

<b><u>No:</u></b>	<b>BH2017/01891</b>	<b><u>Ward:</u></b>	<b>Hangleton And Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>West Blatchington Primary &amp; Nursery School Hangleton Way Hove BN3 8BN</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing school buildings. Erection of primary school and nursery school (2 form entry) replacing existing school buildings and erection of secondary school (5 form entry) plus 6th form, including re-provision of sports pitches, provision of new access and parking and associated landscaping.</b>		
<b><u>Officer:</u></b>	<b>Maria Seale, tel: 292175</b>	<b><u>Valid Date:</u></b>	<b>14.06.2017</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>13.09.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>ECE Planning Limited Worthing BN12 4AP</b>	<b>Brooklyn Chambers</b>	<b>11 Goring Road</b>
<b><u>Applicant:</u></b>	<b>Education and Skills Funding Agency C/O Agent</b>		

## 1. RECOMMENDATION

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:

### **S106 Heads of Terms**

- A financial contribution of £150,000 towards the enhancement of sports facilities in either: Greenleas Park, Knoll Recreation Ground, Hove Park, Portslade Sports Centre or Waterhall;
- Community use of indoor and outdoor sports facilities and community storage facilities and details of management of this;
- Provision of a minimum of 40sqm floor area of additional exclusive community storage space for sports use with internal access to sports hall;
- A financial contribution of £93,090 towards the Local Employment Scheme;
- A Training and Employment Strategy to secure 20% local labour during construction;
- An artistic influence within external areas/landscaping/boundary treatment/building facades of the site to a minimum value of £24,000;
- A Travel Plan including car park/drop-off area management plan, commitment to introduction of mini bus service, inclusion of the construction period and use of the site outside school hours;
- A total financial contribution of £270,000 towards sustainable transport measures and safer routes to school to include (but not be limited to): Warning signage/Real time public transport information/Accessible

kerbs/Bus shelter(s)/Amendments to parking and loading restrictions/Pedestrian crossing(s)/Footway extensions/Dropped kerbs/Tactile paving/Junction narrowing/Pedestrian facility improvements in the following locations: Hangleton Way, junction with Chichester Close, Amberley Drive, Hardwick Road, junction with Stonecroft, Downham Drive, Poynings Drive, bridleway entrance, junction with Harmsworth Crescent, junction of Clarke Avenue, junction of Beeding Avenue junction of Clayton Way; junction of Northease Drive, junction of Lark Hill, junction of Park Rise;

- A s278 Agreement to secure works prior to occupation relating to the site accesses on to the public highway. This shall include the following:
  - Addition and/or amendment and/or removal of school keep clear markings to reflect revised access locations;
  - Provision of vehicle accesses to the primary and secondary schools to include raised crossings and tactile paving;
  - Removal and/or relocation of redundant pedestrian guardrail; and
  - Removal of redundant vehicle accesses and reinstatement of footway including the provision of a reinforced footway for emergency vehicle access at the current Poynings Drive access.

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.  
*[Note: drawing numbers will be inserted into the Late Representations List]*
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development shall take place until a Phasing Plan outlining how and when different parts of the development will be constructed has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of proper planning and to ensure the necessary infrastructure and mitigation measures are in place at each relevant stage, to comply with polices CP5, CP7, CP9, CP10, CP11, CP15, CP16, CP17, CP18 and SA6 of the Brighton and Hove City Part One and TR4, TR7, TR11, TR12, TR14, TR18, SU3, SU5, QD15, QD16, QD18, QD27, HO19 and HE12 of the Brighton and Hove Local Plan.
4. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
  - i) The phases of the Proposed Development including the forecasted completion date(s)
  - ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained

- iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- v) Details of hours of construction including all associated vehicular movements
- vi) Details of the construction compound
- vii) A plan showing construction traffic routes
- viii) An audit of all waste generated during construction works

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

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

5. No development of each respective phase agreed under condition 3 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 policies CP15 of the Brighton and Hove City Plan Part One and HE12 of the Brighton and Hove Local Plan and the National Planning Policy Framework.
6. No respective phase of the development as agreed under condition 3 shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under the condition above to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policies CP15 of the Brighton and Hove City Plan Part One and HE12 of the Brighton and Hove Local Plan and the National Planning Policy Framework.
7. The use of the secondary school including 6th form hereby approved shall be limited to a total occupation and pupil roll of no more than 1050 pupils at any time and the use of the primary and nursery school hereby approved shall be limited to a total occupation and pupil roll of no more than 483 pupils at any time.  
**Reason:** To ensure the development satisfactorily provides for the travel demand and other infrastructure which it creates and to enable the impacts of any future intensification of use of the site to be duly considered by the Local

Planning Authority, to comply with policies TR4, TR7, TR11, TR12, TR14, TR18, QD27 and HO19 of the Brighton and Hove Local Plan and CP7, CP9 and SA6 of the Brighton and Hove City Plan Part One.

8. No part of the development hereby permitted shall first be brought into use until details of staggered core opening hours of the secondary, primary and nursery schools and details of other opening hours of the site have been submitted to and approved in writing by the Local Planning Authority. The agreed core and other opening hours shall be implemented and retained thereafter.

**Reason:** In order to minimise the impact of the development on surrounding transport infrastructure and residential amenity and in order to comply with policies TR4 and QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

9. No construction equipment or machinery shall be brought onto the site and no development shall take place until details of how existing trees will be protected within each respective phase of the development as agreed under condition 3 have been submitted to and approved in writing by the Local Planning Authority. The details shall confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Assessment by Paul Roberts at Connick Tree care dated 23rd January 2017, and shall incorporate the protection measures as identified on the Tree Constraints Plan by Connick Tree care drawing reference 142307/PRO/TRPP dated 26/1/2017. The details shall also include an Arboricultural Supervision Statement. The Supervision Statement shall include details of the following:

- 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.

The agreed scheme of supervision shall be carried out and shall be administered by a qualified arboriculturalist and the tree protection measures shall be implemented. No vehicles, plant or materials shall be driven or placed within the areas enclosed protected areas.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and SA5 of the Brighton and Hove City Plan Part One.

10. Notwithstanding details submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works for each respective phase. The agreed services and soakaways shall be implemented.

**Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works to provide sufficient space for the proposed landscaping, in the interest of the visual amenities of the area and to

comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP12 and SA5 of the Brighton and Hove City Plan Part One.

11. No development above ground floor slab level shall take place until a masterplan scheme for the landscaping of the site for each respective phase of the development as agreed under condition 3 has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following:
- i) Details of all hard and soft landscaping
  - ii) Details of all boundary treatments
  - iii) Detailed planting plans including written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme and planting method (including cultivation and other operations associated with tree, shrub, hedge or grass establishment).

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of each respective phase of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of each phase or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and biodiversity, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and SA5, CP12, CP13 and CP10 of the Brighton and Hove City Plan Part One.

12. No development above ground floor slab level of any part of the development hereby permitted of each respective phase agreed under condition 3 shall take place until samples and details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) 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) Samples of all hard surfacing materials
  - d) Samples of the proposed window and door treatments, and details of depth of cill reveal
  - e) Samples of all other materials to be used externally.

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12 and SA5 of the Brighton and Hove City Plan Part One.

13. No development above ground floor slab level of each respective phase agreed under condition 3 shall take place until a BS4142: 2014 Assessment within an Acoustic Report carried out by a competent person, such as a member of the Institute of Acoustics, has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall demonstrate that the schools will meet the internal noise level standards of Acoustic Design of Schools: Building Bulletin 93 2014 and BS8233:2014 and WHO 2009 guidelines, so that internal noise does not exceed the levels prescribed. The report shall take account of all plant and equipment to be used at the development. The report shall detail mitigation measures taken to reduce noise to an acceptable standard (including ventilation measures to allow windows to be closed). A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be included as required. The agreed measures needed to reach the required internal noise standards shall be implemented within the development before any part of each respective phase is first occupied and shall be retained thereafter.

**Reason:** To protect the amenity of the occupiers of the buildings, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
14. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:2014.

**Reason:** To protect the amenity of the occupiers of nearby properties, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
15. No servicing (i.e. deliveries to or from the premises) shall occur except between the hours of 07.00 and 21.00 Monday to Saturday, and 08.00 to 17.00 on Sundays, Bank or Public Holidays.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
16. No permanent plant shall be installed within each respective phase of the development as agreed under condition 3 until a scheme for the fitting of odour control equipment to the buildings and sound insulation thereof, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of each respective phase of the development and shall thereafter be retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
17. No external lighting shall be installed within each respective phase of the development as agreed under condition 3 until details including type, appearance, levels of luminance and timing of illumination have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained

as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority. Reason: To safeguard the amenities of the occupiers of adjoining properties and the visual amenities of the locality, to comply with policies SU10, QD25 and QD27 of the Brighton & Hove Local Plan and SA5 of the Brighton and Hove City Plan Part One.

18. There shall be no external floodlighting within the site.  
**Reason:** To protect the visual amenity of the locality and wider views of the site both into and out of the South Downs National Park, and to protect the amenity of occupiers of nearby residential properties, to comply with policies QD25, QD26 and QD27 of the Brighton and Hove Local Plan and SA5 of the Brighton and Hove City Plan Part One.
19. No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) which is audible outside the site boundary shall be installed or operated on the site.  
**Reason:** To safeguard the amenities of the locality and the amenities of the occupiers of adjoining properties to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
20. The new primary and nursery school hereby permitted shall not be first brought into use until the acoustic fence as detailed on drawings 0103 Rev PL03 and 0502 Rev PL01 submitted on 22/08/2017 to be erected between the two schools has been installed.  
**Reason:** To ensure there is no undue noise disturbance to users of the primary school, to comply with policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.
21. Prior to first occupation of each respective phase of the development as agreed under condition 3, details of the car park layout to include circulation roads, vehicle swept paths, drop-off areas, disabled parking, motorcycle parking and pedestrian routes including dropped kerbs shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the respective phase of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure the development provides for the needs of pedestrians, disabled staff and visitors to the site and motorcycle users and to comply with policies CP9 of the City Plan Part One and policies TR7 and TR18 of the Brighton & Hove Local Plan and SPD14 guidance.
22. Prior to first occupation of each respective phase of the development as agreed under condition 3, details of secure cycle parking facilities for the occupants of, and visitors to, the development and safeguarded areas to allow for future expansion of cycle parking 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 respective phase 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.

23. Unless otherwise agreed in writing by the Local Planning Authority:
- i) No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable; and
  - ii) Within 4 months of first occupation of each respective phase of the development hereby permitted, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

24. No development of each respective phase agreed under condition 3 shall commence until a drainage strategy detailing the proposed means of surface water drainage and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority. Details of an associated management and maintenance plan of the proposed surface water drainage system as outlined in the submitted Flood Risk & Drainage Assessment and Sustainable Drainage Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved scheme and timetable.

**Reason:** For water protection and prevention of flood risk and to ensure that the principles of sustainable drainage and their associated maintenance are incorporated into this proposal to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan and CP8 of the Brighton and Hove City Plan Part One.

25. Development of each respective phase agreed under condition 3 shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** For water protection and prevention of flood risk to comply with policies SU3 and SU5 of the Brighton and Hove Local Plan.

26. No development above ground floor slab level for each respective phase of the development as agreed under condition 3 shall commence until a Scheme to Enhance Nature Conservation interest within the site has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include provision of a minimum of 8 bird nesting boxes (house sparrow and swift), 2 bat



nesting boxes, and provision logpile and meadow habitats. The approved Scheme shall be implemented before first occupation of each respective phase of the development (or in the first planting season following occupation with regard to meadow habitat) and retained thereafter.

**Reason:** In the interests of enhancing biodiversity, to comply with policy CP10 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 granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
3. With regard to conditions 9 and 10 above, before any equipment, materials or machinery are brought onto the site for the purposes of development it is recommended that a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager take place to confirm the protection of trees on and adjacent to the site and the contents of the arboricultural supervision statement required.
4. With regard to condition 17 above, light can be classed as a statutory nuisance under the provisions of the Environmental Protection Act 1990. The nationally recognised reference document for lighting performance is The Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (2011). Consideration should be given to reducing obtrusive light from sports facilities. Within it environmental zones are classified in accordance with their locality – E2 for villages or relatively dark outer suburban areas is likely to be most applicable. The predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors should be included.
5. The schools are required to submit a Food Registration Form to Environmental Health 28 days before opening. Further advice can be given to the schools for example on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brightonhove.gov.uk](http://www.brightonhove.gov.uk)).
6. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).
7. A formal application for connection to the public sewerage system and to requisition water infrastructure is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

8. The pressure gas main near to the site can be identified on the gas mains record. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. The developer should, where required confirm the position using hand dug trial holes. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

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

- 2.1 The site is located on the edge of the built up area (but within it), with a bridleway and mature tree screen to the A27 to the north and east, and then the South Down National Park beyond that, and Hangleton Way and residential properties to the south, and residential properties to the west.
- 2.2 The site comprises the school and nursery buildings and associated grounds and playing pitch of West Blatchington Primary and Nursery schools. The buildings across the site vary in height between single and two-storey and there are a number of temporary/mobile classrooms. Levels vary across the site, with the rear (north) being set higher.
- 2.3 There are currently two vehicular access points, one via Amberley Drive to the south-east and one via Hangleton Way to the south. There are two on site car parking areas.
- 2.4 There is currently a Multi-Use Games Area (MUGA) to the east of the primary school and a single grass football pitch and running track and rounders pitch to the north/north-west.
- 2.5 Currently the school and nursery are not operating at capacity and there are 305 on the roll (of a potential capacity of 463).
- 2.6 The application proposes the following:
  - Demolition of all existing buildings on site, as part of a phased redevelopment with no break in school provision on site during construction
  - Replacement of the West Blatchington Primary and Nursery Schools with one new building to house a total of 483 pupil places, comprising 420 pupils (2 form entry) for the primary school including 30 Autistic Spectrum Condition (ASC) unit spaces, and 33 nursery spaces. This represents an increase in capacity of 20 additional places for nursery and ASC places at the school.
  - The WB building would be 1-2 storeys in height and comprise associated classrooms, halls, dedicated staff space etc. The gross internal area for this school building would be 3310sqm.
  - The proposed core opening hours for WB school have been amended since first submitted and are likely to be registration at 8.45am (junior) 8.50am (Infants/nursery) and 3pm end Infant/nursery and 3.10pm end Junior, although this is subject to discussion. A breakfast club would run from 7.45am and an after school club until 5.30pm.

- Relocation and expansion of the Kings School from the existing site at former Portslade Aldridge Community Academy (PACA) 6th form building for pupils of 11-18yrs to include a sixth form, to provide a 5-form entry for a total of 1050 pupils, based on 750 11-16yrs pupils and 6th form of 300, and 150 students per year group. It is projected it will take 5 years for Kings School to grow to its intended size (from present numbers of 393 pupils plus 100 new in yr 7).
- The Kings building would be 1-3 storeys in height, comprising associated classrooms, halls, dedicated staff space etc.
- The core opening hours for Kings School have been amended since first submitted and are likely to be 8.30am-3.25pm, although this is subject to discussion. A breakfast club is proposed from 8am and an after school club would be provided between 3.30pm-4.30pm. It is envisaged the community use of the building would be after the school day until 10pm on weekdays and between 9am-10pm on Saturdays and 10am – 5pm on Sundays. Kings School will put in place a lettings programme for school facilities for the sports hall, MUGA, pitch and main hall space.
- Provision of various sports facilities for each school is proposed (note no floodlighting is proposed). In summary this comprises a relocated and levelled full-size football pitch, a mini-soccer pitch, a training grid, a 6 pitch cricket square-using main field, 8-lane 100m athletics track, a 3 court sports hall and a 3 court MUGA for Kings School, and a mini-soccer pitch, an 8-lane 60m athletics track and retention of existing MUGA for West Blatchington.
- Two vehicular accesses are proposed off Hangleton Way, one to serve each school. The existing access at Downland Drive/Poynings Drive would be reinstated as footway but which allows use for emergency vehicles.
- Car parking for both schools is proposed, 29 general spaces, 2 disabled spaces and 1 minibus space for WB and 50 general spaces, 3 disabled and 3 minibus spaces for Kings.
- Drop-off areas are proposed within the schools to be used only by pupils with special needs.
- The proposal involves removal of 20 trees within the site, and proposes replacement tree planting and landscaping.
- An additional acoustic fence between the schools has been added to the scheme, as well as a 6m high mesh ball-stop fence to the west of the playing pitch

### **3. RELEVANT HISTORY**

3.1 None of direct relevance to this proposal. There have been several permissions for mobile classrooms and minor alterations to the schools and its boundary treatment.

#### **3.2 Pre-Application Member Briefing:**

The scheme was presented at the pre-application stage at Members Briefing on 10/1/17. There was general recognition of the importance of building capacity for education provision and Members wanted to see the strategic case for education provision in this location. Members wished to see evidence that there would be no loss of recreation space for local community including sports teams

arising from the development. Members considered management issues for community use on site are important. Members considered the layout of sports to be well thought out. Members wished the proposals to maximise the availability of outdoor and indoor recreation provision for pupils on site. Members expressed concern about the about quantity of space for the Primary School and wished there to be dedicated play space for different age groups. Members expressed concern that cars will park where they can at start and end of the school day, and wished some drop off spaces on site. Members wished to see a staggering of school opening times between sites and that account was taken of the fact that some 6th formers would drive themselves. Members considered the designs to be acceptable, being unfussy and not flamboyant. The simple use of brickwork and colours was supported. Members wished the issue of the impact of internal lighting from the north side of the buildings on downland to be considered.

### 3.3 Officer pre-application advice:

The main matters negotiated by officers at the pre-application stage were: changes to site layout to ensure the site is used efficiently and playing fields left are maximised, provision of additional sports facilities, securing agreement for shared community use of facilities and to a financial contribution to off-site sports enhancement, design changes including use of blended bricks, more prominent main entrances and reduced prominence of roof plant, removal of unsatisfactory vehicular access at corner of Amberley Drive and provision of additional landscaping and tree planting between the development and the bridleway. In addition, more supporting information with regard to educational need was requested, which has been submitted. Increased levels of sustainability were requested, such as introduction of a green roof and/or photovoltaic panels to help meet a BREEAM standard of 'excellent' however these were not brought forward.

## 4. REPRESENTATIONS

### 4.1 Neighbours:

**Twenty (20)** letters have been received objecting to the proposed development on the following grounds:

### 4.2 Transport, traffic, access and safety:

- Will result in huge increase in traffic and gridlock to already congested area
- Roads are not wide or designed to take such volumes of traffic
- Will result in more chaotic parking and less pavement space
- There have already been near-misses and accidents because of cars parked on corners
- Will create serious highway safety problems and accidents
- Proposed accesses are dangerous, and why two?
- Need for a designated drop-off/pick-up point
- Buses will not be able to get through
- Children will block walkways
- Existing bus services will not cope as already serve 3 other schools in area

- Children will travel from far away as no catchment area therefore more likely to be by car, and no direct bus service from Portslade
- Parents will drive as bus service so slow
- Will increase car fumes and noise
- Should have access where current one is, and not have two accesses
- Road requires traffic calming
- Insufficient staff (incl non-teaching) parking proposed leading to overspill on streets and damage to cars
- Staggered opening times will not help as parents arrive early anyway
- Transport policy in plan is incoherent and not sensible. Travel plan is inadequate and pointless
- Site is a top of a hill therefore cycling rate will not increase as suggested
- Will result in loss of on street parking spaces
- Parking survey not robust as just a snapshot
- Concern about how bridleway will change and be used when school empty
- Introduction of a crossing will reduce parking spaces

#### 4.3 Appearance:

- Size of religious cross symbol is excessive and does not represent the diversity of the area and school takes from non-Christian religious and will dominate the non-faith and multi-cultural primary school next door

#### 4.4 Loss of sports facility:

- Loss of community youth football pitch (Hangleton Rangers)

#### 4.5 Educational need:

- There is no need for more schools in the west of the city, given council figures. The primary school is already under subscribed, therefore may attract more people from out of the area

#### 4.6 **Eight (8)** letters have been received supporting the scheme on the following grounds:

- There is a pressing need for secondary places in the city
- New school will benefit local children in the future
- Is an ideal solution to meet the needs of the local community and provide modern school facilities in an ideal location
- Will strengthen schools role in the community
- Current schools have aging buildings and temporary huts
- New school is a fantastic opportunity for children to benefit from modern fit for purpose facilities. It will help inspire children to achieve
- Will be more inclusive and allow pupils of all ages under one roof, including those with Autistic Spectrum Condition
- New buildings will be more efficient and help with running costs and help achieve financial sustainability

- Wider community would benefit from renting the sports hall, cookery room and meeting/workshop facilities
- The plans include satisfactory mitigation against increased traffic
- The main junior school entrance is busy and dangerous and causes parking problems for residents and new proposal with internal slip road will ease traffic congestion

4.7 **Three (3)** letters of have been received commenting:

- That a traffic survey be carried out to ensure consideration is given to the amount of traffic associated with new schools as buses already have trouble getting past vehicles
- That there are pros and cons, will increase traffic and may be noise disturbance between schools but children gain extra classrooms and new facilities which help with their education
- That there is potential for noise disturbance between the two schools

## 5. CONSULTATIONS

### 5.1 Internal:

**Arboriculture:** Comment

Summary:

Whilst the development will result in the loss of some 20 trees from the site there remains potential for considerable additional tree planting on site that would mitigate these removal. The Arboricultural Team recommends that consent is granted to this application subject to conditions to protect retained trees and secure suitable landscape planting.

### 5.2 Main Comment:

Much of this site is currently mown lawn and sports pitch areas with the bulk of the buildings, trees and hard surface areas to the East. The proposed development will reduce the grass open space areas and will require the loss of a substantial amount of the tree cover. Tree losses proposed are centred on the existing frontage and an attractive group of Sycamores within the middle of the existing group of buildings. A full and detailed Arboricultural report has been submitted with and the majority of its contents we are in agreement with although some of the tree categories allocated appear on the high side. A number of the trees shown as category A and B would perhaps be better scored as B's and C's but this does not impact on the report's recommendations.

5.3 The proposed two new school buildings have been largely situated away from the existing buildings on open field areas further back towards the Northern boundary. A narrow soft landscaping area divides the two new school which runs north to south and through the new car park. This dividing strip is quite narrow and part of it runs through the existing building and other hard surfaces. To secure effective tree planting within these areas it will be necessary to excavate larger tree pits especially where these new plantings run through the new car parking areas or other hard surfaces.

- 5.4 Adequate space for replacement plant appears to be available and a suitable mix of tree and shrub species have been indicated within the submitted design and access statement. However, it is recommended that a landscaping condition is attached to any consent issued as further details and specifications require detailing. In addition to this tree protection also needs conditioning so as to secure protection for trees retained on site.
- 5.5 **Children and Learning: Support**  
Pupil numbers in Brighton & Hove started to rise significantly in 2003/4 with the impact being the increase in primary numbers in the Hove area of the city. Numbers continued to rise year on year, resulting in the need for additional primary pupil places in Hove. The impact of pupil numbers in the secondary age range started in approximately 2014. King's School opened in its temporary location in Portslade in September 2013.
- 5.6 Identification of a permanent site has been far from simple and has resulted in the school being located on its temporary site far longer than originally intended. The LA considered all the sites they owned at the time to see if there was anything suitable. The EFA commissioned a site search via DTZ in September 2012 (updated in April 2013) which identified a number of sites but the majority were unsuitable, being too small or in the wrong location. The EFA considered other options and made an offer on Kings House when it was originally put up for sale but were significantly outbid. There have been no other suitable sites available for consideration since then.
- 5.7 Securing a permanent site for King's School has been a top priority for the Council, the school and the Education and Skills Funding Agency since the school opened in 2013. The places provided by King's School are integral to the planning for secondary and sixth form places in the City; if this school did not exist the need for additional places would grow by 150 per year group at a time of already increasing pupil numbers.
- 5.8 The development now proposed will secure the future for King's School for the city as well as provide a new school for West Blatchington Primary and Nursery School. The majority of the pupils attending King's School reside in Brighton & Hove. The school does not have a catchment area in the same way as other schools in the city; it takes pupils from across the city and beyond. The school prioritises children who regularly attend church and then children who live closest to one of two location markers. One of these is the school's location; the other is a location in Hove, there are currently 393 pupils on roll with less than 10 living outside the administrative boundary of Brighton & Hove. The majority of pupils at the school live within Hove and Portslade, it can be seen therefore that this school is substantially a school for Brighton & Hove and not the wider area.
- 5.9 West Blatchington Primary and Nursery School was created in 2008 by merging the former West Blatchington Infant and Junior Schools. However at that time there was no funding available to create a unified school building. This development offers the opportunity to create a purpose built primary school offering the facilities that a modern school should have. At the present time there are a number of temporary buildings on the school site, some of which are

over 20 years old. The replacement school will provide permanent, purpose built accommodation for the Autistic Spectrum Condition unit and the nursery at the school both of which are currently accommodated in temporary buildings.

5.10 We fully support this planning application as it will secure much needed school places for the city.

5.11 **Economic Development: Support**

City Regeneration fully supports this application as the key aspects of the development are responding to the needs of the city's growing population. The demolition and rebuilding of the existing nursery and primary school will address the increasing pressure for places. This too applies to the addition of a new secondary school with modern, high spec facilities that that will hopefully prepare our young citizens for the world of work and / or higher education.

5.12 In the event this proposal or any amended proposal is approved, through a S106 agreement, an Employment and Training Strategy will be required which should include the developer's commitment to using an agreed percentage of local labour, in addition to training opportunities through the main contractor or their subcontractors. It is proposed for this development that the minimum percentage of 20% local employment for the demolition (where applicable) and construction phase, is required. Also, following the Technical Guidance for Developer Contributions in respect of non-residential developments, a sum of £93,090 would be payable towards the Local Employment Scheme.

5.13 **Environmental Health: Approve subject to conditions**

The following have been considered: contaminated land issues (there are none); floodlighting and the need for a Construction Environment Management Plan (CEMP). Noise has been considered in relation to plant (as well as odour), deliveries, traffic noise and people using the playing fields. The noise environment within the classrooms has not been considered as this will be dealt with under the Building Regulation compliance. A BS4142 assessment has been included in the application and the list of plant and its position is listed separately and not assessed, this should be updated to take account of the actual plant and equipment planned. It should include the arrangements for ventilation, etc. where closed windows and other mitigation measures are to be relied upon to make the internal noise environment acceptable.

5.14 Conditions relating to the following are recommended: A further acoustic report, overall noise levels from plant, opening hours 7am – 11pm, loading hours 7am-7pm Mon-Fri and not Sun or Bank Hol, odour control, external lighting, no amplification and Construction Environmental Management Plan (CEMP).

5.15 **Planning Policy: Comment**

The provision of a permanent site for Kings School, an existing secondary with sixth form free school, with adequate modern provision to enable it to expand its pupils from 396 to up to 1050 pupils is welcomed. An improvement to the accommodation and facilities currently provided by West Blatchington primary school and nursery is also welcomed. Indeed proposals that facilitate the City



meet its school place requirements especially with high quality accommodation modern needs are promoted.

- 5.16 Five key policy issues are raised by this proposal: traffic including parking (pedestrian, cyclist, vehicular); design including impact on the National Park and sustainability; impact upon Toads Hole Valley development area; provision of new community facilities to meet the City's needs; and, principle of development/loss of designated open space.
- 5.17 The first three are subject to other consultee comments. The third is dependent upon the educational needs of the City, however, it is important the new school allocation is not undermined as it is a key component of establishing and integrating the new community within the area and for delivering a new playing field that will be accessible to all. The fourth is addressed in principle.
- 5.18 With regard to the last there is a concern over the principle of development in view that the designated open space, which will be subject to fragmentation and partial loss, is not surplus to the City's open space requirements (ie there is an existing 8.27 hectares deficit in open space in the ward). This is contrary to national policy and policies CP16 and CP17 in the recently adopted development plan, which seeks retention and enhancement of existing open space, unless an exception can be justified.
- 5.19 The unique circumstances of this proposal and the merits of the school accommodation improvements are however to be acknowledged. Key to the consideration of this proposal will be the material considerations in addition to the detailed matters especially quality of provision (educational and open space) and the s106/community use agreements alongside other matters addressed by other consultees. It is therefore for the case officer to assess all the policy requirements against all relevant material considerations and the consequent weight to be given to the merits of meeting the short term educational requirements versus the short to long term ability to meet open space requirements as set out in the adopted development plan (taking into account both quantity and quality of provision for both educational places and open space).
- 5.20 Percent for Art:  
Adopted City Plan Policy CP5 supports investment in public realm spaces suitable for outdoor events and cultural activities and the enhancement and retention of existing public art works; CP7 seeks development to contribute to necessary social, environmental and physical infrastructure including public art and public realm; and CP13 seeks to improve the quality and legibility of the city's public realm by incorporating an appropriate and integral public art element.
- 5.21 To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. The value based on internal floor area is £24,000. The final contribution will be a matter for the case officer to test

against requirements for S106 contributions for the whole development in relation to other identified contributions which may be necessary.

**5.22 Sports Facilities: Support**

**Initial Comments:**

**Summary:**

The BHCC Sports Facilities Team strongly support the proposal as it improves the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for pupils and residents.

**5.23 Main Comment:**

The BHCC Sports Facilities Team is supportive of the proposal which involves the addition of a new sports hall at the new secondary school and improved sporting facilities across the whole site including a 3 court MUGA.

Although there is a loss of open space/playing pitch provision the proposed S106 financial contribution will enable improvements to existing playing field/pitches elsewhere in the locality. This will assist in replacing the loss and will help accommodate the increased community demand displaced from the school site.

**5.24 The proposals will provide considerable benefits to the school in terms of improving and providing more sporting opportunities and facilities for pupils.**

The availability of the facilities during evenings, weekends and school holidays will also help meet the demand and provide more sporting opportunities for the local community from good quality sports facilities and will be formalised via a community use agreement. The plans allow the rest of the school building to be locked off whilst retaining access to the sporting areas which will assist the management of the community use areas out of hours.

**5.25 We would strongly encourage increased storage provision in the 'Kings school' large sports hall for community use. This would enable a wide range of uses including potentially gymnastics which would require significant storage space. Community and club groups would also potentially want to store their equipment securely on site.**

**5.26 In summary the proposal will result in considerable benefits to the city and the local community and will provide an improvement to the city's sport's facility provision.**

**5.27 Links to policy/strategy documents:**

The proposal helps to meet a number of the council's key objectives, outcomes and recommendations from the following policy/strategy documents including: 1. Corporate Plan (2015-2019); 2. City Plan Part 1 - Policy CP17 (Sports Provision), Policy CP18 (Healthy City) and Policy CP16 (Open Spaces); 4. Sports Facilities Plan 2012-22 (which clearly identified weaknesses in the city's facility provision and has a number of specific proposals to make improvements - a key priority is to increase the access to school facilities particularly sports halls); 5. Sports & Physical Activity Strategy 2013-18 (the proposal would help to meet the six outcomes of this); 6. Playing Pitch Strategy (2017).

In summary, shortfalls were identified now and in the future across the city. 3G pitches were identified as a means to try and address the shortfall and alleviate the over use of grass pitches.

5.28 Summary of Additional Comments:

Further to the initial consultation comments provided and following comments provided by Sport England and the Football Association we have been reviewing the implications of the loss of open space/playing pitch provision and the associated S106 developer's contribution to mitigate that loss and provide additional opportunities. Clarity on the required increased storage provision in the main sports hall is also provided.

5.29 Main Additional Comments:

As commented previously the loss of open space/playing pitch provision at the proposed site is a concern. We are still in the process of reviewing and prioritising the recommendations of the Playing Pitch Strategy (PPS) 2017. In summary this strategy identified shortfalls in the city now and into the future. One of the opportunities to consider was the creation of additional 3G pitches as a means to try and address the shortfall and alleviate the over use of grass pitches. It was hoped this could be achieved by a sports hub approach and an application to the Parklife Football Hubs National Programme was submitted earlier this year but unfortunately it was not successful. A site analysis has therefore started to identify potential options and solutions but this is still in progress and the exact location of sites for development has not yet been determined or agreed.

5.30 Due to the loss and over play that would occur on the remaining pitch a suggested £120K S106 contribution was initially suggested. This sum was based on improving the level, drainage and quality of the existing pitch and was comparable to a recent extensive drainage project on another site. However it is apparent that the loss of playing field would restrict the rotation of the pitch and areas such as goal mouths will become worn through heavy and continued use. Therefore a proposed S106 financial contribution will need to be sought to enable improvements to existing playing field/pitches elsewhere in the city. This will assist in replacing the loss and will help accommodate the community demand displaced from the school site. Due to the complexities involved in allocating just one or two sites the following have been identified as the best sites to consider in spending the contribution. Further consultation will need to continue with Sport England (SE), The Football Association (FA), local clubs and community groups potentially affected prior to a final decision. There are pros and cons for all sites which would need to be explored further.

5.31 Greenleas Park – improvements could be made to the existing grass pitches and the potential for a 3G pitch could be considered.

5.32 Knoll Recreation Ground – Already used by Hangleton Rangers (the team that currently play and train at West Blatchington). There is already a small, floodlit, sand based pitch that could possibly be extended and upgraded to 3G. This would help with matches for the younger age groups.

- 5.33 Hove Park – Some S106 monies has already been allocated to make improvements to outdoor sports and conversion of an existing sand based area into small 3G pitch is being considered. Additional funding could assist in making this more viable.
- 5.34 Portslade Sports Centre – The existing sand based AGP (Artificial Grass Pitch) is poor quality. The PPS has suggested that 3G should be considered. Recent meetings with Sussex FA have suggested this would be a positive step and would meet a key requirement from the PPS and provide a full sized floodlit 3G in the west of the city. Hangleton Rangers also already use this site.
- 5.35 Waterhall – A longer term strategic option in terms of a potential site for an additional full sized 3G pitch. Looking at some of these options in more detail has highlighted that the original £120K to be used as an off site contribution to realise one of the above projects is too low. Initial budget estimate costings to convert the pitch at Portslade would be a minimum of £130K just for the surface without taking into account the strip out, prelims, any changes to the fencing or works to the shockpad. Therefore on reflection a figure of approximately £150K would seem to provide a more realistic contribution to mitigate the on site loss. The request for a 150k contribution is based on budget estimates from external suppliers/consultants received by the council for:
- 5.36 Portslade Sports Centre – Re-surface of all-weather pitch with 3G surface and repairs to 50% of the existing shock pad (budget estimate 152K +VAT).
- 5.37 Hove Park – Resurface of all-weather pitch with a 3G surface and shock pad (budget estimate £165k +VAT).
- 5.38 Sports Hall Storage:  
Storage for the Sports hall in relation to community use is also an issue that has been raised. To clarify storage requirements the SE recommendation is 12.5% of the sports hall floor area therefore based on the size of the 3 court hall at 504m<sup>2</sup> this would equate to 63m<sup>2</sup>. The amount of storage specifically allocated to community use could probably be less than this (as long as the main sports equipment is provided by the school). A store the size of 40m<sup>2</sup> should still accommodate and allow the required circulation space for large pieces of equipment such as bouncy castles, crash mats, play equipment that would also need to be easily accessible. The size isn't the only important aspect. The location and shape is also key, along with double doors for the manoeuvring of bulky sports equipment. The store will also need to be accessed from within the sports hall.
- 5.39 **Sustainability Team: Comment**  
As a major planning application, this scheme is expected under City Plan Part One policy CP8 Sustainable Buildings, to achieve a BREEAM 'excellent' standard and to address sustainability policy as set out in Paragraph 2 (a) - (p).
- 5.40 A Thermal Study has been undertaken for Kings School (not submitted formally). This document looks at overheating and thermal comfort issues and uses computer simulation to predict the danger of overheating. The study finds

that all rooms meet thermal comfort requirements. However, it is noted that southern facades do not include solar shading which could further mitigate against overheating.

- 5.41 Major schemes are expected to undertake energy assessment in order to design appropriate solutions that meet local policy for energy efficiency, renewables, and carbon reduction as set out in policy at Paragraph 2 (a) to (c) of policy CP8. An energy assessment has been undertaken: a Compliance Report for ADL2A (Part L Building Regulations) relating to energy efficiency has been developed and states that the scheme as designed would achieve compliance without the addition of renewable energy technology. Two options for energy technologies are explored: Gas CHP 12kWe with an electrical output, and a solar photovoltaic array providing 64,000kWh/yr. Both would achieve (provisionally) 7 credits under the BREEAM category ENE1 (CO2 emissions). The PV array would result in lower carbon emissions (10.1 kgCO<sub>2</sub>/m<sup>2</sup>/yr as opposed to 11kg for the gas CHP). This shows that for main services (heating, cooling, ventilation and lighting), the carbon footprint of the development would be 85.3 tonnesCO<sub>2</sub>/yr for the scheme incorporating solar PV, and 92.9 tonnesCO<sub>2</sub>/yr for the GAS CHP option.
- 5.42 Gas CHP is proposed for the school to provide hot water and space heating. The ADL2A Compliance study does not recommend a preferred option, and no details are given within it for the decision taken to adopt Gas CHP rather than PV. The study did not set out to explore how to achieve BREEAM 'excellent', only how to achieve Building Regulations compliance. If the study had set out to explore the minimum mandatory requirements for a BREEAM 'excellent' score, it may well have recommended the adoption of both Gas CHP and a photovoltaic array. This would clearly provide a boost in the heavily weighted ENE1 category of the BREEAM assessment.
- 5.43 A Sustainability Statement has been included in documents submitted with the application. The Statement sets out that the scheme is targeting a BREEAM 'very good' standard and 'excellent' in the energy section. A BREEAM pre-assessment document has been undertaken. This shows a current total indicative score of 66.3% (just below the 70% score expected for an 'excellent' score. It is welcomed that an 'excellent' score in the Energy Section is being targeted. However, there is no justification or explanation provided to explain why the scheme is not targeting an 'excellent' BREEAM standard overall; as such, proposals do not meet current city Plan policy.
- 5.44 In instances when the standards recommended in CP8 cannot be met, applicants are expected to provide sufficient justification for a reduced level on the basis of site restrictions, financial viability, technical limitations and added benefits arising from the development (paragraph 4.88 p170).
- 5.45 The scheme could be improved by inclusion of renewable energy technologies. Renewable energy is expected as set out in paragraph 2 (b) and (c) of policy CP8. It is of concern that there are no renewable energy technologies proposed with the development, despite a roof that provides a suitable location for installation. The text referring to a feasibility study for low and zero carbon

technologies is hard to understand, and doesn't provide enough information to evaluate it's robustness or how it has arrived at the proposed strategy. The case officer indicated that the applicant suggested PVs on the school roof would have an unacceptable visual impact on the National Park. Any further information on this has not been found in documents. It is not clear why the following solutions could not be applied, or if any of these have already been considered. Solar panels are likely to be angled away from the Park, minimising glare, and there could be opportunities for building integrated solar photovoltaics, or siting in such a way to avoid visual impacts on the National Park. Furthermore, if viability is a barrier, then Community Energy funded solar PV could offer a solution through of providing installed renewables with no upfront cost.

5.46 The scheme could also be improved by the integration of areas for food growing within the landscaping, and integration of productive, edible planting as part of landscaping across the site. It is recommended that the applicant be asked to submit further information on why an 'Excellent' BREEAM standard cannot be achieved, and in particular why renewables cannot be incorporated into the scheme since they have been found to be technically advantageous in the Compliance report.

5.47 **Sustainable Transport:** Comment:

Original Comments prior to receipt of additional information in TA Addendum:

Summary:

The Highway Authority would not wish to object to the proposed development in principle. In the event that planning consent is granted, a S106 sustainable transport contribution of £270,000 (to be allocated to safer routes to school measures serving the site), S106 Travel Plans agreement including measures to facilitate and promote sustainable travel, a S278 highway works agreement and a number of conditions would be recommended. Full details of these are provided in the comments below although conditions would include staggering the opening hours of the two schools.

5.48 Main Comment:

Trip generation:

The King's School Transport Assessment considers trip generation for pupils but not staff. Based on 1,050 pupils and 102 staff, the school could generate up to 2,304 person trips per day. Additional trips by parents collecting and dropping of children are also likely as well as leisure and community users of the site outside school hours.

5.49 It is noted that the current roll of the primary school is below capacity at 340 pupils meaning that an increase in size has the potential to have a greater impact in practice. Trips associated with this number could occur within the current planning consent which is acknowledged in assessing the application; however, it is necessary to consider the cumulative impact of the application were both schools to operate at the proposed capacities.

5.50 Trip Type and Distribution:

As the King's School is a faith-based free school it is not subject to defined catchment areas. Current pupil data submitted by the applicant indicate that

home addresses are distributed across the city and beyond into East and West Sussex. Although the applicant has stated that a distance-based element will be introduced to selection criteria were the school to become oversubscribed, the likelihood is that there will continue to be a high distribution of pupil home addresses and the location of some pupils means that opportunities for travel by sustainable modes will be reduced.

- 5.51 The Transport Assessment argues that the school's existing site in Portslade provides a reasonable basis from which to estimate mode share as pupils are not particularly concentrated around that site. This principle is considered appropriate; however, the data is from April 2016 and includes a minibus service (5.5% mode share) which has since ceased whilst it is also not possible to distinguish between rail and bus users (37% combined share). The share for rail would be expected to be lower as the current site. The current site also has pupils living within all directions of it whereas pupils for the proposed site will come from the south, reducing the potential walking catchment. Therefore, there is a risk that the current 29% car mode share would be higher at the proposed site.
- 5.52 The applicant's Transport Consultant has discounted the number of vehicle trips calculated to account for siblings sharing cars based on Census data for the number of dependent children per household (1.63). Therefore, at full occupancy, 305 vehicles (29% mode share) has been discounted to 186 vehicles. There is a possibility that this underestimates the number of vehicle trips as it assumes that all children will be within the secondary school age range when this will not be the case. Trips associated with the primary school have been based on the most recent survey from 2014-15, which indicates that car use has increased from 30% in 2009-10 to 45% more recently.
- 5.53 Impact:  
The impact of the additional vehicle trips is primarily expected to be on car parking demand in the vicinity of the school at drop-off and collection times and the localised congestion this would generate. The impact of the development on the public highway could however expected to be exacerbated by the proposed opening hours, and staggered hours (30 mins) are requested.
- 5.54 The Transport Assessment considers the impact on bus capacity, suggesting that the high frequency of existing services and location of the school requiring travel in the opposite direction to peak demand would mean that future increases in demand from the school can be accommodated. However, the council's Public Transport team have raised concern that the publicly funded school bus routes 16 and 66 would not be able to accommodate the forecast increase in demand as the route is currently operated using a single deck vehicle with total capacity of under 40 passengers. Based on forecasts from the applicant's Transport Consultant, this would be exceeded as early as 2019 when demand from 51 pupils would be expected.
- 5.55 Mitigation:  
In the event that planning consent is granted, in order to mitigate the impact of the proposed development and ensure that safe access to each school by

sustainable modes is provided, a number of highway works are requested to be funded by the applicant through a S106 agreement. Full details can be seen in the S106 Heads Of Terms section at the beginning of this report. A Travel Plan is also requested for each school in order to encourage sustainable modes of travel, mitigate the impact of the development and comply with policies CP9 of the Brighton & Hove City Plan Part One and TR4 of the Brighton & Hove Local Plan.

5.56 The Travel Plans should include a range of measures which respond to the constraints of the location and the wide catchment area of the King's School. The Transport Assessment states that recommencement of a minibus service previously operating for the King's School's Portslade site will be pursued with the increased pupil numbers expected to improve its viability. A commitment is also made to working with the neighbouring primary school where appropriate. Such measures are considered necessary given the distribution of pupils attending the King's School and in order to provide sustainable alternatives to car use and minimise the impact of the development on streets within the vicinity of and beyond the site. In addition, the applicant would be expected to put in place a public transport strategy in order to address the shortfall in capacity on publicly-funded routes that the development is forecast to generate. It is expected that this would need to include a commitment to introducing a minibus service for the King's School. West Blatchington Primary School currently has a travel plan which includes a number of measures including park and stride and a minibus service which collects pupils living furthest from the school site. The inclusion of these measures is positive and it will be necessary for them to continue and be expanded as the capacity of the primary school increases.

5.57 Vehicle Access:

Access Locations:

Each school will be served by a single vehicle access from Hangleton Way. The proposed entrance for West Blatchington School utilises the existing access point. However, this currently serves a small parking area and would require upgrading as the applicant has indicated on the submitted site plan. The new access serving the secondary school would not result in a significant loss of parking as this typically occurs on the southern side of Hangleton Way adjacent to the school with much of the northern side restricted by school keep clear markings. No objections are raised in relation to the proposed access locations in principle.

5.58 Drop-off Provision:

In accordance with SPD14, the Highway Authority's preference is that no drop off areas should be provided with the exception of taxis and for those with special education needs (SEN). The reason for this is that on-site drop off points would be expected to provide more attractive facilities that encourage travel by car. The risk is that this would have a greater adverse impact at the school access points, with the potential for conflict with large numbers of young pedestrians crossing, and on roads beyond the site.

5.59 The primary school proposal includes a drop-off bay, which the Planning Statement indicates will be for the "younger year and ASC [Autism Spectrum



Condition] pupils". The secondary school proposal includes a servicing and drop-off bay which the Transport Assessment states will be for use by taxis and pupils with special needs only. The Highway Authority would have no objection to this; however, full details of how the drop-off bays will be used should be provided in both school travel plans.

5.60 Bus Access:

Swept paths have been submitted to indicate that minibuses are able to access and circulate within the site. Clarification is required regarding what the strategy would be were any buses required to serve the site in response to the comments above or on occasion when coaches serve each school.

5.61 Deliveries and Servicing:

The Transport Assessments for both schools indicate that they can be serviced off the public highway. Swept paths submitted demonstrate that vehicles that could be reasonably expected to access the site such as refuse vehicles are able to circulate allowing them to both enter and exit in forward gear.

5.62 Pedestrian Access:

Pedestrian access is currently provided via one access on Poynings Drive and two on Hangleton Way. New dedicated pedestrian accesses will be provided for each school on Hangleton Way. The pedestrian access on Poynings Drive appears to be retained to provide access to the playing fields.

5.63 Access has also been included to each school from the off-road cycle route running alongside the northern site boundary. This was at the request of the Highway Authority during the pre-application stage with a view to offering an alternative access for pedestrians and cyclists to the front of the school which would be expected to be more heavily congested at peak times.

5.64 Footways within the site are generally at least 2m. The western access for the primary school is less at approximately 1.5m; however, it is recommended that this be addressed as part of the response to the drop-off comments above.

5.65 Beyond the site, a number of measures have been identified by the applicant's Transport Consultant and Highway Authority as necessary to improve pedestrian facilities to the proposed schools and cater for the increase in school pupils. Therefore, so that the proposed development complies with Brighton & Hove Local Plan policies TR7 and TR11, the applicant will be required to fund measures to provide safe routes to school. Full details are provided in the S106 comments.

5.66 Car Parking:

On-site Provision:

SPD14 allows a maximum of one space per teaching staff member for both primary and secondary schools in an 'outer area' location.

5.67 For the secondary school, the Transport Assessment indicates that there will be 65 teaching staff meaning that a maximum of 65 spaces would be permitted for this site. 50 spaces are proposed in addition to three disabled bays and two

mini-bus bays. A lower provision than the maximum permitted is acceptable where it can be demonstrated that there would not be an adverse impact on surrounding streets- see discussion below. For the primary school, 31 teaching staff will be employed at the site. 31 spaces, including two disabled bays, are provided which is therefore compliant with SPD14 and considered satisfactory.

5.68 Car Park Layout:

The car park layout is generally considered acceptable. Although dedicated pedestrian accesses are provided, there would be benefit in providing marked areas for pedestrians within the car park area. Further minor amendments would also be necessary in order to address the comments on disabled parking and motorcycle parking provided below and it is recommended that these be secured through a car park layout condition.

5.69 On-Street Parking Survey:

The Transport Assessment includes a parking survey on roads surrounding the site to coincide with school peak periods on Tuesday 22nd November 2016 at 15 minute intervals. The survey indicates that there is a total of 227 unrestricted spaces in the survey area which included Hangleton Way, Hardwick Road (west), Amberley Drive (north), Downland Drive (north) and Poynings Drive (north). A peak of 120 (53% occupancy) parked vehicles were recorded at 8:30am and 115 (51% occupancy) at 3:00pm.

5.70 The occupancy calculations include all vehicles, including those parked inconsiderately such as fully on the footway. However, the capacity calculations include both sides of each road which would not be considered to be a true reflection of parking capacity. The actual parking stress is therefore expected to be substantially greater than indicated in the Transport Statement.

5.71 Expected Additional Demand and Impact:

Considered in isolation, the rebuilding of the primary school, is not expected to result in a substantial increase in pupil vehicle trips and therefore associated parking demand. However, the submitted Transport Statement for the primary school and cumulative impact assessment within the secondary school Transport Assessment does not consider the parking demand from the existing primary school were it to be at capacity.

5.72 Given the cumulative impact of the development, there will become a greater need for West Blatchington School to implement and expand its current Travel Plan in order to encourage sustainable travel. Appropriate strategies, including 'park and stride' will also need to be in place to manage the impact of those vehicle trips which do occur.

5.73 Meanwhile, the relocation of the King's School will generate new parking demand from staff, parents transporting pupils, visitors and, in later years potentially sixth form students. Based on staff mode share for the existing King's School site in Portslade, the applicant's transport consultant has calculated that parking demand for a total of 102 staff (teaching and non-teaching) would be up to 78 vehicles. Excluding the minibus bays, this would indicate that an overspill of 25 vehicles could be possible. This is likely to be a worst case as not all 102

staff would be expected to be on-site at any one time. The Transport Assessment has concluded that the parking survey indicates that this level of parking demand could be accommodated on surrounding streets at the same time as on-street parking arising from the existing primary school. However, the Highway Authority would not consider that the parking survey demonstrates that this would be the case without having a negative impact on pedestrian routes, with current obstructions caused by parking highlighted within the pedestrian facility audit submitted by the applicant. Clarification on staff numbers is required.

- 5.74 In summary, although total additional on-street parking demand at the beginning and end of the school day will be spread around the peaks, this would exceed on-street capacity in the vicinity of the site. Parking demand from users of the site outside school hours could potentially result in on-street parking at times demand from residents is typically highest. However, taking into account the size of the car parks of the two sites, this is considered unlikely on a regular basis were this to be appropriately managed.
- 5.75 **Recommended Mitigation:**  
In order to mitigate the impacts of additional on-street parking demand, including by staff and at school drop-off times, it is requested that Travel Plans for each school be secured as part of the S106 agreement.
- 5.76 **Disabled Parking:**  
SPD14 requires a minimum of two bays or 5% of capacity, whichever is greater. Therefore, two spaces would be required for the primary school and three for the secondary school. This level of provision is provided and the layout is in accordance with the Department for Transport's Traffic Advisory Leaflet 5/95 as required by Brighton & Hove Local Plan policy TR18.
- 5.77 **Motorcycle Parking:**  
For both schools, 5% of provision for motorcycles is required, equivalent to two spaces for the primary school and five for the secondary school. The secondary school Transport Assessment indicates that this will be provided; however, no further details appear to be included on the submitted plans and none is referenced in the Primary School Transport Statement. It is therefore recommended that further details be secured as part of the recommended car park layout condition.
- 5.78 **Cycle Parking**  
SPD14 requires the following minimum cycle parking provision:  
Primary school: 54; Secondary school: 243
- 5.79 For the primary school, 43 spaces are proposed and for the secondary school, the applicant is proposing 137. This is less than the standard; however, the applicant has stated that this would provide for 10% of pupils which is greater than the 2.5% mode share of pupils surveyed at the existing King's School site at Portslade and allows room for growth. Taking into account the nature of the school's catchment which will be wider than most schools, it is considered that a

reduced level of provision would be acceptable in this instance. Details of provision (and space for future growth) can be secured by condition.

5.80 S106 Contribution:

Based on the increase in trips directly associated with pupils, staff and parents, the school could be expected to generate at least 2,466 additional trips per day. This would not include further trips generated by the intention to use the site facilities for commercial and community purposes out of hours. Based on the council's standard contributions formula outlined in the Developer Contributions Technical guidance, the following sustainable transport contribution would be required:

Net increase in person trips (2,466) \* contribution per trip (£200) – location based deduction (25%) = £369,900.

5.81 The Highway Authority has however taken account of the measures that would be necessary in order to make the development acceptable, are directly related to the development and reflective of its scale in accordance with the National Planning Policy Framework. On consideration of these, a contribution of £270,000 would be requested in the event that planning consent is granted.

5.82 The requested sustainable transport contribution will be allocated to public transport and safer routes to school measures in the vicinity of the site and on routes serving it. This in order to address the impact of the development on the surrounding highway, promote sustainable travel to the site and provide safe routes to school in accordance with policies CP9 and CP7 of the Brighton & Hove City Plan and TR7, TR11, TR12 and TR15 of the Local Plan and sections 203-204 of the National Planning Policy Framework.

5.83 Construction Environment Management Plan:

Given the scale of the development, proximity to the existing school and residential streets, a Construction Environment Management Plan (CEMP) would be requested. The Transport Assessment commits to this and it is recommended that the CEMP be secured by condition or as part of the S106 agreement. This should include details of construction routes and a commitment for the timing of construction vehicle movements not to coincide with school opening and closing hours.

5.84 It is understood that during construction there will be no staff parking available on-site meaning that staff are required to park on surrounding streets. The Transport Statement for the primary school concludes that there is sufficient capacity to comfortably accommodate demand during this period. However, owing to the capacity that is in practice available (see car parking comments above), the Highway Authority would expect Travel Plan measures to be introduced for school and construction staff during this period to incentivise travel by other modes and minimise the impact of parking which does occur on streets closer to the site. It is recommended that these details be included in the CEMP.

5.85 Comments made on Transport Assessment Addendum:

The TAA includes clarification on the number of staff that may be expected to be on-site for the King's School at any one time (80%). Based on current mode-share this would suggest that overspill parking from staff will be approximately eight vehicles (demand of 63 compared to 55 spaces provided on-site). Whilst the applicant would ideally have submitted data on how current King's School staff plan to travel to the new site, the TAA does include details of an historic travel survey undertaken in 2014 for staff of West Blatchington Primary, with car mode share of 75% this is similar to that for the King's School in Portslade and supports the use of existing mode share data for the Portslade site in the calculation of overspill parking for the proposed location. As nine additional staff are proposed for the primary school with six additional spaces, it is not forecast that there would be substantial additional overspill associated with this school compared to the existing situation.

5.86 Although the Highway Authority has reservations about the parking survey as stated in the original comments, it is not considered that overspill parking associated with staff would warrant refusal in this instance when taking account of the requested Travel Plan measures to mitigate the impacts of the development.

5.87 **Flood Risk Management Officer: No Objection**

In principle, the Lead Local Flood Authority (LLFA) would have no objections to this development as the inclusion of measures such as permeable paving, swales and soakaways as per the Flood Risk Assessment submitted in support of the application are noted. A condition should be imposed for submission of an associated management and maintenance plan of surface water drainage system as per the Flood Risk & Drainage Assessment and the Sustainable Drainage Statement for the site.

5.88 To discharge the condition above the LLFA the applicant will need to provide a comprehensive maintenance plan for the temporary and final drainage system in a formal maintenance plan. This should describe who will maintain the drainage, how it should be maintained and the frequency needed to monitor and maintain the system for the lifetime of the development.

5.89 **External:**

5.90 **Brighton and Hove Archaeological Society: Comment**

The proposed development is close to the site of the Roman villa at West Blatchington. It is possible that archaeological deposits still remain. The Society would suggest that the County Archaeologist is contacted for his recommendations.

5.91 **County Archaeologist: Approve subject to condition**

Summary:

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 the application of planning conditions which are outlined below.

5.92 **Main Comment:**

The proposed development is within an Archaeological Notification Area defining an area of prehistoric activity. This section of the South Downs is rich in prehistoric and Roman remains relating to settlement, farming and burial. The site has not been subject to any recorded archaeological investigation.

The application includes a comprehensive desk based assessment that concludes:

- No designated or non-designated Sites have previously been recorded on the Site on the East Sussex HER;
- Three historic landscape features have been identified within the Site area on historic maps and below-ground evidence may survive today;
- The Site has been assessed as having a generally moderate theoretical potential for prehistoric and Romano-British periods and low to moderate potential from the early medieval period onwards;
- The Site area has probably suffered most past impact from the landscaping and buildings associated with the creation of the schools in the third quarter of the 20th century, particularly in the south, with some lesser impact from past arable cultivation in the west;
- Where any archaeological remains are present they may be impacted on by the groundwork of the proposed development

5.93 The conclusion is concurred with and it is agreed that elements of the site are likely to have been heavily disturbed. Where areas of below ground archaeology do survive, the remains are likely to be of local archaeological interest rather than nationally significant; however it must be highlighted the site has not been subject to fieldwork investigation.

5.94 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

5.95 **County Ecologist: Comment**

Designated sites and Protected Species:

The site is adjacent to Toads Hole Valley Local Wildlife Site (LWS or Sites of Nature Conservation Importance) which abuts the eastern boundary. The LWS must be protected from any potential impacts including, but not limited to, impacts on root protection areas, increased dust, noise pollution and run-off. Any lighting scheme must also make sure the LWS remains unlit.

5.96 The site currently comprises amenity grassland, scrub, scattered trees, ornamental pond, buildings and hard standing. The wildlife area in the north east corner of the site, which includes a pond, should be retained and protected. The proposed development will lead to the loss of amenity grassland, scattered trees, areas of hard standing and buildings. The loss of habitat should be mitigated through the wildflower seeding/plugs and relaxed mowing around the boundaries and the inclusion of native trees within the landscaping trees.

5.97 Bats:

One of the buildings was initially identified as having a low potential to support bats. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. As such, a further survey was carried out in accordance with best practice and is considered sufficient to inform appropriate mitigation, compensation and enhancement. There was no evidence of roosting bats in building B6 and overall the bats are not considered to be using the site for roosting, foraging or commuting. There are some trees on site with bat roost potential. It is understood that these trees are to be retained. Therefore no further surveys are required. The recommendations made in the report should be implemented, i.e. the incorporation of bat roost features within the new building or the provision of two bat boxes within site boundaries, and a sensitive lighting scheme.

5.98 Breeding birds:

The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

5.99 Reptiles:

The site has low potential to support reptiles. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. A precautionary approach should be taken to site clearance as described in the Preliminary Ecological Appraisal report.

5.100 Other species:

The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop and advice should be sought from a suitably qualified and experienced ecologist as to how to proceed.

5.101 Mitigation Measures/Enhancement Opportunities:

In addition to the mitigation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include the provision of green (biodiverse) roofs, the provision of bird boxes (8 minimum), a sustainable urban drainage scheme and the use of species of known value to wildlife in the landscape scheme. Advice on appropriate species can be found in the Council's SPD 11, Annex 7 Notes on Habitat Creation and Enhancement. Where possible, native species of local provenance should be used. Any green

roofs should be chalk grassland to help meet Biosphere targets. Bird boxes should target species of conservation concern e.g. swift and house sparrow.

5.102 Additional Comments: It is disappointing that a green roof will not be provided given the multiple benefits they provide including biodiversity benefits, decreased run-off, temperature regulation etc, and the fact that they are now relatively low cost and low maintenance. An ecological design strategy should be secured by condition to enhance the nature conservation interest of the site, over and above the mitigation required for impacts on habitats and species. If a green roof is not to be provided, then alternative opportunities should be sought, e.g. the creation and sympathetic management of wildlife meadow habitat, as well as the provision of bird boxes and log piles.

5.103 **County Landscape Architect: Comment**

Landscape Policy Context:

The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109).

5.104 As the site is bounded to the north and east by the South Downs National Park (SDNP) consideration should be given to potential impacts on landscape and visual amenity of the National Park. In this context the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. (para115).

5.105 Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a strong sense of place and add to the quality of an area. Developments are required to respect local character and materials in both built form and open space detailing.

5.106 If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes.

5.107 Site Context:

5.108 Visual:

The Landscape and Visual Assessment, (LVA, HED December 16), provides an accurate baseline landscape and visual description of the site.

5.109 The existing buildings on the site are a maximum of one to two storeys in height and are set back from the northern site boundaries so that they only glimpses of the higher parts of the buildings are visible from key viewpoints in surrounding areas within the South Downs National Park (SDNP). Views in to the school site from the neighbouring residential area of Hangleton are largely obscured by a



tall and dense hedge. This and the trees within the site are important features which positively contribute to the local townscape.

#### 5.110 Potential Impacts and Mitigation Measures:

##### 5.111 Visual Impacts:

The wireframe visualisations provided with the application provide a comprehensive analysis of the potential visual impacts of the proposed development from the selected key viewpoints in the SDNP. These were taken in winter when the trees are not in leaf and therefore represent the worst case visual impacts. The top floor of the proposed building will be evident in these views as it would extend above the existing tree line, particularly for the middle distance views along Dyke Road. As stated in the LVA the long term visual effects need to be considered in the context of the existing surrounding built up area of Hangleton. Carefully chosen colours for the building façade would help to mitigate the mass of the building in these views – it is considered that blended brick colours would address this.

5.112 As the building would be set back on the school site and the existing hedge is to be retained the visual impacts on the residential area of Hangleton Way would be minimal.

5.113 There would be a visual impact on the bridleway which runs along the northern section of the site and this has not been illustrated in the LVA. This would affect a relatively short section and the visual surveillance from the new school building would make this bridleway feel safer for users than it currently does. The Design and Access Statement photomontage illustration indicates new tree planting between the new school and the bridleway. As there is limited space available here there could be a future conflict with new trees causing reduction of light to the classrooms. This requires further consideration in the development of the landscape masterplan for the site as the proposed trees are also stated to help reduce the visual impact of the building in views from the SDNP – the council's Arboriculturalist should be consulted.

##### 5.114 Impact on Landscape Character:

The evolution of the site design has addressed site constraints and opportunities. Landscape features such as the majority of the trees, the boundary hedge and school wildlife area are to be retained. The proposed landscape masterplan will provide an opportunity to enhance the schoolsite and the setting of the new buildings within the local townscape. The proposed development would not have a long term adverse effect on the character of the SDNP.

##### 5.115 Conclusion and Summary Recommendations:

It is recommended that the application can be supported, subject to consideration of the finished colours and textures of the building facades and the implementation of an approved landscape masterplan and detailed planting scheme.

##### 5.116 **Sport England Objection**

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England'.

5.117 Sport England's policy is to oppose the granting of planning permission for any development which 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.

5.118 Assessment against Sport England Policy/NPPF:

Paragraph 74 of the NPPF states that open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements
- 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
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

5.119 This application relates to the loss of existing playing fields and/or the potential provision of replacement playing fields. It therefore needs to be considered against exception E4 of the Sport England Playing Field policy, which states:

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development.

5.120 The existing playing field contains a football pitch (to the west) and space for a running track (to the east), both of which can be seen on past aerial photography. The PPS for this area, which was adopted in December 2016, states that the football pitch is 'A standard quality youth 9v9 pitch that is overplayed by 0.5 match equivalent sessions'. The applicant suggests that this pitch would remain, but be relocated to the west of the site. Pitch improvements are suggested which would appear to comprise of levelling the site. While the PPS suggests pitch improvements in order to alleviate overplay, it is unlikely that levelling the pitch alone would achieve this. Furthermore, the loss of playing field proposed here would mean that rotating the pitch in order to avoid wear on heavily used areas (such as the goal mouths) would no longer be possible. While it is noted that a new mini-pitch is proposed to the east of the school, this would not overcome this issue with what is already an overplayed field. A new MUGA is proposed, also on existing playing field, as well as an indoor sports hall.

5.121 It remains that a large quantum of playing field would be lost to school buildings. E4 requires that the loss is replaced by equivalent or better provision in terms of quality and quantity. The applicant has suggested that this remaining loss will be mitigated by a financial contribution, potentially for an AGP and names a

number of potential sites that could benefit. Without further information as to the exact location of the site and exactly what is proposed, Sport England is unable to determine that this application meets E4.

5.122 Sport England would also note that the replacement of a grass playing field elsewhere with an AGP would not be considered an adequate replacement, as this would also involve the loss of an existing grass playing field, and therefore no additional pitch space would be provided. Should an adequate solution be arrived at, Sport England would expect a community use agreement to be formalised by way of condition for the playing field and sports hall/MUGAs.

5.123 Conclusion:

In light of the above, Sport England 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.

5.124 **Southern Water: Comment**

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development, provided the discharge point on the existing foul sewer is at manhole reference TQ27075502 or manhole reference TQ27074501. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. An appropriate Informative is recommended in this regard.

5.125 The results of an initial desk top study for surface water disposal indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Alternatively, the developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

5.126 Should the Local Planning Authority be minded to approve the application, Southern Water would like a condition to be attached to any permission requiring a drainage strategy detailing the proposed means of surface water and an implementation timetable.

5.127 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source. Under current legislation and guidance SUDS rely upon facilities which are not

adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. 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. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

5.128 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

5.129 The Council's Building Control officers or technical staff and the Environment Agency should be asked to comment on the applicability and adequacy of soakaways to dispose of surface water from the proposed development. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a) Adequate soakaway or infiltration system
- b) Water course
- c) Where neither of the above is practicable sewer

5.130 Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required. We request that should this application receive planning approval, a condition is attached to the consent to secure details of the proposed means of foul and surface water sewerage disposal.

5.131 Following initial investigations, there is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the development. Section 41 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to supply a specific site. We request that should this application receive planning approval, an appropriate Informative is attached to the consent.

5.132 **Sussex Police: Comment**

The security measures within the Design and Access Statement such as the cycle shelters have been found to be very acceptable. In depth information on

gates, perimeter and security fencing can be found within the Secure By Design document.

**5.133 Scotland Gas Networks: Comment.**

On the mains record the low/medium/intermediate pressure gas main near the site can be seen. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Where required the developer should confirm the position using hand dug trial holes. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used.

**5.134 UK Power Networks: No objection.**

**5.135 South Downs National Park: No response**

**5.136 Environment Agency: No response**

**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) and 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

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  
CP15 Heritage  
CP16 Open space  
CP17 Sports provision  
CP18 Healthy city  
SA5 The setting of the South Downs National Park  
SA6 Sustainable neighbourhoods  
DA7 Toad's Hole Valley

Brighton & 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  
TR15 Cycle network  
TR18 Parking for people with a mobility related disability  
SU3 Water resources and their quality  
SU5 Surface water and foul sewage disposal infrastructure  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
SU11 Polluted land and buildings  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD18 Species protection  
QD25 External lighting  
QD26 Floodlighting  
QD27 Protection of amenity  
HO19 New community facilities  
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD11 Nature Conservation & Development  
SPD14 Parking  
Draft SPD Toads Hole Valley (expected to be adopted autumn 2017)  
Developer Contributions Technical Guidance

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to:

- Principle of developing the site
- The educational need for the proposal
- The impact to open space and sporting facilities
- The demand for travel created by the development

- The design and appearance of the development and the impact to the character and appearance of the locality including the wider setting of the South Downs National Park
- Impact to existing trees and landscaping and biodiversity
- Impact to amenity
- Sustainable design measures
- The impact to water resources
- The infrastructure demands created by the development including support for economic development
- The impact to archaeology

## 8.2 **Planning Policy Context:**

In its Vision and Strategy, the Brighton and Hove City Plan Part One sets out how the council will respond to local priorities, how it will meet the social, economic and environmental challenges that face the city and how it provides for the needs of a growing population. The Plan sets out that appropriate provision will be made for education needs, and Strategic Objective SO21 states the Plan will:

- 8.3 *Provide additional primary and secondary school places in response to growing demand and future increases in population by working with partners, including not for profit organisations, to build new schools and by expanding successful schools (where possible, with the consent of the school). Assist in the long term planning of higher and further education establishments, and ensure that they play a full part in the city's economic, social and environmental development.*
- 8.4 The key policies in the City Plan that are relevant to the type of development proposed are identified below.
- 8.5 CP Policy SA6 Sustainable Neighbourhoods is relevant as it seeks to create and maintain sustainable neighbourhoods and reduce inequalities between neighbourhoods by working with all sectors of the community, businesses and partners. It states that within areas with a shortfall of community facilities it should be ensured that new or enlarged community facilities (e.g. education and schools, youth facilities, community buildings) are provided by working with partners to identify appropriate sites. New development should also contribute to community priorities through developer contributions and encourage shared use of existing and new community facilities.
- 8.6 Shortfalls in the quantity and quality of open space, recreation and sports facilities in the city have been identified in the Open Space, Sport and Recreation Study, a background study to the City Plan Part One. Policy CP16 Open Space therefore states that the council will work collaboratively to safeguard, improve, expand and promote access to Brighton & Hove's open spaces (public and private) and the diverse range of experiences offered by these spaces. It states that planning permission will not normally be granted for development that results in the loss of open space and permission will only be granted in certain exceptional circumstances, and not for sites that form part of playing fields.

- 8.7 City Plan policy QD17 Sports Provision states that to facilitate the council's aspiration to increase participation in sports and physical activity, the council will safeguard, expand, enhance and promote access to Brighton & Hove's sports services, facilities and spaces. It states the council will work with partners to secure investment in poor quality, under-used sports services, facilities and spaces particularly in disadvantaged areas (see SA6) to bring about enhancements in quality and public use. It requires new development to contribute (by S106 if required) to the provision and improvement of the quality, quantity and accessibility of sports services, facilities and spaces to meet the needs it generates in accordance with local standards. New sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. The policy states the council will seek the opening up for community use of private and school sports facilities and spaces.
- 8.8 Whilst not a planning document, the council's Playing Pitch Strategy and Action Plan 2016 is of relevance, although only limited weight can be attached to it from a planning point of view. The Strategy identifies that there are no playing pitches deemed surplus to requirements across the city due to shortfalls identified both now and in the future. The Strategy therefore recommends that all playing pitches are protected unless mitigation is provided or until all demand is being met. With regard to football, it identifies there is a shortfall of 3G pitches in the City.
- 8.9 CP policy CP18 states that planning will support programmes and strategies which aim to reduce health inequalities and promote healthier lifestyles.
- 8.10 CP policy DA7 Toads Hole Valley – a large strategic mixed use allocation - is relevant as it is located close to the application site and requires space to be reserved for a secondary school, to meet a strategic need for additional secondary school places in the city.
- 8.11 The key policy with regard to educational development in the Brighton and Hove Local Plan is HO19 – New Community Facilities. This states that planning permission will be granted for community facilities (including schools and community halls) where it can be demonstrated that:
- a) The design and use of the facility will ensure its accessibility to all members of the community and include:
    - i) i demonstrable benefits to people from socially excluded groups;  
and
    - ii) ii the provision of suitable childcare and toilet facilities;
  - a) There is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
  - b) The location is readily accessible by walking, cycling and public transport;  
and
  - c) Adequate car and cycle parking, including provision for people with disabilities, is provided.



- 8.12 The National Planning Policy Framework (NPPF) is a key material consideration. The NPPF advises the purpose of the planning system is to help achieve sustainable development. The following are key paragraphs relating the type of development proposed.
- 8.13 Paragraphs 7 and 8 of the NPPF identify three dimensions to sustainable development: economic, social and environmental, and state these roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.14 Section 8 of the NPPF advises how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 72 in Section 8 states:
- 8.15 *The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *Give great weight to the need to create, expand or alter schools; and*
  - *Work with schools promoters to identify and resolve key planning issues before applications are submitted.*
- 8.16 Paragraph 73 in Section 8 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.
- 8.17 Paragraph 74 states:
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - *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; or*
  - *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- 8.18 **Principle of development, including educational need and impact to open space and sports facilities**  
 In view of the planning policy context above, it can be seen there is a strong presumption against building on playing fields other than in very exceptional

circumstances. It can also be seen that great weight and importance should be afforded to the need to create, expand or alter schools, and the significant public benefit that this brings. There is also a need to consider whether the proposal would undermine the Toads Hole Valley allocation for a secondary school.

- 8.19 In terms of educational need, it is considered that the applicant has provided substantial supporting information based on recognised statistics to demonstrate the educational need for the development. Weight is also given to the support for the proposal given by the council's Families, Children and Learning Team. It has been satisfactorily demonstrated that there is a clear and identified need for additional secondary school places in the city, and in particular in the west of it. Figures illustrate pupil numbers in Brighton & Hove started to rise significantly in 2003/4 with the impact being the increase in primary numbers in the Hove area of the city. Numbers continued to rise year on year, and the impact of pupil numbers in the secondary age range started in approximately 2014. Figures show that there will be a pressure at secondary school level in the Hove Park / Blatchington Mill area from 2019 onwards unless something is done quickly to address this issue.
- 8.20 It is not feasible for Kings School to grow to its intended size at its temporary site, and the council's Families, Children and Learning Team have confirmed that securing a permanent site for the King's School has been a top priority for the Council, the school and the Education Funding Agency since the school opened in 2013. The places provided by King's School are integral to the planning for secondary and sixth form places in the City; if this school did not exist the need for additional places would grow by 150 per year group at a time of already increasing pupil numbers.
- 8.21 The Kings School does not have a catchment area in the same way as other schools in the city; it takes pupils from across the city and beyond. The school prioritises children who regularly attend church and then children who live closest to one of two location markers. One of these is the school's location; the other is a location in Hove, there are currently 393 pupils on roll with less than 10 living outside the administrative boundary of Brighton & Hove. The majority of pupils at the school live within Hove and Portslade, it can be seen therefore that this school is substantially a school for Brighton & Hove and not the wider area.
- 8.22 It is recognised that potential sites for provision of a secondary school are very limited in the city, and the applicant has provided evidence of some of the other sites that were considered and discounted. The sites identified were all discounted because they were either in the wrong location, too small, protected uses in planning terms or a combination of these. Should Kings School relocate to the proposed site, the existing former PACA 6<sup>th</sup> form building would be surplus to requirements as the main PACA site has undergone a significant extension and refurbishment to accommodate a 6<sup>th</sup> form.
- 8.23 With regard to Toads Hole Valley, delivery of a secondary school here is a medium to long term aspiration, and as can be seen above there is an acute need for additional school places now. It should also be noted that the Toads Hole Valley development will generate a significant number of primary age

children (upwards of 100) who will be able to access West Blatchington School, as well as creating similar demand for additional secondary school places. The secondary school site identified within the Toads Hole Valley development brief is to meet the additional need going forwards. The proposal to locate the King's School onto the West Blatchington site is being driven by the need to meet the demand for pupil places in this part of the city now and the desire that this school remains viable for the future. King's School is an existing school not a new school therefore the places that it offers are not additional places, rather they are existing places that are needed now and which will continue to be needed in the future. More usually when a new school is proposed and provided it will fill up from the bottom, taking just year 7 pupils in its first year, so any school at Toads Hole Valley will meet limited need for an initial period.

- 8.24 Clearly, provision of modern, purpose built facilities will be a significant public benefit. In the case of West Blatchington, it will represent a significant improvement given the numerous temporary mobile classrooms currently used. It will also bring all pupils under one roof rather than being fragmented across the site, which is considered particularly important for ASC pupils.
- 8.25 As can be seen above, there is clearly a need for the development, but this needs to be weighed against the impact to open space and sport's facilities, and needs to be considered in the light of the objection made by Sport England.
- 8.26 As been stated, there are clearly very limited opportunities in the city to provide space for a new secondary school. The site at West Blatchington was chosen following a thorough site search, and it is regrettable that the development will result in the loss of part of an existing playing field. It is also regrettable that the remaining space for outside and sports areas for both schools will be somewhat limited, and will be significantly smaller in the case of West Blatchington. The remaining space provided will however be used effectively and efficiently. It should be noted that there is only government guidance with regard to minimum open space standards for schools, and no statutory formulas.
- 8.27 In terms of scale and quality of current outdoor space/sports provision, the existing site at West Blatchington currently benefits from a large grassed playing field and other outside areas which exceed modern expectations for schools. Also the playing field is sloping and has a degree of undulation across its expanse. There are also peripheral areas that are in limited use within the site (particularly at the western end). It is however noted that the football pitch will no longer be able to be rotated, lessening its playing capacity and it is likely to mean that community groups will not be able to use, or have very limited use of, the pitch in addition to school use. Also the current running track and rounders pitch would be lost as a result of the proposal.
- 8.28 The proposal, by way of mitigation, includes a number of enhancements of sports facilities within the site (a relocated and levelled full-size football pitch, a mini-soccer pitch, a training grid, a 6 pitch cricket square-using main field, 8-lane 100m athletics track, a 3 court sports hall and a 3 court MUGA for Kings School, and a mini-soccer pitch, an 8-lane 60m athletics track and retention of existing MUGA for West Blatchington), and commits to sharing the sports hall

and other facilities with the wider community. A financial contribution towards enhancement of off-site sports facilities is also secured which could go towards locally accessible sites, or strategic sites slightly further afield. The council's Sports Facilities Team are working closely with Hangleton Rangers FC who currently use this site, alongside other sites, to secure suitable alternative provision in the city.

8.29 Sport England have confirmed that notwithstanding this mitigation, it is not considered sufficient to outweigh their concern regarding the scale of the loss of playing field. Only the provision of a new playing field would overcome this.

8.30 It is considered that the amount and variation of sports facilities proposed within the scheme are significant and are welcomed. The development is considered to accord with policy SA6 as community access to the new sports halls and playing pitches outside of school hours would be secured. In addition, the proposed enhancement of nearby off-site pitches to meet priorities identified as set out in the Council's emerging sport strategy (which is supported by Sport England) is considered appropriate. Given the very limited opportunities to bring forward new open space/sports facilities in the city, the proposals are considered an acceptable compromise.

8.31 On balance, it is considered that the mitigation proposed goes a significant way towards outweighing the concerns expressed, and it will enable an enhanced sports offer for the city. Weight is also given to the comments made by the council's Sports Facilities Team and their strong support for the proposal. They consider the scheme improves the provision of sports facilities in the city and the opportunity for engagement in sport and physical activity for pupils and residents.

8.32 The loss of playing field must also be weighed against the strong policy emphasis on supporting new school development. On balance, therefore, it is considered the provision of significant sports facilities on site, shared community use and the enhancement of off-site provision, together with the significant public benefit of meeting an identified educational need, outweigh the partial loss in existing playing fields in this exceptional case.

8.33 Given the outstanding objection from Sport England, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the recommendation is 'minded to grant', as the LPA must formally notify the Secretary Of State of their intention to grant permission, and the SoS has 21 days in which to decide whether to call in the application for determination.

#### **8.34 Sustainable Transport:**

National and local planning policies seek to promote sustainable modes of transport, and seek to ensure highway safety. CP Policy CP9 is relevant as are Local Plan policies TR4 (Travel Plans), TR7 (safe Development), TR11, Safe routes to school), TR12 (Helping the independent movement of children), TR14 (cycle access and parking), TR15 (cycle network- as Regional Route 82 runs to the north and east of the site), TR18 (Parking for people with a mobility related disability).

- 8.35 As can be seen in the report, the impact of the proposal in terms of increased traffic and highway safety are cited as the main reason of objection by local residents. There is no doubt that introduction of a new secondary school (plus 6th form) on this previously undeveloped part of the site will intensify activity in the locality. The scheme will result in an increase in transport demand (approx. 2,450 daily trips for both schools when the Kings School is at capacity in 5 years' time, compared to 1,150 trips generated by the current West Blatchington School and 1,500 if it were full to current capacity). The key consideration is whether this impact would be harmful.
- 8.36 The application contains a detailed Transport Assessment (plus Addendum), which relies on recognised methodology and up to date surveys of both schools and parking in the locality, which the Highway Authority consider robust. The Assessment concludes that, provided appropriate mitigation measures are put in place, the transport and traffic impacts of the proposal would be satisfactory.
- 8.37 The Local Highway Authority confirms that they raise no objection in principle to the development and suggest a wide ranging package of mitigation measures that are considered necessary. These primarily focus on enhancements to the sustainable transport network and improvements to pedestrian safety in the immediate vicinity of the school. Provision of new crossing(s) are requested, and a full list of measures can be seen in the Heads of Terms section at the beginning of this report. Opening times of both schools will be staggered, which lessens the traffic impact of the proposals. A condition is recommended to discuss the precise details of the staggered hours further, as 30 minutes between schools would be preferable to the 15 minutes currently proposed.
- 8.38 The Highways Authority consider that the location and design of the two proposed accesses and revised car parking layouts (and associated number of spaces) is acceptable and safe. The accesses will not result in a significant loss of on street parking. The actual overspill parking stress on surrounding streets is considered to be greater than indicated in the Transport Assessment (see full Highways comments in consultee section above), however, mitigation should satisfactorily address this. The key mitigation measure is the Travel Plan (TP), which the Highways Authority consider is necessary to ensure sustainable modes of transport are facilitated and promoted, and it can ensure the car park and accesses are satisfactorily monitored and managed. Bus services would be at capacity in the future from 2019 and therefore the TP will need to commit to the operation of a mini-bus service that previously operated for the current Kings School site, particularly given the wide catchment area for Kings School. It will also need to include a commitment to the current 'park and stride' measures at Kings.
- 8.39 The Highways Authority consider that appropriate levels and types of cycle parking can be secured by condition. This would be less than the standard stated in SPD14, however, it is acknowledged that the location of the site at the top of a hill will mean that levels of cycling to school will be limited, and the catchment area is wider than usual. Provision of motorcycle spaces can be secured by condition.

- 8.40 A Construction Environmental Management Plan (CEMP) is considered necessary given the scale of the proposal, proximity to the existing school and residential streets. It will ensure the transport impacts arising from construction are satisfactorily dealt with. This would include details of construction routes and a commitment for the timing of construction vehicle movements not to coincide with school opening and closing hours. It would also ensure staff are incentivised to use sustainable modes of transport via the Travel Plan as no staff parking will be available on-site at this time.
- 8.41 In view of the above the proposal is considered to comply with relevant policies and it is considered that a refusal of permission on transport grounds cannot be justified.
- 8.42 **Design, Appearance and Landscaping:**  
City Plan policy CP12 seeks to ensure development is of a high quality design, appropriate for its setting. CP policy SA5 seeks to ensure that development within the setting of the South Downs National Park (SDNP) protects and enhances the natural beauty, and has regard to the impact on the National Park and the purposes of the National Park and its ability to deliver its duty. Policy CP13 seeks to improve the quality, legibility and accessibility of the city's public realm in a comprehensive manner, and the incorporation of an integral public art element, in conjunction with other partners, through new development schemes, transport schemes and regeneration schemes. Such improvements seek to produce attractive and adaptable streets and public spaces that enrich people's quality of life and provide for the needs of all users. CP5 seeks to maintain and enhance the cultural role of the city and supports the role of the arts.
- 8.43 Local plan policy QD15 seeks to ensure all developments adequately consider landscape design and LP policy QD16 states that existing trees, shrubs and hedgerows should be accurately identified and it seeks to retain existing trees and hedgerow and wherever feasible include new tree and hedge planting.
- 8.44 The proposed development is situated in an elevated location on the edge of the city, just south of the South Downs National Park and therefore it has been designed having regard to this sensitive landscape context. The current buildings are set back in the site, behind a tree screen on the northern boundary and are only one and two storeys in height, so have minimal visual impact. Views in to the school site from the neighbouring residential area of Hangleton are largely obscured by a tall and dense hedge. This and the trees within the site are important features which positively contribute to the local townscape.
- 8.45 The application contains a Landscape Visual Impact Assessment (LVA), and the County Landscape Architect considers that the wireframe visualisations provide a comprehensive analysis of the potential visual impacts of the proposed development from the selected key viewpoints in the SDNP. These were taken in winter when the trees are not in leaf and therefore represent the worst case visual impacts. The proposed height of the development has been kept to a minimum at 1-3 storeys high and the top floor of the proposed building will be evident in these views as it would extend above the existing tree line,

particularly for the middle distance views along Dyke Road. As stated in the LVA, however, the long term visual effects need to be considered in the context of the existing surrounding built up area of Hangleton and the city beyond. The County Landscape Architect considers that the proposed blended brick colours for the building façade would help to mitigate the mass of the building in these views.

- 8.46 Landscape features such as the majority of the trees, the boundary hedge and school wildlife area are to be retained. Whilst the loss of up to 20 trees (out of 55 on site) is regrettable, a large number are being retained and it is considered that this can be sufficiently mitigated against through the provision of a substantial replacement planting scheme secured by condition. No existing trees are covered by a Tree Preservation Order. The council's Arboriculturalist raises no objection on this basis. The proposed landscape masterplan will provide an opportunity to enhance the school site and the setting of the new buildings within the local townscape. Over time the visual impact of the buildings will lessen as trees mature.
- 8.47 There would be a visual impact on the bridleway which runs along the northern section of the site, however this would affect a relatively short section and the visual surveillance from the new school building would make this bridleway feel safer for users than it currently does. The council's Arboriculturalist confirms that new tree planting between the new school and the bridleway can be successfully achieved, and this will help soften the appearance of the scheme in this location. As there is limited space available here there could be a future conflict with new trees causing reduction of light to the classrooms, and the species and spacing of trees will be carefully considered in detail as part of the landscape masterplan for the site. These trees will be at the raised level of the site, above the existing trees on the other side of the bridleway, and will also help reduce the visual impact of the building in views from the SDNP.
- 8.48 No floodlighting is proposed and this is considered appropriate given its sensitive location edge of city location adjacent to the SDNP.
- 8.49 The County Landscape Architect confirms that they consider the proposed development would not have a long term adverse effect on the character of the SDNP.
- 8.50 As the building would be set back on the school site and the existing hedge is to be retained the visual impacts on the residential area of Hangleton Way would be minimal. Whilst the prevailing urban grain of the area is buildings located closer to the road frontage, given this is a corner site and the buildings are currently set back, there is no objection to the location of the car park to the front, with the building behind. In addition there are logistical reasons why total redevelopment in one phase is not possible, as West Blatchington school needs to remain operational whilst the development takes place.
- 8.51 With regard to the detailed design of the buildings, each respective school would have a clear identity and this is reflected within the palette of materials as well as the way the materials have been put to use within the buildings. The

overall architectural style is a simple contemporary design, which is appropriate and is considered to contain sufficient visual interest and articulation to the elevations. The introduction of coloured elements and blended bricks visually enhance the scheme. The flat roofs minimise the overall height of the development. The buildings are set back in the site but will be visible from Hangleton Way and whilst contemporary, the design and brick materials would not appear out of character. The size of the religious symbol is considered appropriate and in proportion and will not be overly dominant.

- 8.52 In view of the above, it is considered that the proposed development would not have any adverse impact on the purposes or duty for which the National Park was designated or the visual amenity of the wider locality, in accordance with relevant planning policies.
- 8.53 In accordance with policies CP5, CP7 and CP13, incorporation of an element of public art has been requested. This is considered particularly important in this case of a school and a public building, and an artistic 'influence' equivalent to £24,000 is requested via S106 towards provision of public art within the built form of the scheme. This could, for example, go towards an upgrade of the hard landscaping or the schools logo or the design of the gates.
- 8.54 **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. Policies QD25 and QD26 relate to external lighting and floodlighting and seek to ensure developments do not cause light pollution to the wider environment or to nearby residents.
- 8.55 Providing two schools here will undoubtedly result in more intense use of the site, however, this is not in principle considered an inappropriate in use in this residential location. The proposed buildings are set back in the site and are considered to be located sufficient distance away from nearby residential properties so as not to result in any loss of outlook, privacy or light. No floodlighting is proposed, which is considered necessary to protect residential amenity (as well as visual amenity) and conditions will ensure other external lighting is kept to a minimum. There should be no issue of noise from any plant and this will be conditioned. The council's Environmental Health Team raise no objection provided appropriate conditions are imposed.
- 8.56 The Environmental Team's comments with regard to proposed opening hours are noted, however, further discussion is required regarding this matter and therefore some flexibility is required. Their comments regarding restrictions on servicing hours are also noted, however, it is considered reasonable to allow slightly longer hours given that servicing is likely to be infrequent and will likely take place within the site and car park areas.
- 8.57 The concerns of the Kings School with regard to potential for noise disturbance between their 6th form and the ASC pupils at WB School is noted, and the



applicant has since introduced an acoustic fence along the mutual boundary. The council's Environmental Health Team have confirmed that the technical details and acoustic properties of the fence are acceptable and would ensure satisfactory noise prevention.

- 8.58 A demountable mesh ball-stop fence along the western boundary of the new playing pitch has been included within the scheme since first submitted. This is considered necessary to stop balls landing in neighbours gardens and whilst it would be quite tall (6m) and set higher than surrounding properties outside the site, it is not directly on residents boundaries or on the main site boundary, and on balance is considered acceptable.
- 8.59 It is anticipated the development would meet Secure By Design standards with regard to crime prevention.
- 8.60 **Sustainability and biodiversity:**  
City Plan policy CP8 seeks that all new development incorporate sustainable design features, and for a major development (of over 1000sqm floor area) a BREEAM standard of 'excellent' is required, unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable.
- 8.61 The development incorporates a number sustainable features and has been designed to meet a BREEAM rating of 'very good', with an 'excellent' rating for water and energy. Whilst achievement of 'excellent' in these important categories is welcomed and also the score close to 'excellent' overall, it is considered that an exceptional case for not meeting BREEAM 'excellent' overall has not yet been sufficiently made (see comments of the Sustainability Officer in consultees section above). The applicant has provided additional supporting information since the application was originally submitted, however, they have not been able at the time of writing to fully justify why an 'excellent' standard cannot be achieved.
- 8.62 In particular it has not been fully justified why renewables cannot be incorporated into the scheme since they have been found to be technically advantageous in the Compliance report submitted. It is considered that the developers concerns about the visual impact of rooftop photovoltaic panels are somewhat unfounded. The scheme could also be improved by the integration of areas for food growing within the landscaping, and integration of productive, edible planting as part of landscaping across the site, and the applicant has not showed that this has been explored. The applicant has not provided any financial viability information to justify a lower BREEAM standard.
- 8.63 The applicant has therefore been asked to provide additional supporting information to justify their case, and in the meantime a condition is recommended to ensure the development meets a BREEAM 'excellent' standard. The council will work with the application to explore all possibilities to improve the sustainability rating of the scheme. The condition is worded flexibly to allow a lower standard of 'very good' if it can be robustly justified.

- 8.64 CP policy CP10 Biodiversity seeks to ensure development proposals conserve, restore and enhance biodiversity. Local Plan policy QD18 seeks to ensure development includes measures to avoid any harmful impact of a proposed development to protected species and their habitats.
- 8.65 A number of ecological reports and surveys have been submitted as part of the application, which conclude that there will be no adverse impact to protected species. The proposal will however have some impact to non-protected species and ecological habitats and a number of mitigation measures are therefore proposed.
- 8.66 The results of these reports is not disputed by the County Ecologist and they raise no objection provided a condition is imposed to secure appropriate mitigation and enhancement measures. It is disappointing that a green roof will not be provided given the multiple benefits they provide however on balance it is considered that satisfactory compensatory measures can be included via a condition which requires a comprehensive Ecological Design Strategy. This can, for example, secure the creation and sympathetic management of wildlife meadow habitat, as well as the provision of bat and bird boxes and log piles. On this basis the proposal is considered to comply with relevant planning policies.
- 8.67 **Other Considerations:**
- 8.68 Archaeology:  
National and Local planning policies (LP policy HE12 and CP Policy CP15) seek to ensure development proposals preserve and enhance sites of known and potential archaeological interest and their settings.
- 8.69 The site is located within an Archaeological Notification Area, and a desk based assessment has been submitted. The report concludes that the site is has a moderate potential to contain unknown heritage assets of Pre-historic, Romano-British periods, and low-to-moderate potential from the Early Medieval period onwards, and that any assets which are present are likely to be of a local to perhaps regional significance. The County Archaeologist confirms that that there is a risk that archaeological remains could be damaged, however, they consider that it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions. This will ensure the scheme satisfactorily complies with policy.
- 8.70 Flood risk and drainage:  
National and local planning policies (Local Plan polices SU3, SU5 and SU11 and City Plan policy CP11) seek to protect water resources and prevent pollution, and ensure developments manage and reduce their flood risk.
- 8.71 The site lies entirely within Flood Zone 1, as defined by the Environment Agency flood maps which is classed as land where the probability of flooding from fluvial and/or tidal sources is low. It also lies within a Source Protection Zone around one of Southern Water's public water supply sources.
- 8.72 A drainage strategy has been submitted which concludes that the development incorporates measures to adequately address surface and foul water drainage.

In terms of the final permanent completed phase, surface water flows from West Blatchington School roof will be diverted into a new soakaway located in the car park. This additional soakaway ensures that the soakaway to the south west of the King's School will have sufficient capacity to take the volume of the peak 1 in 100 year + 30% storm from the Kings School roof. Additionally, porous paving in the car park bays are shown for SUDS to reduce pollutants entering the soakaways, along with catchpits to alleviate silt build up.

8.73 On the basis the measures included within the application are implemented and maintained (by condition) the council's Flood Risk Management Officer has no objections in principle. The use of SUDs is a welcome sustainability measure. Southern Water raise no objection provided appropriate conditions and informatives are imposed. The council's Environmental Health Team raise no objection and confirm that potential for risk of land contamination is not an issue. The scheme would comply with policy subject to appropriate conditions.

8.74 Economic Development:

The council's Economic Development Team have requested a financial contribution via S106 towards the Local Employment scheme and seek to secure 20% local labour on site. This is considered necessary to make the development acceptable in planning terms as securing on site local employment provision is a priority area for the council, to secure social infrastructure to meet planning policy objectives where this is directly related to development. The provision is established since incorporation into the Developer Contributions Technical Guidance adopted by the council in 2011, a key material consideration. In addition, the contributions are secured in accordance with adopted policy CP7 (see section below) to meet overall objectives in the adopted City Plan Part One.

8.75 The level sought is considered reasonable and is in line with the Developer Guidance document. For all Local Employment contributions these will be spent supporting the local employment provision on each development site as specified within each Employment & Training Strategy required under the s106 Agreement. The developer has agreed to meet the request in full and this is welcomed.

8.76 **Section 106:**

CP policy CP7 Infrastructure and Developer Contributions states that to meet the needs of Brighton & Hove and the wider sub-region the council will work with partners to ensure that the necessary social, environmental and physical infrastructure is appropriately provided in time to serve development. To make development acceptable and enable the granting of planning permission, inadequacies in infrastructure arising from proposed development will be required to be mitigated through s.106 Planning Obligations via a legal agreement. The Developer Contributions Technical Guidance (March 2017) provides a policy overview and funding formulas for certain types of development.

8.77 It is considered necessary to secure the level of financial sums requested by consultees as outlined in the Heads of Terms at the beginning of this report, to

meet policy requirements and to mitigate against the impacts of the development. These are sought in accordance with the Developer Guidance, and are met in full. In addition it is considered necessary to secure obligations (for community use of school sports facilities and to secure 20% local labour during construction), for reasons set out elsewhere in this report.

## **9. EQUALITIES**

- 9.1 The buildings would be accessible and a lift is proposed. A vehicular drop-off zone is provided in the site for ease of access.