

<u>No:</u>	BH2023/00830	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Ovingdean Hall English Language School Greenways Brighton BN2 7BA		
<u>Proposal:</u>	Demolition of existing theatre, swimming pool, external storage and 2no accommodation blocks and erection of part-two and part-three storey extension to Ovingdean Wing, erection of detached three-storey accommodation building, relocation of existing MUGA, landscaping alterations and associated works.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	27.04.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	27.07.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	20.10.2023
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Oxford International College Brighton Ovingdean Hall English Language School Greenways Brighton BN2 7BA		

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 and the following Conditions and Informatives

Section 106 Heads of Terms:

Biodiversity Net Gain

- A contribution of £12,250 towards the long-term monitoring of Biodiversity Net Gain proposals over a 30 year period.

Transport

- A Travel Plan and an accompanying Monitoring fee of £8,404.80

Employment and Training

- A contribution of £35,150 towards the Brighton & Hove Local Employment Scheme
- Employment and Training Strategies for both demolition and construction demonstrating a minimum percentage of 20% local employment

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	OVH-BDP-ZZ-00-PL-A-204005	P4	17 August 2023
Block Plan	OVH-BDP-ZZ-00-PL-A-204007	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-044001	P3	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-044002	P3	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-044003	P3	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-00-PL-A-204009	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-01-PL-A-204011	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-02-PL-A-204013	P4	17 August 2023
Proposed Drawing	OVH-BDP-ZZ-B1-PL-A-204014	P4	19 June 2023
Proposed Drawing	OVH-BDP-ZZ-RF-PL-A-204015	P4	17 August 2023
Proposed Drawing	OIC-ECE-02-00-EL-A-214008	P3	5 July 2023
Proposed Drawing	OIC-ECE-02-00-EL-A-214010	P3	5 July 2023
Proposed Drawing	OVH-BDP-ZZ-XX-DR-A-044017	P1	17 March 2023
Proposed Drawing	OVH-BDP-ZZ-00-EL-A-214002	P3	19 June 2023
Proposed Drawing	OVH-BDP-ZZ-00-EL-A-214004	P3	19 June 2023
Proposed Drawing	OVH-BDP-ZZ-00-EL-A-214006	P3	19 June 2023
Proposed Drawing	DKS/894.5 TPP002		17 March 2023
Proposed Drawing	DKS/894.5 TPP002		17 March 2023
Proposed Drawing	L-100	P07	17 March 2023
Proposed Drawing	L-101	P07	17 March 2023
Proposed Drawing	L-200	P02	17 March 2023
Proposed Drawing	L-201	P02	17 March 2023
Proposed Drawing	L-300	P03	17 March 2023
Proposed Drawing	L-400	P03	17 March 2023
Proposed Drawing	L-401	P03	17 March 2023
Report/Statement	ARBORICULTURE REPORT		17 March 2023

Report/Statement	ARCHAEOLOGICAL DESK-BASED ASSESSMENT		17 March 2023
Report/Statement	DAYLIGHT, SUNLIGHT & OVERSHADOWING REPORT		17 March 2023
Report/Statement	ENERGY STATEMENT REPORT		17 March 2023
Report/Statement	FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY PART 1		17 March 2023
Report/Statement	FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY PART 2		17 March 2023
Report/Statement	HISTORIC BUILDING ASSESSMENT		17 March 2023
Report/Statement	LANDSCAPE DESIGN REPORT		17 March 2023
Report/Statement	LANDSCAPE VISUAL IMPACT ASSESSMENT		17 March 2023
Report/Statement	NOISE IMPACT ASSESSMENT		17 March 2023
Report/Statement	PRELIMINARY ROOST ASSESSMENT & EMERGENCE 1	V2	2 October 2023
Report/Statement	SETTING ASSESSMENT		17 March 2023
Report/Statement	SUSTAINABILITY REPORT		17 March 2023
Report/Statement	TRANSPORT ASSESSMENT		17 March 2023
Report/Statement	BIODIVERSITY METRIC 4.0		6 October 2023
Report/Statement	BIODIVERSITY METRIC Technical Annex 1		6 October 2023
Report/Statement	PRELIMINARY ECOLOGICAL APPRAISAL	V2	2 October 2023
Report/Statement	Written Scheme of Investigation for Archaeological Evaluation		6 October 2023

Report/Statement	Written Scheme of Investigation Historic Building Record		26 July 2023
Report/Statement	Addendum Drainage Note RE004	A	8 August 2023
Report/Statement	SUDS Drainage Management Plan - MUGA RE005	A	8 August 2023

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. The development hereby permitted shall not be commenced until full details of existing and proposed ground levels (referenced as Above 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 Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. No development, including demolition, 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 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)
 - (iii) 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
 - (iv) Details of hours of construction including all associated vehicular movements
 - (v) Details of the construction compound
 - (vi) 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 DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, 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.

5. No development, including demolition, 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.

6. 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 for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

7. Prior to the commencement of development an energy statement shall be submitted for approval in writing setting out how the clubhouse will achieve carbon emissions reduction in line with the requirement of the Future Buildings Standards including building fabric details and heating/hot water solutions together with thermal modelling to ensure risks of overheating are mitigated and to ensure correct sizing of heating and ventilation systems.
Reason: In order to comply with Brighton and Hove City Plan Part 1 policy CP8 and Brighton and Hove Submission City Plan Part 2 policy DM44.

8. Other than demolition works, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - (i) Final drainage plans confirming the locations and sizings of all elements and including a maintenance and management plan for each element
 - (ii) The results of infiltration tests at the location of each soakaway, demonstrating that ground conditions at the site are appropriate for the proposed infiltration of surface water
 The development shall subsequently be implemented in accordance with the approved details.
Reason: To ensure that the drainage plans as delivered will effectively dispose of surface water and prevent flooding on site, and will be maintained so that they may continue to do so, and to comply with policy DM43 of the Brighton & Hove City Plan Part Two.

9. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, amphibians

and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and Protection of Badgers Act 1992.

10. No development shall take place until an Ecological Design, Management and Monitoring Strategy (EDMMS) for the provision of a minimum 10% biodiversity net gain within a 30 year period, to include the details provided in the Preliminary Ecological Appraisal V2 (Arborweald, 14/09/23) and other site-specific biodiversity features, to include 70 bird boxes across the site, eight bat boxes, and five reptile hibernacula, has been submitted to and approved in writing by the local planning authority. The EDMMS shall include the following parts:
 - a) Description and evaluation of habitat/features proposed (to include full Metric (using most current version) and details of condition assessments);
 - b) Identification of adequate baseline conditions (for management and monitoring purposes) prior to the start of works (to include full Metric (using most current version) and details of condition assessments);
 - c) Aims and objectives for the proposed works;
 - d) Site specific and wider ecological trends and constraints that might influence works;
 - e) Details of the body/organisation/person/s responsible for undertaking the works and lines of communication;
 - f) Details of the legal and funding mechanism(s) by which the implementation of the EDMMP will be secured by the developer with those responsible for its delivery;
 - g) Detailed design(s) and/or working method(s) to achieve stated objectives including type/source of materials, disposal of any wastes arising from works and appropriate scale plans showing location/area of proposed biodiversity features/works;
 - h) Works Schedule, written for both on- and off-site areas (where present), aligned with any proposed phasing and including an annual work plan capable of being rolled forward over a five-year period;
 - i) Prescriptions for initial aftercare and long-term management that will ensure the aims/objectives are met;

- j) Details for on-going monitoring of BNG habitats in years 2, 5, 10, 15, 20, 25 and 30, and any other biodiversity features (where present), including:
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the work can be measured;
 - Methods for data gathering and analysis;
 - Location, timing and duration of monitoring;
 - Review, and where appropriate, publication of results and outcomes, including when monitoring reports will be submitted to the local planning authority;
 - How contingencies and/or remedial action will be identified, agreed with the local planning authority and implemented so that the original aims/objectives of the approved scheme are met.

The EDMMS shall be implemented in accordance with the approved details and all habitats/features shall be retained in that manner thereafter. Where supporting information to the EDMMP is provided in other key documents such as a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) it should be clearly referenced at each part of the EDMMS.

Reason: To provide a minimum 10% measurable biodiversity net gain as required by DM37 of the Brighton & Hove City Plan Part Two.

11. Prior to commencement of development a programme of archaeological works shall be undertaken in accordance with the archaeological Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority (Archaeology South-East document dated October 2023). No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under this condition.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

12. No demolition works shall commence to the swimming pool building until an appropriate programme of building assessment and recording (including architectural/historical analysis) has been secured in respect of the building concerned, which is in accordance with the Written Scheme of Investigation that has submitted to and agreed in writing with the Local Planning Authority (Archaeology South-East document dated July 2023). This record shall be carried out by an archaeologist / building recorder or an organisation with acknowledged experience in the recording of standing buildings to professional standards and guidance, which is acceptable to Brighton and Hove City Council. Once approved, the development shall only be undertaken in full accordance with the approved written scheme of investigation and the findings presented in the format and timetable agreed.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies DM31 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

13. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details 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) Details of all brick and tiling
 - b) Details of all cladding to be used, including details of their treatment to protect against weathering
 - c) Details of all hard surfacing materials
 - d) Details of the proposed window, door and balcony treatments
 - e) Details of all other materials to be used externally
 - f) Details of the surface finish and fencing (including colour) of the MUGA
- 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 DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

14. Notwithstanding any details shown on the approved plans, 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 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;
 - c. details of all boundary treatments to include type, position, design, dimensions and materials;

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

15. Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation

- 16. 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

- 17. Notwithstanding the plans hereby approved, prior to first occupation of the development hereby permitted, a Car Park Layout and Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the plan for use at all times.

Reason: To ensure the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with SPD14 Parking Standards, Policy CP9 of the City Plan Part One and Policy DM33 of the City Plan Part Two.

- 18. 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.

- 19.

- i) Prior to the installation of the floodlighting hereby approved, details including levels of luminance, hours of use, predictions of both horizontal

illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation and details of maintenance shall be submitted to the Local Planning Authority for approval in writing.

- ii) Prior to first use of the floodlighting hereby approved, the predicted illuminance levels (as agreed under part i) of this condition) shall be tested by a competent person to ensure that they are achieved. Where the predicted levels are met, confirmation shall be demonstrated to the Local Planning Authority for approval in writing. Where predicted levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part i). The external lighting shall be installed, operated, and maintained in accordance with the approved details and thereafter retained.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

- 20. No external use of the relocated MUGA shall take place until a management plan for the MUGA has been submitted to and approved in writing by the Local Planning Authority. The Management Plan should set out how the MUGA will be made available for external use, how this would operate and how any impacts upon residents will be minimised.

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

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 22. 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 DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 23. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre

from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

24. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy DM41 of City Plan Part 2, and SU11 of the Brighton & Hove Local Plan.

25. At least one bee brick shall be incorporated within the external wall of each building of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

26. The development hereby permitted shall incorporate at least seventy (70) swift bricks/boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

27. The area of the site to the north and east of the new accommodation block hereby approved shall be for maintenance or emergency purposes only and this area shall not be used as an amenity area.

Reason: In order to protect adjoining properties from noise disturbance and to comply with Policies DM20 of Brighton & Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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 reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act
4. The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires non-residential development to have achieved a 27% improvement on the carbon emissions against Part L 2013.
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
6. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
8. The applicant is advised to consult with the sewerage undertaker to agree a drainage strategy including the proposed means of foul water disposal and an implementation timetable. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk

2. SITE LOCATION

- 2.1. The application relates to Ovingdean Hall School, set in expansive grounds (8ha) adjoining the historic Ovingdean village. The site originally hosted the c.1792 Ovingdean Hall manor, however was later (c.1890s) converted into a school. Over the 19th, 20th and 21st centuries a collection of further buildings have been erected to the north and west of the main Hall to expand the educational use of the site. The south and east of the site comprises playing fields and open ground, with substantial tree planting.
- 2.2. The main Hall is grade II listed, and the later additions and curtilage buildings in place by 1947 are similarly protected.

- 2.3. The site is established in educational use (Class F.1), most recently having been a language school. The site has however been vacant for the last five years.
- 2.4. Other land use constraints include the site being within the Ovingdean Conservation Area, being partially within and adjacent to an Archaeological Notification Area (ANA), and the northeastern part of the site being a designated Local Wildlife Site. The site is also covered by a Tree Protection Order (TPO) and is partially designated as Open Space. The South Downs National Park (SDNP) lies to the north and west, from within which the site is visible.
- 2.5. Neighbouring uses are primarily residential, with dwellings adjacent to much of the site boundaries.
- 2.6. Consents have already been granted for alterations and extensions to buildings across the school site (refs. BH2022/02305, BH2022/03070, BH2022/03071 and BH2022/03364, referred to as Phase 1). Alterations have been approved to the Teaching Block, Bradbury, Ditchling and the principal buildings Ovingdean Hall and Ovingdean Wing.

3. RELEVANT HISTORY

The site has extensive planning history:

- 3.1. **BH2023/01048** - Creation of new entrance with metal canopy over, associated landscaping to south elevation and installation of new windows at first floor with ventilation louvres. Approved
- 3.2. **BH2023/00831** (Listed Building Consent) - Demolition of existing theatre, swimming pool, external storage and 2no accommodation blocks and erection of part-two and part-three storey extension to Ovingdean Wing, erection of detached three-storey accommodation building, relocation of existing MUGA, landscaping alterations and associated works. Under consideration
- 3.3. **PRE2022/00140** - Demolition of theatre, swimming pool, external storage and two accommodation blocks and the erection of a part-one, part-two and part-three storey extension to the Ovingdean Wing, erection of a detached 2.5 storey building and the relocation of the MUGA. Pre-application advice provided.
- 3.4. **BH2022/03364** - Erection of two storey extension within existing courtyard to the North-East of the building, revised fenestration, landscaping alterations including decked area and associated works. Approved
- 3.5. **BH2022/03070 & BH2022/03071** - External alterations including erection of first floor extensions to north elevation, new fire escape doors, relocation of kitchen extract flue, removal of fire escape ladders, extract vent tiles to roof, installation and new windows. Approved
- 3.6. **BH2022/02305** - Creation of new entrance with metal canopy over and associated landscaping to south elevation, installation of 3no metal louvred

dormers to south-east roof plane, installation of extract outlets and pipework.
Approved

4. APPLICATION DESCRIPTION

- 4.1. The current application comprises 'Phase 2' of the development on site, and includes:
- The demolition of the theatre, swimming pool building and two accommodation blocks (Littleton and Beacon)
 - The erection of a two/three-storey extension to Ovingdean Wing (comprising classrooms, common rooms, a sports hall, dining area and bedrooms)
 - The erection of a three-storey detached boarding block
 - The relocation of the Multi-Use-Games-Area (MUGA) to the southeastern corner of the site.
 - Landscaping works
- 4.2. Approximately 1280sqm of building floorspace would be demolished, and approximately 4800sqm of floorspace would be created. The proposals include 114 single boarding rooms, and 26 twins.
- 4.3. The redeveloped site would be operated by Oxford International College to create a modern educational facility with boarding accommodation.
- 4.4. During the course of the application amended plans have been received to realign the proposed boarding block. The amendments pull the block further away from the boundary of the site, away from the Root Protection Areas of the boundary trees and the neighbouring dwellings.

5. REPRESENTATIONS

- 5.1. **One (1)** letter of support, raising the following points:
- Good design, in keeping with the site and village
- 5.2. **Four (4)** letters of objection, raising the following points:
- Overdevelopment
 - Noise disturbance
 - Relocation of the MUGA will be too close to residential dwellings
 - Loss of outlook due to scale of new boarding accommodation block
 - Overlooking
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Arboriculture: No objection**
The Arboricultural Constraints Plan (ACP), Tree Protection Plan and Landscape Design Report (The Arboricultural Report is a duplicate of the ACP) has been reviewed. Although the site is covered by an area Tree Preservation Order (TPO), formerly TPO 1968 / 3 has been revoked, with TPO 2023/20 now taking effect. The proposal requires the removal of a number of trees (eleven individual, one group of mixed species), however these trees are in general of poor quality and will have minimal impact upon current amenity.
- 6.2. Proposed tree protection and recommendations for post amelioration works are considered acceptable and with mitigation landscaping conditioned as part of consent there is no objection to this proposal. A detailed Tree Protection Plan and the requirement for a detailed landscaping scheme identifying species, nurser stock size, location and numbers should be conditioned as part of consent.
- 6.3. **County Archaeology: No objection**
Draft Written Schemes of Investigation have been provided and are considered acceptable in principle. Compliance with these WSIs should be secured by condition.
- 6.4. **Ecology: No objection**
The risk to wildlife can be mitigated to acceptable levels through planning conditions.
- 6.5. A Biodiversity Method Statement, a Lighting Design Strategy, an Ecological Mitigation and Management and Monitoring Strategy should be secured, as well as monitoring fees for the Biodiversity Net Gain proposals.
- 6.6. **Economic Development: No comment**
- 6.7. **Environment Agency: No comment**
- 6.8. **Heritage: No objection**
There is no objection to the proposed demolition works. The buildings and extensions to be demolished generally hold no heritage significance and detract from the listed building and its setting. The only partial exception is the pool itself within the swimming pool enclosure. However, its interest is historic only and this can be covered through recording prior to, and during, demolition.
- 6.9. It is welcomed that the site would be brought back into school use, with the listed building once again occupied.
- 6.10. The proposals do increase the overall footprint of development and introduce some 3 storey elements. However, the increased footprint would be within the extent of the existing hard surfaced area and in terms of height the impact would be only slightly negative.
- 6.11. The proposed buildings demonstrate a high standard of design.

- 6.12. The relocation of the MUGA is a significant heritage benefit.
- 6.13. Overall the proposals would have a net benefit in heritage terms by enhancing the appearance and character of the conservation area and by enhancing the settings of Ovingdean Hall and the nearby listed buildings on Ovingdean Road.
- 6.14. **Planning Policy: No objection**
The site is an independent college and the onsite facilities, including the swimming pool, are not open for use by the public, however it is considered appropriate to apply the requirements of CPP2 Policy DM9 in relation to its educational use. Policy DM9 states that development that would lead to the loss of community facilities will only be permitted where it has been demonstrated that at least one of the criteria applies, including replacement facilities of an appropriate quality and size to be provided as part of the new development proposal. As the proposal includes the provision of a modern sports hall to replace the swimming pool, no concerns are raised regarding this policy.
- 6.15. The proposal seeks to relocate the MUGA to the south-west corner of the school playing fields close to the main entrance. It is suggested in the supporting Planning Statement that the relocation would allow for the facility to be made more available to the local community, which is welcomed. As the MUGA is being relocated and not lost, it is considered that there are no concerns regarding Policy CP16 Open Space.
- Southern Water:**
- 6.16. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.17. Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 6.18. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
- 6.19. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.
- 6.20. **Sports Facilities: Verbal comment**
There is a lack of pool space within the city, however the swimming pool proposed to be lost has not been available to the public for many years.

6.21. Sussex Police Community Safety:

With regards to accommodation buildings - as indicated within the accompanying planning statement given that the school anticipates 400 boarding pupils the implementation of access control into the accommodation blocks will be paramount as this will ensure that entry is for authorised persons only.

6.22. A fit for purpose intruder alarm system should be considered to protect areas of the school when not in use.

6.23. Any external furniture such as benches and planters should be robust and of vandal and graffiti resistant design. Furniture should be fixed into the ground in order to prevent its theft and reduce the possibility of it being used for climbing or as a tool to break through the shell of the school building.

6.24. Sustainable Drainage: No objection

Final drainage plans showing the confirmed locations and sizings of all elements, the results of infiltration tests at the location of each soakaway and a final maintenance and management plan, addressing any types of drainage element (i.e. permeable paving) that are added to the proposals should be secured by condition.

6.25. Sustainable Transport: Further information requested

Further trip generation assessment is requested, as is improved pedestrian access from the school buildings to public footways and bus stops. In addition, details of cycle parking, disabled parking, EV Charging Points, a Delivery and Service Management Plan, a Car Park Layout Plan and Management Plan, and a Travel Plan should be secured by condition. Monitoring fees of £7004+VAT should be secured for the Travel Plan.

7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Managing Flood Risk
CP12	Urban design
CP15	Heritage
CP16	Open space
CP17	Sports provision
SA5	The Setting of the South Downs National Park

Brighton & Hove City Plan Part Two

DM8	Purpose Built Student Accommodation
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design, appearance and Heritage impact of the proposals, and the impact upon neighbouring amenity. Arboriculture, ecology and transport are also material considerations.

Principle of Development:

- 9.2. The provision of enhanced facilities for continued educational use of the site is supported in principle. The proposals would result in an educational institution providing a broad range of educational facilities, as well as continued provision

of on-site boarding accommodation. There would be new classrooms, science laboratories and dining areas, as well as a new sports hall. This would not conflict with the development plan.

- 9.3. Paragraph 95 of the NPPF supports the expansion of schools and requires the Council to give 'great weight' to this in the decision-making process.
- 9.4. There would be an increase in pupil numbers of approximately 100 compared to the previous school use, though these have not been restricted by planning condition.
- 9.5. The reoccupation of the listed buildings on site is also supported in principle as securing the optimum viable use of the site as an educational facility as per NPPF paragraph 202.
- 9.6. A large proportion of the site is designated as Open Space, including the open areas to the centre, south and east and including the existing Multi Use Games Area (MUGA). The proposed new buildings are for the most part located outside of this area, save for some sections of the proposed Ovingdean Wing that would extend onto parts of the footprint of the existing MUGA. The relocation of the MUGA would therefore indirectly result in the loss of some Open Space.
- 9.7. In terms of the requirements of Policy CP16, it is considered that exception criterion (c) would be met. This is because there would only be a minor loss of open space, and the loss would bring about benefits in the improvement of public access to the open space through the proposed introduction of public use of the MUGA. It is noted that the Policy consultee has raised no objection to this loss. Any resultant harm is considered not to be significant.
- 9.8. The proposals would result in the loss of the swimming pool on site. It is understood that this pool has in the past served as a type of community facility having been used by local swim schools, albeit not having been open for general use by visiting members of the public. It is noted that the pool has not been used in this capacity for some five years and as such its benefit as a community facility for the purposes of Policy DM9 of the CPP2 is considered to be limited. The Policy consultee has raised no objection to its loss.
- 9.9. The loss of the swimming pool would give rise to some conflict with Policy CP17 of the CPP1 as students at the school would lose access to a sporting facility. However, the proposals include the provision of a modern indoor sports hall and it is considered, in accordance with the views of the Policy consultee, that this would be sufficient to counterbalance the resulting harm.
- 9.10. The proposals include the relocation of the MUGA to the southwest of the site near to the entrance from Greenways, as well as the introduction of an element of community access to, and use of, the MUGA. This would help to compensate for the loss of the swimming pool identified above. Policy DM9 supports new community facilities subject to three criteria, and it is considered that community use of the MUGA has the potential to meet these requirements. However, further information relating to for example the proposed frequency and hours of

community access would be necessary to ensure that the amenity of nearby residents on Ainsworth Avenue and Ainsworth Close is not unduly affected. This can be secured by condition as part of a Management Plan.

- 9.11. On this basis, the scheme is considered acceptable in principle.

Design, Appearance and Heritage:

- 9.12. 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. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.13. 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, and the desirability of preserving or enhancing the character or appearance of a conservation should be given "considerable importance and weight".

Proposed demolition

- 9.14. There is no objection to the proposed demolition works from a design or Heritage standpoint. The buildings and extensions to be demolished generally hold no heritage significance and detract from the main listed building and its setting. The only partial exception is the pool itself within the swimming pool enclosure. This is believed to be the original late 19th century pool, albeit much altered, and some original fabric and features may potentially survive. However, its interest is historic only and this can be covered through recording prior to, and during, demolition. A suitably worded condition to this effect is recommended.

Proposed new buildings

- 9.15. The proposals would increase the overall built footprint on site, however the proposals also provide an opportunity for the replacement of the existing buildings with elements that respond better to the historic context of the site.

Extension to Ovingdean Wing

- 9.16. This part of the proposals would be comprised of several elements, including the primary three-storey wing and two connecting two-storey elements at each end linking back with the retained/existing buildings. These parts would comprise teaching space, communal areas and accommodation. There would be a sports hall (reaching to three-storeys in height) as well as a single-storey dining area contained within this envelope. There would also be an open courtyard space.
- 9.17. The footprint of the new main wing and connecting elements would be suitably set back from the front elevation of the listed building and would appear suitably subservient. In terms of height and massing this element is considered appropriate, stepping down to the southeast frontage.
- 9.18. From Ovingdean Road (northeast), the new main building would be a bolder, more prominent feature but would demonstrate a much higher standard of

design than the existing arrangement, comprising extensive clay-tiled roofing. The building line to Ovingdean Road has responded to preapplication feedback and is set further back than existing to align with the late 19th century block. This enables the historic flint wall, of which parts remain, to be reinstated on its original line (subject to details recommended to be secured by condition). From Ovingdean Road it is considered that in these respects the development would clearly enhance the character and appearance of the conservation area and have a minor beneficial impact on the settings of the listed building on the opposite side of the road.

- 9.19. The form of the proposed extensions are considered to appropriately reflect the rural local vernacular particularly in respect of the long unbroken tiled hipped roofs, whilst not resorting to pastiche. Fenestration would demonstrate strong consistency and rhythm. The proposed materials (predominantly brick and clay tiles) are appropriate, subject to further details by condition.
- 9.20. The sports hall would present a different character, by its nature being a larger, more rectangular block with minimal articulation. The proposed material finish of the sports hall would also be different, comprising profiled cladding panels. However, due to its location contained within the site and building envelope means that it would not be readily apparent from outside the site, its roofline just glimpsed in long views. From close views within the site its scale and form would have some negative impact on the setting of listed building, but this setting has already been greatly compromised in those near views.

New accommodation block

- 9.21. The proposed accommodation block would be a substantial increase in footprint and scale relative to the two existing buildings to be replaced. The visual impact of this part of the scheme would be increased due to its siting on higher ground than the other parts of the proposals.
- 9.22. However, in accordance with the views of the Heritage consultee it is considered that this increase in scale and footprint can be comfortably accommodated within the site, at least from a design and heritage perspective. The proposed building itself is considered to demonstrate a significantly higher standard of design than the existing buildings. Similar to the proposed extension, its hipped form and material finish of brick and clay tiles would reflect the rural local vernacular, and its fenestration would demonstrate a high level of consistency and rhythm.

MUGA

- 9.23. The relocation of the MUGA is a significant heritage benefit of the proposals and would enhance the setting of the listed building in all of its principal views, particularly with the proposed new trees and other planting that replace its south east end.
- 9.24. In its new location the MUGA would be visible in long public views from Cattle Hill. This would cause some harm to the appearance of the conservation area, but overall it is considered that this is the least harmful location possible. Its impact could be mitigated by ensuring that the surface is green colour, that the

fencing is dark green and that the floodlights are kept to the minimum height necessary. These matters could be controlled by condition.

Conclusion

- 9.25. Accordingly, it is considered that the proposals are acceptable in terms of design, appearance and heritage. The proposed buildings do represent a significant increase in the scale and footprint of built form on site, however their high standard of design and sympathetic siting, together with the relocation of the MUGA to a less prominent location, is considered to result in a net benefit to the appearance of the site, an enhancement of the character and appearance of the Conservation Area and an enhancement to the setting of the main listed building. Subject to the recommended conditions, no conflict with Policies CP12, CP15, DM18, DM26, DM27 and DM29 is identified.

Landscape:

- 9.26. The site is visible in long views from the surrounding hills, which includes areas within the South Downs National Park.
- 9.27. The application includes a Landscape Visual Impact Assessment (LVIA), which assesses the proposal's visual impact, and impact on the landscape from a number of identified key views and includes computer generated visualisations of the scheme.
- 9.28. The LVIA concludes that the proposed development would overall have a positive impact on both visual amenity and landscape. Officers agree with this conclusion. Some harm is identified as arising in View 1 (from the entrance drive from Greenways), however this harm is minor and it is acknowledged that the views from the entrance drive would be transient and unfolding rather than static, thereby limiting the impact. Any minor harm would be outweighed by the benefit of the scheme to the landscape and historic features of the area, and visual amenity of those living nearby.
- 9.29. In terms of landscaping within the site, the application includes a Landscape Design Report (LDR) and masterplan indicatively outlining this aspect of the proposals. The proposals include hard and soft landscaping elements and lighting, and demonstrate consideration of strategy for moving through the site and the uses of different areas. The LDR is considered broadly acceptable in principle. Full details of the final landscaping scheme is recommended to be secured by condition.

Arboriculture:

- 9.30. The site is covered by a Tree Preservation Order (TPO) and is located within a Conservation Area.
- 9.31. The application includes an Arboricultural Constraints Plan (ACP), a Tree Protection Plan (TPP) and a Landscape Design Report (LDR).
- 9.32. These documents identify that the proposals would require the removal of a number of trees (eleven individual, one group of mixed species). However, in accordance with the views of the Council's Arboriculture Officer it is considered

that these trees are in general of poor quality and will have minimal impact upon current amenity. Of those to be removed, T6 (on the northern boundary of the site between the proposed accommodation block and 2 Woodland Walk) is the only Category B (or higher) tree. The loss of this tree is considered acceptable from an Arboriculture perspective due to the likely future pressure from the existing and proposed buildings in close proximity to it.

- 9.33. The proposed tree protection measures and recommendations for post amelioration works are considered acceptable. The mitigation landscaping outlined in the LDR is considered suitable in principle.
- 9.34. Subject to the recommended conditions securing the above, no objection is raised to the arboriculture impact of the scheme.

Impact on Amenity:

- 9.35. Policy DM20 of the City Plan Part Two 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.
- 9.36. The demolition of the buildings will need to be subject to the management of noise and disturbance during the demolition works to minimise disturbance for local residents, as well as appropriate disposal of spoil and rubble. A Demolition Management Plan (DMP) and Site Waste Management Plan (SWMP) can be secured by condition to address these concerns.
- 9.37. A Construction Environmental Management Plan (CEMP) is also recommended to be secured by condition to address the potential for noise and disturbance during construction works.
- 9.38. In terms of noise arising from general activity on site post-development, it is recognised that the increase in pupil numbers and reoccupation of the school site will be likely to result in an increase in this regard. However, it is considered that any such increase is unlikely to be significant in the context of the site as a whole and its lawful use as an educational facility. Planning permission is not required for this use to restart or to increase the number of pupils on site, and the application is therefore not resisted on these grounds.
- 9.39. The application includes a Noise Impact Assessment (NIA) to assess noise associated from the proposed new plant (such as air source heat pumps). The NIA identifies measures such as acoustic louvres to minimise noise in this respect. Conditions are recommended to secure these measures and to limit the noise from the plant as perceived at the nearest sensitive receptor.
- 9.40. The relocation of the MUGA would bring this source of activity closer to sensitive neighbours on Ainsworth Avenue and Ainsworth Close (approximately 40m distant to the closest point). There is the potential for some harmful impact upon the amenity of residents of these dwellings. This is even more the case given the proposed introduction of community access to the MUGA. To mitigate for this, noise mitigation measures are recommended to be secured, for example

noise dampeners for the fencing. Restrictions on the hours of use of the MUGA, and the arrangements for community access including a noise management plan, are recommended to be secured by condition to address this.

- 9.41. The proposed floodlighting also has the potential to result in harm for neighbours due to light spill and glare. A condition is recommended to secure full details of the floodlights including operating hours, and light spill drawings to ensure any impact is within acceptable limits. This would also address potential concerns regarding impact upon the SDNP dark skies policy.
- 9.42. The existing vegetation screening on the boundary would further assist in mitigating the impact in terms of noise and light spill. Access to the rear (north) of the accommodation block would be for maintenance purposes only and this can be secured by condition.
- 9.43. In terms of overshadowing and sense of enclosure, whilst the proposed buildings are larger than those currently existing on-site, it is considered unlikely for there to be, in the main, a significant increase in overshadowing or sense of enclosure for neighbours. The proposals are generally well-contained within the site and, with the exception of the property at 2 Woodland Walk, set some distance from the nearest sensitive neighbour. Notwithstanding this, the northern part of the proposed extension to the Ovingdean Wing would be likely to result in some impact upon 'Flints', 'The Cot' and 'The Nook' on Ovingdean Road.
- 9.44. Another notable exception would be the new accommodation block, which would be located approximately 10m (at the closest point) from the neighbouring dwelling at 2 Woodland Walk. This compares to a distance of 11m for the existing building in this location. Furthermore, the proposed block would be taller and substantially broader than the existing block with an eaves height of 7.8m compared to 5.3m, however this is to some extent compensated for by the proposed building being set 2m down into the hillside. 2 Woodland Walk is orientated directly to the north of the proposed block, albeit there exists (and is proposed) substantial vegetation to this boundary.
- 9.45. Nevertheless, this element of the proposals is considered likely to have some harmful impact upon the amenity of occupiers of 2 Woodland Walk by way of overshadowing and overbearing impact, both to primary windows and the outdoor amenity areas. Other neighbours at numbers 1-5 Woodland Way would also likely be affected, however to a less significant degree given the increased separation distances and respective orientations of each neighbour.
- 9.46. The application includes a Sunlight and Daylight Assessment (S&DA) within which the impact upon these neighbouring dwellings was quantified. The S&DA found that, whilst there would be a reduction in sunlight and daylight as a result of the proposal, this reduction would not exceed the allowances set out within BRE guidance and would therefore be unlikely to result in a significant harmful impact.
- 9.47. In terms of overlooking, the proposed accommodation block would include windows facing outwards towards neighbours on Woodland Walk. Whilst the

existing accommodation blocks do include north facing windows, the proposal would significantly increase the number of windows facing northwards towards the neighbours, as well as at a higher storey level.

- 9.48. Notwithstanding this, the design of the proposed block has taken overlooking into account. The proposed windows above ground floor would be comprised of three parts - two parts would be oriel-style windows with panels set at a 45-degree angle to the building façade. This angling would direct views away from the neighbouring dwellings, and one of the panels would not be glazed. The final part of the window would be a glazing panel flush with the façade, fitted with exterior slats to allow in light but minimise outlook.
- 9.49. This, together with the existing and proposed boundary treatment comprising trees and native hedgerows, is considered to mitigate the resultant harm to an acceptable degree.
- 9.50. Accordingly, whilst it is recognised that there would be some degree of harmful impact upon some neighbouring dwellings, it is considered that this harm would not be to such a significant extent as to outweigh the benefits of the scheme or to warrant refusal of the application.

Ecology:

- 9.51. Whilst the area of the site proposed for development is not designated for its nature conservation interest, Ovingdean School Grounds Local Wildlife Site (LWS) lies within the red line boundary, comprising the eastern half of the school grounds. The Preliminary Ecological Appraisal (PEA) has been amended to acknowledge the presence of the LWS, and proposes habitat enhancements within it.
- 9.52. The proposed development will result in the loss of some modified (amenity) grassland, buildings (to be replaced), hardstanding, introduced shrub and small areas of ruderal/ephemeral vegetation. Habitat loss is to be compensated through the creation of 1000sqm of wildflower meadow, which is supported.
- 9.53. Concerns were initially raised regarding the methodology and dates of the bat surveys provided with the application. An additional survey was undertaken in accordance with best practice and found no evidence of roosting bats, and low bat activity.
- 9.54. The habitat to be impacted by the MUGA (amenity grassland) is sub-optimal for foraging bats, but offers some potential for commuting. The updated PEA and Bat Report therefore recommend a sensitive lighting scheme including restricting the use of lighting to the winter, only using lighting on the east side (facing to the west) to avoid any light spill onto the woodland in the southeast, and to follow best practice guidance with respect to reducing the impacts of lighting on bats. These recommendations are supported. It is recommended that full details are required by condition in a Lighting Design Strategy.

- 9.55. In accordance with the comments of the County Ecologist, a Biodiversity Method Statement (BMS) is recommended to be secured by condition to address best practice matters relating to badgers and reptiles.
- 9.56. Biodiversity Net Gain (BNG) is mandatory for Major developments in Brighton & Hove, and the proposal includes BNG through the provision of tree planting, and the creation of a hedgerow. Whilst the County Ecology has raised concerns with some parts of the submitted Metric, they are nevertheless satisfied that the proposal can achieve more than the 10% BNG that is required. Full details of the BNG proposals and how these will be managed and monitored is recommended to be secured by condition. A sum of £12,250 will also be secured by legal agreement to cover Council expenses involved in reviewing the monitoring of the BNG over the next 30 years.
- 9.57. Bee bricks and seventy (70) swift bricks are recommended to be secured by condition to further improve ecology outcomes on site. These are included within the BNG calculations.

Archaeology:

- 9.58. The site is only partially within an Archaeological Notification Area (ANA), however the boundaries of ANAs are not definitive limits to the presence of archaeological interest and significance.
- 9.59. An Archaeological desk-based assessment submitted as part of this application has reviewed the available archaeological evidence in the vicinity of the site, concluding that the site has a high potential to contain evidence for prehistoric activity and post-medieval activity associated with the existing late 18th century house, and a moderate potential to contain evidence for Roman, Anglo-Saxon and medieval activity. The County Archaeologist has reviewed this report and concurs with its findings.
- 9.60. It is therefore considered necessary to secure a programme of archaeological works to either preserve or record any archaeological deposits or features that would be impacted by the development.
- 9.61. The applicant has proactively engaged with the County Archaeologist and has pre-emptively agreed the scope of these works, set out within the Written Scheme of Investigation (WSI) dated July 2023. Archaeological investigations have since commenced on site with the agreement of the County Archaeologist, and this is considered not to be inappropriate.
- 9.62. The scope of the recording of the swimming pool through a Historic Building Record has similarly been pre-emptively agreed with the County Archaeologist in July 2023.
- 9.63. Continued compliance, including the submission of any findings, with these WSIs is recommended to be secured by condition.

Flooding and Drainage:

- 9.64. The site is located within Flood Zone 1 and is therefore at a low risk of flooding.

- 9.65. However, the proposed increase in impermeable footprint has the potential to increase the risk of surface water run-off flooding.
- 9.66. The application includes a Flood Risk Assessment and Drainage Strategy. Following the initial comments of the Council's Flood Risk Manager, further information relating to drainage was provided in the form of a Sustainable Drainage Maintenance Plan and Flood Risk and Drainage Addendum.
- 9.67. The scheme includes sustainable drainage features such as generous soft landscaping and permeable paving. A preliminary drainage proposal for the relocated MUGA has been provided and is acceptable in principle. The applicant has also confirmed that sewer defects identified within the submission are to be addressed during works, and that the peak foul discharge rate is 9.02l/s which is within acceptable limits.
- 9.68. The Council's Flood Risk Manager has confirmed that their initial concerns have been addressed, and on this basis and subject to the recommended conditions it is considered that the proposals would not give rise to an unacceptable risk of flooding. Final drainage plans and details of maintenance and management can be secured by condition.

Standard of Accommodation:

- 9.69. Whilst the proposal does not constitute University-level student accommodation, it is considered that as on-site educational boarding rooms would be provided, the requirements of Policy DM8 would have some relevance to the scheme.
- 9.70. Each proposed student room would provide sufficient space for living and studying, would be served by a window providing access to natural light and outlook, and would have an en-suite w/c. The 118 proposed single rooms would range from 7-8sqm in area, with the 26 twin rooms typically 13sqm in area (excluding the en-suite w/c in both cases). Occupants would have access to common rooms for socialisation, and the landscaped grounds of the site provide generous outdoor amenity areas. There would be "house parent" flats and boarding assistant flats on each floor.
- 9.71. The proposals are therefore considered acceptable in terms of the standard of accommodation provided.

Sustainable Transport:

- 9.72. There is likely to be an increase in trip generation as a result of the development, with an increase in pupil capacity to 500, an increase of some 100 over the capacity of the previous school on the site.
- 9.73. The application however includes a Transport Statement analysing the likely impact of the development in terms of transport and highways.
- 9.74. The site is not particularly well located for sustainable transport modes. Bus route 56 does connect Ovingdean with the city and surrounding towns, however

this is an hourly service. Ovingdean is not served by a rail link, and the surrounding roads do not have segregated cycle lanes.

- 9.75. Nevertheless, it is recognised that this is the existing arrangement, and that neither the use of the site as a school or the increase in pupil numbers requires planning permission. Whilst regrettable, this is therefore considered not to warrant refusal of the application. It is noted that Highway Officers have requested further detail regarding trip generation, but this is not considered warranted given there would be only 100 day pupils on the site, so vehicle movements would be focused around drop-off/pick-up days at term start/end.
- 9.76. It is understood that minibuses would be arranged to collect some of the day pupils, but as noted, numbers would be limited. Given the limited scale of such movements, it is not considered to be reasonable or necessary to secure details of this minibus service by legal agreement as has been requested by Highway Officers (such as frequency, routes, and forecast addresses of pupils).
- 9.77. No new vehicle or pedestrian entrances to the site are proposed. Vehicle access is possible from Greenways at the southeast corner of the site, and from Ovingdean Road at the northwest. Pedestrian access is also possible from a gate on Longhill Road.
- 9.78. Fifty on-site car parking spaces are proposed (retained as existing). Fifty cycle parking spaces are also proposed for staff and students. The proposed car parking is in accordance with SPD14 maximum standards, however the proposed cycle parking is below SPD14 minimum standards. A Car Park Layout and Management Plan has been requested by the Transport consultee to secure details of disabled parking spaces and the management of the on-site car parking spaces, and this can be secured by condition.
- 9.79. In this case, however, it is accepted that the nature of the proposal as a boarding school would result in different travel patterns to a typical day school. A lower amount of cycle parking is therefore considered acceptable at this stage, however in accordance with the views of the Transport consultee this should be reviewed as part of the Travel Plan for the site. Full details of the proposed cycle parking is recommended to be secured by condition, as are details of the car park layout and management to ensure use of allocated bays only, and by authorised personnel. This can also secure details of EV charging points and disabled parking.
- 9.80. A Travel Plan has been requested by the Transport consultee. It is noted that a Travel Plan aimed at the wider 'Phase 2' development has already been approved as part of a 'Phase 1' application (BH2023/01132, discharged under BH2023/01803). However, in their comments in relation to this earlier Travel Plan, the Transport consultee was clear in their comments that they were only considering it in the context of the earlier application and reserved their position in it being sufficient for the application now before the LPA. There is therefore more work for them to do in relation to the site wide development now being proposed and they will have both to re-assess and monitor the Travel Plan for several years. It is therefore considered reasonable and necessary to secure a

Travel Plan by condition as part of this application, and to secure monitoring fees of £8,404.80 by legal agreement. The Travel Plan should also include the MUGA and its proposed external community use.

- 9.81. On this basis, subject to the recommended conditions it is considered that the proposals are unlikely to result in a severe highways impact and is acceptable in terms of transport.
- 9.82. The comments of the Transport consultee with regard to the footways within the site are acknowledged, however as per the above where this is the existing arrangement it is considered not to be necessary or reasonable to secure improvements.

Sustainability:

- 9.83. The proposal demonstrates consideration of sustainability measures such as low carbon and renewable energy sources.
- 9.84. Policy CP8 requires a BREEAM rating of 'excellent' and this is recommended to be secured by condition. Policy DM44 requires at least a 27% improvement on the carbon emission targets set by Part L of the Building Regulations, and an EPC rating of 'B' to be achieved.
- 9.85. The proposals include measures such as Air Source Heat Pumps (ASHPs) and PV panels which are supported in principle.
- 9.86. An Energy Statement in accordance with Policy DM44 is recommended to be secured by condition.

Other Considerations:

- 9.87. An Employment & Training Strategy and a financial contribution of £35,150 towards the Local Employment Scheme are to be secured by legal agreement.
- 9.88. The development does not meet the threshold for a contribution towards an artistic component.

Section 106 Heads of Terms:

Biodiversity Net Gain

- A contribution of £12,250 towards the long-term monitoring of Biodiversity Net Gain proposals over a 30 year period.

Transport

- A Travel Plan and an accompanying Monitoring fee of £8,404.80

Employment and Training

- A contribution of £35,150 towards the Brighton & Hove Local Employment Scheme
- Employment and Training Strategies for both demolition and construction demonstrating a minimum percentage of 20% local employment

Conclusion:

- 9.89. The proposal is considered acceptable in principle, reinvigorating the established educational use of the site with improved and enhanced facilities such as new classrooms, science laboratories and a new sports hall. The loss of the swimming pool is regrettable, however the new sports hall is considered to compensate for this in terms of the facilities available to pupils. The historic use of the swimming pool by swim schools ceased some five years ago and is therefore given limited weight. The introduction of external use of the MUGA is welcomed as a new community facility.
- 9.90. No objection is raised to the proposed demolition, with the buildings to be lost generally holding little or no historic significance. A condition is recommended to secure suitable recording of the swimming pool itself as this does hold some interest.
- 9.91. The proposed buildings are considered to demonstrate a high standard of design and would make a positive contribution to the site, enhancing the character of the Ovingdean Conservation Area and the setting of the listed buildings on site.
- 9.92. Whilst some harm to neighbouring amenity is likely to result due to the increased scale of the proposed accommodation block compared to the existing buildings, and the proposed siting of the relocated MUGA. However, subject to the recommended conditions it is considered that this impact would not be so significant as to outweigh the above benefits or to justify refusal of the application.
- 9.93. Matters relating to archaeology, arboriculture, drainage, ecology, lighting and transport are considered acceptable subject to the recommended conditions.
- 9.94. A Travel Plan and Employment & Training Strategy, as well as financial contributions towards BNG and Travel Plan monitoring and the Brighton and Hove Local Employment Scheme are to be secured by legal agreement.
- 9.95. The application is therefore recommended for approval.

10. EQUALITIES

- 10.1. The proposals would represent an improvement in the accessibility and inclusivity of the site. The proposed new buildings have been designed to comply with Part M of the Building Regulations, with new passenger lifts in the extension and the boarding block. Disabled parking is to be provided on site. Site levels falls to the west and the proposed landscaping plan indicates consideration of the minimisation of gradients, with full details to be secured by condition.

11. S106 AGREEMENT

- 11.1. In the event that the draft S106 Agreement has not been signed by all parties by the date set out above, the application shall be refused for the following reasons:

1. The proposed development fails provide a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
2. The proposed development fails to provide an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy CP7 of the Brighton & Hove City Plan Part One and the City Council's Developer Contributions Technical Guidance.
3. The proposed development fails to provide a Travel Plan which is fundamental to ensure the promotion of safe, active and sustainable forms of travel and comply with policy CP9 of the Brighton & Hove City Plan Part One.
4. The proposed development fails to provide a financial contribution towards the monitoring of the Travel Plan, to ensure its aims and objectives are being met and the measured included updated as may be necessary, contrary to policy CP9 of the Brighton & Hove City Plan Part One.
5. The proposed development fails to provide a financial contribution towards the monitoring of Biodiversity Net Gain on site to ensure that the measures are successful in the long term and to comply with policies CP10 of the Brighton & Hove City Plan Part One and policy DM37 of the Brighton & Hove City Plan Part Two.

