

Planning Committee

Date: **1 July 2026**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

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

Conservation Advisory Group Representative

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AGENDA

PART ONE

Page No.

19 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.

20 MINUTES OF THE PREVIOUS MEETING

7 - 12

Minutes of the meeting held on 3 June 2026.

21 CHAIR'S COMMUNICATIONS

22 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 25 June 2026.

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

24 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

MAJOR APPLICATIONS

A BH2025/03062 - Homewood College, Queensdown Road, Brighton - Full Planning **13 - 26**

MINOR APPLICATIONS

B BH2025/02913 - St Margarets, High Street, Rottingdean, Brighton - Full Planning **27 - 44**

C BH2026/00020 - Site of Amex House, Edward Street, Brighton - Full Planning **45 - 60**

D BH2025/03092 - Site of Amex House, Edward Street, Brighton - Full Planning **61 - 74**

E BH2026/00234 - 65 Ladies Mile Road, Brighton - Full Planning **75 - 100**

F BH2026/00840 - 14 Ashford Road, Brighton - Householder Planning Consent **101 - 112**

INFORMATION ITEMS

25 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **113 - 114**

(copy attached).

26 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

27 APPEAL DECISIONS **115 - 116**

(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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Date of Publication - Tuesday, 23 June 2026

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 3 JUNE 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Matthew Gest (Planning Team Leader), Alison Gatherer (Lawyer), Oliver Redmond (Senior Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

10 PROCEDURAL BUSINESS

a) Declarations of substitutes

10.1 None for this meeting

b) Declarations of interests

10.2 None for this meeting

c) Exclusion of the press and public

10.3 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.

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

d) Use of mobile phones and tablets

10.5 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'.

11 MINUTES OF THE PREVIOUS MEETING

11.1 **RESOLVED** – Following changes received from Councillor Theobald, the minutes of the meeting held on 6 May 2026 were agreed.

12 CHAIR'S COMMUNICATIONS

12.1 None for this meeting

13 PUBLIC QUESTIONS

13.1 None for this meeting

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

14.1 No site visits were requested by the committee Members.

15 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

15.1 Call Over: The Democratic Services officer noted that there were no major planning applications on the agenda. Out of the three minor planning applications on the agenda, only item B: BH2926/00064 – 165 Hollingdean Terrace - had speakers and was therefore automatically called for discussion. Item C: BH2026/00748 – Sussex County Cricket Ground - was not called, and the application was therefore agreed as per the officer recommendation set out in the report. Item A: BH2025/03081 – Site of Amex House - was called. The new running order would therefore be B followed by A.

A BH2025/03081 - Site of Amex House, Edward Street, Brighton - Full Planning

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

Answers to Committee Member Questions

2. Councillor Robinson was informed that if they wanted to state no sound or vibration to be audible externally by condition, then the committee would need to propose the condition. The Planning manager cautioned against adding a condition removing outside noise as it was hard to segregate different noises outside a building.
3. Councillor Shanks was informed that the Use Class Order changed in 2020, and the development was agreed in 2018. Class E now has different elements. Restrictions should only be imposed for good reasons. It was noted that condition 6 was considered sufficient.
4. Councillor Pickett was informed that insulation would be looked at as part of acoustic mitigation measures required by condition if the application were to be granted.
5. Councillor Theobald was informed that the ground floor and lower ground floor were agreed as office space in the original planning permission.
6. Councillor Thomson was informed that the ground floor has been marketed as office space. A climbing wall may be possible under the leisure use class.
7. Councillor Earthey was informed that by condition a noise reduction scheme needs to be submitted and Environmental Health can take action if there are any issues.
8. Councillor Shanks was informed that a condition could restrict any amplified sound.

Debate

9. Councillor Nann considered that climbing walls were not quiet but were very noisy.
10. Councillor Pickett considered thudding an issue, and treadmills should not be used. Bouldering could be installed instead of a climbing wall. As a new building, the councillor hoped the construction was good.
11. Councillor Theobald considered the proposals to be a good use of the space. And as long as there was good sound proofing, the councillor supported the application.
12. Councillor Cattell that most of the ground floors in new developments were empty, and there was a need for employment space as well as light industrial use. It was a shame the space was not used as offices. However, the councillor was glad to see any use for the ground floor. As long as the conditions were robust, the councillor supported the application.
13. Councillor Sheard considered the proposals to be a good use of the space. The location was near St James' Street, on a main bus route with heavy traffic and not far from a hub of night life, so there will be constant background noise. The gym was a good idea.
14. Councillor Robinson stated they had faith in the planning officers and supported the application.
15. Councillor Cattell considered that new build regulations would have been used to construct the building with some sound insulation. The location is on a route to the hospital near the police station. Blue lights will be common at night and daytime.
16. Councillor Nann noted there was a marked difference between noise and sound. Sound can be controlled, however, noise cannot. The councillor considered the committee needed to be careful.
17. Councillor Robinson proposed a condition to control amplified music. Councillor Earthey seconded the motion.

Vote

18. An individual vote was held and Councillors Cattell, Earthey, Parrott, Robinson, Shanks, Theobald, Pickett and Thomson voted for the proposed condition. Councillors Nann and Sheard voted against the new condition. The new condition was agreed.

Vote

19. A vote was held and the committee agreed unanimously 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.

B BH2026/00064 - 165 Hollingdean Terrace, Brighton - Full Planning

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

Speakers

2. Ward Councillor Fowler sent a speech to be read out by the Democratic Services officer as follows: I wish to object on the grounds of overdevelopment, the harmful impact on neighbouring residents and the surrounding environment. Having visited, I believe the proposal would result in overcrowding and the loss of a significant proportion of the garden space belonging to No. 165. The existing tree is highly valued by local residents, and it appears that birds regularly nest there. Residents would prefer to see the tree maintained rather than removed. Birds also nest in the bushes, and it would be unfortunate to lose this habitat. The proposed development would also have an adverse impact on neighbouring properties on Harrington and Quarry Bank. The scale and position of the building would reduce natural light to neighbouring gardens and create overlooking issues, resulting in a loss of amenity. The plans indicate a proposed entrance into the alleyway used by residents of Quarry Bank. Clarification should be provided. There is also the nearby substation to consider, and overall, the proposal appears to be trying to squeeze a development in with minimal garden provision and insufficient regard for the impact on neighbouring residents. I would request that an ecological survey be carried out to confirm whether foxes or other wildlife inhabit the vacant land. Finally, Quarry Bank already experiences significant parking and access problems, with cars and vans frequently causing obstructions for refuse and recycling collection vehicles as well as emergency services. For all of these reasons, I ask that this application be refused. Ward Cllr Asaduzzaman also supports the residents' objections.
3. Liam Russell addressed the committee as the agent representing the applicant and stated that they had been developing in Brighton and Hove for the last 25 years and were aware that each site needed an honest assessment. Any development should improve the area. This proposal is for a modest new home, designed with positive attitude to architecture. The agent has been working with planning officers and has reduced the scale of the development. The recommendation has been agreed with officers. The home will add to the housing supply. The site has been in family ownership for 60 years and will be a retirement home for the applicant. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Theobald was informed that the main access to the proposal would be from Harrington Place and the tree in the rear garden is not in a conservation area or covered by a Tree Preservation Order (TPO). The garden at 165 Hollingdean Terrace will be 63sqm. The side elevation windows will be fixed shut and obscure glazed. It was noted there would be some overshadowing given the topography of the site and orientation; however, this was not considered harmful enough to refuse the application.
5. Councillor Shanks was informed that the tree may only be removed outside of the nesting season. The access from Quarry Bank will be gated.
6. Councillor Pickett was informed that a new condition regarding vibration from a substation would need to be agreed prior to occupation.

7. Councillor Robinson was informed that the neighbours to the rear would see the proposed green roof to the sitting area. It was noted that the downstairs rear room of the development would be lower than the boundary wall.
8. Councillor Thomson was informed that the development needs to comply with the Wildlife & Countryside Act 1981 regarding any loss of habitat.

Debate

9. Councillor Robinson considered the development was good. The councillor supported the application.
10. Councillor Shanks considered the development to be a good use of the small space. The councillor supported the application.
11. Councillor Cattell considered that as there were very few brownfield sites left, this was a good development. Objectors have considered the proposals to be out of place; however, the design is modern in style and others have extended in the same style. There are a number of dormers in area of a similar design. The councillor supported the application.
12. Councillor Parrott supported the application.
13. Councillor Pickett considered the design to be good, in this tiny space, that fits a lot in. The vegetation will be increased by the green roof and planters. The councillor considered the development to be really good.
14. Councillor Earthey considered the development to be a good use of the space around the substation. The councillor supported the application.
15. Councillor Theobald considered the space to be good, however, there would be some overshadowing, and it was a shame to lose the tree. The negotiated reductions are good. The councillor supported the application.
16. Councillor Sheard considered the development to be imaginative and a good solution to the space. New housing should be encouraged. The councillor supported the application.
17. Councillor Thomson considered that more housing was better, and this was a good use of the space, and it was good that there had been talks between the agent, applicant and the planning officers.

Vote

18. A vote was held and the committee voted unanimously to grant planning permission.
19. **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.

C BH2026/00748 - Sussex County Cricket Ground, Eaton Road, Hove - Full Planning

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

16 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

17 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 17.1 There were none for this agenda.

18 APPEAL DECISIONS

- 18.1 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 3.10pm

Signed

Chair

Dated this

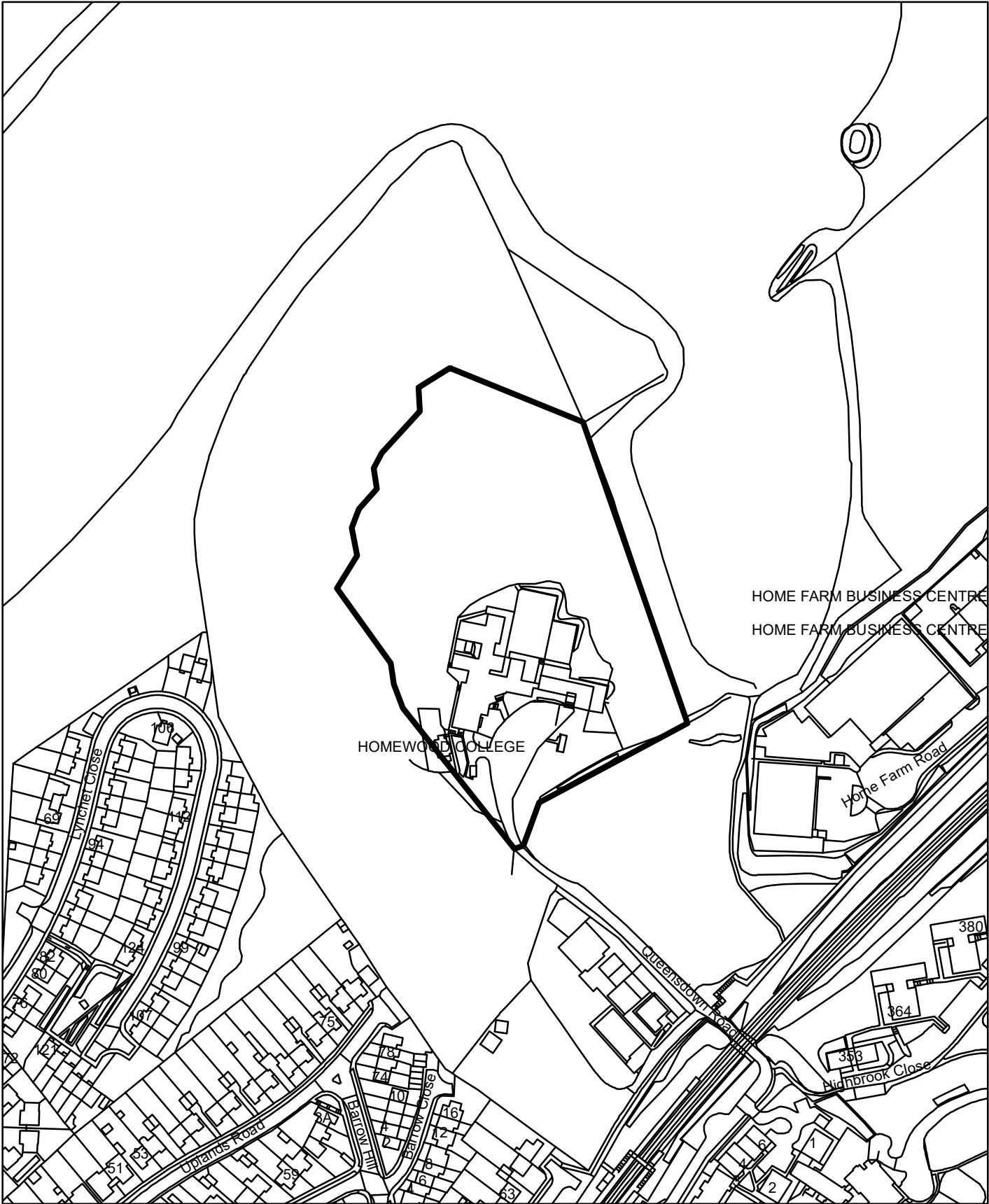
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ITEM A

**Homewood College
Queensdown Road
BH2025/03062
Full Planning**

DATE OF COMMITTEE: 1st July 2026

BH2025 03062 - Homewood College, Queensdown Road



**Brighton & Hove
City Council**



Scale: 1:2,500

<u>No:</u>	BH2025/03062	<u>Ward:</u>	Hollingdean & Fiveways Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Homewood College Queensdown Road Brighton BN1 7LA		
<u>Proposal:</u>	Change of use from school (F.1) to community hub for charities (F.2) for a temporary period of 6 years.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	11.02.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	13.05.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Brighton and Hove City Council 1st Floor Hove Town Hall Hove		

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			17-Dec-25
Existing Drawing			17-Dec-25

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

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

3. The use hereby permitted shall not be carried out except between the hours of 07:00 and 20:00 on Mondays to Sundays, including Bank or Public Holidays.

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

4. No new external lighting shall be installed until a "lighting design strategy for biodiversity" has been submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be

lit will not disturb or prevent sensitive species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation, and would be contrary to Policy DM37 of Brighton & Hove City Plan Part 2.

5. Prior to first occupation of the development hereby permitted, details of appropriate signage on the public highway at the rail bridge on Queensdown School Road shall have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained at all times.

Reason: To ensure safe access for all road users and to comply with policies CP9 of the Brighton & Hove City Plan Part One, and DM33 of the Brighton & Hove City Plan Part Two.

6. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 the Brighton & Hove City Plan Part Two.

7. The site shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The Scheme should include, but not be limited to, the following measures:

- The provision of up-to-date public transport information within the building and to users of the building:
- Promotion of sustainable travel for staff and centre user trips including a range of bicycle workshops and training for centre users
- Sustainable transport promotional material being readily available to staff, centre users and visitors including cycle and bus routes and a schedule of sustainable travel activities and events.

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

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies CP9 of the City Plan Part One and DM33 of the Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. 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 Homewood College, a complex of one and two storey buildings in a secluded wooded valley at the far end of Queensdown School Road. Formerly a specialist school for children aged 11-16 with social, emotional and mental health (SEMH) needs, the school ceased operation at the end of 2024 and the site has been vacant since, with all previous students moved to other SEMH facilities. It is understood that pupil numbers had been declining in recent years, with circa 35 pupils in the final academic year of the school.
- 2.2. The site is located within the designated Urban Fringe, and the outdoor parts of the site are designated Open Space as ‘School Grounds and Sports Pitches’. The site is also located within a Local Nature Reserve (LNR) and Nature Improvement Area (NIA) and is covered by a Tree Preservation Order (TPO). Three sides of the site boundary adjoin the South Downs National Park.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a change of use of the site from a school (use class F.1) to community hub for charities (use class F.2) for a temporary period of 6 years.

- 4.2. No external alterations are proposed. Within the existing building, there would be a mixture of administration spaces, workshops, and the potential for ancillary café and retail elements. Specific prospective occupiers are not within the scope of the planning application but are understood to include charities working with vulnerable people as well as timber recycling/restoration.

5. REPRESENTATIONS

- 5.1. **One (1)** letter of objection, summarised as follows:
- Disturbance to wildlife
 - Risk of accidents on single-width access
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Children and Young Peoples Trust:** No comment received

Environmental Health: Seek further information

- 6.2. There does not seem to be any noise management plan included with the application. There is no information on:
- hours of operation
 - external noise limits for any external equipment (ie: new air conditioners, etc., if applicable)
 - amplified music/performances
 - waste/refuge management plan (if applicable.)
 - external lighting
 - odours (cooking, etc)
 - community use management plan
 - anti-social behaviour mitigation
 - limits/use on outdoor areas
- 6.3. **Planning Policy:** No objection
There are no policy objections since the community facility has been demonstrated to be surplus to requirements, and it will be replaced by an alternative community use in accordance with policy DM9 of the CPP2.
- 6.4. **Sports Facilities:** No comment received
- 6.5. **Sussex Police Community Safety:** No objection
- 6.6. **Sustainable Transport:** No objection.
Conditions should be attached relating to revised traffic signage on Queensdown School Road, to secure details of cycle parking, and to secure a scheme of Travel Plan measures to encourage sustainable travel.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity

Brighton & Hove City Plan Part Two

DM9	Community Facilities
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the impact on neighbouring amenity and transport matters.

Principle of Development:

- 9.2. Community facilities such as schools are protected under part 2 of Policy DM9 of the City Plan Part Two, which states that:
"Development that would lead to the loss of community facilities will only be permitted where it has been demonstrated that at least one of the following circumstances applies:
- a) *replacement facilities of an appropriate quality and size will be provided as part of new development proposals or in an alternative suitable location that meets the criteria in part 1 of this policy; or*

- b) *the facility is no longer needed and suitable alternative provision with sufficient capacity is available in a location easily accessible to users of the facility; or*
- c) *the building or land is no longer suitable to accommodate the current use or an alternative suitable community use and cannot be reasonably adapted to do so; or*
- d) *it has been demonstrated that there is no current or future need or demand for the space, either in its current use or any alternative community use and evidence of active, flexible and appropriate marketing of the site for community use has been provided."*

9.3. In this case the school has already been declared surplus to requirements, and following the revocation of an Academisation Order by the Department of Education, the school was formally closed by the Council in December 2024. All students have been relocated to other SEMH facilities. It is therefore considered that criteria b) and d) would be met.

9.4. The proposed use as a hub for charities would be supported as an alternative community use of the building. Part 1 of Policy DM9 identifies three criteria against which proposals for new community facilities will be assessed:

- "a) the proposed use is compatible with adjoining and nearby uses;*
- b) the site is close to the community it serves and is readily accessible by walking, cycling and public transport; and*
- c) where feasible and appropriate, community facilities have been co-located to maximise their accessibility to residents and reduce the need for travel (for example at Community Hubs)."*

9.5. Given the relative seclusion of the site, the only close neighbour is the school caretaker's home to the southwest which itself is currently vacant, and the proposed use would not be incompatible with this. The site is accessible from Moulsecoomb Railway Station and local bus stops via Queensdown School Road. The proposed use is for a hub with multiple charities operating within the building. It is therefore considered that the proposed use would meet these requirements.

9.6. No loss of Open Space would take place and there would be no identified conflict with Policies CP16 or SA4 of the City Plan Part One.

9.7. Accordingly, no objection is raised to the proposals in principle.

Design and Appearance:

9.8. No external alterations are proposed.

Impact on Amenity:

9.9. Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 9.10. The closest neighbour to the site is the school caretaker's home, although this is currently also vacant, the next nearest sensitive uses being at a distance of some 100m or more on Lynchet Close, with significant land level differences and tree planting separating these neighbours from the site.
- 9.11. Whilst the comments of the Environmental Health team are noted, no significant impact on neighbouring amenity is anticipated as a result of the proposed development. The activities to be carried out on site as part of the proposed use as a hub for charities are unlikely to result in significantly more noise either on site or from comings and goings than the previous use as a school. The generous separation distances to the nearest neighbours would further mitigate any potential impact. It therefore would not be considered necessary to secure limits on the hours of use, restrictions on the use of outdoor spaces, or community/anti-social behaviour management plans. No external alterations are proposed, nor does any additional plant or lighting equipment form part of the scheme.
- 9.12. Although nuisance is considered to be unlikely, the Council would nevertheless retain the ability to investigate under Environmental Protection legislation if complaints of a statutory nuisance were to be received.

Sustainable Transport:

- 9.13. Access to the site is via Queensdown School Road, a narrow, mostly private single-width road with no pavement and a tunnel under the railway line. There is an alternative pedestrian access onto Queensdown School Road from Crespian Way, avoiding the railway tunnel. There are a small number of car parking spaces available on site.
- 9.14. The proposed change of use may result in some additional trips compared to the previous school use, however these are likely to be spread across the day and outside of peak hours. Although the access to the site is recognised as not being ideal, the site otherwise benefits from good sustainable transport links, with bus services on Lewes Road and Moulsecoomb Railway Station both within theoretical walking distance.
- 9.15. As requested by the Local Highways Authority (LHA), in order to mitigate for the potential safety concerns of the site access a scheme of cautionary traffic signage can be secured by condition. This is considered to be a proportionate measure, given the temporary nature of the proposed change of use and the likely considerable cost and disruption that would result from widening the tunnel under the railway.
- 9.16. The site currently proposed five car parking spaces, and two additional disabled car parking spaces. No comparison has been provided between the existing parking demand associated with the previous school use and the anticipated demand arising from the proposed temporary change of use. Notwithstanding this, in accordance with the comments of the LHA, it is considered unlikely that significant overspill parking would occur on the public highway, with displacement likely to take place within the site's car park or surrounding roads. There appear to be restrictions on the private access road, and whilst it is unclear

if this would remain the case in future, this should be a matter for the landowner (and temporary occupiers). A scheme of Travel Plan measures can be secured by condition to encourage sustainable travel to the site.

- 9.17. No details of cycle parking have been provided, and a condition can be attached to secure this.

Ecology

- 9.18. The site is ecologically sensitive, being located within a LNR and NIA and it is noted that public representations have raised concerns regarding impacts on local wildlife.

- 9.19. Although no physical alterations are proposed and the overall level of general noise and activity is unlikely to be significantly increased, it is considered that the proposed change of use does have the potential to result in some ecological impact due to changed patterns of activity on site. It is therefore considered necessary to attach conditions restricting the hours of use and precluding the installation of any new external lighting without first obtaining permission from the LPA.

Conclusion

- 9.20. The proposed temporary change of use is considered acceptable in principle, with the requirements of Policy DM9 of the City Plan Part Two being met. No significant concerns are held regarding a potential impact on neighbouring amenity, and whilst the pedestrian and vehicle access to the site is not ideal, this reflects the existing arrangement and on the basis of a proposed temporary use is considered unlikely to result in an unacceptable impact on highways safety, subject to the recommended conditions. Accordingly, the application is recommended for approval.

Biodiversity Net Gain

- 9.21. 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 proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

ITEM B

**St Margarets
High Street, Rottingdean
BH2025/02913
Full Planning**

DATE OF COMMITTEE: 1st July 2026

BH2025 02913 - St Margarets, High Street, Rottingdean



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02913	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Margarets High Street Rottingdean Brighton BN2 7HS		
<u>Proposal:</u>	Installation of 1no EE and 1no H3G Antenna Aperture on Valmont frame on plinths, EE and H3G BOBs behind antennas, 1no H3G unilateral cabinet on steel grillage, 2no EE Unilateral cabinets on steel grillage, EE/H3G MK5 Link AC on steel grillage, 1no EE and 1no H3G antenna aperture on new Valmont frame on plinths, EE & H3G BOB'S behind antennas, 4no EE and 4no H3G RRU'S on pole on Valmont tripod, 2no EE and H3G 600 dishes on antenna pole, 2no EE and H3G 600 dishes on antenna pole (behind) and ancillary equipment for the purposes of telecommunications development.		
<u>Officer:</u>	Steven Dover,	<u>Valid Date:</u>	11.12.2025
	tel:		
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05.02.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.07.2026
<u>Agent:</u>	Dot Surveying Limited 1 St Colme Street Edinburgh EH3 6AA		
<u>Applicant:</u>	MBNL Sixth Floor Thames Tower Station Road Reading Berkshire RG1 1LX		

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:

1. The development would be a highly visible addition to the building where it would add significant visual clutter to the roofscape, adversely harming the architectural integrity of the host heritage asset, and important views from within the public realm from the north, east and west of the site and surrounding heritage assets. The attempt to visually shield or camouflage the development would increase the degree of harm, and the submitted site location assessment is insufficiently robust to discount an alternative, less harmful location for the telecommunication equipment. The development therefore would be contrary to policies SA1, CP12 and CP15 of the Brighton & Hove City Plan Part One, DM18, DM25, DM28 and DM29 of the Brighton & Hove City Plan Part Two, and S1 and H2 of the Rottingdean Neighbourhood Plan.

Informatives:

2. 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.
3. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	002		28-Nov-25
Proposed Drawing	150		28-Nov-25
Proposed Drawing	250		28-Nov-25
Proposed Drawing	251		28-Nov-25
Proposed Drawing	252		28-Nov-25
Proposed Drawing	253		28-Nov-25
Other	SITE SPECIFIC SUPPLEMENTARY INFORMATION AND PLANNING JUSTIFICATION STATEMENT		28-Nov-25
Other	ICNIRP CERTIFICATE		13-Feb-26
Other	PLANNING STATEMENT		28-Nov-25
Other	HERITAGE STATEMENT	3303	23-Apr-26

2. SITE LOCATION

- 2.1. The application site is a six-storey block of flats (with commercial uses at ground floor level), located on the east side of the High Street within the Rottingdean settlement. It became a locally listed building in 2023. There exists a single telecommunications tripod mast featuring two antennas on the rooftop.
- 2.2. The site lies within an archaeological notification area; it is also approximately 90m south of the Rottingdean Conservation Area (and the listed and locally listed buildings within it), and approximately 40m northeast of the boundary with the South Downs National Park, specifically the beachside. The Grade II Listed Rottingdean Windmill is located approximately 540m to west.

3. STATEMENT OF SIGNIFICANCE

- 3.1. St Margaret's Flats were built in 1938 in the Moderne style at the seafront end of the High Street. It was built by Charles Neville's Saltdean Estate Company to the designs of Richard Jones. The Estate Company was also responsible for the grade II* listed Saltdean Lido and the grade II listed Ocean Hotel in Saltdean, both also designed by Richard Jones (RWH Jones).

- 3.2. It is typical of the period with design features that include a horizontal emphasis, sweeping curves, regimented balconies, pale smooth render and views of the sea. There are 42 flats over 5 floors with commercial units at ground floor level either side of the entrance. It underwent major repair and restoration in 2008.
- 3.3. It has clear aesthetic interest and is a good quality example of an inter-war Moderne style apartment building in the streamlined style taking advantage of its seafront location and reflecting the period aesthetic derived from ocean liners.

4. RELEVANT HISTORY

- 4.1. **BH2024/01723** Installation of 1No. EE and 1No. H3G Antenna Aperture on Valmont frame on plinths, EE and H3G BOBs behind antennas, 1No. H3G unilateral cabinet on steel grillage, 2No. EE Unilateral cabinets on steel grillage, EE/H3G MK5 Link AC on steel grillage, 1No. EE and 1No. H3G antenna aperture on Valmont frame on plinths, EE & H3G BOB'S behind antennas, 4No. EE and 4No. H3G RRU'S on pole on Valmont tripod, 2No. EE & H3G 600Ø dishes on antenna pole, 2No. EE & H3G 600Ø dishes on antenna pole (behind) and ancillary equipment for the purposes of telecommunications development. Refused and subsequently dismissed on appeal

Reason for refusal:

- 4.2. *The development would be a highly visible addition to the building where it would add unwelcome visual clutter to the roofscape in important views from within the public realm from the north, east and west of the site. There has been no meaningful attempt to visually shield or camouflage the development, and the submitted site location assessment is insufficiently robust to discount an alternative, less harmful location for the telecommunication equipment. The development therefore would be contrary to policies SA1, CP12 and CP15 of the Brighton & Hove City Plan Part One, DM18, DM25 and DM28 of the Brighton & Hove City Plan Part Two, and S1 and H2 of the Rottingdean Neighbourhood Plan.*
- 4.3. **BH1997/00138/TA** Installation of antennae on roof. Approved

5. RELEVANT HISTORY AT OTHER SITES

- 5.1. **BH2023/01334 - White Horse Hotel, High Street** External alterations to the roof of existing building to facilitate the extension to an internal staircase and creation of two ensuite bathrooms, including conversion of existing staff accommodation to reinstate seven (7) additional guest rooms. Installation of air conditioning plant equipment at roof level and associated infrastructure. Approved [Note - these works included the removal of telecoms equipment on the Hotel, resulting in the need for a new site to be found to ensure telecoms coverage.

- 5.2. **BH2016/06328 - White Horse Hotel, High Street** Replacement of existing 13.3 metre rooftop telecommunications flagpole with a new 14.1 metre rooftop telecommunications monopole supporting 2no antennas, replacement of equipment cabinet and associated works. Approved
- 5.3. **BH2003/00694/FP - White Horse Hotel, High Street** Installation of a wall mounted panel antenna fronting Marine Drive, Rottingdean, together with ancillary development thereto. Approved
- 5.4. **BH2002/00498/TA - White Horse Hotel, High Street** The erection of a 12 metre simulated flagpole with 2 no. panel antennas contained within a GRP shroud, 1 no. transmission link dishes atop the roof, 1 no. equipment cabinet, and ancillary equipment. Approved

6. APPLICATION DESCRIPTION

- 6.1. Planning permission is sought for the installation of a telecommunications base station atop of the roof of the locally listed building. The base station would be installed on a metal grille of approximately 35m³, in area on the northeast corner of the flat roof, accessible via steel access steps. The equipment would include tripod-mounted antennas, several smaller dish antennas, and associated infrastructure including cabinetry, GPS modules and other hardware.
- 6.2. The development proposed is very similar to that refused under application BH2024/01723 with the majority of equipment comparative in placing and size. However, the proposed two main antenna have increased in height by approximately 0.4m, so are now circa 5.9m in height above the building roof level (4.8m above the existing parapet walls), and a GRP shroud is now proposed to surround the development, which would be circa 3.1m in height above the building roof level (and 2m above the existing parapet walls).

7. REPRESENTATIONS

- 7.1. **Thirty-two (32)** representations have been received, objecting to the proposal on the following grounds:
- The proposal would result in loss of external amenity space on the roof.
 - The proposal would have a detrimental impact on the historic significance of the locally listed building.
 - The proposal would be visible from on top of, and beneath, the cliffs, and from surrounding streets.
 - The proposal would have a detrimental impact on human health.
 - The proposal would cause noise nuisance.
 - The proposal would remove the opportunity to use the roof area as amenity space for residents.
 - The temporary base station within the Marine Cliffs car park should be retained instead as a permanent site.

- The development should instead be sited on a non-residential building.
 - The development will make the building harder to maintain as workmen won't be able to access the roof.
 - The equipment will have to be very high, and so will be vulnerable to damage from the wind.
 - The proposal would have a detrimental impact on property value.
 - Approving the proposal will encourage further development.
 - The development would harm the structural integrity of the building.
 - The development would be harmful to wildlife.
- 7.2. **Seven (7)** representations have been received, supporting the proposal on the following grounds:
- The proposal would update existing apparatus.
 - This is the least worse option.
 - The proposal would benefit local business and visitors that rely on a good mobile signal.
 - The proposal would improve telecommunication infrastructure.
 - The proposal would allow the removal of the temporary base station within the Marine Cliffs car park.

8. CONSULTATIONS

- 8.1. Planning Conservation Team: **Object**
The proposed installation of antennae and screening will diminish the architectural interest of the building, which is highlighted as having a 'streamlined' appearance. The punctuating effect of the antennae and screening on the roofline contradicts the intentional roofline of the building and will be visible within a large area due to the townscape value of the building.
- 8.2. The result will have a cumulatively negative effect on not just the building but Rottingdean Conservation Area, as the building and the Conservation Area are both readily appreciable in long views from the A259, as shown within the applicant's submitted photomontages. The views also highlight how the proposals will have a further cumulatively negative impact upon views toward Rottingdean Windmill (Grade II, list entry number: 1380100), which have already been affected by cluttered, disordered changes to the roofline of the town.
- 8.3. The works will harm the special interest of a non-designated heritage asset and cause a low level of harm to the setting of the Conservation Area and a Grade II listed building, due to the cumulative effect of the proposals with other unsympathetic changes to the roofline of the wider area and the prominence of the building in long views toward both designated assets. In this respect, section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant.
- 8.4. Rottingdean Parish Council: **Object**

Consider that the proposed development would look less intrusive than the previously refused scheme, but the location and nature of the shroud combined with the apparatus would harm the appearance of the host property, as incongruous and visually dominant. The development does not exhibit high quality design nor conserve the built heritage and character of Rottingdean as required by policy.

8.5. South Downs National Park Authority: **Comment** from previous application BH2024/01723

The proposed development for telecommunications equipment on the roof of St Margarets would be located in an area where there is pre-existing development, including an existing roof mounted antenna, as such the development would likely result in minor impacts on the setting of the National Park. It is therefore important to consider direct and indirect effects upon the National Park designated landscape and its setting as well as its special qualities.

8.6. Transport: No objection

As development of telecommunications on roof, the proposal is unlikely to impact the highway network.

9. MATERIAL CONSIDERATIONS

9.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

9.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)
- Rottingdean Neighbourhood Plan (adopted February 2024)

10. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA1	The Seafront
SA5	The Setting of the South Downs National Park
SA6	Sustainable Neighbourhoods
CP8	Sustainable Buildings

CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM25	Communications Infrastructure
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM31	Archaeological Interest
DM37	Green Infrastructure and Nature Conservation
DM39	Development on the Seafront
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Rottingdean Neighbourhood Plan (RNP)

S1	The Plan's Spatial Framework
H2	Design
H3	Design Principles in the Conservation Areas and their Settings

Supplementary Planning Documents (SPD)

SPD09	Architectural Features (2009)
SPD17	Urban Design Framework (2021)

Conservation Area Character Statements

Rottingdean (2012)

11. CONSIDERATIONS & ASSESSMENT

- 11.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the proposed development and its impact on heritage features; and the potential impacts on the amenities of local residents and business-users.
- 11.2. It is noted that the previously refused application BH2024/01723 was dismissed on appeal by the Inspector and in his decision, dated the 12th June 2025, he states:
"...Framework and Local Plan policies require facilities to be sympathetically designed and camouflaged where appropriate. In this regard, the incongruity of the development proposed would fail to preserve the appearance of the locally listed building and would result in visual harm to the character and appearance of the area. Taking all the factors considered above into account, in my judgement, the public benefits arising from the proposal would not outweigh the harm."
- 11.3. The Inspector also highlights that:

"The Code of Practice highlights that further consideration is needed when installing equipment on or in areas with heritage assets and that visual impacts should be mitigated as far as practicable, with equipment designed to respect the architectural style of the building. Screens for antennas have been rejected due to the bulk and visual impact. However, there have also been no attempts to camouflage the other roof structures, or to adapt the equipment for the specific design aesthetic of the building."

Principle of Development

11.4. CPP2 policy DM25 states:

Planning applications for communications infrastructure and associated ancillary development will be permitted where all of the following criteria have been met:

- a) There will be no unacceptable impact on the character or appearance of the building on which...the equipment is located...*
- b) The significance of heritage assets and their settings are conserved or enhanced, in accordance with City Plan Part One Policy CP15 Heritage;*
- c) The proposal is appropriately designed, minimising size and scale, and camouflaging appearance wherever possible;*
- d) There is no unacceptable impact on important wildlife sites, areas of landscape importance and their setting including the setting of the South Downs National Park;*
- e) All options have been thoroughly assessed for sharing of existing equipment and/or erecting masts on existing tall buildings or other structures;*
- f) All masts and additions to existing masts are self-certified to meet International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards;*
- g) It has been demonstrated that the communications infrastructure will not cause significant and irremediable interference with respect to other electrical equipment, air traffic services or instrumentation operated in the national interest.*

11.5. Criteria a)-d) relate to the design and appearance of the development, and how it would impact on the built environment, heritage assets, views and the South Downs National Park (SDNP), will be assessed later in this report.

11.6. With regards to criterion e), alternative ground and rooftop options have been assessed and discounted (detailed on pages 13-14 of the Site-Specific Supplementary information and pages 14 -16 of the Planning Statement), which includes those highlighted in the previous refusal as areas to be assessed. The Local Planning Authority (LPA) does not dispute that some of the assessed sites would be unsuitable; however, the statements made about the visual impacts of ground-based masts being more harmful, when weighed against the proposed form of development, are not considered to carry significant weight. The LPA has had no planning applications made in respect of any ground-based apparatus in the vicinity from the applicant, or any pre application advice sought from the applicant as to the suitability of the alternative locations identified in the current submission. The potential untested visual impacts are not considered to be a robust reason to discount

a site in principle, as telecoms equipment is often by nature highly visible, and the proposed location on St Margarets is itself highly visible.

- 11.7. With regards to criterion f), a certificate confirming that the proposed development would operate in accordance with ICNIRP has been submitted and is considered to be acceptable.
- 11.8. With regards to criterion g), no evidence has been submitted in respect of whether the development would impact on *electrical equipment, air traffic services or instrumentation operated in the national interest*, however effects of this kind could be managed through regimes alternative to planning and would not justify the refusal of planning permission.
- 11.9. The concerns raised by local residents that the development would negatively impact on the structure of St Margarets are noted but are not supported by evidence and appear to be speculative. Regardless, such matters would be managed through Building Regulations, and are not a planning consideration, so cannot be given weight in this assessment.

Design, Appearance and Visual Impacts

- 11.10. The site is a locally listed building, located close to the Rottingdean Conservation Area and adjacent to the sea front. It is therefore in a sensitive location, with the potential for harm to heritage features and visual amenity.
- 11.11. CPP2 policy DM28 relating to locally listed buildings states that: "*alterations and extensions to a locally listed heritage asset...should be of a high standard of design that respects the special interest of the asset.*" CPP1 policy SA1 is also relevant, given the site's seafront location, stating that a priority is to promote high quality architecture, which includes the application site which in 2023 was added to the local list of heritage assets.
- 11.12. The application site currently features a single telecommunications mast with antennas; it is highly visible from the surrounding landscape and is considered to have a notable negative impact on the visual appearance of the building, appearing as a functional and utilitarian apparatus that disrupts the lines of the roofscape.
- 11.13. The proposed development includes two further tripod masts, and additional smaller scale dish antennas, that would form a separate cluster from the existing antennas, in a position where it would be highly visible from the main east-west highway Marine Drive, and the clifftops paths due these rising higher than the roof of the proposed building. It would also have more limited, but still harmful views from the Rottingdean Conservation Area, which is located to the north. As identified by the Heritage Officer, the west long views to the setting of the Rottingdean Windmill (Grade II listed) would also be detrimentally affected.
- 11.14. Further to the refusal under BH2024/01723 an attempt has been made in the design to mitigate the visual profile of the development, with the addition of 3m high GRP shroud (screening) which would surround the perimeter of the

development and appear 2m high above the existing parapet. The agent has confirmed the shroud would be colour matched to the existing elevations in an attempt to mitigate the visual impacts.

- 11.15. This shrouding is considered by the LPA to increase the visibility and harm that the development would cause rather than mitigate it. It would have the appearance of a partial extra storey being added to the roofscape of which would be higher than any part of the existing building. The location to the north, the size and the height would severely unbalance the roofscape of the building, adding further to the visual harm the development would cause to the locally listed building, which is Non-Designated Heritage Asset (NDHA).
- 11.16. The effects on the Designated Heritage Assets (DHA's) (Rottingdean Conservation Area and Rottingdean Windmill) are also increased when compared to the refused proposal under BH2024/01723, as the bulk and visibility of the development increases significantly to the north side of the building. The choice of shrouding is assessed as an inappropriate way to mitigate or camouflage the proposed development, as it increases the harmful effects.
- 11.17. In any event the approach is considered odd as the applicant has stated in their own supporting documents(LPA labelled - PLANNING STATEMENT submitted 28 November 2025) that *"The addition of camouflaging to the antennas in the proposed location, that might take the form of a fibreglass screen, would create a feature in itself that would have more of a visual impact and a greater effect on the character of the building than leaving the antennas unscreened."*
- 11.18. It is noted that the height of the proposed main antenna has increased by circa 0.4m in height over that previously refused. Again, rather than mitigating the impacts of the development from that previously refused, the increase in antenna height increases the harm to the host building (NDHA), the DHAs and wider public realm. As such the antennae appear as visually dominant additions to the locally listed building, introducing significant visual clutter at rooftop level which would detract from the visual amenity of the building and wider environment.
- 11.19. It is not considered that the proposed development represents high quality design; it is functional hardware that would appear incongruent with the architecture of the locally listed building. The existing telecommunications equipment on the building demonstrates the unwelcome impact this kind of development has on the profile of the host building. The proposed development would exacerbate the detriment and reduce the historic significance of the building, further detracting from the current balanced form of the roofscape, and at odds with existing architectural integrity.
- 11.20. Due to the scale of the development, it is considered that the harm caused would be less than substantial; however, the NPPF is clear that it must nevertheless be given significant weight in the planning balance and should

be measured against the public benefits of the development, which will be addressed later in this report.

- 11.21. The proposed development would only be visible from within the SDNP in distant views; given its siting at the rear (north corner) of the rooftop, it would be concealed from views within the closest areas of the Park, which are down on the beach. For this reason, it is considered that the development would have a neutral impact on the aims of the SDNP to conserve and enhance natural beauty, wildlife and cultural heritage.
- 11.22. Overall, the scheme is considered to add unacceptable clutter to the host locally listed building, detracting from views of the building from the east, north and west of the site along Marine Drive and the public footpaths atop the cliffs, affecting the DHAs. There has been an unsuccessful attempt to reduce the impact on the building and the wider public realm from which it is visible, but this has only increased the impacts contrary to Policies SA1, CP12 and CP15 of CPP1, and DM18, DM25, DM28 and DM29 of CPP2.

Impact on Amenities

- 11.23. The scheme would be contained within the roofscape of the existing building and is not considered to have any significant impact on the amenity of neighbouring residents or existing residents of the building.
- 11.24. The proposed development is not anticipated to result in significant over shadowing when compared against the shadow already cast by St Margarets itself.
- 11.25. Comments have been received stating that the operation of the equipment would result in a significant noise impact on existing residents. Although similar development (i.e. telecommunications equipment) can be observed to produce some noise, given the location on the unoccupied roof, it is not considered that it would be so significant to result in measurable harm. In the event planning permission was approved, the council would add a condition to ensure that any noise impacts are adequately mitigated.
- 11.26. Concerns have been raised that the proposed development would reduce the area of roof available for residents of St Margarets to use as external amenity space. The existing roofscape has an area of approximately 480m², and the proposal would reduce this by approximately 35m², so under 8%. It is considered that the roof top would remain accessible and usable as an external amenity area, and the harm caused in this regard would not be significant enough to warrant refusal of planning permission in this instance.

Public Benefits

- 11.27. The primary public benefit of the proposal would be the maintenance of a robust telecommunications network; this is considered to be a significant benefit to businesses, residents and visitors to the Rottingdean settlement.

Archaeology

- 11.28. The site lies within an archaeological notification area but given the lack of below-ground works it is not considered likely that the works would cause any harm to ancient remains that may be present.

Other Considerations

- 11.29. Concerns have been raised that by granting permission for the proposed development a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in regard to this application would not automatically set a precedent either for or against similar development in the area.
- 11.30. Concerns have been raised in the representations received citing harm to human health associated with 5G technology. The NPPF is quite clear in paragraph 122 that; "*Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure*". The application is submitted with a document self-certifying that the development is compliant with the ICNIRP guidelines and there is no reason to consider that it is not. The concerns in regard to public health are noted and the guidance of the UK Health Security Agency in the guidance note published 3rd October 2019 "5G technologies: Radio Waves and Health" is also noted along with the requirements of the NPPF. The present guidance indicates that it would not be reasonable for the LPA to refuse the application on the basis of impact upon health.
- 11.31. Concerns have also been raised stating that the development would be harmful to wildlife, but considering the above in relation to human health, the same is considered to apply to wildlife. It is noted the development would contain no external moving parts and is placed on an existing roof space which has zero habitat value as defined under Biodiversity Net Gain (BNG) legislation.
- 11.32. It has also been raised as a concern in the presentations received that the development would make the rooftop inaccessible for maintenance crews working on the fabric of the building itself; that the development would be vulnerable to damage from wind, that the development would not be supportable by the existing structure of building; and that the development would have a detrimental impact on property value. These are not planning matters so have been given no weight in this assessment.

Biodiversity Net Gain (BNG)

- 11.33. 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.

Conclusion & Planning Balance

- 11.34. The proposed development is considered to have a detrimental impact on the visual amenity of the local built environment and the historic significance of

the locally listed host St Margarets block of flats, and the setting of the Rottingdean Conservation Area and Rottingdean Windmill, by reason of its functional, utilitarian cluttered appearance above the proposed shroud, and the incongruous and unbalancing appearance of the shroud itself, that would be highly visible atop the roofscape in views from the north, east and west. The attempts to mitigate visual harm from that refused under BH2024/01723 have in fact increased harm, with the addition of the shroud and the increase in antenna height.

- 11.35. Although further justification for mounting the equipment in this location has been submitted, which did not form part of the earlier refused scheme, the LPA has no robust evidence that the visual impacts of those ground-based apparatus discounted would have comparable or greater harm than that proposed from the current application.
- 11.36. As noted by the Planning Inspector in his decision on the appeal related to the refused application BH2024/01723 *"...while the use of existing buildings/structures to reduce the environmental impact of installation is encouraged, alternatives can be considered where there is evidence that existing buildings have been explored."* Considering the degree of harm from the proposed development, particularly to heritage assets, further assessment of alternate sites including the existing temporary site is warranted.
- 11.37. The proposed development would provide public benefits in terms of maintaining a robust telecommunications network, but this is not considered to justify the degree of harm to the Non-Designated and Designated Heritage assets, and the wider public realm.
- 11.38. For the foregoing reasons the proposal is considered to be in conflict with policies SA1, CP12 and CP15 of the Brighton & Hove City Plan Part One, DM18, DM25, DM28 and DM29 of the Brighton & Hove City Plan Part Two, and S1 and H2 of the Rottingdean Neighbourhood Plan.

12. EQUALITIES

- 12.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable

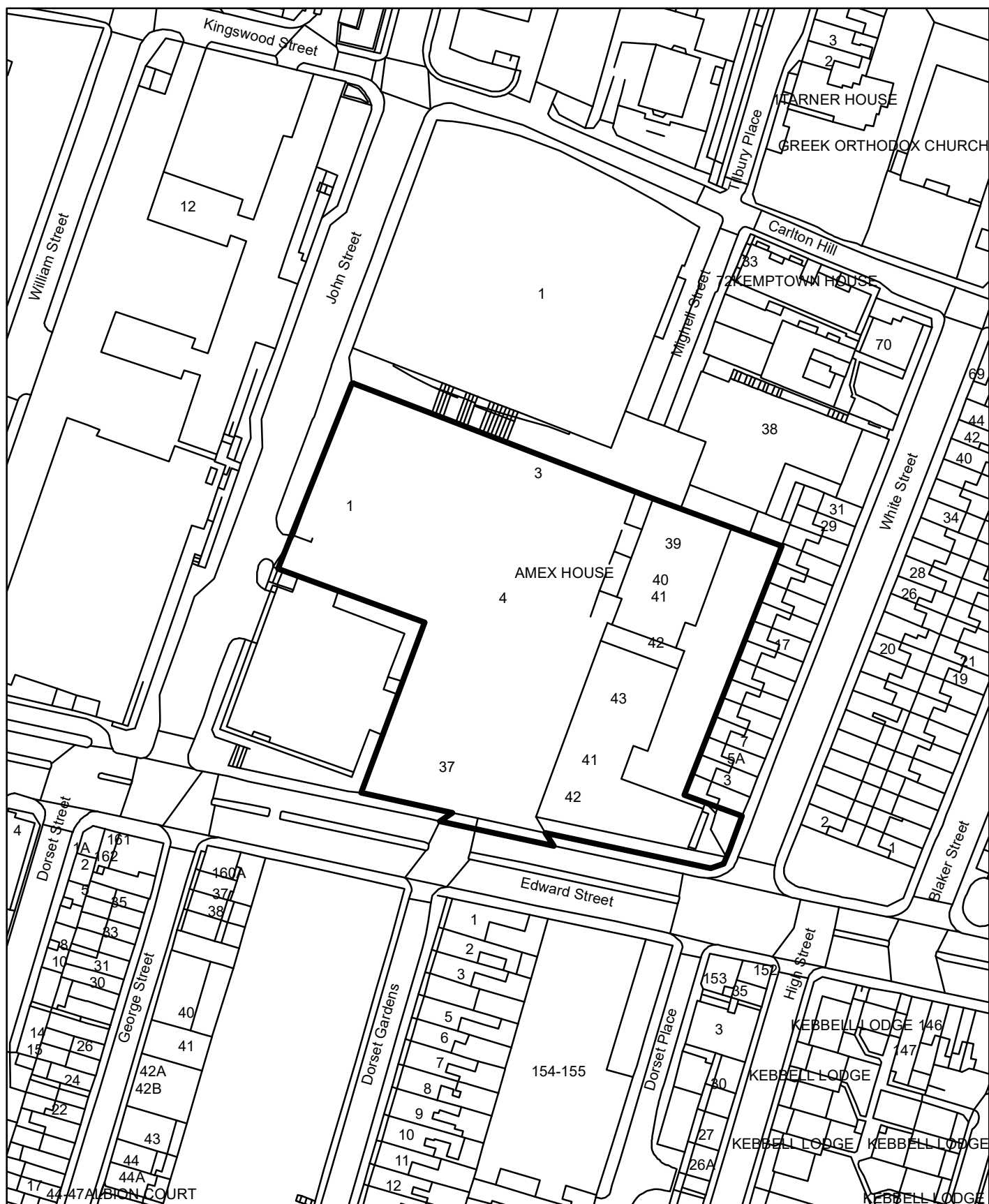
material impact on individuals or identifiable groups with protected characteristics.

ITEM C

**Site Of Amex House
Edward Street
BH2026/00020
Full Planning**

DATE OF COMMITTEE: 1st July 2026

BH2026 00020 - Site Of Amex House, Edward Street



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2026/00020	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site Of Amex House Edward Street Brighton BN88 1AH		
<u>Proposal:</u>	Change of use of Block F Lower Ground Floor - to include Use Class E(d) further to Use Class E(g)(i), formerly Use Class B1, and change in hours of operation.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	05.02.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	02.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.07.2026
<u>Agent:</u>	CBRE Ltd Henrietta House Henrietta Place London W1G 0NB		
<u>Applicant:</u>	Edward Street Quarter Limited C/O CBRE Ltd Henrietta House Henrietta Place London W1G 0NB		

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	1016-PL-S 00	PL1	06-Jan-26
Proposed Drawing	1016-PL-F-GA 00	PL2	06-Jan-26
Proposed Drawing	1016-PL-F-GA LG	PL2	06-Jan-26
Proposed Drawing	1016_PL-GA-LG	PL3	06-Jan-26
Proposed Drawing	1016-PL-F-GE 01	PL2	06-Jan-26
Proposed Drawing	1016-PL-F-GE 02	PL2	06-Jan-26
Proposed Drawing	1016-PL-F-GE 03	PL2	06-Jan-26
Proposed Drawing	1016-PL-F-GE 04	PL2	06-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. The Block F lower ground floorspace hereby approved shall be used as Use Class E(d) and E(g)(i) only, and for no other purpose (including any other purpose in the above classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any

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

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city, and safeguarding the amenities of occupiers of neighbouring properties and the amenity of the wider area and to comply with policies CP3, DA5, DM20 and DM40 of Brighton & Hove City Plan Part One.

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

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

5. Prior to any Class E (d) use of the units (as defined within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) a scheme for noise and vibration management including soundproofing of the party ceilings, floor and walls between the commercial and residential units above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and 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.

6. Any amplified audio associated with the proposed Class E(d) use shall be controlled such that noise levels within habitable rooms of any existing noise-sensitive premises do not exceed Noise Rating NR25.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. 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.
3. 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 the lower ground floor of Block F of a large mixed-use development on the northern side of Edward Street, consisting of six blocks of residential and commercial uses approved in 2018. Block F faces Edward Street and is an eight-storey building (plus basement). Office use is approved for the ground floor (695sqm) and lower ground floor (697sqm), with residential flats above. The uses are secured by conditions relating to permission (BH2018/00340) for the wider development.
- 2.2. The office units are described as Grade A office space with flexible floor plates, large floor to ceiling windows and air conditioning. The offices are vacant and have not been occupied since completion. It is understood that the upper residential units are occupied.

3. RELEVANT HISTORY

- 3.1. **BH2025/03092** Change of use of Block F Ground Floor - to include Use Class E(d) further to Use Class E(g)(i), formerly Use Class B1, and change in hours of operation. Under consideration.
- 3.2. **BH2025/03081** Change of use of Ground Floor and Lower Ground Floor of Block E - to include Use Class E(d) (indoor sport, recreation or fitness) further to approved Use Class E(g)(i) (Office) (formerly Use Class B1). Under consideration.
- 3.3. **BH2025/02307** Change of use of Block C - to include Use Class E (d) further to an existing mixed use of Use Classes A1, A3, B1a, C3 and D1 at part of the Ground Floor; and Use Class B1 to Class E(d), and E(g(i)) at Lower Ground Floor. Approved.
- 3.4. **BH2022/00821** Non-Material Amendment to application BH2018/00340 to amend the basement car park layout. Approved.

- 3.5. **BH2021/02645** Non-Material Amendment to planning permission BH2018/00340 comprising the removal of floorspace figures from the description of development. Approved.
- 3.6. **BH2021/00067** Non-Material Amendment to BH2018/00340 for changes to the design of commercial blocks A, B and C, residential blocks D, E and F, revised basement & garden layout. Approved.
- 3.7. **BH2020/00168** Application for approval of details reserved by condition 27 (sound insulation) of application BH2018/00340. Approved.
- 3.8. **BH2018/00340** Erection of a mixed use development to provide 168no residential dwellings (C3), 16,684sqm (GEA) of commercial floorspace (B1), 1,840 sqm (GEA) of ancillary plant/storage and 1,080 sqm (GEA) flexible floorspace comprising commercial and/or retail and/or residential communal space and/or non-residential institution (B1, A1, A3, C3, and D1) across lower ground and 4 and 8 storeys above ground, with associated parking, hard and soft landscaping and access. Approved.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the change of use of the Lower Ground Floor of Block F - to include Use Class E(d) (indoor sport, recreation or fitness) further to approved Use Class E(g)(i) (Office) (formerly Use Class B1). The applicant is proposing 24 hours operation of the use. No external alterations are proposed.
- 4.2. In effect, permission is requested for the flexibility to provide indoor sport, recreation and fitness uses in addition to the existing approved office use. It is understood that there is a potential tenant (24-hour gym) for the vacant spaces.

5. REPRESENTATIONS

- 5.1. **Eighteen (18)** representations have been received objecting to the scheme. Grounds for objection include:
- Noise and vibration
 - Increased activity
 - Parking issues
 - Traffic movements
 - Highway safety
 - Anti-social behaviour
 - Light pollution
 - Poor quality/ omissions in submission
- 5.2. **One (1)** representation has been received supporting the scheme for the following reasons:
- Health and wellbeing

- Amenity for residents
 - Encourage business
 - Reducing traffic movements
- 5.3. Representations relating to concerns about impact on property values and wider site issues such as EV charging points and maintenance are noted, however these are not material planning considerations.
- 5.4. A representation has been received from Councillor Marina Lademacher which is attached to the report.
- 5.5. Full details of representations received are available to view on the council's planning register.

6. CONSULTATIONS

- 6.1. **Environmental Health: Comment**
Agree that the prospective operator will need to undertake further assessment to provide confidence that there will be negligible disturbance to the residents.
- 6.2. **Highways: No Objection**
The proposed change of use is unlikely to have a significant impact on the public highway or parking overspill.
- 6.3. **Planning Policy: No objection**
Widening the permitted range of uses to include E(d) alongside E(g)(i) would be acceptable in principle.

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)
 - West Saltdean Neighbourhood Plan (adopted December 2025)
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
CP2	Sustainable economic development
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk

Brighton & Hove City Plan Part Two:

DM19	Maximising Development Potential
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD14	Parking Standards
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impact on neighbouring residential properties and any transport/ highways implications.

Principle of Proposal

- 9.2. CPP1 policy CP2.6 recognises the importance of employment-generating non-office uses to the local economy. The policy goes on to state that where loss is permitted, priority will be for alternative employment generating uses.
- 9.3. The proposal seeks consent for the use of the lower ground floor of Block F as Class E(d) indoor sport, recreation or fitness (not involving motorised vehicles or firearms), in addition to the permitted office use (Class E (g)(i)). The units/spaces are currently vacant and have been so since the development was completed.
- 9.4. The application states that the extensive marketing campaign for the wider development has been successful with 90% of the space securing office tenants. However, these units in Block F have received no offers for office use, despite being offered as a cost-effective opportunity. Evidence has been provided of marketing since 2020 overall and targeted since 2023 for the remaining space. With 38 viewings in this period, no offers were received. Commercial agents

advised that some concerns were raised about the lower ground floor on the basis that it has limited natural light. Additionally, the space may be suited for alternative uses, but conventional office space is unlikely to be feasible.

- 9.5. The submitted marketing information has been assessed and reviewed and it is considered that appropriate and sufficient marketing has been undertaken and, given the lack of interest, widening the permitted range of uses of the lower ground floor of Block F to include E(d) leisure use alongside E(g)(i) office use would be acceptable in principle. Adding leisure uses to the consented use of the site would not preclude traditional office uses in the future.
- 9.6. The increased flexibility is considered a practical approach to ensuring the vacant units remain in an employment-generating use and contribute to the local economy. The Council's Planning Policy Officer has no objection to the proposal. The scheme can be therefore supported in principle.

Impact on Amenity

- 9.7. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.8. It is noted that there are residential occupiers on the floors above the commercial units and that a leisure use, particularly given the proposed 24-hour operation, could potentially generate noise through activity, equipment and audio/music. It should be noted that the wider development permission secured sound insulation between the commercial and residential units of a value of 5dB greater than that required by building regulations performance standard for airborne sound insulation for purpose-built dwelling-houses and flats.
- 9.9. Notwithstanding the above, the applicant has submitted a noise impact report based on noise levels measured within a gym as being representative of worst-case scenario. This indicates that suitable levels can be maintained within the residential flats whilst the commercial space operates and therefore a leisure use could be suitable in the proposed location.
- 9.10. The report states that acoustic design would need to be considered as part of the fit-out design of the space and measures such as suitable flooring and a suspended ceiling system could be installed if necessary. This would allow for higher sound levels to be generated within the proposed commercial space without causing disturbance to the residential units above.
- 9.11. Whilst the report establishes that, in-principle, such a proposed use could operate without undue disturbance, a noise assessment (including a worst case scenario assessment for leisure uses, sufficient anti-vibration and acoustic mitigation measures) is recommended to be secured by condition and agreed and implemented prior to any occupation of the units for a Class E (d) to ensure that there is no significantly harmful impact on neighbouring residential occupiers.

Sustainable Transport

- 9.12. The site is in a location with good pedestrian and public transport access, and the proposed change of use is unlikely have a significant impact on the public highway.
- 9.13. The permitted cycle parking for the wider development included 110 spaces in the public realm at ground floor for the commercial uses as well as for visitors. This is considered sufficient for the proposed change of use. There would be no access to on-site vehicular parking spaces, however, there are paid parking spaces available on John Street. In any case, the site lies within a Controlled Parking Zone, which would help to manage any overspill parking that may arise from the development.
- 9.14. Given the above, the inclusion of the proposed indoor leisure use is not considered to generate a harmful uplift in trips or parking demand.

Ecology/ Biodiversity Net Gain

- 9.15. 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.

Conclusion

- 9.16. The information submitted within the application is considered to sufficiently demonstrate that permitting a more flexible use of the lower ground unit would not result in any harmful loss of commercial office space. The use of the units for a leisure use under Class E (d) would not, subject to the recommended conditions, be harmful to the amenity of neighbouring residential occupiers and would not cause any otherwise harmful impacts.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties), and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The applicant has indicated that the units are finished to shell and core and will need to comply with building regulations and DDA requirements. The units are

therefore inherently flexible and can be reconfigured to suit individual requirements.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. Marina Lademacher

BH2026/00020 – Site Of Amex House, Edward Street

2nd March 2026:

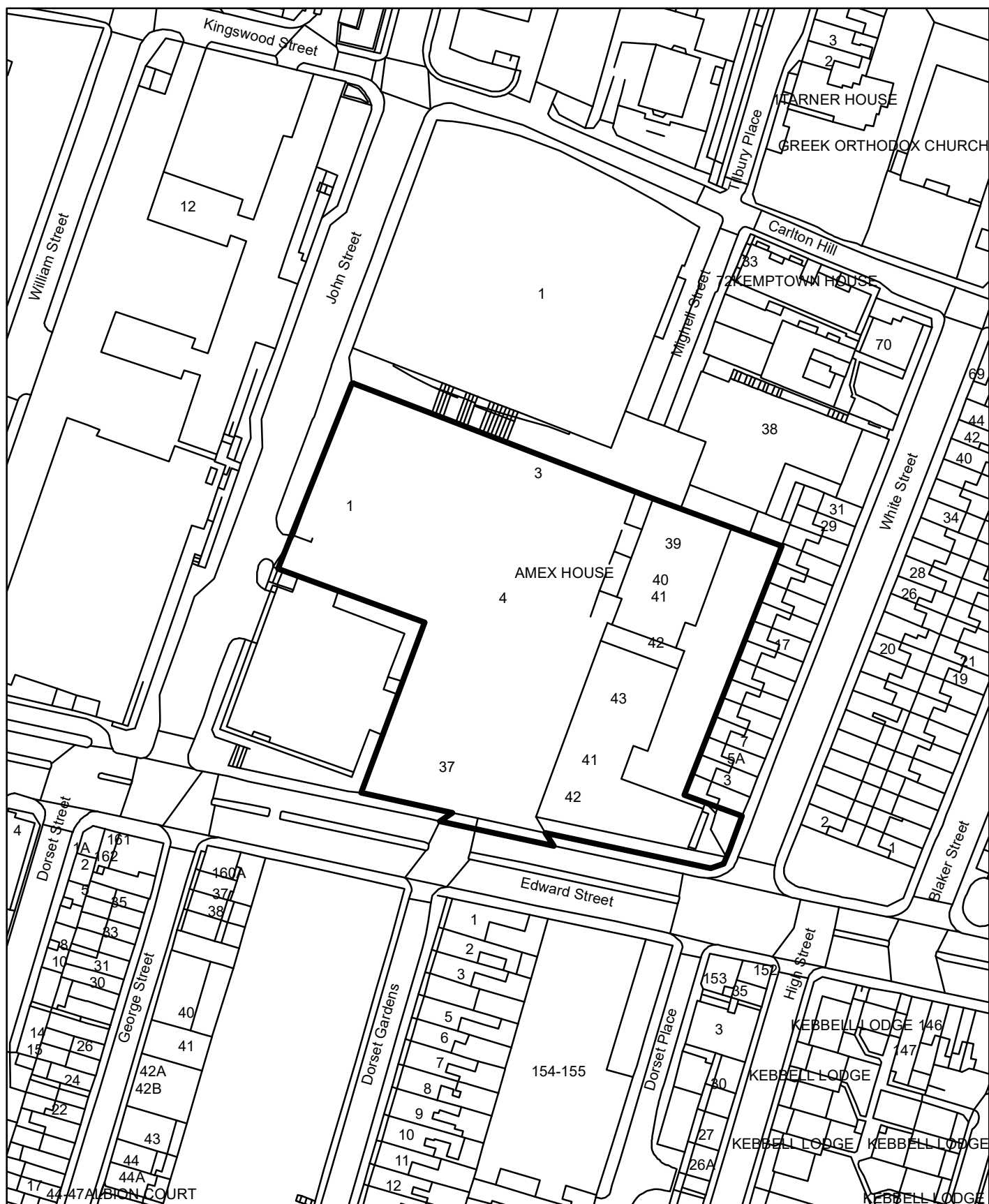
My reason for emailing is regarding the planning application(...) for a change of use. Residents living in the block which would be most affected are very concerned that the application by Buzz Gym deviates substantially from the original use and that the proposed gym would have a substantial material impact on the day to day living and sleep of those surrounded by the noise and lights.

ITEM D

**Site of Amex House
Edward Street
BH2025/03092
Full Planning**

DATE OF COMMITTEE: 1st July 2026

BH2025 03092 - Site Of Amex House, Edward Street



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2025/03092	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site Of Amex House Edward Street Brighton BN88 1AH		
<u>Proposal:</u>	Change of use of Block F Ground Floor - to include Use Class E(d) further to Use Class E(g)(i), formerly Use Class B1, and change in hours of operation.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	05.02.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	02.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.07.2026
<u>Agent:</u>	CBRE Ltd Henrietta House Henrietta Place London W1G 0NB		
<u>Applicant:</u>	Edward Street Quarter Limited C/O CBRE Ltd Henrietta House Henrietta Place London W1G 0NB		

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	1016-PL-S 00	PL1	22-Dec-25
Proposed Drawing	1016-PL-F-GA 00	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GA LG	PL2	22-Dec-25
Proposed Drawing	1016_PL-GA-LG	PL3	22-Dec-25
Proposed Drawing	1016-PL-F-GE 01	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GE 02	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GE 03	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GE 04	PL2	22-Dec-25

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

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

3. The Block F ground floorspace hereby approved shall be used as Use Class E(d) and E(g)(i) only, and for no other purpose (including any other purpose in the above classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory

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

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the supply of office floorspace in the city, and safeguarding the amenities of occupiers of neighbouring properties and the amenity of the wider area and to comply with policies CP3, DA5, DM20 and DM40 of Brighton & Hove City Plan Part One.

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

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

5. Prior to any Class E(d) use of the units (as defined within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) a scheme for noise and vibration management including soundproofing of the party ceilings, floor and walls between the commercial and residential units above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and 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.

6. Any amplified audio associated with the proposed Class E(d) use shall be controlled such that noise levels within habitable rooms of any existing noise-sensitive premises do not exceed Noise Rating NR25.

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

7. The development hereby permitted shall not be first brought into use/ occupied until a scheme for the control of light output from the rooflights of the commercial unit between the hours of 22:00 and 06:00, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and 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.
2. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.
3. 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 the ground floor of Block F of a large mixed-use development on the northern side of Edward Street, consisting of six blocks of residential and commercial uses approved in 2018. Block F faces Edward Street and is an eight-storey building (plus basement). Office use is approved for the ground floor (695sqm) and lower ground floor (697sqm), with residential flats above. The uses are secured by conditions relating to permission (BH2018/00340) for the wider development.
- 2.2. The office units are described as Grade A office space with flexible floor plates, large floor to ceiling windows and air conditioning. The offices are vacant and have not been occupied since completion. It is understood that the upper residential units are occupied.

3. RELEVANT HISTORY

- 3.1. **BH2026/00020** Change of use of Block F Lower Ground Floor - to include Use Class E(d) further to Use Class E(g)(i), formerly Use Class B1, and change in hours of operation. Under consideration.
- 3.2. **BH2025/03081** Change of use of Ground Floor and Lower Ground Floor of Block E - to include Use Class E(d) (indoor sport, recreation or fitness) further to approved Use Class E(g)(i) (Office) (formerly Use Class B1). Under consideration.

- 3.3. **BH2025/02307** Change of use of Block C - to include Use Class E (d) further to an existing mixed use of Use Classes A1, A3, B1a, C3 and D1 at part of the Ground Floor; and Use Class B1 to Class E(d), and E(g(i)) at Lower Ground Floor. Approved.
- 3.4. **BH2022/00821** Non-Material Amendment to application BH2018/00340 to amend the basement car park layout. Approved.
- 3.5. **BH2021/02645** Non-Material Amendment to planning permission BH2018/00340 comprising the removal of floorspace figures from the description of development. Approved.
- 3.6. **BH2021/00067** Non-Material Amendment to BH2018/00340 for changes to the design of commercial blocks A, B and C, residential blocks D, E and F, revised basement & garden layout. Approved.
- 3.7. **BH2020/00168** Application for approval of details reserved by condition 27 (sound insulation) of application BH2018/00340. Approved.
- 3.8. **BH2018/00340** Erection of a mixed use development to provide 168no residential dwellings (C3), 16,684sqm (GEA) of commercial floorspace (B1), 1,840 sqm (GEA) of ancillary plant/storage and 1,080 sqm (GEA) flexible floorspace comprising commercial and/or retail and/or residential communal space and/or non-residential institution (B1, A1, A3, C3, and D1) across lower ground and 4 and 8 storeys above ground, with associated parking, hard and soft landscaping and access. Approved.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for the change of use of the Ground Floor of Block F - to include Use Class E(d) (indoor sport, recreation or fitness) further to approved Use Class E(g)(i) (Office) (formerly Use Class B1). The applicant is proposing 24 hours operation of the use. No external alterations are proposed.
- 4.2. In effect, permission is requested for the flexibility to provide indoor sport, recreation and fitness uses in addition to the existing approved office use. It is understood that there is a potential tenant (24-hour gym) for the vacant spaces.

5. REPRESENTATIONS

- 5.1. **Sixteen (16)** representations have been received objecting to the scheme. Grounds for objection include:
 - Noise and vibration
 - Increased activity
 - Change in hours of operation
 - Parking issues
 - Traffic movements
 - Highway safety

- Anti-social behaviour
 - Light pollution
 - Poor quality/ omissions in submission
- 5.2. **One (1)** representation has been received supporting the scheme for the following reasons:
- Health and wellbeing
 - Amenity for residents
 - Encourage business
 - Reducing traffic movements
- 5.3. Representations relating to concerns about impact on property values and wider site issues such as EV charging points and maintenance are noted, however these are not material planning considerations.
- 5.4. Full details of representations received are available to view on the council's planning register.

6. CONSULTATIONS

- 6.1. **Environmental Health: Comment**
Agree that the prospective operator will need to undertake further assessment to provide confidence that there will be negligible disturbance to the residents.
- 6.2. **Highways: No Objection**
The proposed change of use is unlikely to have a significant impact on the public highway or parking overspill.
- 6.3. **Planning Policy: No objection**
Widening the permitted range of uses to include E(d) alongside E(g)(i) would be acceptable in principle.

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)
- West Saltdean Neighbourhood Plan (adopted December 2025)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
 DA5 Eastern Road and Edward Street Area
 CP2 Sustainable economic development
 CP3 Employment land
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP11 Flood risk

Brighton & Hove City Plan Part Two:

DM19 Maximising Development Potential
 DM20 Protection of Amenity
 DM33 Safe, sustainable and active travel
 DM36 Parking and servicing
 DM43 Sustainable Drainage
 DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed development, the impact on neighbouring residential properties and any transport/ highways implications.

Principle of Proposal:

- 9.2. CPP1 policy CP2.6 recognises the importance of employment-generating non-office uses to the local economy. The policy goes on to state that where loss is permitted, priority will be for alternative employment generating uses.
- 9.3. The proposal seeks consent for the use of the ground floor of Block F as Class E(d) indoor sport, recreation or fitness (not involving motorised vehicles or firearms), in addition to the permitted office use (Class E (g)(i)). The units/spaces are currently vacant and have been so since the development was completed.
- 9.4. The application states that the extensive marketing campaign for the wider development has been successful with 90% of the space securing office tenants. However, these units in Block F have received no offers for office use, despite

being offered as a cost-effective opportunity. Evidence has been provided of marketing since 2020 overall and targeted since 2023 for the remaining space. With 38 viewings in this period, no offers were received. Commercial agents advised that the unit has a high number of columns, in irregular positions making it difficult to arrange as open plan offices.

- 9.5. The submitted marketing information has been assessed and reviewed and it is considered that appropriate and sufficient marketing has been undertaken and, given the lack of interest, widening the permitted range of uses of the ground floor of Block F to include E(d) leisure use alongside E(g)(i) office use would be acceptable in principle. Adding leisure uses to the consented use of the site would not preclude traditional office uses in the future.
- 9.6. The increased flexibility is considered a practical approach to ensuring the vacant units remain in an employment-generating use and contribute to the local economy. The Council's Planning Policy Officer has no objection to the proposal. The scheme can be therefore supported in principle.

Impact on Amenity:

- 9.7. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.8. It is noted that that there are residential occupiers on the floors above the commercial units and that a leisure use, particularly given the proposed 24-hour operation, could potentially generate noise through activity, equipment and audio/music. It should be noted that the wider development permission secured sound insulation between the commercial and residential units of a value of 5dB greater than that required by building regulations performance standard for airborne sound insulation for purpose-built dwelling-houses and flats.
- 9.9. Notwithstanding the above, the applicant has submitted a noise impact report based on noise levels measured within a gym as being representative of worst-case scenario. This indicates that suitable levels can be maintained within the residential flats whilst the commercial space operates and therefore a leisure use could be suitable in the proposed location.
- 9.10. The report states that acoustic design would need to be considered as part of the fit-out design of the space and measures such as suitable flooring and a suspended ceiling system could be installed if necessary. This would allow for higher sound levels to be generated within the proposed commercial space without causing disturbance to the residential units above.
- 9.11. Whilst the report establishes that, in-principle, such a proposed use could operate without undue disturbance, a noise assessment (including a worst case scenario assessment for leisure uses, sufficient anti-vibration and acoustic mitigation measures) is recommended to be secured by condition and agreed and implemented prior to any occupation of the units for a Class E(d) use to

ensure that there is no significantly harmful impact on neighbouring residential occupiers.

- 9.12. It is noted that several of the existing flats in the block overlook the roof of the commercial space, which benefits from rooflights. It is recognised that the light output from the commercial space has the potential to lead to nuisance, particularly if the use is 24/7. Therefore, a condition is recommended to restrict the hours of light output from the rooflights via a rooflight covering or treatment to be agreed.

Sustainable Transport:

- 9.13. The site is in a location with good pedestrian and public transport access, and the proposed change of use is unlikely have a significant impact on the public highway.
- 9.14. The permitted cycle parking for the wider development included 110 spaces in the public realm at ground floor for the commercial uses as well as for visitors. This is considered sufficient for the proposed change of use. There would be no access to on-site vehicular parking spaces, however, there are paid parking spaces available on John Street. In any case, the site lies within a Controlled Parking Zone, which would help to manage any overspill parking that may arise from the development.
- 9.15. Given the above, the inclusion of the proposed indoor leisure use is not considered to generate a harmful uplift in trips or parking demand.

Ecology/ Biodiversity Net Gain:

- 9.16. 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.

Conclusion:

- 9.17. The information submitted within the application is considered to sufficiently demonstrate that permitting a more flexible use of the ground unit would not result in any harmful loss of commercial office space. The use of the units for a leisure use under Class E (d) would not, subject to the recommended conditions, be unacceptably harmful to the amenity of neighbouring residential occupiers and is not considered to cause any otherwise harmful impacts.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties), and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The applicant has indicated that the units are finished to shell and core and will need to comply with building regulations and DDA requirements. The units are therefore inherently flexible and can be reconfigured to suit individual requirements.

ITEM E

**65 Ladies Mile Road
BH2026/00234
Full Planning**

DATE OF COMMITTEE: 1st July 2026

BH2026 00234 - 65 Ladies Mile Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00234	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65 Ladies Mile Road Brighton BN1 8TB		
<u>Proposal:</u>	Erection of 1no dwelling (C3) to rear of existing dwelling.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	10.02.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	07.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.06.2026
Agent:	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
Applicant:	Ms Briget Haxby C/o Lewis And 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		09-Feb-26
Proposed Drawing	02	A	20-Apr-26
Proposed Drawing	03	A	20-Apr-26
Report/Statement	Arboricultural Implications Assessment		09-Jun-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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) details of all hard surfacing materials
- c) details of the proposed window and door frames (including colour of frames)
- e) details of all other materials to be used externally

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

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

4. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed as shown on the plans within the front garden and made available for use. These facilities shall thereafter be retained for use at all times.

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

5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM20 and DM21 of Brighton & Hove City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One.

6. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 02 A received on 20th April 2026. The internal layouts shall be retained as first implemented thereafter.

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

7. The hard surface of the external landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

8. Prior to occupation of the development hereby permitted, a scheme for landscaping for both the new dwelling and the reduced garden for the large HMO, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. In addition, the new dwelling should not be occupied until the approved landscaping scheme has been implemented for the existing large HMO.

The scheme shall include the following:

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
- d. biodiversity measures to improve the nature conservation of the site (e.g. use of native plants to Brighton and Hove, bee/insect habitat, water habitats). See Annex 7 of SPD11 for guidance and ideas.

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

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

9. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural implications statement received on the 9th June 2026 are in place and retained throughout the construction process.

The fences shall be erected in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations' and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Once the protection measures are in place either a site visit from the Arboricultural Officer should be requested or photographs should be submitted to and approved in writing by the Local Planning Authority with a written description of the measures in place prior to any commencement.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

10. The new dwelling hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans for the new dwelling have been fully

implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

11. The development hereby permitted shall not be occupied until the new crossover and access has been constructed.

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

12. Prior to removal of the existing cycle parking for 65 Ladies Mile Road, details of the new cycle parking will be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be implemented in accordance with the details approved, prior to the removal of the existing cycle parking, and retained as such thereafter. The cycle parking shall be secure, covered and convenient cycle parking for a minimum of 4 cycles.

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

13. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

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

14. The dwelling hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

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

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

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

16. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

17. Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be constructed other than as self-build or custom build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall be occupied by the person/s implementing the planning approval as their sole or main residence for a period of 3 years from completion of the dwelling.

Reason: To maintain control of development and to ensure development proceeds in line with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) with regards to Biodiversity Net Gain.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
4. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

5. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
6. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
8. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
9. **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 site is 65 Ladies Mile Road, a two-storey property on the corner of Ladies Mile Road and Ladies Mile Close. The property has a rear garden with pedestrian access onto Mackie Park. The existing dwelling at 65 Ladies Mile

Road is in use as a large House in Multiple Occupation (HMO) for seven persons.

- 2.2. The site is within a Nature Improvement Area (NIA) and adjacent to Mackie Park at the rear which is designated Local Green Space (DM38) and Open Space (CP16). The property is not listed or within a Conservation Area. There are no other heritage designations to be aware of on the site. There are no relevant Article 4 directions covering the site.

3. RELEVANT HISTORY

- 3.1. **PRE2025/00162** - Pre-application advice enquiry to seek guidance on subdivision or garden to provide 1no new dwelling with vehicle access.
- 3.2. **BH2024/02798** - Application for Approval of Details reserved by Condition 7 (Acoustic Report) of application BH2024/01772. Approved 17.12.2024
- 3.3. **BH2024/01772** - Change of use from dwellinghouse (C3) to seven-bedroom large house in multiple occupation (Sui Generis). Approved 08.10.2024

4. REPRESENTATIONS

- 4.1. Representations have been received from 7 people, objecting to the proposed development for the following reasons:
- Increased demand for parking on local roads during the build and beyond.
 - Increased noise and disturbance
 - Additional traffic and congestion particularly at school pick up/drop off.
 - Impact on turning head within Ladies Mile Close
 - Potential impacts on servicing for Ladies Mile Close (e.g. refuse and recycling collection).
 - Overdevelopment
 - Too close to boundary
 - Unneighbourly
 - Potential danger to pedestrians.
 - Disruption to park users during construction
 - Precedent set by this being approved
 - Higher density development out of character for neighbourhood.
 - Road is too narrow.
 - Loss of privacy
 - Reduced garden space for existing HMO
 - Accessibility for proposed dwelling is poor (e.g. stepped access)
 - Loss of on-street parking on Ladies Mile Road
- 4.2. Full copies of the responses received can be found online on the planning register.

- 4.3. **Councillors Anne Meadows and Alistair McNair** have objected to the application and requested that in the case of a recommendation for approval that the application be brought before the Planning Committee. A copy of their representation is attached to this report.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the erection of a dwellinghouse in the rear garden of 65 Ladies Mile Road. The proposal consists of a single storey dwelling comprised of brick and render with a pitched tiled roof and aluminium windows. The property would have two bedrooms and would be accessed via Ladies Mile Close with one off street parking space provided.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** No objection

Initially an objection was raised to the application due to lack of information, specifically an Arboricultural Report. This has since been provided and reviewed. The report and method statement within is considered acceptable. Compliance with the submitted details should be sought via condition and include a requirement to provide photographic evidence or seek a site visit to confirm protection measures in place prior to commencement.

- 6.2. **Environmental Health:** No objection

Conditions are recommended to ensure that any contaminated land concerns that arise during construction are appropriately dealt with, and the applicant should consider ensuring that future occupiers are protected from unacceptable noise levels.

- 6.3. **Sustainable Transport:** No objection

Following amendments to the design of the front garden and driveway and the addition of a footway for future occupiers to access the existing crossing point into Mackie Park, the application is acceptable subject to the recommended conditions (crossover, cycle parking).

- 6.4. Full details of consultation responses received can be found online on the planning register.

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; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP16	Open space

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM38	Local Green Space
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM40	Protection of the Environment and Health - Pollution and Noise

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of subdividing the existing plot at 65 Ladies Mile Road, the effects on the existing large HMO, the design and appearance of the proposed dwelling, the proposed standard of accommodation, impacts on amenity and transport matters.
- 9.2. A site visit was undertaken in April 2026 which has informed the assessment detailed below.

Principle of the Development:

- 9.3. Policy CP1 of the City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.5. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Subdivision

- 9.6. As noted above, 65 Ladies Mile Road has a large rear garden. It is also set back from the pavement with a front garden and driveway. The rear garden is wider than those of other properties close by to the east.
- 9.7. Whilst the proposed plot to be created is relatively modest in scale, there are other examples of smaller plots with limited garden space within the wider locality and as such the size of the new site would not be out of character with existing pattern of development or urban grain.
- 9.8. Subject to other considerations (discussed below) such as the design and appearance of the proposed dwelling, standard of accommodation, impacts on neighbours, the highway impacts and the local environment being acceptable, the development can be supported in principle. Though it is only a gain of a single dwelling, it is a contribution to housing supply, nonetheless. The proposal would make a modest, but welcome contribution to the city's housing supply and this is considered to represent a public benefit of the scheme.

Impacts on the existing HMO at 65 Ladies Mile Road:

- 9.9. The existing HMO would continue to be accessed from Ladies Mile Road with access to the frontage unchanged through this application. The pedestrian access at the rear from Mackie Park would be lost but this is not considered to be so detrimental to the amenity of occupiers of the HMO to warrant refusal of the application. The remaining rear garden for the seven-person, large HMO would be 122sqm after the subdivision.
- 9.10. As noted above, the site in question is currently in use as a large HMO with a condition on the planning consent (BH2024/01772) limiting occupation to 7 persons. There is a further condition securing cycle parking for the HMO within a shed at the end of the garden. The shed is within the footprint of the new dwelling so would be demolished to facilitate the works. Therefore, to ensure that there is no loss of cycle parking this must be relocated within the reduced garden area for the HMO and be made available for use prior to the removal of the existing cycle parking. As no details have been set out within the application, a condition would be attached to secure new cycle parking.
- 9.11. The proposed development will change the rear garden area of the HMO. Therefore similar, to the approach set out above with regard to maintaining cycle parking facilities during the build and beyond, landscaping of the retained garden for the HMO is a matter which is recommended to be controlled by condition. It is suggested that a condition is attached requiring details of a landscaping plan for both the new dwelling and the existing HMO to be submitted prior to first occupation of the new dwelling. The landscaping should then be fully implemented for the HMO garden no later than the end of the first planting season after subdivision. This is to ensure that garden space for the HMO is retained in an acceptable manner.
- 9.12. Subject to the inclusion of the conditions described above, the impacts on the HMO would be acceptable with a garden of a reasonable size for the occupancy levels and opportunities for cycle parking.

Design and Appearance:

- 9.13. The proposed dwelling would be single storey in height with the front elevation facing Ladies Mile Close. The entrance into the dwelling would be on the north (side) elevation. Pedestrian and vehicle access would be provided to the front (west side) of the property. The existing rear access gate between 65 Ladies Mile Road and Mackie Park is shown as being retained on the plans. To the front of the property would be a planted area and car parking. Space for refuse storage and cycle parking is also shown within the front garden/driveway.
- 9.14. The dwelling would have a maximum height of 4.8m (front section) and 4.7m (rear/middle section) in height. The dwelling would be 11m deep and 8.2m wide (including entrance porch). The eaves height at the rear of the dwelling would be 2.4m.
- 9.15. It is noted that there are land level changes within the existing garden and that there is a proposed stepped access to the dwelling. Undercroft storage is provided beneath the front bedroom. As a result, the dwelling would not be wheelchair accessible.

- 9.16. All habitable rooms within the dwelling would have windows and the kitchen/living/dining space would be dual aspect. There would also be a window for the bathroom in the north elevation. The pattern and size of the windows is considered an appropriate arrangement for the dwelling.
- 9.17. The external walls of the dwelling would have a brick finish to the lower half and a rendered finish to the upper part. The roof would be tiled, and the windows and doors would be aluminium framed. This is considered to relate well to the surroundings as many of the properties on Ladies Mile Road have a lower brick course with render above and brick detailing to the walls.
- 9.18. Overall, the proposed new dwelling is considered to be of an acceptable design and scale for the size of the plot it would be on.

Standard of Accommodation:

- 9.19. Policy DM1 Housing Quality, Choice and Mix states that the council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. It also adopts the Nationally Described Space Standards (NDSS) to ensure new units deliver a minimum Gross Internal Area (GIA).
- 9.20. The proposed dwelling is a two-bedroom, three person dwelling over a single storey. The minimum floor area under NDSS for this size of dwelling is 61sqm. The proposed dwelling would have a floor area of 62.5sqm. Internally the property would have a double bedroom (11.5sqm), a single bedroom (8.3sqm), bathroom and kitchen/living and dining space. The plans indicate a built-in storage cupboard in the internal hall providing 0.7sqm of storage space. This is below the 2m required, however it is considered that further built in storage could be added to the bedrooms without reducing the room widths below the minimum set out in the NDSS guidance. Additional storage could also be added to the living space. Furthermore, there is an external store under the front bedroom.
- 9.21. The internal floor to ceiling height would be 2.3m throughout, not including the roof space. This meets the minimum requirements set out in the NDSS. The bedrooms, as shown, exceed the minimum widths for a double bedroom (2.75m) and single bedroom (2.15m) respectively.
- 9.22. As noted in the design discussion above, there are windows to all habitable spaces. The window openings shown are considered to be of a good size and capable of providing natural light, outlook and ventilation to the bedrooms and living areas within the property.
- 9.23. The rear garden for the new dwelling would be approximately 4.5m deep and 9.5m wide. The overall area for the rear garden is approximately 43.3sqm. Whilst the garden would be smaller in general than other properties in the locality, it is considered an acceptable size for the two bedroom three-person dwelling being considered. The indicative garden layout shows patio, lawn and planting areas.

- 9.24. Overall, the proposed design of this two-bedroom, three-person dwelling is considered acceptable and in accordance with policy DM1 of the City Plan Part Two.

Impact on Amenity:

- 9.25. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users. These requirements are also reflected in DM20 of City Plan Part 2. Policy DM40 addresses pollution and the environment and relevant to this application, addresses noise and disturbance.
- 9.26. The key neighbouring properties that could be impacted by the proposed development are the host property at No.65 and the neighbouring property to the east at No.67 Ladies Mile Road.
- 9.27. The proposed boundary treatment would ensure that there would not be any significant overlooking or loss of privacy from views from the garden or windows of the proposed dwelling towards No.67 or the HMO at No.65 and the proposal would be acceptable in this regard.
- 9.28. There would be sufficient separation from the proposed dwelling to No.67 and as a result it is not considered that there would be any significant harm to this property in terms of any loss of light or outlook or any overbearing or enclosing impact.
- 9.29. Whilst the side flank of the proposed dwelling would be close to the garden of the host property, the single storey form of the proposal, hipped away from the boundary would ensure that there would be no significant harm in terms of any loss of light or outlook or any overbearing or enclosing impact.
- 9.30. There is sufficient separation distance to the neighbouring properties on the western side of Ladies Mile Close to ensure that there would be no harm to amenity to these residential occupiers.
- 9.31. The proposed subdivision of the existing plot and creation of a new dwellinghouse will lead to an uplift in comings and goings and general activity at the site. However, given that the proposal is for a modest two-bedroom property it is not considered that any increase in noise and disturbance to adjoining properties would be so significant as to warrant refusal of the application.
- 9.32. It is noted that concerns have been raised regarding the loss of privacy and increased noise and disturbance arising from the HMO occupiers being more likely to utilise the patio area closer to the rear of the existing property once the rear of the garden is lost. While this might be the case, the HMO garden to the rear would still be 122sqm and it not considered that the intensification of the existing garden space would result in any significant increase in noise and disturbance to neighbouring occupiers.
- 9.33. It is considered that the reduction in garden space isn't so significant that the HMO would suffer a material loss in amenity.

- 9.34. Given the potential for further extensions and alterations to result in harm to amenity and character, a condition is recommended to remove permitted development rights for the dwelling so once built no extension or alterations to the property or outbuildings within the site would be permitted without express consent from the Local Planning Authority.
- 9.35. Overall, subject to the recommended conditions the proposed dwelling to the rear of 65 Ladies Mile Road in a subdivided plot is considered to have an acceptable impact in terms of neighbouring residential amenity.

Sustainable Transport:

- 9.36. 65 Ladies Mile Road is located in a sustainable location, with a short walk to amenities to the east on Ladies Mile Road and connections to local buses on both Mackie Avenue and Ladies Mile Road. The proposed development would result in an increase in trips to and from the site. However, no objection from the Highways team has been raised.
- 9.37. The subdivision does result in the loss of the shed within which the current cycle parking for the HMO is located. However, as noted above and set out in the conditions the details of the new cycle parking have been sought, and a timeframe is set for the cycle parking to be re-provided at the site.
- 9.38. As originally submitted the design of the access presented concerns from a highway safety perspective. The applicant has redesigned the vehicular access, narrowed the driveway and repositioned the cycle parking space and refuse and recycling. They have also added a verge to allow for pedestrian access from the dwelling to connect to the adjacent crossing point, immediately to the north of the site boundary. The crossing point connects the pavement of Ladies Mile Close to Mackie Park.
- 9.39. The proposed creation of the crossover would reduce available on-street parking in the area. However, the applicant has demonstrated that parking stress is not especially high in this area through a parking beat survey undertaken in January 2026. Any additional parking overspill would not be at a level that would result in a significant impact on the public highway.
- 9.40. Overall, subject to appropriate conditions, the development is considered to have an acceptable impact on the highway network and support sustainable transport objectives.

Trees

- 9.41. The site has trees within the boundary that will be affected by the development proposed. There are also adjacent trees on the parkland which could be impacted. The Arboricultural Officer requested an Arboricultural Assessment prior to determination to understand how the trees within and adjacent the site could be affected and what mitigation would be proposed.
- 9.42. The report has concluded that there would not be any significant impacts on trees which are considered important for local amenity and by extension to the

local landscape as a whole. The plans do include the removal of two trees along the fence line where the access would be created. These are trees 1 (Elder) and 2 (Monterey Cypress) on the Tree Protection Plan (TPP). Tree 3 (Horse Chestnut) is to be retained. The TPP also identifies areas close to the Horse Chestnut tree and the Elder (noted G1) which is in the parkland adjacent to the application site. These areas are noted as requiring supervised demolition and/or protective fencing to be in place to protect existing trees that are to be retained. The Horse Chestnut tree is considered a Category 'B' tree and the other trees on site are Category 'C' trees as per the British Standard classification,

- 9.43. The Arboricultural Officer has not raised any concerns about the assessment submitted, though they have requested that the works should be carried out in accordance with the methodologies within the report and that compliance with the Tree Protection Plan is demonstrated by either the submission of photographs or a site visit by the Arboricultural Officer prior to any commencement of development, including demolition.

- 9.44. Subject to the recommended conditions, the impacts on trees are considered acceptable.

Sustainability:

- 9.45. City Plan Part One Policy CP8 requires new residential development to demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development meets those standards.

Other Matters Including Those Raised in Representations:

- 9.46. A condition seeking the inclusion of at least one bee brick within the external walls will be attached to the recommendation to improve nature outcomes and accord with policy CP10 of the City Plan Part One and SPD11.
- 9.47. The Environmental Health Officer has noted that there are no known land contamination concerns with regard to the application site. However, they have suggested a condition to ensure that if any contamination is discovered on site this is dealt with appropriately and the Local Planning Authority is notified prior to works continuing on site.
- 9.48. Representations made on the application have raised concerns about noise and disruption during construction. This is considered to be a temporary impact from construction required to implement the development and is not considered a material planning consideration in this instance. The Local Planning Authority does not consider it reasonable to require a Construction Environmental Management Plan (CEMP) given the small scale of the proposal. In regard to noise from construction, this is something that has separate controls under the Environmental Protection Act. Should construction noise or hours be unreasonable then the council's Environmental Health team could investigate and take action if deemed necessary. Considerate construction hours are detailed on the Council website.

Biodiversity Net Gain

- 9.49. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the Town and Country Planning Act because it is a self-build/custom build application.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

11. COMMUNITY INFRASTRUCTURE LEVY

- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. CIL Form 7 had been submitted with the application claiming an exemption under 'self-build'. 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.



PLANNING COMMITTEE LIST

Brighton & Hove City Council COUNCILLOR REPRESENTATION

**Cllr. Councillor Alistair McNair and Cllr. Anne Meadows
BH2026/00234 – 65 Ladies Mile Road**

10th March 2026:

Please accept this letter as our objection to the above planning application. We have five key objections to this proposed development: overdevelopment and loss of character of the area; overdevelopment of a site close to a public park; loss of privacy for neighbours; increase in off-road parking; setting a precedent for overdevelopment across the city.

This proposal sets out to construct a two-bedroom bungalow in the garden of a House of Multiple Occupancy (HMO). In the conditions of the HMO (BH2024/01772), the number of inhabitants was reduced from 9 to 7. Residents are therefore rightly worried that the proposed bungalow may be converted into another HMO, leading to significant overdevelopment of the neighbourhood, or at the very least increasing the density of housing and residents to an unsustainable level as suggested by the conditions applied to BH2024/01772.

Regarding the character of Ladies Mile Road and Mackie Park. As can be seen from Fig.1 below, Ladies Mile Road, and properties adjacent to Mackie Park, have large gardens backing onto the park creating a consistent green outlook attractive to wildlife. This development would remove the majority of the garden of 65 Ladies Mile Road.



Fig. 1: highlighting the significant green space of this part of Patcham.

The proposed dwelling will be extremely close to Mackie Park. Properties along Ladies Mile Road are set well back from the park, allowing a sense of greater openness and greenery. However, the proposed development would result in a dwelling built right up to the park's boundary, giving a sense of encroachment and overlooking into the park, given its height and scale. It would not be "a sensitive and appropriate use of the site, in keeping with the residential character of the area" as stated in the Planning Statement (p3.).



Fig. 2: highlighting the proximity of the proposed development to Mackie Park.

Regarding the property of 65 Ladies Mile Road in particular. As can be seen from Fig 3 below, the garden of 65 Ladies Mile Road is large with ample space for planting and lawn, complementing the green environment of the park and neighbouring properties. It also provides space for the seven residents of the HMO.

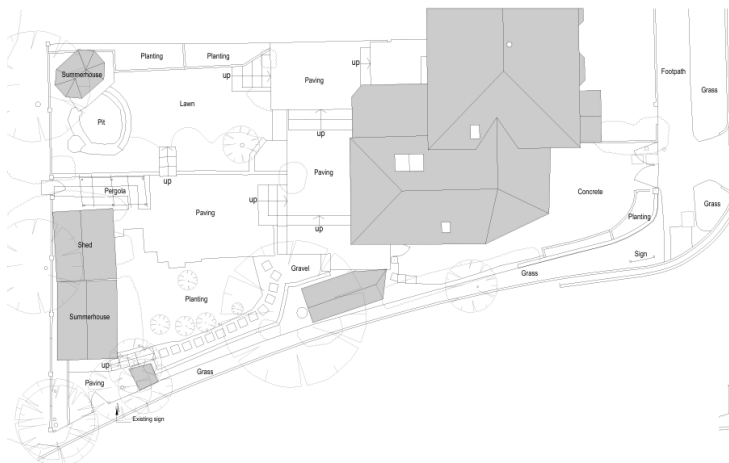


Fig. 3: highlighting the extent of the current garden which features significant planting in keeping with surrounding properties.

If the separate dwelling is constructed, there will be significant loss of green space for the residents of 65 Ladies Mile Road, leaving mostly concrete and paving rather than space for lawn and planting, which would be in opposition to the surrounding neighbourhood, and contrary to CP10 Biodiversity which requires “the conservation, restoration and enhancement of biodiversity where possible.” Residents are right to be concerned that the seven inhabitants of 65 Ladies Mile Road will be confined to a much smaller outside space, contrary to CP14 Housing Density which states that “residential development should be of a density that is appropriate to the identified positive character of the neighbourhood.” This reduction in outside space is likely to lead to greater noise disturbance and loss of privacy for neighbours given how close the property is situated to 67 Ladies



COUNCILLOR REPRESENTATION

The site plan illustrates the proposed development layout. Key features include:

- Building Footprints:** A large central building footprint and several smaller structures, including a garage and a shed.
- Parking:** Multiple parking areas, including a large paved area with individual parking spaces, a gravel parking area, and a gravel driveway.
- Landscaping:** Various landscaping elements such as lawns, planting areas, and trees.
- Site Features:** EV charging, refuse and recycling, cycle parking, a path, a driveway, a crossover, and a footpath.
- Other Labels:** "Dashed line indicates building footprint", "Concrete", "Grass", "Sign", "Visibility splays (width and planting to be noted below EIS/own to height)", "UP", and "DOWN".

The Planning Statement (p.20) states that *The dwellings design ensures there is no harm to outlook or privacy concerns to nearby occupiers. The proposed dwelling would therefore have a no impact upon the living conditions of the occupiers of the adjoining properties. The scheme is therefore compliant with Policy DM20 in regard to neighbouring amenities.*

In addition, as can be seen from Fig.5 below, the residents at 67 Ladies Mile Road will not only lose their view north but will lose a significant amount of view over the park.



95



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

While it is welcome that off-road parking is planned, there is space for only one car, when the property has two bedrooms, which may suggest the requirement for two cars or more. Ladies Mile Close is very narrow (see Fig. 6), lacking in space for any extra vehicles which another dwelling would attract – not only residents but visitors. Ladies Mile Road also lacks space for extra vehicles, especially being in close proximity to Patcham High and Junior Schools. The Local Planning Authority are therefore right to “have raised the loss of parking capacity as a potential issue within the pre application advice.” (Planning Statement p.20).

The Planning Statement points out on p.12 that “CP9 Sustainable Transport promotes the use of sustainable transport modes and requires appropriate parking provision to be included within developments.” However, this will no longer be the case for the HMO at 65 Ladies Mile Road which is set to lose its cycle storage.

While the HMO at 65 Ladies Mile Road was given permission, conditions were attached. One of these, condition 4, states:

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

It is unclear whether the shed is currently being used for cycle storage in line with condition 4, which we feel should be investigated prior to considering this proposal, but more importantly, the proposed development would be built on top of the shed allocated for cycle parking facilities, and no replacement cycle parking facilities has been suggested for the HMO.

Residents are also concerned with the fact that a crossover is planned very close to where a streetlight is currently situated. While the crossover may not require the removal or movement of the streetlight, plans often change, and residents are right to be concerned that this light may be endangered in what would be a dark street without it.



Fig. 6: streetlamp close to the proposed development

We contend that this proposed development would result in “unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers” given its closeness to Mackie Park, contrary to DM20 Protection of Amenity. It would set a dangerous precedent across the city were garden plots next to parks allowed to be built on, as it would result in a significant loss of the biodiversity and openness found in areas surrounding parks.

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

ITEM F

**14 Ashford Road
BH2026/00840
Householder Planning Consent**

DATE OF COMMITTEE: 1st July 2026

BH2026 00840 - 14 Ashford Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2026/00840	<u>Ward:</u>	Hollingdean & Fiveways Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	14 Ashford Road Brighton BN1 6LJ		
<u>Proposal:</u>	Demolition of rear extension and erection of two storey rear extension along with proposed rear dormer along with no. 2 rooflights on the front roof elevation.		
<u>Officer:</u>	Malila Totene, tel:	<u>Valid Date:</u>	07.04.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	02.06.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	PMR Architecture Suite 4 Sheridan House 112-116 Western Road Hove BN31DD United Kingdom		
<u>Applicant:</u>	Vicki Wickens 14 Ashford Road Brighton Brighton & Hove BN1 6LJ		

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
Proposed Site Plan	25.96_PL_102	B	12-Jun-26
Location Plan	25.96_PL_001		07-Apr-26
Proposed Drawing	25.96_PL_101	B	12-Jun-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. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.

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 site comprises a two-storey terraced house of brick and tile construction with render at first floor level, located in Ashford Road. The area is predominantly residential in character and features mainly terraced houses. The site is not within a conservation area and is not subject to any Article 4 Direction restricting external alterations to the property.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the demolition of the existing rear extension and for the construction of the following:
 - erection of part one, part two storey rear extension,
 - loft conversion with rear dormer and 2 rooflights to front elevation
- 4.2. The proposal has been revised during the course of the application to reduce the height and depth of the rear extensions.

5. REPRESENTATIONS

- 5.1. Representations have been received from 6 people, objecting to the proposed development for the following reasons:
- Proposal is excessive in size for the plot and would significantly intensify site coverage,
 - Loss of sunlight and daylight
 - Loss of outlook, increased sense of enclosure/overbearing impact
 - Bulky, dominant, and out of scale
 - Out of keeping with local pattern and open garden character
 - Overdevelopment of the site
 - Would set a precedent for large-scale developments eroding character of the area
- 5.2. Full comments can be found on the online planning register.

6. CONSULTATIONS

None.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and the impact on neighbouring amenity.

Design and Appearance

- 9.2. The proposed development is considered against Policies DM18, DM20, and DM21 of the City Plan Part 2.
- 9.3. The proposal comprises a two-storey rear extension, along with a rear dormer and two rooflights on the front roof slope. The original plans were amended to reduce the impact of the development on neighbouring properties as follows.
- The depth of the ground floor element has been reduced from 4.8m to 4.5m, with the maximum height reduced from 3m to 2.8m.
 - The depth of the first-floor extension has been reduced from 2.5m to 2m.
- 9.4. The ground floor extension measures 4.6m in width, while the first-floor extension measures 3.4m in width.
- 9.5. It is acknowledged that the proposed dormer would not fall within permitted development rights, as the proposed materials (zinc) do not match those of the existing dwelling and the dormer is not sufficiently set back from the eaves. However, a dormer of a very similar size could be constructed under permitted development rights. Furthermore, the dormer is not considered to be out of character with the surrounding area. Rear dormers are a common feature within the wider area and are evident on Ashford Road in a variety of forms, sizes, and designs. Additionally, the dormer is located at the rear of the property and therefore not clearly visible from public vantage points.
- 9.6. Having regard to materials, the dormer will be clad in zinc and will include a uPVC window facing the rear garden. The first-floor extension will be finished in brick while the ground floor extension will be finished in white render. All windows proposed in the rear elevation will be UPVC with light (Chartwell) green frames. The ground floor extension will have a flat roof incorporating a rooflight. Despite the use of non-matching materials such as zinc and green UPVC windows, it is not considered that the proposal would adversely impact the character of the wider area given these differing materials would be located at the rear of the property.

- 9.7. The surrounding area is characterised by a variety of rear garden extensions of differing sizes and designs, some of which are of a greater depth than the current proposal.
- 9.8. Whilst there are no first-floor additions in the immediate vicinity, there are many such extensions to the east on Ashford Road and in the wider surrounding area. The proposed first floor element is modest in depth and despite extending above the eaves of the main dwelling, would still appear suitably subservient to the main dwelling.
- 9.9. The alterations to the rear as a whole would not be visible from the public realm and would not significantly harm the appearance and character of the wider area.
- 9.10. Furthermore, the inclusion of rooflights on the front roof slope is not uncommon within the street scene. As such, their addition would appear in keeping with the prevailing character of the wider area and would not appear out of place.
- 9.11. Overall, the proposal is not considered to be unacceptable in design and would not harm the appearance or character of the property, the streetscene or the wider surrounding area, in accordance with policy CP12 and DM21.

Impact on Amenity

- 9.12. As set out above, reductions to the height and depth of the proposal were secured during the determination of the planning application to help reduce the impacts on neighbouring amenity.
- 9.13. The proposed rear extension and dormer do not include any side-facing windows. The proposed windows and door on the rear elevation of the extension, together with the dormer window, would provide views mainly towards the applicant's own rear garden. The front rooflights would face the street and would be angled upwards, thereby limiting potential for overlooking. As such, there would be no significant increase in overlooking or loss of privacy to neighbouring properties and the proposal is considered to be acceptable in this regard
- 9.14. In terms of overbearing impact, the introduction of the rear extension would have the greatest impact on No. 16, the immediately adjoining property to the east. There is, as existing, a low boundary wall between these properties and as such the introduction of a 4.5m extension tight on the boundary, in conjunction with a shallow first floor element would result in a somewhat enclosing impact to No.16. However, an overall depth of 4.5m is not considered to be excessive, particularly when considering the very mixed character to the rear of Ashford Road, which includes a number of extensions deeper than that proposed under this application. It is therefore not considered that any overbearing or enclosing impact would be so harmful as to warrant refusal of the application.
- 9.15. In relation to No. 12, there would be no discernible overbearing impact from the ground floor element as the proposal would be screened by the existing built form at this property. Whilst there would likely be some limited enclosing impact and loss of outlook to the first floor window at No.12 from the proposed first floor

element, the shallow depth (2m) of the proposed first floor extension would be such that any impact in this regard would not be so significant as to warrant refusal of the application.

- 9.16. The proposed rear extensions would be located on the south elevation of the property and would therefore be south-facing. The property most affected in terms of daylight and sunlight would be No. 16. It is acknowledged that there would be some loss of sunlight to the rear windows, door and garden area of No. 16 in the later part of the day; however, given the overall size of the extensions this impact is not considered to be so significant as to warrant refusal and, on balance, the proposal is considered to be acceptable.
- 9.17. In relation to No. 12, there would be no discernible loss of light from the ground floor element as the proposal would be screened by the existing built form at this property. Whilst there would likely be some limited overshadowing to the first-floor window at No.12 from the proposed first floor element in the earlier part of the day, this would be relatively limited and any loss of light would not be so significant as to warrant refusal of the application.
- 9.18. Overall, the proposal would not have a significantly detrimental impact on neighbouring amenity, in accordance with Policies DM20 and DM21 of The Brighton and Hove City Plan Part Two.

Other Matters Including Those Raised in Representations:

- 9.19. Whilst concerns have been raised in neighbouring representations regarding an outbuilding being constructed on the site, and the general overdevelopment of the site as a cumulative result of the outbuilding and proposed extension, this outbuilding does not form part of the current application. The applicant has stated that the outbuilding has been constructed under permitted development rights and therefore would not require planning permission. Whilst no measurements have been taken of the outbuilding on-site to confirm whether it constitutes permitted development, should neighbouring residents have any concerns that the proposed outbuilding exceeds permitted development allowances, they can request that the Council's enforcement team investigate.
- 9.20. The cumulative impact of the new outbuilding and the proposed development does require consideration but it is considered that even with both the outbuilding and proposed extension in place, a reasonable amount of garden space (approximately 32sqm) would still be retained and the site is not considered to be overdeveloped to the extent that would warrant a refusal of planning permission.

Biodiversity Net Gain

- 9.21. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because: [pick one]
- It does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat;
 - It is a retrospective application under s73A.
 - It is a self-build/custom build application.

10. EQUALITIES

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

NEW APPEALS RECEIVED BETWEEN **07/05/2026 - 03/06/2026**

Ward Brunswick And Adelaide
Appeal Ref APL2026/00029
Appeal App Number
Address 61 Church Road Hove BN3 2BD
Development Description Appeal against
Application Status WITHDRAWN APPEAL
Appeal Received Date 13/05/2026
Application Decision Level

Ward Coldean & Stanmer
Appeal Ref APL2026/00030
Appeal App Number
Address 22 Rushlake Close Brighton BN1 9AY
Development Description Appeal against
Application Status APPEAL IN PROGRESS
Appeal Received Date 22/05/2026
Application Decision Level

Ward South Portslade
Appeal Ref APL2026/00028
Appeal App Number BH2025/02979
Address Unit 9 Panorama House 1D Vale Road Portslade BN41 1BA
Development Description Conversion of existing Unit 9 to office use (E). Provision of new obscure glazed windows within existing openings.
Application Status APPEAL IN PROGRESS
Appeal Received Date 07/05/2026
Application Decision Level Delegated

PLANNING COMMITTEE	Agenda Item Brighton & Hove City Council
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APPEAL DECISIONS FOR THE PERIOD BETWEEN
20/05/2026 - 16/06/2026

Wardname	Kemptown
Appeal Application Number	APL2025/00076
Address	49 Rock Street Brighton BN2 1NF
Development Description	Conversion into habitable space and waterproofing of below pavement vaults with installation of new doors and windows.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/01470
Application Decision Level	Delegated

Wardname	Kemptown
Appeal Application Number	APL2025/00077
Address	49 Rock Street Brighton BN2 1NF
Development Description	Conversion into habitable space and waterproofing of below pavement vaults with installation of new doors and windows.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/01471
Application Decision Level	Delegated

Wardname	Regency
Appeal Application Number	APL2025/00014
Address	10 Prince Albert Street Brighton BN1 1HE
Development Description	Certificate of Lawfulness for existing use of the basement level as self-contained flat.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2024/01105
Application Decision Level	Delegated

Wardname	Rottingdean & West Saltdean
Appeal Application Number	APL2026/00016
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.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2025/00574
Application Decision Level	Delegated

Wardname	Rottingdean & West Saltdean
Appeal Application Number	APL2026/00019
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.
Appeal Type	Against Refusal
Appeal Decision	Appeal Allowed
Planning Application Number	BH2025/02832
Application Decision Level	Delegated