

Planning Committee

Date: **6 May 2026**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

1 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.

2 MINUTES OF THE PREVIOUS MEETING

7 - 18

Minutes of the meeting held on 1 April 2026.

3 CHAIR'S COMMUNICATIONS

4 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 30 April 2026.

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

6 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 BH2025/00019 - 267 Old Shoreham Road, Brighton - Full Planning **19 - 48**

MINOR APPLICATIONS

B BH2025/02640 - 23 Byron Street, Hove - Full Planning **49 - 60**

C BH2026/00046 - 63 Hallyburton Road, Hove - Removal or Variation of Condition **61 - 70**

D BH2026/00393 - 19 New England Street, Brighton - Full Planning **71 - 84**

E BH2026/00158 - 8 Windmill Drive, Brighton - Householder Planning Consent **85 - 98**

INFORMATION ITEMS

7 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **99 - 102**

(copy attached).

8 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

9 APPEAL DECISIONS

103 - 104

(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>

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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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- Do not re-enter the building until told that it is safe to do so.

Date of Publication – Monday 27 April 2026

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 APRIL 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Thomson (Chair), Cattell, Earthey, Nann, Parrott, Sheard, C Theobald, Pickett and Winder (Substitute)

Apologies: Councillors Robinson and Shanks

Officers in attendance: Maria Seale (Planning Manager), Alison Gatherer (Lawyer), Steven Dover (Senior Planning Officer), Matthew Gest (Planning Manager), Michael Tucker (Principal Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

184 PROCEDURAL BUSINESS

a) Declarations of substitutes

184.1 Councillor Winder substituted for Councillor Robinson.

b) Declarations of interests

184.2 Councillors Theobald, Nann and Thomson declared they were members of the gym that was the subject of item E: BH2026/00121: 2 St Heliers Avenue, Hove, and would remove themselves from the discussions.

c) Exclusion of the press and public

184.3 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.

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

d) Use of mobile phones and tablets

184.5 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'.

185 MINUTES OF THE PREVIOUS MEETING

185.1 **RESOLVED** – That the minutes of the meeting held on 4 March 2026 were agreed.

186 CHAIR'S COMMUNICATIONS

186.1 There were none.

187 PUBLIC QUESTIONS

187.1 There were none.

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

188.1 There were no requests for site visits.

189 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

189.1 Call Over: The Democratic Services officer noted that only one of the planning applications on the agenda was a major and the remaining 4 were minors. All the agenda items had speakers; therefore, the running order would be unchanged from the agenda: A and B would be considered together, then items C, D and E.

A BH2025/02723 - The Hippodrome, 51 - 52 Middle Street, Brighton - Full Planning

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

Speakers

2. Channa Karunaratne addressed the committee as a resident and stated that they supported the restoration of the Hippodrome, however, they considered this application to increase the impact on the residents. The capacity increase from 1800 to 2300 was an issue, as was the removal of conditions, which protected the residents. As many as 1400 people would be leaving the venue at once, impacting on Ship Street and Middle Street, which are both in the cumulative impact zone. There is no management of taxis or s106 obligations. The risks to residents are not abstract. There has been anti-social behaviour in the area for the last 15 years, which the council should act to reduce.

3. Chris Smith addressed the committee as a resident and stated that they lived opposite the Hippodrome, and they were a director of Avalon. There is a great deal of noise from Middle Street, and the Hippodrome was in a residential area. The increase in proposed numbers will have a negative impact. The transport plan is not good enough. 450 taxis arriving and leaving at night will add the existing parking issues. The emergency services will have an issue with access. The local residents should be involved in designing the management plan and not just be consulted. The proposed roof will be harmful, with more impact on views.

4. Simon Lambor addressed the committee as applicant and stated that they wanted to save the Hippodrome. The previously proposed members bar has been removed. The 2300 capacity is half of that seen in the 1960s, and the bingo hall also capacity for more. The acoustic treatments are to protect the residents and over £1m has been spent on engineers to set up the plans, with modern compliances being an issue. The site is a crime hot spot, with Sussex Police regularly asking for CCTV footage. Break-ins have been an issue. This application is to bring the building to life again and thereby protect the area. The applicant has been engaging with the public. It is proposed that marshals will attend both ends of Ship Street Gardens to deter anti-social behaviour. It was stated that the area is not only residential and the applicant wants to mitigate disruption.

Answers to Committee Members Questions

5. Councillor Nann was informed that the Event Management Plan would be reviewable over 1, 3 and 5 years, and the local community could be involved. The numbers per performance are not known. There are 550 seats in the balcony with standing at ground level. If tables and chairs are added downstairs, this will reduce the capacity. It is hoped there will be a mix of performance types.
6. Councillor Theobald was informed by the applicant that the historic features, such as the Palm Court, would be retained where possible by the operator in their later interior designs. It was noted that there would be 6 exits, no additional seating, new toilets, and no disabled parking in the scheme, including the hotel.
7. Councillor Winder was informed by the applicant that the intension was to have a variety of performances in both the daytime and evening, and they would be predominantly live music lead. The applicant wanted to support other local businesses.
8. Councillor Parrott was informed that the premises licence will have conditions and that can be reviewed and bought to review by members of the public and by Sussex Police should licence conditions be breached or behaviour in proximity be causing a public nuisance.
9. Councillor Earthey was informed that the roof will increase by 3m in total height, however, any loss of view was not a planning consideration. The roof is already sited on a position which is taller than the properties in Ship Street Gardens and therefore increasing the scale of the roof would have little impact on properties to the south of the site. The roof is also considered to have little impact on Middle Street given that the visibility from street level would be limited however it would be visible from the upper floors of properties on Middle Street directly adjacent to the site but that it would be separated by the existing road of Middle Street and would not have a significant impact over the existing roof. It was noted the transport team have no objections to the application.
10. Councillor Sheard was informed that the increased capacity to 2300 was for the entire building. The surrounding roads are key routes, and the dispersal is likely therefore to be quick to surrounding commercial areas of the city.
11. Councillor Thomson was informed by the Highways officer that it was assumed that most patrons would walk away from the venue and the transport team had no objections. It was noted that the applicant assessed the transport, it was also noted that

they considered most journeys to be 'linked', and patrons would move onto other venues such as pubs. The numbers of taxis at nearby ranks were not known, however, this was a sustainable city centre location.

12. The applicant stated that there would be daytime events, along with seasonal events. A dressing room will be retained as a heritage item and memorabilia will be displayed. Tours of the building are to be instigated, and numbers depend on the number of bookings. The applicant stated that the event management plan will show how many marshals are to be employed per performance and how the patrons are to be dispersed.
13. It was noted that the conditions to be removed related to the balconies and external bar areas, which are no longer to be used. There is no relaxation of controls. The gating of Ship Street Gardens is not a planning matter in itself but that marshals could be required as part of the Event Management Plan. The new roof is the best way forward for acoustic insulation. The applicant stated that they had consulted sound engineers and this had led to the new steel roof frame supporting cement acoustic boards. The applicant also stated they would remain with the project for a long time.
14. Councillor Pickett was informed that the roof will be higher and the same shape. The grand master control panel is not useable but is to be retained as a museum piece.

Debate

15. Councillor Cattell considered the site was located in the historic core of the city, and after the Pavilion was the most important heritage asset with cultural significance.
16. Councillor Theobald considered the applicant had done a fantastic job so far. They knew residents have issues, but more protection will be added by this application. A variety of performances would be good, and Max Miller should be in the hall of fame.
17. Councillor Earthey was concerned at the extra 500 patrons as they wanted safety to be put first, however, on balance they supported the application.
18. Councillor Sheard expressed concerns that performing arts venues were dying out. The residents' issues and concerns were noted; however, this is a city centre location.
19. Councillor Pickett was glad an operator was in place, and the Hippodrome would be given priority phasing before the hotel. The councillor supported the application.
20. Councillor Nann considered the review mechanism to be good. The Councillor supported the application.
21. Councillor Thomson noted that the residents were generally onboard with the renovations and noted that the gating of Ship Street Gardens was not a planning matter. The Councillor supported the application.

Vote

22. A vote was held, and the committee voted unanimously to grant planning permission.

23. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **APPROVE** planning permission subject to the Conditions & Informatives set out at Appendix B of the report.

B BH2025/02726 - The Hippodrome, The Hippodrome, 51 - 52 Middle Street, Brighton - Listed Building Consent

1. The application for Listed Building Consent was discussed at the same time as the application for planning permission. For minutes, please see BH2025/02723.

Vote

2. A vote was held, and the committee agreed unanimously to grant listed building consent.

3. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **APPROVE** Listed Building Consent subject to The Conditions & Informatives set out at Appendix B of the report.

C BH2025/00500 - 23C Shirley Drive, Hove - Full Planning

1. The Planning Manager introduced the application to the committee.

Speakers

2. Esme Hall addressed the committee as a resident and stated that local residents object to the application. The planning inspector, who is higher than a planning officer, refused the previous application and the property should be demolished. This application is for retrospective permission. The basement is not good. The original proposal was for a three-bedroom house, which was objected to. There 14 new conditions, however, it cannot be relied upon that they will be adhered to. The new owner knew of the enforcement action. If this is permitted a precedent will be set where developers build first with permission and ignore conditions. Please refuse.

3. Ward Councillor Lyons addressed the committee and stated that the previous application had drawn attention in the national press. Not enough of this application is different from that refused by the planning inspector. Local residents object to the scheme and there is no emergency vehicle access to the property. The design is not in keeping with the area. The conditions have been ignored. A new crossover, to be constructed prior to occupation, will be harmful to the tree between the highway and the property boundary. The property is a badly designed white box that should have wood cladding. Please refuse.

4. Dave Wood addressed the committee as the agent acting on behalf of the receivers. The background is noted and they have tried to liaise with the local planning authority (LPA). The property is in receivership. The agent is open to discussions and noted that above ground the property is largely within policy and the basement bedrooms have been reduced.

Answers to Committee Members Questions

5. Councillor Sheard was informed that the application did not cover granting permission for the access. Fire & Rescue have requested sprinklers and Building Control (BC) are looking into this. The agent confirmed that the sprinklers have been installed. It was noted that drainage at the site was a BC matter that would be looked into as part of that process.
6. Councillor Pickett was informed that the balcony, belonging to the host house over the access (preventing emergency vehicle access), was a BC issue, as was the installation of sprinklers. It was noted that the new window in the remaining basement bedroom was not large, but acceptable in terms of BRE light levels.
7. Councillor Thomson was informed that there was no basement in the original planning permission, and therefore the permission had fallen away. The bedrooms in the basement had little light, and now it is proposed that two are used as storage with no windows, and one is a bedroom with an enlarged window. The agent confirmed that they were looking for a suitable solution to avoid demolition.
8. Councillor Cattell was informed that the inspector's decision was based on a technical point in the appeal submission given the limitations of the chosen ground of appeal, and an enforcement notice has been served. A breach of conditions could result in an enforcement action.
9. Councillor Theobald was informed that the sprinklers have been installed and the access was unauthorised. The agent confirmed the property was vacant at the moment and had been sold subject to contract. It was noted the acceptability of the access would be covered by the Highways team.
10. Councillor Nann was informed that the demolition notice was not for the committee to look at. The legal officer noted that the committee should look at the application before them.
11. Councillor Parrott was informed that the Fire & Rescue access would be considered under BC.

Debate

12. Councillor Cattell considered it was a real shame about the design. However, demolition was not sustainable. In the principle the property was acceptable, and there is an extant permission. Setting a precedent to build without planning permission was not likely and retrospective applications were unusual.
13. Councillor Nann considered there were good reasons to not allow, however, these were not planning reasons. The councillor therefore supported the application.
14. Councillor Sheard expressed the belief that the committee were not the moral police, and BC will have a lot to look at. The councillor had concerns.
15. Councillor Theobald considered there were so many items wrong with the application, that made a mockery of the planning system. The councillor considered a precedent

would be set and they felt sorry for the neighbours. The councillor was against the application.

16. Councillor Winder expressed concerns at setting a precedent and considered the property not to be safe or habitable. Was the property a house or just rooms.
17. Councillor Pickett expressed no concerns with the location; however, they considered the design poor and not habitable. The councillor was against the application.
18. Councillor Parrott considered the application to be morally not be good. The councillor had faith in the Fire & Rescue and BC.
19. Councillor Earthey stated they were deeply concerned; however, they trusted the BC team. The councillor supported the application.
20. Councillor Thomson expressed concerns at the building without permission; however, they supported the application and considered that demolition would not be sustainable.

Vote

21. A vote was held, and by 7 to 2 the committee agreed to grant planning permission.
22. **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 **BH2025/02981 - 15 Auckland Drive, Brighton - Full Planning**

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

Speakers

2. Ward Councillor Taylor addressed the committee and stated that Bevendean was perfect for families, with homes built in the 1940/50/60s close to the Downs, parks and schools. These are the future of the city. The council are buying back homes. The application should be considered under policies DM1, DM7 – the scheme was not good quality with the scale and form of the roof extension being harmful to the host building. The application is against policies CP12, DM18 and DM21. The increase from 5 to 8 occupiers will create an increase in noise and disturbance and the design is poor against policies DM20 and DM40.
3. Joseph Pearson addressed the committee as the agent acting on behalf of the applicant and stated that the property would be quality student accommodation and there no other Homes of Multiple Occupancy (HMO) within 50m of the location. The house is already an HMO and has been for the last 20 years. The council's city plan calls for mixed communities, not just families. A film school is opposite. The extensions could be constructed under Permitted Development Rights (PDR).

Answers to Committee Members Questions

4. Councillor Nann was informed that the Use Class was Sui Generis as there would be more than 6 persons sharing the dwelling. It was noted the applicant could use permitted development rights for the physical works if they wished and the application is for the change of use.
5. Councillor Pickett was informed that the roof dormer was under the volume allowed for a single dwelling under PDR.
6. Councillor Sheard was informed that the bedrooms were at the minimum size allowed and this was a better standard than under an HMO licence.
7. Councillor Cattell was informed that the previous application included the single storey rear extension. Larger dormers are allowed under PDR and current council design guidance for dormers is more lenient than previously at the time of the last refusal, especially where there is PDR fallback.
8. Councillor Theobald was informed that it was not known if other HMOs in the area had as many occupiers as 8.
9. Councillor Thomson was informed that the proximity of the film school had no impact on the calculations of HMOs. It was noted that there was no loss of a family home, there was 32sqm communal space, and sound proofing to adjoining property. The Environmental Health team or other agencies will cover any noise or anti-social behaviour reports.

Debate

10. Councillor Cattell noted that in the past HMOs were only restricted in certain areas of the city, and now, all has changed. The councillor noted there was no loss of a family home and supported the application.
11. Councillor Theobald considered the dormer to be ugly, and they were fed up with the loss of family homes. The councillor expressed concerns that noise would increase from overcrowding, which was too much for the property.
12. Councillor Sheard stated HMOs were needed as there was a housing crisis. They considered the property to be acceptable with sound proofing. The size of the bedrooms could be improved; however, they supported the application.
13. Councillor Pickett considered the design to be out of balance; however, they supported the application.
14. Councillor Cattell considered the property would provide a good home for students and others. They considered there was a strong case for this HMO. The councillor supported the application.
15. Councillor Parrott considered the bedrooms to be very small, and the living space to be good. The dormer is considered to be ugly. However, a mix of housing is needed, and the councillor supported the application.

16. Councillor Earthey considered the property to be a rabbit hutch for humans, and they sympathised with the Ward Councillor; however, on balance they supported the application.
17. Councillor Winder expressed concerns at the size of the bedrooms; however, the living space was good. The councillor noted that some HMOs were being converted back to family homes. The councillor supported the application.
18. Councillor Thomson considered 8 persons sharing to be a lot; however, there was no reason to refuse.

Vote

19. A vote was held, and by 8 to 1, the committee agreed to grant planning permission.
20. **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.

E BH2026/00121 - 2 St Heliers Avenue, Hove - Removal or Variation of Condition

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

Speakers

2. Lucy Egan addressed the committee as the applicant and stated that they were a well-established sports provider, and they took over the venue two years ago. The application is for a modest variation of the opening times for internal activities only. Many of the local residents use the site and there is community support for the gym. Noise monitoring is ongoing and it has not been unreasonable compared to 24hr gyms. There 24 members of staff, a large number of which are instructors. The financial viability of the site would be at risk if the new hours are not granted.

Answers to Committee Members Questions

3. Councillor Pickett was informed that the submitted noise impact assessment report did not assess the 6am time period and had been used to measure the external tennis courts and was not suitable for this application. The assessment covered both people activity and cars, plus external running classes. The Environmental Health team confirmed they had received complaints in the past, the most recent in summer last year when speakers were placed on the external tennis courts. There have been no direct noise complaints to the gym and only one complaint when speakers were placed on the external tennis courts.
4. Councillor Cattell was informed that there was a strong community of members and not all were driving, some were walking, some cycling. There was not much noise outside from those wishing access the building first thing in the morning. Outside running (associated with 'hyrox' classes) will be stopped to reduce noise. It was noted that the Environmental Health Team have advised not to condition a noise management plan

given the uncertainty of it working, however, it was possible to defer to obtain an updated noise assessment.

5. Councillor Earthey was informed that the access to the site was shared with other businesses and was not lockable. It was noted that the applicant would not be repeating the class with external speakers on the tennis courts.
6. Councillor Parrott was informed that the building was derelict when the applicant started and they have made it viable. The previous occupiers opened at 5.30am. The access to other businesses and houses is in constant use. There are notices on doors requesting users to note the gym is sited in a residential area.
7. Councillor Sheard was informed that the applicant was not able to do anything about pavement noise from runners.

Debate

8. Councillor Pickett noted that other gyms open at 6am. The councillor supported the application as they considered there was no reason to refuse the application.
9. Councillor Parrott noted other gyms opened at 5.30am and the last complaint was in 2025. If there was no music and the external speakers were removed and the noise was managed at the opening times, then all issues have been dealt with.
10. Councillor Earthey considered a compromise would be to have an updated noise assessment before making a decision.
11. Councillor Sheard considered there two ways forward; one to defer the application to allow an updated noise assessment to be submitted or to pass the application with a condition requesting a noise assessment.
12. Councillor Winder considered the case officers recommendation to refuse the application was not right.

Vote

13. A vote was held, and by 0 to 6 against, the committee voted against the officer recommendation to refuse. (Councillor Thomson (Chair), Councillor Nann and Councillor Theobald did not take part in the vote or any part of the decision-making process).
14. Councillor Cattell proposed a motion, seconded by Councillor Parrott, to approve the application with a condition to add a noise management plan. Wording to be approved by the deputy chair, Councillor Sheard, and the proposer and seconder.
15. A vote was held, and Councillors Earthey, Cattell, Winder, Parrott, Pickett and Sheard agreed to grant planning permission. (Councillor Thomson (Chair), Councillor Nann and Councillor Theobald did not take part in the vote or any part of the decision-making process).

190 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

191 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

191.1 There were no informal hearings and public inquiries for this agenda.

192 APPEAL DECISIONS

192.1 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 6.24pm

Signed

Chair

Dated this

day of

ITEM A

**267 Old Shoreham Road
BH2025/00019
Full Planning**

DATE OF COMMITTEE: 6th May 2026

<u>No:</u>	BH2025/00019	<u>Ward:</u>	Hangleton & Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	267 Old Shoreham Road Hove BN3 7ED		
<u>Proposal:</u>	Erection of a freestanding drive-thru restaurant, landscaping, car parking and associated works, including Customer Order Displays (COD) and demolition of existing buildings.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	31.01.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.05.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	13.05.2026
<u>Agent:</u>	Planware Ltd St Andrews Castle 33 St Andrews Street South Bury St Edmunds IP33 3PH		
<u>Applicant:</u>	McDonald's Restaurants Limited 11 - 59 High Road East Finchley London N2 8AW United Kingdom		

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 **REFUSE** planning permission for the following reasons:

Conditions:

1. The proposed Sui Generis use would lead to the loss of safeguarded employment floorspace, whilst the employment provided would not be qualitatively comparable to the existing or compatible with policies CP3 of City Plan Part One and DM11 of City Plan Part Two Part Two, which seek to protect the site for business, manufacturing and warehouse uses. As such the proposal is contrary to the Development Plan.
2. The proposed Sui Generis use would increase the amount of fast food outlets in this location and the City, promoting unhealthy lifestyles and increasing the availability in an area which is out of the town centre and in proximity (walking distance) to schools and parks used by young adults, in conflict with policies SS1, SA6 and CP18 and Strategic Objective SO22 of the Brighton and Hove City Plan Part One, the NPPF paragraph 97, and contrary to the aims of the Brighton and Hove Food Strategy Action Plan 2025-30.
3. The proposed Sui Generis use would lead to an overprovision of onsite parking and prioritisation of unsustainable methods of travel, and insufficient information has been provided to satisfactorily demonstrate that the proposal would not result in significant adverse impacts on the operation of the public highway or compromise the safety of users of the public highway. The proposal would therefore be in conflict with policies DM33, DM35 and DM36 of the Brighton and

Hove City Plan Part Two and Policy CP9 of City Plan Part One, and paras 115, 116 and 117 of the NPPF.

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. This decision is based on the drawings and documents received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	8913-SA-2596-AL01	A	07-Jan-25
Block Plan	8913-SA-2596-P002		07-Jan-25
Proposed Drawing	8913-SA-2596-P004		07-Jan-25
Proposed Drawing	8913-SA-2596-P005		07-Jan-25
Proposed Drawing	8913-SA-2596-P006		07-Jan-25
Proposed Drawing	21555 SFW XX XX DR L 1001		07-Jan-25
Report/Statement	TRANSPORT ASSESSMENT (FEB 2026) PART 1		24-Feb-26
Report/Statement	TRANSPORT ASSESSMENT (FEB 2026) PART 2		24-Feb-26
Report/Statement	DELIVERY MANAGEMENT PLAN	ADL/CC/ 6083/24A	24-Feb-26
Report/Statement	LIGHTING IMPACT ASSESSMENT		23-Feb-26
Report/Statement	VERTICAL LIGHT SPILL		23-Feb-26
Report/Statement	SIGNIFY LIGHTING PLOT		23-Feb-26
Report/Statement	ENVIRONMENTAL NOISE ASSESSMENT		17-Nov-25
Report/Statement	ODOUR CONTROL REV A		17-Nov-25
Proposed Drawing	PROPOSED LIGHTING LAYOUT AND CONTOUR MAP		29-Oct-25
Report/Statement	STORE TRAVEL PLAN		25-Sep-25

2. SITE LOCATION

- 2.1. The application site is an industrial estate located on the northern side of Old Shoreham Road opposite the locally listed Hove Cemetery. The wider area contains a mix of uses, and there are residential properties beyond the site, to the north, east and south. There are a number of schools in the area, including Hove Park School located approximately 740 metres away, Goldstone Primary

approximately 761 metres away, Blatchington Mill school, approximately 876 metres away and Aldrington Primary school approximately 1130 metres away.

- 2.2. The site is allocated within the adopted City Plan Part 1 as part of one of 13 safeguarded primary industrial estates and business parks across the city, which are protected by policy for business, manufacturing and warehouse uses. The site falls within the English Close Industrial Area, Old Shoreham Road. Currently this part of the industrial area is in use as a tools, hire, fixing, sales and repair trade counter, 'PR Industrial', plus a vehicle battery depot 'Pavilion Batteries' and is considered a sui generis use.

3. RELEVANT HISTORY

Relevant Pre Application advice

- 3.1. PRE2024/00092 - A freestanding drive-thru restaurant (Sui Generis), car park and associated works. Advice issued:

Summary: The proposed changes of use would not be acceptable in principle as it would be contrary to policies CP3 of City Plan Part One and DM11 of City Plan Part Two, as industrial floor space (E(g) (iii), B2 and B8 Use Classes) across the City is highly constrained with low vacancy rates, so the loss of floor space that currently meets these needs would be resisted.

The proposed use as a freestanding drive-through restaurant is defined as a main town centre use in the National Planning Policy Framework. This site is considered as out of town. The use as a drive thru restaurant would not accord with policy CP3 and DM11 in this location and would undermine other protected industrial sites, setting a negative precedent.

Relevant history

- 3.2. BH2025/00928 - Display of various site signage including 4no internally illuminated freestanding signs, 1no banner sign, 19no dot signs comprising 3no accessible bays, 2no parked order bays, 3no litter, 1no no entry, 2no give way, 3no pedestrian crossing, 1no look left, 3no look right and 1no speed limit 10MPH sign. Pending consideration.
- 3.3. BH2025/00927 - Display of 3no internally illuminated fascia signs, 3no internally illuminated booth lettering signs and 1no internally illuminated digital booth screen. Pending consideration.
- 3.4. BH2016/01310 - Demolition of existing vehicle battery depot building at number 269 and change of use of site to car display and parking associated with car showroom at number 267 (Sui Generis). Installation of new shopfront and cladding to number 267, with rear extension to create new vehicle battery depot and staff canteen. Change of use of rear building at number 269 from car/van hire business (Sui Generis) to car showroom (Sui Generis), with removal of existing front extension, new shopfront and cladding. Approved.

- 3.5. BH2004/01689/FP - Change of use of existing industrial unit to showroom, servicing and MOT centre and parts store (Sui Generis). External alterations to elevations. Approved
- 3.6. BH2002/02748/FP - Change of use to motor vehicle servicing and MOT centre. Approved
- 3.7. There are other previous applications on the site however they are not relevant to this application.

4. APPLICATION DESCRIPTION

- 4.1. Planning approval is sought for the erection of a freestanding drive-thru restaurant, with landscaping, car parking and associated works, including Customer Order Displays (COD) and demolition of existing buildings onsite. The proposed house of operation as detailed in the Delivery Service Management Plan are 06:00 - 00:00 Monday to Sunday.
- 4.2. The application is made on behalf of McDonald's Restaurants Limited but could be occupied by any operator.
- 4.3. During the course of the application the agent has submitted significant additional supporting information and plans in relation to comments from internal consultees (Environmental Health, Policy, Public Health and Sustainable Transport) and these have been considered in their respective responses and determination of the application.

5. REPRESENTATIONS

- 5.1. **Three hundred and thirty six (336)** representations have been received, including from the following groups, Aldrington Primary School, Cardinal Newman Catholic School, Hove Park School, Blatchington Mill School, Goldstone Primary School, Hove Civic Society and The Regency Society, objecting to the scheme on the following grounds:

Traffic and Highways

- Increased congestion/ not enough highway capacity
- Displaced traffic to minor roads
- Highway safety concerns over existing junctions / traffic black spot
- Impacts on pedestrian and cyclist getting to and from school
- Dangerous right turn from opposite side of the road
- Impacts on children accessing the site
- Concerns relating to loading/ unloading
- Delivery trip generation
- Impact on neighbouring fire station access and emergency responses
- Impact on local traffic calming measures
- Inadequate / inaccurate data and claims within the Transport Assessment

- Lack of parking on site
- Reliance on HGVs unsuitable for network

Design

- Poor outlook and view for neighbouring residents
- Corporate Design / commercialisation of the area
- Intrusive signage
- Excessive illumination
- Overdevelopment of the site
- Inappropriate Height
- Too close to site boundaries
- Impact on Conservation Area. Note: the site is not in or adjacent to a conservation area
- Impact on Listed Building. Note: the site is not a listed building or in proximity of one

Residential amenity

- Increase noise and disturbance through traffic
- 24 hr opening is excessive and out of character with residential area and local business opening hours
- Air pollution including from idling vehicles
- Pollution and disturbance from cooking smells and odour
- Light pollution from building and from vehicles /cars
- Antisocial behaviour and crime
- Visually intrusive
- Overshadowing
- Noise from operations including customers loitering/ delivery collections/ cars/ plant and machinery

Environmental concerns

- Impact from litter on visual environment/ increased demands on council services in relation to litter
- Impact from litter on wildlife and habitats
- Vermin and environmental health concern
- Increased emissions against net zero targets
- The drive-thru provision encourages car use
- Discourages healthy practices such as walking and cycling
- Company is associated with cruelty to animals
- Packaging is not all recyclable - contributing to climate crisis
- CO2/ methane/ nitrous oxide from meat production
- Conflicts with Council's NetZero and Climate strategies
- Litter would impact South Downs National Park

Location / Community concerns

- Too close to local schools/ direct marketing to children
- Direct conflict with NPPF para 97 in regard to citing near to schools
- Public Health concerns around diet, obesity, diabetes, cancer, heart conditions and mental health from Ultra Processed Foods (UPFs)

- Would cause clusters of older children, may create threatening environment for younger pupils
- Inappropriate / insensitive location opposite Hove cemetery
- Too many similar outlets in the locality
- Use is unsuitable in this out-of-town location
- Should be a housing site
- The site should be amenity space to serve nearby flats

Economic considerations

- Profits to multinational rather than in the local area
- Impacts on local independent food outlets
- Too many similar outlets in the local
- No workforce near the site - so children main targets
- Conflicts with City's Food Strategy Action Plan
- Employment figures overstated/ most will be parttime/ zero hours contracts
- Conflict with CP3 - Use not suitable for an employment site

Other matters

- Criticism of the applicant in terms of global impacts, politics, environmental protection, working conditions, unethical practices in terms of market dominance,
- Lack of public consultation
- concerns over the accuracies/ claims detailed in supporting statements including noise reports, traffic and accident data

5.2. Support from **one hundred and eleven (111)** individuals has been received raising the following issues:

- Vacant site needs development. Note: the site is not vacant
- It will be well-used and meet local demand
- Prevent longer trip journey to McDonalds drive-thru in Shoreham therefore reducing congestion and emissions
- Employment is welcome
- Generates increased tax/business rates
- Negative aspects in relation to traffic and health overstated
- Good Design / in keeping with listed building. Note: the site is not a listed building or in proximity too
- Community Infrastructure Levy can be spent on new cycle lane

5.3. **Councillor Hewitt, Councillor Allen and Councillor Baghoth** Object to the development. A copy of their representations have been appended to the report.

6. CONSULTATIONS

Internal:

6.1. **Environmental Health:** No Objection - subject to conditions
Lighting - now acceptable post further information submitted, subject to conditions.

- 6.2. Odour - independent verification and dispersion report needed prior to first use.
- 6.3. Noise - acceptable subject to noise output, attenuation, noise management and delivery restriction conditions.
- 6.4. Delivery and Service Management Plan - revised/updated plan needed prior to first use.
- 6.5. **Food Policy: Objection**
Existing over-concentration of fast-food outlets in the city, combined with concerns regarding school proximity, child health, neighbourhood health and wellbeing leading to an increasing unhealthy population and obesogenic environment.
- 6.6. Does not align with the recently adopted Brighton and Hove Food Strategy Action Plan. In particular aims 1, 5 and 6.
- 6.7. **Planning Policy: Objection**
The site is situated within the English Close Industrial Area allocation which continues to be required to meet the identified employment floorspace needs and market demand for employment land over the Plan period and beyond to 2041 and there is a strong prospect of the site continuing to be required for the uses set out in Policy CP3.3 use in accordance with paragraph 126 of the NPPF.
- 6.8. It is not considered that the employment provided would be qualitatively comparable employment to the existing or compatible with CP3.3 which seeks to protect the site for business, manufacturing and warehouse uses. Use as a sui generis drive-thru restaurant would set unwelcome precedent in relation to CP3 and other protected sites.
- 6.9. A sequential assessment has been submitted which demonstrates that there are no sequentially preferable sites for this 'drive thru' restaurant proposal in neighbouring centres. Since approval and operation of (BH2025/00387) 182 Old Shoreham Road has now commenced (Aldi retail unit) it is considered that the applicant has appropriately demonstrated that there are no sequentially preferable, suitable and available sites within the area. As such the proposal does not conflict with CP4 Retail Provision or the NPPF.
- 6.10. It is noted that marketing of the site was undertaken, but this was not for the whole site, and confidential and targeted, so not on the open market. The length of any marketing has not been given. It is considered that no conclusion can be made that the site is no longer required for the uses set out in policy CP3.3.
- 6.11. Strategic Objective 22 and policies SA6 and CP18 of the City Plan seek to facilitate sustainable neighbourhoods and healthier lifestyles. Public Health have produced detailed data of the young people's behaviour in relation to takeaways in Brighton and Hove and recommend that 800m is a relevant walking radius for users of takeaways. As the application is for a drive thru restaurant in proximity to schools and areas where young persons congregate the application should be refused in accordance with policy and NPPF paragraph 97.

- 6.12. The case officer should assess whether the nature of this proposal would have a negative impact on local amenity. Comments should be sought from the Environmental Health Team.
- 6.13. **Public Health: Objection**
The Public Health Team objects to the proposed drive through fast food outlet.
- 6.14. There are concerns around the high levels of population that are overweight and obesity in the city, the density of fast food outlets (above average for population), proximity to schools and areas where young people congregate, potential impact on air quality, and the commitment through planning and health policies to improve access to healthy eating, support health and wellbeing, and address health inequalities in Brighton & Hove.
- 6.15. The proposal is also in conflict with the National Planning Policy Framework, December 2024, and Brighton & Hove City Plan.
- 6.16. In December 2024 the latest version of the National Planning Policy Framework makes the case for taking planning decisions around hot food takeaways to protect the public's health, in paragraph 97.
- 'Local planning authorities should refuse applications for hot food takeaways and fast food outlets: a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.'*
- 6.17. Brighton and Hove's City plan part 1 states 'Across the city apply the principles of healthy urban planning' and under CP 18 Healthy City that 'Planning will support programmes and strategies which aim to reduce health inequalities and promote healthier lifestyles.'
- 6.18. The recommendation to refuse planning permission for the drive through McDonald's on Old Shoreham Road is in line with the following key council plans and approaches:
- The Brighton & Hove Health and Wellbeing strategy states that 'A whole city approach to food and wellbeing will be adopted, prioritising those with the poorest diets or least access to healthy food'
 - The Brighton & Hove City Council plan 2023 to 2027 'A better Brighton & Hove for all' has as its vision 'Our vision is for Brighton & Hove to be a city to be proud of, a healthy, fair and inclusive city where everyone thrives.'⁶ Commitments include: 'ensure that council strategies, policies and services promote better health and wellbeing for all and reduce unfair differences between the most and least healthy' and to 'work with local partners to develop plans to help people to be physically active and maintain a healthy weight'

- A Whole City approach to Healthy weight, developed with partners across the city and the subject of the forthcoming Director of Public Health annual report.

6.19. **Sustainable Transport:** Objection

Initial Comments:

- 6.20. Regarding the principle of development and City Plan site allocation. The Sui Generis use for a restaurant is understood to not be included under city plan part 1 CP3 - Employment Land, which sets out acceptance for uses B1-B8. We view this application as seeking to diverge from that policy.
- 6.21. The proposed restaurant is within walking distance of at least 3 if not 4 local schools and would be expected to generate demand from these school children and families.
- 6.22. Insufficient information has been supplied to allow us to determine the transport and safety impacts on the Old Shoreham Road (refusal may be made under grounds of NPPF p116).
- 6.23. Request for above policy levels of parking (39 proposed, 10 allowed) which are set out as maximum allowances. The applicant has not set out compelling grounds for why policy limits should be relaxed.
- 6.24. A reduction down to the policy limit of 10 parking spaces would increase the highway safety risk to the Old Shoreham Road, so we cannot see a way to balance the highway safety needs and policy requirements for this application.
- 6.25. The highway safety risks relate to the introduction of a new priority junction and pedestrian crossing in close proximity to an existing signalised junction on the Old Shoreham Road, an important route for the city with notable accidents in the vicinity including 3 fatalities in the last 5 years within 2.5 miles of the application frontage.

Updated comments (following receipt of further information and video outputs):

- 6.26. The LHA considers that substantive concerns remain unresolved. These relate to:
- the absence of a Local Model Validation Report to support the microsimulation evidence
 - the credibility and safety of operational behaviours shown in the modelling outputs, including turning movements, lane-changing and pedestrian interactions
 - the persistence of severe residual impacts in the future year with-development scenario notwithstanding the proposed mitigation
 - the safety case for the proposed uncontrolled pedestrian crossing
 - the level of car parking proposed relative to adopted policy standards
- 6.27. For these reasons, the LHA remains unable to verify that the development would provide safe and suitable access for all users or that the residual impacts would be acceptable and is therefore unable to lift its objection to the application.

External Consultee

6.28. **Sussex Police – No comment**

The development scale is below the level where they would provide a comment on the application.

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 Local Plan 2005 (retained policies March 2016);
- 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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

Strategic Objective SO22

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP8	Sustainable Buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP18	Healthy city

Brighton & Hove City Plan Part Two

DM11	New Business Floorspace
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscaping

DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

Other documents

Brighton and Hove Food Strategy Action Plan 2025-30
Brighton & Hove Employment Land Study 2024

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the loss of the employment site, principle of the restaurant development, impact on the character and appearance of the existing site, streetscene and surrounding area, impact on public health, neighbouring property and amenity, transport issues and sustainability.
- 9.2. An officer site visit has been undertaken, and the impacts of the proposal can also be clearly assessed from the plans, photographs and from recently taken aerial imagery of the site.
- 9.3. It is noted that pre application advice was provided for this site in June 2024 (PRE2024/00092) as noted in the history section above. As stated previously, the conclusion of this advice was that the site was not suitable for drive thru restaurant use due to the location out of town, the form of use and loss of employment, and the partial loss of a safeguarded industrial estate. The principle was considered unacceptable to the LPA.
- 9.4. Development policies are a key consideration, as are material considerations such as government guidance in the NPPF, supplementary planning guidance and the council's corporate strategies.

Principle of development:

- 9.5. The proposal is for a drive thru/dine in restaurant and takeaway facility, approximately 356 sqm in size which is identified as a 'main town centre use' within the NPPF glossary. The existing Sui Generis business use buildings onsite would be demolished, and this would lead to a total loss of 984 sqm of employment floorspace, with a net loss of 628 sqm.
- 9.6. The use as a restaurant would fall within Use Class E, the hot food takeaway and drive through element would be a Sui Generis use. The proposal is therefore

considered overall to be Sui Generis use due to the blending of the differing Use Class classification.

Safeguarded employment site:

- 9.7. The site is allocated within the adopted City Plan Part 1, Policy CP3 Employment Land, as part of one of 13 safeguarded primary industrial estates and business parks across the city and protected for business, manufacturing and warehouse uses. The site falls within the English Close Industrial Area, Old Shoreham Road.
- 9.8. Given the City's role as an economic base for the wider economic area (a regional economic centre) it is important that safeguarded primary industrial estates and business parks are protected for business, manufacturing and warehouse uses to support local business. This is in accordance with Para 86 b), of the NPPF.
- 9.9. There is an overall shortfall of employment sites against forecast demand as set out in the City Plan Part 1 and in particular sites suitable for industrial, storage and warehousing use. This has been confirmed by the 2024 Employment Land Study that has been published as a background evidence document to inform the City Plan Part 1 review.
- 9.10. The study highlights that industrial space (E(g) (iii), B2 and B8 Use Classes) is highly constrained with very low vacancy rates. There is a significant, positive forecast demand for industrial floorspace over the plan period to 2041. The 2024 Employment Land Study also highlights the strong market demand for industrial, storage and warehousing uses from a range of sectors including the creative industries.
- 9.11. The study considered that the English Close Industrial Estate is in average condition, with no sign of vacancy and has good accessibility indicating its functionality for its mix of industrial and office uses. The study found overall that it was important to continue to protect these employment sites and encourage intensification and re-provision of industrial uses on safeguarded sites. In terms of meeting future demand for industrial floorspace, the study recommends that safeguarded sites such as English Close should remain the focus for new industrial development in keeping with their location segregated from sensitive uses and having good access to strategic roads.
- 9.12. It is noted that marketing of the site was undertaken, but this was not for the whole site, and was confidential and targeted, so not on the open market. The length of any marketing has not been given. It is considered that no conclusion can be made that the site is no longer required for the uses set out in policy CP3.3. In addition, the significant net loss of 628 sqm of employment floorspace is not supported generally as part of the application under CP3.
- 9.13. The applicant has stated that the development would provide a mixture of 30 full time and 90 part time staff, giving 62 full time equivalent roles. No information has been provided on the existing staffing of the current business which are operating onsite. In any event it is not considered that the employment provided would be qualitatively comparable employment to the existing or compatible with

CP3.3 which seeks to protect the site for business, manufacturing and warehouse uses. Use as a sui generis drive - thru restaurant would set unwelcome precedent in relation to CP3 and other protected sites.

- 9.14. The site, as part of the English Close Industrial Area allocation continues to be required to meet the identified employment floorspace needs and market demand for employment land over the Plan period and beyond to 2041 and there is a strong prospect of the site continuing to be required for the uses set out in Policy CP3.3 use in accordance with paragraph 126 of the NPPF.

Sequential test and proposed use

- 9.15. The NPPF glossary defines drive-through restaurants as a main town centre use. 267 Old Shoreham Road is an out-of-town location. Paragraph 94 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are not in an existing centre, nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, rather than in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The purpose of the sequential test is to support the viability and vitality of town centres. This is reflected in City Plan Part 1 Policy CP4 Retail Provision.
- 9.16. The applicant has provided an assessment of the available sites (December 2024), but they excluded the nearer 'Homebase' site to the east on Old Shoreham Road as a site for consideration. However, as the 'Homebase' site has now received planning approval since this application was submitted, and is currently occupied by an Aldi retail operation, the omission of this site is not considered to undermine the sequential test as no longer available for consideration.
- 9.17. It is therefore considered that the application has addressed the sequential test, in line with para 95 of the NPPF and policy CP4. This does not however outweigh the concerns outlined in this report regarding the principle of introducing such a use on this site and location.

Healthy City

- 9.18. A strategic objective (SO22) of the City Plan is to apply the principles of healthy urban planning. City Plan Part One Policies SA6 Sustainable Neighbourhoods and CP18 Healthy City seek facilitate sustainable neighbourhoods and encourage healthier lifestyles. Recent changes to the NPPF (December 2024) at paragraph 97 guides LPAs to refuse applications for hot food takeaways and fast-food outlets within walking distance of schools and other places where children and young people congregate or in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour.
- 9.19. Qualitative research (Hot-food takeaways near schools; An impact study on takeaways near secondary schools In Brighton and Hove, BHCC and NHS, 2011) carried out by the Council, observing young people's behaviour in the streets and shopping parades around the City's secondary schools, showed that

the 800m radius was a relevant walking distance and in some cases pupils travelled further. In addition to this many young people will buy food on the way to and from school.

- 9.20. Public Health and Food Policy Officers have commented that the existing prevalence of fast-food outlets in the City, which has a higher than average proportion of fast food outlets per capita (OHID 140.2 per 100,000 population – average is 116), is contributing to an obesogenic environment, which is increasing the general weight of the resident population and highlights children in particular. The Council has recognised this and has recently endorsed the Brighton and Hove Food Strategy Action Plan 2025-30. The overall vision of this plan is a city where everyone has the opportunity to eat healthy food from sustainable sources which treats those who produce it fairly. The degree of health inequalities is also increasing. Public Health Food Policy Officers consider that taking this into account the application should be refused as it is located within 800m of schools (Blatchington Mill, Goldstone, Hove Park, and West Hove). Other schools are on the periphery and their children's food purchases may also be influenced by the proposal. They also have concerns regarding the air quality and highway safety impacts from the number of movements which could be associated with the development.
- 9.21. The proposal is also in proximity to Knoll recreation grounds which is an area of congregation for young people.
- 9.22. The Public Health Team and individual objections raise concerns that the McDonald's menus mainly consist of food items which are high-calorie, relatively cheap, highly processed products, consisting of unfavourable nutritional content and thus unhealthy food choices. Concerns are also raised regarding the marketing associated with the menu such as Happy Meals and Meal Deals which are aimed at young people, and that customers are encouraged towards large portions and prompted to add items to orders. In response, the applicant has advised that 90% of the core food and drink menu is under 500 calories and 54% of the menu is not high in fat, salt and sugar (non-HFSS), according to the UK Government's Nutrient Profiling Models.
- 9.23. The links between obesity and unhealthy food choices is well understood, and food from takeaways is more likely to have an unfavourable nutritional content. Being located within proximity to schools and places where young people congregate, there is a strong likelihood that the development site would become a popular destination for young people.
- 9.24. Considering the location of the proposal, which is not in a town centre, and would be within walking distance of numerous schools and areas that young person's potentially congregate, the drive thru restaurant is considered to be contrary to policies CP18, SA6 and SO22, as it would not promote healthier lifestyles and would increase health inequalities. In addition, as required by paragraph 97 of the NPPF, for the identified reasons above, the LPA is guided to refuse the application.

Design and Appearance:

- 9.25. The existing buildings onsite would be demolished and proposed restaurant and hot food takeaway/delivery would incorporate a drive thru facility. It would be a tall single storey building with a flat roof, with a high parapet around it to obscure the view of the proposed HVAC plant in the wider public realm which is required for the outlet. The maximum height would be 5.5m with an overall gross internal floor area of 356sqm.
- 9.26. The building would be finished with cladding panels in a dark grey and brown colour, with areas of white canopies. Significant parts of the front (southern) elevation and side elevations (west) would have high glazed panels, which would surround the customer/public area. The elevations to the side and rear (north) would be predominantly cladded with limited, if any fenestration.
- 9.27. The development building would be located to the east of the site with the remainder allocated for service road and car parking/delivery areas predominantly. The 'drive thru' element would circulate around the rear, front and east sides of the building, with outdoor seating proposed to the front west area.
- 9.28. The layout shows 39 car parking spaces provided to the west of the building. Delivery lorry parking and unloading would be located within the proposed customer parking area. 3 Sheffield cycle stands are proposed adjacent to the outdoor seating area and two cycle lockers.
- 9.29. Policy DM18 of City Plan Part Two requires these key design aspects to be taken into consideration;
- The local context, including responding positively to the urban grain;
 - The scale and shape of buildings.
 - The spaces between and around buildings taking into account:
 - purpose and function;
 - access and linkages;
 - uses and activities; and
 - comfort, image and sociability
- 9.30. The siting and scale of the proposed building into the open car park area would create a dominant building but would not appear out of place in the existing context, and other buildings that would remain to the east and west. The design, materials and scale are somewhat functional but are appropriate, and taking into the existing buildings onsite, would be comparative when viewed in the public realm.
- 9.31. However, the service areas and large car park/drive thru are not considered to improve the appearance of the site, and due to the location would be very visible in the public realm.
- 9.32. The proposed building and car park, through its siting, design, scale and massing, is not considered to overall improve the Old Shoreham Road streetscene or wider, but in isolation the appearance is not considered to warrant refusal, considering the current context and appearance of the site. If the

proposal were otherwise acceptable, appropriate materials and landscaping could be controlled via condition.

Impact on Amenity:

- 9.33. Policy DM20: Protection of Amenity, states:
"Planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health. Policy DM40 seeks to protect amenity from pollution.
- 9.34. The agent has submitted details of how the site will operate. Sussex Police have raised no comment. The LPA consider that a use of this type would bring an increase in noise and potential group loitering (and has potential for anti-social behaviour from users, although this would be a police matter, rather than planning matter). The proposal would also bring increased vehicular movements, deliveries and takeaway traffic, and pedestrian traffic and as the proposed use is to operate for 18 hours a day, the effects could be significant and extended in time. The proposals also have the potential for increased litter in the general vicinity.
- 9.35. The proposed development would be sited within the existing industrial park and opposite the Hove Cemetery, therefore no residential properties would be in close proximity, but it would be adjacent to one of the main pedestrian and cycle access points into of the City, and as detailed earlier within walking distance of schools and areas that young person's congregate. The combination of potential group loitering increased vehicular movements, noise and litter is considered to have some detrimental effects on the amenity of residents and users of the area, but are not considered so significant that refusal would be warranted on these elements alone, as the potential effects could be mitigated by various conditions (eg regarding management), and restrictions on operating hours etc.
- 9.36. The agent has submitted lighting noise and odour reports which detail the potential impacts and mitigation, and these have been assessed by Environmental Health Officers. They have commented to the effect that they believe a scheme could be acceptable subject to numerous conditions which could mitigate amenity impacts to such an extent that any adverse harm could be reduced to an acceptable degree.
- 9.37. The footprint and scale of the proposed development is comparable to the current building onsite and would have greater separation from the east and northern boundaries to allow the drive thru car access road. Therefore, any overbearing or overshadowing impacts from the development are likely to be comparative or less than the current situation. For the same reasons the degree of outlook from surrounding buildings is not expected to be reduced to any significant degree and would not impact surrounding residential dwellings. As noted above, the site shares boundaries with commercial premises, the nearest residential properties are then located to the north of these adjacent commercial properties in Maple Road.

- 9.38. However, the lack of significant harm to amenity does not outweigh the other elements identified in this report which contribute to the reason for refusal.

Sustainable Transport:

- 9.39. The Local Highway Authority (LHA) Transport Officer has raised a number of concerns regarding the operation of the food outlet that have not been satisfactorily addressed by the applicant, and the scheme is considered unacceptable on highways grounds.
- 9.40. Insufficient information has been provided to fully assess the impacts of the development on the Old Shoreham Road and Transport Officers cannot be satisfied that the development would not affect the operation of the road network and the safety of users to a severe extent. It has not been sufficiently proven that any mitigation proposed would satisfactorily overcome the concerns that have been raised. They therefore recommend refusal on this basis alone.
- 9.41. The LHA Transport Officer has raised concerns in relation to the access to the site and potential for queuing as the site is on the Old Shoreham Road (OSR), an important East / West throughfare for the city of Brighton & Hove carrying up to 28,000 vehicle a day.
- 9.42. There is a risk from the proposals that queues for the drive-thru could tail back on to the Old Shoreham Road and impact traffic flows on this adjacent road. Whilst for the left turn in, the proposed drive-thru lane is of a length that offers comfort peak demand would be accommodated, the right turn in proposes a new priority junction with a filter lane that has a capacity of 4 vehicles. There is a high bar for evidence that this will not cause queuing back on to the Old Shoreham Road, and the details provided in the Transport Assessment do not clear that bar. It has not been demonstrated that the proposal will result in an highway safety risk for users of the highway in close proximity to the proposed development.
- 9.43. In addition, a new uncontrolled pedestrian crossing is proposed in close proximity to an existing signalised crossing with a cluster of accidents in the 5-year study period submitted. A wider search of accidents on the OSR shows 3 fatalities within 2.5 miles of the site frontage, so any significant changes to the road must be subject to the highest level of evidence.
- 9.44. In addition to the above, the proposed levels of onsite car parking is considered to be significantly in excess of policy and SPD14 (39 spaces against a policy requirement of 10), with no compelling evidence or reasoning why this should be allowed. LHA Officers have also noted that a reduction in onsite provision to a more compliant level, would likely increase the highway safety risk, and in the LPAs opinion this highlights that the proposed use in this location is not suitable, from a transport perspective alone.
- 9.45. The LHA also notes that the proposed use is divergent from the local plan use for employment use and a safeguard site. And would not be a sustainable development, due to a reliance on car use and an overprovision of onsite parking.

- 9.46. The LHA recognise that the agent has supplied significant extra information to support the application, but the issues highlighted have not been resolved.
- 9.47. Taking the above into account the proposal would not provide policy compliant vehicle parking and would result in unacceptably increased traffic generation, with potential adverse impacts on the existing highway network and safety of users. The supplied information is not considered sufficient to enable the development to be fully or robustly assessed by the LHA or LPA. Therefore, the scheme is considered contrary to CP9 of City Plan Part One and DM33, DM35 and DM36 of City Plan Part Two and the NPPF in this regard.

Biodiversity including Net Gain

- 9.48. 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.
- 9.49. If the proposal were otherwise acceptable conditions could satisfactorily secure biodiversity mitigation and enhancement, as per policies CP10 and DM37.

Other Matters

- 9.50. It is noted that comments have raised concerns that the development would affect a listed building or conservation area, and that the site is vacant and would be bought back into use. The site is not listed (Grade or Local Listing) or in a conservation area, and it is not currently vacant.
- 9.51. Comments have also raised that the site should be used for housing or amenity space for other residential dwellings. The site is allocated and protected for employment use in the City Plan and those uses would not be considered suitable. In any event the LPA has to consider the application before them for determination.
- 9.52. Objections have raised the global and political operating practises of the applicant, as reasons for refusal. These are not considered material to the determination of this application as the LPA is considering the change of use to fast food drive thru operation, and the general operation and impacts of this type of use. If permission was approved, then it would not be restricted to any specific operator or company.
- 9.53. Objectors have also raised concerns regarding the potential for antisocial behaviour and increases to rubbish / litter generation. These are matters covered by other regimes separate to planning, such as criminal law, civil law, building regulations, or environmental health regulations and again do not hold weight in the determination of this application.
- 9.54. If the application were otherwise acceptable, the LPA would impose conditions in respect of, but not limited to, sustainability, water use, drainage, contamination, noise, odour, lighting, Delivery and Service Management Plan, Travel Plan, and a Construction Environmental Management Plan.

10. CONCLUSION

- 10.1. The proposed works and drive-thru restaurant are considered unacceptable due to a non-conforming use on a safeguarded industrial estate and would result in the loss of important protected employment floorspace, contrary to CP3 and DM11; Non-conformance with local and national public health policies promoting healthy living, and the location of fast food outlets as required by CP18 and the NPPF. Insufficient evidence has been submitted to demonstrate that impacts on highway operation and highway safety would be acceptable as required by DM33, DM35, DM36 and the NPPF, with an over provision of car parking and under provision of sustainable modes of transport.
- 10.2. There are no public benefits of the scheme that would override the clear objections to the scheme set out above.
- 10.3. In conclusion, the scheme does not accord with the local development plan or national planning policy as set out in the NPPF, refusal is recommended.

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.
- 11.3. The development would provide level access to the building proposed and 3 disabled parking spaces are proposed.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Faiza Baghoth

BH2025/00019 – 267 Old Shoreham Road

4th March 2026:

I would like to object to the above planning application due to the following reasons;

- It's proximity to Schools and the effects to the health of children and young adults from the easy access to the menu offered in Macdonald.
- Research shows that areas of low economic income are more prone to fast and junk food which is detrimental to their health at the cost of the NHS which is already struggling. Hangleton and Knoll is the third most deprived areas in our vicinity so this risk will be increased with a Macdonald at their doorstep, so to speak.
- Increased traffic on road which has several junctions within 1 min or less drive can be very challenging especially since these routes are used for a good number of student walking to and from school and visiting the nearby Co-op Store.
- The suggested long hours of operation into late night through to early morning will cause community issues like complaints due to noise, light and traffic pollution.
- The plan was presented with very little notice or consultation and there seems to be a lot of questions unanswered or unsatisfactorily answered with regards to mitigations and assessments.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Jacob Allen

BH2025/00019 – 267 Old Shoreham Road

11th March 2026:

In my capacity as Cabinet Member for Adult Social Care, Public Health and Service Transformation, I wish to object to the proposal to establish a McDonalds drive-through establishment on Old Shoreham Road, Hove, BN3 7ED (BH2025/00019).

My objection is founded on concerns relating to public health and the potential adverse impact on the local community, particularly young people.

Planning decisions should enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities (See NPPF Paragraph 96).

The site is a key artery for school children attending local primary and secondary schools. Indeed, Headteachers from local schools have already submitted their own objections to the scheme.

The NPPF explicitly states that Local Planning Authorities should refuse applications for hot food takeaways and fast-food outlet within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or - in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour. I feel this site is outside of the scope allowable under planning policy and is therefore should not be considered acceptable.

Approval of this scheme would only serve to benefit a multinational corporation at the expense of the health and dietary wellbeing of the children of Hove, Portslade and Hangleton and Knoll. The harms to public health, the environment, and community well-being far outweigh any economic benefits.

In light of these concerns and in adherence to the principles laid out in the NPPF, I urge the Planning Committee to reject this application.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. John Hewitt

BH2025/00019 – 267 Old Shoreham Road

20th February 2026:

In my role as councillor for Hangleton & Knoll ward, I object to Planning Application BH2025/00019 on the following grounds:

Concerns on traffic and road safety

The entrance and exit to the proposed drive through are directly onto the Old Shoreham Road, which is a busy dual carriageway. Vehicles accessing or exiting the drive through and turning either west or east will cause build up of traffic. Hove Fire Station is situated nearby, and the junction of Holmes Avenue will both be impacted.

Public Health

There are nearby Secondary and Primary schools and children walk past the proposed site each day. The National Planning Policy Framework states: Local planning authorities should refuse applications for hot food takeaways and fast food outlets: a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

Operational considerations

The proposal is for the site to operate 24 hours a day, 7 days a week. No other business in this area operates at these hours. This will cause significant impact to neighbouring residents; mainly those in Acacia Avenue and Maple Gardens, as the proposed site backs directly onto these roads.

Despite the mitigations presented in the application, this will cause noise, odour and light disturbances to these residents; along with additional litter in the surrounding areas.

Character of the site

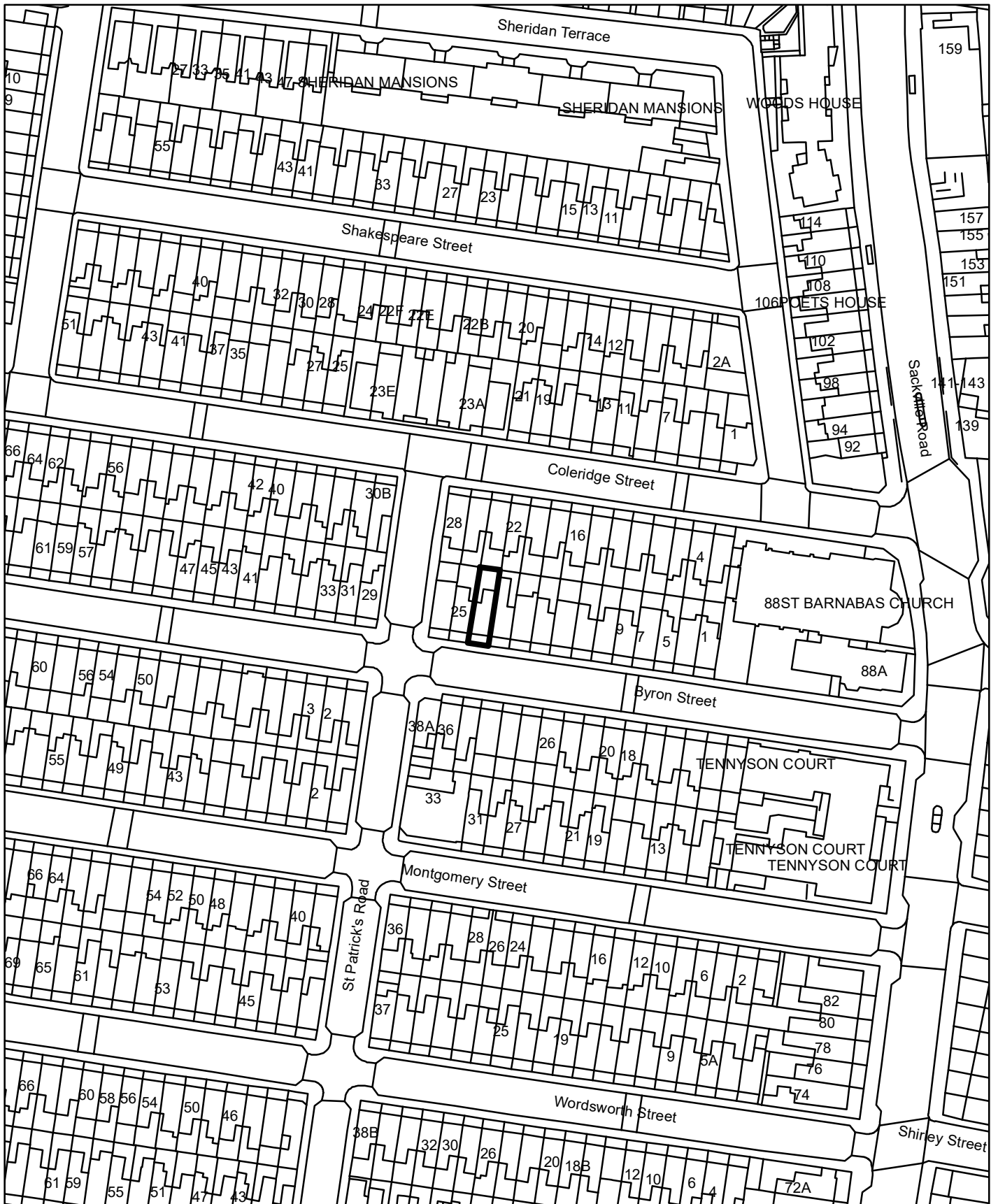
The current and neighbouring businesses are light commercial or retail businesses. The character of this site would change with the addition of the drive through restaurant.

ITEM B

**23 Byron Street
BH2025/02640
Full Planning**

DATE OF COMMITTEE: 6th May 2026

BH2025 02640 - 23 Byron Street



N



Scale: 1:1,250



**Brighton & Hove
City Council**

<u>No:</u>	BH2025/02640	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23 Byron Street Hove BN3 5BA		
<u>Proposal:</u>	Change of use from residential dwellinghouse (C3) to four-bedroom small house in multiple occupation (C4). (Retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	11.11.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	06.01.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.03.2026
<u>Agent:</u>			
<u>Applicant:</u>	Miss Louise Gauld 23 Byron Street Hove BN3 5BA		

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	001	-	29-Oct-25
Proposed Drawing	008	-	29-Oct-25

2. The small HMO hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 008 received on 29th October 2025. The internal layouts shall be retained as first implemented thereafter. No part of the communal area shall be used as a bedroom.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 and DM7 of the Brighton and Hove City Plan Part Two.

3. The HMO (C4) hereby approved shall only be occupied by a maximum of four (4) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policies DM7 and DM20 of the Brighton and Hove City Plan Part Two.

4. Unless otherwise approved in writing, within four months of the date of this permission hereby permitted, full details of soundproofing measures to the party walls of the property adjacent communal areas (lounge and kitchen) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The agreed measures shall thereafter be retained as such.

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.

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.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

2. SITE LOCATION

- 2.1. The application relates to a two-storey terraced property, located on the north side of Byron Street. The site is subject to the city-wide Article 4 Direction that has removed the right to change the use class of any (C3) residential unit to a (C4) small house in multiple occupation.
- 2.2. The application site is not listed, and the property is not within a conservation area.

3. RELEVANT HISTORY

None.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the change of use from a 4-bedroom dwellinghouse (C3) to a 4-bedroom small house in multiple occupation (C4). This is a retrospective application as the property has been in use as an HMO for two years.

5. REPRESENTATIONS

- 5.1. Seven (7) letters of representations have been received objecting to the proposal for the following reasons:
- The houses in the street are mainly occupied by families, couples or single residents.
 - The houses have poor sound insulation and tiny backyards
 - High-use communal areas and a bedroom now sit directly beside neighbouring ground-floor rooms
 - Intensifies the property's use far beyond normal and reasonable residential occupation
 - Character of the area has changed
 - Noise and disturbance
 - Loss of privacy
 - Light pollution
 - Harm neighbours' living conditions
 - Increased rubbish and waste
 - Security issues
 - Traffic and parking issues
 - The current use as a HMO is resulting in noise and disturbance
 - Formal noise complaint and police called out
 - Using the rear garden as an overflow living area
 - The interior living space is inadequate for 6 unrelated occupants
 - The property has not been properly regulated or managed as a HMO
 - Impact on wi-fi
 - Long-term impact on neighbouring property values
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** Comment
No objection in principle. An informative should be added setting out that a parking beat survey produced to the Lambeth Methodology standard should be submitted to show that there is capacity for parking in the surrounding streets and to attach a cycle parking condition.

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. **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
CP10	Biodiversity
CP12	Urban Design
CP14	Housing density
CP19	Housing mix
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
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Documents

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

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of development, the standard of accommodation to be provided, impact of the development upon neighbouring amenity and highways issues.

Principle of Development

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

"In order to support mixed and balanced communities...applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use 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."*

- 9.3. A mapping exercise has been undertaken which indicates that there are 77 properties within a 50 metre radius of no. 23 Byron Street and 1 property has been identified as a HMO, resulting in there being 1.3% of HMOs within a 50 metre radius. Therefore, the proposal would not exceed the 10% allowance stated in policy CP21 of the City Plan Part One.

- 9.4. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21.

- 9.5. Criterion a) has been assessed and the percentage of HMO dwellings in the wider neighbourhood area has been calculated at 1.65% and therefore the proposed HMO would meet the wider neighbourhood threshold test (20%) in DM7. The proposal would not result in a non-HMO dwelling being sandwiched between two existing HMOs (b) and would not lead to a continuous frontage of three or more HMOs so accords with criterion (c).

- 9.6. Considerations regarding amenity space and communal living (criteria d and e) are set out further below.

Design and Appearance

- 9.7. No external alterations are proposed.

Standard of Accommodation

- 9.8. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.

- 9.9. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish

acceptable minimum floor space for new build developments. Policy DM1 of the City Plan Part Two requires new residential development to comply with the Nationally Described Space Standards (NDSS).

- 9.10. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm.
- 9.11. There would be no internal changes made to the property, which provides 3 bedrooms and bathroom at first floor and 1 bedroom and separate kitchen and lounge at ground floor. The applicant has confirmed that prior to the property being used as an HMO the ground floor rear room was used as a 4th bedroom for the C3 house use.
- 9.12. The living / dining room at ground floor would measure approximately 12.65sqm and the separate kitchen would measure approximately 8.5sqm (overall 21.15sqm) which is considered sufficient for a four person occupancy which would require a minimum of 16sqm of communal space. The space would be functional with adequate circulation space, ventilation, light and outlook and would therefore provide an acceptable standard of accommodation. The property would include an adequate sized bathroom, storage and the use of outside amenity space. All four bedrooms proposed meet the government's minimum space standards for single rooms and would have good levels of natural light and outlook. The spaces are considered appropriate for the proposed occupancy in terms of their room sizes and shapes.
- 9.13. Whilst adequate in size, if the communal areas were converted to bedrooms in the future this would restrict the level of shared space available to occupants. Therefore, a condition has been attached restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date. The minimum space required for communal space within a HMO is 4sqm per person, and therefore the communal space (21.85sqm) would be below the requirement for a 6 bedroom HMO (24sqm). There are 4 single bedrooms and therefore a condition has been attached restricting the number of occupants to 4 persons to ensure there is an acceptable standard of accommodation.
- 9.14. The accommodation proposed is considered acceptable, in accordance with policy DM1 and DM20 of City Plan Part Two.

Impact on Amenity:

- 9.15. Policy DM20 of 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.
- 9.16. The change of use from a 4 bedroom dwellinghouse to a 4 bedroom HMO would result in a more intensive use of the property. The change of use from a dwellinghouse to a small HMO can create more comings and goings from the

property and a different pattern to the pre-existing dwellinghouse use. However, it is not considered that the additional comings and goings from a small HMO use for 4 people would amount to such substantial harm to neighbouring properties to warrant refusal of the application when compared to a dwellinghouse use. While the change of use from a dwelling to HMO may cause an increase in disturbance, it is considered that a large family could be accommodated here, therefore the difference in movements and noise between that and a small HMO is not considered harmful.

- 9.17. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use or 20% of the wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact. In addition, the proposals would not sandwich any property between HMO uses or create a consecutive stretch of properties all within HMO use, which is in accordance with the requirements of DM7.
- 9.18. Furthermore, it is noted an HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.19. A condition has been recommended regarding improved sound insulation on the party walls to help mitigate any noise transmissions and that the sound proofing is retained in situ thereafter.
- 9.20. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity, in accordance with policy DM20 of the City Plan Part Two.

Sustainable Transport

- 9.21. The change of use has a potential to result in a slight increase in trips to and from the site and there may also be a slight increase in parking demand if the residents have cars. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.
- 9.22. Parking in the local area is already covered through the management of the Controlled Parking Zone (CPZ) R and any overspill parking into the surrounding streets would be managed through this. A parking beat survey produced to the Lambeth Methodology standard suggested by the transport officer is considered unreasonable and is therefore not required.
- 9.23. The Local Highway Authority have requested the provision of 4 cycle parking spaces. There is limited space to the front of the property and no separate access to the rear, and as such it is not considered a condition to provide secure cycle parking is necessary or reasonable to attach.

Biodiversity Net Gain

- 9.24. 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.

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 development would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The HMO would not offer level access given the small step to access the property so would not be suitable for wheelchair-users or those with a mobility-related difficulty, however, this is an existing situation and therefore this is accepted in this instance.

ITEM C

**63 Hallyburton Road
BH2026/00046
Removal or Variation of Condition**

DATE OF COMMITTEE: 6th May 2026

BH2026 00046 - 63 Hallyburton Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2026/00046	<u>Ward:</u>	Hangleton & Knoll Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	63 Hallyburton Road Hove BN3 7GP		
<u>Proposal:</u>	Application to vary condition 2 of planning permission BH2023/02277 to permit operating hours of 07.00 - 21.00 Monday to Friday and 08.00 - 17.00 on Saturday and Sunday.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	13.02.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Mr Mark Howell 63 Hallyburton Road Hove BN3 7GP		

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 / documents listed below.

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

Plan Type	Reference	Version	Date Received
Other	PLANNING STATEMENT - PAGE 1		12-Jan-26

2. The premises shall only be used between the hours of 07.00 to 21.00 Monday to Friday inclusive and 08.00 to 17.00 on Saturday and Sundays. The external movements of any commercial vehicles, plant or machinery associated with the use of the premises shall not take place outside the opening hours permitted.

Reason: To safeguard the amenities of local residents and in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

3. The double doors on the eastern side elevation of the building shall be kept shut when the premises is being used.

Reason: To safeguard the amenities of local residents in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

4. Within three months of the date of this permission, a management plan for the development hereby permitted shall be submitted to the Local Planning Authority for approval in writing. The management plan should set out how the Martial Arts

Academy will be operated so as to minimise the impact upon the amenity of neighbours and shall include, but not be limited, to:

- Measures to minimise noise and disruption during comings and goings such as signage to request to encourage people to leave and arrive quietly and avoid congregating outside, responsible parking for drop-offs and pick-ups, signage externally and details on website setting out a contact phone number for complaints.
- Encouraging guests to utilise sustainable modes of travel

Reason: In the interests of protecting the amenity of neighbouring residents and to comply with Policies DM20 and DM40 of the 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a small commercial premises on the junction of Hallyburton Road and Dorothy Road. The surrounding area is predominantly residential.
- 2.2. The unit is a single storey brick and metal clad building with a tiled pitched roof. It has a small forecourt in front and parking bays along the side boundary of the plot. The site has historically been occupied by garage/maintenance workshop then following that a lawnmower and garden machinery sales and servicing company, falling within mixed retail and light industrial use (Class E).
- 2.3. The site has more recently been occupied by a Martial Arts Academy, which also falls within Class E (d) Indoor sport, recreation or fitness.

3. RELEVANT HISTORY

- 3.1. **BH2023/02277** - Application to vary condition 3 of planning permission BH2011/01084 to permit operating hours of 08.00 - 21.00 Monday to Friday with no change to Saturday and Sunday operating hours. Approved 15.12.2023.
- 3.2. **BH2011/01084** - Application for variation of condition 3 of application 3/93/0428/FP (Change of Use to lawnmower and garden machinery sales and service, including new roller shutter door on East elevation, new window on South elevation and extract flue through roof) to extend the opening hours allowing the premises to be opened on Saturdays between the hours of 09:00 and 15:00. Approved 27.05.2011.

- 3.3. **BH2007/00443** - Proposed installation of cycle storage and retrospective consent for existing storage container on forecourt. Refused 26.04.2007.
- 3.4. **BH1998/02138/FP** - Clad east elevation with maintenance free steel cladding. Remove timber on south elevation and replace with glazed shopfront and roller security shutters. Approved 06.01.1999.
- 3.5. **3/93/0428/FP** - Change of Use to lawnmower and garden machinery sales and service, including new roller shutter door on the east elevation, new window on south elevation and extract flue through roof. Approved 24.09.1993.

4. REPRESENTATIONS

- 4.1. Representations have been received from **16** people, objecting to the proposed development for the following reasons:
- Increased traffic and congestion issues
 - Noise and disturbance
 - Parking and safety
 - No public benefit
 - Out of character and non-residential
- 4.2. Representations have been received from **11** people, supporting the proposed development for the following reasons:
- Increase in the amenity provision within the local area
 - Great sporting facility
 - Well run
 - Well used facility

5. CONSULTATIONS

Internal:

- 5.1. **Environmental Health: Comment**
No complaints have been received since the facility started operating two years ago.
- 5.2. No objection to the increase in hours. Conditions are recommended to ensure measures are put in place to protect neighbouring properties.
- 5.3. **Sustainable Transport: Comment**
The proposed extended hours would be outside of peak hours for the highway network and therefore the proposal would be unlikely to have significant impact.
- 5.4. Full details of consultation responses received can be found online on the planning register.

6. MATERIAL CONSIDERATIONS

- 6.1. 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.
- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP3	Employment land
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM40	Pollution

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the impact on residential amenity as well as the impact on the highway network.

History of the site

- 8.2. The unit has been occupied by the current applicant for approximately 2 years and is in use as a Martial Arts Academy. A recent planning application in 2023, varied the opening hours, extending until 21.00 on weekdays and opening 09.00 to 15.00 on Saturdays.

- 8.3. The current application seeks permission to vary these times to 07.00 to 21.00 Monday to Friday and 08.00 to 17.00 on Saturdays and Sundays.

Impact on Amenity:

- 8.4. Whilst the premises is located within a wholly residential area, given the size of the unit and that the use falls with the E Class use, it is not considered that the extended opening hours would cause significant harm in terms of noise and disturbance to neighbouring properties. As acknowledged in the previous 2023 application, there may be more activity outside the premises at drop off and pick up times, but as these would be minimal windows at the point that classes changeover and given it is still within sociable hours, any increase in disturbance is not considered significant. The introduction of opening hours on a Sunday is considered reasonable, and it is appropriate that the hours are kept shorter between 08.00 to 17.00.
- 8.5. The submitted statement indicates that the longer opening hours would also provide the opportunity to spread classes out throughout the day or have smaller groups, which could in some instances lessen the impact during the times that are currently busier.
- 8.6. The Environmental Health team have no objections to the additional opening hours. No complaints have been received within the last two years since the current applicant has been operating the unit. Regardless, Environmental Health team have separate legislation to deal with noise complaints should this be required. However, it is envisaged that as the business does not involve any machinery or amplified music, noise and disturbance should not be a significant issue.
- 8.7. A condition will be reimposed which ensures that the double doors on the eastern elevation are kept shut when the premises is in use, to further protect local residents from noise and sounds escaping.
- 8.8. In line with the advice from Environmental Health, an additional condition will be attached to secure a management plan prior to the commencement of the extended hours. The management plan should detail how the applicant intends to ensure that noise and disturbance is kept to a minimum, including measures such as displaying a mobile number for residents to contact if they have noise concerns, keeping doors and windows closed and displaying notices for customers to leave quietly. The applicant has indicated within their planning statement that some of these measures are in place, however a condition would ensure that they are formalised and maintained.
- 8.9. The variation to the opening hours is therefore not considered to cause significant harm to the amenity of neighbouring properties, in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

Sustainable Transport:

- 8.10. The site is located within the Controlled Parking Zone 11 (CPZ11). The transport data indicates enough capacity for any additional cars to park for the drop-off.

The site is adjacent to Hallyburton Road marked with double-yellow lines (parking restricted) and Dorothy Road with no parking time restrictions.

- 8.11. There is a dedicated Disabled parking bay opposite the site on Dorothy Road.
- 8.12. The Google Street view indicates car parking on the East side of the site, accessed from Dorothy Road, which can be used for drop-off/drop-on.
- 8.13. Overall, it is considered that the additional opening hours would not result in a significant impact on the highway network and the additional hours would be outside of peak hours for the highway network.

Design and Appearance:

- 8.14. There would be no external alterations to the site and therefore the design and appearance of the site would not be affected by the proposals.

Biodiversity Net Gain

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

9. EQUALITIES

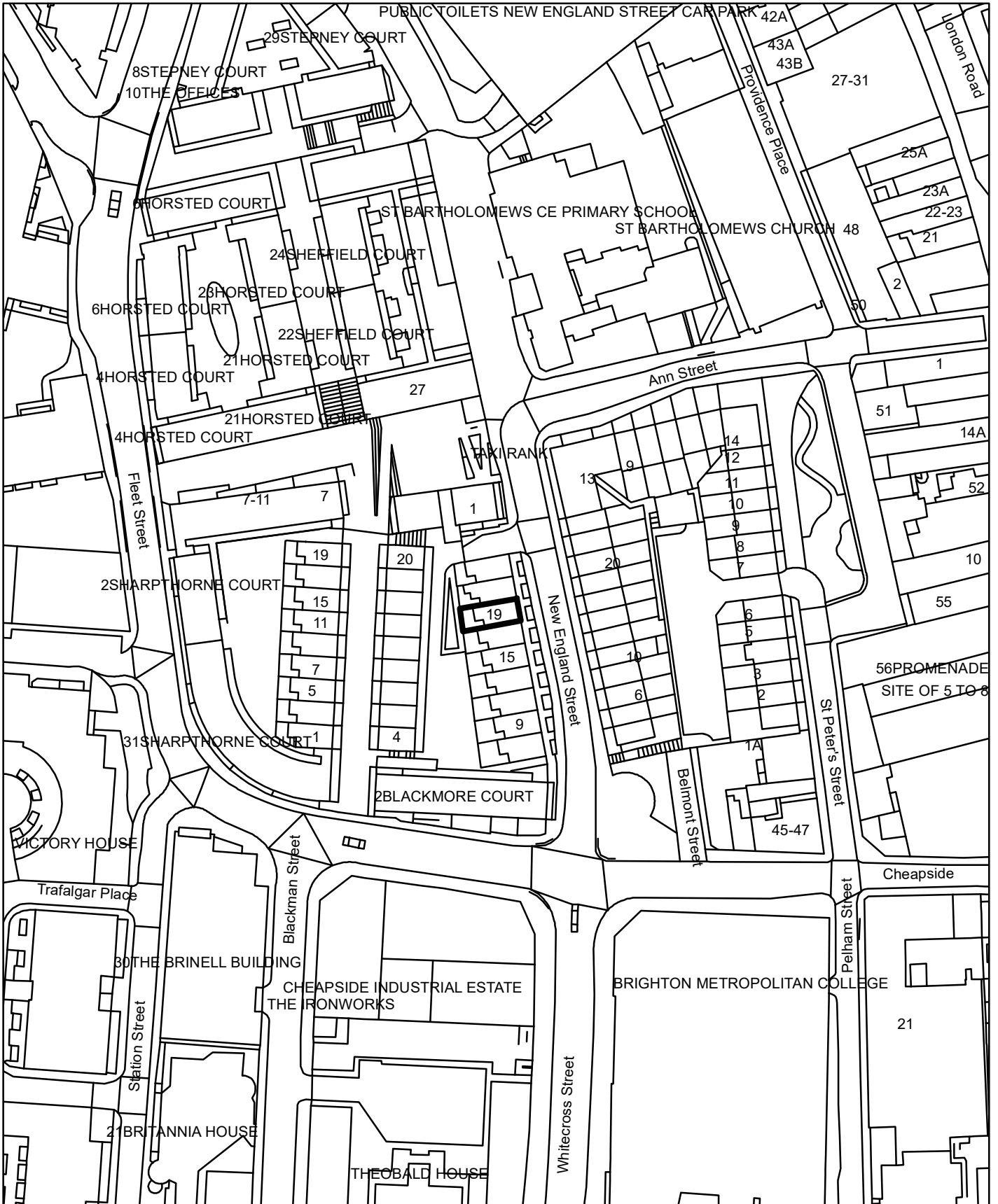
- 9.1. Section 149(1) of the Equality Act 2010 provides:
 - 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of 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.
- 9.2. 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.

ITEM D

**19 New England Street
BH2026/00393
Full Planning**

DATE OF COMMITTEE: 6th May 2026

BH2026 00393 - 19 New England Street



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00393	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 New England Street Brighton BN1 4GQ		
<u>Proposal:</u>	Change of use from Class C3 (dwellinghouse) to Sui Generis (Large House in Multiple Occupation), including associated internal alterations.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	19.02.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	John Robinson Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	01		19-Feb-26
Proposed Drawing	03	A	14-Apr-26
Report/Statement		Planning Statement	19-Feb-26

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

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

3. The large HMO (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 DM7 and DM20 of the Brighton & Hove City Plan Part Two.

4. The large HMO hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplan 03A received on 14th April 2026. The internal layouts shall be retained as first implemented thereafter. No part of the communal areas shall be used as a bedroom.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 and DM7 of the Brighton and Hove City Plan Part Two.

5. Notwithstanding 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is on the western side of New England Street. It is a terraced property over four storeys. The property has been in use as a short-term holiday let, however the lawful use of the property is as a dwellinghouse. The site is not within a conservation area, and the building is not a listed building. The site is within the Article 4 Direction restricting changes of use of dwellings (C3) to small HMOs (C4), but this does not apply as a large HMO is sought in this context. A change of use to a large HMO always required planning permission.
- 2.2. The application seeks planning permission to change the use of the property from Class C3 (dwellinghouse) to Sui Generis (Large House in Multiple Occupation), including associated internal alterations. The proposed layout is seeking this on a 7-person occupancy basis.
- 2.3. The plans have been amended since submission to clarify the size of one of the bedrooms.

3. RELEVANT HISTORY

- 3.1. None for the application site.

Concurrent application within 50m radius:

11 New England Street

- 3.2. **BH2026/00392** - Change of use from Class C3 (dwellinghouse) to Sui Generis (Large House in Multiple Occupation), including associated internal alterations. Under consideration.

4. REPRESENTATIONS

- 4.1. Representations have been received from 7 people, objecting to the proposed development for the following reasons:
- Negative impact on character of neighbourhood
 - Increased noise levels
 - High turnover of occupants
 - Additional pressure on parking and local services
 - Loss of family homes
 - Increased pressure on waste services
 - Other homes have already been lost to short-term holiday lets.
 - Overdevelopment
 - Detrimental impact on property value
 - Loss of further home puts further school places at risk due to reduced demand.
 - Additional traffic
 - Local community needs more family homes with less transient occupiers.
- 4.2. Full copies of the comments received can be found on the planning register.

5. CONSULTATIONS

Internal:

- 5.1. **Private Sector Housing:** Comment
Should the planning application be approved the applicant will require an HMO licence.
- 5.2. **Sustainable Transport** (verbal comment): No objection
Acceptable subject to the provision of cycle parking. The application requires four cycle parking space and four have been proposed. This should be secured by condition.
- 5.3. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

6. MATERIAL CONSIDERATIONS

- 6.1. 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.

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016).
 - Brighton & Hove City Plan Part Two (adopted October 2022).
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024).
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).
 - Shoreham Harbour JAAP (adopted October 2019).

7. 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
CP9	Sustainable transport
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
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Documents:

SPD14	Parking Standards
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the creation of a large HMO in this location, the standard of accommodation, the impact on neighbours and any transport matters identified.

- 8.2. As site visit was carried out in April 2026 and this has informed the assessment below.

Principle of the Development:

- 8.3. 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 percent 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."*

- 8.4. A mapping exercise has been undertaken (April 2026) which indicates that there are 85 properties within a 50m radius of the application property, 6 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 7.06%.
- 8.5. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of from a dwellinghouse (C3) to a four-bedroom with a maximum occupation of seven-persons HMO (sui generis) would not conflict with the aims of policy CP21.
- 8.6. 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."
- 8.7. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 2.07% so it has been met. 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; and would not lead to a continuous frontage of three or more HMOs so also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d) and e) are set out below.
- 8.8. On this basis, the proposal is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use of the site to a large HMO use is acceptable in principle.

Standard of Accommodation

- 8.9. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The

requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.

- 8.10. The proposed layout for the HMO would largely utilise the existing layout with a few minor internal alterations to ensure bathrooms are communal and that minimum bedroom sizes are met.
- 8.11. The ground floor has a kitchen (9.1sqm) and living/dining space (25.2sqm) with doors out to the small courtyard. The first floor has a shower room, a double occupancy room and a single occupancy room. The second floor has two double occupancy rooms and a shower room. The third floor has a further communal space and a roof top garden area.
- 8.12. Bedroom sizes:
- First Floor front bedroom - 11.5sqm
 - First Floor rear bedroom - 7.5sqm
 - Second Floor front bedroom - 11.5sqm
 - Second Floor rear bedroom - 11.5sqm
- 8.13. The first-floor rear bedroom is suitable for single occupancy, and the other three bedrooms meet the minimum size required for double occupancy.
- 8.14. There are two bathrooms one on the first and one on the second floor. This is considered acceptable for the number of occupiers provided and within one floor of bedrooms and communal areas.
- 8.15. Across the property all rooms would have windows which would provide ventilation, natural light and outlook. This is considered acceptable for the habitable spaces.
- 8.16. The property has a small courtyard to the rear accessible off the main living space and this is where the cycle parking is to be located. There is further outdoor space on the third floor on the roof terrace adjacent to the additional communal space at that level. This is considered adequate provision given the constraints of the site and the limited external space around the property.
- 8.17. Overall, the proposal is supported by a layout suitable for occupation as a large house in multiple occupation for seven persons and would comply with policies DM1 and DM7 of the City Plan Part Two.

Impact on Amenity:

- 8.18. Policy DM20 of 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.
- 8.19. The property is a large dwelling with four bedrooms as existing. It could be occupied by a large family. There are no extensions or any significant internal alterations proposed to facilitate the occupation requested.

- 8.20. The proposal would likely result in a different pattern of comings and goings due to the occupation by individuals rather than a family. However, given the size of the dwelling which could easily be occupied by a large family it is not considered that an HMO for up to 7 persons would have a significantly detrimental impact on residential amenity that would warrant refusal of the application.
- 8.21. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use, or an area where 20% of the properties in the wider neighbourhood area are in HMO use. As noted above the CP21 mapping showed the percentage of HMOs within a 50m radius was 7.06% and DM7 mapping showed a wider neighbourhood concentration of 2.07%. These both show low densities of HMOs. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of a potential harmful amenity impact.
- 8.22. Furthermore, it is noted an HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 8.23. Accordingly, it is considered that the proposals would comply with policies DM20 and DM40 of the City Plan Part Two.

Sustainable Transport:

- 8.24. The application site is located within the centre of town between Brighton mainline station and the London Road Local Centre. It is well-served by buses with connections all over the city from both outside Brighton Station and along London Road. The site is also close to cycle routes crossing the city.
- 8.25. There is a Controlled Parking Zone in operation on the public highway outside the site. Therefore, any on-street parking requires a parking permit, this is administered by the Highway Authority, who control both the issuing of permits and the enforcement of parking within the zone. In addition, when the property was built, it formed part of a 'car-free' development and although permit parking is available on street the address is not eligible for permits.
- 8.26. It is understood from the applicant that it would be possible for future occupiers to utilise the public car park off London Road and pay for parking there on a long-term basis. It is understood that season tickets are available.
- 8.27. Policy CP9 and DM33 and DM36 encourage sustainable travel, as noted above the site is considered to be in a sustainable location. However, there is also a requirement to provide cycle parking. For a development of this size the minimum required is 4 cycle parking spaces and these have been shown in the rear patio on the proposed plans.

- 8.28. From the site visit it was noted that the property has an existing shed and a rear planting bed in the proposed location for the cycle store. It is understood that the intention is not to remove the planting bed and the applicant would like to utilise the existing shed for the cycle parking provision. This in an indicative arrangement and would need to be shown in plan form to check that this is comparable to that currently shown on the proposed plans and accepted by the Transport team. Therefore, it is proposed to condition further details of the cycle parking 'notwithstanding' those supplied.
- 8.29. There are no concerns in respect of trip generation arising from the proposed use of the site and an objection has not been raised in this regard. The potential increase in comings and goings from the HMO use is not considered to result in a significant impact on the local highway network which would warrant refusal of the application.
- 8.30. Subject to the cycle parking details being confirmed via condition, the proposal would be acceptable in relation to transport considerations, given that it is within a sustainable location.

Conclusion:

- 8.31. As set out above, in principle the creation of a large HMO in this location is acceptable given that the density of HMOs within the vicinity of the site does not exceed the density test of policy CP21 of the City Plan Part One and DM7 of the City Plan Part Two. The additional spatial considerations of DM7 are also met.
- 8.32. In terms of the standard of accommodation, the proposed layout is considered acceptable and would result in a good standard of accommodation for future occupiers, in accordance with policies DM1 and DM7 of the City Plan Part Two. The proposed use of the property is not considered to give rise to unacceptable amenity and transport concerns which would warrant the refusal of the application.

Other Matters Including Those Raised in Representations:

- 8.33. The comments have cited that there is a concern that the development would impact property values. This is not a material planning consideration so has not been considered as part of the assessment of the proposal.

Biodiversity Net Gain

- 8.34. 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.

9. EQUALITIES

- 9.1. 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.

9.2. 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.

ITEM E

**8 Windmill Drive
BH2026/00158
Householder Planning Consent**

DATE OF COMMITTEE: 6th May 2026

BH2026 00158 - 8 Windmill Drive



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00158	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	8 Windmill Drive Brighton BN1 5HG		
<u>Proposal:</u>	Creation of first floor with balcony within new roof extension, erection of single storey side extension with undercroft garden store, creation of new rear terrace and revised fenestration.		
<u>Officer:</u>	Oliver Redmond, tel:	<u>Valid Date:</u>	26.01.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	23.03.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.05.2026
<u>Agent:</u>	Daintree Design 8WG	Daintree Design PO Box 5584 Brighton BN50	
<u>Applicant:</u>	Mr And Mrs Sheldon 8 Windmill Drive Brighton BN1 5HG		

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	D2525-100		26-Jan-26
Location and block plan	D2525-150		26-Jan-26
Proposed Drawing	D2525-250		26-Jan-26
Proposed Drawing	D2525-251		26-Jan-26
Proposed Drawing	D2525-350		26-Jan-26
Proposed Drawing	D2525-351		26-Jan-26

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

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

3. Prior to first occupation of the development hereby approved, two integrated swift boxes and one integrated bee brick shall be installed within the external fabric of the building. The enhancements shall thereafter be retained.

Reason: To conserve and enhance biodiversity and contribute to the city's ecological network, in accordance with Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation & Development.

4. Notwithstanding the details on the drawings hereby approved, the ground floor raised terrace hereby approved shall not be first brought into use until a solid/opaque privacy screen of 1.8 metres in height from terrace floor level on

the full length of the western and eastern boundary of the terrace is installed. The screens shall thereafter be retained and maintained in perpetuity.

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.

1. SITE LOCATION

- 1.1. The application site comprises a detached bungalow dwelling located on the southern side of Windmill Drive, Brighton. The surrounding area is characterised by detached residential properties set within generous plots with well-planted rear gardens and mature vegetation. Development along Windmill Drive is varied in form, with many properties originally constructed as bungalows but subsequently altered or extended to provide accommodation within roof spaces or additional storeys. Directly neighbouring the site on the western side is a two-storey property with a single storey bungalow on the eastern side. The street-scene features a mix of materials of predominantly brick, render and cladding.
- 1.2. The site occupies a sloping plot which falls away from the road toward the rear garden, providing elevated views. The property sits toward the edge of the built-up area of Brighton with the boundary of the South Downs National Park and the Green Ridge & Coney Wood Local Wildlife Site located immediately opposite the site.

2. RELEVANT HISTORY

None identified.

3. APPLICATION DESCRIPTION

- 3.1. The proposal seeks to remodel the existing bungalow to provide additional accommodation within the roof space, together with associated extensions and external alterations.
- 3.2. The alterations incorporate an increase in the roof height by 1.9m to form a first floor, the introduction of a rear balcony enclosed within the rear gable which would extend 2.5m to the rear beyond the existing, a single storey side extension replacing the existing garage and alterations including a ground floor rear terrace within the extended rear gable. Changes to fenestration are also proposed, including the introduction of new window openings and replacement windows.

- 3.3. The proposed materials are for white render to the main dwelling, timber effect cladding internally within the rear gable and for anthracite/black windows and doors.

4. REPRESENTATIONS

- 4.1. In response to publicity, responses were received from three (3) individuals, objecting to the application and raising the following issues:
- Overlooking and loss of privacy to neighbouring rear gardens from the proposed balcony and terrace.
 - Concern that the elevated position of the property would increase overlooking.
 - Impact on neighbouring outlook and residential amenity.
 - Concern regarding the scale and height of the proposed roof alterations.
 - Detrimental impacts on local wildlife.
- 4.2. **Councillor Ivan Lyons** has objected to the development. A copy of this representation is appended to this report.
- 4.3. Full details of representations received can be found online on the planning register.

5. CONSULTATIONS

None.

6. MATERIAL CONSIDERATIONS

- 6.1. 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.
- 6.2. 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).

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
SA5	The Setting of the South Downs National Park

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposed extensions and alterations and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity also requires consideration.

Design and Impact on Character of the Area

- 8.2. The surrounding area is characterised by detached residential properties set within large plots with a varied architectural character. While many properties along Windmill Drive are bungalows, several have been extended or altered to provide additional accommodation within roof spaces or additional storeys. Immediately neighbouring the site on the western side is a two-storey property with a single storey bungalow on the eastern side.
- 8.3. The proposal would increase the overall height of the ridge by approximately 1.9m in elevation to allow accommodation within the roof space while retaining the existing eaves level and front and rear gabled design. This approach limits the perceived bulk of the development and avoids the appearance of a full additional storey.
- 8.4. In considering the acceptability of the proposed increase in height, it is noted that the neighbouring property to the west is a substantially larger two-storey dwelling. In this context, the proposed development would sit between properties of differing scale and would not appear incongruous within the street scene and would still provide a visual transition from the taller western property to the smaller eastern neighbouring dwelling.

- 8.5. It is noted that many properties along Windmill Drive are single storey in appearance and that the introduction of an additional storey has the potential to alter the established character of the area if undertaken excessively. However, the acceptability of the current proposal arises from the particular circumstances of this site, including its position adjacent to a larger neighbouring dwelling and the varied scale of development along this part of the street. As such, the proposal would not establish a general precedent for similar enlargements elsewhere along Windmill Drive and in this context the proposal is not considered harmful to the streetscene.
- 8.6. The materials proposed are render for the exterior walls with timber effect composite cladding for the internal elements of the rear gable. Black/anthracite UPVC is proposed for the windows and doors. Whilst the use of darker window frames represents a more contemporary intervention when compared to the traditional palette of the area, it is noted that similar treatments are evident within the wider street, including Nos. 20, 22, 24 and 30 Windmill Drive. In this context the proposed materials would not appear incongruous and are considered to integrate acceptably with the varied character of the surrounding area.
- 8.7. A single storey side extension is also proposed which would replace the existing garage. The overall scale would be similar to the existing garage when viewed from the streetscene and would remain visually subordinate to the host dwelling. To the rear of the site the land level drops so that the side extension would appear as 1.5 storeys at the rear, however from the street-scene the side extension would appear similar in scale to the existing attached garage and would not cause any visual harm.
- 8.8. Overall, the scale, form and appearance of the proposal are considered appropriate and are not considered to cause harm to the character or appearance of the property, or the wider surrounding area, including the setting of the South Downs National Park. The proposal therefore accords with Policies SA5 and CP12 of the Brighton & Hove City Plan Part One and Policies DM18 and DM21 of the Brighton & Hove City Plan Part Two.

Impact on Neighbouring Amenity

- 8.9. The remodelled roof and rear gable would extend 2.5m to the rear further than the existing. Within the extended gable would be a first-floor balcony which would be enclosed within the gable and a ground floor raised terrace would also be incorporated underneath the extended roof form.
- 8.10. Objections have been received raising concerns regarding potential overlooking from the proposed first floor balcony and terrace toward properties located to the rear.
- 8.11. It is noted that a degree of mutual overlooking between neighbouring rear gardens already exists within this suburban context, particularly from the neighbouring property at 6 Windmill Drive and also given the sloping topography and stepped garden arrangements along Windmill Drive.

- 8.12. The rear garden of the application property measures approximately 20 metres in depth from the rear elevation of the dwelling to the boundary fence. The distance from this boundary to the rear elevations of the properties beyond is approximately a further 20 metres, resulting in an overall separation distance of around 40 metres between facing buildings.
- 8.13. While the proposed balcony would introduce an elevated viewing point toward neighbouring gardens at the rear, these substantial separation distances, combined with existing boundary fencing would significantly mitigate the degree of direct overlooking. Given these separation distances, the proposal would not materially increase overlooking to a degree that would result in demonstrable harm to neighbouring amenity.
- 8.14. The ground floor terrace would sit mostly underneath the footprint of the extended rear roof. The positioning of the properties and change in land levels is such that the ground floor terrace would create an elevated ground floor amenity terrace and, as a result of the side extension would provide views back towards the neighbouring properties at 6 and 10 Windmill Drive. A privacy screen is included on the proposed drawings to the eastern side which would mitigate the impact towards number 10 Windmill Drive however it is also considered desirable and necessary to secure a privacy screen to the western side of the terrace also in order to protect and preserve neighbouring amenity to the west. A condition requiring details and the provision of a 1.8m screen prior to first use of the terrace is therefore recommended.
- 8.15. The proposed side extension would also incorporate side facing windows towards the western property at 6 Windmill Drive. It is noted that side facing windows already exist on the west facing elevation and whilst the positioning of the new windows would be closer to the neighbouring property as a result of the side extension it is noted that there is already a degree of mutual overlooking from the side facing windows and the impact of the additional fenestration is not considered to be harmful to neighbouring amenity.
- 8.16. The proposal rear extension would be modest in depth with the additional height, hipped away from the adjoining properties to the side. The proposed extension would also be set away from the side boundary and as such the proposal is not considered to result in any significant loss of outlook or an overbearing or enclosing impact to neighbouring properties. Similarly, there would not be any significant overshadowing or loss of light to the neighbouring properties.
- 8.17. Subject to the recommended condition to provide suitable privacy screens to the side boundaries of the ground floor terrace prior to first use, there would be no demonstrable harm to neighbouring occupiers over and above the existing situation that would warrant refusal of the application. The proposal is therefore considered to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

Biodiversity and Nature Conservation

- 8.18. Objections have been received raising concerns regarding impacts on nature conservation, having regard to the site's proximity to the South Downs National Park and the Green Ridge & Coney Wood Local Wildlife Site, as well as the potential for wildlife to be present within residential gardens.
- 8.19. Policy DM37 of the Brighton & Hove City Plan Part Two requires development to avoid adverse impacts on biodiversity and to have regard to the mitigation hierarchy. The supporting text to Policy DM37 also recognises that green infrastructure includes residential gardens and that low-cost measures such as swift boxes and bee bricks should be incorporated where possible. SPD11 further confirms that urban environments can provide nesting and roosting opportunities for species including birds and bats and that biodiversity impacts are a material consideration.
- 8.20. In this instance, the proposal comprises extensions and alterations within the residential curtilage of an existing dwelling. No works are proposed within the adjacent designated sites, and the site is separated from these areas by the public highway. The development would not require the removal of trees and would not result in the loss of any designated habitat. Based on the submitted information, the proposal is not considered likely to result in unacceptable direct or indirect impacts on biodiversity or the integrity of designated sites. Subject to the recommended biodiversity enhancement condition the development is considered to accord with Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the Brighton & Hove City Plan Part Two, having regard to SPD11.
- 8.21. Based on the information available, this proposal would not require the approval of a biodiversity gain plan before development is begun because householder applications are exempt from the mandatory biodiversity net gain requirement.

9. EQUALITIES

- 9.1. 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.
- 9.2. Officers considered the information provided by the applicant, together with the responses from consultees and 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.

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.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. Ivan Lyons

BH2026/00158 – 8 Windmill Drive

16th March 2026:

In regard to this planning application, I would like to call this in to the Planning Committee, having seen the application & visited the site – on the basis of loss of privacy

PLANNING COMMITTEE	Agenda Item Brighton & Hove City Council
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NEW APPEALS RECEIVED BETWEEN
05/03/2026 - 01/04/2026

Ward Wish
Appeal Ref APL2026/00014
Appeal App Number BH2025/02607
Address 58 Welbeck Avenue Hove BN3 4JN
Development Description Certificate of lawfulness for existing use as a single dwellinghouse (C3).
Application Status APPEAL IN PROGRESS
Appeal Received Date 16/03/2026
Application Decision Level Delegated

Ward Patcham & Hollingbury
Appeal Ref APL2026/00021
Appeal App Number BH2025/02433
Address 1 Ridgeside Avenue Brighton BN1 8WD
Development Description Change of use from 5no bedroom dwellinghouse (Use Class C3) to 7no double bedroom, 14no person house in multiple occupation (Sui-Generis) with single storey infill extension to front.
Application Status APPEAL IN PROGRESS
Appeal Received Date 01/04/2026
Application Decision Level Delegated

Ward Rottingdean & West Saltdean
Appeal Ref APL2026/00016
Appeal App Number BH2025/00574
Address 23 Lustrells Crescent Saltdean Brighton BN2 8AR
Development Description Erection of a two storey side extension, loft alterations/extensions including rear dormer, insertion of front rooflights and new Juliette balcony and double doors to side gable end, enlargement of existing crossover and vehicle entrance, creation of new hardstanding and associated works.
Application Status APPEAL IN PROGRESS
Appeal Received Date 19/03/2026
Application Decision Level Delegated

Ward Moulsecomb & Bevendean
Appeal Ref APL2026/00015

Appeal App Number BH2025/01949
Address Land To The Rear Of 99 The Highway Brighton BN2 4GD
Development Description Extension and conversion of garage into a dwellinghouse (C3), and associated alterations.
Application Status APPEAL IN PROGRESS
Appeal Received Date 18/03/2026
Application Decision Level Delegated

Ward Hanover & Elm Grove
Appeal Ref APL2026/00017
Appeal App Number BH2025/01788
Address 44A Southover Street Brighton BN2 9UE
Development Description Installation of roof terrace to first floor.
Application Status APPEAL IN PROGRESS
Appeal Received Date 23/03/2026
Application Decision Level Delegated

Ward Kemptown
Appeal Ref APL2026/00018
Appeal App Number BH2025/01558
Address Albion Court 44 - 47 George Street Brighton BN2 1RJ
Development Description Replacement of existing wooden frame windows with uPVC. for flats 1,2, 3, 4, 5, 8, 9, 10, 11, & 12 at front elevation.
Application Status APPEAL IN PROGRESS
Appeal Received Date 24/03/2026
Application Decision Level Delegated

Ward Goldsmid
Appeal Ref APL2026/00020
Appeal App Number BH2025/02215
Address First Floor Front Flat C 56 Cromwell Road Hove BN3 3ES
Development Description Replacement of timber windows and door to balcony with UPVC units at front of the property on the first floor. (Retrospective).
Application Status APPEAL IN PROGRESS
Appeal Received Date 30/03/2026
Application Decision Level Delegated

Ward Rottingdean & West Saltdean
Appeal Ref APL2026/00019
Appeal App Number BH2025/02832
Address 2 Tumulus Road Saltdean Brighton BN2 8FS
Development Description Roof alterations and extensions including raising the ridge height, rear dormer and insertion of front rooflights.

Application Status	APPEAL IN PROGRESS
Appeal Received Date	27/03/2026
Application Decision Level	Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN
18/03/2026 - 21/04/2026

Ward Brunswick & Adelaide
Appeal Ref APL2025/00081
Appeal App Number Flat 3
Brunswick Lodge
37 - 38 Brunswick Road
Hove
BN3 1DH

Address Replacement of single glazed timber framed doors to rear with double glazed aluminium framed doors. (retrospective)

Development Description Against Refusal
Application Status Appeal Allowed
Appeal Received Date BH2024/02465
Application Decision Level Delegated

Ward Westdene & Hove Park
Appeal Ref APL2026/00004
Appeal App Number 4 Bennett Drive
Hove
BN3 6PL

Address Erection of single storey rear extension, enlargement of rear first floor dormers and installation of rear terrace, and associated alterations.

Development Description Against Refusal
Application Status Appeal Allowed
Appeal Received Date BH2025/01832
Application Decision Level Planning (Applications) Committee

Ward Whitehawk & Marina
Appeal Ref APL2026/00002
Appeal App Number Garage, 3 Rugby Place
Brighton
BN2 5JB

Address Conversion of ground floor to form a two- bedroom flat (C3) incorporating a single storey rear extension and revised fenestration (part retrospective).

Development Description Against Refusal
Application Status Appeal Allowed
Appeal Received Date BH2025/01909

Application Decision Level Delegated

Ward Wish
Appeal Ref APL2026/00006
Appeal App Number Ground And First Floors Flat
38 Boundary Road
Hove
BN3 4EF
Address Conversion of 1no residential flat to form 2no residential flats.
Development Description Against Refusal
Application Status Appeal Dismissed
Appeal Received Date BH2025/01923
Application Decision Level Delegated
