

Planning Committee

Date: **28 October 2026**

Time: **1.00pm**

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.

67 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.

68 MINUTES OF THE PREVIOUS MEETING

7 - 18

Minutes of the meeting held on 7 Oct 2026.

69 CHAIR'S COMMUNICATIONS

70 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 16 October 2026.

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

72 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

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

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

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

MAJOR APPLICATIONS

A	BH2025/02088 - Oakley House, Leicester Street, Brighton (Council Development) - Full Planning	19 - 64
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MINOR APPLICATIONS

B	BH2026/00727 - 36 Cheltenham Place, Brighton - Full Planning	65 - 90
C	BH2026/01622 - Palmer and Harvey House, 106-112 Davigdor Road, Hove - Removal or Variation of Condition	91 - 108
D	BH2026/01608 - 113-118 Davigdor Road, Hove - Full Planning	109 - 122
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F	BH2026/00784 - 3 & 4A College Place, Brighton - Full Planning	137 - 154
G	BH2026/00954 - 186-188 Portland Road, Hove - Full Planning	155 - 168
H	BH2026/01425 - Flat 2, 35 Highcroft Villas, Brighton - Full Planning	169 - 188

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| I | BH2025/00389 - 46 North Gardens, Brighton - Householder Planning Consent | 189 - 202 |
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| J | BH2025/01807 - 6 Whitethorn Drive, Brighton - Removal or Variation of Condition | 203 - 216 |

INFORMATION ITEMS

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| 73 | LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE | 217 - 218 |
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(copy attached).

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| 74 | INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES |
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None for this agenda.

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| 75 | APPEAL DECISIONS | 219 - 220 |
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| 76 | UPDATE ON THE KING ALFRED PLANNING APPLICATION |
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Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings. The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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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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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 OCTOBER 2026

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Matthew Gest (Planning Manager), Katie Kam (Lawyer), Liz Arnold (Planning Team Leader), Ben Daines (Planning Team Leader), Steven Dover (Senior Planning Officer), Maria Seale (Planning Manager) and Shaun Hughes (Democratic Services)

PART ONE

57 PROCEDURAL BUSINESS

a) Declarations of substitutes

57.1 There were none for this meeting.

b) Declarations of interests

57.2 There were none for this meeting.

c) Exclusion of the press and public

57.3 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.

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

D) Use of mobile phones and tablets

57.5 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'.

58 MINUTES OF THE PREVIOUS MEETING

- 58.1 **RESOLVED** – The minutes of the meeting held on 2 Sept 2026 were agreed following an amendment by Councillor Theobald.

59 CHAIR'S COMMUNICATIONS

- 59.1 The Chair noted that at the recent Cabinet meeting, some councillors were not aware that the Planning Scheme of Delegation was national not local. The Chair noted that councillors were requested to 'park' politics at the door of the council chamber when entering a planning committee. The Chair noted that there would be an extra planning committee on 28 Oct 2026 and the 4 Nov 2026 meeting was cancelled due to the introduction of changes to the National Scheme of Delegation.

60 PUBLIC QUESTIONS

- 60.1 There were none.

61 MEMBER QUESTIONS

- 61.1 There were none for this meeting.

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

- 62.1 There were no site visit requests.

63 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 63.1 Call Over: The Democratic Services officer noted there were two major planning applications on the agenda, which was automatically called for discussion.

Out of the three minor planning applications on the agenda, items C - BH2026/00749 - Brighton and Hove High School, Junior Department, Radinden Manor Road, Hove (Full Planning) and item E - BH2026/01166 - 25 Drove Road, Woodingdean (Full Planning) had speakers and were therefore automatically called for discussion.

Item D - BH2026/00879 - Land South of 5 College Place, Brighton (Full Planning) was not called, and the application was therefore agreed as per the officer recommendation set out in the report.

The running order was therefore A, B, C and E.

A BH2024/02608 - 41-44 Western Road, Brighton - Full Planning

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

Speakers

2. Nigel Massey addressed the committee as an objecting resident and stated that they live in Clarence Square and were part of the Clarence Square community Group. The group were very concerned regarding the development. The Clarence Square south side of the proposals has become a major fly tipping area, and the group have been

struggling with the council over ownership of the land outside numbers 33, 34 and 35. It appears that 33 is privately owned land, whilst 34 & 35 are owned by the council. Under the proposals, bins will be stored close to the windows of 34 & 35. The railings outside the flats form an 'L' shape and this leaves an open space where a huge amount of anti-social behaviour has been noted. The group wish that the railings be extended to the highway to prevent anti-social behaviour.

3. Michael Wood addressed the committee as the agent acting on behalf of the applicant and stated that they had been negotiating with the council over several years and they considered the proposals would enhance the character of the area. The existing northwest frontage is in poor condition. The development will increase vibrancy in the city. There will be a small increase in height to the rear onto Clarence Square with a private space created to prevent anti-social behaviour. The proposals are designed to match the existing neighbours with a mansard roof similar to other nearby buildings. The development includes fourteen dwellings and retail space. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Robinson was informed that the bins on Clarence Square would be moved to the roadside on collection day. It was noted that the issuing of parking permits was not a planning issue and Highways would deal with any matters relating. The Traffic Regulation Order (TRO) would show up on any solicitors' search for flat buyers.
5. Councillor Cattell was informed that the use class restricted the retail spaces being used as gyms without the prior written approval of the local authority. It was noted that the layout of the flats was a Building Regulations matter.
6. Councillor Theobald was informed that the mansard top floor would be set back 1.75m and would still be seen from the pavement but is set back. The Regency Society have not withdrawn their comments; however, the local planning authority finds the development acceptable. The top floor originally proposed has been removed from the scheme. It was noted that kitchen and bathroom details for the retail units would by condition be submitted for approval.
7. Councillor Thomson was informed that the conservation area setting was a significant material consideration, however, it was considered that the development would have limited harm to the area, it would have public benefits and on balance was acceptable. It was noted that there was no parking for the scheme and it was unlikely that any parking permits would be issued in the future. The loss of commercial space was acceptable, and the planning policy team accepted the scheme. The access to the flats would be from the rear of the development. The agent stated they were reluctant to erect any railings on land owned by the council. Officers stated this could be explored post-decision via the s278 process with the landowner, separately to Planning. It was noted that the land to the rear was owned by the council and commercial waste would be collected on Western Road, therefore there was no need to retain an open space to the rear. The Transport team and Environmental Health have been consulted regarding the demolition of the existing building.

Debate

8. Councillor Cattell considered the application to be a positive improvement on the existing buildings.
9. Councillor Theobald expressed concerns at the impact on the conservation area and the loss of proper commercial properties. The railings at the rear were noted as an issue and the overall development was considered one floor too high.
10. Councillor Robinson considered the moving of the waste bins and the better fencing to be acceptable. The councillor supported the application.
11. Councillor Sheard considered there was a need for the dwellings and buyers should not be surprised there was no parking with the scheme.
12. Councillor Thomson considered the existing buildings to be tatty, and they were sorry for the loss of retail space. The councillor noted that there had been years of discussions and the reduced height was acceptable. The councillor expressed concerns at the impact on local residents; however, they supported the application.

Vote

13. A vote was held, and by 8 to 1 against the committee agreed to grant planning permission.
14. **RESOLVED:** hat 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 and the following Conditions and Informatives as set out in the report **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 the report.

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

1. The Case Officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Cattell was informed that the murals on the south side of the existing building were to be retained.
3. Councillor Parrott was informed that no dedicated areas have been designed for delivers or storage; however, there is a large communal at the front door and all units are a good size for storage. The agent confirmed that the units meet the space standards and there was no particular provision for deliveries. It was noted that the landscaping would, by condition, need approval and this could include clothes drying areas and the flats will have a good transfer of air. Access will be secure; however, details were not available at this time. There is also a condition for lighting improvements.

4. Councillor Nann was informed that the Police had no specific concerns and there would be CCTV on site.
5. Councillor Robinson was informed that sound proofing would be dealt with under Building Regulations and noise mitigation methods are required by condition. The zinc roof colour will be agreed by condition.
6. Councillor Theobald was informed that the flat numbers five and eight were not accessible and the disabled unit was number three. It was noted there were existing railings and these would be extended under the improvements to the public realm condition.
7. Councillor Sheard was informed that the outside space was accessible by residents only and other green spaces such as Valley gardens and Royal Pavilion gardens were nearby. The balconies have been removed from the scheme for heritage issues.
8. Councillor Thomson was informed that the neighbouring pub had outdoor seating to the rear with screens for football and music. There is also a high wall between the pub and the development. Secondary glazing is to be added to the units. It was noted that there would be a communal outdoor space and outside spaces for the four ground flats. Seven two bed flats and four three bed flats. The previous uses were a nursery, a sports facility, a flat and some commercial use – all have been relocated. The design includes photovoltaic panels on the roof.

Debate

9. Councillor Parrott considered the development excellent as there is a desperate need for temporary accommodation with safety as a focus.
10. Councillor Cattell also considered there was a need for temporary accommodation and they welcomed the application. They considered the scheme to be good.
11. Councillor Nann considered there were heart breaking issues regarding the need for temporary accommodation. The councillor supported the application.
12. Councillor Shanks considered the development of more temporary accommodation was good.
13. Councillor Theobald considered the existing building was boring and the improvements were good. The affordable housing was good, as was the offer to house those on the Housing Register. The councillor considered the building was being put to good use.
14. Councillor Earthey agreed with other councillors and requested that the homeless are not stigmatised.
15. Councillor Robinson supported the application and considered the building was being put to good use.

16. Councillor Sheard considered the development would serve the vulnerable and this was a good use. Any temporary accommodation development was much needed. The noise/sound conditions need to be right.
17. Councillor Parrott requested that security conditions be applied. And an Informative to ask the applicant to look at communal storage in the lobby area for deliveries.
18. Councillor Thomson was pleased with the scheme as it was a good use of the building. The councillor supported the application.

Motion

19. Councillor Parrott proposed, and Councillor Earthy seconded, a motion to add the following condition:

- No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure by Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate how the scheme shall incorporate crime prevention measures. The agreed measures shall be implemented within the development.
- Reason: In the interests of crime prevention, to comply with policies CP12 and CP13 and SA2 and SA6 of the Brighton & Hove City Plan Part One.

20. A vote was held and the committee agreed unanimously to add the condition.

Vote

21. A vote was held, and the committee agreed unanimously 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.

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

1. The Planning Manager introduced the application to the committee. The Manager updated councillors to the fact that the HMO mapping exercise had been carried out incorrectly and the proposal did not conflict with Policy CP21 (as set out in the report) as there were less than 10% HMOs within the 50m radius.

Speakers

2. Neil Christensen addressed the committee as an objecting resident who lives opposite the application site. The road has eighteen houses with families and retirees. 47 people are not meant to be in this building; there is no bike store and at least twenty are car users. The independent ward councillor has issues and for seven months there have been no permissions to use the building as accommodation. There has been noise, anti-social behaviour and parking problems. An enforcement letter was issued in February

however nothing has stopped or been curtailed. If the committee are minded to grant temporary permission, then it should be back dated to March 2026.

3. Bryony Banks addressed the committee as a guardian/applicant and stated that they lived in the building, and the other residents were a wide range of types. Whenever help was required many people within the building came to support. Occupiers have references checked and only guardians can be in the building, which is managed well with clear information on emergency contacts. The parking is limited; however, bus and trains are nearby. The scheme makes valuable housing available. The committee were requested to support the application.

Answers to Committee Member Questions

4. Councillor Robinson was informed that the nearest neighbour's boundary was at least 10m away from the application building. It was noted that in the late list a condition requiring a Delivery & Service Management Plan (DSMP) was added also a car park condition. The council tax situation was not known. The Transport team would cover Traffic Regulation Order (TRO) regarding no parking permits for building occupiers. It was noted that this was a meanwhile use.
5. Councillor Shanks was informed that the 5th March was when the planning team were made aware of occupiers moving into the building. The previous school was not operated by the council. The agent, Jimmy Chan, stated that the building would revert to school use once the temporary accommodation permission ended. It was noted there was no access to the school playing field for the building occupiers.
6. Councillor Cattell was informed that there are forty-five occupiers currently. The legal advisor noted that the use was unauthorised not illegal. The Enforcement case was opened on 5th Jan 2026 and 5th March occupiers moved in. The use was unauthorised from March, and negotiations have taken place since. The planning manager stated the application conflicts with planning policy DM9; however, this was for temporary use, and the building remains a school for the longer term.
7. Councillor Theobald was informed that the application did conflict with policy DM9 and the building would revert back to a school after the temporary change of use. It was noted that there were toilets on ground and first floors and none on the second floor.
8. Councillor Thomson was informed by the agent that there had been a misunderstanding by the applicant, and a planning application has now been submitted. The agent stated they were not aware of there being other similar building uses in Brighton. The applicant stated that this was the first of its kind in Brighton and two more were being considered. The neighbouring resident stated that living standards had changed in the area since the building had been occupied and there were some twenty vehicles poorly parked in the area from the building. There was noise at 2/3am from deliveries, taxis etc in this quiet street. The applicant/guardian stated that the occupiers were all ages, not just young people. The agent stated that the building was vacant, it was now being utilised for a short time only, and the building will revert to its lawful use for education. It was noted that the density of Houses of Multiple Occupancy (HMO) is measured by looking at the radius out from the application site. The applicant/guardian stated that most

occupiers don't have cars. The planning manager noted that there were no parking permits for the building and that the on-street parking was limited to two hours.

9. Councillor Sheard was informed that the communal spaces were formed of some 400sqm and the toilets and kitchens were within standards. The applicant considered the bathrooms were up to usual HMO standards. It was noted that an HMO licence has been issued. The planning manager noted the planning team would not grant a permanent change of use. The agent stated that the school had been vacant since 2021/22.
10. Councillor Nann was informed that the each of the occupiers, referred to as a guardian, has a licence agreement. It was noted that the management company can remove any disruptive persons. The agent stated that Right to Rent procedures, along with other checks have been carried out. The planning manager stated that guardians were not the same as tenants but that it was not a planning matter in any event.
11. Councillor Earthey was informed that the application was considered an HMO by the planning team.

Debate

12. Councillor Theobald considered the school children using the playing field to be an issue. They also considered the area to be quiet and that the application did not fit. There is noise and anti-social behaviour, with cars on the street. The use was not the right one for the building, and this is a money-making business. When the two years come to an end, it was considered that the applicant would request another two years. The councillor was against the application.
13. Councillor Nann considered the situation to be monetarised squatting with two tier tenancies, and this was a missed opportunity to improve the situation.
14. Councillor Robinson expressed concern that the applicant would come back for more time and they considered there was a two-tier system, which was not good. However, the application site housed people, and therefore the councillor would support the application.
15. Councillor Cattell expressed concerns that forty-five people would be homeless if the application was refused. The occupiers are all ages, not just young people. The councillor considered it would be unfair to refuse the application and stated they would support.
16. Councillor Sheard stated there was a housing crisis. There was not a two-tier system as landlords can kick out tenants as well. More homes should be built if HMOs are not wanted. Car parking at the site is an issue and noise can be created by shift workers. The councillor considered the housing was needed and supported the application and noted the building had been vacant for five years, so there was no loss of an educational amenity.
17. Councillor Shanks considered the building must have been properly inspected to obtain an HMO licence and the two-year permission should be back dated.

18. Councillor Parrott was disappointed by the retrospective nature of the application and expressed concerns that forty-five people would be put in jeopardy by the company if the application is refused the occupiers will be out of a home. The occupiers appeared to have created a great community. The councillor assumed that all the correct fire & safety checks have been carried out.

19. Councillor Earthey stated they loathed retrospective planning applications; however, they did not want forty-five people to be homeless. The councillor supported the application.

Motion

20. Councillor Shanks proposed, and Councillor Theobald seconded, a motion to back date the two-year period commencing from 1st April 2026.

21. A vote was held and by 2 to 7, the committee refused the motion.

Vote

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

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

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

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

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

1. The Planning Officer introduced the application to the committee and explained this was a cross-boundary application with the neighbouring planning authority- the South Downs National Park Authority.
2. Councillor Theobald raised a point of order that the application should be deferred till the planning application for the South Downs National Park had been decided. Maria Seale informed the councillor that the applications did not need to be decided concurrently or in a certain order; the applicant ultimately needs both permissions in place to be able to proceed.

Speakers

3. Ward Councillor Allen addressed the committee and stated that they had received zero complaints about the application site. The only complaints related to motor bikes and e-scooters on the access road. The owners are good neighbours. The councillor noted the

impact on the South Downs National Park (SDNP) was minimal and the park was not a static entity. The objections consider a precedent will be set; however, the park should not be frozen, and encouragement should be given to businesses in the park.

Answers to Committee Member Questions

4. Councillor Robinson was informed by the applicant that the SDNP had requested the business has a temporary use to start with, to ensure the applicant/owner could run a business and prove the use was viable.
5. Councillor Theobald was informed by the applicant that the temporary permission would be from now. The planning officer stated that there was a three-year permission granted in 2022 and this application was for a further five years from now. It was noted that only the access track was within the council boundary and the buildings were within the SDNP. The Park has refused previous applications and discussions were no going between the applicant and the SDNP. The applicant stated they were working with the Park to agree the requirements. It was noted that the council was responsible for the access track, which was resurfaced about ten years ago.
6. Councillor Cattell was informed by the applicant that the business was diversifying to a stud work, and at this time was still evolving. The planning officer stated the use of the track to access the stables was the main consideration.
7. Councillor Thomson was informed that the highway was the council's responsibility.

Debate

8. Councillor Parrott considered that the majority of objections were nothing to do with the council and mainly about motorbike use. The councillor supported the application.
9. Councillor Robinson was pleased there were no complaints and they supported the application.
10. Councillor Earthey considered there was more danger from cyclists and dogs being walked when walking along the access track. The councillor was not objecting to the application.
11. Councillor Theobald stated they did not want another property on the site.
12. Councillor Cattell considered it was a good place for the stables, which would also be good for the SDNP. The mobile home meant someone would be on site for security. The councillor supported the application.
13. Councillor Sheard supported the application.

Vote

14. A vote was held, and the committee agreed unanimously to grant planning permission.

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

64 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

65 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 65.1 There were none for this meeting.

66 APPEAL DECISIONS

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

The meeting concluded at 6.18pm

Signed

Chair

Dated this

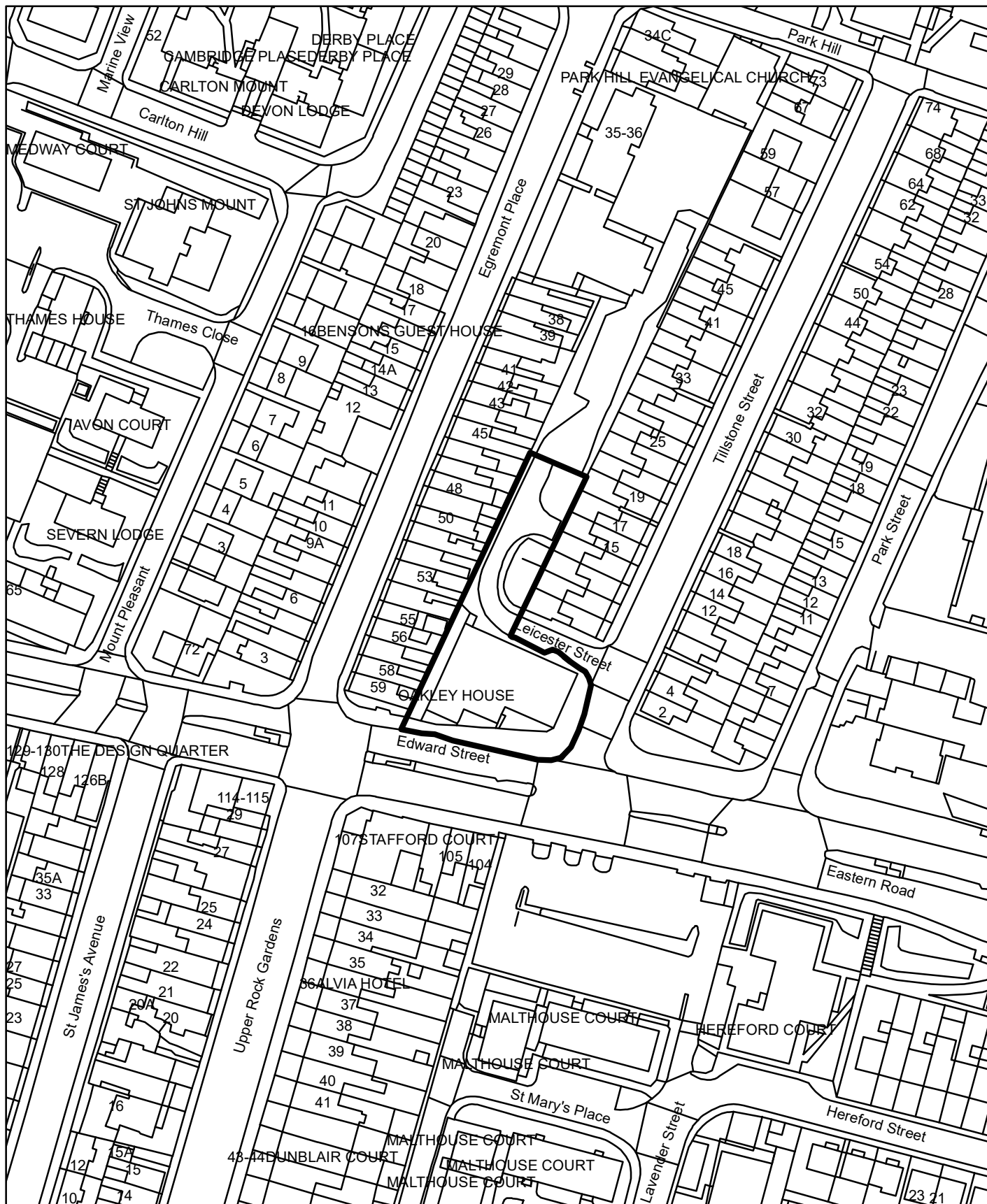
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ITEM A

**Oakley House, Leicester Street
BH2025/02088
Council Development (Full Planning)**

DATE OF COMMITTEE: 28th October 2026

BH2025 02088 - Oakley House, Leicester Street



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/02088	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Oakley House Leicester Street Brighton BN2 0AZ		
<u>Proposal:</u>	Demolition of existing mixed-use building with ground floor commercial unit (Class E) and residential above (Class C3) and erection of new residential block (C3) with associated landscaped areas. (For information: Proposal is for building of up to five storeys and 20no flats for affordable housing). (Amended plans)		
<u>Officer:</u>	Emily Stanbridge,	<u>Valid Date:</u>	19.09.2025
<u>Con Area:</u>	Adjacent to Queens Park and East Cliff Conservation Areas	<u>Expiry Date:</u>	19.12.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	04.11.2026
<u>Agent:</u>	Brighton And Hove City Council Architecture And Design Team, Place Hove Town Hall Norton Road Brighton BN3 3BQ		
<u>Applicant:</u>	Brighton And Hove City Council Hove Town Hall Norton Road Hove BN3 3BQ		

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	EDS-BHCC-N-ZZ-DR-A-0010	B	01-Jul-26
Location Plan	EDS-BHCC-N-ZZ-DR-A-0012	B	01-Jul-26
Block Plan	EDS-BHCC-N-ZZ-DR-A-0014	B	01-Jul-26
Block Plan	EDS-BHCC-N-ZZ-DR-A-0016	B	01-Jul-26
Proposed Drawing	EDS-BHCC-N-ZZ-DR-A-002	G	01-Jul-26
Proposed Drawing	EDS-HMC-N-XX-DR-C-500	P4	01-Jul-26
Proposed Drawing	EDS-BHCC-N-SX-DR-A-14001	I	01-Jul-26
Proposed Drawing	EDS-BHCC-N-SX-DR-A-1400	I	01-Jul-26
Proposed Drawing	EDS-BHCC-N-05-DR-A-1005	L	01-Jul-26
Proposed Drawing	EDS-BHCC-N-04-DR-A-1004	K	01-Jul-26
Proposed Drawing	EDS-BHCC-N-03-DR-A-1003	L	01-Jul-26

Proposed Drawing	EDS-BHCC-N-02-DR-A-1002	K	01-Jul-26
Proposed Drawing	EDS-BHCC-N-01-DR-A-1001	K	01-Jul-26
Proposed Drawing	EDS-BHCC-N-00-DR-A-10000	L	01-Jul-26
Proposed Drawing	E001	P3	01-Jul-26
Proposed Drawing	DD671L05	F	01-Jul-26
Proposed Drawing	DD671L04	E	01-Jul-26
Proposed Drawing	DD671L02	J	09-Oct-26
Proposed Drawing	DD671L01	J	09-Oct-26
Proposed Drawing	EDS-BHCC-NS-SX-DR-A-1493	C	18-Sep-26
Proposed Drawing	EDS-BHCC-NS-SX-DR-A-1492	C	18-Sep-26
Proposed Drawing	EDS-BHCC-NS-SX-DR-A-1491	G	18-Sep-26
Proposed Drawing	EDS-BHCC-N-ZZ-DR-0006	C	18-Sep-26
Proposed Drawing	EDS-BHCC-N-ZZ-DR-A-0005	C	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1303	K	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1302	K	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1301	K	18-Sep-26
Proposed Drawing	EDS-BHCC-N-EL-DR-A-1300	K	18-Sep-26
Report/Statement	Air Quality assessment		01-Jul-26
Report/Statement	Biodiversity net gain assessment		01-Jul-26
Report/Statement	BNG Metric		01-Jul-26
Report/Statement	Sunlight/daylight assessment (neighbours)		01-Jul-26
Report/Statement	Sunlight/daylight assessment (development)		01-Jul-26
Report/Statement	Energy Strategy		01-Jul-26
Report/Statement	Fire strategy		01-Jul-26
Report/Statement	Flood risk and drainage strategy		01-Jul-26
Report/Statement	Noise impact assessment		01-Jul-26
Report/Statement	Overheating assessment R3		08-Oct-26
Report/Statement	Transport assessment		01-Jul-26
Report/Statement	Bat Survey		15-Oct-25
Report/Statement	Preliminary Ecological Appraisal		15-Oct-25
Report/Statement	Borehole log		26-Aug-25
Report/Statement	Land contamination assessment		26-Aug-25
Proposed Drawing	RCo514/01		26-Aug-25
Report/Statement	Ground investigation report		26-Aug-25

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

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

3. The development hereby permitted shall not be commenced until the scheme for the provision of affordable housing has been submitted and approved by the Local Planning Authority. The scheme shall demonstrate that a minimum of 40% of the residential accommodation to be provided will be affordable housing and will include details regarding the exact numbers, type, tenure and location 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
4. 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 development shall be implemented in accordance with the approved strategy.
Reason: To ensure that the development contributes to employment and training opportunities in the city and to comply with policy CP7 of the Brighton and Hove City Plan Part Two.
5. 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.
6. 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.
7. No development, including demolition, 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. The CEMP shall include:
 - (i) Timescales for the Proposed Development including the forecasted completion date;
 - (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints

will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)

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

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

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

8. The mitigation measures of construction impacts measures detailed in the approved Air Quality Assessment rev B dated June 2026, to include: regular inspections to monitor dust and record inspection results, erection of screens or barriers around dusty activities and removal of materials that have a potential to produce dust from the site shall be implemented prior to construction and thereafter retained for the duration of the build.

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

9. Other than demolition or works to trees, no development hereby permitted shall take place until details of the construction of the green roof, including a detailed management and maintenance plan in relation to drainage for the green roof 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 details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to contribute to sustainability and biodiversity to comply with policies DM37, DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP18, CP10 and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

10. Other than demolition work or work to trees, no development hereby permitted shall take place until CCTV surveys for any drainage elements which are proposed to be reused are undertaken and have been submitted to an approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies 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.

11. No development shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including as a minimum 20 swift cavities, 20 bee bricks and at least one bat brick/box has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, the National Planning Policy Framework and Policy DM37 of the City Plan Part 2.

12. 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
- b. samples/details of all hard surfacing materials
- c. samples/details of the proposed window, door, stair core glazing and balcony treatments
- d. 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 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until large scaled detailed drawings of the following are submitted to and approved in writing by the Local Planning Authority: Typical bay studies to include full details of doors, windows and their reveals, cills, heads and jambs at a scale of 1:20 and sections at a scale of

1:10, parapet details and principal and secondary building entrances including doors, surrounds, canopies, light, signage and access arrangements at an appropriate scale. The approved details shall be incorporated within the development.

Reason: To ensure a satisfactory appearance to the development and to ensure a high-quality and legible street frontage, to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

14.

- a) No development, other than demolition, shall take place 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 submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and a verification plan. The scheme shall be implemented as approved. The remediation scheme shall resolve the inconsistency in the submitted assessment as to whether a 300 mm or 600 mm clean-soil cover is proposed and provide an appropriate specification having regard to the final landscaping proposals.
- b) The development hereby permitted shall not be occupied until a verification report demonstrating that the approved remediation scheme has been fully implemented and completed has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include the results of any sampling and monitoring undertaken in accordance with the approved verification plan and shall demonstrate that the site is suitable for its intended use.

Reason: To safeguard the health of future occupiers and users of the site and to comply with Policy DM41 of the Brighton & Hove City Plan Part Two.

15. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out in the affected area until a method statement identifying, assessing the risk and proposing remediation measures has been submitted to and approved in writing by the Local Planning Authority.

The approved remediation measures shall be carried out as approved and, where appropriate, a verification report shall be submitted to and approved in writing by the Local Planning Authority before the affected part of the development is occupied.

Reason: To ensure that any contamination not previously identified is appropriately assessed and remediated, to safeguard the health of future occupiers and users of the site and to comply with Policy DM41 of the Brighton & Hove City Plan Part Two.

16. The dwelling(s) hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans EDS-BHCC-N-00-DR-A-10000 rev L, EDS-BHCC-N-01-DR-A-1001 rev K, EDS-BHCC-N-02-DR-A-1002 rev K, EDS-BHCC-N-03-DR-A-1003 rev L and EDS-BHCC-N-04-

DR-A-1004 rev K received 1ST July 2026 unless otherwise agreed in writing by the Local Planning Authority. The internal layouts shall be retained as first implemented thereafter.

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

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

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

18. The north facing balcony to flat 4 and east facing balconies to flats 9, 13 and flat 17 shall comprise an opaque balustrade to a height of 1.3m and shall thereafter be permanently retained as such.

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

19. 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.

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

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

21. 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 prior to first occupation.

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.

22. 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.

23. The development hereby permitted shall be implemented in accordance with the acoustic mitigation measures, ventilation arrangements, window specifications and window-opening controls set out in the approved Noise Impact Assessment and the Part O Report, Project 5353, Revision R3, dated 8 October 2026. The approved measures shall be fully implemented before first occupation and retained thereafter.

Reason: To ensure that acceptable internal noise levels and thermal comfort can be achieved concurrently, to safeguard the amenity and health of future occupiers, and to comply with Policies DM1, DM20 and DM40 of the Brighton & Hove City Plan Part Two.

24. The air-source heat pumps proposed within the development shall be installed with the acoustic screening, proprietary acoustic kits and vibration isolation measures detailed in the approved Noise Impact Assessment by Anderson Acoustics Ltd, reference 7722_001R_4-0_RHM, Issue 4 dated 23 June 2026. The mitigation measures shall be implemented before the plant is brought into use and retained thereafter.

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

25. Noise associated with plant and machinery throughout the development shall be controlled such that the Rating Level, calculated at 1-metre from the façade of the nearest proposed residential unit, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

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.

26. 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.

27. Notwithstanding the approved landscaping drawings, 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 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
28. All ecological measures and/or works shall be carried out as part of the development in accordance with the details contained in the Preliminary Ecological Appraisal (CSA Environmental, July 2024) and Bat Survey Report (CSA Environmental, September 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by 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.
29. The development hereby permitted shall not be first occupied until 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.
- The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.
- Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

30. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

31. The development hereby permitted shall not be occupied until the dwellings 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 provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

32. The development hereby permitted shall not be occupied until a scheme of highway works has been submitted to and approved in writing by the Local Planning Authority relating to works at the front of the building (Edward Street) and at the rear (Leicester Street) to include:

- Raised soft landscaping areas on the site's frontage (Edward Street)
- The use of highway land furthest north as communal garden space
- Footway surfacing improvements on the western edge of the site
- Resurfacing of footways on Leicester Street to include the removal of the crossover on the eastern edge of Leicester Street and its replacement with a footway.
- Installation of a crossing point (pair of dropped kerbs and tactile paving) between the two communal garden areas
- Formalisation of the partial bay at the rear of the building into a marked loading bay.
- The private footprint of the outbuilding to the northwestern corner of the building will become public highway

The approved highway works shall be fully implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

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.

- 33.
- i) The site shall not be occupied until a scheme of Travel Plan measures to promote sustainable transport to and from the site has been submitted to and been approved in writing by the Local Planning Authority. The

Travel Plan Scheme should include but not be limited to, the following measures:

- provision of sustainable transport promotional material readily available to residents and visitors including cycle and bus routes and a schedule of sustainable travel activities and events
 - details of how the Travel Plan will be monitored
 - provision of a travel pack for residents - it should be positive in design and content, and strongly promote the measures and incentives which shall include, but not be limited to the promotion of the following:
 - Car club membership and driving credit
 - Bikeshare bundles
 - Bus – free/discounted bus travel
 - Bike vouchers towards the purchase of a bicycle or accessories/servicing
 - Cycle training
 - Cycle maintenance sessions
- ii) One year after full occupation, a monitoring report shall be provided containing the results of a questionnaire survey showing resident awareness of the travel plan measures and offers and their opinions, and an incentive report detailing take up and participation, to the Local Planning Authority for review and approval.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies DM35 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

34. No part of the development hereby permitted shall be first occupied or brought into use until written evidence, such as Secure By Design certification, has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the scheme has incorporated crime prevention measures.

Reason: In the interests of crime prevention in this busy central location, to comply with policies CP12, SA6 and CP13 of the Brighton & Hove City Plan Part One.

35. No development (including any demolition, site clearance or enabling works) shall take place until:

- A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain metric dated June 2024, Biodiversity Net Gain Assessment dated August 2025 and Preliminary Ecological Appraisal dated July 2024.
- 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 [and before each phase of development where development is phased] 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.

36. 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.

Informatives

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.
3. 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
4. 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.
5. 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.

6. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
7. To align with policy DM33 of the Brighton & Hove City Plan Part Two, cycle parking must be secure, convenient, accessible, well lit, well signed, near the main entrance (without its use obstructing the public highway) and sheltered. The LHA's preference is for 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Additional provision should be made for tricycles, reclining cycles and cargo bikes that can be accessed conveniently.
8. The applicant is advised that they must enter into a Section 278 (including S38) Agreement, and apply for any required Stopping Up orders, with the Highway Authority, prior to any works commencing on the adopted highway. These would relate to works on the site's Edward Street frontage and at the rear on Leicester Street. Work must not commence until a start date has been agreed with Streetworks following technical acceptance of the detailed design by the City Council as Local Highway Authority.
9. 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.

2. SITE LOCATION

- 2.1. The application site is located at the junction of Tillstone Street and Edward Street and also at the southern end of Leicester Street running behind the site. Edward Street is a busy east west route within the City centre and is heavily dominated with vehicles and as such acts as a barrier between the residential areas on either side of Edward Street. The topography of the area is such that the site slopes from north to south, and slopes slightly upwards from east to west.

- 2.2. Whilst the site itself is not located within a conservation area, both the East Cliff and Queens Park Conservation areas are in close proximity and encircle the site to the south and west/north respectively. To the north of the site, at the northern end of Tillstone Street is Queens Park, a registered park and garden. To the west of the site, on Egremont Place are 3no three-storey Grade II listed buildings (numbers 57-59). The properties to the north on Egremont Place are unlisted but form similar 19th century buildings.
- 2.3. The site currently comprises a commercial unit at ground floor level (currently used on a temporary basis by 'The Wood Store') with a small customer parking area to the rear on Leicester Street and residential accommodation on the floors above. The existing buildings on the site are 1-3 storeys high and of post-war architectural style and are of no architectural or historical significance.
- 2.4. The site is located within an area of the city allocated for strategic redevelopment under Policy DA5 of the City Plan (Eastern Road and Edward Street Area).

3. RELEVANT HISTORY

Oakley House

- 3.1. **PRE2024/00251** Demolition of existing building, containing commercial space with 6 council rented flats above. New building to maximise provision of affordable housing. Written response provided January 2025

Response summary

- Some units will have restricted internal light levels and outlook- needs addressing
- The elevation that abuts Egremont Place would give rise to an unneighbourly impact- needs addressing
- Whilst the top storey has helped, a lower transition corner to the northeast should be considered, 4 storeys is suggested
- The angling away of the western façade helps to open up the alley
- Deck access not wholly successful
- Housing mix is acceptable
- Design could be improved by setting back the main building line on Tillstone Street
- The western part of the development should be set further back and consideration given to removing the third storey
- Impacts on neighbouring amenity will need to be addressed
- Sunlight/daylight impacts should be assessed
- Public realm should be increased.

- 3.2. **PRE2024/00188** Affordable housing development including demolition of existing building, and a new building to maximise provision of affordable housing. Written response provided November 2024

- 3.3. **PRE2024/00116** Affordable housing development including demolition of existing building and a new building to maximise provision of affordable housing. Written response provided August 2024
- 3.4. **PRE2021/00044** The proposed development consists of the demolition of the existing building and erection of residential flat block staggering up from 3 storeys to 6 storeys to provide 23 affordable residential units. Written response provided July 2021
- 3.5. **PRE2020/00043** Demolition of existing garage site and erection of residential flat block staggering up from 3 storeys to 5 storeys. Written response provided July 2020
- 3.6. **PRE2019/00140** Redevelopment of the site to create a mixed use, affordable housing scheme incorporating student and council accommodation. Written response provided August 2019

4. RELEVANT HISTORY AT OTHER SITES

Car Park Adjacent to Malthouse Court and Hereford Court, Lavender Street and Land Adjoining 2 Tillstone Street And 4 Park Street (Opposite the site to the south)

- 4.1. **BH2025/02089** Erection of 2no new residential blocks (Class C3) with associated landscaped areas. (For information: Proposal is for a twelve storey over 55s apartment building of 36no flats for affordable housing with community floorspace and six storey residential building of 17no flats for affordable housing). Under Consideration

35 - 36 Egremont Place (Re-development area to the north of the site)

- 4.2. **BH2025/01069** Application to vary condition 1 of planning permission BH2022/02167 (provision of 25 dwellings) to allow greater retention of existing buildings and amended site layout, housing mix and associated landscaping/parking. Under consideration
- 4.3. **BH2022/02167** Part demolition and part retention of the existing care home buildings (C2) to provide 25 dwellings (C3) in a mix of houses and flats with associated parking and landscaping. Approved October 2024

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the demolition of the existing mixed-use building which comprises a ground floor commercial unit (Class E) currently occupied as a retail store and workshop and residential accommodation (Class C3) on the floors above, comprising 6 units of accommodation.
- 5.2. The proposals comprise the erection of a new residential scheme (Class C3), comprising a building of up to 5 storeys to provide 20no. affordable residential

dwellings. The main part of the building comprises 5 storeys, reducing in height to 4 storeys to the east fronting Tillstone Street and 2 storeys to the west adjacent to Egremont Place. The development proposes the following units:

- 9 x 1 bed, 2 person units
- 8 x 2 bed, 4 person units
- 3 x 3 bed, 5 person units

5.3. This application follows extensive pre-application discussions for the redevelopment of this site as noted in summary above.

5.4. During the lifetime of this application, amendments have been received in response to comments made by officers. The principal amendments to the scheme are as follows:

- The reduction in the height of the main building from 6 storeys to 5 storeys
- The removal of the western projection above first floor level, increasing the separation distance to Egremont Place
- The reduction in height of the North-East corner fronting Tillstone Street from 6 storeys to 4 storeys to assist in the transition down to the adjacent terraced properties.

5.5. Other changes include amendments to the balcony arrangements and elevational detailing, rotation of the stair core and improvements to cycle parking provision and landscaping.

5.6. The amended drawings have been subject to reconsultation.

6. REPRESENTATIONS

6.1. **Fifteen (15)** letters of representation have been received objecting to the proposed development on the following grounds:

- Adverse impact on listed buildings
- Adverse impact on Conservation Area
- Inappropriate height and scale of the development
- Overdevelopment of the site
- Poor design and not in keeping with character of the area
- Proximity to boundaries
- Overshadowing and loss of light to neighbouring properties
- Loss of privacy and overlooking
- Overbearing impact
- Noise impact
- Impacts on neighbouring properties during construction/dust and vibration
- Concern the community areas will attract antisocial behaviour
- Additional traffic and inadequate parking provision
- No improvement is proposed to supporting infrastructure or amenities
- Loss of view
- Impact on property values

- 6.2. **One (1)** letter of comment has been received which raises the following points:
- The development of affordable housing is supported given the need of all housing in Brighton
 - A strategic plan of our city centre needs to be considered
 - The city needs to consider the use of all available city land on a large city-wide scale to better meet the needs of urban development and local communities. Certain households may prefer residential areas rather than living in the city centre.
 - The tall building policy is an effective way of maximising the value of city centre land.
 - Good architectural design in a city centre location should be one of the priorities, this project could set a good example.
 - The development should take maximum advantage of the south facing sea view by building tall on Edward Street.

7. CONSULTATIONS

Internal

7.1. **Air Quality** No objection

The vehicle trip emissions are considered acceptable. Ambient air quality at the site is relatively clean for an urban area.

7.2. **Arboriculture** No objection

There are no trees within or in proximity of this site. Comments will be provided on the species and sizing of proposed trees under future landscaping proposals.

7.3. **Archaeology** No objection

No significant archaeological remains are likely to be affected by the proposals.

7.4. **Ecology** No objection subject to conditions

Given the nature, scale and location of the proposed development, there are unlikely to be any significant ecological impacts on any designated sites or semi-natural habitats. The site is also unlikely to support protected species that would be impacted by the development.

- 7.5. Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be permitted from an ecological perspective. It is though considered that the landscaping proposals could go further in the biodiversity benefit it offers.

7.6. **Economic development** No comment

7.7. **Environmental Health** No objection subject to conditions

The Noise Assessment has been undertaken using recognised standards and demonstrates that acceptable internal noise levels can be achieved through the glazing and ventilation specifications.

- 7.8. A revised overheating assessment has been submitted which incorporates the measures set out within the Noise Assessment. This is considered to adequately demonstrate that the acoustic window opening restrictions and overheating strategy are compatible.
- 7.9. The Environmental Investigation and associated information submitted provides an adequate basis for determining this application. Conditions relating to remediation works should be sought by condition.
- 7.10. **Heritage Comment**
The proposed replacement development would represent a change in scale with the building rising from 2 storeys at its western end up to 5 storeys towards the east. The increased height has the potential to introduce more prominent built form into views from and towards the adjoining conservation areas.
- 7.11. The stepped massing with recessed upper storey and use of brick provide some transition between the historic terraces and the taller buildings further south and east along the Edward Street corridor. The stepped form also provides a transition between the three-storey listed terrace at 57-59 Egremont Place and the taller existing buildings further to the east and south.
- 7.12. While the demolition of the existing Oakley House would not result in the loss of heritage significance, the replacement building would introduce a taller and more prominent form adjacent to the Queen's Park and East Cliff Conservation Areas and in proximity to the Grade II listed buildings at 57-59 Egremont Place.
- 7.13. This would consequently result in a low level of harm to the significance of the conservation areas and to the setting of the adjacent listed buildings.
- 7.14. **Net Zero Further information required**
The applicant has provided an overheating analysis which is compliant with Part O. The applicant has also provided drawings to reflect the number of PV panels specified in the energy strategy.
- 7.15. Further information is sought in relation to compliance with energy efficiency requirements, EPC ratings and evidence of water use targets.
- 7.16. **Policy Support**
The proposal would accord with policies that seek the efficient use of development sites and maximising development potential.
- 7.17. The site is located within DA5 Eastern Road and Edward Street development area as identified in the adopted City Plan Part 1. A priority for the development area is to secure significant improvements to the public realm and townscape.

- 7.18. Policy CP12 identifies the Eastern Road/Edward Street area as one of the areas in the city for taller development. SPD17 specifies indicative building heights for the area as mid-rise with limited tall buildings.
- 7.19. The site is not within a shopping area or local parade and whilst retaining a commercial use at ground floor would maintain an active frontage, the loss of this to provide a fully residential scheme with affordable housing is supported in principle.
- 7.20. The net gain of 14 affordable housing dwellings would make a welcome contribution towards the city's housing targets. The dwelling mix is considered acceptable.
- 7.21. **Private sector housing** No comment
- 7.22. **Strategic Housing** Support
The application proposes to provide in excess of 40% of the homes as affordable and is therefore compliant with policy. The homes will be provided at affordable rent levels in line with policy. The proposals provide a significant increase in housing.
- 7.23. **Sustainable drainage** No objection subject to conditions
Additional information is sought by condition in relation to CCTV surveys for any drainage elements to be re-used and a maintenance and management plan for the green roof.
- 7.24. **Sustainable transport** No objection subject to conditions
The site lies within a sustainable transport corridor. The cycle parking facilities are considered acceptable in principle subject to further information. The principle of the car free development is considered acceptable. There are a number of improvements proposed to Edward Street and Leicester Street which are acceptable in principle but must be secured by a S278 agreement. Travel Plan and CEMP required via condition.
- 7.25. **Urban Design** Support
The amended proposal represents a significant design improvement over the original submission. Subject to conditions relating to external materials, lighting strategy and a detailed entrance design, the scheme is considered acceptable in urban design terms.
- External
- 7.26. **BRE:** Comment
The scope of the assessment in terms of residential properties included appears reasonable and covers the nearest buildings to the proposed development site. The assessment compares the existing situation with the proposed development.
- 7.27. The methodologies used in the Rights of Light Consulting report are in line with those given in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

- 7.28. Based on the results in the Rights of Light Consulting report, the development would result in some minor adverse impacts to neighbouring properties in terms of daylight and sunlight. In addition, moderate adverse impacts are anticipated to the levels of sunlight in 2 neighbouring rear gardens.
- 7.29. The methodologies used in the Pope report which assess the daylight/sunlight provision to the scheme, are not fully in line with the BRE Report and BS EN17037 'Daylight in buildings'.
- 7.30. **East Sussex Fire and Rescue** No comment
- 7.31. **Historic England** No comment
- 7.32. **Scottish Gas Network** No objection
- 7.33. **Southern Water** No objection subject to conditions
There is adequate capacity in the local sewerage and surface water networks to accommodate the development.
- 7.34. **UK Power Networks** Comment
There are HV/LV underground cables on the site running within close proximity to the proposed development.

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

9. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential

DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Local 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
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA5	Eastern Road and Edward Street Area
SA6	Sustainable Neighbourhoods
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

Waste & Minerals Plan Policy

WMP3e Waste Management in New Development

Supplementary Planning Documents:

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

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 Conservation Areas, impact on neighbouring residential amenity, housing type and mix, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of development

- 10.2. The application site is situated within an area designated for strategic development under policy DA5 (Eastern Road and Edward Street Area). CPP1 identifies that spatially the majority of new developments will be located on brownfield sites within the city's built-up area and that this is directed to eight specific development areas of which policy DA5 is one. These areas are proposed to accommodate a significant amount of development as they contain the potential capacity and opportunities for change.
- 10.3. The main aim of policy DA5 is to make Eastern Road and Edward Street more attractive for all residents as well as visitors, workers and employers. The strategy for the development area is to secure significant improvements to the public realm and townscape, making the area more attractive, accessible and safer.
- 10.4. Local priorities to achieve this strategy include, improving the public realm, promoting and investing in safe and sustainable transport improvements, improving air quality, making efficient use of sites, enhancing urban biodiversity and for developments to incorporate low and zero carbon energy.
- 10.5. The proposed redevelopment of Oakley House is considered to contribute to the main aims of the policy by making efficient use of the site to provide additional housing within the city. Further the proposals incorporate a scheme of highways works to improve the pedestrian experience along Edward Street and Leicester Street, through improvements to the highway's infrastructure and also the public realm through soft landscaping proposals. The application also includes supporting information in regard to air quality and energy efficiencies which are discussed further below.
- 10.6. It is therefore considered that the development proposals address the principle aims of policy DA5 of the CPP1.
- Loss of commercial floorspace
- 10.7. The ground floor has historically been in retail use. It is understood that since the 1970's the commercial unit at ground floor was occupied by Oakley Motor and Marine which sold and serviced outboard engines. This commercial unit comprised a split level with a ground floor showroom and upper-level stores and workshop.
- 10.8. The site is currently occupied by "The Wood Store" on a short 'meanwhile' short-term lease. The current business collects, recycles and re-uses reclaimed waste wood.
- 10.9. The site does not form part of a shopping area or local parade and as such is not protected under policies DM12 or DM13 of the City Plan Part 2. Whilst ideally retaining a commercial use at ground floor would maintain an active street frontage on Edward Street, this is not proposed and the loss of the existing commercial unit to provide a residential scheme with affordable housing is supported in principle.

- 10.10. The site is near to the St James Street District Centre and other commercial units (including retail) along Edward Street. It is therefore not considered that the loss of this commercial unit would result in a deficiency of retail units for the local community.

Provision of Housing

- 10.11. 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%.
- 10.12. 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.
- 10.13. 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). The proposal would result in a net gain of 14 dwellings on the site which is welcomed.
- 10.14. A minimum of 40% affordable housing units would be secured via condition (as this is the target within policy CP20), although as a council scheme it is understood the intention is to provide the whole scheme (all 20 units) as affordable. The gain of affordable dwellings on this site would make a welcome contribution towards the city's housing target and to meeting local affordable housing needs in accordance with Policy CP1 Housing delivery and CP20 Affordable Housing and is afforded significant weight.

Design and Heritage

- 10.15. 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 achieves 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 as part of a balanced judgement.

- 10.16. The application site is situated on the northern side of Edward Street. Edward Street as noted above is a busy thoroughfare characterised by high volumes of traffic and key pedestrian routes. The site lies on sloping land, with levels falling from north to south.
- 10.17. The site is currently occupied by a commercial unit at ground floor level, with a small customer parking area accessed from Leicester Street to the rear, and residential accommodation on the upper floors. The existing building on the site is of post-war construction and not considered to make a positive contribution to the architectural, historic, or townscape significance of the area. The existing building rises to 3 storeys at the southeast corner with a double height space at ground floor level.
- 10.18. The site itself is not located within a conservation area. However, it is closely bordered by both the East Cliff and Queen's Park Conservation Areas. In addition, to the west on Egremont Place, are Nos. 57-59, a terrace of three-storey Grade II listed buildings.
- 10.19. The Character Statement for the Queen's Park Conservation Area places considerable emphasis on the cumulative contribution of groups of buildings and the consistency of architectural details and materials to the character and appearance of the conservation area.
- 10.20. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, when considering whether to grant planning permission for development within the setting of 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.
- 10.21. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses and the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 10.22. The proposed development includes the demolition of the existing building on the site. The demolition of Oakley House is not considered to result in the loss of any heritage significance, a view which is supported by heritage officers.
- 10.23. The immediate character of the area is predominantly one of low-rise, closely spaced residential development. However, further eastwards (approx. 65m+) on Eastern Road are mid-rise flatted developments of 7 storeys which are seen in the context of the application site. Additionally, to the southeast of the site, on the southern side of Edward Street is Hereford Court and Wiltshire House which comprise of 17 storeys. The car park to the south of the site (on the opposite side of Edward Street) relating to Hereford Court is the subject of a separate planning application submitted by the council (BH2025/02089) and is currently under consideration.

- 10.24. The site is situated in policy development area DA5 under City Plan Part One. The policy defines this area as being mixed in character in terms of the scale of buildings, uses and building types with the central area dominated by modern residential tower blocks. It identifies that the main issues for the area are poor quality public realm and townscape and that the area is dominated by a busy road. The strategy for this development area is to secure significant improvements to the public realm and townscape making the area more attractive, accessible and safer for residents, employees and visitors.
- 10.25. The application site is located within a tall buildings area, as identified within SPD17. These areas are considered suitable for taller development in principle, subject to detailed design. The site is located within area 4 which encompasses Eastern Road and Edward Street. This document suggests indicative height ranges within this area of mid-rise buildings of up to 8 storeys with some limited opportunities for tall (9-15 storeys) buildings that do not harmfully impact designated heritage assets. This is discussed in further detail below.
- 10.26. The proposed development comprises a building of up to 5 storeys to provide 20 units of residential accommodation. During the lifetime of the application, in response to officer's concerns, the scheme has undergone significant amendment.
- 10.27. As a result of these amendments the scale of the development has been reduced. The height of the overall building has been reduced to 5 storeys, through the removal of a recessed sixth storey. Further reductions to the height and bulk of the development have also taken place to the west of the development, towards Egremont place through the removal of a western projection above first floor level, lowering the height of the proposal towards the nearby listed buildings to 2 storeys. As a result of which, the part of the development in closest proximity to the western boundary is now set at a lower level than the 3-storey listed terraced properties. The 5-storey element of the development is therefore appropriately set off the western boundary with a visual gap to the rear elevations of the listed terrace, reducing the impact to the setting of these heritage assets, and results in only limited heritage harm.
- 10.28. The frontage of the building on Tillstone Street has also been reduced to 4 storeys on the northeastern corner to help the transition in scale to the terraced properties to the north. The stepped massing along Tillstone Street creates a more appropriate and sympathetic relationship with the residential terraces to the north. The reduction in height also reduces the visual impact of the development to the adjoining conservation area, providing a more sensitive transition.
- 10.29. It is acknowledged that the proposed development would represent a change in scale from those properties to the north and west within the Queen's Park Conservation Area and that this has the potential to introduce more prominent built form into views from and towards the adjoining conservation area, particularly from the northern low-rise terraces. However, the revised stepped

massing does provide some transition between the historic terraces in the immediate townscape and the taller buildings further south and to the east. The applicants have produced verified views of the development which demonstrate the scale of development in relation to adjoining properties. These views demonstrate how the existing low-rise terraces already sit in the context of mid-rise and tall buildings and that the additional height on this site wouldn't appear out of context with wider views along the Edward Street corridor.

- 10.30. It is acknowledged that the amendments made do not entirely remove the heritage impacts arising from the development (namely the increased prominence of the proposed building) however, the heritage officer advises that the resultant harm to the significance of the conservation area and setting of the listed buildings is low level.
- 10.31. It is acknowledged that the proposed development along Tillstone Street would project slightly beyond the main building line established by the terraces to the north. However, the proposed western elevation would align with the eaves detailing of the front projecting bays of the northern terrace. Given the site's corner plot position, it is considered that a greater degree of flexibility can be had in regards to its placement. The development would form a standalone building rather than forming a direct continuation of the terrace. Furthermore, Leicester Street provides additional separation between the application site and the adjoining conservation area, creating a visual break that helps to mitigate the impact of the development on the character and appearance of the nearby heritage assets. The distant views from Queens Park looking south would still be maintained through to the sea (and views of Grade II listed St Marys Church). The position of the building in the context of Tillstone Street is therefore considered acceptable.
- 10.32. The proposed simple contemporary design is considered appropriate and would be sympathetic to the overall character and appearance of the area. The amended plans have addressed initial concerns relating to the position of balconies and elevational detailing. Over the course of the application, additional detailing has been incorporated into the designs which includes: additional detailing such as soldier courses to both the parapet at roof level and to the top of windows, recessed brick panels around windows, additional brick detailing to the western elevation and the opening up of the south facing balconies on the western side. These details have been incorporated into the verified views that have been produced for this scheme. It is considered that these design details work well and add visual interest and verticality into the proposals. The design changes have resulted in a building with less visual prominence and a simplified architectural composition when compared to the original scheme.
- 10.33. The predominant material proposed across the development is brick which is considered appropriate. Brick is an important component of the surrounding areas, and the use of a brick facade provides a degree of visual continuity.

- 10.34. Whilst the material schedule put forward by the applicant is considered broadly acceptable, full samples shall be secured by condition due to the sensitive location and prominence of the new building. Large scale details of the architectural detailing are also sought. The urban design officer has also requested a condition to secure detailed drawings of the building entrances which is recommended.
- 10.35. In accordance with policy DA5, the development offers the opportunity to improve the public realm and provide more attractive pedestrian routes. On Edward Street this has been achieved through soft landscaping and seating areas along the southern elevation. In addition, the new building has been designed with an angled southwestern edge to accommodate a wider opening into the pedestrian passageway which runs north to south along the western boundary of the site from Edward Street, creating a safe and more inviting pedestrian link to Leicester Street behind. The development is therefore considered to address the aims of policy DA5. The development is also considered to meet the key design priorities set out in SPD17.
- 10.36. Overall, the proposals are considered to form a suitable development, which although recognised as causing some low-level harm to the character of the adjoining conservation areas and listed buildings, has public benefits which, subject to other considerations can be considered to outweigh the harm anticipated. This assessment has been undertaken in line with the 2026 NPPF (HE6 and HE7). The public benefits in this instance include the provision of housing, including affordable dwellings, for which there is a significant identified need. The proposals are considered to make effective and efficient use of the site, as required by policy and the NPPF.
- 10.37. The design and appearance of the proposed development is considered to be in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18, DM19, DM26 and DM29 of the Brighton and Hove City Plan Part Two and the Urban Design Framework SPD17.

Standard of accommodation

- 10.38. Policy DM20 of the City Plan Part 2 seeks to ensure a good standard of amenity for future occupiers of 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:

Name	Occupancy	Area
Flat 1	2B4P	72.0sqm
Flat 2	1B2P	52.4sqm
Flat 3	2B4P	72.0sqm
Flat 4	2B4P	71.4sqm
Flat 5	2B4P	72.0sqm
Flat 6	1B2P	52.4sqm
Flat 7	1B2P	51.4sqm
Flat 8	2B4P	72.0sqm

Flat 9	1B2P	51.1sqm
Flat 10	3B5P	96.0sqm
Flat 11	1B2P	41.4sqm
Flat 12	2B4P	72.0sqm
Flat 13	1B2P	51.1sqm
Flat 14	3B5P	96.0sqm
Flat 15	1B2P	51.4sqm
Flat 16	2B4P	72.0sqm
Flat 17	1B2P	51.1sqm
Flat 18	3B5P	96.0sqm
Flat 19	1B2P	51.4sqm
Flat 20	2B4P	72.0sqm

- 10.39. The submitted information shows that the new residential units would meet minimum standards in relation to the NDDS. The gross internal areas of each unit including the sizes of bed spaces and storage areas show compliance with the minimum space standards.
- 10.40. 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.
- 10.41. Each of the residential units proposed has access to a private balcony measuring between 6.4sqm and 10.8sqm. This is considered to provide sufficient space for external seating. In addition to this, the development includes communal gardens to the north of the development which provide areas of planting, community growing spaces, a tool store and seating. It is considered that these areas combined provide sufficient useable outdoor amenity space for future occupants of this development and is welcomed. Full details on the planting and landscaping proposals are recommended to be sought by condition.
- 10.42. The proposed residential units have been designed to meet M4(2) regulations in accordance with policy DM1 with regard to 'adaptable' and 'accessible' dwellings. It is acknowledged that policy DM1 also states for proposals providing more than 10 dwellings, 10% of the affordable units and 5% of all the residential units should be suitable for occupation by a wheelchair user.
- 10.43. However, the applicants have advised that owing to the site constraints which include the topography around and through the site, none of the new units are designed to be fully wheelchair accessible. It is recognised that this is a drawback of the scheme. However, a lift is proposed to all levels of accommodation to ensure step free access within the development and any units with level access showers will be advertised with a mobility rating and let to those with a matching need. The housing strategy team raise no objection to this. On balance the provision of adaptable dwellings in this instance is acceptable.
- 10.44. It should be noted that the live application to the Edward Street South site (opposite), which has been submitted concurrently proposes 8 of the new

homes as fully wheelchair accessible (15%) which would exceed policy requirements. It is noted however that at this stage no formal weight can be given to this as the application remains under consideration.

- 10.45. In addition to the NDSS, consideration must also be given to the standard of accommodation for new residents in relation to light and outlook.
- 10.46. Whilst 14 of the units proposed would be dual aspect, providing good levels of ventilation, light and outlook, the proposals do include 6 single aspect units. These units are located centrally within the southern elevation of the development, facing onto Edward Street. It is acknowledged that single aspect flats should be avoided where possible, although given site constraints, and if effective use of the site is to be made, then a limited number may be acceptable.
- 10.47. The application is supported by a Daylight and Sunlight Assessment dated June 2026 by Pope assessing provision of daylight and sunlight to the scheme itself. The Building Research Establishment has been instructed by the Council to review the applicant's assessment. BRE's assessment of the submitted "daylight" assessment advises that the methodology used to assess daylight provision did not use current guidelines. The daylight assessment does however confirm that the Vertical Sky Component and average daylight factor have improved when compared with the original scheme. Whilst this is noted it is considered that due to a number of factors including site orientation and the layout and the amount of glazing proposed the development would continue to provide acceptable living condition for future occupiers in regards to the provision of daylight.
- 10.48. 6 single aspect units of accommodation (one bedroom, 2 person units) are single aspect facing towards the south with full height glazing proposed. Both the bedroom and living areas are positioned in closest proximity to the windows proposed thereby receiving the greatest light levels. The hallway, bathroom and kitchen area are positioned further northwards receiving more limited light levels. Whilst the units feature quite deep plan forms (7m), the kitchen areas do form part of the open plan living arrangement thereby receiving some level of light from the south.
- 10.49. In regard to the "sunlight" provision, whilst correct guidelines have been used, the assessment is somewhat unclear as to where the specific measurements have been taken from. However, with regards to sunlight provision, recommendations are based on at least one habitable room (preferably a living room) in a dwelling being able to receive at least 1.5 hours of sunlight on the 21st of March.
- 10.50. The development has been designed so that the living areas to each unit, with the exception of flat 4, have their primary outlook within 90 degrees of due south. Those units whose primary outlook is not towards the south are dual aspect. The majority of the proposed units within the site face south over Edward Street and feature large areas of glazing, increasing opportunities for sunlight provision.

- 10.51. The submitted sunlight assessment for units within the proposed development, suggests that all but one of the 20 proposed living areas would meet sunlight recommendations. From the assessment provided and the orientation of proposed units, it is suggested that 95% of the living areas within the development would meet the recommendations of BRE. Whilst one unit (unit 4) would appear to not meet the recommended sunlight criteria due to its primary outlook facing north, the kitchen/living space of this unit is dual aspect, providing good outlook for future occupants and the overall standard of accommodation is acceptable.
- 10.52. Outlook generally across the proposed development would be acceptable with sufficiently sized windows located within all habitable rooms. Three units (flats 1, 4 and 5) located on the western side of the development would each have a second bedroom that would receive limited outlook. These rooms would be served by an angled oriel window which comprises a solid panel with high level glazing to the centre facing towards Egremont Place with slimmer glazed areas to the south and north. This compromise has been reached in order to protect the amenity of neighbouring properties to the west. Given that these are the second bedrooms within these units and that the impacts are limited to only 3 bedrooms across the development, this on balance is considered acceptable.
- 10.53. The standard of accommodation delivered overall would be good and acceptable whilst some economised levels of light and outlook can be accepted for some of the proposed units. It is acknowledged that the proposed development would result in some residential units experiencing limited levels of daylight within predominantly kitchen areas, however, this harm is limited and is weighed against the need to make effective use of this city centre site and the significant public benefit arising from the provision of housing including affordable housing.
- 10.54. It is noted that the development includes a number of windows at ground floor to the western, eastern and southern sides which are at street level. In order to protect the privacy of future occupiers, buffer planting is proposed to these areas to provide some set back from passing pedestrians.
- 10.55. It is also necessary to consider any potential noise issues in accordance with CPP2 policy DM40 given the proximity of Edward Street which is a busy main road.
- 10.56. The application is supported by a Noise Impact Assessment which includes suggested mitigation measures to ensure that internal noise levels are acceptable to future occupiers. These include specific measures to the external building fabric and trickle ventilators. Environmental Health officers have raised no objection to the proposals subject to conditions to secure the measures identified within the submitted report and acoustic screening to the rooftop air source heat pump.

- 10.57. The application is supported by an Overheating Assessment which incorporates the restrictions set out within the Noise Assessment. This demonstrates that the two strategies are compatible and that with the recommended mitigation measures, thermal comfort can be achieved for future residents.
- 10.58. The proposed development, subject to conditions, is considered to provide an acceptable standard of accommodation for future residents in compliance with City Plan policies.

Impact on amenity

- 10.59. 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.
- 10.60. 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.

Outlook

- 10.61. It is acknowledged that given the increase in height of the new building, compared to that existing on the site, the outlook of some neighbouring properties would be impacted by the additional built form to an extent.
- 10.62. Properties to the east, on the opposite side of Tillstone Street and to the south on Edward Street have windows which directly overlook the site. In both cases, the neighbouring properties are separated from the development by a road, providing sufficient separation distance so not to cause significant harm to the outlook from living spaces. Further, in relation to Tillstone Street, the new development would only be positioned opposite No.2 with the remaining terraced properties to the north not directly looking onto the development.
- 10.63. Immediately north of the site is No.7 Tillstone Street. Similarly, this property is separated from the application site by the access into Leicester Street. Though it is acknowledged that this is a smaller side road it nevertheless provides spacing between the two sites of a minimum of approx. 8m. In addition, the southern wall of No.7 which faces the application site, comprises a blank façade with no window openings. Whilst side openings to the front bay and rear outrigger are visible, these windows are either considered secondary or likely to serve non-habitable rooms and therefore no significant harm to the outlook of these spaces would result.
- 10.64. The properties most likely to experience any impacts to outlook are those to the west of the development on Egremont Place. During the lifetime of the application, amendments have been made to reduce the level of built form on the western side of the development to increase the spacing to these neighbouring properties. As a result, the development closest to the boundary comprises two proposed storeys which is comparable with the existing

relationship. The 5-storey element of the proposals has been set in from the boundaries of neighbouring properties to the west by between 3.1 and 7.5m. It is acknowledged that the development proceeds towards the north, the spacing reduces to the west. However, further north the depth of the neighbouring gardens of Egremont Place increases. As such the distance between the main rear elevations of Egremont Place and the 5-storey element of the development measures between 14m and 19m. These distances are not considered to be uncommon in a central location and are acceptable.

- 10.65. In consideration of all the above there is not considered to be a significant impact in relation to outlook and or an unacceptable increased sense of enclosure to neighbouring properties from the development proposed.

Overlooking/Privacy

- 10.66. Neighbouring properties to the east and south of the development are not considered to be negatively impacted through a loss of privacy. The resultant relationship between the proposed development and existing neighbouring properties would be comparable to those existing elsewhere in the immediate vicinity, with views from windows within the development over adjacent roads and sufficiently separated to mitigate any harms in this respect.
- 10.67. The eastern elevation facing onto Tillstone Street would feature one balcony to each floor (3 in total) which have the potential to result in some degree of loss of privacy to No.2 Tillstone Street (directly to the east). The balconies would however not be positioned centrally, opposite the front bay windows to this neighbouring property. The majority of the balcony would be positioned southwards with outlook predominantly over the soft landscaping on the opposite side of Tillstone Street. However, to avoid any potential for loss of privacy for this neighbouring occupier or perceived sense of overlooking, a condition is sought to ensure that these balcony balustrades are opaque to restrict views when occupants utilise this area for external seating for prolonged periods.
- 10.68. On the north elevation a number of windows are proposed - predominantly to the corner facing units fronting Tillstone Street. These windows would largely overlook the blank side façade of No.7 Tillstone Street and partially over the rear garden area of this property also. This relationship is considered to be comparable with the existing building which has north facing windows overlooking the terrace, and although the proposal would have more of a presence, the impact in terms of privacy is considered acceptable.
- 10.69. During the lifetime of the application amendments were made to the stair core, rotating its position and introducing channel glass to help reduce opportunities for overlooking towards rear gardens.
- 10.70. At first floor level, a balcony is proposed to the north elevation, providing external amenity space to flat 4. It is acknowledged that this balcony has the potential to cause some overlooking to the rear garden space of No.7 and therefore a condition is sought to ensure that the balustrade is opaque to a height of 1.3m This will ensure that outward views from a seated position

would be restricted. Views from the north facing elevation of flat 4 would predominantly be over Leicester Street and rear gardens of nearby properties however due to the separation distances this is not considered to result in harmful levels of overlooking.

- 10.71. Window openings to the west elevation of the development have been limited due to the proximity of neighbouring dwellings and gardens. Windows proposed at ground floor level would have views over the existing pedestrian pathway. Similarly, windows at first floor would be partially obscured from neighbouring properties by an existing flint boundary wall running along the rear of 54-59 Egremont Place. Two side windows would be provided within this elevation forming secondary windows to primary living spaces. The primary outlook to these spaces however would be to either the north or south and so on balance this is considered acceptable. Two central angled oriel windows are proposed centrally within this elevation at first floor. These would feature solid panels facing directly onto Egremont Place with views instead directed along the adjacent pedestrian path. Upper floors of the development feature 2 windows each to serve bedrooms. It is considered that the distance between the setback upper floors and neighbouring properties is sufficient to avoid significant harm to privacy levels.
- 10.72. It is therefore considered that the development would not result in significant harm to the levels of privacy currently enjoyed by neighbouring occupiers, subject to the conditions set out above.

Daylight/Sunlight impact to neighbouring properties

- 10.73. The application is accompanied by a daylight and sunlight analysis of neighbouring properties dated June 2026 by Rights of Light Consulting assessing loss of daylight and sunlight to neighbouring properties. At the request of officers, this has been independently assessed by Building Research Establishment (BRE). The purpose of which was to review the scope, methodology, text and conclusions of the assessment undertaken.
- 10.74. This third-party review advised that the scope of the applicant's assessment in terms of neighbouring residential properties appears reasonable and covers the nearest buildings to the proposed development site. They also confirm that the window maps provided within the assessment are a reasonable representation of the position of neighbouring windows. The methodologies are also confirmed to be in line with relevant guidance.
- 10.75. Where the loss of daylight or sunlight does not meet the guidelines, the impact is significant and assessed as minor, moderate or major adverse. Factors tending towards a minor adverse impact include:
- Only a small number of windows are affected,
 - The loss of light is only marginally outside the guidelines,
 - An affected room has other sources of skylight or sunlight.
- 10.76. The report outlines that the sunlight and daylight levels would be met for applicable windows at 50-55 Egremont Place, 2, 6, 8, 9, 13 and 15 Tillstone Street, 1-17 Stafford Court and 104, 105 and 106 Edward Street.

- 10.77. The daylight assessment suggests that as a result of the development there would be minor adverse impacts on the daylight levels received to 56-59 Egremont Place and also 7 Tillstone Street.
- 10.78. The sunlight assessment suggests that as a result of the development there would be minor adverse impacts on the sunlight levels received to the ground floor of the main rear façade of 57 Egremont Place, rear ground floor windows of 56 Egremont Place, side windows of the rear extension to 7 Tillstone Street and 4 Tillstone Street. Whilst this is noted it is considered that acceptable living conditions would remain to these properties.
- 10.79. The sunlight assessment submitted suggests that 4 neighbouring gardens affected would be below BRE guidelines after the development. Guidelines state that gardens should be able to receive at least 2 hours of sunlight on 21st March. These are 53 and 57 Egremont Place and 7 and 9 Tillstone Street. Whilst there are losses to the area of garden able to receive 2 hours sunlight at 53 and 57 Egremont Place, the existing area able to receive at least 2 hours is small. Therefore, the loss of sunlight impact to these dwellings is assessed as minor adverse.
- 10.80. The reduction in areas unable to receive at least 2 hours of sunlight on March 21st at 7 and 9 Tillstone Street is larger. The assessment suggests that the areas able to receive at least 2 hours would be 0.43 and 0.44, compared to the guideline of 0.8. The loss of sunlight impact to these gardens would be assessed as a moderate adverse impact.
- 10.81. Given the extent of the impacts identified within the Rights of Light Consulting report and the distance to the approved development to the north, it is not anticipated that the proposed development would have a significant impact on the levels of sunlight or daylight to be experienced within the approved development at Pilgrim House.
- 10.82. Whilst the proposed development would result in some impacts to the sunlight and daylight levels of neighbouring properties, these are largely considered minor adverse impacts and would continue to result in acceptable living conditions for adjacent and adjoining occupiers. Whilst it is acknowledged that the development would cause some harm to the amenities of neighbouring occupiers, the harm would be limited and if effective redevelopment of this city centre site is to be made then it is inevitable that a degree of impact is to be expected. In addition, weight is given to the public benefits of the scheme and delivery of housing. Therefore, and on balance, the proposal is considered acceptable.

Noise

- 10.83. In regard to noise and disturbance from the new development, whilst the additional residential units on the site would increase the amount of activity associated with the site, the proposal is not considered to result in a significant increase in noise levels. Further, the proposed development is within a central location in the city. A Construction Environmental Management Plan (CEMP)

is recommended by condition and would assist in appropriately mitigating any demolition/construction impacts.

Housing mix

- 10.84. 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.
- 10.85. The 20 residential units would provide a mix of 9 x 1 bed (45%) 8 x 2 bed (40%) and 3 x 3 bed (15%).
- 10.86. The most recent Strategic Housing Market Assessment (2023) identified a need for 1-bedroom dwellings with a need of between 30%-35% of homes provided. The demand for 2-bedroom units across the city is high (between 35%-40%). For 3-bedroom dwellings the need is between 20%-25% with respect to properties for affordable rent.
- 10.87. Whilst the balance could be improved with an additional 3-bedroom dwelling, on balance the housing mix is considered acceptable and would accord with Policy CP19. It is noted that the proposal will give opportunities for tenants under occupying to downsize, families in temporary accommodation or lacking enough bedrooms to move to more suitable accommodation.

The council's Planning Policy and Housing Teams support the development and confirm the proposal would provide much needed accommodation for the city.

Affordable Housing

- 10.88. 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.
- 10.89. This application proposes to provide in excess of 40% of the homes as affordable and therefore the development is compliant with policy CP20. The scheme will provide 100% affordable housing (20 homes), which is a significant increase in housing. Given the policy requirement a minimum of 40% will be secured via condition.
- 10.90. The dwellings proposed are being developed for the council and will be provided at affordable rent levels in line with council policy.

Sustainable transport

Site access

- 10.91. The site is located within a sustainable and accessible part of the city which benefits from good transport connectivity. The site lies within a main bus corridor with stops in close distance (Park Street). The pedestrian network that surrounds the site is also acceptable with crossing points close by to access the southern side of Edward Street.

Cycle Parking

- 10.92. The proposals include a cycle store in the north-west corner, accessed via the pedestrian passage to the west of the site. The store proposes 24 spaces including 2 accessible spaces. The layout and design generally appears acceptable however further details are sought regarding the accessible stands and ramp dimensions.
- 10.93. The development also includes visitor parking to the front and rear of the development by way of sheffield stands. Whilst these spaces could be used by other residents in the area, given the constraints of the site, this is considered acceptable in principle. Some concerns have been raised by the highway officer that one of the stands appears to close to the highway and has the potential to cause an obstruction. Therefore, a condition is sought for further cycle parking details to be secured.

- 10.94. It is noted that in addition to the proposed provision a bike share hub is located to the east along Edward Street.

Vehicle Parking

- 10.95. The proposed development does not include any car or motorcycle parking on site. This is acceptable in principle given the constraints of the site and close proximity to the city centre, and the location of the site within a public transport corridor. An informative is attached in relation to the restriction of entitlement to parking permits.
- 10.96. The closest car club bay is approximately 5 minutes walk away from the site on Wyndham and Ardingly Street.

Deliveries and servicing

- 10.97. The applicant is proposing an area on the double yellow lines where larger vehicles can stop on Leicester Street at the rear of the site which is acceptable in principle however it is requested that a formal bay be marked out through a S278 agreement.

Travel forecast

- 10.98. As the proposed development is proposed to be car free, this should result in significantly less vehicle trips than the existing situation. The main increase in trips would be pedestrian or cycle and it is noted that the site is in a good location for sustainable transport. The application also proposes improvements to the public realm which will improve the pedestrian experience for residents.

- 10.99. It is not deemed that the impact of additional person trips would be significant however, a Travel Plan is sought by condition to promote measures for sustainable transport.

Highways works

- 10.100. There are a number of improvements proposed to the front of the building on Edward Street and to the rear on Leicester Street. These are as follows:
- Raised soft landscaped areas on Edward Street. Whilst this would reduce the size of the highway, adequate footway would remain and pedestrian desire lines maintained. Highway officers consider this acceptable and acknowledge the improvement to the pedestrian experience.
 - The highway land furthest north on Leicester Street is proposed as a garden for residents. No objection is had from highways to this alternative use.
 - Footway surfacing improvement on the existing public footway on the western edge of the site and resurfacing of footways on Leicester Street. This also includes the removal of the crossover on the eastern edge of Leicester Street that will become redundant as part of the communal garden proposals. A new crossing point should be installed to allow residents to access the northern garden.
 - A small area in the north west corner becoming public highway.
 - Formalisation of the partial layby at the rear of the building into a marked out loading bay for recycling vehicles and other deliveries.
- 10.101. All highways works above are acceptable in principle but must be secured via condition and they will require a section 278 agreement and S38 agreement which will include full detailed drawings.

Sustainability and energy efficiency

- 10.102. 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 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.
- 10.103. The Design and Access statement outlines several carbon reduction strategies that will be integrated into the development. These include modern methods of construction and careful selection of materials. The proposals incorporate a green roof which will improve insulation to the building and reduce energy consumption, and aid biodiversity.
- 10.104. The submitted drawings show the use of air source heat pumps to provide heating and hot water to the development via a centralised plant located on the roof. This allows the heat pump to run at higher efficiencies. Heating to each unit will be distributed using an underfloor heating strategy which is welcomed.

- 10.105. Within their energy strategy document, it has been demonstrated that each unit will meet the necessary CO2 emission reductions. For the avoidance of doubt this will be secured by condition.
- 10.106. This strategy also confirms that the development will be designed to reduce water consumption through the addition of isolation and flow-restricting valves on water outlets. This is also recommended to be secured by condition.
- 10.107. An EPC rating of B for each unit, in accordance with policy DM44 is recommended to be secured by condition.
- 10.108. The proposed development also utilises PV panels as the scheme proposes 20no. panels on the roof. The exact details of the PV array are recommended to be secured by condition in order to ensure an appropriate visual appearance.
- 10.109. The sustainable measures proposed within the development 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 is considered to comply with policies CP8 and DM44 of the City Plan.

Air Quality

- 10.110. The application site falls within an Air Quality Management Area (AQMA). 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.
- 10.111. The application is supported by an Air Quality Assessment which has been reviewed by the Air Quality Officer. This assessment confirms that whilst the construction phase of the development is predicted to have a 'medium risk' of nuisance due to dust, this can be mitigated by implementing appropriate mitigation measures as set out within the document and via a CEMP. The report concludes that the proposed development would not conflict with policy regarding dust and air quality nuisance during the construction and operation phase.
- 10.112. No objections have been raised to the development by the Air Quality Officer and recommendations for further information have been suggested. It is considered that these can be addressed through conditions to ensure compliance with policy.

Waste management

- 10.113. 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.
- 10.114. With regards to general waste, the scheme proposes a communal on-street bin located on the northern side of Edward Street, adjacent to an existing on-

street bin. Whilst it is generally considered preferable for refuse facilities to be provided within development proposals, in this instance this is considered acceptable given the constraints of the site and that this is a common arrangement in central locations. The highways team have not raised an objection to the proposals. The proposals do include an internal recycling bin store on the northeast corner of the building. Vehicles can access the store by stopping in a partial layby area to the rear on Leicester Street. There is a turning head which would allow vehicles to enter and exist in a forward gear. This is accepted in principle for larger vehicles. Full swept path drawings are sought by condition.

- 10.115. With regards to construction, the applicant advises that circular economy principles will inform material selection and construction with low impact materials i.e. sourcing local bricks. A site waste management plan is therefore recommended to be secured by condition.

Ecology, landscaping and Biodiversity

- 10.116. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development and provide net gains for biodiversity wherever possible. Policy DM37 of the City Plan Part Two states that development proposals will be required to demonstrate that they safeguard and contribute positively to the existing network of green infrastructure.
- 10.117. Vegetated habitat on the existing site is limited to occasional shrubs around the boundaries of the rear car park. This habitat will be lost to facilitate the development.
- 10.118. Given the nature, scale and location of the proposed development, there are unlikely to be any significant ecological impacts on any designated sites or semi-natural habitats. Compensation for habitat losses will be addressed through the Biodiversity Net Gain process and via conditions.
- 10.119. The application is accompanied by a Bat Report which has determined that the building is classified as having low bat roost potential.
- 10.120. A BNG metric has been submitted alongside a Biodiversity Net Gain assessment and Preliminary Ecological Appraisal which demonstrate that the objective of at least 10% biodiversity net gain will be met through soft landscaping across the site and 2 additional trees. It is acknowledged that the landscaping proposals could go further to improve biodiverse outcomes on this site, nevertheless the proposals meet the policy requirements.
- 10.121. The PEA submitted recommends additional opportunities for non-habitat based enhancements. This includes nectar rich planting, bat roosting opportunities and bird bricks/boxes. These should be integrated into the fabric of the buildings. These measures are sought by condition in addition to swift boxes and bee bricks, and a green roof.

- 10.122. Provided that the recommended mitigation, compensation and enhancement measures are implemented, the proposed development would have an acceptable ecological impact in accordance with development plan policies.

Sustainable Drainage

- 10.123. The site lies within the surface water conveyance zone. Policy DM43 of the City Plan Part 2 requires all new buildings to incorporate sustainable drainage.
- 10.124. The drainage team have confirmed that the site is not indicated as being at significant risk of flooding. Given that the site as existing is covered by hardstanding, the proposed development is unlikely to change this.
- 10.125. The application is supported by surface water and foul drainage strategies. Surface water is proposed to be captured via conventional drainage and green roofs and will be attenuated into a subterranean tank before discharging into the combined sewer. Foul waters are proposed to be discharged to the adjacent combined sewer via a new connection.
- 10.126. Additional information is recommended to be secured by condition in relation to CCTV surveys for any drainage elements to be re-used and a maintenance and management plan for the green roof. Use of porous hard landscaping will help mitigate any flood risk.

Land contamination

- 10.127. As an existing partly commercial building, the application is supported by a Phase 2 Environmental Investigation and associated information of the site. This has been reviewed by Environmental Health officers. They agree with the findings of the report that a remediation strategy is required to ensure that the site is brought forward to a suitable condition. Conditions are therefore sought for a remediation scheme prior the commencement of the new development and a verification report prior to occupation to ensure that any agreed measures have been completed.

Other matters raised in representations

- 10.128. 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 recommended to be secured by condition.
- 10.129. 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.
- 10.130. Impacts on property values is not a material planning consideration.

Conclusion

- 10.131. The site is located within an area of the city identified for strategic redevelopment. Demolition of Oakley House is considered acceptable given that it is of no architectural or historic significance. Whilst the new building would be taller and have greater visual impact than the existing, the impacts on the setting of nearby heritage assets would be limited. Weight is given to housing delivery and the significant public benefits arising from the delivery of additional affordable homes, which is considered to satisfactorily outweigh any limited heritage harm.
- 10.132. During the lifetime of the application the proposed development has been significantly reduced in scale and would result in a well-designed building which would provide acceptable units of living accommodation. Further details in relation to the building's design are recommended to be secured by condition.
- 10.133. The development would not have a significant impact on the residential amenity of neighbouring properties, and the CEMP and DEMP is considered to minimise the noise and disruption through the demolition and construction phases.
- 10.134. The development offers opportunities to secure public realm improvements, biodiversity opportunities and provides a sustainable building.
- 10.135. It is therefore considered that the proposed development would comply with national and local planning policies, and planning permission is recommended subject to the conditions recommended within this report.

11. EQUALITIES

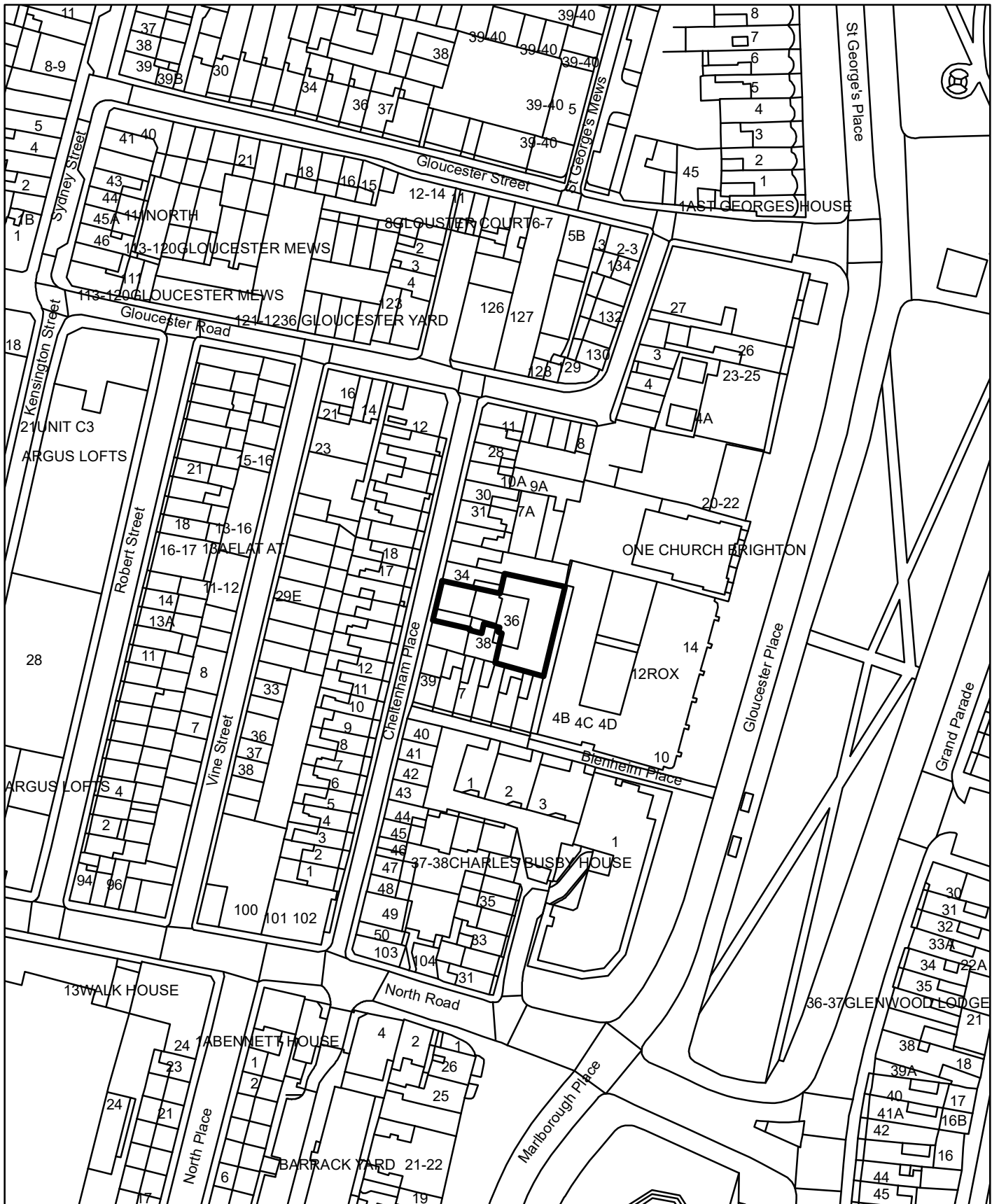
- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 11.3. Level access can be achieved and all floors are accessible from the lift. The units shall meet Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).

ITEM B

**36 Cheltenham Place
BH2026/00727
Full Planning**

DATE OF COMMITTEE: 28th October 2026

BH2026 00727 - 36 Cheltenham Place



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00727	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	36 Cheltenham Place Brighton BN1 4AB		
<u>Proposal:</u>	Change of use from mixed use Class E (artists studios, sauna and associated facilities) to sui generis (artists studios, sauna, cafe, yoga studio, letting rooms and associated facilities). Restoration of historic sliding doors and creation of disabled access		
<u>Officer:</u>	Liz Arnold	<u>Valid Date:</u>	25.03.2026
<u>Con Area:</u>	North Laine	<u>Expiry Date:</u>	20.05.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	26.06.2026
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	YOYO Yard 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	333-01		25-Mar-26
Proposed Drawing	333-02-05		25-Mar-26
Proposed Drawing	333-02-06	C	05-Jun-26
Proposed Drawing	333-02-04	B	18-May-26
Proposed Drawing	333-02-07		18-May-26
Proposed Drawing	333-02-08		18-May-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. Unless otherwise agreed in writing, within 3 months of the date of this permission, 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 within 6 months of the date of this permission 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.3

4. The artists' studios identified on plan 333-02-04 Revision B received on the 18th May 2026 as STUDIO shall be retained in employment use as defined within Use Class E(g) only, and the sauna, hot yoga studio, steam room, and Hammam shall be retained for indoor recreation use only as defined in Use Class E (d), and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities and character of the area and the supply of employment generating uses, to comply with Policies CP3, SA2, DM20 and DM40 of Brighton & Hove City Plan Part 2.

5. The ground floor uses hereby permitted shall not be carried out except between the hours of 07:00 and 21:00 on Mondays to Sundays, including Bank or Public Holidays.

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

6. Prior to the commencement of the sui-generis use hereby approved, and unless otherwise agreed in writing, details of a scheme for the storage of refuse and recycling to serve the development shall have 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 and the refuse and recycling storage facilities within six months of this permission and 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.

7. The first floor holiday letting rooms (units 1-4) hereby approved, as shown on approved drawing 333-02-05 received on the 25th March 2026 hereby approved, shall only be used as short term holiday letting accommodation ancillary to and in connection with the sauna and wellness uses which operate from the ground floor level at 36 Cheltenham Place. At no time shall these spaces be used as independent holiday lets or as separate self-contained residential flats.

Reason: In order to protect the amenities of neighbouring properties and potential future occupants, and because the spaces are unsuitable as a self-contained dwellings, and in accordance with policy DM20 and DM1 of Brighton & Hove City Plan Part 2.

8. Prior to the commencement of the sui-generis use hereby approved, and unless otherwise agreed in writing, a premises Operation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority which demonstrates how a clear functional link between the letting rooms and the wellness business shall be maintained, and how the management of the site shall be undertaken to minimise the potential for noise and disturbance to neighbouring residents. The plan must include, but not be limited to, details of:
1. A 24-hour emergency contact number provided to immediate neighbours in the event of a noise complaint
 2. Arrangements for waste and recycling facilities for customers utilising overnight stays
 3. House rules given to guests regarding minimising noise
 4. An open record of the overnight bookings and links to the wellness centre operations to be made available for inspection at any time by the LPA
 5. Advise to customers regarding sustainable transport options for the travel to and from the site

The premises shall thereafter be run in accordance with the approved management plan.

Reason: To ensure the efficient management of the letting accommodation and to protect the living conditions of nearby residents in accordance with policy DM20 and DM40 of the Brighton & Hove City Plan Part 2.

9. Prior to the commencement of the sui-generis use hereby approved, and unless otherwise agreed in writing, Unless otherwise agreed in writing, a detailed scheme to address waste water and any surface water arising from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details within six months of the date of this permission.

Reason: As insufficient information has been submitted in this regard and to ensure the provision of a satisfactory means of surface water disposal and to comply with policy DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.

10. 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.

11. Prior to the commencement of the sui-generis use hereby approved, and unless otherwise agreed in writing, the full height timber doors, proposed for the front elevation of the building, as shown on approved drawing 333-02-06 rev C received on 5th June 2026, shall be installed in accordance with the approved plans, and retained in place thereafter.

Reason: The proposed access doors represent an improvement to the historic character and appearance of the Cheltenham Place streetscene and the wider North Laine Conservation Area, in accordance with policies CP15 of the Brighton and Hove city plan Part 1 and DM26 of the Brighton and Hove City Plan Part 2.

12. The sauna hereby permitted shall only be heated by an electric heater and shall not be heated by any solid fuel, wood-burning, gas-fired or other combustion-based appliance at any time.

Reason: The site is located within an Air Quality Management Area, in the interests of minimising emissions from the site and in accordance with policy DM40 of the Brighton and Hove City Plan Part 2

Informatives:

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

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. The application site is located in the centre of Brighton, along the eastern side of Cheltenham Place and to the west of Gloucester Place. The site is operated as YOYO Yard which is primarily a back-land urban sauna setting with a mix of uses being artist studios and residential units surrounding the sauna courtyard at ground and first floor levels.
- 2.2. The site is accessed via front gates on the east side of Cheltenham Place. Entering from Cheltenham Place, it comprises an open yard, providing access

to a reception/ waiting area and to changing facilities, and a covered yard which houses the sauna and relaxation space. Surrounding the sauna yard are small single storey artist studios at ground floor with residential units shown at part ground and first floor in the western part of the site. The residential floor area shown (approximately 155sqm) is accessed from a separate residential access known as 37 Cheltenham Place. This floor area extends down the southern side of the yard at ground floor level and first floor level and above the main yard fronting Cheltenham Place at first floor level.

- 2.3. At first floor level in the eastern part of the site known as 38 Cheltenham Place, a previous planning application (BH2023/02994) shows the building is in use as a large Sui Generis HMO.
- 2.4. The site is situated within the North Laine Conservation Area and within the Central Brighton (SA2) area.

3. RELEVANT HISTORY

- 3.1. **BH2025/01271** Change of use from Industrial (B2) to mixed use artists and sauna (E) with associated alterations to include cladding of metal entrance gate with stained timber (retrospective). Approved 23/9/2025
- 3.2. **BH1999/02529/FP** Installation of fire escape stair from first floor of No. 38 to finish in courtyard of No. 36. Approved 16.12.1999.

4. RELEVANT HISTORY AT OTHER SITES

38 Cheltenham Place

- 4.1. **BH2023/02994** Replacement of existing roof with fibre cement slate tiles and reinstatement of historic rooflight openings with conservation rooflights. Approved 03.10.2024.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for a change of use from mixed use Class E (artists studios, sauna and associated facilities) to a sui-generis use for the whole site. This sui-generis use would cover a range of complementary uses on the site. The works can be summarised as follows;
 - Holiday letting rooms at first floor level,
 - Reinstatement of historic wooden sliding doors,
 - Secondary sauna within yard, (first approved under BH2025/01271)
 - Small café, primarily to serve site users,
 - Steam room facility,
 - Yoga studio,
 - Massage/therapy rooms,
 - Provision of disabled access to new and existing facilities,
 - Expanded changing room facilities,

- Retention of 5 artist studio spaces.

6. REPRESENTATIONS

- 6.1. Representations have been received from **thirty-two (32)** individuals objecting to the application for the following reasons:

Principle of the development

- Reduction in housing units in a housing crisis
- Holiday lets directly conflict with affordable housing aims
- The cumulative impact of holiday lets must be assessed
- Large Airbnb's conflict with operations of the local artist studios
- A sui generis use risks long term employment aims for the site
- Links between the holiday lets to the sauna use likely to be tokenistic
- Risk of short stay accommodation spreading across the wider site
- Commercial rather than community focus
- Conditions must ensure the use reverts back to Class E
- Damaging precedent if retrospective permission is granted for holiday lets
- Consent runs with the land therefore cannot be tied to current owner
- Support for this application not from local residents
- When let together the premises can sleep 14

Impacts on amenity

- Noise and disturbance from intensification of use
- Overlooking and loss of privacy to residential neighbours
- Impact on noise from servicing the units
- Anti-social behaviour/ Smoking
- Erosion of the local residential community cohesion, increase transient occupation
- Confusion over the site address could result in more of the site going to holiday let
- Large holiday lets not suitable for a narrow street
- Would attract young people worsening noise concerns

Transport and Parking

- Vehicle access dangerous / highway safety concerns
- Increased parking impact, and demand for disabled parking bay
- Trip generation from increased occupation
- Additional transport movements and highway impact from servicing

Environmental Concerns

- Increase of waste and litter,
- Light pollution
- Water demand, drainage impacts, current waste water deposited into the road

Management concerns

- Properties at Nos. 34-38 Cheltenham Place are all under the same freehold
- ownership, several are already operating as large Airbnbs
- Inconsistencies in the application, the listings show self-check-in
- No onsite management after 8pm
- Poorly run studios at present impact on existing tenants
- Profit over responsibility management, fire safety, tenancy protection
- Disconnected from the real community
- Retrospective nature of the application

Design and Impact on the Conservation Area

- Harm to the residential character of the Conservation Area
- Overdevelopment / Over intensification of the site
- Proliferation of holiday lets in Cheltenham Place changes the character No.34

6.2. Representations have been received from **twenty four (24)** individuals supporting the application for the following reasons:

- Improvement to existing facilities,
- Genuine inclusive access,
- Benefit to local residents, tourists and arts scene
- Supports local events with community roots
- Small businesses deserve support
- Economic benefit to existing operations
- Improvement to the gates welcomed
- A valued and necessary service to the community
- Saunas by their nature create a relaxed and peaceful environment

6.3. **North Lane Community Association** objects to the development for the following reasons:

- A proliferation of short term lets in the North Lane
- Existing parts of the building already in holiday let use
- Due to ambiguity in previous applications, the lawful use for the accommodation must be established prior to change of use applications
- Building regulations and fire safety queries
- Impact on the residential amenity of residents in Cheltenham Place
- Concerns over the impact of café
- The works to the access gates are welcome

7. CONSULTATIONS

Internal:

7.1. **Culture and Creative Industries** No Comment

7.2. **Economic Development** No comment to make

7.3. **Heritage** No objection

No harm to the conservation area over existing situation. Renovated gates would improve the appearance of the site in the public realm. No harm identified from the new cafe window.

7.4. **Planning Policy:** No Comment

7.5. **Private Sector Housing** No comment

7.6. **Sustainable Transport Team** No objection

The proposed change of use may generate an uplift in trips and parking demand, this is unlikely to have a significant enough effect on the public highway to warrant any objection. The site is in CPZ Y, which limits opportunities for overspill parking. The site is close to Gloucester Place, where major bus routes operate, and 9 minutes' walk from Brighton Railway Station, and is situated in an area with good walking and cycling links. A Cycle Parking Scheme condition is necessary.

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

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
SA2	Central Brighton
CP2	Sustainable economic development
CP3	Employment land
CP5	Culture and tourism
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP15	Heritage

Brighton & Hove City Plan Part Two:

DM1	Housing Quality Choice and Mix
DM2	Retaining Housing and Residential Accommodation
DM20	Protection of Amenity
DM26	Conservation Areas
DM27	Listed Buildings
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage

Supplementary Planning Documents:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the change of use any impacts in terms of planning policy and the impact on residential amenity. Environmental concerns, access, highways and parking, sustainability and biodiversity impacts must also be considered.

Background Information in relation to the site.

- 10.2. The planning history for the site, and those adjoining is ambiguous. The address for the application site is listed as 36 Cheltenham Place. This would appear to correctly identify the address of the main sauna yard and the artist studio/units which are accessed from this yard at ground floor. The site adjacent to the main yard on the southern side which contains a separate residential access to the street is 37 Cheltenham Place. This is the first floor residential space which extends in an L-shape over the vehicle entrance to the site and has first floor frontage to Cheltenham Place (units 2-5, 37 Cheltenham Place). It is apparent that this residential floor space has a degree of independence from the wider YOYO Yard operations. Unit 1, 37 Cheltenham Place, would appear to refer to the basement/ ground level and this space has a separate access within the yard.
- 10.3. The approved application BH1999/02529/FP, for a fire escape pertains to the first-floor accommodation (37) but that application referenced no.38 and no.36 Cheltenham Place. This planning history entry listed B2 (light industrial) and C305 (residential use) and is an indication of historical dual uses of the site.
- 10.4. A check of the Council Tax entries show a historical use for 37 Cheltenham Place as a small (HMO) House in Multiple Occupation (also confirmed by HMO licences). But there is no planning history for this. The last HMO use appears to have ended in August 2020. The applicant states holiday letting has been operating from the site since 2025. There is no planning history for holiday let accommodation for the site.

- 10.5. In the absence of any Lawful Use Certificate, the site history for 37 Cheltenham Place remains ambiguous. Given that it has had its separate access and street frontage it is considered on the balance of probabilities, that this floor area within the application site is likely to have C3 residential use.
- 10.6. As noted above, the building in the eastern part of the site within which the artists studios at ground floor are located, appears to be in a sui generis large HMO use at first floor. There is no planning permission approved for this use however it is understood to have operating for a significant period of time.

Principle of the Development:

- 10.7. The previous application for the site (**BH2025/01271** - Change of use from Industrial (B2) to mixed use artists and sauna (E) with associated alterations to include cladding of metal entrance gate with stained timber – Approved September 2025), concerned only the ground floor of the application site. The drawings submitted with that application comprised of the vehicle access, the yard area behind the access (sauna yard), and the ground floor workshop units to the rear of the site which are all accessed from the sauna yard. The previous application did not include any drawings of the first floor of the site.
- 10.8. The current application is not seeking permission to convert any individual units or workshops to separate planning units, but is proposing to encompass the entire site into a sui-generis use (mixed use) for the ground and first floor (no.36 and no.37). The applicant states in their Design and Access Statement that the sauna and wellness business on site has been successful and this application for a larger sui-generis use would allow for the expansion of the wellness business, including the conversion of some of the existing artist studio workshops to complementary spaces (change rooms, steam room, hot yoga studio, hammam). These spaces currently benefit from a Class E use class but are restricted via planning condition to artist studio spaces.

Loss of residential floor space

- 10.9. As explained above, the drawings accompanying the application include a separate residential floor space accessed from Cheltenham Place. It is proposed under this application that this former C3 floor area would be converted to holiday letting rooms in association with the wider sui-generis use. This would result in a loss of residential floor area.
- 10.10. A loss of residential floor area must be considered under DM2 of City Plan Part 2 (CPP2). Policy DM2 states that the council will seek to resist any net loss of existing residential accommodation (Use Class C3) in the city. Planning applications that result in the loss of residential accommodation will not be permitted unless one or more of the following exceptions apply:
- a) it can be demonstrated that the accommodation cannot be rehabilitated or redeveloped to achieve satisfactory housing standards required by other policies in the City Plan;
 - b) the proposal would result in a net gain in units of affordable housing;
 - c) the loss would enable sub-standard residential units to be enlarged to meet residential space standards (in accordance with Policy DM1 Housing Quality, Choice and Mix);

- d) the proposed change of use will provide a local community service/ facility that meets an identified need;
 - e) it can be demonstrated that a proposed change of use is the only practicable way of preserving the special architectural or historic interest of a listed building or other building of heritage significance; or
 - f) where the previous use of the building would be a material consideration.
- 10.11. It is not considered that the application can clearly demonstrate any of the exceptions to DM2, and therefore the presumption should be to retain the C3 floor space for residential use. In regard to exceptions (b) through to (f), the development would not provide affordable housing, would not involve the amalgamation of units to meet the Nationally Described Space Standards (NDSS), the change of the use would not provide a community service with an identified need and would not be necessary to preserve the character of the building, and the previous use is not a material consideration in this context.
- 10.12. In regard to criteria (a) of DM2, and the question on whether the space can be brought up to meet current standards, the assessment is more balanced. The existing floor plans show the residential floor space is divided into 5 units. The site is considered somewhat unique in its setting and although the upper floor accommodation clearly had some independence from the main yard, a functional link remained through the fire escape (granted in 1999). The current layout may reflect a former unauthorised use as an HMO. Unit 1 is a one bed flat with the fire exit to the wider yard, unit 2 a studio, unit 3 a 1 bed maisonette, unit 4 a one bed flat and unit 5 a two-bed maisonette. These all are units which are shown as being of very limited space, somewhat cramped and with a contrived layout throughout and, as currently laid out, they are considered to fail to deliver a good standard of accommodation and conflict with DM1 which seeks to ensure a good standard of housing for the city. The units would also fail the NDSS as existing.
- 10.13. Policy DM2 remains the key policy mechanism within the local planning policy framework to protect residential floor space in the city. As noted in the representation made on the application, to allow a change of use due to the existing unlawful subdivision on the site could set an unwanted precedent at a time when the council are unable to meet current housing supply figures.
- 10.14. The existing layout, which is over a number of different floor levels, with interconnecting stairwells and numerous subdivisions, does not lend itself to a practical amalgamation into smaller self-contained units which could comply with policy DM1 and the NDSS. A proportion of the existing floor area including the basement and the areas in front of the central stair well would not be easily converted into workable residential areas. Furthermore, it is acknowledged that the floor area currently shown as Flat 5 does not share the access arrangements from the separate street access for No.37 Cheltenham Place. The access door to this flat appears to be within the Sauna Yard although divided by some fencing to provide some separation. In addition, the outlook from ground floor windows (and any restricted outlook from the basement) mean that this floor space cannot practically be formed into a good standard of accommodation.

- 10.15. Coupled with the physical constraints of the site and the lawful commercial uses of the ground floor, it is challenging to envisage how truly independent accommodation, which would meet current standards could be adequately maintained or delivered on site. The amount of floor space which is shown in existing residential use, approximately 155sqm would be nonetheless theoretically capable of providing a good standard of accommodation but would require a wholesale re-configuration and re-development and this is not proposed.
- 10.16. Overall, it is considered that the conversion of the existing residential floor space to the proposed sui-generis use is in conflict with policy DM2, however the existing residential units are not providing a good standard of accommodation as existing and given also previous evidence of unlawful HMO use, it may not have done for a significant amount of time. No planning history exists for the residential units and it is considered that it would require an extensive amount of reconfiguration to bring the residential floor space up to current standards. Taking in to account the ambiguity in the planning history of the site, and physical links of the upper floors with the commercial use of the wider site and the current poor standard of accommodation of the existing units it is considered, on balance that the loss of the existing poor quality C3 units could be considered acceptable as part of the wider planning balance subject to other considerations.

Economic Considerations

- 10.17. The site is located within the CPP1 policy SA2 Central Brighton area. This policy seeks to reinforce central Brighton's role as the regional centre for shopping, leisure, tourism, cultural, office and commercial uses. This development is considered to meet the objectives of policy SA2, with the sui-generis use of the site bringing new leisure/recreation uses into the city centre, and the studios/workshops helping to strengthen the creative industries cluster in the area, with SA2.5 supporting the delivery of affordable workshops, particularly in the North Laine area. Policy CP3 also protects employment generating uses in the city.
- 10.18. As noted above, prior to the 2025 approval the site was in B2 (general industrial use). The 2025 approved application regularised the sauna use with artist studios surrounding the sauna yard. In assessing the previous application, the small artists' studios and workshops provided in studio accommodation was welcomed to meet a local need for small scale employment spaces in accordance with adopted policy CP3. In granting the consent, a condition to the planning application specified that the proposed artist studios shall be retained for employment use only, and the sauna shall be retained for indoor recreation only. The reason was to ensure the Local Planning Authority has control over the future use of the site for both employment and amenity reasons.
- 10.19. There are, at present, 9 ground floor studios which are all accessed from the sauna yard. In the previous application, these spaces were described as being 'workshops'. The current application for a change of use can be seen as moving the site further into a leisure focus rather than primarily an artist workshop space. It is proposed that 4 of the existing 9 studio spaces would be converted into facilities to support the existing wellness offering. These spaces would provide

a hot yoga studio, new changing facilities, a hammam and steam room. A second additional sauna, within the courtyard area is also proposed as part of the current application. Some representations made on the application support the expansion of the existing business and also noted that there is an intention to improve the accessibility of the existing space. This is welcomed, and it is acknowledged that the current operations of YoYo yard has created quite a unique space, and finding an alternative site to expand in to would be challenging.

- 10.20. Although the previous consent looked to ensure the artist studios are retained as such, it is considered that the expansion of the wellness business into some of those spaces would not conflict with the main objectives of the employment policies for the site, which is to protect business and employment settings within the central area of the city. Five studio spaces would remain and would continue to function as such.
- 10.21. Furthermore, the expansion of the wellness offering of the site would also provide an additional low level of employment. The unique setting and layout of the application site would mean the artist studio spaces as proposed would only be attractive to smaller scale operations, compatible with the setting, however this not a significant change from the existing situation. It remains important that small scale, accessible workshop spaces are available in central locations. It is noted that the YoYo website continues to list the private studios space as being available for the creative community, including shared ceramic space, painting studios and flexible desk space to rent. It should be noted the proposal for holiday let accommodation above would not impact the floor areas of the previously approved artist studios. On balance it is considered that the proposed expansion of the commercial wellness offering and changes to the provision of workshop accommodation is acceptable in terms of continuing to provide employment focus for the site aligning with the strategic aims of SA2 and CP3 of the Brighton and Hove City Plan Part One.

Proposed Holiday Letting Rooms

- 10.22. 4 Units are proposed as holiday letting rooms in connection with the wellness business at ground floor. Access would be via the existing pedestrian door at 37 Cheltenham Place. The applicant has stated that these rooms would be let to customers of the sauna/wellness centre and the application is proposing a sui generis use for the entire site, and not individual holiday let accommodation. It is noted that 'YoYo apartments' are bookable on the company website however they are also available on conventional holiday letting websites (booking.com/Airbnb) suggesting some degree of independence.
- 10.23. As noted above the holiday letting rooms are mostly accessed independently from the sauna area. Whilst the applicant has stated that the holiday letting bookings would be linked to the wider operation of the site, it is not considered that the holiday letting rooms are functionally dependent upon the commercial wellness business and are not directly required for it's functioning. Nevertheless, these spaces are physically adjoining and are presented as a part of the wider commercial use proposed. The provision of holiday letting as part of the wider business is considered an acceptable approach and the provision within the

Central Brighton area of short term holiday lets is considered broadly consistent with the aims of policy SA2. A condition is recommended to ensure that the holiday letting rooms remain an ancillary managed part of the commercial business. A management plan condition is also recommended in order to ensure that any impact of the holiday lettings upon neighbouring occupiers is mitigated and this is discussed below.

Proposed Café Space

- 10.24. A café area is proposed which would be accessed via the main doors to the yard and would not have a conventional street frontage to Cheltenham Place. A separate independent use of the case is not being applied for, and this space would be a part of the wider mixed sui-generis use for the site and due to the positioning is considered likely to serve existing site customers rather than drawing a significant amount of passing foot-fall. The café area is a small proportion of the site and it is considered as ancillary to the main activities on the site. No concerns are raised in this respect.

Heritage Considerations

- 10.25. In considering whether to grant planning permission for development in a conservation area and which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.26. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 10.27. The main visual considerations relate to the reinstatement of the historic sliding doors at the front of the site. The opening to Cheltenham Place is via a large gated vehicle access with an integral pedestrian gate adjacent. The existing gate does not extend to the full height of the opening. The proposed new 'shutters' are claimed to be as original. This element of the scheme is welcomed. The design, materials and the scale of the proposed shutters, addressing the full extent of the opening would result in an improved appearance to the front elevation of the property and to the Cheltenham Place street scene.
- 10.28. The Heritage Team have not objected to the development. The work to the entrance gates are considered to represent a positive improvement to the public realm. The front entrance to the residential flats on Cheltenham Place would remain. Within the yard itself the main physical alteration would be in the form of the additional sauna. The introduction of the timber building to house the sauna would have a functional appearance. Being located behind the large timber doors, the structure would not be readily visible from public vantage points, it is not considered to have an adverse impact on the character and appearance of the conservation area.
- 10.29. The proposed change of use is not considered to impact the character and appearance of the Conservation Area. The North Laine Character Statement explains *'The North Laine area has a lively mix of land-uses which contribute*

greatly to the character of the area. There are very many small businesses which take advantage of the area's stock of smaller premises.' The proposed change of use would not detract from this character in principle.

- 10.30. Representations made on the application concern the further expansion of holiday let accommodation and the impact that this would have on the Conservation Area. As noted above, with the exception of the access gates, there are no physical operations which would be visible from the public realm. In regard to the nature of the activities arising from the site and the impact on the Conservation Area, the North Laine Conservation Area is characterised by a mix of uses and property typology and a change of use for this site would not detract from the historic character.

Impact on Amenity

- 10.31. Policy DM20 of The City Plan Part Two states that planning permission will not be granted for any development or change of use that causes material nuisance or loss of amenity to existing or adjacent users, residents, or occupiers, or is detrimental to human health.
- 10.32. Cheltenham Place is largely residential in character, however the application site has historically been in mixed commercial and residential use for many years. The site is overall located within a City Centre location with commercial uses and public houses at either end of the street.

Expansion of Wellness Facility and Cafe

- 10.33. The development does not seek to extend the existing buildings on site in height or footprint. The proposed additional sauna structure would be located inside the perimeter of the enclosed yard and would not impact neighbouring occupiers over and above the existing situation. The proposed development does not result in any changes to overlooking, loss of privacy or overbearing impact. There are no external alterations proposed for the first floor elevations where the holiday let spaces would be located where the proposed alterations are internal only. The only external physical alteration to the building is the reinstatement of the historic sliding gates, and some revised fenestration internally facing the courtyard to the proposed café space. This is not considered to result in a harmful impact to the amenities of neighbouring occupiers.
- 10.34. The expansion of the sauna provision and additional facilities would result in an increase in numbers visiting the wellness facilities, however this uplift is not considered to result in an unacceptable material increase given the nature of the use proposed. The change of use of the ground floor areas from the artist studios to wellness facilities would not create any significant detrimental impacts over and above the existing. The proposed café could result in some additional activity, however (as above) due to the site layout it is considered likely that most of the customers for the café would be onsite users. The café would not have a conventional street frontage to Cheltenham Place, however when the sauna facility would be in use, and the access gates open, the café facility would be more open to Cheltenham Place and the public realm.

- 10.35. As with the previous 2025 application, it is considered reasonable and necessary to impose planning conditions to restrict operating hours of the sauna and the associated facilities in order to protect the amenity of the neighbouring residents. The existing hours are restricted to 07:00 to 21:00 each day and this is proposed again within this consent and would include the café facility.
- 10.36. CPP2 policy DM40 seeks to prevent development from having unacceptable impacts on the environment and health, including noise impacts. Policy DM40 is relevant as the site is located within a designated Air Quality Management Area and Smoke Control Zone, where emissions need to be carefully controlled. The existing sauna operates without any issues in regard to emissions. It is noted that the website states that the sauna is powered by 'cutting edge, emission-free renewable energy'. It is not anticipated that a second sauna would present any additional issues however a condition is recommended to ensure that the sauna facilities are electric only. Provision would continue to exist under the Environmental Health Act 1990 for investigation and enforcement should any complaints arise in the future in regards to emissions or unacceptable disturbance.

Holiday lettings

- 10.37. In regard to the impact on amenity, the most significant part of the proposal would be change of use of the first floor space to provide short term holiday lets. The information in the application states that units would be managed by YoYo Yard, operating as part of the overall wellness experience, rather than independent accommodation. Representations made on the application are sceptical about this link and booking facilities are available on conventional websites. Other representations note that the provision of holiday lettings would represent a concentration of holiday lets which, through their operation, give rise to issues of noise and disturbance, anti-social behaviour.
- 10.38. The holiday letting rooms are already in operation and representation made on the application from local residents have cited concerns over noise and disturbance, the lack of on-site management for overnight stays, and the fact that the units can be let to a group of 14 occupants which make it an option for larger parties. There are in fact 4 units proposed, and booking information appear to suggest 13 bed spaces across the site. It appears that these can be booked on traditional letting sites as well as through the YoYo website.
- 10.39. Holiday let operations have inherently different characteristics to a C3 residential use. The occupation of holiday let units is more transient, and with this comes a different type of activity and movements which can be more likely to utilise the night time economy. In addition, the servicing of the accommodation at change over, including waste and laundry management creates additional movements and impacts when compared to conventional residential use. Some of these impacts would be reduced for this site given the applicant wishes to retain the functional link with the wider business, however the concerns made in representations received are noted.
- 10.40. The application contains information in relation to the management of the holiday letting rooms. These measures include guests being registered prior to arrival,

meeting managers on arrival, and being briefed on the site rules, and that stag and hen events would not be permitted.

- 10.41. The management plan also states, *'The accommodation will support small residential wellbeing courses and workshops held on site, allowing participants attending programmes such as sauna training, breathwork courses or creative workshops to stay overnight as part of their experience. These courses will be run for small groups and carefully managed by the team on site, ensuring they remain consistent with the calm, welcoming and restorative atmosphere that defines YoYo Yard.'*
- 10.42. The YoYo yard operates primarily as relaxing wellness space, and letting accommodation is likely to attract visitors who appreciate this setting, and this would make it less likely to be utilised for party-type accommodation, however this is in no way guaranteed. As noted above a mixed use of the site is being applied for under a single business concept, and a condition to require the holiday lets to be ancillary to the main sui-generis use is recommended to ensure this link. In addition such a condition would ensure the future use of the site can be suitably controlled and prevent further expansion of holiday let space on the site without a further consent being required.
- 10.43. Due to the layout of the site, most issues in relation to noise and disturbance are likely to arise from customers accessing the holiday let space from the street entrance at 37 Cheltenham Place. There is no dedicated external space associated for the holiday letting spaces. The fenestration is at first floor level fronting Cheltenham Place and these windows serve bedrooms and stairways rather than living spaces. This reduces the potential for noise and disturbance. The site is in a central location within the city and some late-night noise and activity is to be somewhat reasonably expected. Whilst it is acknowledged that holiday let accommodation may give rise to additional potential for late night noise, and residents concerns in this respect are noted, it is considered with careful management that the holiday lets proposed would not result in such a significant uplift in noise and disturbance that would warrant refusal of the application.
- 10.44. The management information submitted with the application offers a general overview of the proposed management but it is not considered to contain sufficient detail or provide sufficient safeguards in case of noise and disturbance. It is considered that a revised proposed management plan would need to be robust specifically identifying the booking procedure and how clients are vetted, the link between the guest rooms and the wider well-being business, emergency contact details for management, waste and recycling information for the stays, and more general issues in relation to noise management. This is recommended to be secured through a planning condition.
- 10.45. In regard to the cumulative impact of holiday lets in the vicinity of the site, the Local Planning Authority have mechanisms in place to investigate unauthorised holiday lets. In the case of night-time noise and disturbance, there is, as mentioned above, recourse through the Environmental Protection Act should any formal complaints be received.

- 10.46. Given the location and character the mixed use of the site as proposed is not considered to be harmful to the amenity of neighbouring occupiers subject to the recommended conditions. The site itself does not present any specific concerns for being unsuitable for overnight stays associated with the wider sui-generis use of the site. With good management practices, it is not considered that the development would cause a significant loss in residential amenity or noise and disturbance in accordance with DM20 and DM40 of the City Plan Part 2.

Sustainable Transport:

- 10.47. The proposed works include the reinstatement of the external sliding doors, which is acceptable. This would provide adequate access and the doors would not obstruct the highway. The Transport Team raise no objection to the development and not the plans also detail an improvement to disabled access, which is welcomed.
- 10.48. Under approval BH2025/01271, a Cycle Parking Scheme condition was included with the consent. The planning register does not show an application for discharge of this condition. The application form submitted as part of the current application states that there are 4 cycle parking spaces existing on site, but these are not detailed on the plans. For this reason it would be necessary to impose a Cycle Parking Scheme condition in order to secure the details of this provision.
- 10.49. The site is in Controlled Parking Zone Y, which limits opportunities for overspill parking. The site is close to Gloucester Place, where major bus routes operate, and 9 minutes' walk from Brighton Railway Station, and is situated in an area with good walking and cycling links. Considering the local parking restrictions, the holiday lets are considered unlikely to be used by people bringing cars into the city.
- 10.50. Residents' concerns regarding an increased demand for car parking and increased highway movements associated with the change of use are noted. Although the proposed change of use may generate an uplift in trips and parking demand, this is unlikely to have a significant enough effect on the public highway to warrant any objection over and above the existing use of the site. Cheltenham Place is a single carriageway with parking on one side however it is not considered any increase in movements associated with the proposal would be so significant as to warrant refusal of the application. This development for a change of use is not required to provide a disabled parking space on the public highway in this instance.
- 10.51. Overall, it is noted that the site is in a highly sustainable location in the city centre with excellent access to transport links and community services and the development does not create any public safety concerns in regards to the use of the highway.

Sustainability:

- 10.52. In regard to waste, Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g., location of bin stores and recycling

facilities. Waste from the site would require management and as a commercial entity the responsibility would likely fall on a private waste provider. Further information is recommended to be sought in this respect via condition.

- 10.53. Given that the proposal does not result in any increase in commercial floor area for the site, it is not considered justifiable to seek any additional renewable energy technologies in this instance although the condition relating to the powering methods for the sauna is noted.

Biodiversity and Ecology

- 10.54. The proposed change of use and minor external works are not considered to impact existing habitats on site or protected species. The site is fully developed through a hard standing and the high degree of site coverage would give little opportunity for green landscaping or habitat improvement. No concerns are held in this respect and the application is considered to be reasonably exempt from the need to provide for Biodiversity Net Gain.

Other matters Raised in Representation

- 10.55. Representations have raised an issue regarding the potential for light disturbance from the proposal. The site is within an inner city location and as the ground floor uses have 07.00-21.00 opening hours to be secured by condition it is not considered disturbance from light would be likely to cause harm to neighbouring occupiers.
- 10.56. There is little information submitted regarding how the current business deals with waste water, and representations on the application claim this has been via on-street drainage. With the additional facilities proposed on site, and an increased demand for water proposed for the site, further information in this regard is proposed to be secured via condition.
- 10.57. Representations made regarding the sui-generis use and the ability to control the future use of the site, in terms of future employment/business opportunities and in terms of preventing further holiday lets are noted. With a sui-generis use being proposed, and with the requirement for conditions that the artists studios and wellness spaces remain within the defined constraints of Class E (g) and Class E (d) respectively, the uses are protected against any future changes of use which may have been permitted under the Use Classes Order, and any changes would be subject to assessment under a new planning application.
- 10.58. The concerns over the inconsistencies in the application, queries over the history, and queries over the site addresses are noted. The applicant has provided points of clarification during the application process. It is not considered justifiable to seek a certificate to demonstrate the lawful use of the site in this instance. The incomplete planning history of the site is noted as less than desirable however there is no dispute between the applicant and the Local Planning Authority in this regard, and a planning recommendation on the future use of the site can be made on the basis of the current information available to officers.

- 10.59. Previous tenancy arrangements are not a material consideration to this application and no issues in terms of fire safety have been identified.

National Planning Policy Framework (NPPF) Update

- 10.60. The recent NPPF (17/8/26) at DM8 states:
'In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.'
- 10.61. The site history remains complex and whilst it is understood that that holiday let element of the scheme has been operating for a few years, it also the case that the current operations in relation to the sauna are a recent business venture. The holiday let query only came to light during the current application process and the application was not submitted due to any enforcement investigation. In terms of the NPPF, there is no firm or clear evidence that the unauthorised use was intentional. The applicants' agent has been in dialogue with the council since the application has been submitted to shed light on the holiday let element of the development. There is no evidence of any deliberate attempt to avoid the planning process or to establish a use in a manner that would create a complex enforcement situation for the Council.
- 10.62. In terms of the current recommendation the weight given to the applicant's intention and fact this is a part-retrospective proposal, does not sufficiently outweigh the planning balance to require a recommendation for refusal, given the full considerations outlined within the report. It should also be noted that whilst the NPPF is a material consideration, the starting point for assessment of a planning proposal are the policies of the statutory Development Plan.

Biodiversity Net Gain

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

Conclusion

- 10.64. The principle of the expansion of the commercial business in this location is considered to be acceptable subject to necessary planning conditions. The loss of the existing residential units is regrettable however it is noted that they are of limited size, of overall poor quality and do not appear to benefit from any recent planning consents. Whilst their loss would be in conflict with policy DM2 of the City Plan Part Two the wider scheme would enable the expansion of a commercial business which would provide some economic benefits and would be otherwise an acceptable use within a city centre location. The provision of holiday lettings in this location is considered acceptable subject to a formal management plan and recommended conditions.

- 10.65. When considered together, the proposed mix of uses is considered an acceptable and appropriate use of the site in compliance with the aims and objectives of the Brighton and Hove City Plan Policies Part One and Part Two. Subject to the proposed conditions the development is considered acceptable and would not be sufficiently harmful to the amenity of neighbouring occupiers to warrant refusal of the application.

11. EQUALITIES

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

12. COMMUNITY INFRASTRUCTURE LEVY

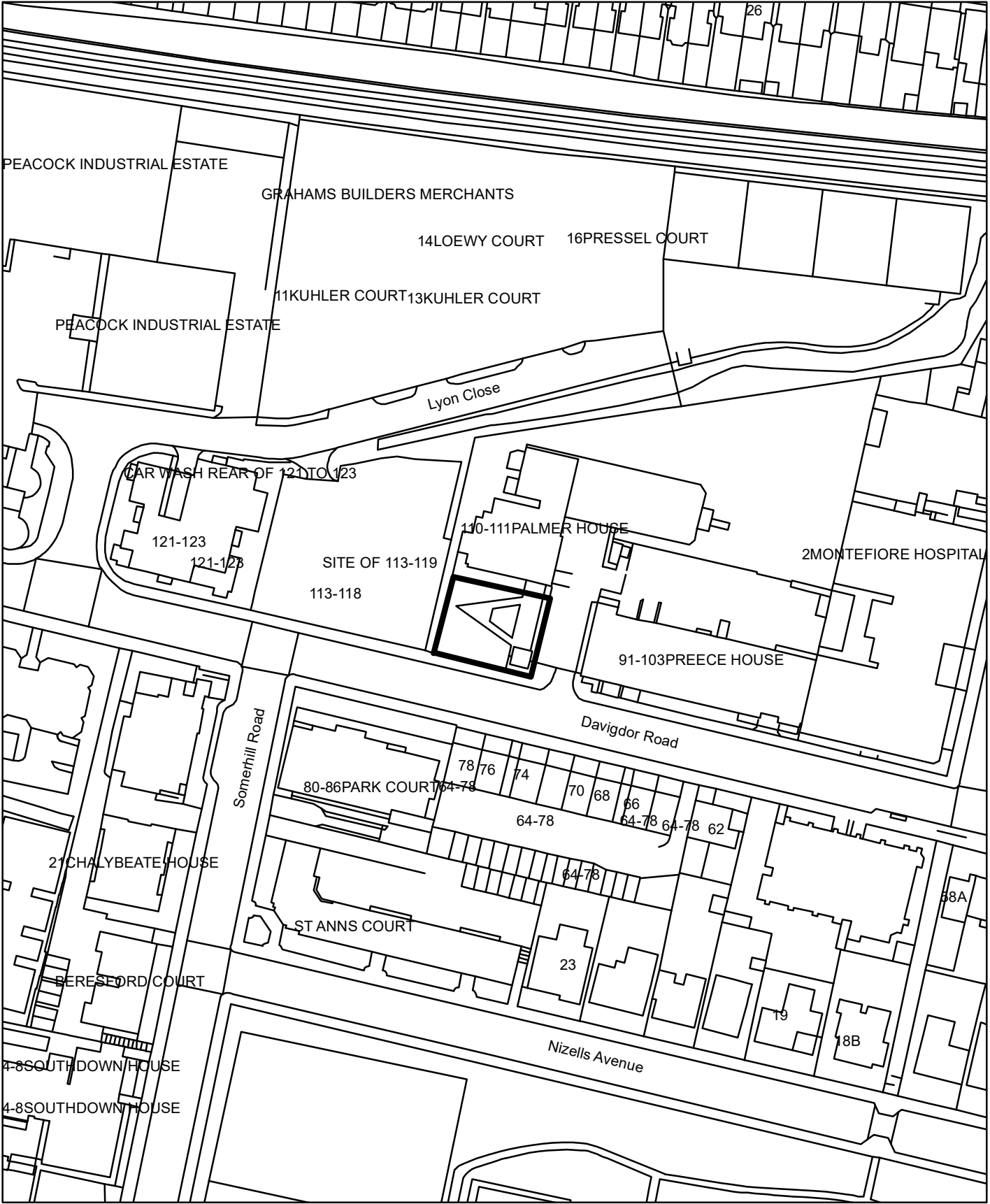
- 12.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice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

ITEM C

**Palmer and Harvey House
106 - 112 Davigdor Road
BH2026/01622
Removal or Variation of Condition**

DATE OF COMMITTEE: 28th October 2026

BH202601622 -
Palmer And Harvey House, 106-112 Davigdor Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/01622	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Palmer And Harvey House 106 - 112 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Application to vary condition 1 (approved drawings) and 5 (landscaping) of planning permission BH2022/01365 to construct basement level to provide ancillary office floorspace, alterations to elevations and internal layout, new photovoltaic panels and plant at roof level, alterations to site layout including revised scheme of hard and soft landscaping, relocated bicycle and bin store and accessible parking spaces and other associated works.		
<u>Officer:</u>	Helen Hobbs,	<u>Valid Date:</u>	08.07.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.09.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Iceni Projects Da Vinci House 44 Saffron Hill London EC1N 8FH		
<u>Applicant:</u>	Nicolaudie UK Limited C/o Iceni Projects Da Vinci House 44 Saffron Hill London EC1N 8FH		

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	PL-010	Rev.00	08-Jul-26
Proposed Drawing	PL-200	Rev.01	30-Sep-26
Proposed Drawing	PL-300	Rev.00	08-Jul-26
Proposed Drawing	PL-301	Rev.00	08-Jul-26
Proposed Drawing	PL-302	Rev.01	30-Sep-26
Proposed Drawing	PL-400	Rev.00	08-Jul-26
Proposed Drawing	LLD3662-LAN-DWG-010	Rev.02	08-Jul-26
Proposed Drawing	LLD3662-LAN-DWG-100	Rev.04	30-Sep-26
Proposed Drawing	LLD3662-LAN-DWG-200	Rev.01	30-Sep-26

Proposed Drawing	LLD3662-LAN-DWG-300	Rev.00	08-Jul-26
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2. Not Used.
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 of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples/details of all hard surfacing materials
 - d) samples/details of the proposed window and door treatments
 - e) 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, DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
4. The disabled parking spaces hereby approved 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 development provides for the needs of disabled staff and visitors to the site and to comply with policy DM36 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
5. The development shall be implemented in strict accordance with the landscaping scheme shown on drawing nos. LLD3662-LAN-DWG-100 Rev 04 and LLD3662-LAN-DWG-200 Rev 01 received on 30.09.2026 and LLD3662-LAN-DWG-1010 Rev 02 and LLD3662-LAN-DWG-300 Rev 00 received on 8.07.2026.
 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 comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One.
6. The premises shall be used as an office (Use Class E(g) (i) and (ii)) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policy DM21 of Brighton & Hove City Plan Part 2.

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

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

8. 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.

9. The use hereby permitted shall not be carried out except between the hours of 08:00 and 20:00 on Mondays to Sundays, including Bank or Public Holidays.

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

10. The mechanical plant and ventilation systems hereby approved shall be installed, operated and maintained in strict accordance with the specifications, operating assumptions and acoustic mitigation set out in the External Plant Assessment, reference 37311/3/2/2, received on 10 September 2026.

Before the associated plant is first operated:

1. The 2.3-metre-high rooftop plant enclosure, including its walls, weather louvres and louvred access door, shall be fully installed;
2. The communications/server-room condenser shall be provided with the covered acoustic-louvred enclosure specified in the assessment; and
3. All inlet and exhaust attenuators shall achieve at least the insertion losses specified in Table 11 of the assessment.

The approved acoustic mitigation shall thereafter be retained and maintained. Any replacement plant shall have sound levels no greater than the corresponding equipment assessed in the approved report.

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 Two.

11. The rooftop condensers, mechanical ventilation and extract systems assessed for daytime operation shall only operate between 08:00 and 20:00 on any day.

This restriction shall not apply to the communications/server-room condenser, provided that the approved covered acoustic-louvred enclosure as required by condition 10, has been installed and is thereafter retained and maintained.

Reason: The acoustic assessment relies upon the main office plant operating during daytime hours only, and to safeguard the amenities of the occupiers of neighbouring properties, in accordance with Policies DM20 and DM40 of Brighton & Hove City Plan Part Two.

12. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out in the affected area until a method statement identifying, assessing the risk and proposing remediation has been submitted to and approved in writing by the Local Planning Authority.

The remediation shall be carried out in accordance with the approved method statement and, where required, a verification report shall be submitted to and approved in writing by the Local Planning Authority before the affected part of the development is occupied.

Reason: To safeguard the health of future occupiers and the environment, and to comply with Policy DM41 of 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.

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. Palmer and Harvey House comprises an existing modern building of between four and eight storeys. The main building is set well back from the Davigdor Road frontage. The building was originally built as offices, however, has since more recently been extended and converted into residential flats. The main building form appears as a modest four storey block with a larger and wider an

eight-storey attached block set behind sited east to west and partly behind the neighbouring Preece House, which is also a purpose-built office block.

- 2.2. The proposed development plot, which forms the subject of this application, is an area of land directly in front of the main Palmer and Harvey House building, which formerly contained planting and front landscaping to the site and an entranceway into the main building beyond. This area has since been cleared and ground has been excavated. A recent certificate of lawfulness has confirmed the commencement of development for the works approved under planning permission BH2022/01365. The Certificate confirmed that the groundworks on the site have taken place and any existing structures, landscaping and planting have been removed and foundations of the approved building have been excavated.
- 2.3. The site is located on the northern side of Davigdor Road and backs onto the Peacock Industrial Estate. There are residential uses on the opposite side of Davigdor Road.

3. RELEVANT HISTORY

- 3.1. **BH2026/01208** Non-Material Amendment to application BH2022/01365 to amend development description to: Erection of building to provide Class E office floorspace. Approved 29.06.2026 .
- 3.2. **BH2025/02842** Certificate of lawfulness to confirm the commencement of development for the works approved under planning permission. Approved 09.02.2026
- 3.3. **PRE2025/00159** Proposed amendments to planning permission BH2022/01365. Response provided 02.09.2025. The response summary generally considered the development acceptable in principle, subject to full consultation and consideration of further information provided at application stage.
- 3.4. **BH2022/01365** Erection of three storey office building with roof terrace to provide Class E office floorspace. Approved 11/11/2022.
- 3.5. **BH2021/00633** Erection of a three storey building with roof terrace to provide new office space (E). Refused 26.08.2021

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to vary conditions 1 (approved drawings) and 5 (landscaping) of planning permission BH2022/01365 to construct a basement level to provide ancillary office floorspace. The amendments also include alterations to the elevations including revised fenestration patterns and increasing the roof parapet detailing, the addition of photovoltaic panels and plant at roof level, revisions to the internal layout and revised landscaping and relocated bicycle/bin store and parking layout changes.

5. REPRESENTATIONS

- 5.1. Representations have been received from **thirty-two (32)** people including a letter with 7 signatories, objecting to the proposed development for the following reasons:
- Loss of views
 - Loss of sunlight
 - Loss of daylight
 - Noise and disturbance
 - Noise and disturbance during construction
 - Overdevelopment
 - Loss of outlook
 - Loss of privacy
 - Increase in dust
 - Impact of the use of the roof top areas
 - Visual amenity of the wider site
 - Impact on the pedestrian routes within the wider site/access to the Palmer house building behind the approved building site
 - Changes to the wider site since the original permission
 - Increased activity and office space/ more intensive use of the approved building
 - Increase in height of the approved building due to the addition of the plant
 - Loss of open space
 - Traffic and parking
 - Cycle parking provision, and
 - Solar glare and reflection from the solar panels.
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Environmental Health:** Comment 25/08/2026
No objection in principle, subject to further information and clarifications. A focused acoustic addendum is requested to validate the plant and enclosure arrangement.
- 6.2. Environmental Health also requires submission of the referenced Phase I and Phase II Ground Investigation (October 2025), or an equivalent contaminated land assessment, to confirm the suitability of the site for the proposed basement development and infiltration drainage strategy, particularly given the presence of made ground, a Principal Aquifer and the site's groundwater vulnerability.

Further Comment dated 16/09/2026 following receipt of revised acoustic assessment

- 6.3. The ground investigation did not identify unacceptable contamination or complete pollutant linkages for the proposed commercial use.
- 6.4. The revised acoustic assessment predicts compliance with the adopted daytime and night time criteria subject to the specified operating hours and acoustic mitigation.
- 6.5. Conditions are recommended in relation to the plant noise and acoustic mitigation, hours of plant operation and any discovery of contamination during construction.
- 6.6. **Planning Policy:** No Comment
- 6.7. **Sustainable Transport:** Comment
The principle of the revised landscaping, bin store location and cycle access are acceptable in principle, some further confirmation is required in relation to the width of the cycle access. The accessible parking bays require some further amendments to provide sufficient rear access areas.
- 6.8. **Arboriculture:** Verbal No objection
The submitted details show sufficient landscaping for the development. The proposed scheme includes four native trees and areas of native hedgerow planting, which will provide some ecological and visual benefits. The scheme is considered acceptable and sufficient.
- 6.9. 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 (adopted February 2013);
 - 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
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two

DM11	New Business Floorspace
DM20	Protection of Amenity
DM34	Transport Interchanges
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM40	Protection of the Environment and Health – Pollution and Nuisance
DM43	Sustainable Urban Drainage
SSA3	Land at Lyon Close, Hove

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 the additional basement level and external revisions, impact on the character and appearance of the existing property, streetscene and surrounding area, impact on neighbouring property, transport issues and sustainability.
- 9.2. Under approved application BH2022/01365, the site has an extant permission for a three storey office building. The main amendments proposed in this current application include;
- New basement level (ancillary office floorspace),
 - Raised parapet roof detailing,
 - Window design across all elevations including larger openings,
 - Changes to external finish materials,
 - Internal floor layout changes,
 - PV panels,
 - Revisions to the roof plant,
 - Site layout changes and landscaping alterations, and
 - Relocated bin and bike stores

Design and Appearance:

- 9.3. The approved scheme comprised a three-storey office building characterised by the use of brick with recessed brick panels, decorative brick screening features and a zinc-clad roof enclosure.

- 9.4. Above ground level, the revised scheme retains the approved scale, footprint and overall massing of the building. The development would continue to read as a three-storey office building. The roof top enclosure, which previously housed the lift run would be larger due to the inclusion of the roof plant (approximately 260mm wider) but would remain set back from the principal elevations and would have the same height as the previously approved scheme. This would ensure it would not be overly dominant and as such, the proposal would not materially alter the townscape presence of the approved building or its relationship with surrounding development.
- 9.5. The most notable changes relate to the elevational treatment and materials. The original recessed brick screening panels have been replaced with a more simplified arrangement comprising yellow multi-stock facing brickwork, dark grey engineering brick at ground-floor level, dark grey PPC aluminium windows and doors, and a vertically jointed zinc-clad roof enclosure.
- 9.6. The now proposed materials are considered acceptable and have been revised in response to other recent developments along this stretch of streetscene. The use of yellow stock brick reflects materials commonly found within the surrounding townscape, whilst the dark grey aluminium framing and zinc-clad roof enclosure provide a contemporary appearance. The retention of a clearly defined roof plant enclosure ensures that building services remain visually integrated within the overall composition.
- 9.7. The proposed fenestration has been revised to appear more simplified, albeit with additional larger openings in place of the previous blank window features.
- 9.8. The main building height would be increased by way of raising the parapet detailing by approximately 230mm, in order to improve weatherproofing and in part to obscure the proposed addition of the solar panels to the main flat roof. These elements would not be highly evident from the streetscene or wider area, given the overall height of the building and position of the building within the streetscene.
- 9.9. The addition of the basement level would not be evident from the streetscene as it would be located below ground level and therefore would not have any material impact on the appearance of the development.
- 9.10. Accordingly, the proposed amendments are considered acceptable in design terms and would preserve the quality of the approved development whilst maintaining an appropriate relationship with the character and appearance of the surrounding area.

Impact on Amenity

- 9.11. The proposed development was originally approved under planning permission BH2022/01365, where the impacts on neighbouring occupiers in terms of outlook, light, privacy and general residential amenity were fully assessed and found to be acceptable.

- 9.12. Since the 2022 application has been approved, several of the recent neighbouring developments have been completed and occupied. The most notable being the main Palmer and Harvey House building which has now been converted and occupied as residential. The neighbouring site at 113-118 Davigdor Road has been built and occupied, now known as Gradino Apartments and is a 5-8 storey block of flats, with commercial at ground floor. Whilst these developments were not previously occupied at the time of the 2022 application, the impact of the approved three storey office building on these neighbouring developments was assessed and fully considered.
- 9.13. The proposed basement level would be wholly contained beneath the approved building footprint and would not alter the scale, massing or external appearance of the development above ground. No window openings would be provided to the basement level as it would all be positioned subterranean. As such, it would not result in any additional impacts on neighbouring occupiers in terms of loss of light, outlook, overbearing effect or privacy. It is acknowledged that the additional floor space would intensify the use, however, given the nature of the floor space and its limitations, any increase in use would not be significant.
- 9.14. The submitted amendments would include a modest increase in the height of the parapet by approximately 230mm. Given the very limited scale of this increase, it is not considered that it would materially alter the relationship between the development and surrounding properties or give rise to any additional appreciable loss of light, outlook, overshadowing or increased sense of enclosure.
- 9.15. No updated Daylight and Sunlight Assessment has been submitted with the application. However, this is not considered necessary in this instance given the minor nature of the proposed changes. The approved scheme was accompanied by a Daylight and Sunlight Assessment which was reviewed and did not identify any significant adverse impacts that would warrant refusal. Having regard to the limited increase in height and the fact that the overall scale, siting and massing of the approved building remain substantially unchanged, it is considered unlikely that the amendments would result in any materially different daylight or sunlight effects to those previously assessed.
- 9.16. The revised window arrangements include larger openings across the elevations. Whilst these amendments have the potential to increase opportunities for overlooking, the positions of the windows remain substantially similar to the previously approved windows and the relationship with neighbouring properties remains unchanged. Given the separation distances to surrounding residential development and the commercial nature of the accommodation, it is not considered that the amendments would result in materially greater overlooking or loss of privacy than that already assessed and accepted under the extant permission.
- 9.17. The proposed photovoltaic panels would be positioned at roof level and would be read as subservient additions to the approved building. Similarly, the roof plant would remain contained within the approved rooftop arrangements and whilst larger than the previous roof top additions, as it has been set in from the

roof edges, would not have any significant impacts on the neighbouring residential developments. Neither amendment would materially increase the overall height, bulk or visual presence of the building and therefore would not give rise to any additional impacts in terms of outlook, overshadowing or overbearing effect. The angle and height of the solar panels are unlikely to cause any harmful glare to the properties directly opposite the site.

- 9.18. The application is accompanied by an updated acoustic assessment which considers the potential impact of noise generated by the proposed plant on nearby residential properties, including the neighbouring residential buildings at Gradino, Palmer House and Preece House, together with residential properties on Davigdor Road.
- 9.19. The assessment was undertaken having regard to relevant acoustic guidance and standards, including BS4142:2014, and evaluated the cumulative noise generated by all proposed plant operating simultaneously under worst-case conditions. The report confirms that, subject to the incorporation of the specified mitigation measures, including acoustic enclosures, screens and attenuators, the proposed plant would achieve the required design criteria at all nearby residential receptors. Predicted noise levels are below the recommended daytime and night-time limits for the surrounding residential properties.
- 9.20. The assessment also confirms that the principal office plant would operate only between 08:00 and 20:00 hours, whilst the communications plant serving the server room would operate continuously but would be enclosed within appropriate acoustic mitigation to ensure compliance with the required noise criteria.
- 9.21. The Council's Environmental Health team has reviewed the submitted information and raises no objection to the proposed amendments. Environmental Health recommends conditions to secure the implementation of the noise mitigation measures identified within the acoustic assessment and to restrict the operational hours of the main office plant equipment. Subject to these conditions, it is considered that the development would not give rise to unacceptable levels of noise or disturbance to neighbouring occupiers.
- 9.22. Concerns have been raised by neighbouring occupiers regarding the cumulative noise impacts arising from the proposed plant associated with this development and concurrent planning application at the neighbouring site, 113-118 Davigdor Road (BH2026/01608). Whilst this is a material consideration, the two applications must be determined on their own individual planning merits. Nevertheless, consideration has been given to the potential for cumulative impacts. Having regard to the separation distance between the two developments, the location of the respective plant equipment and the mitigation measures proposed as part of each scheme, it is not considered that the combined operation of the plant would give rise to a significant increase in noise levels at surrounding residential properties. Furthermore, the submitted acoustic assessment demonstrates that the plant associated with the application site would operate within acceptable noise limits at the nearest sensitive receptors and Environmental Health have raised no objection subject to appropriate

conditions for both applications/developments. In these circumstances, it is not considered that the cumulative effects of the two developments would result in unacceptable harm to neighbouring residential amenity.

- 9.23. Accordingly, the proposal is considered acceptable in respect of noise impacts and would comply with Policy DM20 and DM40 of the Brighton & Hove City Plan Part Two.
- 9.24. Overall, therefore, the application is considered acceptable in terms of its impact on residential amenity.

Standard of New Office Accommodation

- 9.25. The proposed basement level would provide an additional 133sqm of ancillary office floorspace. Whilst there would be no natural lighting, the application states that the floor would be integrated into the overall office use providing facilities for staff, storage, studio and ancillary spaces. These ancillary spaces are considered an acceptable utilisation of the site and would not be harmfully impeded by the lack of natural lighting.
- 9.26. The revisions also include layout changes to the previously approved floors. There is no objection to these changes. The external alterations to the fenestration would allow more natural light into the building. This would improve the standard of office accommodation overall.

Landscaping

- 9.27. The approved scheme included an area of landscaping to the north of the building comprising planting, a small pond/tree garden, green roofed structures and soft landscaping intended to soften views of the development and improve the setting of the site. Further landscaping details were secured by condition.
- 9.28. This Section 73 application proposes amendments to the landscaping layout associated with changes to the site arrangement, including the relocation of cycle and refuse stores. The revised landscaping strategy would continue to provide areas of planting, although has removed the pond feature. This is not objected to in principle.
- 9.29. The amendments are not considered to materially alter the overall landscaping quality of the development. The scheme includes 4 small trees to the north side of the building along with various blocks of native hedging to the front and rear of the building. Full landscaping and planting details have been submitted and have been reviewed by the Council's Arboriculturist who raises no objection to the landscaping scheme and planting details.
- 9.30. As such, the earlier applied landscape condition will be reworded to ensure the landscaping is carried out in accordance with the details submitted.

Sustainable Transport

- 9.31. The proposed amendments would not result in any significant changes to the site's transport impacts when compared with the extant permission. The scheme continues to provide cycle parking in excess of the minimum standards required

for the proposed office floorspace, whilst two accessible parking spaces are retained within the site. Amended plans have been submitted which address the initial comments of the Transport Officer. A condition is re-attached requiring the implementation of the cycle storage provision prior to first occupation.

Sustainability

- 9.32. As with the original permission, a condition would be attached to ensure that BREEAM 'very good' standard is met in accordance with Policy CP8 of the CPP1.
- 9.33. The addition of the solar panels are welcomed and would enhance the sustainability measures secured on the original scheme. The plans provided show the height and location of the proposed panels and therefore no further details are required via condition.

Biodiversity Net Gain

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

Other Matters Including Those Raised in Representations

- 9.36. A number of representations received regarding the current application raise objections to the development as a whole, including the principle, scale and form of the proposed building. However, these matters were fully considered under the original application and the principle of a three-storey office building on the site has already been accepted through the grant of planning permission, which remains extant. The current application is made under Section 73 and seeks permission for amendments to the approved scheme. As such, the assessment focuses on the acceptability of the proposed changes now sought and whether they would result in any material additional impacts beyond those already found acceptable under the extant permission.
- 9.37. Concerns regarding noise and disturbance arising during the construction phase have been raised. However, construction activities are temporary in nature and do not form part of the permanent development proposed under this application. The construction process is generally controlled through separate legislation and environmental management procedures. Whilst some temporary disturbance may arise during construction, this would be limited in duration. The earlier approval did not require the submission of a Construction Environmental Management Plan. Due to the nature and scale of the proposed amendments, this remains the case.
- 9.38. Representations have raised concerns regarding pedestrian and disabled access to Palmer House and other areas of the wider site. However, the current Section 73 application does not propose amendments to the wider access arrangements serving the site or adjoining land. The application relates to amendments to the approved office building, including changes to materials, fenestration, internal layouts, plant and landscaping, and does not alter the

approved means of access, apart from their own cycle store/bin store locations and the layout of the two disabled parking spaces. The issue of access to the other developments on the site falls outside the scope of the amendments currently under consideration.

- 9.39. It should also be noted that a number of representations referenced the use of the roof as an outdoor roof terrace. This was removed during the original application and was not part of the approved development. This remains the case. No roof terrace or roof level amenity space is being provided.

Conclusion

- 9.40. The proposed amendments to the extant planning permission would not materially alter the approved scale, massing or overall appearance of the development and are considered acceptable in design terms. The introduction of an ancillary basement level, revised elevational treatment, material changes, increased parapet height, photovoltaic panels, plant equipment and landscaping revisions would not result in significant harm to the character of the area or the amenities of neighbouring occupiers. Subject to the recommended conditions, including those relating to landscaping, noise mitigation, plant operation and sustainability measures, no significant impacts would occur.
- 9.41. Taking all material considerations into account, the proposed amendments are considered to accord with the relevant policies of the Brighton & Hove City Plan Part One and City Plan Part Two. The application is therefore recommended for approval.

10. EQUALITIES

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

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

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

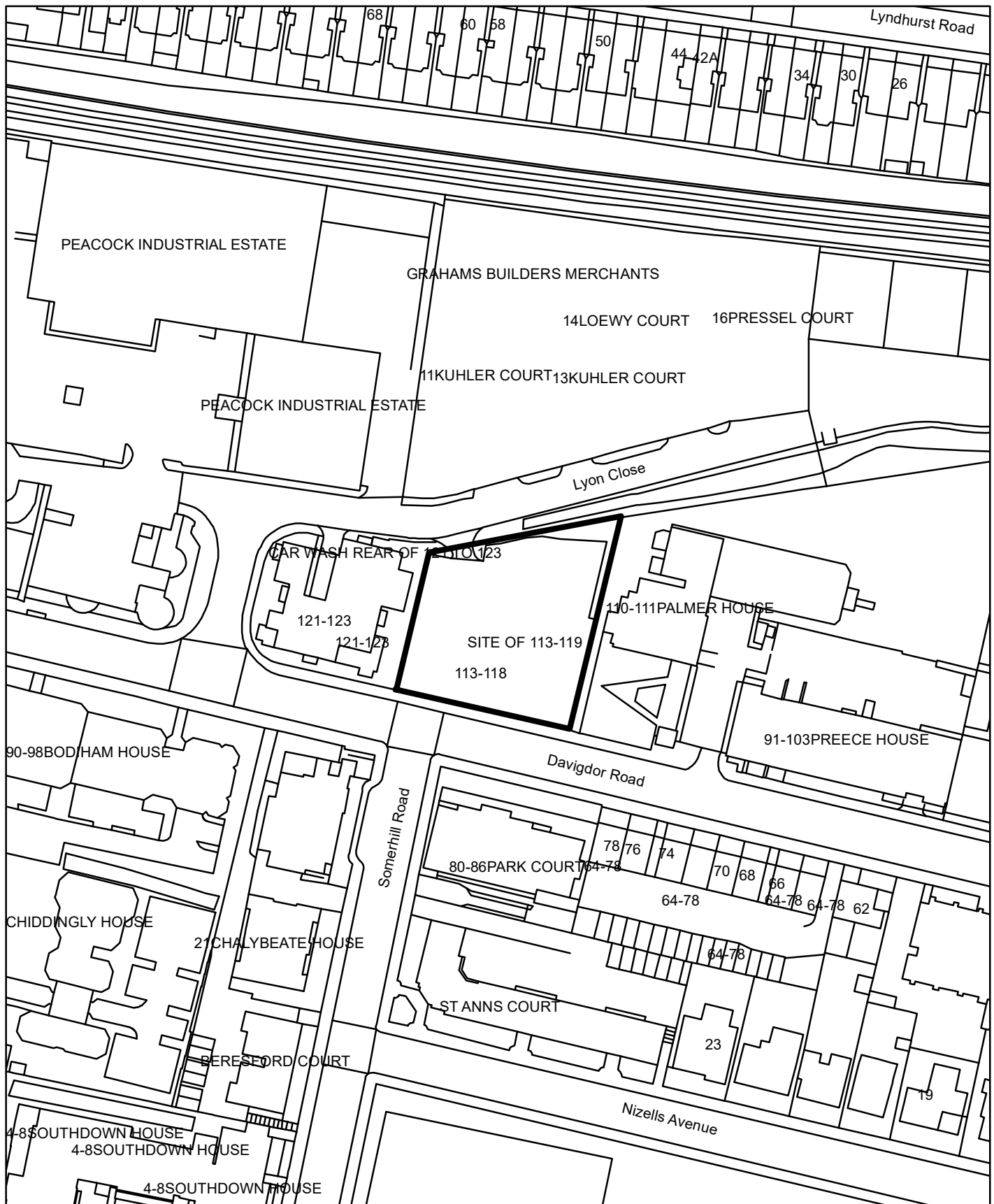
- 10.3. Two disabled parking spaces are proposed at the rear of the building, and the office proposal includes lift access.

ITEM D

**113 - 118 Davigdor Road
BH2026/01608
Full Planning**

DATE OF COMMITTEE: 28th October 2026

BH2026 01608 - 113-118 Davigdor Road



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2026/01608	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	113 - 118 Davigdor Road Hove BN3 1RE		
<u>Proposal:</u>	Alterations to roof plant on North-Eastern corner at first floor level incorporating installation of enclosure.		
<u>Officer:</u>	Helen Hobbs,	<u>Valid Date:</u>	10.07.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	04.09.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
Agent:	DMH Stallard Origin One 106 High Street Crawley RH10 1BD		
Applicant:	IMEX Events 113-118 Davigdor Road Hove Brighton & Hove BN3 1RE		

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	21/1008 - 01		10-Jul-26
Block Plan	21/1008 - 02		10-Jul-26
Proposed Drawing	21/1008 - 04		06-Jul-26
Proposed Drawing	21/1008 - 05		06-Jul-26
Proposed Drawing	21/1008 - 06		06-Jul-26
Proposed Drawing	21/1008 - 07		06-Jul-26
Proposed Drawing	21/1008 - 08		06-Jul-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. Unless otherwise agreed in writing, within 1 month of this permission, the acoustic enclosure and all associated noise and vibration control measures hereby approved shall be installed in full accordance with the approved drawings and:

- a. The Environmental Noise Assessment prepared by Ian Sharland Limited, reference M6058, version 1, dated 21 May 2026, received 06/0/2026;
- b. The Soundscape Assessment prepared by Acoustic South East, reference J3961, issue 1, dated 11 June 2026; and
- c. The technical details contained within the further acoustic response prepared by Acoustic South East and dated 28 August 2026.

The approved measures shall be fully installed, sealed and commissioned before the plant is returned to normal operation. They shall thereafter be retained and maintained in effective working order for as long as the associated plant remains in operation.

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

- 4. Unless otherwise agreed in writing, within six weeks of completion and commissioning of the acoustic enclosure, a post-installation acoustic verification report shall be submitted to and approved in writing by the Local Planning Authority.

The assessment shall be undertaken by a suitably qualified and competent acoustician in accordance with BS 4142:2014+A1:2019 and shall:

- a. identify the nearest and acoustically most exposed noise-sensitive façades and explain the selection of the assessment positions;
- b. include assessment at positions representative of the most affected first-floor and second-floor residential receptors;
- c. account for the completed orientation and directivity of the enclosure inlet and discharge;
- d. include simultaneous operation of both heat-recovery units at the maximum reasonably foreseeable and reproducible operating duty;
- e. record the plant operating mode, loading and relevant Building Management System settings;
- f. include suitable plant-on and plant-off measurements to determine the specific sound contribution from the plant;
- g. assess tonality, impulsivity, intermittency and any other readily distinctive acoustic characteristic of the sound as installed;
- h. state the specific sound level, applicable acoustic-feature corrections and resulting Rating Level at each representative receptor;
- i. record any material airflow-generated, breakout or structure-borne noise or perceptible vibration attributable to the completed installation identified during attended observations, where access is available;
- j. record the residual acoustic environment, identify any other commercial plant that was materially audible or operating during the assessment and explain how the specific contribution from the plant associated with this permission was determined; and
- k. demonstrate compliance with Condition 31 of planning permission BH2018/02926.

Where compliance is not demonstrated, a scheme of additional mitigation and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority within one month of completion of the verification assessment.

The approved additional mitigation shall be implemented in accordance with the approved timetable and a further verification report shall be submitted to and

approved in writing by the Local Planning Authority within one month of completion of the remedial works.

Reason: The predicted Rating Level has a limited margin below the requirement of Condition 31 of BH2018/02926. Post-installation verification is necessary to confirm the effectiveness of the completed acoustic enclosure at representative first-floor and second-floor receptors and to safeguard neighbouring residential amenity, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

5. The plant and machinery hereby permitted shall not be operated except between 07:00 and 17:00 on Mondays to Fridays and shall not be operated on Saturdays, Sundays, Bank or Public Holidays.
This condition shall not prevent operation reasonably necessary for commissioning and acoustic verification undertaken in accordance with Condition 2.
Reason: The submitted acoustic assessment and adopted daytime background sound level are based on operation during these hours, and the restriction is necessary to safeguard the amenities of neighbouring occupiers in accordance with Policies DM20 and DM40 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. The applicant is advised that the grant of planning permission does not authorise a statutory nuisance. Compliance with the planning permission and associated conditions does not remove the requirement to comply with any abatement notice served under Part III of the Environmental Protection Act 1990.
3. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

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

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

2. SITE LOCATION

- 2.1. The application relates a part 5, part 8 storey building with ground floor offices space and residential flats above, located on the western side of Davigdor Road within a mixed commercial and residential area. The building was recently constructed following an earlier approval BH2018/02926 set out in the history below. The application relates to an area of roof in the north eastern corner of the existing building.

3. RELEVANT HISTORY

- 3.1. **BH2023/00351** Application for approval of details reserved by condition 12 (cycle parking), condition 13 (pedestrian routes), condition 14 (landscaping) and condition 17 (bird boxes) of application BH2018/02926. Approved 4.9.2023
- 3.2. **BH2018/02926** Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, landscaping and other associated works. Approved 29.05.2019
- 3.3. **BH2014/02308** Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works. Approved 5.11.2015

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for alterations to the existing roof plant and enclosure on the north eastern corner of the first floor level.
- 4.2. The site has existing plant within an existing enclosure. The proposal seeks to retain the current plant and enclosure but erect a new bespoke enclosure in and around the existing to provide better sound insulation and reduce noise and vibration currently experienced.
- 4.3. Some of the new sound insulation features would be within the existing structure such as new acoustic louvre walls. The element that would be the most significantly visible would be a new silencer and attenuators positioned on the roof of the enclosure.
- 4.4. The existing plant has been the basis for existing Environmental Health complaints. The application seeks to secure mitigations and features to reduce the noise and disturbance impact.

5. REPRESENTATIONS

- 5.1. Representations have been received from **fifteen (15)** people as well as a letter with 7 signatories, objecting to the proposed development for the following reasons:
- Poor design and increased height
 - Noise and disturbance
 - Location of plant
 - Loss of Daylight
 - Impact on outlook
 - Sense of enclosure
 - overshadowing
 - Previous mitigation measures haven't been successful
- 5.2. Some comments received also refer to the application at Palmer and Harvey House, which adjoins the application site (BH2026/01622). Any relevant concerns that solely relate to the Palmer and Harvey Site have been addressed within the Officers report for application BH2026/01622.
- 5.3. Full details of representations received can be found online on the planning register

6. CONSULTATIONS

Internal:

Environmental Health: Comment 20/08/2026

- 6.1. No objection in principle but further information required, notes that the predicted noise levels are only marginally below the required limit and therefore seeks further information.
- 6.2. Further Comment 29/09/206 following receipt of additional acoustic information
The Environmental Health Officer has reviewed the further representations from residents and additional acoustic information submitted by the applicant. No objection from a noise perspective, subject to appropriate conditions.
- 6.3. The proposed acoustic enclosure would provide a substantial reduction in noise from the existing plant equipment, addressing an established source of disturbance to neighbouring residents. While residents raised concerns regarding receptor selection, plant directivity, intermittency, vibration, operating conditions and cumulative impacts. Satisfied that these matters can be addressed through post-installation testing and verification rather than requiring additional pre-determination assessment. Conditions are recommended to secure installation of the mitigation measures, acoustic verification, retention of anti-vibration measures and restrictions on operating hours.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other

material planning considerations identified in the "Considerations and Assessment" section of the report.

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM40	Protection of the Environment and Health - Pollution and Nuisance
SSA3	Land at Lyon Close, Hove

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the installation of the new plant enclosure in terms of design and appearance and impact on neighbouring amenity including noise and disturbance.

History of the site

- 9.2. The site at 113-119 Davigdor Road was granted planning permission under application BH2018/02926, for the demolition of the existing buildings and redevelopment of the site to provide a mixed-use development comprising office accommodation at ground floor and 52 residential flats within the upper floors. As part of the development roof top plant at 1st floor level was approved.
- 9.3. Following implementation of the permission and occupation of the building, Environmental Health received a number of complaints from occupiers of nearby residential properties, including residents of Gradino Apartments (the approved flats within the development approved under BH2018/02926), regarding noise

arising from the operation of two rooftop heat recovery units. Acoustic investigations subsequently undertaken identified that the plant was generating noise levels that were causing disturbance to nearby residents, including those within the application site, and that mitigation measures were required to address the issue.

- 9.4. Condition 31 of planning permission BH2018/02926 requires that noise from plant and machinery, associated with the development, is controlled to protect neighbouring occupiers. In response to the complaints and subsequent acoustic assessments, the applicant has brought forward the current proposal for an acoustic enclosure around the existing rooftop plant. The purpose of the enclosure is to attenuate noise emissions from the heat recovery units and improve the acoustic environment for nearby residential properties.
- 9.5. The plant is located approximately 8m from the nearest flat which is flat 2 located on the first floor of the building. Flats 3, 4 and 5 also face onto the flat roof and the plant, with flats 12, 13, 14 and 15 being located on floor 2 directly above.

Design and Appearance

- 9.6. The proposed development includes the installation of an acoustic enclosure around existing rooftop plant equipment on the north eastern corner of the building at first floor level.
- 9.7. The application seeks permission for alterations to the existing roof plant and enclosure.
- 9.8. The site has existing plant within an existing enclosure. The proposal seeks to retain the current plant and enclosure but erect a new bespoke enclosure in and around the existing to provide better sound insulation and reduce noise and vibration currently experienced.
- 9.9. Some of the new sound insulation features would be within the existing structure such as new acoustic louvre walls. The element that would be the most significantly visible would be a new silencer and attenuators positioned on the roof of the enclosure.
- 9.10. The proposal comprises a bespoke acoustic enclosure around the existing plant, positioned inside the walls of the existing enclosure. These elements would therefore not be visible. The enclosure would have new roof panels installed with new silencers and attenuators positioned above, these elements would project 0.8m higher than the existing plant enclosure. All visible elements would be finished in a powder-coated colour matching the existing plant compound, reducing their visual prominence.
- 9.11. The enclosure has been designed as a functional piece of infrastructure and would not appear incongruous within its rooftop setting. While the increased height would result in some additional visibility from neighbouring properties, the structure would remain clearly subordinate to the host building and would not materially alter the overall appearance of the development. Given the siting, it would not be overly dominant in wider views from Davigdor Road.

- 9.12. Given its location, purpose and relationship with the approved building, the enclosure is not considered to result in unacceptable harm to the appearance of the host building or the character and appearance of the surrounding area. The proposal is therefore considered to accord with Policies CP12 and CP15 of City Plan Part One and Policies DM18 and DM21 of City Plan Part Two.

Impact on Amenity

- 9.13. A number of objections to the application have been received from occupiers of nearby residential properties, including flats within the application site. The concerns raised include the impact of the increased height and mass of the enclosure on outlook, sense of enclosure, daylight and sunlight, the proximity of the structure to first-floor balconies, the cumulative effect of this proposal alongside application BH2026/01622, and whether alternative solutions to address the existing plant noise issue have been adequately explored.
- 9.14. No information has been provided by the applicant as to whether alternative locations have been explored. This current application is therefore solely assessing whether the proposed alterations to the existing plant are considered acceptable. Full assessments have been made of the plant remaining in the current location.
- 9.15. The proposed enclosure would increase some of the height of the existing rooftop plant area by approximately 0.8m and would result in a greater degree of visibility when viewed from neighbouring flats that overlook the relevant part of the first floor flat roof. In particular, residents of several first and second floor flats within Gradino Apartments have expressed concerns that the structure would be visible from habitable room windows and private balconies and would contribute to a greater sense of enclosure.
- 9.16. These concerns are acknowledged. However, the enclosure would be located on an existing flat roof already occupied by plant equipment and associated screening. Whilst its height would slightly increase, the development would remain confined to the roof area and would not introduce a new building element at this level. It is considered that the proposal would not result in an overbearing form of development or an unacceptable loss of outlook sufficient to warrant refusal.
- 9.17. Residents have also raised concerns regarding the cumulative impacts of this proposal when considered alongside the current application at Palmer and Harvey House (BH2026/01622), particularly in relation to daylight, sunlight and enclosure. These matters have been carefully considered as part of the assessment of both applications. Whilst the enclosure would result in some additional obstruction of views across the roof area, it is not considered that its scale or siting would result in a material loss of daylight or sunlight to neighbouring occupiers. Furthermore, the harm to outlook is balanced against the fact that the proposed enclosure has a specific functional purpose in mitigating noise from the existing plant and is considered proportionate to addressing an identified amenity concern.

- 9.18. In terms of noise and disturbance, the Environmental Health Officer has confirmed that the existing heat recovery units have generated complaints from nearby residents and that the proposed acoustic enclosure is capable of delivering a substantial reduction in noise levels. Following consideration of representations from local residents and a review of the submitted acoustic evidence, the Environmental Health Officer raises no significant objections and advises that the proposal would provide a significant improvement to the existing impacts, subject to conditions requiring installation of the enclosure, post-installation verification testing, retention of noise and vibration mitigation measures and controls over operating hours.
- 9.19. While concerns have been raised regarding vibration, the selection of acoustic receptors, plant directivity and alternative locations for the plant equipment, the Environmental Health Officer has concluded that these matters can be appropriately addressed through the recommended planning conditions and verification process.
- 9.20. Subject to the recommended conditions, the proposal is not considered to result in unacceptable harm to the living conditions of neighbouring occupiers to such an extent to warrant refusal and is therefore considered to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

Biodiversity Net Gain

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

Conclusion

- 9.23. The enclosure would marginally increase the height and massing of the existing plant area however no significant harm to the appearance of the development or to neighbouring amenity are considered to result from the proposal subject to the recommended conditions. The works are required to mitigate the noise impacts associated with the plant serving the building and considered to be in accordance with the Brighton and Hove City Plan Part One and City Plan Part Two.

10. EQUALITIES

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

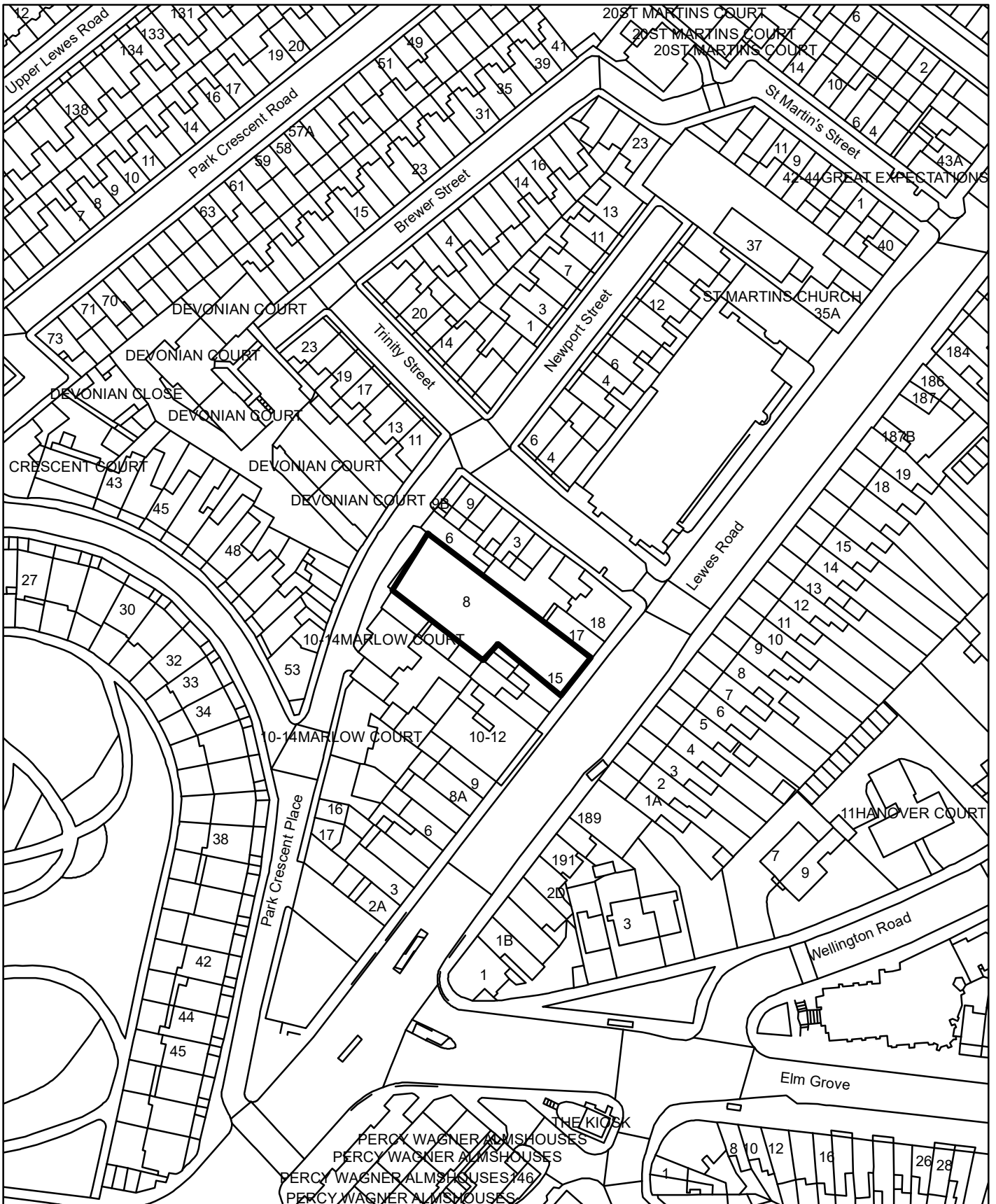
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected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

ITEM E

**16 Lewes Road
BH2026/01449
Full Planning**

DATE OF COMMITTEE: 28th October 2026

BH2026 01449 - 16 Lewes Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/01449	<u>Ward:</u>	Round Hill Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	16 Lewes Road Brighton BN2 3HP		
<u>Proposal:</u>	Part conversion of social club (F2) to place of worship (F1(f)) with 5no priest rooms providing occasional sleeping accommodation.		
<u>Officer:</u>	Charlie Partridge,	<u>Valid Date:</u>	15.06.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.08.2026
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	ADC Ltd Citibase Brighton 95 Ditchling Road Brighton BN1 4ST		
<u>Applicant:</u>	Mr H Choudhury 16 Lewes Road Brighton BN2 3HP		

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
Report/Statement	Mosque Management Plan		05-Aug-26
Location and block plan	ADC 1718/LP		15-Jun-26
Proposed Drawing	ADC 1718/03		15-Jun-26
Proposed Drawing	ADC 1718/04		15-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. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

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

4. 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 always retained for use.

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.

5. The premises shall only be used for worship, meetings and associated activities between 08:00 and 22:00 Monday to Saturday and between 08:00 and 21:00 on Sundays and Bank Holidays. Noise associated with the use of the premises 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 shall be determined in accordance with BS4142:2014+A1:2019 (or any subsequent revision).

Reason: To safeguard the amenities of nearby residential occupiers by ensuring that the use of the premises does not result in unacceptable levels of noise and disturbance, particularly during unsociable hours, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

6. The priest rooms shall be used solely for ancillary occasional sleeping accommodation associated with the place of worship and shall not be occupied as independent residential units, HMOs, hostels or short-term holiday lets.

Reason: To ensure that the accommodation remains ancillary to the place of worship and to prevent the creation of an independent residential use that has not been assessed as part of this permission, in accordance with Policies CP12 of the Brighton & Hove City Plan Part One and DM1 of the Brighton & Hove City Plan Part Two.

7. Prior to the commencement of the use, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify the likely noise impacts arising from the proposed use on nearby noise-sensitive premises and shall include any necessary noise mitigation measures. Any mitigation measures identified shall be implemented in full prior to the first use of the premises and shall thereafter be retained and maintained as approved.

Reason: To safeguard the amenities of neighbouring residential occupiers from noise and disturbance arising from the use and to ensure an acceptable living environment for future users of the premises, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

8. The development shall operate at all times in full accordance with the approved Mosque Management Plan. All measures, procedures and controls set out within the approved Mosque Management Plan shall be implemented prior to first use of the premises and shall thereafter be retained and adhered to for the lifetime of the development.

Reason: To ensure the satisfactory management of the premises and to safeguard the amenities of neighbouring occupiers from noise, disturbance and other impacts arising from the use, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

9. No external loudspeakers, tannoy systems, public address systems or other means of external sound amplification shall be installed or used at the site at any time.

Reason: To safeguard the amenities of neighbouring residential occupiers from noise and disturbance arising from the use of the premises, in accordance with Policies DM20 and DM40 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. To align with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22.

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. The application site relates to a large three storey building on the northwest side of Lewes Road. The application relates to the ground and first floors of the rear

section of the building currently in use as a Social Club. Whilst the building is accessed via Lewes Road, the social club itself is set back from the main Lewes Road frontage and backs on to Park Crescent Place at the rear. An additional storey was added to the roof of the front section of the building facing Lewes Road to create 2x one-bedroom flats under application BH2020/01649. These residential flats are not directly above the social club, which is accessed via an entrance corridor.

- 2.2. The existing use of the site is as a Social Club F2 (b) known as Brighton and Hove Sports and Social Club. The front part of the site including the entrance sits within the Lewes Road District Centre, but the main part of the building used as a social club is located just outside the designated District Centre. The site is not within a conservation area.

3. RELEVANT HISTORY

- 3.1. **BH2019/01556: 15-16 Lewes Road** Change of use from Labour Members Club (D2) to retail/financial or professional services (A1/A2) at part ground floor and basement levels. The proposal also incorporates alterations to the front elevation. Approved 27.09.2019
- 3.2. **BH2018/01469: 15-16 Lewes Road** Change of use from Labour Members Club (D2) to Restaurant/Café (A3) at part ground floor and basement levels and alterations to shop front. Approved 28.03.2019

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the part conversion of a social club (F2) to a place of worship (F1(f)) with five rooms providing occasional ancillary sleeping accommodation for priests. The original description was amended from 'bedrooms' to 'priest rooms'. The proposal would result in the conversion of approximately 293sqm (32.5%) of the existing gross internal floorspace of the F2 social club to F1(f) floorspace and approximately 608sqm (67.5%) of the F2 floorspace would be retained. No external extensions and alterations to the building are proposed.

5. REPRESENTATIONS

- 5.1. Ten (10) letters have been received **objecting to** the proposed development for the following reasons:
- Additional Traffic
 - Noise
 - Highway safety
 - Regular crowd gathering resulting in congestion/blocking of the narrow footway
 - Unsuitable location for place of worship
 - Harm to residential amenity

- Building entrance on a red route, adding parking pressure to surrounding residential streets
 - Lack of information and noise assessment for event space
 - Loss of inclusive community facilities
 - Loss of existing F2 community floorspace
 - Contrary to Policy DM9 (Community Facilities) of the City Plan Part 2
 - Detrimental effect on property value
 - Adjacent neighbours not consulted
 - Overdevelopment
 - Groups of males gathering
 - Concerns regarding LGBTQ+ inclusion and gender equality
- 5.2. Fourteen (14) letters have been received **supporting** the proposed development for the following reasons:
- Utilising underused building
 - Serves the local community
 - Benefits the Muslim community
 - Positive economic benefits
 - Good design
 - Educational benefits
 - Benefit to residential amenity
 - Improve social cohesion/connections
 - Opportunities for youth engagement
 - Charity and volunteering opportunities
- 5.3. Councillor Raphael Hill has made a representation **in support** of the application, raising the following points:
- Benefit to residential amenity
 - Lack of space for Muslim worshipers in the city
 - Will allow greater connections between communities
 - Additional parking restrictions on nearby streets may be worth consideration
- 5.4. One (1) letter was received **neither objecting to nor supporting** the proposed development, but raised the following points:
- Site already being used for regular prayer
 - Crowds are unsustainable and dangerous
 - Red route so there is no suitable pick up or drop off point
 - Encourages dangerous, illegal and crowded parking

6. CONSULTATIONS

- 6.1. **Planning Policy:** 29.06.2026 Comments not required
- 6.2. **Environmental Health:** 13.07.2026 Acceptable subject to conditions relating to the following:
- Noise Management Plan
 - Hours of use

- Amplified sound
- Noise insulation
- Plant noise

- 6.3. **Sustainable Transport: 07.08.2026** Acceptable subject to conditions relating to cycle storage and refuse and recycling. They also state the following:
- 6.4. We have assessed this application on the basis that the sleeping quarters would be only for occasional temporary use, and that none of the occupants would become eligible for residents' parking permits in the future.
- 6.5. Plans indicate minimal internal alterations, and no changes to pedestrian access. The upstairs rooms would be accessed via an internal staircase or lift, which is acceptable.
- 6.6. The proposed development is unlikely to result in a significant increase in trips, compared to the consented social club use.
- 6.7. Parking Standards SPD14 allows a maximum of 9 car parking spaces for this development. None are proposed, which is acceptable given the site's accessibility by public transport and cycle. Many major bus routes operate along Lewes Road, and there are bus stops adjacent to and opposite the site. The city centre is 10 minutes' cycle from the site, partially along demarked or segregated cycle lanes.
- 6.8. SPD14 also states a minimum of 3 on-site disabled parking spaces for this development, and none are proposed. However, due to the constraints of the site, there is no reasonable means by which this provision could be made. SPD14 also requires a minimum of 3 cycle parking spaces for this development. There appears to be space at the rear of the site to make this provision, and we therefore find the proposal acceptable with the inclusion of a Cycle Parking Scheme condition.
- 6.9. The rear of the site benefits from an on-street loading bay which would serve for deliveries and servicing of the site.
- 6.10. It is unclear from the submitted documents how refuse and recycling would be stored and collected. We therefore request the inclusion of a Refuse and Recycling Scheme condition with any consent.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);

- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport

Brighton & Hove City Plan Part Two:

DM9	Community Facilities
DM12	Regional, Town, District and Local Shopping Centres
DM20	Protection of Amenity
DM33	Safe, sustainable and active travel

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed conversion and whether this would have a detrimental impact on neighbouring amenity or on the safety of the public highway.

Principle of the Development

- 9.2. The application seeks the part conversion of the existing social club (Use Class F2) to a place of worship (Use Class F1(f)) with associated ancillary accommodation.
- 9.3. Policy DM9 of the City Plan Part Two seeks to support new community facilities in accessible locations and identifies places of worship as a form of designated community facility. The site occupies a sustainable urban location on Lewes Road, well served by public transport and readily accessible by walking and cycling. The proposed use would therefore continue the community function of the building.
- 9.4. A number of representations have raised concerns regarding the loss of the former social club use and a conflict with Policy DM9. However, F1(f) use (place of worship) is expressly identified within the supporting text of Policy DM9 as a designated community facility so it is considered that no community floorspace would be lost as a result of the proposal. In addition, the proposal would only part-convert the use of the building and the existing F2(b) use would be partially retained. The proposal would result in the conversion of approximately 293sqm (32.5%) of the existing gross internal floorspace of the social club to a mosque so approximately 608sqm (67.5%) of the social club floorspace would be retained. The ground floor hall, bar and stage would be converted into a prayer

room, which would form the majority of the proposed mosque area. On the first floor, the three offices would be converted into five priest rooms, which would form the rest of the mosque area proposed. The events space area (currently comprising a bar, dance floor and lounge) on the first floor would be retained for wider community use. The bar itself would be removed as no alcohol would be served on the premises, but the space would still form part of the community area. The kitchens, library, plant room, corridors, stairs and toilets would be used by both the proposed mosque and retained community space.

- 9.5. It is acknowledged that the proposal would alter the nature of the activities undertaken within parts of the building. Nevertheless, the proposal would continue to provide community facilities and significant weight is therefore afforded to the continued community-based use of the premises.
- 9.6. On balance, it is considered that the proposal represents a change between community facility uses rather than the loss of a community facility and is therefore not contrary to the overall objectives of Policy DM9.
- 9.7. The principle of the proposed development is therefore considered acceptable, subject to detailed consideration of its impacts on neighbouring amenity, transport, noise, the operation of the proposed ancillary accommodation, and all other material planning considerations.

Design and Appearance

- 9.8. No external extensions and alterations to the building are proposed.

Impact on Amenity

- 9.9. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.10. No external extensions and alterations to the building are proposed so no impacts in terms of daylight, sunlight, outlook or privacy on the adjacent properties have been identified.
- 9.11. A Mosque Management Plan was produced in response to the Environmental Health consultation. The submitted management plan provides details on management of arrivals and departures, stewarding of larger events, procedures for complaints, contact details for a responsible manager, measures to prevent congregation outside the building and confirmation that no amplified music, amplified speech or public address system shall be audible at the nearest noise sensitive residential property.
- 9.12. The management plan is considered to be reasonable and comprehensive and is considered to sufficiently mitigate many of the potential impacts of the proposal.

- 9.13. In terms of noise, conditions would be added to any planning consent to address concerns relating to noise impacts on nearby residential properties. The conditions will require the following:
- A Noise Impact Assessment
 - The bedrooms be used solely for ancillary occasional sleeping accommodation associated with the place of worship
 - The hours of use be restricted
 - Compliance with the Mosque Management Plan
- 9.14. Subject to acceptable details being provided to satisfy the conditions prior to the first commencement of the use, it is considered that the impacts of the proposal can be successfully managed and it is not considered that the proposed development would cause an unacceptable level of harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

Sustainable Transport

- 9.15. The application was reviewed by the Local Highway Authority (LHA). It was considered that the proposal is unlikely to result in a significant increase in trips, compared to the consented social club use. No parking spaces are proposed, but this was considered acceptable to the LHA given the site's accessibility by public transport and cycle. No disabled parking is proposed, however given the constraints of the site, there are no reasonable locations for this to be provided. The LHA have requested a cycle parking condition to secure details for secure cycle parking provision at the rear of the site. The rear of the site also includes a loading bay for deliveries and servicing. The LHA have also requested a condition to secure details of proposed refuse and recycling. Subject to these conditions, the LHA do not object to the proposal.
- 9.16. Representations objecting to the proposal mentioned the additional traffic, highway safety, congestion of the footway, the site being situated on a red route and increased parking pressure on nearby residential streets. None of these potential impacts were identified by the LHA and are not considered to be significantly impactful issues given the location and capacity of the existing site. It is not considered that there are sufficient negative highways impact to warrant a refusal of the application.

Other Matters Including Those Raised in Representations

- 9.17. A number of representations were received objecting to the proposal for a variety of reasons, including the suitability of the location for a place of worship and the impact on property value. The proposal would convert one designated community facility to another, so in terms of planning policy, the principle of the proposal is acceptable. In addition, the impact on property value is not a material planning consideration.
- 9.18. Five priest rooms are proposed which would be used for occasional sleeping by priests. A condition is attached limiting how often these rooms can be used for sleeping and requiring their use to be solely ancillary to the place of worship to ensure they are not occupied as independent residential units, HMOs, hostels or short-term holiday lets.

Biodiversity Net Gain

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

Conclusion

- 9.20. The proposal would not result in any net loss of community facilities and whilst the operation would utilise the existing building differently from the existing, it is not considered that, subject to the recommended conditions, the proposal would result in harmful impacts to neighbouring buildings or the character of the area sufficient to warrant refusal of the application.

10. EQUALITIES

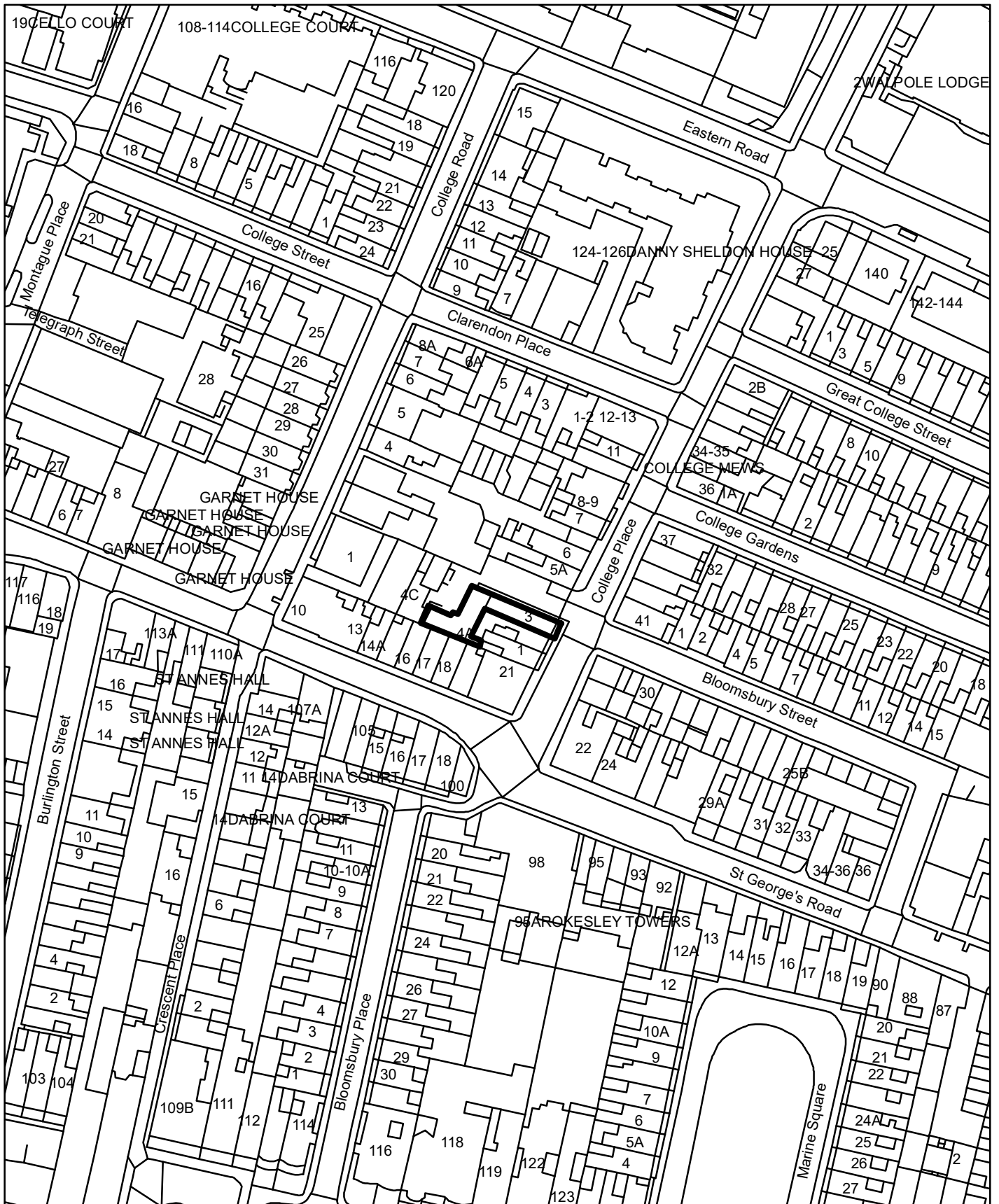
- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of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

ITEM F

**3 and 4A College Place
BH2026/00784
Full Planning**

DATE OF COMMITTEE: 28th October 2026

BH2026/00784 - 3 And 4A College Place



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00784	<u>Ward:</u>	Kempton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	3 And 4A College Place Brighton BN2 1HN		
<u>Proposal:</u>	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.		
<u>Officer:</u>	Oliver Redmond,	<u>Valid Date:</u>	31.03.2026
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	26.05.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	06.11.2026
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Simon Yates C/O Lewis And Co Planning SE Ltd 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 1578/20		31-Mar-26
Proposed Drawing	TA 1578/21		31-Mar-26
Proposed Drawing	TA 1578/22		31-Mar-26
Proposed Drawing	TA 1578/23		31-Mar-26
Proposed Drawing	TA 1578/24		31-Mar-26
Proposed Drawing	TA 1578/25		31-Mar-26
Proposed Drawing	TA 1578/26		31-Mar-26
Proposed Drawing	TA 1578/27		31-Mar-26
Proposed Drawing	TA 1578/28		31-Mar-26
Proposed Drawing	TA 1578/29		31-Mar-26
Proposed Drawing	TA 1578/30		31-Mar-26
Proposed Drawing	TA 1578/31		31-Mar-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, rooflight 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 in the interests of the visual amenities of the area and to comply with Policies DM18, DM21 and DM26 of City Plan Part Two and CP12 and CP15 of City Plan Part One.

4. 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.

5. 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.

6. The development hereby approved shall achieve a minimum Energy Performance Certificate (EPC) rating 'C'.

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

7. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bat boxes have been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of one bat box. The scheme shall then be carried out in strict accordance with the approved details and shall thereafter be retained.

Reason: To safeguard 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.

8. 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, has been submitted to and approved in writing by the Local Planning Authority. 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 DM20, DM40 and DM41 of 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. Based on current CPZ permit take-up data 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.
3. 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.

- 4. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace

2. SITE LOCATION

- 2.1. The application relates to 3 and 4A College Place, on the western side of College Place close to its junction with St George's Road. The site has an irregular L-shaped footprint and comprises a long, narrow range extending westwards from College Place together with buildings within the enclosed rear area. The ground and first floors are in commercial use within Use Class E and have most recently been occupied as artists' studios. An existing self-contained flat occupies the second floor.
- 2.2. The surrounding area is densely developed and mixed in character. College Place contains residential properties of varied age and form, while St George's Road provides a range of shops, services and public transport connections. Residential properties closely adjoin the site to the north, west and south, including Nos. 1, 1A, 2, 2A, 4 and 4C College Place and properties in College Mews and St George's Road.
- 2.3. The site lies within the East Cliff Conservation Area. The application building dates from the mid-twentieth century and is not listed. Listed buildings are present within the wider surroundings, including Nos. 6 and 7 College Place, but are physically separated from the application site by intervening development.

3. RELEVANT HISTORY

- 3.1. **BH2024/01916** – Prior Approval for change of use of the ground and first floors from commercial use to four self-contained flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
Approved 26.09.2024

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2026/00879** - Land South of 5 College Place, Brighton
Erection of three storey building to provide 2no self contained flats (C3).
Approved 12.10.2026

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the change of use of the ground and first floors from commercial use (Use Class E) to provide four self-contained flats (Use Class C3). Associated works comprise a first-floor extension above the rear mid-section, alterations to the roof form, revised fenestration and the installation of recessed balconies.
- 5.2. The four additional flats would comprise three one bedroom units and one three-bedroom duplex. Unit 1 would provide approximately 48sqm at ground floor level, Unit 2 approximately 44sqm at first floor level, Unit 3 is as existing, Unit 4 approximately 88sqm over the ground and first floors and Unit 5 approximately 55sqm over the ground and first floors. Unit 4 would also benefit from a ground floor courtyard. Cycle storage areas are indicated within the ground floor layout.
- 5.3. An existing one-bedroom flat at second-floor level, identified as Unit 3, would remain alongside the four additional flats. It does not form part of the proposed change of use. Internal alterations and a small recessed terrace are shown as proposed to this unit. Following development, the building would contain five flats in total.
- 5.4. The most significant external alteration would be the upward extension of the central single storey element to provide first-floor accommodation beneath a pitched roof. The northern elevation would be altered through new windows and recessed balconies, with further changes to openings and rooflights on the east and west elevations. No car parking or soft landscaping is proposed.

6. REPRESENTATIONS

- 6.1. Sixteen (16) representations have been received from ten people objecting to the application for the following reasons:
 - Excessive height, bulk and overdevelopment of a constrained site
 - Harm to the character and appearance of the East Cliff Conservation Area
 - Loss of daylight and sunlight, overshadowing and an overbearing effect
 - Loss of privacy and overlooking from new windows, rooflights, balconies and terraces
 - Loss of outlook and views
 - Noise, dust, disturbance and access difficulties during construction
 - Concern that the submitted daylight and sunlight assessment is incomplete or relies upon inaccurate assumptions
 - Inaccurate plans, measurements, site boundaries and neighbouring building information
 - Concern regarding ownership of land, the external staircase and access arrangements
 - Damage to adjoining property, drainage and the historic courtyard surface
 - Insufficient cycle and car parking and increased pressure on surrounding streets
 - Traffic, servicing, refuse collection, drainage and highway-safety concerns

- Cumulative effects with application BH2026/00879 on the opposite side of the access
- Potential effects on the value of neighbouring property and residents' mental health

7. CONSULTATIONS

Private Sector Housing

- 7.1. The proposed arrangement of the existing second floor flat contains an inner bedroom accessed through an open-plan kitchen and living area, which is considered a higher risk room in the event of fire.

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

9. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP3	Employment land
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places

DM20	Protection of Amenity
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 and Minerals Plan:

WMP3e Sustainable Design of New Development

Supplementary Planning Documents and other guidance:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

East Cliff Conservation Area Study and Enhancement Plan
Nationally Described Space Standard (NDSS)

10. CONSIDERATIONS AND ASSESSMENT

- 10.1. The main considerations in the determination of this application are the principle of the change of use and loss of commercial floorspace, housing delivery and affordable housing, the standard of accommodation, design and heritage impacts, neighbouring amenity, transport and parking, biodiversity, sustainability and other environmental matters.

Principle of Development and Loss of Commercial Floorspace

- 10.2. Policy CP3 of the City Plan Part One seeks to retain employment floorspace unless its continued use is demonstrated to be unviable or the premises are unsuitable for employment use. No marketing evidence has been provided to demonstrate that the ground- and first-floor commercial accommodation is redundant.
- 10.3. However, prior approval BH2024/01916 permits the conversion of the same ground- and first-floor accommodation to four flats. The prior approval remains capable of implementation and establishes a realistic fallback under which the commercial floorspace could be lost without a further full planning assessment of the principle.
- 10.4. The current use as artists' studios does not extinguish that permission.
- 10.5. The present scheme would deliver the same number of additional dwellings as the fallback while seeking permission for external works and a different internal arrangement. The fallback attracts substantial weight in this assessment. The proposal would provide four additional homes in a sustainable location at a time when the Council cannot demonstrate a five-year housing land supply. The principle of residential use is therefore acceptable notwithstanding the absence of marketing evidence under Policy CP3.

Housing Delivery and Affordable Housing

- 10.6. The Council's latest published housing-land-supply position identifies a substantial shortfall and approximately 1.5 years of supply. In accordance with the National Planning Policy Framework, increased weight is therefore given to the delivery of housing. The provision of four additional dwellings within an existing building attracts positive weight.
- 10.7. Policy CP20 applies affordable-housing requirements to developments meeting the relevant dwelling threshold. This application proposes four additional dwellings and does not itself meet that threshold. A separate application, BH2026/00879, proposing two flats on land on the opposite side of the access was approved in October 2026. Although the two sites are in the same ownership, they are held under separate titles, are physically divided by the access and neither scheme depends upon the other for access, accommodation or essential infrastructure. Given that the prior approval also provides an independent fallback for four flats within the present building the two proposals are therefore appropriately assessed as separate developments and the affordable-housing threshold is not engaged by this application.

Standard of Accommodation

- 10.8. Policy DM1 of Brighton & Hove City Plan Part Two requires new residential development to provide a good standard of accommodation and meet the Nationally Described Space Standard. The three proposed one-bedroom units would provide approximately 48sqm, 44sqm and 55sqm respectively, exceeding the 37sqm standard for that occupancy. Unit 4 would provide approximately 88sqm over two floors and three bedrooms. This exceeds the 84sqm standard for a three-bedroom, four-person dwelling arranged over two storeys. Its bedrooms would also meet the relevant minimum room areas.
- 10.9. The layouts would provide each proposed unit with dedicated living, cooking and bathroom facilities and sufficient light and ventilation from windows serving principal rooms. Unit 4 would have access to a courtyard and recessed balcony, while Unit 2 would have a recessed balcony. The proposed units without private external space (Units 1 and 3) would be located within walking distance of the seafront and public open spaces. In this dense urban location, and having regard to the fallback permission which provides no private external amenity space, the proposed amenity provision is acceptable.
- 10.10. The existing second floor flat is identified as a one-bedroom unit and is not included among the four additional dwellings. The submitted proposed plan shows an ancillary room of approximately 4.8sqm labelled as a bedroom. Given its limited size, it has not been treated as a bedroom for housing-mix or occupancy purposes. As the units is existing internal alterations and detailed fire safety requirements relating to this existing flat are principally matters for the Building Regulations and housing legislation.
- 10.11. A concern is noted in regards to the provision of the bedrooms to Units 1 and 5 which are below 11m² and are therefore considered as single occupancy. Both units however provide an overall acceptable standard of accommodation and the existing building layout and prior approval permission are considered as

significant in weight and the standard of accommodation provided is considered overall acceptable.

- 10.12. The development would provide an acceptable standard of accommodation in accordance with City Plan Part Two policy DM1.

Design and Heritage

- 10.13. Policies CP12 and CP15 of the City Plan Part One and Policies DM18 and DM26 of the City Plan Part Two require development to achieve a high standard of design and preserve or enhance the character and appearance of conservation areas.
- 10.14. 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.
- 10.15. 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”.
- 10.16. The application building is a mid twentieth century structure of limited architectural interest within a varied and tightly developed rear townscape. The principal College Place frontage would remain similar with only fenestration alterations proposed, with the larger interventions concentrated within the enclosed rear of the site.
- 10.17. The revised northern elevation (College Place return) would be revised and introduce a more regular arrangement of windows and recessed balconies. The resulting elevation is contemporary but not considered discordant within this mixed context. Views from public streets would be limited and filtered by existing buildings.
- 10.18. The central single storey element at the rear of the existing flat roofed building would be extended upwards (1.8m) by an additional storey with the existing hipped roof altered to a gabled pitched roof with rooflights. Although this would increase its height and visibility, it would remain below and subordinate to the principal three-storey range fronting College Place and the eaves would match the existing pitched roof building to which it is adjoined to the west. The resulting pitched form and tiled finish would reflect the varied roofscape of the surrounding mews and rear buildings.
- 10.19. Other external alterations at the rear of the site include revisions to fenestration (proposed aluminium) which are considered acceptable and facilitate the overall conversion. Details are proposed to be secured by condition.
- 10.20. The nearest listed buildings are separated from the site by intervening development. The proposal would not compete with their scale or materially alter their setting.

- 10.21. Subject to approval of the detailed external materials, the development would preserve the character and appearance of the East Cliff Conservation Area and the setting of nearby listed buildings.
- 10.22. The design and appearance of the proposal would comply with policies CP12 and CP15 of the City Plan Part One and Policies DM18 and DM26 of the City Plan Part Two

Impact on Neighbouring Amenities

- 10.23. Policy DM20 of the City Plan Part Two seeks to ensure that development does not cause unacceptable harm through overlooking, loss of privacy, loss of daylight or sunlight, overbearing effects, noise or disturbance to existing or neighbouring occupiers.
- 10.24. The close relationship between the application buildings and surrounding dwellings is acknowledged, as are the detailed concerns raised by residents.
- 10.25. A daylight and sunlight assessment has been submitted addressing nearby properties including Nos. 2, 4 and 4C College Place and Nos. 16-19 St George's Road. Due to the orientation of the site and the scale of development proposed, the most affected properties are considered to be 2 College Place directly adjoining to the south of the site and 4C College Place to the West. The western property is sufficiently separated from the principal roof extension such that any impacts are not considered harmful.
- 10.26. The adjoining southern property has a number of south and west facing windows at first floor which would be in close proximity to the proposed roof extension. The proximity is such that there would be impacts to these windows which would experience effects in terms of a limited outlook to the west which would reduce some of the vertical sky component and a reduction in daylight and sunlight. This is particularly to the immediately adjoining first floor window at the rear of 2 College Place. Whilst some impact is acknowledged the report concludes that the assessed windows would not experience an unacceptable reduction in daylight or sunlight when considered against the relevant Building Research Establishment guidance. Representations received have questioned the assumptions used, the omission of some neighbouring rooms and the absence of a no-sky-line assessment. The drawings also identify some neighbouring levels and internal arrangements as being estimated.
- 10.27. The technical assessment is however considered alongside the submitted sections, the orientation of the site and the existing built form. The raised central roof would be visible from adjoining homes and would reduce some open sky outlook as noted above, however, it would occupy a relatively limited part of the outlook, retain a pitched form and remain below the main College Place building. Properties to the south are separated from the extension by intervening walls and built form as existing, while those to the north and west face an established, tightly enclosed mews environment. It is considered that the proposal would not result in an unacceptable overbearing impact or material loss of daylight sufficient to justify refusal in this context.

- 10.28. New windows, rooflights and balconies would introduce some additional activity within the site. However, the neighbouring buildings to the rear are faced by a largely blank elevation, with no new windows or balconies directly overlooking them. The proposed openings and balconies would principally face towards the internal access and parking area and to the open rear aspects of properties to the west. The proposed rooflights would not provide direct views towards neighbouring accommodation. The proposal would therefore not result in an unacceptable loss of privacy.
- 10.29. The change from commercial studios to four flats would alter the pattern of activity but would be residential in nature and compatible with surrounding uses. The building already benefits from prior approval for the same number of additional flats. Some construction noise and inconvenience would occur, but this would be temporary and is not considered to warrant refusal or a detailed construction-management condition for development of this scale.
- 10.30. It is of note that planning application BH2026/00879 (Erection of three storey building to provide 2 no self contained flats at Land South of 5 College Place) has been approved by Planning Committee 7th October 2026. The potential cumulative effects of the implementation of this application have been considered. The schemes are divided by the access and would retain physical separation and whilst the combined relationship would reduce the outlook and light from the north facing windows of the proposed development, the elevations would be separated by the access road and continue to provide acceptable living conditions for future occupiers of both schemes.

Transport Parking and Servicing

- 10.31. The site is within a sustainable location close to shops, services and frequent bus routes on St George's Road and Eastern Road. No off-street car parking is proposed. The addition of four flats is unlikely to generate sufficient highway movements over and above the existing commercial use. The previous Prior Approval application was considered acceptable by the Highways Authority and no objection was raised. The scheme is proposed as being car free and without cycle parking. Given the constraints of the site this is considered acceptable. The Highways Authority administer and manage the CPZ within which the application is located and an informative to this effect shall be imposed. The absence of any proposed vehicle or cycle parking would not result in severe residual highway effects or an unacceptable highway-safety impact.
- 10.32. Notwithstanding the above the proposed ground-floor plan identifies internal areas for cycle storage, although the Planning Statement states that no cycle parking is proposed and the precise capacity is unclear. A condition is therefore recommended requiring secure and covered parking for at least four cycles before occupation. Details of refuse and recycling storage are also secured by condition. Subject to these requirements, the proposal is acceptable under Policies CP9, DM33 and DM36 of The Brighton and Hove City Plan Part One and Part Two.

Biodiversity and Biodiversity Net Gain

- 10.33. A preliminary ecological appraisal identified the need for bat survey work because works are proposed to an older roof. The subsequent survey recorded no evidence of bats. An integrated bat roosting feature is nevertheless recommended as a proportionate biodiversity enhancement and is secured by condition.
- 10.34. The application site is occupied by buildings and hardstanding and the development would not affect more than 25sqm of on site habitat. On the information submitted, the proposal is considered to fall within the de minimis exemption from mandatory Biodiversity Net Gain. An informative is recommended confirming that responsibility for demonstrating and relying upon the exemption remains with the applicant.

Sustainability and Environmental Matters

- 10.35. The reuse of the existing building makes efficient use of its embodied carbon and avoids the environmental impacts associated with comprehensive demolition and redevelopment. Conditions are recommended requiring the four additional dwellings to achieve an EPC rating of C or above and the optional water-efficiency standard of 110 litres per person per day.
- 10.36. A preliminary contamination assessment identifies a low risk of contamination and does not recommend intrusive investigation. A precautionary condition is imposed to address any unexpected contamination encountered during construction.

Other Matters

- 10.37. Representations received concerning precise land ownership, rights over the external staircase, party wall matters, access for construction and responsibility for any damage are private legal matters and not material planning considerations in this context. Planning permission does not, however, override third party property rights. The submitted ownership information indicates that the applicant considers the application site to be within their ownership - any necessary notices and agreements remain the applicant's responsibility.
- 10.38. The loss of private views and potential effects on property values are not material planning considerations. Existing drainage and refuse issues in the wider area do not provide evidence that the proposed scheme would result in unacceptable infrastructure impacts, and detailed drainage and building-services requirements would be considered through the Building Regulations and statutory undertakers.

11. EQUALITIES

- 11.1. Section 149(1) of the Equality Act 2010 provides that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not; and foster good relations between those groups.

- 11.2. Officers have considered the submitted information, consultation response and third-party representations. The development would provide additional housing in an accessible urban location. Subject to the recommended conditions and separate compliance with the Building Regulations, the proposal is not considered to give rise to unacceptable material effects on individuals or identifiable groups with protected characteristics.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Community Infrastructure Levy Regulations 2010, as amended, Brighton & Hove City Council began charging CIL on liable development from 5 October 2020. The development is CIL liable. The exact amount will be confirmed in a CIL liability notice following the grant of planning permission.

13. CONCLUSION

- 13.1. The proposal would provide four additional dwellings within an existing building in a sustainable urban location. Prior approval BH2024/01916 already permits the conversion of the same ground- and first-floor commercial accommodation to four flats and represents a realistic fallback. Substantial weight is therefore given to the established principle of residential conversion, alongside the contribution to housing delivery at a time of significant shortfall.
- 13.2. The current proposal would improve the mix and amenity of the accommodation when compared with the fallback, principally through the creation of a three-bedroom duplex, courtyard and recessed balconies. The proposed units would meet the relevant space standards on the stated occupancy basis and would provide acceptable living conditions.
- 13.3. The extension and external alterations would increase the height and activity of the enclosed rear parts of the site. The concerns of neighbouring residents regarding daylight, outlook and privacy are acknowledged. However, having regard to the limited extent and subordinate form of the extension, the submitted daylight assessment, the dense existing context and the recommended privacy condition, the development would not result in unacceptable harm to neighbouring amenity.
- 13.4. The works would preserve the character and appearance of the East Cliff Conservation Area and would not harm the setting of nearby listed buildings. Transport, cycle storage, refuse, biodiversity, sustainability and contamination matters can be addressed through the recommended conditions.
- 13.5. The proposal is therefore considered compliant with the development plan when read as a whole and is recommended for approval subject to the conditions set out above.

ITEM G

**186-188 Portland Road
BH2026/00954
Full Planning**

DATE OF COMMITTEE: 28th October 2026

BH2026 00954 - 186-188 Portland Road



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/00954	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	186 - 188 Portland Road Hove BN3 5QN		
<u>Proposal:</u>	Extensions and alterations to include new front seating area, erection of awnings, alterations to fenestration, alterations to existing shop front, removal of rear roof covering, installation of electric sauna, erection of pergola, installation of air conditioning condenser unit and chiller unit, internal works and associated alterations.		
<u>Officer:</u>	Charlie Partridge,	<u>Valid Date:</u>	06.05.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.07.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	30.10.2026
<u>Agent:</u>	Stickland Wright Ltd Stickland Wright Ltd 23 Vine Street Brighton BN1 4AG		
<u>Applicant:</u>	Mr Richard Harmer 186-188 Portland Road Hove Brighton & Hove BN3 5QN		

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
Proposed Drawing	110	C	09-Sep-26
Proposed Drawing	111	C	11-Sep-26
Proposed Drawing	112	C	11-Sep-26
Location and block plan			16-Apr-26

- The chiller unit associated with the development hereby approved shall not operate between the hours of 23:00 and 07:00 unless it is operating on its manufacturer-approved lowest noise setting (or equivalent night-time mode). The chiller shall thereafter be operated in accordance with these requirements at all times.

Reason: To safeguard the amenities of occupiers of nearby residential properties and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

3. 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.
4. The sauna and cold plunges shall not be used by customers outside the hours of 08:00 to 21:00 Monday to Friday and 08:00 to 21:00 Saturday and Sunday.
Reason: To safeguard the amenities of the area, in accordance with Policy DM20 of the Brighton & Hove City Plan Part Two.
5. Prior to commencement of use of the sauna and cold plunges hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate at all times in full accordance with the approved Noise Management Plan.
Reason: To ensure the satisfactory management of the premises and to safeguard the amenities of neighbouring occupiers from noise, disturbance and other impacts arising from the use, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.
6. The sauna hereby permitted shall only be heated by an electric heater and shall not be heated by any solid fuel, wood-burning, gas-fired or other combustion-based appliance at any time.
Reason: To safeguard the amenities of occupiers of nearby properties by preventing noise, smoke, fumes and other emissions, and to ensure a satisfactory standard of amenity, in accordance with 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.

Biodiversity Net Gain

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

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the

planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

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

2. SITE LOCATION

- 2.1. The application site relates to a three-storey building on the south side of Portland Road. The site occupies a corner plot between Portland Road and Titian Road. The ground floor comprises an existing commercial unit and covered rear yard area and the first and second floors are in use as residential flats. The ground floor commercial unit of the building is currently vacant but was recently in use as a printing shop (Class E). The site is within the Portland Road Local Centre.
- 2.2. The site is not located within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

3. RELEVANT HISTORY

- 3.1. **BH2026/01976** Display of 2no non-illuminated fascia signs and 1no internally illuminated projecting sign. Concurrent advertisement consent application under consideration
- 3.2. **BH2009/00535** Conversion of first floor office space to provide two 2-bedroom flats and one 1-bedroom flat with balconies. Extension to create second floor to provide one 1-bedroom flat and one 2-bedroom flat with terraces. Provision of refuse, recycling and bicycle storage at rear. Approved 16.12.2009
- 3.3. **BH2004/01535/CL** Use of forecourt for the display of plant and machinery (restricted by condition No. 6 of approval 3/76/573). Approved 01.07.2004
- 3.4. **BH2004/01569/FP** Replacement of covered structure to rear yard with new. Removal of condition 4 of approval 3/76/0573 to allow use of yard to be used for storage. Approved 07.10.2004
- 3.5. **BH2003/03743/FP** Erection of covered structure on south & east sides of rear yard. Removal of conditions 4 & 6 of application 3/76/0573 to continue use of rear yard for storage of plant materials and to continue use of forecourt for display of plant machinery during operational hours (Retrospective). Refused 19.01.2004

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for alterations to the existing property to create a new cafe/ health and wellness centre (Class E use). The alterations would

incorporate a new side seating area, the erection of an awning, alterations to the fenestration, alterations to the existing shop front, the removal of the rear roof covering, the installation of an electric sauna, the erection of a pergola, the installation of an air conditioning condenser unit and chiller unit, internal works and other associated alterations.

- 4.2. During the course of determining the application, amended drawings were received. The revised scheme changed the wood fired sauna to an electric sauna and removed the flue. The access was also revised so that the operational gate opens within the site and does not open over or obstruct the public footway/highway and the potential access ramp indicated on the original proposal was removed and an annotation added to confirm the existing level access would be retained.
- 4.3. The application is part-retrospective as the works have commenced.

5. REPRESENTATIONS

- 5.1. Twenty-one (21) individual representations have been received **supporting** the proposed development for the following reasons:
- Good design
 - Benefits of a wellness centre and café
 - Creates new social space
 - Benefits community
 - Promotes good mental and physical health
 - Local economic benefits
 - Good transport links
 - Accessible
 - Established commercial area
 - Less disruptive than other uses
- 5.2. Seven (7) individual representations have been received **objecting** to the proposed development for the following reasons:
- Damaging trees
 - Detrimental effect on property value
 - Overdevelopment
 - Poor design
 - Too close to the boundary
 - Issues relating to the smoke from the wood-fired sauna (odour, air quality, smoke, fire risk)
 - Additional traffic
 - Parking issues
 - Noise/disturbance from increased trips
 - Overlooking into sauna area
- 5.3. One (1) Letter was received **neither objecting to nor supporting** the application but raising the following points:
- Additional traffic

- Parking issues
- Sauna has benefits, but should be electric
- Removal of roof is reasonable
- Business consistent with area

6. CONSULTATIONS

- 6.1. **Environmental Health:** 13.05.2026 Acceptable subject to conditions relating to the following:
- Plant and machinery noise plan
 - Plant noise
 - Construction hours
- 6.2. **Environmental Health:** 07.09.2026
Noise Impact Assessment reviewed, concern raised that the chiller is shown to be +4dB over the background noise at night. Previous noise plan condition no longer necessary. Condition the chiller to be either turned off at night or placed onto its lowest setting during nighttime hours.
- 6.3. **Sustainable Transport:** 11.08.2026 Further info/amendments required
- Plans should be amended to indicate access ramp
 - Plans should be amended to indicate gates not opening onto highway
- 6.4. Pedestrian access to the site would remain as existing. The main entrance is stepped. The plans indicate a "Possible future ramp position", and we request amendments to the plans to indicate that this ramp would be installed prior to the new use of the site. This would improve accessibility for those with mobility impairments, consistent with NPPF paragraph 115(b), which requires safe and suitable access for all users, including those with disabilities.
- 6.5. The proposed use may result in an uplift in trips compared to the previous use class E, but this is unlikely to have a severe residual cumulative impact on the public highway.
- 6.6. The site is well-served by sustainable transport. The 2, 46 and 49 buses stop at the eastbound Scott Road stop on Portland Road, 2 minutes' walk from the site, providing services into the city. The same services also stop at the westbound Scott Road stop on Portland Road, providing services from the city. The 1, 1X and 6 also stop nearby. The city centre is around 13 minutes' cycle from the site.
- 6.7. Parking Standards SPD14 allows a maximum of 9 on-site car parking spaces for this development. None are proposed, which is below the maximum. This is acceptable considering the site's constraints and its accessibility by sustainable travel modes.
- 6.8. SPD14 requires a minimum of 3 disabled parking spaces for this development. None are proposed, 1 and due to the site's constraints, there does not appear to be space for any. On consideration, there is opportunity for blue badge holders to park in the disabled parking bays opposite the site on Portland Road, or in the

dual use residents/pay-by-phone spaces directly outside the site. We would therefore not object on this basis in this instance.

- 6.9. SPD14 also states a minimum of 3 cycle parking spaces for staff, and 7 for visitors. Although they cannot be counted towards the site's cycle parking provision, there are Sheffield stands on the public footway outside the site, which could be used by visitors.
- 6.10. The plans indicate that the gates on Titian Road would open outwards onto the public highway/footway, and this is not acceptable (this is against the Highways Act 1980 Section 153). We request amendments to the plans to address this.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM23	Shopfronts
DM33	Safe, sustainable and active travel

Supplementary Planning Documents:

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

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the safety of the public highway.

Principle of the Development

- 9.2. The proposal to change the ground floor commercial unit from a vacant printing shop to a café/health and wellness centre would not constitute a change of use as the proposed use of the site falls within the existing Class E use.

Design and Appearance

- 9.3. The proposal would introduce a decked seating area faced with timber cladding at the entrance to the proposed café with a metal railing and planter. The seating area would be contained on the existing raised concrete platform to the Titian Road entrance. The seating area would be modest in scale and appearance and would be consistent with the type of outdoor seating commonly associated with a café. A similar seating area exists directly opposite the road to the east of the site serving the adjacent café. Therefore, the seating area would not appear out of context and no concerns are held in this regards.
- 9.4. The existing shopfront and glazing would be retained and repainted. The fascia would be replaced with one of matching size and an awning would be installed beneath it. A number of changes to the signage are also proposed, which are being assessed under the concurrent advertisement application (BH2026/01976).
- 9.5. The existing timber and polycarbonate roof over the rear courtyard would be removed and replaced with a pergola shelter at a much lower height. This is considered to be an improvement over the existing structure. Metal framed doors would replace the existing side entrance doors and are considered acceptable in terms of their design.
- 9.6. On the Titian Road elevation, a condenser unit would be added and a stained timber slat partition would be installed to the frontage to conceal this from view. The existing high-level shutter would be removed and the gate access retained with the left side fixed shut. Within the rear courtyard a timber clad electric sauna, changing room, two cold plunge baths, chiller unit, showers, a level decking and a bench would be installed. The majority of these alterations would be concealed from view by the wall and gate, so their impact on the character and appearance of the area would be negligible. The remaining alterations would be internal.
- 9.7. Overall, the extensions and alterations are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with Policy DM21 of City Plan Part 2 and SPD12 guidance.

Impact on Amenity

- 9.8. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.9. With regard to amenity, no significant adverse impacts are expected to arise as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit, and no significant harm has been identified. The proposal would not introduce any built form of a scale or siting that would result in an unacceptable loss of light, an overbearing impact, or undue overlooking of neighbouring properties. Whilst concerns have been raised regarding potential overlooking into the sauna area, the use would be limited in scale and nature and is not considered likely to give rise to harmful levels of overlooking or loss of privacy to neighbouring occupiers.
- 9.10. Concerns have also been raised regarding noise and disturbance, additional vehicle movements and parking pressures. The site is located within an established commercial area where a reasonable level of activity, comings and goings, and associated noise is already expected. The proposed sauna use is relatively low-key in nature and is not considered to generate a high level of activity. However, given the relatively close proximity of residential properties to the sauna and the fact that a number of windows serving residential properties would overlook the sauna and cold plunge area, it is considered necessary to restrict hours of use via a recommended planning condition. Additionally, a noise management plan would also be secured by planning condition to help control noise whilst the sauna and cold plunges are operational.
- 9.11. A Noise Impact Assessment was submitted in support of the application and reviewed by Environmental Health, who raised no objection to the proposal subject to conditions. In particular, Environmental Health recommended a condition requiring the chiller unit to operate on its lowest setting during night-time hours in order to safeguard the amenities of nearby occupiers. It has been confirmed during a site visit that the chiller is capable of operating in a dedicated night-time mode. Subject to the recommended conditions, it is not considered that the proposal would result in unacceptable levels of noise or disturbance to neighbouring residential properties.
- 9.12. Objections relating to smoke, odour, air quality and fire risk have also been received. However, the wood-burning sauna originally proposed has been replaced with an electric sauna. As such, the proposal would not generate smoke emissions associated with a wood-burning stove and it is not considered that the development would give rise to unacceptable impacts in terms of odour, air quality or fire risk. The electric operation of the sauna is recommended to be secured by condition.
- 9.13. It is considered that for the reasons set out above and subject to the recommended conditions, the proposed development would not cause

significant harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

Sustainable Transport

- 9.14. The proposal would utilise the existing access arrangements to the site and, following amendments during the application process, the operational gate on Titian Road would open inwards within the site rather than outwards over the public footway. The plans have also been amended to remove the previously shown potential access ramp and confirm that the existing level access would be retained. Subject to these amendments, the Highway Authority raises no objection to the proposal on access or highway safety grounds.
- 9.15. The site is in a sustainable location with good access to public transport services and local facilities. Whilst the proposed use could generate an increase in trips compared to the former use, this would not be likely to result in a severe residual cumulative impact on the highway network. No on-site car parking is proposed, which is below the maximum parking provision set out in SPD14, and this is considered acceptable given the site's highly accessible location. Although no disabled parking spaces would be provided, opportunities for Blue Badge parking exist in nearby disabled bays and on-street parking spaces. Taking these factors into account, it is considered that the proposal would not have a detrimental impact on highway safety or the operation of the surrounding highway network and would accord with relevant transport and accessibility policies.

Other Considerations

- 9.16. Concerns regarding the impact on property value and trees have also been raised. Property value is not a material planning consideration and there are no trees in the immediate vicinity of the proposed works which are likely to be affected.

Biodiversity Net Gain

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

Conclusion

- 9.18. It is considered that the use of the site as a wellness studio, sauna and café would fall within the existing use Class (E) and no change of use would therefore take place.
- 9.19. The physical alterations are considered to be acceptable and would not have a harmful impact upon the character and appearance of the area.
- 9.20. Subject to conditions relating to hours of operation and a management plan controlling the use of the external areas the development would not cause sufficient harm to the amenity of neighbouring occupiers in order to warrant refusal of the application.
- 9.21. The application is therefore recommended for approval.

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. There would level access from both the rear courtyard via Titian Road and the front double doors leading into the studio on Portland Road.

ITEM H

**Flat 2, 35 Highcroft Villas
BH2026/01425
Householder Planning Consent**

DATE OF COMMITTEE: 28th October 2026

BH2026 01425 - Flat 2, 35 Highcroft Villas



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2026/01425	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 2 35 Highcroft Villas Brighton BN1 5PS		
<u>Proposal:</u>	Proposed alterations to the roof, including an increase in ridge height, a dormer to the rear roof elevation, and a second-floor flat roof extension over the existing outrigger, together with the provision of off-street car parking spaces and a new vehicular crossover.		
<u>Officer:</u>	Shikha Khare,	<u>Valid Date:</u>	11.06.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.08.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	28.10.2026
<u>Agent:</u>	Mr Stuart Wickham 14 Batemans Road Woodingdean Brighton East Sussex BN2 6RD United Kingdom		
<u>Applicant:</u>	Mr & Mrs James Bullen 35 Flat 2 Highcroft Villas Brighton East Sussex BN1 5PS		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	01		11-Jun-26
Proposed Drawing	02		11-Jun-26
Location Plan			11-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. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

4. The side windows in the western elevation of the development hereby permitted shall be obscure glazed, and thereafter 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.
5. The vehicular crossover hereby approved shall not be brought into use until the existing school-related highway sign affected by the crossover has been relocated in accordance with the requirements of the Local Highway Authority.
Reason: To ensure that the existing highway sign is appropriately retained and to safeguard highway and pedestrian safety.
6. The vehicular access and parking area hereby approved shall be constructed and made available in accordance with the approved plans prior to first use and shall thereafter be retained. The visibility splays associated with the access shall thereafter be kept free from obstruction exceeding 0.6m in height.
Reason: To ensure safe and suitable access to the site and to safeguard pedestrian and highway safety, in accordance with Policy DM33 of the Brighton & Hove City Plan Part Two and SPD14.
7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any

works commencing on the adopted highway to satisfy the requirements of the condition.

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. The application relates to a first-floor flat within a two-storey end of terrace property located on the western side of Highcroft Villas. The property has a traditional pitched roof and a two-storey rear outrigger.
- 2.2. Highcroft Villas is predominantly residential in character with varied styles and designs of properties. The road slopes upwards east to west along its length, resulting in variation in the ridge levels of properties. The rear townscape of the associated terrace is varied, with a range of roof alterations and extensions evident within the terrace and surrounding area. Off-street parking and hardstanding are also established features within front gardens along the street although the application site does not currently have any off street parking area or crossover as existing.

3. RELEVANT HISTORY

None identified.

4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2026/00130** - 26 Highcroft Villas - Erection of a second floor rear extension over outrigger and alteration to the roof to include dormer to rear roof elevation. Approved
- 4.2. **BH2024/00275** - 27 Highcroft Villas- Erection of new rear dormer. Approved
- 4.3. **BH2003/00995/FP** - 31 Highcroft Villas- Alterations to front garden to allow vehicular access. Approved

- 4.4. **95/0756/FP** - 32 Highcroft Villas- Formation of hardstanding in front garden and vehicular crossover. Approved
- 4.5. **BH2002/02501/FP** - 33 Highcroft Villas-Formation of vehicle access and car parking space at front of property. Approved

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for proposed alterations to the roof, including an increase in ridge height, a dormer to the rear roof elevation, and a second-floor flat roof extension over the existing outrigger, together with the provision of an off-street car parking space and a new vehicular crossover.
- 5.2. Further to submission of the application the description has been amended to reflect all elements of the proposal, including the increase in ridge height, off-street parking and new vehicular crossover. The application was re-advertised, and neighbouring properties reconsulted with regards to the amended description.

6. REPRESENTATIONS

- 6.1. In response to publicity, responses were received from **eight (8)** individuals objecting to the application and raising the following issues:
- Overdevelopment and intensification of the property
 - Excessive height, scale and bulk, including the increase in ridge height, resulting in an overbearing appearance and harm to the character of the area
 - Loss of privacy and increased overlooking
 - Loss of daylight/sunlight and increased sense of enclosure
 - Increased noise and disturbance arising from the additional bedrooms/occupancy
 - Increased parking demand and loss of on-street parking
 - Inappropriate level and layout of off-street parking
 - Highway and pedestrian safety concerns associated with the proposed crossover, including the adjacent school-related highway sign
 - Loss of front garden/greenery and increased hardstanding
 - Potential impact on biodiversity and bats
 - Concerns regarding the standard of accommodation for future occupiers, including the intensity of occupation
 - Structural concerns, including works affecting the shared chimney and potential damage to adjoining property
 - Construction noise and disturbance
 - Potential future use as an HMO
 - Impact on property values.
 - Inadequate refuse and recycling storage arrangements
 - Potential obstruction of the shared side passage.
 - Impact on daylight, sunlight and outlook from the flank windows of No. 36

- Potential impact on the architectural character and setting of No. 36 Highcroft Villas as a non-designated heritage asset
- 6.2. **Councillor Steve Davis** has objected to the application. A copy of their representation is attached as an appendix to this report.
- 6.3. Full details of representations received can be found online on the planning register.

7. CONSULTATIONS

- 7.1. **Transport:** Comment.
Further information/amendments required
- 7.2. Concerns raised regarding the extent of the proposed hardstanding and crossover, with SPD14 allowing a maximum of one on-site parking space. Adequate visibility at the access and relocation of the existing school-related highway sign are required. Provision for a minimum of two secure long-stay cycle parking spaces is also required.
- 7.3. Full details of consultation response received can be found online on the planning register.

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

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban Design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application are the design and appearance of the proposed roof alterations and second-floor rear extension, the impact on the character and appearance of the host building, the associated terrace and wider area, the impact on neighbouring amenity, highway and parking matters. Other considerations include the standard of accommodation provided for the existing and future occupiers and the impacts of the development on biodiversity.

Design and appearance

- 10.2. The proposal would increase the ridge height of the main roof by approximately 725mm, through the formation of a rear dormer and a second-floor flat-roofed extension above the existing rear outrigger. The existing front roof slope and some of the flat roof section would be retained, with the dormer creating a raised section positioned behind the existing ridge rather than involving an upward extension of the front roof plane. This is an unusual relationship but would provide a visual set-back to the additional roof height and reduce its prominence when viewed from Highcroft Villas. The approximately 725mm increase would be noticeable from some parts of the associated streetscene but would not appear as a continuous or dominant increase to the principal front roof slope.
- 10.3. Highcroft Villas slopes east to west along this section of the street and consequently the terrace does not present a consistent ridge level. In this context, this increase would be noticeable but would not appear unduly prominent or disrupt an otherwise uniform roofline.
- 10.4. The rear dormer and second-floor extension, which would be located above and upon the existing outrigger would represent substantial additions and would increase the bulk of the building when viewed from the rear. This impact is acknowledged. However, the roof extension would be limited in its extent projecting nearly 6m at the rear rather than extending across the full depth/span of the existing rear projection, and the principal additional bulk would be

concentrated to the rear where there is an established variety of roof forms and rear additions.

- 10.5. There is precedent for comparable development along Highcroft Villas. Of particular relevance is at No. 26 Highcroft Villas, approved in April 2026 (under application BH2026/00130) for a second-floor rear extension over an existing outrigger together with a rear dormer. Although that application related to a dwellinghouse rather than a flat, its resulting physical form, as a result of the development approved, is relevant to the assessment of the character and appearance of the wider area. In that case, the case officer also acknowledged the substantial nature of the proposed rear additions but considered them acceptable having regard to other rear dormers and outrigger loft extensions along Highcroft Villas.
- 10.6. Representations have raised concerns regarding the relationship of the proposed development with No. 36 Highcroft Villas, which is located to the west of the application site, and the potential impact on the established character of the surrounding townscape. The architectural character of No. 36 and its relationship with the application property is acknowledged, however, due to the existing variation in roof forms and building heights along Highcroft Villas, together with the position and extent of the proposed additions, the development is not considered to result in such significant harm to the character and appearance of the surrounding area to warrant refusal.
- 10.7. Overall, whilst the proposal would result in a noticeable increase in the scale and bulk of the host property at the rear, the set-back nature of the ridge increase, the sloping and varied roofscape of the street, the limited extent of the extension above the outrigger and the established pattern of comparable rear additions are considered to satisfactorily integrate the development within its context.
- 10.8. Subject to matching external materials, the proposal would not cause significant harm to the character and appearance of the host property or wider area and is considered acceptable in accordance with Policies CP12, DM18 and DM21 of the Brighton and Hove City Plan Part One and Part Two and the principles of SPD12.

Impact on Neighbouring Amenity

- 10.9. Representations have raised concerns regarding overlooking and loss of privacy, loss of daylight and sunlight, an increased sense of enclosure, and increased noise and disturbance.
- 10.10. A new west/side-facing window is proposed within the extension to serve the second-floor shower room. The submitted drawings specify that this new window would be obscure glazed. A condition is recommended to secure the obscure glazing in order to minimise its impact towards the neighbouring property at 36. Whilst it is noted that the window could be opened due to the sash window style, the window serves a shower room and it is not considered that this would result in such loss of privacy to warrant refusal due to the oblique views towards no. 36. Nonetheless the obscuring would assist in removing any harmful loss of

privacy and it is noted that existing views are possible from an existing side window located below the new window proposed.

- 10.11. New rear-facing windows are proposed to serve additional bedrooms proposed within the extended roof-space. These would principally provide views towards the rear gardens where there is already a degree of mutual overlooking from existing first-floor windows and is characteristic of the established residential arrangement. The rear-facing window within the proposed second-floor outrigger extension would also be set back from the rear edge of the existing outrigger (as the extension would not extend across its full depth). This would provide some additional separation from the garden areas below. Whilst the proposed windows would introduce views from a higher level, having regard to their position and the existing pattern of mutual overlooking, it is not considered that they would materially alter the existing relationship or result in a significant harmful loss of privacy.
- 10.12. The proposed rear dormer and second-floor extension would increase the height and bulk of the building when viewed from the rear. Having regard to the limited extent of the additional development, its position within the existing built footprint and its relationship with adjoining properties, it is not considered that the proposal would result in an unacceptable sense of enclosure or loss of outlook to neighbouring properties.
- 10.13. The proposed roof alterations and second-floor rear extension would increase the height and bulk of the existing building. Concerns have been raised regarding potential overshadowing and loss of daylight and sunlight to the ground-floor flat within the host property and No. 36 Highcroft Villas.
- 10.14. Regarding the ground-floor flat, the extension would be built above the existing two-storey rear outrigger, which already affects the amount of light reaching the rear-facing window. Although the additional height may cause some limited additional overshadowing, the impact on the window and the external amenity area over and above the existing situation is not considered to be significant.
- 10.15. In regards to the impact upon 36 Highcroft Villas to the west, concerns have been raised on potential overshadowing of its flank windows and the side passage between the properties. The proposed development would increase the height of the building, which may result in some additional overshadowing at certain times of the day to the east facing elevation of 36. However, the proposed extension would be positioned above the existing rear outrigger and would not extend further towards No. 36. The side passage is already enclosed and overshadowed by the existing buildings, and whilst some additional shading may occur, this would not in itself result in significant harm to residential amenity harmfully over and above the existing situation given the position and scale of the proposed extension.
- 10.16. Concerns have also been raised regarding increased noise and disturbance associated with the increase in bedrooms. The proposal would enlarge the existing residential flat from one to four bedrooms but would not change its residential use or character. Whilst the enlarged accommodation could result in

an increase in domestic activity, there is no substantive evidence that normal residential occupation of the proposed flat would result in levels of noise or disturbance materially greater than could reasonably be expected within this residential location.

- 10.17. Overall, subject to the condition relating to the west facing shower-room window, the proposal would not result in an overbearing development nor result in significant harm to the privacy, outlook, daylight, sunlight or general amenity of neighbouring occupiers and is considered acceptable in accordance with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

Highways, Parking and Access

- 10.18. Representations have raised concerns regarding increased parking demand arising from the enlargement of the flat, the level of off-street parking proposed, the creation of the vehicular crossover, loss of on-street parking and associated pedestrian and highway safety. Concerns have also been raised regarding the existing school-related highway sign adjacent to the proposed access.
- 10.19. The proposal includes a relocated pedestrian access moving the access point from the western side to the eastern side of the front garden area and the formation of an off-street parking area within the front garden, served by a new vehicular crossover. The Local Highway Authority has confirmed that the relocated pedestrian access is acceptable.
- 10.20. The proposed hardstanding would be approximately 6m wide and could accommodate two vehicles and the Local Highways Authority has therefore requested that the hardstanding be reduced to accommodate a single vehicle, with the width of the crossover reduced accordingly. Off-street parking and substantial hardstandings are established features along this part of Highcroft Villas, with front gardens displaying a variety of parking arrangements and levels of soft landscaping, including frontages capable of accommodating more than one vehicle. In this context, whilst the proposed hardstanding could accommodate more than one vehicle and would exceed the maximum parking provision set out in SPD14, the level of parking provision itself is not considered to result in harm sufficient to warrant refusal of the application.
- 10.21. The proposed new crossover would require a separate licence from the Highway Authority, and the grant of planning permission would not itself guarantee that a crossover licence would be issued. The Highway Authority advises that the crossover and hardstanding would need to accord with the Council's relevant guidance, including the provision of adequate visibility at the access, with visibility splays kept free from obstruction above 600mm. The submitted arrangement shows an open frontage to the proposed hardstanding, with the existing front boundary wall removed at the access and individual brick piers proposed. On this basis, it is considered that adequate visibility can be achieved and no unacceptable impact on highway or pedestrian safety is identified. The access and necessary visibility arrangements required are proposed to be secured and retained by condition.

- 10.22. An existing school-related highway sign is positioned directly adjacent to the proposed crossover. The submitted plans acknowledge the presence of the sign and the Highway Authority advises that it would need to be relocated at the applicant's expense with an appropriate planning condition ensuring that the crossover is not brought into use until the necessary highway works have been undertaken. This is recommended.
- 10.23. The creation of the parking area would result in the loss of some existing soft landscaping within the front garden, which is regrettable. However, off-street parking and hardstandings are already characteristic of this part of Highcroft Villas, with neighbouring properties retaining varying levels of soft landscaping and some having predominantly hard-surfaced frontages. The proposed parking area would be finished with porous block paving, allowing rainwater to drain through the surface. In the context of the existing street scene, the proposed parking area is not considered to result in significant visual harm.
- 10.24. Two cycle parking spaces are required for the development in accordance with SPD14. These are not currently shown on the submitted plans. It is not known if the upper floor residential unit has access to the rear garden and Officers consider that a cycle storage facility in the altered front garden could cause visual amenity harm to the host property and wider streetscene. As such due to the constraints of the site it is not considered that a condition to require cycle storage facilities is reasonable.
- 10.25. The increase from one to four bedrooms could result in some additional parking demand, as raised in representations. However, the number of vehicles that may be associated with future occupiers cannot reasonably be assumed from the number of bedrooms alone. The proposal would itself provide off-street parking, and the level of parking provision proposed is not considered to give rise to an unacceptable impact on highway safety or the operation of the surrounding highway network. Similarly, whilst the crossover would alter the existing kerbside arrangement, there is insufficient evidence that the consequential effect upon on-street parking would result in significant highway harm.
- 10.26. Overall, the Local Highway Authority's comments regarding the width of the hardstanding and crossover, visibility, relocation of the highway sign and cycle parking are acknowledged. The level of car parking provision is not considered to provide a sustainable reason for refusal, while the remaining matters can be satisfactorily addressed through the recommended compliance conditions and/or the separate highway crossover licensing process. The proposal is therefore not considered to result in an unacceptable impact on parking provision or highway or pedestrian safety and is considered acceptable and in accordance with Policy DM33 of the Brighton and Hove City Plan Part Two.

Standard of Accommodation

- 10.27. Representations have raised concerns regarding the intensity of the accommodation and the standard of living conditions that would be provided for future occupiers.

- 10.28. The submitted floor plans demonstrate that the proposed bedrooms would be of a functional size and configuration, with sufficient space to accommodate the necessary bedroom furniture and circulation. Bedrooms 1 and 2 would be located at first-floor level, with Bedrooms 3 and 4 provided at second floor/roof level. The principal living and kitchen accommodation would remain at first-floor level.
- 10.29. The second floor accommodation would be formed partly within the altered roof space. The proposed increase in ridge height would facilitate improved internal headroom within the roof-level accommodation. The submitted section drawing indicates an internal floor-to-ceiling height of approximately 2.16m within Bedroom 3, which is below the 2.3m height specified in the Nationally Described Space Standard (NDSS). However, the NDSS requirement relates to at least 75% of the overall Gross Internal Area of the dwelling, rather than each individual room. Given that the remaining rooms within the flat generally benefit from ceiling heights exceeding 2.3m, the reduced headroom within Bedroom 3 is not considered to significantly compromise the overall standard of accommodation. Bedroom 4 would be accommodated within the proposed flat-roof rear extension and would benefit from adequate headroom.
- 10.30. Whilst some variation in headroom would arise from the roof form, the proposed arrangement is considered to provide functional and usable accommodation, maintaining an acceptable standard of residential amenity in accordance with Policy DM1 of the Brighton & Hove City Plan Part Two.
- 10.31. The proposed bedrooms and principal living accommodation would have acceptable natural light, ventilation and outlook and no concerns are raised in this respect. The proposed shower room at second-floor level would also provide appropriate bathroom facilities to serve the additional accommodation.
- 10.32. Overall, the proposed layout is considered to provide a functional and acceptable living environment for current and future occupiers of the flat. The proposal is therefore considered acceptable in this regard in accordance with Policy DM1 of the Brighton & Hove City Plan Part Two.

Biodiversity

- 10.33. A representation has raised concern regarding the potential impact on bats. The submitted Wildlife Assessment Check indicates that, based on the information provided, consultation with an ecologist is unlikely to be required. Whilst the checklist is a screening tool rather than a professional ecological assessment, there is no substantive evidence to indicate that the proposal would result in harm to protected species. It is also noted that harm to protected species is an offence under the Wildlife and Countryside Act.
- 10.34. The development is also considered exempt from mandatory Biodiversity Net Gain under the de minimis exemption, as it would not impact priority habitat or more than 25sqm of habitat with biodiversity value, or 5m of linear habitat. A condition is recommended requiring a bee brick to enhance nature conservation of the site.

- 10.35. The proposal is considered acceptable in ecological and biodiversity terms, in accordance with Policy DM37 of the Brighton & Hove City Plan Part Two.

Other Matters Raised in Representations

- 10.36. Representations have raised concerns regarding construction noise and disturbance, potential damage to adjoining properties and the shared chimney. Construction impacts would be temporary, while matters relating to structural integrity, party walls and potential damage to adjoining property are principally addressed through other legislation and are not material planning considerations.
- 10.37. A representation has referred to No. 36 Highcroft Villas as a non-designated heritage asset. However, the property is not identified as a designated or non-designated heritage asset within the Council's relevant heritage records. Notwithstanding this, the character and appearance of No. 36 and its relationship with the application site have been taken into account as part of the assessment of the proposed development.
- 10.38. The property is currently a one-bedroom flat. Concerns have been raised regarding the potential future use of the property as an HMO and the number of future occupants. The application does not seek permission for a HMO, and the proposal is therefore assessed on the basis of a continuing C3 residential use. Any future material change of use would require planning permission.
- 10.39. Concerns have been raised regarding refuse and recycling storage, including the existing storage of bins within the shared side passage. The submitted plans do not identify a specific refuse or recycling storage area. However, the proposal relates to the enlargement of an existing residential flat rather than the creation of an additional dwelling, and it is not considered that the development would result in a materially different requirement for refuse storage such that the absence of a designated bin storage area would warrant refusal of the application. Matters relating to the existing use of, or private rights of access over, the shared side passage are separate from the determination of this application.
- 10.40. The potential effect of the development on property values is not a material planning consideration and has therefore not formed part of the assessment.

Conclusion

- 10.41. The proposal would result in a noticeable enlargement to the rear of the existing flat and represent something of an unusual form of development, however, having regard to its design, the surrounding existing development and existing site context, it would not result in significant harm to the character of the area nor cause harmful impacts to neighbouring amenity that would warrant refusal of the application. The proposal would provide an acceptable standard of accommodation.
- 10.42. The level of parking provision is considered acceptable in this case with remaining highway matters capable of being addressed through conditions and

the separate crossover licensing process. No unacceptable ecological impacts have been identified.

- 10.43. Overall, the proposal is considered to accord with the development plan and is recommended for approval, subject to appropriate conditions.

11. EQUALITIES

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

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

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

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. Under the Regulations of the Community Infrastructure Levy 2010 (as amended), Brighton & Hove City Council adopted its Community Infrastructure Levy Charging Schedule on 23 July 2020 and began charging on 5 October 2020. The development is CIL liable. The precise amount payable will be calculated and confirmed separately following the grant of planning permission.



PLANNING COMMITTEE LIST

Brighton & Hove City Council

COUNCILLOR REPRESENTATION

Cllr. Steve Davis

BH2026/01425 – Flat 2, 35 Highcroft Villas

16th September 2026:

My points would concur with the residents that:

1. Overdevelopment-over-intensive use of a property that was originally designed as a single-family home. Converting a small 1 bed flat into a four-bedroom flat will significantly increase the number of occupants living at the property, thus overdevelopment of a house with no sound proofing and not designed for that amount of people.

2. Unacceptable overlooking, overshadowing and loss of privacy- the bottom flat is currently overlooked by a 1 bedroom flat. This work would mean both their garden and private workspace which is a garden office with windows facing the house would be significantly more overlooked, up to 6 extra people would be able to look directly into both spaces and also overlook into neighbours' gardens, reducing everyone's ability to use and enjoy these private spaces as is their right, also loss of light to these areas from shadow cast

3. Out of keeping with current character of this property and of others on the street- the rear of this house already sits above the other period properties on the street, this extension would mean it would be significantly taller and an eyesore for all neighbours, massively out of keeping with other neighbouring houses. That will not be in keeping with the character of the terrace of houses, which are a beautiful and sought-after row of Edwardian properties. This kind of development will set a precedent that will enable other properties in the row to do the same and will erode the nature and character of the row of houses, which are important in terms of Brighton's heritage.

4. Noise disturbance-. unacceptable noise levels to the ground floor flat from additional entry and exit by significantly more people given 3 extra bedrooms- 6 ADDITIONAL people- when the communal door is right beside their living room and there is no soundproofing, 8 people coming and going through this door represent massive noise disturbance, also loud car and people noise with cars parking <1m from ground floor flat front window.

5. Traffic issues- driveway proposed would mean removal of a school patrol sign which is against public safety given the nearby proximity of a primary school. parking would be very close to a large, busy junction proposing a safety risk to pedestrians. the proposed parking is completely inadequate for the amount of bedrooms proposed meaning extra street parking congestion

We believe due to the impact on neighbours, including ourselves, local residents driving and parking nearby and local families accessing the primary school it should be brought to your attention and would deserve a thorough discussion before a full planning committee, not a single individual decision.

ITEM I

**46 North Gardens
BH2025/00389
Householder Planning Consent**

DATE OF COMMITTEE: 28th October 2026

BH2025 00389 - 46 North Gardens



**Brighton & Hove
City Council**

N



Scale: 1:1,250

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<u>No:</u>	BH2025/00389	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	46 North Gardens Brighton BN1 3LB		
<u>Proposal:</u>	Proposed new door to rear garden wall (Retrospective).		
<u>Officer:</u>	James Ing,	<u>Valid Date:</u>	13.02.2025
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	10.04.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	20.06.2025
Agent:			
Applicant:	Peppy Conrad 46 North Gardens Brighton BN1 3LB		

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	SU001		13.02.2025
Proposed Drawing	PL002		13.02.2025

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. The application site relates to the rear garden of No. 46 North Gardens, a three-storey terraced dwelling located in the West Hill and North Laine ward, on the eastern side of North Gardens. The application sites rear garden abuts an alleyway running behind the properties of North Gardens and Queens Road. The alleyway is accessed via North Road.
- 2.2. The application site is located within the West Hill Conservation Area and there is an associated Article 4 Direction relating to the requirement for planning permission for alterations and extensions on house frontages that face a highway or public open space including front boundary alterations.
- 2.3. The western wall of the alleyway (the wall that is the subject of this application) is constructed with bungaroosh – this is a historic material, though it is noted that the wall is not listed.
- 2.4. The application is assessed further to a site visit undertaken on 04/04/2025 to the alleyway and in conjunction with the submitted site photos, plans and online aerial/street-level photography.

3. RELEVANT HISTORY

- 3.1. **ENF2024/00588** - 'Breach of Conditions' – Current Enforcement Investigation
- 3.2. **BH2024/01964** - 'Installation of door to rear garden wall.' - Approved on 07/10/2024

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively for the creation of a new door way into an external boundary wall to provide access to a rear alleyway.
- 4.2. Planning permission was previously sought and approved via application ref. BH2024/01964 for the proposed installation of a timber door to the rear garden wall to allow access to the rear alleyway (accessed from North Road).

- 4.3. An Enforcement Investigation has established that the works undertaken on site are not in accordance with the plans approved in 2024. These changes are:
- As constructed the door is set within the northern half of the wall rather than centrally as approved.
 - The approved door did not show disturbance to the surrounding existing flint wall, whilst there is infilling of brickwork around the door surround.
 - The design of the approved door differs to that which has been installed, and
 - The proposed floor plan did not show that a residential unit is situated behind the application site within the alleyway, instead showing an alleyway wall.
- 4.4. Retrospective planning permission is now sought to regularise the unauthorised alterations undertaken.

5. REPRESENTATIONS

- 5.1. In response to publicity, responses were received from **five (5)** individuals, objecting to the application for the following reasons:
- Adversely affects Conservation Area,
 - Poor design - The brick jars with the historic bungaroosh, and the door style is inappropriate,
 - Loss of privacy,
 - Potential for additional noise,
 - Concern relating to access rights to the alleyway,
 - Door is a health and safety risk due to its height from the ground level of the alleyway, and
 - Compromises security - the application site is an HMO and the tenants change frequently
- 5.2. Public re-consultation of the application was undertaken in September as the application had not originally been advertised as being within a Conservation Area.
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

None required.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

Conservation Area Character Statement:

West Hill Conservation Area Character Statement

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the impact of the development on the appearance and character of the host building and the wider area, including the surrounding Conservation Area, and the amenities of adjacent occupiers and future occupiers of the application site.

Principle of Development

The West Hill Conservation Area Article 4 Direction states that:

'The council now directs that house frontages that face a highway or public open space (but not rear facades) within the West Hill Conservation Area should be subject to the same restrictions that apply to commercial premises or residential flats...Permission is also required to demolish, alter or erect a front boundary wall, fence or railings.'

- 9.2. Considering the boundary wall in question relates to the rear, it can be concluded that the wall retains PD rights.
- 9.3. For the completeness it is prudent to consider two different sections of the General Permitted Development Order (GPDO) to assess whether the alteration adheres to the legislation and therefore does not require planning permission:

Schedule 2, Part 11, Class B - demolition of buildings

The first question is whether the alteration constitutes 'development' (which is PD) or 'demolition' (which would not benefit from PD). Case law supports the assertion that the alteration would constitute 'development' via the case of 'Barton v Secretary of State for Communities and Local Government, [2017] EWHC 573 (Admin)', which relates to the alteration of a portion of wall in a Conservation Area.

- 9.4. The key difference between the referenced case and the alteration at the application site is that in the former, a the 'pedestrian gate, lintel and stonework' was removed and nothing constructed in it's place. In this application the initial demolition gave rise to the erection of a doorway. The case law dictates that whether an alteration can be considered 'development' or 'demolition', hinges on whether the demolished portion of the wall is left 'to lay in ruins' or is developed upon. In this case the wall has not remained part demolished and is thus not considered as "demolition".

Schedule 2, Part 2, Class A - gates, fences, walls etc

The development carried out on site has been assessed and it is concluded that the alteration adheres to Schedule 2, Part 2, Class A - gates, fences, walls etc of the General Permitted Development Order 2015 (as amended).

- 9.5. As such, it is considered that the alteration subject of this application, adheres to the General Permitted Development Order 2015, and would therefore be possible under Permitted Development rights, and does not require planning permission. This "fallback" is given considerable weight in this assessment.
- 9.6. Notwithstanding this an application for permission has been made to the Council and therefore a complete assessment follows in the interest of completeness.

Design and Appearance and Impact on Heritage Assets

- 9.7. There are no listed buildings or locally listed heritage assets in close proximity to the application site or affected by the development.

- 9.8. 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.
- 9.9. 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*".
- 9.10. The NPPF at DM8 states:
'In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.'
- 9.11. In this case, the carrying out of works to the rear wall was brought to the council's attention via an enquiry made to the Enforcement Team in November last year.
- 9.12. In terms of the NPPF, there is no firm or clear evidence that the unauthorised development was intentional – there is no clear private benefit to the unauthorised door location, as opposed to the approved location. The applicant was advised that a planning application would be required to seek to regularise the development which was submitted in February of this year.
- 9.13. The installed door as implemented is considered somewhat regrettable due to use of non matching materials in the door surround and the style of door being a non traditional garden door.
- 9.14. Any disturbance to the existing historic bungaroosh wall should ideally have been made good to match at the time of construction, however an irregular infilling of red brick has been implemented. Whilst the presence of a small amount of red brick in the pre-existing (prior to ref. BH2024/01964) situation is noted, the increased amount of red brick is visually very different to the adjoining bungaroosh wall.
- 9.15. However, crucially, the aforementioned concerns with the door and doorway are tempered by the fact that it is not visible from the public realm, limiting the extent of its impact on visual amenities, and having limited impact on the streetscene and wider Conservation Area.
- 9.16. On balance, the proposed door is a discordant addition to the rear wall departing from the use of traditional materials, for this reason the development does cause a small degree of harm to the Conservation Area. It is also noted however that the development is not visible from the public realm. No significant harm is therefore considered to result and no significant conflict with City Plan policies has been identified sufficient to warrant refusal of the application.

Impact on Amenities

- 9.17. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.18. The installed door, when open, would afford additional views into the adjacent alleyway, which is shared by a number of properties. A residential unit (forming part of the rear of 38 Queens Road) is sited within this back-land setting and the patio area associated with No. 38 is part open to the alleyway.
- 9.19. The views afforded when the installed door is open would be oblique when viewed from the application site dwelling, and the aforementioned patio is likely already visible from the upper floors of neighbouring dwellings. Any views afforded whilst the application site occupants are using their garden (with the door open) would be mutual and not unacceptable in planning terms given the close proximity and tight knit nature of dwellings in the city centre.
- 9.20. The installed doorway does not give rise to any harmful overshadowing, loss of light, or sense of enclosure.
- 9.21. Representations have raised additional noise as a concern. The installed door would provide access to a garden area and would not create or facilitate any additional noise impacts above the use of the existing amenity areas.
- 9.22. Whilst the concerns expressed within the representations are noted no amenity harm has been identified.
- 9.23. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook, overlooking and loss of privacy and no significant harm has been identified to warrant refusal.

Impact on Access and Highways

- 9.24. The alteration sees a new access point created leading to a privately owned alleyway. The alleyway is not accessible by the public, being protected by a secure metal gate, operated by physical and electronic keys, and is too narrow to accommodate vehicular traffic. The rights relating to access to the alleyway, and who is given/currently has keys, is not clear. The installed door opens inwards into the application sites rear garden, so there is no risk of the door striking anyone or obstructing pedestrian movement in the alleyway.
- 9.25. The sharp drop between the doorway and the ground level of the alleyway is noted, the concerns relating to health and safety are acknowledged, however this is not considered to raise any reasons to warrant refusal of the application.
- 9.26. Objectors have raised concerns relating to the application site occupants' right to access the alleyway and have also cited security concerns. Whilst the concerns expressed are noted, matters such as access right are a strictly civil matter not a material planning consideration in this context. Approval of the

installed doorway would not have any bearing on the applicants right, or lack thereof, to use the alleyway.

Biodiversity Gain Plan

- 9.27. Please note that this scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because:
- It is an application relating to a householder.

Conclusion

- 9.28. Significant weight is given to the fact that no planning permission would be required for the installation.
- 9.29. The development undertaken at the site cannot be seen from the public realm and would have a limited impact on the Character and appearance of the West Hill Conservation Area causing a small degree of harm which, in this context, is not considered to warrant refusal of the application. No notable harm to neighbouring amenity or transport planning matters has been identified.
- 9.30. In consideration of all the above the application is recommended for approval.

10. COMMUNITY INFRASTRUCTURE LEVY

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

11. EQUALITIES

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

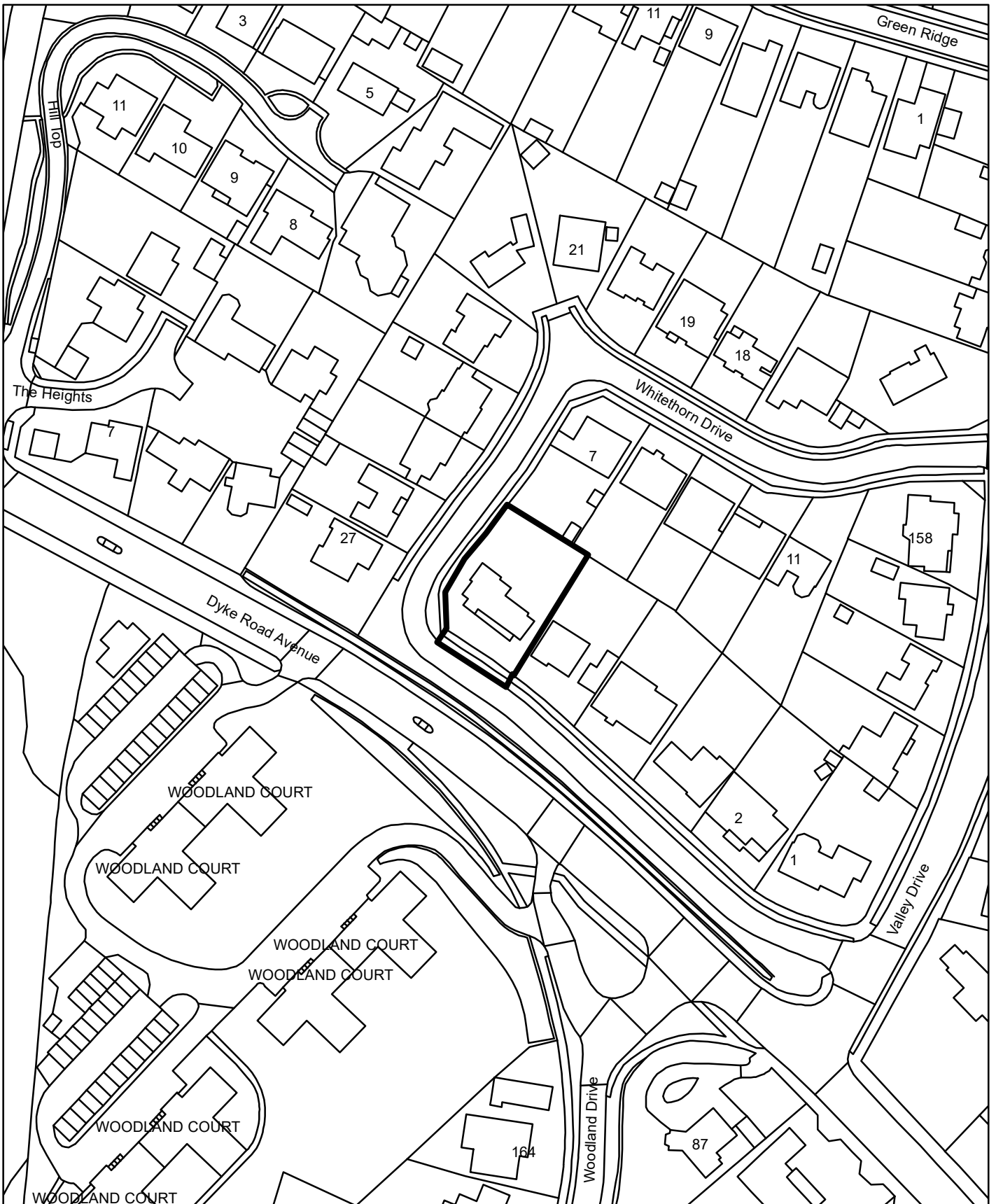
- 11.3. The aforementioned large drop from the doorway to the alleyway is noted, and it is acknowledged that this would not be suitable for people with mobility issues.

ITEM J

**6 Whitethorn Drive
BH2025/01807
Removal or Variation of Condition**

DATE OF COMMITTEE: 28th October 2026

BH2025 01807 - 6 Whitethorn Drive



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2025/01807	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	6 Whitethorn Drive Brighton BN1 5LH		
<u>Proposal:</u>	Application to vary Condition 1 of planning permission BH2022/02727 to allow amendments to approved drawings. (Retrospective)		
<u>Officer:</u>	Charlotte Tovey,	<u>Valid Date:</u>	21.07.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15.09.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	04.09.2026
<u>Agent:</u>	Wang Dao Architecture Ltd Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Christina Kin Yan Tam 6 Whitethorn Drive Brighton BN1 5LH		

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	2206 PL1 06B		09-Oct-26
Proposed Drawing	2206 PL1 07G		09-Oct-26
Proposed Drawing	2206 PL1 08G		09-Oct-26
Location and block plan	2206 PL1 01C		09-Oct-26
Proposed Drawing	2206 PL1 02A		09-Oct-26
Proposed Drawing	2206 PL1 03A		09-Oct-26
Proposed Drawing	2206 PL1 04G		09-Oct-26
Proposed Drawing	2206 PL1 05E		09-Oct-26

2. The first floor window in the east side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

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

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

Informatives:

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

Biodiversity Net Gain

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

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

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

2. SITE LOCATION

- 2.1. The application site comprises a two-storey detached dwelling on a corner plot located at no. 6 Whitethorn Drive. The site is situated just north of Dyke Road Avenue which is one of the key roads into the City, just off the A27 in the northern part of the City.
- 2.2. The street scene comprises of large detached dwellings that are set back from the street scene by front gardens. The site is not located in a Conservation Area or subject to an Article 4 Direction restricting permitted development rights.

3. RELEVANT HISTORY

- 3.1. **BH2022/02727** - Erection of two-storey side extension and single storey rear extension, rear dormer and insertion of roof lights, erection of porch, refurbishment of balcony with new deck and glass balustrade, revised fenestration, garage conversion into habitable room, new front parking hard

surface, rebuild existing front boundary wall and creation of vehicular crossover. Approved. 27.10.2022

- 3.2. **BH2022/01534** - Erection of two storey side and rear extensions, roof alterations incorporating raising of ridge height, installation of rear dormer and front rooflights and terrace, Erection of front extension, extension to existing front balcony with glass balustrade, conversion of garage to habitable space. New front parking hard surface, alterations to front boundary wall including installation of gates and vehicular crossover, new carport and side timber shelter with revised fenestration and associated works. Refused 27.07.2022

4. APPLICATION DESCRIPTION

- 4.1. The application is retrospective and seeks permission to vary the approved plans (condition 1) of BH2022/02727 under Section 73 of the Town and Country Planning Act as there have been a number of amendments to the design of the approved development principally including the following:
- Alterations to the opening method of the approved fenestration,
 - Alterations to the front door and rooflights,
 - A flat roof has been built to the ground floor rear extension instead of the proposed 'false' pitched roof,
 - Alterations to landscaping at the rear and enlargement of the existing crossover at the front of the site.
- 4.2. During the course of the application the plans have been updated to add detailing that was missed in the original submission, and the drawings have been relabelled pre- existing and existing as the works are retrospective.
- 4.3. Whilst it is preferable for planning permission to be granted prior to any works commencing, the principle of applying for these works retrospectively is permissible in law and the application remains subject to the material planning considerations listed below.

5. REPRESENTATIONS

- 5.1. Objections have been received from two (2) local residents raising the following concerns:
- The design and built form of the dwelling is not in accordance with the approved plans under BH2022/02727, it has been built higher and closer to the boundary than approved.
 - The design is out of keeping with the street scene and visually intrusive.
 - The neighbours amenity has been harmed from the build, resulting in a loss of sunlight, privacy and as built results in an overbearing form of development.
 - The security alarm and lights are disruptive to local residents
 - The alterations cause damage to the neighbours property in regards to rain water run off, resulting in damp

- The construction is non-compliant with Building Regulations and poorly finished
 - Excessive amount of hard surfacing at the front of the site
 - The development has a negative effect on house prices
- 5.2. An objection has been received from Councillor Ivan Lyons and a copy of the representation is appended to this committee report.

6. CONSULTATIONS

- 6.1. **Sustainable Drainage:** No objection
- 6.2. **Transport:** Acceptable subject to the recommended conditions.

7. MATERIAL CONSIDERATIONS

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

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces

Brighton & Hove City Plan Part Two

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

DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage

Supplementary Planning Documents

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of the application are the whether the amendments fall outside the scope of the original planning permission, the design and appearance of the amendments and their impact upon neighbouring amenity. The impact of the development on biodiversity, highways and sustainable drainage also requires consideration.
- 9.2. The site has been visited by the Case Officer, Planning Manager and Enforcement Manager and key measurements of the building have been taken to investigate whether the development as constructed falls outside the scope of planning permission BH2022/02727. This assessment has also been informed by photographs taken throughout the construction process, including images provided by neighbouring residents, enforcement records and historic street-level imagery.
- 9.3. It is evident that a greater degree of demolition occurred than was originally proposed or anticipated. However, following investigation by the Council's Enforcement and CIL officers, it was concluded that a sufficient proportion of the original structure was retained and that the extent of demolition did not amount to a redevelopment requiring a separate full planning application.
- 9.4. Concerns have been raised by neighbouring residents that the ridge height has increased, citing the introduction of a horizontal band between the first-floor windows and eaves and the steeper pitch of the rear catslide roof are indicative that the height of the development is taller than the pre-existing height of the building.
- 9.5. An investigation as to whether this application can be dealt with by a S73 application has taken place as increasing the ridge would fall outside the scope of the approved planning permission BH2022/02727 and need to be dealt with by a new planning application. Having inspected the site and undertaken measurements of both the retained and reconstructed elements of the dwelling, officers are satisfied that the rebuilt roof reflects the scale and form of the previously existing dwelling. Whilst the rear catslide roof has been constructed at a steeper pitch, this has been accompanied by lowering the

first-floor ceiling levels internally and ground levels adjacent to the side access and front of the site have also been reduced.

- 9.6. On the basis of the information available there is no compelling evidence to demonstrate that a material increase in the ridge height has occurred. Taking all available evidence into account, the Local Planning Authority is satisfied that the development remains within the scope of planning permission BH2022/02727 and that the current application seeking retrospective amendments can therefore be determined on its planning merits through this Section 73 application.

Design and Appearance

- 9.7. During the course of this application, concerns have been raised that the design, appearance and built form of the dwelling is the same as the refused scheme BH2022/01534. On examination there are considered to be sufficient differences from the application amendments proposed here and the refused 2022 scheme. This can be demonstrated by comparing the refused elevational drawings of BH2022/01534 to the allowed elevations BH2022/02727 and now as existing under this application.
- 9.8. The approved scheme BH2022/02727 presented a relatively simple and uniform front elevation with a continuous balcony and a flatter façade treatment.
- 9.9. The development as constructed introduces additional vertical cladding elements and framing features across the elevation, adding definition between the glazing units. There are also associated changes to the positioning and detailing of some openings and external materials; however, the overall scale, form, height, massing and contemporary architectural approach remain consistent with the approved development.
- 9.10. Whilst the amendments result in a more visually segmented façade compared with the approved plans, the revised design remains coherent and well-proportioned. The use of contrasting cladding and render provides additional depth and visual interest, helping to break up the perceived bulk of the building. The alterations do not appear incongruous or overly dominant and continue to reflect the contemporary character of the approved scheme.
- 9.11. At the rear the ground floor rear extension has been constructed with a flat roof instead of a pitched roof. Whilst the original pitched roof design was more in keeping with the principal roof, due to the orientation of the works at the rear (not highly visible from the public realm), no harm is considered to be caused and the alteration is considered to be an acceptable amendment.
- 9.12. The amendments to the scheme are considered to maintain an acceptable appearance and would not result in harm to the character of the host building or the wider street scene. Therefore, the retrospective changes are considered acceptable in design terms.

- 9.13. Overall the amendments to the elevations as built when compared with the approved plans are considered to be acceptable and would accord with design policies DM18, DM21 of City Plan Part Two and CP12 and CP13 of City Plan Part One.

Impact on Amenity

- 9.14. A number of concerns have been raised from the occupiers of neighbouring properties regarding the impact of the development on residential amenity. The principal concerns relate to the height, proximity and design of the building and the resulting effects on outlook, daylight, sunlight and privacy.
- 9.15. The development has been inspected on site by officers and measurements taken of the completed building. It has been established that the separation distance between the side elevation of the application site and the boundary fence with No. 5 Whitethorn Drive is approximately 1.8m at the front and 1.2m at the rear. The approved drawings indicated that this separation would be 2m.
- 9.16. The side elevation of the development at no. 6 faces the side elevation of No. 5 Whitethorn Drive and, whilst the relationship is relatively close, the degree of separation remains sufficient to maintain an acceptable level of openness between the buildings. Having regard to the siting, scale and height of the development, officers are satisfied that the built form does not appear unduly dominant or oppressive when viewed from neighbouring habitable rooms or private amenity areas. The development continues to provide adequate spacing such that natural light can reach the side elevation windows serving neighbouring accommodation and the relationship is not considered to result in unacceptable level of overshadowing or loss of outlook.
- 9.17. In respect of privacy, the amendments to the fenestration and rooflights do not introduce any significant additional opportunities for overlooking beyond those already assessed under the approved planning permission. As such, the development would not result in a material loss of privacy to neighbouring occupiers.
- 9.18. Whilst neighbouring residents have asserted that the development has been constructed higher than approved, officers have (as above) undertaken an investigation into the scale of the building and are satisfied that there is no compelling evidence to demonstrate a material increase in the ridge height of the roof. Consequently, the assessment of daylight, sunlight, outlook and overbearing impacts remains comparable to that previously considered acceptable under planning permission BH2022/02727.
- 9.19. Overall, having regard to the relationship between the development and neighbouring properties, including No. 5 Whitethorn Drive, it is considered that the retrospective amendments would not result in a significant loss of light, outlook or privacy, nor would they create a harmfully overbearing form of development that would warrant refusal. The impact on neighbouring amenity is therefore considered acceptable in accordance with policy DM20 of City Plan Part Two.

Transport

- 9.20. The original site layout included a low level brick front boundary wall, staggered in height following the topography of Whitethorn Drive with one vehicular crossover.
- 9.21. The amendments to the front of the site approved with application BH2022/02727 added another crossover with a central footpath. The plans detailed two cars on the hard standing.
- 9.22. The Local Highway Authority were consulted on this current application and raised no objection to the amendments to the proposed site plan which further increased the existing crossover to 4m and did not consider the development would significantly impact the public highways and recommended a pre commencement condition requiring further details regarding the height and position of the boundary and any gates.
- 9.23. The existing boundary (as built) is a rendered wall constructed in the same staggered appearance as the pre-existing front boundary, however both crossovers are now constructed 4m in width and the piers at the crossover are 1.1m in height, the same as the pre-existing situation.
- 9.24. The built crossover is not in accordance with SPD14 as the SPD requires the height of the boundary treatment to be no more than 0.6m at newly constructed crossovers. However, given that a boundary wall could be built up to 1m in height under permitted development rights, it is not considered that a wall at a height of 1.1m would warrant refusal of the application. The height of the boundary wall is similar to the pre-existing boundary treatment with an additional crossover. The addition of a 4m crossover and proposed wall height is not expected to cause a safety hazard to pedestrians or cause a detrimental impact to the safe operation of the public highway that would warrant refusal of the application.

Sustainable Drainage

- 9.25. Consultation with the Sustainable Drainage Team concluded that the proposed amendments at the front of the site with permeable paving were unlikely to affect the development's flood risk or drainage characteristics significantly and no further concerns are raised in this respect.

Biodiversity

- 9.26. Adequate soft landscaping has been retained at the side and rear of the site that the amendments to the landscaping are not considered to significantly harm to the biodiversity of the site.
- 9.27. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a retrospective application under s73A.

Other Matters

- 9.28. Concerns have been raised that the impact of the development has negatively affected neighbouring house prices. However, loss of value to a property is not a material planning consideration.
- 9.29. Concerns have been raised that the project has been built poorly and is unsafe. An Approved Inspector (Building Control) has inspected the works and issued a certificate confirming compliance.
- 9.30. Concerns have been raised that the water run off from the roof is causing damage and damp to the neighbouring property. The drainage fitted appears to be within the curtilage of the site and no pipework is overhanging the boundary or discharging into the neighbouring site that was seen on the case officers site visits. Whilst this is noted if there is rain/water run off towards the neighbouring property this is a civil matter in this context and outside the scope of planning considerations.
- 9.31. Concerns were raised that the boundary fence was fitted to the neighbours property without permission and has caused damage. If this is the case then this is also a private civil matter that falls outside planning considerations in this context.
- 9.32. Concerns were raised that a security alarm and light are causing a disruption to neighbouring residents. The security alarm and light would be considered to be de-minimus and not require planning permission. Whilst this is the case the alarm was intermittently sounding on the site visit and after raising this with the applicant has been allegedly fixed. Should any further disruption from the alarm or security light be experienced neighbouring residents could report the matter as a light and noise nuisance to our Environmental Health Team for further investigation.

Conclusion

- 9.33. Following site visits and investigations officers do not consider that there is compelling evidence to demonstrate that a material increase in ridge height has occurred. Taking all available evidence into account, the Local Planning Authority is satisfied that the development remains within the scope of planning permission BH2022/02727 and that the current application seeking part retrospective amendments can therefore be determined on its planning merits.
- 9.34. On balance, whilst the separation distances to neighbouring residents at the side (adj No.5 Whitethorn) have been reduced there is considered to be adequate separation remaining between no. 6 and its neighbour at no. 5's side elevation in order that the extension would not be demonstrably harmful to the neighbour's amenity to warrant refusal. The amendments to the front boundary treatment and access are not considered to cause a hazard to pedestrians or be out of keeping with other boundaries on Whitethorn Drive.
- 9.35. Visually the built form of no. 6 Whitethorn Drive is considered to have an acceptable impact on the street scene. The amendments from the previously approved plans are considered to be acceptable causing no demonstrable

harm to the character and appearance of the area. The amendments and reduction in the separation distances are not considered to cause harm to the amenity of neighbouring occupiers sufficient to warrant refusal of the application.

- 9.36. The amendments to the dwelling can therefore be considered within the scope of the original application and can therefore be considered under the submitted Section 73 and for the reasons stated above are recommended for approval.

10. EQUALITIES

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

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

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

NEW APPEALS RECEIVED BETWEEN
03/09/2026 - 07/10/2026

Ward	Regency
Appeal Ref	APL2026/00040
Appeal App Number	BH2026/00065
Address	33 Montpelier Road Brighton BN1 2LQ
Development Description	Application to vary condition 1 (approved drawings) and remove condition 8 (proposed front boundary wall and railings) of planning permission BH2021/01733.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	15/09/2026
Application Decision Level	Delegated

Ward	West Hill & North Laine
Appeal Ref	APL2026/00042
Appeal App Number	BH2025/03044
Address	Flat At 37 Trafalgar Street Brighton BN1 4ED
Development Description	Change of use from dwellinghouse (C3) to flexible use as dwellinghouse/short-term holiday let (C3/Sui Generis). (Retrospective)
Application Status	APPEAL IN PROGRESS
Appeal Received Date	30/09/2026
Application Decision Level	Delegated

Ward	Westdene & Hove Park
Appeal Ref	APL2026/00043
Appeal App Number	BH2026/00274
Address	16 Deanway Hove BN3 6DG
Development Description	Change of use of mobile unit to a flexible use comprising an ancillary residential use for persons related to those residing in the main dwelling, and as visitor accommodation use for up to 90-nights per year (sui generis). External alterations include provision of 2no trellises above existing close boarded fences at north-east and south-west boundaries.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	01/10/2026
Application Decision Level	Delegated

Ward	West Hill & North Laine
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Appeal Ref	APL2026/00041
Appeal App Number	BH2026/00597
Address	32A Viaduct Road Brighton BN1 4NB
Development Description	Display of internally-illuminated digital poster to replace existing poster panel.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	22/09/2026
Application Decision Level	Delegated

Ward	Woodingdean
Appeal Ref	APL2026/00044
Appeal App Number	BH2026/01178
Address	3 Cowley Drive Brighton BN2 6WA
Development Description	Erection of a 2no. bedroom detached dwelling (C3) with associated parking and amenity.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	06/10/2026
Application Decision Level	Delegated

Ward	Kempton
Appeal Ref	APL2026/00045
Appeal App Number	BH2026/01503
Address	8 Sudeley Terrace Brighton BN2 1HD
Development Description	Loft conversion and roof alterations including no. 2 rooflights on the front elevation including raising the ridge line and rear lower ground floor extension.
Application Status	APPEAL IN PROGRESS
Appeal Received Date	07/10/2026
Application Decision Level	Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN
23/09/2026 - 13/10/2026

Wardname	Round Hill
Appeal Application Number	APL2026/00032
Address	16 And 16A Richmond Road Brighton BN2 3RN
Development Description	Replacement windows in lower ground, ground and first floor bays.
Appeal Type	Against Refusal
Appeal Decision	Appeal Dismissed
Planning Application Number	BH2026/00144
Application Decision Level	Delegated
