

Cllr. Lee Wares and Cllr. Geoffrey Theobald

BH2018/0676 – Land at Varndean College

18/12/2017:

Please accept this letter as our OBJECTION to the above application.

In the first instance we have concerns over the credibility of any statements and assumptions made in the application given the submitted Supporting Planning Statement (Statement) on page 8 (3.1) advises there is “no relevant planning history to the specific application site”. The key word introduced is “specific” for there was an application by Varndean College in 2001 for a housing development on the site under planning application BH2001/01506/OA. This application was due for determination by Committee in March 2002 with the Planning Officer recommending refusal. The applicant withdrew the application to avoid the refusal and the reasons for.

The application was recommended for refusal for reasons that included inter alia, the proposal would involve unacceptable loss of playing fields and open space, the site has not been allocated for residential development, the site does not meet the definition of a windfall site, the proposal would set an undesirable precedent for the sale of land for development to fund expansion and refurbishment of education and other buildings and as such would weaken the Council’s efforts to maximise brownfield housing developments and to protect playing fields and open space. None of these sound reasons have diminished or become less relevant.

Addressing this particular application, the applicant sought pre-planning advice and we suggest that they have failed to satisfy all the requirements set out therein as well as being contrary to Policy.

In attempting to satisfy NPPF para 74, the Statement advises that the development will fund improved sporting facilities elsewhere on the site. It further advises that an application for funding to Sports England in 2011 was unsuccessful. If the provision of improved sports facilities is so compelling one wonders why the application was refused and why there have been no further applications addressing the reasons for the original refusal. Without any detail submitted, it would not be unreasonable to suggest that the rationale is not compelling and that being the case, NPPF para 74 would not be satisfied.

CP 16 refers to open spaces and playing fields and CP17 outdoor sports facilities. The distinction being that playing fields do not necessarily have to be sports facilities. The Statement (2.4 page 6) attempts to converge the definitions by mentioning the subject area is not suitable for active sports and that the area has never been defined as playing fields. The matter of fact is that the area is not being used as playing fields or open space/ recreational use because it is a conscious choice of the College.

Thus the loss of open space would be contrary to CP 16. If the area is not defined as outdoor sports facility then the requirement to market the area for at least 18 months is moot. That said, the marketing exercise appears less than genuine in attempting to find a suitable party to maintain the open space. It has been simply marketed as

COUNCILLOR REPRESENTATION

“Long leasehold open space site – No development potential” There was no positive attributes given for the site and it clearly appears to be an attempt to make the site unattractive to satisfy CP17. Having marketed the site as having no development potential and having turned down housing development interest, the applicant now wishes to use the site for the exact same development that it claimed the site had no potential for!

Moreover, the site was developed in 2010 as a biodiversity reserve and is identified as an Open Space and Nature Improvement Area. It was established in partnership with the City Council (receiving public resource) and the Butterfly Council. It has been confirmed that schedule 8 protected butterflies (the blue Cupido minimus) now inhabit the area. The biodiversity report provided by the applicant further acknowledges that removal of the hedge, copse, trees and area generally would impact upon nesting birds, reptiles such as slow-worm, dormouse, bats, stag beetles and glow-worms. The report further identifies that narrow paths have been identified that are attributed to species such as badgers.

It is clear that the biodiversity reserve is achieving the objective it set out to do and that it has created an area rich in diversity, including sanctuary and provision for protected species. It would not be a simple exercise as suggested by the Statement to just relocate the entire habitat and its “occupants and dependants” somewhere else in the area, especially to an area that has high footfall that would be an impediment to the wildlife found at the current location. The loss of the hedgerows that also support the wildlife habitat would be contrary to QD15 and QD16. The Statement (para 7.10) refers to poorly configured land on a steeply rising gradient. This is not correct. The land north of the buildings is on two levels with the area subject to this application being a gentle slope, some of which has been levelled.

We would further emphasise that pre-planning advice referred to protecting all trees and that none would be removed. The proposal includes for the felling of at least two trees for no other reason than they obstruct the exit road from the development and is contrary to QD16.

The subject area forms part of the character of the community and neighbourhood and provides significant openness with a considerable strategic view across the City. The Urban Design Framework requires that such strategic views must be protected into, out of and within the City. The proposed development will not benefit the strategic view and thus will be contrary to CP12.

The statement makes occasional reference to the site being a “windfall site”. This is defined as a site which has become available for development unexpectedly and is therefore not included as allocated land in the development plan. City Plan Part 1 has not allocated the site for housing development and as mentioned in paragraph 2 above, “greenfield” development on the Varndean College site was to be refused planning permission for housing as “unacceptable”. Reference to a windfall site is inappropriate as this is not an unexpected opportunity but appears to be more a contrived opportunity.

Within the area, houses are generally large detached properties with significant land. The proposal reflects a higher density development that would not adequately reflect the neighbourhoods' positive characteristics and as such is contrary to CP14. In appearance, there is a diverse mixture of properties in the immediate vicinity of the proposed development but none that can be identified as "regimented and uniform" as shown on the submitted drawings. The proposal would therefore not respect the urban grain of the locality and not create a sense of place respecting the diverse character. This will be contrary to CP12.

Mayer Brown provides desktop transport analysis of a number of elements but fails to recognise the issues in the location. The Western site exit proposed will create significant further vehicles onto a junction that is already heavily congested. Traffic at key times already backs up Surrenden Road without adding a further 20 vehicles into queuing traffic. This risks incremental air pollution, delay and dangers. The junction is used by many pedestrians and in particular children. The road infrastructure in the locality is at capacity during peak times and simply cannot accommodate further traffic.

In addition, the proposal presumes that a large area of grass verge that is public or highway land, and forms a key feature of the characteristics of Surrenden Road, can and will be utilised by the developer. Meyer Brown also advise that there is no intention of the new road being adopted, risking public/ highway land being developed in an unsustainable way and incapable of being maintained by the Local Authority. This will be contrary to CP9.

We believe that the proposed development will cause a material nuisance and loss of amenity in that it will adversely impact the outlook of the neighbourhood and will dramatically increase the volume of traffic that will be contrary to QD27.

Concerns are raised regarding mitigating flood risk in the area. As part of mitigation it is important to preserve open space that acts as a natural run off and soakaway. The development of this land will create a barrier across the open space that the fields presently provide as natural flood mitigation and thus would be contrary to CP11.

Finally, should the Local Planning Authority consider granting this application, we request that it is brought to Planning Committee for determination but in this instance we defer the right to speak on the application to the Withdean Ward Councillors.

