

<u>rNo:</u>	BH2025/00264	<u>Wards:</u>	Queens Park & Whitehawk and Marina
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Preparatory School Walpole Lodge 2 Walpole Road And Pre-Prep School Eastern Road, 2 Belle Vue Gardens And 141 and 143 Eastern Road Brighton		
<u>Proposal:</u>	(1) Erection of a new teaching building at the St Mary's Hall site including new classrooms, a new multi-use hall with independent access and specialist teaching rooms, associated access, hard and soft landscaping, boundary treatments and other associated works; and (2) Redevelopment of the Convent site, including demolition of 20th century extensions, change of use of existing Prep School to boarding accommodation (Use Class C2), roof extension to the existing building, erection of a new building to provide boarding accommodation for students and associated residential staff, adjoining offices, common rooms, kitchens and support spaces, associated access, hard and soft landscaping, boundary treatments and other associated works including ancillary residential accommodation for the staff at 2 Belle Vue Gardens and 141 and 143 Eastern Road. Attachment of 2no new pedestrian gates to wall and proposed substation structure abutting wall at St Marys site.		
<u>Officer:</u>	Matthew Gest tel. 292525	<u>Valid Date:</u>	11.02.2025
<u>Con Area:</u>	College Conservation Area	<u>Expiry Date:</u>	13.05.2025
<u>Agent:</u>	Lichfields, The Minster Building, 21 Mincing Lane, London, EC3R 7AG		
<u>Applicant:</u>	Brighton College, c/o Lichfields.		

1. EXECUTIVE SUMMARY

- 1.1. Brighton College is an independent boarding and day school for boys and girls aged 3 – 18 years old. The college campus is formed principally of three sites positioned and separated along Eastern Road on the east side of the City.
- 1.2. The College was established in 1845 and is currently providing education to approximately 1800 pupils with the vast majority (1200) from BN postcodes. The

College is a key contributor to the local economy of the City directly employing nearly 700 staff. The College is nationally recognised for the education it provides.

- 1.3. The application is a conjoined proposal relating to two sites along Eastern Road, Brighton; (1) the playing field area south of the existing Brighton College pre-prep school situated in the grounds of the former St Mary's Hall School hereafter referred to as the "St Mary's" site and (2) the existing Brighton College Prep School campus at the junction of Walpole Road and Eastern Road adjacent to the existing main college campus hereafter referred to as the "Convent" site.
- 1.4. The application proposes development at the two sites. A new purpose-built educational building is proposed on the eastern end of the playing field at the St Mary's site to provide a combined campus for Years 1-6. The existing traditional lodge buildings at the Convent site would then be converted solely for use as boarding accommodation and a new purpose-built boarding accommodation block would be erected on the eastern part of the site. The application proposes the demolition of several 20th Century buildings along with proposed new landscaping, tree and shrub planting, revised boundary treatments and associated works to adjacent buildings.
- 1.5. The development has been proposed within a single application as the proposals are inextricably linked with regards to planning policy and other material planning considerations.
- 1.6. The application has received a considerable number of representations of over six hundred in support of and objection to the proposals.
- 1.7. Minor design amendments and additional information has been sought and received to address concerns principally relating to matters of Urban Design, Heritage, Highways, Ecology, Sustainable Drainage and Sustainability.
- 1.8. Consultation responses from Sport England and the Council's Planning Policy team raise no objection to development upon the playing field area at St Mary's in this instance subject to a legal agreement and specific planning conditions as discussed in detail later in this report.
- 1.9. The new school building at the St Mary's site is considered to be of acceptable design and appearance and subject to the recommendations of this report would not be considered to cause visual or amenity harm to the area. The St Marys development would not be sited within a Conservation Area but is set in the context and surroundings of a Grade II Listed flint wall adjacent to the East Cliff Conservation Area.
- 1.10. The proposals at the Walpole Road site including the removal of a number of 20th Century unsympathetic buildings and extensions would overall provide visual benefits and enhancements to the public realm and College Conservation Area in which the proposal is sited. The new building at Walpole Road is considered to be of an acceptable design and scale which would not be harmful to residential amenity subject to the conditions and obligations recommended in this report.

- 1.11. Highways impacts from the new school building at the St Marys site are considered to be suitably mitigated by proposals which include the ongoing review and monitoring of a Travel Plan which would incorporate matters relating to the whole school operation across all sites providing a strategic solution to issues raised and reported in the representations received. The proposal is considered to result in a significant reduction of overall and peak traffic at the Convent site which is welcomed.
- 1.12. On balance, subject to the conditions and obligations identified, the harm outlined in the report is considered to be outweighed by the benefits of the proposal and the development is considered to be compliant with local and national planning policy. The application is recommended for approval.
- 1.13. As this report covers two distinct and individual sites, where possible and for ease of reference, within each section this report will refer first to matters and impacts relating to the St Mary's site and then the Convent site.

2. RECOMMENDATION

- 2.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** planning permission subject to:
- A) Completion of a s106 Agreement and secure the Heads of Term as set out below:
- Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
 - Travel plan monitoring obligations (£7249)
 - Submission of an agreed scope and schedule of works to the western boundary wall along Walpole Road to be implemented within 18 months of the details being agreed.
 - Employment and Training Strategy
 - Contribution of £6360 for Employment and Skills Training
- B) The Conditions & Informatives set out at Appendix B

SAVE THAT should the s106 agreement not be completed on or before 4th October 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of this report:

3. SITE LOCATION

St Mary's

- 3.1. The St Mary's site is currently in use as the Brighton College Pre-Prep School Campus (Years 0-4) and is sited on the northern side of Eastern Road approximately 50m east of the Royal Sussex County Hospital (RSCH). The site, originally part of the St Mary's Hall school grounds (established in 1836) is accessed from Eastern Road and is formed of a grassed playing field area bounded by Grade II Listed flint walls and an L shaped post-modern school building sited upon an embankment above erected in 1989 and extended in 2004.

An interior access road provides access from Eastern Road and continues around the eastern and northern boundaries of the site.

- 3.2. The site is not within the East Cliff Conservation Area, the northern boundary of which runs along the middle of Eastern Road south of the site. The Grade II Listed Building of the former St Mary's Hall senior school is situated approximately 70m to the east outside of the site. To the south are the residential streets of Chesham Street, Eaton Place and Chichester Place, to the west are five immediately adjacent terraced residential properties before the junction with Bristol Gate and the buildings of the Royal Sussex County Hospital. Adjacent to the north west is the Macmillan Cancer Information and Support Centre. To the direct north and set on higher land are the rear gardens of residential properties of Bristol Gate and to the east between the site and the original St Mary's Hall School building are a number of ancillary buildings, temporary construction buildings and portacabins relating to the NHS and ongoing NHS development. The site is designated as an Archaeological Notification Area, it is designated as Open space and has an area Tree Preservation Order (TPO) part covering the embankment.

The Convent Site

- 3.3. The Convent site is currently in use as the Brighton College Prep School campus (Years 5-8) and is sited at the east side of the junction of Walpole Road and Eastern Road and is bordered by Belle Vue Gardens to the north. The site, originally a pair of lodge buildings, converted into a convent in the late 19th Century, now presents as one principal white stucco three storey building together with a number of later 20th century extensions and additions across the site considered to be of limited architectural value. A red brick chapel building is sited in the north west corner and two caged multi use exterior game areas, designated as Open Space, sit along the northern and southern boundaries of the site upon the street frontages. The land rises to the north such that the chapel and northern areas of the site are on higher land than the southern parts. The lodge buildings are traditional buildings of some conservation importance and significance but there are no statutory or locally listed buildings or structures at the Convent site.
- 3.4. The site is situated within the College Conservation Area the boundary of which runs directly along the eastern and southern sides of the site and includes the principal college campus and grounds to the west, Walpole Terrace and parts of College Terrace and Canning Street to the north. The Convent site is adjacent to the principal Brighton College campus across Walpole Road and the Convent site is otherwise adjacent to residential properties of Belle Vue Gardens and Eastern Road to the north and east. The site is partly within the Eastern Road and Edward Street Development Area (DA5). The northern boundary of the East Cliff Conservation Area runs along the middle of Eastern Road south of the site. Neither site is within an Air Quality Management Area (AQMA), however an AQMA is designated immediately adjacent to the Royal Sussex County Hospital between the two sites.

4. RELEVANT HISTORY

- 4.1. **BH2025/00265** - Alterations to wall including: re-alignment of railings; attachment of access gates and railings; extension of existing wall; and proposed substation structure abutting wall (Listed Building Consent) - Under Consideration
- 4.2. **BH2025/00646** - Installation of temporary modular Portakabin building on land north of tennis courts - Under Consideration
- 4.3. **PRE2024/00088** - To create a combined Prep and Pre-Prep campus at the existing St Mary's site. This will be achieved by a new building at that relates to both the existing building and the sports field. The new boarding accommodation would include two boarding houses which will consist of approximately 150 beds for pupils aged 13-18. - Advice issued 29th July 2024
- 4.4. **BH2023/01038** - Roof alterations incorporating 3no rear dormer windows and 6no front rooflights, erection of 2no single storey rear extensions and amalgamation of units at 8, 10 and 12 Walpole Road for use as a school boarding house (C2) with revised fenestration and associated landscaping. Refused 25th September 2023 - Appeal Dismissed 30th December 2024

5. APPLICATION DESCRIPTION

- (1) Erection of a new teaching building at the St Mary's Hall site including new classrooms, a new multi-use hall with independent access and specialist teaching rooms, associated access, hard and soft landscaping, boundary treatments and other associated works including attachment of pedestrian gates to wall and a proposed substation structure abutting southern wall.
- (2) Redevelopment of the Convent site including demolition of 20th century extensions, change of use of existing Prep School to boarding accommodation (Use Class C2), roof extension to the existing building, erection of a new building to provide boarding accommodation for students and associated residential staff, adjoining offices, common rooms, kitchens and support spaces, associated access, hard and soft landscaping, boundary treatments and other associated works including ancillary residential accommodation for staff at 2 Belle Vue Gardens and 141 and 143 Eastern Road.

St Marys (1)

- 5.1. The proposal is to erect a new three storey educational building along the eastern boundary of the site perpendicular to Eastern Road. The building would be sited adjacent to the existing interior access road upon part of the eastern side of the grassed playing field area. The building would have an average height of 10.5m, an overall maximum height of 15.5m an approximate width of 15m and a gross internal area of approximately 1567m².
- 5.2. The proposed building would assume a design form of a row of 7 terraced sections with a repeating gabled roof form, rectangular and circular windows and would be clad in light material tones utilising a hard wearing ceramic batten system. The building would house new classrooms, specialist teaching spaces and a multi-use

hall providing the education facilities for years 5 and 6 who are proposed to be relocated from the Convent site.

- 5.3. A new access to the site for pedestrians and cyclists would be created on Bristol Gate and vehicle entry to the site would remain as existing from Eastern Road however a new vehicle exit would be created onto Bristol Gate utilising an existing access road in the northern part of the site whilst also retaining the existing return exit onto Eastern Road approximately 40m east of the entrance. The interior access road would be widened and formalised to provide dedicated bays for school drop-off and pick up including provisions for cycle and staff parking.

The Convent Site (2)

- 5.4. The application proposes the demolition of the 20th Century buildings and extensions existing across the site measuring approximately 685m² including the flat roof garage in the north west corner. The existing principle former lodge buildings would be converted to boarding accommodation with a new mansard roof extension and renewed dormer windows with the exteriors and windows being otherwise restored. A new 3-5 storey boarding house would be erected between the lodge building and the neighbouring eastern most property on Belle Vue Gardens (in use and ownership by Brighton College) and the remainder of the site would be landscaped with hard and soft landscaping treatments including a revised and renewed boundary wall around the site perimeter.
- 5.5. The proposed new boarding accommodation block would be set into the rising land levels and be 9m in height at the northern end where the land level is highest appearing as 6m from pavement level on Belle Vue Gardens. The building would be appear 13m high on the southern elevation. The building would be of a contemporary design with curved corners, a mansard roof, dormers and rectangular windows. The material finish would be a mix of knapped flint, render and pale brick with a slate clad roof.
- 5.6. The two boarding houses together would provide accommodation for approximately 150 children aged 13-18 with the existing teaching facilities partly relocated to the St Mary's site (years 5-6) and partly to the principal campus (years 7-8). The principal pedestrian accesses to the site would be from Belle Vue Gardens, Walpole Road and Eastern Road and would remain largely as existing.
- 5.7. Directly adjacent to the Convent site are two traditional terraced houses on the Eastern Road frontage and a neighbouring property along Belle Vue Gardens which are both owned and utilised by Brighton College as ancillary staff and teaching areas, these are proposed to be redeveloped for use as staff accommodation.

Amendments

- 5.8. Amended plans and further information have been provided during the course of the application. Principally the amendments have constituted some minor design amendments to the southern elevation of the new buildings at both the Convent and St Mary's site. The amendments have related to adjusting the position and form of some windows at the Convent site and the introduction of some detailing to the southern elevation of the St Mary's site.

- 5.9. Further amendments relating to the provision of parking as well as an undertaking to provide a whole school travel plan have also been received during the course of the application in order to address the highways impacts of these proposals. Additional highways information in the form of a “sensitivity test” has also been submitted which includes an assessment of the impacts of potential future pupil numbers in a projected “worst case scenario” of maximum occupancy and attendance.

6. REPRESENTATIONS

- 6.1. Overall and in total **Six hundred and nineteen (619)** public representations have been received during the course of the application. These are summarised below. Full details of representations received can be found online on the Council’s planning register.
- 6.2. **Two hundred and ninety nine (299)** representations were received from individuals and the following groups: **The NHS Trust, The Regency Society and Hove Civic Society** supporting the proposed development for the following reasons:

Amenity

- Improvement to residential amenity
- Boarding house will be improvement with less noise
- No increase in noise beyond normal school
- Boarding students more mature - less impact on neighbours
- Would like to see existing curfews retained - current occupants cause no problem
- Pupils contribute positively in their behaviour to the area

Design and Appearance

- Good design in keeping with the area
- Will make the area more aesthetically pleasing
- Visual enhancement to street scene and streetscape
- Imaginative choice of materials
- Exemplary landscaping
- Modern buildings positive contribution to the area
- Buildings architecturally sympathetic
- Benefit and overall improvement to the townscape of Kemptown
- Increase of green space at Boarding House site very beneficial
- New development landscaping and buildings will be vast improvement on existing buildings and cages
- Removal of "cage" / fenced off play areas visually very positive.
- Boarding house reduced in size which is an improvement

Education

- Improved educational facility and learning environment
- Educational enhancement and cohesion from development

- Building at St Marys will be a major upgrade to existing facilities
- College embraces ambition and is catalyst for positive change
- Less school places at St Marys than before
- Scheme contributes to improvement of local school provision
- College provides excellent SEN and dyslexia support
- Improved educational facility and learning environment

Heritage

- In keeping with Listed Building
- Preservation of historic building positive with a sustainable purpose

Highways

- Will ease traffic
- Will alleviate pressure on congestion and on street parking
- Won't be occupied all year so will lessen it's impact
- Moving classrooms to SMH will improve and ease congestion
- Will reduce the need for parents to drive between the two sites
- Pollution will be less at Walpole Road
- Would not increase daily traffic
- Will improve parking availability in Walpole Road
- Benefits of reduction of traffic as more concentrated on the prep school St Marys Site
- Beneficial to local area through lack of dropping off/pick up at Belle Vue Gardens

Other

- Economic benefits to local businesses from boarders
- No loss of meaningful open space
- Overall better use of the site
- Will reduce pressure on local housing.
- Area round the existing school is well maintained by Brighton College
- College benefits families from other regions and countries and cultures
- Scheme is much more positive than possible alternatives such as convent site being sold.
- College has very positive impact upon the city and vitality of Kemptown.
- Many local people employed by the scheme
- College contributes positively to local community and local life.
- Will enable school to provide places for refugees
- College has been slowly enhancing Kemp Town and the College CA.
- Investment in local community and economy good for the city
- Investment will support future employment and many local people employed as result of the scheme
- New building is sustainable
- Boarding use is semi-residential and was previously school
- Proposal would safeguard jobs
- College has a number of initiatives to contribute to community and local economy

- 6.3. **Two hundred and sixty eight (268)** representations were received from individuals and the following groups, WILD Kemptown, objecting to the proposed development for the following reasons:

Amenity

- Noise
- Over development
- Overshadowing
- Reduction in Air Quality
- Loss of privacy
- Loss of light
- Development too close to boundary
- Overbearing
- Fundamentally change the residential character of the neighbourhood
- Overly dominant massing of buildings
- Restriction of view
- 150 boarders would be harmful and create nuisance
- Increasing intensity of business operations in residential area
- Contrary to SA6, balanced neighbourhoods and harmful to community cohesion
- Concerns on use of the boarding accommodation outside of regular school year eg. rented to language students/Air BnB
- Boarding house will create antisocial behaviour and excessive noise
- Noise management plan/ noise impact assessment required for long term
- annual noise monitoring and community complaint system
- Harm to amenity (Belle Vue) from numbers
- Would cause light pollution
- School boarders able to use playing field after hours and regularly cause nuisance.
- Sports field likely to require floodlighting in future - no details on light disturbance

Design and Appearance

- Poor Design
- Inappropriate height
- Out of place modern design of buildings
- Drawings not accurate and are deceptive
- Change of character to overall area from continuous expansion and large buildings
- Visual character of St Mary's site detrimental effect on East Cliff CA
- St Marys building will dominate local area obscuring clear views
- Would reduce open character of the area
- Porthole windows on St Mary's inappropriate

Education

- No transparent data on waiting lists or accommodation shortfalls - is there any need?
- Contrary to decisions to reduce school places

- College has already overexpanded and further expansion not justified
- Private school should not expand when state schools closing resulting in reduction in choice

Environmental

- Concerns on SUV's adding to pollution
- Toxic air pollution rising fast exacerbated by the proposal
- Constant construction work in the area.
- Lacks sustainability measures
- Increased pollution and increase of carbon emissions
- No strategy for waste/pollution or controlling carbon emissions
- No demonstrable substantial BNG benefits
- Harmful to Biodiversity and existing trees
- Presence of Badger sett on St Mary's site
- College disregards health and wellbeing of local residents
- Surface water and subsidence concerns on listed wall at St Marys
- Concerns on drainage (St Mary's site) and effects of water on the listed walls - concerns of surface water causing subsidence
- Concerns on groundwater movements and site drainage issues - drainage plan already acknowledges at capacity of/or at risk of flooding
- Proposal risks chalk dissolution and subsidence

Heritage

- Adversely affects Conservation Area
- Adverse effect on Listed Building
- Erosion of historic character and over intensification in CA fundamentally affecting areas character.
- Visually harmful and out of keeping with College Conservation Area
- Disruption to roofline and historic rhythm
- Contrary to policies of the City Plan; CP15, DM26 and DM29
- Plans show loss of historic architectural aspects
- Objection to demolition of convent building
- Harms to the listed flint walls
- Would hide views of the flint walls

Highways

- Additional traffic
- Disruption from construction / noise and dust
- Poorly/double parked vehicles creating hazards crossing the road
- Regardless of College plans the crossroad at Eastern Rd is already dangerous
- Journeys using Eastern Road less efficient than just reverting to seafront road.
- Road closures due to construction
- Servicing and Delivery likely to make local issues worse
- No parking solutions for extra coaches required for boarders
- Increase in delivery traffic - Walpole Rd
- Cycling would be more hazardous
- Zebra crossing on Eastern Road should be Pelican Crossing
- Insufficient parking for coach pickup/drop off at Walpole Road

- Needs traffic and pedestrian safety review (to include 30day review of coach parking in Sutherland Road)
- Will cause pavement congestion and compromise pavement safety
- Student increase create hazards to use of the footways
- College should be required to have dedicated pick up and drop off sites
- Madeira Park and Ride underused.
- Parents selfish during pick up and drop off.
- Insufficient cycle parking
- Conflicts with City Plan policies
- Figures in application show 77% of pre-prep and 64.5% of prep students are picked up and dropped off by car.
- More likely to cause increase accidents and incidents near St Mary's Hall
- No visibility of school monitors - monitoring behaviour/traffic
- Concerns on Bristol Gate and emergency vehicle route / outside trauma centre and general hospital
- Concerns on emergency vehicles access along eastern road
- Increase of bus and luxury coach usage causing problems
- Delivery and Servicing increase - effects on Belle Vue Gardens and Eastern Rd. Minimal pavement widths
- Residential parking already stressed
- Increased demand and obstructions to and on public transport
- Congestion on Eastern Road at peak hours already - cars double parked, poor driver behaviour
- Traffic concerns on Bristol Gate, particularly from queuing traffic blocking access to A&E and for emergency vehicles and patients
- Refuse collections on Bristol Gate will become harder and more problematic
- Compromises patient care and response times for emergency vehicles

Other

- Detrimental effect on property value
- No economic benefit
- Poor history of planning compliance
- Local plan is now out of date not fit for purpose
- Concerns on inaccurate assessments in submission
- Contrary to Appeal decision outcome on Walpole Road
- Scheme lacks public benefits
- College doesn't deliver on community sharing commitments (sports facility)
- Boarding house should be sited at St Marys
- Existing buildings near St Marys will be removed eventually
- Concerns that a refused application will lead to loss of more housing stock
- Private business seeking to expand shouldn't be given weight
- Proposal do not comply with NPPF
- Questions on Brighton College commercial operations
- Hard surfacing of field irreversible
- Too much general disruption from local construction
- Additional strain on local amenities/shops etc
- Too much expansion and development constantly disrupting the local community

- Over institutionalisation on Walpole Road
 - Loss of open space contrary to policy and no mitigation
 - Should require community use agreement
 - Concern on cumulative building work with the hospital also being re-developed
 - No plan for post development engagement with local community
 - Consultation has been manipulated by the College
 - BC should expand somewhere else
 - Insufficient open space at Walpole Road
 - Any approval should include agreement to not purchase any further housing stock
 - Any social benefits small and outweighed by harm to the community
- 6.4. **Three (3)** representations were received commenting on the proposed development:
- Will remove traffic from Walpole Road location and reduce institutional presence in the area and create more trade for local businesses
 - Queries whether the additional support staff would be entitled to apply for residents permits and whether this would materially worsen the situation.
- 6.5. **Councillors Tristram Burden, Gary Wilkinson, Gill Williams, Milla Gauge, Kerry Pickett, Ollice Sykes, David McGregor and Birgit Miller** object to the proposal. A copy of their individual representations can be found at the end of this report.

7. CONSULTATIONS

Internal:

- 7.1. **Air Quality:** No objection subject to conditions
This proposal shall not change vehicle trips significantly (>100 per day) or add new fixed combustion processes with emissions to air. A monitored plan is required to encourage active travel, electrification, connectivity by public transport and lift share. As a minimum, HGV used for construction shall meet the Euro-VI emission standard (same as the RC Hospital, 3Ts ten years ago). If these conditions can be met, on grounds of air quality I recommend approval.
- 7.2. **Arboriculture:** No objection subject to conditions
The loss of trees at Walpole Lodge (Convent) regretted but proposed mitigation planting of 8 large specimens is welcomed. No removal of trees at St Mary's site and proposed planting of 13 large specimens is robust. Tree protection condition required to secure protection measures and site meeting for T3 (St Marys site).
- 7.3. **City Clean:** None received
- 7.4. **Economic Development:** No comment
- 7.5. **Employment and skills:** Comment

Based on the information provided in the application, a contribution is requested of £6,360 via s106 Agreement towards the Local Employment Scheme and that an Employment and Training strategy should be secured.

7.6. Environmental Health: No objection subject to conditions

No known contamination issues at either site although a discovery condition is recommended. A construction, Environmental Management Plan is recommended to cover both sites and stages of the development including consultation with neighbours. Mitigation measures measured within Sound Matters Acoustic report should be carried out prior to first occupation and further condition recommended to secure acceptable noise levels from plant on the site.

7.7. Heritage: No objection subject to conditions

St Mary's: The new building is considered to be neutral in terms of enhancements to views from surrounding heritage assets. NPPF requires that "*proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*" The proposal therefore is considered to result in less than substantial harm at the lower end of the scale and applicant encouraged to provide public benefits in regards to environmental enhancements to wall on the west side of Walpole Road to balance this. The proposed substation and access gates from Eastern Road are acceptable and flint base to the new building preferred.

7.8. Convent: Two chimney stacks to the lodge building should still be retained and should be removed from demolition plans. The new build is considered appropriate in scale and both buildings complement one another, choice of materials being white brick and flint is considered appropriate .

7.9. Conditions recommended for window details, material samples, ensuring new pipework is cast iron and requiring no cables or flues to street facing elevations. Additional condition is also recommended to secure public realm improvements to the north running boundary on the western side of Walpole Road in order to provide sufficient benefit.

7.10. Planning Policy: Comment

The principal of redevelopment from education use to boarding house use at the Convent site is considered acceptable. However, the loss of education floorspace is dependant on provision of new education floorspace at the St Mary's site in order to meet policy requirement CPP2 DM9.2(a). The applicant should clarify the total amount of education floorspace to be lost at the Convent site and should clarify that the replacement educational floorspace at the St Mary's site is of a sufficient size in order to ensure the policy requirements of DM9.2(a) are met.

7.11. The provision of boarding accommodation on the Convent site is considered to comply with CPP1 SA6. Although it would increase the presence of residential institutions in this location, it would not displace any existing residents nor result in any loss of residential stock and is considered to contribute towards maintaining sustainable neighbourhoods.

- 7.12. There are no policies in the City Plan guiding provision of boarding accommodation. Policies relating to purpose-built student accommodation should be applied flexibly. The case officer should ensure the standard of accommodation is suitable for proposed occupants including size of bedroom and provision of adequate study and communal facilities.
- 7.13. Although the development at the St Mary's site would result in loss of open space which is contrary to policy CP16, the comments from Sport England will be a material consideration in terms of whether the loss could be justified and whether an exception to policy could be allowed.
- 7.14. **Sustainability:** No objection subject to conditions
Further measures encouraged but development acceptable on balance.
- 7.15. Conditions recommended for water efficiency, details required for solar PV panel placement, EV charging point at St Mary's site, require EPC B for new build elements and EPC C for areas of conversion, BREEAM excellent rating and site waste management plan.
- 7.16. **Sustainable Drainage:** No objection
Sufficient and satisfactory information submitted. Conditions recommended to secure agreement from Southern Water.
- 7.17. **Sustainable Transport:** No objection subject to conditions
- Cycle Parking Scheme
 - Car Park Management Plan condition including but not limited to
 - management of parking and drop off spaces
 - the barrier gate at the Bristol Gate exit
 - contingent disabled user parking provision for the convent site
 - Construction Environment Management Plan
- 7.18. Requests section 106 agreement including:
- Updated full and whole school Travel Plan and Monitoring fees
 - S278 obligation including but not limited to
 - Bristol Gate exit highway works (pre-occupation) and all necessary road safety audits agreed by BHCC.
 - Introduction of a Loading Bay as part of the Traffic Regulation Order (TRO) and removal of the redundant dropped crossing, and reconstruction and reinstatement of the footway and kerb edge, on Belle Vue Gardens
- 7.19. **Urban Design:** No objection subject to conditions
The proposed new teaching building is largely successful in establishing a contemporary appearance using a of traditional silhouette and roof profile, subject to some testing of materials by condition. Conditions recommended to secure samples of materials at both sites. Request for a condition to agree final detailing for the west facing dummy windows also further condition for general material form to St Marys site. Details of the entrance gate to Eastern Road also required by condition.

External

- 7.20. **Archaeology (East Sussex County Council):** No objection subject to conditions
Initial written scheme of investigation (WSI) and reports acceptable. Conditions recommended for site investigation to be in accordance with WSI and post investigation assessment to be provided.
- 7.21. **Brighton and Hove Archaeological Society:** Comment
Recommendation to contact County Archaeologist
- 7.22. **Brighton and Hove Economic Partnership:** Support
This application seeks to provide boarding capacity without absorbing more local residential stock, aims to secure the long-term financial sustainability of a UK sectoral leader in the city, providing job security and also wider supply chain benefits. In addition, the school's international reputation enhances the city's proposition for both foreign and domestic inward investment. Consider the development ties in strongly with several of the key aims of the current '10-year Imperatives' outlined in the Brighton & Hove Economic plan.
- 7.23. **Conservation Advisory Group:** Support
Assurance that the flint wall will retain its protective listing. Some reservations about the design of the new build on the St Mary's Hall site and loss of green space, but overall the proposal was considered to be beneficial to the Conservation Areas and the setting of the listed buildings on the sites.
- 7.24. **Ecology (East Sussex County Council):** No objection subject to conditions
Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. A standard pre-commencement Biodiversity Gain Condition should also be applied, and it is recommended that in addition to any legal agreement required to secure the maintenance of significant onsite BNG for at least 30 years, the Council should also secure fees for compliance monitoring.
- 7.25. **Health and Safety Executive:** No comment
- 7.26. **Historic England:** No objection
In our view, the scheme manages to sympathetically blend with the historic context in terms of urban grain, scale and materiality, while remaining visually distinct by the use of a contemporary architectural idiom. The proposed more coherent, uncluttered and landscaped reorganization of the site would also allow for a better appreciation of the retained and refurbished undesignated historic buildings, which would retain their prominence within the conservation area.
- 7.27. **Sport England:** No objection subject to conditions
The application is considered to be capable of meeting exception 5 of our Playing Fields Policy and to accord with paragraph 104 of the National Planning Policy Framework (NPPF). Playing field improvement strategy acceptable, there will be improvements to the surface and thereafter managed intensively to maintain its quality. No objection subject to conditions requiring:

- The submitted Playing Field Improvement Strategy and ongoing maintenance plan is secured by planning condition.
- Community use agreement relating to the new small hall and change facilities and the playing field

7.28. **Southern Water:** Comment

Requests informative that construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

7.29. **Sussex Police:** No objection

No comments to make from a crime prevention perspective.

7.30. **UK Power Networks:** Comment

The applicant is advised to adhere to guidance with regard to safe construction practice close to cables/apparatus.

8. MATERIAL CONSIDERATIONS

8.1. 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.

8.2. The development plan is:

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

9. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

DA5	Eastern Road and Edward Street
SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
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
CP21	Student Accommodation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM8	Purpose Built Student Accommodation
DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM27	Listed Buildings
DM29	Setting of Heritage Assets
DM31	Archaeological Interest
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

PAN06	Food Growing in Development
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East Sussex, South Downs and Brighton & Hove Waste & Minerals Plan 2013:

WMP3d	Minimising and Managing Waste During Construction, Demolition and Excavation
RM0	Sustainable Use of Aggregates

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the proposed uses, the impact upon the significance of the non-designated and designated heritage assets, the impacts on neighbouring and local public amenity, design and appearance, the impacts upon highways, energy efficiency and overall sustainability of the development proposed.
- 10.2. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Moreover, when considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses, and the desirability of preserving or enhancing the character or appearance of a conservation area should be given “considerable importance and weight”.

Principle of the Development:

- 10.3. Due partly to the proposed relocation of the educational facilities from the Convent site to St Mary’s Hall the planning policy considerations for this application are inextricably linked between the two sites.
- 10.4. Paragraph 100 of the NPPF supports the provision and expansion of educational facilities and supports development which widens choice in education. It also advises local authorities to give “*great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications.*”
- 10.5. CPP1 Policy SA6 (Sustainable Neighbourhoods) seeks to create and maintain sustainable neighbourhoods and and reduce inequalities between neighbourhoods by working with public, private and community and voluntary sector partners, businesses and local communities. The policy also encourages existing education and community organisations to provide local communities with a greater range of services and facilities for learning and training.
- 10.6. City Plan Part 2 (CPP2) Policy DM9 (Community Facilities) supports the provision of new community facilities including learning and non-residential institutions and resists their loss unless replacement facilities of an appropriate quality and size are provided as part of new development proposals.

St Marys – Provision of Education

- 10.7. The St Mary’s site currently provides educational facilities for the pre-prep school (Nursery to Year 4) and includes a playing field.
- 10.8. The proposals seek to create a combined Prep and Pre-Prep School campus at the St Mary’s site (Nursery to Year 6), through provision of a new building of c.1,700sqm which would facilitate the relocation of years 5 and 6 from the Convent site resulting in an increase of c.100 pupils at St Marys based on current occupancy levels. If the school were at maximum capacity then this could result in

an increase in occupancy of the site of an additional 50 students (so a total increase from present levels of c150 pupils). The proposed enlarged school facility is, in principle however, considered to be policy compliant and in accordance with the NPPF and City Plan Policies SA6 and the criteria of CPP2 policy DM9. The NPPF and the City Plan do not make any differentiation between public and private educational facilities.

- 10.9. The proposed floorspace of the new building at St Mary's is 1,578m² with 793m² of available teaching space. The existing area of the Convent Prep School site is 3112m² with 1462m² used as teaching space. The provision of the new building at St Mary's site therefore provides less overall floorspace than the removed education facilities at the Convent (669m²), however, in this case the loss from the Convent site is considered to be offset. Firstly it is recognised that the St Mary's site would be a purpose built development and of a more efficient layout than the converted and extended buildings at the Convent site. It is also noted that years 5 and 6 only are proposed to move to the new building at St Marys whilst years 7 and 8 are moving onto and within the main college campus. In this context whilst it is recognised that the proposal would result in a loss of 669m² of available teaching floorspace, it is also noted that the Brighton College main campus has undergone significant expansion in recent years with a recent net increase in floorspace of approx. 12,305m². It is therefore considered that sufficient facilities would be retained and provided as part of the proposal in accordance with CPP2 policy DM9, the aims within policy SA6 and the NPPF which supports extensions to schools.

St Marys – Loss of Open Space

- 10.10. The proposed new education building would be erected upon the eastern edge of an existing playing field resulting in a reduction in the open space of c. 624m² from an existing total of c.6,000m². This loss would be contrary to policy due to the protection placed on playing fields by CPP1 policy CP16 (Open Space) and none of the exception criteria are considered to apply in this case.
- 10.11. Criteria (d) of CP16 states that the loss of open space would only be permitted where;
"d) The site is:
- *physically incapable of meeting the city's wider open space needs;*
 - *is not part of the beach or a playing field (current or historical);and,*
 - *in accordance with the Open Space Study Update 2011 (or subsequent approved revisions), is of a poor quality without potential for improvement (current and potential) and there is an identified surplus (current and future) in all types of open space within the locality (ward and sub area). In order to test the importance of the site to the local community the site must be actively marketed at a price that reflects its use, condition and local market prices for at least a year with no success before alternative proposals can be considered."*
- 10.12. As criterion (d) cannot be applied to open space which is part of a playing field, this exception criterion cannot be applied to the proposal.

- 10.13. Brighton and Hove City Plan Part One policy CP16's supporting text at paragraph 4.184 justifies the priority placed on the retention of playing fields, which includes historical playing fields that lay vacant, unused or used for an alternative open space use. The requirement to retain playing fields is based on the provision being low in the city and the compact, dense and hilly nature of Brighton and Hove meaning that delivery of new provision is unlikely. The NPPF at paragraph 104 also sets out strong protection for open space, with specific reference to playing fields. Whilst the site is currently used and owned by Brighton College, this would not wholly prevent it from being used by the wider community in the future, e.g. for sports uses to meet the city's wider needs.
- 10.14. The site was surveyed as part of the Open Space Audit in 2008 (EB0041-Brighton College Prep School). In the Open Space Study Update 2011 the site was given a ranking of C (average) for its existing offer/quality but was ranked F (low potential) in terms of its potential offer/quality. The Open Space Study Update 2011 found there to be a surplus against all types of open space in the East Brighton ward. A surplus was not however found when measured in the wider sub area (East Brighton, Queens Park and Hanover/Elm Grove sub-area). (Nb. This part of the assessment did not include the school grounds typology). It is noted that in 2023 a re-organisation of ward boundaries in the east of the city took place meaning that the ward boundaries and areas of ward coverage have since changed, however the findings of the Open Space study are considered to remain reflective of the overall provision of Open Space in the east of the city.
- 10.15. Whilst the development upon the Open Space would be contrary to policy CP16 of the CPP1 there are a number of known issues affecting the usability of the playing field in different ways, which are outlined below.
- 10.16. Firstly in terms of the usability of the remaining playing field area, as existing the space can accommodate only one 5 v 5 football pitch to FA dimensional requirements and this would continue to be the case following the proposed development. The remaining playing field would no longer provide an adequate sized pitch for U10s rugby union but would still provide an adequate sized pitch to meet requirements of U9s rugby league, junior rounders and U10s football. To mitigate against the physical loss of space a number of measures are proposed as part of this application to improve the usability of the remaining surface.
- 10.17. The issues around the offer/quality of this space relate to overall suitability of the playing field for formal ball-sports as well as known drainage issues which affect the usability of the surface.
- 10.18. The land level on the northern side of the listed wall is significantly higher than that on the Eastern Road side which makes the use of the space for formal ball or projectile sports constrained given the risks of projectiles onto and over Eastern Road.
- 10.19. The listed nature of the wall is also such that significant modifications to it or in proximity to the wall to address this issue, are likely to be resisted. The pitch itself is also reported to suffer from poor drainage and can often result in a waterlogged surface at certain times of the year.

- 10.20. The applicant has provided a pitch drainage and surface improvement strategy which is proposed to be secured by condition and is considered to ensure that there are also lasting benefits and improvements to the usability and longevity of the playing field area following development.
- 10.21. In addition, as part of the development a new indoor sports hall of 11.4m x 13.8m (163m²) with independent change facilities and access is proposed which would be open to Community use through a secured community use agreement.
- 10.22. Sport England have considered the proposals and have raised no objection. They consider the scheme capable of meeting exception 5 of their Sport England Playing Fields policy subject to recommended planning conditions. The conditions proposed are to secure the improvements to the surface and pitch drainage, to secure the use of the site for community access including the new hall and pitch area and a requirement for the ongoing management and maintenance scheme to be secured. All of these conditions are proposed to be secured through the recommended planning conditions.
- 10.23. In consideration of all the above, the existing open space provision is considered to be of a relatively poor quality, under utilised and somewhat constrained. As a result of the development sufficient open space would remain and would be improved in its quality and longevity. Subject to the necessary community use agreements the pitch and sports hall would be available for community use which would provide a new indoor sports facility to the area and an ongoing management and maintenance plan would ensure the protection and usability of the open space for the future. In conclusion whilst contrary to policy CP16 it is considered that the loss of Open Space can be justified and appropriately mitigated in these particular circumstances subject to securing the necessary conditions and obligations recommended above.

Convent Site – Provision of boarding accommodation

- 10.24. The Convent site would be converted solely for boarding accommodation with teaching facilities for years 5 and 6 relocated to the St Mary's site (with years 7 and 8 moving to the main campus). The new and converted boarding houses would together provide accommodation for c.150 pupils aged 13-18 in addition to accommodation for support staff, common rooms and kitchen. The Planning Statement indicates that this will allow for an increase in c.30 pupils per academic year with boarding available for those in years 9-13. The Planning Statement indicates that the College has high demand for boarding accommodation and is currently at capacity. For the purposes of clarity the Convent site is currently attended by approx. 200 students plus support staff on a daily basis.
- 10.25. The proposal would provide a total of 3,737sqm floorspace over the 2 buildings: 2,115sqm from the change of use and an additional 1,623sqm from the new building all of which would be used for C2 boarding accommodation or ancillary purposes.
- 10.26. The City Plan does not have any specific policies relating to the provision of boarding accommodation. Policies which refer to purpose-built student

accommodation, CPP1 policy CP21 and CPP2 policy DM8 relate principally to university accommodation however the proposal is considered to be in compliance with both policies and no conflicts have been identified.

- 10.27. A number of representations received express concerns relating to the expansion of Brighton College in relation to both its physical expansion and effects and the potential for this to result in an imbalance to community cohesion and character. Concerns have been raised that the proposal would exacerbate inequality and harm the residential character of the wider area and the character of the College Conservation Area.
- 10.28. In these regards CPP1 Policy SA6 (Sustainable Neighbourhoods) is relevant which seeks to create and maintain sustainable neighbourhoods and reduce inequalities between neighbourhoods by working with public, private and community and voluntary sector partners, businesses and local communities. The policy also encourages existing education and community organisations to provide local communities with a greater range of services and facilities for learning and training.
- 10.29. A number of representations have also raised concerns that the College has purchased and utilised local housing stock for boarding accommodation contributing to an imbalance within the area. It is noted that the College has acquired local residential properties to accommodate boarding students in the immediate area and of relevance is the refusal of planning application BH2023/01038.
- 10.30. This application sought planning permission for the amalgamation of the nearby properties at 8, 10 and 12 Walpole Road for use as a school boarding house (C2). The application was refused by officers due to concerns on the amenity impacts upon neighbours and what was considered to be a poor standard of accommodation provided for its future occupants. A subsequent appeal against the refusal was dismissed by the planning inspector and the appeal decision (APP/Q1444/W/24/3336535) notes that;
“...there would be a disproportionate residential institutional presence in this location and would undermine and detract from the still (just) prevalent residential context of conventional houses likely occupied by families in normal domestic use and activity in this part of Walpole Road, and that the development would therefore not comply with CPP1 Policy SA6, which seeks to maintain balanced neighbourhoods and communities that meet the needs of all residents.”
- 10.31. The section of road from 2 to 20 Walpole Road north of the Convent site, as the inspector described, and to the north and north east along Belle Vue Gardens is still of prevalent residential domestic use.
- 10.32. The concerns that the provision of boarding accommodation would not maintain a balanced neighbourhood and community are noted, however the application is not considered to be contrary to policy SA6 nor contrary to the outcome of the referenced appeal decision. It is noted firstly that a very different context exists within this application when compared to the appeal site. The existing subject site consists of school buildings and outside play areas that are currently in educational

use by Brighton College and the proposal would not therefore result in a change to the institutional presence which already exists on the site. Additionally the appeal decision relates to a development which was the amalgamation of three terraced properties into a singular boarding block sited in the middle of an otherwise residential section of road which, again is a substantially different context from an existing school site where no C3 residential units would be lost.

- 10.33. The change of use from educational use to boarding accommodation would also result in a use of the site which is residential in nature which is considered to be commensurate with the character of the area. Whilst it is accepted that boarding accommodation is somewhat different in character to single family dwellings, the proposal would nonetheless be a predominantly residential use of the site and would not displace any families or other residents nor would it result in the loss of any existing residential housing stock. The provision and principle of boarding accommodation in this case is therefore not considered to conflict with the aims of policy SA6 and would not lead to an over intensification or institutionalised presence on the site harmfully over above that which currently exists. The provision of the boarding accommodation may support the aims of SA6 in terms of ensuring sustainable neighbourhoods by lessening any pressures to lose further housing stock as boarding accommodation although this would require analysis on a case-by-case basis.
- 10.34. The Convent site is partly situated within designated development area DA5 (Eastern Road and Edward Street). It is recognised within DA5 that among the priorities identified are the improvement of the public realm, investment in open spaces, provision and expansion of existing education facilities. It is not considered that the proposal conflicts with any of these stated aims and priorities.
- 10.35. The principle of change of use from education use to boarding accommodation on this site is therefore considered acceptable in principle. No conflict with policies SA6 or DA5 of the CPP1 has been identified for the reasons as stated above.

Convent Site - Open Space

- 10.36. The Convent site includes two open spaces comprising of a 16m x 30m playground area and a 12m x 24m playground area. CPP1 policy CP16 is therefore applicable to this site also. The policy requires the retention and better, more effective use of all open space. It is noted in this case that much of the Open Space designated at the Convent site relates to play surfaces and hard-standings.
- 10.37. The proposal would result in the demolition of some buildings and existing play areas across the site whilst providing a new building, extensions, landscaping and replacement open space. Specifically, the proposal would provide a series of green outdoor spaces around the new and extended buildings, repair existing boundaries, provide 13 new trees and include a southern garden, northern garden, western garden and an outside area arranged in a Quad between the principal buildings. Small areas of private gardens would also be provided for staff. The Design Statement submitted indicates there would be a net gain as a result of the proposal of 87m² open space which is welcomed. The open space across the site would be largely utilised as an amenity space for boarders which is considered an acceptable use of the Open Space.

Appearance, Design and Heritage

- 10.38. CPP1 policies; CP12 (Urban Design), CP13 (Public Streets and Spaces) and policy DA5 (Eastern Road and Edward Street) CPP2 policy DM18 High Quality Design; as well as the Urban Design Framework SPD17 are all relevant to the appearance and design of the proposal. CP15 (Heritage) of the CPP1 and DM26 (Conservation Areas) and DM29 (Setting of Heritage Assets) are all relevant in regard to the impact to the historic environment.

St Marys Site, Eastern Road

Proposed building and character of the area

- 10.39. The St Mary's site consists of an existing school building (nursery and pre-prep) sited upon a grass embankment above a playing field. The building has been extended and altered over the years in a post modern style. The open space area below the embankment is a playing field surrounded by flint boundary walls, much of which is Grade II Listed. Land levels in the area rise to the north. The site is not within a Conservation Area and no other listed buildings are present on the site. The northern boundary of the East Cliff Conservation Area runs along Eastern Road south and outside of the site.
- 10.40. To the south of the site are the residential streets of Chichester Place, Chesham Street and Eaton Place featuring terraces of three storey traditional properties in a largely north-south alignment perpendicular to the playing field, coast road and seafront. Dominating the area to the east is the Royal Sussex County Hospital site which is comprised of principal towers and ancillary buildings in various forms and finishes set in blocks of different orientations and heights varying between 1 and 9+ stories. The Royal Sussex County Hospital is separated from the western boundary of the playing field by a small terrace of 5 residential properties and the roadway of Bristol Gate. Neighbouring the prep school in the north western corner is the Macmillan Cancer Information and Support Centre a building also of post modern appearance. To the direct north are the rear residential gardens of properties along Bristol Gate and to the east are red brick flat roofed buildings, site constructions offices and other ancillary and temporary development relating to the NHS. The main building and grounds of the former St Marys Hall School are sited then further to the east.
- 10.41. With the exception of the residential terraces to the south where the traditional homogeneity of Kemp Town is apparent the overall character of the area north of Eastern Road is widely varied in architectural form and scale. The post modern buildings, the Royal Sussex County Hospital and the plain form of the red brick buildings to the east provide a diverse visual character architecturally and a wide palette of building materials can be seen in the immediate locality. There are a number of mature street trees sited along eastern road and some visible towards the north which contribute positively to the street scene.
- 10.42. The proposed building would be three storeys in height and set flat along the south eastern corner of the playing field area. The overall form would resemble a row of units with a repeating gabled roof form, a series of rectangular windows at ground and first floor and porthole windows at third floor part referencing the existing building on the site and intended to reflect a simple "childlike" form. The south-

eastern corner would be formed of a taller section topped with a pitched roof angled 90-degrees relative to the remaining building. The proposal would be materially finished with beige/off-white terracotta ceramic battens above a glazed green ceramic/glass-reinforced concrete plinth. The rectangular windows would incorporate green-toned frames and surrounds along with large circular windows proposed at the second floor. The roof would be constructed from grey standing-seam zinc with integrated solar panels and rooflights. On its western side at ground floor facing the playing field the building would have glazed doors surrounded by a series of greened pergolas.

- 10.43. The series of six pitched roofs would be 13.7m in height sitting lower than the existing school building upon the embankment with proposed eaves levels of 10.6m and set in consecutive 6m widths. The extruded tower element would be 15.5m high with eaves of 12m (approx. 1.2m above the remaining eaves) fronting onto Eastern Road similarly in a 6m x 6m form with detailing including College logos facing east and the rectangular window forms wrapping around the first floor. Facing directly onto Eastern Road the proposal would incorporate a larger circular window facing south at second floor. The building would be 15m wide and would be set back from the Eastern Road boundary (listed wall) by approximately 5 - 6.5m.
- 10.44. The proposed building would be a noticeable presence in the streetscene, however the massing of the building is considered reasonable within its context, given it's set back from Eastern Road and the overall heights proposed being no higher than existing buildings on the site. Whilst the buildings form would be taller than the residential properties to the south, this increase in size is considered to follow the topography of the area to a reasonable extent and the building would not appear overly dominant, particularly given the separation provided by Eastern Road and when it is viewed in the context of the hospital site to the east. Whilst the existing site along Eastern Road is 105m wide and open in character the remaining open aspects along Eastern Road within the site would be approximately 70m to the west and 20m east of the building relating to a proposed built form for 15% of the existing aspect. The mock-terraced form is considered to sufficiently reflect and reference both the visual character of the areas south of the site and sufficiently reference the existing building form on site (porthole windows and post modern appearance) and reflect the gabled form of the principal St Mary's Hall building. There is also a reference in window proportions to the principal Brighton College buildings further west along Eastern Road. The proposed tree planting along the southern boundary of the playing field would assist in softening concerns relating to the appearance of the development and the light and neutral tones of the materials proposed are not considered to cause harm to the visual character of the area.
- 10.45. Given the high visibility of the southern parts of the development from the public realm a condition is recommended to secure additional detailing to the mock inset windows wrapping around the southern part of the development and to secure further detailing of the college logo's in order to ensure an acceptable appearance.
- 10.46. The Urban Design and Heritage both raise comments suggesting that the proposed building includes some references to flint within the finalised materials.

Subject to conditions therefore securing an acceptable material palette for the development the building is not considered to cause harm to the visual character of the area which is considered to be sufficiently diverse in size, form, style and materials to accommodate the appearance of the proposed development.

Landscaping (St Mary's)

- 10.47. As noted above the application proposes tree planting along the southern boundary of the playing field in the form of 6 new Elm trees whilst further tree planting is proposed along the eastern side of the new building, three in the south eastern corner and a further three along the existing access road. The trees are proposed to total 13 large specimens and this is welcomed and would be a benefit from the proposal where the site, whilst of an open aspect, contributes little in the way of planting and greening to the street and is somewhat stark as existing. The proposed planting would contribute to softening the appearance of the existing site and the proposal, providing some visual urban greening to the public realm. The existing embankment at the site would be retained with wildflower meadow planting and other areas would feature shrubs and perennial planting, reinforced grass whilst the playing field itself would be re-turfed.
- 10.48. A variety of materials are proposed for the hard surfaces around the site which are considered acceptable in appearance and the new development would be linked to the existing building on site with a series of rising terraces and steps.
- 10.49. Existing boundary walls would be retained around the site perimeters with the overall boundary treatments remaining largely unchanged. There would be new pedestrian access portals, gates and railings on the eastern side of the development and a new pedestrian portal would also be created on the Eastern Road frontage details of which are proposed to be secured by condition. Overall the landscaping proposals are considered to be appropriate to the development and character of the site and wider area and no concerns are raised in this respect.

Heritage Impacts

- 10.50. As noted above, the site is not within the East Cliff Conservation Area but in proximity to the Grade II Listed St Mary's Hall building c70m to the east of the site. The development would result in the obscuring of the St Mary's Hall building when viewed from Bristol Gate and from some views along Eastern Road, west of the site. Whilst this is the case it is noted that the building is already substantially and part obscured in some views by the 20th century red-brick buildings in between the application site and St Mary's Hall. Resulting views of the listed building would be very limited as a result of the development when seen from Bristol Gate and Eastern Road to the west of the site and this is considered to cause some harm in heritage terms, however this harm is considered to be less than substantial and would not be sufficient to warrant refusal of the application. Neither Historic England, the Council's Heritage team nor CAG (Conservation Advisory Group) have raised any objection to the proposals. The Council's Heritage team have requested some additional public realm improvement to offset the impacts as discussed at paragraph 10.72.
- 10.51. Views of the development from within the East Cliff Conservation Area would be limited to properties immediately adjacent to the site or when viewed from

Chichester Place to the south. Views of the listed wall itself from Chichester Place looking north would not be harmfully affected and the existing views already encompass the listed wall with the contemporary post modern nursery and pre-prep school building set behind. Whilst the introduction of the built form in this location would change the aesthetic of the view, the new building would not obscure any historical features or buildings from this perspective and the remainder of the listed wall would continue to surround an open playing field with little change to its context.

- 10.52. The Heritage officer has raised the context of Paragraph 219 of the NPPF, which states;

“Local planning authorities (LPA) should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- 10.53. In this case it is noted that the site is not within a designated Conservation Area nor World Heritage site, but it is within the setting of the Grade II Listed Walls and in close proximity to the boundary of the East Cliff Conservation Area. There would be some identified harm from the new building impacting upon views of the original St Mary’s Hall building, however there would also be some mitigation through the formalisation of the entrance fronting Eastern Road and from the associated landscaping proposed. Overall, the harm in heritage terms is considered to be less than substantial at the lower end of the scale and it is not considered reasonable to refuse the application on this basis alone, however other heritage benefits are considered to result from the proposed scheme across the two sites as discussed later in this report at 10.71. In short summary however, the scheme would deliver landscaping and planting of trees, ecological and environmental improvements to the playing field, improvements to the public realm at Walpole Road and a new educational facility which all weigh as public benefits in the planning balance.

The Convent Site

Proposed building and character of the area

- 10.54. The Convent site is situated at the junction of Eastern Road and Walpole Road and bordered to the north by Belle Vue Gardens. The application site is within the College Conservation Area, the eastern boundary of which runs along the eastern edge of the application site. The boundary of the East Cliff Conservation Area runs along Eastern Road, south of the site. The application site does not include any statutory listed or locally listed buildings. The two lodge buildings are, however, non-designated heritage assets by virtue of their inclusion in the Conservation Area and make a positive contribution to the character of the area. The College Conservation Area character statement refers principally to the nineteenth century development of the area as being of note, particularly College Terrace, Canning Street and Walpole Terrace along with the architecture of the main college campus. The statement also acknowledges that more recent developments at the College by some prominent architects have added to the architectural interest and variety of the Conservation Area.

- 10.55. The existing site features the two joined principle 3 storey former lodge buildings finished in white stucco along the western side and a red brick chapel currently used as a library sited in the north west corner. Adjacent to the chapel is a small flat roofed garage. The site also features a number of 20th Century flat roofed extensions finished in a mix of red brick and render and two multi use play areas; one adjacent to Belle Vue Gardens and one other in the southern part of the site adjacent to Eastern Road. Both play areas are enclosed by steel and net fencing. The site includes the two adjoining traditional terraced properties along Eastern Road bordering the east of the site and a single terraced property adjoining the site along Belle Vue Gardens. All three of the terraced properties are in use as ancillary spaces and teaching rooms by Brighton College. A white render wall with pier detailing runs across the southern and western boundaries of the site and a pebble dashed render wall runs across the northern boundary. The site features a limited mix of tree planting and a section of hedgerow in the south west corner.
- 10.56. To the south of the overall site are terraces of traditional two storey residential properties along the southern side of Eastern Road and Great College Street behind, set in an east-west orientation. Across Walpole Road to the west of the site is the principal Brighton College Campus featuring a number of Grade II Listed Buildings and the four storey boarding house adjoining the main school entrance approved in 2012. The college campus continues north with the principle playing field areas of the college bordered by College Terrace and Walpole Terrace north west of the application site.
- 10.57. Immediately west of the proposed site are the two storey residential properties and rear gardens of Eastern Road and Belle Vue Gardens and north of the site across Belle Vue Gardens are two pairs of substantially sized three storey semi-detached villas which face south directly overlooking the site.
- 10.58. A mix of building materials are visible in the immediate context with flint, red brick, stucco and pebble dash render immediately visible. Land levels rise to the north and east with Belle Vue Gardens sited at a higher level than Eastern Road.
- 10.59. The main college campus and existing site are surrounded to the north, east and south by an area predominantly residential in character.
- 10.60. The proposed development would demolish all of the ad-hoc 20th century red brick extensions across the site which are considered of low architectural quality and also involve the removal of the two fenced play areas along with other extensions at the rear of the principal lodge buildings which would result in an improvement to the appearance of the site.
- 10.61. The existing lodge buildings would be refurbished with new windows, glazing and wall insulation and a new mansard roof with dormer windows would be added to the existing building finished in slate.
- 10.62. The refurbished lodge buildings would be converted into boarding accommodation and a new accommodation block would be erected to the east between the lodge buildings and the neighbouring properties along Belle Vue Gardens.

- 10.63. The new proposed boarding house would be of a contemporary design with bevelled corners and rectangular windows. The building would be 18m in width infilling some of the site between the existing lodge buildings and the adjacent residential terraces. The building would be set into the ground on the northern side due to the changing topography of the site and would have a scale commensurate with the residential terrace of Belle Vue Gardens being approximately 9m in height but would be set into the ground by 3m with the roof level of the new building approximately level with the first floor of the adjacent terrace. When viewed from the south (Eastern Road) the building would appear as three stories (13m) with roof accommodation set back 20m from Eastern Road.
- 10.64. The north facing elevation of the new building would have two projecting bays articulated to reference the adjacent terrace form and the elevations are proposed to be finished in knapped flint with the rectangular windows set in pale brick surrounds. The building would have a mansard style flat roof with inset dormer windows finished in slate cladding.
- 10.65. The new building would be set in 5.7m from the northern boundary with Belle Vue Gardens and due to the setting into the ground the new building would appear as a two storey building with roof accommodation when viewed from Belle Vue Gardens, sitting lower than both the adjacent terrace and neighbouring chapel building. These elements of siting help the building to assimilate within the street scene context of Belle Vue Gardens and the proposed materials are considered to satisfactorily reference the immediate character of built form in the area.
- 10.66. When viewed from the south the new building would have a scale and mass commensurate with the existing lodge buildings on the site and would sit lower than the adjacent terrace of Belle Vue Gardens. The new building would also be set into the site from the southern boundary by 20m which assists in assimilating the massing of the built form and a sufficient degree of subservience to the main lodge buildings would result. Overall, the scale, massing and siting of the building is not considered to adversely affect the character of the area and the architectural appearance and materials are considered to sufficiently reference the local context.
- 10.67. Whilst the building would have a modern appearance this building would have a much higher standard of architecture than the (proposed) demolished 20th century extensions, fences and caged play areas that currently occupy the site and would not cause harm to the visual character and appearance of the area.

Landscaping (Convent site)

- 10.68. The proposal would result in the loss of the existing 8 trees across the site however these trees are considered to be largely ornamental (amongst the removals are a cherry tree, bay tree, pear tree and strawberry trees). Their loss is regrettable however the scheme proposes mitigation planting of 18 new trees which is welcomed and the Council's Arboriculturist has confirmed there is no objection to the removal of the existing trees. The site would be re-landscaped with green lawned areas and vegetation around the site. The area between the main buildings and Eastern Road on the south part of the site features tree and hedge planting along the southern boundary and a new lawned grass amenity area replacing the

existing southern caged play areas. The boundary walls would be refurbished and part replaced and the northern pebble dashed render wall would be removed and replaced with a wall treatment matching the southern sections of the site which would result in an improvement to the appearance of the site from the public realm. A planning condition is recommended to secure finished details of the boundary to ensure an acceptable appearance.

- 10.69. At the sites interior, a number of hard and soft landscaped areas of mixed planting would surround the finished built form with steps and pathways facilitating the changing land levels.
- 10.70. Subject to conditions securing an acceptable proposed material palette and revised details for the boundary treatments the development is not considered to cause harm to the visual character of the area and would result in a number of visual improvements. The proposed development would be commensurate in scale and massing to existing buildings on the site and wider area and the development would improve the provision of green infrastructure as well as remove a number of low quality flat roofed buildings and the caged play areas which are considered to harm the overall appearance of the site. Overall, the scheme is considered to result in an improvement to the overall visual character and appearance of the site subject to the recommended conditions.

Heritage Impacts

- 10.71. As already referenced, the proposed scheme provides a number of heritage benefits which would overall enhance the appearance and character of the College Conservation Area. These are the removal of the 20th century and other extensions which are of poor architectural quality and would significantly improve the appearance of the site, the refurbishment and restoration of the existing lodge buildings, the removal of the flat roof garage in the north west corner, the refurbishment of boundary walls around the site including the removal of the pebble dash rendered wall on Belle Vue Gardens (again significantly improving this part of the Conservation Area), the removal of the caged play areas which would be a significant benefit from the public realm and the sufficient landscaping proposals. All of these elements are considered to be overall benefits to the appearance and character of the Conservation Area. It is noted that the scheme would result in the loss of the principle chimneys from the Lodge building which would cause some less than substantial harm to the Conservation Area. Whilst this harm is noted it is considered to be balanced against the benefits of the scheme as noted above and the overall resulting appearance of the site is considered to be an improvement over the existing situation. It is again noted that Historic England, the Council's Heritage team nor the CAG (Conservation Advisory Group) have raised any objection to the proposals. In conclusion therefore whilst the Convent site development would cause some degree of harm to the College Conservation Area as a result of the removal of the chimneys this harm is considered to be balanced by the visual improvements identified and it is not considered to be sufficient to warrant refusal on this basis.

Heritage Conclusion

- 10.72. Whilst there are some harms in heritage terms from the developments cumulatively at the two sites these harms are considered to be less than substantial and at the lower end of the scale of harm. The College Conservation Area character statement (adopted January 2024) identifies the rendered wall on the eastern side of the main College campus, adjacent to Walpole Road, as having a negative impact upon the character of the Conservation Area. The applicant (Brighton College) as part of this application has indicated their intention to provide improvements to the appearance of the rendered wall in the form of the insertion of flint panelling and other aesthetic improvements to enhance the appearance of the wall and remedy its harm to the College Conservation Area. Whilst this wall is not part of the application site improvements to it would contribute to the lessening of the heritage harms which can be considered to be public benefit of the proposals. In light of this, it is considered desirable and necessary to secure improvements to the wall in the longer term which would assist in offsetting any heritage harms across the wider development and would provide a direct public benefit in heritage terms. It is not yet possible to identify what improvements would and could be reasonably facilitated to the wall as structural information and a full scope of the works would require thorough investigation. For this reason a scheme is recommended to be secured through a Section 106 agreement for improvements to the wall and which would be secured for implementation post completion and occupation of the proposed development.
- 10.73. Subject to the inclusion of a scheme to provide visual improvements to the rendered wall and other recommended heritage conditions the development is considered to be visually acceptable and would not cause harm to the visual appearance or character of the area in accordance with CPP1 policies CP12, CP15 (Heritage) and CPP2 policies DM21, DM26 (Conservation Areas), DM27 (Listed Buildings) and DM29 (The Setting of Heritage Assets) and in accordance with paragraphs 216 and 219 of the NPPF.

Standard of Accommodation

- 10.74. The standard of accommodation provided within the boarding houses requires an assessment against Policy DM1 (Housing Quality, Choice and Mix) of the CPP2 which requires all new residential development, including within C2 use class to provide an acceptable standard of accommodation meeting the requirements of the NDSS (Nationally Described Space Standards) and policy DM20 requires new development to secure an acceptable standard of amenity for future occupiers.
- 10.75. At the convent site the boarding provision would be provided in the converted lodge buildings (referenced as Convent House 1) for 78 female students and the new build boarding house (referenced as Convent House 2) for 74 male students.
- 10.76. The development has been assessed and all rooms provided are considered to provide adequate light and ventilation and the overall standard of accommodation would meet the requirements of the Nationally Described Space Standards. Two single bedrooms within the new building would be slightly short of the NDSS requirement for a minimum width of 2.1m measuring 2m wide but in the overall context of the provision this is considered acceptable.

- 10.77. Both boarding houses would have 2x units designed to be specifically accessible for persons with limited mobility and both boarding houses have lift access to all floors.
- 10.78. A suitable provision of W.C and shower facilities are provided within both buildings which also feature a number of smaller ancillary rooms, laundry rooms, store and offices associated with the use.
- 10.79. Communal areas and common rooms are provided within both houses and are considered to be of an acceptable size and usability. The newly rearranged landscaping at the site would provide external amenity space within the “quad” space between the two buildings as well as surrounding the site.
- 10.80. Within boarding house 1 two units would be provided for staff accommodation at lower ground and ground floor levels both fronting onto Walpole Road with a suitable standard of accommodation provided.
- 10.81. Within boarding house 2 one staff unit would be provided at first floor fronting onto Belle Vue Gardens and an additional unit would be provided within the neighbouring terraced house at 2 Belle Vue Gardens. Four further units for ancillary staff accommodation would be provided within the properties in the south east corner of the site at 141 and 143 Eastern Road and the standard of accommodation is considered to be acceptable regarding layout. A condition is proposed to ensure that the staff units are occupied only by staff in the employment of Brighton College.
- 10.82. The overall standard of accommodation for the future occupiers is considered to be in accordance with policies DM1, DM8 and DM20 of the CPP2 and no concerns are held in this respect.

Highways

- 10.83. The NPPF (2024) in general terms aims to promote a sustainable approach to development by balancing the transport system in favour of modes of sustainable transport and to give people a choice about how they travel.
- 10.84. In summary paragraph 110 advises that “...development should be focused on locations which are can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. Paragraph 115 seeks to ensure that “sustainable transport modes are prioritised...safe and suitable access to the site can be achieved for all...and that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree through a vision-led approach.” Paragraph 116 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or that the residual cumulative impacts would be severe.
- 10.85. CP7 (developer contributions), CP9 (Sustainable Transport), and CP13 of the CPP1 (public streets and spaces) are all also relevant to the proposal.

- 10.86. DM33 (Safe, sustainable and active travel) of the CPP2 requires that “new developments should be designed in a way that is safe and accessible for all users, and encourages the greatest possible use of sustainable and active forms of travel.” DM35 (Travel Plans and Transport Assessments) and DM36 (Parking and Servicing) and SPD14 Parking Standards, Developer Contributions Technical Guidance are similarly relevant to the proposal and seek to promote sustainable forms of travel.
- 10.87. In brief summary of the proposals, the current site at St Mary’s Hall includes a pre-prep campus for years 1-4. The newly proposed building would provide new teaching floorspace for years 5 and 6 who are proposed to be relocated from the Convent site.
- 10.88. The number of pupils currently enrolled at Brighton College from Nursery through to Year 6 is 367. The applicant has noted that this number does not reflect the current potential maximum capacity of these year groups which would be a maximum of 425 pupils in years 0-6 as existing.
- 10.89. The proposals would in any event increase the number of pupils at the St Mary’s Hall site which would now entirely accommodate the teaching of years 0-6. The Department for Education’s theoretical maximum for the site would be 440 pupils and revised highways information has been submitted in the form of an increased sensitivity test to include this maximum capacity. The Convent site being converted from education to boarding houses would house 150 students and support staff who would reside at the site and result in an overall decrease in daily traffic to and from the site and create a materially different pattern of highways impacts to the existing situation as discussed below.
- 10.90. As mentioned elsewhere within this report at 3.4 neither site is situated within an Air Quality Management Area (AQMA) however an AQMA is positioned adjacent to the Royal Sussex County Hospital between the two locations.
- 10.91. A number of the representations received on the application refer to experienced problems and issues relating to highways at both sites and raise some concerns on highways impacts relating to the wider school operation. These concerns relate principally to overall capacity of the road network, potential for conflict with the nearby Royal Sussex County Hospital, issues experienced during school pick up and drop off, parking provisions and suitable pavement capacity and safety.

St Marys Site

- 10.92. The site is adjacent to Eastern Road a significant east/west route in the eastern part of the city serving the Royal Sussex County Hospital (RSCH) and has a 20mph limit. In the direct vicinity of the site, Eastern Road has parking on its southern side with double yellow lines and a bus stop on the northern sides. There are no existing loading bays or parking bays directly serving the existing site on the road. To the west of the site is Bristol Gate providing the primary vehicle access to the RSCH and as an access to the residential properties of Bristol Gate and Bowring Way to the north.
- 10.93. The site is well served by public transport with approximately 8 timetabled public buses serving this part of Eastern Road providing routes to eastern areas and back

towards the city centre. The school currently provides private bus services (coaches) and minibus transfers from pupil's homes to the school.

- 10.94. The site is currently entered and exited by all users from two accesses along Eastern Road. Vehicles, pedestrians and cyclists currently enter from the access east of the main playing field and within the site vehicles turn east and utilise the vehicle exit approx. 40m east of the entrance back onto Eastern Road. To the north of the access road is a gated area for parking of vehicles formed of a currently disused former access road running along the northern boundary of the site.

Pedestrian and Cycle Access and Cycle Parking – St Marys

- 10.95. The proposal includes a new pedestrian portal/gate positioned adjacent to the listed wall at the entrance creating a more formalised dedicated pedestrian entry point. A dedicated pedestrian footpath including other entrance gates would then run alongside the eastern and northern boundaries of the playing field and existing school site. A new pedestrian and cycle access gate is proposed to be created on Bristol Gate providing access and exit from the north west of the site. 42 cycle parking spaces are proposed and this is considered compliant with SPD14 (Parking Standards) details and implementation of this would be secured by condition. The Highways team have raised no objection to these proposals and no concerns are otherwise raised regarding pedestrian safety and cycle access at this site subject to a necessary Section 278 (Highways) agreements and a Car Park Management Plan being secured by condition which is proposed and recommended.

Vehicular entry and exit – St Marys

- 10.96. The existing arrangement would be partly maintained as a result of the proposal with the continuing use of the existing Eastern Road exit whilst an additional new vehicular exit would also be created to the northwest of the site by re-opening a currently gated former vehicle access along Bristol Gate (adjacent to the MacMillan Cancer Centre and opposite the Royal Sussex County Hospital). The exit would be utilised but gated with a fob-activated barrier which would also be manually staffed at peak times to facilitate smooth exit from the site. The barrier is proposed to be set back approximately 3.5m from Bristol Gate in order to allow vehicles to safely idle prior to their exit on Bristol Gate itself. The access would have suitable and compliant visibility splays of 2.4m x 25m in either direction and footpath and crossing improvements are proposed including tactile paving. The Highways team have no objection to these measures which would be secured through a Section 278 agreement and planning conditions which together would ensure that the exit is not first used until a Road Safety Audit has been carried out and pavement and junction improvements completed to the satisfaction of the Local Highway Authority.

Parking – St Marys

- 10.97. The existing site provides for 21 formalised parking spaces. Whilst this was originally proposed to be increased to 37 this was reduced, during the course of the application, to provide no additional net parking in order to help facilitate the flow and ease of vehicles picking up and dropping off within the site whilst also encouraging more sustainable modes of travel and compliance with SPD14. The

proposed 21 spaces would be split between staff, visitors and pick/up drop off waiting bays with pick up/drop off spaces sited on the western side of the access road for safe use. Staff parking would be sited on the eastern side of the access road and, given their arrival times would be outside of peak periods, this parking adjacent to the wall is considered acceptable to the LHA subject to a Car Park Management Plan being secured by condition as referenced above in 10.95.

Highways Capacity, Pick up/Drop Off and trip generation – St Marys

- 10.98. The representations received raise a number of concerns relating to school pick up and drop off at this site regarding queuing vehicles, obstructions and driver behaviour. Whilst the behaviour of individuals cannot be individually controlled a number of proposed measures would address and reduce these impacts. The increased facility within this site for pick up and drop off as a result of the re-use of the interior northern access road is considered to be a benefit and the additionally proposed exit onto Bristol Gate would provide further vehicle space and flow within the site for all vehicles serving school pick up and drop off. The staffed barrier to Bristol Gate and the proposed improvements to the access road/s would contribute to mitigating some of the highways impacts, however, these measures alone would not remedy many of the concerns raised and would not solely mitigate for the increase in pupil numbers at the site. The applicant has proposed an individual travel plan and an undertaking to develop a whole school travel plan in consultation with the Council. This would be a welcome measure and would mitigate against the highways impacts of this proposal and against some of the current problems being reported along Eastern Road. The detail of this is discussed further below.
- 10.99. Data provided by the applicant in the form of a School Travel survey undertaken for the Prep and Pre-prep schools in February 2024 shows that from the 260 responses 77% of pupils were arriving by car (200), 16% walking with the remaining 7% arriving by cycle or bus. It is understood that due to the ages of the pupils currently in attendance there is a need for parents and children to travel together.
- 10.100. The survey is also stated to have shown that 30% of pupils in the prep and pre-prep schools that would be relocated as a result of the proposal are from the same family which would contribute towards a reduction in traffic between the two sites and the nearby AQMA through the re-location of the prep school. In numerical terms the proposal could result in a reduction of 10-18 vehicle trips during school peak hours between the two sites.
- 10.101. A projected total capacity of the St Mary's site post development would be 440 pupils based upon the Department for Education standards. The sensitivity test data has been adjusted and reduced by 25% which is considered to be an appropriate adjustment to account for multiple children in one car providing an overall maximum for projected car arrivals to the St Marys site of 242. The Highways team consider the approach undertaken to be reasonable and no further information has been requested.
- 10.102. The number of vehicles projected to leave via the Bristol Gate exit could be up to a theoretical maximum of 104 vehicles over a 30min period equating to 3.5

vehicles per minute. As above, the barrier is proposed to be manually staffed during peak times to assist in maintaining a smooth flow to exiting traffic and this is welcomed.

- 10.103. The additional proposed vehicle exit at the St Marys site would assist in mitigating this impact and provided data shows that egress rates from the site would be acceptable. It is noted that Bristol Gate is the primary access and exit for vehicles serving the RSCH, however the applicant has undertaken an analysis of junction capacity modelled in collaboration with the NHS Trust which incorporates the operations following completion of the 3T development together with the proposal submitted and the adjacent MacMillan Horizon Centre) and it is considered that sufficient road and junction capacity exists on Bristol Gate to accommodate the proposed development. A number of concerns have been raised in public representations around the potential for the proposal to conflict with emergency access to the hospital for Ambulances and users. The new Bristol Gate exit for Brighton College would not create any demand for entry/access given it's exit only nature and the submitted sensitivity test confirms capacity on the road, in addition the majority of ambulances are sited off-site in various locations across the city to enable faster response times. A letter of representation from the NHS Trust has been received during the application advising that there is no objection from the NHS to the proposal. The Highways team consider this reasonable and acceptable and no further information has been requested in this regards.

Convent Site

- 10.104. Whilst also positioned along Eastern Road in a location similarly accessible and well served by timetabled bus routes, the Convent site has no existing dedicated vehicle entrances or exits. Along Eastern Road, similarly to St Mary's there is on-street parking on the southern side of the road and only double yellow lines on the northern side adjacent to the site. On the western side along Walpole Road there are a number of paid parking bays and a loading bay. To the north along Belle Vue Gardens there are a number of existing resident parking bays an existing car club bay and a school "keep clear" area which has been revoked but remains visible on the road.
- 10.105. Currently school drop-off and pick up by vehicle takes place in an informal manner largely along Walpole Road and Belle Vue Gardens.

Pedestrian and Cycle Access and Cycle Parking – Convent Site

- 10.106. Existing access to the school is via pedestrian gates only along Walpole Road and Belle Vue Gardens on the western and northern sides. These would remain unchanged and retained as part of the proposals. An existing pedestrian access from Eastern Road which is currently not formally used would be opened and formalised as a pedestrian entrance on the southern side. 22 cycle parking spaces are proposed which is considered compliant with SPD 14 requirements and this is to be secured through the planning conditions.

Vehicular entry and exit – Convent Site

- 10.107. There is no existing formal vehicle capacity on site with the exception of one garage space fronting onto Belle Vue Gardens which is proposed to be removed as part of the proposals, the reinstatement of the footway in this area would be

secured through the planning conditions. No vehicle access is otherwise provided or proposed.

Parking – Convent Site

- 10.108. Whilst no dedicated parking would be provided by the development, the application proposes re-utilising the area currently marked as “keep clear” along Belle Vue Gardens for two loading bays. It is considered that these can be provided whilst not physically impacting upon the number of resident parking bays currently existing. Suitable swept path analysis has been undertaken and reviewed by the Highways team and is considered to be acceptable for larger vehicles undertaking refuse/recycling collections. The loading bay is proposed to be secured through the planning conditions and a Section 278 agreement.

Highways Capacity and trip generation – Convent site

- 10.109. The same survey as noted above in 10.99 was conducted by the applicant for the convent site and showed from the 107 responses 64% of pupils arrived by car (69), 17% walking and 18% arriving by public or school bus.
- 10.110. Boarding pupils at the college are, in general terms, divided between weekday boarders and overseas boarders. The former largely stay on site with drop off on Sunday and pick up on Friday whilst the latter largely remain on site seven days a week with the exception of some school holiday periods. The proposed use of the Walpole site as boarding accommodation would follow this pattern of occupancy. The proposed use would mean that daily school drop off and pick up would now cease at the site resulting in a reduction in daily traffic movements. Associated vehicle movements would now occur for weekly boarders more as a Sunday evening drop off and Friday afternoon/evening pick up. For overseas boarders related vehicle movements would be predominantly at the start and end of term.
- 10.111. The overall levels of vehicle activity are considered to reduce on the site as a result of the proposal. As existing approximately 200 pupils are in daily attendance at the school site. The proposal would result in 150 pupils residing at the site in boarding accommodation. Currently (when combining school pick up and drop off) 138 vehicle movements occur daily (700 per week) during peak times and the change of use of the site from educational to boarding accommodation would remove this daily pick up and drop off activity and, when considered with the above, would result in a significant overall reduction in vehicle movements associated with the use.
- 10.112. The Highways team consider the provided assessments to be reasonable and have recommended a delivery and servicing management plan (DSMP) to be secured by condition which is considered to sufficiently manage loading/unloading for boarding students without impacting negatively on the highways network given that the majority of directly associated private vehicle movements would take place outside of traditional peak times. The applicant has also advised that as part of the DSMP and wider school travel plan vehicle movements would be directed to the main campus where possible to reduce disruption at sensitive or peak times.

Travel Plan

- 10.113. The above referred to data and survey information has been demonstrated on the assumption that selected modes of transport used for school pick up and drop off would be unchanged in their behaviour from that currently experienced. In this unchanged behaviour scenario due to the revised and increased capacity for vehicles on site together with the reduction of vehicles utilising the Convent site on a daily basis the proposal would not be considered to cause an unacceptable impact upon the local Highway network sufficient to refuse the application. Notwithstanding this, the school have submitted a Travel Plan as part of this application in order to continue to reduce the impact of the proposal upon the Local Highway network. It should be noted that Brighton College does have an existing travel plan in operation which was written in preparation for 2022/2023 and related to the approval of BH2021/01845 (Performing Arts building on the principal campus). The existing travel plan does not relate to the whole school and only relates to the Performing Arts development. Given the nature and concerns raised in many of the representations received, there is a demonstrable need and also a commitment from Brighton College to provide and implement a robust Whole School Travel Strategy in order to reduce vehicle traffic from the entire school campus and alleviate some of the local highways pressures and issues experienced around the whole school operation. It is also required by local Highways policy that sustainable and active modes of travel are encouraged.
- 10.114. A detailed travel plan is proposed to be secured, implemented and reviewed through the planning conditions and obligations and will include fees for monitoring. The travel plan will take into consideration the whole school operation including the Main Campus, off-site travel, boarding pupils and daily attendance at all school sites. A number of specific measures have been outlined in draft and include measures to encourage walking and cycling of staff and pupils, measures to encourage public transport use and measures to reduce single occupancy vehicle trips. As an example, from September 2025 Year 4 pupils will be mandated to use the schools home to school travel service (park and ride scheme from Brighton west, north and east) and it is envisaged that Years 5 and 6 will be similarly mandated should the pupils move to the new St Mary's site. The applicant has also advised that an 86 seater (double decker) bus has been commissioned to collect pupils from the local BN1 and BN2 postcode with the potential to remove up to 80 vehicles travelling to the St Mary's site. Further measures advised by the applicant include the cessation of using coaches to provide "Home to School" transport entirely which would be partly replaced by an increase in the minibus fleet enabling trips to start and end within the Brighton College Campus and would reduce obstructions on the highway and address a number of the concerns received on the application.
- 10.115. The draft plan has been reviewed by the Council's Travel Plan team who are confident of the applicants approach and commitment to implementing sufficient measures. Whilst the information provided is considered to be acceptable, further measures, review and ongoing monitoring will still be required and secured in addition to the above. The detailed plan will be required to be agreed and implemented prior to first occupation of the proposed developments and will be reviewed and revised as required annually through the planning conditions with monitoring fees secure through the Section 106 agreement.

Highways Conclusion - St Marys & Convent

- 10.116. It is considered that the applicant has sufficiently demonstrated that the increase in teaching capacity at the St Mary's Hall site would not create harmful highways impacts and any such impacts, should they arise, would be suitably mitigated by the proposal itself and legally secured Travel Plan Measures. The Highways Team consider that the impacts of the proposals are not considered to create an unacceptable impact upon the Local Highways network sufficient to refuse the application and subject to the ongoing assessment and review of a whole School Travel Plan to create more use of Sustainable Travel measures, a car park management plan for the St Mary's site and servicing and delivery plan the direct and associated impacts from the School operation on the highways network within the wider area can be sufficiently controlled, reduced and/or removed.

Accessibility and Disabled Parking

- 10.117. Two disabled parking spaces are proposed within the St Mary's site and are considered to be appropriately sited. The constraints around the Convent site mean that no off street disabled parking can be realistically provided. This is accepted by our Highways team in this case and the recommended Car Park Management Plan will secure suitable disabled parking provision at both sites.
- 10.118. Step free access would be available at the St Mary's site and from Belle Vue Gardens at the Convent site. There is some limitation on step free access horizontally within the converted Convent site building and staff dwellings as they exist along Eastern Road and Belle Vue Gardens although new lift access would be provided to the converted building providing access to most areas whilst full step free access would be achieved fully in the newly proposed buildings at both sites including a platform lift to assist with the changing land levels between the existing and proposed buildings at the St Mary's site. Accessible changing rooms and WC's are appropriately provided through the new development including within every floor of the new buildings and wheelchair refuges and other matters such as accessible outlets, means of escape, lighting and grab rails where necessary will be required and implemented as part of the developments accordance with Part M of the Building Regulations.

Servicing and Refuse

St Marys

- 10.119. Refuse collections and servicing at St Mary's is proposed to remain generally unchanged from the existing situation which is an informal arrangement adjacent to the existing vehicle access from Eastern Road. A more formalised refuse store would be created by the proposals and the improved road layout within the St Mary's site should provide adequate capacity for servicing vehicles to load/unload inside the site perimeter without unacceptably obstructing or blocking other vehicles and contributing to congestion.

Convent

- 10.120. Refuse collection and servicing currently takes place at kerb side along Belle Vue Gardens. Drawings supplied show that refuse vehicles would utilise the proposed loading bays adjacent to the entrance on the northern side. It is unclear from the proposed drawings where the refuse store would be located on site however it is considered that sufficient space exists within the proposal for the location to be

provided and further detail is required to be provided as part of the recommended schedule of planning conditions.

Impact on Amenity

- 10.121. Planning policy DM20 of the CPP2 requires developments to ensure they cause no unacceptable loss of amenity to proposed, existing or adjacent users and to ensure that developments are no harmful to human health. The NPPF states in regards to noise that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being affected by unacceptable levels of noise pollution.

St Marys site

Noise Impacts at St Mary's Site

- 10.122. Educational use of the site and playing field has been occurring at the site for over 200 years and is an established use of the land. Whilst the new building would increase the intensity of the use of the playing field areas and school buildings the noise impacts are not considered to be demonstrably harmful over and above the existing situation to warrant refusal of the application or to require mitigation measures.

Daylight / Sunlight at St Mary's Site

- 10.123. Due to the orientation of the site no loss of light or overshadowing would occur to any harmful degree to any neighbouring properties and no further concerns are held in this respect.

Overbearing impacts at St Mary's Site

- 10.124. The proposed new school building would be approximately 14-16m in height at the southern end and be separated from the southern properties of Chesham Street and Chichester Place over Eastern Road by 20m alleviating any concerns of the proximity of the proposed built form regarding overbearing effects of the development.

Overlooking impacts at St Mary's Site

- 10.125. The proposed new school building would only provide direct southern views from the southerly teaching space at second floor. Whilst it is noted that 2 Chesham Street and 41 Chichester Place have windows at first floor facing north, the separation distance is considered appropriate to alleviate overlooking and is commensurate with separation distances in a city environment. It is also noted that the school would not be occupied and in use other than during the day. No harmful effects are considered to occur due to overlooking.
- 10.126. Views from the upper floors of the school building to the west and north are not considered to result in harmful overlooking and views directly east would be over 40m towards NHS staff accommodation at Venn House.

Noise Impacts at Convent Site

- 10.127. A noise impact assessment has been carried out which included long term noise monitoring at two locations at the Convent site. The report has been reviewed by the Council's Environmental Health team and indicates that the most likely source of noise disturbance to future occupants of the boarding houses themselves is

from traffic noise along Eastern Road and that this impact can be mitigated through trickle ventilation in the new building and is otherwise is broadly in line with best practice for the converted buildings.

- 10.128. A condition is recommended by Environmental Health to ensure that plant equipment at both sites is suitably controlled in the interests of protecting the amenity of both existing nearby residencies and for the proposed occupants.
- 10.129. In planning terms the noise generated from the use as a boarding house is unlikely to exceed the noise generated from the current educational use. Whilst the pattern of comings and goings to the boarding houses would be different from the existing educational use there would be no longer be formalised sport or play times at the site and there would be no daily pick up and drop off of pupils to the same scale as currently. Staff accommodation is proposed to be provided across the site and this level of close supervision is considered a benefit in the management of overall noise from the occupancy however a planning condition is recommended to secure an agreed noise management plan prior to first occupation of the site to mitigate and control noise potential to neighbouring residencies. It is also noted and of consideration that the occupancy of 141 and 143 Eastern Road and 2 Belle Vue Gardens by Brighton College staff would create something of a buffer to mitigate impacts on noise to the adjoining terraces directly to the east of the site however noise management plan remains recommended and as well as measures and management to mitigate and control external noise the plan would also provide a direct contact for nearby residents in the event of issues. Subject to the recommended condition for a noise management plan therefore the noise impacts from the development are not considered sufficiently harmful over and above the existing situation to warrant refusal of the application.

Daylight / Sunlight at the Convent Site

- 10.130. A sunlight and daylight report has been submitted with the application in order to assess the impacts of the developments at the Convent site upon neighbouring residential properties in accordance with Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2022.

1,3 and 5 Belle Vue Gardens

- 10.131. These properties are set to the north of the proposed development and are sited on higher land. The submitted assessment sufficiently considers the impacts to these properties and concludes that there would not be any harmful impacts from the proposal with all BRE guidelines met. Whilst the report does not assess the impacts to 7 and 9 Belle Vue Gardens the context is immediately comparable to the neighbouring properties and no concerns are held in this respect.

2 Belle Vue Gardens

- 10.132. This property is proposed for use as staff accommodation, nonetheless the sunlight daylight impacts are assessed. A number of the principle rooms which face north would be unaffected by the proposed development due to their siting, and the rooms with a southerly impact would be affected. The biggest impacts would be to the west facing side windows directly facing onto the new building.

Whilst there would be some impact the overall impacts considered are compliant with the BRE guidelines which is partly due to the affected rooms having a dual aspect. This building would not be adversely affected by the proposed development.

145, 147, 149 and 151 Eastern Road

- 10.133. These properties are to the south east of the proposed development. Through the removal of some of the existing adjacent structures proposed for demolition there would be some improvements to the sunlight reaching the rear areas of these buildings (and those opposite) from a newly formed gap at the rear of 141 and 143 Eastern Road. The assessment concludes that all but one window to the properties (145-151 Eastern Road) would continue to meet the BRE guidelines. The window relates to a first floor bedroom at the rear of number 145 Eastern Road which would be an isolated loss of daylight distribution to this room however other windows within the building would experience some slight gains. Due to their orientation and siting and whilst this impact is noted these buildings would not be adversely affected by the proposed development.

Overbearing Impacts at Convent Site

- 10.134. The new proposed building at the Convent site would be set into the ground and due to the changing topography at the site would appear as a 2-3 storey development at the northern side and a 4 storey development on the southern side. The changing land levels mean that the properties along the southern side of Belle Vue Gardens would have a lower ground floor level situated just below first floor level meaning impacts on overbearing would significantly only relate to the upper floors of the new building. The new building would be separated from 4 Belle Vue Gardens by approximately 7m and separated by the staff dwelling at 2 Belle Vue Gardens. This change in topography together with the separation distance involved would mean that the proposal would have minimal impact upon 4 Belle Vue Gardens and the adjacent properties in regards to the development being overbearing.
- 10.135. The property arguably most affected would be 145 Eastern Road. This property is to the south east of the new building and is separated from the site by approximately 7m. Whilst the proposed building from ground floor level would appear as a four storey structure in relative proximity, much of the existing built form immediately adjacent to 145 would be removed as a result of the proposed removal of the rear extensions to 141 and 143. Therefore whilst the building would be visible the overall impact upon this property in terms of overbearing is not considered to be sufficiently harmful to warrant refusal of the application and the scheme as a whole, would deliver some benefits to this property due to the removal of the immediately adjacent existing school extensions creating a more open aspect to the properties western side.

Overlooking Impacts at Convent Site

- 10.136. The proposed new building would be separated from the properties sited on the northern side of Belle Vue Gardens by approximately 20m and due to the setting into the ground provide direct views across the road from the first and second floors only. This separation across the road of Belle Vue Gardens is considered

not to have a detrimental impact due to overlooking over and above that which is considered reasonable within a city centre context.

- 10.137. Views across the rear gardens of the eastern properties within Belle Vue Gardens and Eastern Road would be possible from the first and second floor eastern windows of the proposed building. Given the changing land levels these views from the boarding accommodation would be over the rear gardens, amenity spaces and rear windows of the easterly residential properties. This impact is considered to be potentially harmful over and above the existing situation and therefore a planning condition is recommended to secure obscure glazing up to 1.7m from floor level within the first and second floor east facing windows and stairwell of the new building in order to mitigate against and alleviate the most harmful overlooking. This would principally affect two dorm bedrooms at first and second floor level and in the overall context of the application the standard accommodation would remain acceptable. Views from bedrooms to the south and west would not result in harmful overlooking given the separation distances and existing built form.
- 10.138. Views north, east and south from within the converted lodge building would be at distances of over 30m which is considered a sufficient separation to alleviate any concerns in this respect.

Amenity Conclusion

- 10.139. The proposed buildings at both sites are not considered to result in harm to the amenity of neighbouring occupiers subject to the recommended conditions securing obscure glazing and sufficient boundary treatments and the overall use of the site/s is considered to be mitigated by the proposed noise management plan.

Sustainability

- 10.140. Policy CP8 (Sustainable Buildings) of the Brighton and Hove City Plan Part One requires all new development to incorporate sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions and mitigate against and adapt to climate change. Policy DM44 (Energy Efficiency and Renewables) of the CPP2 requires energy efficiency and energy performance standards in addition to policy CP8. DM45 (Community Energy) and DM46 (Heating and cooling network infrastructure) encourage development proposals to consider inclusion of community energy partners to deliver low and zero carbon energy solutions and to consider integrated heat networks, communal heating systems.

BREEAM

- 10.141. BREEAM (Building Research Establishment's Environmental Assessment Method) sets the standard for best practice in sustainable design and describes a building's environmental performance. As a major development, the proposal is required to meet BREEAM "Excellent" standard as required by policy CP8. The applicant has submitted a BREEAM initial assessment for both sites which indicate that they would achieve an Excellent rating. This has been reviewed by the

Council's Net Zero team and the required BREEAM standard is proposed to be secured by condition.

Energy Performance

- 10.142. Both sites are required to meet the requirements of CPP2 policy DM44 (Energy Efficiency and Renewables) including the requirement for non-residential development to achieve at least a 19% reduction improvement in carbon emissions set by Part L of the Building Regulations and with newbuild residential and commercial development required to achieve a minimum Energy Performance Certificate (EPC) rating 'B'.
- 10.143. Overall energy strategies have been submitted for both sites and draft EPC's have been submitted indicating that both developments would achieve an EPC rating of A. This would exceed the policy requirements and is welcomed.
- 10.144. The energy strategy submitted for the St Mary's Site states that measures to reduce energy includes passive design, photovoltaics, air source heat pump with mechanical ventilation heat recovery and states a 33% improvement in carbon emissions will be achieved. This is welcomed and is recommended to be secured by condition.
- 10.145. The Energy Strategy submitted for the Convent sites sets out measures to reduce energy use including use of improved fabric, passive design, use of Air Source Heat Pump and photovoltaics, and states that a 26% improvement in carbon emissions will be achieved in the retained building, and a 30% improvement will be achieved in the new building. The proposed energy strategy has been reviewed by the Council's Net Zero team who are satisfied that the information provided is acceptable and achievable.

Heating and Ventilation

- 10.146. At the St Mary's site a mixed strategy including passive design within the proposed architecture, natural ventilation and mechanical ventilation and heat recovery systems (MVHR) are proposed. The strategy has been assessed and is considered acceptable.
- 10.147. At the Convent site passive design has been incorporated into the architecture to an acceptable degree and all dormitories are proposed to be naturally ventilated through openable windows and trickle vents with mechanical ventilation and heat recovery (MVHR) systems employed for WC, shower and kitchen areas. MVHR is also proposed to be additionally provided to the southern facing dormitories to enable occupants to close windows and vents to mitigate against noise from Eastern Road to the south. The proposed energy strategy has been reviewed by the Council's Net Zero team who are satisfied that the information provided is acceptable and achievable.

Low and Zero Carbon Technologies

- 10.148. PV (photo voltaic/solar) panels are proposed for both sites, including the roof areas at St Marys and upon the roof of the new building at the Convent site. Indicative information relating to their layout has been provided and the implementation of

this will be secured by condition. PV is not proposed to the converted convent building and given the layout, appearance and historical sensitivity of this building this approach is considered acceptable. The submitted energy strategies show that the overall proposed PV output would be only just above the base load and therefore it is unlikely that grid exports would be significant.

10.149. Ground source heat options have been considered but due to the fabric first (passive) approach within the design and architecture heat loads are very low and therefore open or close loop will not payback in less than 30 years. The stated low heat load of the sites combined with other factors presented by the applicant is considered to be a reasonable justification for not future-proofing the design of the building for connection to a district heat network.

10.150. The applicant has confirmed that EV (electric vehicle) charging can be accommodated at the St Mary's site and details of this are proposed to be secured and provided through the planning conditions. Whilst the Net Zero team are encouraging of further measures the information provided has been reviewed and is considered acceptable.

Part L of the Building Regulations

10.151. Information has been provided to demonstrate how both sites would comply with the relevant parts of Part L of the Building Regulations and how the proposed measures would be technically and functionally feasible and appropriate. The development must meet the requirements of Building Regulations 2021, including Part L on carbon emissions for the appropriate building type, and Part O on overheating and this would be secured through implementation.

Water conservation and management

10.152. Policy CP8 (2.e) requires development to aspire towards water neutrality by meeting high water efficiency standards. None of the three buildings incorporate facilities to recycle, harvest and conserve water resources. The applicant has provided a justification that the required tank size to harvest all rainwater falling on the roof/s would be too large for the constraints of the site is considered to be reasonable and is accepted by the Council's Net Zero team in this case, however the failure to incorporate a smaller system to assist with grey water requirements of specific part of the building(s) and/or external irrigation needs for other parts of the site is disappointing and does not fully comply with Policy CP8 2.e. This is regrettable however it would not be reasonable to refuse the application on this basis.

Circular Economy and Waste

10.153. Adopted East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (2013 and revised policies 2024) includes requirements for applicants to demonstrate how the durability of the construction has been maximised, minimise the waste arising from construction, demolition and excavation activities demonstrate how they will monitor progress within the lifetime of the construction phase of the development and to demonstrate the sustainable use of aggregates as part of their wider consideration of resources use.

10.154. Policy WMP3d requires applicants to demonstrate how waste arising during construction, demolition and excavation has been minimised and sustainably

managed and the durability of the construction maximised. A Site Waste Management Plan is proposed to be secured by condition to help meet this policy requirement in relation to the internal alterations proposed.

- 10.155. Policy WMP3e of the WMP requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste, e.g., location of bin stores and recycling facilities. Whilst detail has been provided for the St Mary's site, the applicant has not clarified the location of refuse stores at the Convent site, although it is understood that collections will occur at kerb side on Belle Vue Gardens similar to the existing situation. A planning condition is recommended to secure the location of appropriate refuse storage and it is considered that there is sufficient capacity within the site for this to be comfortably accommodated without impacting upon the quality of the scheme.
- 10.156. Policy RM0 of the recently adopted Revised Policies requires developers to minimise the amount of aggregates and prioritise the use of recycled and secondary aggregates in place of primary materials wherever possible. The Energy Strategy reports for both buildings state that recycled aggregate will be used where possible. This is welcomed.

Landscaping and Trees (Arboriculture)

St Marys site

- 10.157. No trees are proposed for removal at the St Mary's site with thirteen (13) new trees proposed along the southern and eastern boundaries of the site including 6 new elms along the southern boundary of the playing field adjacent to Eastern Road.
- 10.158. Native evergreen hedges and climbers are proposed around the new building with areas of reinforced grass and maintained turf to the playing field area. Meadow planting is proposed for the grassed bank between the existing school building and the playing field.
- 10.159. No concerns or objections are raised in regards to the landscaping proposed which is considered robust and acceptable by the Council's Arboriculture Team. The team have recommended tree protection measures to be secured to T3 and T5 (along Eastern Road) and also recommend attendance of BHCC Arboriculture during excavations in proximity to T3 and this is to be secured by condition.

Convent Site

- 10.160. The proposed landscaping scheme for the Convent site identifies eight individual trees and one hedge for removal. These existing trees on site are all small ornamentals of various condition and although their loss is regretted the Council's Arboriculture team have raised no objection and the landscaping scheme proposes in mitigation eighteen new large specimens which is welcomed. Areas around the site are also proposed to have a mix of planting, climbers and shrubs. An evergreen hedge is proposed around the southern, western and northern boundaries and areas of lawn and grass.

10.161. The proposed landscaping would soften the appearance of the proposed new buildings at the site from the public realm and would introduce a sufficient amount of vegetation and urban greening over and above the existing condition of the site which is welcomed and acceptable.

10.162. Overall the proposed tree, shrub and hedge planting would result in improvements in landscaping terms at both sites providing a significant net increase in the number of trees and providing other visual improvements through the urban greening measures proposed. Conditions are recommended to secure the retention and implementation of the landscaping details together with conditions for tree protection measures and boundary treatments (boundary wall and access gates to the convent site) to ensure an acceptable appearance of the development.

Ecology and Biodiversity

10.163. The NPPF sets out principles that local planning authorities should seek in determining planning applications to protect and enhance biodiversity. Schedule 14 of The Environment Act (2021) alongside Brighton and Hove City Plan Part Two policy DM37 require development to ensure a net gain in biodiversity is achieved (10%) and together with CPP1 policy CP10 ensure recognised priority species and habitats are protected and supported; that appropriate and long-term management of new or existing habitats is secured; and to encourage and secure opportunities for biodiversity improvements in and around new development together with the control and eradication of any invasive non-native species on site.

10.164. Neither site is designated for its nature conservation interest, but both lie within the Brighton and Lewes Downs UNESCO Biosphere Reserve. Given the nature, scale and location of the proposed developments, there are unlikely to be any significant impacts on any nearby sites designated for their nature conservation interest.

Habitats

10.165. At the St Mary's site the vegetated habitats comprise modified grassland, a hedge, shrubs and scrub. It is accepted that these habitats are limited in their biodiversity value but they remain of ecological importance, particularly in their urban context.

10.166. At the convent site there is some existing shrub planting, a hedge and trees.

Species

10.167. The impacts of the proposed development on breeding birds, bats and other species has been assessed and neither site is likely to provide for or house protected or priority species as existing.

10.168. Four swift bricks are proposed to each new building at the Convent site along with integral bat boxes and insect boxes. Utilising the recommended approach for the provision of swift bricks within new development would result in a requirement of 15 swift bricks for the St Mary's site and many more for the Convent site which is likely to be in excess of what could be reasonably and aesthetically appropriate. Notwithstanding this the applicant has confirmed cavity bricks to be included within

the construction which is an acceptable solution and it is recommended that a detailed specification for all artificial bricks and boxes is included as a part of a required Ecological Design Strategy (EDS) which is recommended to be secured by condition.

Biodiversity Net Gain

- 10.169 A comprehensive BNG Assessment, metric and gain plan has been submitted and assessed as part of the application. It is considered that the proposal would deliver the minimum of 10% BNG solely through onsite measures with the updated metric showing a gain of +0.37 habitat units (+27.83%) and +0.15 hedgerow units (+528.59%). In terms of post- development BNG, only the grassland and newly planted trees (31 small trees) qualify as 'significant onsite' BNG. The information has been reviewed by the County Ecologist who has confirmed that the development would be able to deliver the 10% BNG on site subject to the necessary conditions and monitoring. The management and monitoring of these measures is proposed to be secured by conditions and a Section 106 legal agreement to secure monitoring contributions for a minimum 30-year period. The pre-commencement Biodiversity Gain Condition will be attached as required which will require the submission and approval by the Council of a full BGP including an updated Metric and a Habitat Management and Monitoring Plan (HMMP).

Environmental Impacts

Air Quality / Polluted sites

- 10.169. Policy DM40 (Protection of the Environment and Health) requires development to ensure it does not cause or give rise to material nuisance or pollution that would cause unacceptable harm to health, safety, amenity or quality of life. Neither site is designated or considered to have potential contamination although notwithstanding this a contamination discovery condition has been recommended by the Environmental Health team in the circumstance contamination is discovered during construction and excavation.
- 10.170. The proposals themselves do not introduce a use which is considered to be harmful to the environment subject to the conditions proposed for noise management plans, delivery and servicing, sustainable and active travel plans and obligations which sufficiently control and secure the proposals in not causing a direct detrimental environmental impact.
- 10.171. Neither site is situated within an Air Quality Management Area (AQMA) however an AQMA does cover an area of Eastern Road between the two sites immediately adjacent to the RSCH. The scheme has been assessed by the Air Quality officer and no objection is raised subject to a further condition ensuring construction vehicles meet the Euro-Vi emission standard. Other matters relating to vehicle and traffic impacts upon the AQMA are addressed in the Highways section of this report.

Sustainable Drainage

- 10.172. The sites are not within areas at risk of flooding however it is within a Conveyance Zone and CPP2 policy DM43 Sustainable Drainage requires the incorporation of SUDS (Sustainable Urban Drainage Systems) to reduce the amount of surface

water leaving a site. A Drainage Strategy and Maintenance Statement has been submitted by the applicant for both sites including drainage plans, topographic surveys, site plans and existing sewer mapping. The strategy at the St Mary's site is, in summary, to use permeable paving, conventional drainage and soakaways. A playing field drainage, improvement and maintenance strategy has also been supplied for the St Mary's site and the improved drainage and irrigation of the sports pitch is considered to facilitate better and increased use of the surface as well as a decrease in water-logging, improved efficiencies of the soak aways which help to limit damage to the playing field surface.

10.173. The drainage strategy at the Convent site is more reliant on discharge from the site but would utilise the green roof (new build), permeable paving and an attenuation tank as part of the SUDS strategy.

10.174. There is no objection from the Sustainable Drainage team to the proposed SUDS strategy and an informative is proposed to be attached to secure agreement from Southern Water that the discharge rates for surface and foul water can be accommodated through the existing infrastructure.

Archaeology

10.175. The St Mary's site lies within an area of archaeological potential, particularly for the prehistoric period. A Neolithic causewayed enclosure, designated as a Scheduled Monument, is located approximately 700m north-east of the site (Whitehawk Hill) and limited archaeological investigations in the wider area has identified evidence of Bronze Age, Iron Age, Roman, medieval and post-medieval activity. The site also lies within a dry valley where Quaternary Head sediment deposits exist.

10.176. A detailed archaeological desk based assessment and written scheme of investigation (WSI) which includes trial trench methodology and evaluation have both been supplied to and reviewed by the County Archaeologist. Whilst there is a risk that archaeological remains will be damaged the risk and damage to archaeology is considered to be sufficiently mitigated and minimised by the WSI and information provided. It is recommended that the submitted programme of archaeological works is secured through the planning conditions.

Other matters

Use of the boarding accommodation outside of school term

10.177. Representations received have raised concerns regarding the potential for the boarding house to be used by third parties or for short term holiday letting outside of the school terms. A planning condition is proposed to secure the use of the Convent site boarding houses to be for enrolled students of Brighton College only and all users would be subject to the same noise management plan and other conditions.

Planning Compliance on other sites

10.178. It is noted that a number of matters relating to compliance with planning matters at other sites have been referenced in representations received in respect of this

application. Whilst a number of planning enforcement investigations are ongoing relating to development at the main campus and the refused Walpole Road appeal as referenced earlier in this report at 10.30 – 10.34, these matters are distinct and separate from this proposal and it is understood that no formal planning enforcement notices have been served in these regards at the time of writing.

Concerns on planning consultation

- 10.179. Some of the objections received have raised concerns in regards potential encouragement of representations and whether there has been fair representation in the consultation outcome. It should be noted that planning decisions are not a referendum and are subject to consideration against local and national policy and all planning considerations and representations received have been considered in the above report and assessment.

City Plan out of date

- 10.180. It is cited in a number of representations received that the city plan is currently out of date given that a consultation is underway on City Plan 2041. It should be noted that no weight can be afforded to the early stage consultation (Key Issues Consultation) as there were no policies included at this stage, which focused on establishing the key issues in the city. Two further public consultations are likely to be held in 2026 prior to submission to the Secretary of State.

Proposal conflicts with recent reductions in local school places

- 10.181. A concern has been raised that there have been recent and local reductions in school places and that the application is in conflict with this policy. It should be noted that, safeguarding aside, the Council has no responsibility in the delivery of education at Brighton College which is entirely independent of the Council and its policies in this respect. Other policies relating to the provision of new community facilities and education are referred to in this report in paragraphs 10.7 – 10.9.

Lighting impacts

A concern has been raised that the developments proposed would require external lighting, particularly the potential requirements for floodlighting to the playing field and no details have been provided in this respect. Whilst the installation of floodlights themselves would be likely to require planning permission in their own right a condition is recommended to secure details of the proposed external lighting to both sites to be agreed prior to occupation.

11. CONCLUSION

- 11.1. The proposed developments are considered to be visually acceptable and would provide some demonstrable improvements to the public realm. The development would be suitably mitigated by proposed landscaping measures and conditions. The proposal to relocate the educational facilities in part from the Convent to the St Mary's site is considered acceptable in local and national policy terms. The proposed boarding house accommodation would not be considered to create a conflict with the aims and objectives of policy SA6 in this case and would not cause further imbalance to the local and neighbouring community above the existing

situation. The proposed part loss of the playing field area is considered to be mitigated by the provision of the community use agreement for use of the sports hall and pitch, the improvements to the playing field surface proposed and the sufficient quantum of space remaining. The amenity impacts of the proposal are considered to be acceptable upon neighbouring occupiers subject to the recommended conditions. The highways and traffic impacts of the proposal are considered to be suitably mitigated and the securing of a whole new school travel plan with regular review and monitoring to increase the use of sustainable transport and reduce private vehicle use is considered to be a benefit.

- 11.2. In light of all of the above the application is recommended for approval subject to the planning conditions, informatives and obligations recommended.

12. EQUALITIES

- 12.1. 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.

- 12.2. 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.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

