC B for new build elements and EPC C for areas of conversion, BREEAM excellent rating and site waste management plan.
- 7.16. **Sustainable Drainage:** No objection
Sufficient and satisfactory information submitted. Conditions recommended to secure agreement from Southern Water.
- 7.17. **Sustainable Transport:** No objection subject to conditions
- Cycle Parking Scheme
 - Car Park Management Plan condition including but not limited to
 - management of parking and drop off spaces
 - the barrier gate at the Bristol Gate exit
 - contingent disabled user parking provision for the convent site
 - Construction Environment Management Plan
- 7.18. Requests section 106 agreement including:
- Updated full and whole school Travel Plan and Monitoring fees
 - S278 obligation including but not limited to
 - Bristol Gate exit highway works (pre-occupation) and all necessary road safety audits agreed by BHCC.
 - Introduction of a Loading Bay as part of the Traffic Regulation Order (TRO) and removal of the redundant dropped crossing, and reconstruction and reinstatement of the footway and kerb edge, on Belle Vue Gardens
- 7.19. **Urban Design:** No objection subject to conditions
The proposed new teaching building is largely successful in establishing a contemporary appearance using a of traditional silhouette and roof profile, subject to some testing of materials by condition. Conditions recommended to secure samples of materials at both sites. Request for a condition to agree final detailing for the west facing dummy windows also further condition for general material form to St Marys site. Details of the entrance gate to Eastern Road also required by condition.

External

- 7.20. **Archaeology (East Sussex County Council):** No objection subject to conditions
Initial written scheme of investigation (WSI) and reports acceptable. Conditions recommended for site investigation to be in accordance with WSI and post investigation assessment to be provided.
- 7.21. **Brighton and Hove Archaeological Society:** Comment
Recommendation to contact County Archaeologist
- 7.22. **Brighton and Hove Economic Partnership:** Support
This application seeks to provide boarding capacity without absorbing more local residential stock, aims to secure the long-term financial sustainability of a UK sectoral leader in the city, providing job security and also wider supply chain benefits. In addition, the school's international reputation enhances the city's proposition for both foreign and domestic inward investment. Consider the development ties in strongly with several of the key aims of the current '10-year Imperatives' outlined in the Brighton & Hove Economic plan.
- 7.23. **Conservation Advisory Group:** Support
Assurance that the flint wall will retain its protective listing. Some reservations about the design of the new build on the St Mary's Hall site and loss of green space, but overall the proposal was considered to be beneficial to the Conservation Areas and the setting of the listed buildings on the sites.
- 7.24. **Ecology (East Sussex County Council):** No objection subject to conditions
Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. A standard pre-commencement Biodiversity Gain Condition should also be applied, and it is recommended that in addition to any legal agreement required to secure the maintenance of significant onsite BNG for at least 30 years, the Council should also secure fees for compliance monitoring.
- 7.25. **Health and Safety Executive:** No comment
- 7.26. **Historic England:** No objection
In our view, the scheme manages to sympathetically blend with the historic context in terms of urban grain, scale and materiality, while remaining visually distinct by the use of a contemporary architectural idiom. The proposed more coherent, uncluttered and landscaped reorganization of the site would also allow for a better appreciation of the retained and refurbished undesignated historic buildings, which would retain their prominence within the conservation area.
- 7.27. **Sport England:** No objection subject to conditions
The application is considered to be capable of meeting exception 5 of our Playing Fields Policy and to accord with paragraph 104 of the National Planning Policy Framework (NPPF). Playing field improvement strategy acceptable, there will be improvements to the surface and thereafter managed intensively to maintain its quality. No objection subject to conditions requiring:

- The submitted Playing Field Improvement Strategy and ongoing maintenance plan is secured by planning condition.
- Community use agreement relating to the new small hall and change facilities and the playing field

7.28. **Southern Water:** Comment

Requests informative that construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

7.29. **Sussex Police:** No objection

No comments to make from a crime prevention perspective.

7.30. **UK Power Networks:** Comment

The applicant is advised to adhere to guidance with regard to safe construction practice close to cables/apparatus.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. 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 JAAP (adopted October 2019).

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

DA5	Eastern Road and Edward Street
SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport

CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP21	Student Accommodation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM8	Purpose Built Student Accommodation
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

PAN06	Food Growing in Development
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East Sussex, South Downs and Brighton & Hove Waste & Minerals Plan 2013:

WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation
RM0	Sustainable Use of Aggregates

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the proposed uses, the impact upon the significance of the non-designated and designated heritage assets, the impacts on neighbouring and local public amenity, design and appearance, the impacts upon highways, energy efficiency and overall sustainability of the development proposed.
- 10.2. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.

Principle of the Development:

- 10.3. Due partly to the proposed relocation of the educational facilities from the Convent site to St Mary’s Hall the planning policy considerations for this application are inextricably linked between the two sites.
- 10.4. Paragraph 100 of the NPPF supports the provision and expansion of educational facilities and supports development which widens choice in education. It also advises local authorities to give “*great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.*”
- 10.5. CPP1 Policy SA6 (Sustainable Neighbourhoods) seeks to create and maintain sustainable neighbourhoods and and reduce inequalities between neighbourhoods by working with public, private and community and voluntary sector partners, businesses and local communities. The policy also encourages existing education and community organisations to provide local communities with a greater range of services and facilities for learning and training.
- 10.6. City Plan Part 2 (CPP2) Policy DM9 (Community Facilities) supports the provision of new community facilities including learning and non-residential institutions and resists their loss unless replacement facilities of an appropriate quality and size are provided as part of new development proposals.

St Marys – Provision of Education

- 10.7. The St Mary’s site currently provides educational facilities for the pre-prep school (Nursery to Year 4) and includes a playing field.
- 10.8. The proposals seek to create a combined Prep and Pre-Prep School campus at the St Mary’s site (Nursery to Year 6), through provision of a new building of c.1,700sqm which would facilitate the relocation of years 5 and 6 from the Convent site resulting in an increase of c.100 pupils at St Marys based on current occupancy levels. If the school were at maximum capacity then this could result in

an increase in occupancy of the site of an additional 50 students (so a total increase from present levels of c150 pupils). The proposed enlarged school facility is, in principle however, considered to be policy compliant and in accordance with the NPPF and City Plan Policies SA6 and the criteria of CPP2 policy DM9. The NPPF and the City Plan do not make any differentiation between public and private educational facilities.

- 10.9. The proposed floorspace of the new building at St Mary's is 1,578m² with 793m² of available teaching space. The existing area of the Convent Prep School site is 3112m² with 1462m² used as teaching space. The provision of the new building at St Mary's site therefore provides less overall floorspace than the removed education facilities at the Convent (669m²), however, in this case the loss from the Convent site is considered to be offset. Firstly it is recognised that the St Mary's site would be a purpose built development and of a more efficient layout than the converted and extended buildings at the Convent site. It is also noted that years 5 and 6 only are proposed to move to the new building at St Marys whilst years 7 and 8 are moving onto and within the main college campus. In this context whilst it is recognised that the proposal would result in a loss of 669m² of available teaching floorspace, it is also noted that the Brighton College main campus has undergone significant expansion in recent years with a recent net increase in floorspace of approx. 12,305m². It is therefore considered that sufficient facilities would be retained and provided as part of the proposal in accordance with CPP2 policy DM9, the aims within policy SA6 and the NPPF which supports extensions to schools.

St Marys – Loss of Open Space

- 10.10. The proposed new education building would be erected upon the eastern edge of an existing playing field resulting in a reduction in the open space of c. 624m² from an existing total of c.6,000m². This loss would be contrary to policy due to the protection placed on playing fields by CPP1 policy CP16 (Open Space) and none of the exception criteria are considered to apply in this case.
- 10.11. Criteria (d) of CP16 states that the loss of open space would only be permitted where;
- "d) The site is:*
- physically incapable of meeting the city's wider open space needs;*
 - is not part of the beach or a playing field (current or historical);and,*
 - in accordance with the Open Space Study Update 2011 (or subsequent approved revisions), is of a poor quality without potential for improvement (current and potential) and there is an identified surplus (current and future) in all types of open space within the locality (ward and sub area). In order to test the importance of the site to the local community the site must be actively marketed at a price that reflects its use, condition and local market prices for at least a year with no success before alternative proposals can be considered."*
- 10.12. As criterion (d) cannot be applied to open space which is part of a playing field, this exception criterion cannot be applied to the proposal.

- 10.13. Brighton and Hove City Plan Part One policy CP16's supporting text at paragraph 4.184 justifies the priority placed on the retention of playing fields, which includes historical playing fields that lay vacant, unused or used for an alternative open space use. The requirement to retain playing fields is based on the provision being low in the city and the compact, dense and hilly nature of Brighton and Hove meaning that delivery of new provision is unlikely. The NPPF at paragraph 104 also sets out strong protection for open space, with specific reference to playing fields. Whilst the site is currently used and owned by Brighton College, this would not wholly prevent it from being used by the wider community in the future, e.g. for sports uses to meet the city's wider needs.
- 10.14. The site was surveyed as part of the Open Space Audit in 2008 (EB0041-Brighton College Prep School). In the Open Space Study Update 2011 the site was given a ranking of C (average) for its existing offer/quality but was ranked F (low potential) in terms of its potential offer/quality. The Open Space Study Update 2011 found there to be a surplus against all types of open space in the East Brighton ward. A surplus was not however found when measured in the wider sub area (East Brighton, Queens Park and Hanover/Elm Grove sub-area). (Nb. This part of the assessment did not include the school grounds typology). It is noted that in 2023 a re-organisation of ward boundaries in the east of the city took place meaning that the ward boundaries and areas of ward coverage have since changed, however the findings of the Open Space study are considered to remain reflective of the overall provision of Open Space in the east of the city.
- 10.15. Whilst the development upon the Open Space would be contrary to policy CP16 of the CPP1 there are a number of known issues affecting the usability of the playing field in different ways, which are outlined below.
- 10.16. Firstly in terms of the usability of the remaining playing field area, as existing the space can accommodate only one 5 v 5 football pitch to FA dimensional requirements and this would continue to be the case following the proposed development. The remaining playing field would no longer provide an adequate sized pitch for U10s rugby union but would still provide an adequate sized pitch to meet requirements of U9s rugby league, junior rounders and U10s football. To mitigate against the physical loss of space a number of measures are proposed as part of this application to improve the usability of the remaining surface.
- 10.17. The issues around the offer/quality of this space relate to overall suitability of the playing field for formal ball-sports as well as known drainage issues which affect the usability of the surface.
- 10.18. The land level on the northern side of the listed wall is significantly higher than that on the Eastern Road side which makes the use of the space for formal ball or projectile sports constrained given the risks of projectiles onto and over Eastern Road.
- 10.19. The listed nature of the wall is also such that significant modifications to it or in proximity to the wall to address this issue, are likely to be resisted. The pitch itself is also reported to suffer from poor drainage and can often result in a waterlogged surface at certain times of the year.

- 10.20. The applicant has provided a pitch drainage and surface improvement strategy which is proposed to be secured by condition and is considered to ensure that there are also lasting benefits and improvements to the usability and longevity of the playing field area following development.
- 10.21. In addition, as part of the development a new indoor sports hall of 11.4m x 13.8m (163m²) with independent change facilities and access is proposed which would be open to Community use through a secured community use agreement.
- 10.22. Sport England have considered the proposals and have raised no objection. They consider the scheme capable of meeting exception 5 of their Sport England Playing Fields policy subject to recommended planning conditions. The conditions proposed are to secure the improvements to the surface and pitch drainage, to secure the use of the site for community access including the new hall and pitch area and a requirement for the ongoing management and maintenance scheme to be secured. All of these conditions are proposed to be secured through the recommended planning conditions.
- 10.23. In consideration of all the above, the existing open space provision is considered to be of a relatively poor quality, under utilised and somewhat constrained. As a result of the development sufficient open space would remain and would be improved in its quality and longevity. Subject to the necessary community use agreements the pitch and sports hall would be available for community use which would provide a new indoor sports facility to the area and an ongoing management and maintenance plan would ensure the protection and usability of the open space for the future. In conclusion whilst contrary to policy CP16 it is considered that the loss of Open Space can be justified and appropriately mitigated in these particular circumstances subject to securing the necessary conditions and obligations recommended above.

Convent Site – Provision of boarding accommodation

- 10.24. The Convent site would be converted solely for boarding accommodation with teaching facilities for years 5 and 6 relocated to the St Mary's site (with years 7 and 8 moving to the main campus). The new and converted boarding houses would together provide accommodation for c.150 pupils aged 13-18 in addition to accommodation for support staff, common rooms and kitchen. The Planning Statement indicates that this will allow for an increase in c.30 pupils per academic year with boarding available for those in years 9-13. The Planning Statement indicates that the College has high demand for boarding accommodation and is currently at capacity. For the purposes of clarity the Convent site is currently attended by approx. 200 students plus support staff on a daily basis.
- 10.25. The proposal would provide a total of 3,737sqm floorspace over the 2 buildings: 2,115sqm from the change of use and an additional 1,623sqm from the new building all of which would be used for C2 boarding accommodation or ancillary purposes.
- 10.26. The City Plan does not have any specific policies relating to the provision of boarding accommodation. Policies which refer to purpose-built student

accommodation, CPP1 policy CP21 and CPP2 policy DM8 relate principally to university accommodation however the proposal is considered to be in compliance with both policies and no conflicts have been identified.

- 10.27. A number of representations received express concerns relating to the expansion of Brighton College in relation to both its physical expansion and effects and the potential for this to result in an imbalance to community cohesion and character. Concerns have been raised that the proposal would exacerbate inequality and harm the residential character of the wider area and the character of the College Conservation Area.
- 10.28. In these regards CPP1 Policy SA6 (Sustainable Neighbourhoods) is relevant which seeks to create and maintain sustainable neighbourhoods and reduce inequalities between neighbourhoods by working with public, private and community and voluntary sector partners, businesses and local communities. The policy also encourages existing education and community organisations to provide local communities with a greater range of services and facilities for learning and training.
- 10.29. A number of representations have also raised concerns that the College has purchased and utilised local housing stock for boarding accommodation contributing to an imbalance within the area. It is noted that the College has acquired local residential properties to accommodate boarding students in the immediate area and of relevance is the refusal of planning application BH2023/01038.
- 10.30. This application sought planning permission for the amalgamation of the nearby properties at 8, 10 and 12 Walpole Road for use as a school boarding house (C2). The application was refused by officers due to concerns on the amenity impacts upon neighbours and what was considered to be a poor standard of accommodation provided for its future occupants. A subsequent appeal against the refusal was dismissed by the planning inspector and the appeal decision (APP/Q1444/W/24/3336535) notes that;
“...there would be a disproportionate residential institutional presence in this location and would undermine and detract from the still (just) prevalent residential context of conventional houses likely occupied by families in normal domestic use and activity in this part of Walpole Road, and that the development would therefore not comply with CPP1 Policy SA6, which seeks to maintain balanced neighbourhoods and communities that meet the needs of all residents.”
- 10.31. The section of road from 2 to 20 Walpole Road north of the Convent site, as the inspector described, and to the north and north east along Belle Vue Gardens is still of prevalent residential domestic use.
- 10.32. The concerns that the provision of boarding accommodation would not maintain a balanced neighbourhood and community are noted, however the application is not considered to be contrary to policy SA6 nor contrary to the outcome of the referenced appeal decision. It is noted firstly that a very different context exists within this application when compared to the appeal site. The existing subject site consists of school buildings and outside play areas that are currently in educational

use by Brighton College and the proposal would not therefore result in a change to the institutional presence which already exists on the site. Additionally the appeal decision relates to a development which was the amalgamation of three terraced properties into a singular boarding block sited in the middle of an otherwise residential section of road which, again is a substantially different context from an existing school site where no C3 residential units would be lost.

- 10.33. The change of use from educational use to boarding accommodation would also result in a use of the site which is residential in nature which is considered to be commensurate with the character of the area. Whilst it is accepted that boarding accommodation is somewhat different in character to single family dwellings, the proposal would nonetheless be a predominantly residential use of the site and would not displace any families or other residents nor would it result in the loss of any existing residential housing stock. The provision and principle of boarding accommodation in this case is therefore not considered to conflict with the aims of policy SA6 and would not lead to an over intensification or institutionalised presence on the site harmfully over above that which currently exists. The provision of the boarding accommodation may support the aims of SA6 in terms of ensuring sustainable neighbourhoods by lessening any pressures to lose further housing stock as boarding accommodation although this would require analysis on a case-by-case basis.
- 10.34. The Convent site is partly situated within designated development area DA5 (Eastern Road and Edward Street). It is recognised within DA5 that among the priorities identified are the improvement of the public realm, investment in open spaces, provision and expansion of existing education facilities. It is not considered that the proposal conflicts with any of these stated aims and priorities.
- 10.35. The principle of change of use from education use to boarding accommodation on this site is therefore considered acceptable in principle. No conflict with policies SA6 or DA5 of the CPP1 has been identified for the reasons as stated above.

Convent Site - Open Space

- 10.36. The Convent site includes two open spaces comprising of a 16m x 30m playground area and a 12m x 24m playground area. CPP1 policy CP16 is therefore applicable to this site also. The policy requires the retention and better, more effective use of all open space. It is noted in this case that much of the Open Space designated at the Convent site relates to play surfaces and hard-standings.
- 10.37. The proposal would result in the demolition of some buildings and existing play areas across the site whilst providing a new building, extensions, landscaping and replacement open space. Specifically, the proposal would provide a series of green outdoor spaces around the new and extended buildings, repair existing boundaries, provide 13 new trees and include a southern garden, northern garden, western garden and an outside area arranged in a Quad between the principal buildings. Small areas of private gardens would also be provided for staff. The Design Statement submitted indicates there would be a net gain as a result of the proposal of 87m² open space which is welcomed. The open space across the site would be largely utilised as an amenity space for boarders which is considered an acceptable use of the Open Space.

Appearance, Design and Heritage

- 10.38. CPP1 policies; CP12 (Urban Design), CP13 (Public Streets and Spaces) and policy DA5 (Eastern Road and Edward Street) CPP2 policy DM18 High Quality Design; as well as the Urban Design Framework SPD17 are all relevant to the appearance and design of the proposal. CP15 (Heritage) of the CPP1 and DM26 (Conservation Areas) and DM29 (Setting of Heritage Assets) are all relevant in regard to the impact to the historic environment.

St Marys Site, Eastern Road

Proposed building and character of the area

- 10.39. The St Mary's site consists of an existing school building (nursery and pre-prep) sited upon a grass embankment above a playing field. The building has been extended and altered over the years in a post modern style. The open space area below the embankment is a playing field surrounded by flint boundary walls, much of which is Grade II Listed. Land levels in the area rise to the north. The site is not within a Conservation Area and no other listed buildings are present on the site. The northern boundary of the East Cliff Conservation Area runs along Eastern Road south and outside of the site.
- 10.40. To the south of the site are the residential streets of Chichester Place, Chesham Street and Eaton Place featuring terraces of three storey traditional properties in a largely north-south alignment perpendicular to the playing field, coast road and seafront. Dominating the area to the east is the Royal Sussex County Hospital site which is comprised of principal towers and ancillary buildings in various forms and finishes set in blocks of different orientations and heights varying between 1 and 9+ stories. The Royal Sussex County Hospital is separated from the western boundary of the playing field by a small terrace of 5 residential properties and the roadway of Bristol Gate. Neighbouring the prep school in the north western corner is the Macmillan Cancer Information and Support Centre a building also of post modern appearance. To the direct north are the rear residential gardens of properties along Bristol Gate and to the east are red brick flat roofed buildings, site constructions offices and other ancillary and temporary development relating to the NHS. The main building and grounds of the former St Marys Hall School are sited then further to the east.
- 10.41. With the exception of the residential terraces to the south where the traditional homogeneity of Kemp Town is apparent the overall character of the area north of Eastern Road is widely varied in architectural form and scale. The post modern buildings, the Royal Sussex County Hospital and the plain form of the red brick buildings to the east provide a diverse visual character architecturally and a wide palette of building materials can be seen in the immediate locality. There are a number of mature street trees sited along eastern road and some visible towards the north which contribute positively to the street scene.
- 10.42. The proposed building would be three storeys in height and set flat along the south eastern corner of the playing field area. The overall form would resemble a row of units with a repeating gabled roof form, a series of rectangular windows at ground and first floor and porthole windows at third floor part referencing the existing building on the site and intended to reflect a simple "childlike" form. The south-

eastern corner would be formed of a taller section topped with a pitched roof angled 90-degrees relative to the remaining building. The proposal would be materially finished with beige/off-white terracotta ceramic battens above a glazed green ceramic/glass-reinforced concrete plinth. The rectangular windows would incorporate green-toned frames and surrounds along with large circular windows proposed at the second floor. The roof would be constructed from grey standing-seam zinc with integrated solar panels and rooflights. On its western side at ground floor facing the playing field the building would have glazed doors surrounded by a series of greened pergolas.

- 10.43. The series of six pitched roofs would be 13.7m in height sitting lower than the existing school building upon the embankment with proposed eaves levels of 10.6m and set in consecutive 6m widths. The extruded tower element would be 15.5m high with eaves of 12m (approx. 1.2m above the remaining eaves) fronting onto Eastern Road similarly in a 6m x 6m form with detailing including College logos facing east and the rectangular window forms wrapping around the first floor. Facing directly onto Eastern Road the proposal would incorporate a larger circular window facing south at second floor. The building would be 15m wide and would be set back from the Eastern Road boundary (listed wall) by approximately 5 - 6.5m.
- 10.44. The proposed building would be a noticeable presence in the streetscene, however the massing of the building is considered reasonable within its context, given it's set back from Eastern Road and the overall heights proposed being no higher than existing buildings on the site. Whilst the buildings form would be taller than the residential properties to the south, this increase in size is considered to follow the topography of the area to a reasonable extent and the building would not appear overly dominant, particularly given the separation provided by Eastern Road and when it is viewed in the context of the hospital site to the east. Whilst the existing site along Eastern Road is 105m wide and open in character the remaining open aspects along Eastern Road within the site would be approximately 70m to the west and 20m east of the building relating to a proposed built form for 15% of the existing aspect. The mock-terraced form is considered to sufficiently reflect and reference both the visual character of the areas south of the site and sufficiently reference the existing building form on site (porthole windows and post modern appearance) and reflect the gabled form of the principal St Mary's Hall building. There is also a reference in window proportions to the principal Brighton College buildings further west along Eastern Road. The proposed tree planting along the southern boundary of the playing field would assist in softening concerns relating to the appearance of the development and the light and neutral tones of the materials proposed are not considered to cause harm to the visual character of the area.
- 10.45. Given the high visibility of the southern parts of the development from the public realm a condition is recommended to secure additional detailing to the mock inset windows wrapping around the southern part of the development and to secure further detailing of the college logo's in order to ensure an acceptable appearance.
- 10.46. The Urban Design and Heritage both raise comments suggesting that the proposed building includes some references to flint within the finalised materials.

Subject to conditions therefore securing an acceptable material palette for the development the building is not considered to cause harm to the visual character of the area which is considered to be sufficiently diverse in size, form, style and materials to accommodate the appearance of the proposed development.

Landscaping (St Mary's)

- 10.47. As noted above the application proposes tree planting along the southern boundary of the playing field in the form of 6 new Elm trees whilst further tree planting is proposed along the eastern side of the new building, three in the south eastern corner and a further three along the existing access road. The trees are proposed to total 13 large specimens and this is welcomed and would be a benefit from the proposal where the site, whilst of an open aspect, contributes little in the way of planting and greening to the street and is somewhat stark as existing. The proposed planting would contribute to softening the appearance of the existing site and the proposal, providing some visual urban greening to the public realm. The existing embankment at the site would be retained with wildflower meadow planting and other areas would feature shrubs and perennial planting, reinforced grass whilst the playing field itself would be re-turfed.
- 10.48. A variety of materials are proposed for the hard surfaces around the site which are considered acceptable in appearance and the new development would be linked to the existing building on site with a series of rising terraces and steps.
- 10.49. Existing boundary walls would be retained around the site perimeters with the overall boundary treatments remaining largely unchanged. There would be new pedestrian access portals, gates and railings on the eastern side of the development and a new pedestrian portal would also be created on the Eastern Road frontage details of which are proposed to be secured by condition. Overall the landscaping proposals are considered to be appropriate to the development and character of the site and wider area and no concerns are raised in this respect.

Heritage Impacts

- 10.50. As noted above, the site is not within the East Cliff Conservation Area but in proximity to the Grade II Listed St Mary's Hall building c70m to the east of the site. The development would result in the obscuring of the St Mary's Hall building when viewed from Bristol Gate and from some views along Eastern Road, west of the site. Whilst this is the case it is noted that the building is already substantially and part obscured in some views by the 20th century red-brick buildings in between the application site and St Mary's Hall. Resulting views of the listed building would be very limited as a result of the development when seen from Bristol Gate and Eastern Road to the west of the site and this is considered to cause some harm in heritage terms, however this harm is considered to be less than substantial and would not be sufficient to warrant refusal of the application. Neither Historic England, the Council's Heritage team nor CAG (Conservation Advisory Group) have raised any objection to the proposals. The Council's Heritage team have requested some additional public realm improvement to offset the impacts as discussed at paragraph 10.72.
- 10.51. Views of the development from within the East Cliff Conservation Area would be limited to properties immediately adjacent to the site or when viewed from

Chichester Place to the south. Views of the listed wall itself from Chichester Place looking north would not be harmfully affected and the existing views already encompass the listed wall with the contemporary post modern nursery and pre-prep school building set behind. Whilst the introduction of the built form in this location would change the aesthetic of the view, the new building would not obscure any historical features or buildings from this perspective and the remainder of the listed wall would continue to surround an open playing field with little change to its context.

- 10.52. The Heritage officer has raised the context of Paragraph 219 of the NPPF, which states;

“Local planning authorities (LPA) should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 10.53. In this case it is noted that the site is not within a designated Conservation Area nor World Heritage site, but it is within the setting of the Grade II Listed Walls and in close proximity to the boundary of the East Cliff Conservation Area. There would be some identified harm from the new building impacting upon views of the original St Mary’s Hall building, however there would also be some mitigation through the formalisation of the entrance fronting Eastern Road and from the associated landscaping proposed. Overall, the harm in heritage terms is considered to be less than substantial at the lower end of the scale and it is not considered reasonable to refuse the application on this basis alone, however other heritage benefits are considered to result from the proposed scheme across the two sites as discussed later in this report at 10.71. In short summary however, the scheme would deliver landscaping and planting of trees, ecological and environmental improvements to the playing field, improvements to the public realm at Walpole Road and a new educational facility which all weigh as public benefits in the planning balance.

The Convent Site

Proposed building and character of the area

- 10.54. The Convent site is situated at the junction of Eastern Road and Walpole Road and bordered to the north by Belle Vue Gardens. The application site is within the College Conservation Area, the eastern boundary of which runs along the eastern edge of the application site. The boundary of the East Cliff Conservation Area runs along Eastern Road, south of the site. The application site does not include any statutory listed or locally listed buildings. The two lodge buildings are, however, non-designated heritage assets by virtue of their inclusion in the Conservation Area and make a positive contribution to the character of the area. The College Conservation Area character statement refers principally to the nineteenth century development of the area as being of note, particularly College Terrace, Canning Street and Walpole Terrace along with the architecture of the main college campus. The statement also acknowledges that more recent developments at the College by some prominent architects have added to the architectural interest and variety of the Conservation Area.

- 10.55. The existing site features the two joined principle 3 storey former lodge buildings finished in white stucco along the western side and a red brick chapel currently used as a library sited in the north west corner. Adjacent to the chapel is a small flat roofed garage. The site also features a number of 20th Century flat roofed extensions finished in a mix of red brick and render and two multi use play areas; one adjacent to Belle Vue Gardens and one other in the southern part of the site adjacent to Eastern Road. Both play areas are enclosed by steel and net fencing. The site includes the two adjoining traditional terraced properties along Eastern Road bordering the east of the site and a single terraced property adjoining the site along Belle Vue Gardens. All three of the terraced properties are in use as ancillary spaces and teaching rooms by Brighton College. A white render wall with pier detailing runs across the southern and western boundaries of the site and a pebble dashed render wall runs across the northern boundary. The site features a limited mix of tree planting and a section of hedgerow in the south west corner.
- 10.56. To the south of the overall site are terraces of traditional two storey residential properties along the southern side of Eastern Road and Great College Street behind, set in an east-west orientation. Across Walpole Road to the west of the site is the principal Brighton College Campus featuring a number of Grade II Listed Buildings and the four storey boarding house adjoining the main school entrance approved in 2012. The college campus continues north with the principle playing field areas of the college bordered by College Terrace and Walpole Terrace north west of the application site.
- 10.57. Immediately west of the proposed site are the two storey residential properties and rear gardens of Eastern Road and Belle Vue Gardens and north of the site across Belle Vue Gardens are two pairs of substantially sized three storey semi-detached villas which face south directly overlooking the site.
- 10.58. A mix of building materials are visible in the immediate context with flint, red brick, stucco and pebble dash render immediately visible. Land levels rise to the north and east with Belle Vue Gardens sited at a higher level than Eastern Road.
- 10.59. The main college campus and existing site are surrounded to the north, east and south by an area predominantly residential in character.
- 10.60. The proposed development would demolish all of the ad-hoc 20th century red brick extensions across the site which are considered of low architectural quality and also involve the removal of the two fenced play areas along with other extensions at the rear of the principal lodge buildings which would result in an improvement to the appearance of the site.
- 10.61. The existing lodge buildings would be refurbished with new windows, glazing and wall insulation and a new mansard roof with dormer windows would be added to the existing building finished in slate.
- 10.62. The refurbished lodge buildings would be converted into boarding accommodation and a new accommodation block would be erected to the east between the lodge buildings and the neighbouring properties along Belle Vue Gardens.

- 10.63. The new proposed boarding house would be of a contemporary design with bevelled corners and rectangular windows. The building would be 18m in width infilling some of the site between the existing lodge buildings and the adjacent residential terraces. The building would be set into the ground on the northern side due to the changing topography of the site and would have a scale commensurate with the residential terrace of Belle Vue Gardens being approximately 9m in height but would be set into the ground by 3m with the roof level of the new building approximately level with the first floor of the adjacent terrace. When viewed from the south (Eastern Road) the building would appear as three stories (13m) with roof accommodation set back 20m from Eastern Road.
- 10.64. The north facing elevation of the new building would have two projecting bays articulated to reference the adjacent terrace form and the elevations are proposed to be finished in knapped flint with the rectangular windows set in pale brick surrounds. The building would have a mansard style flat roof with inset dormer windows finished in slate cladding.
- 10.65. The new building would be set in 5.7m from the northern boundary with Belle Vue Gardens and due to the setting into the ground the new building would appear as a two storey building with roof accommodation when viewed from Belle Vue Gardens, sitting lower than both the adjacent terrace and neighbouring chapel building. These elements of siting help the building to assimilate within the street scene context of Belle Vue Gardens and the proposed materials are considered to satisfactorily reference the immediate character of built form in the area.
- 10.66. When viewed from the south the new building would have a scale and mass commensurate with the existing lodge buildings on the site and would sit lower than the adjacent terrace of Belle Vue Gardens. The new building would also be set into the site from the southern boundary by 20m which assists in assimilating the massing of the built form and a sufficient degree of subservience to the main lodge buildings would result. Overall, the scale, massing and siting of the building is not considered to adversely affect the character of the area and the architectural appearance and materials are considered to sufficiently reference the local context.
- 10.67. Whilst the building would have a modern appearance this building would have a much higher standard of architecture than the (proposed) demolished 20th century extensions, fences and caged play areas that currently occupy the site and would not cause harm to the visual character and appearance of the area.

Landscaping (Convent site)

- 10.68. The proposal would result in the loss of the existing 8 trees across the site however these trees are considered to be largely ornamental (amongst the removals are a cherry tree, bay tree, pear tree and strawberry trees). Their loss is regrettable however the scheme proposes mitigation planting of 18 new trees which is welcomed and the Council's Arboriculturist has confirmed there is no objection to the removal of the existing trees. The site would be re-landscaped with green lawned areas and vegetation around the site. The area between the main buildings and Eastern Road on the south part of the site features tree and hedge planting along the southern boundary and a new lawned grass amenity area replacing the

existing southern caged play areas. The boundary walls would be refurbished and part replaced and the northern pebble dashed render wall would be removed and replaced with a wall treatment matching the southern sections of the site which would result in an improvement to the appearance of the site from the public realm. A planning condition is recommended to secure finished details of the boundary to ensure an acceptable appearance.

- 10.69. At the sites interior, a number of hard and soft landscaped areas of mixed planting would surround the finished built form with steps and pathways facilitating the changing land levels.
- 10.70. Subject to conditions securing an acceptable proposed material palette and revised details for the boundary treatments the development is not considered to cause harm to the visual character of the area and would result in a number of visual improvements. The proposed development would be commensurate in scale and massing to existing buildings on the site and wider area and the development would improve the provision of green infrastructure as well as remove a number of low quality flat roofed buildings and the caged play areas which are considered to harm the overall appearance of the site. Overall, the scheme is considered to result in an improvement to the overall visual character and appearance of the site subject to the recommended conditions.

Heritage Impacts

- 10.71. As already referenced, the proposed scheme provides a number of heritage benefits which would overall enhance the appearance and character of the College Conservation Area. These are the removal of the 20th century and other extensions which are of poor architectural quality and would significantly improve the appearance of the site, the refurbishment and restoration of the existing lodge buildings, the removal of the flat roof garage in the north west corner, the refurbishment of boundary walls around the site including the removal of the pebble dash rendered wall on Belle Vue Gardens (again significantly improving this part of the Conservation Area), the removal of the caged play areas which would be a significant benefit from the public realm and the sufficient landscaping proposals. All of these elements are considered to be overall benefits to the appearance and character of the Conservation Area. It is noted that the scheme would result in the loss of the principle chimneys from the Lodge building which would cause some less than substantial harm to the Conservation Area. Whilst this harm is noted it is considered to be balanced against the benefits of the scheme as noted above and the overall resulting appearance of the site is considered to be an improvement over the existing situation. It is again noted that Historic England, the Council's Heritage team nor the CAG (Conservation Advisory Group) have raised any objection to the proposals. In conclusion therefore whilst the Convent site development would cause some degree of harm to the College Conservation Area as a result of the removal of the chimneys this harm is considered to be balanced by the visual improvements identified and it is not considered to be sufficient to warrant refusal on this basis.

Heritage Conclusion

- 10.72. Whilst there are some harms in heritage terms from the developments cumulatively at the two sites these harms are considered to be less than substantial and at the lower end of the scale of harm. The College Conservation Area character statement (adopted January 2024) identifies the rendered wall on the eastern side of the main College campus, adjacent to Walpole Road, as having a negative impact upon the character of the Conservation Area. The applicant (Brighton College) as part of this application has indicated their intention to provide improvements to the appearance of the rendered wall in the form of the insertion of flint panelling and other aesthetic improvements to enhance the appearance of the wall and remedy its harm to the College Conservation Area. Whilst this wall is not part of the application site improvements to it would contribute to the lessening of the heritage harms which can be considered to be public benefit of the proposals. In light of this, it is considered desirable and necessary to secure improvements to the wall in the longer term which would assist in offsetting any heritage harms across the wider development and would provide a direct public benefit in heritage terms. It is not yet possible to identify what improvements would and could be reasonably facilitated to the wall as structural information and a full scope of the works would require thorough investigation. For this reason a scheme is recommended to be secured through a Section 106 agreement for improvements to the wall and which would be secured for implementation post completion and occupation of the proposed development.
- 10.73. Subject to the inclusion of a scheme to provide visual improvements to the rendered wall and other recommended heritage conditions the development is considered to be visually acceptable and would not cause harm to the visual appearance or character of the area in accordance with CPP1 policies CP12, CP15 (Heritage) and CPP2 policies DM21, DM26 (Conservation Areas), DM27 (Listed Buildings) and DM29 (The Setting of Heritage Assets) and in accordance with paragraphs 216 and 219 of the NPPF.

Standard of Accommodation

- 10.74. The standard of accommodation provided within the boarding houses requires an assessment against Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 which requires all new residential development, including within C2 use class to provide an acceptable standard of accommodation meeting the requirements of the NDSS (Nationally Described Space Standards) and policy DM20 requires new development to secure an acceptable standard of amenity for future occupiers.
- 10.75. At the convent site the boarding provision would be provided in the converted lodge buildings (referenced as Convent House 1) for 78 female students and the new build boarding house (referenced as Convent House 2) for 74 male students.
- 10.76. The development has been assessed and all rooms provided are considered to provide adequate light and ventilation and the overall standard of accommodation would meet the requirements of the Nationally Described Space Standards. Two single bedrooms within the new building would be slightly short of the NDSS requirement for a minimum width of 2.1m measuring 2m wide but in the overall context of the provision this is considered acceptable.

- 10.77. Both boarding houses would have 2x units designed to be specifically accessible for persons with limited mobility and both boarding houses have lift access to all floors.
- 10.78. A suitable provision of W.C and shower facilities are provided within both buildings which also feature a number of smaller ancillary rooms, laundry rooms, store and offices associated with the use.
- 10.79. Communal areas and common rooms are provided within both houses and are considered to be of an acceptable size and usability. The newly rearranged landscaping at the site would provide external amenity space within the “quad” space between the two buildings as well as surrounding the site.
- 10.80. Within boarding house 1 two units would be provided for staff accommodation at lower ground and ground floor levels both fronting onto Walpole Road with a suitable standard of accommodation provided.
- 10.81. Within boarding house 2 one staff unit would be provided at first floor fronting onto Belle Vue Gardens and an additional unit would be provided within the neighbouring terraced house at 2 Belle Vue Gardens. Four further units for ancillary staff accommodation would be provided within the properties in the south east corner of the site at 141 and 143 Eastern Road and the standard of accommodation is considered to be acceptable regarding layout. A condition is proposed to ensure that the staff units are occupied only by staff in the employment of Brighton College.
- 10.82. The overall standard of accommodation for the future occupiers is considered to be in accordance with policies DM1, DM8 and DM20 of the CPP2 and no concerns are held in this respect.

Highways

- 10.83. The NPPF (2024) in general terms aims to promote a sustainable approach to development by balancing the transport system in favour of modes of sustainable transport and to give people a choice about how they travel.
- 10.84. In summary paragraph 110 advises that “...development should be focused on locations which are can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. Paragraph 115 seeks to ensure that “sustainable transport modes are prioritised...safe and suitable access to the site can be achieved for all...and that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree through a vision-led approach.” Paragraph 116 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or that the residual cumulative impacts would be severe.
- 10.85. CP7 (developer contributions), CP9 (Sustainable Transport), and CP13 of the CPP1 (public streets and spaces) are all also relevant to the proposal.

- 10.86. DM33 (Safe, sustainable and active travel) of the CPP2 requires that “new developments should be designed in a way that is safe and accessible for all users, and encourages the greatest possible use of sustainable and active forms of travel.” DM35 (Travel Plans and Transport Assessments) and DM36 (Parking and Servicing) and SPD14 Parking Standards, Developer Contributions Technical Guidance are similarly relevant to the proposal and seek to promote sustainable forms of travel.
- 10.87. In brief summary of the proposals, the current site at St Mary’s Hall includes a pre-prep campus for years 1-4. The newly proposed building would provide new teaching floorspace for years 5 and 6 who are proposed to be relocated from the Convent site.
- 10.88. The number of pupils currently enrolled at Brighton College from Nursery through to Year 6 is 367. The applicant has noted that this number does not reflect the current potential maximum capacity of these year groups which would be a maximum of 425 pupils in years 0-6 as existing.
- 10.89. The proposals would in any event increase the number of pupils at the St Mary’s Hall site which would now entirely accommodate the teaching of years 0-6. The Department for Education’s theoretical maximum for the site would be 440 pupils and revised highways information has been submitted in the form of an increased sensitivity test to include this maximum capacity. The Convent site being converted from education to boarding houses would house 150 students and support staff who would reside at the site and result in an overall decrease in daily traffic to and from the site and create a materially different pattern of highways impacts to the existing situation as discussed below.
- 10.90. As mentioned elsewhere within this report at 3.4 neither site is situated within an Air Quality Management Area (AQMA) however an AQMA is positioned adjacent to the Royal Sussex County Hospital between the two locations.
- 10.91. A number of the representations received on the application refer to experienced problems and issues relating to highways at both sites and raise some concerns on highways impacts relating to the wider school operation. These concerns relate principally to overall capacity of the road network, potential for conflict with the nearby Royal Sussex County Hospital, issues experienced during school pick up and drop off, parking provisions and suitable pavement capacity and safety.

St Marys Site

- 10.92. The site is adjacent to Eastern Road a significant east/west route in the eastern part of the city serving the Royal Sussex County Hospital (RSCH) and has a 20mph limit. In the direct vicinity of the site, Eastern Road has parking on its southern side with double yellow lines and a bus stop on the northern sides. There are no existing loading bays or parking bays directly serving the existing site on the road. To the west of the site is Bristol Gate providing the primary vehicle access to the RSCH and as an access to the residential properties of Bristol Gate and Bowring Way to the north.
- 10.93. The site is well served by public transport with approximately 8 timetabled public buses serving this part of Eastern Road providing routes to eastern areas and back

towards the city centre. The school currently provides private bus services (coaches) and minibus transfers from pupil's homes to the school.

- 10.94. The site is currently entered and exited by all users from two accesses along Eastern Road. Vehicles, pedestrians and cyclists currently enter from the access east of the main playing field and within the site vehicles turn east and utilise the vehicle exit approx. 40m east of the entrance back onto Eastern Road. To the north of the access road is a gated area for parking of vehicles formed of a currently disused former access road running along the northern boundary of the site.

Pedestrian and Cycle Access and Cycle Parking – St Marys

- 10.95. The proposal includes a new pedestrian portal/gate positioned adjacent to the listed wall at the entrance creating a more formalised dedicated pedestrian entry point. A dedicated pedestrian footpath including other entrance gates would then run alongside the eastern and northern boundaries of the playing field and existing school site. A new pedestrian and cycle access gate is proposed to be created on Bristol Gate providing access and exit from the north west of the site. 42 cycle parking spaces are proposed and this is considered compliant with SPD14 (Parking Standards) details and implementation of this would be secured by condition. The Highways team have raised no objection to these proposals and no concerns are otherwise raised regarding pedestrian safety and cycle access at this site subject to a necessary Section 278 (Highways) agreements and a Car Park Management Plan being secured by condition which is proposed and recommended.

Vehicular entry and exit – St Marys

- 10.96. The existing arrangement would be partly maintained as a result of the proposal with the continuing use of the existing Eastern Road exit whilst an additional new vehicular exit would also be created to the northwest of the site by re-opening a currently gated former vehicle access along Bristol Gate (adjacent to the MacMillan Cancer Centre and opposite the Royal Sussex County Hospital). The exit would be utilised but gated with a fob-activated barrier which would also be manually staffed at peak times to facilitate smooth exit from the site. The barrier is proposed to be set back approximately 3.5m from Bristol Gate in order to allow vehicles to safely idle prior to their exit on Bristol Gate itself. The access would have suitable and compliant visibility splays of 2.4m x 25m in either direction and footpath and crossing improvements are proposed including tactile paving. The Highways team have no objection to these measures which would be secured through a Section 278 agreement and planning conditions which together would ensure that the exit is not first used until a Road Safety Audit has been carried out and pavement and junction improvements completed to the satisfaction of the Local Highway Authority.

Parking – St Marys

- 10.97. The existing site provides for 21 formalised parking spaces. Whilst this was originally proposed to be increased to 37 this was reduced, during the course of the application, to provide no additional net parking in order to help facilitate the flow and ease of vehicles picking up and dropping off within the site whilst also encouraging more sustainable modes of travel and compliance with SPD14. The

proposed 21 spaces would be split between staff, visitors and pick/up drop off waiting bays with pick up/drop off spaces sited on the western side of the access road for safe use. Staff parking would be sited on the eastern side of the access road and, given their arrival times would be outside of peak periods, this parking adjacent to the wall is considered acceptable to the LHA subject to a Car Park Management Plan being secured by condition as referenced above in 10.95.

Highways Capacity, Pick up/Drop Off and trip generation – St Marys

- 10.98. The representations received raise a number of concerns relating to school pick up and drop off at this site regarding queuing vehicles, obstructions and driver behaviour. Whilst the behaviour of individuals cannot be individually controlled a number of proposed measures would address and reduce these impacts. The increased facility within this site for pick up and drop off as a result of the re-use of the interior northern access road is considered to be a benefit and the additionally proposed exit onto Bristol Gate would provide further vehicle space and flow within the site for all vehicles serving school pick up and drop off. The staffed barrier to Bristol Gate and the proposed improvements to the access road/s would contribute to mitigating some of the highways impacts, however, these measures alone would not remedy many of the concerns raised and would not solely mitigate for the increase in pupil numbers at the site. The applicant has proposed an individual travel plan and an undertaking to develop a whole school travel plan in consultation with the Council. This would be a welcome measure and would mitigate against the highways impacts of this proposal and against some of the current problems being reported along Eastern Road. The detail of this is discussed further below.
- 10.99. Data provided by the applicant in the form of a School Travel survey undertaken for the Prep and Pre-prep schools in February 2024 shows that from the 260 responses 77% of pupils were arriving by car (200), 16% walking with the remaining 7% arriving by cycle or bus. It is understood that due to the ages of the pupils currently in attendance there is a need for parents and children to travel together.
- 10.100. The survey is also stated to have shown that 30% of pupils in the prep and pre-prep schools that would be relocated as a result of the proposal are from the same family which would contribute towards a reduction in traffic between the two sites and the nearby AQMA through the re-location of the prep school. In numerical terms the proposal could result in a reduction of 10-18 vehicle trips during school peak hours between the two sites.
- 10.101. A projected total capacity of the St Mary's site post development would be 440 pupils based upon the Department for Education standards. The sensitivity test data has been adjusted and reduced by 25% which is considered to be an appropriate adjustment to account for multiple children in one car providing an overall maximum for projected car arrivals to the St Marys site of 242. The Highways team consider the approach undertaken to be reasonable and no further information has been requested.
- 10.102. The number of vehicles projected to leave via the Bristol Gate exit could be up to a theoretical maximum of 104 vehicles over a 30min period equating to 3.5

vehicles per minute. As above, the barrier is proposed to be manually staffed during peak times to assist in maintaining a smooth flow to exiting traffic and this is welcomed.

- 10.103. The additional proposed vehicle exit at the St Marys site would assist in mitigating this impact and provided data shows that egress rates from the site would be acceptable. It is noted that Bristol Gate is the primary access and exit for vehicles serving the RSCH, however the applicant has undertaken an analysis of junction capacity modelled in collaboration with the NHS Trust which incorporates the operations following completion of the 3T development together with the proposal submitted and the adjacent MacMillan Horizon Centre) and it is considered that sufficient road and junction capacity exists on Bristol Gate to accommodate the proposed development. A number of concerns have been raised in public representations around the potential for the proposal to conflict with emergency access to the hospital for Ambulances and users. The new Bristol Gate exit for Brighton College would not create any demand for entry/access given it's exit only nature and the submitted sensitivity test confirms capacity on the road, in addition the majority of ambulances are sited off-site in various locations across the city to enable faster response times. A letter of representation from the NHS Trust has been received during the application advising that there is no objection from the NHS to the proposal. The Highways team consider this reasonable and acceptable and no further information has been requested in this regards.

Convent Site

- 10.104. Whilst also positioned along Eastern Road in a location similarly accessible and well served by timetabled bus routes, the Convent site has no existing dedicated vehicle entrances or exits. Along Eastern Road, similarly to St Mary's there is on-street parking on the southern side of the road and only double yellow lines on the northern side adjacent to the site. On the western side along Walpole Road there are a number of paid parking bays and a loading bay. To the north along Belle Vue Gardens there are a number of existing resident parking bays an existing car club bay and a school "keep clear" area which has been revoked but remains visible on the road.
- 10.105. Currently school drop-off and pick up by vehicle takes place in an informal manner largely along Walpole Road and Belle Vue Gardens.

Pedestrian and Cycle Access and Cycle Parking – Convent Site

- 10.106. Existing access to the school is via pedestrian gates only along Walpole Road and Belle Vue Gardens on the western and northern sides. These would remain unchanged and retained as part of the proposals. An existing pedestrian access from Eastern Road which is currently not formally used would be opened and formalised as a pedestrian entrance on the southern side. 22 cycle parking spaces are proposed which is considered compliant with SPD 14 requirements and this is to be secured through the planning conditions.

Vehicular entry and exit – Convent Site

- 10.107. There is no existing formal vehicle capacity on site with the exception of one garage space fronting onto Belle Vue Gardens which is proposed to be removed as part of the proposals, the reinstatement of the footway in this area would be

secured through the planning conditions. No vehicle access is otherwise provided or proposed.

Parking – Convent Site

- 10.108. Whilst no dedicated parking would be provided by the development, the application proposes re-utilising the area currently marked as “keep clear” along Belle Vue Gardens for two loading bays. It is considered that these can be provided whilst not physically impacting upon the number of resident parking bays currently existing. Suitable swept path analysis has been undertaken and reviewed by the Highways team and is considered to be acceptable for larger vehicles undertaking refuse/recycling collections. The loading bay is proposed to be secured through the planning conditions and a Section 278 agreement.

Highways Capacity and trip generation – Convent site

- 10.109. The same survey as noted above in 10.99 was conducted by the applicant for the convent site and showed from the 107 responses 64% of pupils arrived by car (69), 17% walking and 18% arriving by public or school bus.
- 10.110. Boarding pupils at the college are, in general terms, divided between weekday boarders and overseas boarders. The former largely stay on site with drop off on Sunday and pick up on Friday whilst the latter largely remain on site seven days a week with the exception of some school holiday periods. The proposed use of the Walpole site as boarding accommodation would follow this pattern of occupancy. The proposed use would mean that daily school drop off and pick up would now cease at the site resulting in a reduction in daily traffic movements. Associated vehicle movements would now occur for weekly boarders more as a Sunday evening drop off and Friday afternoon/evening pick up. For overseas boarders related vehicle movements would be predominantly at the start and end of term.
- 10.111. The overall levels of vehicle activity are considered to reduce on the site as a result of the proposal. As existing approximately 200 pupils are in daily attendance at the school site. The proposal would result in 150 pupils residing at the site in boarding accommodation. Currently (when combining school pick up and drop off) 138 vehicle movements occur daily (700 per week) during peak times and the change of use of the site from educational to boarding accommodation would remove this daily pick up and drop off activity and, when considered with the above, would result in a significant overall reduction in vehicle movements associated with the use.
- 10.112. The Highways team consider the provided assessments to be reasonable and have recommended a delivery and servicing management plan (DSMP) to be secured by condition which is considered to sufficiently manage loading/unloading for boarding students without impacting negatively on the highways network given that the majority of directly associated private vehicle movements would take place outside of traditional peak times. The applicant has also advised that as part of the DSMP and wider school travel plan vehicle movements would be directed to the main campus where possible to reduce disruption at sensitive or peak times.

Travel Plan

- 10.113. The above referred to data and survey information has been demonstrated on the assumption that selected modes of transport used for school pick up and drop off would be unchanged in their behaviour from that currently experienced. In this unchanged behaviour scenario due to the revised and increased capacity for vehicles on site together with the reduction of vehicles utilising the Convent site on a daily basis the proposal would not be considered to cause an unacceptable impact upon the local Highway network sufficient to refuse the application. Notwithstanding this, the school have submitted a Travel Plan as part of this application in order to continue to reduce the impact of the proposal upon the Local Highway network. It should be noted that Brighton College does have an existing travel plan in operation which was written in preparation for 2022/2023 and related to the approval of BH2021/01845 (Performing Arts building on the principal campus). The existing travel plan does not relate to the whole school and only relates to the Performing Arts development. Given the nature and concerns raised in many of the representations received, there is a demonstrable need and also a commitment from Brighton College to provide and implement a robust Whole School Travel Strategy in order to reduce vehicle traffic from the entire school campus and alleviate some of the local highways pressures and issues experienced around the whole school operation. It is also required by local Highways policy that sustainable and active modes of travel are encouraged.
- 10.114. A detailed travel plan is proposed to be secured, implemented and reviewed through the planning conditions and obligations and will include fees for monitoring. The travel plan will take into consideration the whole school operation including the Main Campus, off-site travel, boarding pupils and daily attendance at all school sites. A number of specific measures have been outlined in draft and include measures to encourage walking and cycling of staff and pupils, measures to encourage public transport use and measures to reduce single occupancy vehicle trips. As an example, from September 2025 Year 4 pupils will be mandated to use the schools home to school travel service (park and ride scheme from Brighton west, north and east) and it is envisaged that Years 5 and 6 will be similarly mandated should the pupils move to the new St Mary's site. The applicant has also advised that an 86 seater (double decker) bus has been commissioned to collect pupils from the local BN1 and BN2 postcode with the potential to remove up to 80 vehicles travelling to the St Mary's site. Further measures advised by the applicant include the cessation of using coaches to provide "Home to School" transport entirely which would be partly replaced by an increase in the minibus fleet enabling trips to start and end within the Brighton College Campus and would reduce obstructions on the highway and address a number of the concerns received on the application.
- 10.115. The draft plan has been reviewed by the Council's Travel Plan team who are confident of the applicants approach and commitment to implementing sufficient measures. Whilst the information provided is considered to be acceptable, further measures, review and ongoing monitoring will still be required and secured in addition to the above. The detailed plan will be required to be agreed and implemented prior to first occupation of the proposed developments and will be reviewed and revised as required annually through the planning conditions with monitoring fees secure through the Section 106 agreement.

Highways Conclusion - St Marys & Convent

- 10.116. It is considered that the applicant has sufficiently demonstrated that the increase in teaching capacity at the St Mary's Hall site would not create harmful highways impacts and any such impacts, should they arise, would be suitably mitigated by the proposal itself and legally secured Travel Plan Measures. The Highways Team consider that the impacts of the proposals are not considered to create an unacceptable impact upon the Local Highways network sufficient to refuse the application and subject to the ongoing assessment and review of a whole School Travel Plan to create more use of Sustainable Travel measures, a car park management plan for the St Mary's site and servicing and delivery plan the direct and associated impacts from the School operation on the highways network within the wider area can be sufficiently controlled, reduced and/or removed.

Accessibility and Disabled Parking

- 10.117. Two disabled parking spaces are proposed within the St Mary's site and are considered to be appropriately sited. The constraints around the Convent site mean that no off street disabled parking can be realistically provided. This is accepted by our Highways team in this case and the recommended Car Park Management Plan will secure suitable disabled parking provision at both sites.
- 10.118. Step free access would be available at the St Mary's site and from Belle Vue Gardens at the Convent site. There is some limitation on step free access horizontally within the converted Convent site building and staff dwellings as they exist along Eastern Road and Belle Vue Gardens although new lift access would be provided to the converted building providing access to most areas whilst full step free access would be achieved fully in the newly proposed buildings at both sites including a platform lift to assist with the changing land levels between the existing and proposed buildings at the St Mary's site. Accessible changing rooms and WC's are appropriately provided through the new development including within every floor of the new buildings and wheelchair refuges and other matters such as accessible outlets, means of escape, lighting and grab rails where necessary will be required and implemented as part of the developments accordance with Part M of the Building Regulations.

Servicing and Refuse

St Marys

- 10.119. Refuse collections and servicing at St Mary's is proposed to remain generally unchanged from the existing situation which is an informal arrangement adjacent to the existing vehicle access from Eastern Road. A more formalised refuse store would be created by the proposals and the improved road layout within the St Mary's site should provide adequate capacity for servicing vehicles to load/unload inside the site perimeter without unacceptably obstructing or blocking other vehicles and contributing to congestion.

Convent

- 10.120. Refuse collection and servicing currently takes place at kerb side along Belle Vue Gardens. Drawings supplied show that refuse vehicles would utilise the proposed loading bays adjacent to the entrance on the northern side. It is unclear from the proposed drawings where the refuse store would be located on site however it is considered that sufficient space exists within the proposal for the location to be

provided and further detail is required to be provided as part of the recommended schedule of planning conditions.

Impact on Amenity

- 10.121. Planning policy DM20 of the CPP2 requires developments to ensure they cause no unacceptable loss of amenity to proposed, existing or adjacent users and to ensure that developments are no harmful to human health. The NPPF states in regards to noise that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being affected by unacceptable levels of noise pollution.

St Marys site

Noise Impacts at St Mary's Site

- 10.122. Educational use of the site and playing field has been occurring at the site for over 200 years and is an established use of the land. Whilst the new building would increase the intensity of the use of the playing field areas and school buildings the noise impacts are not considered to be demonstrably harmful over and above the existing situation to warrant refusal of the application or to require mitigation measures.

Daylight / Sunlight at St Mary's Site

- 10.123. Due to the orientation of the site no loss of light or overshadowing would occur to any harmful degree to any neighbouring properties and no further concerns are held in this respect.

Overbearing impacts at St Mary's Site

- 10.124. The proposed new school building would be approximately 14-16m in height at the southern end and be separated from the southern properties of Chesham Street and Chichester Place over Eastern Road by 20m alleviating any concerns of the proximity of the proposed built form regarding overbearing effects of the development.

Overlooking impacts at St Mary's Site

- 10.125. The proposed new school building would only provide direct southern views from the southerly teaching space at second floor. Whilst it is noted that 2 Chesham Street and 41 Chichester Place have windows at first floor facing north, the separation distance is considered appropriate to alleviate overlooking and is commensurate with separation distances in a city environment. It is also noted that the school would not be occupied and in use other than during the day. No harmful effects are considered to occur due to overlooking.
- 10.126. Views from the upper floors of the school building to the west and north are not considered to result in harmful overlooking and views directly east would be over 40m towards NHS staff accommodation at Venn House.

Noise Impacts at Convent Site

- 10.127. A noise impact assessment has been carried out which included long term noise monitoring at two locations at the Convent site. The report has been reviewed by the Council's Environmental Health team and indicates that the most likely source of noise disturbance to future occupants of the boarding houses themselves is

from traffic noise along Eastern Road and that this impact can be mitigated through trickle ventilation in the new building and is otherwise is broadly in line with best practice for the converted buildings.

- 10.128. A condition is recommended by Environmental Health to ensure that plant equipment at both sites is suitably controlled in the interests of protecting the amenity of both existing nearby residencies and for the proposed occupants.
- 10.129. In planning terms the noise generated from the use as a boarding house is unlikely to exceed the noise generated from the current educational use. Whilst the pattern of comings and goings to the boarding houses would be different from the existing educational use there would be no longer be formalised sport or play times at the site and there would be no daily pick up and drop off of pupils to the same scale as currently. Staff accommodation is proposed to be provided across the site and this level of close supervision is considered a benefit in the management of overall noise from the occupancy however a planning condition is recommended to secure an agreed noise management plan prior to first occupation of the site to mitigate and control noise potential to neighbouring residencies. It is also noted and of consideration that the occupancy of 141 and 143 Eastern Road and 2 Belle Vue Gardens by Brighton College staff would create something of a buffer to mitigate impacts on noise to the adjoining terraces directly to the east of the site however noise management plan remains recommended and as well as measures and management to mitigate and control external noise the plan would also provide a direct contact for nearby residents in the event of issues. Subject to the recommended condition for a noise management plan therefore the noise impacts from the development are not considered sufficiently harmful over and above the existing situation to warrant refusal of the application.

Daylight / Sunlight at the Convent Site

- 10.130. A sunlight and daylight report has been submitted with the application in order to assess the impacts of the developments at the Convent site upon neighbouring residential properties in accordance with Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2022.

1,3 and 5 Belle Vue Gardens

- 10.131. These properties are set to the north of the proposed development and are sited on higher land. The submitted assessment sufficiently considers the impacts to these properties and concludes that there would not be any harmful impacts from the proposal with all BRE guidelines met. Whilst the report does not assess the impacts to 7 and 9 Belle Vue Gardens the context is immediately comparable to the neighbouring properties and no concerns are held in this respect.

2 Belle Vue Gardens

- 10.132. This property is proposed for use as staff accommodation, nonetheless the sunlight daylight impacts are assessed. A number of the principle rooms which face north would be unaffected by the proposed development due to their siting, and the rooms with a southerly impact would be affected. The biggest impacts would be to the west facing side windows directly facing onto the new building.

Whilst there would be some impact the overall impacts considered are compliant with the BRE guidelines which is partly due to the affected rooms having a dual aspect. This building would not be adversely affected by the proposed development.

145, 147, 149 and 151 Eastern Road

- 10.133. These properties are to the south east of the proposed development. Through the removal of some of the existing adjacent structures proposed for demolition there would be some improvements to the sunlight reaching the rear areas of these buildings (and those opposite) from a newly formed gap at the rear of 141 and 143 Eastern Road. The assessment concludes that all but one window to the properties (145-151 Eastern Road) would continue to meet the BRE guidelines. The window relates to a first floor bedroom at the rear of number 145 Eastern Road which would be an isolated loss of daylight distribution to this room however other windows within the building would experience some slight gains. Due to their orientation and siting and whilst this impact is noted these buildings would not be adversely affected by the proposed development.

Overbearing Impacts at Convent Site

- 10.134. The new proposed building at the Convent site would be set into the ground and due to the changing topography at the site would appear as a 2-3 storey development at the northern side and a 4 storey development on the southern side. The changing land levels mean that the properties along the southern side of Belle Vue Gardens would have a lower ground floor level situated just below first floor level meaning impacts on overbearing would significantly only relate to the upper floors of the new building. The new building would be separated from 4 Belle Vue Gardens by approximately 7m and separated by the staff dwelling at 2 Belle Vue Gardens. This change in topography together with the separation distance involved would mean that the proposal would have minimal impact upon 4 Belle Vue Gardens and the adjacent properties in regards to the development being overbearing.
- 10.135. The property arguably most affected would be 145 Eastern Road. This property is to the south east of the new building and is separated from the site by approximately 7m. Whilst the proposed building from ground floor level would appear as a four storey structure in relative proximity, much of the existing built form immediately adjacent to 145 would be removed as a result of the proposed removal of the rear extensions to 141 and 143. Therefore whilst the building would be visible the overall impact upon this property in terms of overbearing is not considered to be sufficiently harmful to warrant refusal of the application and the scheme as a whole, would deliver some benefits to this property due to the removal of the immediately adjacent existing school extensions creating a more open aspect to the properties western side.

Overlooking Impacts at Convent Site

- 10.136. The proposed new building would be separated from the properties sited on the northern side of Belle Vue Gardens by approximately 20m and due to the setting into the ground provide direct views across the road from the first and second floors only. This separation across the road of Belle Vue Gardens is considered

not to have a detrimental impact due to overlooking over and above that which is considered reasonable within a city centre context.

- 10.137. Views across the rear gardens of the eastern properties within Belle Vue Gardens and Eastern Road would be possible from the first and second floor eastern windows of the proposed building. Given the changing land levels these views from the boarding accommodation would be over the rear gardens, amenity spaces and rear windows of the easterly residential properties. This impact is considered to be potentially harmful over and above the existing situation and therefore a planning condition is recommended to secure obscure glazing up to 1.7m from floor level within the first and second floor east facing windows and stairwell of the new building in order to mitigate against and alleviate the most harmful overlooking. This would principally affect two dorm bedrooms at first and second floor level and in the overall context of the application the standard accommodation would remain acceptable. Views from bedrooms to the south and west would not result in harmful overlooking given the separation distances and existing built form.
- 10.138. Views north, east and south from within the converted lodge building would be at distances of over 30m which is considered a sufficient separation to alleviate any concerns in this respect.

Amenity Conclusion

- 10.139. The proposed buildings at both sites are not considered to result in harm to the amenity of neighbouring occupiers subject to the recommended conditions securing obscure glazing and sufficient boundary treatments and the overall use of the site/s is considered to be mitigated by the proposed noise management plan.

Sustainability

- 10.140. Policy CP8 (Sustainable Buildings) of the Brighton and Hove City Plan Part One requires all new development to incorporate sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions and mitigate against and adapt to climate change. Policy DM44 (Energy Efficiency and Renewables) of the CPP2 requires energy efficiency and energy performance standards in addition to policy CP8. DM45 (Community Energy) and DM46 (Heating and cooling network infrastructure) encourage development proposals to consider inclusion of community energy partners to deliver low and zero carbon energy solutions and to consider integrated heat networks, communal heating systems.

BREEAM

- 10.141. BREEAM (Building Research Establishment's Environmental Assessment Method) sets the standard for best practice in sustainable design and describes a building's environmental performance. As a major development, the proposal is required to meet BREEAM "Excellent" standard as required by policy CP8. The applicant has submitted a BREEAM initial assessment for both sites which indicate that they would achieve an Excellent rating. This has been reviewed by the

Council's Net Zero team and the required BREEAM standard is proposed to be secured by condition.

Energy Performance

- 10.142. Both sites are required to meet the requirements of CPP2 policy DM44 (Energy Efficiency and Renewables) including the requirement for non-residential development to achieve at least a 19% reduction improvement in carbon emissions set by Part L of the Building Regulations and with newbuild residential and commercial development required to achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
- 10.143. Overall energy strategies have been submitted for both sites and draft EPC's have been submitted indicating that both developments would achieve an EPC rating of A. This would exceed the policy requirements and is welcomed.
- 10.144. The energy strategy submitted for the St Mary's Site states that measures to reduce energy includes passive design, photovoltaics, air source heat pump with mechanical ventilation heat recovery and states a 33% improvement in carbon emissions will be achieved. This is welcomed and is recommended to be secured by condition.
- 10.145. The Energy Strategy submitted for the Convent sites sets out measures to reduce energy use including use of improved fabric, passive design, use of Air Source Heat Pump and photovoltaics, and states that a 26% improvement in carbon emissions will be achieved in the retained building, and a 30% improvement will be achieved in the new building. The proposed energy strategy has been reviewed by the Council's Net Zero team who are satisfied that the information provided is acceptable and achievable.

Heating and Ventilation

- 10.146. At the St Mary's site a mixed strategy including passive design within the proposed architecture, natural ventilation and mechanical ventilation and heat recovery systems (MVHR) are proposed. The strategy has been assessed and is considered acceptable.
- 10.147. At the Convent site passive design has been incorporated into the architecture to an acceptable degree and all dormitories are proposed to be naturally ventilated through openable windows and trickle vents with mechanical ventilation and heat recovery (MVHR) systems employed for WC, shower and kitchen areas. MVHR is also proposed to be additionally provided to the southern facing dormitories to enable occupants to close windows and vents to mitigate against noise from Eastern Road to the south. The proposed energy strategy has been reviewed by the Council's Net Zero team who are satisfied that the information provided is acceptable and achievable.

Low and Zero Carbon Technologies

- 10.148. PV (photo voltaic/solar) panels are proposed for both sites, including the roof areas at St Marys and upon the roof of the new building at the Convent site. Indicative information relating to their layout has been provided and the implementation of

this will be secured by condition. PV is not proposed to the converted convent building and given the layout, appearance and historical sensitivity of this building this approach is considered acceptable. The submitted energy strategies show that the overall proposed PV output would be only just above the base load and therefore it is unlikely that grid exports would be significant.

10.149. Ground source heat options have been considered but due to the fabric first (passive) approach within the design and architecture heat loads are very low and therefore open or close loop will not payback in less than 30 years. The stated low heat load of the sites combined with other factors presented by the applicant is considered to be a reasonable justification for not future-proofing the design of the building for connection to a district heat network.

10.150. The applicant has confirmed that EV (electric vehicle) charging can be accommodated at the St Mary's site and details of this are proposed to be secured and provided through the planning conditions. Whilst the Net Zero team are encouraging of further measures the information provided has been reviewed and is considered acceptable.

Part L of the Building Regulations

10.151. Information has been provided to demonstrate how both sites would comply with the relevant parts of Part L of the Building Regulations and how the proposed measures would be technically and functionally feasible and appropriate. The development must meet the requirements of Building Regulations 2021, including Part L on carbon emissions for the appropriate building type, and Part O on overheating and this would be secured through implementation.

Water conservation and management

10.152. Policy CP8 (2.e) requires development to aspire towards water neutrality by meeting high water efficiency standards. None of the three buildings incorporate facilities to recycle, harvest and conserve water resources. The applicant has provided a justification that the required tank size to harvest all rainwater falling on the roof/s would be too large for the constraints of the site is considered to be reasonable and is accepted by the Council's Net Zero team in this case, however the failure to incorporate a smaller system to assist with grey water requirements of specific part of the building(s) and/or external irrigation needs for other parts of the site is disappointing and does not fully comply with Policy CP8 2.e. This is regrettable however it would not be reasonable to refuse the application on this basis.

Circular Economy and Waste

10.153. Adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013 and revised policies 2024) includes requirements for applicants to demonstrate how the durability of the construction has been maximised, minimise the waste arising from construction, demolition and excavation activities demonstrate how they will monitor progress within the lifetime of the construction phase of the development and to demonstrate the sustainable use of aggregates as part of their wider consideration of resources use.

10.154. Policy WMP3d requires applicants to demonstrate how waste arising during construction, demolition and excavation has been minimised and sustainably

managed and the durability of the construction maximised. A Site Waste Management Plan is proposed to be secured by condition to help meet this policy requirement in relation to the internal alterations proposed.

- 10.155. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g., location of bin stores and recycling facilities. Whilst detail has been provided for the St Mary's site, the applicant has not clarified the location of refuse stores at the Convent site, although it is understood that collections will occur at kerb side on Belle Vue Gardens similar to the existing situation. A planning condition is recommended to secure the location of appropriate refuse storage and it is considered that there is sufficient capacity within the site for this to be comfortably accommodated without impacting upon the quality of the scheme.
- 10.156. Policy RM0 of the recently adopted Revised Policies requires developers to minimise the amount of aggregates and prioritise the use of recycled and secondary aggregates in place of primary materials wherever possible. The Energy Strategy reports for both buildings state that recycled aggregate will be used where possible. This is welcomed.

Landscaping and Trees (Arboriculture)

St Marys site

- 10.157. No trees are proposed for removal at the St Mary's site with thirteen (13) new trees proposed along the southern and eastern boundaries of the site including 6 new elms along the southern boundary of the playing field adjacent to Eastern Road.
- 10.158. Native evergreen hedges and climbers are proposed around the new building with areas of reinforced grass and maintained turf to the playing field area. Meadow planting is proposed for the grassed bank between the existing school building and the playing field.
- 10.159. No concerns or objections are raised in regards to the landscaping proposed which is considered robust and acceptable by the Council's Arboriculture Team. The team have recommended tree protection measures to be secured to T3 and T5 (along Eastern Road) and also recommend attendance of BHCC Arboriculture during excavations in proximity to T3 and this is to be secured by condition.

Convent Site

- 10.160. The proposed landscaping scheme for the Convent site identifies eight individual trees and one hedge for removal. These existing trees on site are all small ornamentals of various condition and although their loss is regretted the Council's Arboriculture team have raised no objection and the landscaping scheme proposes in mitigation eighteen new large specimens which is welcomed. Areas around the site are also proposed to have a mix of planting, climbers and shrubs. An evergreen hedge is proposed around the southern, western and northern boundaries and areas of lawn and grass.

10.161. The proposed landscaping would soften the appearance of the proposed new buildings at the site from the public realm and would introduce a sufficient amount of vegetation and urban greening over and above the existing condition of the site which is welcomed and acceptable.

10.162. Overall the proposed tree, shrub and hedge planting would result in improvements in landscaping terms at both sites providing a significant net increase in the number of trees and providing other visual improvements through the urban greening measures proposed. Conditions are recommended to secure the retention and implementation of the landscaping details together with conditions for tree protection measures and boundary treatments (boundary wall and access gates to the convent site) to ensure an acceptable appearance of the development.

Ecology and Biodiversity

10.163. The NPPF sets out principles that local planning authorities should seek in determining planning applications to protect and enhance biodiversity. Schedule 14 of The Environment Act (2021) alongside Brighton and Hove City Plan Part Two policy DM37 require development to ensure a net gain in biodiversity is achieved (10%) and together with CPP1 policy CP10 ensure recognised priority species and habitats are protected and supported; that appropriate and long-term management of new or existing habitats is secured; and to encourage and secure opportunities for biodiversity improvements in and around new development together with the control and eradication of any invasive non-native species on site.

10.164. Neither site is designated for its nature conservation interest, but both lie within the Brighton and Lewes Downs UNESCO Biosphere Reserve. Given the nature, scale and location of the proposed developments, there are unlikely to be any significant impacts on any nearby sites designated for their nature conservation interest.

Habitats

10.165. At the St Mary's site the vegetated habitats comprise modified grassland, a hedge, shrubs and scrub. It is accepted that these habitats are limited in their biodiversity value but they remain of ecological importance, particularly in their urban context.

10.166. At the convent site there is some existing shrub planting, a hedge and trees.

Species

10.167. The impacts of the proposed development on breeding birds, bats and other species has been assessed and neither site is likely to provide for or house protected or priority species as existing.

10.168. Four swift bricks are proposed to each new building at the Convent site along with integral bat boxes and insect boxes. Utilising the recommended approach for the provision of swift bricks within new development would result in a requirement of 15 swift bricks for the St Mary's site and many more for the Convent site which is likely to be in excess of what could be reasonably and aesthetically appropriate. Notwithstanding this the applicant has confirmed cavity bricks to be included within

the construction which is an acceptable solution and it is recommended that a detailed specification for all artificial bricks and boxes is included as a part of a required Ecological Design Strategy (EDS) which is recommended to be secured by condition.

Biodiversity Net Gain

- 10.169 A comprehensive BNG Assessment, metric and gain plan has been submitted and assessed as part of the application. It is considered that the proposal would deliver the minimum of 10% BNG solely through onsite measures with the updated metric showing a gain of +0.37 habitat units (+27.83%) and +0.15 hedgerow units (+528.59%). In terms of post- development BNG, only the grassland and newly planted trees (31 small trees) qualify as 'significant onsite' BNG. The information has been reviewed by the County Ecologist who has confirmed that the development would be able to deliver the 10% BNG on site subject to the necessary conditions and monitoring. The management and monitoring of these measures is proposed to be secured by conditions and a Section 106 legal agreement to secure monitoring contributions for a minimum 30-year period. The pre-commencement Biodiversity Gain Condition will be attached as required which will require the submission and approval by the Council of a full BGP including an updated Metric and a Habitat Management and Monitoring Plan (HMMP).

Environmental Impacts

Air Quality / Polluted sites

- 10.169. Policy DM40 (Protection of the Environment and Health) requires development to ensure it does not cause or give rise to material nuisance or pollution that would cause unacceptable harm to health, safety, amenity or quality of life. Neither site is designated or considered to have potential contamination although notwithstanding this a contamination discovery condition has been recommended by the Environmental Health team in the circumstance contamination is discovered during construction and excavation.
- 10.170. The proposals themselves do not introduce a use which is considered to be harmful to the environment subject to the conditions proposed for noise management plans, delivery and servicing, sustainable and active travel plans and obligations which sufficiently control and secure the proposals in not causing a direct detrimental environmental impact.
- 10.171. Neither site is situated within an Air Quality Management Area (AQMA) however an AQMA does cover an area of Eastern Road between the two sites immediately adjacent to the RSCH. The scheme has been assessed by the Air Quality officer and no objection is raised subject to a further condition ensuring construction vehicles meet the Euro-Vi emission standard. Other matters relating to vehicle and traffic impacts upon the AQMA are addressed in the Highways section of this report.

Sustainable Drainage

- 10.172. The sites are not within areas at risk of flooding however it is within a Conveyance Zone and CPP2 policy DM43 Sustainable Drainage requires the incorporation of SUDS (Sustainable Urban Drainage Systems) to reduce the amount of surface

water leaving a site. A Drainage Strategy and Maintenance Statement has been submitted by the applicant for both sites including drainage plans, topographic surveys, site plans and existing sewer mapping. The strategy at the St Mary's site is, in summary, to use permeable paving, conventional drainage and soakaways. A playing field drainage, improvement and maintenance strategy has also been supplied for the St Mary's site and the improved drainage and irrigation of the sports pitch is considered to facilitate better and increased use of the surface as well as a decrease in water-logging, improved efficiencies of the soak aways which help to limit damage to the playing field surface.

10.173. The drainage strategy at the Convent site is more reliant on discharge from the site but would utilise the green roof (new build), permeable paving and an attenuation tank as part of the SUDS strategy.

10.174. There is no objection from the Sustainable Drainage team to the proposed SUDS strategy and an informative is proposed to be attached to secure agreement from Southern Water that the discharge rates for surface and foul water can be accommodated through the existing infrastructure.

Archaeology

10.175. The St Mary's site lies within an area of archaeological potential, particularly for the prehistoric period. A Neolithic causewayed enclosure, designated as a Scheduled Monument, is located approximately 700m north-east of the site (Whitehawk Hill) and limited archaeological investigations in the wider area has identified evidence of Bronze Age, Iron Age, Roman, medieval and post-medieval activity. The site also lies within a dry valley where Quaternary Head sediment deposits exist.

10.176. A detailed archaeological desk based assessment and written scheme of investigation (WSI) which includes trial trench methodology and evaluation have both been supplied to and reviewed by the County Archaeologist. Whilst there is a risk that archaeological remains will be damaged the risk and damage to archaeology is considered to be sufficiently mitigated and minimised by the WSI and information provided. It is recommended that the submitted programme of archaeological works is secured through the planning conditions.

Other matters

Use of the boarding accommodation outside of school term

10.177. Representations received have raised concerns regarding the potential for the boarding house to be used by third parties or for short term holiday letting outside of the school terms. A planning condition is proposed to secure the use of the Convent site boarding houses to be for enrolled students of Brighton College only and all users would be subject to the same noise management plan and other conditions.

Planning Compliance on other sites

10.178. It is noted that a number of matters relating to compliance with planning matters at other sites have been referenced in representations received in respect of this

application. Whilst a number of planning enforcement investigations are ongoing relating to development at the main campus and the refused Walpole Road appeal as referenced earlier in this report at 10.30 – 10.34, these matters are distinct and separate from this proposal and it is understood that no formal planning enforcement notices have been served in these regards at the time of writing.

Concerns on planning consultation

- 10.179. Some of the objections received have raised concerns in regards potential encouragement of representations and whether there has been fair representation in the consultation outcome. It should be noted that planning decisions are not a referendum and are subject to consideration against local and national policy and all planning considerations and representations received have been considered in the above report and assessment.

City Plan out of date

- 10.180. It is cited in a number of representations received that the city plan is currently out of date given that a consultation is underway on City Plan 2041. It should be noted that no weight can be afforded to the early stage consultation (Key Issues Consultation) as there were no policies included at this stage, which focused on establishing the key issues in the city. Two further public consultations are likely to be held in 2026 prior to submission to the Secretary of State.

Proposal conflicts with recent reductions in local school places

- 10.181. A concern has been raised that there have been recent and local reductions in school places and that the application is in conflict with this policy. It should be noted that, safeguarding aside, the Council has no responsibility in the delivery of education at Brighton College which is entirely independent of the Council and its policies in this respect. Other policies relating to the provision of new community facilities and education are referred to in this report in paragraphs 10.7 – 10.9.

Lighting impacts

A concern has been raised that the developments proposed would require external lighting, particularly the potential requirements for floodlighting to the playing field and no details have been provided in this respect. Whilst the installation of floodlights themselves would be likely to require planning permission in their own right a condition is recommended to secure details of the proposed external lighting to both sites to be agreed prior to occupation.

11. CONCLUSION

- 11.1. The proposed developments are considered to be visually acceptable and would provide some demonstrable improvements to the public realm. The development would be suitably mitigated by proposed landscaping measures and conditions. The proposal to relocate the educational facilities in part from the Convent to the St Mary's site is considered acceptable in local and national policy terms. The proposed boarding house accommodation would not be considered to create a conflict with the aims and objectives of policy SA6 in this case and would not cause further imbalance to the local and neighbouring community above the existing

situation. The proposed part loss of the playing field area is considered to be mitigated by the provision of the community use agreement for use of the sports hall and pitch, the improvements to the playing field surface proposed and the sufficient quantum of space remaining. The amenity impacts of the proposal are considered to be acceptable upon neighbouring occupiers subject to the recommended conditions. The highways and traffic impacts of the proposal are considered to be suitably mitigated and the securing of a whole new school travel plan with regular review and monitoring to increase the use of sustainable transport and reduce private vehicle use is considered to be a benefit.

- 11.2. In light of all of the above the application is recommended for approval subject to the planning conditions, informatives and obligations recommended.

12. EQUALITIES

- 12.1. 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.

- 12.2. 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.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

Section 106 Heads of Terms (DRAFT)

- Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
- Contribution for monitoring obligations of an agreed Whole School Travel Plan (£7249)
- Submission of an agreed scope and schedule of works to the existing boundary wall on the western side of Walpole Road to be submitted and agreed within 18 months and implemented within further 18 months of the details being agreed.
- Employment and Training Strategy
- Contribution of £6360 for Employment and Skills Training

Planning Conditions

1. Approved plans and documents list
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 part of the development hereby approved at the Walpole Road (Convent) site shall be brought into use until the St Mary's site and all ancillary and supporting areas including drainage and the approved improvements to the playing field surface have been fully completed, fitted out and ready for purpose including all hard-standings, road markings and the vehicle exit barrier to Bristol Gate.
Reason: To ensure the policy and public benefits of the scheme are secured and materialise in accordance with the NPPF and policies DM33, DM35 and DM40 of the Brighton and Hove City Plan Part Two and SA6, CP7, CP9, CP12, CP15 and CP16 of the Brighton and Hove City Plan Part One.
4. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development at the Walpole Road site hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatmentssamples/details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development at the St Mary's site hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window and door treatments
 - e) details of size, colour and treatment of the Brighton College logo
 - f) section details and material treatment of the "dummy windows"
 - g) samples/details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. All new render finishes to the Lodge Buildings at the Walpole Road site shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 & DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

7. No development above ground floor slab shall take place at the Walpole Road site until full details of all new windows to the Lodge Buildings and their reveals and cills including 1:20 scale elevational drawings and sections and 1:2 or 1:5 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 & DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

8. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 & DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including pedestrian and other gates at the Walpole Road site shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

10. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including pedestrian and other gates at the St Marys site shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

11. If during construction, contamination not previously identified is found to be present at either site then no further development upon that site (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

13. Prior to the new boarding houses hereby permitted coming into use, a noise management plan to control any potential noise associated with the new use shall be submitted to and agreed in writing with the local planning authority. The management plan shall be implemented in strict accordance with the agreed details which should include but not be limited to:
- Times of use and management details for external areas.
 - How staff would manage children to reduce noise impacts.
 - How awareness of noise-management issues would be incorporated into regular staff training.
 - Procedures to enable reporting of any noise issues and prompt investigation should any complaints or concerns be raised by nearby residents.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

14. The east facing windows at first and second floor level (including the stairwell) within Convent House 02 shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the properties to the east of the site and to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part 2.

15. Access to the flat roof over the new building at the Walpole Road site shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

16. The boarding houses and associated staff dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the floorplans hereby approved. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

17. The Boarding Houses hereby approved shall be used solely as Boarding Accommodation (C2) by students enrolled for educational purposes at Brighton College and for no other purpose or occupancy.

Reason: To safeguard the amenity of adjacent occupiers and to comply with Policies DM20 and DM40 of the Brighton and Hove City Plan Part 2 and SA6 of the Brighton and Hove City Plan Part One.

18. The properties at 141 and 143 Eastern Road and number 2 Belle Vue Gardens shall be occupied and used for staff in the employment of Brighton College for C3 purposes only.
Reason: To safeguard the amenity of adjacent occupiers and to comply with Policies DM20 and DM40 of the Brighton and Hove City Plan Part 2 and SA6 of the Brighton and Hove City Plan Part One.
19. The developments shall supply final BREEAM certificates for each building, confirming achievement of rating 'Excellent' or better. Within 6 months of first occupation of each development hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that a minimum BREEAM New Construction rating of 'Excellent' has been achieved 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 and DM44 of the Brighton & Hove City Plan Part Two.
20. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for each building at both sites.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
21. The St Mary's development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
22. The development at the Convent site hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

23. Details of the roof-mounted solar PV panels at both sites, including output, number and layout shall be submitted and approved in writing by the Local Planning Authority. The PV panels shall be implemented in full accordance with the details approved prior to first occupation.
Reason: To ensure that the development enhances and delivers sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
24. Details of the proposed EV charge point at St Mary's shall be submitted to and approved in writing by the Local Planning Authority, including location and evidence of consultation with the Distribution Network Operator (DNO). The EV charge point shall thereafter be implemented prior to first occupation of the development hereby permitted.
Reason: To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions, to improve air quality in the city and to comply with policies SA6, CP8, CP9 of the Brighton & Hove City Plan Part 1 and DM20 and DM40 of Brighton & Hove City Plan Part 2.
25. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Eight Versa, 04/04/25, Issue No. 03); as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 187 and 193 of the National Planning Policy Framework 2024, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.
26. No development above ground floor slab level shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including bat, swift and insect bricks/boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following: a) purpose and conservation objectives for the proposed works; b) review of site potential and constraints; c) detailed design(s) and/or working method(s) to achieve stated objectives; d) extent and location /area of proposed works on appropriate scale maps and plans; e) type and source of materials to be used where appropriate, e.g. native species of local provenance; f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; g) persons responsible for implementing the works; h) details of initial aftercare and long-term maintenance; i) details for monitoring and remedial measures; j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of

the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2.

27. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policies DM18 of the Brighton and Hove City Plan Part Two, CP8 of the Brighton & Hove City Plan Part One, WMP3 of the Waste Plan (2013), and RM0 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan.

28. The implementation of a programme of archaeological works shall be carried out in full accordance with the approved written scheme of archaeological investigation (Chris Butler Archaeological Services Ltd, document ref CBAS1606, dated May 2025) which has been submitted by the applicant, and any subsequent addendums to the scheme approved by the Local Planning Authority, with a written record of any archaeological works undertaken submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed 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 the National Planning Policy Framework and in accordance with Policy DM31 of the City Plan Part 2.

29. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting is held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection details identified within the approved AIA. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

30. The approved landscaping schemes for both sites including all proposed soft and hard landscaping detailed on the drawings hereby approved shall be carried out in the first planting and seeding season following the first

occupation or the completion 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, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

31. Prior to first occupation of the development at the St Mary's site the Playing Field and Improvement Strategy dated 28th May 2025 shall be implemented in full accordance with the approved details and thereafter maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use of the playing field and to accord with policy CP16 of the Brighton and Hove City Plan Part One and the NPPF.

32. Use of the development hereby permitted shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the permitted sports hall, change facilities and the playing field and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The sports hall, changing facilities and playing field shall not be used otherwise than in strict compliance with the approved community use agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with policy CP16 of the Brighton and Hove City Plan Part One and the NPPF.

33. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements that covers both sites the subject of this consent shall be submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20 and DM33 of Brighton & Hove City Plan Part 2.

34. No development above ground floor slab level shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing

by the Local Planning Authority. The scheme must include but not be limited to the following measures:

- Details of how the proposal complies with SPD14 Parking Standards (including cycle and scooter parking).
- Details of how each car parking and drop off spaces will be allocated and managed.
- Details of the barrier gate at the Bristol Gate exit
- Details of the management of the barrier gate at the Bristol Gate exit
- Contingent disabled user parking provision for both sites

The approved plan shall be implemented prior to the occupation of the building and thereafter be maintained as such.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies DM33, DM36 and SPD14 Parking Standards of the Brighton & Hove City Plan Part Two.

35. Notwithstanding any details shown on the approved plans, no phase of the development hereby permitted shall be occupied until details of secure cycle parking facilities for the occupants of, and visitors to both developments have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of that phase of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

36. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
 - (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
 - (iv) Measures to prevent mud/dust from tracking onto the highway;
 - (v) Details of hours of construction including all associated vehicular movements
 - (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
 - (vii) A plan showing construction traffic routes

The construction of the development shall be carried out in full compliance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with

policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

37. Prior to first occupation of any part of the development hereby permitted a Whole School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall cover a minimum 5-year period and once approved, shall thereafter be fully implemented in accordance with the approved details. The plan shall be reviewed annually in agreement with the Local Planning Authority for the first five years following first occupation of the development.

The Plans shall include as a minimum:

- Objectives, targets, actions, and measures/incentives to promote and where possible require use of sustainable transport modes, reducing trips by motor vehicles and reducing trips by delivery and servicing vehicles.
- Annual monitoring of trips rates for all Brighton College sites on Eastern Road including school drop off/pick up, campus transfers/activities, staff travel and delivery and servicing movements
- Annual monitoring of parent, pupil and staff awareness of travel plan objectives, targets, actions, and measures/incentives.

Reason: to ensure the development maintains a sustainable transport and travel strategy and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and policy DM33 and DM35 of the City Plan Part Two.

38. Unless otherwise agreed in writing the development hereby permitted shall not be occupied until the footway re-instatement works, restored kerbs and provision of loading bay to Belle Vue Gardens and the junction and tactile paving improvements to Bristol Gate shall have been fully installed to the satisfaction of the Local Planning Authority

Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

39. No installation of electronic communications apparatus as provided for within Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part 1 and policies DM18, DM25 and DM29 of Brighton & Hove City Plan Part 2.

40. The development hereby permitted shall not be first occupied until details of external lighting provision relating to both sites has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include but not limited to details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been 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.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

Appendix C
BH2025/00264 – Brighton College

Should the s106 agreement not be completed on or before 4th October 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons:

Biodiversity Net Gain Monitoring

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure monitoring of Biodiversity Net Gain associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2 and the Council's Developer Contributions Technical Guidance.

Travel Plan

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure monitoring of a Whole School Travel Plan associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policies DM20 and DM33 of the Brighton & Hove City Plan Part Two.

Wall on the western side of Walpole Road

The development would cause harm to the appearance and character of the College Conservation Area and would cause harm to the setting of the Grade II Listed St Marys Hall building and East Cliff Conservation Area contrary to development plan policies DM18 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

Skills and Employment

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policy SS1, SA6, CP2, CP7 and DA2 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Tristram Burden

BH2025/00264 – Brighton College

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse affect on listed building
- Adversely affects Conservation Area
- Because of the Additional Traffic
- Overdevelopment
- Traffic or Highways

Comment: Since becoming councillor for Queen's Park in May 2023, I'm increasingly contacted by residents complaining about the college creating excessive traffic issues and overdeveloping. This latest development has sparked strong opposition, with residents deeply concerned about the college's continued expansion and disregard for the negative impact. As Chair of the Hospital Liaison Group, I've also heard concerns about how college developments interfere with hospital plans and create more issues for people living locally. I share concerns about the impact on emergency vehicle access.

Brighton College has expanded significantly in a very small area over the last 15+ years. Twelve new sites have been added, from the Alexander Arts Centre in 2008 to the Richard Cairns Building in 2024. To protect the local area, the council recently drafted a Brighton College Conservation Area Statement. These current proposals contradict its aims.

Conversations with Brighton College staff have cited Labour's VAT increase as a reason to expand. However, with multiple international sites and an annual turnover of £50m+, there is insufficient justification for further expansion in Kemp Town. I support modernising the St. Mary's site, but not for 150 extra pupils. The college claims that without this, more local housing will be bought up. However, we must maintain a housing balance, and meet the needs of all residents-not just the college. The space is needed for mixed community uses that benefit the area more directly, and importantly, should be community-led, not dominated by the aims of one institution.

Across the city, we're closing schools and reducing pupil numbers because Brighton has become unaffordable for families. What we need is more accessible education for all, not further expansion of elite education for the few.

I recognise Brighton College as a valuable member of the community and an exceptional school. However, I don't believe it needs to grow larger to contribute more.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. David McGregor

BH2025/00264 – Brighton College

17th June 2025:

I strongly object to this application on behalf of our communities in Whitehawk and Marina. The proposed development amounts to overdevelopment, fails to consider local infrastructure, and prioritises institutional expansion over resident wellbeing and environmental sustainability.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION
Cllr. Birgit Miller
BH2025/00264 – Brighton College

As the Cabinet Member for Culture, Heritage and Tourism, I would like to state my opposition to Brighton College's planning application. One of the proposed sites, 2 Walpole Road, is in the College Conservation Area, and the St. Mary's site is on the periphery of the East Cliff Conservation Area.

Firstly, I believe that this proposal contradicts the following principles, stated in Brighton and Hove City Plan Part One (CPPP1), Policy CP12 Urban Design:

All new development will be expected to:

2. Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
4. Conserve or enhance the city's built and archaeological heritage and its settings;

In addition, I believe that it also contradicts the following principles, stated in Brighton and Hove City Plan Part Two (CPP2), Policy DM26 Conservation Areas: Development proposals within conservation areas, including alterations, change of use, demolition and new buildings, will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement.

Particular regard will be had to:

- a) The urban grain and/or historic development pattern of the area, including plot sizes, topography, open space and landscape.
- b) The typical building forms and building lines of the area, including scale, rhythm and proportion.
- c) The cohesiveness or diversity of an area.
- d) The retention of buildings, structures and architectural features that contribute positively to the identified character and appearance of the area.
- e) The preservation or enhancement of key views.
- f) The primary importance of street elevations (or other publicly visible elevations) and the roofscape.
- i) The use of building materials and finishes that respect the area.

I believe that this application also contradicts the following aim, stated in CPP1 Policy SA6 Sustainable Neighbourhoods, 3.175:

...create balanced communities that meet the needs of all residents and reduce the inequalities between different areas.

This proposal neither meets the needs of local residents nor supports the aim of creating cohesive and well-integrated neighbourhoods. The proposal also does not preserve or enhance the two conservation areas affected, as it contradicts all of the aims set out above. I believe this planning application is detrimental to the character and nature of both the College and East Cliff Conservation Areas. For these reasons, I believe this application should be refused.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION
Cllr. Kerry Pickett
BH2025/00264 – Brighton College

I have been contacted by Kempdown residents about the planned development by Brighton College re. new prep school and conversion of the current prep school into a boarding house. I wish to add my name to those objecting to this proposal and the reasoning is summarised below. This application claims to be compliant with national and local planning policies on the basis that it will create new community facilities (defined to include learning and non-residential institutions) by increasing educational floorspace. It will thereby increase the number of school places; consistent and compliant with the NPPF, CPP1 and CPP2. This is the principle of development that has been applied in this application.

However, I wish to object on the basis of:

1. This principle of development supports an increase in teaching floorspace and, hence, the number of school places at primary (and secondary) level which is contrary to current high-profile decisions of B&HCC to reduce school places by closing schools and reducing primary (and secondary) school places in the public sector of education.
2. This principle of development is now out of date and no longer fit for purpose. B&HCC has recognised this as it is in the process of replacing planning policy by City Plan 2041 which has already passed at least one stage of public consultation.
3. This principle of development is contrary to very recent planning decisions of B&HCC and the Planning Inspectorate. In September 2023 Brighton Planning Committee rejected an application to increase the number of boarding pupils at 8-12 Walpole Road by 11 pupils and this new application proposes to increase the number at 2 Walpole Road by 150+ boarders. The applicant (Brighton College) appealed against the decision of B&HCC and on 30 December 2024 the Secretary of State's Planning Inspectorate issued its decision which dismissed the appeal by Brighton College.
4. This principle of development conflicts with other principles of development, including the principles of developing community cohesion, developing balanced communities and reducing inequality.

The foundation of this application is the principle of development that enlarging school facilities at primary and secondary school levels is supported by national and local planning policies. Each one of the four objections outlined above is sufficient to undermine the application of the principle of development on which planning application BH2025/00264 depends.



PLANNING COMMITTEE LIST

Brighton & Hove City Council

Cllr. Ollie Sykes

BH2025/00264 – Brighton College

I have been contacted by Kempdown residents about the planned development by Brighton College of a new prep school and conversion of the current prep school into a boarding house. Powerful arguments are made against the proposed development in terms of citywide planning policy, planning history and ongoing B&HCC and others' decisions to reduce school places across the city. Further to this and the fact that this is a citywide issue, I wish to add my name to those objecting to this proposal and the reasoning is summarised below.

Planning application BH2025/00264 **claims** to be compliant with national and local planning policies on the basis that it will create new community facilities (defined to include learning and non-residential institutions) by increasing educational floorspace. It will thereby increase the number of school places; consistent and compliant with the NPPF, CPP1 and CPP2. This is the principle of development that has been applied in this application.

However, there are **four** objections to the application of this principle of development in the case of application BH2025/00264. Each of the objections is sufficient to undermine the application of this principle of development to application BH2025/00264:

1. This principle of development supports an increase in teaching floorspace and, hence, the number of school places at primary (and secondary) level which is contrary to current high-profile decisions of B&HCC to reduce school places by closing schools and reducing primary (and secondary) school places in the public sector of education.
2. This principle of development is now out of date and no longer fit for purpose. B&HCC has recognised this as it is in the process of replacing planning policy by City Plan 2041 which has already passed at least one stage of public consultation.
3. This principle of development is contrary to very recent planning decisions of B&HCC and the Planning Inspectorate. In September 2023 Brighton Planning Committee rejected an application to increase the number of boarding pupils at 8-12 Walpole Road by 11 pupils and this new application proposes to increase the number at 2 Walpole Road by 150+ boarders. The applicant (Brighton College) appealed against the decision of B&HCC and on 30 December 2024 the Secretary of State's Planning Inspectorate issued its decision which dismissed the appeal by Brighton College.
4. This principle of development conflicts with other principles of development, including the principles of developing community cohesion, developing balanced communities and reducing inequality.

The foundation of this application is the principle of development that enlarging school facilities at primary and secondary school levels is supported by national and local planning policies. Each one of the four objections outlined above is sufficient to undermine the application of the principle of development on which planning application BH2025/00264 depends.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Gary Wilkinson

BH2025/00264 – Brighton College

As a councillor in Kemptown ward I have been contacted by many residents regarding this planning application.

They have shared concerns that the proposed buildings are overbearing in bulk, with insufficient open areas and inappropriate to their neighbours on both sites. The buildings will diminish access to natural light, increase overlooking and infringe on residential privacy.

The introduction of a large-scale boarding house fundamentally changes the character and appearance of the College Conservation Area and potentially conflicts with city plan policies.

The Council has previously highlighted the importance of preserving the area's residential nature, and the introduction of 150 borders directly contradicts this aim without providing clear justification for expansion.

Local planning policies support maintaining balanced neighbourhoods that meet the needs of all residents and prevent the overconcentration of institutional uses. Residents are concerned that Brighton College is prioritising its own expansion above the balance and cohesion of the conservation area neighbourhood in which it is located.

The Planning Statement acknowledges increased transport activity around Eastern Road, Sutherland Road, and Bristol Gate, yet offers no effective mitigation measures.

Policy CP9 requires new developments to reduce car dependency and support public transport but this proposal increases traffic congestion and carbon emissions in an already pressured urban area, particularly around the Royal Sussex County Hospital and the proposed exit opposite the Brighton Trauma Centre's main entrance risks obstructing emergency vehicle movements, potentially compromising patient care and response times.

Residential parking is already under strain in the area and this proposal will aggravate existing residential parking problems.

On balance I do not believe the benefits of expanding an educational institution outweigh the harm to the local conservation area.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr. Gill Williams

BH2025/00264 – Brighton College

I am writing to OBJECT to the above planning application a elected councillor for Whitehawk and Marina as this area bd residents are directly affected by the expansion of Brighton College I am extremely concerned that there is no discernible benefit to residents of this proposal. Its impact will be to cause considerable inconvenience and it is not clear what social value this would bring to the area.

Further, I contend that Brighton College's proposal does not comply with the National Planning Policy Framework, or the Brighton and Hove City Plan because it:

1. Undermines balanced neighbourhoods
 - The recent rejection by the planning inspectorate of Brighton College's appeal for retrospective planning for Walpole Road boarding houses cited **maintaining a balance of housing types referencing local planning policies CPP1 SA6, CPP2 DM20** "But amongst other things, Policy SA6 of Brighton & Hove City Plan Part One, March 2016 (CPP1) **seeks to maintain balanced neighbourhoods and communities that meet the needs of all residents and Policy DM20 of Brighton & Hove City Plan Part Two, October 2022 (CPP2) refers to the cohesiveness of Conservation Areas.**"(p.3)
2. Increases traffic congestion and carbon emissions that will aggravate existing residential parking problems
 - **Higher car and coach usage** will place yet more pressure on limited parking spaces. A boarding house on Walpole Road and the transfer of the prep school to the St Mary's site just moves **all the traffic and parking problems down Eastern Road, around the hospital** and those residential streets.
3. Increases traffic congestion and this conflicts with Policy CP9 (Sustainable Transport)
 - Policy CP9 requires **new developments to reduce car dependency, support public transport and ensure safe pedestrian and cycle access**. This proposal increases traffic pressure due to increased drop offs/pick ups at St Mary's Hall, additional boarding students requiring very large coaches, and inadequate mitigation measures for parking and transport demand. Additional delivery traffic will cause severe disruptions in narrow, residential areas ill-equipped for high-volume service vehicles.
 - **Bristol Gate and emergency services will be compromised (conflicting with City Plan Policies TR4, TR7 and NPPF Paragraph 111)** because the proposed exit opposite the Brighton Trauma Centre's main entrance **risks obstructing emergency vehicles** and **compromises patient care** and response times.
4. Undermines Conservation Areas and conflicts with Policies CP15, DM26



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

and DM29 in the City Plan.

- The East Cliff Conservation Area (St Mary's Hall site) is protected and the proposal to build a new Prep School **does NOT preserve and enhance heritage assets**, including a **Grade II listed flint wall** and other nearby heritage assets such as the fragment of a **Victorian terrace** at the south-western corner. It also changes the visual character of the site to its detriment.
- Re: The College Conservation Area which is protected as a residential area: the planning inspectorate's rejection of Brighton College's appeal to put more boarders in three houses in Walpole Road is very material in that it establishes the principle that residential buildings should be prioritised over more institutional buildings. I also note that a noise assessment for the new boarding house, paid for Brighton College, complies with NPPF in relation to noise. It is telling that the **Inspector from the Secretary of State was not convinced by the noise assessment for Walpole Road**, with far fewer students.

5. Damages living conditions and increases light pollution and noise impact

- The Planning statement does not adequately address the noise that a significant increase in pupil numbers (including the intent to make the site accessible to the entire prep school) and school traffic will have on the living conditions of residents. Residents have been complaining about noise and disruption by Brighton College for many years without any serious and constructive response from the school or the council.
- The sports field will be 'improved' to increase utilisation and will be available to all prep school children. There is no further information about how and when this will be used and what the lighting requirements will be for the sports field given that no doubt they plan to increase use of the field given the loss of sports space on the Convent site. I will not be surprised if a planning application for flood lighting - that does not require public consultation – will quietly appear in the future. We already experience a lot of light pollution from buildings adjacent to and behind the site.
- The plan does not provide adequate measures to mitigate noise impact for residents overlooking the site. The area is already plagued by noise sources at the site from road traffic along Eastern Road, which includes buses and heavy goods vehicles, as well as noise from activity in the sports areas..

6. Lacks sustainability and does not properly consider environmental factors

- The **National Planning Policy Framework emphasizes sustainable development**, yet this proposal has **no detailed strategy for addressing increased waste, pollution, or carbon emissions** from the expansion.
- **Policy CP16 and DM38 protects important green spaces, including school playing fields. This proposal results in a net**



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

loss of 624 sq metres of school playing field at the St. Mary's Hall site.

- The proposed buildings are **overbearing in bulk**, with **insufficient open areas** and are **inappropriate to their neighbours on both sites**. The buildings will **diminish access to natural light**, **increase overlooking and infringe on residential privacy**, particularly for residents on Belle Vue Gardens.
- The **NPPF promotes genuine biodiversity enhancement**. This proposal fails to demonstrate substantial on-site ecological benefits beyond minimal policy compliance.

7. **Lacks demonstrable public benefit to outweigh its harms**

- The City Plan's strategic vision prioritises community-led development. Brighton College argues that the new proposed boarding house helps reduce pressure on local housing stock, i.e. BC will stop buying it for boarders. **But this doesn't justify the loss of open space and the traffic and transport impacts.**

8. **Risks chalk dissolution and subsidence**

- The **Ground Investigation Report** (Appendix 4) does not provide sufficient clarity on the **protection of nearby buildings, including listed structures** on Eastern Road. Concentrated infiltration into the chalk may erode natural fissures, **leading to sinkholes, foundation settlement, or structural damage over time.**

9. **Does not adequately address surface water management and structural concerns**

- The St Mary's Hall site slopes toward existing structures, and the **Grade II listed retaining wall along Eastern Road may be at risk from prolonged water exposure**. The drainage plan acknowledges that some pipes are surcharged or at flood risk, raising concerns that **overflows or blockages could lead to surface water accumulation**, further increasing **subsidence risks**.

I hope that my objections will be given serious consideration by the planning committee and that this planning application is rejected by them.



Brighton & Hove COUNCILLOR REPRESENTATION
City Council
Cllr. Milla Gauge
BH2025/00264 – Brighton College

PLANNING COMMITTEE LIST

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity

Comment: As a councillor in Queen's Park ward many residents have voiced their strong concerns to me about Brighton College's behaviour toward and relations with the community over a significant period of time.

Residents do not feel that their concerns about expansion/use of facilities, noise or traffic have been addressed or remediated with adequate seriousness or speed in the past and they have no confidence that if these proposals were accepted the situation would improve. They have a justified fear, instead, that a further expansion of the College would put additional strain on community relations.

Specifically, these proposals undermine the National Planning Policy Framework's aim of promoting balanced neighbourhoods. They increase traffic congestion and carbon emissions and will create additional congestion in the immediate area of A&E services at the Royal Sussex County Hospital.

These proposals do not contribute to reducing car dependency, nor do they support public transport or promote safe pedestrian and cycle access. Conversely they will increase traffic pressure due to increased drop offs and pick ups at St Mary's Hall causing disruption in narrow, residential areas.

These proposals do not sufficiently mitigate potential increased volume of noise from a greater number of boarding pupils in a residential neighbourhood, and they sacrifice a significant proportion of limited green space in the area.

Along with many residents I recognise Brighton College as a valuable member of the community and important contributor both to the character of its environs and to the economic life of the area.

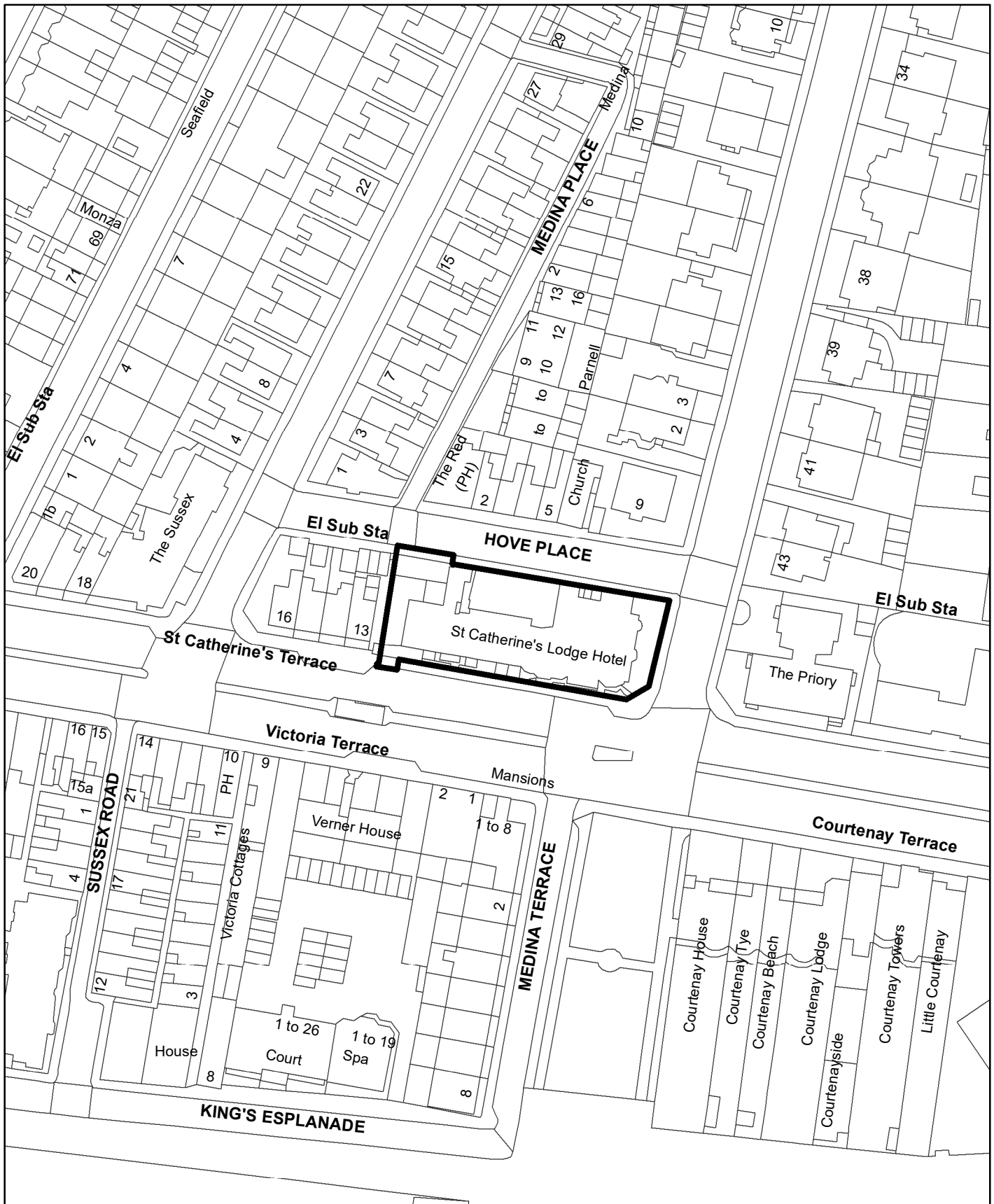
However I also agree with residents that these proposals will exacerbate community tensions, further unbalance the neighbourhood, increase congestion around an emergency services site and in narrow residential roads, they will not promote public transport nor reduce car dependency, and do not sufficiently mitigate increased noise nor protect green spaces.

ITEM B

**9 - 12 St Catherines Terrace
BH2023/03293
Full Planning**

DATE OF COMMITTEE: 2nd July 2025

BH2023 03293 - 9-12 St Catherines Terrace



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2023/03293	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 - 12 St Catherines Terrace Hove BN3 2RH		
<u>Proposal:</u>	Conversion of hotel (Class C1) to provide 30no residential units (Class C3) with external alterations, provision of cycle parking, removal of vehicle crossover and reinstatement of footway to front and rear.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	18.01.2024
<u>Con Area:</u>	Cliftonville Conservation Area	<u>Expiry Date:</u>	18.04.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Wilbury Planning Ltd No.5 61-63 Wilbury Road Hove BN3 3PB		
<u>Applicant:</u>	St Catherines Hove Ltd C/O Wilbury Planning Ltd No.5 61 Wilbury Road Hove BN3 3PB		

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 be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 24 September 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report.

S106 Heads of Terms

Affordable Housing:

- Developer contribution of £239,644 for affordable housing provision.
- Viability review mechanism

Monitoring fees:

- Contribution for the necessary monitoring of the s106 agreement

Employment:

- A financial contribution of £9,200 towards the Local Employment Scheme
- Submission of an Employment & Training Strategy to set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's key objectives:
 - Recruitment and Development Careers
 - Experiences of Work & Social Value
 - Green Economy & Sustainability

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	109	C	11-Dec-23
Proposed Drawing	120	D	23-Apr-25
Proposed Drawing	121	F	15-May-25
Proposed Drawing	122	D	23-Apr-25
Proposed Drawing	123	E	22-May-25
Proposed Drawing	130	C	06-Nov-24
Proposed Drawing	131	B	11-Dec-23
Proposed Drawing	132	B	06-Nov-24
Proposed Drawing	133	A	11-Dec-23
Proposed Drawing	134	C	15-May-25
Proposed Drawing	135		06-Nov-24
Proposed Drawing	142	A	15-May-25
Proposed Drawing	143	A	15-May-25

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. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 and DM28 of the Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. All works of making good of the building shall be finished to match the original profile, texture and colour of the surrounding original wall and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

5. The external alterations hereby permitted shall not be commenced until full details of all boundary treatments (including the plinth and railings and new boundary wall and piers) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM28 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

6. The external alterations hereby permitted shall not be commenced until full details, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, of the proposed new southern entrance door, opening, path,

steps and side railings/ walls have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26, DM28 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not be commenced until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

8. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

9. No development, including demolition and excavation, shall be commenced until a Site Waste Management Plan setting out how waste to landfill will be minimised has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

10. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) Timescales for the Proposed Development including the forecasted completion date;
- (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

- (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes.

The construction of the development shall be carried out in full compliance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

11. The development hereby permitted shall not be commenced until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented prior to occupation and thereafter retained.

Reason: To safeguard the amenities of the occupiers of the development and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2

12. Other than demolition works and works to trees, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.

13. Other than demolition work or work to trees, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The Strategy should include details of the condition of the existing foul water connection, if re-using. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part

14. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, 12/01/2024), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.

15. No development shall take place until an Ecological Design Strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, to include the measures identified in the Ecological Impact Assessment (Lizard Landscape Design and Ecology, 12/01/2024) and Biodiversity Net Gain (BNG) Assessment (Lizard Landscape Design and Ecology, 01/11/2023), green roof details, and the provision of a minimum of 18 swift nesting cavities and bee bricks/invertebrate habitat (as appropriate), has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the NPPF, and Policy CP10 and DM37 of Brighton & Hove City Council's City Plan Part One and Two, respectively

16. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM26 and DM28 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

17. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include the 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 food-bearing plants, and 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 all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

18. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

19. The development hereby permitted shall not be occupied until a scheme for the storage and collection of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first

occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

20. The development hereby permitted shall not be occupied until the redundant vehicle crossovers at Kingsway and Hove Place have been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

21. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

22. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential and non-residential use.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.

23. The residential units hereby approved shall not be occupied until they have achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

24. The dwelling(s) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans (drawing numbers: 120D and 122D received on the 23 April 2025, 121F received on the 15 May 2025 and 123E received on the 22 May 2025) The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and 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. Existing Controlled Parking Zone/ Residents' Parking Scheme: You are advised that details of the development will be passed to BHCC as Traffic Authority administering the Controlled Parking Zone of which the development is situated within, so they can determine whether occupiers should be eligible for residents' parking permits.
3. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
5. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
6. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
7. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
8. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing

machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

9. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because the application was submitted prior to February 2024 when BNG became mandatory for a major development.
10. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace

2. SITE LOCATION

- 2.1. St Catherine's Lodge, located in St Catherine's Terrace in Hove, comprises four large semi-detached houses dating from c1854 that were conjoined in c1927, with a new central link addition, to form a single hotel (now vacant). The property is located in a prominent position on the Kingsway within the Cliftonville Conservation Area, with important views of it from the public open space at Medina Terrace. The property was added to the council's list of local heritage assets in 2023.
- 2.2. The property is an early example of development in the Cliftonville estate and, despite undergoing alterations and extensions over its history, retains many original and historic features of quality and craftsmanship including Dutch gables, canted and segmental bays, stone mullioned windows, ornate chimneys, stringcourses and decorative brickwork.
- 2.3. The building is a former hotel. In recent years it has been used as a hostel to provide temporary accommodation for homeless individuals and families, and there have been various temporary permissions since the turn of the century for the use of the building as such. In 2022 permission was granted for the temporary change of use from hotel (C1) to use as a 50no. bed hostel providing temporary accommodation to the homeless (Sui Generis). It is understood from the supporting evidence that, despite planning permission being granted, the charity vacated the building in 2022, which triggered the lawful use of the building to return to Class C1 hotel use.

3. RELEVANT HISTORY

- 3.1. **BH2022/00670** The Change of use from hotel (C1) to use as a 50no. bed hostel providing temporary accommodation to the homeless with an element of support (Sui Generis) for the period from October 1st 2021 to March 31st 2024. (Retrospective). Approved 09.06.2022.
- 3.2. **BH2008/03331** Temporary change of use to hostel for families for 2 years. Refused 29.05.2009.

- 3.3. **BH2007/00439** Revision of condition 1 of planning permission BH2005/05101 to allow the continued use of hotel as a hostel for five years. Approved 06.06.2007.
- 3.4. **BH2005/05101** Continued use of hotel as a hostel for 1 year. Approved 03.02.2006.
- 3.5. **BH2004/01073/FP** Continued use of hotel as hostel for a further year. (Renewal of approval BH2002/00024/FP, expires 30 April 2004). Approved 13.08.2004.
- 3.6. **BH2002/00024/FP** Temporary change of use from Hotel (use class C1) to Hostel (short term residential accommodation - use class sui generis) retrospectively. Approved 19.08.2002.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the conversion of the former hotel (Class C1) building to provide 30no residential units (Class C3) with external alterations. Cycle parking provision is proposed to the rear.
- 4.2. The external alterations include the following:
- Removal of existing rear 1920s central link extension
 - Removal of existing 1970s second floor extension and proposed replacement roof form
 - Removal of 2 small existing extensions to east and west of rear elevation
 - Removal of existing lift tower
 - Removal of existing central splayed entrance steps, front entrance and projecting porch
 - Removal of existing boundary fencing
 - Proposed new boundary treatments including new boundary plinth and railings and new boundary wall and piers
 - Proposed new southern entrance door, opening, path, steps and side railings/ walls,
 - Insertion of new windows
- 4.3. Following discussions between the LPA and the applicant, amendments have been received during the course of the application which clarify the details of the external alterations and reduce the number of units from 36 to 30 to provide an improved standard of accommodation and a more balanced unit mix.

5. REPRESENTATIONS

- 5.1. Three (3) representations were received objecting to the proposed development. The main grounds for objections are as follows:
- Should be a community facility
 - Parking issues
 - Lack of information on external appearance

- 5.2. **Six (6)** representations were received supporting the proposed development for the following reasons:
- Support the principle of residential use
 - Proposals would enhance appearance the building
 - Welcome removal of unsympathetic additions to building
- 5.3. Eight (8) comments which support the principle of the proposed development however raise concerns as follows:
- Parking issues
 - Development should have its own refuse/ recycling store
 - Lack of affordable housing
 - Construction management plan
 - Development should be 'car-free'
- 5.4. Comments regarding inconvenience from the construction process are noted, however this is not a material planning consideration.
- 5.5. A representation has been received from **Councillor Joy Robinson** in broad support of the scheme. A copy of the letter is appended to the report.
- 5.6. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** *Verbal comment:* No objection subject to a tree protection condition regarding the retained trees on site.
- 6.2. **Arts Development:** No objection as the development is unlikely to be affected by any noise from The Neptune live music venue, given the Kingsway main road between.
- 6.3. **Environmental Health:** No objection subject to a contaminated land discovery condition.
- 6.4. **Heritage:** No objection to the proposed change of use on heritage grounds. The removal of several 20th century additions and alterations, which are not considered to have been sensitive interventions, is welcomed.
- 6.5. **Strategic Housing & Development** No objection. Support the financial contribution as proposed as it is in line with Council Policy.
- 6.6. **Planning Policy:** No objection. The proposed conversion from hotel to residential use is acceptable in principle.
- 6.7. **Private Sector Housing:** Comment. Some of the bedrooms are accessed via an open-plan lounge/ kitchen which is a 'high-risk' room in case of fire. Ideally, the applicant should consider reconfiguring these rooms to avoid the means of

escape route being through the lounge/ kitchen or alternatively installing an Automatic Water Suppression System (water mist system) to cover this area.

- 6.8. **Sustainability:** No objection subject to conditions relating to water efficiency, overheating assessment, and reducing carbon emissions.
- 6.9. **Sustainable Drainage:** No objection subject to conditions relating to provision of sustainable drainage details and information demonstrating that the foul water connection is in adequate condition.
- 6.10. **Sustainable Transport:** No objection subject to 'permit-free' development, reinstatement of the redundant vehicle crossover back to a footway, cycle parking provision and a Construction Environmental Management Plan
- 6.11. **Urban Designer:** No objection - the principle of the development is supported.
- External
- 6.12. **Conservation Advisory Group:** No objection. The restoration of this locally listed building is supported.
- 6.13. **County Archaeologist:** No objection. No significant archaeological remains are likely to be affected by these proposals.
- 6.14. **County Ecologist:** No objection. Provided the proposed mitigation and enhancement measures are implemented, the development can be supported from an ecological perspective.
- 6.15. **Southern Water:** Comment. Means of foul sewerage and surface water disposal should be secured.
- 6.16. **Sussex Police:** No objection subject to consideration of crime prevention strategies.

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)
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
 - Hove Station Neighbourhood Plan (adopted February 2024)

- Rottingdean Neighbourhood Plan (adopted February 2024)
- Shoreham Harbour Joint Area Action Plan (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
CP1	Housing delivery
CP6	Visitor Accommodation
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM28	Locally Listed Heritage Assets
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protection of the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM45	Community Energy
DM46	Heating and cooling network infrastructure

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Other Documents

Cliftonville Conservation Area Character Statement

Developer Contributions Technical Guidance

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the locally listed building and surrounding conservation area, landscaping and trees, impact on neighbouring residential amenity, the standard of accommodation, sustainability and highways implications.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply.
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Change of existing C1 use:

- 9.5. The proposal would result in the loss of 2,523 sqm of C1 floorspace (50 bedrooms). CPP1 Policy CP6 Visitor Accommodation states that within the Hotel Core Zone, the loss of hotels/guest houses (serviced accommodation) will be considered where it can be demonstrated against the set of criteria within the policy. As the site is not located within the Hotel Core Zone, these policy requirements are not triggered. The proposed change of use is therefore acceptable in principle.

Housing provision:

- 9.6. The provision of 30no. residential units would make a welcome contribution towards the city's housing target as set out in CPP1 Policy CP1.
- 9.7. CPP1 Policy CP19 seeks to improve housing choice and ensure that an appropriate mix of housing is achieved in terms of type, size, and tenure. Supporting paragraphs 4.213 and 4.214 highlight that the greatest demand in the City is for two and three- bedroom properties as there is an identified lack of larger family sized types of dwellings. Following discussions with the applicant, the unit mix has been amended as follows:
- 13x one-bedroom / studio (44%)
 - 14x two-bedroom (46%)
 - 3x three-bedroom (10%)
- 9.8. This is a welcome improvement on the originally proposed 22x one-bedroom units and 14x two-bedroom units. It is acknowledged that there is still a low provision of three-bedroom units, given the significant need. However, it is accepted that, given the lack of private amenity space for the units, the development may not be ideal for families and may be better suited to smaller units. It is also recognised that the scheme may not be viable with fewer, albeit larger, units.
- 9.9. It is considered that the proposal now provides an improved and more balanced housing mix in accordance with CPP1 Policy CP19.

The 'Agent of Change' Principle:

- 9.10. The Neptune public house to the south of the application site is a long-standing live music venue and therefore the 'agent of change' principle is relevant. This is set out in the paragraph 200 of the NPPF and referenced in the supporting text to City Plan Part Two Policy DM40 at paragraph 2.313. New development should be integrated effectively with existing businesses and facilities, which should not result in unreasonable restrictions being placed on them as a result of development permitted after they were established.
- 9.11. The Council's Arts Team has no objection to the proposal on the grounds that it is unlikely to be affected by any noise from The Neptune, given the busy main road in between the sites. The proposed development therefore is not considered to threaten the operation of the local live music venue.

Affordable Housing:

- 9.12. CPP1 Policy CP20 Affordable Housing requires affordable housing provision from all sites providing 5 or more units. For this development of 30 proposed dwellings, 40% on-site affordable housing provision would be required, in accordance with criteria CP20(a).
- 9.13. The applicant has submitted a Financial Viability Assessment (FVA) which concludes that it is not viable to meet the above on-site requirement.
- 9.14. The applicant's FVA, based on the original scheme of 36 dwellings, has been independently assessed by the District Valuation Service (DVS). The DVS agreed that the scheme cannot viably fully meet the Council's affordable housing

policy requirements. However, it was calculated that a contribution of £239,644 towards affordable housing could be provided. It should be noted that there is no CIL liability in this case. This is because existing hotels are eligible for a CIL deduction; as no additional floorspace is being created, there is no CIL liability.

- 9.15. The scheme has since been revised to 30 units. The DVS have undertaken a 'light touch' check of the revised scheme which shows that it would be unlikely to provide any surplus. Notwithstanding this, the applicant has offered to provide a modest contribution of £239,644 as per the previous assessment. This is welcomed as the DVS is satisfied that the scheme could not provide any more than the contribution offered
- 9.16. Whilst on-site provision is the preference, in accordance with Policy CP20, given the relatively limited financial contribution that the development could support, an on-site provision could not be realistically achieved via a 'Registered Provider' (RP) and as such this 'in lieu' contribution approach is accepted.
- 9.17. Having taken full account of the viability assessment submitted, and the detailed scrutiny of this information by independent assessors, it is accepted that the scheme cannot viably meet the Council's affordable housing policy requirements. However, the agreed contribution should be secured by S106 Legal Agreement. The applicant has confirmed that a contribution as such would be acceptable.

Design and Appearance:

- 9.18. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.19. The building is a locally listed heritage asset which is defined as a non-designated heritage asset under the terms of the NPPF; it has been identified by the Local Planning Authority as having a degree of significance meriting consideration in planning decisions. CPP2 Policy DM28 strongly encourages the retention of locally listed heritage assets and their continued use. Alterations and extensions should be of a high standard of design that respects the special interest of the asset.
- 9.20. The proposed external alterations to the building would include the removal of 20th century features, which are not considered to have been sensitive interventions. The removal of these additions and alterations, such as the 1920s central link extension, the 1972 second floor extension, lift tower, existing boundary fencing, central splayed entrance steps and bulky projecting porch are welcomed.
- 9.21. The frontage at second floor level would be made good with a new roof form including dormer windows to the front elevation. A boundary plinth and railings are proposed and are acceptable in principle subject to full details of materials,

profiles and detailing. Similarly, subject to further details, the new front boundary wall and piers are acceptable and would enhance the appearance and character of the conservation area. Full details of the proposed new southern entrance door, opening, path, steps and side railings/ walls are also required. These details can be secured by condition. Several new windows and rooflights are to be inserted into the fabric of the building. These are also acceptable in principle, subject to further details.

- 9.22. The proposed external alterations would enhance the character and appearance of the locally listed building, the streetscape and the Cliftonville Conservation Area, consistent with policies CP15, DM18, DM26 and DM28 of the City Plan. The Council's Heritage Officer has no objections to the proposed alterations or the change of use, subject to the above conditions. The Conservation and Advisory Group (CAG) support the restoration of the historic building.

Landscaping and Trees:

- 9.23. Policy DM22 of CPP2 states that development proposals are required to retain, improve and, wherever possible, provide, appropriate landscape elements/ landscaping, trees and planting as part of the development.
- 9.24. The site is currently comprised of hardstanding and buildings and contains limited green infrastructure. There are six existing trees on site, including 3x Horse Chestnut trees to the rear of the site which the Council's Arboriculture Officer has advised are worthy of retention. The application states that all existing trees would be retained. A condition requiring details of tree protection measures during construction for the three Horse Chestnut trees is recommended.
- 9.25. Opportunities should be sought to increase soft landscaping within the site. For example, climbing plants could be established on suitable fences/walls and additional planting could be provided in landscaped areas. Soft landscaping should include native species of local provenance and species of known value to wildlife. A landscaping plan would therefore be secured by planning condition.

Standard of Accommodation:

- 9.26. Policy DM20 of CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standards (NDSS) for dwellings.
- 9.27. The original scheme included dwellings at solely basement level which would not have provided acceptable accommodation. A sunlight/ daylight report was submitted with the application which concluded that the basement rooms would have adequate light. However, notwithstanding this, the units would have had restricted outlook. Some were also single aspect with only a single window. Ventilation would have been an issue and light could be further compromised by blinds or window dressings that would have been necessary to provide privacy

as the units were facing onto the street. Following advice from the LPA to improve the standard of accommodation, the basement dwellings have been amended to duplex units, with bedrooms at basement level and living space above, providing improved natural light and outlook. It is also noted that several of the bedrooms do have lightwells, providing access to some daylight. Whilst some of the basement bedrooms would still have compromised living conditions, each of the individual duplex units taken as a whole would have a reasonable standard of accommodation overall.

9.28. As amended, all proposed dwellings would comply with the NDSS. Bedrooms would be of adequate sizes and proportions. The units would provide space for furniture and circulation, as well as access to natural light and outlook. Drawings demonstrate that all units would provide for sufficient floor to ceiling heights (2.3m for at least 75% of the Gross Internal Area).

9.29. Given the need to create an efficient and viable scheme within an existing historic building, the internal flat layouts that are proposed are considered appropriate.

Private Outdoor Amenity Space

9.30. DM1 states that all new residential development will be required to provide useable, private, outdoor amenity space appropriate to the scale and character of the development. Only unit no. 25 has any private, outdoor amenity space in the form of a balcony. There is also a limited amount of communal landscaped areas around the building. In this instance it would not be feasible to install balconies without harm to the appearance and character of the locally listed building. The site is also very close to the beach and the seafront amenity areas. Given this and the significant constraints of the site the lack of private, outdoor amenity space is not considered to warrant refusal of the application.

Ventilation/ Noise/ Soundproofing

9.31. The main source of noise is likely to be traffic noise from the main road to the front of the site, Kingsway. No glazing, soundproofing or other details have been submitted with the application to demonstrate how and where ventilation would be provided to each dwelling and that sufficient acoustic protection is built into the system to protect end users of the development. These details should be secured by condition prior to the commencement of the development. Sound insulation between the units should comply with Part E Building Regulations.

Fire Risk

9.32. The Council's private sector housing team has noted that some bedrooms are accessed via an open-plan lounge/ kitchen which is a 'high-risk' room in case of fire. The planning agent has confirmed that an Automatic Water Suppression System would be installed within the relevant units to mitigate this risk. This is deemed acceptable in principle; in any case, fire risk would be covered under building regulations.

Refuse/ recycling

9.33. There is no on-site refuse and recycling storage provision proposed for the development. It is proposed that the occupiers would use the on-street

communal bins. However, it is considered that a development of this size should have its own, dedicated refuse and recycling store within the site. A scheme for the storage and collection of refuse/ recycling should be secured by condition.

Impact on Residential Amenity:

- 9.34. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.35. The property is in a mixed-use area, with residential properties to either side and to the front and rear. The change of use to self-contained residential units is unlikely to have a harmful impact on neighbours in terms of increased noise or activity. Indeed, the proposed development is likely to enhance the living conditions of adjacent occupiers, given the recent use of the site as a hostel, and the current vacant use of the site which has attracted anti-social behaviour.
- 9.36. None of the new window openings or other alterations are considered to detrimentally impact on neighbouring properties, given the existing situation and the distances involved.
- 9.37. For the reasons outlined above, it is considered that the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, in compliance with Policy DM20 of the City Plan.

Sustainable Transport:

- 9.38. The submitted Transport Statement states that the proposed residential development is forecast to generate 9 and 10 vehicle movements in the AM and PM peak hours respectively, which is not considered to impact significantly on the surrounding highway network.
- 9.39. No car parking is proposed on site for this development. The existing parking spaces to the rear would be removed to make way for cycle parking provision. The site is situated within Controlled Parking Zone (CPZ) N, which restricts on-street parking from 9am to 8pm every day, and has limited on-street capacity within the zone. Parking in the local area and limiting the issuing of parking permits is covered through the management of the CPZ. The Council's Highways Team has recommended that details of the development should be passed to the Traffic Authority administering the CPZ so they can determine whether the occupiers should be eligible for residents' parking permits.
- 9.40. To the rear of the site, 39 long-stay cycle parking spaces are proposed, comprising 32 two-tier stands and 3 Sheffield stands (6 spaces). Space for a cargo bike is also proposed, which is welcomed. The spatial layout of the proposed cycle parking area allows for flexibility in stand type provision if additional or alternative stands are needed. In addition, 6 Sheffield stands (12x short-stay/ visitor cycle parking spaces) are proposed and would be accessed from Kingsway. This exceeds the minimum 10 spaces short-stay cycle parking required by SPD14 for this development. The proposed cycle parking provision is therefore acceptable and can be secured by condition.

- 9.41. Pedestrian access to the site remains unchanged, and there is access from the front and from the rear in Hove Place. The existing vehicular crossovers on Kingsway and Hove Place would be redundant and are to be reinstated to a footway by the raising of the kerb.
- 9.42. A CEMP is recommended for the construction phases of the development. These measures can be secured by condition.
- 9.43. The proposals would not conflict with policy CP9 of the City Plan Part 1, which seeks to promote sustainable travel. Nor would they conflict with policy DM33 of the city plan part 2, which promotes safe, sustainable and active travel. The Local Highway Authority has no objections to the scheme.

Sustainability:

- 9.44. The original building would be re-used according to Circular Economy principles, and this is welcomed. However, there could be challenges around energy efficiency and low-carbon heating and ventilation in this historic building.
- 9.45. CPP2 Policy DM44 requires a minimum energy Performance Certificate (EPC) rating 'C' for conversions and changes of use of existing buildings to residential. The agent has confirmed that this should be achievable, even given the historic nature of the building. The policy also requires new homes to achieve 19% improvement on the carbon emission targets set by Part L Building Regulations. However, this has been superseded by targets set by Part L of the Building Regulations 2022 which now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013. The development should also meet the optional standard for water consumption.
- 9.46. The development, particularly the single aspect dwellings, need to be carefully considered to mitigate the risk of overheating and ensure good indoor air quality. The Council's Sustainability Officer has requested an overheating assessment; however, this would be dealt with under Building Regulations Part O.
- 9.47. The relevant measures above can be secured by condition.

Ecology/ Biodiversity Net Gain:

- 9.48. Policies CP10 and DM37 require developments to seek to provide biodiversity enhancements. The site is within an urban context and comprises an existing building with associated hardstanding, modified grassland, tall ruderal vegetation and trees. It is not designated for its nature conservation interest.
- 9.49. Given the nature, scale and location of the proposed development, there are unlikely to be any significant impacts on designated sites. A condition for submission of an Ecological Design Strategy for the site, to include green roof details for the bike store and the provision of swift nesting cavities and bee brick/ invertebrate habitat, is recommended by the County Ecologist and can be secured by condition to meet requirements of policies CP10 and DM37.

- 9.50. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because the application was submitted before the 12 February 2024, when BNG became mandatory for major development.

Conclusion:

- 9.51. The proposed development would ensure the retention of the locally listed heritage asset and would enhance the special interest of the building, and the character and appearance of the streetscape and the Cliftonville Conservation Area. The creation of 30x residential units, with a good standard of accommodation, would make a positive and welcome contribution towards the city's housing target as set out in City Plan Policy CP1, ensuring the continued use of the heritage asset.
- 9.52. The proposal is therefore considered to comply with the NPPF and all relevant Development Plan policies. Approval is therefore recommended.

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) regarding potential material impacts on individuals or identifiable groups with protected characteristics.
- 10.3. New dwellings should be accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by Policy DM1 of the City Plan Part Two. DM1(e) states that for proposals providing 10 or more dwellings, 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3). However, these standards are generally applied to new-build development.
- 10.4. A ramp is to be provided to the rear (north) elevation of the building for wheelchair access to Unit 19 at ground floor level. The ramp would also provide accessibility to the proposed lift within the western part of the building, and this in turn would provide wheelchair accessibility to Units 21, 22, 27 and 28 at first floor level. Therefore, in terms of M4(2), Units 19, Unit 21, Unit 22, Unit 27 and Unit 28 would all meet this standard with lift accessibility, as these units are more easily accessed and could be further adapted in the future should the need arise.

This is considered acceptable given that the proposed development is a conversion of an existing historic building.

- 10.5. The nearest Blue Badge parking bay is located on Medina Villas, which provides on-street parking provision for prospective Blue Badge holding residents. Furthermore, the proposed reinstatement of the footway (where the existing Hove Place crossover is removed) creates opportunity to deliver additional on-street parking, including Blue Badge bays upon application.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that there is no CIL liability for this application. However, the amount, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

12. S106 AGREEMENT

- 12.1. In the event that the draft S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
- The proposed development fails to provide a financial contribution to affordable housing provision, contrary to policy CP20 (Affordable Housing) of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 - The proposed development fails to provide a financial contribution to the Local Employment Scheme and/ or the submission of an Employment and Training Strategy, contrary to the City Council's Developer Contributions Technical Guidance.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Joy Robinson

BH2023/03293 - 9-12 St Catherines Terrace

11th February 2024:

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment: I broadly support this application but do have concerns over the lack of any affordable housing. The viability papers currently available are not complete as I understand the DVS is finalising their quote.

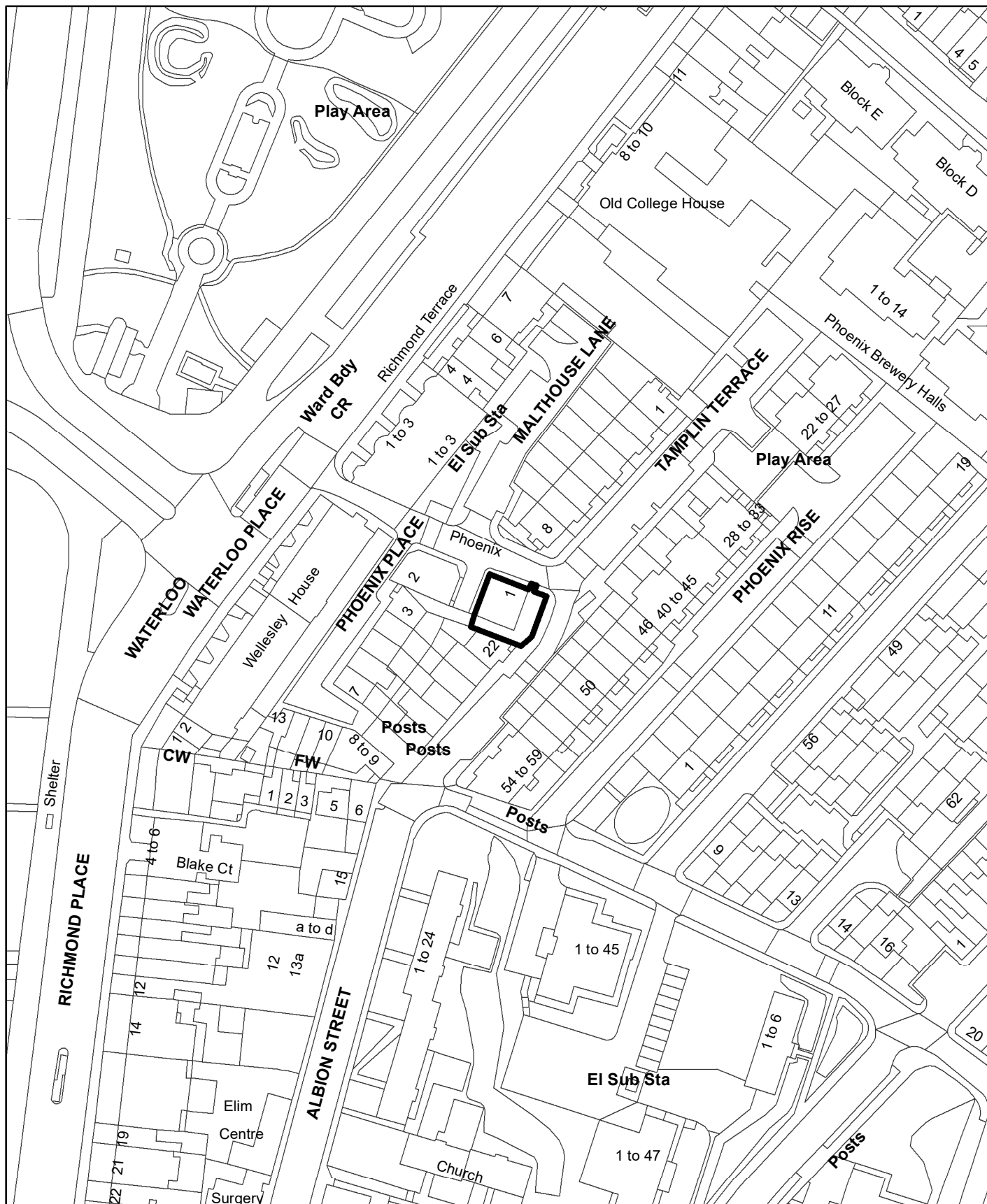
The lack of on-site rubbish collection is unsatisfactory and I have some sympathy with residents over the prospect of cars belonging to 36 households being added to the already congested streets.

ITEM C

**The FreeButt, 1 Phoenix Place
BH2025/00889
Full Planning**

DATE OF COMMITTEE: 2nd July 2025

BH2025 00889 - The FreeButt, 1 Phoenix Place



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/00889	<u>Ward:</u>	Hanover & Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The FreeButt 1 Phoenix Place Brighton BN2 9ND		
<u>Proposal:</u>	Change of use of former Public House (Sui-Generis) to create replacement commercial use at ground floor (Class E), 7no bedroom house in multiple occupation at first floor (Sui Generis), 2no two bedroom flats at second floor and 1no three bedroom flat at third floor level (Class C3). Alterations include erection of additional storey with dormers to north, south, east and west elevations, revised fenestration and associated works.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	31.03.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	26.05.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Absolute Town Planning Ltd C/o Parkers At Cornelius House 178-180 Church Road Hove BN3 2DJ		
<u>Applicant:</u>	One Phoenix Place C/o Absolute Town Planning Ltd C/o Parkers - Church Road Hove BN3 2DJ		

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	TA1119/01	A	31-Mar-25
Proposed Drawing	TA1419/10	E	05-Jun-25
Proposed Drawing	TA1419/11	H	31-Mar-25
Proposed Drawing	TA1419/12	G	05-Jun-25
Proposed Drawing	TA1419/13	D	31-Mar-25
Proposed Drawing	TA1419/14	E	05-Jun-25
Proposed Drawing	TA1419/15	E	05-Jun-25
Proposed Drawing	TA1419/16	E	05-Jun-25
Proposed Drawing	TA1419/17	D	31-Mar-25

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. Notwithstanding any details shown on the approved plans, no development above the existing roof level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) Details of the proposed window, door and balcony treatments
 - c) Details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The commercial space shown on the approved ground floor plan hereby approved (ref. TA1419/11 rev. H received on 31 March 2025) shall be used for purposes within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), save for the following uses which shall be expressly excluded:
- Class E(b) (food and drink for consumption on the premises),
 - Class E(d) (indoor sport, recreation and fitness), and
 - Class E(f) (day nurseries).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of local residents and because the Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area, to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

6. The large House in Multiple Occupation (sui generis) hereby approved shall only be occupied by a maximum of seven (7) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with Policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.

7. The large HMO (Sui Generis) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the approved first floor plan (ref. TA1419/11 rev. H received on 31 March 2025). The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

8. No development in relation to the new and replacement windows and doors hereby permitted shall take place until full details of:

- all new sliding sash windows and their reveals and cills
- all new external doors

including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The doors shall be painted four panel timber doors. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

9. Notwithstanding the approved drawings, the relief sign reading "Tamplin's Entire" in situ on the western elevation of the building shall be retained hereafter.

Reason: In the interests of preserving the historic association between the application site and the neighbouring listed building and to comply with Policy CP15 of the City Plan Part One and Policy DM29 of the City Plan Part Two.

10. Notwithstanding any details shown on the approved plans, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

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. 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.

2. SITE LOCATION

- 2.1. The application relates to a two-storey building on the southwest corner of the junction of Albion Street and Phoenix Place. The FreeButt was last in use as a public house and music venue but has lain vacant since 2010, when this use ceased due to noise complaints. It is a two-storey rendered building, with a later two-storey extension to the southern and eastern sides. The roof is pitched towards the original northwest corner of the building, but is flat to the rest of the building across the later extensions.
- 2.2. The majority of the site lies within the Valley Gardens Conservation Area, and the grade II listed former brewery office at 2 Phoenix Place is immediately to the west.
- 2.3. Neighbouring uses are mainly residential, with terraced houses and flats on Albion Street to the south, Tamplin Terrace to the north and Phoenix Rise to the east. Number 2 Phoenix Place is a community building but has recently had planning permission granted for offices on the first floor.

3. RELEVANT HISTORY

- 3.1. **BH2024/01283** - Change of use of former public house (Sui-Generis) to create replacement commercial use at ground floor (Class E), 7no bedroom house in multiple occupation at first floor (Sui Generis) and 2no one bedroom flats at roof level (Class C3), with dormers to North, South, East and West elevations and associated alterations. Approved 31/10/2024
- 3.2. **BH2019/00161** - Change of use from Public House (A4) to provide residential accommodation comprising 3no purpose built wheelchair accessible units on the ground floor (C3) and 3no Houses of Multiple Occupation (HMOs) with 23 bedspaces on the first, second and third floors (Sui Generis). Remodelling and alterations incorporating erection of additional storey and roof alterations including raising of ridge height and formation of mansard roof with revised fenestration and associated works. Refused 15/06/2020, appeal dismissed 07/09/2021 The reasons for refusal were:
 1. *The proposal has not demonstrated that the site is not needed for its existing use and for other types of community use, and accordingly would result in the loss of a community facility, contrary to Policy HO20 of the Brighton & Hove Local Plan.*
 2. *The proposal, by reason of its scale, bulk, form, style of architecture and appearance, would be inappropriate resulting in harm to the character and appearance of the Valley Gardens Conservation Area and the setting of the Grade II listed buildings at 2 Phoenix Place and 1-3, 4, 5, 6 and 7 Richmond Terrace, contrary to Policies QD14, HE3 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.*
 3. *The standard of accommodation provided for the occupants of the HMOs would not be of an acceptable level due to insufficient communal space provision, especially the limited kitchen space / facilities which together with the need to provide sufficient circulation space in order to access the kitchen areas is likely to further diminishes the usability of the limited*

communal area available. Accordingly it is considered that the proposal is contrary to Policy QD27 of the Brighton and Hove Local Plan.

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks planning permission for a change of use with external alterations.
- 4.2. The proposed external alterations comprise of:
- The erection of an additional storey with a hipped roof over
 - Revised fenestration
 - Eight dormers across the north, south, east and west elevations
 - A balcony to the south roofslope
- 4.3. Since submission the application has been amended to omit a second balcony to the southern roofslope.
- 4.4. The change of use from a public house to a mixed use comprising the following:
- A commercial unit (E) at ground floor;
 - A seven-bedroom House in Multiple Occupation (HMO) (Sui Generis) at first floor; and
 - Two two-bedroom flats on the second floor
 - One three-bedroom flat in the loftspace
- 4.5. The proposals are similar to the recently approved application BH2024/01283. The primary differences are that now one additional storey and one additional flat (C3) is proposed.

5. REPRESENTATIONS

- 5.1. **Nine (9)** representations have been received, objecting to the application for the following reasons:
- Overdevelopment
 - Additional noise
 - Harm to listed building and conservation area
 - Additional traffic
 - Overshadowing
 - Overlooking
 - Parking issues
 - Similar to previous refused application
 - Additional pressure on local services due to increased residential units
 - Enough HMOs are in the area already
- 5.2. **Councillor Rowkins** has objected to the application. A copy of the representation is attached to this report.

- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Arts & Culture:** No comment
- 6.2. **Conservation Advisory Group:** No objection
- 6.3. **Economic Development:** No comment
- 6.4. **Environmental Health:** No comment received
- 6.5. **Heritage:** No objection
The reduced scale from the previous refused application limits the impact on the listed building and therefore is an improvement in conservation terms.
The relief sign should be retained.
- 6.6. **Housing:** No comment received
- 6.7. **Planning Policy:** No objection
The principle of the loss of the public house has already been accepted as part of the previous application. The provision of 3 residential units would make a welcome contribution to the housing target. The proposal to provide 2 and 3 bedroom properties is welcomed and helps to meet local demand.
- 6.8. **Private Sector Housing:** No objection
An HMO licence will be required.
- 6.9. **Southern Water:** No objection
Standing advice relating to sewer connections.
- 6.10. **Sustainable Transport:** No comment received
- Comment from BH2024/01283 – No objection
- 6.11. The location and position of the first Sheffield stand under the stairs is not ideal. Cycle parking for the commercial use should be secured by condition as none is currently proposed. There will be an increase in trips to the site due to the development, but those are unlikely to generate a reason for objection.

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);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM11	New Business Floorspace
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed

external alterations, including on heritage assets, and the impact upon neighbouring amenity. The standard of accommodation to be provided and sustainable transport matters are also material considerations.

Background

- 9.2. The site has historically been in use as a public house, which also functioned as a live music venue. This use however ceased in c. 2010. The reason for this is understood to have been noise complaints from nearby residential dwellings. The site has since then been vacant and is in a poor state of repair.
- 9.3. A previous proposal for the redevelopment of the site to provide three wheelchair units and three large HMOs (BH2019/00161) was refused permission and subsequently dismissed at appeal.
- 9.4. More recently, a scheme for the redevelopment of the site to provide a commercial unit at ground floor, a seven-bedroom HMO at first floor and two one-bedroom flats within the converted loftspace (BH2024/01283) has been approved.
- 9.5. The current application is similar to BH2024/01283, but includes additional/altered elements:
- An additional storey with a hipped roof over, with eight dormers
 - Two-bedroom units at second floor
 - An additional three-bedroom flat within the loftspace

Principle of Development:

Loss of Public House

- 9.6. The proposals would involve the permanent loss of the Public House. Although it is recognised that the pub has been closed for a substantial period, the Inspector for the previous appeal on the site (relating to application BH2019/00161) considered that it remained a community facility, and it is therefore appropriate to apply Policy DM10 of the City Plan Part Two. This policy sets out that loss of a pub will only be permitted where the following two criteria are met:
- "1a) It has been demonstrated that use as a public house is not economically viable now and could not be made viable in the future; and*
- 1b) It has been demonstrated that the local community no longer needs the public house and alternative provision meeting a similar need is available in the locality."*
- 9.7. DM10 goes on to state that where these criteria are satisfied and an alternative use can therefore be justified, priority will be given to the re-use of the premises or site for alternative community use.
- 9.8. This element of the scheme was considered in detail as part of BH2024/01283, which included a report on the future viability of the site as a pub and a report of marketing exercises. These supporting documents were independently reviewed for the Council by independent consultants, and the conclusion of this review was that whilst the marketing exercise was imperfect and the refurbishment costs were likely an overestimate, even if these points were to be

addressed it was still unlikely that a prospective operator would achieve a return on their investment to refurbish the building for pub use.

- 9.9. It was therefore considered that DM10(a) had been met as part of the previous application. With respect to DM10(b), there are a number of alternative pubs within the local area and as such no concerns are held in this regard.
- 9.10. Whilst updated reports have not been provided as part of this application, BH2024/01283 was only recently approved (October 2024) and it is considered that the reasoning and conclusions reached would still hold and are material considerations to which weight should be given, in the determination of the current application. It should also be noted that the loss of the public house use under BH2024/01283 is extant and could be implemented at any time.

New commercial space at ground floor

- 9.11. This matter was also considered in detail as part of BH2024/01283 and the same reasoning is considered to apply. The extant permission is also given significant weight.
- 9.12. It is somewhat regrettable that the proposal is not for a dedicated community use for this space, as this was identified at pre-application stage as being the Council's preference for this space and is given priority within Policy DM10. It also formed part of the reasoning for a previous application in 2019 being refused and dismissed at appeal. However, the application must be assessed on its own merit against the current development plan, and the proposal is for a commercial use (Class E) at ground floor.
- 9.13. The introduction of a commercial use at ground floor level in this location would help to activate the street scene as well as potentially provide services to the nearby residential community, and there are therefore no significant concerns regarding the introduction of an E use class in this location in principle.
- 9.14. Policy DM11 would be relevant in the event that the commercial space is used for offices. However, in this case given that the proposal is not for a purpose-built office and that it relates to a relatively small unit, it is considered that applying the letter of this policy by, for example, requiring the proposed commercial space to be suitable for subdivision may not be reasonable. It is also noted that the proposal is for Class E use, whereas Policy DM11 refers to units also being suitable for non-E class industrial use. In this location however this may not be desirable with residential dwellings in such close proximity. The use would be restricted by condition to ensure it was compatible with nearby residents, as noted in more detail below.
- 9.15. It is also noted that there is an existing community facility at the neighbouring building at 2 Phoenix Place.

New HMO

- 9.16. The proposed new seven-bedroom House in Multiple Occupation (HMO) (Sui Generis) would engage the requirements of Policy CP21 of the City Plan Part One and Policy DM7 of the City Plan Part Two.

- 9.17. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:
"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.18. An up-to-date mapping exercise has been undertaken which indicates that there are 84 properties within a 50m radius of the application property, zero (0) of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.
- 9.19. Based on the existing percentage of neighbouring properties in HMO use, the creation of a seven-bedroom HMO (Sui Generis) would be in accordance with the aims and criteria of policy CP21.
- 9.20. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:
"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:
a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.21. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 3.4%. In relation to criterion b), the area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; nor would it lead to a continuous frontage of three or more HMOs so would accord with criterion (c).
- 9.22. Considerations regarding amenity space and communal living (criteria d) and e)) are set out below.

- 9.23. On this basis, the proposed creation of a new seven-bedroom HMO would be in accordance with policies CP21 and DM7. It is noted that the site will require an HMO licence.

New dwellings

- 9.24. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. Changes to national planning policy in December 2024 mean that the local housing need figure for Brighton & Hove using the standard method is now 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.25. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply and is a reduction in supply compared to the previous application.
- 9.26. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.27. In principle, the creation of three new dwellings is therefore given increased weight as the LPA does not currently have a five-year supply of housing land.

Design and Appearance, Heritage:

- 9.28. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.29. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".
- 9.30. The proposed external alterations comprise:
- Removal of the three existing chimney stacks
 - An additional storey with a hipped roof over
 - Eight dormer windows, two to each roofslope
 - Revised fenestration and elevation detailing to the north and east elevations

- 9.31. No objection is raised to the proposals on design or heritage grounds. The building is not listed but is partially within the Valley Gardens Conservation Area and adjacent to a listed building of similar bulk. There are other listed buildings on Richmond Terrace but these are at a greater distance and the site was noted by the previous Inspector to be on the periphery on their settings.
- 9.32. The proposal would increase the scale of the building, however it would not undermine what survives of its historic character, subject to the retention of the 'Tamplins Entire' relief sign. The proposal would improve the appearance of the northern and eastern facades which are currently marred by the unsympathetic two-storey extension. The dormers would be modestly sized and well aligned within the roof slopes.
- 9.33. Notwithstanding its increased height, the proposed building would remain of a comparable scale and bulk to the listed building next door, with a similar eaves height and ridge line, and would not be considered to result in an unacceptable impact on its setting. The impact is considered to be markedly less than the scheme refused at appeal in 2019, which included a significantly higher eaves height and a mansard type roof.
- 9.34. The Heritage consultee has raised no objection to this proposal, subject to the retention of the previously mentioned relief sign which can be secured by condition, as well as conditions securing details of the new windows and doors.
- 9.35. A condition is recommended to secure final details of the external finishes including the slates and render mix.

Impact on Amenity:

- 9.36. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.37. The return of the building to active use following an extended period of vacancy may result in some increased activity, however compared to its historic use as a public house and live music venue the proposals are unlikely to have an increased impact in terms of noise disturbance. The proposed residential uses on the upper floors would be compatible with the residential character of the area. Class E use on the ground floor could encompass a wide variety of uses, some which would not be considered neighbourly adjoining residential dwellings. A condition is therefore recommended to exclude uses within Class E(b) (sale of food and drink for consumption on the premises), (d) (indoor sport, recreation and fitness), and (f) (day nurseries) and this is consistent with the extant permission.
- 9.38. The proposed physical alterations would not directly overshadow neighbouring properties, as the closest neighbours are on Albion Street which is due south of the site. The eastern of the two dormers to the southern roofslope would have a modestly sized balcony, but this would face onto the front roofslopes of the terrace on Albion Street and is not considered to give rise to significant concerns

regarding privacy or noise. The originally proposed balcony to the western dormer was more problematic and has been omitted from the proposals.

- 9.39. In terms of overlooking there would be some views from the upper floors eastwards onto the rear of properties on Phoenix Rise (at a distance of approximately 15m), however these rear facades are already prominent in views from the Albion Street/Tamplin Terrace and the additional impact from the proposal, particularly compared to the extant permission, is unlikely to be significant. The increased height of the building would be visible in views from the rear of properties on Phoenix Rise, and the enlarged building would also be more prominent in views from the rear rooflights of neighbours on Albion Street and Phoenix Place. However no significant impact is anticipated in terms of loss of outlook or increased overbearingness.

Standard of Accommodation:

Sui Generis HMO

- 9.40. The proposed HMO would be 155sqm in area, with seven bedrooms between 9.9sqm and 13sqm in area. This is comparable to the extant permission.
- 9.41. Four of the bedrooms would have en-suites, and there would be two communal shower rooms. There would also be a communal kitchen/living/dining room of 28.5sqm.
- 9.42. The bedrooms and communal space would be of regular proportions allowing space for furniture and circulation, and each room would have access to natural light and outlook.
- 9.43. On the basis of seven occupants, there would be just over 4sqm of communal space per occupant which is in accordance with Policy DM7 supporting text. A condition can be attached to limit the HMO to seven occupants as any greater number would reduce the communal space to an unacceptable degree.
- 9.44. No outdoor amenity space would be available for occupants of the HMO, however it is recognised that this is not unusual in the immediate area, there is no space on-site to provide this, and public amenity areas are available nearby at The Level and Victoria Gardens.
- 9.45. Subject to the above-mentioned condition excluding certain Class E uses, it is considered that Building Regulation requirements relating to sound insulation standards between storeys would be sufficient to prevent unacceptable disturbance from the ground floor commercial use to the first floor residential use.

C3 Flats

- 9.46. On the second floor, there would be two two-bedroom units of 77sqm and 75sqm (for four and three occupiers respectively). On the third floor (loftspace) there would be a three-bedroom unit (for five occupiers) of 93sqm, although due to being in the loftspace there would be sloping ceilings and only 73.1sqm (79%) with 2.3m or more of headroom.

- 9.47. All of the proposed flats would both comply with the Nationally Described Space Standard, and each habitable room would provide space for furniture and circulation and access to natural light and outlook.
- 9.48. The proposed loftspace (three-bedroom) unit would have access to a modest balcony of some 3.3sqm. Whilst of only limited practical use due to its size, this would nevertheless provide some form of outdoor space and would be of benefit to occupiers of this unit. Whilst this limited outdoor space, and the absence of private outdoor space of any form for the two second-floor units, is regrettable, it reflects the constraints of the site. It is also noted that there is public outdoor amenity space nearby on the level.

Sustainable Transport:

- 9.49. Whilst no transport comments have been received regarding the current application, it is noted that relating to the previous application the Local Highway Authority raised no objection subject to a condition relating to cycle storage provision.
- 9.50. Any increase in trip generation arising from the development is unlikely to be significant.
- 9.51. The site is well located for sustainable transport modes, with bus stops within walking distance. Brighton railway station is located to the west.
- 9.52. No on-site car parking is proposed, in accordance with SPD14 maximum standards. The site is not located within a Controlled Parking Zone (CPZ) but the local streets do have parking restrictions in the form of double yellow lines, and the wider area is subject to the CPZ regime. Given the relatively central location of the site with good transport links, the lack of on-site parking would not warrant refusal.
- 9.53. The proposed plans indicate eight cycle parking spaces for the residential uses which exceeds the SPD14 minimum requirements of seven (one space per flat, four spaces for the HMO). The shortcomings of the proposed cycle parking are however acknowledged with tight turns and narrow doorways to navigate and the first under-stair stand making the second inaccessible. It is considered that a reduced scheme comprising six spaces (as per the extant permission) would be preferable, notwithstanding that this would be a modest under-provision against SPD14 standards.
- 9.54. The proposed location is secure and covered and there is limited alternative space on-site. It is noted that there are bike-share facilities near to the site and overall this would not warrant refusal of the application.
- 9.55. The plans appear to indicate Sheffield stands by the commercial entrance for use in relation to the floorspace at ground floor. This is supported.

Conclusion

- 9.56. The loss of the (vacant) pub use of the site has previously been satisfactorily justified in accordance with Policy DM10 of the City Plan Part Two and this remains the case.
- 9.57. Some aspects of the proposals are regrettable, particularly the absence of a dedicated community use at ground floor.
- 9.58. However, it is considered that the benefits of the scheme, namely bringing the building back into an active use, the improvements to the appearance of the building, and the provision of three new dwellings (one more than the previous approval BH2024/01283), would outweigh these less than ideal aspects.
- 9.59. Accordingly the application is recommended for approval.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

Biodiversity Net Gain

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

11. EQUALITIES

- 11.1. 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.
- 11.2. 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.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr Tim Rowkins

BH2025/00889 - The Freebutt, 1 Phoenix Place

21st May 2025:

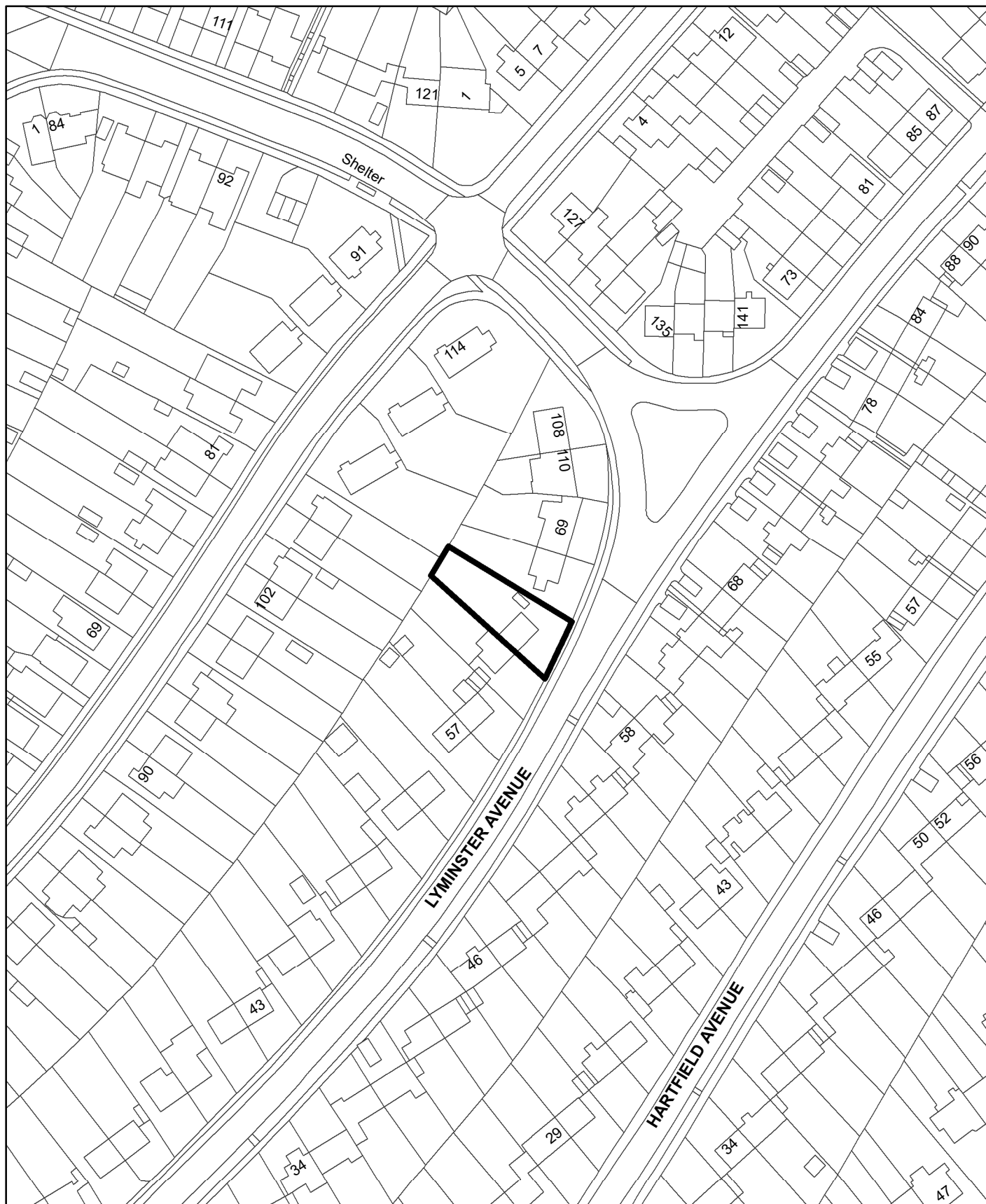
I'd like to object to the application. Aside from the concerns around being overlooked etc., I'm particularly worried about the additional pressure in that location – the most deprived in the ward, and where the incredibly dedicated individuals and groups who are working to support residents in very difficult daily circumstances are already struggling to maintain the support needed. I think we need to make sure we are considering all of this at committee.

ITEM D

**63 Lyminster Avenue
BH2024/01962
Householder Planning Consent**

DATE OF COMMITTEE: 2nd July 2025

BH2024 01962 - 63 Lyminster Avenue



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2024/01962	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	63 Lyminster Avenue Brighton BN1 8JL		
<u>Proposal:</u>	Erection of part-single, part-two storey rear extension with extension of roof above. Creation of raised terrace to rear garden.		
<u>Officer:</u>	Charlie Partridge, tel: 292193	<u>Valid Date:</u>	10.09.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	05.11.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	30.05.2025
<u>Agent:</u>	Divine Property Services Crawley RH11 8HP	8 Buckswood Drive Gossops Green	
<u>Applicant:</u>	Mr and Mrs Kotadia 63 Lyminster Avenue Brighton BN1 8JL		

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	LPEX007	001	08-Aug-24
Proposed Drawing	LAEX003	004	15-Apr-25
Proposed Drawing	LAEX004	005	02-May-25
Proposed Drawing	LAEX006	001	08-Aug-24

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. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.

4. A swift brick or box shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policies CP10 of the Brighton & Hove City Plan Part One and DM37 of the Brighton & Hove City Plan Part Two, and SPD11 Nature Conservation and Development.

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of Brighton & Hove City Plan Part 2.

6. Notwithstanding the details on the drawings hereby approved, the raised terrace hereby approved shall not be first brought into use until a solid/opaque privacy screen of 1.8m metres in height (measured from the finished floor level of the terrace) has been installed on the southwestern boundary of the terrace. The screen shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. Swift bricks / boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.
4. 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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application site relates to a two-storey semi-detached dwellinghouse with rendered walls, a brick plinth and tiled roof, located on the northwest side of Lyminster Avenue.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

3. RELEVANT HISTORY

None

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of a part-single, part-two storey rear extension with an extension of the roof above. Permission is also sought for the creation of a raised terrace to the rear garden.
- 4.2. The original proposal sought permission for a two storey, full width and full height rear extension. During the course of determining the application, the proposal was amended to a part-single, part-two storey rear extension. The two-storey element of the extension was also reduced in depth and height. A number of changes were made to the drawings to improve their accuracy. The existing high-level boundary hedgerows were added to the drawings. Their retention would provide natural privacy screening for the raised terrace.

5. REPRESENTATIONS

- 5.1. One (1) letter has been received objecting to the proposed development. Another letter has been received from a planning consultant on behalf of the same neighbour. The letters object to the proposed development for the following reasons:
- Damaging trees/shrubs - negative impact on local wildlife
 - Inappropriate height of development
 - Overdevelopment
 - Overshadowing/sense of enclosure
 - Loss of light
 - Poor design
 - Restriction of view

- Too close to the boundary
- Drawing Inaccuracies
- Failed 45 degree rule
- Contrary to policy/guidance
- Overbearing impact and loss of outlook
- Residential amenity
- Restriction of view
- Loss of privacy

- 5.2. Neighbours were reconsulted on the amended design. One (1) letter has been received objecting to the revised scheme in addition to another letter from a planning consultant on behalf of the same neighbour. The only new issue raised was the lack of information regarding drainage management during and after construction. No new material planning considerations were raised in the letters.
- 5.3. **Councillors Alistair McNair and Anne Meadows** have objected to the application also raising concerns that the extension is overbearing, too close to the shared boundary, would result in a loss of light, loss of the existing established hedge, would conflict with the Council's SPD on householder extensions, and would impact on the neighbour's drainage. A copy of this correspondence is attached to this report.
- 5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

None

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);
 - 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
CP10	Biodiversity
CP12	Urban Design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity also requires consideration. A site visit was undertaken as part of the assessment of this application.

Design, Character and Appearance:

- 9.2. Policy DM21 states that permission for extensions or alterations to existing buildings, including roof extensions, will be granted if the proposed development:
- is well designed and scaled, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - takes account the existing character of the area; and
 - uses materials that complement the parent building.
- 9.3. The original proposal sought permission for a two storey, full width and full height rear extension at a depth of 4.0m. This was considered to be overly large and dominant and was not supported by the Local Planning Authority..
- 9.4. During the course of determining the application, the proposal was significantly amended to a part-single, part-two storey rear extension. The two-storey element of the extension was also reduced in depth to 3.5m and the roof ridge was lowered in height. It is considered that the amendments would ensure the proposed extension is of an improved design and is more subservient to the host dwelling. While it would still represent a relatively large addition to the host property, it is considered that an acceptable proportion of the rear outdoor space would remain following its construction.

- 9.5. The flat roof of the single storey element of the extension would be at the same height as the internal first floor level and the eaves of the two-storey element of the extension would be level with the main eaves of the property. Materials would match the existing dwelling, which would be secured by condition.
- 9.6. The proposed extension would be visible from the public domain, however due to its location at the rear of the property, it would not be highly prominent. In addition, the properties along Lyminster Avenue vary greatly in design and many have been extended and altered. Due to this variation in the character of the streetscene, the proposed extension is unlikely to have a significant impact on the appearance of the area.
- 9.7. The proposal would also involve the creation of a raised decking area at the rear of the proposed extension. This element of the scheme would not be harmful to the appearance of the property and would be acceptable in design.
- 9.8. Overall, and on balance, the proposed extension would not significantly harm the appearance of the host dwellinghouse or that of the wider area, in accordance with policy DM21 of City Plan Part 2 and SPD12 guidance.
- Impact on Residential Amenity:
- 9.9. Policy DM20 states that permission for development will be granted where it would not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health. In particular, privacy, overlooking, outlook, overshadowing and sunlight/daylight impacts are considerations. Additional guidance within SPD12 is also a consideration.
- 9.10. The extension would not feature any side windows facing neighbouring properties that could lead to loss of privacy.
- 9.11. The two-storey element of the proposed extension would be of limited depth (3.5m) and would be set away enough from Nos.61 and 67 Lyminster Avenue as to not be considered significantly overbearing.
- 9.12. The single storey element of the proposed extension would impact the outlook of the adjoining neighbour No.61 due to its proximity to the shared boundary and is likely to reduce the outlook available from their ground floor kitchen window. It would project 4m beyond the rear elevation of the houses. Although a degree of harm is acknowledged, it is considered that this impact would not be significant enough to warrant refusal of the application as the single storey element of the extension is not unduly large/deep and would have an approximate height of 2.5m, which is not considered to be excessive (noting a 2m high boundary treatment would be Permitted Development and not require permission). The ground floor element of the extension would be set away a substantial distance from all other neighbouring properties.
- 9.13. The 45-degree angle test (SPD12) was applied to both the proposed single storey and two storey elements as part of the overall assessment of the impact of the extension on the daylight available to the adjoining neighbour's ground

floor kitchen window and conservatory. When applying the test to the plans (horizontal), both extensions would fail so are likely to reduce the amount of daylight received from beyond the extensions. However, when applying the test to the elevations (vertical), both extensions would pass. As such, daylight levels are unlikely to be significantly adversely affected because light will continue to be received over the two roofs of the extension. In addition, due to the northwest facing orientation of the rear gardens and the fact that No.61 is located to the south of the application site, no significant loss of sunlight is expected to occur to this neighbour. Taking into account all considerations, any sense of enclosure or loss of daylight would not be harmful enough to warrant refusal of the application on these grounds.

- 9.14. The proposed raised terrace would be approximately 3.0 metres deep and set off the boundary and would be screened either side by the existing mature hedgerows which run the full length of the boundary. Utilising the existing hedgerows as screening would have a natural appearance and would result in less disruption to both the neighbours and the biodiversity of the site. This helps mitigate the impact of the terrace. A condition is also recommended to ensure a 1.8m high privacy screen is installed along the southwestern boundary of the decking to ensure the privacy of adjoining neighbours is maintained, should the hedge ever fail or be removed in the future. On balance it is considered that the scale and siting of the terrace would be acceptable.
- 9.15. As outlined, it is considered that the proposal would impact the amenity of the occupants of the adjacent property to a certain degree given the proposed scale and siting of the extensions. On balance, however, the impact is considered not to be so significant to warrant refusal of the application for the reasons above. The proposal is not considered to conflict with policies DM20 and DM21 of the City Plan Part 2.

Biodiversity

- 9.16. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees and swifts. Conditions requiring the installation of both a bee brick and a swift brick/box have been attached to achieve a net gain in biodiversity and generally improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.
- 9.17. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

Standard of Accommodation

- 9.18. The proposal facilitates the provision of an additional bedroom to this property. It would be at first floor level and would benefit from sufficient outlook and natural light via the proposed rear window. It would have an internal floor space exceeding the standard for two bedspaces of 11.5m². The space created would therefore be in general accordance with CPP2 Policy DM1.

Other Considerations

- 9.19. An objection has been raised in regard to the lack of information regarding drainage management during and after construction and also relating to boundary matters. These are not a material planning consideration in the determination of this application. Drainage management and boundary issues are a civil matter and would need to be addressed separately from the planning process.

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.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

Cllr Alistair McNair and Cllr Anne Meadows
BH2024/01962 - 63 Lyminster Avenue

29th May 2025:

Please accept this letter as our objection to this proposed development in light of some anomalies which may affect the residents at 61 Lyminster, the semi-detached neighbour. Much of the information below has been highlighted by Guy Piper Architects in another letter of objection.

It is disappointing to note that the resident of 61 Lyminster Avenue who would be most affected by this extension was not notified by the planning authority of this updated proposal until 13th May; nor were local councillors directly notified despite submitting a letter objecting to the previous plans in October 2024. We also question whether other residents in the area were informed.

The two-storey rear extension proposed at 63 Lyminster Avenue seems to raise a number of issues. It appears overbearing and would adversely affect the resident at 61 Lyminster, although we acknowledge that the second floor of the proposed extension has been scaled back.

As Guy Piper Architects point out, Brighton & Hove's Supplementary Planning Document (SPD) states that "*The bulk of the extension alongside the shared boundary should be kept to a minimum*" – the proposed two-storey extension is drawn almost right on the boundary line (see Fig.1) and would have an overbearing impact and cause 61 Lyminster to be excessively overshadowed or enclosed. If windows are later fitted to the wall adjoining 61 Lyminster Avenue, there will also be overlooking.

It is possible that the eaves of the extension would overhang the boundary line, which would go against the SPD document, which states in Section 4 that "*rear extensions must not overhang neighbouring properties and should not replace the boundary wall/fence*".

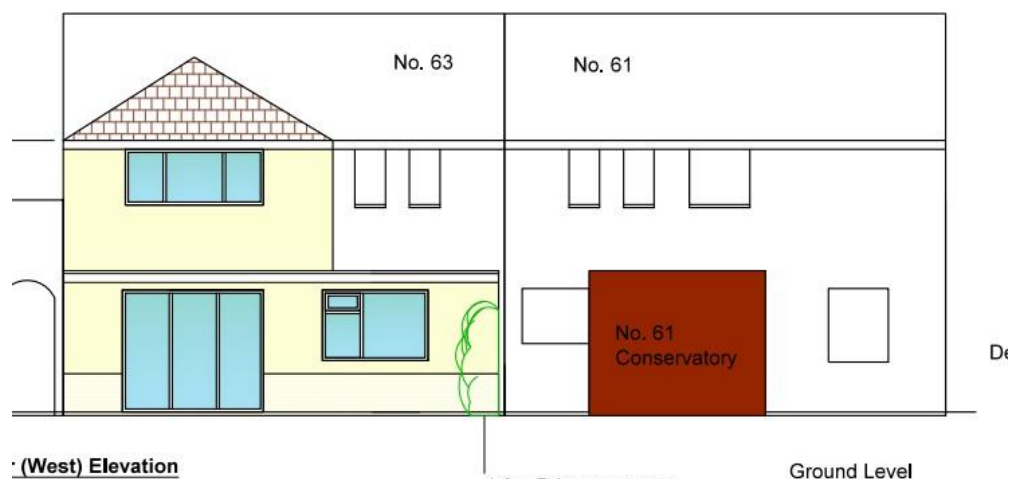


Fig.1: the extension still appears to go right up to the boundary. Insufficient detail is provided of the boundary which includes a drainpipe and drain.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

The approval of this proposal would result in the destruction of several large, established shrubs located on the boundary (see fig. 2 below), which would negatively affect the resident in 61 Lyminster Avenue. The view of the hills shown in fig. 2 would be completely lost, as would the natural light - all that could be viewed, right up to the boundary and the end of the bush, would be brick wall and then a dominating barrier. The loss of light would be significant because the front of 61 Lyminster Avenue receives little light due to the steep gradient of the front garden.



Fig. 2: shrub on the boundary

As Guy Piper Architects point out, the sun study is overly simplified and misrepresentative as the proposal fails the 45-degree rule in both plan and elevation; required for “*all rear extensions*” (SPD). Additionally, the proposed 4-metre depth of the rear extension exceeds planning guidance (SPD) which states that such extensions should not be greater than half the depth of the main house. The submitted drawings depict a flat and consistent ground level, which is incorrect. The back garden is very steep (see figs. 3 and 4), effectively increasing the height of the proposed extension beyond that represented in the proposal, and likely resulting in the garden of 61 Lyminster being overlooked. Also, the proposed decking heights and their potential impact are not included, making it impossible to accurately assess.



Fig. 3: rear garden of 63 Lyminster Avenue highlighting the steep slope (photograph from Rightmove)



Fig. 4: the current decking height is substantial; the new decking height would be even higher and significantly deeper.

The boundary line is marked by the change in paint colour (see Fig. 5). If the extension goes right up to the boundary line, which still appears to be the case, the drainpipe and drain will be severely impacted.



Fig. 5: boundary line marked by a change in paint colour.

The fence shown (see Fig. 6) does not mark the boundary of the two properties – the boundary falls almost directly on the drain. Work required here would severely affect the resident at 61 Lyminster Avenue.



Fig. 6: the drain on the boundary

We do not of course oppose the owners of 63 Lyminster Avenue extending their property. However, any extension must follow planning guidelines, and we are



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

concerned these plans may not. The issues Guy Piper Architects raise are potentially serious and require further investigation.

Importantly, a similar proposal at 55 Lyminster Avenue was originally rejected because 'its height, depth, and siting relative to the adjoining boundary of No.53 Lyminster Avenue would in conjunction with the excessive area of raised decking represent an unneighbourly form of development' (BH2018/03826). It was approved once the side wall was pulled further off the boundary, there were no intrusive sightlines into the neighbouring property, and the decking was well away from the boundary of both properties. The modest extension of 61 Lyminster Avenue itself also offers a sensible and sensitive alternative design which respects neighbouring properties (see Fig.1).

Should the Local Planning Authority consider granting this application, we request that it is brought to Planning Committee for determination where we reserve our right to speak to our letter and the application.

PLANNING COMMITTEE

Agenda Item 109 Brighton & Hove City Council

NEW APPEALS RECEIVED 08/05/2025 - 04/06/2025

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2024/01661

10 Victoria Grove Hove BN3 2LJ

Installation of replacement awnings and frame, tiling, replacement of bi-fold windows with sash windows, painting of fascia panel, increased height of front boundary planters and any associated works (retrospective).

APPEAL IN PROGRESS

29/05/2025

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

CENTRAL HOVE

BH2024/01662

10 Victoria Grove Hove BN3 2LJ

Installation of replacement awnings and frame, tiling, replacement of bi-fold windows with sash windows, painting of fascia panel, increased height of front boundary planters and any associated works (retrospective).

APPEAL IN PROGRESS

29/05/2025

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER & ELM GROVE

BH2024/02066

55 Shanklin Road Brighton BN2 3LP

Roof alterations incorporating raised roof ridge height, rear dormer with Juliet balcony and 3no rooflights to front elevation.

APPEAL IN PROGRESS

30/05/2025

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

REGENCY

BH2024/02746

27 Marlborough Street Brighton BN1 3EE

Change of use from a dwelling house (use class C3) to short term visitor accommodation (sui generis) (retrospective).

<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	09/05/2025
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WEST HILL & NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2024/02114
<u>ADDRESS</u>	6 Marlborough Place Brighton BN1 1UB
<u>DEVELOPMENT DESCRIPTION</u>	Temporary change of use of offices (E) to nine bedroom large house in multiple occupation (Sui Generis) for occupation by property guardians until the end of December 2026.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	16/05/2025
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WEST HILL & NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2024/02928
<u>ADDRESS</u>	139 - 142 North Street Brighton BN1 1RU
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to existing shopfront including installation of automatic sliding doors. (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	20/05/2025
<u>APPLICATION DECISION LEVEL</u>	Delegated

PLANNING COMMITTEE

Agenda Item 111

Brighton & Hove City Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 21/05/2025 AND 17/06/2025

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION NUMBER

APPLICATION DECISION LEVEL

CENTRAL HOVE

APL2024/00034

Unit 4, Planet House, 1 The Drive, Hove BN3 3JE

Appeal against

Against Enforcement Notice

APPEAL DISMISSED

Not Assigned

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION
NUMBER

APPLICATION DECISION LEVEL

CENTRAL HOVE

APL2025/00010

150 Church Road, Hove BN3 2DL

Installation of full height extraction duct to rear elevation. (Retrospective)

Against Refusal

APPEAL ALLOWED

BH2024/01116

Delegated

WARD

APPEAL APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL TYPE

APPEAL DECISION

PLANNING APPLICATION
NUMBER

APPLICATION DECISION LEVEL

GOLDSMID

APL2025/00004

20 Denmark Villas, Hove BN3 3TE

Creation of vehicle crossover and hardstanding to form off-street parking space and alterations to front boundary wall (retrospective).

Against Refusal

APPEAL DISMISSED

BH2024/01649

Planning (Applications) Committee

WARD

APPEAL APPLICATION NUMBER

ADDRESS

HANOVER & ELM GROVE

APL2025/00007

2A Shanklin Road, Brighton BN2 3LQ

<u>DEVELOPMENT DESCRIPTION</u>	Conversion and extension to existing garage/ store into 1no three storey house (C3) with associated alterations and infill of garage vehicular crossover.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/01860
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HOLLINGDEAN & FIVEWAYS
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00019
<u>ADDRESS</u>	85 Beaconsfield Villas, Brighton BN1 6HF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no dwellings (C3) to rear. Erection of single storey rear extension to existing property to create additional flat (C3), roof alterations with side rooflights and associated alterations, landscaping and car parking.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/03200
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	MOULSECOOMB & BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00002
<u>ADDRESS</u>	90 and 92 Southall Avenue, Brighton BN2 4BB
<u>DEVELOPMENT DESCRIPTION</u>	Change of use of a pair of semi-detached small houses in multiple occupation (C4) to large houses in multiple occupation (sui generis) with alterations to the roof to include rear dormers and 2 no Velux windows to the front elevation and single storey rear extensions to both properties.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/01621
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00031
<u>ADDRESS</u>	52 Norfolk Square, Brighton BN1 2PA

<u>DEVELOPMENT DESCRIPTION</u>	Erection and display of new internally illuminated digital poster.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/03065
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	ROTTINGDEAN & WEST SALTDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00025
<u>ADDRESS</u>	St Margarets, High Street Rottingdean, Brighton BN2 7HS
<u>DEVELOPMENT DESCRIPTION</u>	Installation of 1No. EE and 1No. H3G Antenna Aperture on Valmont frame on plinths, EE and H3G BOBs behind antennas, 1No. H3G unilateral cabinet on steel grillage, 2No. EE Unilateral cabinets on steel grillage, EE/H3G MK5 Link AC on steel grillage, 1No. EE and 1No. H3G antenna aperture on Valmont frame on plinths, EE & H3G BOB'S behind antennas, 4No. EE and 4No. H3G RRU'S on pole on Valmont tripod, 2No. EE & H3G 600Ø dishes on antenna pole, 2No. EE & H3G 600Ø dishes on antenna pole (behind) and ancillary equipment for the purposes of telecommunications development.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/01723
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	WESTBOURNE & POETS' CORNER
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00022
<u>ADDRESS</u>	1 Princes Square, Hove BN3 4GE
<u>DEVELOPMENT DESCRIPTION</u>	Installation of French doors and Juliet balcony to first floor front elevation replacing existing window.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/02841
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WESTBOURNE & POETS' CORNER
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00026

<u>ADDRESS</u>	84A Portland Road, Hove BN3 5DL
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from existing single dwelling house (C3) to a 3no bedroom small house in multiple occupation (C4) (retrospective).
<u>APPEAL TYPE</u>	Full Planning-against conditions
<u>APPEAL DECISION</u>	APPEAL ALLOWED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/02636
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WESTDENE & HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00080
<u>ADDRESS</u>	178 Sackville Road, Hove BN3 7AL
<u>DEVELOPMENT DESCRIPTION</u>	Display of internally illuminated digital poster to replace existing poster panel.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/01256
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WESTDENE & HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00088
<u>ADDRESS</u>	21 Downside, Hove BN3 6QJ
<u>DEVELOPMENT DESCRIPTION</u>	Replace existing front boundary wall. (Part retrospective).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/01477
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	WESTDENE & HOVE PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00028
<u>ADDRESS</u>	19 Highbank, Brighton BN1 5GB
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL TYPE</u>	Against Enforcement Notice
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	
<u>APPLICATION DECISION LEVEL</u>	Not Assigned

<u>WARD</u>	WOODINGDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2025/00008
<u>ADDRESS</u>	70 Downs Valley Road, Brighton BN2 6RF
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of side extension and replacement of existing conservatory with single storey rear extension with rooflights and installation of timber decking to existing dwelling and erection of 1no dwellinghouse (C3) to the rear with associated landscaping.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/02081
<u>APPLICATION DECISION LEVEL</u>	Delegated
