

<u>No:</u>	BH2019/01743	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Varndean College Surrenden Road Brighton BN1 6WQ		
<u>Proposal:</u>	Provision of a new biodiversity area onto existing playing field to encourage the establishment of butterfly and invertebrate habitat		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	11.06.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06.08.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	NTR Planning Clareville House 26-27 Oxendon Street London SW1Y 4EL		
<u>Applicant:</u>	Varndean College Varndean College Surrenden Road Brighton BN1 6WQ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Proposed Drawing	MHDS104_LS01		11 June 2019
Proposed Drawing	MHDS104_LS02		11 June 2019
Proposed Drawing	MHDS104_PL03		11 June 2019
Proposed Drawing	MHDS104_PL04		11 June 2019
Location Plan	MHDS104_PL02		11 June 2019

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 tree shown as retained on the approved drawings shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development in compliance with policies QD15 and QD16 of the

Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

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

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

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 site currently comprises regularly managed amenity grassland and is of relatively low ecological value. The site is unlikely to support any notable or protected species. If protected species, or signs of their presence, are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified and experienced ecologist.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is part of the open space associated with Varndean College, and is currently designated as part of the area of playing fields on site, although not in use as such in practice. The application area is predominantly informal amenity grassland between more formal playing field areas, and some less regularly managed grassland on embankments at the edges of the fields.
- 2.2. Parts of the site are currently being used to store spoil arising from developments elsewhere within the college grounds.
- 2.3. The proposal is to reshape the land in this area including raising some of the land levels with the spoil mentioned above, and to undertake planting schemes to create a new area for biodiversity.

3. RELEVANT HISTORY

- 3.1. BH2019/01385: Retention of existing 8no temporary classrooms for a further temporary period of five years. (Approved 19/7/19)

- 3.2. BH2018/02404: Relocation of 2no modular classroom blocks and erection of a two storey Science, Technology, Engineering and Mathematics (STEM) centre with associated cycle parking and landscaping alterations (retrospective) (Approved 17/1/2019)
- This development took place on another part of the site, but the spoil arising from the works is still on site and is addressed by the landscaping proposals in the application under consideration here.
- 3.3. BH2017/04102: Installation of an artificial turf pitch with 4.5 metre perimeter fencing and installation of 8no. 15 metre floodlights, alterations to existing adjacent grass playing pitch. (Approved 13/3/19)
- 3.4. BH2017/03676: Outline application with some matters reserved for erection of 10no residential units (C3), comprising 1no two bedroom, 6no three bedroom and 3no four bedroom houses, with new access from Surrenden Road, associated car and cycle parking and approval of reserved matters for access and layout. (Refused 8/4/19)
- This proposal would have resulted in impacts on the existing biodiversity area to the north of the site under consideration here.

4. REPRESENTATIONS

- 4.1. **Thirteen** (13) letters have been received from neighbours objecting to the proposed development for the following reasons:
- Overshadowing and obstruction of views from trees planted close to Friar Crescent
 - Danger from the potential for the spoil heaps slipping
 - The layout and use would be out of character for the area
 - Loss of access route to school
 - Another biodiversity area is not needed as there is an existing biodiversity area nearby
 - New area should be in addition to, and not a replacement for the existing biodiversity area.
 - Impact on the rear boundaries of properties on Friar Crescent
 - Difficulty accessing rear of properties on Friar Crescent for maintenance.
- 4.2. **Two** (2) letters have been received from neighbours supporting the proposed development for the following reasons:
- The proposal would reduce the number of road trips needed to remove the spoil from the site.
 - The new area would be good for biodiversity
 - The new area could be a valuable asset for the community

5. CONSULTATIONS

- 5.1. **Ecology:**
No objection

The site is not subject to any Nature Conservation designations. Surrenden Crescent/Surrenden Road Local Wildlife Site (LWS) is 45m to the north, and Dorothy Stringer LWS is 147m to the south. The proposed scheme is unlikely to have any adverse impacts on these sites or other designated sites further afield.

5.2. The site is currently managed amenity grassland of low ecological value and is unlikely to support notable or protected species. The proposed development would significantly enhance the biodiversity value of the local area. The species selected are appropriate and other habitat creations are welcomed. The management regimes proposed are appropriate.

5.3. **Sports England:**

No objection

The application prejudices land uses for sports fields and so the consultation is a statutory requirement. Sports England objects to the loss of playing fields unless certain exceptions apply.

5.4. The area does not appear to have been in formal sports use in the past and is constrained by land levels. The degree of encroachment by other buildings and the presence of extensive playing fields elsewhere on the site means that on balance the loss of the area is unlikely to have a significant impact on existing pitches in this instance. Therefore Exception 3 of Sports England's Policies and Guidance applies and Sports England does not wish to raise an objection.

5.5. Sports England also notes that it is disappointing the area would not be used for any form of informal sport or physical activity.

5.6. **Arboriculture:**

No objection

No arboricultural details have been submitted with the application other than a brief summary of existing trees and scrub nearby. The proposal can be delivered with no significant damage to the existing tree stock subject to an arboricultural method statement and tree protection plan being secured through a planning condition. Existing trees at the edge of the site should be incorporated into the scheme.

5.7. **Planning Policy:**

No objection

No loss of open space or playing fields, but the proposal may impact on the ability of students to use the area for informal recreation, although some provision is made for this. The application area is within the Nature Improvement Area (NIA) and would create new habitat to the benefit of biodiversity. There are opportunities for increasing understanding of biodiversity through interpretation boards in line with criteria 1 of policy CP10. The proposals are in line with policies CP10 and CP16.

5.8. Proposal will result in net gains for biodiversity and will retain and potentially make better use of existing open space.

- 5.9. **Sustainable Transport:**
No comments were sought.

6. MATERIAL CONSIDERATIONS

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP16	Open space
CP17	Sports provision
CP18	Healthy city

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

QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
HO20	Retention of community facilities

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the loss of sports fields; the alterations to the land levels within the site; the impact on biodiversity and; the impact on the amenity of neighbours.

Planning Policy:

- 8.2. The proposed biodiversity area would provide benefits to the South Downs Way Ahead Nature Improvement Area (NIA) which includes all of the city's Green Network and much of the surrounding Downland (as per City Plan Part 1 policy CP10), with no net loss of open space, although the nature of possible uses of the site would be altered. While the informal use of the area would be restricted to some extent there remains other areas of open space that can be used in a similar manner and the proposed layout would also include some areas that would still be usable.
- 8.3. The proposed changes to this area would not result in the loss of any formal sports fields nor encroach on the use of such spaces. Sports England made clear in their detailed response that the proposals affect only land not capable of being used as playing fields, would not reduce the size of playing pitches or usability of any pitches, or result in the loss of any other sporting provision, and found that the proposals therefore meet the criteria for an exception to their policy to resist changes away from formal sports recreation use, and have no objection to the proposed plans. It is not considered that the proposal is contrary to policy CP17 (Sports Provision) of the Brighton and Hove City Plan Part One as the site is within the control of Varndean College, is not used for formal sports recreation, and would not otherwise be used for sports activities by the wider community.
- 8.4. The potential for biodiversity enhancements within the site is in line with policy CP10 of the Brighton and Hove City Plan Part One. The site is not immediately adjacent to any other wildlife sites, although two proposed Local Wildlife Sites are within the locality of the site, at Surrenden Road/Surrenden Crescent, and the Dorothy Stringer Wildlife Area. The proposed layout is unlikely to be of sufficient value to warrant any formal designation in the immediate future, the proposals would nonetheless contribute to the network of wildlife sites across the city. The proposals would result in net gains for biodiversity and will retain and potentially make better use of existing open space.
- 8.5. The proposed use would result in the loss of open space, as although the manner of use would change, the area would still be open and would afford an alternative form of access to open space. On this basis it is considered that the proposed use is consistent with policy CP17 of the Brighton and Hove City Plan Part One.

Landscaping and Ecology:

- 8.6. The proposed biodiversity improvements would require some works to reshape the land within the application area, utilising the spoil that remains on site following the works to provide additional educational accommodation on site under planning reference BH2018/02404. The maximum height of the bunded areas would be 1.2m above current ground level, and would be at

least 1.8m lower than the fences which create the border between the site and adjacent residential properties. It is considered that this increase in height of limited areas within the site would be modest relative to the scale of the overall area, and would not alter the appearance of the landform significantly.

- 8.7. The broad layout of planting for herbaceous plants and trees across different parts of the site are considered suitable in terms of the ecological benefits they would provide. While the immediate impact is likely to be modest in terms of biodiversity enhancements, the inclusion of certain species favoured by locally important species of butterfly would, in the longer term, provide real benefits to the biodiversity of the local area. The variety of different habitat types, ranging from exposed chalk, through meadow grasses, to tree planting would provide an attractive assemblage of different types of vegetation and colours. The inclusion of log-piles/log seating adds further to not only the biodiversity benefits of the scheme but further diversifies the appearance of the site.
- 8.8. The existing site (notwithstanding the recently deposited spoil) is a uniform area of amenity grassland relatively devoid of variety in form and character. It is considered that from a landscaping perspective and from a consideration of the biodiversity benefits the scheme would provide, that the proposed layout and planting schedule detailed would be acceptable, and beneficial to the sites appearance and to enhancing local biodiversity.

Impact on Amenity:

- 8.9. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.10. The raised land levels, as result of the bunds created from the spoil on site, would not be of sufficient height to be visible over the existing boundaries with the adjacent residential properties, and the distance between the bunds and the closest property would be at least 8m. On this basis it is not considered that the increased land levels would result in any harm to the amenity of neighbours.
- 8.11. A number of neighbour comments addressed the issue of trees planted close to the properties, concerned with the shade these may cause to the rear of the gardens. The distance between the boundary of the college grounds and the rear of the properties on Friar Crescent (which would be most affected by the tree planting) is around 30m, depending on which property is being considered. While the presence of trees on the college ground may result in some shade to the ends of gardens of these properties, the distance between potential trees and the houses is sufficient that it is not considered that this would cause harm to the living conditions of the occupants.

- 8.12. It is not considered that the proposed biodiversity area would result in any harm to the amenity of neighbours.

Arboriculture:

- 8.13. There are no significant trees in the centre of the site, but there are a number of trees on the edges of the open space. None of these trees are of significant individual amenity value but they should nonetheless be incorporated into the proposed scheme. The proposals can be delivered with no significant damage to the existing tree stock, and to secure this, conditions will be attached to require the works be undertaken with an arboricultural method statement, and a tree protection plan.

Sustainable Transport:

- 8.14. The retention of the spoil on site would reduce the need for removal of the excess material from the site by heavy vehicles using the public highway. This would have been a limited impact due to the amount of material being relatively low, but nonetheless the proposal offers a benefit in the short term or eliminating these potential trips.

- 8.15. There are no other transport related considerations.

Sustainability:

- 8.16. The proposed scheme would have a positive impact on sustainability through biodiversity enhancements, and the reduction in journeys to remove the spoil from the site that might otherwise be required.

9. EQUALITIES

None identified.