

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

1. RECOMMENDATION

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

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	1016-PL-S 00	PL1	22-Dec-25
Proposed Drawing	1016-PL-F-GA 00	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GA LG	PL2	22-Dec-25
Proposed Drawing	1016_PL-GA-LG	PL3	22-Dec-25
Proposed Drawing	1016-PL-F-GE 01	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GE 02	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GE 03	PL2	22-Dec-25
Proposed Drawing	1016-PL-F-GE 04	PL2	22-Dec-25

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

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

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

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

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

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

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

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

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

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

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

7. The development hereby permitted shall not be first brought into use/ occupied until a scheme for the control of light output from the rooflights of the commercial unit between the hours of 22:00 and 06:00, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved details prior to the first use of the development hereby approved, and shall thereafter be retained as such.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.
3. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

2. SITE LOCATION

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

3. RELEVANT HISTORY

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

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

4. APPLICATION DESCRIPTION

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

5. REPRESENTATIONS

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

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

6. CONSULTATIONS

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

7. MATERIAL CONSIDERATIONS

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

- Hove Station Neighbourhood Plan (adopted February 2024)
- Rottingdean Neighbourhood Plan (adopted February 2024)
- West Saltdean Neighbourhood Plan (adopted December 2025)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

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

Brighton & Hove City Plan Part Two:

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

Supplementary Planning Documents:

SPD14 Parking Standards

9. CONSIDERATIONS & ASSESSMENT

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

Principle of Proposal:

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

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

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

Impact on Amenity:

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

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

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

Sustainable Transport:

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

Ecology/ Biodiversity Net Gain:

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

Conclusion:

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

10. EQUALITIES

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

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

