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| <u>No:</u> | BH2021/01845 | <u>Ward:</u> | Queen's Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | Brighton College Eastern Road Brighton BN2 0AL | | |
| <u>Proposal:</u> | Erection of a new Performing Arts Building, incorporating a 400 seat Theatre, 2no Dance/Drama Studios, new 6th Form Centre, multiple new Classrooms and offices, storage areas, a Cafe and associated works. (Amended Description) | | |
| <u>Officer:</u> | Ben Daines | <u>Valid Date:</u> | 18.05.2021 |
| <u>Con Area:</u> | College | <u>Expiry Date:</u> | 17.08.2021 |
| <u>Listed Building Grade:</u> | <u>EOT:</u> | | |
| <u>Agent:</u> | Lichfields The Minster Building 21 Mincing Lane London EC3R 7AG | | |
| <u>Applicant:</u> | Brighton College C/o Lichfields The Minster Building 21 Mincing Lane London EC3R 7AG England | | |

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 a s106 agreement on the Heads of Terms set out below and the following Conditions and Informatives as set out hereunder, SAVE THAT should the s106 Planning Obligation not be completed on or before 29 December 2021 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of this report:

S106 Heads of Terms

1.2. Employment

- Submission of an Employment and Training Strategy
- A financial contribution of £6,250 towards the Local Employment Scheme

1.3. Transport

Submission of a Travel Plan with an accompanying Monitoring fee of £5,785.52

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

| Plan Type | Reference | Version | Date Received |
|------------------|---------------------|----------------|----------------------|
| Report/Statement | BAT SURVEY | | 6 July 2021 |
| Report/Statement | TRANSPORT STATEMENT | | 20 July 2021 |
| Block Plan | 102S3103 | Rev A | 19 July 2021 |
| Proposed Drawing | 102S3202 | | 19 July 2021 |

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| Proposed Drawing | 102S3105 | | 19 July 2021 |
| Proposed Drawing | 102S3200 | | 19 July 2021 |
| Proposed Drawing | 102S3201 | | 19 July 2021 |
| Proposed Drawing | 102S3203 | | 19 July 2021 |
| Proposed Drawing | 102S3204 | | 19 July 2021 |
| Proposed Drawing | 102S3205 | | 19 July 2021 |
| Proposed Drawing | 102S3206 | | 19 July 2021 |
| Proposed Drawing | 102S3302 | | 19 July 2021 |
| Proposed Drawing | 102S3304 | | 19 July 2021 |
| Proposed Drawing | 102S3401 | | 19 July 2021 |
| Proposed Drawing | 102S3402 | | 19 July 2021 |
| Proposed Drawing | 102S3403 | | 19 July 2021 |
| Proposed Drawing | 102S3404 | | 19 July 2021 |
| Location Plan | 102S3101 | Rev A | 19 July 2021 |
| Report/Statement | BREEAM PRELIMINARY ASSESSMENT | | 18 May 2021 |
| Report/Statement | ENERGY STRATEGY | | 7 September 2021 |
| Report/Statement | FLOOD RISK ASSESSMENT | | 18 May 2021 |
| Report/Statement | NOISE IMPACT ASSESSMENT | | 18 May 2021 |
| Report/Statement | PRELIMINARY ECOLOGICAL APPRAISAL | | 18 May 2021 |
| Report/Statement | SITE INVESTIGATION REPORT | | 18 May 2021 |

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. 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/details of all brick, render, flint 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) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

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

4. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
- a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
 - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and, where necessary, details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;

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 and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

5. 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. CEMP shall at least include:
- The phases of the Proposed Development including the forecasted completion date(s);
 - 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;
 - 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);
 - 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;
 - Details of measures to ensure mud/dirt is not tracked onto the highway, including use of wheel wash facilities;
 - Details of any oversailing of the highway construction, falsework, formwork and scaffolding
 - Details of hours of construction and associated vehicular movements;
 - Details of the construction compound; and
 - A plan showing construction traffic routes, and details of any Abnormal Load Notifications/Orders.

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.

6. Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

7. The use of the building hereby permitted shall not be carried out except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

8.

i) The development hereby permitted shall not be commenced until a programme of archaeological works in accordance with a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority.

ii) A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of 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.

9. 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 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.

10. 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.

11. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report, Eight Associates, dated 14/05/21 with respect to the protection of reptiles and mammals, and in the Bat Survey Report, Eight Associates, dated 30/06/21 with respect to bats, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and as required by Policy CP10 of the Brighton & Hove City Plan Part One.

12. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity through implementation of the recommendations in the Preliminary Ecological Appraisal Report (Eight Associates, 14/05/21) and the Bat Survey Report (Eight Associates, 30/06/21) and the provision of swift boxes, 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, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy CP10 of the Brighton & Hove City Council City Plan Part One.

13. No development above ground floor slab level shall take place until full details of door(s), window(s) and their reveals and cills, including 1:20 scale elevational drawings and 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 CP12 of the Brighton & Hove City Plan Part One.

14. Prior to occupation of the development hereby approved, the noise mitigation measures set out in the Brighton College Sound Impact Assessment document (Sound Space Vision May 2021) shall be implemented and maintained as such thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. Prior to the occupation of the development hereby approved, details for community/external use shall be submitted to and approved in writing by the Local Planning Authority to set out arrangements for hours of use, access by non-school users and frequency of use. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To ensure the proposed development provides wider community benefits and to protect amenity in compliance with policies SA6 of the City Plan Part 1 and policies SU10, QD27 and HO19 of the Brighton & Hove Local Plan.

16. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals 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 details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).

2. SITE LOCATION

- 2.1. Brighton College is located in the Queen’s Park ward and is bounded by Eastern Road to the south-west, Sutherland Road to the west, College Terrace to the north-east and Walpole Terrace to the east. The College campus is a Conservation Area and contains several Grade II Listed buildings forming the College’s main quadrangle. The main historic buildings on the campus were designed by George Gilbert Scott (1849-1865); Thomas Graham Jackson (1882 – 1923); and, F. T. Cawthorn (1913 – 1929). Other 20th Century and 21st Century buildings are predominantly located north of the College’s main quadrangle and on the western boundary. The boundary wall at College Terrace on the northern boundary is also Grade II listed.
- 2.2. The application site extends to 0.45ha and incorporates the Lester building, Science Block and existing performing arts centre (PAC) at the centre of the school site. These three buildings are 20th century additions that are not listed. A planning application and listed building application to demolish these buildings in order to accommodate the proposed new performing arts building were both approved on 10 August 2021 (see Relevant History section below).
- 2.3. The site is bordered by the Main Building and Thwaites Building to the south (both Grade II Listed), the Home Ground playing fields to the north, and the more recent Music Hall building to the east. Immediately to the west is Chapel Road, a thoroughfare within the campus currently used as pedestrian route by students and for parking by staff. Beyond Chapel Road is the Skidelsky Building and the Kai Yong Yeoh academic building which are both ore recent additions.
- 2.4. The sports field, known as Home Ground, occupies almost half of the College site and is a large, important piece of open space viewed from surrounding streets and buildings. The north and east boundaries of the sports field are also Listed.
- 2.5. The area surrounding the College campus is predominantly residential in character.

3. RELEVANT HISTORY

- 3.1. Whilst there is a substantial volume of historic planning and listed building applications associated with Brighton College, the following are considered to be of most relevance to this application :

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| 18 December 2020 | <p>PRE2020/00295: Pre-application enquiry</p> <p>A pre-application enquiry was submitted regarding the application site in December 2020. In line with the current planning application, this proposed the demolition of the science block, existing performing arts centre and Lester building and the construction of a new performing</p> |
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| | <p>arts building.</p> <p>The Local Planning Authority's response is summarised below:</p> <ul style="list-style-type: none"> • The principle of development, including the demolition of the Science Block, existing Performing Arts Centre, and Lester Building, is considered to be acceptable and has been established through the extant planning permission and listed building consent (BH2012/02378 and BH2012/02379 respectively). • The removal of the obstructions to views of the Main School from the West and North through the demolition of the Science Block and Lester buildings is considered a welcome heritage benefit. • The proposed performing arts building is considered to be of a high architectural quality. The scale of the building is significant and of some concern, however it is noted that the overall height is proposed to align with the ridge of the Main School and the massing references the eaves level of the adjacent Music Building and the Main School. Comparisons with the previously approved drama school are favourable in these respects. |
| 18 May 2021 | <p>BH2021/01843 (planning application): Demolition of Performing Arts Centre, science building and Lester building and making good works to the Thwaites building. Approved 10 August 2021</p> <p>BH2021/01844 (listed building application): Demolition of Performing Arts Centre, science building and Lester Building and making good works to the Thwaites Building. Approved 10 August 2021</p> |
| | <p>BH2019/01821 - Section 73 application to The Sports and Science Block: Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Alterations to vehicle entrance, flint boundary wall and cycle parking. (Original planning reference BH2015/02403 and Listed Building Consent reference</p> |

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| | | BH2015/02404) - Approved 31 December 2019 |
| 1 August 2012 | | <p>BH2012/02378 (planning application) - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works – Approved 13 December 2012. Only partially implemented.</p> <p>BH2012/02379 (listed building consent) - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works – Approved 13 December 2012. Only partially implemented.</p> |

4. APPLICATION DESCRIPTION

- 4.1. This application proposes the construction of a new performing arts building (following the proposed demolition of the existing buildings on the site, approved under consents BH2021/00843 & BH2021/00844) comprising the following:
- A 400 seat multi-functional theatre
 - Multiple dance and drama studios
 - A new 6th Form Centre
 - Space for social gathering incorporating a café/dining area
 - Classrooms for English and Drama
- 4.2. The performing arts building would provide approximately 3,180sqm of floorspace over three levels plus a basement. The building would present as a part two and part three-storey design with the lower level facing Home Ground, and the taller part of the building comprising the theatre box facing Chapel Road and the Main Building. The maximum height is proposed to be around 17.5m (from campus level) to sit level with the ridge line of the Main Building, with the lower roof level corresponding with the eaves height of the adjacent Music School to the east.
- 4.3. The proposed building is of a contemporary design and the external materials would comprise light grey masonry with square knapped flint stones that decrease in number as the building gets higher.
- 4.4. As a result of the proposed demolition of the existing buildings on the site, and the location of the proposed building, which is set away from the Main Building, new outdoor spaces would be created between the existing buildings and the new building. No specific details have been provided at this stage in respect of

landscaping but a detailed hard and soft landscaping plan would be secured by a planning condition.

5. REPRESENTATIONS

- 5.1. Nine (9) letters of objection to the planning application have been received. The objections raised are as follows:
- The proposal will exacerbate existing parking issues – more dedicated resident parking bays are required in the area.
 - Noise disturbance during the construction phase and the passage of heavy trucks.
 - Building works at Brighton College have been ongoing for many years causing significant disturbance to residents.
 - No vehicles associated with the construction should be allowed into Walpole Road before 8am.
 - There is no community gain from the proposal.
 - The proposal will reduce the amount of green space in the area.
 - The proposal will be out of keeping with the Scott building (the Main Building) and music school with which it is grouped.

6. CONSULTATIONS

Internal Consultees

- 6.1. **Air Quality:** No objection
- 6.2. **Economic Development:** No objection subject to a financial contribution towards the Council's Local Employment Scheme for construction, and submission and approval of an Employment Training Strategy, to be secured via a S106 agreement. '
- 6.3. **Environmental Health:** No objection subject to the building not operating between the hours of 11pm and 7am on Monday to Saturday with no opening on Sundays or Bank Holiday Mondays.
- 6.4. **Heritage:** No objection to the planning application but Heritage do raise concerns regarding the scale and massing of the building. Their comments are as follows:
- The principle of demolition of the Science Building and the northern part of the Lester Building was established by permission granted in 2012. As part of the current proposal the removal of this building allows the creation of open spaces adjacent to listed buildings at the core of the College. This is welcomed by the Heritage Team as having potential to better reveal the heritage assets and is supported as a heritage benefit.
 - The scale of the building is significant and of some concern. In particular the form of the upper level contrasts strongly with the roof forms of the established buildings and is in close proximity to heritage assets.

- The proposed building is of a notably high standard of design with clear attention to materials and detailing.
 - The balance between heritage benefits and the identified less than substantial harm is very fine, and it will be necessary to further justify this with public benefits from the scheme.
- 6.5. Following comments from Historic England and the Council's Heritage Section, further justification for the size of the building was provided by the applicant. The Heritage Section have provided further comments in response to this additional information as set out below:
- The architects have explained some of complex functional requirements of the building and have shown that reductions in height / massing are not possible without sacrificing functions considered critical to the project.
 - As a result it is stated that any further reduction in scale would make the project unviable for the College.
 - The less than substantial harm to heritage assets that has been identified is the minimum that can be achieved and therefore it is considered that the public benefits that have been identified by the applicant can now be weighed against the low level of residual harm.
- 6.6. **Planning Policy:** No objection subject to comments from other officers and detailed Development Management considerations. Seek a Site Waste Management Plan by condition.
- 6.7. **Sustainability:** No objection subject to receipt of further details sought by condition as follows:
- Green roof planting specification and management
 - BREEAM post-construction certification
 - Further details of building fabric and heating, cooling and lighting systems,
 - seeking to minimise the use of fossil fuels on site (gas) and maximise efficiency of systems
- 6.8. **Sustainable Drainage:** No objection subject to the following conditions:
- A detailed management and maintenance schedule detailing roles and responsibilities for each SuDS item
 - A confirmed detailed surface water management design
- 6.9. **Sustainable Transport:** No objection subject to the following:
- A condition securing a Construction Environmental Management Plan
 - A Travel Plan secured via a S106 agreement.

External Consultees

- 6.10. **Archaeology:** No objection subject to the following conditions:
- Implementation of a programme of archaeological works in accordance with a written scheme of investigation
 - Submission and approval of an archaeological site investigation and post-investigation assessment.

- 6.11. **Conservation Advisory Group:** No objection.
- 6.12. **County Ecologist:** No objection subject to the following:
- A condition ensuring compliance with the biodiversity method statement, strategies, plans and schemes
 - A condition requiring an ecological design strategy.
- 6.13. **Historic England:** Neither support nor object to the planning application but do raise concerns regarding the scale and massing of the building. Their comments are as follows:
- Consider the new building in its own right to be a high quality, innovative design that will replace uninspiring buildings that currently do not make a positive contribution to setting of the listed buildings or that of the conservation area.
 - The materials for the building have been informed by and take references from the existing flint work on the listed buildings and South Coast chalk cliffs but expressed in a contemporary way.
 - Welcome the opening up of views of the Main School from the West and North, providing a separation between the new development and listed buildings, as well as re-introducing circulation routes around the site.
 - There are some clear heritage benefits arising from this scheme. However, there are concerns regarding the scale and massing of the new building which will be positioned in very close proximity to the listed buildings and the impact this has on their significance. It is acknowledged that the building is no taller than the ridgeline of the main building, however the massing and form of the building at the upper levels is much greater than the varied and articulated roof forms of the historic buildings.
 - As a result of its large scale and massing, the development will rise up behind the established scale and will appear as an overbearing and dominating presence in some viewpoints and in particular in views from Chapel Road. This will therefore cause some harm to the significance of the listed buildings by competing with and disrupting the established historic form and hierarchy of buildings at the site. It will also interfere with an appreciation of the Sir Gilbert Scott and Sir Thomas Jackson defined quadrangle as the centre piece buildings of the site.
 - Recommend that the Local Authority explores with the applicant whether the less than substantial harm (in NPPF terms) identified above can be minimised any further by reducing the scale of the building, so it is not visually dominant or overbearing within the close setting of the listed buildings.
 - Where amendments cannot mitigate all the harm and there is a clear and convincing justification for that which remains, then any residual harm should be weighed against the public benefits of the proposal.
- 6.14. **Southern Water:** No objection but make a number of recommendations regarding the SuDS scheme and recommend the inclusion of an informative regarding details of foul sewerage and surface water disposal.
- 6.15. **Sport England:** No objection.

- 6.16. **Theatres Trust:** No objection but make the following comments:
- As a new-build modern standards of accessibility should be achieved so we would encourage further review of wheelchair access into and around the theatre.
 - Provision of the theatre will both enhance local cultural provision and provide students with the opportunity to develop education and skills in theatre and the performing arts.
 - Support inclusion of the theatre and raise no objections to the granting of planning permission.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.3. 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);
 - Shoreham Harbour Joint Area Action Plan (JAAP) 2019.
- 7.4. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton and Hove City Plan Part One:

SS1 Presumption in favour of sustainable development
SA6 Sustainable neighbourhoods
CP8 Sustainable buildings
CP9 Sustainable transport
CP10 Biodiversity
CP12 Urban design
CP15 Heritage

Brighton & Hove Local Plan 2005 (retained policies):

TR4 Travel Plan
SU9 Pollution and nuisance control

SU10 Noise nuisance
QD27 Protection of amenity
HO19 New Community Facilities
HE3 Development affecting the setting of a listed building
HE6 Development within or affecting the setting of conservation areas

Brighton and Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below, where applicable.

DM9 Community Facilities
DM20 Protection of Amenity
DM26 Conservation Areas
DM27 Listed Buildings
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Travel
DM36 Parking and Servicing
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM43 Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the following: the principle of development; design, appearance and heritage issues having particular regard to the impact of the proposals on adjacent heritage assets; impact on residential amenity; sustainable transport; sustainable drainage; sustainability; landscaping and biodiversity.

Principle of Development

- 9.2. The principle of providing a new performing arts building on the site has been established by planning and Listed Building Consents BH2012/02378 and BH2012/02379 respectively which permitted the demolition of the existing PAC, science block and part of the Lester building and the erection of new music and drama school buildings. These consents were only partially implemented in that the new music building was constructed but the PAC, science block and Lester building were not demolished and a new drama building was not erected. These consents are therefore considered to be extant and represent a fall-back position for Brighton College.
- 9.3. As also set out above, planning permission (BH2021/01843) and Listed Building Consent (BH2021/01844) have recently been approved for the demolition of the PAC, science block and Lester building so the principle of demolition of these buildings has also already been established.

- 9.4. Therefore, the principle of the development of a new performing arts building on the site is considered to be acceptable. Issues of design and heritage, residential amenity etc. are considered below.

Design, Scale, Massing, Appearance and Heritage

- 9.5. In considering whether to grant planning permission for development which affects a Listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.6. Case law has held that the desirability of preserving a Listed building or its setting or any features of special architectural or historic interest it possesses should be given "considerable importance and weight".
- 9.7. The proposed performing arts building is a high-quality, contemporary building that has been designed to have a strong presence within the campus and deliver a 400 seat multifunctional theatre, a number of dance and drama studios, a 6th Form Centre, space for social gathering including a café/dining area, and classrooms for English and Drama.
- 9.8. The proposed building would be a single structure within landscaped spaces, providing visual and physical links with the campus generally and the adjacent Listed buildings in particular. The removal of the obstructions to views of the Main Building from the West and North through the demolition of the Science and Lester buildings is considered a significant heritage benefit.
- 9.9. The site sits at an important juncture within the campus between the neogothic Main Building and other heritage assets to the south and the recent contemporary and modern developments to the west and east including the Music School to the east and the School of Sports and Science to the north east. Accordingly, the form takes reference from the School of Sports and Science and the materiality reflects the Main Building and other buildings on site through the use of horizontal flint bands within a light grey brickwork, with the intervals of the flint bands reducing higher up the building. At Campus level, the ground floor will be predominantly glazed with windows providing views into the studio and social spaces, at basement and ground floor respectively, and foyer, in turn creating active frontages that interact with the outdoor space.
- 9.10. The scale of the proposed building is significant. The overall height is proposed to align with the roof ridge of the Main School and the scale of the lower element fronting on to the Home Ground also aligns with the eaves level of the Music Building to the east. Comparisons with the previously approved drama school are favourable in these respects. Although the overall scale is greater than the previously approved drama school, the changes in plane on the north elevation between ground and first floor level, and then again between first and second floors help to break down the bulk and reduce the dominance of the building.

- 9.11. Whilst the overall height of the proposed building makes reference to the ridge height of the Main Building, the form of the upper level of the proposed building contrasts with the roof forms of the established buildings and would be a dominant presence, particularly due to its close proximity to the listed assets. As a result, Historic England have expressed reservations regarding the scale and massing of the building so the applicant was asked to consider a reduction in its scale. The applicant has responded that further reductions to the size of the building are not possible without undermining its function as a performing arts building and the overall viability of the project, and has submitted further written justification in this regard.
- 9.12. Specifically it is stated that the ground levels of the building are constrained by external ground levels and surface drainage, and also that the basement level could not be lowered further due to the need for escape and access compliant connection to the basement level of the Music building.
- 9.13. The internal heights for the theatre functions are stated to be the minimum possible for proper functioning, with the sacrifice of some functional elements having already been made to achieve the heights currently proposed. The volume and form of the atrium has been determined by the requirements of its function for smoke extraction in the event of a fire and is the minimum that can be achieved. It is further confirmed that it has been necessary to reduce accessibility for wheelchairs to the theatre balcony in order to achieve a smaller roof volume.
- 9.14. The Council's Heritage officers, following receipt of further justification from the applicant, are satisfied that the proposal would result in less than substantial harm to adjacent heritage assets. In accordance with paragraph 202 of the NPPF, where there is less than substantial harm, this harm should be weighed against the public benefits of the proposal. Whilst the public benefit is limited by the fact that Brighton College is an independent school and the proposed performing arts centre would not be open to the public on a regular basis, the applicant has stated that there is potential for performances to be available for the local community to attend and the school has a number of outreach projects which will continue. In addition, the intention is for the new theatre to be available to hire for external organisations/groups and the College will be applying for a public entertainments license to facilitate this. This would be secured by a condition requiring a Community Use Agreement.
- 9.15. Having regard to the wider impacts of the proposal on the streetscene, the application site is set well within the College, away from the surrounding roads where views would be more publicly available. Nevertheless, views of the proposed performing arts building would be available from some locations on Sutherland Road to the west, Walpole Terrace to the east, and more distant views across the Home Ground from College Terrace to the north. However, the proposed building would not be prominent on the streetscene and the high quality design would ensure that there would no harmful impacts.

- 9.16. With regard to the materiality of the proposal, the proposed graded use of flint banding within the pale masonry is effective and would be in keeping with the surrounding buildings.
- 9.17. It is therefore considered that, on-balance, the proposal is acceptable having regard to scale, massing, design and impacts on heritage assets and would therefore comply with the NPPF, policies CP12 and CP15 of the City Plan Part 1, policies HE1, HE3 and HE6 of the Local Plan (2005), and policies DM26, DM27 and DM29 of the emerging City Plan Part 2 (which can all be given significant weight).

Impact on Residential Amenity

- 9.18. Policy QD27: Protection of Amenity 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. This policy is further supported by policy DM20: Protection of Amenity of the emerging City Plan Part 2 (which can be given significant weight).
- 9.19. Whilst the uses surrounding the College campus are predominantly residential, the application site is relatively central within the campus and some distance from any residential properties. Therefore, the proposed development would not have any harmful impact on the outlook, light or privacy available to nearby residential properties.
- 9.20. Given the distance of the application site from neighbouring residential properties, the proposal is also unlikely to have significant impacts on these properties in respect of noise. This conclusion is supported by a Sound Impact Assessment report submitted with the planning application which concludes that the sound impact on residential receptors as a result of the use of the proposed building would be negligible. This is due to the following factors:
- There is no external plant as all plant is located within the building.
 - Concrete is proposed for the non-glazed façade elements of the building, with substantial thermal insulation and internal wood and plasterboard linings. This will have high sound insulation performance, which will both maintain low background noise levels inside the building, and contain entertainment and activity sound within it.
 - Sound levels for louder events in the theatre would not normally exceed 100 dB LAeq. The vast majority of the time the sound level would be significantly lower. Similarly, other spaces that might have amplified sound produced such as the dance studio or music practice rooms (both situated at basement level) would be unlikely to exceed 90-95 dB LAeq. Brighton College has confirmed that the building will not operate during the night-time hours (11pm – 7am) and this will be secured by condition.
 - The theatre roof is of a large construction with a surface density of at least 120 kg/m². There is a glazed oculus in the roof, made of heavy structural double glazing, with minimum glass thicknesses of: 10mm glass/ 16mm void (argon) / 13.5mm laminated glass.

- The performance space; where amplified sound will be produced, is to be mechanically ventilated, with no openable windows.
- 9.21. The Council’s Environmental Health officers are satisfied with the conclusions of the Sound Impact Assessment and have raised no objection subject to a condition regarding opening times (no use outside between the hours of 11pm and 7am). Environmental Health have also recommended that the building is not to be used on Sundays and Bank Holidays, but given the range of uses within the building (which also includes classrooms and a 6th form centre) and the conclusions of the Sound Impact Assessment, restrictions preventing any use of the building on Sundays and Bank Holidays are not considered to be reasonable.
- 9.22. Having regard to potential impacts on nearby residents during the construction phase of the development, a Construction Environmental Management Plan will be secured by condition to minimise disturbance as far as is possible during construction.

Sustainable Transport

- 9.23. The proposed building replaces an existing performing arts facility and although the proposed building is significantly larger, it will not result in an increase in the number of staff or pupils at the College and it is therefore unlikely that there would be an increase in vehicle movements to and from the site during normal school hours. As a result, no additional parking spaces are provided as part of the application.
- 9.24. With regard to external events at the theatre, the Transport Statement submitted with the planning application states that “per annum the College will hold up to three external events at the theatre, with each event lasting up to 4 nights, on each event day the performances will start at 6pm and finishing by 8.30pm”. In addition, the Brighton College do also propose to make the performing arts building available for occasional external hire throughout the year, further details of which will be secured via condition. Due to the site having limited on-site parking provision, the College states that visitors and performers will utilise the existing public transport network to travel to and from the site.
- 9.25. Events were already held at the College throughout the year so any increase in trips would be limited as a result of the redevelopment of the site, particularly as the College has limited car parking spaces and is located in a sustainable . The impact on highway capacity is not considered to be severe, and there are no concerns regarding road safety being unacceptable. Accordingly, the Local Highway Authority have raised no objection. However, they have advised that a Travel Plan be produced which should include measures on how travel to the site will be managed during external events.

Sustainability

- 9.26. A number of sustainability measures are proposed for the new performing arts building including the following:

- A BREEAM ‘Excellent’ rating in accordance with CPP1 Policy CP8: Sustainable Buildings.
- A carbon emissions reduction of 27% compared to Building Regulations Part L.
- Passive design measures include natural ventilation within the building; overhangs to provide shading to glazed areas; high quality thermal envelope and airtightness; high thermal mass; solar glazing.
- An audit will be carried out of existing buildings and hard surfaces being considered for demolition to determine whether the materials can be refurbished or reused.
- Natural ventilation via opening windows will be maximised. Mechanical ventilation with heat recovery will be used to provide additional heating and cooling.
- An overheating assessment has been carried out, with all spaces passing the overheating criteria.
- Heating and hot water will be connected to the college’s open loop borehole system and heat pump to heat and cool. Additional gas boilers will provide heat required above what the heat pump provides.
- Sensors and controls for lighting, heating and cooling will be installed.
- A high percentage of glazing will be incorporated into the scheme to maximise daylight, and low energy LED lighting will be installed.
- PV panels on the upper roof.
- Water consumption to be reduced by at least 25% over the baseline water usage.

9.27. It is therefore considered that the proposed development would comply with CPP1 Policy CP8: Sustainable Buildings and the Council’s Sustainability Officer has raised no objection to the proposal.

Landscaping and Biodiversity

9.28. Policy CP10: Biodiversity of the City Plan Part 1 aims to ensure that all development proposals conserve existing biodiversity and provide net gains for biodiversity wherever possible.

9.29. The Preliminary Ecological Appraisal (PEA) submitted with the planning application outlines that existing buildings’ walls and roofs, and trees and habitats on and adjacent to the site were inspected for their potential to support protected species. A bat survey of the existing buildings on the site was also undertaken and found no evidence of roosting bats. The PEA states that given the scale of the works and the physical separation of the site from any designated sites, it is considered that there will be a negligible effect on ecology as a result of the proposal. No objection has been raised by the County Ecologist.

9.30. In order to enhance biodiversity on the site, the PEA recommends the following measures be implemented as part of the proposal:

- Installation of at least two bat bricks
- External lighting in line with Bat Conservation Trust guidelines
- Installation of at least two bird nesting boxes

- Native planting

9.31. The above measures, as well as an Ecological Design Strategy, will be secured by a planning condition.

9.32. A detailed landscaping plan will also be secured by planning condition as no detailed landscape proposals have been submitted with this planning application.

Conclusion

9.33. The principle of a replacement performing arts building is considered acceptable and has been established by previous planning consents relating to the site.

9.34. The proposed performing arts building is considered to be of a high architectural quality, and the design and materials take cues from adjacent buildings. The scale of the proposed building is considerable and would have a strong presence on the campus. However, the fact that the proposal would open up physical and visual links between the Home Ground and the Grade II Listed Main Building would be a considerable heritage benefit. It is therefore considered that the proposal would result in less than substantial harm and when this limited harm is weighed against the (albeit limited) community benefits, on balance the scheme is considered to be acceptable. A robust justification of the size requirements of the building has also been submitted by the applicant.

9.35. It is not considered that the proposed development would have any harmful impacts on residential amenity, the highway network, and ecology.

9.36. The proposed development would therefore comply with the NPPF, relevant policies within the City Plan Part One, the emerging Policies in the City Plan Part 2, and retained policies in the Brighton & Hove Local Plan (2005), and the approval of planning permission is recommended subject to the conditions above.

Community Infrastructure Levy & Developer Contributions

9.37. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. However, due to the proposed use of the building for educational purposes, the proposal would not be CIL liable.

9.38. A S106 agreement will be required for this planning application however. The Heads of Terms for such an agreement are as follows:

9.39. Employment

- Submission of an Employment and Training Strategy
- A financial contribution of £6,250 towards the Local Employment Scheme

9.40. Transport

Submission of a Travel Plan with an accompanying Monitoring fee of £5,785.52

- 9.41. In the event that the S106 agreement has not been signed by all parties, the application shall be refused for the following reasons:
1. The proposed development fails to deliver an employment and training strategy in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 2. The proposed development fails to deliver a Local Employment Scheme contribution in accordance with Policy CP2 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
 3. The proposed development fails to deliver a Travel Plan to help reduce the impact of external events within the proposed performing arts building on the highway in accordance with Policy CP9 of the Brighton and Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.

10. EQUALITIES

- 10.1. The proposed performing arts building includes a lift providing access to all the main floors with the exception of the theatre balcony and technical levels. To extend this provision to theatre balcony level would have required increasing the volume of the roof curves further to allow additional lift shaft and plant equipment.
- 10.2. The main entrance levels have been designed to ensure that a slope to the entrance is fully accessible and a maximum gradient of 1:20.
- 10.3. The route to the East of the building from the courtyard up to the home-ground is suitable for stepped access only due to the change in level. Access to the home-ground can be achieved by a ramped route around the west side of the building or by using the lift.

