

<b><u>No:</u></b>	BH2017/02680	<b><u>Ward:</u></b>	Rottingdean Coastal Ward
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	St Aubyns School 76 High Street Rottingdean Brighton BN2 7JN		
<b><u>Proposal:</u></b>	Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.		
<b><u>Officer:</u></b>	Chris Swain, tel 292178	<b><u>Valid Date:</u></b>	06.09.2017
<b><u>Con Area:</u></b>	Partially in Rottingdean Conservation Area	<b><u>Expiry Date:</u></b>	06.12.2017
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF		
<b><u>Applicant:</u></b>	Fairfax Acquisitions Ltd, C/o Boyer Planning, 2nd Floor 24 Southwark Bridge Road, London SE1 9HF		

## 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 be **MINDED TO GRANT** planning permission subject to the Secretary of State deciding not to call the application in for determination, a Section 106 agreement to secure the following Heads of Terms and subject to the following Conditions and Informatives, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 16 weeks from the date that the Secretary of State decides not to call in the application the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report (add):

### 1.2 S106 Heads of Terms

- Affordable Housing: 40% (37 units) at tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership),
- Sustainable Transport contribution of £102,200 to go towards:

- Dropped kerbs and tactile paving to improve the accessibility of informal pedestrian crossings in the vicinity,
  - A new pedestrian crossing facility across Steyning Road linking the two sections of The Twitten to facilitate movements from and through the site and areas to the north, including the two primary schools and churches,
  - Provision of Kassell (raised) kerbs at the two bus stops on High Street to improve the accessibility of bus services,
  - Provision of real-time passenger information signs at the two High Street bus stops to improve the convenience and passenger confidence in bus services,
  - A scheme to improve kerb upstands and footway surface quality on Rottingdean High Street, to address mobility/accessibility for those people with mobility difficulties,
  - Bus priority measures and/or further study into potential improvements to bus priority on Marine Drive
- Residential Travel Plan
  - S278 Agreement - To be submitted and agreed with the Highway Authority prior to the commencement of the highway works to include the reinstatement of redundant accesses and footway crossovers and for the creation of new accesses and crossovers and to include a Road Safety Audit,
  - Local Employment Scheme - Contribution of £32,800 towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry
  - Employment and Training Strategy - Minimum of 20% local employment for the construction phase.
  - Off-site sports contribution to compensate for the loss of the playing field, towards Outdoor Sport of £197,481 [capital and maintenance sum] at Happy Valley, to fund pitch improvement works and contribute towards necessary improvements to the carpark;
  - Open Space and Recreation Contribution of £291,502.30
  - Public Art - Contribution of £54,600.
  - Education Contribution of £242, 685.20 towards:
  - Primary (£102,247.60) to be spent at Our Lady of Lourdes RC Primary and/or St Margaret's CE Primary School, Saltdean Primary School and/or Rudyard Kipling Primary School
  - Secondary (£140,437.60) Longhill Secondary School or proposed new secondary school for the City
  - Construction Environmental Management Plan (CEMP) - To be submitted and agreed prior to the commencement of works on site to include site waste management.
  - Use of retained playing field for public use in perpetuity – to include maintenance and management of retained field by either a management company or another party such as parish council.

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.

2. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	D17-1455-50SK		8 August 2017
Location/block/floor plans and elev prop	D17-1455-52	B (Removals Plan)	6 September 2017
Site Layout Plan	D17-1455-55	REV H	24 April 2018
Floor Plans Proposed	D17-1455-100SK	REV C	15 March 2018
Roof Plan Proposed	D17-1455-101SK		8 August 2017
Elevations Proposed	D17-1455-105SK		8 August 2017
Elevations Proposed	D17-1455-106SK		8 August 2017
Floor Plans Proposed	D17-1455-110SK	REV D	15 March 2018
Roof Plan Proposed	D17-1455-111SK		8 August 2017
Elevations Proposed	D17-1455-115SK		8 August 2017
Floor Plans Proposed	D17-1455-120SK		8 August 2017
Elevations Proposed	D17-1455-125SK		8 August 2017
Floor Plans Proposed	D17-1455-130SK		8 August 2017
Elevations Proposed	D17-1455-135SK		8 August 2017
Floor Plans Proposed	D17-1455-140SK		8 August 2017
Elevations Proposed	D17-1455-145SK		8 August 2017
Elevations Proposed	D17-1455-146SK		8 August 2017
Floor Plans Proposed	D17-1455-150SK		8 August 2017
Elevations Proposed	D17-1455-151SK		8 August 2017
Floor Plans Proposed	D17-1455-160SK	REV B	15 March 2018
Roof Plan Proposed	D17-1455-161SK		8 August 2017
Elevations Proposed	D17-1455-165SK		8 August 2017
Elevations Proposed	D17-1455-166SK		8 August 2017
Floor Plans Proposed	D17-1455-170SK	REV A	15 March 2018
Floor Plans Proposed	D17-1455-171SK	REV B	19 December 2017
Floor Plans Proposed	D17-1455-172SK	REV B	19 December 2017
Floor Plans Proposed	D17-1455-173SK	REV A	20 November 2017
Roof Plan Proposed	D17-1455-174SK	REV A	20 November 2017
Elevations Proposed	D17-1455-175SK	REV C	11 December 2017
Elevations Proposed	D17-1455-176SK	REV A	12 December 2017
Floor Plans Proposed	D17-1455-180SK	REV A	3 November 2017
Roof Plan Proposed	D17-1455-181SK		8 August 2017
Elevations Proposed	D17-1455-185SK	REV A	3 November 2017
Elevations Proposed	D17-1455-190SK	REV A	3 November 2017
Floor Plans Proposed	D17-1455-191SK	REV A	3 November 2017
Roof Plan Proposed	D17-1455-195SK	REV A	3 November 2017
Elevations Proposed	D17-1455-196SK	REV A	8 August 2017
Floor Plans Proposed	D17-1455-200SK		8 August 2017
Roof Plan Proposed	D17-1455-201SK		8 August 2017
Elevations Proposed	D17-1455-205SK		8 August 2017
Elevations Proposed	D17-1455-206SK		8 August 2017
Floor Plans Proposed	D17-1455-210SK		8 August 2017
Roof Plan Proposed	D17-1455-211SK		8 August 2017
Elevations Proposed	D17-1455-215SK		8 August 2017
Elevations Proposed	D17-1455-216SK		8 August 2017

Floor Plans Proposed	D17-1455-230SK	REV B	14 November 2017
Floor Plans Proposed	D17-1455-231SK	REV B	14 November 2017
Floor Plans Proposed	D17-1455-232SK	REV A	14 November 2017
Roof Plan Proposed	D17-1455-233SK	REV A	14 November 2017
Elevations Proposed	D17-1455-235SK	REV A	14 November 2017
Elevations Proposed	D17-1455-236SK	REV A	14 November 2017
Floor Plans Proposed	D17-1455-240SK	REV C	15 March 2018
Elevations Proposed	D17-1455-245SK	REV B	2 August 2018
Floor Plans Proposed	D17-1455-250SK		8 August 2017
Elevations Proposed	D17-1455-255SK		8 August 2017
Floor Plans Proposed	D17-1455-260SK	REV A	28 September 2017
Floor Plans Proposed	D17-1455-261SK		8 August 2017
Elevations Proposed	D17-1455-265SK		8 August 2017
Elevations Proposed	D17-1455-266SK		8 August 2017
Floor Plans Proposed	D17-1455-270SK	REV B	15 March 2018
Elevations Proposed	D17-1455-275SK		8 August 2017
Floor Plans Proposed	D17-1455-280SK	REV B	15 March 2018
Elevations Proposed	D17-1455-285SK		8 August 2017
Floor Plans Proposed	D17-1455-2900SK	REV B	14 November 2017
Floor Plans Proposed	D17-1455-291SK	REV A	14 November 2017
Elevations Proposed	D17-1455-295SK	REV A	14 November 2017
Elevations Proposed	D17-1455-296SK	REV A	14 November 2017
Floor Plans Proposed	D17-1455-300SK		8 August 2017
Roof Plan Proposed	D17-1455-301SK		8 August 2017
Elevations Proposed	D17-1455-305SK		8 August 2017
Elevations Proposed	D17-1455-306SK		8 August 2017
Floor Plans Proposed	D17-1455-310SK		8 August 2017
Floor Plans Proposed	D17-1455-311SK		8 August 2017
Roof Plan Proposed	D17-1455-312SK		8 August 2017
Elevations Proposed	D17-1455-315SK		8 August 2017
Elevations Proposed	D17-1455-316SK		8 August 2017
Floor Plans Proposed	D17-1455-320SK		8 August 2017
Floor Plans Proposed	D17-1455-321SK		8 August 2017
Roof Plan Proposed	D17-1455-322SK		8 August 2017
Elevations Proposed	D17-1455-325SK		8 August 2017
Elevations Proposed	D17-1455-326SK		8 August 2017
Elevations Proposed	D17-1455-327SK		8 August 2017
Floor Plans Proposed	D17-1455-330SK		8 August 2017
Roof Plan Proposed	D17-1455-331SK		8 August 2017
Elevations Proposed	D17-1455-335SK		8 August 2017
Elevations Proposed	D17-1455-336SK		8 August 2017
Floor Plans Proposed	D17-1455-340SK		8 August 2017
Floor Plans Proposed	D17-1455-341SK		8 August 2017
Roof Plan Proposed	D17-1455-342SK		8 August 2017
Elevations Proposed	D17-1455-345SK		8 August 2017
Elevations Proposed	D17-1455-346SK		8 August 2017
Floor plans and elevations proposed	D17-1455-600SK		8 August 2017
Floor plans and	D17-1455-601SK	REV C	24 April 2018

elevations proposed			
Floor plans and elevations proposed	D17-1455-602SK	REV B	15 March 2018
Floor plans and elevations proposed	D17-1455-603SK	REV A	17 August 2018
Floor plans and elevations proposed	D17-1455-607SK	REV A	15 March 2018
Floor plans and elevations proposed	D17-1455-604SK	REV C	24 April 2018
Detail	D17-1455-605SK		8 August 2017
Detail	D17-1455-606SK		8 August 2017
Detail	D17-1455-610SK		8 August 2017
Sections Proposed	D17-1455-700SK		8 August 2017
Sections Proposed	D17-1455-701SK	REV A	15 March 2018
Sections Proposed	D17-1455-702SK		8 August 2017
Sections Proposed	D17-1455-703SK		8 August 2017
Sections Proposed	D17-1455-704SK		8 August 2017
Sections Proposed	D17-1455-705SK		8 August 2017
Sections Proposed	D17-1455-706SK		8 August 2017
Sections Proposed	D17-1455-707SK		8 August 2017
Sections Proposed	D17-1455-710		14 November 2017
Sections Proposed	D17-1455-715		14 November 2017
Landscaping Proposed	L110E		20 November 2017
Landscaping Proposed	L111D		20 November 2017
Landscaping Proposed	L112E		20 November 2017
Landscaping Proposed	L113G		20 November 2017
Landscaping Proposed	L114D		20 November 2017

3. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E 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) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton and Hove City Plan Part One.

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees and methods used to protect trees from damage
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. This
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated as per the TPP SJA TPP 17020-01 Rev B and construction and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment
- j) materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist (to include incursions into the RPA's of tree T1, T22, T25, T63, T66 and T80 as per section 6.2.2 of AI report ref SJA AIR 17020-01b)
- n) Reporting of inspection and supervision
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping due to the proposed excavation within the RPA's of trees T1, T22, T25, T63 T66 and T80 such as soil amelioration.

The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with SPD 06, QD16 of the Brighton and Hove Local Plan and pursuant to section 197 of the Town and Country Planning Act 1990

6. Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.  
**Reason:** Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD 06, QD 16 (Trees and Hedgerows)
7. Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.  
**Reason:** Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD 06, QD 16 (Trees and Hedgerows)
8. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 7 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist. **Reason:** In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with SPD 06, QD 16 of the Brighton and Hove Local Plan.
9. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton and Hove City Plan Part One.

10. The wheelchair accessible dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
11. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent Ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is removed and provided written confirm that no birds will be harmed and/ or that there are appropriate measures in place to protect nesting bird interest on site. Any such mitigation shall be submitted to and approved in writing by the Local Planning Authority and agreed mitigation implemented and retained as such thereafter.  
**Reason:** To ensure that wild birds building or using their nests are protected, to comply with the Wildlife and Countryside Act 1981 and in accordance with policy QD18 of the Brighton & Hove Local Plan.
12. No felling or pruning of trees identified as having potential bat roost features shall take place until a climbing survey, in accordance with best practice, has been undertaken by a suitably qualified and experienced ecologist to confirm the absence of bats. If bats or signs of bats are found, no work should start and Natural England should be contacted for further advice. If no signs of bats are found, the tree should be felled in sections, avoiding any cross cutting in proximity to cavities or hollows, with any sections with holes or crevices left on the ground for 24 hours with the openings clear.  
**Reason:** To ensure the protection of bats, to comply with Wildlife and Countryside Act 1981 and in accordance with policy QD18 of the Brighton and Hove Local Plan.
13. The development hereby permitted shall be carried out in full accordance with the Bat Mitigation Measures, as detailed within the report dated 16<sup>th</sup> June 2017 (ref. Bat Emergence Survey, St Aubyn's Rottingdean, East Sussex, Project no. 1753) by The Ecology Co-op, unless otherwise agreed in writing by the Local

Planning Authority. No development shall take place until the bat mitigation has been fully implemented.

**Reason:** In order to comply with the Wildlife and Countryside Act 1981 and policy QD18 of the Brighton and Hove Local Plan.

14. If the development hereby approved on the playing field or campus does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of the planning consent, the ecological reports that informed the application shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of semi-natural habitats and protected species including, but not limited to, bats and reptiles, and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**Reason:** As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed and to comply with policy QD18 of the Brighton and Hove Local Plan.

15. No development above ground floor slab level of the development hereby permitted shall take place until a detailed scheme has been submitted to the Local Planning Authority for approval that outlines the glazing and ventilation specifications that shall be installed in the buildings. The scheme shall be in accordance with the mitigation options and recommendations contained within the document produced by Pholorum Ltd (2<sup>nd</sup> August 2017) entitled St Aubyn's School Site, Rottingdean, Brighton Noise Impact Assessment. The glazing and ventilation requirements shall ensure that internal noise levels will achieve BS8233:2017 and World Health Organisation standards.

**Reason:** To ensure that an acceptable standard of accommodation is provided in terms of air quality, ventilation and noise attenuation to the occupiers of the residential units hereby approved and to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

16. No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have

been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton and Hove City Plan Part One.

17. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

18. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 17 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

**Reason:** This condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy 141 of the National Planning Policy Framework and policy HE12 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

19. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- e) details of all other materials to be used externally
- f) a schedule outlining all of relevant materials and external details

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE1, HE6 and QD14 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

20. No development shall commence until full details of the proposed surface water drainage scheme, as per the recommendations of the Flood Risk Assessment (Ref. 23573/S/FRA01/00/01), and associated management and maintenance plan of the strategy, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved surface water drainage system serving that dwelling has been implemented in accordance with the agreed details, and maintained as such thereafter.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

21. In accordance with the recommendation contained within the Geoenvironmental Site Investigation Report produced by Leap Environmental, Reference: LP00747 and dated 7th August 2015, if the results of the required further testing of the topsoil indicate that site remediation is required then:

1. A detailed scheme shall be submitted for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.
2. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent person approved under the provisions of part 1 that any remediation scheme required and approved under the provisions of part 1 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).
3. Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:
  - a) Built drawings of the implemented scheme;
  - b) Photographs of the remediation works in progress;
  - c) Certificates demonstrating that imported and/or material left in situ is free from contamination.
4. If during site investigation on construction any asbestos containing materials are found, which present significant risk/s to the end user/s then:
  - a) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

22. Notwithstanding the information submitted no development shall take place until an Energy Assessment and Strategy has been submitted and approved in writing by the Local Planning Authority. The Strategy should include the following details;
- i. calculation of baseline energy demand and carbon dioxide emissions;
  - ii. compliance against Part L of Building Regulations;
  - iii. proposals for the reduction of energy demand and carbon dioxide emissions from heating, cooling and electrical power;
  - iv. proposals for meeting residual energy demands through renewable/sustainable energy measures; and
  - v. calculation of the remaining energy demand and carbon dioxide emissions.

The approved measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy and to comply with policy CP8 of the Brighton & Hove City Plan Part One.

23. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

24. Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15 and HE6 and QD27 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

25. None of the new build residential units hereby approved shall be occupied until each unit as built has achieved an energy efficiency standard of a minimum of 19% CO<sub>2</sub> improvement over Building Regulations requirements Part L 2013 (TER Baseline). **Reason:** To ensure that the development is sustainable and

makes efficient use of energy to comply with policy CP8 of the Brighton and Hove City Plan Part One.

26. None of the new build residential units hereby approved shall be occupied until each new build residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton and Hove City Plan Part One.

27. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed prior to first occupation of the development hereby permitted, and maintained and operated in accordance with the approved details thereafter.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to protect foraging bats, to comply with policies QD25, QD27 of the Brighton and Hove Local Plan and policy CP10 of the Brighton and Hove City Plan Part One.

28. Prior to first occupation of the development hereby permitted, an Ecological Design Strategy, addressing habitat retention and protection, and opportunities for biodiversity enhancement, shall have been submitted to and agreed in writing by the Local Planning Authority. The agreed Strategy shall accord with the standards described in Annex 6 of SPD11 and shall be implemented in full prior to first occupation of the development hereby permitted and maintained as such thereafter.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

29. No dwelling shall be occupied until the air quality mitigation measures, as set out on pages 40-41 of the report by Phlorum Limited (dated 31<sup>st</sup> July 2017 ref. 7058A AQ fni) have been implemented and maintained as such thereafter.

**Reason:** To mitigate the impact of the development on the Rottingdean Air Quality Management Area and to comply with policy SU9 of the Brighton and Hove Local Plan.

30. The development shall not include appliances for solid or liquid fuel burning and any boilers within the development should be ultra-low NOx gas boilers of no more than 30 mg/kWh, details of which are to be submitted to and approved in

writing by the Local Planning Authority prior to installation, unless an alternative is agreed in writing by the Local Planning Authority.

**Reason:** To mitigate the impact of the development on air quality including the Rottingdean Air Quality Management Area and to comply with policy SU9 of the Brighton and Hove Local Plan.

31. Notwithstanding the plans submitted with the application, no development shall commence until detailed drawings of all external hard and soft landscaped areas within the site have been submitted to and approved in writing by the Local Planning Authority and the Local Highway Authority. These shall include, but not be limited to, layouts (including plans and sections as appropriate) and construction details of the following:
- (i) Pavement design, including but not limited to kerbing, widths and other geometry, dropped kerbs and tactile paving, and to be supported by vehicle swept path analysis and a formal road safety audit where necessary
  - (ii) Surface finishes
  - (iii) Levels, including but not limited to steps, ramps and kerb heights
  - (iv) Drainage with related calculations
  - (v) Street lighting with related calculations
  - (vi) Street furniture
  - (vii) hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
  - (viii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - (ix) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
  - (x) boundary treatments to include type, position, design, dimensions and materials;

Where publically and communally accessible areas within the site are not offered for adoption as public highway then the works to those areas shall be designed to as near adoptable standards as is possible. The works to all areas shall be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter. There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

**Reason:** In the interests of highway safety, the benefit of the public and to enhance the appearance of the development in the interest of the visual amenities of the area and provide ecological, environmental and bio-diversity benefits and to comply with policies CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One and TR7, QD15 and QD16 of the Brighton & Hove Local Plan and SPD06.

32. Notwithstanding the plans submitted with the application, no development shall commence until details of cycle parking facilities for residents and visitors have been submitted to and approved in writing by the Local Planning Authority. Such details are required to show: that all cycle parking places are convenient and accessible both in relation to access to stands and the type of stand proposed; and that security is sufficient. The cycle parking facilities so approved shall be made available on first occupation and thereafter be retained for use by the occupants of, and visitors to, the development at all times and without charge.

**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 SPD14 and with policy TR14 of the Brighton & Hove Local Plan.

33. Notwithstanding the plans submitted with the application, no development shall commence until details of car parking facilities for residents and visitors have been submitted to and approved in writing by the Local Planning Authority. Such details must respond to the potential need for additional land to provide adequate cycle parking facilities, and are subject to a maximum of 148 car parking spaces including a minimum of six accessible parking spaces for disabled/blue-badge-holders. A minimum of 50% of spaces must have active provision of electric vehicle charging points and the remainder must have passive provision. Electric vehicle charging points shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

**Reason:** To ensure that the provision of car parking spaces complies with SPD14 and with policy TR14 of the Brighton & Hove Local Plan, and to encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the Brighton and Hove City Plan Part One and SPD14 Parking Standards.

34. The development hereby permitted shall not be occupied until details of the management of car parking spaces has been submitted to and approved in writing by the Local Planning Authority. Such plan to include, inter alia:

- The allocation of accessible parking to disabled residents on the basis of need
- The mechanism for triggering the conversion of conventional parking spaces to accessible parking spaces as the need arises
- The mechanism of allocation of parking spaces according to the need for electric vehicle charging points

- The mechanism for bringing into active use any passive provision for electric vehicle charging
- The enforcement of parking controls, including to ensure that visitor parking spaces are retained for residents' visitors and not for residents' own cars
- The securing of the provision of car club vehicles to meet demand for car club use through partnership with a car club operator, and the location of car club parking spaces

**Reason:** To ensure that the requirements of SPD14 are met and Brighton and Hove City Plan CP9.

35. No development above ground floor slab level shall take place until Conservation Management Plans for the Chapel and the Pavilion have been submitted to and approved in writing by the Local Planning Authority. The Conservation Management Plans shall each include a detailed schedule of repairs and a timetable for carrying out those repairs. Following completion of the approved repairs the Chapel and the Pavilion shall be maintained as such thereafter in accordance with the approved Management Plans.

**Reason:** To ensure the satisfactory preservation of the listed buildings and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

36. No works of demolition or removal of original fabric to the Music Room and Shooting Range shall take place until a Level 2 Building Record, in accordance with the Historic England advice in 'Understanding Historic Buildings: A Guide to Good Recording Practice', has been submitted to and approved in writing by the Local Planning Authority. Once approved this Record shall be deposited with the East Sussex Historic Environment Record.

**Reason:** In order to record the history of the listed building and to comply with policy HE2 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

37. No development above ground floor slab level shall take place until full details of all new sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

38. No development above ground floor slab level shall take place until full details of all new external doors and architraves in the listed buildings including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have

been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

39. No works shall take place until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must match exactly the original in materials and detail. Photographs / drawings / sections recording the features to be replicated shall be submitted for approval, along with 1:1 scale drawings of proposed items for approval by the Local Planning Authority.

**Reason:** As insufficient information has been submitted and to ensure the satisfactory preservation of the listed building, and to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

40. The timber matchboard finish to the original walls of the school rooms within the northern wing of Field House shall be retained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton and Hove Local Plan.

41. No works to the Twitten wall and Steyning Road wall, including works of demolition, shall take place until detailed plans, elevations and sections at scale 1:20 of the new openings and repairs to the walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter in that material and finish. All new flintwork and works of making good of the flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

42. No works shall take place until detailed plans, sections and elevations at Scale 1:20 and 1:1 of the proposed new balcony to Field House have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter in that material and finish

**Reason:** To ensure a satisfactory appearance of the listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the City Plan Part One.

43. No cables, wires, aerials, pipework (except rainwater downpipes) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation of the buildings to be converted, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of the listed building and to comply with policies HE1 and HE6 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

44. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway on any of the new build dwellings.

**Reason:** To safeguard the appearance of the buildings and the visual amenities of the locality and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.

45. No development of the new boundary treatment on Steyning Road shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

46. All new and replacement rainwater goods, soil and other waste pipes to the listed buildings shall be in cast iron and shall be painted to match the colour of the renderwork background walls and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

47. None of new build units hereby approved shall be occupied until the restoration and conversion of Field House and the cottages has been fully completed and the units ready for occupation.

**Reason:** To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant should also be aware that whilst the requisite planning permission may be granted, this does not preclude the Environmental Protection department from carrying out an investigation in line with the provisions Environmental Protection Act 1990, should any complaints be received with regards to noise and/or vibration and/or dust and/or light nuisance. This applies both during construction and post completion of the development.
3. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation.
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](http://Gov.uk)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
6. The water efficiency standard required is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\)](#) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G](#) Appendix A.
7. The applicant is advised that they must enter into a Section 278 Agreement with the Highway Authority prior to any works commencing on the adopted highway.
8. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
9. The applicant is advised that an agreement with Southern Water, prior to commencement of the development, the measures to be undertaken to divert/protect the public water supply main. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)
10. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting

place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.

11. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
12. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 St Aubyns School closed in mid-2013 but had been a fee paying school with boarding facilities (use class C2). The former school is located in its own grounds on the eastern side of the High Street.
- 2.2 The site, which incorporates the playing fields to the rear/east of the school buildings and which is in a single use as a school, measures approximately 3.3Ha, although the campus and field is physically divided by a public Tritten that runs between Steyning Road and Marine Drive.
- 2.3 In addition to the main school building, the Chapel and the boundary wall flint wall fronting the High Street are Grade II listed however all buildings, structures and flint walls located within the site (school campus and playing field), which were built before 1948 and were in associated use at the time of listing are considered curtilage listed.
- 2.4 The school campus, which measures approximately 0.86Ha includes;
  - The main a school building (known as Field House/76 High Street) and its adjoining Chapel (Grade II Listed),
  - The listed boundary wall fronting the High Street (Grade II listed),
  - A row of internally linked terraced cottages (including Rumneys) (pre-1948 and curtilage listed),
  - Other outbuildings associated with the school (circa 1980-1995) including classrooms, dormitories, gymnasium, changing rooms, and Headmaster's residence,
  - An outdoor swimming pool,
  - Shooting range (pre-1948 and curtilage listed),
  - Terraced gardens, and
  - Equipped children's play area.

The existing playing field measures approximately 2.5Ha and comprises of;

- Sports pavilion (pre-1948 and curtilage listed),

- War memorial (pre-1948 and curtilage listed),
  - Water fountain (pre-1948 and curtilage listed), and
  - 2 tennis courts with associated net fencing and cricket nets.
- 2.5 The boundary treatment of the playing field is predominately a mixture of wooden fencing and bushes, with a bank of sycamore trees on the western boundary. There are a number of gates and entry points to the site which are secure other than the main entrance from the High Street. There is no general access to the playing field.
- 2.6 The school campus site is located within the Rottingdean Conservation Area, the boundary of which runs along the eastern side of the Twitten and therefore excludes the playing field. Nevertheless the playing field is considered an important part of the setting of the Conservation Area; it provides a reminder of the once rural setting of the village and a distinction between the historic village and surrounding suburban development. The Twitten is identified as an important spatial feature in the Conservation Area; it is bounded by a hedge to one side and a flint wall to the other. The flint wall to Steyning Road, as well as being curtilage listed, is an important part of the character of the Conservation Area as it helps to delineate the boundary to the school site as well as differentiate public and private space.
- 2.7 The site is located in a sloping hillside that rises west to east from the valley floor. There is a level change of approximately 5m between the school's main building and the middle of the playing field. This change in levels accounts for the existing predominance of garden terracing to the east/rear of the school building.
- 2.8 A boundary of the South Downs National Park is located approximately 119m to the east of the playing field.

### 3. RELEVANT PLANNING HISTORY

- 3.1 **BH2017/02681** – Conversion of existing buildings of Field House and part of its northern extension. Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing Sports pavilion, war memorial, water fountain and chapel and demolition of all other buildings. Concurrent Listed Building Consent Application.
- 3.2 **BH2015/03112** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Refused 22.04.2016.
- 3.3 **BH2015/03110** - Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9 no. two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten. Refused 22.04.2016

- 3.4 **BH2015/03108** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Refused 22.04.2016.
- 3.5 **BH2008/02986** - Installation of porous macadam tennis/netball court on school playing fields with fencing to height of 2.75m. Approved 15/01/2009.
- 3.6 **BH2005/01964/CL** - Certificate of lawfulness for proposed conversion of ancillary residential into classrooms. Approved 23/08/2005.
- 3.7 **BH2000/01649/LB** - Retention of existing classroom (Renewal of temporary listed building consent granted under ref. BN95/1443/LB). Approved 12/09/2000.
- 3.8 **BH2000/01648/FP** - Retention of existing classroom (Renewal of temporary planning permission granted under ref. BN95/1442/FP). Approved 12/09/2000.
- 3.9 **BN88/1870/F** – Provision of 3 velux rooflights in new classroom block (amendment to permission BN87/1849/F) Granted 9/11/88.
- 3.10 **87/1850/CAC** – Erection of single storey classroom block for use in conjunction with existing school. Granted 1/12/87.
- 3.11 **87/1849/F** – Erection of single storey classroom block for use in conjunction with existing school. Granted 1/12/87.
- 3.12 **86/1709/F** – Addition of front dormer windows to dwelling under construction (amendment to proposals approved under BN86/272 & 273) Granted 19/11/1986.
- 3.13 **86/0273/LBC**- Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.
- 3.14 **86/0272/F** – Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.
- 3.15 **81/1359 (LBC /1139)** – Construction of permanent gateway on to twitten for access from playing field to existing school. Refused 5/01/1982.
- 3.16 **BN81/493 (LBC/1055)** – Retention of opening in Twitten wall for duration of building works to new gymnasium, so as to give access to site. Granted 14/05/81.

- 3.17 **BN80/1838 (LBC/991)** – Additions to and conversion of old gym into changing rooms/lavs and Classroom X, erection of new Gymnasium. Granted 22/01/81.
- 3.18 **BN80/1085** – Demolition of parts of old buildings and erection of extension to Laboratory, Classroom IX, tennis court and new Art room. Granted 4/07/80.
- 3.19 **BN79/1828** – Erection of 25 terraced houses, 17 flats and 2 blocks of garages with estate road and landscaping. Granted 18/10/1979.
- 3.20 **BN78/729(LBC/CA)** – Demolition of existing dilapidated classrooms fronting Steyning Road and erection of buildings to form classrooms, changing room, dormitories and garage. Granted 30/05/78.
- 3.21 **BN78/728** – Proposed alterations/additions including new staircase. Granted 30/05/78.
- 3.22 **BN76/1389 (LBC 527)** New entrance door and lavatory window, removal of chimney stacks; internal alterations to replan and form new bathrooms, dormitories and staff accommodation to cottage/sanatorium block. Granted 14/10/76.
- 3.23 **BN75/2848 (LBC 474)** – Proposed construction of outdoor swimming pool. Granted 5/02/76.
- 3.24 **73/678** – Outline application for the erection of 4 shops with 4 flats over fronting Marine Drive and rear loading access. Refused 17/05/73.
- 3.25 **72/2948** – Erection of a detached house for headmaster. Granted 13/10/72.
- 3.26 **71/3163** – Outline application for the erection of a 5 bedroom detached house with integral garage. Granted 21/02/72.
- 3.27 **71/1900** – Outline application for the erection of a detached house for use by resident headmaster. Refused 30/09/71.
- 3.28 **71/1637** – Erection of two storey building comprising two classrooms with Library over and boiler house. Granted 12/08/71.
- 3.29 **17.60.1211** – Demolition of existing buildings and redevelopment with shops, flats and houses (outline application) Refused 4/08/1960.

#### **4. THE APPLICATION**

- 4.1 Full planning permission is sought for:
- The retention and conversion of Field House and part of its northern extension, terraced cottages and Rumneys to residential use;
  - The retention of the existing sports pavilion, war memorial, water foundation and chapel;
  - The demolition of all other buildings,

- The provision of new/altered access from Steyning Road and Newlands Road,
  - Landscaping works,
  - Car and cycle parking,
  - Alterations to the boundary flint wall along the Twitten, and
  - Other associated works.
- 4.2 A total of 93 residential units (Class C3) would be created by the proposed development, of which 40% would be affordable units.
- 4.3 In April 2016 Planning Committee Members resolved to refuse full planning permission and two listed building consent applications relating to the redevelopment of the school campus and associated playing field for 48 residential units (Class C3) and the construction of part 2-3 storey residential care home providing 62 bedrooms (Class C2) (BH2015/03108; BH2015/03110; BH2015/03112).
- 4.4 The previous full planning application was refused on 12 grounds and the listed building consent applications refused on a total of 9 grounds including:
- Failure to provide any affordable housing provision;
  - Failure to achieve minimum sustainability standards;
  - Insufficient information being submitted with regards to air quality;
  - Insufficient information to assess the historic significance of the Listed Building/structures and the proposed alterations to the retained Listed Building/structures;
  - Harm to the character, appearance and historic significance of the Grade II Listed Building/structures;
  - Harm to the character, appearance and historic significance of the Rottingdean Conservation Area and its setting; and
  - Failure to identify a future use for the retained school Chapel.
- 4.5 Pre-Application Consultation  
Proposals for the redevelopment of this site have been subject to pre-application discussion with officers and the new developer, Fairfax Acquisitions Ltd, between January and May 2017 and assessed by the Design South East Review Panel in February 2017 (for 100 dwellings).
- 4.6 A Statement of Community Involvement has been submitted as part of the current application, in which it is stated that additional to the above, consultation has been undertaken prior to submission of the application with local residents, the wider community, City Councillors including Ward Councillors, Rottingdean Parish Council and action groups located within the local area.
- 4.7 Member Pre-Application Briefing  
Members pre-application briefing took place in June 2017 and covered the following points:
- Members consider the proposal to be a good use of the space,

- Would encourage an open book/transparent viability assessment,
- Welcome the retention of the Chapel, the Pavilion and the water fountain, and their integration into the scheme - and part of the sports field and the gifting to a Trust or the Parish Council, which would allow the public use of the retained field,
- Members were impressed with the design of the development and the care given to the overall design of the scheme. Request that the proposed roof for the retained garage at the front of Field House is altered in order to be less intrusive,
- Members are disappointed that the proposed Affordable Housing provision lacks social rented units, and
- Whilst members welcome the provision of a car club, consider it essential that any subsequent application is accompanied by robust Transport and Air Quality assessments, which propose maximum mitigation measures.

4.8 The current application seeks full planning permission for the conversion of Field House and part of its northern extension (the principal listed building); conversion and alteration of existing terraced cottages and Rumneys to residential use (C3); retention of the sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings; and redevelopment to provide a total of 93no new dwellings (including conversions) incorporating the provision of new/altered access from Steyning Road and Newlands Road. In addition, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten are proposed.

4.9 The proposed development would comprise:

- The construction of 52 no. 1, 2, 3 and 4 bedroom dwellings on the southern part of the former playing field
- The construction of 29 new dwellings on the campus part of the school site (16 flats and 13 dwellings)
- The conversion of Field House to provide 8 flats
- The conversion of Rumneys and the terraced cottages to provide 4 no. 2 and 3 bedroom dwellings
- The provision of 40 affordable housing units, based on a tenure split of 55% social rented and 45% intermediate housing
- The retention of 1.4Ha of the former school paying field
- The demolition some of the former school buildings
- Removal/creation of pedestrian and vehicular access points, the provision of off street car and cycle parking spaces and the provision of hard and soft landscaping.

## 5. PUBLICITY AND CONSULTATIONS

### 5.1 External REPRESENTATIONS

414 representations have been received from residents and St Aubyns Field Evergreen (SAFE) objecting to the proposed development, on the following grounds:

## 5.2 Design/Visual Amenities/Landscape Impacts

- 3 storey properties are out of keeping with most of the village, proposed height would dominate St Aubyns Mead and disrupt views from Newlands Road,
- Larger landscaped area needed between any new development on the southern side of field,
- Generic style of proposed new build properties. No genuine attempts to reflect the character and range of building styles with the core village. Will be a mass-produced modern estate of no architectural merit,
- Proposal completely at odds with existing school/village character. Existing village character/appeal will decrease. Geometric layout does not reflect the higgledy-piggledy nature of the village including the network of twisting Twittens which the village is famous for,
- Fewer houses required on southern part of field. Proposed number of properties excessive and will create a density and massing that would be out of scale with the height, scale, bulk and design of existing buildings,
- Loss of open space buffer between village/Conservation Area and urban development beyond,
- Visual harm to strategic views/Conservation Area/Listed Buildings and South Downs National Park and their settings,
- Removal/alteration of historic flint walls, along Steyning Road/Twitten as these are part of the character/charm of this historic village and Conservation Area,
- Rottingdean and Ovingdean are historic villages, which would be lost if turned into another suburb or Brighton and will be spoiled forever. This field is part of Rottingdean's heritage and character. Once developed, lost forever for short-term profit for developers;
- Adverse impact of development on conservation area and heritage assets – density, strategic views and village character;
- Large build flats abutting St Aubyns Mead will create a 'canyon' effect which will make the area exceptionally gloomy and potentially very windy;
- Overdevelopment/ overcrowding/urban-sprawl/density too high,,

## 5.3 Amenity Issues

- Loss of green space/green lung/recreational provision for Rottingdean, which is already in short supply, loss would be of detriment for future generations. Playing field is protected by a covenant. Sports England object to loss,
- Overlooking, loss of privacy
- Loss of light/sunlight,
- Loss of views/outlook,
- Village needs a playground with apparatus,
- Noise/dust/disturbance to local residents, especially during construction phase
- Majority of development would be on one side of the grounds and subsequent applications may be permitted for remaining part of the site;

- Retention of open green space is important to be used by residents for recreation and sport; many sports clubs in area are in urgent need of playing field space,
- Playing field integral/valued feature of Rottingdean village. Village has suffered loss of old Rottingdean School playing field and market garden, now all redeveloped. To lose St Aubyns playing field too would be a cumulative loss. Site should be retained for recreational purposes;
- Environmental disaster; destroying beautiful and historic greenfield site for developers greed;
- Decline in quality of life in and around village as a result of increased building in the area; and
- Permission should be contingent on submission of a construction programme with robust safeguards in place to protect the local community and environment.

#### 5.4 Transport/Highway/Access Issues

- Additional traffic, including construction/delivery/service vehicles, will exacerbate existing congestion problems in local area including the High Street to/from Woodingdean and along the Coast Road. Roads in area are too narrow for such additional traffic volumes,
- Increased traffic will further impinge pedestrian/wheelchair users/cyclist highway safety. High Street already difficult and dangerous for pedestrians to use/cross due to narrow pavements and drivers mounting pavement to get past other vehicles. A road safety audit is needed,
- Additional traffic could affect stability of historic buildings on the High Street, especially those with no foundations,
- Existing speed limit not adhered to,
- If some development allowed, there should be a car park northern edge of field, but without taking any of the Steyning Road hedge out (except for access in and out) to assist parking in the village,
- The car club spaces are located far away from the main area,
- Steyning Road and Newlands Road used as a rat-run, existing cars parked along these roads make driving along them difficult. These roads need to be widened,
- Loss of on-street parking while increasing demand. Will exacerbate parking problems in area, which would further increase traffic congestion, cause hazardous driving conditions and impinge on emergency vehicle access,
- Damage to roads/pavements,
- Vehicles will have to turn in site as no through road,
- Contrary to transport policies
- Footfall/traffic generated by the development will not be comparable with that generated by former school as stated by developer. Proposed traffic volumes generated are under-estimated/inaccurate/uses out of date data/do not take into account cumulative effect of other developments,
- Proposed access points are inadequate/raise safety concerns,
- Twitten is too narrow and not lit at night,
- Congestion has been compounded by increased traffic travelling to/from Peacehaven, as numerous large scale housing developments have been

- approved by Lewes Authority without thought for residents of Rottingdean/Saltdean/Ovingdean and improvements to the road network;
- Excessive traffic places irreplaceable heritage treasures in jeopardy;
  - Do not understand how 93 residences can be accommodated in a small village that has congestion problems;
  - Cumulative impact assessment required including for pedestrians and cyclists;
  - Likelihood of major RTA increased with increased traffic
  - Emergency services hampered during rush-hour;
  - Transport Assessment out of date and inaccurate, as Rottingdean PC has undertaken new traffic counts.

### 5.5 Other Issues

- Viability case has not been made public and executive summary provides no evidence to support the applicant's conclusions. Development of campus site is viable without development on part of playing field,
- The final DVS report has not been made public and the summary provided is inadequate,
- A legal opinion has been submitted which sets out that building on the playing field would be contrary to national and local policy,
- Large and old high hedge on south side of the development should not be reduced in height/destroyed,
- Land contamination,
- Contrary to NPPF, site planning brief and policies,
- Principle of development of the site has not been previously established as stated by the developer
- Impact on ecology/biodiversity,
- Increased emission/pollution levels/worse air quality, especially in AQMA, which will adversely impact on health. Levels already breach UK/EU legal limits. Congestion, delays and the development's impact on NO<sup>2</sup> levels in AQMA will be much higher than claimed,
- Rottingdean High Street most poisonous in the County and the Country;
- Is a windfall site not a designated site which is allocated in SHLAA for 40 properties, not 93,
- Lack of consultation,
- Inaccuracies/omissions in transport/air quality documents submitted,
- Loss of community facilities,
- Provision of social housing should not influence council,
- City Councillors agreed that the playing field should be designated as a Local Green Space and entered as such into the Neighbourhood Plan in progress. Councillors regarding refused application said they would not want to see any more of the playing field lost but new proposal reduces amount retained,
- Cumulative impact of other developments in area need to be considered, those approved and planned for future,
- Inadequate/lack of existing infrastructure (including roads, utilities, shops, schools, dentists, doctors, water supply, sewers, drainage). Contributions will not alleviate problems,

- Affordable housing provision not integrated into existing school site; only located on playing field. Will not have a significant impact on affordable house prices in area, will still not be affordable for locals,
- Increased flood risk/increased surface run-off ,
- Development of other brownfield sites should occur first,
- Access shown over land belonging to St Aubyn's Mead, no permission has been given by Kipling Court Ltd for this,
- Adverse impact on visitors/tourism,
- The playing field is naturally separated from the school campus by an ancient Twitten and should be considered separately from the campus for development purposes,
- Developing the field in exchange for making S106 payments to the City would be unacceptable,
- Objections/reasons for refusal of previous application still apply. New proposal worse than refused scheme,
- Proposal offers no new community assets to support the commercial enterprise,
- Existing properties/developments in the area still unoccupied,
- Lack of local industry provision i.e. live-work units, retail/office space etc,
- Pressure on local GPs already overstretched, already had to absorb new patients from recent closure of nearby surgery ;
- Lack of schooling in area. No infant/junior school nearer than Saltdean or Woodingdean;
- Adds to an already flooded market for high cost housing, does nothing to alleviate the need for more social housing,
- Village and high street has lots of vulnerable residents (Blind veterans centre nearby, scouts, nursing homes/sheltered housing, nursery school and 2 primary schools)
- Increased risk for horses and their riders
- Coastal erosion,
- Not a sustainable development,
- There is difference of opinion between Council and developer on the proposed method of energy provision; this should be resolved before determination. Current proposed energy provision/source will impact on air quality and AQMA,
- Loss of school, should be used for another community use not housing,
- Harm to wildlife. Hedges around site are important wildlife corridor so should be protected and preserved.
- Form of heating should be understood before application is considered and could have serious implications.
- Proposal presents an increase in CO2 emissions close to AQMA;
- Previous school asset stripped. Site should be acquired by Council as a school;
- Lost opportunity to provide sports and play opportunities to increase health and well-being of residents, as well as tree planting;
- Site should be a nature reserve;
- Site should be made for electric vehicles only and this agreed before decision made;

- Development won't provide statutory requirement for affordable housing,
  - The application should not be determined whilst a formal complaint is still under review by the Information Commissioner's Office.
- 5.6 9 representations of support have been received and are summarised as follows;
- Lack of supply of affordable housing in the area;
  - Local green space is a fallacy; it is a privately owned piece of land with no public access;
  - Extract as much Planning Gain for the local community and allow best possible development of the site for the benefit of the younger generation;
  - Carefully considered design;
  - Existing buildings are an eyesore and subject to vandalism;
  - School field and buildings are desolate;
  - Support provided Steyning Road can be widened so traffic can move in both directions;
  - Good plan – new homes for young families and public access to park for all;
  - Conditionally support development because part of a sustainable community, provided there is a one way system along Steyning Road and Newlands Road;
  - Site is an opportunity to provide new dwellings, of which Brighton and Hove is in dire need.
- 5.7 7 representations commenting on the application have been received and are summarised as follows;
- No objection in principle, provided it is done sympathetically, as good use of the building;
  - Rottingdean High Street will be more choked and airless with addition of more flats;
  - Can the Coast Road and High Street take more traffic without being injurious to health;
  - Please consider widening Steyning Road by creating parking restrictions, allowing two-way traffic flow and allow residents' parking on northern edge of Field.
  - Energy provision for the building has to be resolved. Air quality is poor in Rottingdean and should be addressed as a priority.
- 5.8 **CAG:** No objection, subject to the following conservation concerns:
- 5.9 Integrity of the Twitten should be maintained on both sides with no new construction abutting it and the visually striking flint wall on Steyning Road should be respected as far as possible. Any alterations should be carried out using the same materials.
- 5.10 The Twitten is an important pedestrian right of way and the group were concerned about the effect of the development (including a new opening in the wall to accommodate the lych gate) on the flint wall.

- 5.11 All free standing boundary and garden walls and all existing walls need to be constructed using traditional methods. These walls should be made of field flint /knapped flint or cobble whichever is the case using lime mortar and not of breeze block or brick with a flint facing.
- 5.12 The Group regretted the lack of information about future care and maintenance of these walls.
- 5.13 Field House fenestration: the two Victorian bays should have 2 over 2 sliding sash windows on the first floor. As far as the main body of the house is concerned, the window above the front door should be 6 over 6, and the dormers 3 over 3. The canted bays either side of the front door at ground and first floor levels are correct. The use of horns to the top sashes should be avoided in the reconstruction.
- 5.14 The Group urged the Council to ensure that the playing fields cannot be sold off in the future, as the retention of some open Greenfield on the existing playing field is important from a conservation point of view. Concerned about the effect of the development on long range views. Welcome the visual improvements made by the architects in order to make the development more in keeping with the village and appreciated that there was clear information about the materials proposed. The Group stressed that a full archaeological survey must be carried out.
- 5.15 **Councillor Mary Mears** has commented on the application. A copy of the letter is appended to the report.
- 5.16 **Regency Society:** Supports the application for the development of 93 new and converted homes. The scheme involves the retention of part of the playing field as open space. Rottingdean is well endowed with open space elsewhere and the whole of the playing field could be developed. The proposed open space would provide residents of the new properties and others with a pleasant green space and a reminder of the site's history. We are concerned that the developer has not identified an authority willing to take on the maintenance of this space. We hope that the planning authority will be able to ensure that proper maintenance arrangements are put in place as a condition of the work starting. Also concerned for the future of the listed chapel on the western side of the Twitten. It is designated for community use, but no organisation has been identified to take responsibility for it. Urge the planning authority to ensure that the developer takes steps to provide for its protection and security until a suitable user is identified. Ideally, restoration of the chapel should be undertaken by the developer; this may make it easier to find potential users. New housing is well laid out. Varying designs are generally sympathetic to the range of architectural styles around the site. Buildings proposed for the southern end of the site are box-like and less imaginative than the rest of the scheme. Overall, welcome the proposed development which will release the site's potential to contribute to the City's housing needs.
- 5.17 **Rottingdean Preservation Society:** Objects to the development of the playing field as this currently acts as visual and physical buffer between the suburban

housing to the east of the village and the historic centre. The planned increased land 'take', up to 40% is especially regrettable which, together with the height of buildings to the south will increase the visual 'urbanisation' of the location.

- 5.18 Considerable issues relating to the consequences of any development upon the already fragile infrastructure of the village. The High Street is exceedingly dangerous to pedestrians and the road from Falmer/Woodingdean to the village is increasingly used by all types of vehicles and HGV's regularly flout the existing weight restriction en route to both Saltdean/Peacehaven and also the city centre. Further, these traffic movements have a heavy detrimental impact on the fabric of the buildings in the Conservation Area.
- 5.19 The Society is supportive of maintaining a vibrant and balanced community, nevertheless are very concerned that not only is the road system at crisis point but the school system and health services are not able to support additional residents. The possible closure of the Meadow Parade Doctors' Surgery adds to these problems. If the plans are accepted, the proposed density does cause concern and believe further consideration should be given to the appropriate mix of affordable and other units in order to maintain a viable community. Object to the reduction in affordable units. Although support properties/units of different size and tenure being integrated.
- 5.20 Nevertheless, if the development is approved are content with the overall design characteristics being proposed and welcome the general regard to the vernacular of a 'Downland' village. Within this framework welcome the prospect of the re-instatement into residential units of the old cottages on the site. Although the possible extension of one of the cottages should be reviewed. Welcome the demolition of the Head Teacher's house and the opening of the field to Steyning Road. Also, it is important to the character of the locality that The Twitten is maintained with the retention of both flint wall and foliage. Further, regard maximum accessibility of the site as very important and have a strong opinion that this should not be a 'gated' community and public rights of way must permeate the site. Should the proposals be accepted would hope that the developers will provide opportunities for more detailed collaborative work between them and the community.
- 5.21 **Hove Civic Society:** Supports the application. The proposals are carefully crafted providing a good layout and design, with an appropriate choice of materials. The proposals will be of major public benefit, both in terms of much needed housing, but also in terms of an additional public open space in the area. The proposed affordable housing is welcome. It is commendable that the proposal substantially exceeds the Council's proposed housing allocation for this site.
- 5.22 **Saltdean and Rottingdean Medical Practice:** Objects on grounds that the populations of Rottingdean and Saltdean are already rising with subsequent pressure on air quality infrastructure, especially roads. There are already over 50 new homes to be built in Rottingdean and a further 93 in St Aubyns, 35 in Meadow Vale and in Saltdean 65 dwellings will be built in Coombe Farm.

- 5.23 From a GP point of view Saltdean & Rottingdean Medical Practice has been put under immense pressure recently due to the failure to replace the Ridgeway Surgery and the displacement of at least 2000 patients. Brighton & Hove CCG have not been able to recruit a new doctor and these patients are to be dispersed between Woodingdean Surgery and Saltdean & Rottingdean Surgery. Further developments will put even further pressure on these surgeries.
- 5.24 The pressure on the roads is already ridiculous and needs further investigation.
- 5.25 **Wealden District Council: Objects** to the application.  
The Conservation of Habitats and Species Regulations 2010, known as the Habitat Regulations, require decision makers to consider the likely significant effect of development. If it is considered that as a result of the proposal, in combination with other relevant development, there is a likely significant effect then it is necessary for an appropriate assessment to take place.
- 5.26 The application does not consider the effect of traffic arising from the proposed development crossing the Ashdown Forest SAC (Special Area of Conservation) Lewes Down SAC and Pevensey Levels SAC. A likely significant effect could not be ruled out for Lewes Downs SAC and Ashdown Forest SAC/SPA. Therefore an appropriate assessment must be undertaken. It is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Down SAC and Pevensey Levels SAC will not arise from the development proposal.
- 5.27 **CONSULTATIONS**  
**External:**  
**Brighton and Hove Archaeological Society: Comment.** The archaeology of Rottingdean and the surrounding area is relatively unknown, and as such any intervention may produce important records of past landscapes and ancient activity. Suggest that the Council contact the County Archaeologist for recommendations.
- 5.28 **County Archaeologist:**  
(Original comments 22/09/2017) Recommends Refusal. Do not consider the application meets the requirements of 128 of the NPPF, i.e. the applicant cannot clarify the significance of any heritage assets on the site. Therefore minded to recommend refusal as cannot provide an informed report or planning recommendation. In relation to the planning decision process the identification and clarification of significance of remains is required by the NPPF.
- 5.29 At pre-application stage the applicant's archaeological consultant highlighted the need for pre-determination fieldwork assessment to clarify if the playing field area contains archaeological remain and if so what the significance of these remains was. This work has not been carried out; instead the applicant has submitted an archaeological desk based assessment that concludes:  
*"The Site has been assessed as having a moderate – high theoretical potential for the prehistoric era and a moderate theoretical potential thereafter with the exception of the early medieval period for which the theoretical potential is low."*

- 5.30 The applicant accepts the site is high risk in relation to buried archaeological remains, so it is surprising no fieldwork has been carried out. The former County Archaeologist was happy for mitigation to be covered by an appropriate planning condition. The application in 2015 had a different archaeological desk based assessment which did not identify the same level of archaeological risk for this site.
- 5.31 Concur with the identification of a medium – high risk outlined in the current applications DBA. Assume the developer / applicant would also want to clarify this risk before proceeding to a planning decision. Worst case scenario is the site may contain significant archaeological remains that make the site financially unviable, or undeliverable due to nationally significant remains requiring protection.
- 5.32 (Additional Comments 27/09/2017 Following receipt of Draft Written Scheme of Investigation (WSI)): Satisfied with the contents of the draft WSI and for archaeological work to proceed as described.
- 5.33 (Final Comments 20/10/2017 following receipt of a geophysical survey of the sports pitch): The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless, it is acceptable that the risk of damage to archaeology is mitigated by recommended planning conditions.
- 5.34 The archaeological research carried out suggests the site does not contain any nationally significant archaeological remains, but does contain remains of local archaeological interest: Victorian buildings survive within the former school complex and these are also of local archaeological interest. The area affected should be the subject of a programme of archaeological works to enable archaeological deposits and features that would be disturbed by the proposed works to be preserved in situ, or adequately recorded in advance of their loss. The recommendations are in line with the requirements given in the NPPF.
- 5.35 **County Ecologist:**  
(Comments 2/11/2017) Bats - The outline mitigation for bats proposed in the Bat Emergence Survey Report (June 2017) is considered acceptable. If any of the trees proposed for removal have bat roost potential, further surveys will be required. All lighting design should take account of national guidance. Works to the buildings will require a European Protected Species Licence.
- 5.36 Reptiles - Surveys recorded no reptiles on site. As a precautionary measure, it is recommended that the playing field is kept mown prior to construction.
- 5.37 Breeding Birds - The site offers potential for breeding birds. Removal of scrub/trees that could provide nesting habitat should take place outside the bird breeding season (March – August).
- 5.38 Ecological Enhancement - It is recommended that an Ecological Design Strategy, addressing habitat retention and protection, and opportunities for

biodiversity enhancement is required by condition, to help the Council address its duties and responsibilities under the NPPF.

- 5.39 (Final comments 19/12/2017 following receipt of Tree Bat Scoping Assessment): Bats - Best practice guidance states that if low suitability potential roost features for bats are found, no further surveys are necessary. It is necessary to document how the decision has been reached (using photographs and detailed descriptions) and precautionary measures may be appropriate during felling.
- 5.40 Two trees (tree numbers 7 and 76) have been assessed as having low bat roost potential. The report/letter does not provide any detail as to the nature of the inspection carried out, and no photographs are provided; however, the tree descriptions are reasonably detailed, and as such, the conclusions are reasonable. No further surveys are required.
- 5.41 The trees should be checked by a suitably qualified and experienced ecologist immediately prior to felling and precautionary measures should be taken during felling (soft felling), in accordance with best practice. If bats or signs of bats are found, work should stop, and advice should be sought on how to proceed. A condition is recommended requiring climbing survey prior to felling or pruning of trees.
- 5.42 **East Sussex Fire and Rescue Service:** No comments.
- 5.43 **East Sussex County Council (Highways):** No objection. No concern in relation to the likely traffic impact in East Sussex. Expect appropriate obligations to be secured to ensure an effective site wide travel plan that will minimise vehicular trips and make the most of the site's accessible location, ensuring the impact on the A259 in East Sussex is minimised.
- 5.44 The TA demonstrates that the development is likely to generate 34 and 46 vehicular trips in the AM and PM peaks compared to 116 and 40 as the existing use. The small increase in trips in the PM peak (+6) will be diluted via a number of route choices and destinations so that the number of vehicles added to the County network is unlikely to be noticeable. The site is well located to take advantage of frequent bus services and many local services are within walking distance (school, doctors, surgeries, shops). The proposed Travel Plan should form an important part of the development proposal and will encourage use of sustainable travel.
- 5.45 **Environment Agency:** No comments to make on the application.
- 5.46 **ESP Utilities:** No objection. No gas or electricity apparatus in the vicinity of the site.
- 5.47 **Highways England:** No objection, on the basis that the trips generated will be of a level that will not materially affect the safety and/or operation of the Strategic Road Network.

- 5.48 **Historic England:** Comment. Summary: HE has concerns regarding the application on heritage grounds. HE urges that the issues, including those relating to future use and maintenance of the retained structures is secured through legal agreement, in order for the applications to meet the requirements of paragraphs 129, 132 and 134 of the NPPF.
- 5.49 Historic England has provided advice on this site including at pre-application stage with the development of the planning brief, the redevelopment proposals of 2015 and refused amended proposals in 2016. The main interest is to ensure that the significance of St Aubyns is conserved and enhanced, including that of the memorial chapel, which are integral to the Rottingdean Conservation Area.
- 5.50 The current application is supported by a detailed Heritage Statement that sets out the significance of the principal listed building and also that of the ancillary structures, including the memorial chapel, cottages, sports pavilion, war memorial and drinking fountain. The proposed retention and repair of these structures is welcome.
- 5.51 The retention of part of the later school extensions and removal of the later C20 extensions and alterations (largely 1970s) is also welcome. HE is happy to defer details of the conversions to specialist conservation officers and ensure the repair, restoration and refurbishment works sustain significance of the retained fabric.
- 5.52 HE has raised a concern that no future use of the chapel is identified. The building is likely to fall into decline without a use that will provide long term maintenance following repair. This issue should be addressed now. HE is unclear how the pavilion will be used. An obvious solution would be a use associated with the public space (café) and suggests the fountain is repaired and returned to working order. Longer term management and maintenance of these retained structures needs to be agreed and secured as part of the development.
- 5.53 Previous proposals for developing upon the former playing fields occupied approximately one third of the open space. This scheme takes more of the space (about 40%) and the building line appears arbitrarily 'staggered', resulting in further encroachment.
- 5.54 In light of the importance of the sense of open space in the long-distance views from Beacon Hill and the role the space has in helping to illustrate the historic development of the settlement, which is now a Conservation Area, this is regrettable. The boundary between the proposed new development and the extent of the new housing needs to be very carefully considered to create a better balance between the two.
- 5.55 **Rottingdean Parish Council:** (06/10/2017) Comment:  
The scheme (93 units) is equivalent to whole of the last 10 years housing growth taking place in Rottingdean;  
Development location is the centre of the village;

Site is a valued historic village setting recognised by its formal Conservation Area designation;  
Site is approximately 50 metres from the AQMA.

- 5.56 Welcome the proposal for a high quality conversion of the original Field House; the retention of the 2 characterful courtyards and associated natural and built features within them; the retention of as much of the flint boundary wall site boundary and the historic twitten; the retention of the former dormitory cottages; and the proposal to make some of the former playing field available for public and recreational use.
- 5.57 Density and Overall Appearance – Density on the Greenfield site is above average levels in the village and inappropriate in this sensitive village location. Appears to be an intensive mass of building in the southwest corner of the site (Southern area of the Field). Somewhat claustrophobic feel of the housing estate layout, exacerbated by the hard brown use of brown and dark grey material and emphasis on hard paved vehicle areas, rather than green and safe pedestrian and shared surface community walkways within and through the development. Potential for a jarring visual impact on strategic village views including from Beacon Hill LNR.
- 5.58 Proposed intensive development along the southern axis of the field is clearly visible from high points around the village. The style and design for the brownfield elements appears thoughtful and should create attractive living conditions. The proposed restoration of the retained buildings is welcome.
- 5.59 Economic Viability – Councillors would prefer full local green space designation for the *entire* former school playing field, in response to the consultation undertaken for the emerging Neighbourhood Plan proposal. Welcome sympathetic redevelopment of the old school ‘brownfield site’ but question degree of building proposed on the former playing field site at over 50% and whether the redevelopment of the former school is only viable if such a significant portion is a residential estate. Should the development be demonstrated as being economically essential for the viability of the development, the Parish Council does not consider the current proposals are sympathetic to their surroundings.
- 5.60 Direct and Cumulative Impact on Transport Systems  
*Traffic* - Any increase in vehicular traffic through High Street will add to extra movements coming from the proposed developments at Meadow Vale, Hodden Farm (450 units) and other incremental developments. The Parish is concerned at the cumulative impact and at levels of traffic and congestion and impacts on the wellbeing, health and safety of residents. Ways of overcoming this need to be explored. Concern at access to the site, turning into the Steyning Road, and traffic turning right at the end of Newlands Road onto the A259 going west towards Brighton (already a dangerous turning).
- 5.61 AQMA – Parish Councillors do not accept there will be minimal impact to overall volumes and air quality. The High Street experiences high pollution due to the number of vehicles moving through the High Street and congestion levels within

it and at the junction of the A259. Nitrogen dioxide as measured by BHCC shows levels very close to the limit. The Parish is very concerned that nitrogen dioxide emissions will increase from additional traffic. The claim that the traffic of the extinct school can be used to offset the impact is not supported - school has been closed for 4 years and air pollution is close to the limit. A traffic increase will come from these developments from deliveries to housing, visitors, trade and service vehicles. It is unlikely that concentrations will fall below the annual mean maximum of 40ugc without a proactively managed change to transport systems and behaviour.

5.62 Pressure on services – Concerned at the impact of 93 additional homes on primary schools, GPs and dentists. Services are either oversubscribed or under strain. Further 300+ inhabitants needs to be managed by planned provision. GP practice on Meadow Parade has reduced opening hours and absorbed patients from Woodingdean Ridgeway Surgery (now closed).

5.63 Construction period – Concern at increase in lorries, dust and noise. Adequate safeguards must be provided for works related traffic and parking for construction workers. The Parish requires effective enforcement of site working practices covering restricted weekend working, weekday start and end time respected; a locally recruited workforce.

5.64 Other Observations:

Broadly content with the methodology for the ecological assessments and support the request arising from the Historic Environment Assessment for a geophysical survey of the open space where groundworks are planned.

5.65 No detail on extent of renovation for the Chapel and Sports Pavilion, or Chapel's appearance following removal of surrounding buildings. The removal of hedgerows along the Twitten should be omitted. Removal may improve pedestrian safety, but it will alter the defining characteristics of a Sussex Twitten. A height reduction of 1.5 metres would be welcomed to aid views across the field.

5.66 The Parish Council sees a priority for Section 106 monies towards: traffic management; improved public transport, especially to the north of the village; road and pedestrian safety improvements; maintenance of St Aubyn's Field for a specified time.

5.67 (Additional Comments 22/11/2017): The Parish Council has commissioned a study on the busy hour queues for traffic coming east from Brighton. The study was undertaken by East Sussex County Council traffic monitoring unit on 31<sup>st</sup> October 2017. It reported in the busy hour the average queue was 342 vehicles. The evidence directly supports the Parish Council's contention that official projections for congestion on the A259 are inadequate. The Traffic Assessment submitted as part of the application understated the congestion level on the A259 during the busy period giving a figure of only some 100 vehicles. Such a high congestion impact on the junction capacity at the Rottingdean High Street and will slow even further the traffic in this AQMA and exacerbate the air pollution problem. The Parish Council remains very concerned about the impact

of this development, adding to a problem that already exists and the consequences on the well-being of residents.

- 5.68 **Scottish Gas Networks:** Comment. Note the presence of Low/Medium/Intermediate Pressure gas main in the proximity to the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system. Should where required confirm the position of mains using hand dug trial holes.
- 5.69 **Southern Water:** Initial investigations indicate that Southern Water can provide foul sewage disposal to service the development. An application for connection to the public sewer is required.
- 5.70 Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. The applicant will therefore need to ensure that arrangements exist for the long term maintenance of SUDs. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 5.71 **Sports England:** (22/09/2017) Objects. Sport England (SE) has considered the application in light of the NPPF Framework (particularly Para 74) and SE's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.
- 5.72 Sport England's policy is to oppose the grant of planning permission for any development that would lead to the loss of, or prejudice the use of, all /part of a playing field, unless one or more of the five exceptions stated in its policy apply.
- 5.73 Assessment against Sport England Policy/NPPF:  
The application proposes a large loss of playing field (approx. 1ha) which previously accommodated a variety of sports, plus the loss of two tennis courts. While it is proposed to retain the pavilion, it is unclear what use this will have in the absence of playing field and whether it will be of benefit to sport.
- 5.74 The applicant has provided a report which shows that the land is subject to a crossfall outside SE guidance. While SE accepts the topography of the site does present some limitations as to its use, it does not agree that this crossfall makes it incapable of forming a playing field in line with its policy exception 3 (E3). It is widely accepted by SE that this site along with most playing fields used for sport in England do not meet with the performance quality standards, however they are still playing field and capable of accommodating formal sport. The severity of slopes may limit the level of competition which can be played, but it does not demonstrate the playing field is not capable of accommodating sport.
- 5.75 The study surveyed the gradient of the entire playing field as opposed to the area which would be used for pitches. It is likely this was done because no

pitches were marked out at the time of visiting but it is important to understand the survey of the entire playing field will show the extremity of slopes as opposed the slope of any pitch. Past aerial photography show that the site formed a playing field for some years previous to this application (rounders, cricket etc.) and therefore there is no reason why it could not be used at this level again. The ECB has confirmed that until 2014, the site was used by Rottingdean Cricket Club. Therefore, Sport England considers that E3 does not apply.

5.76 In terms of SE's policy exception 4 (E4), the applicant proposes to make a financial contribution towards outdoor sports provision equivalent or better than the area of playing field proposed to be lost, likely to be sites identified in the recent Playing Pitch Strategy (PPS) as in need of improvement and the possible resurfacing of an AGP at the Stanley Deason Leisure Centre.

5.77 SE is unaware of the exact nature of the provision and an improvement proposed and therefore is unable to assess whether these meet the NPPF in terms of being equivalent or better than the area of playing field proposed to be lost. It is also possible that proposed re-provision or improvements may themselves require planning permission; this being the case SE would expect planning permission to have been applied for concurrently with this one in order to have some comfort that the proposed improvements/re-provision are deliverable. In order to satisfy E4, it is necessary for SE to know where the replacement playing field/ancillary facilities will be, in order to judge whether the playing field lost will be truly replaced equivalent or better in terms of quantity, quality and accessibility.

5.78 SE would expect any proposed re-provision or improvement proposals to be specific in terms of exactly what is being offered, in order that they can be properly assessed against the NPPF and PPS actions, have a current planning application in process if necessary, and to be set out clearly (with appropriate triggers) in a S106 agreement in order to consider this under E4. SE would be happy to discuss this further with the applicant should they wish to provide details of what is proposed and where. The FA in particular highlights a number of sites identified in the PPS that it would be willing to consider as adequate mitigation here, however this would need to be formalised as above before they can be considered under E4.

#### 5.79 Conclusion

In light of the above, SE objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 74 of the NPPF.

#### 5.80 (Additional comments 19.12.2017 following receipt of indicative sports field plan): Objects.

The proposed mitigation options provided do not appear to include improvements to ancillary facilities. The FA / FF note that without improvements to ancillary facilities to bring them up to current standards, any pitch improvements will be of little real benefit to sport. I understand that the existing facilities are very poor and currently little used because of their quality. It would

appear that changing facility improvement is not proposed, with only pitch improvements and contribution to carpark improvements suggested. The retention of some pitches is noted on the development site, the NGBs are of the opinion that, without suitable ancillary facilities available, these alone will be of little benefit. There would still appear to be no provision to mitigate the loss of the use as a cricket ground, despite the fact that the site had been used for cricket previously. Please consider that our objection remains, as the current mitigation suggested is not sufficient to meet our policy exception 4.

- 5.81 **Sussex Police Crime Prevention Design Adviser:** No objection  
Provide advice to the applicant to incorporate principles of Secured by Design to ensure a safe and secure environment for residents and visitors.
- 5.82 **UK Power Networks:** No objection.
- 5.83 **Internal:**  
**Arboriculturist:** (18/01/2018): The Arboriculture Report is extensive and clearly thought out. The retention of the Black Mulberry (T22) is worth mentioned, as the tree's condition and proposed location with the incursion level suggested may result in its loss. The Elm Tree (T25) may come under some pressure from future residents, despite the window orientation referred to in the consultant's report. There is likelihood that occupiers will feel over-dominated and repeated requests to heavily prune will be difficult to resist. An Arboriculture Method Statement should be conditional to any consent granted, in addition to Tree Protection Measures during the construction phase and conditioning the revised Landscaping Scheme.
- 5.84 **City Clean:** Comments 22/11/2017: Acceptable. Entry and egress is stated as possible in forward gear. Unable to identify the through route on the plans so it seems that some form of reversing would be required.
- 5.85 **City Parks & Sports Facilities:**  
(Comments 02.11.2017)  
Minded to grant approval, subject to further information and agreement of indoor and outdoor sports s106 contributions and maintenance requirements.
- 5.86 The proposal is an opportunity to improve some of the provision of sports facilities in the City and the engagement in sport and physical activity for residents. The proposal offers sports related benefits:  
Opening up the disused playing field for formal/informal recreation;  
Refurbishment of existing pavilion;  
A financial contribution to mitigate the loss of public open space on site that can be utilised to make improvements at alternative, more suitable sites;  
A commuted maintenance sum to enable Rottingdean Parish Council to maintain and manage the remaining playing field.
- 5.87 The refurbishment of the pavilion and the remaining open space is viewed as an activity/sport related benefit. It would be useful to understand what is being proposed in regard to the refurbishment of the pavilion and remaining open

space, and how it will be managed by the Parish Council and whether the maintenance sum is annual.

5.88 Although there is a loss of open space/playing pitch provision and two tennis courts, the proposed S106 financial contribution and the opening up of the remaining 1.4 hectares, will enable increased community access and improvements to existing playing field/pitches elsewhere in the locality, and assist in replacing the loss. The site has not been used for formal or informal public recreation for some time and is currently disused with a significant slope. The availability of the new area will create both informal and potentially formal recreation opportunities for the local community.

5.89 Outdoor Sports - A s106 financial contribution should be sought to enable improvements to existing playing field/pitches elsewhere in the City in regard to the loss of 1.1 hectares of open space and an additional contribution to reflect new occupancy levels of the development and required amenities. This will assist in replacing the loss with better quality provision. The potential contribution will need to be discussed in further detail. Have reviewed and provided below potential costings for 2 key sites where off-site improvements could be made:

Site	Works	Indicative Costs	Rationale
Longhi School	3G ATP	£478K	Based on costs from recent builds and Sport England case studies.
Happy Valley	Pitch Upgrade Works (NB potential car parking improvements has not been included) and Pavilion improvements/extension to meet FA requirements for required level of play	£100K  £235K	Based on recent high grade pitch refurbishment on an alternative site  Additional 90m2 (@ £2613 average cost/m2) to additional building.

5.90 Indoor Sports - No indoor sports provision is proposed at this site. A s106 contribution could be utilised at Longhill Sports Centre, Stanley Deason Leisure Centre or Saltdean Lido to assist in sport and leisure development opportunities at these sites.

5.91 (Additional comments 6/12/2017 following receipt of further information) : The BHCC Sports Facilities and City Parks Team view the development proposal as an opportunity to improve some of the provision of sports facilities in the city and the engagement in sport and physical activity for residents.

5.92 Outdoor Sports - A compensatory off-site proposal has been received which offers a capital contribution towards pitch improvement works and a maintenance sum for a 10 year period. This is in respect of the loss of the open

space and would assist in marking improvements to existing playing field/pitches in the local area.

- 5.93 Two key sites were suggested: Happy Valley and Longhill School. The allocation of the compensatory sum will therefore need to remain flexible – the option will need to be retained for it to be spent at either site to enable officers to consult and engage with Sussex County Football Association, local clubs, community groups and other interested parties to review and consider the options at each site. The flexibility would allow officers to take into account any potential pooling of s106 sums and the generated demand anticipated from this development which reflects the new occupancy levels.
- 5.94 **City Regeneration Officer:** No adverse comments from an Economic Development perspective.
- 5.95 The provision of 93 dwellings would contribute to the City's challenging housing needs. It is hoped that the additional dwellings, which range from 1 bed apartments to 4 bed houses, will help to generate increased income to local businesses and encourage new businesses to set up in the wider area.
- 5.96 Due to the size of the development, if approved, an Employment and Training Strategy will be required to include a commitment to using an agreed percentage of local labour. The percentage of 20% local employment for the demolition (where appropriate) and construction phases is required and early liaison with the Local Employment Scheme Co-ordinator is recommended to avoid any delays in site commencement. Developer contributions are also requested through a S106 agreement for the payment of £32,800 towards the council's Local Employment Scheme in accordance with the Developer Contributions Technical Guidance.
- 5.97 **Clinical Commissioning Group:** There are significant challenges facing the NHS nationally and Brighton is no exception to this. One of the key challenges is workforce and recruitment. The CCG is working with its Member practices and other parties to address this as far as practical in both the long and short term, using innovative solutions where these are available. However, there are no quick fixes. The Woodingdean / Saltdean / Rottingdean area of Brighton has been significantly affected by practice closures in recent years - both in Brighton itself and in East Sussex. As a result, Dr Adams' practice is clearly under strain and we have been working extensively to support the practice in recent months. We appreciate that Brighton is facing its own challenges to provide housing under national guidance and expectation. However, would struggle to support any development that would bring increased pressure onto some of our most challenged practices.
- 5.98 **Education Officer:** Comment. If this proposed development of housing were to proceed would be looking to secure a total education contribution of £264, 685 (based on net increase).
- 5.99 In terms of which schools might benefit from this funding would suggest this could be Our Lady of Lourdes RC Primary school and / or St Margaret's C E

Primary School, Saltdean Primary School and / or Rudyard Kipling Primary School.

5.100 In terms of secondary schools the funding would be used at either Longhill secondary school or the proposed new secondary school for the city.

5.101 **Environmental Heath:** (Comments 30.10.2017)

Noise - The use of the open amenity space for sporting activities should not result in any adverse noise impact at new or existing receptors. The guidance presented in Sport England's Design Guidance Note – Artificial Pitch Acoustics 2015 should be followed to ensure that any noise is reduced as far as reasonably practicable. Planning policy and British Standard BS8233:2014 have been used to determine the likely internal noise levels at the proposed dwellings from existing road traffic noise. Habitable rooms at the most exposed residential receptors will require additional ventilation to control ingress of noise through open windows. Ventilation could take the form of acoustic passive ventilation or whole house ventilation systems such as Mechanical Ventilation Heat Recovery so that windows can remain closed if the occupier wishes. The methodology and calculations used in the Noise Assessment are recognised techniques in predicting noise levels and the impact of them. The measures proposed should achieve appropriate levels of soundproofing.

5.102 Contaminated Land - A 'phase I' desk top study documenting all the previous and existing land uses of the site and adjacent land has been carried out in accordance with national guidance. The risk of contamination impacting the site from the site's former usage or potentially contaminative land uses immediately adjacent is considered to be low. The report includes a 'phase II' intrusive site investigation that documents the current ground conditions of the site and incorporates chemical analysis of the soil as identified as appropriate by the desk top study. The results of the chemical laboratory testing found one sample of topsoil with elevated levels of lead beyond the screening value for a residential end use with plant uptake.

5.103 It is recommended that further testing of the topsoil is carried out specifically in the area of the school buildings to assess the extent of the elevated lead. Further intrusive work may be required in the footprints of the demolished buildings to ensure the continuity of ground conditions across the site, with special care being paid to areas of proposed domestic gardens.

5.104 Construction - A robust CEMP is required to identify how noise, dust and vibration on neighbouring residents and businesses will be managed. The CEMP should reference BS5228 Code of practice for noise and vibration control on construction and open sites and a commitment to an application for a Section 61 agreement for noisy working hours. A plan how utilities providers will be managed to prevent continuous disruption should be supplied.

5.105 If permission is granted, the following conditions are to be secured in regard to soundproofing of residential properties; contaminated land; and Construction and Environmental Management Plan (CEMP).

**5.106 Environmental Heath Air Quality Officer:**

(Comments 14/11/2017) Recommend Approval with an exemplar range of mitigation measures. The development is predicted to add 99 vehicles a day to the High Street that is the main part of Rottingdean's AQMA. Whilst there is predicted to be more traffic growth along the A259 in the Rottingdean area due to committed developments, nitrogen dioxide is not likely to exceed the Air Quality Assessment Level (AQAL) at dwellings adjacent to the A259 in the Rottingdean area.

5.107 Recommend an electronically connected site that does not have facilities for gas, oil or solid fuel combustion on site.

5.108 Construction traffic from this and other developments shall be routed to minimise impacts on road links that form the local Quality Management Area especially the B2123 through Rottingdean village.

5.109 (Additional comments 11/12/2017 following submission of further information): Recommend approval with an exemplar range of mitigation measures.

5.110 Preference to seek non-combustion solutions on site. Taking account of sustainability considerations any essential combustion complies with:

- Ultralow NOx boilers use best available techniques available on the market complying with the standards set out , and
- Any preference for wood burning using DEFRA exempt appliance that could be legally used in a smoke control area (given proximity of the site the AQMA that is sensitive for air quality).

5.111 Further comments – 25 September

Under planning policy the developer has duty to mitigate any adverse impacts. If impacts are imperceptible or slightly adverse in the vicinity of an AQMA it is good practice to encourage low and no emissions. The air quality assessment has not found the development to be adverse for local air quality.

5.112 Since the air quality assessment was submitted Brighton & Hove City Council monitors East 23 and East 24 (next to traffic pulling away from the junction) indicate an improvement. Since 2015 results from Monitor East 22 (near traffic queuing) suggest an increase.

5.113 When comparing monitoring results between years it is important to have regard to data capture for each calendar year. Data capture at E22 is not 100% for every year. The reported 2017 annual average takes account of any missing data during the calendar year. The monthly results show seasonal variation and are broadly consistent with previous years.

5.114 The significance criteria are classed as; imperceptible, slight, moderate or substantial as set out in table 6.3 of the Environmental Protection UK (EPUK) in partnership with the Institute of Air Quality Management (IAQM) – Land Use Planning and Development.

- 5.115 The recorded annual average nitrogen dioxide at E22 = 41 µg/m<sup>3</sup>. This does not change the conclusions of the St Aubyns air quality assessment.
- 5.116 **Flood Risk Management Officer**  
The Lead Local Flood Authority notes the Sustainable Drainage Report and Flood Risk Assessment and raises no objection subject to the inclusion of a condition to secure a detailed design and associated management and maintenance plan.
- 5.117 **Heritage Officer:**  
(Comments 26/09/2017) Seek Amendments.  
Summary -\_This application has been subject to pre-application discussions and the submitted application is generally a reflection of those discussions. The principle of bringing the vacant listed building and associated structures back into long term use is very welcome and residential use is considered to be compatible with the conservation of the historic buildings, particularly the main school building that was originally a house. This is considered to be a great heritage benefit. The extent of demolition proposed is considered to be justified and would retain most parts of the principal building and curtilage structures of the greatest significance. The internal alterations to the principal building would, with regard to the original building, restore much of its original plan form and, subject to details, its important internal features and fixtures. There are some matters of detail, including with regard to new window pattern, that nevertheless need to be revised.
- 5.118 The new development on the campus part of the site would provide a very clear enhancement to the appearance and character of the conservation area over the existing ad-hoc collection of poor quality late 20th century buildings on this part of the site, and subject to revised details to the proposed approach to landscaping, is considered to be entirely sympathetic to the Conservation Area.
- 5.119 The development of the southern part of the playing field site would cause clear harm to the setting of the Conservation Area, and to a lesser degree to the setting of the principal listed building. This harm particularly arises from the visible reduction of the 'green lung' between the conservation area and the later suburban development east of Newlands Road, which is important to the setting of the conservation area as identified in the Character Statement. This harm would be notable but would be less than substantial under the terms of the NPPF. This degree of harm has not been justified in terms of viability.
- 5.120 (Comments 23/11/2017 following receipt of amended plans/further information)  
Field House - The amended plans have satisfactorily addressed the issue of the new window pattern to the west elevation of the early 19th century extension to the north. As a full schedule of historic internal features to be retained, removed, relocated or reinstated within the building has still not been submitted with the application this will be required by condition and should be clearly reference to the rooms on the plans.

- 5.121 It has been clarified that the proposed balcony to the late 19th century and 1902 extensions to the north is for amenity purposes and to reinstate a former feature. A photograph has been supplied as evidence of its former existence and design. However, that photograph shows the balcony to the 1902 extension only and not to the earlier building (though it is presumed to be a later alteration as it is not shown on the original 1902 drawings included with the Heritage Statement). The late 19th century extension has a significantly higher eaves and higher first floor windows so a continuous balcony across the two appears as an incongruous and inappropriate feature on the earlier building. This aspect of the proposals should be amended so that the new balcony features on the 1902 building only.
- 5.122 Rumneys and the Cottages - the amended plans satisfactorily show the reinstatement of the original northern first floor window to the north cottage, where the link structure is to be removed.
- 5.123 The Chapel - It remains vitally important to find a long term use and custodian for the chapel but the application at least aims to ensure that the building is brought back into a good state of repair with regard to the external fabric, so that it can be confidently 'mothballed' if necessary until a new use or user can be found. A schedule of repairs should be required by condition and the chapel should be repaired/made sound before the new development is occupied.
- 5.124 Other structures - the intention for the sports pavilion and war memorial to be taken on by Rottingdean Parish Council along with the playing field, subject to agreement, is welcome. It will again be important for the sports pavilion to be made into a good state of repair prior to handover and again this should be controlled by condition.
- 5.125 (Comments 12/12/2017 following receipt of revised plans) The amended elevation drawing satisfactorily addresses concern regarding the extent of the proposed balcony, but note that the floor plans have not been amended and still show the previous extent of the balcony.
- 5.126 **Housing Strategy:**  
(Comment 27/09/2017) This application is for 93 properties including 31% affordable which equates to 29 homes which are shown on the application form as 16 for Affordable Rent and 13 for Shared Ownership sale. This is lower than the policy position of 40% which would provide 37 homes (20 Affordable Rent and 17 as Shared Ownership). However, documents state that this reduction in provision is based on a viability report which, if confirmed by an independent assessment, is an acceptable offer. The tenure split is policy compliant – 55% Affordable Rent and 45% Shared ownership - which is welcome.
- 5.127 Affordable housing units should be indistinguishable from market housing in the scheme's overall appearance. The scheme will be expected to meet Secure by Design principles.
- 5.128 The council requires 5% of all housing to meet wheelchair standards and 10% of affordable housing.

- 5.129 The Council's wheelchair accessible standard requires that it meets national technical standards Part 4 M (3) at build completion (i.e. at time of letting/ sale). Plots 53 to 58 (6 x 2 bed flats) are identified as wheelchair accessible shared ownership. Affordable rented would be the preferred tenure for wheelchair accessible homes.
- 5.130 To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, our Affordable Housing Brief offers support for schemes that meet the new nationally described space standards.
- 5.131 The unit mix offered is made up of 9 x 1 beds, 13 x 2 beds and 7 x 3 beds which is compliant overall with Affordable Housing Brief requirements. A revision of the tenure mix to swap some units around i.e. swap 3 x 2 bed to rented and 3 x 3 bed to shared ownership would be preferable. This could also assist with making the wheelchair accessible units Affordable Rent.
- 5.132 Family housing for rent and wheelchair housing for affordable rent are particularly welcomed.
- 5.133 The Affordable Housing Brief includes the requirement for a review mechanism to reassess the viability of schemes near completion, where any reduction from policy (i.e. less than a 40% provision) can be reassessed and any increase in the viability position is reflected in an uplift of the contribution, to be paid as a commuted sum.
- 5.134 **Planning Policy:**  
(Comments 07/09/2018)  
In terms of the issue of loss of open space/playing field, Paragraph 97 of the NPPF specifically considers open space and states that existing open space, including playing fields, should not normally be built on unless one of the exception criteria is met. The application also needs to be assessed against City Plan Policies CP16 and CP17 which seek to protect existing open space unless at least one of four exception criteria are met. The proposal is not considered to strictly meet any of these criteria and involves the loss of approximately 43% of the existing school playing field. However this loss, and the implications for provision for sports facilities in the context of the historical public access which was restricted, needs to be weighed up against the proposal of the scheme to transfer the remaining part of the playing field (1.4ha) into public ownership. This would achieve more effective use of the remaining open space in line with the aims part 1 of Policy CP16.
- 5.135 In addition the applicant makes the case in the Planning Statement that development on part of the playing field is necessary to enable a viable scheme to bring forward the whole site for development. This assertion should be independently tested by the District Valuer before an exception to the policy to allow the partial redevelopment of the field can be considered.

- 5.136 The proposed amount of housing will make a welcome contribution to the city's housing target as set out in Policy CP1 of the City Plan, and a residential use is supported, in principle, by the Planning Brief for the site.
- 5.137 City Plan Policy CP14 relates to housing density and states that to make full efficient use of the land available, new residential development will be expected to achieve a minimum net density of 50 dwellings per hectare. The density and quantity of housing proposed on the playing field (52 units, which equates to approximately 49 units per hectare) is in line with this policy requirement.
- 5.138 The proposed proportion of affordable housing is 31% - 29 dwellings out of 93. City Plan Policy CP20 states that the council will negotiate to achieve 40% onsite affordable housing provision on sites of 15 or more (net) dwellings. Viability evidence stating that this is the maximum level that can be provided has been submitted. This should be independently tested by the District Valuer before an under-provision of affordable housing against the policy requirement can be considered.
- 5.139 *UPDATE (September 2018) - The applicant has indicated they are willing to provide 40% affordable housing. This level of provision complies with Policy CP20 and is supported.*
- 5.140 The principle of loss of the private school was carefully considered in the Planning Brief for the site. It is considered acceptable when assessed against policy HO20 in the Local Plan and the need for housing in the city, subject to the retention of a community facility on the site. It is considered that the retention of the chapel for community use, secured as part of a S106 legal agreement, would satisfactorily offset the loss of the school and justify an exception to Policy HO20.
- 5.141 Putting to one side the partial loss of playing field, the other elements of the scheme on the former school campus are considered acceptable subject to an acceptable level of provision of affordable housing, retention of a community facility as part of the scheme; and the retention of the playing field for public use (or part of subject to justification).
- 5.142 **Public Art Officer:** No objection. To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule, to the value of £54,600 be included in the section 106 agreement.
- 5.143 **Private Sector Housing:** (Comments 20/09/2017) The proposed layout of dwellings on plots 30,36,32,33,34,35,68,69,03,02,05,59,60,61,70,71,08,09,10 & 23 are unsatisfactory from a fire safety point of view, because they have at least one 'inner bedroom' accessed through a kitchen/dining room or living room (deemed a higher risk area). These arrangements should be avoided unless there is a satisfactory secondary means of escape provided from each bedroom.

- 5.144 (Comments 24/10/2017 following receipt of letter from developer). Have no further comments to make.
- 5.145 **Sustainability Officer:**  
(Comments 26/10/2017). A Sustainability and Energy Statement and a Sustainability Checklist have been submitted with the application. The application commits to the achievement of the minimum standards as set out in City Policy CP8 relating to new build dwellings. It is recommended these standards are secured by condition.
- 5.146 The dwellings proposed to be built within the converted building are proposed to achieve a minimum standard of BREEAM Domestic Refurbishment 'Very Good'. This standard falls below the standard sought in the Planning Brief which refers to an 'Excellent' standard. Policy CP8 is silent on a specific standard for dwellings created in existing buildings, but the Planning Brief is a material consideration for the site having undergone extensive consultation and approved by committee. The Design and Access Statement sets out a reasoned argument why BREEAM Domestic Refurbishment 'excellent' standard may not be achievable due to the Listed Status and heritage considerations. In particular there is reference in the Sustainability and Energy Statement to the issues that the existing ground-floors, external walls and existing windows are assumed not to be currently thermally enhanced yet their improvement may not be possible because of potential impact to the heritage fabric of the buildings. This argument is felt to be reasonable to set instead a minimum of BREEAM Domestic Refurbishment 'Very Good' as the minimum standard, and it is recommended this is secured by condition.
- 5.147 The Submitted Energy Statement acknowledges that the Energy Strategy is not fully defined especially in relation to the existing buildings. Estimation of energy performance has been provided for the new dwellings, which are assumed to be supplied with gas combi boilers for space and water heating. These are proposed to be built to highly efficiency and airtight standards with potential to deliver further energy efficiency through Flue Gas Heat Recovery and Waste-water Heat Recovery.
- 5.148 The Statement reviews different options for renewable energy technology discounting virtually every technology for different reasons. The Sustainability and Energy Report and the Design and Access Statement sets out an argument that solar panels could not be integrated into the new dwellings due to a perceived 'detrimental effect on long distance views'. This argument is generally acceptable in relation to the Listed Building (though there may be some roof areas where solar could be hidden from view). There may be opportunity for solar panels (either PV or solar thermal) to be successfully and sympathetically integrated into the new dwellings in the part of the site which is outside the conservation area and therefore has less heritage sensitivity.
- 5.149 Given that the energy strategy is not fully defined and the pathway to achieve 19% reduction in CO<sub>2</sub> in the new dwellings, or BREEAM 'very good' in the conversion, it is recommended that the opportunity for integration of renewables and in particular solar technologies be re-evaluated in a detailed Energy

Strategy for the scheme. The Energy Statement states that Gas combined heat and power is not thought to be economic at this scale, however, there is evidence in support of this statement. This option, combined with a communal heat system could be explored in greater detail in order to deliver a low carbon heat solution.

- 5.150 It is recommended that a pre commencement condition be applied, requiring submission of a report providing finalised detail of the energy strategy demonstrating how the minimum standards will be achieved, and setting out how energy efficiency, renewable energy, and low carbon solutions will be integrated into the scheme as required under paragraph 4.85 of City Plan policy CP8.
- 5.151 There are some positive measures which address City Plan policy CP8 incorporated in to the scheme. These include: bringing an existing building back into use; compliance to the Considerate Constructors scheme; commitment to produce a Site Waste Management Plan; parking proposals include provision of 12 Electric vehicle charging points, 153 cycle parking spaces and 2 allocated car club bays.; 23 trees to be added to the site; installation of rainwater butts; Secured by Design principles will be followed for the new housing.
- 5.152 The proposals do not include provision of green roofs or green walls; food growing; composting facilities; or any commitment to incorporate renewable energy technologies.
- 5.153 Both the Planning Brief and policy CP8, paragraph 2 'a' to 'p' refer to Sustainability measures expected of development. In particular the Planning Brief refers to the opportunity presented by the extensive grounds and playing fields. There are several aspects referred to that do not appear to have been fully explored by the submitted scheme and there appear to be opportunities for enhancement that could be incorporated into the scheme without considerable expense, given proposals for landscaping. In order to rectify this, it is recommended that a further document be submitted providing details of how these sustainability measures will be addressed.
- 5.154 In order to ensure that the development is compliant with adopted policy on Sustainability, it is recommended that a number of conditions are applied.
- 5.155 (Revised Comments 14/11/2017 following review of comments by Council's Air Quality Officer over concerns for Air Quality in Rottingdean).  
Given that the energy strategy is not fully defined and the pathway to achieve 19% reduction in CO2 in the new dwellings, or BREEAM 'very good' in the conversion, it is recommended that the opportunity for integration of renewables and in particular solar technologies be re-evaluated in a detailed Energy Strategy for the scheme. The Energy Statement states that Gas combined heat and power is not thought to be economic at this scale, however, there is no evidence in support of this statement. The option to provide a communal heat system could be explored in greater detail in order to deliver a low carbon heat solution. This could be based on heat pump technology in order to avoid local emissions to air that might contribute to poor local air quality.

- 5.156 It is noted that the Environmental Health Officer has asked that the scheme be delivered without combustion technologies. In preparing the energy strategy and associated documents for the scheme, the applicant should explore how they will apply this mitigation in terms of the heating strategy for the site. The energy statement refers to the use of individual gas boilers as the core heating strategy for the housing. It is also noted that the Energy Statement states that Gas combined heat and power is not thought to be economic for the site, similarly air source heat pump technology has been ruled out for the flatted development.
- 5.157 Given the Environmental Health officer's concerns, the Energy Statement should be reviewed in order to address the officers concerns.
- 5.158 The use of heat pump technologies should be investigated further as an efficient technology to meet the space and water heating demands. Straightforward electric heating will not be an acceptable solution for heating, as it is high carbon and inefficient.
- 5.159 (Additional comments 28/11/2017 following receipt of further information): The energy strategy for the new build element is well developed; the strategy for the conversion less so – and therefore the need for this element to be addressed is acute. Whilst policy CP8 sets no minimum standard as such, the policy still applies.
- 5.160 A commitment should be made for a minimum Energy Performance Certificate (EPC) rating in the dwellings created in the existing building and ideally these should be EPC 'C' minimum.
- 5.161 Disappointing that whilst identified as desirable in the consultation process for the St Aubyns Brief and there is a detailed landscaping scheme, the intention to deliver fruit trees is not there. This is unlikely to cost much more than non-productive trees and would improve the sustainability of the scheme.
- 5.162 **Sustainable Transport Officer: No objection**  
(Comments 24<sup>th</sup> January 2018): The Transport Assessment and other supporting documentation setting out transport aspects of the proposed development are deficient in a number of ways. In some cases they do not allow confirmation that the proposed development meets policy requirements. In others, they show non-compliance or, where policy is not explicit, elements that are below the expected standard. The assessment of the development's impact is flawed yet still shows an unacceptable level of traffic impact.
- 5.163 Concerns are raised on the following;
- Details regarding pedestrian access / movements and surveillance (within and outside the site),
  - Inadequate cycle parking provision
  - Insufficient assessment of cycling and pedestrian access / routes,
  - The junction modelling and therefore the traffic impact,
  - Car parking and disabled car parking provision,

- Unambitious travel plans

5.164 On the basis of the assessment, it is recommended that the application is refused or that determination is deferred to allow amendment for the applicant to address these concerns.

5.165 Final comments 12 September 2018

In response to earlier Transport Team comments, further information and design changes were made to the initial application as shown in additional submissions in March, April and July 2018. These have resolved, in part or in full, a number of issues including, among other things, pedestrian access and movement, elements of cycle parking access and design, vehicle access and car parking design, and travel plan provision. In addition and by way of clarification, concern expressed at an earlier stage over traffic impact was intended to relate to its anticipated effect on air quality given the presence of the Air Quality Management Area. Separate comments have been provided by the City Council's Air Quality Officer on this matter.

5.166 Whilst the applicant has responded to requests to provide additional information on the matter of junction modelling, this has not been sufficient to address all concerns. However, the development imposes relatively small volumes of additional traffic which have been demonstrated to have a minimal impact on the already over-saturated junction of Marine Drive with Rottingdean High Street. Traffic impact cannot therefore be considered unacceptable to the extent that it meets the National Planning Policy Framework criteria of "severe" which could justify refusal of an application on the grounds of that impact.

5.167 The applicant has similarly made several revisions to their proposals in response to concerns about cycle parking provision. However, the proposals remain deficient in several locations and require a degree of redesign. This can be secured through a pre-commencement condition. It is recommended that the proposed minor over-provision of car parking (compared to policy maxima) is only acceptable subject to provision of satisfactory cycle parking and that this be controlled by another condition.

5.168 Subject to application of the above-mentioned conditions, and other conditions and obligations (including the provision of various financial contributions and a requirement to enter into a Section 278 agreement), the Transport Team would not wish to obstruct the granting of permission.

## **6. MATERIAL CONSIDERATIONS**

6.1 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

6.2 The Development Plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP5	Culture and Tourism
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density
CP15	Heritage
CP16	Open Space
CP17	Sports Provision
CP18	Healthy City
CP19	Housing Mix
CP20	Affordable Housing

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting

QD26	Floodlighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO11	Residential care and nursing homes
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE1	Listed Buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on listed buildings
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in Conservation Areas

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development

Supplementary Planning Guidance

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

St Aubyns School Site Planning Brief January 2015

Rottingdean Conservation Area Character Statement

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the proposed development including the partial loss of the playing field, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area, including the Rottingdean Conservation Area and its setting, and the impact upon the special architectural and historic significance of Listed Buildings located within the site and their setting. The proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, and sustainability impacts must also be assessed.

### **8.2 Planning Brief**

A Planning Brief for the site was prepared to guide the future redevelopment of the former school site following the closure of the school in April 2013. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's Economic

Development and Culture Committee, as a material consideration in the assessment of subsequent planning applications relating to the site, on the 15<sup>th</sup> January 2015.

- 8.3 The brief was prepared by the Council in partnership with Rottingdean Parish Council. Rottingdean Parish Council is currently undertaking the preparation of a Neighbourhood Plan and was keen to see a planning brief produced which would guide the future development of this strategically important site within the Parish.
- 8.4 The purpose of the brief is to provide a planning framework that helps bring forward a sensitive redevelopment on the site that achieves the following objectives;
- Making efficient use of the land and bringing forward a viable and deliverable scheme,
  - Securing the re-use and ongoing maintenance of the Listed Building,
  - Preserve the Listed Building and preserve or enhance the character and appearance of the Rottingdean Conservation Area and their respective settings; and
  - Maximising the use of the existing playing fields for open space and public recreation.
- 8.5 The planning brief sets out that a Built Heritage Assessment would be required for the site in its entirety which should outline the historic development of the site before identifying the special interest and significance of the site as a whole and of its constituent parts. Such assessment should inform the development of proposals for the site and dependent on the level of change proposed, a historic building record may also be required ahead of any redevelopment of the site. The brief states that subject to the findings of the Built Heritage Assessment development proposals should have regard to;
- The Grade II listed main building (including Chapel), listed boundary wall and the curtilage Listed Buildings should in principle be repaired and retained. Strong justification would be required for the loss of the whole or any part of a listed or curtilage Listed Building, based on the findings of the Built Heritage Assessment,
  - The green space adjacent to the Chapel (including Mulberry tree) and croquet lawn should be retained as part of any redevelopment,
  - The 'courtyard' character should be preserved and enhanced,
  - Surviving historic external and internal features to the main building should be retained. The building should remain as a single unit however there may be potential for subdivision to provide a viable scheme. This would need strong justification and as far as possible be sympathetic to the original plan form and circulation routes,

- The continued role of the existing playing fields as an open green space, acting as a buffer between the historic village and surrounding suburban development,
  - Any new proposed development will need to be sensitively designed, of an appropriate scale and massing and the visual impact will need to be minimised. Development should remain deferential to the main Listed Building, and
  - For parts of the site where development may be considered acceptable, it is likely that 2 storeys with attic would be an acceptable maximum height, dependent on design and topography.
- 8.6 Part 9 of the Planning Brief sets out the site constraints and opportunities for development. The brief states that developers should ensure proposals respond positively to the design challenges and ensure that their approach to the redevelopment of the site is design-led.
- 8.7 The Planning Brief acknowledges the requirements of the NPPF with regards to the presumption in favour of sustainable development, the protection and enhancement of the historic environment and to provide sufficient housing to meet the needs of present and future generations. The brief states that the principle of residential use of the site within a scheme that acknowledges and respects the significance of the heritage assets present in and around the whole site as well as the presence of the playing field would, therefore be acceptable. In this respect the core aspects of any residential proposal would be expected to meet the following objectives;
- The reuse and retention of St Aubyns Listed school and curtilage listed cottages;
  - Sympathetic new development of the remainder of the campus site as defined in the brief; and
  - Development which takes account of the strategic views across the playing field.
- 8.8 The document states that it is important that the requirements of the Brief are realistic and deliverable; however this should not be to the detriment of heritage assets and as such, developers are required to provide clear and convincing justification for any harm caused to heritage assets as a result of putting forward a viable scheme. In these circumstances, the Local Planning Authority needs to assess whether the benefits arising from the proposed development outweigh the harm caused to heritage assets and/or the departure from policy.
- 8.9 **Principle of Development:**  
The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

- 8.10 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).  
The provision of 93 (90 net) new dwellings, via a mix of refurbishment/conversion of existing buildings and new build apartments/houses, would make a welcome contribution towards the City's housing target as set out in Policy CP1 of the City Plan Part One and would assist with meeting the five year housing land supply.
- 8.11 The Planning Brief sets out that the principle of residential development would be supported on the site (subject to the relevant planning considerations). It is also noted that the site is included in the SHLAA as having the potential for residential development (48 units).
- 8.12 Furthermore it is also recognised that the site is proposed to be allocated in the draft City Plan Part 2 for residential development (40 units). Whilst this plan is still in the early stages and currently does not carry any weight it does show the future direction of travel of the Council.
- 8.13 Whilst the principle of housing on the site is considered acceptable, the number of units and the site coverage / location require careful consideration.
- 8.14 **Loss of School/Policy HO20**  
Policy HO29 relates to the retention of community facilities, including schools unless one of four exceptions for their loss applies:
- the community use is incorporated or replaced within a new development;
  - it is relocated to a location which improves access to users;
  - existing nearby facilities are improved to accommodate the loss; or
  - it can be demonstrated that the site is not needed, not only for its existing use, but for other types of community use.
- 8.15 As set out above, the Planning Brief for the site was prepared following the closure of the school in 2013. The principle of the loss of the private school (use class C2) was carefully considered and accepted in the Brief and as such the Brief does not necessarily seek the retention of educational facilities at the site. The proposal would involve the retention and refurbishment of the Grade II listed Chapel and the Pavilion as community facilities (use Class D1). At the time of writing, whilst the applicant has been in discussions with the Rottingdean Parish Council about the possibility of taking on the use and future maintenance of these buildings nothing has been agreed. Notwithstanding the above conditions / and or a legal agreement are proposed to ensure that these

community buildings are retained and maintained. It is considered that the retention of these buildings would be a significant public benefit and would satisfactorily offset the loss of the existing community facility (in the form of a private school) and justify an exception to Policy HO20.

8.16 It is noted that the loss of the community facilities (ie the school) was assessed in the previous residential application on the site and whilst this application was refused for a number of reasons the loss of the school was accepted.

**8.17 Viability and Affordable Housing**

Housing affordability is a major issue for many residents within the City. Policy CP20 of the City plan relates to affordable housing on windfall sites and states that on sites providing 15 or more (net) dwellings (including conversions/changes of use) 40% onsite affordable housing provision is required. The application as originally submitted proposed to deliver 31% on site affordable housing units. This would amount to a total of 29 units with a tenure split of 55% social rented and 45% intermediate housing as set out in the Affordable Housing Brief (AHB).

8.18 As part of the application, viability information was submitted which set out that without the level of development proposed, involving the development of approximately 1 ha of the playing field, the retention and re-use of the listed Field House, Cottages and Rumneys, the restoration of historic assets is unviable.

8.19 The applicant's viability assumptions have been independently tested by the District Valuer Service (DVS) with regards to whether a scheme without the level of development on the southern part of the playing field would be viable, and whether a higher proportion of affordable housing could be delivered as part of a viable scheme. Such assessment has taken into account the required maintenance for the retained playing field, the provision of an off-site contribution towards outdoor sports to compensate for the loss of the playing field and s106 contributions towards infrastructure.

8.20 The DVS concludes that the proposed scheme of 93 units on the playing field and campus, with policy compliant affordable housing provision of 40% (37 units) could be viably provided. The DVS also concludes that a scheme of 41 units on the campus site only, comprising the conversion of listed buildings and new build development without any redevelopment of the playing field and with policy compliant affordable housing of 40% would not be viable. The DVS does however consider that a campus only development solely for private sale without any redevelopment on the playing field would be viable.

8.21 The applicant disagrees with the DVS assessment and as such maintains that it would not be viable to provide policy compliant levels of affordable housing over the scheme. Furthermore they do not agree that a solely market housing scheme in relation to the campus site would be viable without redevelopment of the playing field.

- 8.22 Notwithstanding the above the applicant has stated that a commercial decision to provide a policy compliant level of 40% affordable housing has been agreed. They set out that whilst this would result in a lower profit margin than was agreed to be appropriate in the viability assessment they are willing to proceed on this basis.
- 8.23 It is noted that the National Planning Policy Guidance (NPPG) in relation to viability was updated in July 2018. The applicant has submitted a summary of their viability position in accordance with this guidance.
- 8.24 **Design/Layout/Visual Amenities/Heritage**  
City Plan policy CP12 relates to Urban Design and sets out the general strategic design criteria expected of new development whilst policies HE1, HE2, HE3, HE6 and HE8 of the Local plan and policy CP15 of the City Plan relate to Heritage issues.
- 8.25 Field House was built in the early 19<sup>th</sup> century as a detached house, but has been in use as a school since 1832, which has resulted in the building being extended in a piecemeal manner to its current form during the rest of the 19<sup>th</sup> and 20<sup>th</sup> century. The school building is of particular significance due to its formal façade, which faces onto and is clearly visible from the High Street and views along Park Road to the west. Despite the school building being built over time, the near symmetry and formal architectural style, alongside the size and scale of the building, denotes its status, which is particularly evident in relation to the scale and predominantly vernacular style neighbouring properties. The main school building is set back from the main High Street building line which further strengthens the contrast with neighbouring properties and therefore its relative higher status. This difference contributes to the understanding of the building and the character of the Conservation Area.
- 8.26 As set out above the campus part of the school site is located within the Rottingdean Conservation Area and therefore all buildings within the campus area form part of the designated asset. The enclosed 'courtyard' character of the campus site is akin to that seen in Kipling Gardens on the green.
- 8.27 The Rottingdean Conservation Area Character Statement evaluates the location, setting and history of the village in which the site is located. Within this document, the school campus part of the development site is identified as being within The High Street distinct character area (stated to be the commercial heart of the village). The High Street area of the Conservation Area comprises buildings with varying architectural style and detailing, which emphasises the area's long history and piecemeal development.
- 8.28 The school playing field, whilst not within the Conservation Area, is considered to be of particular importance as part of the setting of the Rottingdean Conservation Area. It provides an important reminder of the once rural setting of the village, and a distinction between the historic village and surrounding development. This is a distinction between development that responds to the grain and form of the historic village and development that has been laid out without reference to this, rather than an arbitrary division based only on date of

construction. Although the current form and shape of the green space is not historic, it is the open, green character which is of particular importance. This is evident in strategic views V1a and particularly V1c as set out in the associated Character Statement. The space is identified in its entirety as part of the green buffer surrounding the Conservation Area within the Character Statement.

8.29 The predominant building height in the area is two to three storeys; it is however noted that St Aubyns Mead flats are 4 storeys in height whilst properties adjacent to the Marine Drive access point are 3 storeys in height. The associated site Planning Brief states that the height of proposed new development must not exceed the indicative heights shown in the document, being a maximum of 2 to 3 storeys on the southern and northern side of the school campus and a maximum of 2 storey in the centre of the school campus site (the brief does not discuss development of the playing field in terms of site constraints and opportunities). The brief also states that development must be lower to the immediate east of the Listed Building to protect the relationship between the main building, its immediate curtilage and the playing field. It must also be ensured that developments respond to the significant changes in level from west to east across the site.

8.30 The provision of 93 dwellings overall, comprising the conversion of Field House (the principal listed building) and Rumneys and Cottages (curtilage listed buildings) and 81 new dwellings, would be predominantly 2-2.5 storey development up to a height of 10.6 metres, and occasional 3 storey buildings up to 14.5 metres in height, located to the southern site frontage on St Aubyn's Mead. The proposed development would incorporate a palette of materials including slate, red and plain clay roof tiles, flint, render and timber boarding, with a variety of brick: grey, multi-grey and weathered red-grey brick. The impact of specific elements of the proposal on visual amenity and designated heritage assets is discussed in further detail below.

#### 8.31 *Extent of Demolition*

In order to accommodate the proposed new build development within the school campus, the proposal includes the demolition of existing buildings/structures across the site. An application for listed building consent has been submitted concurrent to this full planning application with regard to the demolition of existing buildings / structures across the site, and the conversion and refurbishment of the principal listed building and curtilage listed buildings (BH2017/02681). The proposed extent of demolition is considered in detail under the application for listed building consent. The proposed demolition is considered to be justified and would retain most parts of the principal listed building and curtilage structures of greatest significance.

#### 8.32 *Retention and Conversion of Historic Listed Buildings*

##### *Field House*

As summarised above, Field House comprises four floor levels (including basement) and was built as a single house, before becoming a school. It is recognised by officers that the sensitive conversion to residential as part of an acceptable wider scheme would ensure the long term use for the current vacant historic building, which would be a great heritage benefit.

- 8.33 The proposal would result in Field House being converted into a total of 8no. residential units (1 and 2 bed). Plots 30 – 35 would be within the main part of the historic building with plot 36 (3 bed) in the retained early 19<sup>th</sup> century wing and plot 37 (2 bed) in the 1902 northern wing. The basement level of the main part of the school building would provide storage rooms for plots 30 to 35. The proposed conversion includes the reinstatement of historic chimney breasts, new partition stud walls, the rebuilding of elements, the creation of new doorways openings, the blocking up of existing doorways, the insertion of new windows, the insertion of new internal and external doors and the insertion of new stairs internally and externally.
- 8.34 The proposed approach to the external alterations and extensions is considered to satisfactorily retain the informal character of the rear elevation of the building and the new infill element, with its gabled end, is considered to be a suitably low key addition but also an appropriate reflection of the building's historic form. The proposal is considered to be an improvement over the existing rear elevation. Internally, the proposed works to the original part of the house and to the late 19<sup>th</sup> century wing are considered to be acceptable and would better reveal the plan form.
- 8.35 The proposals for the early 19<sup>th</sup> century northeast extension and 1902 school extension would retain the original walls and as such is welcomed by the Heritage Officer, though it is noted that there would be some sub-division of the original school room spaces in order to convert to residential use. It would however be important to retain the timber matchboard finish to the original walls.
- 8.36 Since the submission of the application, the proportions and glazing patterns of the proposed windows in the western elevation of the early 19<sup>th</sup> century extension have been amended so that they match those on the east elevation.
- 8.37 In relation to the late 19<sup>th</sup> century and 1902 extensions to the north, the plans and elevations as originally submitted showed a first floor balcony with photographic evidence supplied by the applicant regarding its origin and as evidence to its design. The Heritage Officer has reviewed the evidence and notes that the balcony related to the 1902 extension only and not the earlier building. The late 19<sup>th</sup> century extension has significantly higher eaves and higher first floor windows; therefore, a continuous balcony across the two would appear as an incongruous and inappropriate feature on the earlier building. Following further comments from the Heritage Officer, the application has been amended so the balcony features on the 1902 building only.
- 8.38 *Rumneys and Cottages*  
The two storey terraced block, known as the Cottages and Rumneys, are located in the north-western corner of the campus part of the school site. It is proposed to convert the cottages to 3no. 2 bedroom properties (plots 38 – 40) and the conversion of Rumneys to a three bedroom property (plot 41). As with the proposed conversion of Field House the principle of bringing the vacant buildings back into long term use is welcomed and it is considered that the

conversion to a residential use would be compatible with the conservation of these historic buildings.

8.39 The proposed conversion of these properties into 4 residential units would consist of works to include new internal partition walls, the blocking up of internal and external doorways, new insulated walls and reinstatement of fireplaces. Five conservation style rooflights would be inserted into the western facing roofslope to provide additional light and ventilation to the proposed residential accommodation. Minimal alterations to windows and glazed door openings are proposed in order to ensure that the proposed conversion is sympathetic to the surviving character of these buildings.

8.40 As part of the proposal, the unsympathetic modern extension located on the southern side of the cottages would be removed and the area to the east of the cottages landscaped to form shared gardens/courtyard space.

8.41 Since submission of the application, the proposed scheme has been satisfactorily amended to include the insertion for an original northern first floor window opening to the northern most cottage, following the removal of the harmful first floor link structure. The Heritage Officer considers this would better restore the elevation, whilst providing additional daylight to the main bedroom. It is considered that the proposed conversion of these curtilage listed structures would be sympathetic to the surviving character of the buildings internally and externally, retaining their modest and informal character in addition to removing the harmful first floor link structure in the corner.

#### 8.42 *The Chapel*

The Chapel is located to the north of the main school building and is currently attached via the north wing extension of Field House. Following the demolition of the northern wing of Field House, the Chapel would be retained as a standalone building. The retention of the Chapel is welcomed whilst the loss of the later link structures is considered acceptable.

8.43 The proposal fails to provide a use that would secure the long-term future of the Chapel, which is regrettable as it is considered important to find a long term use and custodian for the chapel. However, in the context of a redevelopment that would result in the re-use of the vacant school site and, given the need to bring the main school building back into use and good repair, officers do not consider that a refusal on the grounds of no-end user being identified for the chapel could be sustained. Furthermore, the proposal aims to ensure that the Chapel is restored to a good state of repair with regard to the external fabric so that it can be confidently 'mothballed' if necessary in the interim, which would ensure its longevity whilst continuing attempts are made of secure a long term end user for the Chapel.

8.44 A schedule of repairs for the chapel (Conservation Management Plan) should be required by condition and for the Chapel to be made good and repaired in accordance with an agreed timetable.

#### 8.45 *Other Structures*

The retention of the sports pavilion, war memorial and drinking fountain, located in the north-western corner of the retained part of the playing field, is welcome; however, there is a lack of a specific proposal for the future use of the sports pavilion which is disappointing. It will therefore be important to ensure that the pavilion is repaired to a good state and redecorated, which can be ensured via a condition.

8.46 *Hard Landscaping*

The applicant has submitted a hard and soft landscaping scheme for the campus and playing field. The Heritage Officer is broadly supportive of the simple landscaping approach, following the revision of a more restricted palette of hard landscaping materials. This is with the exception of the brindled concrete paving type with chamfered edge, which is not considered to be appropriate to the historic brick pavers (traditional pavers do not have a chamfered edge). It is proposed that a revised landscaping scheme would be secured by condition.

8.47 *Proposed Development on School Campus Site*

The school campus development layout would be focused around a series of courtyards. The layout, scale, footprint and form of the new 2 storey development is considered to be entirely appropriate to the urban grain and general character and appearance of the Rottingdean Conservation Area and to the setting of the principal listed building. This aspect of the proposed development would provide a very significant enhancement to the appearance and character of the Conservation Area over the existing ad-hoc collection of poor quality late 20<sup>th</sup> century buildings on this part of the site. The traditional design approach to the proposed new dwellings, with steeply pitched roofs and gables, is also considered to be appropriate. The minimal new openings in the flint wall to the historic Twitten and the new opening in the flint wall to Steyning Road is acceptable, given the need for vehicular access here. A mix of traditional materials is indicated and it is recommended that this is controlled by condition.

8.48 *Proposed Development on the Playing Field*

The current application encroaches further northwards onto the playing field than the previously refused scheme (BH2015/03108) and therefore, there is less retention of green space. This has a particular impact on the setting of the Rottingdean Conservation Area, notably from those key views identified in the Rottingdean Conservation Area Character Statement (from Beacon Hill to the west and from Newlands Road to the east) together with the identified view from the junction of Park Road / Park Crescent, to the west (viewpoint 12 of the Landscape and Visual Impact Assessment).

8.49 The submitted verified views show that from Newlands Road, the proposed development would have no significant impact on this view and, in particular, would not impact on the view towards Beacon Hill and the Windmill. From Park Crescent / Park Road, where the listed building of Field House closes the vista with the playing field and downland behind, the proposed development would reduce the amount of open playing field behind the listed building and would mean that the roof of the listed building would no longer be silhouetted against

the green space. It is acknowledged however that this would change as the viewer descends the hill.

- 8.50 Nevertheless, the impact in this view would cause some harm to the setting of the Conservation Area and to the setting of the listed building. The most notable impact would be the viewpoint from Beacon Hill from where the playing field currently provides a clear 'green lung' or vista between the Conservation Area and the later suburban development east of Newlands Road. This is important to the setting of the Rottingdean Conservation Area, as identified in the Character Statement, and the proposed development would significantly reduce the extent of this green vista, thereby harming the setting of the Conservation Area.
- 8.51 The Heritage Officer states that the layout, form and massing of the proposed development is considered to be notably more sympathetic to the grain of the adjacent Conservation Area than the previously refused scheme (BH2015/03108). Notwithstanding the harm created by the extent of development, the proposed development would successfully mediate between the Conservation Area and the later suburban development to the east. The proposed dwellings would have a simplified design detail with a more contemporary design aesthetic, but still with the use of pitched roofs and gabled roof forms. The 3 storey flats are more contemporary in design but are located on the least sensitive part of the site in terms of views, adjacent to the existing 4 storey Kipling Court.
- 8.52 The applicant's submission sets out that the degree of encroachment onto the playing field is required to achieve a viable and deliverable scheme. Whilst the independent viability appraisal by the DVS does not agree with all of the applicant's assumptions it does set out that a policy compliant scheme solely on the campus would not be viable. In the context of the proposed enhancements to the campus site and the importance of achieving a viable and deliverable scheme which accords with planning policy objectives weight must be given to allowing a certain quantum of development on the playing field.
- 8.53 Overall, the principle of bringing the vacant principal listed building and associated curtilage structures back into use is supported by Officers. Residential use is considered to be compatible with the conservation of the historic buildings, particularly the main school building that was originally a house. This is considered to be a significant heritage benefit. The proposed extent of demolition is considered to be justified and would retain most parts of the principal listed building and curtilage structures of greatest significance. The proposed new development on the campus part of the development would provide a very clear enhancement to the appearance and character of the Conservation Area over the existing ad-hoc collection of poor quality late 20<sup>th</sup> century buildings on this part of the site and the overall approach to landscaping is considered to be sympathetic to the Conservation Area.
- 8.54 The proposed development on the southern part of the playing field site would cause clear harm to the setting of the Rottingdean Conservation Area and, to a lesser extent, the setting of the principal listed building – Field House. This harm

would arise from the visible reduction of the green vista or 'lung' between the Rottingdean Conservation Area and the later suburban development east of Newlands Road, which is important to the setting of the Conservation Area as identified in the Character Statement. This harm would be notable but less than substantial under the terms of the National Planning Policy Framework. Whilst the loss of part of the playing field is regrettable in conservation terms when weighed against the need to provide a viable and deliverable scheme and the enhancement to the Conservation Area of the campus development, notwithstanding other public benefits of the scheme the heritage harm identified is not considered to be so significant as to warrant refusal of the application.

**8.55 Residential Accommodation Provision/Density/Standard of Accommodation**

Policy CP14 relates to housing density and states that to make a full efficient use of the land available, new residential development would be expected to achieve a minimum net density of 50 dwellings per hectare. The density and quantity of the proposed housing on the playing field is in line with this policy requirement (52 units/49 dph).

8.56 The proposed density of the campus development is approximately 48 dph and is also considered to be in broad conformity with policy CP14.

8.57 The proposed 93 units would provide the following residential accommodation;

- 21 x 1 bedroom apartment
- 26 x 2 bedroom apartment
- 1 x 3 bedroom apartment
- 17 x 2 bedroom house
- 22 x 3 bedroom house
- 6 x 4 bedroom house

8.58 Policy CP19 relates to housing mix and states it should be demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.

8.59 The proposed mix is broadly in line with the policy's requirements by including one bedroom dwellings in line with the 24% estimated demand and a greater proportion of larger sized family dwellings. No concerns are therefore raised with regard to the proposed housing mix.

8.60 Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. It is noted that plot 34 (Field House conversion), 38 and 39 (both within the converted Cottages) would have overall gross internal floor areas that are slightly below the standards set out in the national document referred to (by 8, 6 and 9 sq metres respectively). However it is acknowledged that these three units would be located in the retained Listed/curtilage Listed Buildings and overall, it is considered that

adequate accommodation would be provided throughout the proposed scheme and as such, a refusal on the basis of these grounds is not warranted.

- 8.61 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. A condition can be attached to an approval to ensure compliance with this requirement.
- 8.62 In addition policy HO13 requires 5% overall of all residential units and 10% of the affordable housing units in large scale schemes to be wheelchair accessible. Within the submission it is stated that 6 units (plots 53 to 58, all 2 bedroom and within the affordable rent housing provision) would be built to be wheelchair accessible. Such provision can be secured via a condition.
- 8.63 Amenity/OpenSpace/Recreation Provision/ Loss of Southern Part of Playing Field**
- The Open Space, Sport and Recreation Study 2008 objectively assessed the open space needs of the City. It found that overall, the City does not have any surplus open space and, with the demand from an increasing population, an additional amount in excess of 160 hectares is required by 2030. The 2011 Update reviewed the findings of the 2008 Study and considered the extent of open space provision in each ward of the City. The Open Space studies took into account open space studies carried out in 2006-2007, pre-dating the designation of the South Downs National Park. Sites identified which now fall within the National Park therefore have less flexibility in their use, particularly as they fall within a landscape/natural/semi-natural classification. Thus, whilst the Rottingdean Coastal ward, in which the site is located, is not shown to have an overall deficit in open space either now or in 2030, this is primarily due to the extent of natural semi-natural open space within the National Park, which serves a distinct purpose to land designated as playing fields.
- 8.64 The Outdoor Sports Facilities for Rottingdean Coastal ward would be in deficit by 2030. Due to the central, accessible location of the St Aubyn's school playing field in Rottingdean Village, it is considered a key open space that should be retained unless material circumstances justify a partial loss.
- 8.65 Loss of Southern Part of Playing Field and Open Space Contribution
- The area of application site located to the east of the public Twitten provides a playing field that is privately owned by the school and currently provides no formal or informal recreational facilities to local residents. The proposal comprises a development on the southern part of the existing playing field (approximately 1 ha) for 52 dwellings, whilst it is the intention that the retained playing field (approximately 1.4ha on the northern section) would be made accessible for wider public use in perpetuity. The existing sports pavilion, war memorial and drinking fountain would be located within the retained playing field itself. Two tennis courts would be lost as part of the proposal with no plans for replacements, resulting in a specific loss of this type of facility.

- 8.66 Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 97 of the NPPF considers open space and states that existing open space, including playing fields should not normally be built on, unless one of the exception criteria is met. One of the criteria is that the 'loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'. It is acknowledged that the increased accessibility of the remaining open space that is currently inaccessible to the public, would result in better quality provision in the area.
- 8.67 Such level of protection is reflected in policies CP16 (Open Space) and CP17 (Sports Provision) of the City Plan. Policy CP16 resists the loss of open space, stating that planning permission will not be granted for proposals that result in the loss of open space, unless one of four criteria is met. It is not considered that the proposal strictly meets any of the criteria; however, it is noted that the overall aim of the policy does include seeking better, more effective and appropriate use of all existing open space. As set out above whilst the land forms existing open space, it is not formally usable/accessible by the public. One objective of the site's Planning Brief is "to encourage public use of existing open space for outdoor recreation in order to secure improvements in the health and social well-being of the local community".
- 8.68 The City Council published its Playing Pitch Strategy (PPS) in January 2017. The St Aubyns School site is included in the study. Sport England has been consulted and objects to the application, as the proposal is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or paragraph 97 of the NPPF (formally paragraph 74). They state that whilst it is proposed to retain a large area of open space, this does not appear to be marked out as playing field, instead having a number of paths shown on plans that would preclude it being used as playing field. Therefore it would appear that no playing field will be retained on site, resulting in a large loss. The justification provided by the applicant that the land is subject to a cross fall outside Sport England guidance presents a limitation to its future use. Sport England disagrees and states that whilst the cross fall may limit the level of competition that can be played, it does not demonstrate the playing field is not capable of accommodating sport.
- 8.69 Following Sport England's original objection, the applicant has provided an Open Space and Outdoor Sports Statement, which sets out proposals to mitigate for the loss of the northern part of the playing field to alternative locations where facilities could be improved. The mitigation consists of an off-site financial contribution of £197,481 based on benchmarked cost information for the delivery of a playing field, consistent with Sport England Quality Performance Standards. This sum would be used to improve existing facilities at either Happy Valley or Longhill School and follows consultation with the Council's Sports Development Manager. The applicant has also provided an indicative sports pitch plan to show how retained playing field could be used to accommodate new pitches. Sport England has assessed the proposal and confirms that, despite the submission of additional information, it is not

considered sufficient to outweigh their concern regarding the loss of the playing field, as the mitigation package does not provide for improvements to ancillary facilities either on-site or off-site and therefore, pitch improvements shown indicatively are not considered to offer much benefit to sport.

8.70 Having regard to the significant public benefits of the current application, with the opening up of an area of currently private land to provide 1.4ha of public open space in perpetuity, along with a compensatory off-site financial contribution of £197,481 towards outdoor sport, to be spent either at Happy Valley or Longhill School, a further financial contribution towards off-site provision towards outdoor sports and young children's play space is not considered to be justified in this instance. The retained playing field would be secured for public access in perpetuity. Details of this and the maintenance would be secured in the legal agreement. Financial contributions towards amenity green space, allotments and indoor sport would also be secured (£64,606.94). It is also proposed to provide a 140 sq metre Local Area of Play (LAP) as part of the scheme within the retained area of public open space. As a result, officers consider that the package of measures summarised goes a significant way to improving the quality and accessibility of open space and sports provision in the vicinity of the application site. The BHCC Sports Facilities and City Parks Team support the application.

8.71 Furthermore the partial loss of the playing field / open space must also be considered in the overall context of the other significant public benefits of the scheme which include the refurbishment and improvement of a number of heritage assets and the provision of additional housing (including affordable).

8.72 It has been noted that a counsel's opinion has been submitted by the St Aubyns Field Evergreen group (SAFE) in relation to the redevelopment of the playing field. This opinion sets out that the loss of the playing field is contrary to local and national planning policy and that there are no material considerations that indicate that a decision should be taken contrary to policy.

8.73 As set out above the LPA acknowledges that the proposal is technically contrary to CP16 and CP17. Notwithstanding the above it is considered that the proposal does accord with the overall thrust of these policies and this, in addition with the other significant public benefits of the scheme are such that the scheme would not warrant refusal on these grounds.

8.74 Given the outstanding objection from Sport England regarding the loss part of the playing field, if the committee was minded to approve the application, the Planning Authority would be required to formally notify the Secretary of State, in accordance with the Town and Country (Consultation) (England) Direction 2009, who has 21 days to decide whether to call in the application for determination.

8.75 Proposed Amenity Space

Policy HO5 relates to the provision of private amenity space in residential development. The policy requires that private useable amenity space (excluding

parking and turning areas) is proposed in new residential development where appropriate to the scale and character of development.

- 8.76 The proposal would involve the provision of 81 new build homes, as well as the retention and conversion of Field House and part of the later extension to provide 8 flats, and the retention of terraced cottages and 'Rumneys' to provide 4 dwellings.
- 8.77 In the case of the new build units, all dwellings would have access to private external amenity space in the form of gardens or courtyards. In the case of some of the smaller units, comprising both 1 and 2 bed flats and flats over garages (FOGs) affordable and market units, access is provided to either a communal amenity deck, a communal courtyard, and, in some cases, private balconies. With regards to the proposed converted buildings, communal amenity space would be provided to the rear of Field House and to the front of the converted cottages / Rumneys.
- 8.78 It is disappointing that some of the smaller 1 and 2 bed units lack private external amenity space (plots 3-7; 8-10; 19-22; 28-29; 68-69; 70-71). However, it is noted that these are not family size units and this deficiency would be adequately compensated for by the provision of a large area of public open space in the form of the retained playing field of 1.14ha in the northern half of the site that would be accessible to both residents and neighbouring properties. This is considered to be a significant public benefit of the proposed scheme. Officers do not consider there would be sufficient grounds to warrant a refusal of planning permission based on a lack of private amenity space.
- 8.79 The applicant has submitted revised plans for the communal amenity decks and updated the landscaping strategy during the course of the application. The revisions seek to incorporate defensible space, where there is a degree of overlooking and loss of privacy of first floor habitable facing onto the decks. Low level hedging is therefore proposed to protect the amenities of the following units: 47-58, 74-81, 68-69 and 70-71.
- 8.80 **Impact upon Amenity**  
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.81 It is noted that the Planning Brief refers to the heights of buildings that would be considered acceptable across parts of the site and that the heights of the development in this application accords with such constraints; however, the proposed heights etc. of the development must be assessed, as below, in terms of impact upon the amenities of neighbouring properties.
- 8.82 *Conversion of Field House (plots 30-35; 36-37) and Cottages / Rumneys (plots 38-41)*

- 8.83 Field House, which is the principal listed building proposed to be converted, is located on High Street Rottingdean, in an area that is surrounded by residential, retail and commercial uses. The proposed conversion of Field House, comprising 8 flats, would be a less intensive use of the site than its former use as a school building. The proposed conversion of this important listed building is not anticipated to adversely impact neighbouring residential amenity to those residents closest to the application site at 1-4 Dene Mews and 78-80 High Street, Rottingdean.
- 8.84 A 15 metre separation distance would be retained between west facing windows to plot 36, a duplex apartment, located at ground and first floor level in Field House, and no's 78-84 High Street, to the west of the site, which is considered adequate. Furthermore, the demolition of buildings to the rear of these properties, would improve their outlook. In relation to plot 33 within Field House, a number of windows are proposed to be inserted in the first floor south elevation in proximity to no. 1 Denes Mews. These would serve non-habitable rooms (bathrooms) and would be obscure glazed to limit overlooking towards Denes Mews. It is considered that views from windows in the rear (east) elevation of Field House towards neighbouring properties at Denes Mews, would be oblique due to the positioning of Field House in respect of existing neighbouring properties.
- 8.85 The existing Cottages and Rumneys are located in the north-western section of the site, adjacent to the boundary with commercial/residential properties located on Rottingdean High Street. It is proposed to retain and to convert these buildings into 4 cottages. Windows and openings would be in the north and east flank elevations of the cottages, to ensure no overlooking or loss of privacy towards neighbouring properties to the west on the High Street. It is not considered that such conversion would in principle have a significant adverse impact upon the amenities of neighbouring properties given the existing mix commercial and residential nature of the surrounding area. Overall, officers consider that the proposed conversion of Field House and Rumneys / Cottages would not have a significant adverse impact upon the amenities of neighbouring properties.
- 8.86 *New Build Residential Units on Campus Site*  
Plots 1-7, 8-23 and 24-29 would replace existing buildings within the school campus.  
Plots 1 and 2, 8-10 and 11-12 would front directly onto Steyning Road on the northern site boundary, with a new vehicular access formed in the brick and flint boundary wall. The proposed buildings would be inset from the boundary, at a separation distance of 15-17 metres from existing residential properties located on the opposite side of Steyning Road. Building heights would be 2 storeys, with ridgelines stepped to reflect the site gradient. The proposed ground floor level of the proposed 2 storey properties would be located behind the retained section of boundary flint wall, the height of which reflects the east to west gradient of Steyning Road. The scale, height and massing of buildings on the northern site frontage, combined with the separation distance, is not considered to adversely affect the outlook, privacy or daylight to neighbouring properties opposite the application site on Steyning Road.

- 8.87 Plots 13-16, 17-18, 19-22 and 23 would be 2 storey terraced dwellings and flats, fronting onto the new internal access road and a small parking court within the campus site. These buildings would be 2 storeys in height and located centrally within the application site. Due to their siting and scale, there would be no adverse impact therefore upon the amenities of neighbouring properties.
- 8.88 Plots 24-27 would form a group of 4no. 2 storey terraced dwellings, with pitched, gabled roofs, located immediately to the east of 1-4 Denes Mews - a group of 8no. 3 storey townhouses - and to the west of the Twitten that forms the boundary to the Conservation Area. The buildings would be sited on the demolished swimming pool, with the ridge height of buildings stepped down to reflect the east-west gradient of the site. A separation distance of 5 metres would be retained between the flank elevation of no. 4 Denes Mews and plot 27, and no windows or openings are proposed in this elevation, other than a first floor obscure glazed bathroom window and ground floor bay window. The location and scale of this terrace would have no adverse impact on the amenities of neighbouring properties to the west at Denes Mews, which are situated on lower ground, through overlooking, loss of privacy, day light or outlook.
- 8.89 Plots 28 and 29 would comprise 2 x 1 bed ground and first floor flats, located 11 metres to the rear (south) of plots 24-25. It is noted that the first floor rear facing windows serving plot 28, serving a bathroom and kitchen / living room, are shown as obscure glazed, in order to prevent direct overlooking towards the rear gardens of plots 24-26. Whilst this relationship would necessitate obscure glazed windows to provide an acceptable standard of amenity for neighbouring properties, the main habitable room to this flat would be dual aspect, with secondary windows in the west elevation. On balance, this relationship is considered to be acceptable and it is not considered that the harm would be so significant as to warrant a refusal of planning permission.
- 8.90 Plots 28 and 29 would be located approximately 8-12 metres to the north of Marine Court, a 3 storey block of flats located to the south of the site behind a brick retaining wall. There is a change in levels in relation to these neighbouring flats, such that the scale of units 28-29 (shown as 2 storey) would correspond with the neighbouring 3 storey block of flats. The outlook and orientation of windows to main habitable rooms to plots 28 and 29 would be mainly to the west and north, and the roofline of these units would be pitched and angled away from neighbouring properties to minimise loss of outlook. Two first floor bedroom windows are proposed in the southern elevation of the first floor flat (plot 29); however, a separation distance of 12 metres would be maintained at this point, which would not result in an unacceptable loss of privacy to the neighbouring flats to the south.
- 8.91 *New Build Residential Units on Playing Field Site*  
Plots 42-93 would be located on the former playing field in the southeast corner of the site. These units would be larger, 4 bed detached dwellings, 2-2.5 storeys in height, situated in more spacious plots. A separation distance of between 22 and 24 metres would be maintained between plots 42-46 (4no. 4 bed detached

family units) and existing properties to the eastern side of Newlands Road, on the opposite side of the road, whilst a separation distance of 17 metres would be retained to 2/3 storey flats at St Aubyn's Mead to the south.

8.92 Due to the topography of the site and the surrounding area, the proposed two storey dwellings to be constructed on this part of the former playing field, would be located on lower ground than the existing properties on Newlands Road. The topography of the site and the separation distances involved would ensure that there is no unacceptable loss of outlook, daylight or privacy to neighbouring properties to the east.

8.93 Relationship to Kipling Court (plots 47-58; 74-81)

Plots 47-58 and 74-81 would form two blocks of 3 storey flats, located on the southern edge of the playing field fronting St Aubyn's Mead. The scale and massing of the proposed flats would reflect Kipling Court, a 3 storey block of flats located directly opposite the application site, and proposed building heights would reflect the east to west gradient of the site (as shown on the submitted site sections GG and KK). A separation distance of 15 metres would be maintained between the southern building line of plots 47-58 and 74-81 and neighbouring properties at Kipling Court, St Aubyn's Mead.

8.94 It is noted that there are a number of ground to second floor balconies positioned on the front (south) elevation that would be located directly opposite neighbouring flats at Kipling Court. In view of the separation distance and the fact that balconies are designed to be recessed or Juliet to limit overlooking, combined with the separation of the road, the relationship is considered to be acceptable.

8.95 Plots 82-85 would form a group of 4no. terraced dwellings, located immediately to the east of the Twitten on the site of the disused tennis courts and opposite Marine Court - a block of two storey flats located to the west of the application site. The proposed terrace would be 2 stories in height, with pedestrian access taken directly from the Twitten. The front elevations would face onto the Twitten and the ground floor windows of these units would be screened by the boundary wall that runs parallel with the Twitten. Whilst there would be a degree of oblique overlooking from a first floor bedroom window to plot 82 and two first floor flank windows of the neighbouring flat to the west at Marine Court, within the wider context of the proposed development, this relationship is not considered to be so harmful to sustain a refusal of planning permission.

#### *8.96 Lighting*

The proposal would comprise lighting to external amenity areas, pedestrian footpaths, parking courts and garages. It is considered that a suitable scheme of external lighting to these parking and amenity areas could be secured by planning condition to minimise the impact on proposed occupants of the development and nearby neighbouring residents.

#### *8.97 Noise and Light from the Retained Playing Field*

The retained playing field amounts to an area of 1.14ha in the north eastern portion of the site. The retained play field has been used historically as a private

sports pitch associated with the school. Given the previous historic use of the field for a number of years within a predominantly residential area, the applicant does not consider that should the retained field be used for sports pitches there would be any adverse impact on local residents due to noise.

8.98 It is proposed that the playing field would be transferred to Rottingdean Parish Council or a management company, for wider public use by proposed occupants of the development and nearby residents. No detailed layouts are provided at this stage to indicate how the retained portion of the playing field would be utilised; however, it is considered that this level of detail could be secured with the submission of Landscaping Plan to be secured via Legal Agreement upon the transfer of the retained playing field to the Parish Council or a management company. It is unknown at this stage where a sports pitch or associated floodlighting would be created. It is not considered reasonable or necessary therefore to expect mitigation measures to be installed. When a sports pitch is to be created, consideration would be given to its location and potential mitigation on neighbouring amenity, if proposed near to resident's gardens.

8.99 In regard to the playing field and associated noise, the submitted Noise Assessment states that the use of the open amenity space should not result in any adverse noise impact. Environmental Health Officers have reviewed the report findings and concur with this view, subject to guidance contained in Sport England's Design Guidance Note (Artificial Pitch Acoustics) being implemented to ensure noise is reduced so far as practical.

8.100 The submitted Noise Assessment has identified road traffic, particularly from the A259 to the south, as a potential source of noise that could impact on occupants of the proposed development. The assessment identifies that the recommended daytime and night-time guideline levels prescribed in the current British Standard, are achievable in habitable rooms, but, in some instances, a suitable alternative ventilation strategy would be required, to meet the standard and to control the ingress of noise through open windows. It is considered that a suitable scheme of ventilation for those residential units affected, either in the form of acoustic passive ventilation or whole house ventilation could be secured by planning condition.

#### 8.101 *Construction Noise*

The site is located within a predominantly residential area and the proposed demolition of existing buildings and redevelopment of the site has potential therefore to impact neighbouring residents and generate large amounts of noise, dust and vibration. The onus rests with the developer to ensure that these impacts associated with the demolition and construction phase, including construction noise, dust and debris and construction traffic, are mitigated to an acceptable degree and to provide a 24 hour point of contact for all neighbouring residents. Environmental Health and Transport Officers recommend that a robust Construction and Environmental Management Plan is secured. This will be secured via the legal agreement.

#### 8.102 **Sustainable Transport**

National and local planning policies seek to promote sustainable modes of transport and to ensure highway safety. In accordance with paragraph 109 of the National Planning Policy Framework, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF states that the use of sustainable modes of transport should be pursued (paragraph 102). Policy CP9 c) of the Brighton and Hove City Plan Part One is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (safe Development), TR14 (cycle access and parking) and TR18 (Parking for people with a mobility related disability). The impact of the proposal in terms of increased traffic and highway safety is cited as one of the main objections by local residents.

- 8.103 The application contains a detailed Transport Assessment and Travel Plan which relies on recognised methodology and surveys. In order to assess and forecast the likely impact of the proposal on the road network, the applicant has forecast the likely trip generation arising from the development.
- 8.104 Initial comments from the Sustainable Transport Team raised questions regarding the traffic impact of the proposed development and also highlighted a number of shortcomings in respect of pedestrian / cycling routes within the site, cycle parking provision and the travel plan.
- 8.105 Two further addendums to the TA and a revised Travel Plan were subsequently submitted to the LPA and assessed by the Sustainable Transport Team.
- 8.106 In regards to Highways Impact the TA contains an acceptably robust analysis of the likely trips arising from the development. The estimation of modal split is taken as acceptable for the purpose of this development.
- 8.107 In regards to the road network impact it is acknowledged that the junction of Marine Drive with High Street experiences significant peak hour congestion. Whilst this junction is modelled in the TA there is no mention of any validation of the model, which is necessary to prove that it is an accurate representation of the existing situation, and this was questioned in the initial Highways comments.
- 8.108 Further information submitted by the applicant in relation to the junction modelling demonstrates a poor level of validation against queue lengths recorded in the applicant's own surveys. It is noted that queue lengths from a separate council survey and also those commissioned by the Rottingdean Parish Council indicated longer queue lengths (which would demonstrate poorer model validation). Whilst it is possible that differences in the methodology used could account for some differences in results, validation of the model used against other parameters (eg. journey time) may have provided a more robust assessment.
- 8.109 Notwithstanding the shortcomings discussed above in respect to model validation of the base scenario, this modelling indicates that this development adds only marginally to the existing problems of congestion and delay. This interpolation from the supplied model results is supported by examination of

the absolute numbers of vehicles generated by this development and assigned to the road network, which are relatively small in relation to existing traffic flows.

- 8.110 In conclusion, despite concerns over the accuracy of the base model, the traffic modelling demonstrates only marginal increases in queue lengths, delays and degree of reserve capacity at the junction. The absolute volumes of existing and forecast additional traffic confirm the view that impact is likely to be marginal. These figures are based on no allowance being made for any notional “extant” development. Given these findings, it is clear that the traffic impact of the development is relatively small and is not significant enough to meet the National Planning Policy Framework criteria of “severe” residual cumulative impact and as such any detrimental impact on the road network would not be sufficient to warrant refusal of the application.
- 8.111 Highways England has reviewed the application with regards to impact on the capacity and operation of the Strategic Road Network (in the vicinity of the A27) and raises no objection on the basis that trips generated would be of a level that would not materially affect the safety and/or operation of the Strategic Road Network.
- 8.112 In terms of vehicular access into the site, there are two existing driveways onto Steyning Road: a single width access onto High Street and a gated maintenance access to the private playing field from Newlands Road. Vehicular access is proposed at the following points (clockwise from south):
- Retained access from Marine Drive (A259)
  - Retained access from High Street
  - New access from Steyning Road
  - New access from Newlands Road
  - Footway crossovers to individual houses fronting Newlands Road
- 8.113 The vehicular accesses from Steyning Road and Newlands Road are of sufficient width and safe to accommodate all vehicle movements, including refuse vehicles, and visibility splays are adequate. The private driveways exiting onto Newlands Road are also acceptable. The Transport Officer notes that the access from Field House onto the High Street is acceptable, provided a turning head is kept clear, as the access is existing and has a good a safety record. In regard to the access onto the A259 from Marine Drive to Marine Court, visibility is more restricted here on the footway to the west of the entrance with limited turning. The turning head at the northern end should therefore be kept clear at all times. The proposed works to implement new access / crossovers and to reinstate footway at previous footway accesses and crossovers, would be undertaken through a Section 278 Agreement with the Highway Authority, which will include a formal Road Safety Audit.
- 8.114 In terms of parking, the Transport Officer has reviewed the level of parking provision against SPD14 and notes that a total of 148 spaces are provided which is 8 above the maximum set out in the guidance. The management of the allocated and visitor parking spaces could be controlled by a car parking management plan which would be the subject of a proposed condition. A thorough

assessment of parking provision within the vicinity has been submitted and the Transport Officer is satisfied that the proposal would not result in overspill parking on the surrounding highway network, particularly on Steyning Road and Newlands Road. Parking for the playing fields is unlikely to cause difficulties for existing residents. Further detail on disabled parking and electric parking are to be secured by condition.

- 8.115 The main servicing activity associated with the proposed residential development would be refuse and recycling collection. Vehicle tracking is provided to demonstrate adequate turning and manoeuvring within the site for deliveries and servicing.
- 8.116 In regard to the internal layout and pedestrian access into the site, a variety of routes are proposed for pedestrians that would create a permeable layout. A “walkways agreement” (to be secured through the s106 agreement) would be used to guarantee public access through the site without the need to seek adoption of the roads and pedestrian/cycle routes through the site.
- 8.117 The Transport Officer is generally satisfied with the internal layout and notes that limited areas of space are to be shared between pedestrians and vehicles. While this has a potential negative impact on users with visual and other sensory or mobility impairments, the low vehicle, low speed environment and absence of through traffic is considered to provide an objective justification for this and therefore the layout is considered to be acceptable.
- 8.118 The initial transport comments raised some concerns regarding width of footways and access for less mobile pedestrians. Whilst revised plans have resulted in improvements to the layout there are still some concerns and a condition is proposed to secure further landscaping / road layout details.
- 8.119 Whilst revised plans have improved the scheme in respect of cycle parking provision a number of deficiencies remain and as such it is not in compliance with SPD14. As such a pre-commencement condition is proposed to provide revised details in order to achieve a more cycle friendly development.
- 8.120 The applicant has reviewed road safety data for surrounding roads and demonstrated that there is no existing cause for concern. Consequently, the Transport team do not consider that the proposal would result in detrimental highway safety impact in the vicinity of the site.
- 8.121 Developer Contributions  
The Highway Authority would seek a financial contribution of £102,200 towards various highways improvements. A travel plan would also be required.
- 8.122 Overall, subject to the proposed conditions and developer contributions the Highway Authority does not object to the scheme as proposed.
- 8.123 **Arboriculture/ Landscaping**  
An Arboricultural Survey has been submitted based on the relevant British Standard (BS 5837: 2012) which provides an assessment of the proposed

development on 67 individual trees and 10 groups of trees and hedges growing on the site or immediately adjacent to the site. The survey provides details of the extent of pruning that would be undertaken as part of the proposal and details the proposed tree protection measures during demolition/construction for the retained trees/hedge. The report concludes that no mature/veteran/ancient trees, Category A trees or trees of high landscape/biodiversity value would be removed as part of the proposal.

- 8.124 Three existing trees covered by Tree Preservation Orders (TPOs) -Sycamore, Black Mulberry and an English Elm - have been surveyed as being of B and C grade and these three TPO'd trees would be retained. The arboricultural surveys undertaken also identified 52 category C grade trees and 12 category U grade trees across the site. The proposal would result in the removal of 48 individual trees (1 Category B, 35 Category C and 12 Category U) and 5 groups of trees and 3 partial groups (2 of which are Category B and 6 Category C). In addition five groups of trees would be entirely removed and a further 3 groups would be partially removed. In addition to the removal of sections of the historic hedge located along the eastern side of the Twitten, sections of the hedge (Japanese Spindle) located along the other boundaries of the field would be removed in order to accommodate the proposed pedestrian/vehicular access points into the development. A small section of the hedge located along the southern boundary of the existing field would also be removed to allow for access from the development on the playing field direct to St Aubyns Mead (between plots 47-58 and 74-81, subject to the permission the landowner of the hedge (Kipling Court Ltd).
- 8.125 Detailed landscape plans have been provided as part of the submission in which the proposed soft and hard landscape proposal are shown, including the proposed boundary wall details and hard surfacing materials. New trees would be planted along the southern edge of the retained playing field in addition to throughout the development (campus and field development). Currently the eastern side of the public Twitten comprises a hedge (a Japanese Spindle also comprising of two holm oaks and a group of sycamore). Evidence suggests that the western located flint wall and the eastern sided hedge which enclose the Twitten were built/planted at the same time, in the late 19<sup>th</sup> Century. In order to accommodate the proposal parts of the existing historic hedge located along the Twitten would be removed. The landscaping plans submitted show the amount of existing historic hedge which would be removed to accommodate new access points from the Twitten into the retained playing field/field housing development in order to improve the east to west permeability and visibility across the development and to accommodate the proposed access points to plots 82 to 85. The plan also shows the extent of existing hedge that would be replaced with a new 1.2 metre high hedging, alongside the western side of plots 82 to 85 and plots 87 and 88.
- 8.126 The Council's Arboriculturist is generally satisfied with the submitted survey, the extent of tree removal and the proposed landscaping scheme. A concern is raised regarding the Mulberry (T5) and the Elm Tree (T22), as the incursion level suggested may result in the loss of the Mulberry and potential pressure by future residents to remove the Elm Tree. In response, the applicant confirms

that whilst the trunk of the Mulberry tree (T5) may appear to be at risk during the construction phase, subject to compliance with tree protection measures, the tree would not be harmed in any significant way, as only a small amount of excavation is required at the periphery of its root protection area (RPA) to install the car parking bays and associated kerbing south of the trunk. In relation to the Elm Tree (T25) the tree has been pollarded and it is proposed that the tree would continue to be managed in this way, to ensure that there would be no impact on future residents of plots 38-41, immediately to the north. Furthermore, there are no windows in the south elevation of plot 38 and the tree is reasonably well screened by the presence of buildings; therefore, the impact on visual amenity from the future pollarding of the tree would be limited.

8.127 The submitted Arboriculture Survey includes details of the proposed Tree Protection measures during demolition and construction phases of the development, and it is recommended that the tree protection measures, along with the submission of an Arboriculture Method Statement and implementation of the revised landscaping scheme, is secured by planning condition.

**8.128 Archaeology**

Policy HE12 of the Local Plan relates to scheduled ancient monuments and other important archaeological sites. The policy states that development proposals must preserve and enhance sites known and potential archaeological interest and their setting.

8.129 The development site is situated within an Archaeological Notification Area defining the historic settlement of Rottingdean. The applicant has undertaken an archaeological desk-based assessment that identifies a moderate to high potential for prehistoric era and a moderate theoretical potential thereafter, with the exception of the early medieval period for which the theoretical potential is low. The desk based assessment concludes that the site is high risk in relation to buried archaeological remains.

8.130 In view of the risk to potential buried archaeological remains, and at the request of the County Archaeologist, the applicant has provided a draft written scheme of investigation and a geophysical survey of the sports pitch. The archaeological research carried out so far, suggests that the site does not contain any nationally significant archaeological remains, but does contain remains of local archaeological interest. A number of Victorian buildings survive within the former school complex and these are also of local archaeological interest.

8.131 The report and findings to date state that the area affected should be the subject of a programme of archaeological works, in order to enable any archaeological deposits and features that would be disturbed by the proposed works to be preserved with in situ, or where this cannot be achieved, adequately recorded in advance of their loss, in line with the requirements given in the National Planning Policy Framework.

8.132 The County Archaeologist therefore recommends a number of planning conditions to mitigate the risk to archaeological remains on site, with the submission of a programme of archaeological work before development

commences and the submission of the archaeological site investigation and post investigation assessment before the occupation of the development.

**8.133 Ecology/Biodiversity/Nature Conservation**

Policy CP10 of the City Plan aims to conserve, restore and enhance biodiversity and promote improved access. SPD 11 on Nature Conservation & Development provides further guidance regarding development and biodiversity. As part of the application, a Phase 1 Ecological Survey, Reptile Survey and Bats Surveys have been submitted that have been reviewed by the Council's Ecologist and are considered acceptable, in accordance with best practice and the National Planning Policy Framework.

**8.134 Designated Sites / Protected Species**

The survey findings show that the majority of the site is identified as being of low ecological value: the western half of the site comprises small areas of amenity grassland and ruderal habitat, sparse scrub, hedgerows and scattered trees; and the eastern half contains playing field of species poor grassland.

8.135 The surveys recorded no evidence of reptiles on site, although as a precautionary measure, the County Ecologist recommends that the playing field is mown before construction commences. In order to avoid disturbance to nesting birds, any demolition or removal of vegetation that could provide nesting habitat is to be carried out outside the breeding season (generally March to August). Or a nesting bird check should be carried out prior to any clearance work by a qualified ecologist and appropriate mitigation provided if nesting birds are identified. A condition is recommended to secure these details.

8.136 In regard to bats, the Emergence surveys carried out by the applicant in May-June 2017, identified small numbers of common pipistrelles in the cottages, School and associated classrooms. The mitigation measures outlined in the Bat Emergence Survey and reviewed by the Ecologist are considered acceptable, given the likely absence of maternity roosts. A condition is recommended by the County Ecologist to ensure that all lighting design should take account of national guidance and be kept to a minimum around the playing field and areas of open space within the site, in order to protect foraging bats. Given the high presence of mature trees across the site, the applicant has been asked to confirm whether any trees proposed to be removed have been surveyed for bat roost potential. The applicant has undertaken an assessment of bat roosting potential of the trees and, following detailed inspection, two trees (T7 and T76) are identified as having low potential for a solitary bat. It is recommended that the tree is to be searched prior to removal and removed in sections, and that details are secured by condition.

**8.137 Mitigation Measures / Enhancement Opportunities**

In addition to the mitigation measures outlined above, the site offers an opportunity for ecological enhancement. The County Ecologist refers to opportunities such as the provision of bird / bat boxes, strengthening of hedgerows, provision of log piles and over-seeding of the playing field to be retained. It is recommended that an Ecological Design Strategy which

addresses habitat retention, protection and opportunities for biodiversity enhancement is secured by planning condition.

**8.138 Sustainability**

City Plan policy CP8 requires that all developments incorporate sustainable design features to avoid expansion of the City's ecological footprint, radical reductions in greenhouse gas emissions and mitigate against and adapt to climate change. The policy specifies the residential energy and water efficiency standards required to be met, namely energy efficiency standards of 19% reduction in carbon emissions over Part L Building Regulations requirements 2013 and water efficiency standards of 110 litres per day.

8.139 The Planning Brief is a material consideration. It recommends that an energy strategy is produced for the site that provides an assessment of the feasibility of sustainable refurbishment of the historic building; potential for renewable technologies and the potential for a site district heat network. Building standards recommended are BREEAM 'excellent' for the refurbished Listed Building and new builds; Lifetime Homes and Code Level 4 for housing (subject to the Government's Housing standard review). The Government has now revoked Codes for Sustainable Homes and therefore the Code Level 4 is no longer required.

8.140 The previous application BH2015/03108 was refused on grounds including:

8.141 *"The proposed development would fail to achieve minimum sustainability standards and the applicant has failed to provide justification for the proposed lower sustainability standards. The proposal is therefore contrary to policy CP8 of the Brighton & Hove City Plan Part One and the St Aubyns School Site Planning Brief".*

8.142 A Sustainability and Energy Statement and a Sustainability Checklist has been submitted with the application. These set out measures proposed to address adopted policy on sustainability. The application commits to the achievement of the minimum standards as set out in City Policy CP8 relating to new build dwellings. It is recommended these standards are secured by condition.

8.143 Given that the energy strategy is not fully defined and the pathway to achieve 19% reduction in CO<sub>2</sub> in the new dwellings, or BREEAM 'very good' in the conversion, it is recommended that the opportunity for integration of renewables and in particular solar technologies be re-evaluated in a detailed Energy Strategy for the scheme. The Energy Statement states that Gas combined heat and power is not thought to be economic at this scale, however, there is evidence in support of this statement. This option, combined with a communal heat system could be explored in greater detail in order to deliver a low carbon heat solution.

8.144 It is recommended that a pre-commencement condition be applied, requiring submission of a report providing finalised detail of the energy strategy demonstrating how the minimum standards would be achieved, and setting out how energy efficiency, renewable energy, and low carbon solutions would be

integrated into the scheme as required under paragraph 4.85 of City Plan policy CP8.

8.145 There are some positive measures which address City Plan policy CP8 incorporated in to the scheme. These include: bringing an existing building back into use; compliance to the Considerate Constructors scheme; commitment to produce a Site Waste Management Plan; parking proposals include provision of 12 Electric vehicle charging points, 153 cycle parking spaces and 2 allocated car club bays.; 23 trees to be added to the site; installation of rainwater butts; Secured by Design principles would be followed for the new housing. The proposals do not include provision of green roofs or green walls; food growing; composting facilities; or any commitment to incorporate renewable energy technologies. In order to rectify this, it is recommended that a further document be submitted providing details of how these sustainability measures would be addressed. Officers consider that the current application is compliant with policy CP8, subject to a number of conditions.

8.146 Waste Management

Part 15 of the Design and Access Statement relates to refuse and recycling storage and collection. The submitted DAS and accompanying drawing shows the proposed storage facilities for communal flats and dwellings, bin collection points, kerbside collection points and refuse vehicular route. Servicing and refuse collection for the development would take place on-street within the site. The bin stores are located to comply with carrying distances specified in Council guidance; these are: bin stores located within 30 metres of a property and 25 metres of a refuse collection point. A vehicle tracking diagram to show adequate turning and manoeuvring of a large refuse truck is also shown.

8.147 An assessment of proposed servicing and delivery vehicular access is summarised in the transport section. The comments received from the Council's City Clean Department confirm that the submitted details in respect of refuse and recycling are acceptable and confirmation provided of adequate tracking for refuse trucks. Vehicle tracking is provided to show adequate turning and manoeuvring of refuse trucks within the site and at the vehicular accesses onto Steyning Road and Newlands Road.

8.148 **Other Considerations**

Flood Risk and Water Drainage

Policy CP11 states that the Council would seek to manage and reduce flood risk and any potential adverse effects on people or property. The applicant has undertaken a Flood Risk Assessment, in accordance with Development Plan policy CP11. The assessment identifies that the application site is located in Flood Zone 1, which is defined as having the lowest probability of fluvial, coastal and tidal flood risk. The Environment Agency has assessed the application and makes no comment.

8.149 In regard to surface and ground water, it is proposed that surface water would discharge via infiltration, with areas of permeable paving, geocellular storage tanks, soakaways (in private gardens only) rainwater harvesting and an infiltration basin in the southwest corner of the playing field that would attenuate

surface water up to a 1 in 100 year plus 40% climate change storm event. The supporting Flood Risk Assessment states that, as a result of the development, the rate of surface water run-off would be maintained at no more than the current run-off rates and, where possible, reduced back to Greenfield run-off rates and volumes for the site, thereby alleviating downstream flows in extreme storm events.

8.150 The Council's Drainage Engineer has assessed the application and raises no objection in principle to the surface water drainage strategy, subject to further details in regard to the detailed design, ongoing management and maintenance plan of surface water drainage, to be secured by planning condition. A maintenance plan would be required to ensure that the drainage is monitored, maintained and repaired as needed by a competent person for the drainage system for the lifetime of the development.

8.151 Air Quality

Policy SU9 of the Local Plan relates to pollution and nuisance control. The policy states that development that may be liable to cause pollution and/or nuisance to land, air or water would only be permitted where human health and safety, amenity and the ecological well-being of the natural and built environment is not put at risk; when such development does not reduce the Local Planning Authority's ability to meet the Government's air quality; and other sustainability targets and development does not negatively impact upon the existing pollution and nuisance situation.

8.152 Since 2013 an Air Quality Management Area (AQMA) has been designated in the centre of Rottingdean, along the High Street, between the A259 and the T-junction with Vicarage Lane, declared in relation to nitrogen dioxide levels and as such air quality and the impact of the proposal on the AQMA needs to be considered. Although a small part of the site is located within the AQMA it is noted that none of the proposed residential units built/created as a result of the proposal would sit in the footprint of the AQMA.

8.153 As part of the application, an Air Quality Assessment has been submitted. In summary, modelling undertaken by the applicant indicates that the proposed development would not expose new receptors to unacceptable levels of poor air quality. Traffic generation has potential to affect air quality and modelling undertaken indicates that increased traffic flows as a result of the development would have a *negligible* impact on air quality, but that the cumulative impact of committed developments and the proposed scheme would have potential to create a *slight to moderate adverse* impact on air quality.

8.154 Overall, the modelling undertaken by the applicant indicates that the proposed development is not anticipated to have significant impacts on existing or proposed sensitive receptors, with a *negligible to slight adverse* cumulative impact from committed developments.

8.155 An Addendum to the Air Quality Assessment has been produced as a result of the Air Quality Officer's comments, to include additional receptors during the operational phase in the assessment and to clarify heavy duty vehicle traffic

growth. This is relevant as the primary pollutant in the AQMA is nitrogen dioxide (NO<sub>2</sub>) (and was the reason for its designation). The Addendum concludes that increased traffic flows as a result of the development would have a *negligible* impact on annual mean NO<sub>2</sub> concentrations, whilst the impact of committed developments at some receptors would be *slight adverse*. No *significant* cumulative impacts are anticipated on air quality.

- 8.156 The Air Quality Officer has reviewed the submitted Air Quality Assessment and the Addendum, and raises no objection, subject to the incorporation of an exemplary range of mitigation measures. The site has good air quality and would not expose future occupants or visitors to pollution levels that come close to exceeding the national Air Quality Strategy. Nitrogen dioxide has been monitored constantly in Rottingdean since January 2009 and, following detailed assessment, an Air Quality Management Area, was declared in Rottingdean in 2013. The High Street and A259 junction was declared in relation to roadside nitrogen dioxide (NO<sub>2</sub>) levels that exceed standards for the protection of human health. There has been an improving trend in NO<sub>2</sub> levels since 2010 and 2013. Source apportionment shows that idling and accelerating diesel vehicles (trucks and cars) are the main source of NO<sub>2</sub> at roadside; it will be important therefore no other emission sources impact.
- 8.157 The Air Quality Assessment and Addendum considers particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub> - a mixture of all solid and liquid particles suspended in the air and hazardous) and nitrogen dioxide (NO<sub>2</sub>) predictions assessed against full calendar year annual averages, representing long term dose and exposure to pollution. The proposed development is predicated to add 99 vehicles a day to the High Street Section of AQMA. Future traffic growth has been added to baseline levels and future traffic projections used nationally agreed guidance. The applicant argues a negligible contribution of pollution to existing houses in or adjacent to the AQMA. A moderate adverse impact is predicted in contribution with other projected growth and committed developments in Brighton and Hove and Lewes District.
- 8.158 It is noted there has been a recorded improvement in pollution levels since 2010 and the Council is duty bound to work towards further improvements through the implementation of its own air quality action plan.
- 8.159 In regard to the operational phase of the development, the Air Quality Officer recommends that measures are incorporated to prioritise renewable forms of energy and that facilities for combustion on site are avoided to exclude facilities for gas, solid or liquid burning on site. The energy strategy refers to the use of individual domestic gas boilers, but it is proposed that these would be ultralow NO<sub>x</sub> gas boilers of less than 30 mg/kWh. Such provision would be controlled by planning condition, along with a requirement to ensure that the development does not include appliances for solid or liquid fuel burning. Additional mitigation measures include the requirement for an electronically designed development that prioritises sustainable modes of transport and reduces the use by private car, with 75% of units provided with electric vehicle charging points (EVCP), and a framework travel plan for occupants of the development, which includes

measures to prioritise sustainable modes of transport, details of which would be secured by s106 Legal Agreement.

8.160 Further comments by the Air Quality Officer were received in September 2018 which include details of the 2017 air quality monitoring results. The Air Quality Officer has reviewed the scheme taking into account the most recent monitoring results and is satisfied that the proposal is acceptable in respect to air quality considerations.

8.161 In the construction phase, a condition is recommended to secure a Construction Management Plan to ensure that construction traffic minimises movements within and its impacts on the Air Quality Management Area.

8.162 Land Contamination

A Phase 1 Geo-environmental Assessment (desk-top survey) documenting all the previous and existing land uses of the site and adjacent land, and a Phase II intrusive site investigation that documents current ground conditions and incorporates chemical analysis of the soil, is submitted as part of the application with regards to land contamination, to comply with policy SU11.

8.163 The submitted report identifies relatively low levels of contamination: one sample of topsoil identifies elevated levels of lead, which is considered to present a potential risk to human health. The report recommends that further testing of topsoil is undertaken, specifically of the school buildings, to assess the extent of elevated lead. The report has been reviewed by Environmental Health Officers, who are satisfied with the findings, and recommend a planning condition to secure details of a scheme of remediation, decontamination and verification, if required, based on further testing of the site.

8.164 **Special Areas of Conservation**

A letter of objection has been received from Wealden District Council in regard to the impact of the proposed development in terms of traffic generation and air quality on the Ashdown Forest Special Area of Conservation (SAC) which is a European protected site for habitats and species, designated under the European Habitats Directive, also known as the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.

8.165 The objection states that the proposed development does not consider the effect of traffic generation and air pollution arising from the proposed development crossing the Ashdown Forest SAC (Special Area of Conservation) Lewes Downs SAC and Pevensy Levels SAC. A likely significant effect could not be ruled out for Lewes Downs SAC and Ashdown Forest SAC/SPA and an Appropriate Assessment must therefore be undertaken. The Ashdown Forest SAC is designated as having one of the largest areas of lowland heath in south-east England, the Lewes Downs SAC is designated as a chalk down land with species of rare orchids and Pevensy Levels a grazing marsh. The Ashdown Forest Special Area of Conservation is located approximately 26 kilometres from the application site, Lewes Downs Special Area of Conservation 9.7 kilometres and Pevensy Levels Special Area of Conservation 23 kilometres.

8.166 The applicant submitted further information in relation to the above which demonstrates that the proposed development would not result in any significant adverse impacts on the above designated areas.

8.167 Notwithstanding the above the Local Planning Authority has now undertaken Habitats Regulations Assessment (HRA) screening work and an Air Quality Impact Assessment for Ashdown Forest in relation to work for the City Plan Part Two. Natural England have now confirmed that based on the HRA screening (including the traffic/ air quality assessment for Ashdown Forest) they consider that the City Plan will have no significant adverse impacts on the Special Areas of Conservation (SAC) or Special Protection Areas (SPA).

8.168 Developer Contributions

In addition to the transport contribution and the transferred playing field maintenance fund, discussed above, policy CP7 requires that to make development acceptable and to enable the grant of planning permission, inadequacies in infrastructure arising from proposed development, would be required to mitigate the impacts through s106 Planning Obligations.

8.169 The following contributions would therefore be sought towards infrastructure provision, including: the local employment scheme, education and public art/realm, 37 units of affordable housing, based on the following tenure split 55% Affordable Rent and 45% Shared ownership, to be secured by s106 Legal Agreement. Such s106 contributions amounts have been taken into consideration as part of the District Valuer's assessment of the viability of the proposed scheme.

8.170 Financial Contributions

The financial Planning Obligations set out in the Heads of Terms regarding education, local employment scheme, transport and artistic component have been calculated based on the methodology set out in the Council's Developer Contributions Technical Guidance (March 2017)

8.171 Regarding an open space contribution, as with the 2015 application, it is acknowledged that the proposal would result in formal public access/use of the retained playing field. However, as the current application would provide 45 more units than the 2015 application and therefore generate a greater demand, an open space contribution has been agreed with the developer towards amenity green space, allotments and indoor sports (a total of £64,606.94) in addition to the compensatory contribution towards outdoor sport discussed above.

8.172 **Conclusion**

Proposal Public Benefits versus Development Harm Assessment / policy conflict

The NPPF makes clear that developments should be considered in the context of the presumption in favour of sustainable development.

8.173 Determining the acceptability of the principle of development on the playing field is a key consideration.

- 8.174 Weighing against the proposal is the partial loss of the playing field where there is a conflict in policy terms (including an objection from Sport England) and the heritage harm associated with the re-development of the playing field which would erode the visual separation between the development associated with the historic Rottingdean village and the suburban development to the east.
- 8.175 In relation to the playing field, which is currently in private ownership and inaccessible to the public a significant proportion of this space would be made open to public in perpetuity. Notwithstanding the objection by Sports England the gradient of the field is such that it does not provide an ideal surface for turf sports. An off-site sports contribution would also be provided to compensate for the loss of the playing field and would be secured via the S106 agreement. Furthermore the transfer of the retained playing field to the Parish Council or an agreed management company, with an associated maintenance fund, would not only allow formal public access/use but would achieve a more effective use of the remaining open space than at present. It must also be noted that in the previously refused planning application on the site the loss of the playing field / open space was not a reason for refusal.
- 8.176 It has been further acknowledged above that the loss of part of the playing field would enable a viable policy compliant re-development of the campus site, including the existing vacant Listed Buildings, to be achieved, as confirmed by the DVS. The proposed scheme would secure the re-use and conversion of the principal Grade II listed building, Field House, and associated curtilage listed cottages / Rumneys that are currently vacant and subject to ongoing dereliction and decay, being brought back into use, thereby ensuring their future conservation. The removal and replacement of the modern buildings in conjunction with the conversions and new builds would also overall represent a significant improvement to the campus site in heritage terms. The proposal retains the Chapel and Sports Pavilion. Whilst the proposal fails to secure a future use of these retained buildings, conditions are recommended regarding repairs to the retained structures in addition to a conservation management plan in order to ensure that they are restored and preserved.
- 8.177 Whilst there will be some impact to the road network this would not be severe as set out in the NPPF. The air quality impacts of the development have also been assessed and are considered acceptable.
- 8.178 It must also be noted that the public benefits of the proposal include the contribution of 93 residential units towards the City's housing target of 13,200 new homes over the plan period, of which a policy compliant proportion (40%) which would be affordable units. It is acknowledged that currently the Council is unable to demonstrate a 5 year housing land supply. The proposed housing would make a valuable contribution towards the shortfall and weighs in favour of the scheme. The overall design approach of the development on both the campus and the playing field is also considered to be appropriate in height, scale, form, density and materials and integrates satisfactorily into its surroundings.

- 8.179 Other factors including impacts relating to amenity, standard of accommodation, ecology, archaeology, sustainability, land contamination have been assessed and have been considered acceptable.
- 8.180 Overall it is considered that the public benefits of the scheme as a whole are such that they outweigh any harm that would occur due to the partial loss of the playing field and the proposed redevelopment.
- 8.181 Approval of planning permission is therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommended above.

## **9. S106 AGREEMENT**

- 9.1 In the event that the draft S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  3. The proposed development fails to provide a financial contribution towards the improvement and expansion of capacity of local schools required as a result of this proposed development contrary to policies DA5 and CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  4. The proposed development fails to provide a financial contribution towards the improvement and expansion of open space and recreation in the vicinity of the site required as a result of this proposed development contrary to policies DA5, CP7 and CP16 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
  5. The proposed development fails to provide a financial contribution towards sustainable transport measures contrary to policies DA5, CP7 and CP9 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

6. The proposed development fails to provide a financial contribution towards off site sports provision contrary to policies CP16 and CP17 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
7. The proposal fails to provide a mechanism to ensure that the retained part of the school playing field is made available to the public in perpetuity, contrary to policies CP16 and CP17 of the Brighton & Hove and the City Council's Developer Contributions Technical Guidance.

#### **10. EQUALITIES**

Conditions are proposed which would ensure all new build dwellings are in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). In addition 6 of the new dwellings are to meet Wheelchair Accessible Standards.

