

<u>No:</u>	BH2017/01043	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Brighton College Eastern Road Brighton BN2 0AJ		
<u>Proposal:</u>	Installation of a temporary inflatable dome over tennis court incorporating plant machinery, shed and associated works.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	10.04.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	05.06.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Adams Planning + Development Ltd Lowry House 17 Marble Street Manchester M2 3AW		
Applicant:	Mr Stephen Patten Brighton College Eastern Road Brighton BN2 0AL		

1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	D2R-BRC-01	-	10 April 2017
Block Plan	D2R-BRC-01	A	10 April 2017
Detail	BRC002 (ONE COURT LAYOUT)	A	27 March 2017
Detail	D30128/PY/A (LIGHTING PLAN)	-	24 March 2017
Detail	082060-01	-	27 March 2017
Detail	(MOTOR GRAPH)	-	27 March 2017
Detail	BRC002 (ONE COURT LAYOUT)	-	27 March 2017
Detail	(SCHEDULE OF MATERIALS)	-	10 April 2017
Detail	(BROCHURE)	-	10 April 2017
Detail	(PLANNING STATEMENT)	-	27 March 2017
Detail	(CONSULTATIO	-	1 June 2017

	N RESPONSE)		
Location Plan	-	-	27 March 2017
Location Plan	D2R-BRC-01	A	10 April 2017
Block Plan	D2R-BRC-01	-	10 April 2017
Detail	D30128/PY/A (LIGHTING)	-	24 March 2017
Detail	(GRAPH)	-	27 March 2017
Detail	082060-01 (MOTOR)	-	27 March 2017
Detail	BRC002	-	27 March 2017
Detail	(SCHEDULE OF MATERIALS)	-	10 April 2017
Detail	(BROCHURE)	-	10 April 2017
Detail	(PLANNING STATEMENT)	-	27 March 2017

- 2 The temporary inflatable dome, storage shed and fan housing units and associated equipment hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 1 September 2020 or following the occupation of the development approved under **BH2015/02403**, whichever is sooner, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
Reason: The structure hereby approved is not considered suitable as a permanent form of development and to comply with policies CP12 and CP15 of the Brighton and Hove City Plan Part One.
- 3 Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4 The external lighting hereby approved shall not be illuminated except between:- (08.00am to 09.30pm) Mondays- Sundays
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5 At no time shall the lighting scheme result in light intrusion into habitable room windows of adjacent buildings that exceeds a level of 5 lux vertical illuminance.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6 Any additional lighting within the site beyond that hereby approved shall be in accordance with details which have been previously approved by the Council.

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

Informatives:

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

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Brighton College campus 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. The Tennis Court is situated to the northern part of the playing fields. The campus comprises a core collection of grade II listed buildings. The north and east boundaries of the sports field are listed.
- 2.2 Planning permission is sought for the temporary installation of an inflatable dome over the tennis court incorporating plant machinery, shed and associated works. The dome would have a maximum height of 7.6m and would be 18m by 36.5m in area.

3. RELEVANT HISTORY

BH2017/00547- Installation of metal gate, brick piers and raised metal decking to west elevation. Approved 01.06.2017.

BH2017/00482 - Erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets & storage unit. Under consideration.

BH2015/04396 - Erection of two storey temporary classroom modular building. Approved 05/02/16.

BH2015/02403 - Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Approved 02/07/2015.

BH2015/02404 Listed building consent for the removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area. Approved 26/10/2015

BH2014/02054 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. Refused 22/09/2014. Appeal Allowed.

4. REPRESENTATIONS

4.1 Seventeen (17) letters of representation has been received objecting to the proposal for the following reasons:

- Result in light pollution
- Result in noise and disturbance and vibration pollution
- Floodlights would cause disruption to wildlife and structure could damage the trees
- The dome and machinery would be unsightly and inappropriate in terms of design and materials
- Obstruction of view across the playing fields and sea view
- The precedent set for a permanent structure and future buildings in this location
- The dome would be a violation of the resident's quality of life and outlook
- Reduce the value of nearby properties
- The design purpose and structure would have a detrimental effect on the conservation area and affect listed structure
- The boundary treatment would not screen the dome from view
- The use of the indoor dome could impact student's health
- Issues regarding the details of the application, time of use, colour of dome and machinery, use of the dome, disagreements with the planning statement

4.2 Councillor Barford has objected to the application, a copy of the letter is attached to this report.

5. CONSULTATIONS

5.1 **Heritage:** Objection

Original comment

Statement of Significance

Brighton College campus forms the bulk of the College Conservation Area and comprises a core collection of grade II listed buildings which form the historic origins of the school on this site spanning 1849 through to 1897. These have gradually been augmented through the 20th century and into the 21st century to form a tightly knit composition of buildings on the southern half of the college site. The sports field, known as Home Ground, occupies almost half of the college site and is a large, important piece of open space viewed from surrounding streets and buildings. The north and east boundaries of the sports field are also listed.

5.2 The Proposal and Potential Impacts

This application is for an inflatable structure to provide an indoor tennis facility for school use in the winter months. It is proposed to cover the area of one

tennis court at the northern end of the sports field, and would be accompanied by lighting, a storage shed and equipment needed to inflate the structure. At its highest point it would be 7.6 m high.

- 5.3 It is considered that due to the distance from the historic core of the campus buildings the proposal would have low or little impact on the significance of the listed buildings, however it would have a much closer relationship with the boundary wall and railings along the northern boundary and would have an adverse impact on this listed structure.
- 5.4 It is also considered that the proposal would harm the open, uncluttered character of the sports field. As stated above, this forms a large, historically undeveloped, part of the conservation area, and continues to be a valued open space overlooked by surrounding buildings. The existing tennis courts are enclosed by wire fencing, however this is very low impact; the dome would be far more prominent due to its size, form and material, and when illuminated these characteristics would be exaggerated.
- 5.5 The facility is proposed to be in use during the time of year when the trees around the boundary, which may otherwise have provided some screening, would have lost their leaves.
- 5.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers under the Planning Acts in respect of buildings or other land within a conservation area, the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the conservation area.
- 5.7 It is considered that the harm that would be caused would be less than substantial and paragraph 134 of the NPPF states that public benefits arising from the scheme can be balanced against the harm, however it is not considered in this instance that there are public benefits that would outweigh the harm.
- 5.8 (22.05.2017) Update following further information
The applicant has provided some more information regarding the length of time for which this facility is required, and it is now confirmed that the completion of the new sports and science building will remove the need for the dome after 3 years. The limited time period would remove the harm in the long term, however the dome is now stated to be required all year round rather than just in winter months.
- 5.9 It remains that the heritage team is still unable to support the proposal due to the harm set out above, however the case officer may consider that the

temporary nature of the proposal and the presence of the sports and science building construction site adjacent should override this concern.

5.10 **Environmental Health:** No objection

I have now examined the Planning, Design & Access Statement by Adams Planning + Development Ltd, prepared by Russell Adams, dated March 2017 which has been submitted as part of the above application.

5.11 At 2.13 within the statement specific reference is made to noise generation.

5.12 The noise calculation used is appropriate and I have no reason to disagree with the conclusion drawn that the 5db(A) below background standard we apply for pieces of new plant and machinery in Brighton & Hove will be achieved at a distance of 36 metres from the fans (the nearest noise sensitive property).

5.13 With regards to the light emitted from the dome, the nationally recognised document to have reference to is 'Guidance Notes for the Reduction of Obtrusive Light.'

5.14 In accordance with the guidance notes when taking into account the 'Surrounding Lighting Environment', the design would have to ensure that 'Light Intrusion into Windows' pre-curfew (before 23.00hrs) could not exceed a limit of 5 Ev(vertical illuminance in Lux).

5.15 2.18 and Appendix 5 addresses this and it is stated 'The Lighting Plan demonstrates that the light shed will be 1 lux at a distance of 15 metres from edge of the existing tennis courts fenced run off area. We have enclosed an aerial in Appendix 5 which demonstrates that the distance from the lighting to the nearest residence is approximately 24 metres. The lux levels are, therefore, well within acceptable tolerances.'

5.16 As such, it is reasonable to assume that there will be no light intrusion into surrounding properties.

Due to the above, from an Environmental Health perspective, it seems reasonable to permit this development and while securing the above aspects by condition.

5.17 **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to the above application. The proposed use is seasonal to allow extended use of the existing tennis court during winter months and it is understood that its use will be largely ancillary to the existing college. As such, it is not expected to generate substantial numbers of new trips.

5.18 It is noted that the Planning Statement indicates that visitors will have access to the facility for coaching classes. However, given the size of the proposal (one court), it is expected that any additional trips would be limited and not result in a significant impact upon surrounding highway and transport networks in this instance.

5.19 **Sports England: No objection**

Sport England -Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595).The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy on planning applications affecting playing fields 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

5.20 The Proposal and Impact on Playing Field

The proposal is for the installation of an inflatable dome over a tennis court incorporating plant machinery, shed and associated works. It is unclear whether this dome infringes on existing playing field (other than the tennis court) as two location plans appear to conflict; one plan does show some infringement.

5.21 Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. As the tennis courts adjoin playing field, they considered to be part of the playing field. It therefore needs to be considered against exception E5 of the above policy, which states:

- E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

5.22 I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E5. In assessing this application I have consulted both the LTA and the ECB's comments (as the adjacent playing field would appear to be used for cricket).

5.23 The LTA states that the minimum dimensions for an airhall should be 18.97 wide x 37.77m long, therefore the proposed dome at 18m wide and 36m long is slightly undersized in comparison to these dimensions. If the usage is to be restricted to school pupils then this should be acceptable, however if the dome is to be used by adults, appropriate consideration will be required to ensure that the dome remains safe for use.

5.24 There is insufficient detail on the indoor lighting when the dome is erected, the lighting levels should be in excess of 600lux on the PPA and 500 lux on the TPA. In addition to this, the lighting chart does not show the lighting levels for the outdoor courts, therefore it is not possible to confirm if the lighting levels are sufficient.

- 5.25 The ECB states the design does not appear to not encroach on the outfield and there does not appear to be a loss of any part of the playing facility for cricket.
- 5.26 **Conclusions and Recommendation**
Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception E5 of the above policy. I would however strongly suggest you take the LTA's comments into account.
- 5.27 There is a free online resource from Sport England (Use Our School) that offers further guidance and information for local authorities and other education providers on how to make the best use of school facilities for the benefit of the local community. It is especially useful for those who have responsibility within a school for establishing, sustaining and growing community activity on school sites. 'Use Our School' can be accessed here;
www.sportengland.org/useourschool
- 5.28 Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.
The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support for any related funding application.
- 5.29 **Sports Facilities:** No objection / Objection / Comment

6. MATERIAL CONSIDERATIONS

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP12 Urban design

CP15 Heritage

CP16 Open space

CP17 Sports provision

Brighton & Hove Local Plan (retained policies March 2016):

TR4 Travel plans

TR7 Safe Development

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

HE1 Listed buildings

HE3 Development affecting the setting of a listed building

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area, and the amenities of adjacent occupiers.
- 8.2 The application seeks consent for the installation of a concrete ring beam, tennis dome, lighting and ancillary storage shed to be located over an existing tennis court to the northern part of the playing fields. The dome would have a maximum height of 7.6m and would be 18m by 36.5m in area. The dome would be constructed out of polythene membrane reinforced with rope netting secured via a series of ground anchors, connected to a concrete ring beam around the periphery of the tennis court. The proposal includes the erection of an ancillary storage shed on the north-western side of the dome and a fan-housing unit positioned adjacent to the shed, with the addition of lighting and equipment needed to inflate the structure.
- 8.3 The proposed facilities would be used during the construction of the recently approved sports and science building, which is envisaged to take approximately 2 years to complete. The re-development of the site includes implementing the works approved under **BH2015/02403** which involves the demolition of the existing sports hall, Chowen building and Blackshaw building and Pavilion to facilitate the erection of a new 4 storey Sports and Sciences building. The proposed inflatable dome over the tennis court would therefore allow for a covered sports facility whilst these works are taking place. It has been confirmed

that the inflatable structure would be required all year round, would not operate later than 9.30pm and would be used for a temporary period of three years.

- 8.4 Policy CP17 seeks to facilitate the council's aspiration to increase participation in sports and physical activity and will promote access to Brighton & Hove's sports services. The proposal for the covered sports facility would comply with this policy.
- 8.5 Due to the distance from the historic core of the campus buildings the proposal would have little impact on the significance of the listed buildings, however it would have an adverse effect on the adjacent listed boundary wall and railings. The dome would be a prominent feature due to its size, form and material, and when illuminated these characteristics would be exaggerated. As a permanent structure this would result in clear harm to the adjacent grade II listed wall and the College conservation area. However, as a temporary structure only whilst construction works are carried out to implement a planning permission that would have a long term public benefit to the campus residents, the appearance of the site, the setting of the listed buildings, listed wall and conservation area, no significant long term harm is identified. To ensure the long term preservation of the adjacent listed wall and College conservation area, a 3 year temporary period has been sought and a condition is attached to ensure that the dome, shed and associated equipment are removed after the 3 year period.
- 8.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers under the planning Acts in respect of buildings or other land within a conservation area, the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the conservation area. The heritage officer has expressed concern regarding the harm caused by the long term use of the structure, however has commented that the limited time period of 3 years would remove the harm caused in the long term, although would only support its use during the winter months rather than all year round. However, it is considered that the temporary installation of the dome would not cause harm in the long term, the presence of the construction site during this time would override the harm caused and its use for the provision of a covered sports facility for the College during construction works would outweigh the temporary harm caused.
- 8.7 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.8 Policy SU10 of the Local Plan states that proposals for new development will be required to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. Where necessary, planning conditions will be imposed in order to specify and secure acceptable noise limits, hours of operation and attenuation measures.
- 8.9 The proposed dome, storage shed and fan housing units would be a sufficient distance from any neighbouring properties and would not affect their amenity in terms of overshadowing, loss of light, outlook or an increased sense of enclosure.
- 8.10 It is not considered that the use of the inflatable dome would result in a significance increase in noise than that of the existing campus facilities and sports ground.
- 8.11 The use of the inflatable dome, the associated equipment and lighting could generate noise and disturbance and result in light pollution. Environmental Health has raised no objection to the proposal subject to conditions regarding lighting and plant and machinery. Their analysis of the findings of the potential noise generation and lighting from the proposal has found that the equipment would not result in adverse noise or lighting impact toward the nearby residential properties.
- 8.12 **Sustainable Transport:**
The use of the sports facility would be largely ancillary to the existing college and as such it is not expected to generate substantial trip generation. It is noted that visitors would have access to the facility for coaching classes, however the size of the facility would limit the size of additional trips and therefore would not result in a significant impact upon surrounding highway and transport networks.

9. EQUALITIES

- 9.1 None identified

