



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. Samer Bagaeen

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

1st October 2026:

The officer's recommendation is not supported by the evidence or the development plan. The report acknowledges direct conflicts with Policies DM9, CP21, DM7 and DM44, but repeatedly relies on the scheme's two-year duration and claimed housing benefits to discount them. Temporary permission may affect the weight given to harm; it does not erase policy requirements, cure missing evidence or make an unacceptable use acceptable.

The decisive failures

- Protected community use: there is no marketing, needs assessment or evidence that the former school is redundant or unsuitable for another education, health, childcare, voluntary or community use. The DM9 tests are therefore unmet. A reversion condition cannot guarantee that any community use will return.
- Excessive HMO concentration: the proposal breaches CP21's 10% threshold and conflicts with DM7. A wider-area figure of about 1.4% cannot override the policy's deliberate 50-metre test. Nor can a 47-person HMO credibly be treated as merely "one residential unit" when assessing its local intensity.
- Demonstrated operational harm: this is retrospective, so the Committee has evidence from actual occupation - late-night noise, antisocial behaviour, vehicles and taxis, obstructed access, overflowing bins, poor maintenance and inadequate management. Those reports cannot rationally be displaced by assumptions that future management will work.
- Weak and unenforceable mitigation: "broad accordance" with arrangements in an email is neither precise nor robust. Monthly visits, no guaranteed professional on-site manager, no complaint response times, no escalation process and no clear controls over visitors, taxis, deliveries or smoking do not provide effective safeguards.
- Missing technical evidence: there is no adequate independent noise assessment, parking or servicing evidence, defined refuse and cycle-storage solution, or demonstrated compliance with DM44. The absence of a transport objection is not positive technical evidence, and statutory nuisance powers are not a substitute for preventing harm through planning.

The planning balance is clear

The claimed benefits are limited and unsecured: the use lasts only two years; it contributes one temporary residential unit for housing-supply purposes; affordable rents and key-worker occupation cannot be guaranteed; and 47 occupied rooms have not been confirmed. They do not outweigh four admitted policy conflicts, a substantial breach of the local HMO threshold and evidence of harm already experienced. The 6 Marlborough Place appeal reinforces the central principle: temporary guardianship does not disapply policy or remove the need for the evidence required at the date of decision.

Required decision: under section 38(6), permission should be refused because the material considerations identified do not justify departure from the development plan. The refusal should rest on: loss of protected community accommodation; excessive HMO concentration and intensity; failure to safeguard neighbouring amenity; inadequate parking, servicing, waste and cycle-storage evidence; and failure to demonstrate compliance with sustainability policy. At the absolute minimum, determination should be deferred until robust community-use, noise, management, transport, waste, cycle-storage and energy evidence is before the Committee. The Council should decide on evidence - not grant first and hope that conditions solve acknowledged problems later.