

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

1. RECOMMENDATION

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

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

Informatives:

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

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

2. SITE LOCATION

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

3. STATEMENT OF SIGNIFICANCE

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

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

4. RELEVANT HISTORY

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

Reason for refusal:

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

5. RELEVANT HISTORY AT OTHER SITES

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

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

6. APPLICATION DESCRIPTION

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

7. REPRESENTATIONS

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

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

8. CONSULTATIONS

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

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

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

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

8.6. Transport: No objection

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

9. MATERIAL CONSIDERATIONS

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

9.2. The development plan is:

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

10. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

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

CP10	Biodiversity
CP12	Urban Design
CP15	Heritage

Brighton & Hove City Plan Part Two (CPP2)

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

Rottingdean Neighbourhood Plan (RNP)

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

Supplementary Planning Documents (SPD)

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

Conservation Area Character Statements

Rottingdean (2012)

11. CONSIDERATIONS & ASSESSMENT

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

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

Principle of Development

11.4. CPP2 policy DM25 states:

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

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

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

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

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

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

Design, Appearance and Visual Impacts

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

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

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

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

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

Impact on Amenities

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

Public Benefits

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

Archaeology

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

Other Considerations

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

Biodiversity Net Gain (BNG)

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

Conclusion & Planning Balance

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

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

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

12. EQUALITIES

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

material impact on individuals or identifiable groups with protected characteristics.