

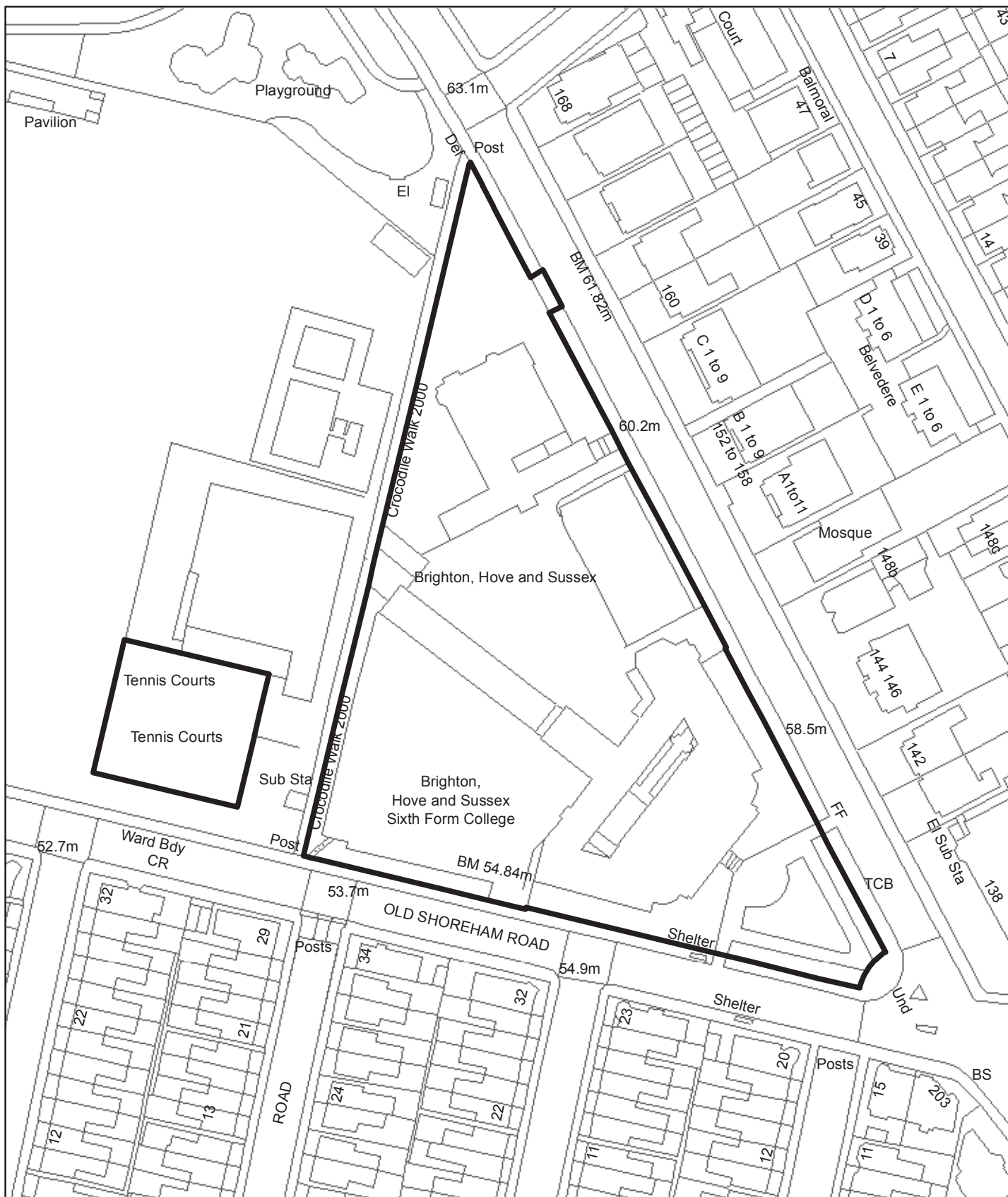
# **ITEM A**

**BHASVIC, 205 Dyke Road, Hove**

**BH2013/03816**  
**Full planning**

**29 JANUARY 2014**

# BH2013/03816 BHASVIC, 205 Dyke Road, Hove.



Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2013/03816</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>BHASVIC 205 Dyke Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road, provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras and creation of a new landscaped area.</b>		
<b><u>Officer:</u></b>	<b>Clare Simpson Tel 292454</b>	<b><u>Valid Date:</u></b>	<b>25 November 2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>24 February 2014</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>HNW Architects, 11 West Pallant , Chichester, West Sussex P019 1TB</b>		
<b><u>Applicant:</u></b>	<b>BHASVIC, Ms Jutta Knapp, BHASVIC, 205 Dyke Road , Hove BN3 6EG</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 agreement and subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to Brighton & Hove and Sussex Sixth Form College (BHASVIC) which is located at the junction on Dyke Road and Old Shoreham Road. BHASVIC is a locally listed building. The main building is located on a prominent corner, with an imposing symmetrical facade, surmounted by a tall cupola. It has particular architectural merit and forms a local landmark in the area.
- 2.2 There is slight fall in land levels from north to south and ground levels fall away from Dyke Road in to the site.
- 2.3 The existing student numbers for the site are 2089. The College will have an additional 288 students attending in the next academic year.

## 3 RELEVANT HISTORY

**BH2013/02082** Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on

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Dyke Road, provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras and creation of a new landscaped area. Refused 31/10/2013 for the following reasons:

- *The proposed development is obtrusive in view of its prominence in the street scene. It is out of character with the area in terms of design, materials, colour and palette and does not take account of local characteristics. Furthermore it does not respect the locally listed buildings on the site. The proposed development is therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan 2005.*

**BH2013/01430** Demolition of existing lobbies and erection of new part-covered lobbies (Part-Retrospective). Approved 01/07/2013

**BH2012/02063** Replacement of existing windows to the main building with UPVC and aluminium windows. Approved 24/08/2012

**BH2012/01118** Erection of temporary single storey modular classroom and steel container for a period of five years. Approved 12/06/2012

**BH2011/03469** External refurbishment of Student Common Room including installation of access ramp. Erection of canopies to College House, the main building, student services building and the canteen area. Approved 08/02/2012

**BH2010/01096** Erection of new temporary two storey classroom building for 5 years replacing existing single storey building and retention of existing temporary single storey classroom for a further 4 to 5 years. Approved 02/07/2010

**BH2008/01457** Installation of a two storey Portakabin Ultima building to be used as classroom facilities for a hire period of 5 years Approved 21/08/2008. (Consent expired)

**BH2008/01275** Proposed single storey extensions to north and west elevations of existing sports centre including extension to tennis court to form netball courts. Approved 22/08/2008

**BH2008/01113** Proposed redevelopment of educational facilities comprising one 4-storey, one 3-storey and one 3 and 1-storey blocks and associated works. Approved 29/01/2009

**BH2007/00925** Outline application for erection of educational facilities comprising one 3 storey, one 4 storey and one 3 and 1 storey blocks and associated works. Approved 23/01/2008

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of a new 3 storey teaching block located on the existing upper car park between College House and the

main building, fronting Dyke Road. The building would provide a new student social learning space, kitchen facilities, WCs and learning resource centre on the ground floor with 12 teaching rooms located above. Associated works include the provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras. One particular focus appears to be the creation of main external social space in the heart of the campus at the rear of the new block and creation of a new landscaped area in the proposed courtyard.

- 4.2 The proposal would result in additional gross internal floor space of 2027m<sup>2</sup>.
- 4.3 The building would be located on the upper car park of the school. This would result in the loss of 29 car parking spaces. The principle of the development and the positioning of the new block were the subject of pre-application discussions with the Local Planning Authority.
- 4.4 The application follows an application for a similar scale building refused in October 2013 for design reasons (see planning history). In response, this application proposes a revised pallet of materials and a set back of 2 metres to line through with the building line of the main building façade along Dyke Road. The plant roof screening has been reduced in size.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: One (1)** letter of representation have been received from **Flat 4B Belvedere** objecting to the application for the following reasons:
- The materials and the building line are a considerable improvement but the building is still of no particular merit
  - The building remains too high and does not respond to the councillors concerns,
  - The building should have a pitched roof,
  - The services should not face the road
  - The Transport Assessment does not mention weekend or evening traffic,
  - A condition should be imposed to ensure the CCTV does not affect the privacy of neighbouring properties.
- 5.2 **County Archaeologist: Comment**  
The application lies within an Archaeological Notification Area, the site has been subject to archaeological evaluation which has shown it to have low Archaeological potential and remains are unlikely to be affected by these proposals. No further recommendations needed in this instance.
- 5.3 **UK Power Networks: No objection**
- 5.4 **Environment Agency: No objection**
- 5.5 **Southern Gas Networks: No objection**

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5.6 **East Sussex Fire and Rescue:** Comment made on previous application The plans do not appear to indicate the water supply and provisions of hydrants.

5.7 **Conversation Advisory Group** No objection on Conservation grounds. The Group regret that the design of the proposed buildings is bland.

**Internal:**

5.8 **Ecology:** Comment

The proposed development is unlikely to have any significant impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural and Communities Act 2006 and NPPF.

5.9 **Economic Development:** Comment made on previous application

Overall support for the application and request a contribution to the local employment scheme of 20% local employment during the construction phase and an employment and training strategy in accordance with the interim guidance document.

5.10 **Planning Policy:** No Comment

5.11 **Planning Projects:** Comment made on previous application

To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement. It is suggested that the public art element for this application is to the value of £7,100.

5.12 **Heritage:** Comment:

The proposal is for an additional building along the Dyke Road elevation. It is located in what is currently a car park, between the main block and College House. This follows a refused scheme for similar last year.

5.13 The principle of a building in this location is acceptable, as it has the potential to provide greater definition to the boundary, strengthen the building line and enhance the street scene.

5.14 The proposed building is set on the building line of the main building, which appropriately reinforces the building line on this section of Dyke Road.

5.15 The height of the proposed building matches the ridge height of the main block, with an additional level of plant and roof paraphernalia located above this. This will compete with the dominance of the main block. The proposed building should ideally match the eaves height of the main block, with no part of the building in its totality higher than the ridge height of the main block. It is however acknowledged that Dyke Road slopes upwards to the northwest. The proposed building is set further up the hill than the principal building. The height of these buildings would therefore step up the road. The building line being in line rather than forward of the other building also helps mitigate for the height of the proposal.

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- 5.16 A modern design is considered acceptable in this location. A palette of red and earthy tones unites all the buildings on site currently, creating a strong sense of place. The proposed building respects this palette and integrates the building with the site. The choice of materials will however be particularly important. It is noted that the road elevation will be obscured at ground floor, which is appropriate. An elevation drawing showing the design of the ground floor should nevertheless be submitted.
- 5.17 There are a number of proposed service items located at roof level, including the plant room, pv and thermal solar panels, lantern lights, the lift overrun, hydraulic hatch. It is important that this paraphernalia does not add unnecessary clutter to the building when viewed from the road, as this will detract from the design and add unwanted emphasis to its height. It is accepted that the plant room needs to be located on the road side of the building, in order to allow for the efficiency of the solar panels and the building. Details of the appearance of the lift overrun and hydraulic hatch should be provided, or clarification that they will not be visible in the street scene. The solar panels also should not be visible in the street scene. The railings should be removed from the scheme.
- 5.18 The proposed landscaping generally provides a good level of vegetative coverage to the site and its boundaries in particular. The use of a bespoke railing design is also appropriate.
- 5.19 Additional Comments  
The additional drawings addresses the concerns regarding the roof railings and some of the services at roof level
- 5.20 **Arboriculture Team:** Comment: Two trees will need to be removed in the interests of sound arboriculture management and four will need to be removed to facilitate the development. The Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted.
- 5.21 **Sustainability:** Comment on previous application  
Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 5.22 Under supplementary planning document SPD08 major new development built on previously developed land is expected to achieve BREEAM 'excellent' and 60% in energy and water sections. The applicant has submitted a BREEAM Education Pre-assessment report that indicates a targeted score of 'Excellent' overall with 78% in energy and 62% in the water section. This meets the overall standard expected via SPD08 and exceeds the energy performance standard.
- 5.23 The application reflects a robust response to all aspects of policy SU2 and SPD08. The documents demonstrate that sustainability has been well integrated into the design process delivering a highly energy efficient building

that has incorporated advanced thermal fabric performance, passive solar design, efficient servicing and a considerable solar array incorporating both solar thermal and photovoltaic renewable technologies.

- 5.24 **Environmental Health** No objection subject to conditions to deal with noise and potential land contamination.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials



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SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD4	Design – strategic impact
QD5	Design – Street Frontages
QD6	Public Art
QD7	Crime Prevention through Environmental Design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
QD28	Planning Obligations
HE10	Buildings of local interest
HO19	Provision of new community facilities

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SO21	Strategic Objective to assist in the planning of higher and further education establishments

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the development, whether the proposal is appropriate in terms of design and the impact on the wider street views, residential amenity, sustainability, archaeological considerations and transport / highway considerations.

### **Planning Policy:**

8.2 Policy HO19 of the Brighton & Hove Local Plan states that planning permission will be granted for community facilities where it can be demonstrated that certain criteria can be met. The criteria include ensuring the design and use of the facility is accessible to all members of the community, no unacceptable impact on residential amenity and addressing transport highway concerns.

8.3 BHASVIC currently has 2089 students attending the college and struggles to accommodate this number in the existing buildings. The student numbers are expanding next year by an additional 288. The college requires more space and better facilities to accommodate this increase. The proposed building would provide for this need and the scheme is considered to be in accordance

with the above policy. It provides a community facility and, as outlined below, is appropriate in respect of its impact on the amenity of adjacent properties and transport / highway concerns.

- 8.4 The scheme is also in accordance with Strategic Objective SO21 of the Brighton & Hove Submission City Plan Part One. The objective is to provide to assist in the long term planning of higher and further education establishments and ensure that they play a full part in the city's economic, social and environmental development. Given the above, the principle of providing a new building to meet the current and future educational needs of the school is welcomed and accords with policy HO19 and strategic objective SO21.

**Design and impact on the character and appearance of the surrounding area:**

- 8.5 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policy QD4 requires the setting of well-known landmark buildings to be respected. Policy QD5 seeks to ensure new development presents an interesting and attractive frontage.
- 8.6 The architects have explained in their supporting information that the design rationale is to make a modern statement on Dyke Road whilst respecting the existing buildings on site. Although it is the whole site which is on the Local List, the prominent building, with the most architectural merit is the main school building which is the focal point on the southeast corner of the site at the junction between Dyke Road and Old Shoreham Road.
- 8.7 In terms of its design, the approach is for a modern new building which utilises a red-brown brick, bronze copper cladding, and translucent and opaque panels. The building would be three-storeys in height. The highest part of the building would be approximately 11 metres in height. Plant on top of the flat roof would be contained behind screening of an additional 2 metres in height. This screening would be set back 2 metres from the front elevation of the building.
- 8.8 The height of the building is comparable to the ridge height of BHASVIC Main Building and sits mid-way between the eaves and ridge height of College House. It should be noted that the plant screening would be set 2 metres back from the front elevation of the building.
- 8.9 The new building would be located on the established building line of the Main College Building. At the front of building, a separation distance of 10.5 metres would separate the new block from existing college building, this distance decreases to 3.5 metres further back in to the site. The separation distance to College House would be 5.5 metres. This ensures that the proposed new block would be viewed as a separate entity. However a palette of red and earthy tones is proposed and this would unite all the buildings on site currently, creating a strong sense of place. This is considered to make the

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proposed building comfortable in its setting. In addition, land levels slope down from Dyke Road in to the College site. A brick and copper sample have been submitted during the course of the application; the acceptability of these samples are currently being assessed and further samples of the glazing and rain screen cladding would need to be approved prior to development commencing.

- 8.10 The Heritage Officer has not raised an objection to the proposal. Whilst the height of the building would rise above the eaves height of the side return of the Main Building, the Heritage Officer acknowledges that the building heights step up to north of the site. The building line is approximately 2 metres back from the previous scheme and is now in-line rather than forward of the Main Building building. It is acknowledged that this helps mitigate for the height of the proposal.
- 8.11 As requested, the drawings have been amended to reduce the clutter proposed on the roof. Furthermore the design team have submitted an additional drawing with the application to demonstrate that views of the roof plant would be limited from public vantage points. Importantly green landscaping and boundary treatment have been considered within the scheme which will provide some continuity with the existing boundary treatment along Dyke Road.
- 8.12 The internal spaces of the new building focus activity to the rear of the new building, creating an active student court yard area. The service areas are therefore located towards the Dyke Road elevation. The design team have shown the level change through the site from Dyke Road to the front elevation of the building. This demonstrates that much of the ground floor of the building would not be prominent when viewed from the adjacent pavement. In addition drawing no. P282 indicates raised brick planters would be located behind the front boundary fencing providing additional screening and softening of the appearance of the ground floor of the building.
- 8.13 It is noted that the BHASVIC currently relies on a number of temporary classrooms on site which are not considered to respond positively to the setting of the existing buildings on site. These classrooms have temporary consents, and although the college have not linked the removal of some of these buildings to the new extension, it is considered that there is a significant need for permanent student accommodation on site and this application offers the potential in the future to tidy up the campus as a whole.
- 8.14 The application contains three CCTV cameras, shown on drawing no.P109 A These are located towards the front of the site to provide surveillance in areas which otherwise see little activity. These are considered to be acceptable installations from a design perspective.
- 8.15 Overall the design of the scheme has merit and is considered to be a considerable improvement on the previous application for the site. The change in building line and materials reduce the prominence of the new building. The extension would be well-sited and the approach for a modern design

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considered acceptable. The materials would be sympathetic to the materials of the existing buildings on-site. The proposed new building will make a significant statement to the Dyke Road frontage, but it is considered that the visual impact of the main building would not be diminished and that design of the classroom block is acceptable

### **Landscaping:**

- 8.16 The site has a blanket Tree Preservation Order which covers all trees on the site. The application does contain plans showing the removal of two trees on the site for sound arboriculture management reasons. The Common Elder identified to be felled is considered in poor condition and a poor quality tree and the Elm is considered in an advance state of decline. Four additional trees which are no considered to be of arboriculture merit will also be lost. The Arboriculture Team have reviewed the application and raise no objections to this loss. Conditions have been identified to protect the trees through construction.
- 8.17 A landscaping plan has been submitted with the application which details treatment of the Student Courtyard Area at the rear of the new building which will contain some landscape planting. There is an overriding need for improved accessibility in this space.
- 8.18 A hedge is proposed to run along the Dyke Road pavement which is consistent with the front boundary treatment of the adjoining blocks. The front of the building would create a cohesive front boundary treatment for this section of Dyke Road. Fixed planting is proposed behind this hedge.
- 8.19 Detailed landscaping plans have been submitted for the courtyard area to the rear of the new block and to the new servicing area to the north of College House which are considered acceptable in principle.

### **Impact on Amenity:**

- 8.20 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.21 The proposed building would be located on the existing car parking area fronting Dyke Road. This space is currently undeveloped. The formation of a three storey building on this site will inevitably have a degree of impact on the residential properties opposite. The properties most affected are those directly facing the site which include the Alquds Mosque and residential flats in Belvedere 152-158 Dyke Road. The separation distance between the front elevation of the new building and the front elevation of the residential flats would be in excess of 25 metres. Such separation distances are considered to be comfortable and will prevent any significant impact on loss of light and loss of privacy. As the land is currently undeveloped, residents would lose their open aspect over the college site, but given the separation distances are sufficient to prevent this building being overbearing, the impact is considered acceptable. Similarly with the issue of loss of light, some additional shadowing

from the new building is anticipated but no significant loss of light to neighbouring properties.

- 8.22 An objection from a neighbour opposite the site has raised concerns over the proposed CCTV cameras and potential for intrusion and loss of privacy from these installations. Drawing P109 shows the location of 3 CCTV cameras towards the front of the site. These cameras are located in areas where natural surveillance is lacking and additional surveillance is considered to be required. None of the cameras are angled directly towards the properties opposite. Notwithstanding this, there is sufficient distance between the cameras and neighbouring residential properties to prevent a feeling of intrusion and loss of privacy is not considered to be an issue in this instance.
- 8.23 In regard to noise and disturbance a standard condition will be imposed to ensure the plant and machinery does not affect neighbouring properties. Overall it is considered that the works will not harm the residential amenity of neighbouring properties.

**Sustainable Transport:**

- 8.24 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.25 The applicant has submitted a Transport Statement to support the expansion of the school. The statement outlines that the site is located near to bus stops and rail stations which provide links to the surrounding areas. The travel survey in the statement indicates that most students travel by non-car modes.
- 8.26 The proposed development would involve building on the upper car parking area. Two of the existing vehicular access point would be removed and only pedestrian and cycle access would be retained to this area.
- 8.27 The applicant is proposing to reduce standard car parking spaces by 29. The Highway Authority deems this reduction in estimated car parking acceptable due to the site being in a sustainable location within walking distance of bus stops and close to main railway stations and the site being within a controlled parking zone that should limit overspill. The development would also be in accordance with the City Council's maximum Car Parking Standards (SPG04). Furthermore 7 new car parking spaces would be provided in the lower car park to partly offset the removal of spaces in the upper car park.
- 8.28 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions the Transport Manager has also commented that the applicant should make a financial contribution of £90,300 to help finance off-site highway improvement schemes. The requested contributions are to help finance pedestrian and cycle facility improvements along the Dyke Road corridor.
- 8.29 The Transport Team have commented on the need for a Construction and Environmental Management Plan which will ensure no adverse impact on

neighbouring occupiers through the construction period. This can be secured through a section 106 agreement.

**Sustainability:**

- 8.30 The application has been accompanied by BREAAAM pre-assessment which shows the design of the building equates to a BREEAM 'Excellent' rating. This is welcomed and in accordance with the sustainability thresholds suggested in the Supplementary Planning Document on Sustainable Building Design (SPD08).
- 8.31 Renewable Energy provision is accommodated through 125m<sup>2</sup> photovoltaic array; and a solar thermal array of 12m<sup>2</sup> both to be accommodated on the roof of the new building. Furthermore a passive design has been submitted which incorporates passive ventilation, natural lighting and solar shading.
- 8.32 The Sustainability Team have confirmed that the development would meet local and national policy. When commenting on the previous application, further areas of environmental performance enhancement were identified including rainwater harvesting, and a food composting provision. Although this is recommended, given that the development can be shown to meet the required BREEAM 'Excellent' rating it is not considered justifiable to insist on these additional measures in this instance.

**Ecology/Nature Conservation:**

- 8.33 The applicant has submitted Ecology Report for the site. The new building would be located on the existing car park; an area of low ecological value. The East Sussex County Council Ecologist has commented that the proposed development is within an area of low ecological value and, given the nature, scale and location of the proposed development, there are unlikely to be any significant impacts on any designated sites or protected species.
- 8.34 The Ecologist has commented that to avoid disturbance to birds, any removal of shrubs or trees that could provide nesting habitats should be carried out outside the breeding season. An informative is to be added to the decision notice informing the applicant of this requirement.

**Other Considerations:**

- 8.35 BHASVIC is located on potentially Contaminated Land. Previous contaminated land reports for the site have already identified that remedial measures are required in order that the development can be undertaken safely to protect the future occupants of the building. The Environmental Health Officer has suggested conditions to ensure this matter is given due attention before the development is commence.

**9 CONCLUSION**

- 9.1 The application has been assessed against relevant policies. It would not cause demonstrable harm to the amenities of neighbouring properties and will preserve local significance of BHASVIC's main building. The character and appearance of the school and the surrounding area is not considered to be

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harmed. The scheme involves the enhancement of educational facilities on the site and would provide much need additional facilities. The development would perform very well in terms of sustainability, and the impact on highway safety and demand for travel in the area is acceptable.

**10 EQUALITIES**

10.1 The proposal provides adequate access for people with disabilities and would have to comply with Part M of the Building Regulations.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 S106 Heads of Terms

- An employment strategy to secure up to 20% local labour during construction of the project.
- Contribution of £90,300 to help finance off-site highway improvement schemes such as pedestrian and cycle infrastructure improvements on along the Dyke Road corridor
- A Construction and Environmental Management Plan

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Site Plan	P100	B	11 <sup>th</sup> November 2013
Proposed Site Plan	P101	D	11 <sup>th</sup> November 2013
Proposed Site Plan	P104	M	11 <sup>th</sup> November 2013
Proposed Block Plan	P107	C	11 <sup>th</sup> November 2013
Location Plan	P108	B	11 <sup>th</sup> November 2013
CCTV location Site Plan	P109	A	11 <sup>th</sup> November 2013
Existing Basement Floor Plan	P200	A	11 <sup>th</sup> November 2013
Existing Ground Floor Plans	P201	B	11 <sup>th</sup> November 2013
Existing First Floor Plan	P202	B	11 <sup>th</sup> November 2013

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Existing Second Floor Plans	P203	A	11 <sup>th</sup> November 2013
Proposed Infill Block Ground Floor	P258	N	11 <sup>th</sup> November 2013
Proposed Infill Block First Floor	P259	K	11 <sup>th</sup> November 2013
Proposed Infill Block Second Floor	P260	I	11 <sup>th</sup> November 2013
Proposed Infill Block Roof plan	P261	I	9 <sup>th</sup> January 2014
Proposed link Building Ground Floor	P262	D	11 <sup>th</sup> November 2013
Proposed Infill-Block section AA-BB	P263	C	11 <sup>th</sup> November 2013
Proposed elevations	P265	I	9 <sup>th</sup> January 2014
Existing elevations	P266	A	11 <sup>th</sup> November 2013
Contextual Elevations	P267	D	11 <sup>th</sup> November 2013
Existing Link building Ground Floor	P278		11 <sup>th</sup> November 2013
Proposed elevations –Sculptural Boundary Treatment	P279	A	11 <sup>th</sup> November 2013
Proposed elevations showing Ground Floor Elevation	P282		9 <sup>th</sup> January 2014
Proposed Elevations Showing Roof mounted services	P283		9 <sup>th</sup> January 2014
Landscape Masterplan 1 of 2	1500-1001		11 <sup>th</sup> November 2013
Landscape Masterplan 2 of 2	1500-1002		11 <sup>th</sup> November 2013

- 3) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 4) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing L<sub>A90</sub> background noise level. Rating Level and existing background noise



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levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the employees of and visitors to the development hereby approved.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The development shall be carried out in strict accordance with Arboriculture Development Statement submitted by CBA Trees and received on the 5<sup>th</sup> December 2013. This shall specially include the measures outlined in the Arboriculture/Construction Method Statement. All tree protection measures outlined in this report shall be put in place prior to development commencing and shall be retained in place throughout the construction period. **Reason:** To ensure the adequate protection of the protected trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

### 11.3 Pre-Commencement Conditions

- 7) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
  - i) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
  - ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (a) above that any remediation scheme required and approved under the provisions of (i) (a) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation).

Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (a).

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**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 8) No development shall take place until samples of the materials (including brick, copper cladding glazing and rainscreen panels) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 9) No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' of relevant BREEAM assessment for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 10) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

### 11.4 Pre-Occupation Conditions:

- 11) Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossovers on Dyke Road as detailed above back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 12) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which

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within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 13) The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

- 14) The non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 15) Within 3 months of occupation of the new building hereby approved, the college or developer shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers).

**Reason:** To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan

### 11.5 Informatives:

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

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- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
- (ii) for the following reasons:-

The application has been assessed against relevant policies. It would not cause demonstrable harm to the amenities of neighbouring properties and will preserve local significance of BHASVIC's main building. The character and appearance of the school and the surrounding area is not considered to be harmed. The scheme involves the enhancement of educational facilities on the site and would provide much need additional facilities. The development would perform very well in terms of sustainability, and the impact on highway safety and demand for travel in the area is acceptable.
- 3) The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
- 4) The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
- 5) The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floor space (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites:  
[www.netregs.gov.uk/netregs/businesses/construction/62359.aspx](http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx) and  
[www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_2.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html).
- 6) The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
- 7) The Travel Plan shall include such measures and commitments as are considered necessary to mitigate the expected travel impacts of the

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development and should include as a minimum the following initiatives and commitments:

- a. Measures to promote and enable increased use of active and sustainable transport modes, including walking, cycling, public transport use, car sharing and Park & Stride, as alternatives to individual motor vehicle use;
- b. Identification of a nominated member of staff to act as School Travel Plan Co-ordinator to become the individual contact for the council's School Travel Team relating to the School Travel Plan; to convene a School Travel Plan (STP) Working Group.
- c. Use of the BHCC STP guidance documents to produce and annually review the STP.
- d. Production of a SMART action and monitoring plan, which shall include a commitment to undertake annual staff, parent/carer and pupil travel surveys to enable the STP to be reviewed and to update the SMART actions to address any issues identified;
- e. A commitment to take part in the annual 'Hands Up' Mode of Travel Survey co-ordinated by the council's School Travel Team.
- f. Identification of mode-use targets focussed on reductions in the level of individual motor vehicle use by staff and parent/carers.
- g. A commitment to reduce carbon emissions associated with nursery and school travel.
- h. Initiatives to increase awareness of and improve road safety and personal security.
- i. Evidence of dialogue and consultation with neighbouring residents and businesses.

Submission of an annual STP review document, following the annual travel surveys, to the Council's School Travel Team to demonstrate progress towards the identified targets.

- 8) The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.