

<u>No:</u>	BH2026/00954	<u>Ward:</u>	Westbourne & Poets' Corner Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	186 - 188 Portland Road Hove BN3 5QN		
<u>Proposal:</u>	Extensions and alterations to include new front seating area, erection of awnings, alterations to fenestration, alterations to existing shop front, removal of rear roof covering, installation of electric sauna, erection of pergola, installation of air conditioning condenser unit and chiller unit, internal works and associated alterations.		
<u>Officer:</u>	Charlie Partridge,	<u>Valid Date:</u>	06.05.2026
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.07.2026
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	30.10.2026
<u>Agent:</u>	Stickland Wright Ltd Stickland Wright Ltd 23 Vine Street Brighton BN1 4AG		
<u>Applicant:</u>	Mr Richard Harmer 186-188 Portland Road Hove Brighton & Hove BN3 5QN		

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:

- 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
Proposed Drawing	110	C	09-Sep-26
Proposed Drawing	111	C	11-Sep-26
Proposed Drawing	112	C	11-Sep-26
Location and block plan			16-Apr-26

- The chiller unit associated with the development hereby approved shall not operate between the hours of 23:00 and 07:00 unless it is operating on its manufacturer-approved lowest noise setting (or equivalent night-time mode). The chiller shall thereafter be operated in accordance with these requirements at all times.

Reason: To safeguard the amenities of occupiers of nearby residential properties and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

3. 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.

4. The sauna and cold plunges shall not be used by customers outside the hours of 08:00 to 21:00 Monday to Friday and 08:00 to 21:00 Saturday and Sunday.

Reason: To safeguard the amenities of the area, in accordance with Policy DM20 of the Brighton & Hove City Plan Part Two.

5. Prior to commencement of use of the sauna and cold plunges hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate at all times in full accordance with the approved Noise Management Plan.

Reason: To ensure the satisfactory management of the premises and to safeguard the amenities of neighbouring occupiers from noise, disturbance and other impacts arising from the use, in accordance with Policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

6. 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: To safeguard the amenities of occupiers of nearby properties by preventing noise, smoke, fumes and other emissions, and to ensure a satisfactory standard of amenity, in accordance with Policy DM20 of the Brighton & Hove City Plan Part Two.

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 relates to a three-storey building on the south side of Portland Road. The site occupies a corner plot between Portland Road and Titian Road. The ground floor comprises an existing commercial unit and covered rear yard area and the first and second floors are in use as residential flats. The ground floor commercial unit of the building is currently vacant but was recently in use as a printing shop (Class E). The site is within the Portland Road Local Centre.
- 2.2. The site is not located within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

3. RELEVANT HISTORY

- 3.1. **BH2026/01976** Display of 2no non-illuminated fascia signs and 1no internally illuminated projecting sign. Concurrent advertisement consent application under consideration
- 3.2. **BH2009/00535** Conversion of first floor office space to provide two 2-bedroom flats and one 1-bedroom flat with balconies. Extension to create second floor to provide one 1-bedroom flat and one 2-bedroom flat with terraces. Provision of refuse, recycling and bicycle storage at rear. Approved 16.12.2009
- 3.3. **BH2004/01535/CL** Use of forecourt for the display of plant and machinery (restricted by condition No. 6 of approval 3/76/573). Approved 01.07.2004
- 3.4. **BH2004/01569/FP** Replacement of covered structure to rear yard with new. Removal of condition 4 of approval 3/76/0573 to allow use of yard to be used for storage. Approved 07.10.2004
- 3.5. **BH2003/03743/FP** Erection of covered structure on south & east sides of rear yard. Removal of conditions 4 & 6 of application 3/76/0573 to continue use of rear yard for storage of plant materials and to continue use of forecourt for display of plant machinery during operational hours (Retrospective). Refused 19.01.2004

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for alterations to the existing property to create a new cafe/ health and wellness centre (Class E use). The alterations would

incorporate a new side seating area, the erection of an awning, alterations to the fenestration, alterations to the existing shop front, the removal of the rear roof covering, the installation of an electric sauna, the erection of a pergola, the installation of an air conditioning condenser unit and chiller unit, internal works and other associated alterations.

- 4.2. During the course of determining the application, amended drawings were received. The revised scheme changed the wood fired sauna to an electric sauna and removed the flue. The access was also revised so that the operational gate opens within the site and does not open over or obstruct the public footway/highway and the potential access ramp indicated on the original proposal was removed and an annotation added to confirm the existing level access would be retained.
- 4.3. The application is part-retrospective as the works have commenced.

5. REPRESENTATIONS

- 5.1. Twenty-one (21) individual representations have been received **supporting** the proposed development for the following reasons:
- Good design
 - Benefits of a wellness centre and café
 - Creates new social space
 - Benefits community
 - Promotes good mental and physical health
 - Local economic benefits
 - Good transport links
 - Accessible
 - Established commercial area
 - Less disruptive than other uses
- 5.2. Seven (7) individual representations have been received **objecting** to the proposed development for the following reasons:
- Damaging trees
 - Detrimental effect on property value
 - Overdevelopment
 - Poor design
 - Too close to the boundary
 - Issues relating to the smoke from the wood-fired sauna (odour, air quality, smoke, fire risk)
 - Additional traffic
 - Parking issues
 - Noise/disturbance from increased trips
 - Overlooking into sauna area
- 5.3. One (1) Letter was received **neither objecting to nor supporting** the application but raising the following points:
- Additional traffic

- Parking issues
- Sauna has benefits, but should be electric
- Removal of roof is reasonable
- Business consistent with area

6. CONSULTATIONS

- 6.1. **Environmental Health:** 13.05.2026 Acceptable subject to conditions relating to the following:
- Plant and machinery noise plan
 - Plant noise
 - Construction hours
- 6.2. **Environmental Health:** 07.09.2026
Noise Impact Assessment reviewed, concern raised that the chiller is shown to be +4dB over the background noise at night. Previous noise plan condition no longer necessary. Condition the chiller to be either turned off at night or placed onto its lowest setting during nighttime hours.
- 6.3. **Sustainable Transport:** 11.08.2026 Further info/amendments required
- Plans should be amended to indicate access ramp
 - Plans should be amended to indicate gates not opening onto highway
- 6.4. Pedestrian access to the site would remain as existing. The main entrance is stepped. The plans indicate a "Possible future ramp position", and we request amendments to the plans to indicate that this ramp would be installed prior to the new use of the site. This would improve accessibility for those with mobility impairments, consistent with NPPF paragraph 115(b), which requires safe and suitable access for all users, including those with disabilities.
- 6.5. The proposed use may result in an uplift in trips compared to the previous use class E, but this is unlikely to have a severe residual cumulative impact on the public highway.
- 6.6. The site is well-served by sustainable transport. The 2, 46 and 49 buses stop at the eastbound Scott Road stop on Portland Road, 2 minutes' walk from the site, providing services into the city. The same services also stop at the westbound Scott Road stop on Portland Road, providing services from the city. The 1, 1X and 6 also stop nearby. The city centre is around 13 minutes' cycle from the site.
- 6.7. Parking Standards SPD14 allows a maximum of 9 on-site car parking spaces for this development. None are proposed, which is below the maximum. This is acceptable considering the site's constraints and its accessibility by sustainable travel modes.
- 6.8. SPD14 requires a minimum of 3 disabled parking spaces for this development. None are proposed, 1 and due to the site's constraints, there does not appear to be space for any. On consideration, there is opportunity for blue badge holders to park in the disabled parking bays opposite the site on Portland Road, or in the

dual use residents/pay-by-phone spaces directly outside the site. We would therefore not object on this basis in this instance.

- 6.9. SPD14 also states a minimum of 3 cycle parking spaces for staff, and 7 for visitors. Although they cannot be counted towards the site's cycle parking provision, there are Sheffield stands on the public footway outside the site, which could be used by visitors.
- 6.10. The plans indicate that the gates on Titian Road would open outwards onto the public highway/footway, and this is not acceptable (this is against the Highways Act 1980 Section 153). We request amendments to the plans to address this.

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);
 - Shoreham Harbour JAAP (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
CP9	Sustainable transport
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM12	Regional, Town, District and Local Shopping Centres
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM23	Shopfronts
DM33	Safe, sustainable and active travel

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and whether they would have a detrimental impact on neighbouring amenity or on the safety of the public highway.

Principle of the Development

- 9.2. The proposal to change the ground floor commercial unit from a vacant printing shop to a café/health and wellness centre would not constitute a change of use as the proposed use of the site falls within the existing Class E use.

Design and Appearance

- 9.3. The proposal would introduce a decked seating area faced with timber cladding at the entrance to the proposed café with a metal railing and planter. The seating area would be contained on the existing raised concrete platform to the Titian Road entrance. The seating area would be modest in scale and appearance and would be consistent with the type of outdoor seating commonly associated with a café. A similar seating area exists directly opposite the road to the east of the site serving the adjacent café. Therefore, the seating area would not appear out of context and no concerns are held in this regards.
- 9.4. The existing shopfront and glazing would be retained and repainted. The fascia would be replaced with one of matching size and an awning would be installed beneath it. A number of changes to the signage are also proposed, which are being assessed under the concurrent advertisement application (BH2026/01976).
- 9.5. The existing timber and polycarbonate roof over the rear courtyard would be removed and replaced with a pergola shelter at a much lower height. This is considered to be an improvement over the existing structure. Metal framed doors would replace the existing side entrance doors and are considered acceptable in terms of their design.
- 9.6. On the Titian Road elevation, a condenser unit would be added and a stained timber slat partition would be installed to the frontage to conceal this from view. The existing high-level shutter would be removed and the gate access retained with the left side fixed shut. Within the rear courtyard a timber clad electric sauna, changing room, two cold plunge baths, chiller unit, showers, a level decking and a bench would be installed. The majority of these alterations would be concealed from view by the wall and gate, so their impact on the character and appearance of the area would be negligible. The remaining alterations would be internal.
- 9.7. Overall, the extensions and alterations are considered suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with Policy DM21 of City Plan Part 2 and SPD12 guidance.

Impact on Amenity

- 9.8. Policy DM20 of the City Plan Part Two states that planning permission for development including change of use will be granted where it would not cause unacceptable loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is not liable to be detrimental to human health.
- 9.9. With regard to amenity, no significant adverse impacts are expected to arise as a result of the proposed development. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit, and no significant harm has been identified. The proposal would not introduce any built form of a scale or siting that would result in an unacceptable loss of light, an overbearing impact, or undue overlooking of neighbouring properties. Whilst concerns have been raised regarding potential overlooking into the sauna area, the use would be limited in scale and nature and is not considered likely to give rise to harmful levels of overlooking or loss of privacy to neighbouring occupiers.
- 9.10. Concerns have also been raised regarding noise and disturbance, additional vehicle movements and parking pressures. The site is located within an established commercial area where a reasonable level of activity, comings and goings, and associated noise is already expected. The proposed sauna use is relatively low-key in nature and is not considered to generate a high level of activity. However, given the relatively close proximity of residential properties to the sauna and the fact that a number of windows serving residential properties would overlook the sauna and cold plunge area, it is considered necessary to restrict hours of use via a recommended planning condition. Additionally, a noise management plan would also be secured by planning condition to help control noise whilst the sauna and cold plunges are operational.
- 9.11. A Noise Impact Assessment was submitted in support of the application and reviewed by Environmental Health, who raised no objection to the proposal subject to conditions. In particular, Environmental Health recommended a condition requiring the chiller unit to operate on its lowest setting during night-time hours in order to safeguard the amenities of nearby occupiers. It has been confirmed during a site visit that the chiller is capable of operating in a dedicated night-time mode. Subject to the recommended conditions, it is not considered that the proposal would result in unacceptable levels of noise or disturbance to neighbouring residential properties.
- 9.12. Objections relating to smoke, odour, air quality and fire risk have also been received. However, the wood-burning sauna originally proposed has been replaced with an electric sauna. As such, the proposal would not generate smoke emissions associated with a wood-burning stove and it is not considered that the development would give rise to unacceptable impacts in terms of odour, air quality or fire risk. The electric operation of the sauna is recommended to be secured by condition.
- 9.13. It is considered that for the reasons set out above and subject to the recommended conditions, the proposed development would not cause

significant harm to the amenity of neighbours and would comply with policy DM20 of the Brighton and Hove City Plan Part 2.

Sustainable Transport

- 9.14. The proposal would utilise the existing access arrangements to the site and, following amendments during the application process, the operational gate on Titian Road would open inwards within the site rather than outwards over the public footway. The plans have also been amended to remove the previously shown potential access ramp and confirm that the existing level access would be retained. Subject to these amendments, the Highway Authority raises no objection to the proposal on access or highway safety grounds.
- 9.15. The site is in a sustainable location with good access to public transport services and local facilities. Whilst the proposed use could generate an increase in trips compared to the former use, this would not be likely to result in a severe residual cumulative impact on the highway network. No on-site car parking is proposed, which is below the maximum parking provision set out in SPD14, and this is considered acceptable given the site's highly accessible location. Although no disabled parking spaces would be provided, opportunities for Blue Badge parking exist in nearby disabled bays and on-street parking spaces. Taking these factors into account, it is considered that the proposal would not have a detrimental impact on highway safety or the operation of the surrounding highway network and would accord with relevant transport and accessibility policies.

Other Considerations

- 9.16. Concerns regarding the impact on property value and trees have also been raised. Property value is not a material planning consideration and there are no trees in the immediate vicinity of the proposed works which are likely to be affected.

Biodiversity Net Gain

- 9.17. 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

- 9.18. It is considered that the use of the site as a wellness studio, sauna and café would fall within the existing use Class (E) and no change of use would therefore take place.
- 9.19. The physical alterations are considered to be acceptable and would not have a harmful impact upon the character and appearance of the area.
- 9.20. Subject to conditions relating to hours of operation and a management plan controlling the use of the external areas the development would not cause sufficient harm to the amenity of neighbouring occupiers in order to warrant refusal of the application.
- 9.21. The application is therefore recommended for approval.

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. There would level access from both the rear courtyard via Titian Road and the front double doors leading into the studio on Portland Road.