

7th October 2026 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment																																																
25	41 - 44 Western Road Brighton BN1 2EB	BH2024/02608	An additional condition will be added as follows to ensure necessary controls over the type of use: 'The premises shall be used only for purposes falling within Class E(a), E(b), E(c) and E(e) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purposes within Class E of that Schedule, without the prior written approval of the Local Planning Authority. Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part 2, and to ensure the vitality and viability of the prime retail frontage and to comply with policy DM12 of the City Plan Part 2.'																																																
61	1 Barrack Yard	BH2025/02689	Condition 1 Plans List - Updated to reflect correct plan submission date (bolded for reference): <table border="1"> <thead> <tr> <th>Plan Type</th><th>Reference</th><th>Version</th><th>Date Received</th></tr> </thead> <tbody> <tr> <td>Location and block plan</td><td>001</td><td>B</td><td>13-Apr-26</td></tr> <tr> <td>Location and block plan</td><td>002</td><td>B</td><td>13-Apr-26</td></tr> <tr> <td>Proposed Drawing</td><td>150</td><td>C</td><td>21-Sep-26</td></tr> <tr> <td>Proposed Drawing</td><td>151</td><td></td><td>04-Nov-25</td></tr> <tr> <td>Proposed Drawing</td><td>152</td><td></td><td>04-Nov-25</td></tr> <tr> <td>Proposed Drawing</td><td>153</td><td>B</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>154</td><td>B</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>200</td><td>D</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>004</td><td>B</td><td>13-Apr-26</td></tr> <tr> <td>Proposed Drawing</td><td>210</td><td>D</td><td>20-Jul-26</td></tr> <tr> <td>Proposed Drawing</td><td>211</td><td>D</td><td>20-Jul-26</td></tr> </tbody> </table> Condition wording changes:	Plan Type	Reference	Version	Date Received	Location and block plan	001	B	13-Apr-26	Location and block plan	002	B	13-Apr-26	Proposed Drawing	150	C	21-Sep-26	Proposed Drawing	151		04-Nov-25	Proposed Drawing	152		04-Nov-25	Proposed Drawing	153	B	20-Jul-26	Proposed Drawing	154	B	20-Jul-26	Proposed Drawing	200	D	20-Jul-26	Proposed Drawing	004	B	13-Apr-26	Proposed Drawing	210	D	20-Jul-26	Proposed Drawing	211	D	20-Jul-26
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Condition 3: amended trigger point for materials condition submission to be 'prior to external works' (as no new ground floor slab is being installed, which was original trigger point)

Condition 8: amended and reduced lighting condition wording to state:
Prior to the installation of any external lighting, details of its location, design, levels of luminance, hours of operation and maintenance shall be 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.

This is now considered proportionate to the scale of the development proposed.

Condition 11: amended trigger point for drainage condition submission to be 'prior to external works or below ground drainage works' (as no new ground floor slab is being installed, which was original trigger point)

Condition 18: amended trigger point for ecological condition submission to be 'prior to external works' (as no new ground floor slab is being installed, which was original trigger point)

Condition 25: amended wheelchair and accessible and adaptable dwellings wording to state Unit 3 is the proposed M4(3) unit and all other units, except Unit 5 and 8, shall be M4(2) units.

Units 5 and 8 cannot be M4(2) compliant as they have a separate stairs from ground to first floor and no lift access.

97	Brighton and Hove High School Junior Department, Radinden Manor Road, Hove, BN3 6NH	BH2026/00749	2 further representations received from Councillor Samer Bagaeen maintaining his <u>objection</u>. See full copies appended to this Late List. 4 further representations received <u>objecting</u> to the scheme on grounds covered and addressed within the report, in summary: - How will occupants be vetted; site is close to schools/safeguarding issues - Do residents need support; needs robust management - 47 people not needed to guard/prevent anti-social behaviour - Intensity of use; harm to residential character - Noise and disturbance - Highways safety/congestion - Infrastructure strain Consultee comments received from Transport Team: <u>No objection subject to conditions</u> requiring cycle parking scheme, delivery and service management plan and car park layout/management scheme. Plus permit-free Informative. Officer response: The following conditions are recommended, as per the Transport Team's request, with amendments to ensure they are reasonable and proportionate to the temporary nature of the proposal: Additional Condition: Within 3 months of this decision a Delivery & Service Management Plan (DSMP) shall be submitted to the Local Planning Authority for written approval. All deliveries and servicing arrangements shall thereafter be carried out in accordance with the approved details. The DSMP shall include: -anticipated types and sizes of delivery and servicing vehicles -anticipated frequency and timing of deliveries and servicing -proposed stopping and loading arrangements -measures to manage clusters of deliveries, peak-period deliveries and unsuccessful delivery attempts
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			-confirmation of how vehicles can lawfully stop adjacent to the site having regard to the existing SCHOOL KEEP CLEAR restriction, and evidence to demonstrate whether an amendment to the Traffic Regulation Order to allow loading/unloading is necessary (and evidence of carrying out of that TRO if proven to be required). Reason: In order to ensure the safe operation of the development and the protection of the amenities of nearby residents, in accordance with policies DM20, DM40, DM33 and DM36 of the Brighton & Hove City Plan Two. Additional Condition: Within 3 months of approval of the development hereby permitted, a car park layout plan shall have been submitted to the Local Planning Authority for written approval. This shall include details of existing and proposed parking areas and signage (markings and signs) for the management of all forms of parking and stopping as appropriate and details of: - how the 4 parking spaces will be allocated and managed - how vehicles safely and conveniently turn to leave the site in a forward gear - evidence of any provisions for the mobility and visually impaired such as tactile paving The approved parking scheme shall be fully implemented and made available for use thereafter the formal approval by occupants/visitors of the HMO development hereby approved. Reason: To ensure the development provides for the needs of occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies SPD14 Parking Standards and CP9 of City Plan Part One & DM33 and DM36 of City Plan Part Two. Additional Informative: Restriction of Parking Permits - The Local Highway Authority has assessed this application and determined that the development should not be eligible for residents' parking permits within the Controlled Parking Zone. Details of the development will be passed to BHCC as Traffic Authority to make a Traffic Regulation Order (TRO)
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			following the grant of permission. As part of the TRO process, if you disagree with this categorisation, you will have the right to provide evidence that there is capacity in the surrounding streets for the likely parking demand of this development. For details on how to do this please contact transport.dccapps@brighton-hove.gov.uk National Planning Policy Framework update: The recent NPPF (17/8/26) at DM8 states: <i>'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.'</i> In this case, the carrying out of internal works to the school building was brought to the council's attention via enquiries made to the Enforcement Team in January this year. The works themselves did not require planning permission however the owner of the building was advised that planning permission would be required to change the use of the building to HMO use. The applicant initially contested the need for permission for the use however did prepare an application which was submitted on 27th March this year (the current proposal). In the meantime, the HMO use began in early March, so the application was retrospective. In terms of the NPPF, there is no firm or clear evidence that the unauthorised use was intentional or that the council was ignored as the owner was in dialogue with the council from an early stage and did submit the application in a timely way. There is no evidence of any attempt to avoid the planning process or to establish a use in a manner that would create a complex enforcement situation for the Council. It is nevertheless noted that the developer was advised in January of the need for consent and that an application was not submitted in advance of the use
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			commencing. In terms of the current recommendation, it remains officers view that even if additional (substantial) weight were given to the applicant's intention and fact this is a retrospective proposal, this does not sufficiently outweigh the planning balance towards a refusal, given the impacts of the proposal as 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.
139	25 Drove Road, Brighton	BH2026/01166	Update to para 9.8 of the report to clarify that the sign at the junction of Warren Road and Drove Road that states 'no motorised vehicles' contains additional text underneath that says 'except for access and Horse Drawn vehicles'. NPPF update The NPPF update with regard to retrospective applications (as set out above) is relevant to this proposal. In this case, in terms of the main equine/residential use (within the National Park), this is a matter for that planning authority (the South Downs National Park) to consider. Whilst there has been a previous refusal of the main use there is no evidence of the applicant's original intentions (within the current application) and it is understood the applicant is in regular dialogue with the SDNPA to regularise matters. In terms of the proposal for Brighton & Hove City Council, namely solely the use of the access, the proposal has been granted permission once before, and an extension to that consent is now sought. It is acknowledged that previous consent has now lapsed, however it can be seen the applicant wishes to swiftly regularise the situation. In terms of the current recommendation, it remains officers view that even if additional (substantial) weight were given to the applicant's intention and fact this is a retrospective proposal, this does not sufficiently outweigh the planning balance towards a refusal, given the limited impacts of the proposal as 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.

