

<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

