




**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	10 October 2018
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morgan and O'Quinn</p> <p>Co-opted Members: Conservation Advisory Group Representative</p>
Contact:	<p>Penny Jennings Democratic Services Officer 01273 291065 planning.committee@brighton-hove.gov.uk</p>

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AGENDA

49 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

50 MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 12 September 2018 (copy attached)

51 CHAIR'S COMMUNICATIONS

52 PUBLIC QUESTIONS

PLANNING COMMITTEE

Written Questions: to receive any questions submitted by the due date of 12 noon on 4 October 2018.

53 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

54 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

A BH2017/02680-St Aubyns School, 76 High Street, Rottingdean- Full Planning 17 - 112

Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

MINOR APPLICATIONS

B BH2017/02681-St Aubyns School, 76 High Street, Rottingdean - Listed Building Consent 113 - 144

Conversion of existing buildings of Field House and part of its northern extension. Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing Sports pavilion, war memorial, water fountain and chapel, demolition of all other buildings and alterations to boundary flint wall along Steyning Road and The Twitten.

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

C BH2018/00341-295 Dyke Road, Hove - Outline Planning Application 145 - 162

Outline application with some matters reserved for the erection of 1no single dwelling (C3).

RECOMMENDATION – GRANT

Ward Affected: Hove Park

PLANNING COMMITTEE

D BH2018/02184, 30 Roedean Crescent, Brighton - Full Planning 163 - 174

Application for Variation of Condition 1 of application BH2017/01742 (Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding & opening with new front gates) to permit amendments to approved drawings for alterations including removal & relocation of doors to garage and front elevation, removal of external spiral staircase, revised balustrade height & cladding materials.

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

55 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

INFORMATION ITEMS

56 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 175 - 178

(copy attached).

57 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 179 - 184

(copy attached).

58 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

There are no new Hearings or Inquiries to report.

59 APPEAL DECISIONS 185 - 206

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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PLANNING COMMITTEE

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email planning.committee@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 2 October 2018

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 SEPTEMBER 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Hyde, Littman, Miller, Moonan, Morgan, O'Quinn, and Wealls

Officers in attendance: Nicola Hurley (Planning Manager), Liz Arnold (Principal Planning Officer), Charlotte Bush (Senior Planning Officer), Luke Austin (Senior Planning Officer), Robin Hodgetts (Principal Planning Officer), David Farnham (Development and Transport Assessment Manager), Hilary Woodward (Senior Solicitor) and Tom McColgan (Democratic Services Officer)

PART ONE

37 PROCEDURAL BUSINESS

37a Declarations of substitutes

37.1 Councillor Moonan was in attendance as a substitute for Councillor Morris and Councillor Wealls was in attendance as a substitute for Councillor Bennett.

37b Declarations of interests

37.2 The Chair stated that she had been lobbied regarding BH2017/04220. She also declared that she had almost a decade ago worked with the applicant for BH2018/00648 and the architect and applicant for BH2018/00224 and that she would be considering the applications with an open mind.

37.3 Councillor Wealls stated that he had objected to BH2018/00224 as a ward councillor and would be leaving the room after making his representation to the Committee.

37c Exclusion of the press and public

37.4 There were no Part Two items on the agenda.

37d Use of mobile phones and tablets

35.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'airplane mode'.

38 MINUTES OF THE PREVIOUS MEETING

38.1 Councillor O'Quinn requested that the clerk revise the wording for paragraph J (11) to better reflect her statement made during the debate.

38.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 15 August 2018 as a correct record with the amendment detailed in paragraph 38.1.

39 CHAIR'S COMMUNICATIONS

39.1 The Chair noted that the Democratic Services Officer was leaving the Council and thanked him for his work supporting the Committee.

40 PUBLIC QUESTIONS

40.1 There were none.

41 PLANNING ENFORCEMENT ANNUAL REPORT 2017/2018

41.1 Robin Hodgetts, Principal Planning Officer, introduced the annual enforcement report. He apologised that the report had not been timelier in coming to the Committee.

(2) The Chair welcomed the improvements in the team's performance detailed in the report and looked forward to the introduction of the Planning Enforcement Policy Document which was being brought to the Tourism, Development & Culture Committee in September.

(3) In response to Councillor Mac Cafferty, Officers stated that the Field Officers could be tasked by the Planning Enforcement Team to investigate reports of unauthorised work to listed buildings helping to ensure a swift reaction from the Council. Officers also clarified that there had been four Listed Building Enforcement Notices issued in the last financial year.

(4) In response to Councillor Hyde, Officers stated that although the Field Officers were not qualified planners they were experienced in other areas of regulatory activity and all of their work on planning matters would be in conjunction with the Planning Enforcement Team.

(5) In response to Councillor Gilbey, Officers stated that reported unauthorised houses in multiple occupation (HMOs) were not included in calculations when considering applications for new HMOs. However, unauthorised HMOs where the landlord was currently negotiating with the council or unauthorised HMOs that were the subject of an appeal would be included in any calculations.

- (6) In response to Councillor Gilbey, Officers clarified that the cases closed in the last financial year were not necessarily received in the same year.
- (7) In response to Councillor Theobald, Officers stated that they were currently recruiting to the Enforcement Team and that the new officer was due to start in mid-October.
- (8) In response to Councillor Hyde, Officers stated that they did not wish to give the impression that they were focusing on HMOs solely and neglecting other aspects of enforcement such as protecting listed buildings. They stated that cases involving listed buildings may be more complex and thus take more time to close or that where there was no danger of increased harm to a listed building that officers may agree a reasonable timescale for work to be undone.
- (9) In response to Councillor Miller, the Planning Manger stated that Field Officers would be well placed to carry out more proactive work to improve the visual amenity of the city through section 215 notices. The Planning Manger also stated that the roughly 800 open enforcement cases were not necessarily static but could be being actively investigated or may be delayed while waiting for an appeal which could take up to 18 months to be processed by the Planning Inspectorate. The Planning Enforcement Policy Document would improve the situation by setting clearer priorities and timescales for enforcement actions. The Planning Enforcement team also sat within the wider Planning budget and had to be balanced against ensuring there was adequate capacity in the Council to meet statutory deadlines when responding to planning applications.
- (10) In response to Councillor Littman, the Planning Manager stated that she acknowledged that non expedient cases were frustrating to the complainant and that the Planning Enforcement Policy Document if agreed by Members would provide clearer guidance for residents about enforcement action and timescales.
- (11) Officers sought to provide assurance to Councillor Wealls that they took enforcement deadlines into account when managing caseloads and that they were not aware of any recent cases where the Council had not been able to take action due to being out of time.
- (12) **RESOLVED** – That the Committee noted the report.

42 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

42.1 There were none.

43 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2018/01016 - Former Site Of North District Housing Office, Selsfield Drive, Brighton - Full Planning

Demolition of former neighbourhood housing office, housing store and garages (retrospective) and the erection of a 7 storey over lower ground floor building,

comprising of 30no residential dwellings (C3) with associated hard and soft landscaping, works to provide public realm, private and community amenity space, car parking and relocation of existing UK Power Networks electricity sub-station.

- (1) The application was the subject of a site visit prior to the meeting.

Officer Introduction

- (2) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. She stated that the main considerations in determining the application related to: harm to the character and appearance of the wider area including the setting of the nearby List Building (harm to which was less than substantial under the terms of the NPPF), only providing a housing mix of one and two bed room units, loss of light and outlook to surrounding properties, and that the scheme would provide 30 affordable units all of which met government space standards.

Questions to the Planning Officer

- (3) In response to Councillor Miller, the Planning Officer stated that the guardrail on the roof was required due to roof access being necessary for the maintenance of the proposed solar panels. The guardrail was considered by officers to be preferable to extending the brickwork up to the equivalent height. The balconies had been designed using railings rather than a solid opaque material to aid in cleaning and maintenance. The railings would appear opaque from certain angles to provide a level of privacy to occupants.
- (4) In response to Councillor Hyde, the Planning Officer stated that the proposed block would be approximately 3.5m closer to Lewes Road than the closest wing of the neighbouring building. However the neighbouring building did extend towards the street further along the road. The Planning Officer also stated that the position on Lewes Road was not a concern to officers as the building was in the designated tall buildings corridor and Lewes Road already had a varied building line.
- (5) In response to Councillor Theobald, Officers stated that the original design which included one, two and three bedroom dwellings had been deemed to have an unacceptable impact on neighbours. The loss of the three bedroom flats was considered acceptable as the proposal still provided a mix of one and two bed units all of which were affordable.
- (6) In response to Councillor Mac Cafferty, the Planning Officer stated that the materials had not yet been confirmed and would be brought back to the Chair's briefing but it was always open to Members to add further conditions. The Planning Manager also stated that the Council as the developer would take into account the longevity of any materials used to ensure cost effectiveness.
- (7) In response to Councillor Morgan, the Transport Planning Officer stated that there was no controlled parking zone in the area and the new parking bays proposed would be available for use by residents of the new block as well as those in the surrounding council blocks.

- (8) In response to Councillor Gilbey, the Planning Officer stated that the proposal included two wheelchair accessible units on the ground floor and all other units were adaptable. The landscaping included ramped access and a flat path around the block.

Debate and decision making process

- (9) Councillor Mac Cafferty believed it was a smart scheme and liked the design and look of the materials. He stated that the key to the scheme's success was to ensure that the materials used would stand up to the environment.
- (10) Councillor Theobald was disappointed that the concerns about the height of the building expressed by Members at the pre application stage had been ignored and that the proposal was now two storeys higher and no longer included three bed dwellings. She stated that she followed the Regency Society's objection and considered that the scheme would be a 'blot on the landscape'.
- (11) Councillor Hyde stated that she agreed with much of what Councillor Theobald said and was concerned that the block came too far towards the street. She stated that while she appreciated the design, the need for housing and that this was a development on a brownfield site she felt that it did not comply with policy QD2.
- (12) The Planning Manager clarified that QD2 had been superseded by policy CP12.
- (13) Councillor Miller stated that he would be supporting the scheme although he had reservations about the inclusion of the guardrails and the design of the block with the setback top storey. He also stated that he would like to see the rest of the estate developed in the same manner as there was a lot of wasted land and the cost of maintaining blocks which were coming to the end of their life would continue to increase.
- (14) Councillor Morgan stated that there was a desperate need in the city for the affordable housing which the scheme would provide and to maximise the use of brownfield sites. The scheme would add family homes to an area which had been seen as suffering from 'studentification'. He also welcomed the use of local labour during construction which had been conditioned.
- (15) Councillor Moonan welcomed the scheme and sought to echo the positive comments made in the debate while acknowledging that the building was tall and would impact on neighbouring amenity.
- (16) Councillor Littman stated that the scheme had a smart design that he hoped would stand the test of time and provided much needed affordable housing. However it would have a significant negative impact on neighbouring amenity but on balance the positive aspects of the scheme outweighed its drawbacks.
- (17) Councillor O'Quinn stated that while she was not generally keen on tall buildings and did appreciate the harm the scheme would cause to neighbours it was providing much needed social housing and she would be supporting it.

- (18) Councillor Gilbey supporting the scheme. It was a in an area which already had a lot of tall buildings and it had been designed to minimise impact on neighbours and retaining the large tree on the site would enhance the area.
- (19) The Chair thanked the Project Team for their hard work in bringing forward a good scheme which now provided additional units of affordable accommodation.
- (20) The Chair called a vote and the Committee resolved to be Minded to Grant planning permission by 10 votes For with one abstention.

43.1 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **Minded to Grant** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out in the report SAVE THAT should the s106 Planning Obligation not be completed on or before the 4 January 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of the report.

B BH2017/02333 - 113-115 Trafalgar Road, Portslade - Outline Application All Matters Reserved

Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.

Officer Introduction

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation. She stated that the main consideration in determining the application related to the fact that the Section 106 obligation had not yet been fulfilled after minded to grant planning permission had been agreed at Committee on 7 February 2018.

Questions to the Planning Officer

- (2) In response to Councillor Hyde, the Planning Officer stated that the applicant had not given any further reasons as to why the section 106 obligation had not been completed other than asking for three months to find a purchaser for the site.
- (3) In response to Councillor Theobald, the Planning Manager stated that the Council was now looking to bring forward applications by setting stricter deadlines for completion of section 106 obligations.

Debate and decision making

- (4) The Chair called a vote and the committee unanimously resolved to be minded to refuse planning permission.

43.2 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO REFUSE** planning permission should the S.106 Planning Obligation agreed by Planning Committee on 7th February 2018 not be completed on or before 4th January 2019 the

Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 3 of the report.

C BH2018/00648 - 6 Cliff Approach, Brighton - Full Planning

Demolition of existing single dwelling and erection of 2no. two bedroom flats & 2no. three bedroom flats.

- (1) The application was the subject of a site visit prior to the meeting

Officer Introduction

- (2) The Senior Planning Officer, Charlotte Bush, introduced the application and gave a presentation. She stated that the main considerations in determining the application related to: the scheme would provide 3 additional family size dwellings, the height of the scheme was considered acceptable by the Planning Inspector, reduced basement excavation and altered fenestration have addressed concerns about previous schemes, footprint, siting and style was similar to the 2013 approved scheme and the scheme would cause additional overlooking.
- (3) An additional condition was recommended to the Committee to require accessible and adaptable dwellings and land levels. One further objection had also been received and was on grounds already covered in the report.

Questions to the Planning Officer

- (4) In response to Councillor Wealls and Hyde, the Planning Officer clarified that there would be some overlooking of neighbours caused by the scheme however the neighbours to the front and rear of the property were a significant distance away and the proposed windows were similar to what had been approved in 2013.
- (5) In response to Councillor O'Quinn and Hyde, the Transport Planning Officer stated that he could not say that there would be a severe impact on the surrounding roads. The roads were already very congested and so the impact of any possible overspill would not be a severe addition to the existing issue.
- (6) In response to Councillor Miller's concerns about street parking preventing refuse collection the Planning Manager stated that the scheme was too small to require a section 106 contribution to extend yellow lines but CityClean could liaise with the transport team to extend yellow lines to help make the road accessible.

Debate and decision making process

- (7) Planning Permission was granted on a vote of 7 For and 2 Against with two abstentions.

43.3 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

D BH2017/04220 - 14 Tongdean Road, Hove - Full Planning

Demolition of existing bungalow and erection of new building comprising of three 2no bedroom flats and one 3no bedroom maisonette.

- (1) The application was the subject of a site visit prior to the meeting.

Introduction from Planning Officer

- (2) The Senior Planning Officer, Luke Austin, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. He stated that the main considerations in determining the application related to: the impact of the scheme on the character of the Tongdean Conservation Area with the scheme having a more modern appearance and including materials that were not common within the surrounding conservation area being balanced against the three additional residential units provided which would help meet the housing shortfall in the city.
- (3) The Planning Officer stated that the recommendation was now to 'Grant' planning permission as the re-consultation period had expired. He also recommended an additional condition to the Committee to specify the height of the building/ land levels.

Public Speakers

- (4) Edward Ainsworth spoke in objection to the application as a local resident. He stated that the proposed scheme was an overdevelopment of the site, would overshadow neighbouring gardens and would provide unacceptably close views of neighbours. He stated that the scheme was widely opposed by residents because of the dangerous precedent which would be set for further blocks of flats to be built in a conservation area characterised by single occupancy detached houses in large plots. He stated that the scheme was directly in contradiction to section 2.1, 2.2, 4.4 and 5.1 of the character statement. The application would also cause increased traffic congestion and make it more dangerous to cross the road at an already often crowded junction.
- (5) In response to Councillor O'Quinn, Edward Ainsworth stated that there were no similar properties on the road.
- (6) In response to Councillor Miller, Edward Ainsworth stated that the residents did not object to the principle of developing the plot but any development should reflect the size and scale of the neighbouring properties and the conservation area in general.
- (7) Councillor Brown spoke in objection to the application as a local ward councillor. She stated that residents' main concern about the scheme was that the precedent set by granting approval would very quickly alter the character of the conservation area. She did not object to the principle of developing flats and higher density accommodation in general in the ward; 800 homes were to be built on the Toads Hole Valley site just outside the ward. However the proposal was an unsuitable overdevelopment of the site which would cause loss of privacy to residents. The two previous applications have been refused, one of which had also been dismissed at appeal. Councillor Brown stated

that the current scheme was much worse than the previous schemes and should be dismissed.

- (8) Andy Parsons spoke on behalf of the applicant. He stated that contrary to the residents' reports there was generally not an issue with parking on the road; the original scheme had proposed more car parking spaces but this was reduced to six at the request of Officers. The applicant intended to live in one of the apartments himself with his family living in the other apartments. The existing building was the only bungalow in the street and was out of context with the streetscene. The proposal was designed to look like a house and tried to mirror the context of the street. There was also a dense tree screen between the proposal and neighbouring property.
- (9) In response to the Chair, Andy Parsons stated that during the pre-application consultation heritage officers had stressed presenting a design in keeping with the size and scale of the street but were not concerned about whether the proposal was a single family dwelling or flats.

Questions to the Planning Officer

- (10) In response to Councillor Theobald, the Planning Officer confirmed the colour of the materials proposed and that the scheme was roughly in line with the property line at the front and back.
- (11) In response to the Chair and Councillor Miller, the Planning Officer confirmed that the footprint of the proposed scheme was increased from the existing footprint and that while the existing single storey projection was being reduced the entire proposal was two storeys.
- (12) In response to Councillor Wealls, the Planning Officer stated that while the street was made up of mostly white rendered housing the heritage officers felt that a brick finish was more in keeping with the traditional appearance of houses in the conservation area.
- (13) In response to Councillor Moonan, the Planning Officer stated that the proposed first storey bedroom windows would overlook the neighbouring garden.
- (14) In response to Councillor Moonan, the Planning Officer stated that the neighbouring house at 16 Tongdean Road had been redeveloped from a single occupancy house into two flats but the Planning Officer did not know of any other flatted developments in the road.
- (15) Councillor Miller noted that the second storey had a double height gable providing an atrium. He asked if officer had considered requesting this be lowered to reduce the size of the development without reducing the accommodation provided.
- (16) The Planning Officer stated that the gable style roof was in keeping with the character of the area and that the Planning Inspector had found the roof on the previously refused application acceptable which was of a similar height.

- (17) In response to Councillor Morgan, the Planning Officer stated that although the applicant's agent had presented the proposal as being for the owner there was nothing to prevent the developer selling on the apartments when completed.
- (18) In response to Councillor Gilbey, the Planning Officer stated that the colour of the roof tiles was not specified but materials would be secured by condition.
- (19) In response to Councillor O'Quinn, the Planning Officer stated that they did not know the exact size of each flat but all four exceed minimum size standards.
- (20) In response to the Chair's suggestion that windows overlooking the neighbouring property be obscurely glazed, the Planning Officer stated that the two first floor windows served single aspect bedrooms and so could not be obscurely glazed. There was a bathroom window which overlooked the neighbour's garden which the Committee could condition to be obscurely glazed. Officers also confirmed that there was a 15m gap between the neighbour's window and the proposed first floor windows and that there were only views from an oblique angle.

Debate and decision making process

- (21) Councillor Moonan stated that she felt the design was proportionate and in keeping with the conservation area. The principle of flatted developments had already been established by the neighbouring property and that any overlooking would be minimal.
- (22) Councillor Theobald stated that the development was in a conservation area with no other flats in the road. The neighbouring property had an addition and was not obviously flats from its external appearance. The design was three storeys in a road of two storey properties and it would have a negative impact on neighbouring amenity. The scheme was an overdevelopment and out of keeping with the streetscene. Councillor Theobald felt that granting permission would set a damaging precedent for the area.
- (23) Councillor Hyde stated that she felt officers were putting too much emphasis on the shortfall of 200 units of accommodation over five years and this was leading them to recommend granting permission to a development that would otherwise not be acceptable. The Tongdean Conservation Area was not the place to demolish family homes and certainly not to build flats in their place. The application would intensify the use of the site and would increase the number of cars and increase pressure on parking. There would be a loss of amenity of the gardens for neighbouring properties as the development would create a sense of overlooking and enclosure. 16 Tongdean Road was two flats built inside the footprint of an existing house and was not obviously a flatted development and did thus not set a precedent for flats on the scale of the proposal. Councillor Hyde stated that that application should be refused and that the applicant should look back at the previously refused smaller design and return with an application for a single use property.
- (24) Councillor Miller stated that he was not against the principle of more development on the site but felt that the proposed design was bulky and out of keeping with the area and he could not support it. The design would overlook neighbouring gardens an issue which could not be addressed with obscure glazing. He felt that the proposal would have a negative impact on the conservation area. He also felt that it was contrary to CP9 and

failed to provide adequate parking which would impact the setting of the conservation area. He suggested that the applicant could return with a smaller, less bulky design which could be achieved by reducing the double heighted second storey.

- (25) Councillor O'Quinn stated that she knew the area well and agreed with the previous criticisms of the scheme; particularly that the scheme was too bulky. She stated that the additional accommodation provided would be out of the price range of most people wanting to buy or rent in the city and did not outweigh the harm the scheme would cause to the conservation area.
- (26) Councillor Mac Cafferty stated he did not agree with the objections that had been raised and was more inclined to agree with Councillor Moonan's comments. The reality was that the existing buildings had been overlooking 14 Tongdean Road since they were built. The character statement for the conservation area already noted that the 'design elements in the area were more diverse and the architecture less authentic'.
- (27) The Chair stated that she found it hard to say that what was proposed would result in substantial loss of amenity and the design seemed more in keeping with the area than some of the surrounding buildings. She stated that she agreed with Councillor O'Quinn that the application would not particularly help with the housing supply in the city but Heritage Officers had raised no concerns about the design.
- (28) The Chair called a vote which was tied with 5 For, 5 Against with 1 abstention. The Chair cast her second vote in favour of the Officer recommendation and the Committee resolved to Grant planning permission.
- (29) Councillor Miller proposed that an additional condition be added to the permission, as had been suggested in the debate, requiring that the ground floor bathroom and side facing lounge windows be obscurely glazed in perpetuity to prevent overlooking of number 58.
- (30) The Chair seconded the motion.
- (31) Councillor Moonan stated that she did not see the need for the additional glazing as there was sufficient screening between the two properties. She felt that obscurely glazing the living room windows would have a substantial detrimental impact on the amenity of the occupants which outweighed any potential privacy gained by the neighbours.
- (32) Councillor Miller stated that although sufficient screening may have been present at the site currently there was no way to guarantee that future occupants would maintain this.
- (33) On a vote of 8 For, 2 Against with 1 abstention the Committee resolved to add the additional condition proposed by Councillor Miller.
- (34) **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and the additional condition detailed above in paragraph (29).

E BH2018/00224 - 56 Church Road, Hove - Full Planning

Change of use of basement from retail (A1) to fitness studio (D2)

Introduction from the Planning Officer

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. She stated that the main considerations when determining the application related to: the principle of development, the impact on amenity, environmental health and transport.
- (2) The Planning Officer stated that included on the late list was an amendment to condition 4 following objections. The condition now stated that the studio would close at 8pm through the week, open 9am-6pm on Saturday and 10am-4pm on Sunday.

Public speakers

- (3) Councillor Wealls spoke in his capacity as a local councillor and stated that he welcomed the reduction in opening hours. He stated that the concerns of the residents came from the fact that the mews where the entrance to the studio was located was to the rear of the flats and was overlooked by bedrooms. As the proposed use was for class based activities there would be groups of people arriving or leaving together generating more noise than individuals leaving. He also expressed concern that the conditions may not be viable as if recorded music was playing all windows and doors had to be closed and there was no alternative method of ventilation.
- (4) In response to Councillor Hyde, Councillor Wealls stated that while he welcomed the reduced hours he still felt that the additional noise generated would impact residents as people on shift work or young children may be sleeping during the opening times. He stated that if the entrance had been on the front of the building and if there was ventilation the proposal would have been viable.
- (5) Paul Burgess spoke on behalf of the applicant. He stated that the proposed studio was to be used for small classes participating in calm exercise which was restricted by condition 3. There were already other commercial units in the mews which generated noise and pedestrian activity during the day. As the studio was to be used for calm classes the lack of air conditioning would not make the space unviable.
- (6) In response to Councillor Theobald, Paul Burgess stated that he did know the maximum capacity of the room but he estimated it would be suitable for classes of around ten people. He stated that that classes that required loud music or equipment would not take place in the studio.
- (7) In response to Councillor Miller, Paul Burgess stated that the provision of small class activities was the business plan for the applicant and even though other forms of use would be permitted under class D usage the area was well served by other gyms and the small space provided by the scheme would struggle to compete directly.
- (8) The Planning Officer stated that that planning statement listed the six uses referred to in the conditions and suggested that if the Committee wished they could remove the phase

'such as' in the condition limiting uses so as to limit use of the site to the six activities explicitly mentioned.

- (9) Paul Burgess stated that he felt the change in conditions was acceptable.
- (10) In response to Councillor Moonan, Paul Burgess stated that the applicant had submitted a scaled down application in recognition that the site was in a conservation area and so had not asked for the external modifications necessary for air conditioning.
- (11) The Chair asked if it was reasonable to say that applying for planning permission to install air conditioning would have added a substantial cost to the application and so the applicant applied for the change of use initially and if Committee were to grant permission they may look to come back with a further application.
- (12) Paul Burgess stated that he felt this was a reasonable evaluation of the application.

Questions to the Planning Officer

- (13) In response to Councillor Moonan, officers stated that condition five required the windows and doors to be closed when playing any amplified music regardless of the volume.
- (14) In response to Councillor Gilbey, officers clarified that 'other entertainment noise' referenced in the conditions referred to television, radios or similar.
- (15) In response to Councillor Hyde, Officers confirmed that the room was 90m².

Debate and decision making

- (16) Councillor Gilbey stated that she could not see any issues with the application with the amended conditions.
- (17) Councillor Theobald stated that she was still concerned that the nature of the proposed used entailed groups of people leaving together which potentially would cause disturbance for residents.
- (18) Councillor Moonan stated that she welcomed the reduction in hours and the reassurance from the applicant's agent that classes would be around 10 people. She did still have concerns about the space and the lack of air conditioning but felt that the conditions would control any disturbance to neighbours.
- (19) The Planning Manager reminded Members that although Paul Burgess had suggested classes of 10 there was no condition on the capacity of the space.
- (20) Councillor Littman stated that he supported the application and stated that the conditions worked well. He stated that if there were breaches in conditions it would become an issue for planning enforcement.
- (21) On a vote of 9 For and 1 Against planning permission was granted.

- 43.5 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

Councillor Wealls left the room after making following public speaking and was not present for the debate or decision making process

F BH2018/01854 - 33 Braybon Avenue, Brighton - Householder Planning Consent

Erection of single storey rear extension.

- (1) Members did not wish to receive a presentation from officers on the application.

Debate and decision making process

- (2) The Committee unanimously voted to grant planning permission.

- 43.6 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

44 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

- 44.1 There were none.

45 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

- 45.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

46 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

- 46.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

47 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 47.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

48 APPEAL DECISIONS

- 48.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 5.35pm

Signed

Chair

Dated this

day of

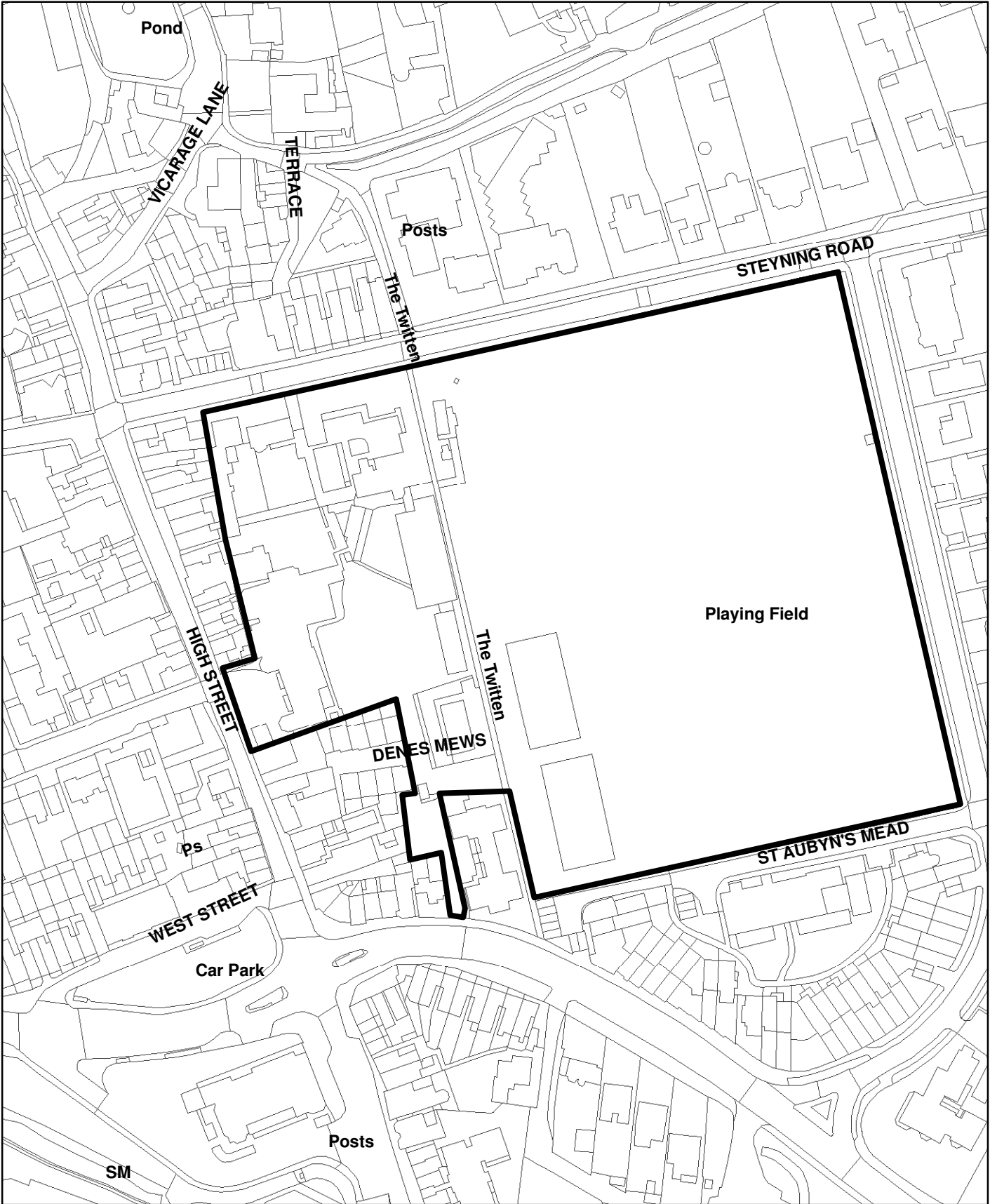
ITEM A

**St Aubyns School, 76 High Street
Rottingdean**

**BH2017/02680
Full planning**

DATE OF COMMITTEE: 10th October 2018

St Aubyns School, 76 High Street, Rottingdean



Scale: 1:1,700

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

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to the Secretary of State deciding not to call the application in for determination, a Section 106 agreement to secure the following Heads of Terms and subject to the following Conditions and Informatives, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 16 weeks from the date that the Secretary of State decides not to call in the application the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of this report (add):
- 1.2 **S106 Heads of Terms**
- Affordable Housing: 40% (37 units) at tenure split of 55% social/affordable rent and 45% Intermediate (shared ownership),
 - Sustainable Transport contribution of £102,200 to go towards:

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

Conditions:

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

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

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

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

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

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

3. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. None of the new build residential units hereby approved shall be occupied until each unit as built has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline). **Reason:** To ensure that the development is sustainable and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with SPD14 and with policy TR14 of the Brighton & Hove Local Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Informatives:

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

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

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

2. SITE LOCATION & APPLICATION DESCRIPTION

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

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

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

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

3. RELEVANT PLANNING HISTORY

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

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

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

4. THE APPLICATION

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

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

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

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

4.9 The proposed development would comprise:

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

5. PUBLICITY AND CONSULTATIONS

5.1 External REPRESENTATIONS

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

5.2 Design/Visual Amenities/Landscape Impacts

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

5.3 Amenity Issues

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

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

5.4 Transport/Highway/Access Issues

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

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

5.5 Other Issues

- Viability case has not been made public and executive summary provides no evidence to support the applicant's conclusions. Development of campus site is viable without development on part of playing field,
- The final DVS report has not been made public and the summary provided is inadequate,
- A legal opinion has been submitted which sets out that building on the playing field would be contrary to national and local policy,
- Large and old high hedge on south side of the development should not be reduced in height/destroyed,
- Land contamination,
- Contrary to NPPF, site planning brief and policies,
- Principle of development of the site has not been previously established as stated by the developer
- Impact on ecology/biodiversity,
- Increased emission/pollution levels/worse air quality, especially in AQMA, which will adversely impact on health. Levels already breach UK/EU legal limits. Congestion, delays and the development's impact on NO² levels in AQMA will be much higher than claimed,
- Rottingdean High Street most poisonous in the County and the Country;
- Is a windfall site not a designated site which is allocated in SHLAA for 40 properties, not 93,
- Lack of consultation,
- Inaccuracies/omissions in transport/air quality documents submitted,
- Loss of community facilities,
- Provision of social housing should not influence council,
- City Councillors agreed that the playing field should be designated as a Local Green Space and entered as such into the Neighbourhood Plan in progress. Councillors regarding refused application said they would not want to see any more of the playing field lost but new proposal reduces amount retained,
- Cumulative impact of other developments in area need to be considered, those approved and planned for future,
- Inadequate/lack of existing infrastructure (including roads, utilities, shops, schools, dentists, doctors, water supply, sewers, drainage). Contributions will not alleviate problems,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.64 Other Observations:

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

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

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

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

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

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

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

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

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

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

5.79 Conclusion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.106 Environmental Health Air Quality Officer:

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

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

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

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

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

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

5.111 Further comments – 25 September

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

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

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

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

- 5.115 The recorded annual average nitrogen dioxide at E22 = 41 µg/m³. This does not change the conclusions of the St Aubyns air quality assessment.
- 5.116 **Flood Risk Management Officer**
The Lead Local Flood Authority notes the Sustainable Drainage Report and Flood Risk Assessment and raises no objection subject to the inclusion of a condition to secure a detailed design and associated management and maintenance plan.
- 5.117 **Heritage Officer:**
(Comments 26/09/2017) Seek Amendments.
Summary - This application has been subject to pre-application discussions and the submitted application is generally a reflection of those discussions. The principle of bringing the vacant listed building and associated structures back into long term use is very welcome and residential use is considered to be compatible with the conservation of the historic buildings, particularly the main school building that was originally a house. This is considered to be a great heritage benefit. The extent of demolition proposed is considered to be justified and would retain most parts of the principal building and curtilage structures of the greatest significance. The internal alterations to the principal building would, with regard to the original building, restore much of its original plan form and, subject to details, its important internal features and fixtures. There are some matters of detail, including with regard to new window pattern, that nevertheless need to be revised.
- 5.118 The new development on the campus part of the site would provide a very clear enhancement to the appearance and character of the conservation area over the existing ad-hoc collection of poor quality late 20th century buildings on this part of the site, and subject to revised details to the proposed approach to landscaping, is considered to be entirely sympathetic to the Conservation Area.
- 5.119 The development of the southern part of the playing field site would cause clear harm to the setting of the Conservation Area, and to a lesser degree to the setting of the principal listed building. This harm particularly arises from the visible reduction of the 'green lung' between the conservation area and the later suburban development east of Newlands Road, which is important to the setting of the conservation area as identified in the Character Statement. This harm would be notable but would be less than substantial under the terms of the NPPF. This degree of harm has not been justified in terms of viability.
- 5.120 (Comments 23/11/2017 following receipt of amended plans/further information)
Field House - The amended plans have satisfactorily addressed the issue of the new window pattern to the west elevation of the early 19th century extension to the north. As a full schedule of historic internal features to be retained, removed, relocated or reinstated within the building has still not been submitted with the application this will be required by condition and should be clearly reference to the rooms on the plans.

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

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

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

- 5.144 (Comments 24/10/2017 following receipt of letter from developer). Have no further comments to make.
- 5.145 **Sustainability Officer:**
(Comments 26/10/2017). A Sustainability and Energy Statement and a Sustainability Checklist have been submitted with the application. The application commits to the achievement of the minimum standards as set out in City Policy CP8 relating to new build dwellings. It is recommended these standards are secured by condition.
- 5.146 The dwellings proposed to be built within the converted building are proposed to achieve a minimum standard of BREEAM Domestic Refurbishment 'Very Good'. This standard falls below the standard sought in the Planning Brief which refers to an 'Excellent' standard. Policy CP8 is silent on a specific standard for dwellings created in existing buildings, but the Planning Brief is a material consideration for the site having undergone extensive consultation and approved by committee. The Design and Access Statement sets out a reasoned argument why BREEAM Domestic Refurbishment 'excellent' standard may not be achievable due to the Listed Status and heritage considerations. In particular there is reference in the Sustainability and Energy Statement to the issues that the existing ground-floors, external walls and existing windows are assumed not to be currently thermally enhanced yet their improvement may not be possible because of potential impact to the heritage fabric of the buildings. This argument is felt to be reasonable to set instead a minimum of BREEAM Domestic Refurbishment 'Very Good' as the minimum standard, and it is recommended this is secured by condition.
- 5.147 The Submitted Energy Statement acknowledges that the Energy Strategy is not fully defined especially in relation to the existing buildings. Estimation of energy performance has been provided for the new dwellings, which are assumed to be supplied with gas combi boilers for space and water heating. These are proposed to be built to highly efficiency and airtight standards with potential to deliver further energy efficiency through Flue Gas Heat Recovery and Wastewater Heat Recovery.
- 5.148 The Statement reviews different options for renewable energy technology discounting virtually every technology for different reasons. The Sustainability and Energy Report and the Design and Access Statement sets out an argument that solar panels could not be integrated into the new dwellings due to a perceived 'detrimental effect on long distance views'. This argument is generally acceptable in relation to the Listed Building (though there may be some roof areas where solar could be hidden from view). There may be opportunity for solar panels (either PV or solar thermal) to be successfully and sympathetically integrated into the new dwellings in the part of the site which is outside the conservation area and therefore has less heritage sensitivity.
- 5.149 Given that the energy strategy is not fully defined and the pathway to achieve 19% reduction in CO₂ in the new dwellings, or BREEAM 'very good' in the conversion, it is recommended that the opportunity for integration of renewables and in particular solar technologies be re-evaluated in a detailed Energy

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

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

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

- Unambitious travel plans

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

5.165 Final comments 12 September 2018

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

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

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

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

6. MATERIAL CONSIDERATIONS

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

6.2 The Development Plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

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

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

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

Supplementary Planning Documents:

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

Supplementary Planning Guidance

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

St Aubyns School Site Planning Brief January 2015

Rottingdean Conservation Area Character Statement

8. CONSIDERATIONS & ASSESSMENT

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

8.2 Planning Brief

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

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

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

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

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

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

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

8.17 Viability and Affordable Housing

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

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

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

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

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

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

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

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

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

8.31 *Extent of Demolition*

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

8.32 *Retention and Conversion of Historic Listed Buildings*

Field House

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

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

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

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

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

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

8.42 *The Chapel*

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

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

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

8.45 *Other Structures*

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

8.46 *Hard Landscaping*

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

8.47 *Proposed Development on School Campus Site*

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

8.48 *Proposed Development on the Playing Field*

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

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

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

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

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

8.55 Residential Accommodation Provision/Density/Standard of Accommodation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.75 Proposed Amenity Space

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

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

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

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

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

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

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

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

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

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

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

8.96 Lighting

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

8.97 Noise and Light from the Retained Playing Field

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

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

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

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

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

8.101 *Construction Noise*

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

8.102 **Sustainable Transport**

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

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

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

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

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

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

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

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

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

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

8.128 Archaeology

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

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

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

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

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

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

8.133 Ecology/Biodiversity/Nature Conservation

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

8.134 Designated Sites / Protected Species

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

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

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

8.137 Mitigation Measures / Enhancement Opportunities

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

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

8.138 Sustainability

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

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

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

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

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

8.143 Given that the energy strategy is not fully defined and the pathway to achieve 19% reduction in CO₂ in the new dwellings, or BREEAM 'very good' in the conversion, it is recommended that the opportunity for integration of renewables and in particular solar technologies be re-evaluated in a detailed Energy Strategy for the scheme. The Energy Statement states that Gas combined heat and power is not thought to be economic at this scale, however, there is evidence in support of this statement. This option, combined with a communal heat system could be explored in greater detail in order to deliver a low carbon heat solution.

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

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

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

8.146 Waste Management

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

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

8.148 **Other Considerations**

Flood Risk and Water Drainage

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

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

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

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

8.151 Air Quality

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

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

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

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

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

growth. This is relevant as the primary pollutant in the AQMA is nitrogen dioxide (NO₂) (and was the reason for its designation). The Addendum concludes that increased traffic flows as a result of the development would have a *negligible* impact on annual mean NO₂ concentrations, whilst the impact of committed developments at some receptors would be *slight adverse*. No *significant* cumulative impacts are anticipated on air quality.

- 8.156 The Air Quality Officer has reviewed the submitted Air Quality Assessment and the Addendum, and raises no objection, subject to the incorporation of an exemplary range of mitigation measures. The site has good air quality and would not expose future occupants or visitors to pollution levels that come close to exceeding the national Air Quality Strategy. Nitrogen dioxide has been monitored constantly in Rottingdean since January 2009 and, following detailed assessment, an Air Quality Management Area, was declared in Rottingdean in 2013. The High Street and A259 junction was declared in relation to roadside nitrogen dioxide (NO₂) levels that exceed standards for the protection of human health. There has been an improving trend in NO₂ levels since 2010 and 2013. Source apportionment shows that idling and accelerating diesel vehicles (trucks and cars) are the main source of NO₂ at roadside; it will be important therefore no other emission sources impact.
- 8.157 The Air Quality Assessment and Addendum considers particulate matter (PM₁₀ and PM_{2.5} - a mixture of all solid and liquid particles suspended in the air and hazardous) and nitrogen dioxide (NO₂) predictions assessed against full calendar year annual averages, representing long term dose and exposure to pollution. The proposed development is predicated to add 99 vehicles a day to the High Street Section of AQMA. Future traffic growth has been added to baseline levels and future traffic projections used nationally agreed guidance. The applicant argues a negligible contribution of pollution to existing houses in or adjacent to the AQMA. A moderate adverse impact is predicted in contribution with other projected growth and committed developments in Brighton and Hove and Lewes District.
- 8.158 It is noted there has been a recorded improvement in pollution levels since 2010 and the Council is duty bound to work towards further improvements through the implementation of its own air quality action plan.
- 8.159 In regard to the operational phase of the development, the Air Quality Officer recommends that measures are incorporated to prioritise renewable forms of energy and that facilities for combustion on site are avoided to exclude facilities for gas, solid or liquid burning on site. The energy strategy refers to the use of individual domestic gas boilers, but it is proposed that these would be ultralow NO_x gas boilers of less than 30 mg/kWh. Such provision would be controlled by planning condition, along with a requirement to ensure that the development does not include appliances for solid or liquid fuel burning. Additional mitigation measures include the requirement for an electronically designed development that prioritises sustainable modes of transport and reduces the use by private car, with 75% of units provided with electric vehicle charging points (EVCP), and a framework travel plan for occupants of the development, which includes

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

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

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

8.162 Land Contamination

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

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

8.164 **Special Areas of Conservation**

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

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

- 8.166 The applicant submitted further information in relation to the above which demonstrates that the proposed development would not result in any significant adverse impacts on the above designated areas.
- 8.167 Notwithstanding the above the Local Planning Authority has now undertaken Habitats Regulations Assessment (HRA) screening work and an Air Quality Impact Assessment for Ashdown Forest in relation to work for the City Plan Part Two. Natural England have now confirmed that based on the HRA screening (including the traffic/ air quality assessment for Ashdown Forest) they consider that the City Plan will have no significant adverse impacts on the Special Areas of Conservation (SAC) or Special Protection Areas (SPA).
- 8.168 Developer Contributions
In addition to the transport contribution and the transferred playing field maintenance fund, discussed above, policy CP7 requires that to make development acceptable and to enable the grant of planning permission, inadequacies in infrastructure arising from proposed development, would be required to mitigate the impacts through s106 Planning Obligations.
- 8.169 The following contributions would therefore be sought towards infrastructure provision, including: the local employment scheme, education and public art/realm, 37 units of affordable housing, based on the following tenure split 55% Affordable Rent and 45% Shared ownership, to be secured by s106 Legal Agreement. Such s106 contributions amounts have been taken into consideration as part of the District Valuer's assessment of the viability of the proposed scheme.
- 8.170 Financial Contributions
The financial Planning Obligations set out in the Heads of Terms regarding education, local employment scheme, transport and artistic component have been calculated based on the methodology set out in the Council's Developer Contributions Technical Guidance (March 2017)
- 8.171 Regarding an open space contribution, as with the 2015 application, it is acknowledged that the proposal would result in formal public access/use of the retained playing field. However, as the current application would provide 45 more units than the 2015 application and therefore generate a greater demand, an open space contribution has been agreed with the developer towards amenity green space, allotments and indoor sports (a total of £64,606.94) in addition to the compensatory contribution towards outdoor sport discussed above.
- 8.172 **Conclusion**
Proposal Public Benefits versus Development Harm Assessment / policy conflict
The NPPF makes clear that developments should be considered in the context of the presumption in favour of sustainable development.
- 8.173 Determining the acceptability of the principle of development on the playing field is a key consideration.

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

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

9. S106 AGREEMENT

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

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

10. EQUALITIES

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

Ref BH2017/02680 & BH2017/02681
Councillor: Mary Mears

As a ward councillor for Rottingdean Coastal, I am writing with regards to the two planning applications for St Aubyns School.

BH2017/0268 this application with proposed development of 93 new homes in the centre of Rottingdean, has the potential to totally change the character of this historic village.

I'm pleased to see development on the brown field site, as the schools frontage sits on the High Street, and is now in a very dilapidated state, and is subject to constant vandalism.

I am concerned with the density and overall appearance of the proposed development on the Greenfield area of the scheme, in my opinion the buildings proposed on the former playing field, over 50% of the total number of units, raises concerns that the scheme is only viable if such a large area of the field is built on.

This in turn could seriously impact on the village recognised by its formal Conservation Area Designation, with the village losing its old world charm and village feel, with such a dense development.

AQMA. The impact of traffic on Rottingdean, is well documented within the council, due to ongoing high level of pollution and congestion already through the High Street with traffic from the A27 and the A259. As the school has been closed for four years I do not support the claim that the traffic of the old school can be used to offset the impact.

There is already additional traffic experienced in Steyning Road and Newlands Road. They are being used as rat runs at peak times now, and will significantly increase with this development.

We are already seeing pressure on primary schools, GPs and dentist in Rottingdean .

Currently the GP surgery on Meadow Parade are taking patients from the Ridgeway surgery that is closing in Woodingdean;. .And has now reduced their opening times.

As this is a major planning application, I wish to reserve my right to speak at the planning committee.

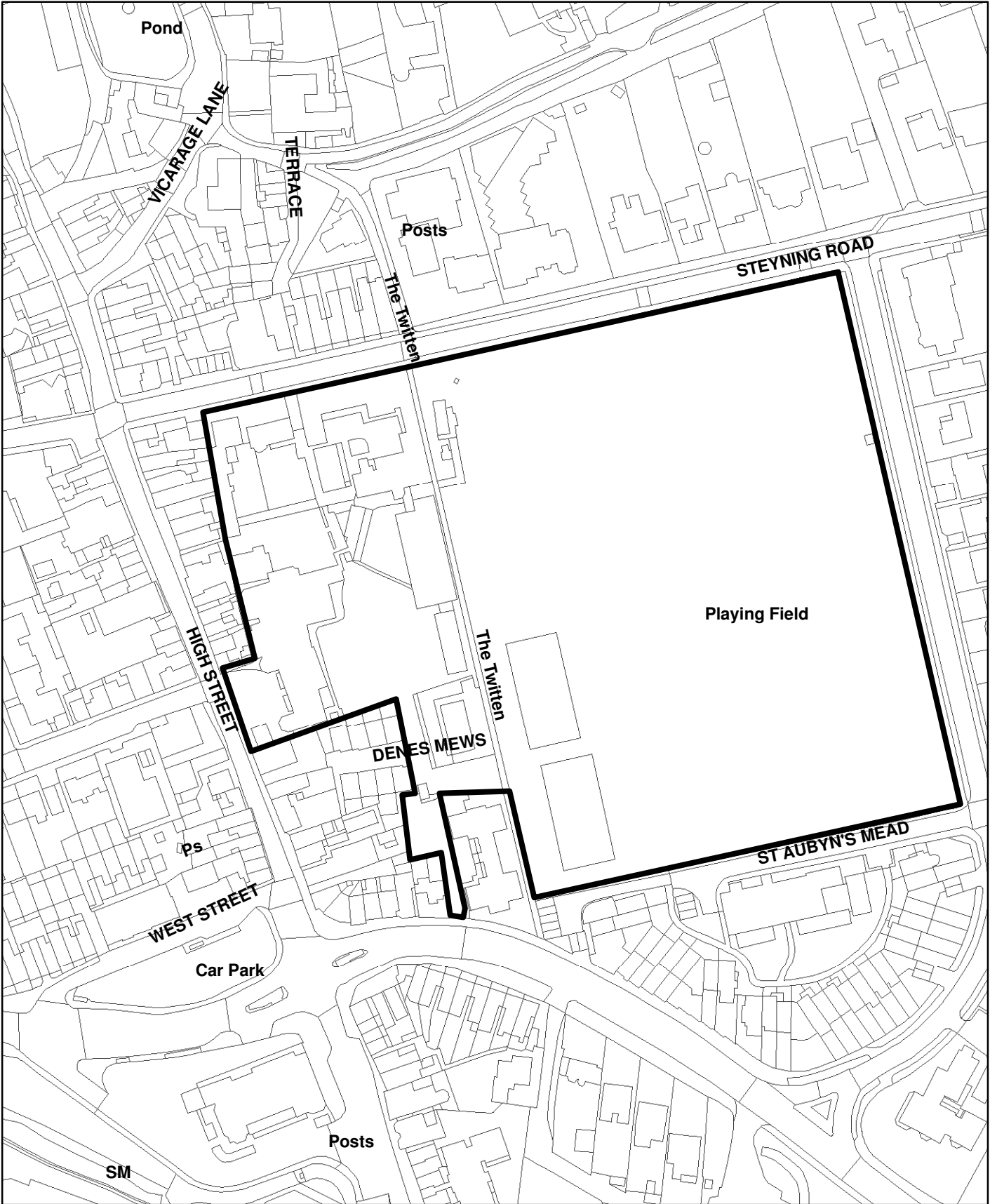
ITEM B

**St Aubyns School, 76 High Street
Rottingdean**

**BH2017/02681
Listed Building Consent**

DATE OF COMMITTEE: 10th October 2018

St Aubyns School, 76 High Street, Rottingdean



Scale: 1:1,700

No: BH2017/02681 **Ward:** Rottingdean Coastal Ward

App Type: Listed Building Consent

Address: St Aubyns School 76 High Street Rottingdean Brighton BN2 7JN

Proposal: Conversion of existing buildings of Field House and part of its northern extension. Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing Sports pavilion, war memorial, water fountain and chapel, demolition of all other buildings and alterations to boundary flint wall along Steyning Road and The Twitten.

Officer: Chris Swain, tel: 292178 **Valid Date:** 06.09.2017

Con Area: Rottingdean Conservation Area **Expiry Date:** 01.11.2017

Listed Building Grade: Listed Building Grade II

Agent: Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF

Applicant: Fairfax Acquisitions Ltd C/o Boyer Planning 2nd Floor 24 Southwark Bridge Road London SE1 9HF

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.

Informatives:

1.2 This decision is based on the drawings listed below:

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

Plan Type	Reference	Version	Date Received
Location Plan	FD17-1455-50SK		8 August 2017
Site Layout Plan	FD17-1455-51SK		8 August 2017
Floor Plans Proposed	FD17-1455-52	REV B	6 September 2017
Site Layout Plan	FD17-1455-55	REV H	24 April 2018
Existing Section	FD17-1455-60SK		8 August 2017
Existing Section	FD17-1455-61SK		8 August 2017
Existing Section	FD17-1455-62SK		8 August 2017

Existing Elevations	FD17-1455-63SK		8 August 2017
Existing Elevations	FD17-1455-64SK		8 August 2017
Existing Floor Plans	FD17-1455-70		8 August 2017
Existing Floor Plans	FD17-1455-71		8 August 2017
Existing Floor Plans	FD17-1455-72		8 August 2017
Existing Elevations	FD17-1455-73	REV A	17 August 2018
Existing Floor Plans	FD17-1455-74		8 August 2017
Existing Elevations	FD17-1455-75		8 August 2017
Existing Floor Plans	FD17-1455-76		8 August 2017
Existing Floor Plans	FD17-1455-77		8 August 2017
Existing Floor Plans	FD17-1455-78		8 August 2017
Existing Floor Plans	FD17-1455-79		8 August 2017
Existing Floor Plans	FD17-1455-80		8 August 2017
Existing Floor Plans	FD17-1455-81		8 August 2017
Existing Elevations	FD17-1455-82		8 August 2017
Existing Elevations	FD17-1455-83		8 August 2017
Existing Floor Plans	FD17-1455-84		8 August 2017
Existing Elevations	FD17-1455-85	REV A	28 September 2017
Floor Plans Proposed	FD17-1455-170SK	REV A	15 March 2018
Floor Plans Proposed	FD17-1455-171	REV B	19 December 2017
Floor Plans Proposed	FD17-1455-172	REV B	19 December 2017
Floor Plans Proposed	FD17-1455-173	REV A	20 November 2017
Roof Plan Proposed	FD17-1455-174	REV A	20 November 2017
Elevations Proposed	FD17-1455-175	REV C	19 December 2017
Elevations Proposed	FD17-1455-176	REV A	19 December 2017

Floor Plans Proposed	FD17-1455-180	REV A	3 November 2017
Roof Plan Proposed	FD17-1455-181		8 August 2017
Elevations Proposed	FD17-1455-185	REV A	3 November 2017
Detail	FD17-1455-605SK		8 August 2017
Detail	FD17-1455-606SK		8 August 2017
Detail	FD17-1455-610SK		8 August 2017

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No development above ground floor slab level shall take place until Conservation Management Plans for the Chapel and the Pavilion have been submitted to and approved in writing by the Local Planning Authority. The Conservation Management Plans shall each include a detailed schedule of repairs and a timetable for carrying out those repairs. Following completion of the approved repairs the Chapel and the Pavilion shall be maintained as such thereafter in accordance with the approved Management Plans.
Reason: To ensure the satisfactory preservation of the listed buildings and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

3. No works of demolition or removal of original fabric to the Music Room and Shooting Range shall take place until a Level 2 Building Record, in accordance with the Historic England advice in 'Understanding Historic Buildings: A Guide to Good Recording Practice', has been submitted to and approved in writing by the Local Planning Authority. Once approved this Record shall be deposited with the East Sussex Historic Environment Record.
Reason: In order to record the history of the listed building and to comply with policy HE2 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

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

accordance with the approved details and shall be retained as such thereafter.

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

5. No development above ground floor slab level shall take place until full details of all new internal and external doors and architraves including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

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

Reason: As insufficient information has been submitted and to ensure the satisfactory preservation of the listed building, and to comply with policies HE1 and HE4 of the Brighton and Hove Local Plan and CO15 of the Brighton and Hove City Plan Part One.

7. No development shall take place until samples of the following materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

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

9. No works to the Twitten wall and Steyning Road wall, including works of demolition, shall take place until detailed plans, elevations and sections at scale 1:20 of the new openings and repairs to the walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter in that material and finish. All new flintwork and works of making good of the flintwork shall match the original flint walls in the type of flints, coursing, density of stones, and the mortar's colour, texture, composition, lime content and method of pointing and the pointing of the brick dressings shall match the colour, texture, lime content and style of the original brick pointing.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
10. No works shall take place until detailed plans, sections and elevations at Scale 1:20 and 1:1 of the proposed new balcony to Field House have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter in that material and finish
Reason: To ensure a satisfactory appearance of the listed building and to comply with policy HE1 of the Brighton and Hove Local Plan CP15 of the Brighton and Hove City Plan Part One.
11. No cables, wires, aerials, pipework (except rainwater downpipes) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.
Reason: To ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
12. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the renderwork background walls and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 St Aubyns School closed in mid-2013 but had been a fee paying school with boarding facilities (use class C2). The former school is located in its own grounds on the eastern side of the High Street.

- 2.2 The site incorporates the playing fields to the rear/east of the school buildings and is in a single use as a school, measures approximately 3.3Ha. The campus and field is physically divided by a public Twtten that runs between Steyning Road and Marine Drive.
- 2.3 In addition to the main school building, the Chapel and the boundary wall flint wall fronting the High Street are Grade II listed; however all buildings, structures and flint walls located within the site (school campus and playing field), which were built before 1948, and were in associated use at the time of listing, are considered curtilage listed.
- 2.4 The school campus, which measures approximately 0.86Ha includes;
- The main a school building (known as Field House/76 High Street) and its adjoining Chapel (Grade II Listed),
 - The listed boundary wall fronting the High Street (Grade II listed),
 - A row of internally linked terraced cottages (including Rumneys) (pre-1948 and curtilage listed),
 - Other outbuildings associated with the school (circa 1980-1995) including classrooms, dormitories, gymnasium, changing rooms, and The Lodge (Headmaster's residence),
 - An outdoor swimming pool,
 - Shooting range (pre-1948 and curtilage listed),
 - Terraced gardens, and
 - Equipped children's play area.
- 2.5 The existing playing field measures approximately 2.5Ha and comprises of;
- Sports pavilion (pre-1948 and curtilage listed),
 - War memorial (pre-1948 and curtilage listed),
 - Water fountain (pre-1948 and curtilage listed), and
 - 2 tennis courts with associated net fencing and cricket nets.
- 2.6 The boundary treatment of the playing field is predominately a mixture of wooden fencing and bushes, with a bank of sycamore trees on the western boundary. A flint wall runs along the western side of the Twtten. There are a number of gates and entry points to the campus part of the site which are secure other than the main entrance from the High Street. There is currently no general or public access to the playing field. The flint wall fronting Steyning Road is curtilage listed.
- 2.7 The school campus site is located within the Rottingdean Conservation Area, the boundary of which runs along the eastern side of the Twtten and therefore excludes the playing field.
- 2.8 The site is located in a sloping hillside that rises west to east from the valley floor. There is a level change of approximately 5m between the school's main building and the middle of the playing field. This change in levels accounts for the existing predominance of garden terracing to the east/rear of the school building.

- 2.9 A boundary of the South Downs National Park is located approximately 119m to the east of the playing field.
- 2.10 The current application follows a refusal of listed building consent at Planning Committee on 22nd April 2016 for the conversion and refurbishment works to Field House (main school building) terraced cottages and Rumneys building, to provide 9no. 2 bedroom and 1no. 3 bedroom dwellings, along with associated works and alterations to boundary flint wall along Steyning Road and the Twitten (BH2015/03110); and the Demolition of rectangular block and associated extensions to the north of Field House (main school building) demolition of building to northeast of Field House and associated structures (BH2015/03112).
- 2.11 The applications were refused on a number of grounds, including: adverse impacts to the historic plan form, circulation routes and disruption to and loss of original fabric and features associated with internal works and external works to the principal listed building (Field House); unacceptable external works to the Cottages and Rumneys comprising extensions and external weatherboarding to the main elevation, and addition of porches; demolition of parts of existing historic walls fronting Steyning Road and the Twitten, resulting in the loss of historic fabric, form and a large, prominent gap in the Steyning Road boundary (BH2015/ 03110); and a failure to justify the demolition of the block and associated extensions to the north of Field House, resulting in the loss of and harm to an important historic listed building (BH2015/03112).
- 2.12 The key differences between the refused applications and the current application for listed building consent include the retention of and incorporation of the northern extensions to Field House, which are considered to have heritage value; a more informal appearance to the exterior of Field House, notably to the rear elevation of the building, to reflect its asymmetrical appearance; minimal changes to the window and glazed door openings to Rumneys and retained Cottages; and limited demolition of part of the flint wall along Steyning Road.
- 2.13 Following refusal of the previous applications, pre-application discussions have taken place with the new developer, Fairfax Acquisitions Ltd.
- 2.14 Listed Building Consent is sought for works including:
- The conversion of Field House and part of its northern extension to 8 flats (1, 2 and 3 bedroom);
 - The conversion of and alteration to terraced Cottages to provide 3 x 2 bedroom residential units and Rumneys to provide 1 x 3 bedroom residential unit;
 - The retention of the existing sports pavilion, war memorial, water fountain and chapel on the playing field;
 - The blocking up of existing access points within the curtilage listed flint walls located on the western side of the Twitten and southern side of

Steyning Road and the formation of new pedestrian/vehicle access points; and

- The demolition of the later extensions of Field House and all other later twentieth century structures and buildings across the site, including the former head master's house, the gym, the swimming pool, classrooms and shooting range.

3. RELEVANT PLANNING HISTORY

- 3.1 **BH2017/02680** - Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Concurrent Full Planning Application
- 3.2 **BH2015/03108** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Refused 22.04.2016 (Full Planning Application).
- 3.3 **BH2015/03110** - Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9no two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten. Refused 22/04/2016.
- 3.4 **BH2015/03112** - Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Refused 22.04.2016.
- 3.5 **BH2008/02986** - Installation of porous macadam tennis/netball court on school playing fields with fencing to height of 2.75m. Approved 15/01/2009.
- 3.6 **BH2005/01964/CL** - Certificate of lawfulness for proposed conversion of ancillary residential into classrooms. Approved 23/08/2005.

- 3.7 **BH2000/01649/LB** - Retention of existing classroom (Renewal of temporary listed building consent granted under ref. BN95/1443/LB). Approved 12/09/2000.
- 3.8 **BH2000/01648/FP** - Retention of existing classroom (Renewal of temporary planning permission granted under ref. BN95/1442/FP). Approved 12/09/2000.
- 3.9 **86/0273/LBC-** Alterations and extension to north side of existing garages/staff accommodation to form staff house fronting Steyning Road. Granted 25/04/86.
- 3.10 **BN81/1359 (LBC /1139)** – Construction of permanent gateway on to twitten for access from playing field to existing school. Refused 5/01/1982.
- 3.11 **BN81/493 (LBC/1055)** – Retention of opening in Twitten wall for duration of building works to new gymnasium, so as to give access to site. Granted 14/05/81.
- 3.12 **BN80/1838 (LBC/991)** – Additions to and conversion of old gym into changing rooms/lavs and Classroom X, erection of new Gymnasium. Granted 22/01/81.
- 3.13 **BN80/1085** – Demolition of parts of old buildings and erection of extension to Laboratory, Classroom IX, tennis court and new Art room. Granted 4/07/80.
- 3.14 **BN78/729(LBC/CA)** – Demolition of existing dilapidated classrooms fronting Steyning Road and erection of buildings to form classrooms, changing room, dormitories and garage. Granted 30/05/78.
- 3.15 **BN76/1389 (LBC 527)** New entrance door and lavatory window, removal of chimney stacks; internal alterations to re-plan and form new bathrooms, dormitories and staff accommodation to cottage/sanatorium block. Granted 14/10/76.
- 3.16 **BN75/2848 (LBC 474)** – Proposed construction of outdoor swimming pool. Granted 5/02/76.
- 3.17 Member Pre-Application Briefing
Members' feedback on the proposal, provide in June 2017, included the following points:
- Members consider the proposal to be a good use of the space,
 - Would encourage an open book/transparent viability assessment,
 - Welcome the retention of the Chapel, the Pavilion and the water fountain, and their integration into the scheme - and part of the sports field and the gifting to a Trust or the Parish Council, which would allow the public use of the retained field,
 - Members were impressed with the design of the development and the care given to the overall design of the scheme. Request that the proposed roof for the retained garage at the front of Field House is altered in order to be less intrusive ,

- Members are disappointed that the proposed Affordable Housing provision lacks social rented units, and
- Whilst members welcome the provision of a car club, consider it essential that any subsequent application is accompanied by robust Transport and Air Quality assessments, which propose maximum mitigation measures

3.18 Other Pre-Application

A number of proposals for the development of this site have been subject to pre-application discussion with officers between January and May 2017 and a proposal was assessed by the Design South East Review Panel in February 2017 (for 100 dwellings).

- 3.19 A Statement of Community Involvement has been submitted as part of the current application, in which it is stated that consultation has been undertaken prior to submission of the application with local residents, the wider community, City Councillors including Ward Councillors, Rottingdean Parish Council and action groups located within the local area.

4. REPRESENTATIONS

- 4.1 **One hundred and fifty four (154) objecting** to the listed building consent application for the following reasons:

- A similar development has already been refused,
- Harm to heritage assets, including overdevelopment of the campus,
- The school is important to local community,
- Proposal ignores listed status, surely this makes the whole point of listing a questionable process, buildings are not listed without good reason,
- Unacceptable to demolish a major part of a Grade II Listed building, which is a heritage asset in the village and which should be preserved in accordance with its listed status,
- The Twitten is historic and flint walls contribute to the charm and character of the village,
- Loss of historic flint wall in Steyning Road,
- No demolition of Listed Buildings should be allowed until proper consideration has been made regarding objection of the associated planning application, and
- Proposal contrary to national and local policies and Planning Brief for site
- Alterations of the scheme have been made without any further consultation
- Alterations to the scheme have been made and a new application should be submitted,
- Inadequate transport assessment,
- The application would not result in sustainable development,
- Inadequate affordable housing provision,
- Inadequate viability assessment,
- Cumulative impacts of other committed and proposed developments have not been adequately assessed
- The viability information should be publically available,

- The application should not be determined whilst a formal complaint is still under review by the Information Commissioner's Office.
- 4.2 **Three(3)** representations have been received supporting the listed building consent application for the following reasons:
- Concerned over the lack of supply of affordable housing in the area if the land is not developed for housing, which is desperately needed,
 - To say that the playing field is a Local Green Space is a fallacy, it is privately owned piece of land with no public access,
 - Not in a position to say whether the specific proposals are the best for the site but what can say is that if this site is not developed the Council will need to justify why they think that retaining a vacant piece of private scrub land is more important than providing housing,
 - Young people currently have no chance of getting onto the property ladder and are faced with renting , if they are able to afford it in Sussex, and
 - As much as possible should be extracted from the developer in terms of planning gain for the local community and allow the best possible development for the site for the benefit of the younger generation.
- **Two (2)** representations have been received, commenting on the listed building consent application for the following reasons:
 - Although conversion of existing buildings will bring more traffic to the village if they are developed with heritage issues and village character taken into account they can go ahead. However development on the green field with the extra houses, traffic etc. is not feasible in the area.
 - Pollution and air quality remain to be factors to be considered with congestion,
 - Local infrastructure needs to be considered.
 - Local green spaces important for future generations of children.
 - Parking needs consideration and will get worse.
 - Disproportionate amount of development in area affecting Peacehaven and Saltdean.
- 4.3 **Councillor Mears:** Has commented on the application. A copy of the letter is appended to the report.
- 4.4 **CAG:** No objection, subject to the following conservation concerns:
- Integrity of the Twitten should be maintained on both sides with no new construction abutting it and the visually striking flint wall on Steyning Road should be respected as far as possible. Any alterations should be carried out using the same materials,
 - The Twitten is an important pedestrian right of way and the group were concerned about the effect of the development (including a new opening in the wall to accommodate the Lych Gate) on the flint wall,
 - All free-standing boundary and garden walls and all existing walls need to be constructed using traditional methods. These walls should be made of field flint / knapped flint or cobble whichever is the case using lime

mortar and not of breeze block or brick with a flint facing (this could be a great training opportunity),

- The Group regretted the lack of information about future care and maintenance of these walls,
- Field House fenestration: the two Victorian bays should have 2 over 2 sliding sash windows on the first floor. As far as the main body of the house is concerned, the window above the front door should be 6 over 6, and the dormers 3 over 3. The canted bays either side of the front door at ground and first floor levels are correct. The use of horns to the top sashes should be avoided in the reconstruction,
- The Group urged the Council to ensure that the playing fields cannot be sold off in the future, as the retention of some open Greenfield on the existing playing field is important from a conservation point of view,
- Concerned about the effect of the development on long range views,
- Welcome the visual improvements made by the architects in order to make the development more in keeping with the village and appreciated that there was clear information about the materials proposed, and
- The Group stressed that a full archaeological survey must be carried out.

4.5 **Hove Civic Society:** Supports the application. The proposals are carefully crafted providing a good layout and design, with an appropriate choice of materials. The proposals will be of major benefit, both in terms of much needed housing, but also in terms of an additional public open space in the area. The proposed affordable housing is welcome. It is commendable that the proposal substantially exceeds the Council's allocation for the site.

4.6 **Rottingdean Preservation Society:** Objects to the development of the playing field as this currently acts as visual and physical buffer between the suburban housing to the east of the village and the historic centre. The planned increased land 'take' up to 40%, is especially regrettable which, together with the height of buildings to the south, will increase the visual 'urbanisation' of the location. There are considerable issues relating to the consequences of any development upon the already fragile infrastructure of the village. The High Street is exceedingly dangerous to pedestrians and the road from Falmer/Woodingdean to the village is increasingly used by all types of vehicles and HGV's regularly flout the existing weight restriction en route to both Saltdean/Peacehaven and also the city centre. Further, these traffic movements have a heavy detrimental impact on the fabric of the buildings in the Conservation Area. The Society is supportive of maintaining a vibrant and balanced community, nevertheless are very concerned that not only is the road system at crisis point but the school system and health services are not able to support additional residents. The possible closure of the Meadow Parade Doctors' Surgery adds to these problems. If the plans are accepted, the proposed density does cause concern and believe further consideration should be given to the appropriate mix of affordable and other units in order to maintain a viable community. Object to the reduction in affordable units. Although support properties/units of different size and tenure being integrated.

- 4.7 Nevertheless, if the development is approved, are content with the overall design characteristics being proposed and welcome the general regard to the vernacular of a 'Downland' village. Within this framework welcome the prospect of the re-instatement into residential units of the old cottages on the site. Although the possible extension of one of the cottages should be reviewed. Welcome the demolition of the Head Teacher's house and the opening of the field to Steyning Road. Also, it is important to the character of the locality that The Twitten is maintained with the retention of both flint wall and foliage. Further, regard maximum accessibility of the site as very important and have a strong opinion that this should not be a 'gated' community and public rights of way must permeate the site. Should the proposals be accepted would hope that the developers will provide opportunities for more detailed collaborative work between them and the community.
- 4.8 **Regency Society:** Supports the application. The scheme involves the retention of part of the playing field as open space. Have argued in the past that all the playing field could be developed, as Rottingdean is well endowed with open space elsewhere. The proposed open space would provide residents and others with a pleasant green space and reminder of the site's history. Concerned that the developer has not identified an authority willing to take on this space and hope that the planning authority will be able to ensure that proper maintenance arrangements exist as a condition of work starting on site. Concerned at the future use of the chapel. It is designated for community use, but no organisation has been identified. Urge the planning authority to ensure the developer takes reasonable steps for its protection and security until a suitable user is found. Ideally, restoration should be undertaken by the developer, to enable a user to be found. Proposed new housing is well laid out. Varying designs are generally sympathetic to the range of architectural styles around the site. Buildings at the southern end of the playing field are box-like and less imaginative. Overall, welcome the proposed development which will release the site's potential to contribute to the City's housing need.
- 4.9 **Saltdean and Rottingdean Medical Practice:** Object on grounds that the populations of Rottingdean and Saltdean are already rising with subsequent pressure on air quality infrastructure, especially roads. There are already over 50 new homes to be built in Rottingdean and a further 93 in St Aubyns, 35 in Meadow Vale and in Saltdean 65 dwellings will be built in Coombe Farm.
- 4.10 From a GP point of view would like to make it clear that Saltdean & Rottingdean Medical Practice has been put under immense pressure recently due to the failure to replace the Ridgeway Surgery and the displacement of at least 2000 patients. Brighton & Hove CCG have not been able to recruit a new doctor and these patients are to be dispersed between Woodingdean Surgery and Saltdean & Rottingdean Surgery. Further developments will put even further pressure on these surgeries. Are currently in the process of recruiting for a new partner but it appears that the younger generation of

potential GP's are not too willing to take on the responsibility of what is becoming an increasingly difficulty job.

- 4.11 The pressure on the roads is already ridiculous and needs further investigation.

5. CONSULTATIONS

5.1 External:

Historic England: Comment. Historic England has provided advice on this site in recent years including at pre-application stage with the development of the planning brief. Historic England has also provided advice on the redevelopment proposals of 2015 and the subsequently refused amended proposals in 2016. The main interest is to ensure that the significance of St Aubyns is conserved and enhanced, including that of the memorial chapel, which are integral to the Rottingdean Conservation Area.

- 5.2 The current application is supported by a detailed Heritage Statement which sets out the significance of the principal listed building and also that of the ancillary structures, including the memorial chapel, cottages, sports pavilion, war memorial and drinking fountain. The proposed retention and repair of these structures is welcomed. The retention of part of the later school extensions and the removal of the later C20 extensions and alterations (largely 1970's) is also welcomed. Is content to defer to the Council's specialist conservation officers on the details of the conversions and ensuring that the repairs, restoration and refurbishment works sustain the significance of the retained fabric.
- 5.3 Whilst the proposed retention of the chapel is welcomed have raised concern that no future use is identified for the building and remain concerned that this is still the case. Without a use which will provide for long term maintenance following repair, the building is likely to once again fall into decline. Urge the council to address this issue now as part of the comprehensive regeneration of the site. Similarly, are unclear of how the pavilion is to be used, although an obvious solution would be a use associated with the proposed public space, e.g. a café and we also suggest that the fountain should not only be repaired but also returned to full working order. The issue of the longer-term management and maintenance of these retained structures, also needs to be agreed and secured as part of the redevelopment.
- 5.4 Previous proposals for developing upon the former playing fields occupied approximately one third of the open space but note that this scheme takes more of the space (about 40%) and that the building line appears arbitrarily "staggered" resulting in further encroachment. In light of the importance of the sense of open space in the long-distance views from Beacon Hill and the role the space has in helping to illustrate the historic development of the settlement, which is now a conservation area, this is regrettable. The boundary between the proposed new development and the extent of the new

housing needs to be very carefully considered to create a better balance between the two.

5.5 Rottingdean Parish Council:

(06/10/2017) Comment:

- The scheme (93 units) is equivalent to whole of the last 10 years housing growth taking place in Rottingdean;
- Development location is the centre of the village;
- Site is a valued historic village setting recognised by its formal Conservation Area designation;
- Site is approximately 50 metres from the AQMA.

5.6 Welcome the proposal for a high quality conversion of the original Field House; the retention of the 2 characterful courtyards and associated natural and built features within them; the retention of as much of the flint boundary wall site boundary and the historic twitten; the retention of the former dormitory cottages; and the proposal to make some of the former playing field available for public and recreational use.

5.7 Density and Overall Appearance – Density on the Greenfield site is above average levels in the village and inappropriate in this sensitive village location. Appears to be an intensive mass of building in the southwest corner of the site (Southern area of the Field); somewhat claustrophobic feel of the housing estate layout, exacerbated by the hard brown use of brown and dark grey material and emphasis on hard paved vehicle areas, rather than green and safe pedestrian and shared surface community walkways within and through the development; and a potential for a jarring visual impact on strategic village views including from Beacon Hill LNR.

5.8 Proposed intensive development along the southern axis of the field is clearly visible from high points around the village. The style and design for the brownfield elements appears thoughtful and should create attractive living conditions. The proposed restoration of the retained buildings is welcome.

5.9 Economic Viability – Councillors would prefer full local green space designation for the entire former school playing field, in response to the consultation undertaken for the emerging Neighbourhood Plan proposal for protecting the whole of the private playing field for the community and visitors to Rottingdean. Welcome sympathetic redevelopment of the old school 'brownfield site' but question the degree of building proposed on the former playing field site at over 50% and whether the redevelopment of the former school is only viable if such a significant portion is a residential estate. Should the development be demonstrated as being economically essential for the viability of the development, the Parish Council does not consider the current proposals are sympathetic to their surroundings.

5.10 Traffic - Any increase in vehicular traffic through High Street will add to extra movements coming from the propose developments at Meadow Vale, Hodden Farm (450 units) and other incremental developments. The Parish is concerned at the cumulative impact and at levels of traffic and congestion

and impacts on the wellbeing, health and safety of residents. Ways of overcoming this need to be explored. Concern at access to the site, the turning into the Steyning Road, and traffic turning right at the end of Newlands Road onto the A259 going west towards Brighton (already a dangerous turning).

- 5.11 AQMA – Parish Councillors do not accept there will be minimal impact to overall volumes and air quality. The High Street experiences high pollution due to the number of vehicles moving through the High Street and congestion levels within it and at the junction of the A259. Nitrogen dioxide as measured by BHCC shows levels very close to the limit. The Parish is very concerned that nitrogen dioxide emissions will increase from additional traffic. The claim that the traffic of the extinct school can be used to offset the impact is not supported - school has been closed for 4 years and air pollution is close to the limit. A traffic increase will come from these developments from deliveries to housing, visitors, trade and service vehicles. It is unlikely that concentrations will fall below the annual mean maximum of 40ugc without a proactively managed change to transport systems and behaviour.
- 5.12 Pressure on services – Concern at the impact of 93 additional homes on primary schools, GPs and dentists. Services are either oversubscribed or under strain. Further 300+ inhabitants needs to be managed by planned provision. GP practice on Meadow Parade has reduced opening hours and absorbed patients from Woodingdean Ridgeway Surgery (now closed).
- 5.13 Construction period – Concern at increase in lorries, dust and noise. Adequate safeguards must be provided for works related traffic and parking for construction workers. The Parish requires effective enforcement of site working practices covering restricted weekend working, weekday start and end time respected; a locally recruited workforce.
- 5.14 Other Observations - The Parish is broadly content with the methodology for the ecological assessments and support the request from Historic England for a geophysical survey of open space where groundworks are planned. No detail on extent of renovation for the Chapel and Sports Pavilion, or chapel's appearance following removal of surrounding buildings. The removal of hedgerows along the Twitten should be omitted. Removal may improve pedestrian safety, but it will alter the defining characteristics of a Sussex Twitten. A height reduction of 1.5 metres would be welcomed to aid views across the field. Should the application be approved, the Parish Council sees a priority for Section 106 monies towards: traffic management; improved public transport, especially to the north of the village; road and pedestrian safety improvements; maintenance of St Aubyn's Field for a specified time.
- 5.15 (Additional comments 22/11/2017): In paragraph 6 of the comments dated 6th October 2017, the Parish Council addressed the issues of traffic and the AQMA. Since then, the Parish Council has commissioned a study on the busy hour queues for traffic coming east from Brighton. The study was undertaken by East Sussex County Council traffic monitoring unit on 31st October 2017. It reported in the busy hours the average queue was 342

vehicles. The evidence directly supports the Parish Council's contention that official projections for congestion on the A259 are inadequate. The Traffic Assessment submitted as part of the application understated the congestion level on the A259 during the busy period giving a figure of only some 100 vehicles. Such a high congestion impact on the junction capacity at the Rottingdean High Street and will slow even further the traffic impact in this AQMA and exacerbate the air pollution problem. The Parish Council remains very concerned about the impact of this development, adding to a problem that already exists and the consequences on the well-being of residents.

5.16 **Internal:**

Heritage Officer:

(Comments 18/10/2017): Seek Amendments

Summary - This application has been subject to pre-application discussions and the submitted application is generally a reflection of those discussions. The principle of bringing the vacant listed building and associated structures back into long term use is very welcome and residential use is considered to be compatible with the conversion of the historic buildings, particularly the main school building (originally a house). This is considered to be of great heritage benefit. The extent of demolition is justified and would retain most parts of the principal listed building and curtilage structures of the greatest significance. Internal alterations to the principal building would, with regard to the original building, restore much of its original plan form and, subject to detail, its important internal features and fixtures. There are some matters of detail, notably with regard to new window pattern, that need to be revised.

5.17 Conditions will be advised on receipt of satisfactory amended plans/documents, but should include submission and approval of a schedule of repairs to the Chapel and Sports Pavilion carried out prior to occupation; standing building recording of the 'Music Room' and Shooting Range prior to demolition; large scale details of the proposed new or replacement windows to the listed building (1:20 and 1:1); details of the new internal and external doors; and a full schedule of historic internal features to be retained, removed, relocated, or reinstated within the listed building (if not submitted prior to determination).

5.18 (Comments 23/11/2017 following receipt of amendments/further information):
Field House - The amended plans have satisfactorily addressed the issue of the new window pattern to the west elevation of the early 19th century extension to the north. As a full schedule of historic internal features to be retained, removed, relocated or reinstated within the building has still not been submitted with the application this will be required by condition and should be clearly reference to the rooms on the plans.

5.19 It has been clarified that the proposed balcony to the late 19th century and 1902 extensions to the north is for amenity purposes and to reinstate a former feature. A photograph has been supplied as evidence of its former existence and design. However, that photograph shows the balcony to the 1902 extension only and not to the earlier building (though it is presumed to be a later alteration as it is not shown on the original 1902 drawings included

with the Heritage Statement). The late 19th century extension has a significantly higher eaves and higher first floor windows so a continuous balcony across the two appears as an incongruous and inappropriate feature on the earlier building. This aspect of the proposals should be amended so that the new balcony features on the 1902 building only.

- 5.20 Rumneys and the Cottages - the amended plans satisfactorily show the reinstatement of the original northern first floor window to the north cottage, where the link structure is to be removed.
- 5.21 The Chapel - It remains vitally important to find a long term use and custodian for the chapel but the application at least aims to ensure that the building is brought back into a good state of repair with regard to the external fabric, so that it can be confidently 'mothballed' if necessary until a new use or user can be found. A schedule of repairs should be required by condition and the chapel should be repaired/made sound before the new development is occupied.
- 5.22 Other structures - the intention for the sports pavilion and war memorial to be taken on by Rottingdean Parish Council along with the playing field, subject to agreement, is welcome. It will again be important for the sports pavilion to be made into a good state of repair prior to handover and again this should be controlled by condition.
- 5.23 Comments 12/12/2017 (following receipt of revised plans): The amended elevation drawing satisfactorily addresses concern regarding the extent of the proposed balcony, but note that the floor plans have not been amended and still show the previous extent of the balcony.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework (NPPF), the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The Development Plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

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

HE1	Listed Buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on listed buildings

Supplementary Planning Documents:

SPD09	Architectural Features
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Supplementary Planning Guidance

SPGBH11	Listed Building Interiors
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St Aubyns School Site Planning Brief January 2015

8. CONSIDERATIONS & ASSESSMENT

- 8.1 In association with the proposal set out in the concurrent Full Planning Application, Listed Building Consent is sought for the conversion of the existing buildings of Field House and part of its northern extension to residential use (Class C3); conversion and alteration of existing terraced cottages and Rumneys to residential use (Class C3); and the retention of existing sports pavilion, war memorial, water fountain, chapel and demolition of all other buildings.
- 8.2 As set out above, the proposal has been subject to pre-application advice and the submission is generally a reflection of those discussions.
- 8.3 Many of the issues raised by third party objectors in response to this Listed Building Consent application relate only to the concurrent Full Planning Application and are not material considerations in the determination of this Listed Building Consent Application. The main considerations therefore in the determination of this application relate to, whether the proposed works and alterations would have a harmful impact on the historic character, architectural setting and significance of the Grade II Listed Building/curtilage listed buildings/structures.
- 8.4 **Planning Brief**
A Planning Brief for the site was prepared to guide the future redevelopment of the former school site following the closure of the school in April 2013. Planning Briefs do not form part of the Local Development Framework and so cannot be given full statutory weight however the guidance within the brief has been subject to public consultation and was approved by the Council's

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

- 8.5 The brief was prepared by the Council in partnership with Rottingdean Parish Council and with the engagement of the previous landowner, the Cothill Educational Trust (applicant of this application). The Rottingdean Parish Council are currently undertaking the preparation of a Neighbourhood Plan and were keen to see a planning brief produced which would guide the future development of this strategically important site within the Parish.
- 8.6 The purpose of the brief is to provide a planning framework that helps bring forward a sensitive redevelopment on the site. In terms of Heritage, the brief sets out the following development objectives:
- To breathe new life into this Listed Building in the heart of Rottingdean village;
 - To preserve those features that contribute to the special interest of the Listed Building; and
 - To encourage new development of the highest design standard, by preserving and enhancing the character of the Conservation Area and setting of the Listed Building.
- 8.7 The planning brief sets out that a Built Heritage Assessment would be required for the site in its entirety that outlines the historic development of the site before identifying the special interest and significance of the site as a whole and of its constituent parts. Such assessment should inform the development of proposals for the site and dependent on the level of change proposed, a historic building record may also be required ahead of any redevelopment of the site. In terms of demolition the brief states that subject to the findings of the Built Heritage Assessment development proposals should have regard to;
- 8.8 *“The Grade II listed main building (including chapel), listed boundary wall and the curtilage Listed Buildings should in principle be repaired and retained. Strong justification would be required for the loss of the whole or any part of a listed or curtilage Listed Building, based on the findings of the Built Heritage Assessment”.*
- 8.9 The document acknowledges that it is important that the requirements of the brief are realistic and deliverable; however this should not be to the detriment of heritage assets.
- 8.10 **Policy**
Section 12 of the National Planning Policy Framework states that in considering applications for development, Local Authorities should take into account the desirability of sustaining or enhancing the significance of heritage assets and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 requires that, “Where a development proposal will lead to

less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

8.11 Section 16(2) of the Listed Buildings and Conservation Areas Act 1990 (as amended) requires special regard to be given to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. The Council’s statutory duties regarding Listed Buildings and their settings, as set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, are reflected in the heritage policies HE1, HE2, HE3 and HE4 of the Brighton & Hove Local Plan and policy CP16 of the City Plan Part One.

8.12 **Heritage Significance**

The St Aubyns School site includes the Grade II Listed ‘76 High Street’ (the main school building known as Field House) and Grade II Listed associated flint wall to the front boundary. The listing includes all extensions attached to the original 76 High Street, including the chapel. Curtilage Listed Buildings include all the pre-1948 structures and buildings located within the curtilage and in associated use at the time of the listing, including structures on the playing field.

8.13 Field House was built in the early 19th century as a detached house, but has been in use as a school for a significant period of time which has resulted in the building being extended in a piecemeal manner to its current form during the rest of the 19th and 20th century. The building is of particular significance due to its formal façade, facing on to the High Street. This is clearly visible from the High Street and views along Park Road. Despite being extended over time, the near symmetry and formal architectural style, alongside the scale of the building, denote its status. This is particularly evident in relation to the scale and predominantly vernacular style neighbouring properties. The building is set back from the main building line, which further strengthens the contrast with neighbouring properties and therefore its relative higher status. This difference contributes to the understanding of the building. The school building is also of significance as an early large-scale residence in the village, and due to its early use as a school which then remained in educational use. In this regard, the plan form (which remains evident, despite alterations) and surviving historic features are of significance.

8.14 The main building, northern block and extensions are of significance in revealing the development of the property over time, changes in education and the changing needs of school buildings over time. This includes the contrast between the balanced extensions to those areas in public view and the more ad hoc development to the north/north-east. The previous development of the building is particularly apparent in the varied architecture and roof forms of the northern extensions, and in the varied date/style of features that survive to some rooms. In particular, the buildings appear to have been much altered and extended in the early 20th century. This reveals much about the history of the school at this time (which expanded from 5 pupils at its foundation in 1895 to over 100 in the early 20th century)

and should be viewed in the wider context of changes in education at this time. The classroom extensions to the immediate north-east are of particularly good quality and are well preserved. The rear elevation of the school is much altered and very informal in character, it includes some harmful late 20th century alterations. The front boundary wall is circa 20 metres long and is coursed flint cobbles with a brick coping. It has group value with the school building.

8.15 The chapel (1912) is of significance as an example of a small early 20th century school chapel and because of its intimate connection with the school itself. The chapel's function is evident from the exterior but it is the interior that is of particular character and charm. It is of commemorative value due to its use as a memorial chapel, including photographs, panels and stained glass commemorating the schools 'old boys' who died in the wars.

8.16 The curtilage listed cottages, with render, brick and weatherboarding exteriors, are modest early 20th century structures. Their quaint character contributes to the setting of the school buildings. They contribute to the understanding of the school's development in the early 20th century. Their architecture complements that of the chapel, sports pavilion and other early 20th century timber structures on the site. The sports pavilion and drinking fountain are important features of the playing field, which identify the intended use of the space. The curtilage listed war memorial is linked to the commemorative significance of the chapel.

8.17 **Heritage Statement and Impact Assessment**

A Heritage Report is included as part of the submission in order to provide a detailed assessment of the heritage significance of the site and wider complex of associated buildings/structures and spaces of the site. The submitted Heritage Report undertakes an assessment of the baseline heritage position of the site and impacts of the proposed development.

8.18 **Demolition of Buildings**

In order to accommodate the proposed new build development within the school campus, the proposal includes the demolition of existing buildings/structures across the site, the extent of which is shown in the submitted Removals Plan.

8.19 With regard to Field House (principal listed building) the proposal would retain the northern wing, the early 19th century classroom extension to the immediate north-east and the two storey 1902 extension, which together form an L-shaped suite of intact educational spaces. All other later extensions to the original listed building would be demolished. The Council's Heritage Officer has confirmed that the majority of these are of lesser architectural and historic interest and/or are less intact. The exception to this is the Edwardian school room to the north, known as the 'music room', together with the tiled and stone surfaces that link it to the retained wing. This classroom is of good quality and remarkably intact. The loss of this is regrettable, but it is acknowledged that its form and siting make it difficult to assimilate into a residential conversion scheme.

- 8.20 The shooting range (dating from between 1911-1927) would also be demolished but in this respect it is noted that the small lean-to shed for targets, with which it was originally paired, has already been lost and its context compromised by late 20th century development. A condition is recommended to ensure that a standing building record of the music room and the shooting range is undertaken prior to any works of demolition taking place.
- 8.21 The proposed extent of demolition of existing buildings is considered to be justified and would retain most parts of the principal building and curtilage structures of the greatest historic significance.
- 8.22 **Conversion of Field House**
As set out above Field House, which comprises of four floor levels (including basement) was built as a single house before becoming a school. Its use as a school has resulted in various 19th and 20th century extensions. It is recognized by Officers that the sensitive conversion to residential as part of an acceptable wider scheme would ensure the long term use for the current vacant historic building, which would be a great heritage benefit.
- 8.23 The proposal would result in Field House being converted into a total of 8 residential units (1 and 2 bed). Plots 30 – 35 would be within the main part of the historic building with plot 36 (3 bed) in the retained early 19th century wing and plot 37 (2 bed) in the 1902 northern wing. The basement level of the main part of the school building would provide storage rooms for plots 30 to 35. The proposed conversion includes the reinstatement of historic chimney breasts, new partition stud walls, the rebuilding of elements, the creation of new doorway openings, the blocking up of existing doorways, the insertion of new windows, the insertion of new internal and external doors and the insertion of new stairs internally and externally.
- 8.24 Internally the works to the original part of the house and to the late 19th century north wing are considered to be acceptable and would in places better restore and reveal the original plan form of the historic building and subject to details, its important internal features and fixtures.
- 8.25 The proposals for the early 19th north-east extension and the 1902 school extension would retain the original walls and as such is welcomed by the Heritage Officer, though it is noted that there would inevitably be some sub-division of the original school room spaces in order to convert to residential use. It would however be important to retain the timber matchboard finish to the original walls, which can be ensured via a condition.
- 8.26 Since the submission of the application, the proportions and glazing pattern of the proposed windows in the western elevation of the early 19th century extension have been amended, so that they match those on the east elevation.

- 8.27 It is noted that the plans refer to the retention of existing windows and doors, which is welcome, but this is not supported by a full schedule of internal works. Due to this lack of information provided, a full schedule of historic internal features to be retained, removed, relocated or reinstated is required via a condition, which should be clearly referenced to the rooms on the plans provided.
- 8.28 In relation to the late 19th century and 1902 extensions to the north, the plans and elevations as originally submitted, showed a first floor balcony, with photographic evidence supplied by the applicant regarding its origin and as evidence to its design. The Heritage Officer has reviewed the evidence and notes that the balcony related to the 1902 extension only and not the earlier building. The late 19th century extension has a significantly higher eaves and higher first floor windows; therefore, a continuous balcony across the two would appear as an incongruous and inappropriate feature on the earlier building. Following further comments from the Heritage Officer, the application has been amended so the balcony features on the 1902 building only.
- 8.29 **Conversion of the Cottages and Rumneys**
The two storey terraced block, known as the Cottages and Rumneys, are located in the north-western corner of the campus part of the school site. Listed building consent is sought for the conversion of the cottages to 3 two bedroom properties (plots 38 – 40) and the conversion of Rumneys to a three bedroom property (plot 41). As with the proposed conversion of Field House the principle of bringing the vacant buildings back into long term use is welcomed and it is considered that the conversion to a residential use would be compatible with the conservation of these historic buildings.
- 8.30 The proposed conversion of these properties into 4 residential units would consist of works including the provision of new internal partition walls, the blocking up of internal and external doorways and new insulated walls and the reinstatement of fireplaces. Five conservation style roof lights would be inserted into the western facing roof slope of the cottages in order to provide additional light and ventilation to the proposed residential accommodation. Minimal alterations to windows and glazed door openings are proposed in order to ensure that the proposed conversion is sympathetic to the surviving character of these buildings internally and externally.
- 8.31 As part of the proposal, the existing unsympathetic modern extension located on the southern side of the cottages will be removed, and the area to the east of the cottages will be landscaped to form shared gardens/courtyard space.
- 8.32 It is considered that the proposed conversion of these curtilage listed structures would be sympathetic to the surviving character of the buildings internally and externally, retaining their modest and informal character in addition to removing the harmful first floor link structure in the corner.

8.33 Since submission of the application, the proposed scheme has been satisfactorily amended to include the insertion of an original northern first floor window opening to the northern most cottage, following the removal of the harmful first floor link structure. The Heritage Officer considers this would better restore the elevation, whilst providing additional daylight to the main bedroom.

8.34 The Chapel

The Chapel is located to the north of the main school building and is currently attached via the north wing extension of Field House. The heritage significance of the chapel and its association with the school is set out above under the assessment of heritage significance. Following the demolition of the northern wing of Field House, as previously discussed, the Chapel would be retained as a standalone building. The retention of the Chapel is welcomed whilst the loss of the later link structures is considered acceptable.

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

8.36 Other Structures

The retention of the sports pavilion, war memorial and drinking fountain, located in the north-western corner of the retained part of the playing field, is welcome; however, there is a lack of a specific proposal for the future use of the sports pavilion which is disappointing. It will therefore be important to ensure that the pavilion is repaired to a good state and redecorated, which can be ensured via a condition. Whilst no end user has been agreed at this point it is essential that all these structures are retained and refurbished so that this cost is not transferred onto any future owner.

8.37 Demolition/Alterations to Boundary Flint Walls

Application BH2017/03112 was refused on the grounds that, in the absence of an acceptable scheme for the re-development of the site, the demolition of all/parts of existing historic walls would result in the loss of historic fabric and form.

8.38 As part of the current application, 2 new pedestrian openings would be created in the curtilage listed flint wall, which is located along the western side of the Twitten, whilst the existing 2 openings would be infilled. The

northern most sited new access in in the Twitten wall would comprise a Lych gate feature. As part of an overall acceptable scheme for the re-development of the site, these proposed new pedestrian access points, which would be of a minimal width despite being larger than the existing, are considered acceptable as they would allow unrestricted views across to the retained Chapel/rear of Field House, whilst also improving the east to west permeability across the site. It is recommended that further details of the proposed new access points and the associated in-filling of existing access points are secured via condition.

- 8.39 The existing vehicular access point, which currently provides access from Steyning Road to the front of The Lodge, would be blocked up as part of the proposal and a new, larger opening created to the east of the current opening. The new opening in the flint wall on Steyning Road is considered acceptable given the need for vehicular access into the development at this point.
- 8.40 The complete loss of flint walls located within the campus part of the site, associated with the existing V-shaped structure (former classroom and changing rooms), is acceptable in order to enable an appropriate form of development on this part of the site (to facilitate plots 14 to 16).

8.41 **Conclusion**

In summary, the principal listed building (Field House), the wider site and associated curtilage buildings, continue to remain vacant and are subject to ongoing dereliction and damage (such as the recent arson damage to the sports hall and nursery). It is considered that the current application, as amended, addresses the previously refused scheme, with a proposal that is more sensitive to and retains the special architectural and historic significance of this important Grade II Listed Building, retained curtilage listed buildings/structures and their setting. Officers consider that any demolition of the listed building and associated curtilage structures is justified by the applicant and is proportionate. The proposal would provide for a viable long-term use of the principal listed building (reverting back to its original historic residential use) and associated listed buildings, including the listed Cottages and Rumneys.

- 8.42 The proposed conversion restore and maintain a number of listed structures on the playing field, including the pavilion, water fountain and war memorial, as well as the chapel, in addition to the principal listed building. Whilst the lack of an end-user for the chapel is disappointing, it is not considered that this should unreasonably withhold the granting of listed building consent. Conditions are proposed to ensure the refurbishment and maintenance of the chapel and the pavilion.
- 8.43 It is considered that the proposed conversion and alterations would not adversely affect the special architectural and historic character and appearance of the building(s) or their setting, or result in irreversible loss of historic fabric. This is subject to a number of specific conditions that would secure, amongst other matters, a detailed schedule of works for historic

internal features to be retained, removed, relocated or reinstated; a Conservation Management Plan for the chapel and the pavilion; and a condition requiring standing building recording of the Music Room and Shooting Range prior to demolition. The proposal is therefore compliant with policies HE1 and HE2 of the Brighton and Hove Local Plan, policy CP15 of the City Plan and the National Planning Policy Framework.

9. EQUALITIES

9.1 None identified.

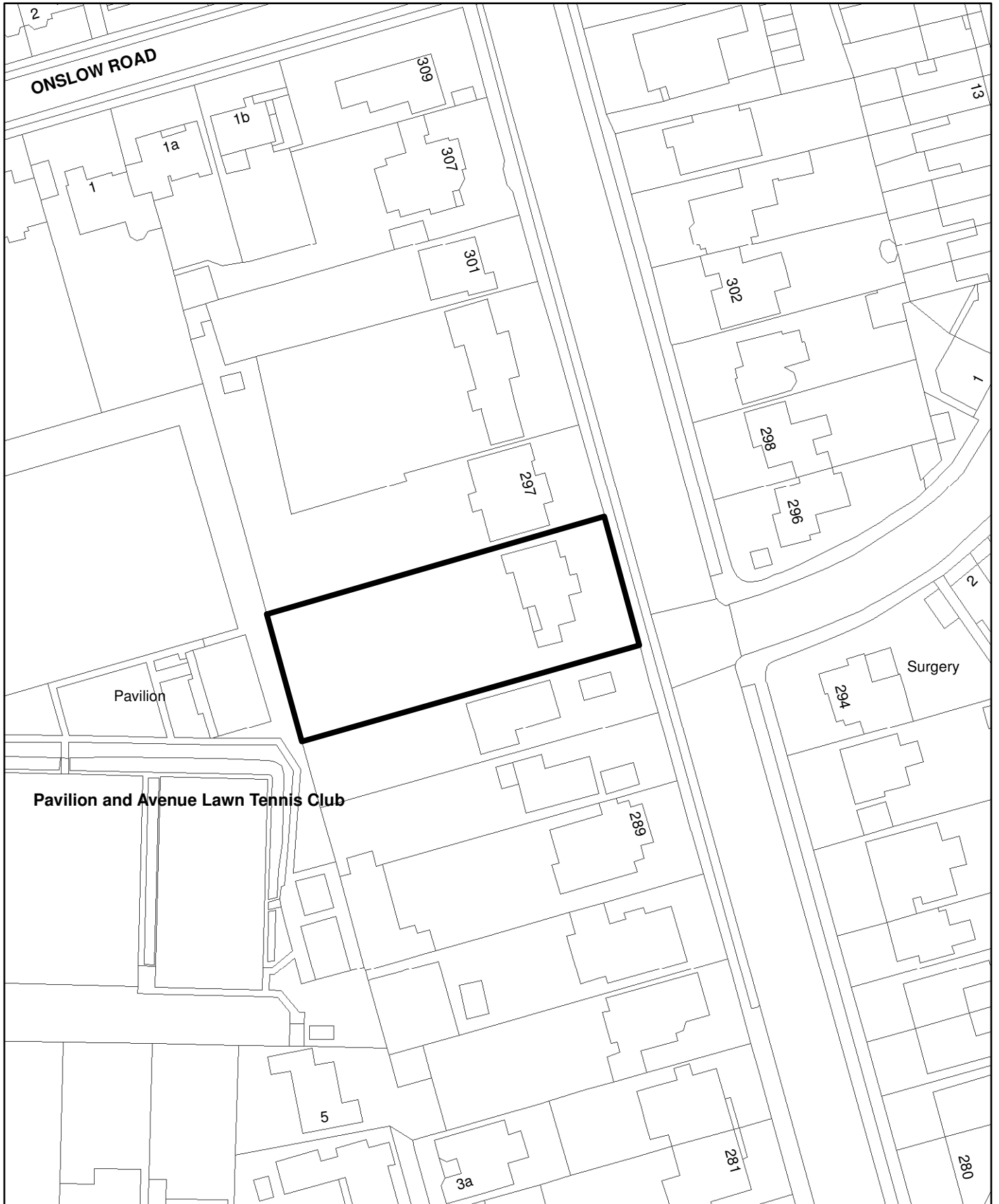
ITEM C

**295 Dyke Road
Hove**

**BH2018/00341
Outline Application**

DATE OF COMMITTEE: 13th December 2017

295 Dyke Road, Hove



Scale: 1:920

<u>No:</u>	BH2018/00341	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Outline Application		
<u>Address:</u>	295 Dyke Road Hove BN3 6PD		
<u>Proposal:</u>	Outline application with some matters reserved for the erection of 1no single dwelling (C3).		
<u>Officer:</u>	Charlotte Bush, 292193	tel: <u>Valid Date:</u>	06.03.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	01.05.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	CDMS Architects 1st Floor Montpelier House 99 Montpelier Road Brighton BN1 3BE		
<u>Applicant:</u>	Mr Godarz Nekoei 44 Sandringham Drive Hove BN3 6XD		

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 **GRANT** planning permission subject to the following Conditions and Informatives:

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
Location and block plan	2110(10)000	A	2 February 2018
Site Layout Plan	2110(11)000	c	21 September 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
- (i) layout;
 - (ii) scale;
 - (iii) appearance;
 - (iv) landscaping (including trees)
- b) The reserved matters shall be carried out as approved.

c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of 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:
 - a) samples of all brick and tiling
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) details of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatmentsDevelopment shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part One.
5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
6. The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. The residential unit hereby approved shall not be occupied until it has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
8. Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. The dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
10. 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 survey and tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
Specific issues to be dealt with in the TPP and AMS:
- a) Location and installation of services/ utilities/ drainage.
 - b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) Details of construction within the RPA or that may impact on the retained trees.
 - d) a full specification for the installation of boundary treatment works.
 - e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) A specification for protective fencing and or appropriate ground protection to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) a specification for scaffolding and ground protection within tree protection zones.
 - i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area, details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment
 - j) materials, fuels and waste as well concrete mixing and use of fires
 - k) Boundary treatments within the RPA
 - l) Methodology and detailed assessment of root pruning
 - m) Arboricultural supervision and inspection by a suitably qualified tree specialist
 - n) Reporting of inspection and supervision
 - o) Methods to improve the rooting environment for retained and proposed trees and landscaping

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

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

11. No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 10 has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:
 - a. Induction and personnel awareness of arboricultural matters
 - b. Identification of individual responsibilities and key personnel
 - c. Timing and methods of site visiting and record keeping, including updates
 - d. Procedures for dealing with variations and incidents.
 - e. The scheme of supervision shall be carried out as agreed.
 - f. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority."

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance policy QD16 (Trees and Hedgerows) of the Brighton and Hove Local Plan.

12. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 10 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted under condition (insert condition(s)) pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with QD16 (Trees and Hedgerows) of the Brighton and Hove Local Plan.

13. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Brighton & Hove Local Plan Policy QD16 (Trees and Hedgerows).

14. The development hereby permitted shall not be occupied until dropped kerbs with paving and tactile paving has been installed at the junction of and across Dyke Road (north) with Matlock Road (outside the site).
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.

Informatives:

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

2. The applicant is advised that advice regarding permeable and porous hard surfaces 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).

3. The specific issues to be dealt with in the TPP required by condition 10 include:

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work - Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

4. The specific issues to be dealt with in the TPP required by condition 10 include:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
Arboricultural Site Supervision (pre-commencement)

5. The specific issues to be dealt with in the TPP required by condition 10 include:

The following British Standards should be referred to:

- a) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations.
Arboricultural Site Supervision (completion)

6 Due to the importance of elm trees to the City of Brighton and Hove (Brighton and Hove Local Plan - Policy QD16 3.70) and home to the National Elm Collection, and to help with elm disease (formally known as Dutch Elm Disease or DED) management of the City, elm trees must be pruned between the dates 1st October to 31st May.

Reason: Pruning elm trees during these months will make the trees less attractive to the adult elm beetles that carry the disease who are most active during the summer months.

7 Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this.

8 Under any circumstances do not sell or give away cut elm timber as firewood to residents with the Brighton and Hove area as this situation has been responsible for many outbreaks of Dutch elm disease in the city. A pile of logs such as this will be an ideal breeding site for beetles which are responsible for spreading Elm Disease

9 The following British Standards should be referred to:

a) BS: 3998:2010 Tree work - Recommendations

b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

2. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application relates to a detached two storey dwelling on the western side of Dyke Road. The site is not located in a conservation area.

2.2 Outline permission is sought for the splitting of the plot in order to facilitate the erection of a dwellinghouse. The principle of an additional dwelling on the plot along with access arrangements is considered under this application; all other matters, which include appearance, landscaping layout and scale, are reserved for further approval.

3. RELEVANT HISTORY

3.1 **BH2010/00792** - Erection of a two storey extension to the side (South) elevation, erection of a single storey extension to rear, loft conversion incorporation 2no dormer windows to rear, demolition of existing porch and erection of new porch, erection of new brick wall to front boundary and alterations to fenestration. Approved 03/06/2010

4. REPRESENTATIONS

4.1 Nine (9) letters has been received (2 from the same objector) objecting to the proposed development for the following reasons:

- Adverse impact on neighbouring amenity
- Reduced privacy and increased overlooking
- Reduced daylight and sunlight
- Back land development is out of character in the area
- Increased density
- Increased traffic accidents
- New driveway directly between two residential properties resulting in increased noise disturbance
- Loss of wildlife habitat
- Increased pressure on local services and infrastructure

5. CONSULTATIONS

5.1 **Arboriculture:** No objection

At the southern boundary of front garden, shared with 293 Dyke Road stands a large mature elm tree 16m in height and is in good condition with no irredeemable defects. Currently this tree is not protected by a tree preservation order, or by its position within a conservation area, however, it is certainly worthy of one. The remainder of the front garden consist of hedges and small trees.

5.2 The extensive rear garden is west facing and has many mature shrubs and small trees that line its border to the south with No.293 Dyke Road. An outdoor swimming pool is located at its extreme western boundary and the pool is currently protected by a well maintained evergreen conifer hedge. The remainder of this western boundary consists of a similar line mature shrubs and trees leading to a larger triangular area shrub bed in the north west corner. The northern boundary with 297 Dyke Road consists of similar plants to the southern boundary.

5.3 The most notable of trees within the rear garden is the weeping ash tree, 8-9m in height, to the north-east of the swimming pool. This is an early mature specimen, although it is suffering from dieback on all aspects of its crown so is not in the best of health. Whilst this tree and all of the other plants provide some amenity and privacy to the garden from the other properties none of these are worthy of further protection by a tree preservation order.

5.4 However, the large elm adjacent to the southern access drive is worthy of a tree preservation order and should be retained. The existing site plan includes the highway tree but does not include the large mature elm tree directly behind this tree. This concerns me as it is the largest and healthiest tree on the site. A tree preservation order assessment has been made and a tree preservation order will be made and served later this week.

5.5 There is also a highway elm tree directly to the south of the property. This is in good condition with no defects although this is incorrectly located as the tree is outside No.293 Dyke Road Avenue and not outside No.295 Dyke Road on the existing plan.

- 5.6 The elm tree is not shown within the proposed plans either, and has been replaced with a bin store. The submitted application form states that there are trees and hedges on the development site but none on neighbouring lands that will be affected by the development, although, the highway tree is one such tree that will be affected by any improvements to the vehicle cross over and the installation of the proposed driveway. No tree survey has been submitted with the application and I would expect one to be submitted with future applications.
- 5.7 The arboricultural team have no concerns with any development that is west of the property (rear garden area) subject to a good landscaping scheme as part of the condition. It is the trees at the front of the property that are of most concern.
- 5.8 The arboricultural team recommend that the existing southern vehicle crossover from Dyke Road remains in its present location and is not proposed for widening to the south as this will have a negative impact to the root systems to both the highway tree and the large elm tree within the property in its south-east corner.
- 5.9 In addition a tree survey and arboricultural impact assessment that includes the retention of the mature elm and highway tree within the front south-east corner is recommended, although these can be left to condition to include a arboricultural method statement concerning the installation of a drive close to a large mature tree.
- 5.10 Further comment received on the 24/09/2018 in response to amended plans received 21.09.2018
- 5.11 We are happy that the tree is now shown on the existing and proposed plans. We have served the TPO to protect the large elm tree to the property owner, neighbour and architect on Friday.
- 5.12 **Sustainable Transport:** No objection
The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle at this stage.
- 5.13 Although footways in the vicinity of the site have been improved there are still junctions along Dyke Road that for the applicant's benefit need footway improvements (dropped kerbs in particular) to extend the transport network that policy allows the Highway Authority to request. Also, there are accessible bus stops in the vicinity of the site but mobility scooters are not permitted on buses (due to risks in an accident) hence the further importance of dropped kerbs for this growing mode of transport.
- 5.14 A developer obligation condition is required to install dropped kerbs with paving and tactile paving at the junction of and across Dyke Road (north) with Matlock Road (outside the site). This is to improve access to and from the site to the various land uses in the vicinity of the site.

- 5.15 For this development of 1 residential unit with at least 4 beds the minimum cycle parking standard is 2 cycle parking spaces in total (2 for residential units and 0 visitor spaces). The applicant has not yet mentioned cycle parking for this site in their supporting evidence therefore cycle parking is requested by condition. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being in a rear garden), well lit, well signed, near entrances and wherever practical, sheltered.
- 5.16 The site is outside of a controlled parking zone (CPZ) at this point in time (a report on the CPZ public consultation of this area is due to go to committee in October 2018) so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.
- 5.17 The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.
- 5.18 The applicant is proposing changes to the existing vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable in principle at this stage. The changes proposed are not physical ones but ones of expected future use and these changes in transport terms are relatively insignificant therefore they are deemed acceptable in principle at this stage.
- 5.19 The applicant is also proposing vehicle turning-heads on-site for both the existing and proposed dwellings which is to be commended and again this is deemed acceptable in principle at this stage. Also the applicant should note that the driveway and hardstanding materials should be porous and/or permeable and no surface water should run-off onto the adopted (public) highway to comply with policies TR7 Safe Development, SU3 Water Resources and their Quality and SU5 Surface Water run- off and Flood Risk to avoid a refusal.
- 5.20 The site is of a sufficient size to accommodate parking in line with maximum parking standards specified in SPD14, and the details will be assessed as a reserved matters application for layout.
- 5.21 A "Retention of parking area" condition should be attached to any permission granted to ensure that on-site parking provision is maintained.
- 5.22 Also the site is located outside a Controlled Parking Zone (CPZ) and therefore this site should not be made "car free" by restriction of parking permits by the Planning Case Officer as there is no CPZ and waiting list to cause a restriction.

- 5.23 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 5.24 Further comment received on the 24/09/2018 in response to amended plans received 21.09.2018
- 5.25 This amendment is acceptable.

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP19	Housing mix

Brighton & Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations

QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the development of the site and the impact of the proposed dwelling on the character and appearance of the street and the surrounding area as well as access arrangements. The standard of accommodation, sustainability and impact on neighbouring amenity and transport are also material considerations.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 The application site forms the rear garden of an existing detached house situated on a wide plot which is characteristic of the local area. The overall plot as existing measures 1394m², and the proposed dwelling would occupy 621m² at the rear of the plot. The proposal is for a detached dwelling, the height and scale would be determined under reserved matters.

8.5 Planning permission was granted for back land development at No. 285 Dyke Road (for a detached bungalow) application BH2016/05321 (approved on appeal). As a principle of development, residential development on a residential

site would be appropriate, the specific impacts must however be considered as to whether the development is appropriate and whether harm would be caused.

8.6 This detailed assessment is set out below.

8.7 **Design and Appearance:**

No detailed drawings of the proposed dwelling have been provided for consideration, although an indicative site plan and site sections have been included.

8.8 It is considered that a modestly scaled property could be accommodated within the plot. The indicative footprint and height would be considered an overdevelopment of the site and a smaller scale property with greater distance to the side boundaries would be more appropriate. However, the drawings are indicative and the height and scale of the development would be dependent on the details considered under reserved matters.

8.9 Full details of materials shall be secured by condition.

8.10 **Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.11 The proposed dwelling would be situated to the rear of the existing dwelling which would still retain 305m² of rear garden. The distance between the two properties would measure 21m, so although there would be some mutual overlooking this is not unusual in a residential area, and would not be considered to be of a degree that would warrant the refusal of the application.

8.12 The indicative block plan illustrates trees and planting to shared boundaries with neighbouring gardens. It is considered that two storey property could be accommodated within this plot which would not result in significant harm in terms of overshadowing, loss of outlook, increased sense of enclosure and overlooking/ loss of privacy. Each additional storey would intensify any impacts on the amenity of neighbouring properties. However, the impacts would be dependent on the details which would be considered in a future application for reserved details.

8.13 Whilst the proposal would result in an intensification of the use of the site it is not considered that this would result in any significant harm in regards to noise and disturbance relationship with neighbouring properties to other dwellings within the street.

8.14 **Standard of Accommodation For Future Occupiers:**

Floor plans have not been provided, and the standard of accommodation cannot therefore be assessed. However, it is considered that the plot could provide a layout which would provide a satisfactory standard of accommodation subject to

the layout and external private amenity area. Adequate outlook should also be achievable, although no indications of window positioning have been provided for assessment.

- 8.15 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. As it appears that a level access is feasible, the current national standards can be secured by condition.
- 8.16 **Sustainable Transport:**
To improve access to and from the site to the various land uses in the area, including the shops in Matlock Road, the Transport Officer has recommended the provision of dropped kerbs with paving and tactile paving at the junction of and across Dyke Road (north) with Matlock Road (outside the site). It is recommended that these works are secured by condition.
- 8.17 There is not forecast to be a significant increase in pedestrian and mobility and visually impaired trip generation as a result of these proposals. Therefore developer contributions for footway related improvements would be considered onerous for a single dwellinghouse.
- 8.18 It is not forecast that the proposed development would result in a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal.
- 8.19 Parking would be considered as part of the detailed layout which would be considered under reserved matters. However, the indicative site plans shows that there is potentially space for a garage and for vehicles to park and turn in front of the proposed.
- 8.20 Two cycle parking spaces would be required for this development, and this can be secured by condition.
- 8.21 **Sustainability:**
Policy SU2 of the Brighton & Hove Local Plan and CP8 of the Brighton & Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards can be secured by condition.
- 8.22 **Arboriculture:**
The Arboriculturalist department has no concerns with any development to the west of the property (rear garden) subject to a good landscaping scheme.
- 8.23 However, there are concerns about the large healthy mature elm tree within the front garden that did not appear on the original plans and has been replaced by a bin store. There appears to be no mention of this tree within the design and access statement. Following an assessment the tree is worthy of a tree

preservation order and one will be served to the property by 21/09/2018. The proposal for the driveway has subsequently been amended and could be implemented subject to a tree protection and supervision condition.

8.24 Access:

It is proposed that the northern crossover is retained for use by the existing dwelling which is considered acceptable. The existing southern crossover would be retained to provide access to a proposed driveway bordering the southern boundary of the site. A new boundary fence would be constructed between the driveway and the existing property at 295 Dyke Road. This is considered acceptable.

8.25 The plans have been amended over the lifetime of the application to remove the area of hardstanding in the south east corner in order to accommodate the tree roots of the existing elm tree. Additionally, conditions are attached to this permission to protect the root system of the mature elm tree on the site and the elm tree on the highway during and post construction.

8.26 The proposed driveway will result in a more intensive use of this area which is currently unutilised as it will provide the only vehicle and pedestrian access to the proposed new dwelling. The increased comings and goings may result in additional disturbance to No 293 Dyke Road. However, for one additional house this is not considered to be of a degree that would warrant the refusal of the application. As such, the proposed access arrangements are considered acceptable.

9. EQUALITIES

9.1 None identified.

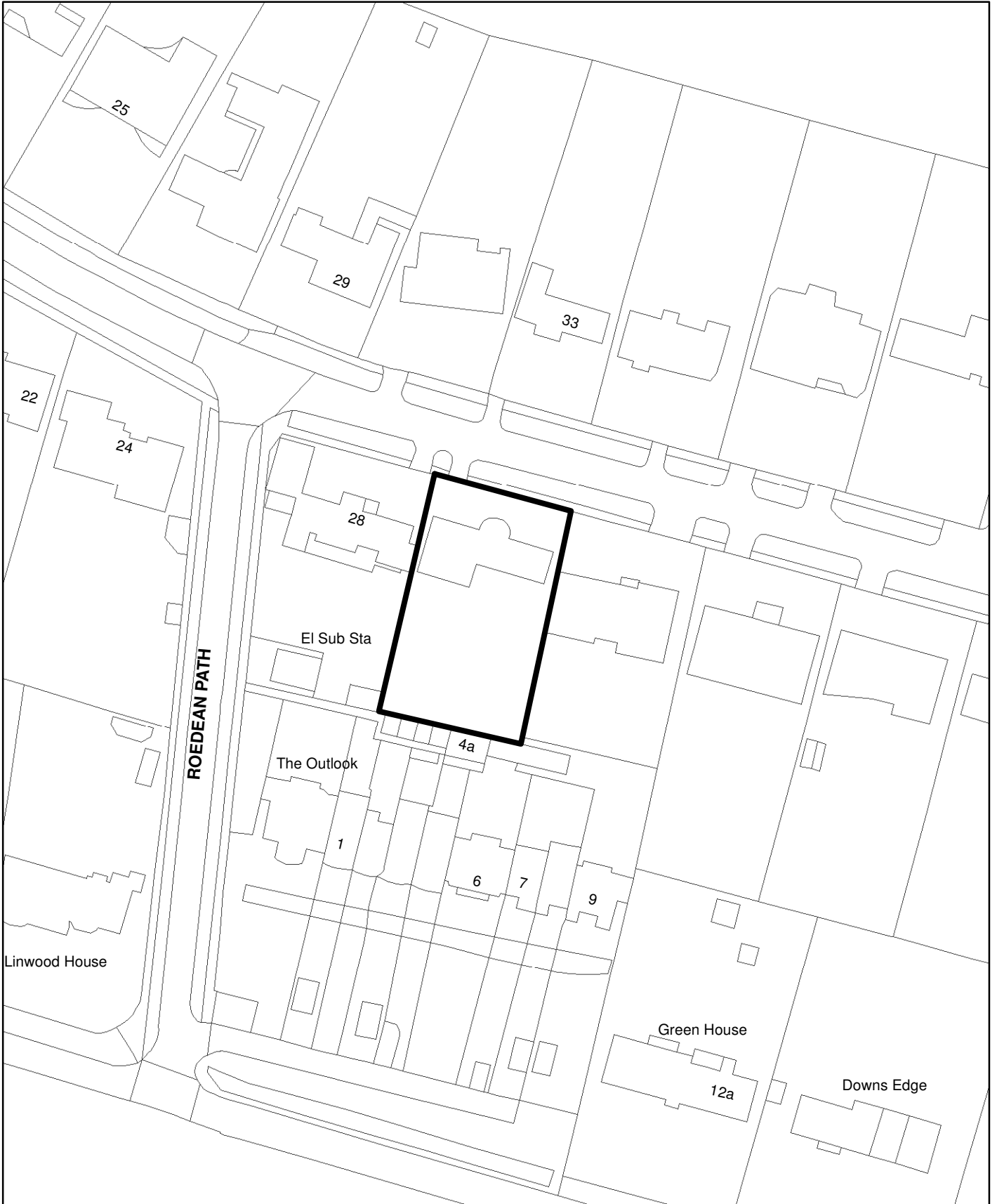
ITEM D

**30 Roedean Crescent
Brighton**

**BH2018/02184
Removal or variation of condition**

DATE OF COMMITTEE: 10th October 2018

30 Roedean Crescent, Brighton



N



Scale: 1:920

<u>No:</u>	BH2018/02184	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	30 Roedean Crescent Brighton BN2 5RH		
<u>Proposal:</u>	Application for Variation of Condition 1 of application BH2017/01742 (Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding & opening with new front gates) to permit amendments to approved drawings for alterations including removal & relocation of doors to garage and front elevation, removal of external spiral staircase, revised balustrade height & cladding materials.		
<u>Officer:</u>	Charlotte Bush,	tel:	<u>Valid Date:</u> 12.07.2018
	292193		
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.09.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Felce And Guy Partnership LLP Studio 5 English Close Hove BN3 7ET		
<u>Applicant:</u>	Mr Wilkie 30 Roedean Crescent Brighton BN2 5RH		

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 **GRANT** planning permission subject to the following Conditions and Informatives:

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
Floor Plans Proposed	2719/04 DEN LEVEL	J	6 July 2018
Floor Plans Proposed	2719/05 GROUND FLOOR	J	6 July 2018
Floor Plans Proposed	2719/06 FIRST FLOOR	H	6 July 2018
Floor Plans Proposed	2719/07 SECOND FLOOR	H	6 July 2018

Elevations Proposed	2719/08 FRONT	H	6 July 2018
Elevations Proposed	2719/09 REAR	H	6 July 2018
Elevations Proposed	2719/10 WEST	H	6 July 2018
Elevations Proposed	2719/11 EAST	H	6 July 2018
Sections Proposed	2719/12	H	6 July 2018

2. The development hereby permitted shall be commenced before the 19 Sep 2020.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The works shall be carried out in accordance with a written scheme of investigation approved under application BH2018/00492. 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 the National Planning Policy Framework.

4. The external materials to be used shall be in accordance with the details approved under application BH2018/00492.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. The first window in the western elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

6. The vehicle gates shall be installed in accordance with details approved under application BH2018/00492.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD27 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

7. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future

development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

8. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. RELEVANT HISTORY

- 2.1 **BH2018/00492** - Approval of details reserved by conditions 3, 4 & 6 of application BH2017/01742. Approved 06/06/2018
- 2.2 **BH2017/01742** - Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding & opening with new front gates. Approved 19/09/2017.
- 2.3 **BH2011/01153** - Erection of extension creating second floor level, alterations to rear forming balcony providing access to existing roof terrace. Refused 10/06/2011.
- 2.4 **Appeal APP/Q1445/D/11/2158160** allowed 21/09/2011
- 2.5 **BH2008/03897** - Additional terrace in rear garden (Retrospective). Approved 2/02/2009.
- 2.6 **BH2008/03754** - Replacement of existing garden fence panels with two walls (Retrospective). Approved 19/01/2009
- 2.7 **BH2008/03724** - Alterations to balustrade of existing roof terrace (Retrospective). Approved 28/01/2009.

- 2.8 **BH2008/03146** - Retrospective amendment to approved application BH2007/01725. Change of balustrade treatment to roof terrace, extended terraced areas plus swimming pool & walls within the garden. Withdrawn 29/10/2008.
- 2.9 **BH2007/01725** - Front extension; side and rear extension (re-submission of refused application BH2007/00531). Approved 26/06/2007.
- 2.10 **BH2007/00531** - "Turret" extension to front elevation; extension over garage and extension at rear. Refused 05/04/2007.
- 2.11 **BH2005/01961/FP** - First floor side extension over existing garage. Approved 17/08/2005.

3. REPRESENTATIONS

- 3.1 Nine (9) letter has been received objecting to the proposed development for the following reasons:
- Inappropriate Height of Development
 - Overdevelopment
 - Overshadowing
 - Negative impact on residential Amenity
 - Noise
 - The Variations are not minor alterations but increase the problems in the first application for substantial alterations.
 - Detrimental effect on property value
 - Poor design
- 3.2 The **Roedean Residents Association** objected to the proposed scheme for the following reasons:
- Increased height in the development beyond the original approved planning application.

4. CONSULTATIONS

- 4.1 None received

5. MATERIAL CONSIDERATIONS

- 5.1 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

- 5.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 5.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

6. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

Brighton & Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

7. CONSIDERATIONS & ASSESSMENT

- 7.1 Planning permission is sought to vary Condition 1 of application BH2017/01742 (Erection of a single storey rear extension, first floor rear extension & creation of lower ground floor room under existing rear terrace. Roof alterations to include raising ridge height to create additional floor, rear balconies, revised fenestration & associated works. Alterations include new landscaping, widening of existing hardstanding & opening with new front gates).
- 7.2 The permission was subject to a number of conditions. Conditions 3, 4 and 6 of BH2017/01742 required approval of details relating to archaeology, materials samples, and boundary gates. These details have been approved under application BH2018/00492.
- 7.3 Condition 1 of application BH2017/01742 requires the proposed building to be built in accordance with the approved plans. This application seeks to vary the

plans. This application solely relates to the changes to the drawings to the approved development. The proposed alterations consist of:

7.4 Front Elevation

- Zinc cladding (replacing existing timber cladding) to be replaced with natural slate tiles at ground and first floor
- Additional section of natural slate tiles to be added at ground and first floor
- Front door repositioned
- Fenestration at second floor level reduced in size
- Balustrade height at second floor level increased by 0.20m

7.5 Rear Elevation

- The removal of two proposed windows on the second floor south elevation
- The reduction in size of two windows on the first floor south elevation
- Balustrade height at second floor level increased by 0.20m
- The removal of the external spiral staircase
- The introduction of new planters for increased screening from the garden terraces

7.6 West Elevation

- Removal of door
- Replacement of zinc cladding with natural slate tiles

7.7 East elevation

- Replacement of zinc cladding with natural slate tiles

7.8 The changes to the plans also include altered existing and proposed heights following a land survey.

7.9 There are also changes to the internal layout, but these changes would not significantly alter the standard of accommodation provided and are considered acceptable.

7.10 The proposed external alterations are considered minor and would not cause harm to the character and appearance of the proposed development or the streetscene.

7.11 The 2017 application contained approximate roof heights which demonstrated the comparative heights of the existing and proposed building.

7.12 The 2018 submission is based on survey information and as such provides an accurate representation of the proposals against the existing buildings. This has resulted in a marginal decrease between the existing and proposed heights in the 2017 application and the current application.

7.13 2017 Application - Front Elevation

Maximum height front elevation existing - 7.3m

Maximum height front elevation proposed - 8.25m

- 7.14 2018 Application - Front Elevation
Maximum height front elevation existing - 6.6m
Maximum height front elevation proposed - 7.9m
- 7.15 2017 Application - Rear Elevation
Maximum height rear elevation existing - 8m
Maximum height rear elevation proposed - 9m
*from base of small external steps
- 7.16 2018 Application - Rear Elevation
Maximum height rear elevation existing - 7.3m
Maximum height rear elevation proposed - 8.9m
*from base of small external steps
- 7.17 The overall appearance of the proposal will not be significantly different to the approved scheme and the proposed dwelling's relationship to the neighbouring properties and the wider streetscene will also be similar to the approved scheme.
- 7.18 The proposed changes would reduce not pose any additional impact on neighbouring amenity.
- 7.19 Overall, the alterations to the plans approved under application BH2017/01742 are considered acceptable and the proposed scheme is recommended for approval.

8. EQUALITIES

- 8.1 None identified.

Information on Pre-application Presentations and Requests 2018

Date	Address	Ward	Proposal	Update
06/02/18	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses.	Drawing up PPA and a further round of pre-app is anticipated.
06/03/18	Preston Barracks (Watts Site), Lewes Road, Brighton	Hollingdean & Stanmer	Reserved matters for multi-storey car park & Business School.	Application BH2018/00689 under consideration.
06/03/18	29-31 New Church Road, Hove	Westbourne	Mixed use development.	Application BH2018/02126 under consideration.
06/03/2018 & 03/04/2018	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	Transport issues presented to members 06/03/18. All other issues presented on 03/04/18. Negotiations & discussions continuing.
08/05/18	Longley Industrial Estate, New England Street, Brighton	St Peter's & North Laine	Mixed use scheme, 3000sqm B1 with 200-250 'build-to-rent' residential units above, 1000sqm communal space, disabled car parking, public realm improvements.	Pre-application discussions in progress.
08/05/18	119-131 London Road (Co-op and Boots), Brighton	St Peter's & North Laine	Mixed use redevelopment to re-provide retail and student accommodation above.	
08/05/18	Rear of Lyon Close,	Goldsmid	Mixed use scheme 160 units (C3)	Application BH2018/01738

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

	Hove		and 1000sqm office (B1) floorspace.	submitted.
05/06/18	Former Peter Pan amusements, Madeira Drive, Brighton	Queen's Park and East Brighton	Mixed use leisure/commercial including outdoor pool (temporary 5yrs).	Application BH2018/01973 submitted
17/07/18	Enterprise Point, Melbourne Street, Brighton	Hanover & Elm Grove	Purpose Built Student Housing (350 bedspaces), with some employment space at ground floor and affordable housing block	
14/08/18	KAP, Newtown Road, Hove	Hove Park	Mixed Use residential / B1 scheme. Approx. 150 units	
14/08/18	21 – 24 Melbourne Street, Brighton	Hanover & Elm Grove	Co-living (100 units) C3 / B1	
11/09/18	Sackville Trading Estate, Sackville Road, Hove	Hove Park	Mixed residential and commercial development.	
09/10/18 requested	Urban Fringe at Coldean Lane, NW of Varley Halls, Brighton	Hollingdean & Stanmer	Residential development.	Officer pre-app response sent 20/08/2018
09/10/18 requested	Land at former Belgrave Nursery, Clarendon Place Portslade	South Portslade	Residential redevelopment.	
09/10/18 requested	Urban Fringe Site At The Whitehawk Estate Brighton	East Brighton	Residential redevelopment.	
09/10/18 requested	Outer Harbour Development, West	Rottingdean Coastal	Mixed Use Residential-led development – changes to later	Pre-app discussions in progress and drawing up PPA

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

	Quay, Brighton Marina		phases of Outer Harbour Development	
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NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

PLANNING COMMITTEE

10th October 2018

Agenda Item 57

Brighton & Hove City Council

NEW APPEALS RECEIVED

<u>WARD</u>	CENTRAL HOVE
<u>APPEALAPPNUMBER</u>	BH2017/01009
<u>ADDRESS</u>	59B Norton Road Hove BN3 3BF
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a single storey rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/09/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	BH2018/00222
<u>ADDRESS</u>	Maisonette 18 Chesham Road Brighton BN2 1NB
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations incorporating installation of 2no rooflights to the front elevation, 2no rooflights to the rear elevation and remodelling of existing front dormer.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	12/09/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	1 Bristol Street Brighton BN2 5JT
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	07/09/2018
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	3 Bristol Street Brighton BN2 5JT
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	07/09/2018
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	EAST BRIGHTON
<u>APPEALAPPNUMBER</u>	

<u>ADDRESS</u>	3 Bristol Street Brighton BN2 5JT
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	07/09/2018
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	GOLDSMID
<u>APPEALAPPNUMBER</u>	BH2017/02900
<u>ADDRESS</u>	75 Lyndhurst Road Hove BN3 6FD
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing garage and erection of 1no. one bedroom single storey dwelling (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/08/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2017/02597
<u>ADDRESS</u>	307 Queens Park Road Brighton BN2 9XL
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom dwelling (C3) to six bedroom small house in multiple occupation (C4) (Retrospective).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	10/09/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEALAPPNUMBER</u>	BH2017/03363
<u>ADDRESS</u>	Old College House 8-10 Richmond Terrace Brighton BN2 9SY
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of existing basement storage area into 1no one bedroom flat (C3) with associated alterations.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/08/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEALAPPNUMBER</u>	BH2017/03118
<u>ADDRESS</u>	92 Newick Road Brighton BN1 9JH
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of Lawfulness for existing loft conversion including rear dormer and 4no. rooflights to front elevation.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/08/2018

APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

NORTH PORTSLADE

BH2018/00493

18 Overdown Rise Portslade BN41 2YG

Erection of single storey rear extension and extension of existing rear dormer.

APPEAL IN PROGRESS

29/08/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

PRESTON PARK

BH2016/06570

1 Campbell Road Brighton BN1 4QD

Conversion of existing dwellinghouse to 1 no. x 1-bedroom flat (Use Class C3) and 1 no. x 4-bedroom maisonette (Use Class C3) with associated alterations.

APPEAL IN PROGRESS

12/09/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

QUEEN'S PARK

BH2017/02880

154 - 155 Edward Street Brighton BN2 0JG

Installation of roof plant and machinery. (Retrospective)

APPEAL IN PROGRESS

12/09/2018

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

22C Sillwood Street Brighton BN1 2PS

Appeal against

APPEAL IN PROGRESS

04/09/2018

Not Assigned

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL

BH2017/01942

Maddalena 16 Bazehill Road Rottingdean Brighton BN2 7DB

Erection of detached four bedroom residential dwelling to replace existing dwelling.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 10/09/2018
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER BH2017/02590
ADDRESS Land Side Of 75 Tumulus Road Saltdean Brighton BN2 8FR
DEVELOPMENT DESCRIPTION Erection of 1no two bedroom bungalow (C3) with associated alterations and off street parking.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 10/09/2018
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER
ADDRESS 1 Abbotsbury Close Saltdean Brighton BN2 8SR
DEVELOPMENT DESCRIPTION Appeal against
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 04/09/2018
APPLICATION DECISION LEVEL Not Assigned

WARD **ROTTINGDEAN COASTAL**
APPEALAPPNUMBER
ADDRESS The Hames Ovingdean Road Brighton BN2 7BB
DEVELOPMENT DESCRIPTION Appeal against
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 05/09/2018
APPLICATION DECISION LEVEL Not Assigned

WARD **ST. PETER'S AND NORTH LAINE**
APPEALAPPNUMBER BH2017/03922
ADDRESS 10 Edinburgh Road Brighton BN2 3HY
DEVELOPMENT DESCRIPTION Conversion of existing dwelling (C3) to form 1no one bedroom flat and 1no two bedroom maisonette (C3) with associated alterations to fenestration.
APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 30/08/2018
APPLICATION DECISION LEVEL Delegated

WARD **WISH**
APPEALAPPNUMBER BH2017/02609
ADDRESS 22 Middleton Avenue Hove BN3 4PJ

<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflight, side windows and rear dormer.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/09/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
<hr/>	
<u>WARD</u>	WITHDEAN
<u>APPEALAPPNUMBER</u>	BH2018/00938
<u>ADDRESS</u>	37 Bates Road Brighton BN1 6PF
<u>DEVELOPMENT DESCRIPTION</u>	Alterations to the existing boundary fence and wall and installation of decking to the rear garden.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/08/2018
<u>APPLICATION DECISION LEVEL</u>	Delegated
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APPEAL DECISIONS

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A –WINDHAVEN, 107 MARINE DRIVE, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL	187

Application BH20167/05906 - Appeal against refusal to grant planning permission for demolition of existing dwelling and outbuildings and erection of 2 no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage Without complying with conditions attached to planning permission. **APPEAL DISMISSED** (delegated decision)

B – 6 FALLOWFIELD CRESCENT, HOVE – HANGLETON & KNOLL	195
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Application BH2017/03811 – Appeal against refusal to grant planning permission for conversion and extension of an existing double garage to form ancillary accommodation. **APPEAL ALLOWED** (delegated decision)

C – 27 – 31 LONDON ROAD, BRIGHTON – ST PETER’S & NORTH LAINE	199
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Application BH2017/02845 - Appeal against refusal to grant planning permission for the installation of 2 no. non-illuminated fascias at first floor level. **APPEAL DISMISSED** (delegated decision)

D – 33 HALLETT ROAD, BRIGHTON – HANOVER & ELM GROVE	201
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Appeal against issue of an enforcement notice. The breach of planning control was “without planning permission the change of use of a single dwelling house (Use Class C3) to House in Multiple Occupation (HMO). **APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHeld WITHOUT VARIATION**

E – STATION ROAD, CAR WASH, HOVE STATION, GOLDSTONE VILLAS, HOVE – GOLDSMID	203
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Application BH2018/00070 - Appeal against refusal to grant planning permission for erection of 2no. canopies to front concourse. **APPEAL DISMISSED** (delegated decision)



Appeal Decision

Site visit made on 8 August 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2018

Appeal Ref: APP/Q1445/W/18/3194293

Windhaven, 107 Marine Drive, Rottingdean, Brighton BN2 7GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Carlo Schifano of the Morgan Carn Partnership against the decision of Brighton and Hove City Council.
- The application Ref BH2016/05906, dated 31 October 2016, was refused by notice dated 21 November 2017.
- The application sought planning permission for Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7 no flats and erection of 2 no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage without complying with conditions attached to planning permission Ref BH2015/01745, dated 22 July 2016.
- The conditions in dispute are Nos 2, 13, 14, 15, 16 and 17 which state that:
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below (ie the list of drawings set out in the table embedded within this condition).
 - 13) Prior to first occupation of the development hereby permitted, details of appropriate levels of lighting to ensure a safe segregated footway in the car park area at all times shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.
 - 14) Prior to first occupation of the development hereby permitted, details of the proposed entrance gates and details (including sample) of the split face stone tiled wall hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.
 - 15) Prior to first occupation of the development hereby permitted, details of appropriate signage to the access, to ensure vehicles entering the site have priority shall 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.
 - 16) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
 - 17) Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

- The reasons given for the conditions are:
 - 2) For the avoidance of doubt and in the interests of proper planning.
 - 13) In the interest of highway safety and to comply with policy TR7 of the Brighton and Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
 - 14) To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One.
 - 15) To improve visibility and awareness of vehicles and other users entering and exiting the site via the access, and to comply with policy TR7 of the Brighton and Hove Local Plan.
 - 16) To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton and Hove Local Plan.
 - 17) To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton and Hove Local Plan.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. The applicant and the appellant are an architectural practice. However, the viability reports submitted with the appealed application and the appeal refer to PVJ Developments Limited being the applicant. At my request the appellant has confirmed that it has been instructed to act on behalf for PVJ Developments Limited, the landowner and developer¹ for the application site. For the sake of clarity hereafter I shall refer to the developer rather than appellant and in so doing I consider no prejudice will be caused to any party.
3. Planning permission was granted by the Council on 22 July 2016 under reference BH2015/01745 (the permission) for the demolition of 107 Marine Drive, a bungalow, and the construction of two semi-detached houses and a block of seven flats (the development). In association with the granting of the permission the developer entered into planning obligations to secure the payment of an affordable housing contribution of £329,000 and a sustainable transport contribution of £6,750.
4. Following the development's commencement on 1 May 2016² (predating the permission) an application (BH2016/05906 – the appealed application), made under Section 73 of the Act, was submitted on 31 October 2016. That application sought to 'vary' six of the conditions, 2 and 13 to 17 inclusive, imposed on the permission. Condition 2 is a standard plans condition and requires the development to be carried out in accordance with the numerous plans listed in the condition.
5. Conditions 13 to 17 respectively require details relating to: external lighting; the front boundary treatment (gates and a wall); directional signage; refuse and recycle storage; and bicycle parking to have been approved (discharged) prior to the first occupation of the development. Thereafter the works subject conditions 13 to 17 should be implemented in accordance with the approved details prior to the first occupation of the development.

¹ PVJ Developments Limited being defined as the developer for the site within the Supplementary Planning Obligation executed on 20 July 2016 and appended to the Oakley Financial Viability Assessment of June 2017

² Date taken from the application form for the appealed application

6. Conditions 13 to 17 inclusive all require quite minor details to be discharged. It is therefore unclear to me why it is necessary for those conditions to be varied under Section 73, given the discharge procedure that is governed by legislation. It therefore appears to me that it is only condition 2 of the permission that might conceivably need to be varied under Section 73. That is because some of the drawings listed in condition 2 might become superseded and need to be updated and/or the list might need to be expanded as part of the process of discharging the requirements of conditions 13 to 17.
7. The purpose of the plans condition is to ensure that the new development is implemented in accordance with plans that are subject to express planning permissions. It is common for conditions to be imposed on permissions requiring the subsequent approval of detailed matters. Given that I am unaware of there being any particular issue with the discharge procedure for conditions creating conflicts with plans conditions, so as to render the latter inoperative, as might be inferred from the developer's reliance on Section 73 in this instance. Be that as it may the Council has determined the appealed application and I am required to determine the appeal on the same basis.
8. As the development subject to the permission has in part been occupied prior to conditions 13 to 17 being discharged a breach of that permission has arisen. However, as the appealed application was submitted prior to the breach of conditions 13 to 17 occurring I have determined this appeal having regard to the provisions of Section 73 rather than Section 73A of the Act.
9. The details for which approval has been sought are of an uncontroversial nature, with the Council considering them to be unobjectionable. I similarly consider the submitted details to be acceptable and I consider there to be no need for me to assess them in my reasoning below.
10. The disagreement between the appellant and the Council revolves around the need or otherwise for the making of an affordable housing contribution. In that regard the granting of an approval to vary conditions under Section 73 would create a new express permission. The Council contends that a new permission should not be granted without there being an executed planning obligation (or a deed of variation) to secure the payment of the affordable housing contribution. However, for reasons concerning scheme viability, which I will address in my reasoning below, the developer is unwilling to enter into a new planning obligation or a deed of variation.
11. The developer in submitting its final comments has provided additional viability evidence³ and the Council has objected to my consideration of that evidence without it first being given the opportunity to comment on it. I consider that the additional viability evidence simply serves to reinforce the appellant's view that the development will become more unprofitable once all of the dwellings in it have been sold. I therefore consider that I can take account of the additional viability evidence without either needing the Council to comment on it or prejudicing the parties' cases.
12. Further to the parties submitting their cases the Government published the revised National Planning Policy Framework on 24 July 2018 (the revised Framework). At the same time some revisions were made to the Planning

³ The Oakley Financial Viability Assessment of July 2018

Practice Guidance (the PPG), with a replacement viability section being published. Given the references made by the appellant and the Council to the previous versions of the Framework and the PPG in their cases, they have been given the opportunity to comment on the revised Framework and PPG. I have taken account of the comments that have been submitted.

Main Issue

13. The main issue is whether the appeal development would make adequate provision for affordable housing.

Reasons

14. Policy CP20 of the Brighton and Hove City Plan Part One of March 2016 (the City Plan) addresses the provision of affordable housing. Policy CP20 states that affordable housing will be sought on all sites of five or more dwellings (net) and for schemes of between five and nine dwellings the requirement is for 20% affordable housing to be provided in the form of an equivalent financial contribution. The wording of Policy CP20 makes it clear that there is scope for affordable housing contributions to be negotiated with the Council when development viability may be an issue.
15. Paragraph 63 of the revised Framework states that affordable housing should not be sought in connection with non-major residential developments, ie developments of less than ten dwellings. Hereafter I shall refer to the national policy requirement as the ten unit threshold or threshold. The threshold originates from the Written Ministerial Statement (WMS) made on 28 November 2014 and part of the PPG was revised to take account of the WMS. The WMS was subsequently subject to a legal challenge, however, the Court of Appeal found in the Government's favour on 11 May 2016⁴, reversing the earlier judgement of the High Court. Thereafter the WMS and the guidance in the PPG were reinstated. The City Plan was adopted a little before the Court of Appeal handed down its judgement, nevertheless Policy CP20 is an extant development plan policy.
16. The revised Framework's ten unit threshold is a material consideration that might warrant a departure being made from Policy CP20. However, the Court of Appeal's judgement relating to the WMS has clearly established that its policy measures should not automatically be applied without regard being paid to the full circumstances of any given case, including the provisions of development plan policies. I consider the same principle is equally applicable to paragraph 63 of the Framework.
17. For the purposes of considering viability as part of decision making Paragraphs 008 and 009 of the extant version of the PPG's section on viability⁵ state:

'...The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including ... any change in site circumstances since the plan was brought into force ...'
[Paragraph 008]

⁴ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

⁵ Reference IDs: 10-008-20180724 and 10-009-20180724

'...As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.' [Paragraph 009]

18. Planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise⁶ and Policy CP20 of the City Plan is therefore the starting point for the determination of this appeal. However, I consider that the Government's policy relating to the circumstances when affordable housing contributions should or should not be sought, as stated most particularly in the revised Framework, is a material consideration of great weight that I must also have regard to.
19. While there is inconsistency between the provisions of Policy CP20 and national policy there appear to be good local reasons for why that is the case. The Council has identified those reasons as being: a significant need for affordable housing for the life of the City Plan, ie until 2030, with there being an affordability issue given the average house price in the area; a constrained housing supply given the physical constraints arising from the proximity of the sea and the South Downs National Park; and the significance of small sites as contributors to the overall housing land supply, with sites of fewer than ten units yielding over 50% of new homes in the area. The Council's evidence⁷ shows that the delivery of affordable housing between 2010 and 2017 lagged behind the target level. Given that context I consider Policy CP20 to be consistent with the parts of the revised Framework that promote the provision of affordable housing, most particularly paragraphs 59, 61 and 62.
20. There is disagreement as to whether the development will or will not ultimately be viable, were the affordable housing contribution to be paid and once all of the dwellings have been sold. However, I consider whether the development will or will not ultimately be viable is somewhat academic. That is because it cannot be said that the existence of the affordable housing obligation has resulted in the development being stalled. In that regard the development was completed in January 2018⁸ and has thus been delivered, with one of the flats having now been sold and occupied.
21. The development subject to the appealed application is fundamentally the same as that benefitting from the permission. Having regard to that I consider the appealed application has all the hallmarks of being a vehicle to secure a favourable review of the requirement to make the affordable housing contribution, akin to the interim review procedure that was available under Sections 106BA to 106BC of the Act (as amended) up until 30 April 2016.
22. The appellant contends that the development has become unviable because firstly unanticipated ground conditions were encountered increasing the build costs and secondly there has been a decline in house prices. The decline in house prices being attributed to the withdrawal from the European Union

⁶ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

⁷ In the table included on page 4 of the Council's final comments on the revised Framework and PPG

⁸ Paragraph 1.2 of the Oakley Financial Viability Assessment of July 2018

(EU). However, any slowing down of the property market attributable to withdrawing from the EU would potentially have been foreseeable at or around the time that the developer, apparently willingly⁹, entered into the affordable housing obligation, given the Referendum's result predated the obligation's execution on 20 July 2016. I am therefore not persuaded that any significant weight should be attached to the developer's case relating to any decline in the housing market.

23. It is contended that I should attach greater weight to the ten unit threshold stated in paragraph 63 of the revised Framework, because it is a material consideration and Policy CP20 is inconsistent with that national policy. However, at the time the affordable housing obligation was entered into the national policy and guidance relating to the ten unit threshold was extant, with it having been reinstated following the Court of Appeal handing down its WMS judgement. I consider that had the developer been concerned about making an affordable contribution, either as a matter of principle and/or because of its potential to affect the development's viability, then it had the options of either not entering into the obligation or seeking to negotiate a reduced contribution, as allowed for by Policy CP20.
24. Instead the obligation was entered into and the development was allowed to progress to an advanced stage, prior to any concerns with viability being raised with the Council as a significant issue¹⁰. The developer appears to have been prepared to bear the cost of the affordable housing contribution until it sensed that there was a threat to the development's viability. I consider the developer's approach to this matter to be one of seeking to find a way of avoiding paying the affordable housing contribution after there had been some realisation of financial risk.
25. I consider the developer's attitude to this issue to be contrary to the extant guidance contained in paragraph 009 of the PPG. The PPG states that viability reviews should not be used as '... a tool to protect a return to the developer ...'. It is contended that the PPG's guidance should not be relied upon because this development will not yield a return on the investment that has been made. However, I consider the developer's interpretation of 'return' to be too literal and thus narrow.
26. The development may ultimately be unviable and that would mean that there would be no return for the developer. However, I consider what the developer is seeking to do is protect its financial position by minimising the loss that it is now forecasting will arise. Not making an affordable housing contribution would reduce the costs of this development and that would undoubtedly be financially beneficial for the developer. I therefore consider reducing the magnitude of any loss would constitute a form of protection for the developer's finances and I cannot accept that paragraph 009 of the PPG should not be applied in this instance.
27. For the record I also consider that the developer's approach to this matter did not accord with what is now superseded guidance in the PPG, namely that stated in former paragraphs 016 and 017¹¹. That is because the deliverability of the development appeared not to have been compromised at the point

⁹ As stated by the Council in its appeal statement

¹⁰ Ie the submission of the Oakley Financial Viability Assessment report dated June 2017

¹¹ Reference ID: 10-016-20140306 and Reference ID: 10-017-20140306

viability evidence was first made available to the Council and the development was not a phased one.

28. It has been submitted that further to an appeal concerning land at Ovingdean Road being allowed, following a public inquiry¹², I should consider the appeal before me on the basis of the Council being currently unable to demonstrate a five year supply of deliverable housing sites (HLS). A consequence of that would be for me to treat Policy CP20 as being out of date.
29. However, I consider the current HLS position is of no particular bearing for the determination of the appeal before me. That is because the permission has been implemented and the dwellings subject to it have been occupied or are available to be occupied. Accordingly irrespective of the outcome of this appeal the HLS position would be unaffected. In any event in the absence of an HLS and evidence of there being a continuing need for affordable housing, I am not persuaded that 'minimum weight' should be attached to Policy CP20 of the City Plan. That is because that would be likely to further compound the shortfall in the provision of affordable housing in the Council's area.
30. For the reasons I have outlined above, most particularly the appeal scheme's similarity with that subject to the permission and the development not being stalled, I conclude that the appeal development would make inadequate provision for affordable housing. In that regard the appeal development would be contrary to Policy CP20 of the City Plan and would be inconsistent with paragraphs 59, 61 and 62 of the revised Framework. I also consider that there would be some conflict with Policy CP7 of the City Plan, an umbrella type policy relating to developer contributions, because no Section 106 agreement or deed of variation has been submitted. For the reasons given above I find that paragraphs 008 and 009 of the PPG do not provide support for the appeal development.
31. There is an inconsistency between Policy CP20 and paragraph 63 of the revised Framework. However, having regard to the case specific circumstances I have referred to above and the local need for affordable housing, I consider that, in this instance, substantial weight should be attached to the conflict with Policy CP20.

Conclusion

32. For the reasons given above I consider that the appeal should be determined in accordance with the development plan, with there being no material considerations indicating to me that I should do otherwise. There would be unacceptable conflict with Policy CP20 of the City Plan and I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

¹² APP/Q1445/W/17/3177606



Appeal Decision

Site visit made on 8 August 2018

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2018

Appeal Ref: APP/Q1445/W/18/3194772 6 Fallowfield Crescent, Hove BN3 7NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr John Mosdell against Brighton and Hove City Council.
 - The application Ref BH2017/03811, is dated 15 November 2017.
 - The development proposed is conversion and extension of an existing double garage to form ancillary accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of an existing double garage to form ancillary accommodation at 6 Fallowfield Crescent, Hove BN3 7NQ in accordance with the terms of the application, Ref BH2017/03811, dated 15 November 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1716 – 1:1250 scale Site Location Plan; 1716 – 1:500 scale Block Plan; 101 – Proposed Site Plan; 102A – Proposed Floor Plan; and 103A – Proposed Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Fallowfield Crescent.

Procedural Matters

2. The Council has submitted that had it been in the position to determine the application, it would have refused permission for the development. That is because the Council contends the development would create an independent dwelling, affording its occupants with cramped living conditions, given the building's size. The putative reason for refusal being set out in the Council's officer report submitted as part of its appeal case.
3. Further to the parties submitting their cases the Government published the revised National Planning Policy Framework on 24 July 2018 (the revised

Framework). The appellant and the Council have been given the opportunity to comment on any implications the revised Framework might have for the determination of this appeal.

4. Reference has been made to a now expired planning permission (BH2010/00844) for the conversion of the detached garage at the premises (No 6) into a self-contained annex. However, neither the decision notice nor the drawings relating to that earlier permission were submitted with the originally made appeal. I consider that planning history is of some relevance to the determination of this appeal and for the purposes of clarification the appellant has been requested to provide a copy of the historic planning permission and the associated drawings.

Main Issue

5. Having regard to the Council's putative reason for refusal and the content of its officer report I consider the main issue is the effect of the development on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, and the living conditions for the occupiers of the development, with particular regard to the size of the development.

Reasons

6. The development would involve an extension to and the conversion of the detached double garage at No 6. The extension would result in the building becoming physically attached to No 6. No 6 is a chalet bungalow, occupying a backland siting, between frontage dwellings in Fallowfield Crescent, Hangleton Road and Nevill Avenue. Vehicular and pedestrian access to No 6 is via a drive passing between Nos 4 and 8.
7. The enlarged building would have a living area, one bedroom, a kitchen and a bathroom¹ and it is intended that it would be occupied as accommodation ancillary to the host property. The resulting accommodation would have the attributes of what is often referred to as a 'granny annex' and hereafter I shall refer to the development as the annex. The Council has submitted that if the annex was to be occupied independently, it could go undetected by either it or neighbouring residents and that the standalone dwelling could subsequently become immune from enforcement action. Should that happen then it would seem likely that the independent occupation of the annex would have occurred on a very discrete basis, with adjoining residents being unaware of it, ie undisturbed by it.
8. If the independent occupation of a standalone dwelling was undetectable by adjoining residents, because for example the comings and goings to it were not disturbing, then I consider such occupation could not be said to be harming neighbouring residents' living conditions. Alternatively if the comings and goings were to be of a disturbing nature, then I consider it unlikely that a material change of use in the annex's occupation would go undetected for any significant period of time.
9. While the annex would have a front door there would also be an internal interconnecting door between its living room and No 6's kitchen. I recognise that the annex would have elements that could enable it to be occupied independently. However, for so long as there was an interconnecting door I

¹ As per the floor layout shown on drawing 102A 'Proposed Floor Plan'

consider that the potential for the annex to be independently occupied would be very limited.

10. Taking the above mentioned factors into account I am of the opinion that the annex's occupation could be restricted by condition so as to preclude it from being occupied independently (a restrictive condition). I consider that the imposition of such a condition would address the Council's further concern that the accommodation would be too small to function as a standalone dwelling, given its limited internal dimensions and the absence of any meaningful external space.
11. The Council contends that a restrictive condition would not be effective and in support of that position it has cited a dismissed appeal concerning a property known as Benison in Bracklesham Bay. The Benison case concerned the conversion of a garage into a dwelling². However, I consider Benison's circumstances to be distinguishable from the proposal for No 6 because for the former the building would have remained detached and there would have been no interconnecting door. The physical and functional features of the building subject to the Benison appeal led the Inspector to conclude that the resulting accommodation would not necessarily be dependent upon the host property's occupation. The Benison decision therefore does not persuade me that a restrictive condition would be unenforceable.
12. With the imposition of a restrictive condition I conclude that the development would not be harmful to the living conditions of either the occupiers of the neighbouring properties or the development. I therefore consider that there would be no conflict with saved Policies QD14, QD27 and HO5 of the Brighton and Hove Local Plan because firstly the occupation of the annex would not be harmful to the living conditions of the occupiers of neighbouring properties and secondly it would provide acceptable living conditions for its users. Conflict with Policy CP12 of the Brighton and Hove City Plan Part One of March 2016 has been cited. However, I consider that not to be the case as this policy addresses 'urban design' and I consider it to be of no particular relevance to the assessment of living conditions for a development of this scale.

Conditions

13. In addition to the above mentioned restrictive condition, I consider that for reasons of certainty and the safeguarding of the area's appearance that the development should be carried in accordance with the details shown on the submitted plans and that the external works should use materials matching those of the existing building. I have therefore imposed those three conditions together with the standard three year implementation condition.

Conclusion

14. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR

² APP/L3815/A/01/1079596



Appeal Decision

Site visit made on 9 August 2018

by **Timothy C King BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 September 2018

Appeal Ref: **APP/Q1445/Z/17/3191475**

27-31 London Road, Brighton BN1 4JB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Pure Gym Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02845, dated 22 August 2017, was refused by notice dated 30 October 2017.
 - The advertisement proposed is the installation of 2 no. non-illuminated fascias at first floor level.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council has not raised any objection to the sign in terms of public safety and, as such, the main issue is the effect of the advertisement signage on the visual amenity of the area.

Reasons

3. The appeal site, on a busy shopping street where a significant degree of commercial advertising is in evidence, accommodates a relatively large three-storey building whose front façade, above ground floor level, shows some classic, early twentieth century architectural detailing.
4. The proposal would involve the display of fascia style signs on the building's frontage, affixed to the wall between the first and second floor windows. Two such signs are proposed; one on each side of the building's central column.
5. Policy QD12 of the Brighton and Hove Local Plan (LP) indicates that sensitively designed and located advertisements and/or signs which do not contribute to the visual amenity of the area will not be permitted. Further, the Council's Supplementary Planning Document, SPD07 'Advertisements' (SPD) says that, as a general rule, advertisements or signs above first floor cill level will be considered inappropriate unless such signs are a historic feature of the area, where the sign clearly relates to the use and character of the building.
6. In response to the Council's approach the appellant makes reference to other signs and advertisements in the locality as factors that might support the appeal. There is a marked difference, however, between the examples highlighted and the proposed appeal signage in its contextual setting. The

signage at Greggs, Kodak Express, Barclays Bank and Cash Converters, in particular, is hardly comparable in view of the comparatively smaller scale of these buildings. Given the size of the appeal building the scope exists for considerably larger displays than the other signage/advertisements shown. The proposal reflects this.

7. From my site visit I noted that the majority of commercial signage along London Road is positioned below first floor cill level. Of the other two sites mentioned by the appellant, the small Aldi sign merely takes up the space of a first floor window whilst the Boots sign is affixed to the blank frontage above the shop fascia and, although at significant height, it is relatively very small in proportion to the brickwork expanse, providing something of a relief.
8. The appellant makes the point that the building is neither statutorily nor locally listed and does not lie within a conservation area. Nonetheless, that does not lessen the requirement that the proposal should be assessed in terms of its effect on visual amenity. It is also mentioned that the current proposal has arisen as a result of the Council's previous decision to refuse advertisement consent for two larger, illuminated signs proposed for the building. That may be the case but that decision was not appealed and is not before me to determine. The Council's decision to refuse express consent for a previous scheme cannot have any significant bearing on my assessment of the merits and impacts of the current proposal.
9. Paragraph 132 of the National Planning Policy Framework (the Framework) says that the quality and character of places can suffer when advertisements are poorly sighted and designed. In this particular instance I find that, despite the shopping street location, the signage, due to its positioning and the building's architectural detailing, would detract causing visual detriment.
10. I am mindful of one of the Framework's underpinning objectives of encouraging economic growth and I also acknowledge that the gym will occupy the building's first floor, reflecting the signs' location. However, this needs to be weighed against the implications of the intended display for visual amenity due to its prominence. The absence of illumination would not sufficiently mitigate in this regard.
11. For the reasons given I conclude that the proposal would materially harm the visual amenity of the area. It would therefore conflict with the objectives of LP Policy QD12 and the Council's SPD. Although local policy has not been the only consideration it is consistent with relevant advice in the Framework.
12. For the reasons given above, the appeal does not succeed.

Timothy C King

INSPECTOR



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 13 September 2018

Appeal ref: APP/Q1445/C/18/3201695

Land at 33 Hallett Road, Brighton, Sussex, BN2 9ZN.

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by DB Sussex Investments Ltd against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 21 March 2018.
- The breach of planning control as alleged in the notice is "Without planning permission the Change of use from Single Dwellinghouse (Use Class C3) to House in Multiple Occupation (Use Class C4)".
- The requirement of the notice is: "Cease the use of the property as a House in Multiple Occupation (HMO)".
- The period for compliance with the requirements of the notice is "3 months after this notice takes effect".
- The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellant's case is that there are shorthold tenancy agreements in place which are effective until 9 September 2018. Therefore, the appellant requests the compliance period be extended to allow for this period and for the tenants to be rehoused. However, as 4 months have elapsed since the appeal was submitted the tenancy agreements have now expired. It also means that as the compliance period will begin again from the date of this decision, the appellant will effectively have had some 7 months in which to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate and achieves an appropriate balance between the needs of the tenants to seek out alternative accommodation and the need to bring the harm caused by the unauthorised use to an end.
2. I note that since the appeal was submitted the appellant has submitted a retrospective planning application and has now requested that the period for compliance be extended by a further 6 months. However, I cannot justify extending the compliance period in these circumstances. Should the appellant's application not be determined by the time the compliance period has expired, the Council has the power under section 173(1)(b) of the amended 1990 Act, to

extend the compliance period themselves, should they see fit. Whilst this is entirely a matter for the Council's discretion, it would be open to the appellant to ask for a further short extension of time, should that prove necessary.

3. In these circumstances, I can see no good reason to extend the compliance period further. The ground (g) appeal fails accordingly.

Formal decision

4. The appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee



Appeal Decision

Site visit made on 9 August 2018

by **Timothy C King BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 September 2018

Appeal Ref: APP/Q1445/W/18/3198324

**Station Car Wash, Hove Station, Goldstone Villas, Hove, East Sussex
BN3 3RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robbie Raggio against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00070, dated 13 December 2017, was refused by notice dated 20 February 2018.
 - The development proposed is the erection of 2 no. canopies to front concourse.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the setting of the adjacent listed building, and also on the character and appearance of the surrounding area, with particular regard to its conservation area location.

Reasons

3. The appeal site comprises a forecourt being used in association with a car wash business. It lies off Station Approach, the short link road at the north end of Goldstone Villas and Denmark Villas and falls within the Hove Station Conservation Area. It is also adjacent to the original Hove Station which is a Grade II statutorily listed building.
4. The appellants case is largely based on the fact that the Council, in October 2017, granted planning permission (ref BH2017/01922) for a single canopy structure located within the main forecourt area. This has since been installed and its form, design and appearance would be reflected in the two additional canopies, the subject of this appeal. The appellant feels that the previous planning permission supports the current appeal, although the Council has drawn a distinction between the single canopy and the current proposal in that the two additional canopies would be positioned directly in front of the listed building. Indeed, at my site visit I noted that the forecourt extends across the hardstanding in front of the listed building, and the proposed canopies would sit in front of this blocking views of the building along Station Approach.
5. Paragraph 193 of the National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the

- asset's conservation. Also, it says that the more important the asset the greater the weight should be. Further, paragraph 194 of the Framework says that any harm to the significance of a designated heritage asset should require clear and convincing justification.
6. The Hove Station Conservation Area Character Statement mentions that the special character of the area is derived from the relationship between the station and the surrounding late Victorian buildings which connect the station with the main part of the town. It also says that the mid-Victorian former station building, a distinctive Tuscan villa style two-storey building showing characteristic original features with appropriate detailing, is the most important building on Station Approach.
 7. I have a particular duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving the listed building's setting, along with its features of special architectural and historic interest. This is in addition to the statutory duty under Section 72(1) of the same Act which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
 8. Policy HE6 of the Brighton & Hove Local Plan (LP) is concerned with development within or affecting the setting of conservation areas. It has a number of provisos which indicates what the development would need to display in order to be acceptable. Although the appellant comments that only the first three criteria apply to the proposal this does not lessen the weight to be attached to the policy.
 9. The value of both these heritage assets is clear and I have attached particular significance to them, especially their historical and visual characteristics. This strengthens the desirability of their preservation and carries considerable importance and weight. In this particular instance I find that the proposed canopies, which would both stand to a height of some 3m and also have a significant span, would represent unsympathetic features affecting what are currently unrestricted views of the former station building. This would have a markedly negative impact. Neither the setting of the listed building nor the character or appearance of the Conservation Area would be preserved as a result. Due to its positioning the existence of the single canopy at the far end of the forecourt does not impact to such a significant extent.
 10. The appellant comments that the Station building once had a canopy, and has provided a photograph to show this. However, this would have almost certainly been an architectural feature of the original building. This canopy was subsequently removed, presumably as the Station's main entrance is now via the building beyond to the west. Another point raised by the appellant relates to the existence of the flat-roofed petrol station forecourt canopy beyond the appeal site to the east. This, though, is set behind the petrol station shop building whose rear wall abuts the site and is sufficiently distanced from the listed building so as not to affect its setting to any significance.
 11. The appellant also mentions that the proposed canopies would be of lightweight construction, free standing, temporary in nature and not attached to the listed building. It is pointed out that the cover provided by the two canopies is needed for the business to be competitive and sustainable. However, on balance, these factors, even when taken together, do not weigh greatly in the

proposal's favour given that the canopies would visually detract from the listed building and would result in harm to the Conservation Area.

12. Overall, the proposal would neither preserve the setting of the listed building nor would it preserve the character or appearance of the Hove Station Conservation Area. The negative impact on both heritage assets would affect their significance. Although I find that the proposal would result in 'less than substantial harm' in the words of the Framework, the degree of harm would not be outweighed by the relative public benefits arising.
13. Accordingly, I conclude that the heritage assets would not be conserved in a manner appropriate to their significance in line with paragraph 193 of the Framework, and the proposal would also materially conflict with the objectives and requirements of LP Policies HE3 and HE6 and also Policy CP15 of the Brighton & Hove City Plan Part One.
14. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR

