

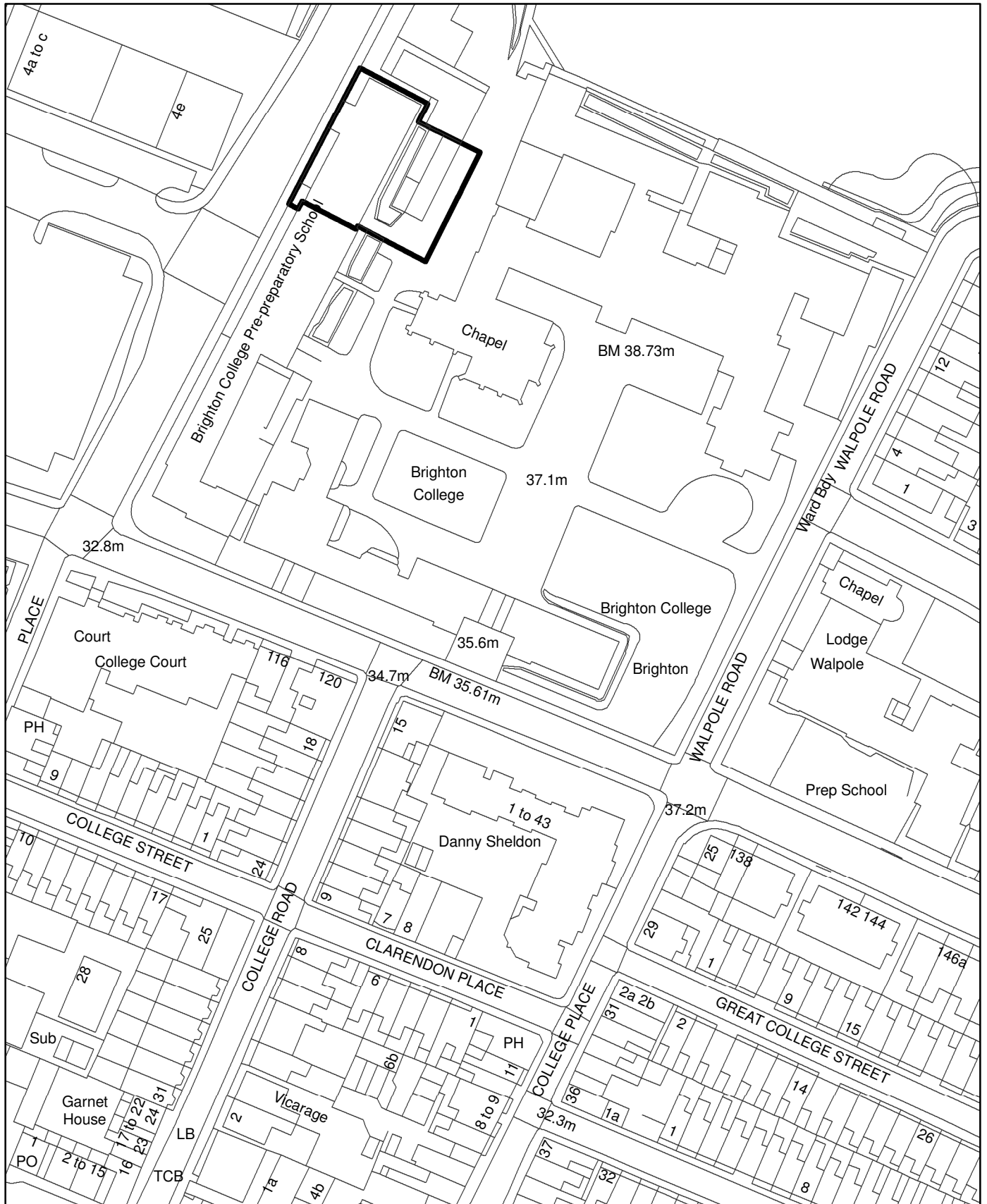
ITEM B

Brighton College, Eastern Road, Brighton

BH2014/02054
Full planning

17 SEPTEMBER 2014

BH2014/02054 Brighton College, Eastern Road, Brighton.



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/02054	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Eastern Road Brighton		
<u>Proposal:</u>	Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	23 June 2014
<u>Con Area:</u>	College	<u>Expiry Date:</u>	22 September 2014
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Nathaniel Lichfield & Partners, 14 Regents Wharf, All Saints Street London N1 9RL		
<u>Applicant:</u>	Brighton College, C/O Nathaniel Lichfield & Partners, 14 Regents Wharf, All Saints Street, London N1 9RL		

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 resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises two buildings located on the western side of the Brighton College campus on Eastern Road. The buildings front Sutherland Road to the west and comprise the Swimming Pool Building and adjacent teaching space within the Old Music School Building.
- 2.2 Brighton College forms part of the College Conservation Area and lies adjacent to the north of the East Cliff Conservation Area. The College campus is bounded to the east by Walpole Road and Walpole Terrace, to the north by College Terrace, and to the west by Sutherland Road. The majority of the buildings are located to the southern half of the site and along the western boundary, with playing fields to the northern part of the site.
- 2.3 The College is formed of a collection of historic buildings by George Gilbert Scott (1849-1865), Thomas Graham Jackson (1882-1923) and FT Cawthorn (1913-1929). All these buildings are either Grade II listed or are listed curtilage buildings. Other more modern buildings sit throughout the site. The Swimming Pool Building and Old Music School Buildings are not listed in their own right but by virtue of their position within the curtilage of the primary listed buildings within the campus.

3 RELEVANT HISTORY

BH2014/00771: Partial removal of existing roof structure and erection of clock tower above existing second floor level and associated works. (Part retrospective). Under consideration

BH2012/02925 & BH2012/02926: Planning and Listed Building Consent for removal and rebuilding of part of wall with railings to facilitate temporary site access. (Part retrospective). Approved 14/05/2013

BH2012/02378 & BH2012/02379: Planning and Listed Building Consent for demolition of existing science department building and partial demolition of dining hall and adjoining buildings and erection of new music and drama school buildings and dining hall with associated works. Approved 13/12/2012

BH2012/01992 & BH2012/01993/LB: Planning and Listed Building Consent for construction of a new four storey self-contained boarding house adjoining existing Dawson Hall. Dismantlement and reinstatement of part of boundary wall along Eastern Road. Approved 10/10/2012.

BH2012/02016 & BH2012/02017: Planning and Listed Building Consent for partial removal of existing roof structure and erection of clock tower above existing second floor level and associated works. Approved 13/09/2012.

BH2012/01229 & BH2012/01230/LB: Planning and Listed Building Consent for alterations to layout and associated works including demolition of extensions, erection of new temporary wall and repair works. Approved 18/06/2012.

BH2009/02460 & BH2009/02454: Planning and Listed Building Consent for demolition of existing bedroom extension and health centre and erection of a new 3 storey building. Associated landscaping works. Approved 13/04/2010

BH2008/03802 & BH2008/03803: Planning and Listed Building Consent for demolition of former art school building and construction of new lower school building. Approved 06/05/2009

BH2005/05965 & BH2005/05967: Planning and Listed Building Consent for 3-storey Visual Arts Centre with basement & glazed link to adjoining Listed Building. Refused 03/02/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the Swimming Pool and Old Music School buildings and the construction of a new five storey academic building. The proposed building would connect to the adjacent Great Hall and Skidelsky buildings. A mature Elm tree is proposed to be removed to facilitate the development.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Eleven (11)** letters of representation has been received from **9 (x2), 10, 30 Belle Vue Gardens; Top flat 3, 3, 14d Walpole Terrace; 56 & 59 Sutherland Road; 51 Berriedale Avenue; and 20 St Matthews Court College Terrace, objecting** to the application for the following reasons:

- Overdevelopment of an already crowded College campus
- Loss of light and space taken from residents
- Another modern 5 storey building is not right for the site.

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- The Old Music School is a heritage asset of national historical and cultural significance because when built in 1870-71 it was the first purpose-built set of science labs in an English or Welsh school at a time when very few schools taught science. Its significance lies in its exterior and what it represents
- The height of the building is out of keeping with nearby homes
- It is premature to consider this part of the masterplan in isolation as it will necessitate a larger swimming pool and sports hall building in the north west part of the site. The scale of this building would have the potential to affect residential amenity and the character of the environment
- The retained buildings, in particular the Hall, should be seen as a focal point in the street and their setting preserved
- Brighton College seems to be continually expanding and developing. The constant building works at the College seriously affect residents who have to live with the noise and air pollution, with contractors frequently working out of hours. The College cannot be allowed to grow at the current rate
- Noise pollution from the construction process and heavy vehicle and machinery operation
- Cumulative impact of these works on top of proposed building works at the Hospital
- The building works are making use of the pavements around the site impossible and dangerous
- Traffic chaos at the evening school pick up
- Increased pressure on car parking as no onsite parking is included in any of the schemes
- Loss of privacy from more students, parents and their cars, and the coaches that park along Sutherland Road for lengthy periods causing pollution.
- The development will enable an increased pupil capacity which will exacerbate existing traffic problems
- The loss of the Elm tree is unacceptable

5.2 **Conservation Advisory Group:** No objection.

The Group recommend the approval of the development.

5.3 **English Heritage:** No objection.

The swimming pool building, is not of a comparable quality to the Great Hall, and has been much altered. It abuts the north end of the Great Hall in a clumsy manner, obscuring the perpendicular style north window here. The Old Music Room is a quaint single storey building, built by a local architect, Thomas Griffiths. It is flint faced, but the quality of the flintwork is poor in comparison to other buildings across the campus. It is clear that windows have been altered, and little of interest remains within the building itself. It is attached to the pool building on its western elevation. In our view, the building has some historic value but makes only a neutral visual contribution to the conservation area. Its loss should be considered in the context of the impact it would have on designated heritage assets, including the conservation area and the setting of grade II listed buildings. The harm must be balanced against the public benefits associated with the proposals (NPPF Paragraph 134), including the long term

sustainability of designated heritage assets.

- 5.4 The expansion of Brighton College is informed by a Master Plan and the college has demonstrated an excellent track record in executing new buildings of a very high standard in an historic context. The proposed replacement building is of a significantly larger scale than the buildings which it would replace, and would, because of the constrained nature of the site, inevitably impact on the setting of listed buildings and the appearance of the conservation area. It is therefore essential that any replacement building aspires to the highest standards of design and execution, seeks to enhance the significance of heritage assets and promotes or reinforces locally distinctive features (NPPF Paragraphs 137, 59, 60, 63).
- 5.5 English Heritage is greatly encouraged by the current proposals which are informed by a thorough understanding of the significance of the site, and the Master Plan. The design is contemporary, imitating the language of pitched roofs and gables of historic buildings, but also using the site levels to keep ridge and eaves lines respectful of neighbouring buildings. English Heritage is pleased to note that the glazed link will sit below the sill level of the north window on the Great Hall, and be attached in an unobtrusive manner to historic brickwork. While the greater scale of the new building will conceal this window in longer views from the north, at closer quarters the relationship between buildings would be improved over the current situation, allowing a clear visual break between old and new fabric, and providing the Great Hall with some breathing space.
- 5.6 The new building would be faced in brickwork, laid in Flemish bond which is appropriate here. Samples of external facing materials should be required through imposition of appropriate planning conditions, to include a sample of the timber louvres which should be a natural rather than pre-treated finish as has been used on the adjacent Skidelsky building. Overall, English Heritage supports the proposals.
- 5.7 **UK Power Networks:** No objection.
- 5.8 **Sussex Police:** No objection.
- 5.9 **East Sussex Fire and Rescue:** No objection.
- 5.10 **Southern Water:** No objection.
- 5.11 **Environment Agency:** No objection.
No objection subject to land contamination condition being applied.
- 5.12 **Southern Gas Networks:** No objection.
The applicant is advised that a gas main is located on close proximity to the site and appropriate precautions should be made during works.
- Internal:**
- 5.13 **Heritage:** No objection

Existing buildings on the site:

The old music school and swimming pool are not listed in their own rights and are considered to be curtilage listed only due to being pre 1948 structures. They are considered to be of limited architectural quality; the south elevation of the Old Music School has a pleasing relationship with the west elevation of the chapel in the view from the south, however the evidence of internal and external alterations and use of poor quality materials and unattractive additions are all detractors. In addition the attachment of the swimming pool to the Great Hall has a detrimental impact on this listed building. The proposal to demolish these buildings is therefore acceptable in principle subject to the replacement development being of a quality that outweighs the harm from their loss under the test set by the NPPF.

5.14 Proposed new building:

It is considered that the conservation area would benefit from a building of increased scale on this plot in the Sutherland Road frontage. Due to the proposed orientation of the ridges the bulk will appear greater than the buildings to either side, however it is considered that due to the design, materials and detailing of the proposal this building will be a welcome addition to the street scene.

5.15 The proposed glazed link will have a better relationship with the Great Hall due to the light touch approach to the attachments, and the degree to which the north window will remain visible above the enclosed area is welcome. Acceptable details of the impact of the removal of the swimming pool structure from the north elevation of the Great Hall have been provided, along with details of the remedial work that will be necessary.

5.16 The curtain wall elevations visible from within the College grounds are considered to be impressive, and suitable clarification has been received that the solid panels are limited to the floor structure only and the visuals correspond fully with the elevations.

5.17 The use of timber for the louvers and external framing on the internal elevations is of some concern in respect of the long term effect of weathering. It is noted that the terracotta batons on the Simon Smith building have stood the test of time, where timber cladding of a similar age on other modern developments in this city has not. Assurance has been received that the proposed timber will be maintained appropriately to retain the intended effect. Whilst it is accepted that it is in the best interest of the College to keep the weathering effects of the materials from detracting from the appearance of the building, evidence of the longevity of this product in a similar environment would be welcome, and an appropriate condition should be considered in order not to hold up the progress of this application

5.18 Subject to further details and information being satisfactory it is considered that the proposed development will be a worthy addition to the collection of beautiful buildings already owned by the College. The introduction of well considered quality modern architecture will benefit the setting of existing quality historic buildings and the conservation area generally and will bring public benefit in the

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form of an improved built environment that outweighs the loss of the curtilage listed buildings, along with the long term sustainability of the College with its associated benefits for the city.

5.19 Arboriculture: Objection.

The Arboricultural Section objects to the loss of the Elm tree.

5.20 This site is situated within the College Conservation Area. There are no Tree Preservation Orders on the site however the College has always maintained their trees to a high degree and the Arboricultural Section has never considered further protection of the trees necessary.

5.21 There is no doubt that this tree is worthy of Preservation Order as well as helping to make up the National Elm Collection, of which the City is very proud.

5.22 The Arboricultural report submitted with the application states that the tree is 20 metres high has been categorised as a B2 (meaning it is of moderate quality) with an estimated remaining contribution to the area of 20 – 40 years. The comments state it is “one of two mature Elms growing centrally within the College. Broad spreading specimen and considered a noteworthy feature within the grounds. Good height clearance over surrounding area.” The Arboricultural Section concurs with this.

5.23 At the time of the inspecting officer’s visit, there was minor deadwood in the canopy which could be pruned out. Apart from this, the tree appeared to be healthy with no major defects.

5.24 The tree is situated in a tarmac car parking area with a grass slope to the west. The tarmac is ruptured and this is likely to have been caused by the tree roots. There are already some buildings within the root protection area of the tree.

5.25 The proposed development sits at a lower level than the current parking area and buildings. The cutting away of the area west of the tree (including the grass slope) to facilitate the proposed development means that structural roots are likely to be severed and the structural integrity of the tree cannot be guaranteed and therefore it would be advisable to fell the tree if the development is required.

5.26 The felling of this tree is not acceptable to the Arboricultural Section and therefore would recommend that this application is refused permission.

5.27 Environmental Health: No objection

No objection subject to land contamination condition being applied.

5.28 Sustainable Transport: No objection

The proposed development will re-provide existing teaching space and will not cause an increase in student numbers or give rise to an increased transport impact. The existing vehicle and cycle parking arrangements are retained and users of the building will have access to these facilities.

5.29 **Ecology:** No objection

5.30 **Planning Policy:** No comment

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:

SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design

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QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HE1	Listed buildings
HE2	Demolition of a listed building
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP15	Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the demolition of the buildings, the acceptability of the design of the proposed building and its impact on the appearance and setting of the adjacent listed buildings and College Conservation Area, and the acceptability of the loss of the Elm tree. The site is bordered by existing school buildings and faces the Freshfield Industrial estate opposite, whilst there are no residential buildings in close proximity to the site that would otherwise be impacted.
- 8.2 The application proposes no increase in pupil numbers at the school or loss of parking space therefore there will be no transport impacts generated.

Background:

- 8.3 Brighton College forms the focal point of the College Conservation Area and is formed of a collection of historic buildings by George Gilbert Scott (1849-1865), Thomas Graham Jackson (1882-1923) and FT Cawthorn (1913-1929). All these buildings are either Grade II listed or are listed curtilage buildings. Neither the Swimming Pool building (which forms part of the FT Cawthorn construction phase) nor the Old Music School building are listed in their own right, however they are considered to be curtilage listed by virtue of being pre-1948 structures set directly adjacent to the Grade II listed Great Hall.
- 8.4 The College has been the subject of a number of recent building projects to help meet the College's demands for expansion. These projects have been informed by a masterplan for the site and form part of a seven-stage programme to better rationalise the site as a whole. Projects 1 (Skidelsky Building), 2 (Simon Smith Building) and 3 (New House) have been completed and have won RIBA awards. Projects 4 (Clock Tower) and 5 (Music School) are under construction, whilst project 6 (Drama School) has planning permission under application BH2012/02378 but has yet to commence as it requires

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existing classrooms to be relocated first. The details and application for project 7 (Sports Hall and Blackshaw Building) form the final phase of development and have yet to be brought forward.

- 8.5 Following a review of the masterplan by the College it became clear that the Sports Hall and Blackshaw Building site could not readily contain the necessary classrooms and sports facilities to enable the development of Project 6 therefore an additional classroom site was required. The College are now proposing the development of the Swimming Pool and Old Music School buildings under this application to provide the classroom space necessary to unlock the development of Phases 6 & 7 of the masterplan. Both the Swimming Pool and Old Music School buildings have been identified for development as the pool facilities do not meet current and future needs, whilst the classrooms within the Old Music School building are too small to provide the high quality teaching environment required.

Principle of demolition:

- 8.6 The loss of these buildings is considered to represent 'less than substantial' harm under paragraph 134 of the NPPF therefore in such circumstances the NPPF advises that this harm should be weighed against the public benefits of the proposal. Local Plan policy HE2 advises that the demolition of a listed building will only be accepted in exceptional circumstances where viable alternative uses cannot be found, the redevelopment would offer substantial public benefit that would outweigh the loss, and the physical condition of the building precludes its restoration and reuse.
- 8.7 In addition to considering the relevant policies in the NPPF and the Local Plan, regard must be had to sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require Planning Authorities to have special regard to the desirability of preserving a listed building or its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Where harm to the preservation of a listed building, its setting or a conservation area is identified, the Act places a strong presumption against permission being granted.
- 8.8 As stated, both the Swimming Pool and Old Music School buildings are not listed in their own right and are curtilage listed only by virtue of their age and association with the Great Hall. Both buildings have been significantly altered internally and externally and are of limited architectural quality and historical interest. The scale and roof form of the Swimming Pool and its clumsy attachment to the Great Hall are considered to have a detrimental impact on this listed building, whilst it forms a poor frontage to Sutherland Road, being set low behind a poor quality boundary wall.
- 8.9 The Old Music School has greater value as part of the historic Campus, with its south elevation having a pleasing relationship with the west elevation of the chapel in views from the south. However, this building is poorly constructed and has been significantly altered and extended both internally and externally such that it is now of limited architectural and historic interest. The opportunity to replace these poor quality buildings with architecturally superior additions that

better preserve and enhance the setting of the adjacent Great Hall and other listed buildings within the site is considered to be of significant public benefit such that their demolition is considered acceptable, subject to the replacement building being of appropriate quality.

- 8.10 This conclusion is considered compliant with policy HE2, the thrust of which is to preserve buildings listed in their own right (which these are not). It is also considered compliant with paragraph 134 of the NPPF as the public benefit of providing a high quality school building that better relates to the adjacent listed buildings and conservation area is considered to outweigh the loss of the existing buildings on the site, to which considerable weight has been given in accordance with sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design and Appearance:

- 8.11 The existing Swimming Pool building is single storey in height set on lower ground level to Sutherland Road and part disguised behind a poor quality boundary wall. The Old Music Room is on approximately 2m higher ground level within the site.
- 8.12 The proposal seeks to replace these buildings with a larger five storey building comprising 20 classrooms, staff offices, and communal spaces. The building would be set at semi-basement level with a glazed atrium connecting to the Great Hall. The main body of the building would be 'L' shaped following the building line of the Great Hall, with three gable ends fronting Southerland Road and a further gable end set perpendicular to the inner side. The building would be constructed largely in brick to complement the Great Hall, with knapped flintwork to the east elevation and large full height glazed windows to the inner south and east elevations set behind timber louvers. Confirmation has been received that the timber louvers are to be treated with a UV-blocking lacquer that will maintain a fresh timber appearance in the longer term. The Sutherland Road, northern and main eastern elevations would be punctuated by composite windows set in concrete surrounds. The roof would be clad with zinc.
- 8.13 The overall design approach is considered strong, with well ordered elevations and a use of materials that complements those to the adjacent historic buildings. The use of large glazed windows and louvers to the inner elevations and the rounding of the ridge lines in particular give the building a strong contemporary feel without detracting from the setting of the adjacent listed buildings. Full details of the windows, louvres, brick and flintwork, and the connection with the Great Hall are secured by condition to ensure the upmost design quality.
- 8.14 In terms of scale, the building would be set approximately 0.5m below the height of the Great Hall to the south and 1m below the height of the Skidelsky Building to the north, retaining a 4.5m and 5m separation respectively. Although obscuring views of the gable end and side window to the Great Hall in views from the north along Sutherland Road, it is considered that the building would improve the overall setting of the Great Hall by virtue of its separation and more sympathetic glazed link at semi-basement and ground floor level, and overall

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design quality. This view is supported by the Heritage officer and English Heritage, who raise no objection to the proposals.

- 8.15 The proposal is therefore considered a strong addition to the Brighton College site that suitably preserves and enhances the special interest and setting of the Grade II listed Great Hall and other adjacent listed building within its setting, the appearance of the site when viewed from Sutherland Road, and the character and appearance of the College Conservation Area, in accordance with policies QD1, QD2, HE1, HE2, HE3 & HE6 of the Brighton & Hove Plan.

Trees and Ecology:

- 8.16 There are no Tree Preservation Orders on the site as the College has always maintained their trees to a high degree and the Arboricultural Section has never considered further protection of the trees within the grounds necessary.
- 8.17 The application proposes the loss of a mature Elm tree to facilitate the development. The tree is set in close proximity to the southern elevation of the Old Music School Building and an embankment leading down to the Swimming Pool Building. It is of a large mature stature with a broad spread and is visible above the roofline of the Swimming Pool Building. However, its visibility from public viewpoints is limited to the upper half of the tree in views from directly opposite and to the north along Sutherland Road. Views of the tree from the south and southwest are entirely obscured by the Great Hall. The greatest appreciation of the tree is to be had from within the College itself.
- 8.18 The application is supported by an Arboricultural Report, an Arboricultural Implications Assessment, and an Elm Tree Study. The Arboricultural reports identify that the tree is in physical good condition with a life expectancy of 20-40 years. Taking into consideration its location within the site and its limited wider visibility, the report assesses the tree as having moderate quality and value with mainly townscape qualities, rather than cultural/conservation value. The Council's Arboriculturalist agrees with this assessment, noting that the tree forms part of the National Elm Collection and is worthy of a Tree Protection Order. Given the stature and healthy quality of the tree, the Council's Arboriculturalist has objected to its loss.
- 8.19 The Elm Tree Study provides further detail on why it is necessary to remove the tree. The Study identifies that the initial intention was to retain the tree with the footprint of the building designed specifically in lieu of its retention. However the degree of excavation required to form the semi-basement level and the irregular shape of the root protection zone meant that a significant portion of the root area would need to be lost. The constraints of the site and the requirement to deliver the numbers and sizes of classrooms proposed was such that reducing the footprint of the building or raising its height to the degree necessary was not possible, particularly as such alterations would have also negatively impacted on the setting of the adjacent listed buildings. In the event the tree was to be retained the Study identifies that a significant reduction in the crown spread would be required on a regular basis to avoid interfering with the building. Such work would significantly reduce the amenity value of the tree and its visibility.

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- 8.20 It is considered that the Study adequately explores all possibilities and explains why the tree cannot be retained. The loss of this mature Elm tree is regrettable however its loss would be most acutely appreciated from within the site only. Were the tree to be retained its visibility from the public realm along Sutherland Road, which is already constrained, would be lost behind the new building. As such, the development of the site in any case would result in a significant loss of public views of the tree regardless of whether it is retained in situ or not. Notwithstanding this, the loss of a mature Elm tree that is worthy of a Tree Protection Order and forms part of the National Collection should not be accepted lightly.
- 8.21 In recognition of its loss, the applicants have proposed its replacement with three new trees within the College grounds, one of which would be placed in close proximity to the existing. This level of provision exceeds that required under policy QD16 and SPD06 and is considered acceptable, however greater public benefit would be had from two of the trees being located on the footway along Sutherland Road. This location is acceptable to the Council's Arboricultural section. Accordingly a condition is recommended to secure a minimum three replacement trees that should include the provision of two along Sutherland Road and an appropriate maintenance strategy. The condition requires the trees to be a minimum Heavy Standard with a 12-14cm girth. This standard of tree would be approximately 3m in height and be of an appropriate size that will establish quickly and provide immediate amenity value to the street.
- 8.22 On the basis that three new Elm trees would be planted to offset the loss of the existing it is not considered that the loss of the tree is sufficient to withhold permission, especially considering its limited visibility in the wider public realm.
- 8.23 A further mature Elm tree is located further to the south however this would not be impacted by the development subject to the imposition of protective fences during construction works.

Ecology:

- 8.24 The application is supported by an Ecology Report and Bat Surveys. The report and surveys identify no risk to protected species, with no roosting bats being found within either building to be demolished. The County Ecologist has raised no objection accordingly. In accordance with policies QD17 and QD18, a condition is attached requiring a scheme to enhance the nature conservation interest of the site to be submitted. The scheme should include the provision of swift and bat boxes as recommended in the ecology report.

Sustainability:

- 8.25 Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that non-residential developments of this scale achieve BREEAM 'Excellent'; including meeting 60% in the energy and water sections.
- 8.26 The application is accompanied by a Sustainability Statement and BREEAM Preliminary Assessment. Both documents confirm that the building will achieve

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BREEAM 'Excellent' with the energy and water sections meeting 63% and 89% respectively. This meets the requirements of policy SU2 and SPD08 and is secured by condition.

9 CONCLUSION

- 9.1 The demolition of the two curtilage listed buildings is considered acceptable having regard their limited historical and architectural significance and the benefits of the development in providing a high quality academic building that better preserves and enhances the setting of adjacent listed buildings and College Conservation Area. The loss of the Elm tree is regrettable however given its limited public visibility and proposed replacement with three new Elm trees, and the wider benefits outlined above, such a loss is considered acceptable in this instance. For these reasons the proposal would meet the requirements of local and national policy.

10 EQUALITIES

- 10.1 The building would be fully accessible for all.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 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.

Plan Type	Reference	Version	Date Received
Site plan	2001	B	23/06/2014
Existing ground floor plan	3010	B	23/06/2014
Existing lower ground floor plan	3011	A	23/06/2014
Existing roof plan	3015	A	23/06/2014
Existing east elevation	4000	B	23/06/2014
Existing west elevation	4001	B	23/06/2014
Existing section A	4020	B	23/06/2014
Existing section B	4021	B	23/06/2014
Proposed block plan	3000	B	23/06/2014
Proposed lower ground floor plan	3020	J	15/08/2014
Proposed ground floor plan	3021	J	15/08/2014
Proposed first floor plan	3022	J	15/08/2014
Proposed second floor plan	3023	J	15/08/2014
Proposed third floor plan	3024	J	15/08/2014

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Proposed roof plan	3025	E	15/08/2014
Proposed east elevation	4010	E	15/08/2014
Proposed west elevation	4011	F	15/08/2014
Proposed north elevation	4012	E	15/08/2014
Proposed south elevation	4013	E	15/08/2014
Proposed section A	4030	E	15/08/2014
Proposed section B	4031	E	15/08/2014
Typical façade bay- brickwork	5000	D	15/08/2014
Typical façade bay- curtain wall	5001	C	15/08/2014
Great Hall atrium link sections	5010	C	15/08/2014
Great Hall atrium link details	5011	A	23/06/2014

- 3) Unless otherwise agreed in writing by the Local Planning Authority, no cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, HE6 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 4) No works shall take place until samples of the materials (including samples of the timber louvres, roofing materials and details of all timber treatments) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and ensure the satisfactory preservation of the adjacent listed buildings and to comply with policies QD1, HE1, HE3 & HE6 of the Brighton & Hove Local Plan.

- 5) No development shall take place until sample panels of the brickwork and flintwork have been constructed on the site and approved in writing by the Local Planning Authority. The brickwork and flintwork comprised within the development, including the mortar, shall be carried out and completed to match the approved sample panels.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 & HE6 of the Brighton & Hove Local Plan.

- 6) No development shall take place until sample elevations and sections at 1:5 scale of the window frames and mullion profiles have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.

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- 7) No development shall take place until further details of the treatment of those areas of the northern elevation of the Great Hall that will become exposed within the atrium of the new building have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall indicate how the exterior walls will be treated including details of materials and finishes. Where doorway features are affected, proposed full details of the design, materials and finish of these elements should be provided. The development shall be carried out in strict accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and ensure the satisfactory preservation of the adjacent listed building and to comply with policies QD1, HE1 & HE3 of the Brighton & Hove Local Plan.
- 8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the planting of a minimum three Elm trees, including two on the footway along Sutherland Road. The scheme shall include the location of the new trees, their size (to be a minimum Heavy Standard with a 12-14cm girth), and planting method, and a maintenance programme. The trees shall be planted in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 9) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: To protect the 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.
- 10) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of swift and bat boxes and be implemented in full prior to the occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

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- 11) No development approved by this permission shall be commenced until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The foul and sewerage works shall be completed in accordance with the details and timetable agreed.
Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
- 12) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential 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' 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.
- 13) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) 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) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully

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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) (c).

Reason: To prevent pollution of the water environment and to safeguard the health of future residents or occupiers of the site and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 14) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that construction operations, vehicles, materials and waste do not impact on highway safety and the operation of the school, to protect the amenities of adjacent occupiers and to comply with policies TR7, SU13 and QD27 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 15) Unless otherwise agreed in writing by the Local Planning Authority, 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.

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.

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2. This decision to grant Planning Permission has been taken:
 - (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 demolition of the two curtilage listed buildings is considered acceptable having regard their limited historical and architectural significance and the benefits of the development in providing a high quality academic building that better preserves and enhances the setting of adjacent listed buildings and College Conservation Area. The loss of the Elm tree is regrettable however given its limited public visibility and proposed replacement with three new Elm trees, and the resulting wider benefits, such a loss is considered acceptable in this instance. For these reasons the proposal would meet the requirements of local and national policy.
3. The applicant is advised that formal applications for connection to the public sewerage system and to the water supply are required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel 0330 303 0119), or www.southernwater.co.uk
4. The applicant is advised that as the scheme includes a basement, the detailed design of the proposed drainage system should take account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
5. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds must not occur and the applicant must comply with all relevant legislation. Nesting season is from March – September inclusive, any nest found on the site should be protected until such time as they have fledged and left the nest.