

<u>No:</u>	BH2023/02859	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton Hove And Sussex Sixth Form College 205 Dyke Road Hove BN3 6EG		
<u>Proposal:</u>	Phased development to provide: 1) A temporary two storey modular building on netball court (retrospective); 2) Removal of 3no existing temporary modular buildings, extension of car park and provision of additional three-storey temporary modular building to the north of netball court; 3) Erection of a permanent three storey student building; 4) Removal of temporary buildings.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	15.11.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	24.01.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	31.05.2024
<u>Agent:</u>	Vail Williams LLP 4 Peveril Court 6-8 London Road Crawley RH10 8JE		
<u>Applicant:</u>	BHASVIC Sixth Form College 205 Dyke Road Hove BN3 6EG		

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 a s106 agreement and the following Conditions and Informatives:

Section 106 Heads of Terms:

- An Employment & Training Strategy and a financial contribution of £11,420 towards the Brighton & Hove Local Employment Scheme
- A financial contribution of £12,250 towards the review of long-term monitoring of the Biodiversity Net Gain proposals over a 30 year period.
- A Travel Plan and a financial contribution of £7,249 towards the monitoring of the travel plan

Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	22006-HNW-ZZ-ZZ-DR-A-1100	P04	18-Dec-24

Block Plan	22006-HNW-ZZ-ZZ-DR-A-1102	P05	18-Dec-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2101	P07	18-Dec-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2151	P04	18-Dec-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2300	P04	18-Dec-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2301	P04	18-Dec-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2302	P03	18-Dec-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2305	P01	31-Oct-24
Proposed Drawing	22006-HNW-ZZ-ZZ-DR-A-2400	P05	18-Dec-24
Proposed Drawing	2449-TFC-XX-00-DR-L-1002	P09	18-Dec-24
Proposed Drawing	HD13465_01	A	09-Nov-23
Proposed Drawing	MW.2305.BHS.TPP		23-Oct-23
Proposed Drawing	22006-HNW-ZZ-00-DR-A-2214	P04	23-Oct-23
Proposed Drawing	22006-HNW-ZZ-02-DR-A-2215	P04	23-Oct-23

- 2 Stage 2 onwards of 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 Notwithstanding any details shown on the approved plans, no development above ground floor slab level of the new permanent student building hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of this part of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) details of all brick and cladding
 - b) details of the proposed window and door treatments
 - c) details of all other materials to be used externally
Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

- 4 Within 6 months of first occupation of the non-residential development hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has

achieved a minimum BREEAM New Construction rating of 'Excellent' shall be submitted to, and approved in writing by, the Local Planning Authority.

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

- 5 Within five years of the date of this planning permission, unless an alternative period has been agreed in writing with the Local Planning Authority, the temporary buildings forming stage 1 and part of stage 2 of the development hereby permitted, and any other temporary buildings, structures or materials placed or stored on the netball court, shall be removed and the netball court shall be fully restored in accordance with full details, specifications and timescale that have first been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: The buildings are not considered suitable as a permanent form of development to safeguard the visual amenities of the site and to ensure the quality of the replacement pitches is satisfactory and that they are available for use within a reasonable timescale and to accord with Policies CP16 and CP17 of the Brighton & Hove City Plan Part One.

- 6 Notwithstanding the provisions of the General Permitted Development (England) Order 2015 (as amended), no part of the playing pitch adjacent to the car park area or its runoff area is to be used for the temporary storage of any structures or materials associated with the proposed development and the pitch is to remain available for sports use through the construction period unless alternative proposals have first been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England for the temporary re-provision of the football pitch.

Reason: To protect this part of the playing field that is not identified for use as part of the proposal in accordance with Policies CP16 and CP17 of the Brighton & Hove City Plan Part One.

- 7 A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

B) Other than stage 1, no phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and written details submitted to and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under part A above.

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

- 8 The development hereby permitted shall be implemented in strict accordance with the submitted Tree Protection Plan MW.2305.BHS.TPP received 23rd October 2023.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

- 9 Notwithstanding the approved plans, prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- (i) details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- (ii) a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (iii) details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 10 No development in relation to stage 2 onwards, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecast completion date(s)
- (ii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iii) A scheme of how the contractors will minimise disturbance to neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (iv) Details of hours of construction including all associated vehicular movements
- (v) Details of the construction compound
- (vi) A plan showing construction traffic routes

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

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

- 11 Stage 2 onwards of the development hereby permitted shall not be commenced until the following information has been submitted to and approved in writing by the Local Planning Authority:

- Justification in accordance with the SuDS hierarchy as to the proposed drainage strategy
- Confirmation of ground infiltration rate at locations throughout the site, and subsequent updated designs for drainage elements if necessary.
- The results of a CCTV survey, or similar, confirming that the sewer connection is in an adequate condition, detailing any remedial work required.
- Confirmation that any required remediation will be undertaken prior to site occupation.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part and CP11 of the Brighton & Hove City Plan Part One.

- 12 No development in relation to stage 2 onwards shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures for the development, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 180 and 186 of the National

Planning Policy Framework, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

- 13 Within three months of the date of this permission a “lighting design strategy for biodiversity” for stage 1 of the development hereby permitted (the temporary building on the netball court) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

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

- 14 The development hereby permitted under
- (a) stage 2 (the second temporary building south of the sports hall); and
 - (b) stage 3 (the permanent building north of the sports hall)
- shall not be occupied until a “lighting design strategy for biodiversity” has been submitted to and approved in writing by the Local Planning Authority. In each case the strategy shall:
- i) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - ii) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: Many species active at night (e.g. bats) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or

discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation

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 Due to the desirability of cut elm branches and timber to adult elm bark beetles the Council seeks that all pruned elm material is correctly disposed of. In addition, all elm logs/timber is removed from the Brighton and Hove area or are taken to the Water Hall elm disposal site to be disposed of free of charge. Please call the Arboricultural team on 01273 292929 in advance to arrange this.
- 3 Under any circumstances do not sell or give away cut elm timber as firewood to residents with the Brighton and Hove area as this situation has been responsible for many outbreaks of Dutch elm disease in the city. A pile of logs such as this will be an ideal breeding site for beetles which are responsible for spreading Elm Disease.
- 4 The applicant is advised to contact the East Sussex County Archaeologist to establish the scope for the Written Scheme of Archaeological Investigation as required by the archaeology condition(s).
- 5 The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org).

SITE LOCATION

The application relates to the Brighton Hove and Sussex Sixth Form College (BHASVIC) campus, on the western side of Dyke Road at the junction with Old Shoreham Road. The campus includes a cluster of buildings at the eastern corner and expands eastwards into playing fields on Hove Green. A pedestrian passage known as Crocodile Walk splits the campus in two, with college buildings on either side.

The main college building and its rear wing is locally listed, as is Dyke Road Park to the north of the site. There are however a number of more modern buildings on the campus, including teaching buildings to the eastern part and a sports hall and netball court to the west. There are a group of temporary one- and two-storey modular buildings to the north of the sports hall.

The part of the site to the west of Crocodile Walk is designated Open Space, together with a small part of the eastern portion. The southeastern part of the site is within an Archaeological Notification Area.

APPLICATION DESCRIPTION

Planning permission is sought to replace existing modular buildings on site with permanent and expanded facilities. To allow continuity of education provision, a phased development is proposed comprising four stages, namely:

Stage 1: the erection of a two-storey modular building on the netball court (retrospective)

Stage 2: the removal of the three existing temporary modular buildings to the north of the sports hall and the erection of a temporary three-storey modular building between the netball court and the sports hall

Stage 3: the erection of a permanent new three-storey student building

Stage 4: the removal of the two remaining temporary buildings

The scheme has been amended since the initial submission to address concerns raised by Sport England. This has included a revision to the phasing of the scheme with the earlier removal of the three existing temporary buildings, and the erection of a second new temporary building to the south of the Sports Hall. As a result, there would be no works affecting the footprint or run-off areas of the playing fields to the west.

The first new temporary building (on the netball court) has already been installed.

The proposed new student building will create a 'hub' for student-based services and learning resources. It will also provide a new 575m² modern library and a student study area.

RELEVANT HISTORY

The site has extensive planning history. Of relevance to the current proposals are:

PRE2022/00189 - Replacement of temporary modular teaching accommodation blocks with three storey permanent buildings for classrooms plus staff and student support facilities and additional parking provision.

BH2022/02165 - Removal of existing single storey temporary building and installation of two storey Portakabin modular building to provide additional educational facilities and offices (F.1). Approved 29.02.2022

BH2010/01096 - Erection of new temporary two storey classroom building for 5 years replacing existing single storey building and retention of existing temporary single storey classroom for a further 4 to 5 years. Approved 02.07.2010

BH2008/01457 - Installation of a two storey Portakabin Ultima building to be used as classroom facilities for a hire period of 5 years. Approved 21.08.2008

REPRESENTATIONS

The application was first advertised in November 2023. Following amendments, the application was readvertised in January 2025.

Thirty-three (33) letters of objection have been received, raising the following issues:

- Overdevelopment of the college site
- BHASVIC is continually expanding
- Incremental erosion of the green space to the west of Crocodile Walk
- Proposed permanent three-storey building is too large, would overshadow Crocodile Walk and would obstruct views of the sea
- Long term trend of additional students causing increased disruption around the college
- Additional traffic and parking stress
- Noise disturbance
- Loss of property value
- Expansion of BHASVIC causes closure of other sixth forms in the area
- No consultation with local residents
- The college has misled local residents
- The existing temporary buildings were not meant to be made permanent
- Temporary buildings are an inefficient use of money
- Light pollution
- Impact on local wildlife
- The car park should be expanded
- Friends of the Field object to loss of the playing fields

A number of representations have raised additional concerns regarding putative floodlit artificial sports pitches, however it should be noted that this planning application does not include any works of this description.

Two (2) letters of support have been received, raising the following issues:

- Brighton Open Air Theatre (BOAT) supports the application in principle, however there is concern regarding noise during construction works
- Good design

Full details of representations received can be found online on the planning register.

Councillors O'Quinn, Miller and Muten have objected to the application. A copy of the representation is attached to this report.

CONSULTATIONS

Internal

Arboriculture Officer: No objection

Verbal comment - the proposed tree removals are accepted due to the condition of the trees, however all Elm arisings must be removed from site & disposed of beyond city limits, retained stumps to be debarked to ground level. This is an essential bio security measure to prevent the spread of elm disease to the National Collection.

Heritage Officer: Objection

The proposal would result in concealment of the cluster of pitched roofs that contribute to the character of the locally listed BHASVIC in views across the open space. It would be a building of greater overall bulk and have a flat roof profile in contrast to the historic buildings on the site, and it is considered that it would result in harm to the setting of the college. The harm caused would be less than substantial in the moderate to lower end of the scale.

Lead Local Flood Authority: No objection

Conditions should be attached to secure further details such as infiltration rates and confirmation of the condition of the connecting sewer, as well as evidence of consideration of the SUDS hierarchy.

Local Employment Scheme: No objection

An Employment & Training Strategy and a financial contribution of £11,420 towards the Council's Local Employment Scheme should be secured by legal agreement.

Percentage for Art: No comment received

Planning Policy: No objection

The development of new educational floorspace to increase and improve existing provision is supported in principle.

There would be some permanent loss of open space and whilst none of the criteria within policy CP16 have been met, an exception can be made in this case on the grounds of the need to provide additional educational floorspace in order to meet existing and growing demand; the design of the building over 3 storeys, which will minimise losses; and the lack of open space function that the site currently provides due to the temporary buildings which have been on site for a significant timescale.

Sustainable Transport: Further information required

The applicant should provide justification of the need for an additional 16 car parking spaces within the application site. The applicant should increase the number of cycle parking spaces.

External:

Conservation Advisory Group: No objection

The group recommended approval.

County Archaeology: Further information required

The Heritage Statement does not appear to consider archaeology at all and I can find no evidence that the Historic Environment Record has been consulted contrary to NPPF 194 and Local Validation requirements. Conditions securing archaeological assessments should be attached in the event the application is approved.

Ecology Officer: No objection

The updated documents are acceptable in terms of Ecology/BNG, subject to conditions.

Scotland Gas Networks:

Standing advice relating to working practices around existing infrastructure.

Southern Water: No comment received

Standing advice relating to working practices around existing infrastructure and the need for the developer to apply for a connection.

Sport England: No objection

No objection, subject to the following:

- A condition securing the reinstatement of the netball pitch to equivalent or better quality no later than five years after the date of permission
- Reduction of the site red line boundary to exclude all grass playing fields and securing that no part of the playing fields are used as part of a contractor compound.

Sussex Police Community Safety: No objection

Advice relating to security measures that the developer should incorporate.

UK Power Networks:

Standing advice relating to working practices around existing infrastructure.

MATERIAL CONSIDERATIONS

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

The development plan is:

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

POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- SA6 Sustainable Neighbourhoods
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity

CP11 Flood risk
CP12 Urban design
CP15 Heritage
CP16 Open space
CP17 Sports provision

Brighton & Hove City Plan Part Two

DM9 Community Facilities
DM18 High quality design and places
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM28 Locally Listed Heritage Assets
DM29 The Setting of Heritage Assets
DM33 Safe, Sustainable and Active Travel
DM37 Green Infrastructure and Nature Conservation
DM43 Sustainable Drainage
DM44 Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development
SPD14 Parking Standards
SPD17 Urban Design Framework

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed building and the impact on neighbouring amenity. Ecology and sustainable transport are also material considerations.

Background

The application states that the college has an identified need for further teaching accommodation, and that a Space Needs Assessment undertaken in June 2022 concluded that the college is achieving very high utilisation rates which are in excess of that considered sustainable and appropriate. It notes that this makes timetabling challenging and the college deals with 'overcrowding' issues on a daily basis. The Assessment indicated that to bring utilisation rates to sector norms, an additional 2,000sqm of teaching space would be required

In addition, there are three existing temporary buildings to the north of the sports hall which have been in place for some years, with permission having been granted under references BH2010/01096 and BH2008/01457 on a temporary basis. The planning status of these buildings is however unclear as the temporary periods appear to have expired.

The proposal for which planning permission is sought is identified as comprising four phases:

1 - an additional two-storey temporary modular building sited on the netball court, to provide 8 new classrooms. This phase is retrospective as this building was erected in September 2024.

2 - the three existing temporary buildings to the north of the sports hall to be removed from the site, and a three-storey temporary building to be erected between the netball court and the sports hall

3 - a new permanent three-storey student building to be erected in the previous location of the three temporary blocks and existing car park to be expanded

4 - the two temporary buildings to be removed from the site

There will be no direct increase in pupil numbers as a result of the development, however the proposals will provide permanent purpose-built facilities to accommodate existing needs and anticipated demographic growth.

Principle of Development:

The three existing modular blocks currently comprise Student Services (in the block closest to the Sports Hall), and 10 classrooms (6 in the middle block and 4 in the most northerly block).

The first temporary block on the netball court (currently in situ) provides 8 classrooms. The second proposed temporary building (not yet in situ) would provide 11 classrooms.

The proposed permanent three-storey building would provide 11 classrooms, a library, student study space and student services, as well as staff rooms, café and toilets.

The proposal would provide a net gain of 1,142sqm of educational floorspace on completion which would contribute towards the requirements identified in the college's Space Needs Assessment. Provision of new education facilities would help to increase capacity at the college, as well as replace low quality temporary buildings.

This is considered to meet priority 10 of Policy SA6 of the City Plan Part One "to encourage existing education and community organisations to provide local communities with a greater range of services and facilities for learning and training", as well as Strategic Objective 21 of the City Plan Part One which supports further education establishments. The provision of new educational facilities is also supported by City Plan Part Two policy DM9 Community Facilities, subject to a number of criteria being met. No concerns are raised with regard to these criteria.

The college site west of Crocodile Way is designated as Open Space within the City Plan, including the location of the existing temporary modular blocks. The proposal will therefore result in the permanent loss of Open Space in this location, as well as some further temporary loss due to the additional temporary buildings that would be in place to the south of the sports hall whilst the permanent building is constructed. The extension of the car park would utilise existing hardstanding and would not encroach onto the adjacent fields.

Policy CP16 criteria 1a to 1d set out circumstances whereby planning permission resulting in loss of open space would be permitted; however none of these criteria are considered to apply in this case.

Nevertheless, in accordance with the views of the Planning Policy team it is considered that an exception to policy is justified in this case, on the grounds that:

- there is an identified need to provide additional educational floorspace in order to meet existing and growing demand;
- the multi-storey scale of the building minimises the amount of open space that would be lost; and
- there is a lack of visual or physical open space function currently provided by this area due to it being occupied by the temporary blocks that have been in situ for a number of years. While these are now unlawful in planning terms, given the need for classrooms on the site it is likely that planning permission would have been granted either for their retention or their replacement elsewhere on site.

The further temporary loss (of functioning open space) during construction is regrettable but the need for the college to maintain teaching capacity during construction is considered to outweigh this minor level of harm given that the proportion of the overall available functioning open space that would be taken up is minimal.

The proposals would result (and have resulted) in the temporary loss of the netball court. The condition of the netball court is unknown (as it was unable to be assessed by the applicants' consultants) and is now already host to a modular building. However, alternative provision for netball will be available from the college's sports hall. The restoration of the netball court after the removal of the modular building can be secured by condition as requested by Sport England.

The original scheme would also have impacted on the grass playing fields and cricket Non Turf Pitch (NTP). However, following extensive discussions between the applicant, LPA and Sport England the scheme has been amended and would no longer result in an impact (either temporary or permanent) on these playing fields.

The red line for the site has been amended as requested by Sport England and a condition can be attached to ensure that no parts of the grass fields or run-off areas are used for the construction compound.

Accordingly, subject to the recommended conditions (and legal agreement), it is considered that the development can be accepted in principle.

Design, Appearance and Heritage:

No objection is raised to the removal of the existing modular buildings, which due to their utilitarian character do detract from the appearance of the site and in planning terms are likely to be unlawful.

The two temporary buildings would be similarly utilitarian in appearance, and would furthermore be visible from Old Shoreham Road to the south. The two-storey building on the netball court is located closer to the site boundary than the proposed larger

three-storey building. Whilst it is considered that these elements would result in some harm to the appearance of the site and streetscene, this can be accepted given the temporary nature of these buildings and the fulfilling of an identified need for education provision.

The proposed permanent student building would be three storeys in scale, with a flat parapet roof. The building would be sited to the north of the sports hall, on a similar, albeit narrower, footprint as the three modular buildings. The building would be finished in a mixture of red/brown brick and red and copper coloured cladding. Fenestration would be aluminium framed and the elevations would demonstrate a strong degree of consistency and alignment, whilst retaining interest and texture.

The application is supported by a visibility study indicating the outline of the proposed building against the existing modular buildings and the college backdrop.

It is considered that the proposed building is acceptable in terms of design and appearance. The scale and massing of the building would be appropriate for the site and would sit comfortably in longer views from the surroundings as demonstrated within the visibility study. Whilst the proposal would introduce a larger massing than the existing modular buildings, and would be on higher ground than the neighbouring sports hall, its use of darker materials would serve to reduce its prominence and is considered to be of a markedly higher standard of design that would be more in keeping with the neighbouring built form. The location of the new building away from the site boundaries further reduces its visual impact. It is also recognised that a smaller scale building would represent a less efficient use of the available space, encroaching more on the Open Space.

The objection from the Heritage consultee is noted and it is acknowledged that the development would obscure some views of the cluster of pitched roofs of the locally listed building and would have a flat roof form. The level of harm to the setting of the locally listed heritage asset would be less than substantial, at the lower end of the scale, and it is considered that there are sufficient public benefits in the provision of improved educational facilities to outweigh this harm in accordance with the terms of the NPPF and policy DM29 of the City Plan Part Two. Moreover the scale of the building is weighed against competing considerations such as the minimisation of any loss of Open Space and is considered acceptable in the balance.

No trees need to be removed specifically to facilitate the proposals, however fifteen trees are nevertheless proposed to be removed. These are all elm trees that have been given a category of 'U' (the lowest quality) due to either being in poor condition or already dead due to disease.

The Arboriculture team have no objection to the proposed tree removals, subject to spoil being disposed of responsibly.

The proposed landscaping strategy is considered broadly acceptable, as is the plan for the protection of the retained trees. 51 new trees are proposed to the west of the new student building and as a buffer on the northern site boundary. The emergency vehicle access from the car park to the student building would be grassed.

The extended car park would go no further west than the existing hardstanding, with the additional space obtained from the eastern side towards the sports hall.

On this basis, the scheme is considered acceptable in terms of its design and the impact on the character of the area, including the locally listed heritage features.

Impact on Amenity:

Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

No significant impact upon neighbouring amenity is anticipated. The college is established as an educational site with several thousand pupils, and the proposals would not directly result in any increase to this number.

The closest sensitive neighbours to the proposals are:

- dwellings on the southern side of Old Shoreham Road, at a distance of approximately 30m or more from the proposed modular building on the netball court and with the road itself between.
- Dwellings on the eastern side of Dyke Road approximately 50m from the closest point of the proposed student services building, with existing college buildings between.

These separation distances are considered sufficient to avoid any direct impact in terms of overshadowing and loss of outlook, or activity from the use of the proposed new/relocated buildings.

Ecology and Biodiversity Net Gain:

The site is not specifically designated for its nature conservation interest, however there are various habitats such as grassland and scattered trees across the site.

The application includes an Ecological Assessment and Preliminary Roost Assessment which identifies the buildings to be removed as being of negligible bat roost potential. However, the trees on the northern and southern edges of the site are identified as potential locations for bat roosts, and a sensitive lighting strategy will therefore be necessary. Conditions are attached to this effect, including to secure appropriate details of lighting for the temporary building on the netball court that has already been erected.

The loss of fifteen dead or dying elms is noted as regrettable but given their condition, not objectionable. The proposed compensatory planting has been increased during the course of the application to include 51 new trees. A detailed landscaping plan can be secured by condition.

Although the application was submitted before the introduction of mandatory Biodiversity Net Gain (BNG), as a major development a minimum of 10% BNG is nevertheless required under the Council's guidance that was in force at the time of submission. The original submission did not meet this requirement, however following clarification of local requirements the applicant has provided updated landscaping

plans and BNG metric calculations during the course of the application. The proposals now demonstrate that a net gain of 17.94% can be achieved on site, including with the creation of new grassland, 41 new trees (as ten of the new trees cannot be taken into account for BNG purposes due to replacing failed dead trees), and new hedgerows. A financial contribution of £12,250 towards the review of long-term monitoring of the BNG proposals can be secured by legal agreement.

The Ecology consultee has reviewed the amended proposals and raised no objection, subject to conditions securing a sensitive Lighting Design Strategy (as set out above) and an Ecological Design Strategy (EDS).

Sustainable Transport:

The college is well located for sustainable travel with Brighton railway station and local bus stops in walking distance.

No changes are proposed to the pedestrian and vehicle accesses to the site and this is not objectionable.

The submitted Transport Assessment states that there would be no increase in trips linked to the proposals. However it does identify a natural increase in staff and student numbers based on demographic growth of 3 FTE staff and 88 students. The impact of this increase on the highway network is unlikely to be significant.

The college currently provides 165 cycle parking spaces on site. The proposals include 18 additional cycle parking spaces, for a total of 183.

This is still well below the SPD14 minimum requirement (for the college) of 724 cycle spaces however it is considered unreasonable to seek to secure an additional 541 spaces as part of this development which does not directly facilitate an increase in pupil numbers.

Based on the most recent school travel survey, there is a current demand for cycle parking of 113 spaces, meaning there is a spare capacity of 52 spaces as existing, and 70 as proposed.

The modal shift targets of the travel plan would result in a target of a demand for 226 spaces by the end of the travel plan period (by 2030). The comments of the LHA with respect to cycle parking being provision led are noted and agreed with. However, it is recognised that there already exists substantial spare capacity on site and so prospective cyclists are currently unlikely to be deterred by unavailable cycle parking.

It is therefore considered unnecessary to insist upon greater provision as part of the application, and the applicant's alternative suggestion for the travel plan to include trigger points for the incremental provision of additional cycle parking as usage increases is considered to be reasonable. The trigger points would be specified within an updated travel plan but are indicatively suggested to be met once demand rises to 90% of existing capacity, and for the additional provision to reduce this to 75% of capacity.

In terms of car parking, the site currently provides 64 spaces, 40 of which are at the car park by the sports hall which is proposed to be extended. It is understood that the college also makes use of 25 on-street parking permits, for a total existing capacity of 89 spaces.

The proposed extension to the sports hall car park would create 16 new spaces, for a total on-site capacity of 80. This would remain comfortably within the SPD14 maximum allowances of 108 spaces, and it is understood would allow the college to reduce reliance upon on-street parking permits. The comments of the LHA are noted in confirming that this number can be accepted. There may be some competing interest with the travel plan target to reduce car usage (with a modal shift target of demand for 75 spaces), however taken as a whole it is considered unreasonable to object to this as the proposed car parking would remain within policy limits.

SPD14 requires 5% of total capacity to be blue badge/disabled parking spaces. There are 3 existing disabled spaces, and the proposals include 1 further disabled space. In this case, four disabled spaces are 5% of the total 80 on-site capacity and this is considered acceptable.

The application includes a full college Travel Plan and this is welcomed, albeit this document will need to be updated to secure the cycle parking provision outlined above. This can be secured as by legal agreement. A financial contribution of £7,249 to cover the monitoring of the plan over the plan period can be secured by s106 legal agreement.

Sustainability:

The proposed development targets a BREEAM 'excellent' rating as required by Policy CP8 of the City Plan Part One and this is supported. Further evidence in relation to this can be secured by condition.

Other Considerations:

Whilst the site itself is not located within an Archaeological Notification Area, it is in close proximity to one and the comments of the County Archaeology team are acknowledged. Suitably worded conditions can be attached to secure the appropriate archaeological assessments.

An Employment & Training Strategy and a financial contribution of £11,420 towards the Council's Local Employment Scheme can be secured by s106 legal agreement.

The application includes a formal Flood Risk Assessment. The site is considered not to be at a high risk of flooding and the development is unlikely to worsen flood risk elsewhere. However, in accordance with the comments of the Lead Local Flood Authority further information regarding the condition of drainage connections can be secured by condition, as well as evidence of consideration of the SUDS hierarchy.

A Construction Environmental Management Plan can be secured by condition to identify how disturbance during construction will be minimised.

CONCLUSION

The provision of enhanced educational facilities is supported in principle as according with the aims and objectives of Policies SA6 and DM9 so is given significant positive weight in considering the application. It is considered that there are sufficient material considerations, including this significant weight, to justify an exception to Policy CP16 with respect to the Open Space that is currently lost to the three temporary buildings being lost on a permanent basis. Sport England have confirmed they would have no objection to the amended proposals.

The proposals are considered acceptable in terms of design and appearance, on the basis that the two buildings to the south of the sports hall are temporary features on the site. No significant harm to neighbouring amenity is anticipated.

Matters relating to archaeology, transport, ecology, sustainability and drainage can be satisfactorily addressed through conditions.

Whilst it is recognised that the development would result in some harm to the setting of the locally listed buildings on the site, this harm would be less than substantial and it is considered that there are sufficient public benefits arising from the scheme to outweigh this harm.

Accordingly, the application is recommended for approval, subject to conditions and a section 106 legal agreement.

EQUALITIES

Section 149(1) of the Equality Act 2010 provides:

1) A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

