

Planning Committee

Date: **7 October 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

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AGENDA

PART ONE

Page No.

57 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.

58 MINUTES OF THE PREVIOUS MEETING

7 - 24

Minutes of the meeting held on 2 September 2026.

59 CHAIR'S COMMUNICATIONS

60 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 10am on 25 September 2026.

61 MEMBER QUESTIONS

Written Questions: to receive any questions submitted by the due date of 10am on 25 September 2026.

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

63 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 BH2024/02608 - 41-44 Western Road, Brighton - Full Planning **25 - 60**

B BH2025/02689 - 1 Barrack Yard, Brighton - Full Planning **61 - 96**

MINOR APPLICATIONS

C BH2026/00749 - Brighton and Hove High School, Junior Department, Radinden Manor Road, Hove - Full Planning **97 - 118**

D BH2026/00879 - Land South of 5 College Place, Brighton - Full Planning **119 - 138**

E BH2026/01166 - 25 Drove Road, Woodingdean - Full Planning **139 - 156**

INFORMATION ITEMS

64 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **157 - 158**

(copy attached).

65 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

66 APPEAL DECISIONS

159 - 160

(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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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, 29 September 2026

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 2 SEPTEMBER 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Thomson (Chair), Sheard (Deputy Chair), Cattell, Nann, Pickett, Robinson, Shanks, C Theobald, Winder (Substitute) and Fishleigh (Substitute)

Officers in attendance: Matthew Gest (Planning Manager), Alison Gatherer (Lawyer), Liz Arnold (Planning Team Leader), Steven Dover (Senior Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services)

PART ONE

47 PROCEDURAL BUSINESS

a) Declarations of substitutes

47.1 Councillor Winder substituted for Councillor Parrott and Councillor Fishleigh substituted for Councillor Earthey.

b) Declarations of interests

47.2 Councillor Pickett declared they had volunteered at Brighton Open Air Theatre (BOAT) in the past; however, they remained of an open mind regarding item C - BH2025/02901: Brighton, Hove and Sussex Sixth Form College, 205 Dyke Road, Hove. Councillor Fishleigh declared their son had played football at BHASVIC; however, they remained of an open mind regarding item C - BH2025/02901: Brighton, Hove and Sussex Sixth Form College, 205 Dyke Road, Hove.

c) Exclusion of the press and public

47.3 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.

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

d) Use of mobile phones and tablets

47.5 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'.

48 MINUTES OF THE PREVIOUS MEETING

- 48.1 **RESOLVED** – Following changes from Councillor Pickett, the minutes of the meeting held on 5 August 2026 were agreed.

49 CHAIR'S COMMUNICATIONS

- 49.1 The Chair addressed the meeting and stated that on 17 August 2026 the National Planning Policy Framework (NPPF) was altered. This has introduced significant changes to the structure and presentation of the framework including the incorporation of development management policies. However, having carefully considered the new framework, officers are satisfied that in as far as issues to determine the cases on this agenda, the relevant policy has not fundamentally changed, and it does not alter the officer recommendations set out in the officer reports.

In October the national scheme of delegation will change so that there will be call-in from Members and no number of objections trigger point for an application to come to committee.

50 PUBLIC QUESTIONS

- 50.1 There were none.

51 MEMBER QUESTIONS

- 51.1 Councillor Shanks Question: *Regarding Hove Beach Park - Since this was given planning and constructed nearly all the trees have died and have not been replanted. Can you tell me how the planning department are carrying out enforcement to ensure replanting and care of the trees as agreed by the committee in their approval of the original application.*

Answer: The matter is currently under investigation; the planning team are expecting a new application to be submitted by the applicant which will seek to amend the proposals as originally approved.

- 51.2 Councillor Pickett Questions:

- A) *With regard to the new Planning and Infrastructure Act that comes into force on 31 October 2026, what changes have been put in place for Planning Committee with regard to updated Terms of Reference?*

Answer: Secondary legislation for the National Scheme of Delegation and changes to planning committee were made on the 15 July 2026 and comes into force on 31 October 2026. A report will be presented to Full Council in September amending the Council's constitution to introduce the mandatory changes.

- B) *There have been particular concerns around outdoor advertising. Are we putting any extra conditions in that would help restrict an increase in digital ad screens within the city?*

Answer: Digital screens require advertisement consent. Applications are assessed in accordance with policies contained in City Plan Parts One and Two. Given consent is already required for all digital screens, it is not considered that additional conditions restricting further digital adverts is necessary.

51.3 Councillor Earthey Questions:

- A) BH2021/04167 Brighton Gasworks - *This application was approved on appeal some time ago, but there remains no sign of 'shovels in the ground'. Local residents and businesses are very concerned. My questions are:*
- i. *What progress has been made in discharging the conditions associated with this application?*
 - ii. *What are the most problematic conditions, i.e. the ones causing the biggest delay?*
 - iii. *Can you estimate a date-of-discharge of all the conditions?*

Answer: The applicant has not come forward to discharge any of the conditions attached to their planning permission. The applicant has until 22 September 2028 to implement the planning permission. In the absence of an application to agree the details subject to conditions, it is not possible to respond to parts 2 and 3 of your question.

- B) BH2024/02499 and BH2026/01574 Longhill School - *This application was approved in Feb 2026, but there was an important condition: Condition 6 – which states: 'The development hereby permitted shall not be commenced until confirmation has been provided to the Local Planning Authority for approval in writing:*
- *to demonstrate that the proposed drainage strategy offers sufficient treatment to prevent groundwater contamination*
 - *to provide a maintenance schedule for the proposed drainage elements.'*

I understand from document BH2026/01574 – SUSTAINABLE DRAINAGE COMMENTS 21018760 that BHCC acting as LLFA has stated: 'We cannot recommend the discharge of condition 6 until further assessment to the risk of groundwater contamination has been provided...'

My questions are:

- i. *Does the LLFA's refusal to recommend discharge of Condition 6 put the application on indefinite hold until the LLFA receives a satisfactory risk assessment?*
- ii. *Does the LLFA define what risk factors need to be in the risk assessment that they themselves require, specifically:*
- iii. *Which contaminants are to be covered, such as PFAS, PAHs, 6PPD and 6PPD-quinone, metals, microplastics and other tyre-derived compounds identified by more recent scientific research?*
- iv. *Are there any additional contaminants not adequately addressed by standard SuDS guidance?*
- v. *Which organisation(s) have or will be consulted to conduct the assessment to the risk of groundwater contamination to be provided to the LLFA?*
- vi. *Does each organisation have a specific and unique role, or is there a degree of overlap in their professional remit?*
- vii. *By what date can we expect these organisations to report?*
- viii. *If there is a degree of overlap in professional remit, can we reasonably expect all organisations to be unanimous in their recommendations, i.e. they do not contradict each other?*
- ix. *Otherwise, how will the LLFA handle a difference of opinion or conflict on the perceived degree of risk?*

- x. *Who makes the final decision – is it Planning Officers based on the recommendation of the LLFA?*
- xi. *How will the final decision be made - is it based on weighing up all the factors on an ensemble basis, or can it be decided if a single risk factor is above the threshold for acceptance?*

I believe there is a question over the exact specifications of the 3G pitch to be installed, therefore my further questions are:

- xii. *Has the applicant stated the specifications of the pitch clearly enough such that compliance with FIFA, Sports England, and World Rugby Regulation 22 can be confirmed?*
- xiii. *If there is any doubt, will you confirm that a risk assessment of the risk of groundwater contamination cannot and therefore will not proceed until the pitch's specifications are finalised? (Otherwise, there is the risk that the pitch that is actually laid is not the same as the one that passed the risk assessment).*
- xiv. *Assuming the pitch is installed, will you confirm that thorough checks will be made to ensure the pitch meets the specifications stated in the Planning Application's Conditions (i.e. full Certification)?*

Answers: Does the LLFA's refusal to recommend discharge of Condition 6 put the application on indefinite hold until the LLFA receives a satisfactory risk assessment?

The comments from the Lead Local Flood Authority (LLFA) dated 24 July 2026 have requested additional information in respect of condition 6. The applicant should not progress the application until such time as the conditions attached to the permission have been agreed.

Does the LLFA define what risk factors need to be in the risk assessment that they themselves require, specifically:

- *Which contaminants are to be covered, such as PFAS, PAHs, 6PPD and 6PPD-quinone, metals, microplastics and other tyre-derived compounds identified by more recent scientific research?*
- *Are there any additional contaminants not adequately addressed by standard SuDS guidance?*

The consultation response from the LLFA state that the 'applicant has concluded that 'development has a very low risk of contaminating groundwater. This is after providing a brief assessment to the risk of groundwater contamination from the proposed pitch as well as a description of proposed mitigation methods. No reference to this simple index method in the CIRIA SUDs Manual has been made, and as per condition 6, this is still required. Additionally, we require an assessment of the risk from dissolved pollutants, leachates, fine suspended particles with water transported from elsewhere as well as zinc leaching, benzothiazoles, PAHs, microplastics and any manufacturer's environmental data from the pitch itself.'

*Which organisation(s) have or will be consulted to conduct the assessment to the risk of groundwater contamination to be provided to the LLFA?
By what date can we expect these organisations to report?*

The Local Planning Authority have no control over who the applicant commissions to carry out studies to support a planning application and there is no time frame currently set to respond with the required information, however, condition 2 attached to the permission does require works to commence within 3 years of the permission.

Does each organisation have a specific and unique role, or is there a degree of overlap in their professional remit?

If there is a degree of overlap in professional remit, can we reasonably expect all organisations to be unanimous in their recommendations, i.e. they do not contradict each other?

Otherwise, how will the LLFA handle a difference of opinion or conflict on the perceived degree of risk?

There is some overlap in scope between the LLFA and Southern Water.

Southern Water have not raised any concerns with the submission, whereas the LLFA has raised concerns.

It isn't for the LLFA to handle a difference of opinion, that rests with the Local Planning Authority.

Who makes the final decision – is it Planning Officers based on the recommendation of the LLFA?

How will the final decision be made - is it based on weighing up all the factors on an ensemble basis, or can it be decided if a single risk factor is above the threshold for acceptance?

The Local Planning Authority make the final decision based on consultee responses on technical matters where they are needed.

Has the applicant stated the specifications of the pitch clearly enough such that compliance with FIFA, Sports England, and World Rugby Regulation 22 can be confirmed?

Assuming the pitch is installed, will you confirm that thorough checks will be made to ensure the pitch meets the specifications stated in the Planning Application's Conditions (i.e. full Certification)?

Condition 15 attached to the planning permission requires:

Within 3 months of the use of the 3G Artificial Grass Pitch commencing:

- (a) certification that the 3G Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf - FIFA Quality or equivalent International Artificial Turf Standard (IMS) and World Rugby Regulation 22 Standard and,
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches and has received WR Regulation 22 Certification shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is fit for purpose and sustainable, provides multiple sporting benefits and to accord with Development Plan Policy CP17 and DM9.

This application is yet to be submitted. When an application is submitted, Sport England will be consulted, and this condition is sufficient to verify the pitch meets the specifications set out in the conditions.

If there is any doubt, will you confirm that a risk assessment of the risk of groundwater contamination cannot and therefore will not proceed until the pitch's specifications are finalised? (Otherwise, there is the risk that the pitch that is actually laid is not the same as the one that passed the risk assessment).

The assessment of the risk of groundwater contamination can take place ahead of the pitch being built or condition 15 being discharged, as the prospective pitch design that will be necessary to meet those sporting standards will already be known.

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

52.1 There were no site visit requests.

53 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

53.1 The Democratic Services officer confirmed that all agenda items were called forward for discussion as they were either major applications or had speakers. The order of items remained the same as set out in the agenda.

A BH2025/02480 - 104 Cowley Drive, Brighton - Full Planning

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

Speakers

2. Ward Councillor Allen addressed the committee and stated that the Toby Inn had closed in 2006, and the site has been vacant since. The proposed new social housing will be good, giving homes to some of the 2,000 and more in temporary accommodation. The committee were asked how they could turn down the development which the councillor supported. The brownfield site has been redundant for two decades. The committee were asked to support the application.

Answers to Committee Members Questions

3. Councillor Theobald was informed that the proposed gardens were not very large, approximately 4 x 6.5m and all units have some outside space. The proposals are higher than the existing pub building, but they located in a different area of the site, in the northwest corner, a suitable distance from the existing neighbouring properties.
4. Councillor Robinson was informed that no parking survey had been undertaken and there five parking spaces were proposed. The layout of the parking would be agreed by condition, and no objections had been received from the Highways team. It was noted that there would be the need for an access ramp to the east of the building for step free access and across the site there was a drop in levels of 1.5m.
5. Councillor Shanks was informed by the agent that the re-use of the existing building was not possible, the position of the pub would allow only limited accommodation.
6. Councillor Pickett was informed that there was one unit proposed for wheelchair accessibility. There is no clear or quick link from the car park to the unit. The access is to be agreed and condition 17 states that: 'No development shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing by the Local Planning Authority'. Informative four states: 'The applicant is advised under Part S of

the Building Regulations that new dwellings providing a parking space now require an EV charging point'. The bio-diversity net gain will not relate to on street trees; however, it will be in the local area. The trees on the street are to be protected by condition.

7. Councillor Thomson was informed that car parking would be located in the southeast of the site and the accessible unit in the northwest block of the development. The access will not be level, however, it will be step free. On street parking may be possible; however, there are several junctions converging near the site. The agent confirmed they would prefer parking closer to the accessible unit and there were double yellow lines on the street next to the site.

Debate

8. Councillor Nann was in favour of the application and supported it.
9. Councillor Cattell considered that access issues needed to be overcome. The design was very good, and the affordable homes were welcomed. The councillor supported the application.
10. Councillor Theobald considered the loss of the pub to be sad there were not enough parking spaces. In 2025 permission was granted for five family homes, and this would have been better as they would have bigger gardens and would be in keeping with the character of the existing homes in the area.
11. Councillor Winder considered it was good to have new homes, and more landscaping would have been better. New homes are needed; therefore, the councillor supported the application.
12. Councillor Pickett considered the proposals to be good with no overlooking, well designed, on a bus route, with bat and bee boxes and hedgehog homes. The councillor supported the application.
13. Councillor Robinson considered the homes were needed. The gardens were not great, and they were much needed. The councillor supported the application.
14. Councillor Shanks considered the scheme to be great and supported the application.
15. Councillor Sheard considered if a scheme could not be built here, then where? The gardens are small; however, the development is close to the South Downs National Park. The existing building is empty, and the proposals make good use of the site.
16. Councillor Fishleigh noted there were double yellow lines all around the site and they felt sorry for residents regarding the parking.
17. Councillor Thomson considered the development a good mix.

Vote

18. A vote was held and by 9 to 1, the committee agreed 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** subject to the Conditions and Informatives as set out in the report.

B BH2026/00110 - 36 Kingsthorpe Road, Hove - Full Planning

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

Answers to Committee Member Questions

2. Councillor Pickett was informed that the light assessment had been looked at the windows on the west side of the building would be affected however these were secondary windows and the development was therefore within guidelines with no primary windows being affected. It was noted that the constraints of the site meant it was no longer commercially viable.
3. Councillor Sheard was informed by the agent that solar panels were not included in the development as there were not appropriate regarding the design and air source heat pumps were better for this location.
4. Councillor Theobald was informed that the neighbouring property was a commercial building at no.34 and there are windows to the rear of the property and on the eastern elevation. Policy DM2O has been applied.
5. Councillor Robinson was informed that the air source heat pumps would be individually installed in each unit. It was noted the development was 2m from existing neighbours, which was considered acceptable for this development.
6. Councillor Shanks was informed that there was no affordable housing on the site and the developer could make a contribution instead. The development was in a controlled parking zone and there was a high take up of parking permits. Informative 6 relates the development being car free. The Principal Transport Development Officer confirmed that the no parking had been proposed by the applicant.
7. Councillor Thomson was informed that the site was near a railway station; however, access via private land was no longer possible. The small western elevation windows of neighbours would be affected by the development. The 45⁰ rule has been used to assess the impact of the development on the neighbours. It was noted that a S106 payment would be made prior to commencement.

Debate

8. Councillor Nann supported the application and noted that it may be inconvenient for neighbours; however, there was nowhere else to build in Wish.
9. Councillor Cattell noted residents may be annoyed at the development and there was no affordable housing on site; however, providers would not pick up one unit alone. The contribution sum was welcomed to build new homes across the city. The councillor supported the application.
10. Councillor Robinson considered the S106 contribution to be good, as was the design, even though the development is close to neighbours. The councillor supported the application.

11. Councillor Theobald considered it was a shame there was no affordable housing; however, the contribution sum would be good. The precedent has been set by the large flats and the development looks acceptable. The councillor supported the application.
12. Councillor Sheard considered the housing is good for the community.
13. Councillor Winder supported the application as there was mostly housing in the area and the commercial building was not needed. 14 flats were good for the area.

Vote

14. A vote was held, and the committee unanimously agreed to grant planning permission.
15. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement based on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, SAVE THAT should the s106 Planning Obligation not be completed or significantly advanced, on or before the 25 November 2026 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of the report.

C BH2025/02901 - Brighton Hove and Sussex Sixth Form College, 205 Dyke Road, Hove - Full Planning

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

Speakers

2. Graeme Hawkins of Brighton Open Air Theatre (BOAT) addressed the committee and stated that the report agrees that there will be an impact on the theatre from noise. There would have been seven clashes of BOAT and Brighton, Hove & Sussex Sixth Form College (BHASVIC) events this season, which is against the National Planning Policy Framework (NPPF) and city plan policies which protect cultural venues. The all-weather pitch will be only 50m from BOAT. The committee were asked to recommend winter use only with nothing during the summer holidays. BOAT is a unique venue which will clash with the use of the pitches.
3. Steve Geliot of Dyke Road Park association considered the proposals to be in conflict with local plan policies. Sport England have no objections; however, they have not endorsed the proposals. Park users are not mentioned in the report. In the ecology report neither soil nor invertebrates are not mentioned. Wild birds will be affected by the development. The light assessment has not been provided, and the height of the lights will impact on the park, 10m is too high. Louvres should be added to the lights to prevent spill.
4. Ward Councillor Bagaeen addressed the committee and stated that they supported the application, and the committee should look at the development plan as a whole under CP17. Sports England state that capacity for football is needed under CP18, and

football is a healthy sports activity for young people on this school site. BOAT is a cultural asset; however, the impact of this development can be mitigated.

5. Neighbouring Ward Councillor Barton Ahmad addressed the committee and stated they were the chair of the Dyke Road Park association and had been a BHASVIC student. The councillor wanted all to enjoy sport; however, some green spaces have been lost forever. The green spaces have great community value, and this field is for all. The school is not offering Physical Education for all the moment, and this application could be seen as a commercial venture.
6. Neighbouring Ward Councillor Muten stated that many residents have contacted them regarding this application and the impact on BOAT, which is a very successful venue. Residents are concerned at the noise impact from the proposed pitches would undermine the performances. The loss of public space is not good; the proposals represent development creep. The benefits do not outweigh the adverse impacts.
7. Molly McLean addressed the committee as the agent, acting on behalf of the applicant, stated that health and wellbeing was very important for young people. Local plan policy CP17 encourages development. This application is not for a change-of-use. The impact on BOAT is recognised, and the management plan proposes no whistles or other noise at performance times. The only conflict will be in summertime. The application is supported by planning officers.
8. William Baldwin of BHASVIC, stated the college wanted to be a good neighbour; however, they feel that the students are getting a poor deal with the lack of sports facilities. There is only a field at this time, which is not good for sports students. Currently the female football team travel to other pitches to train. The proposals are for the school and community use. The site has hosted a soccer camp each summer in that location for a decade and received no complaints. The noise management plan and reaching out to talk with BOAT will help. Both BOAT and BHASVIC are unique community assets.

Answers to Committee Member Questions

9. Councillor Fishleigh was informed by the agent that other materials were considered however, the alternatives like corn husk and cork are being tested and have been shown to degrade quickly, be less reliable and require a lot of maintenance, and are very expensive. Crumb is considered the best material, supported by Department of Environment, Food & Rural Affairs (DEFRA) and Sports England, subject to the containment measures secured by condition. It was noted that planning officers were aware of the concerns, however, the committee were requested to determine the application before them. There are proposed mitigating measures including solid boards at the edge of the pitch, grills, brushes and raised awareness. Graeme Hawkins considered it was too late to complain to BHASVIC if a performance were interrupted by noise.
10. Councillor Shanks was informed that the site outlined in the application was the area under BHASVIC ownership. The remainder of the field is owned by the council, who is not willing to sell any more land to the college. William Baldwin considered the asset needed to be regulated. The proposed pitch would be bookable and managed by the venue hire team. The college were not looking for a revenue stream. It was noted that the Bio-Diversity needs were based on an area of habitat and a scoring system, and

the site was designated modified grass land. The councillor was informed that any conditions needed to be reasonable and necessary, and a blanket ban was not considered reasonable.

11. Councillor Nann was informed by William Baldwin that they did not want a blanket ban or a hierarchical use of the field. The planning team leader stated that the committee could not ask BOAT to negotiate operating times by condition. Graeme Hawkins confirmed they wanted no use of the pitch during late spring and summer. It was noted by Graeme Hawkins that seven disruptions could put off theatre companies from booking BOAT. It was also noted that by condition the pitch would have community use and Sports England will only support if the proposals are for college and community use. It was noted that by condition a noise review was required within 12 months.
12. Councillor Cattell was informed that a condition requiring unilateral agreement condition would not be necessary, reasonable or enforceable.
13. Councillor Sheard was informed that the seven overlapping cases were in 2026 only. It was noted that BOAT could change performances. Graeme Hawkins stated they wanted the hours of use restricted to prevent noise and sound interference.
14. Councillor Robinson was informed that the potentially the existing use of the field could be for longer hours than proposed. Currently loss of daylight ends use, the proposed lights will continue into the evening. William Baldwin confirmed there was a direct complaints line to BHASVIC during college hours.
15. Councillor Theobald was informed that a relocation of the proposed all-weather pitch further away from BOAT would interfere with the existing pitches. It was noted to alter the hours, another planning application would be required, if this one were agreed. There have been three light assessments, and one by BOAT.
16. Councillor Pickett was informed that the 10m height of the lights was a balance between high enough to give coverage and low enough to be angled. The agent noted this was an indicative scheme, and the Lux and bulb colours would be agreed by condition. The light spill plan shows the light reduces quickly as it moves away from the pitch. The agent confirmed the tree area would not be affected. It was noted that the fencing would be similar to others in the city and the height of 4.5m was to prevent ball escape, and the lower fencing of 2m was for tennis etc. It was noted that the performances with microphones at BOAT were restricted by planning conditions. There was a maximum of 28 amplified performances per season. William Baldwin stated that BHASVIC had approached Cardinal Newman High School to book pitches, however Cardinal Newman stated they had no capacity to offer during school hours. It was noted that the Longhill School site would have long term assessments by condition. The summer soccer school only use the pitch area owned by BHASVIC.
17. Councillor Thomson was informed by the agent that the lights would be for evenings and winter months only. It was noted that condition 11 covered lighting details. The noise consultant stated that the noise from the pitch would be ball impact. William Baldwin stated that they felt BHASVIC's reputation needs protection and they were happy to talk to BOAT representatives, however they considered not using the pitch in summer would be unreasonable. There have been no complaints regarding the existing soccer summer school. It was noted that staff on site would guarantee a hard stop at the agreed times. Graeme Hawkins stated they were concerned about

continuous noise. The agent's noise consultant noted the noise climates have been measured, and the other pitches will continue to be used.

18. Councillor Winder was informed that it was up to the committee to balance Biodiversity gains/losses with the community benefits. It was noted that the County Ecologist had not raised no objections.

Debate

19. Councillor Robinson stated they were not able to support a condition regarding a blanket ban on use of the proposed pitch. They considered the officers have worked hard and agreed with the recommendation. The councillor supported the application.
20. Councillor Theobald stated they felt the concerts at BOAT were good, and they would prefer the pitch to be located further south. They noted there were no complaints and they were keen to support sport, as it was good for children. The councillor hoped BHASVIC would work with BOAT to gain good resolutions, as they were both valuable assets.
21. Councillor Nann stated they respected both BHASVIC and BOAT. The councillor supported the application and felt sure they would come to some agreement.
22. Councillor Pickett stated that they had some concerns, and they would prefer a more sustainable surface material.
23. Councillor Sheard considered the proposals were advantageous to the community and the conditions would result in minimum impact. The councillor supported the application.
24. Councillor Shanks stated they could not support the application as the proposed surface of rubber crumb was an issue. They considered the proposals were urban creep, when the public becomes private. The councillor wished to propose a blanket ban condition on use of the pitch; however, no committee Member seconded the motion.
25. Councillor Cattell stated they understood the conflict, and felt negotiations would be good. The councillor supported the application.
26. Councillor Winder considered the application to be difficult and complex; however, the conditions were good. The councillor supported the application.
27. Councillor Thomson considered that BOAT was much cherished and they did not want to see it damaged in anyway. The councillor asked that BHASVIC and BOAT get along and they supported the application.

Vote

28. A vote was held, and by 8 to 2, the committee agreed to grant planning permission.
29. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**D BH2025/00293 - Land Adjacent to Westfield Rise, Saltdean - Outline Application
Some Matter Reserved**

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

Speakers

2. Callie Lister addressed the committee as a resident and stated that they lived on Coombe Meadow. There has been a noticeable uplift in vehicles in Westfield Rise leading to Coombe Meadow, which limits access for emergency and refuse vehicles. Coombe Meadow is 4.8m wide, however, with parking this is reduced to 2.75m and 3.5m lower down the road. The road is full of vehicles at night, with pavement parking being usual. It often that deliveries are prohibited by the parking. Adoption of Coombe Meadow has been refused by the council. The access for the proposed houses could come from Coombe Farm. Residents want safe access route to the new houses.
3. Zac Denton addressed the committee as the agent acting on behalf of the applicant and stated that they wanted support for the nine much needed family homes, on this site allocated for development in the local plan. Access from Coombe Meadow is the only issue. The highway officers have not objected to the scheme. The layout is indicative and allows for consideration under reserved matters. There will be a S106 agreement.

Answers to Committee Member Questions

4. Councillor Fishleigh was informed by the Principal Transport Development Officer that they had not visited the site and they had no objections. The planning manager confirmed that a lot of applications are determined on the information provided by the applicant. It was noted that the committee should consider the application before them not the 72-home development at Coombe Farm.
5. Councillor Robinson was informed that as a minor application there had been no general scoping provided. It was noted that in the report at 7.3, Transport raised no objection and considered in terms of access, a safe and accessible design was achievable.
6. Councillor Shanks was informed by the Principal Transport Development Officer that gradient from Coombe Farm development was too steep. The agent confirmed there was a 10m difference in levels.
7. Councillor Theobald was informed by the Principal Transport Development Officer that Coombe Meadow was already served by emergency services and highways have no objection to the application.
8. Councillor Pickett was informed that the committee should consider the access and the new homes in relation to the application before them. The access from Coombe Farm is considered too steep. It is not known what standards were used in the past to measure the gradient. There are no yellow lines on the private road (Coombe Meadow).

9. Councillor Thomson was informed that the access would be from the existing road. The Principal Transport Development Officer stated that the gradient from Westfield Rise and Coombe Meadow was achievable for emergency services. Pavement parking is an issue; however, it has not prevented the refuse truck from getting access to the homes. It was noted that a fire truck was 2.6m wide.
10. Councillor Shanks was informed by the Principal Transport Development Officer that an easement from the owner of Coombe Meadow would be required to gain access across the private road, and this has been agreed. The officer noted that a deferment would not allow for any more information to be provided as width of the road would remain the same, pavement parking was a known issue, and the introduction of yellow lines would not be reasonable.
11. Councillor Sheard was informed that condition 10 stated that: 'Notwithstanding the plans hereby permitted, no development shall commence until a scheme detailing the design of the proposed street and spaces has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority'.
12. Debate
13. Councillor Fishleigh considered that 71 of the 72 homes granted permission on Coombe Farm have been built. One home was removed to allow access to the nine new homes applied for here.
14. Councillor Shanks felt they did not feel happy to vote for the proposals as they had not enough information.
15. Councillor Theobald considered the meadow to nice and open, and there would be an impact on the South Downs National Park from light pollution etc. The information on access was not good enough and no fire engines would be able to get up there. The councillor was against the application. The planning manager noted the application was not in the South Downs National Park and there was a 5m buffer zone to the rear of the proposals.
16. Councillor Pickett noted that the Coombe Farm homes already exist and wanted the original access to be used, and they could not agree the application given the impact on the roads to the site. The councillor was against the application.
17. Councillor Sheard expressed concerns that the committee were considering the access road but not the route to it. The councillor supported the application as they saw no reason to refuse it. It was noted that a sweep analysis was not required as the access road was straight.
18. The planning team leader stated that condition 3 was for nine new homes, and this has not changed. The layout and landscaping were to be agreed.
19. Councillor Thomson noted the existing access road could not be decided by the committee, therefore as there was no reason to refuse the application, they would support it.

Vote

20. A vote was held and by 5 to 4, with 1 abstention, the committee agreed to grant planning permission.
21. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report, **SAVE THAT** should the S106 Planning Obligation not be completed or significantly advanced, on or before the 25 November 2026 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out at the end of the report.

E BH2026/01171 - 6 Westbourne Place, Hove - Full Planning

1. The Planning Team Leader introduced the application to the committee.

Speakers

2. Margaret Parkes addressed the committee as resident neighbour living at No.2 Westbourne Place and stated that the area was predominantly residential. The proposed outdoor seating will create a noise nuisance, impacting on neighbours. The commercial bins will be 2½ times bigger than the residential bins. The working hours of seven days a week is not acceptable. The extractor proposed is also not acceptable as it will be too close to the windows of flat 8a. Starting at 5am six days a week is not acceptable. The increase in traffic will have an impact on this narrow street. The scale and intensity will have an impact on the neighbouring homes. The committee were requested to refuse the application.
3. Henry Wagstaff addressed the committee as the agent and stated that the officer's recommendation was to grant planning permission for this independent coffee shop. The agent agreed that noise for neighbours would be unacceptable. The currently vacant building will be brought back into use.
4. Ellie Barber addressed the committee as the applicant and stated that Franks is more than just a coffee shop. Named after their granddad, the family all live nearby, in the strong community of Westbourne Place where there are street parties and friendships. The applicant wanted to be open, honest and clear. The space will be well designed, warm and welcoming.

Answers to Committee Member Questions

5. Councillor Robinson was informed by the applicant that the extractor fan would be installed through the existing chimney and will be sound proofed. The premises will not be open from 5am every day, and baking starts at 6am. The agent confirmed that condition 6 required the extractor fan to be installed correctly. The planning team leader confirmed that a change of use was not required; however, the changes to the building do require planning permission. It was noted that odour can be considered a statutory nuisance as well as noise. Condition 6 requires the proper installation of the extractor and ventilation systems.
6. Councillor Shanks was informed that the 2023 planning permission for a three-bed dwelling was not implemented. The applicant confirmed they would not be roasting coffee beans on site.

7. Councillor Pickett was informed that the commercial bins would be the same size as residential bins, and the rear alleyway is a right to access for all the properties. The existing use of the building is commercial. It was noted that the use of the rear garden was conditioned between 10am and 5pm Monday to Friday and 10am to 4pm on Saturdays, Sundays and Bank Holidays. The agent confirmed that the maximum number seated in the rear garden was five.
8. Councillor Fishleigh was informed by the resident that the rear gardens of no.2, 4 and 8a are used regularly. It was also noted that the no.2 is a flat, 4 a music repairs workshop and 6 was Pyromania, which has moved to 8. The applicant confirmed there were a few garages in the area.
9. Councillor Theobald was informed by the agent that the opening time of 7am was not unreasonable and supported the diverse community in the area. The rear garden has different hours, and the property as existing is class E, and could therefore be a coffee shop without planning permission. The applicant confirmed that the seating inside the coffee shop would be for 25 persons and the proposed extension was to provide an accessible toilet.
10. Councillor Thomson was informed that the workshop has moved from 6 to 8 Westbourne Place. The applicant stated that it would be unlikely that 25 people would be in the coffee shop from 7am. They will be living above the business so will not want to upset neighbours.
11. Councillor Sheard was informed that the garage opposite opens at 8am.
12. Councillor Thomson was informed that the officers have no objection to the business, the outdoor use or the extension of the property.

Debate

13. Councillor Cattell noted there were other businesses in the area, and a café would be acceptable adding vitality to the area. The conditions would safeguard the neighbouring residents. The councillor supported the application.
14. Councillor Sheard stated they understood residents' concerns and empty buildings are an issue. The proposals were good and the councillor supported the application. The applicant was requested to be respectful of neighbours.
15. Councillor Fishleigh considered extractor fans can be an issue and maybe the reason this was not a café before. The councillor was against the application. The planning manager stated the extractor fan was mostly internal, and planning permission was not required for a coffee shop.
16. Councillor Pickett considered condition 6 to be good, the proposals in keeping and good that the applicant would be above the shop. The councillor supported the application.
17. Councillor Shanks noted the property already had planning permission. The neighbours should complain to environmental health if there are any issues.

18. Councillor Winder considered that lots of inner-city areas want small investments, and they need to be encouraged.
19. Councillor Robinson expressed concerns regarding the extractor fan and the opening hours; however, it was good that the applicant would be living upstairs. The councillor requested that the applicant talk to neighbours. The councillor supported the application.
20. Councillor Theobald stated they were sorry for the neighbour as extractor fans can be noisy. Five would be lots in the rear garden and this is the wrong place for a coffee shop. The planning manager confirmed the use class was E, which means a flexible space, the rear garden could have a commercial use and will fit only 5 persons.

Vote

21. A vote was held, and by 8 to 2, the committee agreed to grant planning permission.
22. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

54 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

55 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 55.1 None for this agenda.

56 APPEAL DECISIONS

- 56.1 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 7.34pm

Signed

Chair

Dated this

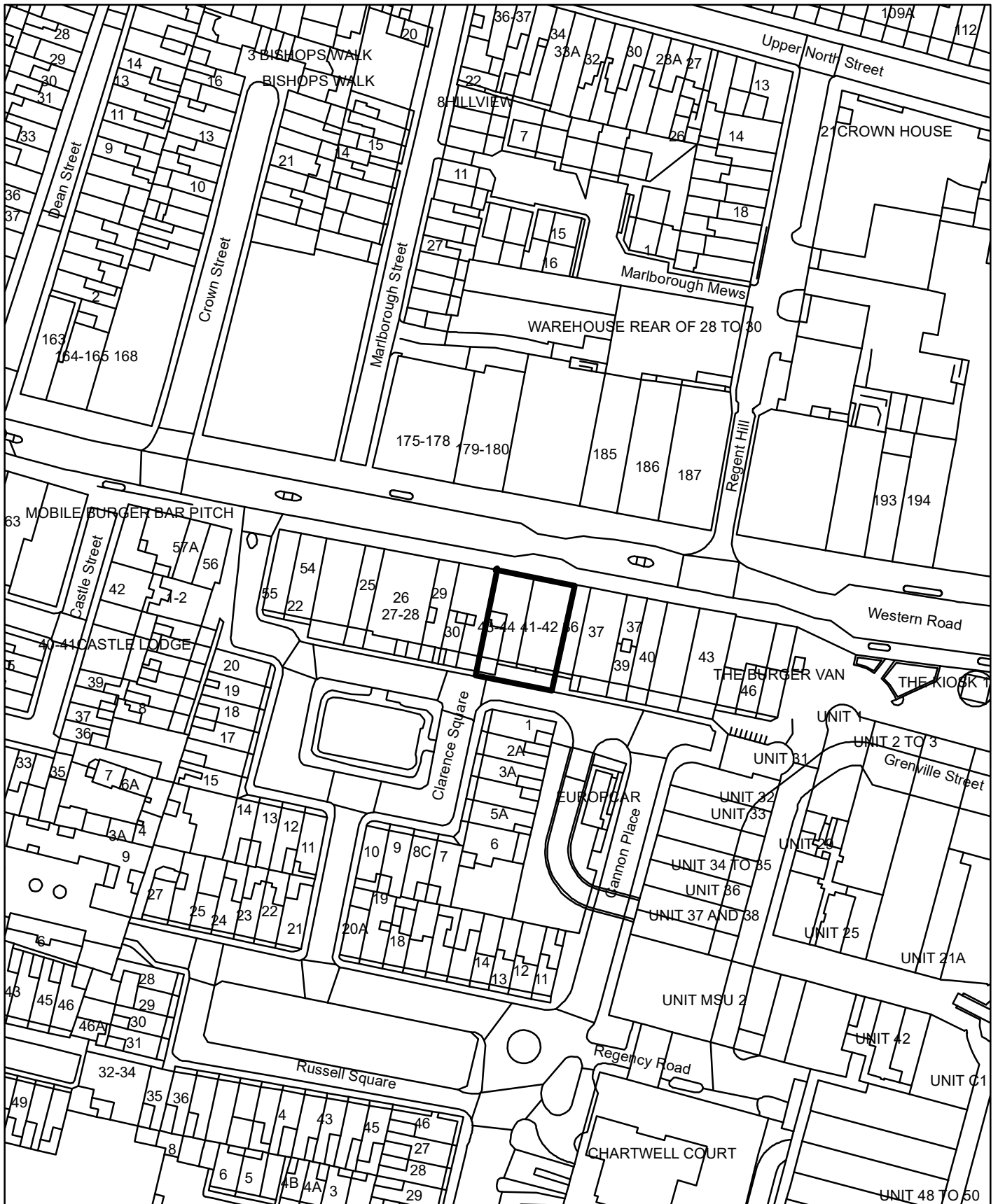
day of

ITEM A

**41 - 44 Western Road
BH2024/02608
Full Planning**

DATE OF COMMITTEE: 7th October 2026

BH2024 02608 - 41-44 Western Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2024/02608	<u>Ward:</u>	Regency Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	41 - 44 Western Road Brighton BN1 2EB		
<u>Proposal:</u>	Demolition of the existing buildings and the erection of a new four-storey building plus basement to provide two Class E flexible units and 14no residential dwellings (C3), along with associated cycle parking, storage, amenity and associated works (amended drawings and description).		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	06.11.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	05.02.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.03.2025
Agent:	WSP 70 Chancery Lane London WC2A 1AF2		
Applicant:	Rachel Charitable Trust C/O WSP 70 Chancery Lane London WC2A 1AF2		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the following Conditions and Informatives as set out hereunder **SAVE THAT** should the s106 agreement not be completed or substantially progressed on or before 7/1/27 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of this report:

S106 Heads of Terms

- A late-stage viability review to confirm whether a commuted sum amount can be paid towards affordable housing.
- Commitment to enter into a Section 278 agreement for Highway works to footways and carriageway to Clarence Square.
- An Employment & Training Strategy and a Local Employment Scheme contribution of £4400 prior to commencement of development.

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
Block Plan	WRB-AIN-ZZ-ZZ-DR-A-05 011	Rev: P5	16-Apr-25
Report/Statement	Daylight and Sunlight Report		21-Oct-24

Report/Statement	Energy and Sustainability Statement		21-Oct-24
Report/Statement	Financial Viability Assessment		21-Oct-24
Report/Statement	Heritage Assessment		21-Oct-24
Report/Statement	Phase I Contaminated Land Assessment		21-Oct-24
Report/Statement	Planning Statement		21-Oct-24
Report/Statement	Preliminary Ecological Appraisal and Preliminary Roost Assessment		21-Oct-24
Report/Statement	Transport Statement		21-Oct-24
Report/Statement	Noise Impact Assessment Report		21-Oct-24
Report/Statement	Breeam New Construction Report		21-Oct-24
Location Plan	WRB-AIN-ZZ-ZZ-DR-A-05 001	P5	16-Apr-25
Other	WRB-AIN-ZZ-ZZ-DR-A-05 010	P5	16-Apr-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 001	P7	16-Apr-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 300	P6	17-Sep-26
Detail	WRB-AIN-ZZ-ZZ-SH-A-05 4001	P5	16-Apr-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 101	P8	17-Sep-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 100	P9	03-Feb-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 102	P8	17-Sep-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 200	P7	03-Feb-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 201	P8	17-Sep-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 500	P5	03-Feb-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 501	P5	03-Feb-26
Proposed Drawing	WRB-AIN-ZZ-ZZ-DR-A-05 502	P5	17-Sep-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 works of demolition hereby permitted shall not be begun until documentary evidence has been submitted to and approved in writing by the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local

Planning Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

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

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

6. No development shall take place until a Demolition/Construction Environmental Management Plan (DEMP/CEMP) has been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The scheme shall include:

- (i) Timescales for the Proposed Development including the forecasted completion date;
- (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
- (vii) A plan showing construction traffic routes.

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

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

7. 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/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

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

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

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

8. Prior to works commencing on the roof of the new building, full details of the lift overrun and east and west elevations of the roof shall be submitted to and approved by the Local Planning Authority in writing. Measures taken to minimise the visual impact of the overrun shall be submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the approved details.

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

9. The development hereby permitted shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

In the event that contamination is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and be approved in writing of the Local Planning Authority.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM20, DM40 and DM41 of the Brighton & Hove City Plan Part 2.

10. None of the residential units hereby approved shall be occupied until each residential unit built 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.
11. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' (for new build residential / non-residential development).
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.
12. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Very Good' shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One
13. Prior to first occupation of the development hereby approved, details of the proposed photovoltaic array referred to in the application including appearance (including protrusion and angle of the PV), siting, layout, number and output shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8, CP15 and CP12 of the Brighton & Hove City Plan Part One and DM26, DM18 and DM44 of the Brighton & Hove City Plan Part Two.
14. 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. This shall also include dimensions of the lift and all doorways and access corridors leading to the cycle store. 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.

15. Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the appearance, siting and noise levels of the proposed unit(s) and provide details of anti-vibration mounts, or other noise attenuation measures. The scheme shall be approved in writing by the Local Planning Authority and implemented in full prior to first use and thereafter maintained as such.
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.
16. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.
Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
17. The development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval which demonstrates how and where ventilation will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure first floor windows fronting Western Road are non-opening and fixed shut, ensure compliance with Building Regulations as well as suitable protection in terms of air quality and the ventilation scheme shall be implemented before occupation and thereafter retained.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
18. The development hereby permitted shall not be commenced (other than demolition works) until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Sustainable Drainage Report and Flood Risk Assessment received on 15th May 2026 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

19. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bee bricks, and bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of 16 bee bricks, 2 integrated bat boxes and 16 swift boxes/bricks. The scheme shall then be carried out in strict accordance with the approved details and shall thereafter retained.
- Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance 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.
20. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;
- Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
21. The dwelling(s) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans WRB-AIN-ZZ-ZZ-DR-A-05 100 P9 received on 3 February 2026, and WRB-AIN-ZZ-ZZ-DR-A-05 102 P8 and WRB-AIN-ZZ-ZZ-DR-A-05 102 P8 received on 17 September 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.
22. The wheelchair accessible / adaptable dwelling hereby permitted as detailed on drawing no. WRB-AIN-ZZ-ZZ-DR-A-05 101 P8 received on 17th September 2026 shall be completed in compliance with Building Regulations

Optional Requirement M4(3)(2a) (wheelchair user dwellings - 'adaptable') prior to first occupation and shall be retained as such thereafter.

All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to provide an overall mix of units, to comply with policy DM1 of Brighton & Hove City Plan Part 2 and CP19 of the Brighton and Hove City Plan Part 1.

23. No customers shall remain on the Class E premises outside the hours of 07:30 to 22:00 Monday to Friday and 07:30 to 22.30 on Saturdays and 07.30 to 22:00 on Sundays, Bank and Public Holidays. No activity within the commercial units shall take place between the hours of 23.30 and 06.30 daily.

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.

24. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place, and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policy DM33 and DM36 of the Brighton & Hove City Plan Two.

25. 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.

26. The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy

WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

27. Prior to development commencing, 1:5 scale drawings of the entire north and south elevations of the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.
28. The commercial floor space as shown on the approved floor plans shall be fully built out to shell and core, including shop front detail and internal services, and shall be made available for use, prior to the occupation of any residential flats on site.
Reason: To ensure commercial offering is retained, and a satisfactory appearance to the development and to comply with policies DM12 of the Brighton and Hove City Plan Part 2 and SA2 and SR4 of the Brighton & Hove City Plan Part One.
29. Other than demolition work, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.
30. The noise reduction measures set out in the submitted Noise Impact Assessment Report (KP Acoustics, 09/04/2024) shall be implemented prior to occupation of the residential units hereby approved and thereafter retained.
Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
31. Prior to the use of the Class E units hereby permitted, detailed drawings demonstrating suitable staff facilities (such as W.C.s and kitchenettes) within the Class E units shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be implemented prior to occupation of the units and thereafter retained.
Reason: To ensure a viable commercial offering is provided, and to comply with policies DM12 of the Brighton and Hove City Plan Part 2 and SA2 and SR4 of the Brighton & Hove City Plan Part One.
32. No development to the Western Road and Clarence Square façade shall take place until full details of all new windows to this façade and their reveals and cills including 1:20 scale elevational drawings and 1:1 scale section details have been submitted to and approved in writing by the Local Planning

Authority. The windows shall be metal with no visible trickle vents, unless otherwise agreed in writing by the local planning authority.

The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

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.
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.
3. Based on current CPZ permit take-up data for parking zone M, the development will not be eligible for parking permits. You are advised that details of the development will be passed to BHCC as Traffic Authority so they can determine prior to first occupation if occupiers should be eligible for residents' parking permits.
4. To align with Policy DM33 of the Brighton & Hove City Plan Part Two, cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority will not approve vertical hanging racks as they are difficult for many people to use and considered to be contrary to local policy and the Equality Act 2010. The LHA approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. We will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system seen at railway stations. Provision should be made for tricycles, reclining cycles and 'cargo bikes'.

5. The applicant is advised that this planning permission does not override the need to go through the Highway Authority's Approval in Principle (AIP) process for all necessary works adjacent to (that is, within 3.66m) and within the highway (including under and over) and gain any appropriate licences, prior to the commencement of any construction works. The applicant is further advised that they must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) for further information at their earliest convenience to avoid delay.
6. In the absence of local guidance, the highway authority requests that the applicant consult Transport for London guidance on the contents and production of their CEMP which is described as a Construction Logistics Plan here <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/freight> and here <https://content.tfl.gov.uk/clp-guidance-clocs.pdf> Developers are liable to fund highway repairs for damage caused by their construction traffic. Details of haul routes contained within your CEMP, and inspections, will be used to make assessments of any damage caused by your construction. BHCC LHA map the condition of the highways annually and unless you commission a pre-construction highway condition survey you will be bound by the most recent survey.
7. In the absence of local guidance, the highway authority requests that the applicant consult Transport for London guidance on the contents and production of DSMPs <https://content.tfl.gov.uk/delivery-and-servicing-plan-guidance.pdf>
8. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace
9. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
10. The applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, odour, fumes or vibration, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.

2. SITE LOCATION

- 2.1. The application site comprises a part three / part four-storey building with two frontages, one facing Western Road (41 – 44 Western Road) and the other facing Clarence Square (32 – 36 Clarence Square) in central Brighton. The Western Road frontage includes 2 ground floor retail units with basement storage. These are currently occupied by the Card Factory and Cancer Research UK charity shop. It is stated that the upper floors are empty ancillary storage space for the retail units. The site falls within the Regency Square Conservation Area. The Western Road elevation is designated Prime Frontage in the Regional Shopping Area. The site is also within an Archaeological Notification Area (ANA).
- 2.2. Land levels across the site fall from north to south with Clarence Square being at a lower level than Western Road.
- 2.3. The application property was constructed in phases over the 19th century and at one point comprised around 8 different buildings which have been amalgamated over time resulting in numerous level changes within the building and poor circulation routes. Externally the individual properties are discernible despite the internal planform being convoluted. The buildings have seen significant adaptation and remodelling including a vertical extension and re-fronting and are generally in a poor state of repair. The buildings on the site are not listed.
- 2.4. Clarence Square is laid out formally around a central public garden. Most of the terraced houses around the central garden remain from the original square, and of those that have been developed later, many reflect the original character of the square. In the northeast of the square which backs on to Western Road the properties have a more varied scale and form of development. The buildings are generally three storeys over basement in painted stucco with roofs behind parapets.

3. RELEVANT HISTORY

- 3.1. **PRE2023/00092:** Demolition of the existing building and the erection of a new five-storey building plus basement to provide two Class E flexible units on the ground floor with 16 residential units on the upper floors and to the rear, along with associated parking, storage and amenity. Pre-application advice issued 3/7/2023

4. RELEVANT HISTORY AT OTHER SITES

37 - 39 Clarence Square And 38 - 39 Western Road

- 4.1. **BH2020/03438:** Erection of additional storey and conversion of part lower ground and part ground floor to provide 3no two-bedroom and 2no one-bedroom flats (C3) for net increase of 3no flats, including alterations to shopfront and fenestration to rear. Approved 10/2/2021.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the demolition of the existing buildings and the erection of a new four-storey building plus basement. The development would provide two Class E flexible units with a frontage on Western Road and a basement. The remainder of the building would provide 14 residential dwellings (C3), along with associated cycle parking, storage, amenity and associated works.
- 5.2. The application has been amended during the consideration process following comments from the Heritage and Urban Design teams. The principal amendment is that the building has been reduced from a five-storey building to a four-storey building. Other changes include the relocation of the refuse storage space fronting Clarence Square, changes to the parapet wall on Clarence Square, and changes and clarifications in relation to proposed materials and fenestration. The amended drawings have been subject to reconsultation.

6. REPRESENTATIONS

- 6.1. **Five (5)** representations of comment have been received neither supporting or objecting to the application. The comments are summarised as follows:
- The bin area on the east side of the Clarence Square façade is not appropriate, would harm the appearance of the area and be a focus for antisocial behaviour
 - The residents should use the communal bins, and commercial uses use the Western Road elevation
 - Noise and disturbance
 - Adverse impact on the Conservation Area
 - The building is a storey too high and should be reduced to a single mansard roof
 - Temporary acoustic measures should be used to limit the impact of construction on adjoining businesses
 - A detailed demolition plan with full consideration of methods, distance, structural support system, precautionary measures, timings, communication with neighbouring businesses, and monitoring should be prepared prior to determination.
 - Details of the construction process including acoustic impacts should be required prior to determination
 - Windows overlooking the service area of the adjoining bank should be obscured glass and non opening for security reasons
 - Concern over the impact of scaffolding on the security of adjoining bank and impact on ATM features. CEMP must be prepared ahead of determination to address these concerns
 - Car parking should be provided to ensure no detrimental impact on traffic, servicing and access

- 6.2. It should be noted that many of the above comments were made prior to the scheme being amended, including the reduction in the height of the proposal.
- 6.3. **One (1)** representation has been received, following receipt of the amended drawings supporting the proposal for the following reasons:
- The design for Clarence Square is an improvement
 - The proposed railings fronting Clarence Square are welcomed
- 6.4. **Conservation Advisory Group:** Object (Comments made 7/1/2025 prior to further amendments)
- The group endorsed the original comments of the heritage officer (made prior to amendments to the scheme)
 - The proposals are an overdevelopment
 - The proposals would be overly dominant in terms of massing and design
 - The proposed dormers on the mansard roof are too big and fail to respect the hierarchy of the building's fenestration
 - The materials are inappropriate for the context of Clarence Square.
- 6.5. **The Regency Society and Hove Civic Society:** Comment (January 25 prior to amendments)
Concern about the proposed mansard roofs as seen from Clarence Square. The mansard roof, as presented, is too bulky and a storey too high. The gable end of the double mansard is particularly obtrusive. There is an opportunity to create a more elegant design, more in keeping with the overall design proposals, which could contribute to the architectural quality of the square.
- 6.6. A copy of the representations can be found on the Planning Register

7. CONSULTATIONS

Internal Consultees

- 7.1. **Air Quality Officer:** No Objection
The proposal does not appear to include air quality consideration, a detailed assessment or a screening exercise. Conditions are recommended relating to the 1st floor north facing windows, which should be limited to purge vents. The development shall not include CHP or new gas fuelled boilers.
- 7.2. **Archaeological Officer:** No Objection
No significant archaeological remains are likely to be affected by these proposals.
- 7.3. **BHCC Skills and Employment Team:** No Objection
An Employment & Training Strategy will be required to cover all relevant phases of the project. A developer contribution of £4400 is required prior to site commencement.
- 7.4. **Ecology:** No objection subject to conditions securing biodiversity enhancements such as bee bricks and integrated bat boxes.

7.5. **Economic Development:** No Comment

7.6. **Environmental Health:** No objection

The Noise Impact Assessment completed by KP Acoustics, dated 9th April 2024 has been reviewed and the findings are agreed with. The contaminated land assessment dated June 2024 has not identified any significant contaminated land risks based on the known site history. A watching brief should be observed.

7.7. **Heritage:** No Objection

Final comment: The revised drawings do show a reduced scale of development with one storey less on the south side and narrower dormers which constitutes an improvement on the previous submission and no further objection is raised.

7.8. **Housing:** No objection

Strategic Housing & Development accepts that the proposed scheme does not provide affordable housing due to viability issues. The viability appraisal provided by the developer to support this provision has been independently verified for the council in line with current policy. The development must be subject to a viability review.

7.9. **Net Zero Team:** No Objection

The proposed development demonstrates strong alignment with policy requirements on energy and sustainability. Further clarification or evidence, including full SAP assessments for all units, confirmed EPC ratings, a detailed overheating analysis in line with Part O, and compliance with water efficiency standards is required.

7.10. **Planning Policy:** No Objection but make the following comments:

- There are no concerns regarding the policy requirements for retaining an active street frontage. However, concerns are raised in respect of the viability of the proposed retail units regarding the provision of sufficient storage space and facilities, particularly as the proposed drawings do not show staff facilities such as a bathroom or kitchen for the retail units. The case officer should therefore consider whether the proposed space for the retail units is fit for purpose and impact of viability for future businesses in accordance with CPP2 Policy DM12.
- As the proposal includes a greater proportion of two-bedroom units than one- bedroom, this is welcomed and satisfies the requirements of CPP1 policy CP19.
- The case officer should carefully consider whether an acceptable quality of amenity would be provided by the residential apartments in accordance with CPP2 Policies DM 1, DM20 and DM21, particularly those on the ground floor/basement.
- It will also be necessary to consider any potential noise issues in accordance with CPP2 policy DM40, given the proximity of the residential apartments to the proposed commercial units, which will be in flexible Class E use.

- The application site falls within an Air Quality Management Area (AQMA). It is not clear from the supporting documents how the applicant has specifically addressed air quality issues. As such, the case officer should consider requesting further information in accordance with CPP1 policy SA2 and CPP2 Policy DM40.
- 7.11. **Private Sector Housing:** Comment
There does not appear to be any separation between the open plan lounge/kitchen area and the circulatory space within each unit. As this room is considered a 'high risk' room in case of fire, then the applicant may wish to ensure that adequate fire separation is provided so that the means of escape route is not compromised.
- 7.12. **Sustainable Drainage:** Comment
Further information is required in respect of the Drainage Maintenance Strategy, confirmed final designs, including green roof specifications, and locations and dimensions of all other drainage elements, the results of a CCTV survey or similar confirming the presence, location, capacity and condition of any drainage infrastructure on site, the results of any infiltration testing carried out, contamination risk to groundwater, and how this is proposed to be mitigated, referencing the CIRIA SuDS Manual (C753). Note that this item is not required if infiltration is not proposed. Correspondence with Southern Water, confirming that their sewers can accept all discharge from this development is required. This information may be controlled by planning conditions.
- 7.13. **Transport Planning:** No objection
Acceptable subject to conditions for cycle parking, Delivery and Servicing Management Plan, Demolition and Construction Plan and a S278 minor works agreement to be secured by obligation. Informative regarding the LHA intention to designate the development as permit free, as well as for guidance on Cycle Parking, Demolition and Construction, Delivery & Servicing Management and Approval in Principle should be attached to an approval.
- 7.14. **Urban Design Team:** (comments May 2026) Seek Amendments/ Seek Further Information

Support amendments but still concerned about single aspect units and cornicing design.
- External Consultees
- 7.15. **Dixon Searle (for Brighton & Hove City Council):** While the scheme's viability appears to have been significantly understated, and our appraisal demonstrates how the scheme is more likely to be brought forward in our view, our revised outcome overall indicates that the scheme's viability is marginal; the scheme does not appear sufficiently viable to support a contribution towards affordable housing.
- 7.16. **East Sussex Fire and Rescue (ESFR):** No comment

- 7.17. **Environment Agency:** No Objection provided a contaminated land remediation strategy condition is imposed
- 7.18. **UK Power Networks:** Comment There are LV underground cables on the site running within close proximity to the proposed development.
- 7.19. **Southern Gas Networks:** No Objection
- 7.20. **Southern Water:** No Objection
Suggestions made in relation to the existing gravity sewer, proposed Sustainable Urban Drainage System (SuDs), potential for basement flooding, sewage connection, and notification of demolition.
- 7.21. **Sussex Police:** No Objection
Additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

8. MATERIAL CONSIDERATIONS

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

9. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
SR4	Retail Provision
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design

CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable Housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Waste & Minerals Plan Policy

WMP3e	Waste Management in New Development
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Supplementary Planning Documents:

SPD02	Shop front design
SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

Other Documents

Regency Square Conservation Area Character Statement

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the proposed development, design and the impact upon the character and appearance of the surrounding streetscene and the Regency Square Conservation Area, impact on neighbouring residential amenity, housing type and mix, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of Development

Principle of the demolition

- 10.2. The council has a statutory duty to preserve or enhance the character or appearance of heritage assets including conservation areas. The site comprises a series of buildings that are not a nationally or locally listed. The loss of historic buildings within a conservation area nonetheless requires

justification. In terms of policy context, Policy DM26 of the City Plan states that the demolition of a building which makes a positive contribution to a conservation area will only be permitted if it has been satisfactorily demonstrated that the building does not have a viable use, having regard to its significance and underlying condition. The NPPF is a material consideration and at HE7 states that where a development proposal would result in the total loss of a non-designated heritage asset, it should only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.

- 10.3. The Design and Access and Heritage Statements submitted with the application detail a comprehensive and robust analysis of the existing building including its historic development. These have been duly assessed by the Heritage team. It is considered that parts of the application site, at least, do make a positive contribution to the Regency Square Conservation Area and therefore, a degree of harm would result to the setting of the area from the building's demolition. There is however evidence of less appropriate alterations to the buildings fronting both Clarence Square and Western Road which have had a considerable impact on the historic character of the building. The poor condition of the Western Road elevation is also noted. The site was originally multiple different buildings. This has resulted in level changes from front to rear, variation in entry points, poor circulation routes and huge variation in floor levels. Today, whilst the retail spaces on Western Road have been well-utilised, the upper floors have been used mostly in an ancillary nature, underused, and have subsequently fallen into disrepair. It is stated that modern standards in relation to daylight, ventilation, and acoustics for both commercial and residential would not be met.
- 10.4. Considering the above, the Heritage Team have not raised an objection to the principle of the demolition, providing that the replacement building is of high aesthetic value and can demonstrate a positive impact on the street scene and wider Regency Square Conservation Area. This is discussed in detail further in this report. It is noted that local amenity societies do not object to demolition in principle. A condition shall secure evidence of contracts for the proposed development prior to any demolition taking place.
- 10.5. On balance therefore, given the above, it is considered that demolition has been justified in this instance, and that the benefits of the scheme as outlined in this report would outweigh the disadvantages of the scheme, in accordance with City Plan policies and the NPPF.

Loss of commercial floorspace

- 10.6. The Western Road frontage is within the designated prime retail frontage of the Brighton Regional Centre outlined in City Plan Part One (CPP1) policy CP4 which seeks to maintain and enhance the retail offer within the city centre. CPP1 Policy SA2 also states that the council will support proposals to improve and refurbish existing retail units and shop frontages in order to maintain the viability and attractiveness of the retail centre. SA2 goes on to state that mixed-use developments will be promoted which retain active

ground floor uses and accord with a range of appropriate city centre uses including residential. Where key policy issues are addressed, the council will welcome proposals to create flats over shops and commercial premises. CPP2 policy DM12 supports policy CP4 and states there is scope for introducing housing on upper floors or to the rear of commercial premises, provided that it does not lead to amenity issues or an unacceptable loss of commercial space and that the commercial uses on the ground floor remain a viable size to include adequate storage space and staff facilities.

- 10.7. The proposal would result in the net loss of 923sqm of commercial floor space. This is due to the loss of commercial floor space converting to residential use on the ground floor to the rear and basement, and the loss of ancillary storage space for the retail uses on the upper floors of the building. The proposed new retail units would provide a total of 301sqm of commercial flexible class E floor space split between the ground floor (fronting Western Road) and basement. The proposal therefore results in a notable loss of commercial floor space when compared to the existing building, however in reference to the policy expectations for new development within the Regional Centre, it is considered that a loss of floor space can be justified providing that the new facilities continue to offer a viable and attractive business offering, particular at ground floor level.
- 10.8. Whilst the amount of floor space is considered acceptable, and an attractive and active frontage would be provided to Western Road, the Planning Policy Officer raised a query over levels of storage and facilities for the new commercial units. Ideally the plans would be marked up with some staff facilities for each unit, the suggested facilities of WCs and kitchenettes would be relatively standard. These would be secured by condition to ensure the long-term viability of these units. Overall, it is considered that the proposal offers two viable retail units with a reasonable capacity at ground floor level with stairs down to a basement area which could be used flexibly for any Class E offering. The development would deliver two modern commercial spaces which is considered to be a welcome offering for future occupation.
- 10.9. Overall, the amount of floor space which would be provided by the commercial offering is considered to be compatible with the expectations of policy SR4 of CPP1 and DM12 of CPP2. It is considered necessary to ensure that the commercial floor space (including staff facilities) and shop front elevations are built out prior to occupation of the residential units to ensure this element of the scheme is delivered appropriately.

Housing

- 10.10. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20%

buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.

- 10.11. 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.
- 10.12. 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.
- 10.13. As noted above, CPP1 policies SA2 and CP4, and CPP2 policy DM12 support housing units in the Regional Centre where an attractive and active ground floor offering would continue to contribute to viability and vibrancy in the city centre. For these reasons there is no objection to housing units on the site. The proposal would result in a net gain of 14 new dwellings. Increased weight is given to housing delivery as the council is currently unable to demonstrate a five-year housing land supply.

Design and Heritage

- 10.14. The site is in a prominent location in central Brighton with frontages on to Clarence Square and Western Road. Both frontages lie within the Regency Square Conservation Area.
- 10.15. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 10.16. The demolition of the buildings on the site is considered to be justified as set out above. Following concerns from officers, the scale of the development has been reduced from a five-storey (plus basement) building to a four-storey building (plus basement). This has been achieved by removing the top level of the mansard roof. Nevertheless, the proposal would still represent a distinct increase in height and scale compared to the existing building. The height represents an increase from three storeys on the Western Road frontage and two to four storeys on the Clarence Square frontage to a total of four storeys on the Western Road frontage (plus basement) and four storeys plus basement on the Clarence Square frontage.
- 10.17. The top floor would be set back as a mansard roof construction when viewed from Clarence Square whereas from Western Road it would appear as a full additional storey. The mansard roof would be clearly visible from the south side of Clarence Square and the approach from Russell Square, however, given its set back, the overall scale and massing is now considered to be

acceptable. The new building would not appear unduly tall or bulky when viewed in context with the neighbouring properties. The Heritage Officer and the Urban Design officer are supportive of this reduction in height.

- 10.18. The amended plans have also addressed the concerns relating to the oversized dormers. These have been reduced in height and width to demonstrate due subservience to the fenestration on the lower levels of the building. The Planning Statement gives detailed justification to the design approach for the scheme, and the amended plans show the building would deliver a successful frontage to Clarence Square and a good relationship to the adjoining properties.
- 10.19. Whilst the Clarence Square elevation is more sensitive due to the historic character of the wider square, the Western Road elevation is also within the Conservation Area, and as a principal shopping street in the centre, also requires careful design consideration. The revised height means the development would have a better relationship with the existing buildings in the street scene. Over the course of the application, the windows on the Western Road elevation have been reduced in size to better match the window proportions of adjacent properties. In all other respects the contemporary design of the development is appropriate to this location on the street. The Heritage officer has welcomed the pattern of projecting bays which are seen as a contemporary response to the Western Road elevation.
- 10.20. The Clarence Road frontage would be formed using a white wire cut brickwork, and a beige lime render. A grey slate roof is proposed. The window frames, including the dormer windows, are proposed as a double glazed aluminium in a light bronze colour set within a recessed lime render and a natural stone cill. The bays would be pre-cast concrete in a natural stone colour. The applicant has made some minor, but significant improvements to overhangs to assist with drainage and protection of the façade.
- 10.21. The Western Road elevation would be finished in render, with natural stone linear banding and a soldier course which would align through with the detailing on adjacent buildings. Again, contemporary aluminium framed windows with a light bronze colour would be used on this elevation. As with the Clarence Road elevation anodized aluminium details are proposed for rainwater and drip details for the overhangs.
- 10.22. The proposed new shop fronts are considered well detailed and follow the design advice outlined in SPD02: Shopfront Design. Welcome features include the solid brick stall riser, shop windows to extend the full height to the bottom edge of the fascia and to be divided vertically with mullions for a vertical emphasis and rhythm, a centrally recessed entrance door with tiled flooring would also be included.
- 10.23. Whilst the material schedule put forward by the applicant is considered broadly acceptable, full samples and large scale details shall be secured by condition due to the sensitive location and prominence of the new building.

- 10.24. The proposal would be a well-considered contemporary scheme which would be sympathetic to its setting and wider historic context. Overall, the development is considered to comply with CPP1 policy CP15 and CPP2 policy DM18, DM26 which seeks to secure strong urban design which appropriately preserves and enhances heritage assets, and the aims of the NPPF.

Standard of Accommodation

- 10.25. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

Unit	Floor	Unit Type	Gross Internal Area
00.01	LGF and GF	3 bed 5person	107sqm
00.02	LGF and GF	2 bed 4p	86sqm
01.01	First Floor	1 bed 2p (M4(3))	76sqm
01.02	FF	2 bed 4p	70sqm
01.03	FF	2 bed 4p	71sqm
01.04	FF	2 bed 4p	76sqm
02.01	Second Floor	2 bed 3p	76sqm
02.02	SF	2 bed 4p	70sqm
02.03	SF	2 bed 4p	71sqm
02.04	SF	2 bed 4p	76sqm
03.01	Third Floor	1 bed 2p	53sqm
03.02	TF	2 bed 4p	70sqm
03.03	TF	2 bed 4p	71sqm
03.04	TF	1 bed 2p	50sqm

- 10.26. The submitted information shows that the new residential units would meet minimum standards in relation to the NDSS. The gross internal areas of each unit including the sizes of bed space and storage areas show compliance with the minimum space standards.
- 10.27. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook. The flats would be single aspect. Observations made during the pre-application process, and made by the Urban Designer through consultation on this application, stated that the applicant should explore a dual aspect development. Although single aspect flats do inherently deliver some gloomier internal spaces, the constraints of the site and its two frontages would make dual aspect units difficult to achieve in this instance. Generally, the new flats would be served well in terms of light and outlook. Whilst the units on the ground and basement do however suffer from more restricted levels in this regard, the amended scheme does improve the situation compared to the initially submitted drawings by removing the bin storage area which was immediately adjacent to the ground floor windows of duplex 00.02. This improves both the light and outlook to this property. Given the standard of

accommodation delivered overall would be adequate, economised levels of light and outlook can be accepted for the duplex units, especially within an area of tight urban grain and in a central location in the city, where basement flats are a common source of residential accommodation.

- 10.28. Furthermore, in terms of the Daylight and Sunlight analysis, there is only one bedroom within the whole development (bedroom 1 in Unit 2 at basement level) that does not achieve compliance with the BRE targets. 44% of the area of this room would receive adequate lux levels, which is under the 50% BRE target. However, the other bedroom in this unit, and the main Living/ Kitchen/ Dining space at ground floor (which is the main habitable space) meet the BRE targets. The overall level of compliance with the BRE guidelines is considered to be reasonable for an urban setting.
- 10.29. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Unit 1, a duplex apartment fronting Clarence Square would benefit from a small front patio area at basement level and the top floor flats fronting both Clarence Square and Western Road would have small front roof terraces. The other apartments have no access to private amenity space. The lack of amenity space for all units is regrettable, however the proximity to Clarence Square and the seafront are noted, and it is not considered that the lack of amenity space would be a justifiable reason for refusing the development in this instance.
- 10.30. It is also necessary to consider any potential noise issues in accordance with CPP2 policy DM40 given the proximity of the residential apartments to the proposed commercial units which will be in a flexible class E use. The residential flats will also be in close proximity to the existing Class E units adjacent to the site. The Environmental Health Team have not objected to the development but it is considered that a condition ensuring the noise reduction measures set out in the Noise Impact Assessment Report submitted with the application are installed.
- 10.31. As a new build development, with a fabric first approach to design, the development can meet the required standards in terms of soundproofing. Notwithstanding this, given no end-user is established at this stage for the commercial space, and given the flexibility of uses permitted within the Class E use class, it is considered necessary to impose a condition relating to the opening hours of the commercial units to ensure the future occupiers of the residential units are not adversely affected by early morning or late night business activity including deliveries.

Impact on Amenity

- 10.32. Policy DM20 of the 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.

- 10.33. The proposal represents an increase in the scale and massing compared to the existing building, with potential impacts on neighbouring occupiers in terms of outlook and sunlight and daylight. The amended plans which have reduced the scale of the building have also reduced potential impacts in this regard. The application is accompanied by a daylight and sunlight analysis which demonstrates compliance with the Building Research Establishment (BRE) figures and shows the development will not have a significant impact in terms of loss of light and overshadowing to neighbouring properties. There are some minor impacts identified in respect of loss of daylight, however the majority of windows serving neighbouring properties are unaffected, and the degree of harm on the impacted windows is not shown to be significant.
- 10.34. With the increase in the height of the new building, compared to the existing structure, the outlook of neighbouring properties would be impacted by additional built form, however given the tight urban grain of the application site and its surroundings, there is not considered to be a significant impact in relation to outlook and or increased sense of enclosure.
- 10.35. In terms of overlooking and impacts relating to privacy, the development is not considered to have a significant impact on neighbouring properties. The residential units proposed have outlook over Western Road or Clarence Square and side facing windows are not proposed as part of the development.
- 10.36. In regard to impacts in relation to noise and disturbance from the new development, this is a central location in the city and commercial and residential premises can generally operate without harm to residential amenity or indeed to commercial amenity for adjoining businesses. Although the additional residential units on the site would increase the amount of activity associated with the site, it is considered that the proposal will not result in a significant increase in noise levels associated with the site. The Noise Impact Assessment submitted with the application has been reviewed by the Environmental Health Team who are in agreement with the findings.

Housing Mix

- 10.37. City Plan policies do not specify a required housing mix, however Policies DM1 and CP19 state that developments will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.
- 10.38. The units are made up of 3 x 1 bed (incl one Mobility unit), 10 x 2 bed and 1 x 3 bed.
- 10.39. Supporting paragraphs 4.213 and 4.214 of CP19 states there is an identified lack of larger family type of dwellings in the city, and highlights that the greatest demand is for two and three bedroom units. Given that the works are a redevelopment site in a central location, it follows that larger family units maybe be less suitable for the locality. In any case, as the proposal includes a greater proportion of two-bedroom units than one-bedroom units, it

is considered that the mixed proposed is broadly acceptable and satisfies the requirements of policy CP19. The Housing Team raise no objection to the development.

Affordable Housing

- 10.40. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high affordable housing need in the city combined with the physical restraints of developing. Commuted sums for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings.
- 10.41. Over the course of the application, the development proposal has been amended from 16 to 14 flats meaning 30% affordable housing (4 units) is the policy compliant position. The proposal includes no affordable housing provision (either on-site or as a financial contribution) and a financial viability report has been submitted which demonstrates that the provision of any affordable housing contribution is not viable. This has been independently assessed on behalf of the Council by Dixon Searle and is accepted in line with council policy. The scheme will be subject to a late-stage viability review upon occupation of 75% of the units, secured by a S106 agreement.

Sustainable Transport

- 10.42. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. The NPPF states that the use of sustainable modes of transport should be pursued. Policy CP9 requires all new major developments to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures.
- 10.43. A proposed cycle store is shown in the basement and provision of 4 Sheffield stand spaces and 20 two-tier racks. 24 cycle parking spaces are proposed. This is seen as an acceptable solution for a constrained site, but dimensions of the lift and all doorways and access corridors as well as dimensions of the bike store itself are requested to be secured by cycle parking scheme condition.
- 10.44. The site lies within Controlled Parking Zone M (CPZ M). No on-site parking is proposed for the site and Zone M is close to capacity threshold. This application is presented as car-free, and the Highway Team have requested the development is made permit free. The Highways Authority administer and manage the CPZ and an informative to this effect shall be imposed.
- 10.45. Policy SPD14 sets out that blue badge parking should be provided for the commercial element of this proposal. There is no reasonable way to secure this provision in the constrained city centre location on Western Road, and so

regrettably in this instance the standard in relation to blue badge parking will not be met.

- 10.46. In regard to delivery and servicing, it would be via an existing loading bay in Western Road for the commercial premises which is a continuation of the current situation. An intensification of trip generations associated with the end use of the site can be expected, however the existing highway network would not be unduly impacted and this is a highly sustainable location in the centre of the city with a significant number of sustainable transport options open to residents, visitors and customers of the retail units. A Delivery and Service plan shall be secured by condition.
- 10.47. The Highways Team note that the footway immediately fronting the development on Clarence Square is likely to be degraded by the demolition and construction of the development. For this reason a scheme of minor works to the highway will be required. These remedial works will be secured through a section 278 minor works agreement secured by way of a planning obligation. A CEMP is also recommended to be secured via condition, given the constraints of the site.

Sustainability and Energy Efficiency

- 10.48. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities. The submitted drawings show the use of air-source heat pumps, waste water recovery systems and solar PV panels as part of the development. This approach is welcomed.
- 10.49. CPP1 policy CP8 states that the council will seek that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint. In addition, policy D44 of CPP2 requires all major residential and non-residential development to submit an energy statement to provide details of the building fabric efficiency and low and zero carbon technologies and to estimate the CO₂ savings that will be achieved. In regard to the Circular Economy and Embodied carbon, the Design and Access Statement specifies that the scheme aims to prioritise reused, recycled, recyclable, or compostable materials. It also seeks to design out superfluous materials, minimise waste, reduce the risk of damage during installation, use and disassembly,
- 10.50. Additionally, as outlined in the Energy Statement, the design team intends to adopt construction techniques with lower embodied carbon, including the use of steelwork and lightweight concrete floor slabs. The Net-Zero Team have reviewed the information and raise no objection to the development.
- 10.51. The supporting energy and sustainability statement details how the proposal will achieve at least a 64% improvement on the carbon emissions targets set out by part L (2021) using high efficiency heat pump-driven heating system and roof mounted solar PV panels. The new retail units on the ground floor will be designed in accordance with the BREEAM rating very good. It is

considered that the proposal satisfies the requirements of policy CP8 of CPP1 and policy DM44 of CPP2.

- 10.52. The development would be required to use a Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition.

Air Quality

- 10.53. The application site falls within an Air Quality Management Area (AQMA). CPP1 policy SA2 states that new development in central Brighton should consider the impact on local air quality and that improvements or mitigation should be sought wherever possible. In addition CPP2 policy DM40 states that proposals liable to cause or be affected by pollution will be required to provide an air quality management assessment to consider both the exposure of future and existing occupants to air pollution and the effect of the development on the air quality of the area.
- 10.54. The application is considered to be limited in this regard which is regrettable. Nevertheless, the Air Quality Officer has not objected to the development and has suggested conditions in order to ensure an acceptable exposure for future existing occupants it is considered appropriate to seek this further information by way of a pre-commencement condition post determination of this planning application.

Waste Management

- 10.55. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling facilities.
- 10.56. Initially the application proposed to repave the communal refuse point on Clarence Square with new walls and railings to improve the appearance of this facility. Representation from members of the public made on the application concerning the existing waste facilities has been noted. In addition, this proposed location for the refuse also compromised some of the outlook and light which would be achievable to the ground floor and basement rooms in the new residential development. The bin storage area has now been moved to the adjacent to the main entrance on Clarence Square. This is preferable, however careful consideration must be given to the design and appearance of this facility given the prominence of the location. Further information is sought by condition.

Ecology and Biodiversity

- 10.57. The site is located in a densely developed urban location within central Brighton. It comprises only buildings and hardstanding. Given the nature, scale and location of the proposed development, the Ecologist has confirmed there are unlikely to be any significant ecological impacts on designated sites.
- 10.58. The buildings have some pitched and tiled roofs with voids. A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment was submitted.

A bat emergence study was then commissioned due to the numerous gaps underneath the clay roof tiles which could be suitable for crevice-dwelling bat species. However, no evidence of bats was recorded.

- 10.59. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees and swifts. The Ecologist has suggested conditions in relation to ecological enhancements measures, landscape planting of wildlife value, 16 swift bricks, 16 bee bricks and two integrated bat boxes. Ground level planters, and two small trees fronting Clarence Square are also proposed.
- 10.60. In regards to Biodiversity Net Gain (BNG), the existing site provides very little on-site habitat. The Ecologist is in agreement that the development would be de minimis in respect of ecology and therefore no statutory BNG would be sought in this instance.
- 10.61. Overall the proposed development presents an opportunity to improve biodiversity and habitat opportunities for the site in accordance with National and Local Planning Policy.

Other Matters Raised in Representations

- 10.62. There has been representation made regarding the impact of the construction of the development, and the impact of the additional residential use on the local businesses. Some amount of disruption would be inevitable due to the extent of the demolition required, the size of the replacement building and the proximity of neighbouring properties. The impacts of this can be reduced through a robust DEMP/CEMP which is secured by condition. It is not considered reasonable to secure this information prior to determination of the application, as much of the information required would only be available closer to the time of construction and when building contracts have been advanced. The impact on the adjoining ATM bank machine would require management between the parties impacted and the developer.
- 10.63. It is not considered that the provision of additional flats on site would result in security concerns for the local bank. Such uses are compatible in an urban environment and the outlook from the new flats are to the front and rear of the site and not directly into the adjoining buildings. The relationship would be relatively standard for an area of tight urban grain.

Conclusion

- 10.64. The demolition of the existing building has been justified in this instance and there is no objection to this approach from a heritage perspective. Weight is given to housing delivery, and the advantages of the scheme are considered to satisfactorily outweigh any heritage harm. The proposed replacement building has been significantly reduced in scale and would provide a well-designed and sustainable building which would deliver much needed housing and contribute two modern and attractive retail units. Careful control of the materials would ensure that the development has an acceptable and positive impact on the Regency Square Conservation Area.

- 10.65. The development would not have a significant impact on the residential amenity of neighbouring properties, and the CEMP and DEMP can minimise the noise and disruption through the demolition and construction phase. The new building also offers an opportunity to secure some biodiversity opportunities. With a legal agreement to secure highway works, a financial contribution to the Employment & Training Strategy, and for a late-stage viability assessment for affordable housing, the recommendation is to grant planning permission subject to a S106 agreement and relevant planning conditions.

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. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

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.
- 12.3. Level access can be achieved from Clarence Square to the residential units, and all floors accessible from the lift. A wheelchair accessible unit is proposed on the first floor and all other units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

13. REASONS FOR REFUSAL IF SECTION 106 NOT SIGNED

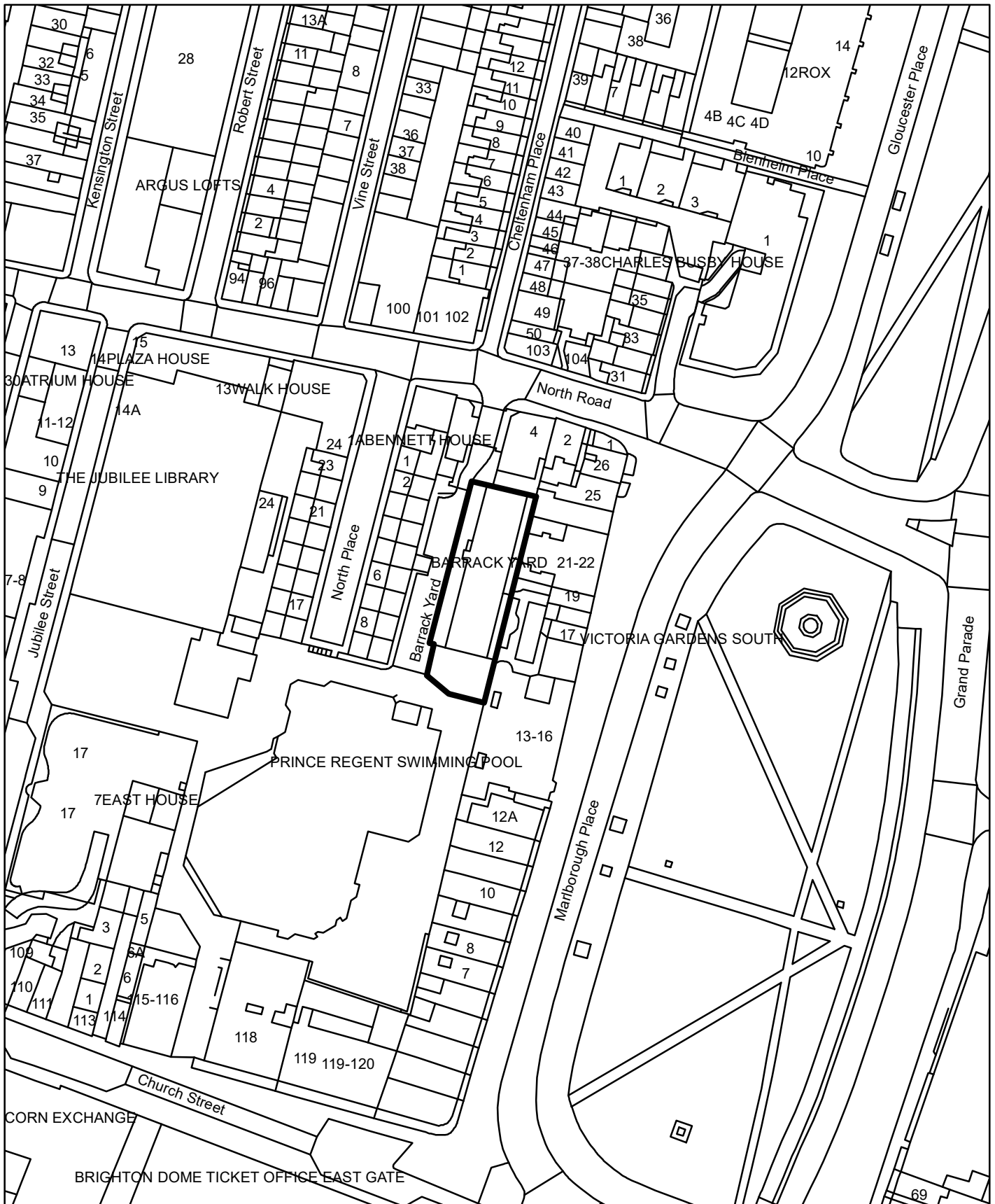
- 13.1. In the event that the S106 agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:
1. The proposed development fails to provide a mechanism by which to secure affordable housing, contrary to Policies CP7, CP20 and DM1 of the Brighton & Hove City Plan and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to provide a mechanism by which to secure an Employment and Training Strategy and a contribution towards the Local Employment Scheme, contrary to Policy CP7 and SA6 of the City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to provide a mechanism by which to secure necessary highway works to the footways and carriageway to Clarence Square, contrary to Policies CP7, CP9 and DM33 of the Brighton and Hove City Plan and the City Council's Developer Contributions Technical Guidance.

ITEM B

**1 Barrack Yard
BH2025/02689
Full Planning**

DATE OF COMMITTEE: 7th October 2026

BH2025 02689 - 1 Barrack Yard



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02689	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Barrack Yard Brighton BN1 1YA		
<u>Proposal:</u>	Conversion and extension of existing building to provide 11no. flats for temporary accommodation. Alterations to fenestration. Provision of refuse and cycle storage building, communal external space and associated landscaping.		
<u>Officer:</u>	Steven Dover, tel: 01273 291380	<u>Valid Date:</u>	05.12.2025
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	06.03.2026
<u>Listed Building Grade:</u>	Setting of Grade II	<u>EOT:</u>	14.10.2026
<u>Agent:</u>	Mr Henry Wagstaff Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW UK		
<u>Applicant:</u>	Brighton & Hove City Council Suite 12 Second Floor Vantage Point Brighton & Hove BN1 4GW UK		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	001	B	13-Apr-26
Location and block plan	002	B	13-Apr-26
Proposed Drawing	150	C	21-Sep-26
Proposed Drawing	151		04-Nov-25
Proposed Drawing	152		04-Nov-25
Proposed Drawing	153	B	20-Jun-26
Proposed Drawing	154	B	20-Jun-26
Proposed Drawing	200	D	20-Jun-26
Proposed Drawing	004	B	13-Apr-26
Proposed Drawing	210	D	20-Jun-26
Proposed Drawing	211	D	20-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):
 - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples/details of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments including sections at a scale of not less than 1:5.
 - e) samples/details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details. For the avoidance of any doubt, the windows shall be of timber material.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM29 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the approved plans, prior to first occupation of the development hereby permitted, details of the refuse and recycling storage facilities for 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 the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 151 and 152 received on 4th November 2025, and 153 rev B received on 20th July 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

6. 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.

7. Prior to occupation of the development hereby permitted, a scheme for hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22, DM26 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12, CP15 and CP13 of the Brighton & Hove City Plan Part One.

8. The development hereby permitted shall not be first occupied until:
- i) details of external lighting, which shall include details of; levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.
 - ii) the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part 1 are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i).

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and protect biodiversity to comply with policies DM20, DM37, CP10 and DM40 of Brighton & Hove City Plan.

9. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'C' for conversion and change of use to residential.

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.

10. None of the residential units hereby approved shall be occupied until each residential unit built 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.
11. No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods have been submitted to and approved in writing by the Local Planning Authority. This shall include management and maintenance details. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details. The development shall subsequently be implemented, managed and maintained in accordance with the approved scheme. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority.
Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM41, DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.
12. The development hereby permitted shall not be occupied until a written scheme has been submitted to the local planning authority for written approval which demonstrates how and where ventilation (including cooling and heating as required) will be provided to each flat within the development including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall ensure compliance with Building Regulations as well as suitable protection in terms of air quality and shall be implemented before occupation and retained thereafter.
Reason: To safeguard the amenities of the occupiers of the development and to comply with policies DM1, DM20 and DM40 of Brighton & Hove City Plan Part 2.
13. The development hereby permitted shall be carried out in full accordance with the recommendations within the Noise Impact Assessment (EV2545 01 C), submitted by Evolved Acoustics dated the 23rd of February 2026 received on 13th April 2026, including but not limited to:
- Installation of acoustic glazing and secondary glazing to achieve the sound insulation values specified in the report.
 - Provision of an appropriate mechanical ventilation system to all habitable rooms where reliance on closed windows is required.
 - Controls to ensure the noise level from any mechanical ventilation or associated plant does not cause internal noise levels within habitable rooms to exceed the World Health Organisation (WHO) recommended guideline values, namely:
 - 35 dBA for living rooms during the daytime, and
 - 30 dBA for bedrooms at night.

All noise mitigation measures shall be installed prior to first occupation of the development and thereafter be retained as such.

Reason: To safeguard the amenities of prospective occupiers of the development and to comply with policies DM1, DM20 and DM40 of Brighton & Hove City Plan Part 2.

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

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

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

- (i) Timescales for the Proposed Development including details of any phases and the forecasted completion date;
- (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded and contact details (including details of any considerate constructor or similar scheme);
- (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
- (iv) Measures to prevent mud/dust from tracking onto the highway;
- (v) Details of hours of construction/demolition including all associated vehicular movements;
- (vi) Details of the construction/demolition compound including plant and material storage and manoeuvring areas;
- (vii) Details of the type, height and siting of any construction/demolition hoardings and boundary treatments;
- (viii) A plan showing construction traffic routes and details of any traffic management/signage;
- (ix) Details of site waste management.

The construction/demolition of the development shall be carried out in full compliance with the approved CDEMP.

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

16. Unless otherwise agreed in advance and in writing with the Local Planning Authority, works associated with the construction of the development hereby permitted including demolition, plant operation and HGVs and other construction vehicles accessing/egressing the site shall only be undertaken between the following hours:
- 8am to 6pm Monday to Friday
 - 9am to 1pm Saturdays
 - no work on Sundays and Bank/Public Holidays
- Reason:** To protect the amenity of local residents and occupiers and the wider area, in accordance with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
17. 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 ensure a satisfactory appearance, to comply with policies CP9, CP12, CP15, DM18, DM26 and DM33 of the Brighton & Hove City Plan Part Two.
18. No development above ground floor slab level shall take place until details of an ecological enhancement strategy including the provision of 11 swift nesting cavities, 11 bee bricks and 1 bat brick/box (all ideally integrated into the building) and incorporation of soft landscaping, has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation;
 - e) persons responsible for implementing the works; and
 - f) initial aftercare and long-term maintenance (where relevant);
- The works shall be carried out in accordance with the approved details prior to first occupation of the development and all features shall be retained in that manner thereafter.
- Reason:** To ensure that any adverse environmental impacts of the development can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, the National Planning Policy Framework, Policy CP10 of the Brighton & Hove City Council City Plan Part One and Policy DM37 of the City Plan Part Two.
19. All ecological measures and/or works as part of the development shall be carried out in accordance with the details contained in the Preliminary Ecological

Appraisal and Roost Assessment (Arbtech, September 2025) and the Bat Emergence and Re-Entry Survey (Arbtech, May 2026) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

20. Deemed Biodiversity Gain Plan Condition:
No development (including any demolition, site clearance or enabling works) shall take place until:

- (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Statutory Biodiversity Metric and Biodiversity Net Gain Assessment dated October 2025 and prepared by Arbtech Ltd; and
- (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition"). Also 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.

21. The development hereby permitted shall not be first occupied until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, 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.

22. No development (including demolition) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority (LPA). This strategy will include the following components:

- 1. Up to date Preliminary Risk Assessment (PRA) and conceptual model following the results of an exploratory investigation
- 2. A detailed site investigation scheme, based on the results from (1) to provide information for a detailed risk assessment to all receptors that may be affected, including those off-site.

3. A tiered risk assessment using the results of the site investigation referred to in (2).
4. An options appraisal including sustainability and treatability studies of the remediation measures required and how they are to be undertaken.
5. A remediation strategy and verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, mitigation, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the LPA. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

23. Prior to any part of the permitted development being occupied, a Verification Report demonstrating the completion of works set out in the approved remediation strategy (secured by the above condition) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to the land and water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with policy DM42 of the Brighton and Hove City Plan Part 2

24. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until further investigation and a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to comply with policy DM42 of the Brighton and Hove City Plan Part 2

25. The wheelchair accessible dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance from the appointed Building Control body shall be submitted to the Local Planning Authority prior to first occupation.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM10 of City Plan Part 2.

26. Other than demolition work, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal including a detailed design, associated management and maintenance plan and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.
Reason: To ensure adequate foul sewage and drainage treatment is available to serve the development and to comply with policies DM42, DM43 and CP11 of Brighton & Hove City Plan.
27. The development hereby permitted shall not be commenced until a scheme for the provision of the temporary affordable housing has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that 100% of the temporary residential accommodation to be provided will be affordable housing and will include details regarding the exact type and tenure of the affordable housing units.
Reason: To ensure the development delivers affordable housing in accordance with Policy CP20 of the Brighton & Hove City Plan Part One and Policy DM1 of City Plan Part Two.
28. The development hereby permitted shall be for temporary accommodation only and shall not be occupied by households other than those nominated by Brighton & Hove City Council pursuant to its functions under Part VII of the Housing Act 1996 (as amended). The dwellings shall not be occupied by any other persons or on a permanent basis without planning permission being first obtained from the Local Planning Authority (LPA), unless otherwise agreed in writing by the LPA.
Reason: To ensure the development delivers affordable housing for people who are homeless or threatened with homelessness, in accordance with Policy CP20 of the Brighton & Hove City Plan Part One and Policy DM1 of City Plan Part 2.
29. The development hereby permitted shall not be commenced until an Employment and Training Strategy has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be implemented in accordance with the approved strategy.
Reason: To ensure that development contributes to employment and training opportunities in the City and to comply with Policy CP7 of the Brighton & Hove City Plan Part Two.
30. Notwithstanding the approved plans, prior to first occupation of the development hereby approved, details of the proposed photovoltaic array appearance (including protrusion and angle of the PV), siting, layout, number and output shall be submitted to and approved in writing by the Local Planning Authority. The photovoltaic array shall then be installed in accordance with the approved details prior to first occupation of the development.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and has an acceptable appearance and to comply with policies CP8, CP12, CP15, DM18, DM26 and DM44 of the Brighton & Hove City Plan.

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 Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

3. The applicant is advised that this planning permission does not override the need to go through the Local Highway Authority's (LHA) Approval in Principle (AIP) process for all necessary works (including temporary works) adjacent to (that is, within 3.66m) and within the highway (including under and over). Nor does it override the need to gain any appropriate highway licences prior to the commencement of any construction works. To avoid delay the applicant must contact the Council's Civil Engineering team (transport.projects@brighton-hove.gov.uk 01273 294570) and Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) well in advance of planned start of works.
4. To align with Policy DM33 of the Brighton & Hove City Plan Part Two, cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. The Highway Authority will not usually approve vertical hanging racks as they are difficult for many people to use and considered to be contrary to local policy and the Equality Act 2010. The LHA approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. We will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of

cycle store, the cycle 'bunker' type store and the 'two-tier' type system seen at railway stations. Provision should be made for tricycles, reclining cycles and cargo bikes.

5. The LHA has assessed this application and determined that the development would not currently be eligible for residents parking permits. Details of the development will be passed to BHCC as Traffic Authority so they can reassess this decision prior to first occupation. At that point, if you disagree with this categorisation, you will have the right to provide evidence that there is capacity in the surrounding streets for the likely parking demand of this development. For details on how to do this please contact transport.dcapps@brighton-hove.gov.uk
6. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace.
7. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
8. The applicant should be aware that whilst the planning permission may be granted, should any complaints be received with regards to noise, odour, fumes or vibration, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
9. 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.
10. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.
11. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove,

Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

12. Buildings/structures and vegetation within and in proximity to the site offer potential habitat for nesting birds. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use of being built. Planning consent for a development does not provide a defence against prosecution under this Act.
13. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.

2. SITE LOCATION

- 2.1. The application site 1 Barrack Yard Brighton BN1 1YA (also known as the Old Slipper Baths) is situated on the eastern side of Barrack Yard located in the North Laine Conservation Area and an Archaeological Notification Area (ANA). To the east are located the gardens and rear elevations of the Grade II listed Nos 20, 21 and 22 Marlborough Place and the King and Queen Hotel (14,15 and 16 Marlborough Place).
- 2.2. It currently comprises a vacant three storey building which has a flat central roof and then drops to the north and south with a hipped roof design. The roof and building has been substantially altered/expanded over its existence.
- 2.3. The building was last used for a combination of community (nursery) and sports related facilities (sports massage establishment). These uses ceased in the last two years. The site and building is owned by Brighton and Hove City Council (BHCC) and located on the approach to the Prince Regent Swimming Complex (PRSC), which is directly to the south.

3. RELEVANT HISTORY

- 3.1. PRE2020/00191 Pre-app advice sought for development of the existing building into 3 storey mixed use scheme on the site, retaining the majority of the ground floor existing nursery (with proposed single storey extension). Residential entrances to ground floor, and 7 total 2bed apartments proposed on 1st and 2nd

floor of existing building. Internal structure and walls to be retained as much as possible. Advice issued 14/12/2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion and extension of the existing building to provide 11no. flats for temporary accommodation. Alterations to fenestration are proposed, and provision of refuse and cycle storage building, communal external space and associated landscaping.
- 4.2. The applicant is BHCC and the flats would remain in BHCC ownership post completion. They would be offered to persons on the housing register as temporary accommodation for people who are homeless or at risk of homelessness while awaiting a permanent housing allocation, and will be offered at a below market rent by BHCC to occupiers and are all therefore considered to be "affordable housing".
- 4.3. During the course of the application various amendment have been made to scheme to improve the appearance in the public realm and reduce the harmful impacts to heritage assets. The elements are detailed below in the Design and Heritage section of the report, but relate primarily to the roof and window materials, and removal of proposed inset balconies.

5. REPRESENTATIONS

- 5.1. **Three (3)** representations have been received objecting to the development for the following reasons
 - Extra storey/roof enlargement will restrict views and overshadow neighbours with a loss of outlook and overlooking from the development.
 - Noise and lack of car parking provision
 - Temporary accommodation will cause community safety issues and affect the character and reputation of the area.
 - The site is located in proximity to licensed venues and will increase complaints regarding noise of these premises that contribute to the nighttime economy.
- 5.2. **One (1)** representation has been received in commenting on the development for the following reasons:
 - Highlighting potential issues with access/transport during construction and when occupied in relation to the Prince regents Leisure Centre. They request that any approval has suitable conditions to mitigate any impacts.

6. CONSULTATIONS

Internal

- 6.1. **Archaeological Officer:** No Objection
No significant archaeological remains are likely to be affected by the proposals.

- 6.2. **Culture & Creative Industries:** Comment
Due to proximity to several night-time entertainment business activities, including music venues, recommend that the actions recommended by the acoustic report around ventilation and glazing are implemented as planning conditions, and that planning officers consider the impact of the documented noise factors on potentially vulnerable residents when assessing what additional conditions may be required.
- 6.3. **Ecologist:** No Objection
The site is unlikely to have significant ecological impacts on designated wildlife sites and trees to the rear will be retained and protected.
- 6.4. A preliminary bat survey was undertaken and concluded negligible suitability for roosting bats. The site has low suitability to support badgers, hedgehogs, reptile/amphibians. It has potential to support small numbers of common nesting birds.
- 6.5. Appropriate mitigation and enhancement should be secured via condition. The site can offer onsite habitat to meet statutory Biodiversity Net Gain (BNG). Conditions are required to ensure compliance with the submitted Preliminary Ecological Appraisal and BNG assessment and the submission of a Biodiversity Enhancement Strategy (BES). Soft landscaping should be incorporated and bat/bird/bee nesting boxes should be provided.
- 6.6. **Environmental Health Team:** No objection
The Noise Impact Assessment (NIA) was assessed and contaminated land concerns reviewed. Conditions required in relation to Noise Levels, Soundproofing, mechanical ventilation and contaminated land.
- 6.7. **Heritage:** Comment (update as per 21/09/2026)
(Written update): Concern regarding the form of roof as this will cause harm to the host property and surrounding Conservation area. Homogenous materials to the roof welcomed and zinc no objection. Refuse store could be improved in appearance and impact. Welcome new timber windows instead of upvc replacement and removal of the inset balconies. Application should be determined on merits and balanced view of heritage harm against the benefits. Recommend conditions for further details of materials, refuse store, and solar panels to roof to ensure suitable appearance.
- 6.8. **Strategic Housing & Development:** No objection
Compliant with CP20 as provides 100% affordable housing. Strategic Housing & Development supports this application which will provide much needed council owned Temporary Accommodation in the city.
- 6.9. **Local Employment Scheme, Skills & Employment:** Comment
An Employment & Training Strategy must be submitted for approval at least 1 month prior to commencement of the development. The Council's template is required to cover all relevant phases of the project. The Strategy should set how the developer, contractor (and their sub-contractors), as well as any other relevant agents will collaborate in order to meet the Local Employment Scheme's

objectives. A financial contribution towards skills and training is required (£4,200) prior to commencement.

6.10. Planning Policy: No Objection

Loss of community facilities justified under DM9 as relocated to the Tarner Family Hub. Loss of sports facilities onsite has been incorporated into the use of the adjacent Prince Regent leisure Centre, and the use of the site as residential accommodation by BHCC does not impact the delivery of any future "East Hub" multi-sport & leisure facility, as BHCC will retain control of the building. And therefore, complies with CP17. The provision of affordable housing units is welcomed.

6.11. Sports and Leisure: Comment

No objection to the development subject to not jeopardising of the delivery of the multi-sport leisure hub (East Hub) as per the Sports Facilities Investment Plan (SFIP). Highlight potential issues with access/transport during construction and when occupied. Request that any approval has suitable conditions to mitigate any impacts to swimming pool complex access.

6.12. Sustainable Drainage Strategy: No objection

Further information required by condition :

- Confirmation of foul water disposal method and rates, and consultation with Southern Water
- Plans showing the location and specifications (including size and capacity) of each feature used for collecting, treating, attenuating, and discharging or infiltrating surface water.
- Calculations demonstrating that the proposed drainage strategy is sufficient to prevent flooding in a 1 in 100 year +40%CC design storm.
- A maintenance and management plan for each drainage element, listing maintenance tasks required, suggesting frequencies at which they are to be undertaken, and parties responsible for them
- Proof that any drainage infrastructure proposed for re-use is in an acceptable condition

6.13. Transport Planning: No objection - subject to conditions

(verbal update 13/05/2026) No adverse impacts on highway safety from proposed use. No disabled parking space provision is acceptable if the accessible unit is only occupied by persons who do not have a vehicle. Cycle parking condition and permit free informative required.

6.14. Urban Design Team: Comment

The scheme has evolved following discussions, and the proposal is broadly supported. A pre-commencement planning condition is considered appropriate given the scale of the development and to ensure high quality materials are delivered and the scheme fully meets the design quality expectations set out within Policy CP12, DM18, and SPD17.

External

6.15. Environment Agency: No objection

Advice given regarding drainage.

- 6.16. **Sussex Police: Comment**
Recommendations for the security and management of the future site and residents.

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 updates 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
CP2	Sustainable Economic Development
CP3	Employment land
CP7	Infrastructure and Developer Contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP17	Sports Provision
CP18	Healthy City
CP19	Housing mix
CP20	Affordable Housing
SA2	Central brighton
SA6	Sustainable Neighbourhoods

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
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DM9	Community Facilities
DM18	High quality design and places
DM19	Maximising Development Potential
DM21	Extensions and alterations
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protection of the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Waste & Minerals Plan Policy

WMP3d	Minimising and Management Waste During Construction
WMP3e	Waste Management in New Development

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development particularly in relation Planning Policy and Heritage, impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of the development

Loss of Indoor Sports Facilities

- 9.2. Policy CP17.2 seeks the retention of indoor sports facilities and enhancement and improvement of the same. The building has been used for a variety of uses of the years some of which could be considered falling within a sports facility use such as activity studio or wellness centre.
- 9.3. The initial information submitted by the applicant did not address the particular policy requirements and the Policy Team requested further information this regard. Further information has been submitted by the applicant which indicates that sports and leisure facilities that were offered by the Old Slipper Baths before it became vacant in May 2025 have been 'met by the immediately adjacent PRSC, which provides larger, more functional and purpose-designed indoor sporting space, including a dedicated group exercise space'. Therefore, the

development complies with CPP1 Policy CP17.2 in that 'the facilities are to be replaced by improved facilities that help meet the sporting needs of the city and optimise access by sustainable transport modes'.

- 9.4. The applicant has also addressed the issues raised by officers in relation to the potential delivery of any redevelopment to create a larger multi-sport leisure hub 'East Hub' sports centre (as detailed in the Sports Facilities Investment Plan 2021-2031) (SFIP) for the east of the city, whether at the Prince Regent Swimming Complex, or on another site to be identified. They considered that should any future comprehensive hub scheme be progressed, the relationship between the adjoining sites (1 Barrack Yard and the Prince Regent Swimming Complex) can be considered at that stage.
- 9.5. It is noted the Sports and Leisure officers raise no objection to the principle of redevelopment, subject to no loss of the building for future inclusion in an 'East Hub'. The SFIP is a material consideration, although it holds limited planning weight. In terms of planning policy, the site is not formally allocated for an alternative use and there are no grounds to resist the loss of the current (vacant) sports facility or retain a vacant premises in case of future redevelopment. The present proposal does not foreclose those strategic options, as the site would remain in the control and ownership of BHCC - it will be for the council as landowner to decide whether to develop the site for the current residential proposal or retain it for future redevelopment.
- 9.6. On this basis, the loss of indoor sports facilities is considered acceptable in principle and is in accordance with Policy CP17.

Loss of Community Facilities

- 9.7. Policy DM9 seeks to protect and enhance Community Facilities in the city. The starting point for the policy is that there should be no loss of Community Facilities unless at least one of four detailed criteria are met; namely that new replacement facilities have been provided elsewhere; or the facility is no longer needed and capacity exists in proximity; or the building is no longer suitable for community use; or it is demonstrated that the building is no longer suitable for a community use.
- 9.8. The proposal in this application would convert the building to purely residential use, and the floor space used by Bright Start Nursery which is classed as a Community Facility under policy DM9, would be converted.
- 9.9. The initial information submitted by the applicant did not address the particular policy requirements and the Policy Team requested further information in this regard.
- 9.10. In response to issues raised by planning policy officers, the applicant submitted updated reports to demonstrate that the loss of community facility can be permitted as the Bright Start Nursery relocated to an alternative suitable location at the Turner Family Hub in September 2024 meeting criteria DM9a). It is noted that the Turner Family hub is approximately 300 metres from the Slipper Baths so easily accessible to the previous users of the nursery. Policy Officers have confirmed the information is suitable and raise no objection.

Loss of Employment Floorspace

- 9.11. The site is located with the city centre, where the council seeks to promote a balanced mix of uses to maintain its vitality and vibrancy (Policy SA2). In addition, Policy CP3 seeks to protect and enhance employment land in the city.
- 9.12. The starting point is that there should be no loss of unallocated employment floor space under CP3.5. However, Planning Policy officers have confirmed that the site does not sit within a Shopping Centre to which Policy DM12 applies (relating to vitality of shopping centres/areas - with retention of Class E uses) and that Policy CP3.5 relates to the loss of Use Classes E(g) (Offices and Industry), B2 (General Industry) and B8 (Storage and Distribution) uses. The current use of the remainder of the building (excluding the Bright Start Nursery at ground floor) was last used for a therapy massage business (Use Class E(c)) (first floor) and residential dwelling (Use Class C3) (second floor). On this basis it is not considered the proposal would lead to the loss of relevant floorspace contrary to policy CP3.5.
- 9.13. Whilst there would be a loss of non-residential uses and replacement with residential, and thus this could impact the vitality/vibrancy of the centre, some of these uses have been relocated and this is balanced against the significant positive benefits of the scheme and delivery of much-needed temporary housing (see section below). On balance therefore, on review of the information provided, it is considered that the loss of Sports and Community Facilities, with the change of the floorspace use for this site has been adequately justified, and there is no objection in principle to the change of use.

Housing Considerations

- 9.14. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement because the council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and, separately, because the most recent Housing Delivery Test indicates that the delivery of housing is less than 75% of the housing requirement over the previous three years. 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 August 2026) for the council being less than 85%.
- 9.15. 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.
- 9.16. 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 (Policy S3).

- 9.17. The proposal would make a modest but welcome contribution of 11 affordable temporary housing units, which likely fall under a Sui Generis Use Class, and this is given weight within the planning balance given the acute need for housing delivery of all types.

Housing Mix

- 9.18. City Plan policies do not specify a required housing mix, however Policies CP19 and DM1 state that developments will be required to demonstrate that proposals have had regard to housing type and mix considerations and have been informed by local assessments of housing demand and need. The supporting text at paragraph 4.213 indicates the majority of housing need/demand across the city for both market and affordable is for 2 and 3 bedroomed properties at 34% and 31% respectively. The most recent Strategic Housing Market Assessment 2023 indicates that 45-50% of demand for market dwellings is for 2 bedroomed dwellings.
- 9.19. The proposal comprises 7 two-bedroom (64%), and 4 (36%) three-bedroom units.
- 9.20. As the proposal includes a greater proportion of two-bedroom units and contains four three-bed units, it is considered that the mix proposed is acceptable and satisfies the requirements of policy CP19 for this relatively small-scale scheme, which is predominantly aimed at meeting temporary accommodation needs for families.
- 9.21. The Housing Team support the development and confirm the proposal would provide much-needed temporary accommodation for the city.

Affordable Housing Considerations

- 9.22. CPP1 policy CP20 requires an affordable housing contribution on all developments that create 5 homes or more. This policy position is justified by the high housing need in the city combined with the physical restraints of developing. Commuted sums provided for smaller developments or where providing homes on site proves unviable are used to expedite affordable homes elsewhere in the city through a range of initiatives. Current policy requires 40% onsite affordable housing on all developments providing 15 or more dwellings; 30% on site or as a commuted sum between 10-14 dwellings and 20% as a commuted sum only for 5-9 dwellings. This development proposal is for 11 flats, meaning 30% affordable housing - 3 units, is the policy compliant position or a financial contribution in lieu.
- 9.23. The applicant proposes that all of the units would be temporary affordable housing for rent. The applicant has stated that the units would be offered to persons on the BHCC housing register, as Temporary Accommodation while awaiting a permanent housing allocation. A below market rent will be charged to occupiers and all the units are therefore considered to be "affordable housing".
- 9.24. As a council owned building and development, the exact details of the provision shall be secured by condition. It is recommended that 100% affordable provision can be justified in this instance, given the acute need and that the application is

for temporary rather than permanent C3 residential accommodation. This element of the proposal is given significant weight in the planning balance.

- 9.25. It is considered that the principle of bringing forward the redevelopment and the provision of affordable housing is welcome in the context of the lack of housing supply in the city, and compliant with Policies DM1, CP19 and CP20.

Design and Heritage Considerations

- 9.26. City Plan Policies CP12 and DM18 expects all new development to raise the standard of architecture and design in the city, establish a strong sense of place by respecting the character and urban grain of the neighbourhood, and ensure residential development is of a density that is appropriate and achieve excellence in sustainable building design and construction. Policy DM19 seeks to ensure developments make the most effective and efficient use of sites. Heritage focused City Plan Policies CP15, DM26 and DM29 seek to ensure the significance of Heritage assets is preserved or enhanced in relation to development in the City, with exceptions (harm) allowed if justified through the accumulation of public benefits as per the NPPF with a balanced judgement being made by the LPA.
- 9.27. The North Laine Conservation Area is a distinctive and vibrant historic quarter characterised by its irregular nineteenth-century street pattern, tight-knit network of narrow streets, modest Victorian and Regency terraces, and a rich mix of independent shops, cafés, workshops, pubs and homes. Its special character derives less from individual landmark buildings and more from the collective townscape, with small-scale architecture, varied land uses, lively street activity and an authentic, creative atmosphere combining residential, commercial and cultural functions. The area retains the "rich texture of metropolitan life", creating a uniquely diverse and human-scale environment that is both historic and actively used.
- 9.28. The application site is also known as the Old Slipper Baths which was opened in 1895 (previously a barracks) as Brighton's first municipal public baths, providing affordable bathing facilities for residents before indoor bathrooms became commonplace. Operating in this fashion until closure in 1976. It is located on the edge of the North Laine Conservation Area and adjacent to the Valley Gardens Conservation Area to the east and is considered by heritage officers as non-designated heritage asset in their response. As noted within this report, it is also within the setting of other heritage assets (Listed Buildings).
- 9.29. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting, or the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.30. The existing building has a three storey, flat and hipped roof form which was last used for a mixed use of residential/commercial/community floorspace. The building fronts onto Barrack Yard and has a private outdoor amenity area to the

side/south. Directly to the south is the Prince Regent Swimming Complex and to the east are located the gardens and rear elevations of the Grade II listed 20, 21 and 22 Marlborough Place and the King and Queen Hotel (14,15 and 16 Marlborough Place). To the west are the gardens and rear elevations of the residential properties of North Place, and to the north are the rear elevations of the residential and commercial properties North Road.

- 9.31. During the course of the application the roof design has been altered to remove the inset balconies and the material has changed from predominantly slate and lead, to a full zinc clad roof design. The windows are currently mainly timber sash to the front elevation and these were originally proposed to be replaced with upvc units, all the openings, to all elevations, will now be replaced with new double glazed timber windows. These amendments were made to decrease the visual harm to the host property and surrounding heritage assets. The bin store materials and appearance are not ideal and further details/amendments of the store would be secured by condition to ensure suitability.
- 9.32. The development would retain the current flat roof design to the centre, but remove the hipped roofs to both ends of the building, and replace with a lift shaft enclosure by the central flat roof and a mansard roof design to the remainder - increasing the amount of floorspace at second floor level. The existing light and dark red brick to the elevations would remain with new brickwork to match, as would the existing rendered areas (white/brown) to the side elevations, which would be extended to match. The second floor existing and proposed roof would be finished in a zinc cladding system which would be part shingles (tiles) and part standing seam to the shallow pitched areas. The existing flat roof area has solar panels proposed in the central parts of the roof, set back from the eaves.
- 9.33. Each of the ground floor flats would have an outdoor private amenity area, but none is proposed for the first and second floor units, which has been informed by a desire to minimise the elevation changes to the building (balconies/insets) which would harm the appearance. A shared communal garden area would be provided to the south which would also contain the bike and bin store area. No car parking is proposed as part of the development.
- 9.34. The existing building has seen significant roof alterations over the years and the LPA consider that the site holds value as a historic building whose alterations reflect the changes in use and development in the wider area over the years. It still retains elements of its original appearance and character, partially through the brick facade and timber sash windows that remain to most openings.
- 9.35. The proposed alterations would retain these brick elements and although new windows are proposed these would now be timber sash windows, rather than more modern upvc as were originally proposed, and these elements are welcomed and acceptable to the LPA. The main external alterations from the proposal are to the existing roof form flanking bays, which could see the hipped roof form replaced with a mansard style roof and inset dormers. Mansard roof designs are not considered out of keeping with the roof styles of surrounding buildings with examples to the north and east of the site, situated in their respective conservation areas.

- 9.36. However, this roof design is recognised to cause some harm to the significance of the building, which has been assessed as a Non Designated Heritage Asset (NDHA), as it would remove the hipped roof elements which formed part of the original conversion into 'The Slipper Bath' in the 1890's, and therefore also causes some harm to the North Laine Conservation area as a whole. The harm identified to the NDHA and Conservation Area has been raised by Heritage Officers whom raise some concerns to the development on this basis.
- 9.37. Whilst the harm caused is given considerable weight, in this instance the scale of the harm is not considered to be substantial and it would not seriously affect the building's heritage significance, also noting it is not a designated heritage asset. In line with the 2026 NPPF (HE6 and HE7) the LPA has weighed the harm to the significance against the public benefits of the proposal, which primarily include the provision of 100% affordable temporary housing in family dwellings, for which there is a significant identified need, and that the development would bring an underused and vacant property back into full use. Taking all elements into account, the assessed harm to the significance of heritage assets is considered outweighed by the benefits.
- 9.38. The design and positioning of the new fenestration is considered to be acceptable. The main pedestrian access from Barrack Yard is suitable and reflects the existing design, with existing side entrances retained to provide access at either end to four of the ground and first floor flats. The design also allows for an area of front landscaping immediately adjacent to the highway which is welcome and a redesign of the existing outdoor space to the south which would become communal amenity space for the future residents.
- 9.39. In terms of footprint and siting, it would remain the same, and with the alterations to the roof the development is not considered to appear unduly cramped. The separation between surrounding buildings remains comparative, albeit the roof alteration would alter the outlook and views for some surrounding residents as detailed below. The overall mass would be acceptable in the local context and not appear as an overdevelopment of the site. The proposal would not unduly impact the setting of nearby listed buildings.
- 9.40. In regard to materials, the alterations take cues from the existing building with the matching of existing brick and reinstatement of timber windows to all existing and proposed openings. The roof would have a zinc metal finish (cladding and shingles) giving an appearance which reflects that exemplified on other buildings in proximity to the scheme, which have metal finishes to mansard roofs.
- 9.41. As commented by the Urban Designer and Heritage Officers the design/appearance proposed for the bin and cycle store, which is located to the side of the outdoor amenity area, is not considered optimal - and a condition will be attached for the final design to be approved by the LPA and implemented prior to occupation of the units.
- 9.42. Overall, the proposal is considered to be a suitable development, which although recognised as causing harm to the historical significance of the host property

and surrounding conservation area, primarily through the removal of the hipped roof elements, has public benefits which are balanced by the LPA to outweigh the harm anticipated. The design and appearance of the building is considered to be in accordance with policies CP15 of the Brighton and Hove City Plan Part One and DM18, DM19, DM21, DM26 and DM29 of the Brighton and Hove City Plan Part Two and the Urban Design Framework SPD17.

Standard of Accommodation:

- 9.43. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for dwellings. The schedule of accommodation is as follows:

Unit	Floor	Unit Type	Gross Internal Area
1	Ground floor	2 bed 3p	69sqm
2	Ground floor	2 bed 3p	70sqm
3	Ground floor	2 bed 3p (M4(3))	76sqm
4	Ground floor	2 bed 4p	75sqm
5	First Floor	2 bed 3p	72sqm
6	First floor	2 bed 3p	68sqm
7	First floor	2 bed 4p	73sqm
8	First floor	3 bed 4p	80sqm
9	Second floor	3 bed 6p	106sqm
10	Second floor	3 bed 5p	87sqm
11	Second floor	3 bed 4p	93sqm

- 9.44. The submitted information shows that the new residential units would meet minimum standards in relation to the NDSS. The gross internal areas of each unit including the sizes of bed space and storage areas show compliance with minimum space standards. This is welcomed and represents a good standard of accommodation for temporary residents. The scheme also incorporates an M4(3) wheelchair accessible dwelling to the rear of the ground floor whilst all other units would be conditioned M4(2) accessible and adaptable dwellings. A lift is proposed to all levels of accommodation, but would not serve units 5 and 8 on the first floor as they are not accessed via the main stairwell entrance.
- 9.45. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook. The flats would generally have good aspect and light to habitable rooms, although the outlook to the rear ground floor habitable rooms would be reduced due to the proximity to the boundary and height of the existing walls.
- 9.46. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. Whilst the site is somewhat constrained within the centre of the city, each ground floor unit would benefit from an external private amenity space in the form of a terrace. In addition, a landscaped communal amenity area would be provided to the south of the site for the use of all residents. This is

welcomed. The cycle storage would be to south of site, combined with a communal refuse and recycling space.

Noise:

- 9.47. Policy SA2 seeks to reinforce central Brighton's role as the city's vibrant, thriving regional centre for shopping, leisure, tourism, cultural, office and commercial uses.
- 9.48. Policy DM40 seeks to protect amenity, and states that permission will be granted for development proposals that can demonstrate they will not give rise nor be subject to material nuisance and/or pollution that would cause unacceptable harm to health, safety, quality of life, amenity, biodiversity and/or the environment (including air, land, water and built form). Para 2.307 of DM40 states that sensitive developments/uses should not be located in proximity to significant pollution and / or nuisance generating uses except where appropriate mitigation can be provided by the developer prior to occupation. In accordance with the 'agent of change principle' set out in the NPPF.
- 9.49. The application site is located close to various entertainment venues which operate in the area (principally The King and Queen venue to the rear - south east) and adjacent to the road serving the Prince Regent Swimming Complex. As such, it is reasonable to assume that occupiers of the flats could potentially be exposed to frequent, prolonged, and varying levels of noise associated with the activities at these businesses.
- 9.50. An acoustic report has been submitted with the application addressing concerns regarding the potential noise impacts on future residents from officers and in relation to the 'Agent of Change' principle. This makes various recommendations for the proposed development to ensure that the noise impacts to future residents are acceptable from traffic and surrounding businesses. These include the provision of double glazing, secondary glazing and mechanical ventilation systems, to reduce noise impacts.
- 9.51. Environmental Health Officers have considered the supplied noise assessments are satisfied that with the mitigation measures proposed the development would be suitable for future occupiers. This would mean the mechanical ventilation would be required to the flats as identified above, and the windows to the rear would need to remain closed. This is considered acceptable in this particular application considering the overall standard of accommodation provided, and that the flats are for temporary occupation only, and that only one flat (unit 10) would have all windows facing to the rear.
- 9.52. Overall, the development is considered to deliver eleven residential flats with a suitable standard of residential accommodation, and in reaching this conclusion the LPA has taken into account that the proposed accommodation would be operating on a temporary occupation by future residents.

Impact on Amenity:

- 9.53. Policies DM20 and DM40 of the City Plan Part 2 state that planning permission for any development or change of use will not be granted where it would cause

an 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. Potential impacts from noise and disturbance are also a consideration.

- 9.54. The proposal represents an increase in scale and massing of the roof design compared to the existing building, with potential impacts on neighbouring occupiers in terms of outlook and sunlight and daylight. There is generally a good separation distance between the development and windows in properties to the surrounding properties, with only those to north seeing any appreciable loss in outlook or light due the revised roof design and being circa 3.5m from the existing building footprint. The properties further to the west on North Place and to the east on Marlborough Place are not considered to be affected to any significant degree from the alterations. To the South is the Prince Regents Swimming Complex which is purely commercial in nature and over 15m distance, therefore not affected in any detrimental way from the scale and massing of the development.
- 9.55. Overall whilst the visual impact of the development would give neighbouring occupiers a more developed outlook and be more enclosing to a degree to the north, this is a city centre location with a tight urban grain, and the harm is not assessed as so significant as to warrant refusal of the application. Loss of view is not a material planning consideration.
- 9.56. In regard to privacy, primary outlook from the residential units would be from windows on either the front or the rear elevations, and although the new windows proposed in the Mansard would introduce new views at height, the area already experiences a high degree of mutual overlooking from commercial and residential properties, therefore no significant increased harm from overlooking is anticipated from the proposed development to surrounding residents.
- 9.57. Policy DM40 of the City Plan addresses environmental protection. Representations made on the application concerning noise and disturbance have been considered. The development could create additional activity associated with the site, including comings and goings associated with a residential development, and the occupation of private amenity space. However, this site is in mixed commercial/residential area, and the character of the movements and activities would be comparable with that of neighbouring uses. It is not anticipated that development would increase crime or anti-social behaviour. Sussex Police have not objected to the development.
- 9.58. It is noted that the development is in close proximity to the main vehicular access point into the Prince Regent Swimming Complex and representation has been received that full consideration should be given to the proposed construction works and how they are managed in relation to access and disturbance of the surrounding buildings and residents. The LPA consider that a planning condition to secure a Construction / Demolition Environmental Management Plan CEMP/DEMP offers an opportunity to mitigate the impact of this potential conflict/disturbance. A condition for construction hours would also be attached for the same reason.

- 9.59. Overall, it is not considered that the impact of the proposed development would be so harmful as to warrant a refusal of planning permission. The impacts on the outlook, sunlight and privacy available to neighbouring properties are not considered to be significant to warrant refusal. Whilst some minor impacts have been identified, the location and context of the site needs to be recognised, and these also need to be weighed against the benefits of providing 11 new affordable temporary residential units.

Sustainable Transport:

- 9.60. National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. The NPPF states that the use of sustainable modes of transport should be pursued. Policy CP9 (2c) of the City Plan is also relevant in that it requires all new major developments to submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures.
- 9.61. The application is accompanied by a transport assessment. Whilst no on-site car parking is proposed, this concludes that the site is well located for sustainable travel, a car-free residential development is appropriate, and policy-compliant. In terms of trip generation, it is stated that the proposals will reduce vehicle trips compared to the existing uses.
- 9.62. The Transport Team have been consulted on the application and raise no objection to the development. Nevertheless, parking and transport consideration have been consistently raised as an issue from the public consultation on the development. The site lies within the Controlled Parking Zone (CPZ) Zone Z. Surrounding Road car parking demand is high. The site has very good public transport links with Brighton Train Station in close proximity to the north west, and bus and cycle links available on Valley Gardens to the east. The Transport Team have confirmed that the development would be acceptable as car free development, and that with current demand for parking so high, residents would not be eligible for residents parking permits. Given the proposed use as temporary accommodation, the reduced transport demand compared to previous uses and the sustainable location, the transport impacts are considered acceptable and in compliance with City Plan policy.
- 9.63. Cycle parking has been shown towards the south of the site in the form of an enclosed combined cycle and refuse storage area with both vertical storage and external Sheffield stands. The amount of cycle parking proposed (24) is considered acceptable, however the Transport Team do not advocate vertical cycle storage for over 75% of the proposed spaces for accessibility reasons, and have requested amendments to the amount and design. They have also made recommendations in respect of the means of opening to the refuse area of the structure. Further details for the Cycle Parking and Refuse store will be sought by condition.
- 9.64. As noted above, activities during the construction period could potentially contribute to disruption of the existing road network considering the constraints

of the site and close proximity to the Prince Regent Swimming Complex - which has the sole vehicular access via Barrack Yard. Therefore, a planning condition to secure a Construction / Demolition Environmental Management Plan CEMP/DEMP is considered suitable and proportionate.

Sustainability and Energy Efficiency

- 9.65. City Plan policy CP8 states that the council will seek that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint in addition policy DM44 requires all major residential and non-residential development to submit an energy statement to provide details of the building fabric efficiency and low and zero carbon technologies and to estimate the CO2 savings that will be achieved.
- 9.66. The supporting Design and Access Statement details how the proposal would repurpose a historic building rather than demolishing and rebuilding, significantly reducing embodied carbon and construction waste, with double glazed windows and energy efficient building design and materials improving overall efficiency of the building. Solar photovoltaic panels are proposed on the flat roof, providing on-site renewable energy while remaining largely hidden from street-level views within the conservation area, and a green roof is proposed to the refuse/cycle store. The exact details of the PV array can be secured via condition to ensure an appropriate visual appearance. An EPC rating of C shall be achieved for all dwellings and will be conditioned. Water efficiency conditions shall also be imposed.
- 9.67. These sustainable measures are welcomed. The proposed development would make efficient use of land in a sustainable location with good access to public transport and local amenities and comply with Policies CP8 and DM44 of the City Plan.
- 9.68. To comply with policies CP11, DM42 and DM43, and reduce environmental impacts and flood risk, the development should aim to incorporate a Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition. General drainage details for foul and surface water provision can also be secured via condition.

Land Contamination

- 9.69. Given the previous commercial uses of the site, land contamination conditions are required, as although it is recognised that the existing building footprint remains, the provision of communal and private outdoor amenity areas needs assessment to ensure no uptake of any potential contaminants. This will ensure any potential for land contamination is suitably mitigated against in accordance with policy DM42 of CPP2, and the Environmental Health team and the Environment Agency raise no objection on this basis.

Waste Management

- 9.70. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling

facilities. These facilities are shown in a designated external space to the south of the building and would be secured by condition.

Ecology and Biodiversity

The Ecologist is in agreement with the recommendations outlined in the Preliminary Ecological Appraisal (PEA), Bat roost assessment and emergence surveys, and Biodiversity Net Gain (BNG) assessment which have been submitted with the application. The measures outlined in these documents are supported and can be secured by condition.

- 9.71. Although the site has low suitability to support foraging and commuting species, the submitted ecological appraisal also includes mitigation for any protected species.
- 9.72. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bees, swifts and bats. For this development, 11 bee bricks, 11 swift bricks/boxes and 1 bat roost feature must be secured. The locations can be secured as part of a Biodiversity Enforcement Strategy condition.
- 9.73. Due to the current developed site and the limited amount of new habitat units to be provided onsite (0.01units), and the form in which it is to be provided (mixed scrub and modified grassland), it is not considered that a Habitat Management and Monitoring Plan (HMMP) and a S106 Agreement to secure any associated monitoring costs is required, as there is no 'Significant Onsite' BNG proposed. The scheme will provide an uplift of a 10.27% to onsite BNG which is in excess of the 10% national mandatory BNG required and meets policy requirements of CP10 and DM37.

Trees and Arboriculture

- 9.74. The existing small trees in planters to the southern outdoor area are proposed to be removed and retained during construction works and then replanted to form part of the communal outdoor amenity area. In the event these did not survive the process they would need to be replaced and replanted – a landscaping condition is recommended.

Other Planning Matters

- 9.75. As part of the objectives of City Plan Part 1 Policy CP2 (and SA6 Sustainable Neighbourhoods), major developments are expected to provide direct provision of employment and training initiatives and promote employment for local construction workers. City Plan Part 1 Policy CP7 Infrastructure and Developer Contributions aims to ensure adequate infrastructure including appropriate social infrastructure through the provision of employment, regeneration and training initiatives on major development sites at demolition and construction phases following the Brighton & Hove Local Employment Scheme (BHLES). Therefore, an Employment and Training Strategy is recommended to be secured via condition and can appropriately address this requirement.

Other Matters Raised in Representations

- 9.76. There has been representation made regarding the impact of the construction of the development. Some amount of disruption would be inevitable due to the extent of the demolition required, the size of the replacement building and the proximity of neighbouring properties. The impacts of this can be reduced through a robust DEMP/CEMP which is secured by condition.
- 9.77. Loss of view is not a material planning consideration. However, the impact of the development on the residential amenity has been fully assessed, including the impact on outlook, and no significant impacts have been identified therefore development is considered acceptable in this regard.

10. CONCLUSION

- 10.1. The principle of the development is acceptable; the loss of the community/sports facility has been justified in this instance, and while the proposal would result in a limited degree of heritage harm through the alteration of the building's historic roof form, having undertaken the required balancing exercise, it is considered that the significant public benefits arising from the delivery of 11 affordable temporary homes, together with the re-use of a vacant building, outweigh the identified harm. The proposal is therefore considered acceptable when assessed against the Development Plan as a whole and the National Planning Policy Framework.
- 10.2. The proposed alterations are considered to be of an acceptable design and scale, taking into account the prevailing character of the surrounding area, subject to further details in relation to the materials for the building, and the cycle and refuse store.
- 10.3. The converted building can deliver a good standard of temporary housing overall with access to sustainable transport options. Whilst there will be some impact to neighbouring amenity it would not be so significant to warrant refusal, and the proposal would make effective use of the site.
- 10.4. Any detrimental impacts and shortcomings of the site need to be weighed in the planning balance against the benefits of providing 11 new temporary affordable housing units in the City which has a 1.5 year housing supply. Increased weight needs to be given to housing delivery as a presumption in favour of sustainable development is applied through National Decision-Making Policy S3. For development within settlements this is applied through consideration of Policy S4 which states that "Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.". In this case it is considered that the benefits for the proposal, which are significant, outweigh the adverse impacts.
- 10.5. It is therefore considered that the proposed development would not conflict with national and local planning policies, and planning permission is recommended subject to the conditions within this report.

11. BIODIVERSITY NET GAIN

- 11.1. The development would be subject to Statutory Biodiversity Net Gain under Schedule 7A of the Town & Country Planning Act.

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.
- 12.3. Level access can be achieved and all floors accessible from the elevator. A wheelchair accessible unit is proposed on the ground floor, and all other units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

13. COMMUNITY INFRASTRUCTURE LEVY

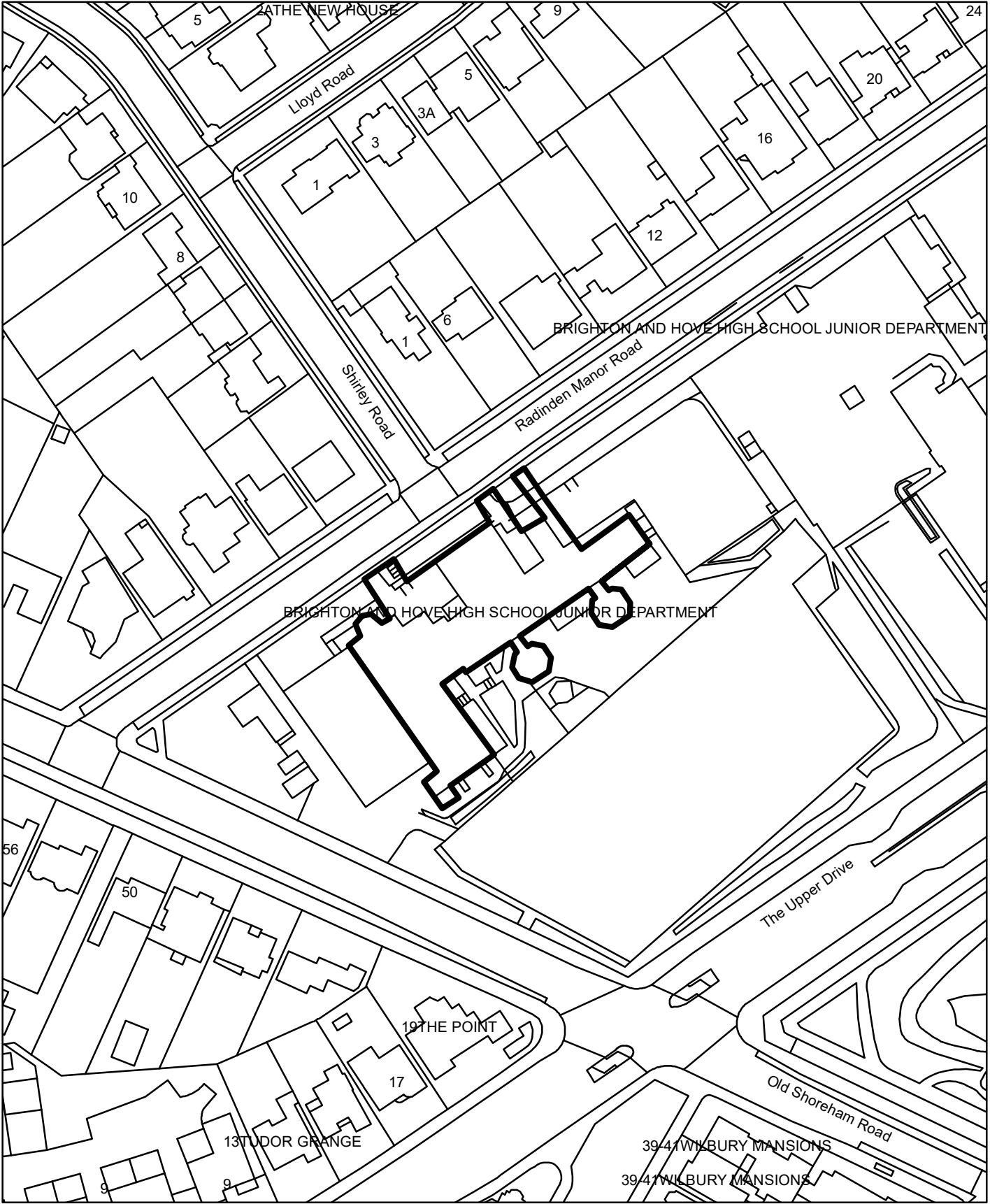
- 13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount (if required) would be confirmed in the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

ITEM C

**Brighton and Hove High School
Junior Department
Radinden Manor Road
BH2026/00749
Full Planning**

DATE OF COMMITTEE: 7th October 2026

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



**Brighton & Hove
City Council**



N

Scale: 1:1,250

<u>No:</u>	BH2026/00749	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton And Hove High School Junior Department Radinden Manor Road Hove BN3 6NH		
<u>Proposal:</u>	Change of use of vacant school building from education (Use Class F1) to House in Multiple Occupation for 47 occupants (Sui Generis) (retrospective).		
<u>Officer:</u>	Oliver Redmond,	<u>Valid Date:</u>	27.03.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.05.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	14.10.2026
<u>Agent:</u>	Maddox Planning 33 Broadwick Street London W1F 0DQ		
<u>Applicant:</u>	Lowe Management Limited C/O Maddox Planning 33 Broadwick Street London W1F 0DQ		

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	A-001		27-Mar-26
Block Plan	A-002		27-Mar-26
Proposed Drawing	P-001-B		27-Mar-26
Proposed Drawing	P-001-G		27-Mar-26
Proposed Drawing	P-001-F		27-Mar-26
Proposed Drawing	P-001-S		27-Mar-26
Proposed Drawing	P-001-R		27-Mar-26
Proposed Drawing	Annotated Ground Floor Plan		08-Jul-26
Report/Statement	Planning Statement		08-Jul-26
Report/Statement	Proposed Management Plan		08-Jul-26

2. The temporary use hereby permitted shall cease no later than two years from the date of this permission, or upon the permanent cessation of the use as a

House in Multiple Occupation (Sui Generis), whichever occurs first. Upon cessation of the authorised use, the building shall cease to be used as a House in Multiple Occupation and shall revert to its lawful use as an Education premises (F1) being the lawful use immediately preceding the grant of this permission.

Reason: The use is considered acceptable only on a temporary basis, having regard to the circumstances of the site and the requirements of Policies DM9 and DM44 of the Brighton & Hove City Plan Part Two.

3. The House in Multiple Occupation hereby permitted shall not be occupied by more than 47 persons as their sole or main residence at any time.

Reason: To prevent over-occupation and safeguard the living conditions of occupiers, neighbouring amenity and the character of the area, in accordance with Policies DM7 and DM20 of the Brighton & Hove City Plan Part Two.

4. The premises shall be operated and managed throughout the temporary permission in broad accordance with the site-management arrangements set out in the received email dated 8th of July 2026, and shall include:

- the appointment and retention of a Head Guardian
- carrying out of unannounced monthly property inspections
- carrying out of monthly visits by Lowe Management's Community Managers
- the provision of a dedicated 24-hour maintenance service
- the vetting of prospective occupiers
- the operation of the stated complaints and resident-conduct procedures
- maintenance of an up to date register of resident occupiers, which shall be made available to the council upon reasonable request
- management to ensure no person who is not entered on the resident occupiers register occupies the premises as their sole or main residence.

The above arrangements shall be maintained throughout the permitted use. Any proposed changes shall be submitted to and approved in writing by the Local Planning Authority before being implemented.

Reason: To prevent over-occupation, ensure that the premises are appropriately managed and safeguard the living conditions of occupiers, neighbouring amenity and the character of the area, in accordance with Policies DM7, DM20 and DM40 of the Brighton & Hove City Plan Part Two.

5. The external communal amenity areas shall not be used by residents or visitors between 23:00 and 07:00, other than for access, egress or in an emergency.

Reason: To safeguard neighbouring occupiers from late-night noise and disturbance, in accordance with Policies DM7, DM20 and DM40 of the Brighton & Hove City Plan Part Two.

6. Within one month of the date of this permission, details of secure, covered and conveniently accessible cycle parking for a minimum of 47 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be fully provided within one month of its approval and thereafter retained throughout the use.

Reason: To promote sustainable travel and ensure appropriate cycle-parking provision, in accordance with Policies CP9, DM33 and DM36 of the Brighton & Hove City Plan and SPD14.

7. Within one month of the date of this permission, details of facilities for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, capacity and enclosure of the facilities and arrangements for their management and collection. The approved facilities shall be fully provided within one month of their approval and thereafter retained and managed in accordance with the approved details.

Reason: To ensure satisfactory refuse and recycling arrangements and safeguard the amenity and appearance of the site, in accordance with Policy WMP3e of the Waste and Minerals Plan and Policy DM20 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. SITE LOCATION

- 2.1. The application relates to the former Brighton & Hove High School - Junior Department at 1 Radinden Manor Road, Hove. The site is located on the south-eastern side of Radinden Manor Road, close to its junction with Old Shoreham Road. The surrounding area is predominantly residential in character, with detached and semi-detached houses set within mature plots. Cottessmore St Mary's Catholic Primary School and associated school and sports uses are located nearby.
- 2.2. The application building is a substantial former school arranged over ground, first and second floors and formed from a series of interconnected brick built blocks. It contains former classrooms, halls, kitchens, washing facilities, circulation areas and ancillary accommodation. Limited vehicle parking is available toward the front of the building. The wider former school site includes outdoor grounds and sports facilities.
- 2.3. The application site comprises the former school building together with the forecourt, external amenity and waste storage areas shown within the red line boundary. It does not include the adjoining sports field or the remainder of the wider former school grounds. The sports field remains outside the application site and is intended to remain in educational use.
- 2.4. The applicant states that the building became surplus to the operational requirements of the Girls Day School Trust following the relocation and consolidation of the junior school. The building had already been brought into use as a large House in Multiple Occupation when the application was submitted and remains occupied. The application is therefore retrospective. Permission is sought for a maximum of 47 residents, although the submitted information does not confirm whether all 47 bedrooms are yet currently occupied.

3. RELEVANT HISTORY

None relevant to the determination of this application.

4. APPLICATION DESCRIPTION

- 4.1. Retrospective planning permission is sought for the temporary change of use of the former school building from education use (Use Class F1) to a large HMO (Sui Generis) for a maximum of 47 occupants.
- 4.2. The applicant seeks permission for a temporary period of two years from the date of any planning permission granted. The use is proposed to be a “meanwhile use” while the wider site is sold and long term proposals are developed. The Girls Day School Trust has confirmed that the building is no longer required for its operations however the sports field would be retained in educational use and continue to be utilised by the school. Any permanent redevelopment of the wider site would require a separate planning application and would be assessed on its own merits.
- 4.3. The HMO proposes 47 single occupancy bedrooms - 13 at ground-floor level, 17 at first-floor level and 17 at second-floor level within the principal school building. The submitted schedule records approximately 1,439.94sqm of bedroom accommodation. Individual rooms range from approximately 8sqm to 109sqm, reflecting the reuse of former classrooms and other school accommodation.
- 4.4. Shared facilities include a kitchen measuring approximately 47.5sqm, a kitchen/dining room measuring approximately 140sqm and a communal room within the former school hall measuring approximately 253sqm. These spaces provide approximately 440sqm of communal accommodation in total. Shared bathroom and WC facilities are provided within the building. Outdoor amenity, refuse and recycling areas are identified within the application site. Approximately four existing parking spaces are retained at the front of the building and internal storage areas are identified for cycle parking.
- 4.5. No external alterations or extensions are proposed as part of the application.

5. REPRESENTATIONS

- 5.1. Representations have been received from **fourteen (14)** people objecting to the application on the following grounds:
 - Loss of an educational/community facility and concern regarding future educational need
 - Excessive scale and intensity of occupation
 - Harm to the character of the predominantly residential area
 - Noise and disturbance from continuous occupation, late night activity, visitors, taxis, deliveries, communal areas and outdoor smoking
 - Reported late-night antisocial behaviour

- Light spill and loss of privacy
- Inadequate internal and external amenity provision
- Inadequate bathroom and washing facilities
- Insufficient on-site management and uncertainty regarding how the maximum occupancy would be monitored
- Increased traffic, congestion, parking demand and overspill parking
- Absence of a permit-free restriction
- Highway and pedestrian safety, particularly in relation to the nearby school and cycle lane
- Reported obstruction of driveways and pavements
- Insufficient secure cycle parking
- Inadequate refuse and recycling facilities, with reports of overflowing bins, litter and early-morning collections
- Poor maintenance and appearance of the site
- The proposed duration and concern that the temporary use could become permanent
- The absence of a secured restriction prioritising key workers
- Concern regarding the implications for future redevelopment

5.2. **Two (2)** representations have been received supporting the application on the following grounds:

- Beneficial reuse of a vacant building
- Provision of additional accommodation
- Reduced risk of vandalism, unauthorised occupation and deterioration
- Accessible location close to public transport, shops and recreational facilities
- Reuse of an existing building without the impacts associated with substantial new construction

5.3. **Two (2)** representations of comment have been received neither supporting nor objecting to the application but raising the following issues.

- That any permission be limited to a short period so that the effects of the use can be reviewed
- Occupation should principally be restricted to key workers.
- Concerns were also raised regarding traffic, parking, highway safety, noise and lighting.

5.4. A full copy of the representations can be found on the Planning Register

5.5. **Councillor Samer Bagaeen** has objected to the proposal on grounds of noise, overdevelopment and residential amenity. A copy of their representation is attached to this report.

5.6. **Councillor Ivan Lyons** has objected to the application on grounds of parking, congestion, noise and out of keeping with the area. A copy of their representation is attached to this report.

6. CONSULTATIONS

- 6.1. **Planning Policy:** Comment
Further information requested. The lawful use of the building is an educational community use and Policy DM9 of the City Plan Part Two applies. The original submission did not demonstrate that any of the circumstances in Policy DM9.2 allowing the loss of a community facility applied. Further information was also requested regarding the proposed temporary period, bedroom and communal space sizes, outdoor amenity space, waste storage and energy efficiency.
- 6.2. The Policy response notes that the proposal would contribute one net residential unit in the form of an HMO, albeit temporarily, and that increased weight should be given to housing delivery because the Council cannot demonstrate a five-year housing land supply.
- 6.3. The response also advises that the HMO concentration tests in Policies CP21 and DM7 must be met and that the accommodation must provide appropriate communal living, cooking, bathroom and outdoor amenity facilities. Policy DM44 requires an EPC rating of C and improvement against the applicable Part L carbon-emission target for a change of use to residential.
- 6.4. **Private Sector Housing:** Do not wish to comment.
- 6.5. **Sustainable Transport:** No comments received.
- 6.6. **Children and Young Peoples Trust:** No comments received.

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. 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 2023; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).

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
CP8	Sustainable buildings
CP9	Sustainable transport
CP18	Healthy city

CP21 Student housing and Houses in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation (HMOs)
DM9	Community Facilities
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Waste and Minerals Plan:

WMP3e Sustainable Design of New Development

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 temporary change of use and loss of the educational/community facility, the provision and concentration of HMO accommodation, the standard of accommodation for occupants, the impact on neighbouring amenity and the character of the area, management, transport and parking, waste and recycling, and sustainability.

Principle of the Development and Loss of Community Use

- 9.2. Policy DM9 of the Brighton & Hove City Plan Part Two seeks to protect community facilities, including educational uses. The loss of a community facility is permitted where replacement provision is made, the facility is no longer needed and suitable alternative provision with sufficient capacity is available, the premises are no longer suitable for the existing or another community use and cannot reasonably be adapted, or there is no current or future need or demand, supported by evidence of marketing for community use.
- 9.3. The former junior school building has been declared surplus to the operational requirements of the Girls' Day School Trust following the relocation and consolidation of the school. The application does not include the adjoining sports field, which is intended to remain in educational use. However, the evidence does not demonstrate that the building is no longer needed for any alternative community use or that it has been marketed for such a use. The proposal therefore does not fully satisfy the requirements of Policy DM9.2.
- 9.4. The temporary nature of the proposal is an important material consideration. Permission is sought for two years only and the applicant advises that the wider site is being sold, with separate longer-term proposals anticipated. A time-limited permission would not establish the HMO as the permanent use of the building or determine the acceptability of any future redevelopment. At the end of the

temporary period the HMO use would be required to cease and the building would return to its former educational use.

- 9.5. The proposed temporary use brings a substantial otherwise unoccupied building into active occupation during the sale and planning process and provides additional residential accommodation in the interim. The temporary proposal also assists in maintaining and securing the building. These benefits attract positive weight. Whilst the applicant has stated that the accommodation would principally serve key workers or be provided below market rents these statements attract limited weight in the planning balance because neither the identity of occupants nor the rent levels would or could be secured through the planning process.
- 9.6. On balance, whilst the conflict with Policy DM9 is clear, the impact is considered somewhat limited by the strictly temporary nature of the permission, the building being surplus to the former operator's requirements, the retention of the sports field in educational use and the fact that any permanent loss or redevelopment would require separate assessment.

HMO Provision and Housing Delivery

- 9.7. Policies CP21 and DM7 support the role of HMOs in meeting housing needs while seeking to prevent harmful concentrations and protect mixed and balanced communities. The application creates one residential unit in the form of a large HMO containing 47 bedspaces. As the permission would be temporary, its contribution to the city's housing supply would be limited.
- 9.8. Council records identify 12 neighbouring residential units wholly or partly within 50m of the relevant centre point, excluding the application site itself. Of these, two are in lawful HMO use or benefit from an extant permission for HMO use. Existing HMOs therefore represent 16.7% of neighbouring residential units within the radius. This exceeds the 10% threshold in Policy CP21 and the proposal therefore conflicts with that policy.
- 9.9. For the purposes of Policy DM7, the Output containing the application site and the immediately adjoining Output Areas contain a combined total of 1,901 dwellings, of which 27 are recorded as HMOs. HMOs therefore represent approximately 1.4% of dwellings within the wider neighbourhood area, comfortably below the 20% threshold in Policy DM7(a).
- 9.10. The application relates to a freestanding former institutional building and would neither sandwich a non-HMO dwelling between two HMOs nor result in a continuous frontage of three or more HMOs. It therefore satisfies the separate concentration and frontage criteria in Policy DM7(a)-(c). However, Policy DM7 also requires HMO proposals to comply with Policy CP21. As the 50m concentration threshold in Policy CP21 is exceeded, the proposal conflicts with Policy DM7 in that respect.
- 9.11. The purpose of the HMO concentration policies is to maintain mixed and balanced communities and prevent the harmful cumulative effects associated with concentrations of HMOs. In this case, the percentage within the 50m radius

is influenced by the relatively small number of neighbouring residential properties surrounding the large former institutional site. The threshold is exceeded by the presence of two existing HMOs, whereas the wider-neighbourhood assessment demonstrates a very low concentration of approximately 1.4%.

- 9.12. Whilst the proposal is for a temporary HMO use of the site and the requirements of policies CP21 and DM7 are recognised, the proposal would not involve the loss of an existing family dwelling, would not create a continuous concentration of HMOs and would not permanently establish an HMO use. Permission is sought for two years only, after which the use would be required to cease. Whilst the policy conflict is noted the context of the site and the proposed temporary “guardianship” of the building is sufficiently short so as to be able to accommodate the proposed occupation whilst not unbalancing the residential communities of the surrounding area. Housing provision albeit temporary only, is given weight in the planning balance, given the high demand and need in the city.

Standard of Accommodation

- 9.13. Policies DM1 and DM7 of the Brighton & Hove City Plan Part Two seek a good standard of accommodation for HMO occupants.
- 9.14. Policy DM7 recommends at least 4sqm of usable communal living space per occupant, proportionately increased for larger HMOs having regard to bedroom sizes and their ability to provide social space.
- 9.15. The submitted schedule identifies 47 single-occupancy bedrooms ranging from approximately 8.07sqm to 109sqm. All exceed the national minimum room size of 6.51sqm for a single adult imposed through the HMO licensing regime and most substantially exceed that figure. The very large rooms reflect the reuse of former classrooms and provide space for occupants to sit, work and store belongings in addition to sleeping accommodation.
- 9.16. Approximately 440sqm of communal accommodation is provided, comprising a 47.5sqm kitchen, a 140sqm kitchen/dining room and a 253sqm communal hall. This equates to approximately 9.4sqm per occupant and comfortably exceeds the 188sqm minimum indicated by applying the 4sqm per person recommendation. The photographic survey shows the kitchen, communal hall and a sample of bedrooms furnished and in use. The rooms shown in both photographs and the submitted plans benefit from windows, outlook and natural light, although the building retains aspects of its former institutional appearance.
- 9.17. The submitted plans show shared shower, WC and washing facilities distributed through the ground and first floors. The detailed number, operation and maintenance of these facilities would also be controlled through the mandatory HMO licensing regime.
- 9.18. Subject to the maximum occupation being limited to 47 people the internal accommodation, communal areas and shared facilities are considered capable of providing an acceptable living environment for occupants.

- 9.19. The submitted information identifies paved seating and landscaped garden areas within the application site for use by residents. The adjoining sports field falls outside the application site and has not been taken into account as resident amenity space.
- 9.20. Having regard to the substantial internal communal provision, the temporary nature of the use and the available outdoor areas, the amenity provision is considered appropriate to the scale and character of the development. The proposal is therefore considered to provide an acceptable standard of accommodation in accordance with Policies DM1 and DM7 of the City Plan Part Two.

Impact on Amenity and Character

- 9.21. Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two seek to ensure that development does not cause unacceptable harm to neighbouring amenity through noise, disturbance, overlooking, loss of privacy or other impacts. Policy DM7 also requires HMOs to be compatible with the characteristics of the area and not cause unacceptable harm through cumulative noise and disturbance.
- 9.22. The proposal introduces a different pattern of activity from the former school, which generated concentrated daytime movements associated with pupils, staff and servicing. Resident representations have reported late-night noise, taxi movements, outdoor activity and antisocial behaviour since the HMO occupation commenced. These concerns are acknowledged.
- 9.23. The proposed use is residential in character and no external enlargement or alteration of the building is proposed. While the number of occupants is significant, the building is substantial and provides extensive internal communal space, reducing the need for occupants to congregate outside or on the public highway. The former school use was itself capable of generating appreciable activity, although mainly during daytime hours.
- 9.24. The submitted Management Plan provides for a Head Guardian, resident vetting, monthly inspections, a complaints procedure and 24 hour maintenance support. It also establishes arrangements for managing resident conduct, visitors, communal areas and refuse and recycling.
- 9.25. Compliance with the Management Plan would be secured by condition, together with the display of an up to date 24 hour management contact at the premises. A separate condition would limit occupation to a maximum of 47 people and prevent the creation of additional bedrooms. Given the reported late-night disturbance, use of the external communal areas would also be restricted between 23:00 and 07:00, other than for access, egress or emergencies.
- 9.26. Collectively, these controls and the temporary duration of the permission are considered to provide a proportionate and enforceable means of managing the use and responding to any potential operational issues. Notwithstanding, it should be noted that should any noise issues arise this does not prevent the

council's Environmental Health team investigating/enforcing under a separate regime.

- 9.27. The proposed temporary change of use does not create new windows or materially alter existing relationships with neighbouring properties. Any overlooking would arise through established openings formerly serving the school and is not considered to result in unacceptable loss of privacy. External lighting and use of outdoor areas would remain subject to statutory nuisance controls, with the management plan providing an additional mechanism for addressing disturbance.
- 9.28. The occupation would alter the character of activity at the site, but the reuse of a large institutional building for managed communal accommodation is not considered inherently incompatible with the residential surroundings and subject to the recommended management, occupancy and temporary use conditions, the proposal is not considered to cause unacceptable harm to neighbouring amenity or the character of the area and would comply with Policies DM7, DM20 and DM40 of the Brighton and Hove City Plan Part Two.

Transport and Parking

- 9.29. Policies CP9 of the City Plan Part One and DM33 and DM36 of the City Plan Part Two seek to promote sustainable travel and ensure that development does not result in unacceptable highway safety, parking or servicing impacts.
- 9.30. The application site is in a sustainable location within the built-up area accessible by walking, cycling and public transport. Hove railway station is approximately a 15 minute walk away and bus services are available on Old Shoreham Road. There are local amenities close by.
- 9.31. Approximately four existing parking spaces are retained at the front of the building, primarily for operational and management purposes. Residents have raised concerns regarding additional vehicles, deliveries, taxis, obstruction of driveways and pavements and the interaction with traffic serving the nearby school and sports facilities. The applicant contends that residents are likely to have relatively low car ownership and that trips would be dispersed through the day rather than concentrated around school opening and closing times.
- 9.32. It is considered that the proposal could generate some additional residential parking and servicing activity, particularly during evenings and weekends. However, the former school use generated concentrated movements at peak periods and the proposal would not materially alter the existing access or highway layout. In addition, the type and nature of the proposed use is not anticipated to result in significant or demonstrably harmful impacts; the site is within an established residential area. The site is in an accessible location close to public transport and the limited availability of on-site parking is not, by itself, evidence that the residual cumulative highway effects would be severe or that highway safety would be unacceptably affected. On balance therefore it is not considered that refusal of permission can be justified on transport grounds.

9.33. Internal storage areas are identified for one cycle space per occupant. Details are recommended to be secured to ensure that 47 spaces can be accommodated in a secure, covered and accessible arrangement and retained throughout the temporary use. Subject to this requirement, the proposal would encourage use of sustainable modes, in line with policy.

9.34. The proposal is considered acceptable in transport terms and would comply with Policies CP9, DM33 and DM36.

Waste and Recycling

9.35. Policy WMP3e requires development to incorporate suitable facilities for the storage and collection of waste and recycling. Residents have reported overflowing bins, litter and an absence of recycling facilities during the existing occupation. These reports indicate that the arrangements in place at the time of the representations may not have been sufficient.

9.36. The applicant has subsequently identified refuse and recycling storage within the site.

9.37. Given that the use is already operating, a condition is attached requiring the approved facilities to be fully provided within a short period and thereafter retained. The management plan should ensure that bins are presented and returned appropriately and that the storage area is kept clean and secure. Subject to these controls, the proposal is considered capable of providing acceptable waste and recycling arrangements in accordance with Policy WMP3e.

Sustainability

9.38. Policy DM44 of the City Plan Part Two requires changes of use of existing buildings to residential use to achieve an EPC rating of C and the applicable improvement against Approved Document Part L carbon emission targets. The applicant has not submitted calculations demonstrating the required improvement. Instead, it argues that substantial fabric or renewable-energy works would be disproportionate for a two year use involving no extension, new building or external alterations.

9.39. The requirement to undertake substantial permanent upgrades to the building must also be considered against the temporary duration and the tests for planning conditions. In these particular circumstances, it would not be reasonable to require major fabric or renewable energy works whose useful life would extend materially beyond the two-year permission and could prejudice future redevelopment. This results in a degree of conflict with Policy DM44, but the weight attributed to that conflict is reduced by the limited duration and nature of the proposal.

Biodiversity Net Gain

9.40. Schedule 7A of the Town and Country Planning Act 1990 requires applicable development to deliver a minimum 10% biodiversity net gain, unless an exemption applies.

- 9.41. The applicant has submitted a Biodiversity Net Gain Exemption Statement. The proposal relates solely to the change of use of the existing building and does not involve external alterations, groundworks, demolition, extensions or changes to the site layout. It would therefore not result in the loss or degradation of any onsite habitat.
- 9.42. As the development would not affect any priority habitat and its impact on onsite habitat would fall below the applicable de minimis thresholds, the proposal is exempt from the statutory biodiversity gain requirement. The general biodiversity gain condition would therefore not apply and no further biodiversity net gain information is required.

Fire Safety and Other Regulatory Matters

- 9.43. A high level fire safety strategy has been submitted. Detailed requirements relating to means of escape, detection and alarm systems, compartmentation and ongoing management are principally controlled through Building Regulations, the Housing Act 2004, HMO licensing and the Regulatory Reform (Fire Safety) Order 2005. The proposal does not include external fire safety alterations requiring assessment as part of this application. Planning permission would not remove the need to comply with these separate statutory regimes.
- 9.44. The fact that the application is retrospective does not alter the planning merits and is not a reason to withhold permission. Matters relating to previous enforcement action, the handling of the application and effects on property values are not material planning considerations. Any future redevelopment of the site would require a separate planning application and would not be prejudged by this temporary permission.

10. CONCLUSION

- 10.1. The proposal brings a substantial former school building which is surplus to its former operator's requirements into temporary residential use and provides 47 bedspaces at a time of significant housing need. The bedrooms are generally generous in terms of space provision and the development provides extensive internal communal accommodation together with outdoor amenity space. The use would remain subject to the site management arrangements provided by the agent on 8th of July 2026 and would be limited by condition to a maximum occupation of 47 people.
- 10.2. The proposal does not demonstrate full compliance with Policy DM9 because the potential need or demand for the building as an alternative community facility has not been established. It also exceeds the 10% HMO concentration threshold in Policy CP21 and consequently conflicts with Policy DM7 in that respect. Compliance with the carbon emission improvement sought by Policy DM44 has not been demonstrated. These matters weigh against the proposal.
- 10.3. However, permission is sought for a strictly limited two year period while the wider site is sold and longer term proposals are progressed. The proposal would not result in the loss of a family dwelling, the wider neighbourhood HMO

concentration is approximately 1.4% and the development would not create sandwiching or a continuous frontage of HMOs. The sports field would remain in educational use, permanent physical works are not proposed within the application and any permanent loss or redevelopment would require separate planning permission.

- 10.4. The development would provide 47 bedspaces, secure the beneficial interim occupation and maintenance of a vacant substantial former institutional building and provide extensive bedroom and communal accommodation. Weight is given to housing provision. Concerns regarding noise, disturbance, parking, highway safety, refuse and management are acknowledged, including reports based on the existing occupation. However, the proposal is considered acceptable having regard to the size of the building, its accessible location and the ability to secure the site management arrangements, occupancy limit, refuse recycling facilities and cycle parking via condition. Any potential impacts are likely to be limited and are not considered sufficient to outweigh the benefits of the temporary use.
- 10.5. On balance, the identified policy conflicts are considered to be outweighed by the particular circumstances and benefits of the strictly temporary use in this instance. Subject to the recommended conditions, the proposal is considered acceptable.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides:
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 the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers have considered the submitted information, consultee response and third-party representations. The proposal provides temporary accommodation capable of meeting a range of housing needs. Detailed accessibility and suitability matters are also considered through the HMO licensing regime. Subject to the recommended controls, the proposal is not considered to give rise to unacceptable material impacts on individuals or identifiable groups with protected characteristics.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Ivan Lyons

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

6th May 2026:

As ward councillor, I would like to call this application to the Planning Committee.

I have broadly the same concerns, as residents re parking, increased congestion, noise pollution & out of keeping with the area.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Samer Bagaeen

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

2nd May 2026:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Overdevelopment
- Residential Amenity

Comment: The way this illegal change of use on the old Brighton Girls' site has been very badly handled by officer and it unfortunately looks like the system has been played by the applicant.

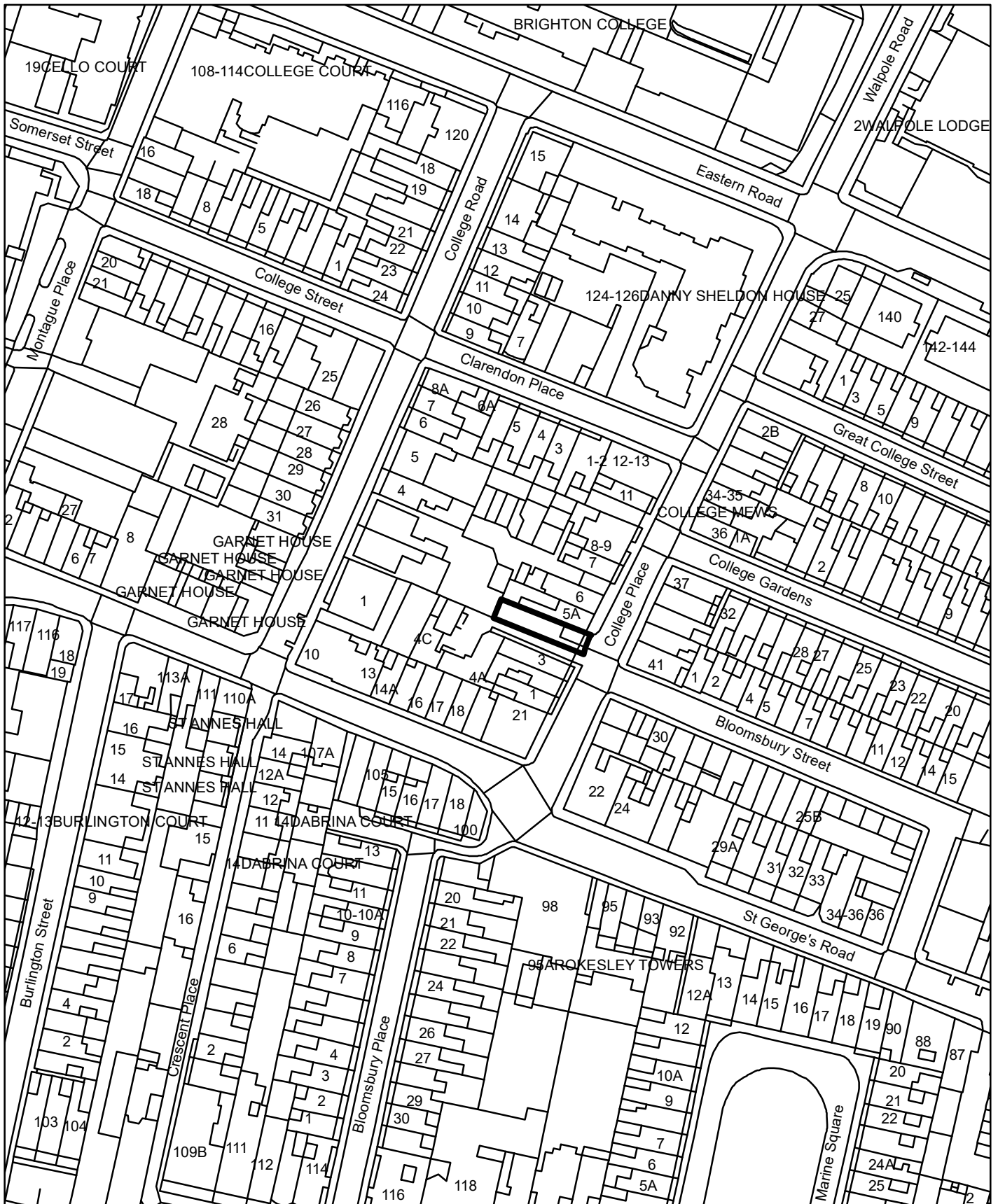
This should go to committee and should be refused given that enforcement should have acted and used their powers several weeks ago.

ITEM D

**Land South of 5 College Place
BH2026/00879
Full Planning**

DATE OF COMMITTEE: 7th October 2026

BH2026/00879 - Land South Of 5 College Place



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00879	<u>Ward:</u>	Kemptown Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land South Of 5 College Place Brighton		
<u>Proposal:</u>	Erection of three storey building to provide 2no self-contained flats (C3).		
<u>Officer:</u>	Leon Donald tel: 292692	<u>Valid Date:</u>	09.04.2026
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	04.06.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.10.2026
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Simon Yates 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 and block plan	TA 1624 01	A	09-Apr-26
Proposed Drawing	TA 1624 10	C	08-Sep-26
Proposed Drawing	TA 1624 11	A	18-Jun-26
Proposed Drawing	TA 1624 12	A	18-Jun-26
Proposed Drawing	TA 1624 13	C	08-Sep-26
Proposed Drawing	TA 1624 14	E	08-Sep-26
Proposed Drawing	TA 1624 15	A	18-Jun-26
Proposed Drawing	TA 1624 16	C	08-Sep-26
Proposed Drawing	TA 1624 17	C	08-Sep-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 side windows illustrated on the south elevation drawing (TA1624/17 c) of the development hereby permitted shall not be glazed otherwise than with

obscured glass up to at least 1.7 metres above the floor of the room in which the window is installed, and they shall thereafter be permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2

4. Access from the second floor unit onto the flat roof over the first floor rear projection hereby approved (as annotated to the west of the proposed 2nd floor terrace) shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

5. Notwithstanding the details on the drawings hereby approved, the second floor terrace hereby approved shall not be first brought into use until solid/opaque privacy screen(s) of 1.8 metres in height (measured from the finished floor level of the terrace/balcony) have been installed on the south, west and north boundaries of the terrace/balcony. The screen(s) shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

6. All new render finished shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

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

7. No development above ground floor slab shall take place until full details of all new sliding sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

8. The development hereby permitted shall not be occupied until the redundant vehicle crossover to the east part of the site, directly in front of the proposed new ground floor dwelling has been converted back to a footway by raising the existing kerb and footway.

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

9. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential development.

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.

10. None of the residential units hereby approved shall be occupied until each residential unit built 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.
11. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory standards for disabled people and to meet the changing needs of households and to comply with policy DM1 of the Brighton and Hove City Plan.
12. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One, DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.
13. The development hereby permitted shall incorporate at least 4 swift bricks/boxes within the external walls which 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.
14. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples/details of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window, door and balcony treatments
 - e) samples/details of all other materials to be used externallyDevelopment shall be carried out in accordance with the approved details. For the avoidance of any doubt the frames of the windows within the development shall be timber material.

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

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

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

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

- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22, DM26 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12, CP15 and CP13 of the Brighton & Hove City Plan Part One.

17. Other than demolition work or site enabling works, no development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal (and any sustainable drainage systems) and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy DM42 of Brighton & Hove City Plan Part 2.

18. The dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans TA/1624/11 A, TA/1624/12 A, and T1/1624/13 C. 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.

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

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
4. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

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

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.
- 5. 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.

2. SITE LOCATION

- 2.1. The application site comprises a vacant parcel of previously developed land situated on the western side of College Place within the East Cliff Conservation Area.
- 2.2. The site currently comprises a vacant area of hardstanding used for informal parking. The site historically contained built form (a single garage) and, more recently, functioned as a parking and service area. The site forms a gap between the established terrace at Nos. 5-10 College Place and the neighbouring building at 3-4A College Place, creating a noticeable break within the otherwise continuous street frontage. The surrounding area is predominantly residential in character, comprising two and three-storey Victorian terraced properties, and benefits from good accessibility to local services, public transport and other facilities.
- 2.3. Nos. 3-4A College Place comprise a former commercial building currently used as artist studio accommodation, with a separate residential unit at second-floor level, and these and properties to the rear are accessed via the private accessway to the south. The adjoining property to the north no.5 is in residential use. To the south there is an existing accessway.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the erection of a three-storey infill building providing two self-contained residential dwellings (Use Class C3). The accommodation would comprise a one-bedroom ground floor flat and a three-bedroom maisonette arranged over the first and second floors. The scheme includes private outdoor amenity space in the form of a rear garden serving the ground floor flat together with front and rear roof terraces serving the maisonette. The proposal also includes cycle storage, a single off-street parking space and associated landscaping and boundary treatments.
- 3.2. The proposed building would be modern with a flat roof but with traditional design elements to integrate into the streetscape. The primary external material is proposed to be painted render, with detailing including a faceted bay window with a lead-clad roof, a projecting cornice and parapet, and timber windows and proportions that reflect those of the adjoining No. 5 College Place. Additional features, including blind openings and brick piers frame the mews entrance.

- 3.3. The development has been amended during the application in response to officer comments regarding design, heritage and neighbouring amenity considerations.

4. **RELEVANT HISTORY**

None directly relevant.

Adjacent sites :

- 4.1. **BH2024/01916** (3, 4, 4A And 4E College Place) - Prior Approval for change of use of ground and first floors from commercial use to provide 4no. self-contained flats, with retention of the existing second-floor flat. Approved.
- 4.2. **BH2026/00784** (3 and 4a College Place)- Change of use of ground and first floor from commercial (E) to provide 4no self-contained flats (C3) with associated works to include first floor extension to rear mid-section, revised fenestration and installation of recessed balconies. Currently under consideration.

5. **REPRESENTATIONS**

- 5.1. **11 (eleven)** representations have been received objecting to the proposed development for the following reasons:
- Represents an overdevelopment of the site.
 - Scale, massing and height of the building would appear excessive and out of keeping with the character of College Place.
 - Harm would be caused to the character and appearance of the East Cliff Conservation Area.
 - Would result in a loss of daylight and sunlight to neighbouring properties.
 - Increased overlooking and a loss of privacy.
 - Overbearing impact on neighbouring occupiers and result in a poor outlook.
 - Concerns regarding the proposed roof terraces and potential noise and disturbance arising from their use.
 - Increased demand for on-street parking in an area where parking pressure already exists.
 - Highway safety concerns associated with servicing, deliveries and vehicle movements.
 - Concerns regarding construction impacts during the build period
 - Concern regarding ecological impact; impact to plants.
- 5.2. **The Conservation Advisory Group** have also commented on the application and the group recommend the approval of the application. They have recommended the front railings to match the property to the south (3 College Place).

6. **CONSULTATIONS**

Internal:

- 6.1. **Environmental Health:** No Comment
- 6.2. **Heritage:** Comment- verbal consultation (prior to amended design)
Whilst the proposed infill development is supported in principle, the current design requires further refinement to preserve and enhance the character and appearance of the East Cliff Conservation Area.
- 6.3. The proposed building line should align more closely with the adjoining terrace, and that the second-floor front terrace is not characteristic of the area and should be removed, with the building line continued upwards to create a full three-storey form. Further design amendments are recommended to the parapet height and stepping, drawing reference from neighbouring properties and local precedent. Improved floor to ceiling heights should be demonstrated through section drawings.
- 6.4. The window arrangement, proportions and alignment should better reflect the established rhythm and symmetry of the street scene, with closer correspondence to neighbouring head and cill heights. The recessed entrance should be reduced in depth, and further refinement is required to the junction with the adjoining property, including the treatment of existing blank windows. The side elevation should incorporate additional articulation and fenestration consistent with surrounding development. Consideration should also be given to incorporating design features that clearly signify the entrance to the proposed mews, drawing inspiration from existing mews streets within the East Cliff Conservation Area.
- 6.5. **Housing:** No Comment
- 6.6. **Planning Policy:** No Comment
- 6.7. **Sustainable Transport:** No Comment
- External: None
- 6.8. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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:

CP1	Housing delivery
CP3	Employment Land
CP8	Sustainable buildings
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing Density
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High-quality design and places
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Biodiversity
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD14	Parking Standards

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of residential development on the site; the design, scale and appearance of the proposed building; its impact on the character and appearance of the East Cliff Conservation Area; the standard of accommodation provided for future occupiers; the impact on neighbouring residential amenity; sustainable transport and parking considerations; biodiversity and sustainability matters; and the issues raised through representations received during the application process.

Principle of the Development:

Loss of current use and proposed residential use

- 9.2. The application site is a vacant parcel of previously developed land currently comprising hardstanding used for informal parking. The Design and Access

Statement submitted with the application confirms that the site has been used for ad-hoc car parking in recent years. The site did partly contain a single garage which was removed within the past 3 years. Whilst the precise date at which any former garage or ancillary structures were removed is unclear, historic mapping demonstrates that built form previously occupied the site and that the site has represented a longstanding gap within the terrace. It is not known if the site was previously associated with the neighbouring commercial premises at 3-4A College Place; the applicant is a recent owner of the site and there is no definitive planning history. The current applicant has confirmed the sites are separate and there are no lease rights to use the land for parking.

- 9.3. The neighbouring commercial premises to the south at 3-4A College Place benefitted from Prior Approval in 2024 for conversion to residential use and a subsequent planning application seeking an enhanced residential conversion remains under consideration (see Relevant History section in this report). The wider site context has therefore already undergone a significant transition away from commercial activity and towards residential use. Whilst Policy CP3 seeks to safeguard employment floorspace and premises, officers consider the use, nature and scale of the application site is such that its contribution to employment provision is limited.
- 9.4. Added to the above, within the planning balance, weight should be afforded to re-use of a vacant site and the provision of two additional self-contained dwellings in a highly sustainable urban location. Given the Council's significant housing land supply shortfall and Housing Delivery Test position, the proposal would make a small but meaningful contribution towards housing delivery objectives. The efficient redevelopment of this previously developed site accords with the objectives of Policies SS1 and CP1 and attracts significant weight in favour of the proposal.
- 9.5. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement because the council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) and, separately, because the most recent Housing Delivery Test indicates that the delivery of housing is less than 75% of the housing requirement over the previous three years. 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 August 2026) for the council being less than 85%.
- 9.6. 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 just 1.5 years of housing supply.
- 9.7. In addition to the above, the townscape and heritage benefits of the scheme are also given weight in the planning balance, as set out below.

- 9.8. Therefore, in this instance, the principle of redevelopment of the site for a residential use is considered acceptable on balance, and the loss of the parking area is accepted.

Design and Appearance, including Impact on Heritage Features

- 9.9. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.10. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.11. The application site lies within the East Cliff Conservation Area and therefore special attention must be paid to the desirability of preserving or enhancing its character and appearance.
- 9.12. When originally submitted, concerns were raised regarding the detailed design approach. Discussions were undertaken with the applicant and their architect throughout the determination period, resulting in a series of amendments which substantially improved the scheme. These amendments included revisions to the front building line to better align with the established terrace, alterations to window proportions and positioning to better reflect the rhythm of neighbouring buildings, refinement of the entrance treatment, revisions to the parapet arrangement and removal of the front roof terrace. Additional sectional information was also submitted to clarify the relationship with neighbouring properties and surrounding townscape.
- 9.13. The amended proposal now presents a more coherent response to the prevailing character of College Place. The building adopts a three-storey form which completes a longstanding gap within the terrace and reestablishes the continuity of built frontage along the western side of the street. The proportions, materials and architectural detailing reference key characteristics of neighbouring Victorian properties whilst remaining legibly contemporary in design. The development would repair what is currently perceived as a gap within the streetscene and would reinforce the established enclosure and urban grain of the terrace.
- 9.14. It is considered that the amendments satisfactorily address the main points raised in the Heritage officer's comments. The Conservation Advisory Group has considered the original scheme and raised no objection, recommending approval subject to the front railings being designed to match those serving No. 3 College Place.
- 9.15. Officers consider that the final design would preserve the significance of the East Cliff Conservation Area and would have a positive effect on its character and appearance through the sensitive redevelopment of a longstanding gap site and the restoration of a continuous building frontage within the terrace. The road is mixed, and the introduction of railings on a contemporary scheme is not considered necessary in this instance.

9.16. The proposal responds appropriately to the established scale, proportions and rhythm of development within College Place whilst remaining legibly contemporary in its architectural expression. The development would therefore conserve the significance of the designated heritage asset and accords with the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, together with the heritage provisions of the NPPF and Policies CP12, CP15, DM18 and DM26.

9.17. Final landscaping designs and external materials can be satisfactorily dealt with via condition.

Impact on Amenity:

9.18. City Plan policies DM20 and DM40 seek to protect amenity, and seek to ensure development appropriately mitigate potential impacts associated with loss of daylight/sunlight, loss of outlook, loss of privacy and noise and disturbance.

9.19. The impact on all neighbouring properties has been duly assessed. The extant Prior Approval for residential use at 3 and 4a College Place has been taken into account and impacts assessed on prospective occupiers.

9.20. During the determination process concerns were raised regarding the adequacy of the submitted daylight and sunlight information. Officers requested additional assessment work covering the relationship between the proposal and neighbouring properties. In response, the applicant commissioned further technical analysis and provided updated supporting information and drawings. The submitted Daylight and Sunlight Assessment demonstrates that the proposed conversion scheme at 3 and 4A College Place would retain acceptable levels of daylight and sunlight following construction of the proposal. The assessment concludes that all tested rooms comply with BRE BR209 (2022) guidance and that at least one habitable room within each dwelling receives the recommended level of sunlight exposure. The report identifies no grounds for refusal based on daylight or sunlight impacts.

9.21. The proposal has also been amended to reduce opportunities for overlooking. Most south-facing windows would serve secondary spaces and can be secured as obscure glazed through condition where necessary. There is no objection to an upper floor roof terrace at the rear given the siting of the proposal and the current screening in place. The terrace has been refined, including a reduction in its depth and updated drawings confirm it would not unduly project beyond the neighbouring flank wall to the north. This helps to minimise overlooking and ensure neighbouring privacy is maintained. Privacy screens around the terrace can be conditioned to ensure no undue overlooking, including to the south. The limited scale of the terrace would ensure that no undue noise or disturbance would result.

9.22. Given the limited scale of the proposal, and its location, it is not considered a Construction Environmental Management Plan is required in this instance to mitigate construction impacts.

- 9.23. Taking account of the scale, positioning and detailed design of the amended proposal, officers are satisfied that the development would not result in unacceptable loss of daylight, sunlight, outlook or privacy to adjoining occupiers and would therefore comply with Policies DM20 and DM40.

Sustainable Transport:

- 9.24. Policy CP9 of City Plan Part One and Policy DM33 of City Plan Part Two seek to promote developments that encourage sustainable and active forms of travel and reduce reliance on the private car.
- 9.25. There is no objection to loss of an informal parking area in principle, particularly as it appears no longer linked to a particular premises or use. An access route to properties to the rear would remain. The application site occupies a highly sustainable location close to local shops and services on St George's Road and Eastern Road and within convenient walking distance of frequent bus services, healthcare facilities, schools and the seafront. Any current users of the site and future occupiers would have access to a wide range of day-to-day facilities without requiring a private vehicle.
- 9.26. The proposal would provide cycle parking for two bicycles, helping to encourage sustainable modes of transport. A single off-street car parking space is proposed for the two dwellings, and this is considered acceptable having regard to the location and scale of the development. The space would be in the location of current parking and would be adequately accessed off the internal access road to the south, which is to remain. The redevelopment of this small infill site is unlikely to generate significant additional vehicle movements, and there is no evidence to demonstrate that the development would result in severe highway impacts.
- 9.27. The proposed development would reduce the width of the existing accessway running along the southern boundary of the site. The submitted plans indicate that a clear access width of approximately 3.3 metres would remain available. Officers note that the accessway is private, and would continue to serve 4 and 4C College Place and properties to the rear. Having reviewed the layout, the retained width is considered sufficient to continue accommodating pedestrian access and the limited servicing requirements associated with these properties. On balance, no objection is raised in this regard.
- 9.28. Subject to the provision and retention of secure cycle parking and the implementation of the development in accordance with the approved plans, the proposal is considered to provide an appropriate balance between sustainable travel objectives and residential needs. The development is therefore considered to accord with Policies CP9, DM33 and DM36.

Standard of accommodation:

- 9.29. Policy DM1 seeks to secure an appropriate mix and quality of housing accommodation. The proposal would provide a one-bedroom flat and a three-bedroom maisonette, contributing to housing choice within the city.

- 9.30. The submitted floorplans demonstrate that both new dwellings meet or exceed the Nationally Described Space Standards. The one-bedroom flat provides appropriately sized habitable rooms, storage provision and direct access to a private rear garden. The three-bedroom maisonette would be arranged across two upper floors and provides generous internal accommodation together with both front and rear private roof terraces.
- 9.31. The proposed accommodation benefits from adequate outlook, natural daylight, ventilation and private outdoor amenity space. Officers are satisfied that the development would provide a high standard of living environment for future occupants in accordance with Policy DM1.
- Sustainability and biodiversity:**
- 9.32. Policy CP8 seeks to ensure that new development achieves high standards of sustainable design and construction. The proposal incorporates the redevelopment of a previously developed brownfield site within a highly sustainable location close to public transport, services and facilities. Conditions are recommended requiring achievement of the Council's energy efficiency standards together with water efficiency measures, thereby ensuring compliance with Policies CP8 and DM44.
- 9.33. In biodiversity terms, the site is vacant and is not within an identified wildlife site or known to contain any protected species. Whilst the hardsurfaced nature of the site limits opportunities for significant habitat creation, biodiversity enhancements can nonetheless be secured through condition. These enhancements would include the provision of integrated swift bricks and bee bricks within the external fabric of the building, contributing to urban biodiversity and supporting Priority Species within the city.
- 9.34. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because the site is a vacant previously developed site comprising hardstanding and does not impact priority habitat or significant habitat features.
- 9.35. Refuse and recycling provision would be via the existing communal on-street collection system, which is considered acceptable given the highly sustainable city-centre location.

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. A condition requiring M4(2) adaptable standard will be imposed.

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. 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.

ITEM E

**25 Drove Road
BH2026/01166
Full Planning**

DATE OF COMMITTEE: 7th October 2026

BH2026/01166 - 25 Drove Road, Woodingdean



**Brighton & Hove
City Council**



Scale: 1:3,000

<u>No:</u>	BH2026/01166	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	25 Drove Road Brighton BN2 6AJ		
<u>Proposal:</u>	Change of use of land to commercial equine, erection of stables, barns and siting of a mobile home to be occupied for a temporary period of 5 years (part-retrospective).		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	08.05.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	03.07.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	30.10.2026
Agent:	Mr Richard Stone 1 Sunnybank Gravel Hill Shirrell Heath SO32 2JQ		
Applicant:	Ms Leesa Long The Boneyard Drove Road Brighton BN2 6AJ		

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:

- 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	235.22.10		17-Jun-26

- The use of the access hereby permitted in connection with the commercial equine facility/stables and mobile home as set out within the application shall cease prior to the expiration of 5 years from the date of this permission.

Reason: For the avoidance of any doubt and as the application has been submitted and assessed as a 5-year temporary proposal only, and to enable the Local Planning Authority to maintain future control over the use of the land in question for highways and visual amenity reasons, to comply with policies DM33, DM36, SA4 and SA5 of the Brighton & Hove City Plan.

Informatives:

- 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. It remains the applicant/developer's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries. It is noted that the SDNPA have previously refused to grant permission for the application that was before them. This current application only relates to the matters within the Brighton and Hove area (i.e. the access only) and does not grant planning permission for any development within the South Downs National Park Authority area.
3. The applicant is advised to add additional signage to the road and access track within the site boundary to advise drivers to lower their speeds and drive with caution. The signage should also include messaging to advise motorists that there is no access to Chalky Down Campsite via the Warren Road entrance to Drove Road.

2. SITE LOCATION

- 2.1. The application site, known as The Boneyard, is located on the northeast edge of Brighton and Hove in a countryside location between Bevendean and Woodingdean. The majority of the site falls within the South Downs National Park (SDNP).
- 2.2. The application site straddles across the administrative boundary of Brighton and Hove City Council (BHCC) and the South Downs National Park Authority Area (SDNPA). The southern boundary of the site is marked by Drove Road which is a public byway and marks the boundary of the SDNP. To the south of Drove Road is residential housing in Woodingdean.
- 2.3. Drove Road is classified as a Byway Open to All Traffic (BOAT), with a 1998 Traffic Regulation Order restricting traffic to access only (and horse drawn vehicles). The access track is within the jurisdiction of Brighton and Hove Local Planning Authority. The land is within the Urban Fringe and City Plan Part One Policy, SA4 applies.
- 2.4. The access track extends from Warren Road in a north-easterly direction towards the application site. It narrows to a slim single track with no passing places from the point adjacent to the western corner of the site. The site entrance is enclosed with tall fencing and metal gates. There is a further track north of the site on lower ground that leads to Brown Loaf Farm.

3. RELEVANT HISTORY

- 3.1. The below site history includes applications determined by Brighton & Hove (B&H) and the South Downs National Park (SDNPA). Details of the respective applications can be found on each Local Planning Authority's planning register.

- 3.2. **SDNP/26/01568/FUL (SDNPA)** - Retrospective change of use of land to commercial equine, erection of stables, barns, and the siting of a mobile home to be occupied for a period of 5 years. Under consideration
This is a duplicate application for the current proposal which has been submitted to the South Downs National Park Authority for their consideration.
- 3.3. **BH2022/01584 (B&H)** - Erection of single storey building for 7no stables and open-fronted timber framed lean-to hay barn, erection of residential mobile home for temporary period of three years and retention of existing buildings for commercial equestrian purposes (Part retrospective). Approved 02/2/2023 (temporary permission lapsed 02/02/26)
- 3.4. **SDNP/22/01454/FUL (A duplicate application to the above, assessed by the SDNPA)** Change of use of property and associated structures for equestrian purposes together with the change of use of land for the stationing of a residential mobile home for a temporary period of three years (retrospective). Refused 15/12/2022
- 3.5. The reasons for refusal related to the intensification of the equestrian activities and subsequent impact on the landscape and character of the SDNP, insufficient justification for the residential unit, harmful engineering work and visual impact on the SDNP, overdevelopment of the site, and potential impact on ground water resources.
- 3.6. **BH2010/02225 (B&H)** - Outline application for proposed riding school, livery facility and ancillary staff office and accommodation. Withdrawn

4. APPLICATION DESCRIPTION

- 4.1. The application seeks a change of use of the land to a commercial equine facility, erection of stables, barns and siting of a mobile home to be occupied for a temporary period of 5 years. The application is part-retrospective as the use is occurring (including the access) and the buildings are already in situ. The application is effectively seeking a further 5 years temporary consent following an initial 3-year temporary consent granted in 2023 (which has now lapsed).
- 4.2. As noted above, the application is a cross-boundary application. The South Downs National Park Authority (SDNPA) is considering the greater part of the proposal as the land encompassing the majority of the development site is located within the South Downs National Park.
- 4.3. The application description includes all the works and proposed change of use within the site boundary (red line). Brighton and Hove City Council Local Planning Authority must only consider the works / uses within the area of land within their jurisdiction. In this case that is only the use of the existing access to the site (no physical changes proposed) and any impacts relating to the access, namely the amenity impacts relating from a change in patterns of use of the access, and any impacts on highway safety.

- 4.4. In situations where there is a cross-boundary application the respective planning authorities consider the development and impacts within their boundaries. Therefore, what is not considered under this application shall be considered by the SDNPA under the duplicate application. To succeed as an overall proposal, both LPA's would need to support their respective applications.
- 4.5. With the exception of the site location plan, the submitted drawings which accompany the application are submitted for information only.

5. REPRESENTATIONS

- 5.1. **Eleven (11)** representations have been received objecting to the application on the following grounds:
- Previous applications have been refused and orders made to remove all structures
 - Previous restorative work for the site has not been undertaken
 - Harm to the landscape and wildlife
 - Increased vehicle movements and traffic result in conflicts between access track users
 - Track is illegally used by motorbike and electric scooters
 - Improvements to the tracks are required
 - A 5mph speed limit should be implemented
 - The site is being used for car parking
 - Living accommodation unnecessary and unjustified
 - Claims that it is a stud farm questioned
 - Noise and disturbance
 - Overdevelopment of the site
 - Sets an unwanted precedent for residential accommodation in the SDNP
 - The use is not genuinely temporary, as there has been a long history of temporary uses
 - Examples of similar development in the area have occupancy safeguards in place
 - Reports submitted with this application are out of date and are from the 2022 application. New reports and assessments are required
 - Cumulative impacts on wildlife if a residential use is established on site
 - The track is in a poor state of repair and will be made worse
- 5.2. **Twelve (12)** representations have been received supporting the application on the following grounds:
- The applicant has an established need to be onsite to facilitate successful horse breeding
 - It is a well-run local independent business and should be supported
 - There is a public benefit from the improvements to the pre-existing buildings
 - The applicant provides a valuable service for local horse owners
 - The application supports the local rural businesses and the equestrian community
 - The site offers benefit to the wider community including children with additional needs

- 5.3. **Councillor Jacob Allen and Councillor Jacqui Simon** support the application for the following reasons:
- The application represents an appropriate and pragmatic approach for the site
 - Equine activity has been part of the landscape and economy in the area
 - The new buildings would improve animal welfare and storage
 - The temporary residential use is justified for operational reason
 - It is a small-scale enterprise which is sensibly managed within the SDNP
 - There have been no complaints arising from the site
- 5.4. A copy of the joint representation from Councillor Allen and Councillor Simon is appended to this report.

6. CONSULTATIONS

Internal:

6.1. **Transport** No Objection

Pedestrian and vehicle access would remain via Drove Road. No changes to car parking are outlined. The application does not provide specific details regarding loading, servicing or delivery. A Traffic Statement was submitted in support of the previously approved temporary permission and there is no evidence that the scale or nature of the equestrian use has materially changed. The previous assessment estimated that the development would result in an increase of approximately 9% in vehicle movements compared with the previous arrangement. Cycle parking should be sought by condition.

6.2. **Environmental Health** No Objection

External:

6.3. **South Downs National Park Authority (SDNPA)** Comment

This is a cross-boundary application. The SDNPA are currently considering the bulk of the proposals submitted under application reference SDNP/26/01568/FUL as the land encompassing the majority of the development is located within the South Downs National Park. The land falling within BHCCs jurisdiction largely relates to the access and associated track to which it is understood there are no physical alterations proposed. The SDNPA therefore has no formal comments to make on this application.

- 6.4. Full details of all representations made, and consultee comments, can be viewed on the council's 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 updates 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
SA4	Urban Fringe
SA5	Setting of the South Downs National Park
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage

Supplementary Planning Documents:

SPD14	Parking Standards
SPD16	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. As stated earlier in this report, the principle of whether the proposed use is acceptable on this site within the National Park will form part of the consideration undertaken by the South Downs National Park Authority. The main considerations of this application relate to those parts within the Brighton and Hove administrative boundary, namely whether the access is acceptable to serve the proposed type and scale of use.

- 9.2. No physical changes to the access route are proposed, and the main considerations are highways access and safety and neighbouring amenity impacts arising from changes in the use and the activity of the access road. Any associated impact of the use of the access on the rural character and appearance of the adjacent National Park is also a consideration, as the council has a statutory duty to consider, and seek to further, the statutory National Park purposes and duty.
- 9.3. The application is similar to a previously approved application in 2022 (see History section above). This approval is also a material consideration for this application.
- 9.4. A site visit was undertaken in August 2026.

Highways Considerations

- 9.5. This application is part- retrospective. The application contains background information to explain the previous use of the site and the changes which have taken place over time. It is understood that the applicant and their partner previously ran a livery and competition yard at the nearby South Down Stable in Bear Road. The applicant appears to have gradually relocated activities to the application site since September 2021. The previous application was supported by a traffic statement which itemised a 9% increase in trips on a monthly basis following the relocation of the majority of the operations from the South Downs site. There have been no recent surveys of actual trip generation. However, as in the 2022 planning application, the Transport Team remain comfortable with the trip generation associated with current activity on the site. There is no evidence of a subsequent intensification of use of the site since the last permission.
- 9.6. It is explained in the Planning Statement that the applicant envisages a change in direction in the next few years, which would reduce the livery element of the business and increase the emphasis on breeding. The mobile home would continue to be used as residence for the applicant and their partner. Based on the use of the site for accommodation and livery stables accommodating the current number of horses, it is still considered that the development would not give rise to an excessive increase in vehicle trips or have a severe impact on the highway and the surrounding transport network. A move towards less livery provision (and associated individual and likely frequent trips associated with different owners) could result in less traffic generation potentially going forward. The Highway Authority considers that the conclusions of the previous transport assessment remain broadly applicable, and no significant impacts are anticipated in terms of the safety of users of Drove Road.
- 9.7. In regard to the type and condition of the Drove Road track, it is a single track, and the Transport Team have confirmed that the Highway Authority (BHCC) is responsible for its upkeep. It has been confirmed that resurfacing has not been undertaken in the last 10 years. The Transport Team have confirmed that the last resurfacing of this track was undertaken to improve the cycle network. It is not considered the associated traffic movements proposed would have a demonstrable impact on the road surface or maintenance, and its nature is appropriate for the proposed use.

- 9.8. In regard to speed limits, the Transport Team have confirmed that the speed limit on Drove Road does not immediately decrease from Warren Road, which has a restriction of 40mph. When Drove Road forks to access the application site and the track to the north east, the official speed limit is reduced to 30mph. In practice, appropriate speeds are likely to be much lower than this. Suggestions made in representations suggested a need to secure 5mph signage in Drove Road. This has not been advocated as necessary by the Transport Team. On the previous application the applicant was advised to use signage to advise users of the track to lower speeds and to advise that access was restricted, by way of an informative on the previous decision. The site visit revealed no signage to this effect had been installed, however, and this shall be added again to remind the applicant that signage would be beneficial. It has also been clarified that the 'no motorised' vehicles sign which is displayed close to the junction with Warren Road is not an official highways sign, and it is not enforceable.
- 9.9. In regard to parking, there is not anticipated to be a significant change from the previously approved scheme. The site comprises a commercial equestrian use and does not fit neatly within the land use categories contained within SPD14 Parking Standards. For comparison purposes, the closest equivalent category is considered to be outdoor sports and recreation uses (F2 use, former D2 use). There are no changes proposed for the on-site provision therefore no evidence that parking would be displaced on to the highway.
- 9.10. Cycle parking provision is not detailed within the current submission. Given the site's accessibility by the cycle network and the absence of any confirmed cycle parking provision, the Transport Team recommends that a Cycle Parking Scheme condition is attached to any permission granted. The Transport Team previously requested a cycle parking condition in relation to the previous approval, BH2022/01584, however this was not attached to the final decision notice. The cycle parking would be required to be located within the main part of the application site which is outside of BHCC jurisdiction. For this reason, it would be for the SPNPA to impose such condition should the authority consider it necessary.
- 9.11. Overall, the Local Highway Authority are satisfied with the application in regard to highways safety and the development is considered to be in accordance with highway policies CP9, DM33 and DM36.

Impact on Neighbouring Amenity

- 9.12. 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, adjacent or nearby users, residents, occupiers or where it is liable to be detrimental to human health. Policy DM40 addresses Environmental Protection. The policy seeks to ensure development does not give rise to environmental pollution, and this includes, relevant to this proposal, noise and disturbance.

- 9.13. The retrospective works and change of use to the wider application site in 2021 have resulted in an intensification of the former equestrian use of the site and as such, an increased number of trips on the access track. The residents most impacted by the development are those directly south of the access track, Drove Road. The rear gardens of these properties adjoin the access track to the south.
- 9.14. Whilst Drove Road is directly adjacent to the boundary with noise sensitive premises, it is not considered that the development has resulted in an uplift in trips associated with the equestrian use. It is noted that in the previous application, the submitted Transport Statement set out that there was an increase in monthly trips from 468 to 510 which is an increase of 9%. No up-to-date Transport Assessment has been submitted with this application. Whilst this would have been helpful to quantify the number of trips associated with the current activity, this cannot be insisted upon, and the LPA must assess the application on the information which has been submitted. As noted by the Transport Team, it is considered that the situation on site has not materially changed since the previous application was approved in 2022.
- 9.15. Neighbouring occupiers have raised concerns about the increased noise and disturbance from the current operations; however, it is not considered that the increase in trips associated with application results an increase in noise and disturbance to a degree which would warrant the refusal of the application. The properties which border the site have good-sized rear gardens, and the overall level of motorised vehicles using Drove Road to access the application site remains a generally low number. In addition, there is screening between the rear gardens and the access track in the form of closed boarded fencing and some planting. This offers some degree of a visual screening and an acoustic buffer between vehicles using the access track and the residential gardens.
- 9.16. It is also noted that the nature of the access track, which is a narrow, shared space, necessitates low vehicle speeds in general, and this means noise from vehicle movements would be less than what would be experienced on a conventional road open to through traffic.
- 9.17. Overall, it is not considered that the associated movements on Drove Road present significant harm to the residential amenity of neighbouring occupiers and no conflict with City Plan Part Two Policies DM20 and DM40 have been identified.

Setting of the South Downs National Park

- 9.18. No physical changes are proposed to the width/type/surfacing of the access point or to Drove Road, which remains a relatively low key single track access road, and this is appropriate for its rural setting. The level of activity and traffic movement associated with the development is not considered to compromise the setting, character or main purposes of the Park, given the relatively low level of activity as outlined above and when compared to the previous use. Whilst consideration of the use of the main site for equine/residential use is for the SDNPA, it is in principle one that can be appropriate in a rural location. The proposal is therefore considered to comply with policies SA4 and SA5 of the City Plan.

Other matters raised in representations

- 9.19. Comments made regarding the safety of all the road users are noted. The type of access route does mean that users have to share the narrow space and adjust their speed and behaviour accordingly. This is not unusual for a Byway Open to All Traffic (BOAT) within a countryside setting. Concerns regarding use of the track by other types of vehicles is not for consideration and is a matter for other authorities.
- 9.20. Comments made regarding the change of use, the physical alterations to the site, the wider character and appearance of the SDNP, landscape considerations, and ecology are noted and require assessment under the corresponding application which is under consideration with the SDNPA. See also section on SDNP Setting above.
- 9.21. In regard to any unauthorised works and enforcement proceedings relating to the use of the site, these matters also sit with the SDNPA who refused the previous application for the site. The SDNPA would need to be satisfied that the current application has addressed previous concerns in order to grant consent for the works. The outcome of the current application before Planning Committee does not prejudice the outcome of the SDNPA application.

Matters of Clarification

- 9.22. At the time of writing this report, the corresponding application which has been submitted to the SDNPA remains under consideration. This application with the SDNPA must consider the impacts of the proposal and the physical works indicated on the plans which fall outside of the Brighton and Hove area. It remains the applicant's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries.

10. CONCLUSION

- 10.1. The proposed equestrian use within the wider site would not result in any significant increase in vehicle trips on the access track. The application has been fully assessed by the Transport Team, and no concerns have been raised. It is not considered that this development would result in an unacceptable impact on neighbouring amenity or highway safety impacts or adversely affect the setting or purpose of the National Park. The proposal is in accordance with policy CP9, SA4 and SA5 of the City Plan Part One and policies DM36, DM33, DM20 and DM40 of the City Plan Part Two.

11. BIODIVERSITY NET GAIN

- 11.1. Within the boundaries of BHCC jurisdiction, 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.

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.



PLANNING COMMITTEE LIST

Brighton & Hove COUNCILLOR REPRESENTATION **City Council**

Cllr. Jacob Allen & Cllr. Jacqui Simon
BH2026/01166 - 25 Drove Road

1st July 2026:

Dear South Downs National Park Authority + Brighton & Hove Local Planning Authority,

I am writing in my capacity as Ward Councillor for Woodingdean in Brighton & Hove to express my support for this application at Drove Road Stud.

Having considered the proposal and its local context, I believe the application represents an appropriate and pragmatic use of the site that supports the rural and equestrian character of this part of the South Downs National Park. Equine activity has long formed part of the landscape and local economy in this area, and the application formalises and regulates an existing use while providing the facilities necessary for the safe and effective management of the business.

The proposed stables and barns are directly related to the operation of the site and will help ensure improved welfare standards for horses, better storage and management of equipment and feed, and a more organised appearance overall. In addition, the temporary siting of a mobile home for a five-year period appears justified in supporting the day-to-day operational and welfare requirements associated with commercial equine use, including the need for regular on-site supervision and security.

Importantly, I consider the proposal to be proportionate in scale and compatible with the surrounding rural environment. The application also contributes to sustaining rural employment and small-scale enterprise within the National Park, which should be encouraged where developments are sensitively managed.

As a Councillor for the last three years and a local resident close to the site for over twenty-seven years I can attest to no complaints from local residents regarding the site's negative impact on amenity of the national park or of any widely held view that the site is incongruous to the setting of the national park.

I can see no reason within the framework of town and country planning to refuse this application. For these reasons, I respectfully ask the SDNPA to note our support for the application and consider these points in its deliberations.

NEW APPEALS RECEIVED BETWEEN

06/08/2026 - 02/09/2026

Ward	Preston Park
Appeal Ref	APL2026/00037
Appeal App Number	BH2025/02990
Address	53 Beaconsfield Road Brighton BN1 4QH
Development Description	Demolition of three adjacent garages and erection of a part single storey, part two storey one bedroom dwelling (C3).
Application Status	APPEAL IN PROGRESS
Appeal Received Date	24/08/2026
Application Decision Level	Delegated

Ward	Rottingdean & West Saltdean
Appeal Ref	APL2026/00036
Appeal App Number	BH2026/00942
Address	Land South West Of 1 To 23 Arlington Gardens Saltdean Brighton
Development Description	Outline application with all matters reserved for erection of 3no dwelling houses (C3), with associated landscaping and community accessible green space.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	20/08/2026
Application Decision Level	Delegated

Ward	Westbourne & Poets' Corner
Appeal Ref	APL2026/00039
Appeal App Number	BH2026/01280
Address	80A Stoneham Road Hove BN3 5HH
Development Description	Prior Approval for the erection of an additional storey to create 2no. residential flats (C3).
Application Status	APPEAL IN PROGRESS
Appeal Received Date	25/08/2026
Application Decision Level	Delegated

Ward	Brunswick & Adelaide
Appeal Ref	APL2026/00038
Appeal App Number	BH2026/01025
Address	Flat 3 12 - 13 Brunswick Terrace Hove BN3 1HL

Development Description	Replacement of two timber sash single glazed windows at front elevation ground floor with replica timber sash frames and double glazed "LandVac" vacuum glazing.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	25/08/2026
Application Decision Level	Delegated

Ward	Preston Park
Appeal Ref	APL2026/00035
Appeal App Number	BH2026/01165
Address	East House 34A Preston Park Avenue Brighton BN1 6HG
Development Description	Single storey rear extension
Application Status	APPEAL IN PROGRESS
Appeal Received Date	19/08/2026
Application Decision Level	Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN
19/08/2026 - 22/09/2026

Wardname Brunswick & Adelaide
Appeal Application Number APL2026/00023
Address 23 - 24 Brunswick Square
Hove
BN3 1EJ
Development Description Refurbishment of the front entrance steps to 23-24 (reinstated in the same design and construction of original steps and coverings)
Appeal Type Against Refusal
Appeal Decision Appeal Dismissed
Planning Application Number BH2025/01368
Application Decision Level Delegated

Wardname Regency
Appeal Application Number APL2026/00031
Address 10 Windlesham Road
Brighton
BN1 3AG
Development Description Alterations to existing 10no person house in multiple occupation (Sui Generis) with erection of single storey rear extensions and conversion of garage to habitable space, with creation of managers accommodation studio and 1no self-contained studio (C3), resulting in 10 residents plus onsite manager (part retrospective).
Appeal Type Against Refusal
Appeal Decision Appeal Dismissed
Planning Application Number BH2026/00119
Application Decision Level Delegated
