

**LIST OF MAJOR APPLICATIONS**

<b><u>No:</u></b>	<b>BH2012/00384</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb &amp; Bevendean</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Former Falmer High School, Lucraft Road, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Construction of a temporary car park (4 years) accommodating 680 parking spaces and accessed via the A270 junction and existing tunnel under the railway-line, for use up to 50 times in any 12 month period in connection with events taking place at the American Express Community Stadium, along with erection of a temporary building (4 years) to accommodate The Bridge Community Education Centre.</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano</b>	<b><u>Valid Date:</u></b>	<b>21/02/2012</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>22 May 2012</b>
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	<b>DMH Stallard, Gainsborough House, Pegler Way, Crawley</b>		
<b><u>Applicant:</u></b>	<b>The Community Stadium Limited, The American Express Community Stadium, Village Way, Brighton</b>		

**1 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to **GRANT** planning permission subject to the following Conditions and Informatives.

1. The development hereby permitted shall be discontinued by the 31 May 2016, and the land restored in accordance with a restoration scheme to be submitted to and approved in writing by the Local Planning Authority. The restoration scheme shall include details of the timeframe for the restoration works.  
**Reason:** As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only and in accordance with policies QD1, QD2, QD4 and QD27 of the Brighton & Hove Local Plan.
2. The development hereby permitted shall be carried out in accordance with the approved drawings no. 11598 001, 11598 002, 11598 101, 11598 201, 11598 301, 22082 110, 22082 111 received on 10 February 2012, ED120/24 and ED120/258 received on 15 February 2012, 22082 110B and 22082 222 A received on 4 April 2012.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

PLANS LIST – 25 APRIL 2012

- 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.
4. Unless otherwise agreed in writing with the Local Planning Authority, the building hereby approved shall be constructed entirely in accordance with the material details shown on plan ref: 11598 301 which was received on the 10 February 2012.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
  5. No works shall take place within 15 metres of the south western and south eastern boundaries until details of a protection fence on the south western and south eastern boundary have been submitted to and approved in writing by the Local Planning Authority. The fence shall be implemented in accordance with the approved details.  
**Reason:** In order to protect the ancient woodland and Site of Nature Conservation Importance during construction works and to comply with policy NC4 of the Brighton & Hove Local Plan.
  6. No works shall take place until a scheme for the disposal of surface water has been submitted and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.  
**Reason:** The site is located within the groundwater source protection zone 1 for the Falmer Public Water Supply. The discharge of surface water needs to be of a high quality so as not to cause a detrimental impact through pollution and to comply with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
  7. The car park hereby approved shall not be brought into use for the American Express Community Stadium until the building hereby approved has been constructed and made available e for use for The Bridge Community Education Centre. The building shall be permanently retained for use by The Bridge Community Centre until the 31<sup>st</sup> of May 2016.  
**Reason:** In order to ensure that accommodation is provided for The Bridge Community Education Centre and that there is no loss of community facilities and to comply with Policy HO20 of the Brighton & Hove Local Plan.
  8. The number of times the car park hereby approved shall be used in connection with the American Express Community Stadium shall not exceed 50 times in any 12 month period. At all other times, the car park shall not be used for any other purpose apart from parking in connection with The Bridge Community Education Centre, and parking for The Bridge Community Education Centre shall not exceed the use of 10 of the standard car parking spaces at any one time, and 3 disabled parking spaces.  
**Reason:** The application has been assessed on the basis of the maximum number of times it could be used as being 50 times in any 12 month period. Any increased frequency of use has not been considered in terms of its impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies TR1, TR7, TR19 and QD27 of the Brighton & Hove Local Plan.
  9. The car park hereby approved shall not be used for private or taxi drop off in connection with events at the American Express Community Stadium.  
**Reason:** In order to limit the number of vehicles within the car park and using the tunnel under the railway-line from the A270, to those vehicles which are which are parking within the car park hereby approved and to

PLANS LIST – 25 APRIL 2012

- comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
10. The number of vehicles parked within the car park at any one time shall not exceed 680.  
**Reason:** In order to prevent block parking on the site and to ensure that a fire appliance would be able to access the site in a safe manner if needed in an emergency and to comply with policies TR7 and TR18 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 'Parking Standards'.
  11. Three disabled parking spaces shall be made permanently available to users of The Bridge Community Education Centre. The car park hereby approved shall not be brought into use for the American Express Community Stadium until the aforementioned disabled car parking spaces have been laid out in accordance with the approved plans and retained as such thereafter until the 31 May 2016.  
**Reason:** In order to ensure that there disabled parking spaces are provided for The Bridge Community Education Centre and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.
  12. When the car park is used in connection with the American Express Community Stadium, the only vehicular access and egress shall only be via the A270 and tunnel under the railway-line and shall not be via Lucraft Road.  
**Reason:** In order to prevent the use of Lucraft Road by vehicles and to prevent noise and disturbance to nearby residents as a result of vehicles using Lucraft Road plus other residential roads within Moulsecoomb and to comply with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.
  13. The car park hereby approved shall not be brought into use for the American Express Community Stadium until a Stewarding Plan has been submitted to and approved in writing by the Local Planning Authority. The Stewarding Plan will include details of the stewarding for match days and non-match days. The use and management of the car park shall be implemented fully in accordance with the approved details.  
**Reason:** To ensure the safe access and egress of vehicles to the site and to reduce conflict with pedestrians and cyclists and to protect the residential amenity of surrounding residents and to comply with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.
  14. On match days, the car park hereby approved shall only be made available to spectators attending a match at the American Express Community Stadium, who have purchased a pre-paid ticket to park in the car park.  
**Reason:** In order to restrict vehicular trips to the car park and surrounding area and to comply with policies TR1, TR2, TR7 and QD27 of the Brighton & Hove Local Plan.
  15. The car park hereby approved shall not be brought into use for the American Express Community Stadium until a minimum of 24 disabled spaces have been marked out and made available for use for spectators/visitors of the Stadium.  
**Reason:** In order to ensure that there disabled parking spaces are provided for American Express Community Stadium and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.
  16. The car park hereby approved shall not be brought into use for the American

PLANS LIST – 25 APRIL 2012

Express Community Stadium until a scheme detailing the interim methods of transportation and the routes from the car park at the former Falmer High School (ref: BH2012/00384) to the Stadium, for people with limited mobility, has been agreed in writing with the Local Planning Authority. The details shall include a timeframe for implementation and specification for the temporary ramp and access route along with the temporary access route which will be in place while the permanent ramp is under construction. The scheme shall be implemented fully in accordance with the approved details.

**Reason:** In order to provide an accessible route between the car park and the American Express Community Stadium and to comply with policy TR1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.

17. Unless otherwise agreed in writing with the Local Planning Authority, the car park hereby approved shall only be in use between the hours of 7am and 11.30pm.

**Reason:** In order to protect the amenity of nearby residents and to minimise noise pollution in compliance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

18. The development shall be carried out fully in accordance with the Tree Protection Measures contained within The Method Statement for the Alteration of Levels submitted on the 16 March 2012.

**Reason:** In order to protect the tree during the development and to comply with policy QD16 of the Local Plan.

19. No lighting shall be installed until the final details including the location, height, technical specification, LUX levels and lighting diagrams, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved details and retained as such thereafter until the 31<sup>st</sup> of May 2012.

**Reason:** In the interests of residential amenity and the visual amenity of the South Downs National Park and to ensure that the lighting does not negatively impact on bats, and to comply with policies SU9, QD2, QD8, QD18, QD26, QD27, and NC8 of the Brighton & Hove Local Plan.

20. The car park hereby approved shall not be brought into use in connection with the American Express Community Stadium, until the publicity material (including details of the distribution/advertising of such material), advising users of the car park that the most appropriate route when travelling from the west on the A27 will be via the Hollingbury junction rather than the B2123 junction, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to reduce the use of the A27/B2123 junction and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

21. Apart from the 9 lighting columns on the perimeter of the car park, and the one floodlight within the car park which is directly to the north west of the temporary building, no other floodlights within the car park shall be illuminated except for the times when the car park is in use by the American Express Community Stadium.

**Reason:** In the interests of visual amenity of the South Downs National Park and to ensure that the lighting does not negatively impact on bats, and to comply with policies QD8 and NC8 of the Brighton & Hove Local Plan.

22. Unless otherwise agreed in writing by the Local Planning Authority, all

## PLANS LIST – 25 APRIL 2012

lighting columns within the site shall only be illuminated between the hours of 7am to 11.30pm.

**Reason:** In the interests of visual amenity of the South Downs National Park and to ensure that the lighting does not negatively impact on bats, and to comply with policies QD8 and NC8 of the Brighton & Hove Local Plan.

23. No fencing, bollards or rails shall be installed on the site until details of such fencing, bollards and rails have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented fully in accordance with the approved details prior to the car park being first brought into use.

**Reason:** In order to protect the visual appearance of the area and to comply with policies QD2 and NC8 of the Brighton & Hove Local Plan.

24. The car park hereby approved, shall not be brought into use by the American Express Community Stadium until details of how the 3 Sheffield cycle stands for the Bridge Community Education Centre will be covered, has been submitted to and approved in writing by the Local Planning Authority. The 3 Sheffield stands shall be implemented fully in accordance with the approved details prior to the car park first being used by the American Express Community Stadium and made available thereafter until 31 May 2012.

**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.

25. The use of this car park hereby approved plus the use of the adjacent Brighton Aldridge Community Academy site, for parking to serve the American Express Community Stadium, shall not exceed 1,000 car parking spaces at any one time.

**Reason:** The application has been assessed on the basis of no more than 1,000 cars being parked on the two sites and no more than 1,000 cars accessing the site from the A270 via the railway-bridge, and an increased number of trips has not been considered in terms of the impact on the local highway network and highway safety and neighbouring amenity, and in relation to policies TR1, TR7, TR19 and QD27 of the Brighton & Hove Local Plan.

### Informatives:

1. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, 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:-

It is considered that there is a need for the proposed parking in relation to the existing situation at the stadium with a capacity of 22,500 and also to support the travel demand as a result of the additional spectators which would arise if the permission to increase the capacity were to be approved (BH2011/03861). The community facility will be retained on the site, and it is not considered that the proposals would jeopardise the longer term

development aspirations for the site. The proposal would not harm the setting of the National Park, and subject to conditions would not have an adverse impact on the local highway network, neighbouring amenity, ecology or water quality.

## 2 THE SITE

The site comprises the 'southern building' of the Former Falmer High School which is two storey. The majority of the existing building is vacant apart from a northern wing which is in use by the Bridge Community Educational Centre. As well as the existing building (4,650 sqm), the site contains hard-surfaced playing court areas, grassed amenity areas and car parking areas. The site is to the north east of Egginton Close, to the south east of the A270 and the railway-line and to the west of the new Brighton Aldridge Community Academy School. Vehicular access to the site is via Lucraft Road and via a tunnel under the railway-line from the A270.

The south eastern boundary of the site adjoins the South Downs National Park. The Westlain Plantation Site of Nature Conservation Importance and ancient woodland adjoins the south western boundary of the site and is near to the south eastern boundary. Located just beyond the south eastern boundary is an Archaeologically Sensitive Area.

There is one beech tree on the site which is protected by an area wide Tree Preservation Order for the site. All other trees on site have been felled (as approved under TPO application BH2012/00518).

## 3 RELEVANT HISTORY

### Falmer High School Site

**BH2012/00455:** Prior approval for the demolition of Former Falmer High School Buildings. Approved 10/04/2012.

**BH2010/03231:** Non Material Amendment to BH2009/01729 to amend transoms on glazing at first floor level on North West elevation, bricks adjacent to entrance steps and energy centre changed to 100% FLB selected dark facings. Amendment to white brick specification from Heylan Blanco to Vandersanden 38 creme, both by Hoskins. Approved 08/04/2011.

**BH2009/01729:** Application for partial demolition of Falmer High School (including the North Block, Canteen, Kitchen and Caretaker's flat) and construction of new Academy complex (Class D1), including sports hall, dining hall, performance areas, adaptable teaching spaces, caretaker's flat and communal space, along with a floodlit Multi Use Games Area (MUGA) and full size all weather playing pitch, and associated car and cycle parking, educational wind turbine, energy centre incorporating renewable technologies, landscaping and temporary construction access. Approved 16/10/2009.

**BH2008/00980:** Outline Application for partial demolition of existing school (locally known as North Block) and construction of a new academy complex (Class D1) with associated car parking and landscaping. Approved 18/06/2008.

### Tree Applications

**BH2012/00518:** Fell TPO trees: 6no Silver Birch (T1, T2, T3, T4, T6, T9), 1no Cherry (T5), 2no Maple (T7, T8), 4no Lawson Cypress (T10, T11, T12, T13),

## PLANS LIST – 25 APRIL 2012

1no Cotoneaster (T14), 1no Yew (T15), 1no Sycamore (T17), 2no Ash (T18, T20), 1no Leyland Cypress (T19) and 1no Apple (T21). Approved 30 March 2012.

**BH2012/00562:** Fell TPO tree - 1no Beech (T16). Refused 27/02/2012.

### AMEX Community Stadium site

**BH2011/01906:** Display of internally-illuminated totem sign, halo-illuminated fascia signs and internally-illuminated fascia signs with exterior LED halo lighting to facade of stadium. Display of non-illuminated totem, banner and post-mounted signs of varying sizes to stadium approach and concourse, including double-sided totem sign with LED screen. Approved 05/01/2012.

**BH2010/03838:** Display of internally-illuminated totem sign, halo-illuminated fascia signs and internally-illuminated fascia signs with exterior LED halo lighting to facade of stadium. Display of non-illuminated totem, banner and post-mounted signs of varying sizes to stadium approach and concourse, including double-sided totem sign with LED screen. Approved 16/05/2011.

**BH2010/03905:** Change of use of part of ground floor of East stand from educational space to medical centre. Approved 15/02/2011.

**BH2010/03817:** Reduction in height to the landscape bund adjacent to the east stand. (Part retrospective). Approved 11/03/2010.

**BH2010/02808:** Non material amendment to BH2008/02732 for external elevational changes to the north, east and west stands. Approved 22/09/2010.

**BH2010/02013:** Non material amendment for the reduction in chalk spoil levels and amendment to profile of contours on land south of Village Way. Amendment to scheme approved under BH2008/02732 for community stadium. Approved 28/07/2010.

**BH2010/01976:** Proposed revision to the North stand approved under planning application BH2008/02732 to include increased floor area for the club shop, new staff restaurant, new floor area for club offices, new museum, new floor area for storage and minor revisions to the North stand elevations. Approved 05/05/2011.

**BH2008/02732:** Revision to stadium permitted under 2001/02418/FP including change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium. Approved 22/04/2009.

**BH2001/02418FP:** A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. Approved 23/07/2007.

### Land East Of American Express Community Stadium Village Way, Falmer (Bennett's Field)

#### **(Lewes District Council)**

**LW/11/0466:** Planning Application for Temporary change of use of land for car parking (up to 650 spaces) for outdoor events at the American Express Community Stadium (to be used no more than 50 times per year). Approved for 3 years until 30 June 2014.

#### 4 THE APPLICATION

Planning permission is sought for a temporary car park (4 years) for 680 spaces which would be used in connection with the AMEX Community Stadium, up to 50 times per year. Of these 50 times per year, the car park would be used in connection with Outdoor Events including football matches and concerts, along with some non Outdoor Events (wedding fairs/conferences etc).

A temporary building (4 years) is also proposed which would accommodate The Bridge Community Education Centre who currently occupy a part of the existing building.

Ground works are proposed to create the surface of the car park which would include some excavation and levelling work in order to create a surface which slopes up in a more even manner from north west to the south east. There would be a difference of approximately 10 metres in levels within the car park.

Of the 680 spaces, there would be 24 disabled spaces proposed for spectators/users of the Stadium and 3 disabled spaces for users of The Bridge. The access to the car park would be controlled with a barrier. Access to the car park would be via the A270 and the tunnel under the railway-line not via Lucraft Road. Three cycle stands are proposed adjacent to the Bridge building.

The proposed building is single storey and would be located in the eastern section of the site where there is currently a basketball court. The building would be pre-fabricated in nature and would consist of grey natural marble ship panels on the lower part of the building with white aluminium weather-lap cladding on the upper part. The roof would consist of grey Torflex panels. Double glazed aluminium windows are also proposed.

The application has been amended in order to retain a protected beech tree within the site which has reduced the number of car parking spaces from 684 to 680.

#### 5 CONSULTATIONS

##### External

**Neighbours: Seven (7)** letters of representation have been received from **11, 22 Egginton Road, 60, 76 Ashurst Road, 27 Barcombe Road, 23 Hartington Terrace and 53 Bolney Road**, which object to the application for the following reasons:

- Roads in Moulsecoomb are jammed with traffic on match days. This car park will make this worse.
- Significant parking problems exist in Moulsecoomb on match days and as there are more cars currently parking in Coldean and Moulsecoomb on match days than the number proposed in this car park application, this problem will get worse if the additional 8,000 seats is granted.
- Parking problems will become worse when the new car park is advertised as more people will bring their cars to the area trying to park at the car park, then end up parking in surrounding area when the car park is full.
- Totally unsuitable to have additional traffic using the current infrastructure



## PLANS LIST – 25 APRIL 2012

from the A270 and under the railway bridge. This is a narrow road without footpath and can't accommodate 2 way traffic simultaneously.

- The current un-wardened signs advertise that these areas in Moulsecoomb are near to the stadium.
- The stadium has had a dramatic negative impact on the community with cars parked everywhere, children can't play safely, buses can't get through due to parked cars and fans have been abusive to residents.
- Need resident and visitor parking passes for Moulsecoomb and enforcement with fines for non residents.
- Residents of Moulsecoomb should be afforded the same protection as Falmer residents and those of Withdean, and fans should not be able to park in the residential areas.
- The Stadium should not be able to increase its capacity until such a time as the infrastructure can cope with the people already attending. At this present time, events at the Stadium have a very negative impact on the surrounding communities due to the fact there are not good enough bus and train services and parking facilities.
- The Stadium should pay to build sustainable transport to its events, such as putting in a tram. Ticket holders should be required to provide they have travelled to the Stadium on the train/bus/park and ride, by showing valid tickets to gain entry. This would stop them parking in the nearby estates.
- It is unsatisfactory to build a temporary Bridge facility. The local community does not want this centre knocked down and does not want a temporary structure put in the middle of a car park as a replacement.

One letter of representation has been received from **70 Ashurst Road** which supports the application. The grounds are on the basis that this application will hopefully stop some of the appalling parking in Lucraft, Eggington, Ashurst and all other surrounding roads.

**Brighton Aldridge Community Academy (BACA), Lucraft Road:** Comment – Street lighting along the former Falmer High School site should be provided. Support is given for the provision of a Pupil Referral Unit for the BACA students. It is hoped that the site will be landscaped and that traffic mitigation measures will not impact adversely on the Academy or any of the activities.

**Brighton & Hove Archaeological Society:** The development encompasses a large area, and archaeological investigations prior to the construction of 'The Keep' building close-by produced some evidence for Bronze Age activity in this location. Therefore, suggest that the recommendations of the County Archaeologist are sought prior to any decision being made on this application.

**County Archaeologist:** No objections. The proposed development is of archaeological interest due to the scale of the development within an area of prehistoric activity focused on the South Downs. However the applicant's desk based assessment clearly demonstrates that this site has been subject to considerable past disturbance and landscaping, which is likely to have destroyed any archaeological remains that may have existed. Archaeological investigation on the adjacent site, has also shown that the potential for deeper buried deposits relating to early prehistoric activity is low. The below ground archaeological

## PLANS LIST – 25 APRIL 2012

potential of this site can therefore be classified as low and will not require mitigation. For this reason, have no further recommendations to make in this instance.

**Environment Agency:** Our approach to groundwater protection is set out in our revised policy 'Groundwater Protection: Policy and Practice' (2008). In implementing our policy we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. We also seek to ensure that applicants provide adequate information to demonstrate that the risks posed by development to such groundwater assets can be satisfactorily managed. In this instance the applicant has failed to provide sufficient information.

The site is located within the groundwater source protection zone 1 for the Falmer Public Water Supply, with the abstraction boreholes being located in close proximity to the application site. Drinking water supplies are at risk from any pollutants entering the ground from the proposed development.

Details of the proposed surface water drainage system are provided in the Flood Risk Assessment (FRA) which was submitted in support of the planning application. The proposal is to discharge surface water from the car parking area to soakaway via a petrol interceptor. Because of the risks to groundwater we are concerned that the use of this basic pollution prevention system is not adequate at this site and that it could potentially cause pollution of drinking water supplies. An interceptor will only capture floating oil and fuels, not dissolved fuels.

Given the sensitivity of groundwater underlying the site, surface water from the car parking areas should be discharged to a mains system. It is not clear from the application that this option has been explored or discussed with the utilities provider.

If it is not feasible to connect to mains drainage, we would expect the applicant to demonstrate that risks can be mitigated through the installation of a more sophisticated system such as a "Treatment Train" process that incorporates several pollution prevention devices and potentially a reed bed system prior to the discharge to a soakaway so that the quality of water discharging to the soakaway is of high quality.

A satisfactory scheme needs to be designed and forwarded for comment and approval prior to commencement of any development. We expect to receive a satisfactory risk assessment and detailed design that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

We would like to refer the applicant to our groundwater policies in our Groundwater Protection: Policy & Practice (GP3) document, available from our website. This sets out our position for a wide range of activities and developments, including land contamination and drainage. In addition to this, the applicant is advised to refer to the CIRIA SUDs Manual C697 for further advice on drainage systems and groundwater risk management.

## PLANS LIST – 25 APRIL 2012

Recommend the below condition:

*“Prior to the commencement of the development a scheme for the disposal of surface water shall be submitted and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.”*

**East Sussex Fire & Rescue:** Fire appliances should be able to negotiate around the car park and the 4 metre aisle width should be maintained as a minimum.

**Highways Agency:** No objection. As this site was originally approved following a public inquiry, the Highways Agency has no objections in principle to this application. However since the inquiry the Highways Agency has become aware of traffic issues with the A27/B2123 junction. As a result do not wish to see users of this car park who approach from the west travel along to the A27/B2123 junction to turn and then to enter the car park which is the subject of this application.

The Highways Agency preferred option would be for users to be informed before hand to use the Hollingbury junction and then route via local roads, which have just been upgraded to access the Falmer Academy site. Discussions with the applicants indicate there may be a mechanism to enable this to happen. We do of course accept that this would be subject to negotiation with Brighton & Hove City Council Highways to ensure they are content with such an arrangement.

Recommend that you consider a condition which requires the applicants to take steps to promote the best route options to purchasers of parking spaces at the ticket purchase or transport purchase stage.

The Highways Agency will continue to discuss with the applicants the best options for securing advance signage if that turns out to be a practical and viable option. We are not requesting that this be a condition of this application.

**Lewes District Council:** Support the application. Note that the former Falmer High School land (known as the ‘Retained Land’) is proposed for 684 car parking spaces, as the original land designated for 1000 car parking spaces at Falmer High School has not come forward. As this land and access are entirely within the Brighton & Hove City Council administrative boundary, the proposal has minimal impact on the Lewes District. Pleased to note that the temporary car park has a reduced highway impact on the wider highway network. Lewes District Council therefore support the proposal and welcome the additional parking provision to meet the additional needs of an increased capacity stadium, as currently proposed. It is understood that appropriate conditions may be attached to any consent and the City Council are considered best placed to consider and impose these conditions accordingly.

**Natural England:** Ecology Report carried out by Ramboll recommends surveys to confirm the status of reptiles are carried out, as sub-optimal habitat suitable for reptiles and amphibians are also present within the development site. Agree with the recommendation that additional surveys should be carried out for

reptiles.

**Network Rail:** No comments to make.

**South Downs National Park:** Awaiting comments.

**Southern Gas Networks:** There is a gas main in the proximity of the site. No mechanical excavations are to take place or within 0.5 metres of the low pressure and medium pressure systems and within 3 metres of the high pressure system. Where required the position of mains should be confirmed using hand dug trial holes.

Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services”, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

**Sussex Police:** The crime at this location is average when compared to the rest of England and Wales. Recommend that the temporary Bridge building consist of PAS 024 external doors with windows conforming to BS7950. All ground floor and easily accessible glazing to be laminated. Any opening windows to have restrictors fitted and any outward opening doors would benefit from hinge pins. Fire doors are to be devoid of any external furniture. A monitored intruder alarm is recommended to be fitted within the building.

Have concerns that the car park may be misused out of hours if prevention measures are not considered at this stage. The remoteness of the location may encourage youths in cars to loiter about the area and commit acts of anti-social behaviour. In order to remove the possibility of this occurring ask that the gates to the west of this development are controlled when not in use and that anti-vehicle bollards or an acceptable compromise are used to restrict vehicular movement through the tunnel at the north west of the development during non-match days.

Signage erected at the entrances would also be beneficial.

**UK Power Networks:** No objection.

**University of Brighton:** Raise concerns regarding the potential impact of increased congestion in the area as a result of the increased parking capacity as a result of this proposal. Clearly the Stadium has undertaken additional traffic modelling to inform the transport assessment and planning statement supporting this application. Whilst the University remains sceptical about some of these assumptions, it is confident that the Council will, through its own analysis and consultation with the Highways Agency, establish the justification behind them and therefore their material impact on existing traffic patterns.

Also have concerns regarding the potential impact of the development of the fire brigade’s ability to get to the University and the Stadium during match days. The Council’s Security Advisory Group should assess the impact of this application

on the ability of the emergency services to respond to any incidents at both the University Campus and the Stadium.

The University supports the provision of the new facilities for the Bridge and recognises the importance of the contribution the Bridge makes to the local community.

**Internal**

**Arboriculturist:**

Comments made on 27 March 2012:

Do not consider that the current proposal is the optimum solution for this sole remaining tree on site and would ask to see no soil level changes in the root protection zone of the tree.

The car park could be constructed around the tree on the Root Protection Zone as long as it was done in accordance with BS 5837 (2005) ie, no machinery, hand dig, semi-permeable top surface etc. The gradient down to the RPZ could be gradual, allowing any surface water to drain into this area and thus boost the tree's supply.

Comments made on 6 March 2012:

There are many trees on this site covered by Tree Preservation Order (No 20) 1974. This is an Area Order.

The applicant's Arboricultural Report submitted to remove all trees on site is comprehensive. The majority of trees have defects that do not merit them worthy of retention, with the exception of one Beech tree.

If the Tree Preservation Order were upgraded to name individual trees, this Beech would most certainly be included on any new Order, and for this reason the Arboricultural Section asks that it is given consideration during the course of the development in order to ensure its retention.

Overall, the Arboricultural Section has no objection to this proposal, subject to suitable conditions being attached to any consent granted.

**Ecology:**

More information is required to determine the affects of the proposed lighting on bats. Appropriate nature conservation enhancement measures should be secured via condition, as should further details of the temporary protection fence proposed for the woodland.

This application involves three areas of concern for ecology:

1. Affects of the development on the adjacent Westlain / Hog Plantation Site of Nature Conservation Importance. Policy NC4 of the Local Plan, 2005 includes a presumption against development within the setting of an SNCI which is likely to have an adverse impact on the nature conservation features of the site. Westlain / Hog Plantation is also included in the revised Brighton & Hove Ancient Woodland Inventory (2010) and as such is protected under and as such is protected under paragraph 118 of the NPPF which states that

## PLANS LIST – 25 APRIL 2012

local authorities should not grant planning permission for any development that would result in its loss or deterioration unless the need for, and benefits of, the development in that location outweigh the loss of the woodland habitat.

2. Affects on bats. A previous, recent planning application relating to this site has shown that the woodland edge may be important for a local Serotine bat population. Bats are also likely to be resident in the former Falmer High School building, proposed to be demolished under application BH2012/00455. Bats are European Protected Species under the Habitats Regulations 2010 and are therefore protected by Local Plan policy QD18. It is illegal to kill, injure, or recklessly disturb bats, or to recklessly damage, disturb or obstruct access to bat roosts. Licences can be obtained to derogate from the legal protection otherwise afforded to them, but only if it can be demonstrated that the certain tests can be met.
3. Nature conservation enhancement. The NPPF paragraph 118 requires local authorities to encourage opportunities to incorporate biodiversity in and around new developments. This requirement is interpreted locally via policy QD 17 and Annex 6 of SPD 11. The area of the car park is 1.82 hectares, equivalent to 18,200 'naturepoints' under Annex 6 of SPD 11. To meet policy requirements, these must be accounted for through the provision of new nature conservation features.

With regards to issue 1, a comparison of the drawings showing the existing site and the proposed development shows that the proposed car parking spaces closest to the edge of the ancient woodland / SNCI are closer than the existing building in places. Nevertheless the south-western side of the car park is at least 15 metres away from the recognised ancient woodland boundary (although because of scrub encroachment, this may not appear to be the case from aerial photography) and this is in accordance with national planning guidance (including Natural England Standing Advice) and planning case law. On the southern side, there are parking spaces within 15 metres of the recognised ancient woodland boundary. However I agree with the ecological report submitted in support of the application, that the presence of a retaining wall and the nature of the vegetation in this area suggest that the ancient woodland boundary is erroneous at this point.

Although the location of the proposed car park is acceptable in planning terms with regards to its proximity to ancient woodland, the application should also address Local Plan policy NC4. The policy includes a presumption against development in vicinity of an SNCI where it is likely to have an adverse impact on the nature conservation features of the site.

To ensure the requirements of Local Plan policy NC4 are met, it would be essential to ensure the woodland is robustly protected throughout the construction phase through a durable temporary fence of the type described in the submitted arboricultural report. Mitigation of chronic disturbance in accordance with the measures described in paragraph 6.1.3. of the ecological report would also be appropriate.

With regards to issue 2, setting aside the likely presence of a bat roost in the

## PLANS LIST – 25 APRIL 2012

former Falmer School building (which is addressed in my comments for BH2012/00455), the main affect on bats is likely to be disturbance of their feeding and possibly roosting behaviour during both the construction and operational phases. There appears to be some confusion within the application regarding the degree of potential disturbance which would be caused. Paragraph 5.3.5 of the ecology report implies that the car park would be used for typically 6 or 7 nights a year from August to May. However elsewhere the application states that the car park would be used up to 50 times per year (e.g. the Planning Statement, para 1.1). It does not appear to be clear what type of floodlighting would be used and how often it would be used during the times of the year when bats would be attempting to use the area. Nor is the strategic importance of the area as a flight corridor for bats clear from this application. This is essential information in order to be able to assess the effect of the application on bats, in accordance with paragraph 99 of ODPM Circular 06/2005.

With regards to issue 3, no attempt appears to have been made to enhance the nature conservation value of the site (as opposed to mitigating for the potentially damaging effects of the proposal on the existing nature conservation interest). Space appears to be lacking for new habitat creation in the vicinity of the car park, but other land under the control of the applicant could be used.

**Environmental Health:** No objections. Recommend conditions to secure details of external lighting and for a discovery strategy to deal with any unexpected findings during the construction phase.

Part of the former School is currently used as a community centre and it is proposed to provide temporary accommodation on the Southern part of the site with a modular style building. This particular application is in tandem with a prior notification to demolish the building and more specific comments on construction site practices and measures to protect the residential neighbourhood have been added for that particular application (BH2012/00455)

The end use is a car park which is likely to be restricted to being used up to 50 times in any 12 month period. It is important to note from the outset that one of the proposals is to have car park users access the site from a specific junction and use the tunnel under the railway. If this is not done, would envisage a large increase in vehicular traffic and disturbance and unfortunately the department do not have any legislative powers to be able to deal with road traffic noise.

Another potential concern is lighting and its potential spill to residential properties. The submitted lighting document indicates that 8 new streetlights are proposed and temporary hooded lighting columns within the new car park. No details have been provided regarding hours of illumination, specific locations or types and lighting levels and therefore request a condition for external lighting.

Also recommend a discovery strategy to deal with any unexpected findings during the construction phase which would ensure that these would be appropriately dealt with.

## **Sustainable Transport:**

### General

This application contains little material on sustainable transport but is only to be implemented as parking for the stadium and the wider approvals attached to the stadium will ensure that sustainable transport considerations are addressed. The access arrangements to the retained land have been agreed as part of the main existing stadium consent.

### Parking

The number of general parking spaces is acceptable as it is carried forward from the original stadium consent. The TA refers to the opportunity to increase the number of spaces that are provided through the implementation of a block parking arrangement, but this may cause a fire hazard and should be prevented by condition unless agreed in writing by ESFRS.

In order to provide disabled parking for the stadium expansion in proportion to that approved with the original consent, there should be an increase of 35 spaces, from 122 to 167, provided with the stadium expansion. The retained land which is the subject of this application is the only site at which extra disabled parking is proposed and the intention is to provide only 24 stadium related spaces. This under provision should be resolved by a condition requiring the implementation of approved plans providing an increase to 35 spaces. The arrangements for travel by mobility impaired people to the stadium are not clear in the submission and a condition should also be attached requiring the submission of details for approval on this. This should include provision of a disabled access ramp if required.

A draft management plan for operation of the parking and access arrangements on matchdays has been submitted with the application and the agreement of a complete plan should be required prior to use of the car park by condition. SPG4 indicates that the Bridge facility needs at least 3 cycle and 3 disabled spaces and the provision proposed is at or above these requirements. The management plan referred to above should set out how these spaces will be reserved if required on matchdays. Also a condition should be attached to any consent requiring the implementation of revised and approved plans providing for the cycle stands to be covered.

### Highways impact

It has been successfully demonstrated with reference to current matchday counts and the trip generation estimates accepted as part of the original stadium application that the amount of traffic at the Lewes Road/ Stonymere Way/ BACA access road junction will not exceed that expected at the time of the original stadium consent.

## **6 MATERIAL CONSIDERATIONS**

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.”



## PLANS LIST – 25 APRIL 2012

The development plan is the Regional Spatial Strategy, The South East Plan (6 May 2009); East Sussex and Brighton & Hove Minerals Local Plan (1999); East Sussex and Brighton & Hove Waste Local Plan (February 2006); Brighton & Hove Local Plan (21 July 2005).

### **7 RELEVANT POLICIES & GUIDANCE**

#### National Planning Policy Framework

1. Building a strong, competitive economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

#### Brighton & Hove Local Plan:

- |      |  |
|------|--|
| TR1  | Development and the demand for travel  |
| TR2  | Public transport accessibility and parking   |
| TR4  | Travel plans   |
| TR7  | Safe development   |
| TR8  | Pedestrian routes  |
| TR11 | Safe routes to school and school safety zones  |
| TR14 | Cycle access and parking   |
| TR18 | Parking for people with a mobility related disability  |
| TR19 | Parking standards  |
| SU2  | Efficiency of development in the use of energy, water and materials                              |
| SU3  | Water resources and their quality  |
| SU4  | Surface water run-off and flood risk   |
| SU5  | Surface water and foul sewage disposal infrastructure  |
| SU9  | Pollution and nuisance control   |
| SU13 | Minimisation and re-use of construction industry waste   |
| SU14 | Waste management   |
| 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  |
| QD15 | Landscape design   |
| QD16 | Trees and hedgerows  |
| QD17 | Protection and integration of nature conservation features                                       |
| QD18 | Species protection   |
| QD26 | Floodlighting  |
| QD27 | Protection of Amenity  |
| HO20 | Retention of community facilities  |
| NC4  | Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGs) |
| NC8  | Setting of Sussex Downs Area of Outstanding Natural Beauty                                       |
| HE12 | Scheduled ancient monuments and other important archaeological sites                             |

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

SPD07 Advertisements

SPD11 Nature Conservation & Development

Planning Brief: Falmer Released Land

**8 CONSIDERATIONS**

Matters relating to the demolition of the building cannot be considered as part of this planning application. The demolition of the building was considered as part of the prior approval of details application (BH2012/00455), which was approved under the Council's scheme of delegation on the 4 April 2012.

The main considerations in the determination of this planning application are the background and need, principle of the uses, visual impact including the impact on the setting of the National Park, impact on neighbouring amenity, impact on local highway network, ecological impacts impact on water quality and archaeology.

A screening opinion was issued by the Local Planning Authority on the 7<sup>th</sup> of March 2012, which stated that an Environmental Impact Assessment (EIA) was not required for the proposed development, along with the demolition of the existing building (please note that demolition is not part of this planning application).

**Background & Need**

When the original planning permission was granted for the American Express Community Stadium (BH2001/03861/FP), a playing field to the north east of the application site, was included within the application boundary and it was considered at the time that the playing field would operate in a joint use between parking for 1000 spaces for the Football Club and sports for Falmer School. However, ownership of this area has passed to the Academy and the option of a shared space for parking and sport is no longer considered to be a viable option. This parking area would have been accessed via the A270 junction and the railway tunnel. The fact that consent does exist for 1,000 spaces on the BACA site is a material consideration in the determination of this planning application.

Conditions relating to the Stadium consent require that a minimum of 2,000 and a maximum of 2,200 car parking spaces are provided within 1.5 km of the Stadium (condition 39 of BH2001/02418/FP and condition 35 of BH2008/02732).

In order to address the shortfall in parking spaces that has arisen as a result of the playing field no longer being available for use, the Club secured a temporary permission for a car park at land to the north of the Stadium's Bus and Coach Park at land known as 'Bennett's Field'. 650 car parking spaces are accommodated within this car park, which was granted consent by Lewes District Council for a three year period (expiring 30 June 2014).

## PLANS LIST – 25 APRIL 2012

The car park currently proposed under this application, if approved, would be in place for a further two football seasons beyond the temporary car park at Bennett's Field.

Car parks at the University of Sussex provide the majority of the remaining parking. On weekends 1,100 spaces can be provided at the University, however, on weekdays only 900 can be provided. Other parking is provided within the car park at the Stadium known as Park Wall Farm (119 spaces) Falmer Academy Road site (111 spaces) and Copse Car Park at the University of Brighton (35 spaces). The car parking at the Falmer Academy Road site has never been brought into use. If this currently proposed car park was brought into use, it is unlikely that parking on the road side should be encouraged as this could conflict with the movement of vehicles to and from the car park and stewarding.

The current overall weekend parking provision equates to 2015 spaces, where the weekday provision equates to 1815 spaces. Therefore, there is a shortfall of 185 spaces in the minimum number of spaces the Club can provide for weekday games. When the Bennett's Field permission expires, without this car park currently proposed, the shortfall would be significant with a total of 1,165 spaces provided on a weekday (shortfall of 835 spaces) and 1,365 spaces on a weekend (shortfall of 635 spaces).

Conditions relating to the Stadium consent also restrict the number of spectators at any outdoor event to a maximum 22,500 (condition 43 of BH2001/02418/FP and condition 38 of BH2008/02732). Conditions also restrict the number of Outdoor Events at the Stadium which can be held to 50 in any 12 month period (of which not more than 2 can be music concerts) (condition 26 of BH2001/02418/FP and 22 of BH2008/02732).

An application to vary the above conditions and the car parking provision conditions, to allow an increase in the maximum spectator capacity from 22,500 to 30,750 and to allow for a minimum of 1,500 car parking spaces and a maximum of 3,000 car parking spaces within 1.5 km, is currently under consideration by the Local Planning Authority (BH2011/03861), and is the subject to a separate report to Planning Committee.

Even if the minimum number of parking spaces to be provided were to be lowered to 1,500 spaces, when the permission for Bennett's Field expires, without the currently proposed Falmer High School car park, there would still be a shortfall in the minimum number of parking spaces. (Total car parking for a weekday would be 1,165 - shortfall of 335 spaces and weekend total would be 1,365 - shortfall would be 135 spaces).

The predicted modal split for the application to allow an increase in capacity of up to 30,750 (BH2011/03861) takes account of the contribution that this currently proposed car park would make. Based on an average of 2.7 fans sharing a car, the 680 spaces could provide parking for 1,836 spectators.

The Transport Assessment which has been submitted in support of this planning application stated that the remaining 316 spaces (now 320 spaces as a result of

## PLANS LIST – 25 APRIL 2012

retaining the beech tree) of the 1,000 which were originally granted permission, could be provided somewhere on the new Brighton Academy site. If this is the case, then the two sites (BACA and this application site) could accommodate an additional 2,700 spectators.

This could therefore account for 2,700 of the additional 8,250 spectators this Club is seeking permission for. When the permission for Bennett's Field expires, there would again be a shortfall in parking provision. The Club proposed to address this through the provision of a Park and Ride site (location of site not yet known). This is discussed further in the committee report for the increase in capacity proposal (BH2011/03861).

The Stadium Transport Management Group is the forum for raising and resolving issues and to identify any appropriate research or surveys to identify problems and to mitigate adverse traffic impacts. The Group issued a study brief in late December 2011 to Peter Brett Associates (PBA) Transport Consultants who were commissioned to undertake an independent assessment of the transport arrangements adopted by the Stadium. The study brief sought an independent analysis of available data and report to assess the robustness of the Club's Transport Strategy and to assist the Council in its consideration of this application and that of the increase in capacity application (BH2011/03861). Within this independent assessment, the consultants state that *'in principle we think that the case for up to 800 additional car parking spaces on site can be made and therefore we support the use of the Falmer Released Land, as part of a package of measures and based on the Club's success to date in encouraging sustainable travel.'*

It is therefore considered that there is a need for the proposed parking in relation to the existing situation at the stadium with a capacity of 22,500, especially when the planning permission for the 650 spaces at Bennett's Field expires, and also to support the travel demand as a result of the additional spectators which would arise if the permission to increase the capacity were to be approved (BH2011/03861).

### **Principle of the uses**

The former use of the building was a school (non-residential educational D1 Use Class). Part of the building is also occupied by the Bridge Community Educational Centre.

Policy HO20 states that planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, Exceptions may apply when:

- a. the community use is incorporated, or replaced within a new development; or
- b. the community use is relocated to a location which improves its accessibility to its users; or
- c. existing nearby facilities are to be improved to accommodate the loss; or
- d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

The Brighton Aldridge Community Academy (BACA) was granted permission in

## PLANS LIST – 25 APRIL 2012

2009 (BH2009/01729). The scheme involved the enhancement of educational facilities on the site and increased facilities for the benefit of the local community, including the use of the new sporting and leisure facilities. BACA opened in September 2011. With the exception of that part of the building which is used by the Bridge Community Education Facility ('The Bridge'), the existing school buildings are now redundant and have been replaced by a much improved facility at BACA. Therefore, there is not considered to be an issue regarding the loss of educational facilities on site and this has already been considered as part of the BACA planning application (BH2009/01729). However, the community facility (The Bridge) is still protected by policy HO20 of the Local Plan.

Accommodation currently in use by the Bridge is over two floors and includes a reception, art room, café, a number of small offices, green room (used for different activities such as sewing classes etc), IT suite, therapy rooms, reading and language rooms and multi-function rooms (used for yoga classes etc). Outdoor space is also available which is accessed via the café. The floor area for these uses is approximately 520 sqm, which excludes any circulation space (corridors and steps etc) and W.C.s. Accessibility to the building is poor. Steps provide the main access to the front door, and there is a poor quality external lift from the car park which then provides access to the main entrance via a ramp.

The proposed building would provide 710 sq m of accommodation, of which 550sq m is usable accommodation. This is slightly more than the 520 sq m currently within the existing building. The accommodation would be provided within one floor of accommodation. Small ramps would be provided at the entrances. Therefore, with regard to accessibility it is considered that the proposed building would be an improvement over the existing situation.

The applicant has submitted an amended plan which shows a larger area of green space for The Bridge, and would compensate in terms of area and usable space, for the current outdoor space which will be lost.

It is considered that the existing facilities and activities on offer at The Bridge would be retained within the new building. Therefore, it is considered that criterion a) of policy HO20, which requires that the community use is incorporated, or replaced within a new development, is met.

A Planning Brief has been published for the site which identifies that the future use of the site should incorporate 800 car parking spaces for Event Days at the Stadium in a tiered arrangement below a mixed use development. Possible other uses are identified as those which would be associated with either of the Universities' growth aspirations and the area's Academic Corridor status. These include student accommodation, teaching and learning space, business enterprise and start-up business units. Other educational uses complementary to or in association with the adjacent Academy would also be acceptable in principle.

The Planning Brief has limited weight in the decision making process, as it has not been the subject of public consultation. However, as this proposal is for a

temporary car park (four years), it is not considered that it would prejudice the longer term aspirations for the site, as identified in the Planning Brief. The Bridge could also be permanently re-housed within any future redevelopment plans.

As discussed earlier in this report, it is considered that the principle of car parking on the BACA site was established as part of the earlier planning permissions for the site. As this car parking now cannot be delivered, it is considered that there is the need for parking to be provided on this adjacent site.

It is therefore considered that the principle of the uses are acceptable and are not contrary to the Local Plan.

### **Visual Impact**

Policy NC8 of the Local Plan will not permit development within the setting of the National Park, if it would be unduly prominent in, or detract from views out of the National Park. Policies QD1 and QD2 of the Local Plan seek to ensure that proposals for new buildings demonstrate high standard of design and emphasise and enhance the positive qualities of the local neighbourhood.

As previously mentioned the South Downs National Park adjoins the site on the south eastern boundary. The site is within a 'dip' in the landscape, is screened by adjoining trees and is not considered to be overly prominent in views from the National Park to the south and south east, or views from Stamner Park. The existing building would be demolished and the proposed building is much smaller in scale. Large areas of hard surfacing are proposed, however, in terms of its visual impact on the adjoining National Park, due to the difference in ground levels and the screening of adjacent woodland, the proposal is not considered to have a greater visual impact than development on the existing site and would not have an adverse impact on views from and to the National Park.

Lighting columns are proposed. Five are within the main section of the car park and nine are within the car park but would illuminate the access road which runs from Lucraft Road to BACA. These would need to be illuminated when the car park is not in use. However, the times would still be restricted to between 7am and 11.30pm. There are five lighting columns to illuminate the car park itself, one of these would illuminate the Bridge building. However, the remaining four would only be illuminated when the car park is in use by the Stadium (no more than 50 times in any 12 months).

The lighting, and its potential impact on bats is discussed later in this report. The final details of the lighting has yet to be agreed. However, the applicant has indicated that the lighting columns would be 8 metres high and the illumination shall be in a downwards direction with no light emitted above the horizontal. The applicant has also indicated that light spill would be designed to be in accordance with that defined within the Guidance Notes for the Reduction of Obtrusive Lights by the Institute of Lighting Engineers, for Environmental Zone E2, which is for low district lightness areas in rural, small villages or dark urban areas. Given the site's location near to the National Park it is considered that this is appropriate. A condition is proposed to secure the final details of the

lighting in terms of their height, technical specification and LUX levels.

The site is a previously developed site, next to the illuminated A27, near to both University Campuses and the residential area of Moulsecomb. Light spill already exists from these areas. Four of the lighting columns would only be in use 50 times in any 12 months, and none of the lighting columns would be in use between the hours of 11.30pm and 7am. As previously mentioned the site is within a 'dip' and is well screened. It is therefore considered that the lighting would not have an adverse impact on the setting of the National Park.

The modular building is single storey and would be located in the south eastern corner of the site. Although it would be sited in the most elevated section of the site which is 10 metres higher than the proposed car park on the north eastern corner, it is not considered that the proposed building would cause visual harm. It would be sited on approximately 2 metres lower than the level of the existing basketball court. The building would be screened substantially as a result of the ancient woodland from views from the south from the National Park.

The proposed building is a temporary pre-fabricated modular build. Given that it should be in place for four years only it is considered that a lower quality design standard is acceptable than a permanent structure.

The visual impact of both the car park and the temporary building, is therefore considered to be acceptable and would not harm the visual amenities of the area nor would it cause harm to the setting of the National Park.

### **Impact on Amenity**

Policy QD27 will not permit development where it would cause material nuisance and loss of amenity to existing residents/occupiers where it is liable to be detrimental to human health. Policy SU10 of the Local Plan requires development to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. Developments which are likely to generate significant levels of noise will only be permitted where appropriate noise attenuation measures are incorporated.

The amenity impacts which could arise from the use of the proposal include noise, dust and air pollution from the 680 vehicles accessing the car park. Impacts could also arise from the proposed lighting. The nearest residential properties are those on Lucraft and Eggington Road which are a minimum distance of 42 metres away.

The proposed car park, would be used for events taking place at the Stadium, and would therefore mainly be for weekend and weekday evening football games. The car park could also be used for other events at the stadium such as conferences and weddings fairs. However, the non football use of the car park is anticipated to be limited in terms of frequency within any 12 month period. The maximum number the car park could be used for all events would be limited to 50 times in any 12 month period.

When in use by the Stadium, the car park would be accessed via the A270

## PLANS LIST – 25 APRIL 2012

under the railway bridge and would not be via the residential roads of Moulsecomb. There would be vehicle trips associated with The Bridge Community Education Centre, via Lucraft Road, however, these are considered to be small in number, and not materially different to those trips to the Bridge which currently exist. Therefore, the impacts of the vehicle movements in terms of noise and pollution on nearby residents to the car park (Lucraft Road and Egginton Road) are considered to be limited in terms of number and frequency of vehicles.

As well as noise generated from the vehicle trips to the car park, there would be noise generated from vehicles manoeuvring on the car park itself. However, there is a strip of ancient woodland between the residential properties and the car park which would act as a buffer, and given this and as the car park would only be in use 50 times in any 12 months, it is considered that the impact on neighbour would be acceptable. There would be some evening games and concerts, for which the car park would be in use. However, these would only equate to a proportion of the 50 times the car park could be use per year, and a condition is proposed to require that the car park cannot be used after 11.30pm.

The ancient woodland would also provide a buffer between light spill and the residential properties, and given conditions are recommended to control the use and times of the lighting, it is considered that there would not be an adverse impact light pollution impact on neighbours.

Therefore, for the reasons set out above, it is considered that the proposal would not have a significant adverse impact on the amenity of nearby residents.

### **Impact on local highway network**

Policy TR7 of the Local Plan is concerned with the safe development of sites and will not permit development which would increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR1 of the Local Plan requires that developments provide for the travel demand which they create.

The use of the car park would be in connection with the Stadium and its frequency of use limited to no more than 50 times in 12 months. The main use of the car park would be in connection with outdoor events taking place at the Stadium, and would therefore mainly be for weekend and weekday evening football games and music concerts (music concerts are limited to two a year). However, the applicant has requested that the car park be used for non outdoor events such as conferences and weddings fairs. As long as the overall use of the car park is still restricted to 50 times in any 12 month period, it is considered that the use of the car park for both outdoor and non outdoor events would be acceptable.

The car park would be accessed via the A270 under the railway bridge and would not be via the residential roads of Moulsecomb (Lucraft Road). There would be vehicle trips associated with The Bridge Community Education Centre which may use Lucraft Road, however, these would be small in number, and this arrangement would be no different to the existing situation.



## PLANS LIST – 25 APRIL 2012

Proposed vehicular access to the car park is via the A270 and the tunnel under the railway line. This tunnel is narrow in width and does not permit two way traffic. However, an important material consideration when assessing this application, is the original permission for the stadium. As part of this original permission, 1,000 spaces on the adjacent BACA site were also approved (BH2001/03861/FP). The access and egress to this 1,000 space car park would have also been via the A270 and the tunnel. Paragraph 3.16 of the 2003 Inspector's Report stated that *'....there would be a further 1,000 spaces available at Falmer High School where it is proposed to strengthen the surface of an existing playing field to enable its continued use for recreation as well as, when required, for parking purposes (Docs CD1.05C and 107); the proposed junction associated with the new A270 flyover would provide access to this facility.'* Therefore, the principle of using the tunnel for access and egress to a 1,000 space car park has already been established.

The Council's Transport Team has commented that the application *"has successfully demonstrated with reference to current matchday counts and the trip generation estimates accepted as part of the original stadium application that the amount of traffic at the Lewes Road/ Stonymere Way/ BACA access road junction will not exceeded that expected at the time of the original stadium consent."* Therefore, it is considered that the impact of the proposal and the additional vehicular trips would not be greater than that which was predicted when the original Stadium application was approved (BH2001/03861/FP), and would not cause an adverse impact on the local highway network.

Stewarding was a mitigation measure identified in the original application, and will be vital for the access and egress to work effectively and for the conflict with pedestrians and cyclists to be minimised. A draft Stewarding Plan has been submitted as an appendix to the Transport Statement.

Parking spaces would be pre-sold to season ticket holders, as are the spaces at Sussex University and Bennett's Field. This should eliminate trips from any drivers who do not have a pre-paid ticket for the car park. The route which must be used to access the car park (A270 not Lucraft Road) would also be promoted to purchasers of tickets. Stewards would prevent access to the site from Lucraft Road.

Tidal systems are proposed to operate at the tunnel allowing alternate access for vehicles and pedestrians, and at the end of the footpath/cycleway. The draft stewarding plan states that priority would be given to pedestrians and cyclists over vehicles. Pedestrians would also be using the tunnel to access the westbound bus stop adjacent to the signalised junction on the A270.

The Club have been successful in offering pre-match and post-match refreshments, and this has spread the profiles of arrival and departures times. As such it is predicted that vehicles will begin to arrive 2 hours prior to any game and depart up to 1 ½ hours after. This would help in reducing the conflict between vehicles and pedestrians/cyclists.

The Club are also used to providing stewarding in areas where there is potential

## PLANS LIST – 25 APRIL 2012

conflict such as within the ‘tear drops’ of the bus and coach park of the Stadium, where there are buses, pedestrians, taxi-drop off and vehicles accessing Bennett’s Field.

Access to the school site and the Bridge would be maintained via Lucraft Road. The stewarding plan does not provide details of the numbers of stewards, how access will be maintained for users of the Bridge or how it will be stewarded for non outdoor event use. A condition is recommended in order to secure a final stewarding plan which will address these details.

The Transport Statement has stated that the remaining 320 spaces out of the 1000 could be provided at BACA. It would be undesirable if the 680 spaces were implemented at this site, and the 1,000 spaces were also implemented on the BACA site. This due to the narrowness of the tunnel, and as it is only the impact of 1,000 vehicles on the local highway network, not the impact of 1680 spaces, which has been assessed both as part of this application and the original Stadium application. Therefore, the use of the combined two sites (BACA and Falmer High School) for no more than 1,000 spaces, needs to be controlled. A condition to this effect is proposed.

The cumulative impacts of the combined vehicle trips with the Academy and the Keep also need to be assessed, mainly in terms of the impact on the local highway network and amenity. The peak of the Academy trips would be related to school opening and closing times, and therefore would be mainly outside the times when the proposed car park would be in use.

The times that the approved car park at The Keep can be used is controlled by planning condition from 9am to 10pm. Therefore, there may be times when there is an overlap between the use of the two car parks. Both are accessed via the A270, however, it is only the proposed car park which is accessed via the tunnel under the railway-line. However, the approved car park at The Keep would accommodate only 59 spaces. Therefore, even if the car parks are in operation at the same time, the cumulative impacts on the highway network are not considered to be significant.

Subject to the condition to require stewarding, it is considered that the proposal would not be of detriment to the local highway network nor would it jeopardise highway safety. The highway impact would not be materially different to that which could arise as a result of the approved scheme for 1,000 parking spaces on the adjacent BACA site.

### **Disabled parking and access**

24 disabled spaces are to be provided within the car park for users of the Stadium. Mobility impaired spectators and visitors to the stadium will be transferred to the stadium on a ‘shuttle service’. This is similar to the situation which exists at the disabled parking at the University of Sussex.

The shuttle service would run along the pedestrian/cycleway which runs parallel with the railway-line. As a result of the delays in the construction of part of the sporting facilities at the BACA site, it has not been possible to construct the

## PLANS LIST – 25 APRIL 2012

approved permanent access ramp to the south of the railway underpass adjacent to the pedestrian/cycle access to the stadium. As such details of interim measures have been sought from the Club which are as follows:

- Route 1 – which will be used whilst the Kier temporary access is in use to construct the multi-games pitch at BACA (which is due to be completed in August 2012) will involve using the existing construction vehicles access on the BACA site which runs parallel and is adjacent to the cycle/pedestrian access, and then where the levels are equal a section of the fencing is to be removed to allow access onto the path and up to the stadium.
- Route 2 – which will be used whilst the permanent ramp is constructed, will use the existing emergency access which runs along the north side of the BACA building and through the University of Brighton up to the stadium. Construction of the permanent ramp will take place some time between August 2012 and be completed before the end of December 2012.
- Route 3 – is the permanent route, which will be used following construction of the permanent approved ramp from December 2012 onwards.

Some information is lacking from the above, such as the exact location where the route 1 would join the pedestrian/cycle way. Therefore, a condition is proposed to require the final details for these interim measures to be agreed.

The Sustainable Transport Team has commented that 35 disabled parking spaces should be provided at this site. The total number of disabled parking spaces proposed to be provided by the Club as part of their increase in capacity is discussed as part of the report to Planning Committee (BH2011/03861). Additional disabled parking spaces are being provided at Sussex University.

It is recognised that once the permission for the car park at Bennett's Field expires, as this contains 24 disabled spaces, there may be the requirement to locate more disabled spaces either at this car park or at the University of Sussex. However, this would be addressed through the Travel Management Plan.

### Parking provision for The Bridge

Three disabled parking spaces and 3 cycle Sheffield stands are to be provided adjacent to the proposed Bridge building. The number of disabled and cycle parking is in line with the requirement of SPG4 'Parking Standards' and is therefore considered to be acceptable.

As there is existing car parking available for the Bridge, a condition is recommended to require that 10 standard spaces are provided for the Bridge (although these would not be available when the car park is in use by the Stadium).

### **Ecology/Nature Conservation**

#### Site of Nature Conservation Importance/Ancient Woodland

Policy NC4 will not permit development within, or within the setting of a Site of

## PLANS LIST – 25 APRIL 2012

Nature Conservation Importance where it is likely to have an adverse impact on the nature conservation importance of the site. The boundary of the SNCI adjoins the site with the south west boundary and is in close proximity to the south east boundary (2 – 16 metres). A 15 metre buffer would be present between the car parking and the south west boundary which is considered to be acceptable in order to prevent any damaging impacts on the SNCI and the ancient woodland

On the south eastern boundary a 15 metre buffer does not exist in certain areas between the proposed car park and temporary building south eastern boundary and the SNCI. However, the existing building, basketball court and retaining wall are located near to the boundary, so it not considered that the proposed development would have a significantly greater impact than that which currently exists. The Council's Ecologist has no objection to this subject to a condition to require that a robust protective fence be installed throughout construction in order to protect the SNCI and ancient woodland.

The Council's Ecologist has commented that no attempts have been made to enhance the nature conservation value of the site. The exiting site has limited value given that the majority of the site is covered by a building or hard-standing. Given that this is a temporary proposal for 4 years, it is considered that the lack of new habitat creation is acceptable in this instance and should be incorporated into any longer term development plans for the site.

Policy QD18 of the Local Plan will not permit development that would be liable to cause demonstrable harm to protected species or their habitats. Bats are European Protected Species under the Habitats Regulations 2010 and are therefore protected by Local Plan policy QD18. The proposed lighting has the potential to cause interference with the activities of bats including their foraging. As previously mentioned in this report, additional details regarding the lighting have been supplied by the applicant, although the final specification is proposed to be secured by condition.

The key time that lighting can cause interference with bats is when they are active during the months of April to October and does not include the winter months. The football season is normally August to May. Therefore, the number of times in a year the lighting as a result of evening games, could cause interference with bats is considered to be limited. Based on this football season this equates to 9 evening games, plus the 2 concerts in June. The view of the Council's Ecologist with regard to the additional lighting details, will be reported via the latelist for planning committee. However, it is considered that the proposed condition will provide adequate control over the lighting as to not cause a significant adverse impact on the activities of bats.

Natural England has commented that additional surveys should be carried out for reptiles, however, given the site's conditions, the Council's Ecologist does not consider that this is warranted.

### Beech Tree

Policy QD16 of the Local Plan seeks to retain existing trees and that works to a

## PLANS LIST – 25 APRIL 2012

tree covered by a Tree Preservation Order will only be permitted where the works do not damage the amenity value or health of the tree.

Trees on the site were covered by an area wide Tree Preservation Order (TPO) which dated from 1974. A TPO application to fell 19 trees was recently approved (BH2012/00518). All of these trees were considered by the Council to be of low amenity value and low quality. If the Council's Arboricultural Section were to resurvey the site and update the 1974 TPO, none of these trees would have been included in an updated Order. In addition to their low amenity value, several of the trees have defects such as die-back in the crown, fungal fruiting bodies indicating deadwood or partially collapsed canopies. Conditions attached to this permission require replacement trees in the vicinity of the site, in locations which would have public benefits. There is limited scope for additional planting on site, given the large area of hard-standing, and as the longer term development scheme for the site is un-known at this stage.

An application to fell a beech tree (T16) was refused. This tree was considered to be of some stature and moderate quality. If the Council's Arboricultural Section were to resurvey the site and update the TPO, this tree would most certainly be included in an updated Order. This tree does not have any visible structure defects that would warrant its removal. Therefore, the applicant was asked to submit amended plans as part of this current application which showed the retention of the tree.

The applicant submitted details which showed that this tree could be retained. The area of the root protection zone would be built up around the tree by using a permeable geotextile layer. However, the build up in levels would be significant (up to 1 metre including the top soil layer). An alternative solution is currently being negotiated with the applicant which will involve grading the levels of the car park up in the area near to the tree which would result in a smaller depth of geotextile layer needing to be installed. This would involve the loss of 4 parking spaces around the tree. Some parking spaces could still be located under tree and they will be surfaced in a permeable layer instead of tarmac in order to allow water to gain access to the roots. The final details will be reported via the latelist for planning committee, along with the views of the Council's Arboriculturist and the Environment Agency. It is considered that an acceptable situation can be found which will secure the long term health of the tree.

### **Water Resources**

Policy SU3 of the Local Plan will not permit development which would result in an unacceptable risk of pollution of water resources. The site is located within the groundwater source protection zone 1 for the Falmer Public Water Supply, with the abstraction boreholes being located in close proximity to the application site. Drinking water supplies are at risk from any pollutants entering the ground from the proposed development.

Details of the proposed surface water drainage system were provided in the Flood Risk Assessment (FRA) which was submitted in support of the planning application. The proposal is to discharge surface water from the car parking area to soakaway via a petrol interceptor. The Environment Agency have raised

concerns that this basic pollution prevention system is not adequate at this site and that it could potentially cause pollution of drinking water supplies. This is as the interceptor will only capture floating oil and fuels, not dissolved fuels.

Given the sensitivity of groundwater underlying the site, surface water from the car parking areas should be discharged to a mains system. The applicant has been asked to investigate this possibility.

If it is not feasible to connect to mains drainage, The Environment Agency expect the applicant to demonstrate that risks can be mitigated through the installation of a more sophisticated system such as a "Treatment Train" process that incorporates several pollution prevention devices and potentially a reed bed system prior to the discharge to a soakaway so that the quality of water discharging to the soakaway is of high quality. However, it is considered that there is limited space available for a reed bed system.

A condition is recommended to require details of the disposal of surface water to be agreed prior to commencement of development.

### **Archaeology**

The site has been subject to considerable past disturbance and landscaping, and the County Archaeologist considers that this is likely to have destroyed any archaeological remains that may have existed. Therefore, there are not considered to be any adverse impacts on archaeology.

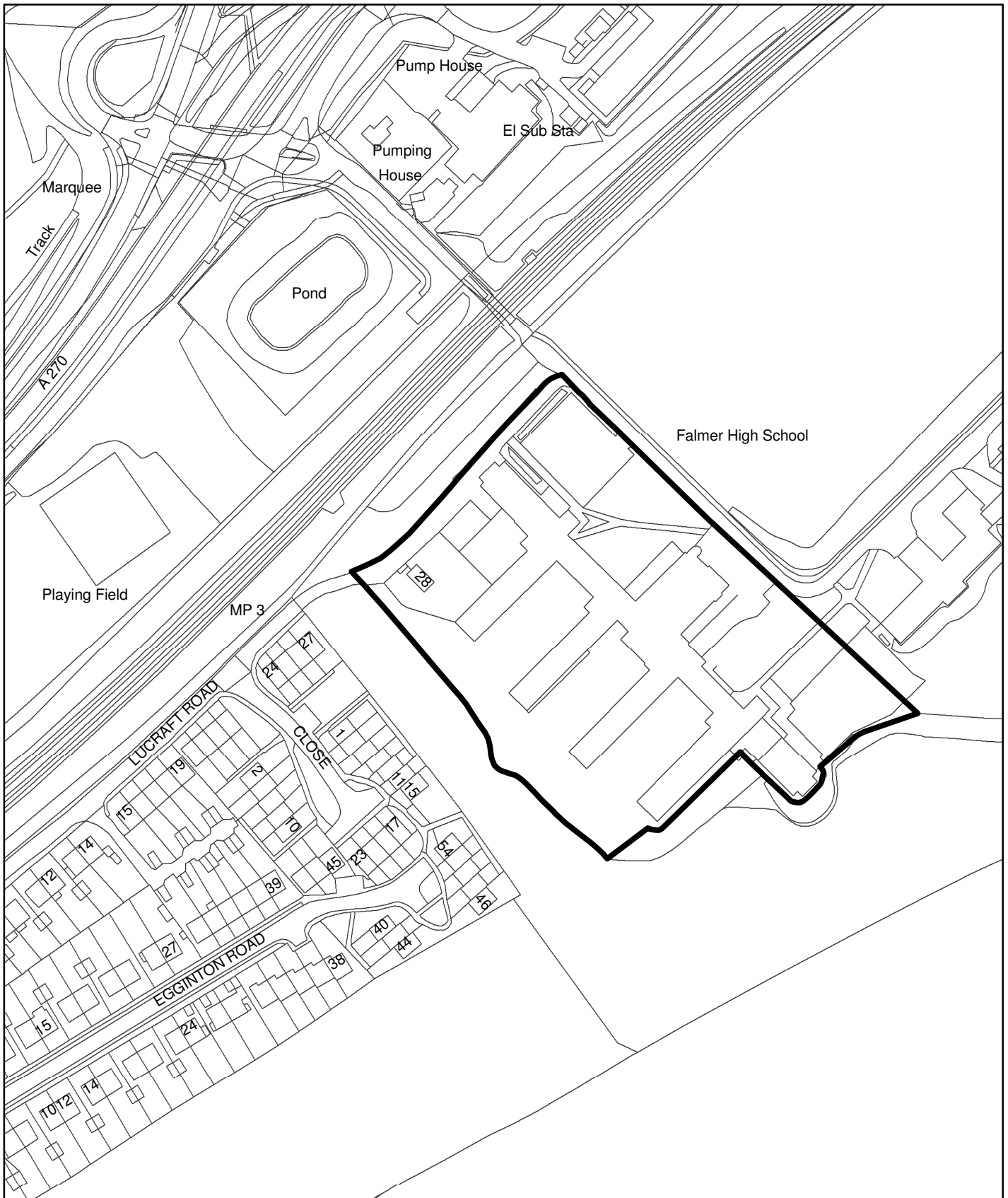
## **9 CONCLUSION**

It is considered that there is a need for the proposed parking in relation to the existing situation at the stadium with a capacity of 22,500 and also to support the travel demand as a result of the additional spectators which would arise if the permission to increase the capacity were to be approved (BH2011/03861). The community facility will be retained on the site, and it is not considered that the proposals would jeopardise the longer term development aspirations for the site. The proposal would not harm the setting of the National Park, and subject to conditions would not have an adverse impact on the local highway network, neighbouring amenity, ecology or water quality.

## **10 EQUALITIES IMPLICATIONS**

24 disabled parking spaces are proposed for use by the Stadium and 3 disabled parking spaces are proposed for use by the Bridge Community Education Centre. Accessibility to the section of the building which is currently use by 'The Bridge' is poor, and it is considered that the proposed building would be an improvement in terms of accessibility.

# BH2012/00384 Former Falmer High School, Lucraft Road.



**Brighton & Hove  
City Council**



**Scale: 1:2,000**