

<b><u>No:</u></b>	<b>BH2017/03676</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application</b>		
<b><u>Address:</u></b>	<b>Land At Varndean College Surrenden Road Brighton BN1 6WQ</b>		
<b><u>Proposal:</u></b>	<b>Outline application with some matters reserved for erection of 10no residential units (C3), comprising 1no two bedroom, 6no three bedroom and 3no four bedroom houses, with new access from Surrenden Road, associated car and cycle parking and approval of reserved matters for access and layout.</b>		
<b><u>Officer:</u></b>	Sonia Gillam, tel: 292265	<b><u>Valid Date:</u></b>	27.11.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	26.02.2018
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	10.10.2018
<b><u>Agent:</u></b>	NTR Planning Clareville House 26-27 Oxendon Street London SW1Y 4EL		
<b><u>Applicant:</u></b>	Varndean College Surrenden Road Brighton BN1 6WQ		

## 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 Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th June 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of this report:

### S106 Heads of Terms

- 30% affordable housing - 3 units (2 affordable rent units, 1 shared ownership unit)
- Contribution of £4,800 towards the Council's Local Employment Scheme,
- Construction Training and Employment Strategy
- Contribution of £43,844 towards recreation, open space and indoor sport provision.
- Contribution of £32,884 towards local Education provision

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	2015-119_210	C	3 November 2017
Proposed Drawing	2015-119_211	G	3 November 2017

Proposed Drawing	2015-119_212	C	3 November 2017
Proposed Drawing	2015-119_220	C	3 November 2017
Proposed Drawing	2015-119_221	E	3 November 2017
Proposed Drawing	2015-119_230	C	3 November 2017
Proposed Drawing	2015-119_231	E	3 November 2017
Proposed Drawing	2015-119_240D	D	3 November 2017
Proposed Drawing	2015-119_241	E	3 November 2017
Proposed Drawing	2015-119_250	D	3 November 2017
Proposed Drawing	2015-119_251	D	3 November 2017
Proposed Drawing	2015-119_260	C	3 November 2017
Proposed Drawing	2015-119_261	C	3 November 2017
Proposed Drawing	2015-119_270	C	3 November 2017
Location Plan	2015-119_100	C	13 November 2017
Block Plan	2015-119_201	D	13 November 2017

2. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
  
3.
  - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
    - (i) appearance; and
    - (ii) landscaping; and
    - (iii) scale;
  - b) The reserved matters shall be carried out as approved.
  - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.  
**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.
  
4. The buildings within the reserved matters submission shall not exceed two storeys in height.  
**Reason:** To ensure the development integrates effectively with its surroundings and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
  
5. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouses 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 and QD27 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. No tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. 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 within the curtilage of the property.

**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 & Hove City Plan Part One.

8. The vehicle parking area(s) 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 and shall be maintained so as to ensure their availability for such use at all times.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

9. The development hereby permitted shall not 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 & Hove City Plan Part One.

10. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) The phases of the Proposed Development including the forecasted completion date(s)
  - (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
  - (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - (iv) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
  - (v) Details of hours of construction including all associated vehicular movements
  - (vi) Details of the construction compound
  - (vii) A plan showing construction traffic routes

The construction shall be carried out in accordance with the approved CEMP.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

11. The development hereby permitted shall not be commenced until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Technical Note - Surface Water Drainage received 27 November 2017 and the Technical Note - Surface Water Drainage addendum received on the 24 May 2018 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design.

**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.

12. No development above ground floor slab level of any part of the development hereby permitted shall take place until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To ensure adequate foul sewage drainage/treatment is available prior to development commencing and to comply with policy SU5 of the Brighton & Hove Local Plan.

13. i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
- ii) A written record of any archaeological works undertaken shall be any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with 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.

14. No development above ground floor slab level of any part of the development hereby permitted 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;
  - i) how energy efficiency will deliver carbon reduction,
  - ii) how use of efficient building services will reduce carbon emissions,
  - iii) how application of renewable energy technologies will deliver carbon reductions, and
  - iv) how 19% carbon emissions reduction will be achieved as a minimum.

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

15. No development above ground floor slab level of any part of the development hereby permitted shall take place until a Sustainability Statement and an updated Sustainability Checklist robustly demonstrating how the scheme addresses Brighton & Hove City Plan Policy CP8 has been submitted and approved in writing by the Local Planning Authority. 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

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The

roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy CP10 of the Brighton & Hove City Plan Part One.

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

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

18. 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:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

19. No development shall take place until an ecological design strategy (EDS) addressing the creation of new wildlife features to compensate for the loss of the butterfly bank, to provide bat foraging habitat and to mitigate for impacts on the adjacent LWS, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

20. A landscape and ecological management plan (LEMP) for the biodiversity reserve and semi-natural habitats within the development shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;
  - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

21. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of the compensatory bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.

**Reason:** To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.

22. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.
23. The development hereby permitted shall not be occupied until the new and extended crossovers and access have been constructed.  
**Reason:** In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
24. The development hereby permitted shall not be occupied until pedestrian crossing improvements (footways across verges as necessary and dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across:
- Peacock Lane with Braybon Avenue;
  - Braybon Avenue (south) with Surrenden Road;
  - Surrenden Road with Braybon Avenue;
  - Surrenden Road (west (east if not possible due to tree roots)) with Surrenden Close (this will also require a speed table pedestrian crossing of the access road on-site outside H04 (or H05) to link with the site footway);
  - Surrenden Close with Surrenden Road;
  - Surrenden Road (west) with Friar Road; and
  - Beechwood Avenue with Surrenden Road.
- Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
25. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.
26. None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 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 & Hove City Plan Part One.

27. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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 & Hove City Plan Part One

28. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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.

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 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'.
3. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); 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.
4. 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.

5. The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition.
6. 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".
7. Southern Water advise that detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
8. The applicant is advised that details of the proposed native species rich hedge should be included in the reserved matters application re landscaping.

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

- 2.1. Varndean College is a further education college site located in the north-west corner of the Surrenden campus, which it shares with Downsview Link College, Dorothy Stringer School, Varndean School and Balfour Infant School. The site is bounded by Surrenden Road to the north and west, Draxmont Way to the south and Friar Road and Friar Crescent to the east, all of which are residential streets.
- 2.2. The relevant part of the College site consists of approximately 0.62 hectares of scrub and grass land which is separated from the College playing pitches by a steep bank. Part of the area forms a biodiversity (butterfly) reserve. At a lower ground level to the south are the College playing fields which are in an elevated position in relation to the main College buildings further to the south.
- 2.3. Immediately to the north of the site is a public footpath, separated from Surrenden Road by a wide grassed verge containing mature street trees. The opposite side of Surrenden Road consists of good sized, detached residential properties occupying elevated positions in relation to street level.
- 2.4. Outline planning permission is sought for the erection of 10 no. residential units (C3), comprising 1 no. two bedroom, 6 no. three bedroom and 3 no. four bedroom houses, with new access from Surrenden Road, associated car and cycle parking. Matters of access and layout will be assessed as part of this application, with matters of appearance, landscaping and scale reserved for a later date.
- 2.5. The indicative plans incorporate 10 no. low level, two storey dwellings, 7 no. detached and 3 no. terraced houses which are proposed as affordable housing. The bedrooms and living areas are proposed to the lower ground floor and the kitchen/ dining areas to the upper ground floor level. Each

dwelling would have private outdoor amenity space and private car/ cycle parking provision by way of a garage to the front.

- 2.6. The proposed residential dwellings will be accessed from Surrenden Road via a 'crescent shaped' one-way system with access at the eastern end of the site frontage and egress back onto Surrenden Road at the western end. A main spine road will run along the northern boundary of the site, with two visitor car parking spaces provided; one at each end of the access road. One dedicated private car parking space would be provided within a secure garage for each unit. Twenty-four cycle parking spaces would be provided on site; two per unit in addition to four short-stay visitor spaces.
- 2.7. The main pedestrian access from Surrenden Road to the north would give level access to the upper ground floor of the properties. Pedestrian access would be provided to the lower ground floor via steps to the front of each property.
- 2.8. The existing pedestrian footpath would be maintained with dropped kerbs proposed at the point of the new vehicular access. The existing steps and pedestrian footpath from Surrenden Road to Varndean College would be retained.

### **3. RELEVANT HISTORY**

- 3.1. There is an extensive planning history, mainly for additional and replacement college buildings, remodelling of the site buildings and some minor alterations. Of greatest relevance to this application is the following:
- 3.2. **BH2017/04102** Installation of an artificial turf pitch with alterations to existing adjacent grass playing pitch and installation of 8no 4.5 metre floodlights. Under consideration.
- 3.3. **BH2001/01506/OA** Outline application for extension to roof space of main school building, extension to college building, new access to college, re-alignment and extensions to car park to provide for an additional 48 spaces (application includes all reserved matters for these elements). Outline application for residential development on 1.2 hectares of land fronting Surrenden Road and Draxmont Way. Outline application for relocation of playing field to east side of college and provision of special needs teaching unit (1440 square metres). Landscaping. Withdrawn 13.03.2002.
- 3.4. **BH2015/ENQ/00601** Officer pre-application advice was provided for the current scheme.

### **4. REPRESENTATIONS**

- 4.1. **Two hundred and eighty-nine (289)** letters have been received objecting to the proposed development. The main grounds for objection are as follows:
  - Loss of open space
  - Loss of recreation space

- Space is 'green lung'
- Green space important to wellbeing
- Biodiversity and ecology impacts
- Loss of biodiversity/ butterfly reserve
- Location of new biodiversity reserve not viable
- Loss of Small Blue butterfly
- Impact on wildlife such as bats and slowworms
- Loss of link between Withdean Woods and the Downs
- Green corridor for wildlife
- Loss of vegetation/ hedgerow
- Loss of trees
- Noise
- Increased traffic and congestion
- Loss of view/ vista
- Overdevelopment
- Visual impact
- Design out of character with area
- Concern that housing density too low
- Concern that housing density may be higher
- Luxury housing
- Lack of affordable housing
- Poor living conditions
- Plans inconsistent
- Access road narrow
- Damage to grass verges
- Parking issues
- Council not solved existing parking problems
- Traveller vans
- Highway safety
- Air pollution
- Light pollution
- Students use area for studies
- Pressure on local schools spaces
- Impact on school catchment areas
- Pressure on local amenities
- Lack of landscaping
- Loss of privacy
- Safety issues for students
- Obesity and impact on children health
- City is Unesco Biosphere Reserve
- Nature Improvement Area
- Overpopulation
- Site not allocated for housing in City Plan
- Lack of consultation by applicant
- Lack of consultation by Council
- Lack of marketing over sale of land
- Building should be on brownfield sites

- Disruption during build
  - Short sighted strategy for quick financial gain
  - Setting precedent for selling land
  - Local covenants
  - Impact on property values
  - Profit
  - Developer greed
- 4.2. Councillors Ann Norman, Ken Norman, Nick Taylor, Lee Wares and Geoffrey Theobald object to the proposal. The comments are attached.
- 4.3. **Twenty-seven (27)** letters has been received supporting the proposed development for the following reasons:
- College can continue to thrive through Govt cuts
  - Ensure future educational needs met
  - College needs to survive or land may be sold in entirety
  - Current facilities in poor state of repair
  - Private land
  - Only small part of site lost
  - Much needed housing
  - Playing fields will be retained
  - Small wildlife area can be relocated
  - Good design
  - Off-street parking included
  - Enhance sporting facilities
  - Modest and sensitive application
  - Minority of people affected, large number will benefit
- 4.4. **The Regency Society** supports the principle of residential development on this land, although density is too low and the design should be of a similar massing to the existing housing opposite.

## 5. CONSULTATIONS

### External

- 5.1. **Sport England:** No objection The strip of land is on a significantly different land level from that where the pitch is laid out. Historically, it would not appear to have ever formed part of a playing pitch. It is not considered that these houses would prejudice the use of the playing pitch, which has always been laid out for football and currently has existing housing to the west. Furthermore, the existing pitch is natural turf with no floodlights in place, meaning that there is unlikely to be unreasonable amounts of noise outside daylight hours.

Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to*

*make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

- 5.2. **Ecology:** No objection subject to conditions requesting an Ecological Design Strategy and Landscape and an Ecological Management Plan. The creation of a new butterfly bank features should be implemented before the existing feature is lost.
- 5.3. **Brighton and Hove Archaeological Society:** No objection The land around Varndean and Surrenden Road have produced a number of important finds from the prehistoric period - contact the County Archaeologist for recommendations.
- 5.4. **County Archaeologist:** No objection The proposed development is within an Archaeological Notification Area defining the site of a prehistoric burial and the potential for further burials. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works.
- 5.5. **UK Power Networks:** No objection
- 5.6. **Scotia Gas Networks:** No objection
- 5.7. **Southern Water:** No objection subject to conditions relating to foul and surface water sewerage disposal.
- 5.8. **Sussex Police:** No objection

#### Internal

- 5.9. **Planning Policy:** Comment  
Jan 2019: This is a finely balanced case because despite the reduced size of the playing field weighing against the proposal, it does have merit through improving the retained existing facilities. The concerns around retention of open space and whether the space could be used for future expansion of the college, should be weighed against the naturally delinked nature of the site from the wider playing field, scope for enhancements of sports facilities and absence of objection from Sport England, including benefits from contributions to overall city plan target for housing and family units.

Feb 2018 following further information from agent: There is a lack of evidence to demonstrate that the partial loss of the college's playing field to residential development, justifies an exception to policy.

Dec 2017 original comments: The principle of this development conflicts with policies CP16 and CP17 of the City Plan Part One. The proposal also fails to give due regard to policy HO20 of the Brighton & Hove Local Plan. It is not

considered that the material considerations relevant to this proposal justify an exception to policy.

- 5.10. **Housing Strategy:** No objection Policy compliant affordable housing contribution of 30% proposed. Mix should be 2 houses for rent and 1 for shared ownership.
- 5.11. **Sustainable Transport:** No objection subject to conditions relating to cycle parking, pedestrian crossing improvements and installation of new crossovers
- 5.12. **Arboriculture:** No objection on Arboricultural grounds. The development has potential to impact on some recently protected mature trees, yet it is acknowledged that this could be minimised during the construction process with the use of planning conditions. However there would be visual detriment to wider landscape and views.
- 5.13. **Sustainable Drainage:** No objection Following receipt of addendum to Technical Note - Surface Water Drainage May 2018, the concerns regarding surface water runoff have been adequately addressed.
- 5.14. **Economic Development:** No objection subject to the submission of an employment and training strategy at least one month prior to site commencement and a developer contribution of £4,800 to be paid prior to commencement. The 10 dwellings are all of a size to meet the increasing need for accommodation for families and will make a small contribution to the wider challenges the city currently faces and in the future.
- 5.15. **Education:** No objection subject to a developer contribution of £32,884 towards education infrastructure.
- 5.16. **Sustainability:** No objection subject to sustainability conditions re energy and water.
- 5.17. **Environmental Health:** No comments

## 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
- CP6 Visitor accommodation
- 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
- 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
- TR14 Cycle access and parking
- SU3 Water resources and their quality
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD18 Species protection
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities
- HE12 Scheduled ancient monuments and other important archaeological sites

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD11 Nature Conservation & Development
- SPD14 Parking Standards

#### Asset of Community Value (ACV)

- 7.1. The application site forms part of a wider area that has been listed since November 2018 as an asset of community value (ACV). This wider area, listed as "Varndean Green", includes the playing field, the biodiversity area, the public footpath, the grass verge, the elm hedge and the copse of trees.
- 7.2. The fact that land is listed as an ACV is capable of being a material planning consideration in the determination of planning applications relating to that land. Whether it is, in any given circumstance, and the weight to be attached, is a matter of planning judgment for the LPA.
- 7.3. It should be noted that a listing as an ACV gives no right of access to the land concerned: the only right that follows from a listing is the right of a community interest group to bid to purchase the listed land should the owner intend to sell.
- 7.4. So far as the site proposed for development is concerned, this has not been in effective or efficient use as a viable playing field or functional open space due to natural barriers and a level drop, as detailed in the Planning Policy section of this report.
- 7.5. Therefore it is considered that the loss of this relatively small section of the ACV would not significantly impact on the local community's enjoyment of the listed land. That being so, and the fact that there is no right of access, it is considered that the land's status as an ACV should be given limited weight.
- 7.6. It is also noted in the Council's Open Space study update 2011 that the Withdean Ward has no over-riding deficiency in open space and that the outdoor sports facilities provision and parks and gardens for the ward would be in surplus by 2030.

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1. Matters of appearance, landscaping and scale are reserved and therefore the main considerations in the determination of this application relate to the principle of the proposed development, access and layout in relation to constructing 10 no. dwellings (1 no. two bedroom, 6 no. three bedroom and 3 no. four bedroom houses) with associated parking on the site.
- 8.2. Matters raised in neighbour representations relating to profit, covenants, impact on property values, school catchment areas, overpopulation, disruption during build are not material planning considerations.
- 8.3. 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.

- 8.4. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 8.5. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, 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).
- 8.6. **Planning Policy:**  
Open Space  
The site is classified as open space within the City Plan, albeit providing only a visual amenity benefit rather than a functional sporting benefit. The City Plan Part 1 Policies CP16 Open Space and CP17 Sports Provision seek the retention, enhancement and more effective use of open space especially playing fields.
- 8.7. Policy CP16 does reflect that there may be instances when the loss of some open space could be justified due to open space surpluses in a localised area combined with a low quality offer so that it is unable to meet wider open space needs and/or citywide requirements. For example, the site is too steep or its configuration significantly limits its use.
- 8.8. Due to the sloping nature of the site, the application states that it is physically unusable for sport and recreation purposes, and has never been used by the College for such. It is advised that in accordance with point d) of CP16: the site is of poor quality, is not part of a playing field and is incapable of meeting the city's wider open space needs.
- 8.9. Marketing information has been submitted with the application; it is acknowledged that this is somewhat lacking in its aim to make the local community aware that the site was available on a long lease or for sale. However the Planning Policy officer has confirmed that playing fields are excluded from the exception criteria that take marketing into account. In view of the minimal weight to be given to marketing, to test the importance of the open space to the local community, the robustness of the approach has not been considered or explored further in this instance.

- 8.10. Given the nature of the site, it is not considered to have the same value as other parts of the playing field, not even as a run-off area or safety margin adjacent to the existing pitch. Lack of objection to the proposed development by Sport England, who considers that the development would not prejudice the use of this playing pitch, confirms this. Sport England is satisfied that the proposed development affects only land incapable of forming a playing pitch, and does not result in the loss of, or inability to make use of the existing playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the existing playing area of the pitch or the loss of any other sporting/ancillary facility on the site.
- 8.11. Policy HO20 of the Brighton & Hove Local Plan resists the change of use of a community facility. The policy seeks to ensure a community facility site such as a school/ college is not released if there is a need for the site. Regard to policy HO20 should be given in respect of the impact of the partial loss of the site on the educational facility.
- 8.12. The application states that students previously accessed the site from time to time connected with studies in archaeology and environmental sciences. However, these subjects have since been removed from national syllabuses by the Government and the area has therefore not been maintained or used at all within the last few years. The application proposes that a new Biodiversity Reserve is created elsewhere within the College campus. There is a grassed bank area to the east of the main College Buildings and it is intended to establish an enhanced biodiversity area in this location to mitigate for the loss of habitat on the application site. Sport England has advised it has no objection to this part of the site being used for the reserve and the County Ecologist has confirmed that this is acceptable mitigation provided it is implemented before the existing feature is lost. This can be secured by condition.
- 8.13. Given the above, the loss of this small part of the campus would have little impact on the students with regard to their studies.
- 8.14. Housing density and mix  
The provision of 10 residential units on the site would make a positive contribution towards meeting the City's housing target for a minimum 13,200 dwellings for the plan period as set out in City Plan Policy CP1.
- 8.15. With regard to density, CP14 seeks to achieve a minimum density of 50 dwellings per hectare, which on this site of 0.62ha would be a minimum of 31 dwellings per hectare (dph). The proposal for 10 residential units would provide a density of 16dph. The lower density proposal clearly raises questions about efficient use of the site. However weighing this against the generally leafy nature of the surroundings with predominantly single dwellings in good sized plots, the lower density development would fit in with the general pattern and character of the area and would not warrant refusal of the application in this case, subject to other planning considerations.

- 8.16. Policy CP19 requires that proposals have regard to housing mix considerations and have been informed by local assessments of housing demand and need. Usually a mix of unit sizes would be sought which reflects the housing needs of the city. Additionally it is important to maximise opportunities to secure additional family sized housing on suitable sites.
- 8.17. The proposed three and four bedroom houses will make a small but important contribution to the identified need for larger family housing and the provision of one two bed dwelling will help to enhance the housing mix. The proposed development is therefore considered to accord with Policy CP19 of the City Plan.
- 8.18. In this instance it is accepted that the site has not been in effective and efficient use as a viable playing field or functional open space due to natural barriers and a level drop. The College students are not using the space as a recreation space or study area; Sport England is satisfied that the proposed development affects only land incapable of forming a playing pitch and do not object to the proposal; the loss of the biodiversity reserve can be mitigated by creating an enhanced reserve on another part of the site; and Withdean Ward has no over-riding deficiency in open space.
- 8.19. Further to the above it should be recognised that the LPA requests a developer contribution of £43,844 towards children's play areas, parks and gardens, sports facilities and allotments. Local sites likely to benefit from improvements include Hollingbury Park and Woods, Preston Park, Blakers Park, Withdean Park and Withdean Sports Complex.
- 8.20. Given this and that much needed family dwellings, including policy compliant (30%) affordable housing would be provided, it is considered that the loss of this section of land is justified and a residential development of the site can be supported in principle, subject to other planning considerations.
- 8.21. **Design and Appearance:**  
The Outline application reserves matters of appearance, landscaping and scale and so these are not considered in detail other than to confirm that the quantum of development sought could realistically be accommodated on site.
- 8.22. The surrounding area is characterised by predominantly detached and semi-detached two storey residential dwellings. Most are traditional in style with features such as brick walls, hipped brown/ red tiled roofs and good sized gardens.
- 8.23. As previously mentioned, on balance, the loss of this section of the site and the principle of residential development is supported in policy terms. However the resulting development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan.

- 8.24. Indicative plans show 10 no. two storey dwellings which would not be dissimilar in terms of footprint to the surrounding dwellings in the vicinity and would be appropriately sited on the parcel of land with sufficient spacing. In terms of landscaping the indicative plans show gardens, shrubbery and hardstanding areas which appear appropriate.
- 8.25. Although not seeking approval for appearance, the plans indicate dwellings designed to take advantage of the topography of the site through being set into the slope of the site with a low level. The units are shown set down below street level to minimise the visual impact on the streetscene and to the dwellings on the opposite side of Surrenden Road. There is no objection in principle to sustainable modern design.
- 8.26. Loss of strategic views is referenced by objectors. Policy CP12 seeks to protect or enhance strategic views into, out of and within the city. It is noted that from the opposite side of Surrenden Road to the north of the site, there are glimpses of views over the College fields down to the sea, although these views are impacted by the existing hedgerow and buildings. The application also references that the function of open space includes amenity value, such as the open appearance of a site when viewed from public vantage points.
- 8.27. It is recognised that the views and the open nature of the site would be affected by the proposed development, although the long views from inside the site itself would be unchanged and the properties opposite are in an elevated position and the strategic views down to the sea from these dwellings would not be significantly affected by the development. Furthermore, from the indicative plans, the intention is, in the interests of wider visual amenity, to maintain views between and beyond the new buildings which as mentioned would be predominantly set down below street level.
- 8.28. The above is noted however the outline application does not seek approval of 'appearance', 'landscaping' and 'scale'. These issues would need to be addressed as part of a reserved matters application.
- 8.29. **Standard of accommodation:**  
Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy to require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015. These standards provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units.
- 8.30. From the indicative plans the proposed units would exceed the above government standards and would provide very good levels of circulation space, outlook and light, incorporating extensive southerly aspects. Refuse and recycling facilities are proposed in the garage space which is appropriate.

The application confirms that the new access road would be suitable for refuse vehicles.

- 8.31. Local Plan Policy H05 requires a provision of private usable amenity space in new residential development appropriate to the scale and character of the development. The plans indicate garden sizes of between 174m<sup>2</sup> and 795m<sup>2</sup> which are appropriate to the scale of the properties and not uncharacteristic of the area. It is noted that whilst some surrounding properties do have large rear gardens, others, such as the closest properties to the site to the west 106-114 Surrenden Road, do have more modest outside space.
- 8.32. With regard to noise, given that the existing pitch is natural turf with no floodlights in place, there is unlikely to be unreasonable amounts of noise outside daylight hours. This is the situation for the existing properties surrounding the site.
- 8.33. **Affordable Housing:**  
The city-wide Housing Strategy adopted by Council in March 2015 has as Priority 1: Improving Housing Supply, with a commitment to prioritise support for new housing development that delivers a housing mix the City needs with a particular emphasis on family homes for Affordable Rent. The council has an Affordable Housing Brief based on evidenced housing needs in the city.
- 8.34. Brighton and Hove is a growing City with 273,000 people in 126,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. The affordable housing brief reflects the very pressing need for affordable homes in the City. With half of all households in the city earning less than £28,240 per annum, the city's private sector housing is unaffordable for the majority of the population.
- 8.35. In terms of need for affordable rented accommodation: There are currently 1,410 households in Temporary Accommodation, 963 of which include children and/or pregnant women, and 9738 people listed on the joint housing register at 8 January 2019 - 71% of whom are in demonstrable need. 1291 of those listed (822 within demonstrable need) require 3 bedroom accommodation and the waiting time for a suitable 3 bedroom property is longer than for smaller homes.
- 8.36. Council policy (CP20) requires 30% of properties to be affordable in developments of between 10 and 14 units to be provided either on site or as a commuted sum payment. The scheme proposes an on-site provision of 3 x 3 bed affordable family homes with gardens, which at 30% accords with the above policy.
- 8.37. To ensure that all new homes developed are of a good standard that is flexible, adaptable and fit for purpose, the Affordable Housing Brief offers support for schemes that meet the Govt. nationally described space standards where possible. The homes would be of a good size and standard of accommodation. At 157m<sup>2</sup> the units would be significantly larger than the minimum size requirement.

- 8.38. The Affordable Housing Brief requires affordable housing to be provided as 55% Affordable Rent and 45% as Shared Ownership (low cost home ownership). For this development this equates to 2 houses for rent and 1 for shared ownership. This can be secured by legal agreement.
- 8.39. The proposed development would make a positive contribution to affordable housing provision and is thus in line with policy CP20 in City Plan Part 1. The application is supported by the Council's Housing Strategy team.
- 8.40. **Impact on 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.
- 8.41. From the proposed site layout there would be good separation distances to the neighbouring residential properties at all boundaries. The proposed relationship between the proposed and existing dwellings is wholly characteristic of the pattern and grain of the area. Given siting and distances proposed there would be no significant impact in terms of overbearing impact and loss of light, outlook or privacy.
- 8.42. **Sustainable Transport:**  
Trip generation  
The submitted Transport Statement demonstrates there is not forecast to be a significant increase in vehicle trip generation as a result of the proposals therefore any impact on carriageways would be minimal and within their capacity.
- 8.43. It is likely that the increase in dwellings would result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, the Council's Highways team has recommended that Pedestrian crossing improvements within the vicinity of the site are secured by condition.
- 8.44. Access Arrangements  
The applicant is proposing acceptable changes to pedestrian and vehicle access arrangements onto the adopted (public) highway. During the course of the application amendments to the width of the vehicle crossovers and access roads in appropriate places, and the inclusion of wooden bollards installed every 2m to prevent verge parking have been submitted which is welcomed by the Highways officer.
- 8.45. Parking

For this development of 10 residential units with 1 x 2 beds, 6 x 3 beds and 3 x 4 beds the minimum cycle parking standard is 23 cycle parking spaces in total (19 for residential units and 4 visitor spaces). Twenty-four cycle parking spaces are proposed be provided on site; two per unit in addition to four short-stay visitor spaces. The plans show installation of each cycle store within the garage and cycle parking for visitors along the access road.

8.46. The site is outside of a controlled parking zone so there is free on-street parking available including on-street disabled bays. The application proposes a visitor disabled bay and an electric charging facility as per the Parking Standards. This is deemed acceptable by the Highways officer.

8.47. **Sustainability:**

Policy CP8 sets out residential energy and water efficiency standards required by new development; to achieve 19% above Part L Building Regulations requirements 2013 for energy efficiency, and to meet the optional standard for water consumption of 110 litres/ person/day. It is acknowledged that this Greenfield site offers opportunities for excellent standards of sustainable design to be achieved. Therefore the Council's Sustainability officer has requested that an energy assessment and revised sustainability checklist are submitted to demonstrate how the scheme addresses Policy CP8 at detailed design stage. This can be secured by condition.

8.48. **Ecology:**

The site is designated as part of a Nature Improvement Area (NIA) under Policy CP10, which seeks to protect existing biodiversity and seek gains wherever possible. Additionally part of the application site is a butterfly reserve and the College has undertaken planting and landscaping works here to encourage an increase in multiple butterfly species. The area is not currently being actively monitored or managed,

8.49. The proposed development site is also adjacent to a proposed new Local Wildlife Site (LWS) (Surrenden Crescent and Surrenden Road) which is important for supporting a wider range of fungi, including some scarce species.

8.50. The application proposes that a new Biodiversity Reserve is created within the College campus. There is a grassed bank area to the east of the main College Buildings and it is intended to establish an enhanced biodiversity area in this location to mitigate for the loss of habitat on the application site. Bat surveys have also been undertaken by the applicant in accordance with best practice. This shows that Bat activity across the site is relatively low with a low number of species.

8.51. The County Ecologist has confirmed that, provided the recommended mitigation measures are implemented, the proposed development can be supported from an ecological perspective. A biodiversity reserve should be created within the campus (before the existing feature is lost) to mitigate for the loss of the butterfly banks and bat foraging habitats and impacts on the

proposed LWS. This can be secured by condition. The provision of green roofs, bat and bird boxes and a native species rich hedge are welcomed. Conditions for an Ecological Design Strategy and a Landscape and Ecology Management Plan are recommended.

8.52. With regard to reptiles, the County Ecologist has confirmed that no further surveys are needed however, given that there is the potential for reptiles to be present, there should be a precautionary approach to site clearance which should be detailed in the Ecology Design Strategy.

8.53. **Arboriculture:**

An acceptable Arboricultural Assessment report has been submitted with the application. Since receipt of the report an amenity assessment has been undertaken and as a result two Tree Preservation Orders (TPO's) have been made. The first of these is on the garden of 114 Surrenden Road which protects 14 trees within the garden. The second on land at Varndean Collage, including the area around the electricity substation, protects 11 trees. Both of these orders were made due to the trees being important landscape features and the amenity that they provide to the area.

8.54. The Council's Arboriculture officer has confirmed that the proposals outlined in the application should have little direct impact on any of the TPO protected trees. There would be some tree losses which include a low quality Sycamore tree on the frontage close to the electricity substation but visually this would have be of little detriment to the area. Tree protection and landscaping details are requested; this can be secured by condition.

8.55. It is noted that the Arboriculture officer also comments on the loss of views across the landscape, although acknowledges that this is peripheral to their remit and confirms there is no objection on Arboricultural grounds. Loss of views is discussed above in the section on Design and Appearance.

8.56. **Archaeology:**

The proposed development is within an Archaeological Notification Area defining the site of a prehistoric burial and the potential for further burials. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the County Archaeologist has recommended that the area affected by the proposals should be the subject of a programme of archaeological works. This would enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.

8.57. **Flood risk/ Sustainable drainage:**

The applicant has submitted a Technical Note relating to surface water drainage which proposes sustainable drainage methods. The Council's Flood Risk Management Officer has no objections to the scheme. A design and associated management and maintenance plan of surface water drainage as per the recommendations in the submitted Surface Water Technical Note and addendum.

**8.58. Other Considerations:**

Construction Environmental Management Plan

There is a considerable amount of construction proposed, in very close proximity to local residents. Construction by its very nature does have noisy phases and will inevitably be noticeable at various stages to various individuals throughout the build. It is therefore recommended that a Demolition Management Plan and a Construction Environmental Management Plan (CEMP) are requested via condition.

**8.59. Wealden District Council Objection**

Wealden District Council has raised an objection to this application based on concern about its potential impact on the Ashdown Forest (European) site which is a material planning consideration in the determination of this application. This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Ashdown Forest (European) site. A pre-screening exercise has been undertaken to assess the potential in combination with other development for "likely significant effects" on the Ashdown Forest. This has concluded that there is no potential for "likely significant effects" on the Ashdown Forest (European) site and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations".

**8.60. Concurrent application BH2017/04102 for 3G pitch**

It is noted that the proceeds from sale of the land for residential development would be invested in the educational facilities on site, including the enhancement of the outdoor sports and recreation facilities through the construction of an artificial turf football pitch, and the associated enhancement of existing grass sports pitches (BH2017/04102). Whilst this is welcomed, given that the proposal is not considered to represent a loss of a viable playing field, it is considered that the acceptability of this development does not hinge on the enabling of these proposed outdoor sports enhancements.

**8.61. Conclusion:**

The development would make a positive contribution to the City's housing needs, including policy compliant much needed affordable family housing, on a section of open space which is not used for sports, recreation or education purposes. There would be no harm caused to the living conditions of the occupants of surrounding properties and the creation of an on-site enhanced biodiversity area would mitigate for the loss of habitat on the application site. It is acknowledged that the open nature of the site and the strategic views to the sea would be impacted by the proposal; however given the above benefits it is considered that, on balance, the loss of the under-utilised open space is acceptable and residential development on the site can be supported in principle.

**9. EQUALITIES**

- 9.1. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the (new-build) dwellings appears to be achievable.
- 9.2. Policy HO13 states that a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard. However as this proposal is for only 10 dwellings this does not apply.

### **Developer Contributions**

30% affordable housing - 3 units (2 affordable rent units, 1 shared ownership unit)

Open space and indoor sport: Based upon the current adopted Developer Contributions Technical Guidance and SPGBH9, £43,844 towards:

- Children's play: Hollingbury Park and/or Preston Park, Blakers Park
- Parks/gardens incl. amenity and natural semi natural: Hollingbury Park and Woods and/or Withdean Park, Preston Park, Blakers Park
- Sports: Hollingbury Park and/or Withdean Sports Complex, Waterhall, Preston Park
- Allotments: Roedale Valley and/or Lower Roedale

Local Employment scheme: Based upon the current adopted Developer Contributions Technical Guidance, £4,800 plus the submission of an employment and training strategy at least one month prior to site commencement.

Education: Based upon the current adopted Developer Contributions Technical Guidance, £32,884 towards the cost of secondary provision

**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 provision of affordable contribution housing which addresses the requirement of Policies CP1, CP19 and CP20 of the Brighton and Hove City Plan Part 1.
2. The proposed development fails provide a financial contribution towards Open space and indoor sport provision contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
3. 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 City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.
4. 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

City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.

5. The proposed development fails provide a financial contribution towards Education provision contrary to policy CP7 of the City Plan Part 1 and the City Council's Developer Contributions Technical Guidance.