

<b><u>No:</u></b>	<b>BH2018/03633</b>	<b><u>Ward:</u></b>	<b>Hangleton And Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Outline Application Some Matters Reserved</b>		
<b><u>Address:</u></b>	<b>Land At King George VI Avenue (Toad's Hole Valley) Hove</b>		
<b><u>Proposal:</u></b>	<b>Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (D1 use)/community sports facilities (D2 use); office/research/light industry floorspace (B1 use); neighbourhood centre including retail outlets (A1-5 uses), a doctors' surgery (D1 use) &amp; community building (D1 use); public open space (including food growing space &amp; children's play space), enhancements and alterations to the Site of Nature Conservation Interest (SNCI); &amp; associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations.</b>		
<b><u>Officer:</u></b>	<b>Maria Seale, tel: 292175</b>	<b><u>Valid Date:</u></b>	<b>12.12.2018</b>
<b><u>Con Area:</u></b>	<b>Adjacent Woodland Drive</b>	<b><u>Expiry Date:</u></b>	<b>13.03.2019</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	<b>02.10.2020</b>
<b><u>Agent:</u></b>	<b>Mr Martin Carpenter Enplan 10 Upper Grosvenor Road Tunbridge Wells TN1 2EP</b>		
<b><u>Applicant:</u></b>	<b>Toads Hole Valley Limited, Pecla Investments Limited &amp; Robert Mark Simon C/O Agent</b>		

**PREAMBLE:**

An appeal against the non-determination of this application was submitted by the applicant on 15<sup>th</sup> February 2022. The decision on the application therefore now sits with the Planning Inspectorate. The following report seeks a view on the decision the Committee would have made, had the decision remained with them.

**1. RECOMMENDATION**

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that had the planning application come before the Committee for determination it would have **REFUSED** planning permission for the following reason:

1. There is a need for auditing of the latest iteration of the applicant's highway modelling to be completed, as well as for the Stage 1 Road Safety Audit to be completed and (if necessary) any safety matters resolved. As a result, there is currently insufficient information from which to determine: (a) whether the residual cumulative impacts of the proposal on the strategic and local road network would be acceptable; (b) whether the proposal avoids an unacceptable impact on highway safety; and (c) whether the proposed highway mitigation measures are adequate. As it currently stands, therefore, it has not been demonstrated that the proposal complies

with Policies TR7, TR12 and TR15 of the Brighton & Hove Local Plan 2005; Policies DA7, CP7, CP9 and CP13 of the Brighton & Hove City Plan Part One 2016; DM33 and DM35 of the emerging Brighton & Hove City Plan Part Two; the 'Transport and Travel' section of THV SPD 15; and paragraphs 104, 105 and 110-113 of the NPPF 2021.

2. On the basis of the information provided within the Environmental Statement ('ES'), it would appear that the impacts of the proposal on air quality would be acceptable. However, the assessment of the air quality impacts of the operational phase of the proposal are predicated (at least in part) on the applicant's highway modelling. As this modelling is the subject of technical audit which has not been completed, there is currently insufficient information to determine whether information provided within the ES concerning air quality is robust. Accordingly, as it currently stands, it has not been demonstrated that the proposal complies with Policy SU9 of the Brighton & Hove Local Plan 2005; Policy DA7, CP8, and CP9 of the Brighton & Hove City Plan Part One 2016; DM35 and DM40 of the emerging Brighton & Hove City Plan Part Two; the 'Transport and Travel' section of THV SPD 15 and paragraph 4.14 regarding building siting in SPD15; and paragraphs 105, 174 and 186 of the NPPF 2021.

- 1.2. That the Head of Planning be authorised to negotiate and agree conditions and a section 106 agreement in the terms acceptable to her, containing planning obligations based on the heads of terms as outlined in Appendix 1 of this report.

## **2. SITE LOCATION**

- 2.1. The Toad's Hole Valley (THV) site, including Court Farm, is a 47 hectare green field located on the northern fringe of Brighton and Hove. The site bounded by the A27 bypass to the north, by King George VI Avenue (KGVI Ave) to the south-east - the major route from Devil's Dyke roundabout into Hove, with the Goldstone Valley/Hove Park residential area to the south and Hangleton and Knoll residential area to the west. The site is roughly triangular in shape and is former arable farmland, and forms part of a dry valley that was cut off from wider farmland when the A27 bypass was constructed to the north in the early 1990s.
- 2.2. The site does not include any designated heritage assets or any locally listed heritage assets. A relatively small part of the south western edge of the site is within an Archaeological Notification Area. To the west, south east and south west of the site is extensive 20th century suburban housing. The South Downs National Park is located to the north and north-east of the site. The Woodland Drive Conservation Area is located to the north-east of the site across KGVI Ave, including Three Cornered Copse. The entire site lies within a Groundwater Source Protection Zone (majority zone 2, with southern tip within zone 1 and north western corner within zone 3).

- 2.3. The site is not generally accessible to the public however the SNCI is statutory 'Open Access land' i.e. the landowner gives the public the right to roam on the land. The site is largely grassland and scrub, with some shrubs and trees.
- 2.4. The application site forms the majority of the THV site (excluding Court Farm in the north-east section) and includes King George VI Avenue within the red application site line and has a site area of 42.2 ha (or 33.7 excluding the 8.5ha SNCI). The site has a number of notable physical elements such as its topography with changes in elevation of around 70m across the site from east to west, with a steep bank at its western and northern boundaries and a flat-bottomed valley floor rising up again towards the east.

### **3. APPLICATION DESCRIPTION**

- 3.1. The applicant has appealed against the council's non-determination of the application to the Planning Inspectorate.
- 3.2. The application seeks Outline Planning Permission for the following in principle:
  - Up to 880 dwellings (C3 use) including 40% affordable (352 units) and 30 custom/self-build plots
  - 5ha of land for a 6-form entry secondary school for up to 900 pupils (D1 use)/community sports facilities (3G pitch and MUGA) should school not be developed
  - 3.5ha land for office/research/light industry floorspace (B1 a/b/c use) to accommodate 25,000m<sup>2</sup> of floorspace
  - A neighbourhood centre including 790m<sup>2</sup> retail outlets (A1-5 uses), a 750m<sup>2</sup> doctors' surgery (D1 use) for 3GPs and 555m<sup>2</sup> community building (D1 use)
  - Open space totalling 5.8 ha including landscaping, ecological buffers, open space and amenity areas. Includes 0.58ha public food growing space and 2 children's play spaces.
  - Enhancements and alterations to the circa 8.5ha Site of Nature Conservation Interest (SNCI)/Local Wildlife Site (LWS)
  - Associated car parking serving the land uses

*Note: The government has set out that under transitional arrangements, applications for planning permission which are submitted before 1 September 2020 and refer to the existing use classes, must be determined by the local planning authority using the existing use classes rather than the new ones.*

- 3.3. The application also seeks 'un-reserved', ie full and detailed, planning permission for 3 main vehicular accesses onto King George VI Avenue with associated highway alterations.
- 3.4. The application does not seek permission for the appearance, layout, scale or landscaping of the site at this outline stage, and these would be dealt with at a later stage under separate 'Reserved Matters' applications, and secured by condition/S106, if the scheme is approved at appeal.
- 3.5. The main highway proposals directly adjacent to the site include:

- Three main accesses into the site - one at s/w corner at top of Goldstone Crescent, and 2 further up KGV Avenue between the main access and the A27 roundabout.
- Measures to reduce the severance of KGV Avenue including down-grading features such as reduced speed to 30MPH, narrowing, introduction of 'gateway' features, new signalised crossings and accesses (Parameter Plans show potential for further secondary and tertiary accesses although these are only illustrative at outline stage). A bus priority gate is proposed.
- New segregated pedestrian and cycleways are proposed either side of KGV Ave, and around Three Cornered Copse and island over Dyke Road Avenue.
- A pedestrian/cycle link through to KGV Drive is proposed with ramp.
- Extended footway in Hangleton Road
- A planted dormice island crossing and informal pedestrian crossing is proposed.
- Tree planting is proposed on both sides of KGV Avenue.

3.6. Off-site highway works and other measures are proposed to mitigate impacts from the development and to enhance pedestrian/cycling linkages, and include the following which would be secured via S106 and/or CIL in accordance with the Council's Technical Guidance:

- Alterations to the A27 dumbbell roundabouts, with pedestrian/cycle crossing points.
- A new pedestrian/cycle link to the South Downs National Park (SDNP) to the north-east of the site, north of the A27 roundabout to link to existing paths (which will separate planning permission from SDNP Authority)
- An enhanced link to SDNP behind existing schools to west
- Traffic calming and cycling improvements proposed (on-road) to Goldstone Crescent .
- Enhancement of local bus stops (real-time information, shelters etc)
- Financial contribution towards provision of new bus service servicing the site or enhancement of existing bus service
- Residential and Non-Residential Travel Plans including measures to promote and incentivise use of sustainable travel including provision of travel packs and subsidy for bus or train travel
- Car Club parking and vehicles
- Extension of city bike hire scheme
- Signing and lining enhancement for safe pedestrian and cycle routes through existing residential streets to south to link to Goldstone Crescent, shops at Victoria Avenue, and Hove Park.
- Enhancement of pathway through Three Cornered Copse
- Alterations to off-site junctions where required (Nevill Road/Woodland Drive/Droeway and Old Shoreham Road/Goldstone Crescent/Fonthill Road)

Parameter Plans:

3.7. A number of 'Parameter Plans' have been submitted which are illustrative only and provide a set of principles to guide future development covering the following:

- Land Use
- Density
- Building Heights
- Phasing
- Transport and Key Infrastructure
- Landscape and Ecology
- Highways & Landscape Proposals King George VI Avenue
- Acoustics

3.8. Should the proposal be approved, a condition would be recommended to ensure that the development that comes forward on the site is in substantial accordance with the Parameter Plans.

3.9. A Sustainable Transport Connectivity Plan has also been submitted.

Housing Mix:

3.10. An illustrative Housing Mix has been submitted providing a total 51% 3 and 3+ bed and 41% 1 and 2-beds, comprising the following:

- 189no. 1-bed flats (21.5%)
- 241no. 2-bed flats (27.5%)
- 291no. 3-bed houses (33%)
- 139 no. 4-bed houses (16%)
- 20 no. 5 bed-houses (2%)

3.11. The mix is indicative only at this outline stage. A total of 352 affordable housing units are proposed (40% of the overall total of 880), with a mix of: 55% Affordable Rent (comprising an even mix 'Affordable' Rented Units and 'Social' Rent) and 45% low cost home ownership units.

3.12. The following mix of sizes is proposed within the affordable: 30% 1-bed (106), 45% 2-bed (158) and 25% 3+ bed (79 no. 3-bed and 9 no. 4-bed). 10% of the affordable housing will comprise Wheelchair Accessible Units.

Phasing:

3.13. The development is proposed in phases. The application shows up to 4 phases as per the Parameter Plans, over about 8-10 years, although if approved the final details of phasing would be secured by S106, in broad accordance with the Parameter Plans:

Phase	No. of dwellings incl circa 40% affordable at each phase	Other key land uses and infrastructure
Phase 1	210	Pedestrian and cycling works, other highway works including highway works on upper part of KGV Avenue including new access and crossings, A27 dumbbell junction works, dormice crossing and other ecological mitigation, landscaping

		and open space. Restoration of SNCI. Children's play area. Temporary community centre.
Phase 2	402	Neighbourhood centre incl retail units and health facility, community centre, children's play area, part of internal spine road incl access road and servicing to office site (and delivery of employment floorspace if marketing interest), school (and if not built then fallback of community 3G sports pitch and multi-use games area by end of Phase 2), remainder of KGV Ave highway works including main junction. Off-site junction works. Pedestrian and cycle works incl Goldstone Crescent enhancement, landscaping, open space and ecological mitigation. Bus service enhancement.
Phase 3+	268	Remainder of internal spine road and, if not yet built, remainder of employment and school if started, open space, landscaping and ecological mitigation.

**Environmental Impact Assessment:**

- 3.14. The development, the subject of the application, is considered to fall within part 10b of Schedule 2 to the EIA Regulations, and exceeds the relevant thresholds by virtue of its scale and site area. It therefore has the potential for significant environmental effects within the meaning of the EIA Regulations, so is considered an 'EIA development'. Given the nature and scale of the development, it was common ground with the applicant that the proposal requires EIA. On this basis no Screening Opinion was sought from the LPA.
- 3.15. The application is accompanied by an Environmental Statement (ES) which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and contains in-depth analysis of the proposal. The ES contains an assessment of existing baseline environmental conditions and how these would change with the proposed development and describes the likely significant effects of the proposed development on the environment. The ES describes any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.
- 3.16. The ES is based on the council's Scoping Opinion given in November 2017 and contains the following main chapters:
- Alternative Options
  - Ecology

- Transport
- Hydrology and Drainage Assessment (with Utilities Assessment)
- Ground Conditions Assessment (with Geology and Geomorphology)
- Landscape and Visual Impact Assessment
- Air Quality Assessment
- Acoustic Assessment
- Climate Change Assessment
- Socio-Economic Impact Assessment

3.17. Since the application was first submitted additional information has been submitted, and this largely comprises transport-related information including a Transport Assessment Addendum and expanded and updated modelling and revised highway drawings. Additional ecological, acoustic and air quality information has also been submitted. Revised Parameter Plans have been submitted. This information forms an Addendum update to the ES and has duly been re-consulted on, and the council has considered the changes/additions in the context of the EIA Regulations.

**Amendments and Additions:**

3.18. The main amendments since the application was first submitted relate to:

Transport:

3.19. Submission of further transport information (November 2021) comprising a revised Transport Assessment (TA). Highway mitigation measures and the sustainable transport package remain largely the same. The revised TA includes revised methodology and has been comprehensively updated with regard to:

- Scope of transport modelling
- Trip generation
- Trip distribution
- Background traffic growth
- Additional committed developments included within cumulative impact
- Scenarios tested
- Assessment of impact on strategic road network and highway modelling
- Updated highway drawings. The 3 main junctions remain and broadly similar in design. Extended footways in Hangleton Road. Inclusion of longer climbing lane on KGVI Ave. Revised dumbbell layout.

Environmental Statement (ES) Addendum:

3.20. Addendum which provides an overview and summary of the (transport) changes sought in the context of the original ES. It includes updates to the Transport, Ecology, Air Quality and Acoustics chapters of the ES.

Revised Parameter Plans and other plans/visual information:

- More detailed phasing plans. Phase 2 now one phase (was 2a and 2b). The B1 employment land now shown as phase 2-4 (from 3-4).
- Additional Acoustic Parameter Plan.
- Updated Transport Infrastructure Plan including reduction of potential vehicular accesses onto KGVI Ave
- Segregated cycle/footway around Three Cornered Copse

- Revised Heights Parameter Plan - reduction to residential building heights in the northern part of the site along the site frontage with King George VI Avenue and adjacent to the A27. Also, a reduction in height of the employment buildings closest to A27 (from 4 to 3 storeys) and minor reductions to the heights of the neighbourhood centre and doctors' surgery buildings.
- New wirelines images and sections
- Additional Sustainable Transport Connectivity Plan

Updates to land uses/infrastructure:

- Additional children's play facilities have been incorporated – a new Local Area of Play and an enhanced Local Equipped Area of Play
- Commitment to allow community dual use of school sports facilities (or as a fallback a community 3G pitch and multi-use games area is proposed on school site should the school not go ahead)
- Revised community building plans with increased floor area/height and incorporation of main hall to allow for badminton, plus commitment to add additional changing/officials facilities and parking if school does not go ahead - to serve community sports pitch and MUGA.
- Additional temporary community building facility now proposed at phase 1
- The food growing area has increased to 0.58ha from 0.5ha and now includes allotments in addition to a community orchard
- Additional custom/self-build plots incorporated (from 20 to 30)

Updated ecological proposals:

- Change of receptor sites for translocated reptiles - Brighton and Hove Golf Course and West Hove Golf Course, rather than Waterhall as previously proposed. - Additional ecological mitigation including planting and nest boxes proposed to compensate for loss of scrub due to new Three Cornered Copse cycle/pedestrian footway.
- Enhanced dormice mitigation including larger low level crossing over KGV1 Ave.

Other updated information:

- Additional acoustic information
- Additional drainage information
- Updated sustainability measures

## 4. RELEVANT HISTORY

Applications at THV:

- 4.1. No previous history for the main Toad's Hole Valley site, however, it should be noted that an identical duplicate application for the same development as proposed in this application, as amended, was submitted in January 2022 (ref: **BH2022/00203**), and is currently under consideration.

Applications at adjacent site (Court Farm, King George VI Avenue):

- 4.2. **BH2021/03511** Demolition of existing buildings on site and erection of retail unit (Class E) with associated works including new access, car parking and landscaping. (For information: proposal is for 1895sqm of gross floorspace, with 1315sqm retail floorspace and 120 space car park). Withdrawn 27/1/22.
- 4.3. **BH2018/02982** Part-retrospective application for demolition of existing buildings and erection of 2no three storey blocks and 2no part three part four storey blocks containing 69no one, two and three bedroom flats (C3) (including 28no affordable housing units) and associated car and cycle parking spaces, landscaping and altered site access arrangements. Withdrawn 20/7/20.
- 4.4. **BH2015/04184** Demolition of existing buildings and erection of 2no three storey blocks (one with basement parking) and 2no part three part four storey blocks containing 69no one, two and three bedroom flats (C3) (including 28no affordable housing units). Provision of 107 parking spaces, (67no at basement level and 40no at surface level) and 132 cycle spaces with associated landscaping and altered site access arrangements. Granted 27/3/17. [note this permission has lapsed and is not extant]
- 4.5. **BH2012/03446** Demolition of existing buildings and construction of 5no two storey detached dwelling houses and a 58 bed space, part two and part three storey nursing home with associated landscaping and access works and provision of 28 new car parking spaces and 15 cycle spaces. Granted 18/2/14

#### **PRE-APPLICATION DISCUSSIONS**

*Note: The pre-application scheme was for up to 947 residential units plus it included a 250 unit care village (now no longer proposed). Also the school was originally proposed at the rear of the site adjacent to the A27, where the employment site is now proposed. in addition, a scheme with, and without, the school was put forward for comment.*

#### Design Panel:

- 4.6. The outline proposal was presented at the South East Design Panel twice at pre-application stage (5/9/17 and 30/1/18) following a site visit.
- 4.7. The Panel's initial advice was that for this, the last large greenfield site in the city, a compelling vision to deliver both ecological diversity and innovative living, learning and working spaces was required. The Panel welcomed the initial vision for this to be a place set in the Downs, and support much of the analysis, but felt a powerful and persuasive overall vision for the development was yet to come through the masterplan. The Panel, also considered that more work was needed to design fully accessible links by foot and cycle connecting to the surrounding streets, and to resolve with the Council how traffic will be managed – particularly on King George VI Avenue.
- 4.8. The Panel recommended re-examining the amount, form and location of the proposed employment on-site, and suggested moving the area to be reserved for the school to sit at the heart of the development. Here, it could act more successfully as a community hub, with its buildings and playing fields offering

the potential for community use outside school hours, as well as the playing fields and the areas surrounding them contributing to public amenity and the chalk grassland habitat. The Panel suggested the proposed water management areas could also be considered for their amenity contribution and ecological value, and the layout plan should reflect the need for clear pedestrian routes linking the community hub to the western bank.

- 4.9. The Panel's later advice focussed on which aspects of this application should be fixed to ensure they are embedded in future design strategies, given this is an outline scheme where there could be significant variation from the indicative designs presented before detailed planning applications are submitted for the various phases. The Panel felt this should principally focus on infrastructure, describing a spine route through the site that takes into account issues including transport, drainage and energy networks. More clearly demonstrating how these fundamental issues have been resolved would then help inform how finer grain development can be accommodated around this framework. Additionally, it was advised that a 'design code' should be produced describing issues including how the edges of the scheme should be addressed, how the heart of the scheme is resolved, and the approach to public space, landscape and ecology.
- 4.10. The Panel felt there were positive aspects to the updated proposal. They supported the ambition to create a more active frontage to King George VI Avenue and slow traffic and create a more neighbourhood feel which was very positive. The Panel felt the overall approach, creating two swathes of housing with landscape in between, is the right response.
- 4.11. The Panel did however at that time have some concerns that the heart of the scheme had not yet been clearly defined, and felt too fragmented, missing valuable opportunities to create more direct relationships between community focused development such as the neighbourhood retail centre, the potential school and care village. The Panel advised that the lack of clarity regarding the three non-core housing elements would need to be overcome prior to formal submission so their wider implications can be properly addressed. The Panel advised a clearer and more ambitious approach was required for the northern and western edges of the scheme, and further detail was required on parking and sustainability strategies.

Elected Members Briefing:

- 4.12. The scheme was subsequently revised following the final Design Panel presentation and was presented to Members at pre-application briefings on 6/3/18 and 3/4/18.
- 4.13. Members welcomed that the masterplan proposals appeared to be broadly in compliance with Policy DA7. They considered the land uses largely appropriate and generally agreed with their proposed location. They advised the community centre should be located closer to the centre. The inclusion of a significant number of housing units, including 40% affordable, was welcomed (and the care village proposed at the time). Members suggested space should be set aside for self-builders. 25,000sqm B1 floorspace was welcomed. More certainty was

sought regarding delivery of the community and health facilities. Inclusion of shops welcomed but their location was queried.

- 4.14. Members considered the proposed density of development on the site, and the amount of landscaping and open space, to be appropriate and sympathetic to the edge of Downs location. They advised a lighting strategy will be needed to prevent undue light pollution. Members expressed a preference for one or two larger well equipped play areas, as opposed to several smaller ones, and suggested maintenance of open spaces including SNCI and SUDs should be secured as part of the application. Members advised a park café should be considered.
- 4.15. Members expressed concern about the 'fall-back' position of the school (more housing was presented as a possibility at the time), given scarcity of alternative sites and the uncertainty regarding pupil need in the future, it was felt the site should be safeguarded for a significant period of time and that it would not be appropriate to set a time period for review or allow a fall-back position as part of this application. It was felt inappropriate to define what alternative uses might be acceptable now and discouraged this approach within the application. Members suggested the school site should have a clearly defined 'meanwhile' use, possibly as a construction compound at first and then as informal open space with a dedicated maintenance strategy.
- 4.16. Members felt that strong justification would need to be given to exceed the adopted parking standards in SPD14 (as proposed at the time), and that a balance needs to be struck to ensure the development is not dominated by cars and to prevent parking on pavements.
- 4.17. Members expected delivery of key infrastructure and services such as community facility, public open space and shops at an early phase, and delivery of B1 floorspace at early stage was strongly preferred. Members advised that 40% of housing at each phase should be affordable.
- 4.18. Members required more certainty about what sort of place will be created. A Design Code was strongly recommended to highlight the overall form and type of development that could be delivered and general palette of materials etc aimed for. Members advised that the design and materials should reflect local characteristics and the use of white render was discouraged, particularly if it is a through-render system. Some reservations were expressed about the suitability of 6-storey high development here (proposed at that time) and that parameter plans would need to be submitted to clearly demonstrate the impact of different heights across site.
- 4.19. Members welcomed the proposals to significantly change the character of King George VI Ave in principle, however, felt it would be challenging to change people's perceptions of this road. Members advised that it would be important to provide evidence that the new road layout will be safe and will not result in congestion with vehicles backing up in surrounding areas. Some Members expressed reservations about loss of the climbing lane.

- 4.20. Members welcomed proposals to improve pedestrian and cycling links to surrounding areas as these are necessary. Members advised that a number of options should be explored for the Goldstone Crescent link and views of local residents taken into account. Members suggested that appropriate provision should be made within the scheme to provide potential pedestrian and cycling linkages through to the Court Farm development, and dialogue with the owners of that site was encouraged. Members were supportive of the link through the SNCI, provided lighting is appropriately low level to protect ecology. Members welcomed the developer's work with the bus company to extend the frequency and duration of the existing nearby service (no.21) into the site.

Officer feedback:

- 4.21. Officers welcomed the general principle of the proposals and the general masterplan layout, which were considered to broadly accord with planning policy.
- 4.22. Officers felt the masterplan was evolving positively and suggested the advice of the Design Panel be incorporated, in particular the need to more clearly define the 'heart' or centre of the scheme, with appropriate open space here. This would help ensure a robust structure and identity and cohesive and vibrant neighbourhood. A landscape-led approach was encouraged and would need to be clearly demonstrated in the application. Officers advised a set of Parameter Plans would be needed demonstrate the optimum locations for key infrastructure and to identify principles, or 'rules' for future development to provide a framework for the Reserved Matters applications. Officers advised that a Design Code should be produced given it is such a significant development and will be phased, and could involve multiple parties in long-term development.
- 4.23. In terms of the broad location of the proposed residential use in the masterplan, two main housing areas with landscaping and public open space in between was considered an appropriate approach. This responds to the challenging topography of the site and the higher parts of the site will benefit from expansive views. It was considered appropriate to locate the (potentially taller and larger) non-residential uses towards flatter, western/south-western parts of the site, which are also most accessible to surrounding neighbourhoods.
- 4.24. Officers welcomed the fact that the amount of residential development proposed was of sufficient density to make effective and efficient use of the site, and would meet the requirements in policy DA7. Inclusion of 40% affordable housing (with sizes and split in line with the council's Affordable Housing Brief) was welcomed, and provision of at least 50% 3-bed units overall. Officers advised that self/custom build plots would need to be included. The introduction of an 'extra care village' was welcomed in principle as it would contribute towards the creation of a balanced community. Officers advised that consideration of phasing of the housing elements of the scheme would be important to ensure delivery of key infrastructure and a range of dwelling types and sizes, as well as an element of affordable housing at each stage.
- 4.25. The provision of a significant element of B1 floorspace within the scheme was welcomed given the shortage in the city and the clear demand for it. The

applicant was encouraged to liaise with the council's Economic Development Team and Estate Agents to help find potential occupiers. The location proposed for the B1 office use was considered appropriate, adjacent to the A27, given it is less noise sensitive than other uses. Phasing and delivery in line with DA7 was expected, which states that the first phase of the employment floorspace should be built and completed prior to completion of the final phase of the residential element of the scheme. Officers confirmed that financial contributions would be sought via S106 towards the Local Employment Scheme and that 20% local construction labour should be secured.

- 4.26. The inclusion of a multi-use community centre was welcomed, although little detail had been provided at that stage. The inclusion of a retail centre was welcomed and the amount proposed was considered appropriate. Officers confirmed that the position with regard to future pupil projections for secondary school places had recently become less certain, given that the council's Administration withdrew its support for the proposed new school at Brighton General Hospital. Nevertheless officers advised that the council's position was that a school site should remain within the scheme. The school site is to meet city-wide demand over a period of time including that created by new developments projected within the City Plan until 2030.
- 4.27. In terms of landscaping and quantum of open space within the development, the proposal was considered to be broadly policy-compliant. The green corridors and extensive street tree planting would be key to mitigating the impact of the development in views from the Downs and surrounding urban areas. Officers advised that the applicant should work with the County Landscape Architect to identify key views that would need to be tested, particularly from within the national park. Officers expressed the priority for LEAP/NEAPs for children's play.
- 4.28. Officers, in consultation with the County Ecologist confirmed agreement with how ecological matters were to be approached within the scheme. The approach in terms of on and off-site mitigation and compensation for dormice and reptiles was considered appropriate. Landscape connectivity was key. The applicant was advised to liaise with Natural England. Restoration of the SNCI was welcomed.
- 4.29. Officers were supportive in principle of the proposals and the general approach taken in terms of transport, which were considered to comply with the key aims of national and local planning policy. Officers advised that, at that stage, it appeared that the scheme should satisfactorily meet the demand it would create for travel and would strike an appropriate balance between use of sustainable modes and vehicular use, whilst recognising this is an out of centre location with challenging topography where vehicular use is likely to be relatively high. Officers advised that car parking levels in line with SPD14 were expected, and that the visual impact of parking would be a key consideration also, particularly with regard to that proposed for the non-residential uses. Large unsightly areas of parking should avoided and broken up by greenery. Discussions to bring the bus into the site were welcomed. The position of the main internal spine would need to be proven, and it was acknowledged that given the constraints of the site, there will be limits to where else/how else this road could be provided.

Officers advised that sufficient space would need to allow for a substantial number of street trees throughout the whole development, and along KGV Avenue given the importance of this from a wider landscape perspective and from a sustainability perspective generally.

- 4.30. Officers expressed their support for proposals to radically alter the character of KGV Avenue to provide a new urban gateway – such as the introduction of gateway features, crossing points, direct driveways, narrowing of the road, reducing it to 30mph, introducing cycle lanes and introduction of street trees. All were supported in principle and were considered necessary for safety and to help reduce severance between the site and neighbouring areas, a key policy aim. Officers advised for the need to provide sufficient detail to demonstrate the proposals will not compromise highway safety or lead to undue congestion - and that a Stage 1 Road Safety Audit would be required. Officers stated it was important to secure improved pedestrian and cycling links to surrounding areas and encouraged engagement with local cycling and other groups. Links to the national park and along Goldstone Crescent were welcomed in principle.
- 4.31. Officers concurred with initial findings that generally air quality in this location is considered to be good, and the proposed development is unlikely to give rise to significant issues in this regard. Officers advised that with regard to potential noise impact, the site is clearly challenging given its location close to major roads and due to its topography. The application needed to include a plan indicating what parts of the site are the most sensitive to noise (and at what level), and needed to demonstrate how the final layout of the masterplan has been informed by this mapping exercise. Environmental Health officers advised that they did not foresee any significant issues that could not be satisfactorily mitigated against, and suggested a Noise Reduction Strategy. External lighting would need careful consideration.
- 4.32. Officers advised the scheme needed to be an exemplar of sustainability and that further information and commitment was needed in this regard, including an Energy Strategy. It was asked that District Heating Networks be further explored. The use of SUDs was welcomed, and the commitment to exploring dual use of such measures for informal recreation or as landscaped open space was considered an innovative aspect of the scheme and was strongly encouraged.

## 5. REPRESENTATIONS AND CONSULTEES

- 5.1. **Neighbours/Groups:** Following a number of rounds of consultation a total of **462 (four hundred and sixty two)** representations were received from neighbours and the following groups **Hove Park Neighbourhood Forum, Woodland Drive Action Committee, Goldstone Valley Residents Association; Bike for Life; Bricycles, Brighton and Hove Wildlife Forum; CPRE, Clarion Club; Friends of the Earth; Friends of Three Cornered Copse; Regency Society; South Downs Society; Sussex Ornithological Society; Sussex Wildlife Trust** objecting to the proposed development on the following grounds:
- 5.2. Adverse transport impact:

- Will cause major traffic problems including excessive additional traffic/congestion
- Local road infrastructure will not cope
- Too many vehicular accesses proposed onto KGVI Ave, will slow traffic and compromise safety
- Highway safety - this is a busy main road, is used by HGVs and is already an accident blackspot and will be made worse
- Interim RSA raised many issues, scheme is unsafe
- Loss of climbing lane on KGVI Avenue and multiple accesses on to it will result in congestion and will be unsafe
- Transport Assessment flawed, traffic predictions inaccurate
- Will lead to overspill car parking
- Need parking restrictions on King George VI Drive and Goldstone Crescent
- Cumulative impact needs to be taken with other development sites in Hove eg Sackville Trading Estate and there is insufficient traffic capacity
- Insufficient car parking will be proposed
- Will increase rat-run issues on Woodland Drive and other local roads, need for more traffic calming/re-routing
- Main access to site should be directly off A27
- Lost opportunity to provide new bridge or tunnel across A27 for peds/cyclists
- Site does not benefit from good public transport links, bus service is very poor
- Needs more enhanced bus service
- Cannot rely on standard bus services for phase 1 need to build good habits at outset
- New or improved bus services will face delay
- Cycle lanes not needed, road is too steep
- Proposed cycle links are poor, including into town and links to SDNP is tortuous
- No cycle links to Hangleton or along Nevill Road or station
- Layout needs more cycling permeability
- Layout does not give adequate priority to peds/cyclists
- Any cycling scheme in Goldstone Crescent should preserve all verges and trees
- Does not prioritise sustainable modes of transport
- Conflict between driveways/crossovers and cycle/ped ways on KGVI Ave
- Masterplan layout prioritises cars
- Proposal too car-reliant
- Contradictory or inaccurate information on transport access
- Lack of ambition in the travel plan

### 5.3. Loss of greenfield site/adverse impact to ecology/sustainability:

- Will result in loss of an important wildlife habitat and green space which should be protected, proposal should incorporate more habitat
- Adverse impact to remaining habitat
- Council should only support 'brownfield' development
- Protected rare dormice will not survive, more could be done to manage and mitigate impact to dormice

- Adverse impact to hedgehogs
- Adverse impact to birds (38 species confirmed and site is of 'district importance')
- Natural England licences unlikely to be forthcoming, fails '3 tests'
- Adverse impact to Woodland Drive Conservation Area/Three Cornered Copse Local Wildlife Site, segregated cycle/footpath alongside will not be well used
- Loss of hedgerows and trees
- Needs more trees and shrubs not just restored downland
- Floodlighting of pitches not appropriate adjacent to wildlife habitats
- Lack of continuous green corridor within site (intersected with roads/paths)
- Is not a sustainable exemplar
- Adverse impact to water supply
- Will overshadow habitats
- SNCI needs more protection

5.4. Loss of amenity:

- Will result in excessive noise
- Restricted view
- Will adversely affect air quality, especially if queuing cars
- Will exacerbate flood risk issues and potentially pollute groundwater
- Adverse impact to residential amenity
- Overshadowing
- Light pollution
- Too close to boundary

5.5. Inappropriate design/layout/density:

- Overdevelopment, excessive density, 20% more than city plan allocation
- No objection to principle of development but overall dwelling number is excessive
- Poor design
- Inappropriate height, taller buildings should be on valley floor
- Is highly visible and would have significant adverse impact to setting of National Park
- Adverse impact to wider landscape
- Light spillage to Downs
- Masterplan poorly laid out

5.6. Inappropriate land uses proposed:

- School is not needed as others in area
- School and food growing location inappropriate next to polluting A27
- Is more business space needed?
- GP surgery too small and will it actually be occupied?

Phasing:

- unclear how Phase 1 dwellings will be 'encouraged to reduce their ecological footprint' as per CP8 when the rest of the site, including the community facilities, will not have been delivered.

Other:

- Detrimental affect on property values
- Amendments do not address previous concerns
- Contrary to NPPF and government guidance

5.7. A total of **7 (seven)** representations (incl from **Brighton & Hove Community Land Trust**) supporting the scheme were received including the following grounds:

- It's an obviously under-utilised large piece of land.
- The amenities included in the application are relevant and appropriate.
- B&H desperately needs housing including that which is genuinely affordable. Should include a minimum of 50% affordable housing of which half should be council owned.
- Proposal should include 50 self-build/custom build plots and community-led affordable housing
- Welcome the homes and business space that it will add to the community, particularly given the acute shortage of housing development in the City.
- Good design
- The scheme appears well thought out and the site is a natural one to develop, on the City fringe but within the bypass.
- Given the low-lying nature of the site, proposals will be well screened visually from the surrounding area and this gives the opportunity for some higher buildings which could achieve a greater density of use on the site and use it more efficiently.
- Need to think more ambitiously in respect of City infrastructure

5.8. A total of **12 (twelve)** representations (incl from **Brighton & Hove Food Partnership**) of comment (neither object nor support)\_were received including the following:

- The inclusion of space for food growing is welcomed but this should include more formal food growing space as well as edible landscaping. Need to include maintenance and management arrangements for such areas and community involvement.
- Wonderful opportunity here for walking, cycling and public transport to Downs and Hove station
- Land should include a school not just land
- Traffic surveys need to be based on real-world data
- Adequate parking provision should be made
- Include some workshop space and co-op/self build plots

**Local Councillors** (see copies of full letters attached to agenda):

5.9. **Councillors Brown and Bagaen** (Dec 21) (objection):

A copy of their representation is attached to the report

5.10. **Councillor Brown** (Aug 20): (Objection):

A copy of the representation is attached to the report

5.11. **Councillors Brown and former councillor Bennett** (March 19): (Objection):

A copy of this representation is attached to the report.

## 6. OTHER CONSULTATIONS

### External

- 6.1. **Environment Agency:** No objection subject to condition.  
This site is located on the Seaford and Newhaven Chalk Formations. In the west these are overlain by Head Deposits and in the east they are overlain by Clay-with-flints. The Chalk is designated a Principal Aquifer which means it may support water supplies and/or baseflow on a strategic level. The south of the site is located in the groundwater Source Protection Zone 1 (SPZ1) for the Goldstone abstraction (which is 730m to the south east of the southern boundary of the site) with the rest of the site within the SPZ 2 for the abstraction. It is also within a Groundwater Safeguard Zone. Therefore groundwater beneath this site is very sensitive to pollution and needs to be protected.
- 6.2. Piling and using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 and 2 and is located upon a Principal aquifer.
- 6.3. The previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 1 and located upon a principal aquifer and safeguard zone.
- 6.4. We have reviewed the Flood Risk Assessment and Surface Water Drainage Strategy (133053-R1(3) - FRA) and support the comments that infiltration will be viable providing shallow systems are utilised and adequate pollution prevention measures are incorporated. The report acknowledges the sensitivity of groundwater in this location. This is particularly relevant at this site as the south of the site is located in the groundwater Source Protection Zone 1 (SPZ1) for the Goldstone abstraction (which is 730m to the south east of the southern boundary of the site) with the rest of the site within the SPZ 2 for the abstraction. The site is underlain by the chalk principal aquifer. The application's Desk Study and Geo-environmental Site Assessment (RSK May 2017 and Feb 2018 ref: 29273) demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.
- 6.5. We have no objection to the proposed development as submitted, subject to the inclusion of conditions relating to remediation of any contamination, No drainage systems for the infiltration of surface water to the ground, and piling. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. We note that Southern Water have commented on this application and we support the inclusion of their proposed condition regarding foul water.

- 6.6. **National Highways** (formerly Highways England): Recommend non-approval. The application should not be approved due to the developments potential to adversely impact the operation and safety of the SRN (A27 Trunk Road), the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF 2021 paragraphs 110-113) in this location and its vicinity. In particular, it should be noted that:
1. The traffic modelling of the development proposals and recommended highway mitigations on both local and strategic road networks has not demonstrated that the proposals will not result in severe impacts,
  2. There is no agreed Outline Design of the necessary highway mitigations and access arrangements, including all necessary DMRB and MfS checks, and
  3. The Stage 1 Road Safety Audit of the highway proposals has not been completed and all safety matters resolved.
- 6.7. With regard to point 2 above, NH cannot accept any design until the modelling shows that it works to their satisfaction and in doing so the design is safe, deliverable and compliant. The applicant will need to undertake a compliance check against DMRB and MfS to ensure no departures are required. If there are departures these need to be applied for and granted prior to determination of the application.
- 6.8. **Natural England:** No objection subject to condition. NE advise that this development provides a key opportunity to provide a demonstrable net gain in biodiversity.
- Delivering Biodiversity Opportunities:
- 6.9. This development has clear potential to provide net gain and that this is currently not explicit in the application. Net gain through development is a key principle in the government's 25 Year Environment Plan, and Defra has recently consulted on making it mandatory. It is also required by national planning policy (National Planning Policy Framework).
- 6.10. It is clear that this site of importance to breeding birds for example. The removal of a significant area of scrub habitats will require the provision of alternative habitat for breeding birds to be retained and secured onsite. We note and welcome that habitat will be provided throughout the development by way of green links. The provision of these will need to be carefully considered for multifunctionality to benefit wildlife and people. In order to provide a net gain in biodiversity these habitats will need to be accessible to wildlife and that suitable wildlife areas are retained which provide refuge from the disturbance.
- Green Infrastructure:
- 6.11. This development has the potential to provide exemplar Green Infrastructure. We note and welcome the green links running through the development and the Green Framework. We re-iterate that the multifunctional nature of this framework should be maximised. As the development includes the loss of a large area of

on –site accessible land the development needs to balance retaining accessibility for local residents throughout the development with the provision of wildlife rich areas. We note that a cycle route has been proposed and advise the potential to provide multifunctional green links into the National Park should be explored.

Ground Water Protection:

- 6.12. The site is classified as a ‘Major Aquifer High’ Groundwater Vulnerability Zone. It is of key importance that this development provides the highest level of protection of the aquifer. The advice of the Environment Agency should be sought.
- 6.13. We note and support the provision of SuDS though this development and would advise that due to the sensitivity of the site and the high risk of contamination of the aquifer that any such system must incorporate shallow infiltration (including any cellular storage) with a full incorporation of devices to prevent pollution within treatment trains. Means for the in perpetuity management of the SuDS system must be included to ensure efficacy into the future. The balancing ponds should be managed to maximise wildlife habitats and provide greenspace for residents. We advise that permeable paving should be maximised whilst ensuring pollution prevention and that rain garden use is maximised.
- 6.14. Furthermore, the Ground Source Protection Zone and Groundwater Safeguard Zone is highly vulnerable to pesticide/herbicide use which we advise is strictly prohibited. This should also be appended to any management regime (for example within the CEMP for the site) to include ongoing SuDS and landscaping for example. We note that the management of SuDS include the Management of nuisance plants and we advise that this must not be via chemical usage.
- 6.15. **NHS Clinical Commissioning Group: Comment**  
We have no reason to disagree with the figure of 1.85 (whole time equivalents) GPs for this number of patients, but cannot see a rationale for the 3.5 figure.
- 6.16. A single-handed GP practice or branch surgery would normally treat this size of patient group. The CCG would be unlikely to support the creation of a single-handed practice, as this does not lead to resilient and sustainable primary care provision, as evidenced by the number of such practices, which have closed or merged in the area in recent year. Whether a neighbouring GP surgery would be interested in operating a branch surgery would be for their partners to decide, but again is unlikely to deliver a model of General Practice that is resilient, economically viable, and safe for the staff, given the likely need for lone working with such small patient numbers.
- 6.17. Given the above, the most likely solution would be for patients to register with a neighbouring practice - as is rightfully pointed out, there are four within a mile of the proposed development. Should this present a specific practice with any difficulty, the CCG will work with them to find a solution as part of our established practice resilience programme.

**Southern Water: (Comment)**

- 6.18. Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.
- 6.19. The proposal includes Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6.20. The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 6.21. Appropriate conditions are recommended to secure details of the proposed means of foul and surface water sewerage disposal prior to commencement of development. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 6.22. Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer and an appropriate Informative is therefore recommended.
- 6.23. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on the council's consultations with the Environment Agency to ensure the protection of the public water supply source.
- South Downs National Park Authority: (Comment)**
- 6.24. The SDNPA have been involved in pre-application discussions through creation and adoption of the Toads Hole Valley Supplementary Planning Document and in relation to the current scheme. It is recognised that the application site is allocated as part of the Brighton City Plan and the SDNPA does not object to the principle of the allocation and what the policy seeks to provide on the site. However, there are aspects of the scheme which the SNDPA consider require further information or clarification prior to the determination of the application.

Landscape Character and Visual Impact (including Dark Night Skies):

- 6.25. The application as submitted broadly demonstrates that many of the comments made by the SDNPA have been taken on board. This includes advice given through specialist landscape pre-application meetings, where the setting of the SDNP, viewpoint selection and mitigation measures were discussed. Overall, the approach to the masterplan with the 'lenses' and the retention of the SNCI as open space is supported; both open spaces serve to address surface water management and reduce visual impact from longer distance views. The way in which the developable area responds to the topography of the site is positive and broadly supported.
- 6.26. It is noted that the building height across the site has been restricted to 'at or below' that previously permitted at Court Farm, which generally serves to integrate the scheme into the surrounding development, however, the height of individual buildings may need to be further considered depending on their use and location. Overall, the SDNPA would expect the proposed scheme, including the overall heights of the buildings, to be respecting the existing topography and responding to the context of the site and surrounding area. The north-east corner of the site appears to be particularly sensitive. In views from the SDNP the development should ensure that it doesn't create a 'new horizon' nor result in an abrupt integration between the existing and proposed.
- 6.27. The impact of vehicle parking has not been given adequate consideration in the supporting documents; this has the potential to have a negative effect on the quality of the scheme and in views from the National Park. Whilst this is relevant to the residential element of the scheme, it is of greater concern in relation to the school, employment and community hub areas. Landscaping can be used to break up the potential 'sea' of cars in some instances and such areas could provide multifunctional benefits (drainage and habitat connectivity, for example). Further clarification of how car parking will be mitigated is required prior to the determination of the outline application and is highlighted as a matter to be addressed as part of the Toads Hole Valley SPD.
- 6.28. The scheme relies upon highway land as visual mitigation/buffer to the A27, but this is not in the control of the developer. Clarification should be provided, prior to determination of this application, regarding the steps that have been taken to protect the integrity of the northern boundary within the red line. The loss of trees along the A27 boundary could impact upon the setting of the National Park (as well as habitat connectivity, air quality and noise reduction). Use of mature trees to break up mass and scale is welcomed.
- 6.29. Very careful consideration to the treatment of the commercial/employment buildings will also be needed to minimise adverse visual effects, although it is considered these are located appropriately within the site. Sympathetic use of materials could help to minimise scale, break up form and prevent reflection/glare/light spill. This should be addressed in detail at reserved matters stage.
- 6.30. The Masterplan indicates that there is good potential for green infrastructure throughout the site. The SDNPA would want this to be conditioned and further details secured as part of reserved matters/detailed stages. Further measures

should be considered and developed, particularly in the non-residential areas that would also deliver opportunities for education and interpretation.

- 6.31. The site is adjacent to the Transition Zone (E1B) for Dark Night Skies as explained in the accompanying external lighting strategy. The contents of this strategy are noted and the actions and mitigation highlighted will need to be implemented at reserved matters stage. It is commended that consideration has been given to the SDNPA's Dark Night Skies Technical Advice Note, although disappointing that the Park's International Dark Night Skies Reserve status has not been mentioned.

Access:

- 6.32. The majority of comments made by SDNPA officers at the pre-application stage and through the production of the SPD have been incorporated into the proposed scheme.
- 6.33. The 'SDNP link' north of A27 dumbbell roundabout has not been detailed at this stage. This link falls wholly within the SDNPA boundary, and as such we would require a planning application to be submitted to the SDNPA for determination. The SDNPA has had initial pre-application discussions with the developer regarding this link and have raised significant concerns regarding the form of the initial proposals as presented, but will continue to work with them and the SDNPA support delivery of the link in principle. In association with this application the SDNPA would also expect detailed drawings for the non-motorised users (NMU) provision across the A27 dumbbell roundabouts in order to connect with this link.
- 6.34. There appears to be good NMU permeability through the site, however if possible these should all be shared paths (rather than pedestrian only), particularly along the northern boundary. Off-site NMU provisions on King George VI Avenue, Three Cornered Copse and the road towards Hove Park in the south are welcomed. The SDNPA has been unable to identify the NMU provisions within the residential, commercial and community buildings. Specific provisions must be included such as cycle storage (private, communal and public), drying rooms / shower facilities in commercial and community buildings and Brighton Public Bike Scheme stations. Again, this is flagged as part of the SPD. This is particularly relevant to encourage sustainable travel to and around the development by residents, workforces and visitors alike. We would expect this information to be included as part of the reserved matters applications, or via condition. Advice with regard to SDNP interpretation information within the community centre has been given.

- 6.35. **Sport England:** (Support subject to condition)

Summary:

Sport England offers its support for this this application, subject to securing the provision of/contributions towards indoor and outdoor sports facilities in line with the comments below via a section 106 agreement, and through the inclusion of recommended conditions.

The Proposal and Assessment against Sport England's Objectives and the NPPF:

- 6.36. The additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.
- 6.37. Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The SFC indicates that the proposal will generate a demand for £398,535 towards sports halls and £410,910 towards swimming pools (note this figure relates to demand and does not take account of existing/proposed provision). *Note: Since application was submitted and these were comments received the council has introduced CIL, and off-site sport now mitigated via CIL, not via S106 financial contribution. In addition, THV includes on-site sports provision.*

Need for Indoor Sports incl Badminton:

- 6.38. Badminton England state there is a huge demand for sports hall provision within the Brighton and Hove area and they would, therefore, very much like to see this development include a sports hall available for community use. A new facility with community use would be welcomed and well used. The proposals for the community building include a 1 court badminton hall and this is therefore likely to technically address the quantity of demand for court space generated from the proposed population, however, in practice such a small facility is unlikely to provide the flexibility of use to undertake a range of indoor sports, and so consideration needs to be given as to whether this proposed on-site provision should be seen as the priority for investment to address demand for sports hall provision, or whether it would be better to secure investment into provision of new/improvements to existing sport hall facilities? There could be potential opportunities at Withdean multi-sports hub so this also needs to be considered. The detailed design of any on-site sports hall provision should be designed to accord with SE's design guidance.
- 6.39. It may be that provision of a secondary school as part of the development will then also include a new sports hall, that could be made community available, in which case this would then likely assist in providing a facility to serve a much broader range of indoor sports, and could help address the comments made by Badminton England.

Swimming pools:

- 6.40. In respect of swimming pool provision, as there is none proposed on site, it is necessary to consider how the need for swimming pool waterspace will be met in the context of potential off-site investment. The Council's Sports Facilities Plan points to various issues with the Council's swimming pools stock so these proposals may present suitable opportunities.

Strategic/Local Need for the Playing Field:

- 6.41. It is noted that the Council's Playing Pitch Strategy indicates that there are some shortfalls of match sessions, particularly for adult and youth football and rugby union in this part of the City, which are projected to become greater in the future. There are also identified shortfalls of provision of 3G Artificial Grass Pitches (AGP's).
- 6.42. The FA have recently prepared a Local Football Facility Plan for the City, which sets out their priorities for investment into football facilities over the next 10 years. This includes Toads Hole Valley as a potential site for a 3G AGP. The Football Foundation also confirm the need for more pitches in the area. The England and Wales Cricket Board support the provision of a cricket square within the school, subject to appropriate design and orientation, and dual community use.
- 6.43. The application includes provision of new playing fields as part of the new secondary school with an intention to make these new facilities available for community use. The illustrative masterplan indicates that this could potentially include football/rugby pitches and a cricket pitch. There is also reference to the potential provision of a 3G pitch with associated facilities including sports lighting. As such, there is a degree of uncertainty regarding the proposed facility mix, and in the event that the secondary school does not proceed there is a lack detail to explain how a proposed 3G pitch/grass pitches would be managed and maintained. There would also be a need to ensure that there was sufficient changing rooms and car parking to serve the pitches in a 'no school' scenario, since the site would then not benefit from the use of the schools changing facilities etc. These matters would need to be addressed in any subsequent application for reserved matters or any stand alone planning application for sports facilities on the land earmarked for the school. This can be secured by S106.
- 6.44. Notwithstanding the above, it is acknowledged that the PPS provides a basis for demonstrating a need for the proposed new playing field. By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle.
- 6.45. Conditions are recommended to ensure playing field design and maintenance is appropriate given this is an outline application only at this stage, and to secure a community use agreement for school facilities.
- 6.46. **Sussex Police:** (Comment)  
As an outline scheme, the comments offered are on a broad basis only with regard to a Secured by Design (SBD) perspective and the intention is that more in-depth comments would be provided at reserved matters stage.
- 6.47. The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Brighton & Hove district being above average when compared with the rest of

Sussex, there are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

Residential:

- 6.48. Secured By Design accreditation is recommended. The SBD scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. In order to create a safe and secure communal environment for residents occupying blocks of multiple flats, bedsits or bedrooms, and to reduce the opportunity for antisocial behaviour by restricting access to all areas and floors of the building to all residents, SBD asks for compartmentalisation within those blocks of multiple occupancy. Further details on compartmentalisation can be found within SBD Homes 2016.

Retail, Neighbourhood Centre & Dr's Surgery:

- 6.49. Additionally the applicant is directed to the Secured by Design (SBD) Commercial Development 2015 document. This is a comprehensive document that encapsulates both commercial developments where the public have no formal access, e.g. factory or office buildings, and those where public access is integral to the commercial use such as retail premises, leisure centres and public buildings. This document will be able to provide the applicant with in-depth crime prevention advice pertinent to the design and layout. Certificated products that are fit for purpose and appropriate along with natural surveillance, access control will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities.

Secondary School:

- 6.50. The SBD New Schools 2014 document can also be found on the SBD website. This document provides design guidance and specification requirements for reducing the risks for crime against people and property in all schools and school grounds such as burglary, theft, arson, vehicle crime and assault. The same advice is also intended to reduce the fear of crime and incidence of anti-social behaviour. Consequently consideration is given to both environmental design and physical security.
- 6.51. It is noted that the proposed main access route to the retail outlets from delivery vehicles, staff and users, passes through the development and past the front of the proposed school. It is asked that consideration is given to creating the retail area's own access road to the West of the school. This will assist in keeping the development's road layout free from congestion and obstruction and remove large volumes of traffic away from the school during busy times such as rush hour and school runs.

Section 106/CIL Contributions:

- 6.52. Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and our approach to Section 106 requests

is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The large numbers of housing being developed across Sussex and more specifically the City of Brighton & Hove will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application. This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation.

- 6.53. It therefore remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure. A financial contribution of £139,952.53 is therefore sought towards for the future purchase of infrastructure to serve the proposed development.

**Internal Consultees:**

- 6.54. **Arboriculture:** No objection subject to condition.

Summary:

The proposal will result in the loss of trees along the southern edge of King George Ave; the removal of self-sown scrub within the site and areas of established tree regeneration along the western boundary. However, none of these are major components in the local and wider landscape. Substantial landscape proposals along with significant numbers of replacement and new tree plantings can be required by planning conditions which will give overall environmental betterment for the area. For these reasons the Arboricultural Team raise no objections to the scheme.

Main Comment:

- 6.55. The main area of Toads Hole is neglected pastureland and now has a good cover of self-sown native species such as Hawthorn and Blackthorn. They are adjacent to Court Farm at the eastern edge of the site has a covering of semi mature self-sown trees such as Sycamore. The loss of the vegetation in the centre of the site is to be expected if the site is to be developed and, in arboricultural terms, would not make a major impact in the local and wider landscape.
- 6.56. The main adverse arboricultural impact is the loss of the trees planted in the wide verge along the southern side of King George Ave (KGA); these trees are a mixture of species that have been planted by BHCC in recent years and they have not thrived due to the shallow chalk soil horizons. They are widely spaced so they present themselves as individual trees and offer very limited screening between KGA and the adjacent housing to the south. Any arboricultural input to users of KGA is very limited as the attention of the motorists and pedestrians is focused on the distant views to the north. Likewise, screening value to the residents of King George Drive is very limited due the exiting trees wide spacing and their relatively small size. The Beech hedge that runs along the southern edge of the site boundary provides useful visual screening and windbreak between the houses and the KGA. It is important that this hedge is given sufficient protection during the construction period to ensure successful

retention. Protective measures for this feature are not shown on the Tree Protection Plan.

- 6.57. The proposed landscape master plan illustrates a generous mix of new planting within the overall scheme; however, there is little detail on the species mix and the standards to be expected in respect of planting methodology.
- 6.58. The “Outline Landscape and Ecological Management Plan” sets out management principles for the newly planted trees over a two-year period. Unfortunately, the specification given is outdated and does not meet the requirements and standards set out in British Standard 2014 – ‘Trees: from nursery to independence in the landscape’. A full and enforceable specification for the successful establishment of all tree/shrubs within the scheme along is required along with a requirement to replace any losses within the two to three-year establishment period.
- 6.59. More detail for the range of species proposed and the specification for the tree planting pits will be essential. The shallow chalk horizons in this area are not conducive to healthy tree growth and the excavation of an adequate tree planting pit will be critical for all new tree plantings. The planting pits will need to be of sufficient size to ensure the successful development of the tree species to a mature size; i.e. a minimum size of 18 to 24 cubic metres per pit. Where space is a limiting factor in the provision of an adequate planting pit then the use of a proprietary sub-soil planting infrastructure should be used. The use of these products will help in meeting the requirements of SUDs.
- 6.60. The buffer strip between the site and the by-pass is critical to the screening of the site for distant views from the downs and the South downs National Park (SDNP), accordingly, more detail is needed in relation to species selection, planting density, and planting size for this area.
- 6.61. Overall, no major objections are raised to the scheme but we should be looking for enforceable planning conditions to ensure high-quality public planting in respect of both species selection and planting specifications in order to offset the loss of trees along KGA and provide a public amenity space that complies with the environmental policies of BHCC. This scheme complies with Planning Policies, B & H City Plan, Section CP10, CP13, QD15 Landscape design and QD16 Trees and hedgerows.

Updated comments:

- 6.62. The amended proposals included highway drawings have been assessed and previous comments and suggested conditions remain relevant. Arboriculture have assessed the potential proposed road widening scheme at the junction of Old Shoreham Road and Goldstone Crescent. There will be ingress into the grassed frontage of Hove Park and the rooting area of several mature trees on site. However this is minimal, we raise no objection on the condition the excavation of the footway and verge is undertaken using hand tools only and under the supervision of an arboricultural officer. The increase from 10m to 18m encroachment into the southern section of SNCI to allow additional footway works is significant, however it is likely the majority of the ash are or will become

compromised by ash dieback in the near future and lost irrespective of development. The overall conclusion made previously would be unaltered. Appropriate compensatory planting would be required as part of the scheme.

**City Neighbourhood Co-ordinator: (Comment)**

- 6.63. For the community space at pre-application stage we spoke to the developers about the need for this to be sustainable via a community café and this also meant it is necessary for it to be within the highest footfall area. Maybe near or within any proposed shopping area or the health facilities. For the community space there would need to be a decent hall (600), kitchen (40) office (40) meeting space (50) and disabled loo. An approximate total of 730sqm. With the café the need for outside space would be useful as this makes the sustainability of the space more viable. A car park is always helpful, around 6 cars could work.
- 6.64. Speaking to the GP's they are suggesting that between 750-1600sqm would work based on the need to house what would be 3 practices merged, they would be looking at 12 GPs and 3 nurses with clinical space. Smaller surgeries are unlikely to survive (there have been significant reduction in numbers of surgeries over the past five years and forecast to reduce further) and by the time Toad Hole is built, the need will be for a larger health centre.
- 6.65. The community are keen to see the co-location of this health centre and the community facility – to allow for better integration of the two facilities. An on the ground integration of health and social care which fits the Councils Public Health agenda around Ageing Well as well as the CCG for increased social prescribing. From the current plans it seems that the two areas are not situated together.
- 6.66. **CityParks: (Comment)** On original scheme prior to amendments  
Summary:  
The BHCC Cityparks Team aims to improve the provision of informal recreation facilities in the city and the opportunities for play and casual landscape engagement for all residents. More clarity is needed as to how this will be achieved by the scheme and with regard to phasing. It is suggested that the extent and type of children's play space be enhanced. Also food growing areas should explore inclusion of allotments. Off-site links to surrounding open space should be enhanced.
- 6.67. The proposal helps, or could help deliver a number of the council's key objectives, e.g. healthy living, wellbeing, recreation, active travel and active lifestyles. It could meet planning policy CP16 (open space) and CP18 (health city) which seek the provision of and improved quality, quantity, variety and accessibility of public open space to meet development needs in accordance with local standards, and seek to reduce adverse impacts on health, maximise positive impact on health and promote health, safety and active living for all age groups.
- 6.68. We also support the comments from the Sports and Leisure team.

Children's Play:

- 6.69. Taking figures provided in the application, 880 residential units including 50% family sized dwellings will generate a significant new population here including many children (2,317 population, inc. 590 children) plus those who visit associated with the school. We consider that provision of a LEAP and LAP fall some way below the recommendations from the Fields in Trust (F.I.T.) 'beyond the six acre standard' which for the number of houses suggest includes a variety of play spaces, with a LAP (100m<sup>2</sup>) a LEAP (min 400m<sup>2</sup>), and a NEAP (min 1,000m<sup>2</sup>), plus a Multi-Use games Area (MUGA).
- 6.70. A central destination play facility may however be considered acceptable, provided it appropriately covers all ages (2-14+), and a location as suggested adjacent to the community building would be appropriate as this is where the community is expected to gather and will provide casual surveillance. A further LAP would also be required to serve Phase 1. This central site could potentially be considered to be upgraded to a NEAP (or contain NEAP characteristics) as the area could include the facility for informal ball games (perhaps freestanding goals/basketball hoop combination, preferably ball stop fencing to prevent disruption to other users/residents). The applicant is asked to explore this and it could be conditioned. Clarification is sought from the developer as to the site area apportioned in this location to the play provision and its characteristics e.g. is it sloping, as is noted community hall is on two levels?
- 6.71. If the school and the school's associated sports facilities are delivered (and the dual use of the community hall) then, whilst welcomed, these would not necessarily cover the informal ball games requirement as these pitches and facilities are likely to be managed and not generally free and open access. If there were to be any open access areas to be used out of school hours then the design would need to be carefully thought through to prevent unauthorised access to the secured area of the school.
- 6.72. The LAP provision in phase 1 is welcome and could ensure early provision for first residents. It would help younger children who require such facilities closer to home, particularly where the topography of the site is a barrier to accessing the larger, more central facility. A LAP should be 100 sqm minimum and whilst not necessarily containing equipment this would make the space more useable and attractive for accompanied young children to use along with some form of seating for adult supervision. Details should be secured by S106.
- 6.73. Playable landscapes are also good with informal opportunities for play and exercise but these should not necessarily be at the expense of more formal areas for play. General landscaped areas, ecology areas and also SUDs features may provide informal recreation opportunities, which is welcomed. Consideration should be given as to how the boundary between play and water is addressed. This could be conditioned/S106.
- 6.74. With regard to phasing it will be necessary to secure some agreement as to when the play facilities will be available within the individual phase, this still appears unclear. We would not want to see the LAP provided right at the end of the house building in phase 1 or the central play area delivered right at the end of Phase 2 as this may mean early occupants have no suitable play facilities for

a considerable period. S106 triggers tied to first occupation of early parts of housing phases should be sought.

Other types of Open Space:

Food growing:

- 6.75. The community orchard originally proposed is welcomed, but it is suggested it also incorporates some allotments, particularly given the shortage in this part of city as evidenced by waiting lists. The proposed development is situated in an area of particularly high demand for allotments with our biggest and most subscribed site in the city being in relatively close proximity. Most allotment strategies quote the 1969 Thorpe Report which recommends a minimum provision equivalent to 15 plots per 1,000 households, but this is advisory rather than legally binding.
- 6.76. Although this area would benefit from further allotment provision, from an on-going maintenance point of view the orchard would be much more straightforward to maintain. The Allotment Service is both subsidised and stretched well beyond what we can deliver with the limited resources at our disposal. However, we would agree that a mixture of both orchard and allotments preferably adjacent to each other would provide the most public benefit. For the number of households proposed it is recommended an allotment site of 10 to 15 plots each with an area of 250 m<sup>2</sup>. The allotment site would need to be secured to a similar standard as our other sites around the city:
- Security fencing is to be installed on all four sides of the site (including those backing on to the private gardens of neighbouring residential properties). Fencing should be of with 1.8 metre high weld mesh fencing with a 3.0 metre vehicle access gate leading onto a car parking area.
  - Vehicular access areas (parking area & haulage way). Ideally the site should be accessible to vehicles and provide a limited amount of parking. An internal haulage way should allow easy access to the plots and egress from the parking spaces.

Outdoor Sports:

- 6.77. Whether the school is built or not, we would seek provision for outdoor sports pitches to meet the demand created by the new population, in particular to accommodate youth football with a range of sizes suiting provision for different age groups, as there is already a shortfall of these pitches in the city. This should be secured by S106 as part of the school site/land.

SNCI:

- 6.78. The enhancement and public access to the SNCI is welcomed and will be a significant an open space resource. The SNCI should however primarily function as a wildlife refuge rather than a public open space as such and sufficient provision should be made elsewhere such that the public use of the SNCI does not compromise its wildlife value. This area should be appropriately fenced, supplied with water and have sheep grazing introduced prior to the first residents moving onto site and prior to handing over to CityParks for management. Paths should be suitably surfaced and have adequate drainage and gates should be of similar design to those used elsewhere on the council's estate. This can be

secured by S106. Transfer of the site to council ownership and a financial contribution of £500k is required for future maintenance over 25 years.

Maintenance/Phasing:

- 6.79. With all areas of public open space and childrens play, a maintenance agreement would be needed. If ownership handed to the council this would need to include commuted payments to cover a 25 year period secured by S106.
- 6.80. Phasing will need to be carefully considered and secured by condition/S106 to ensure that sufficient open space is provided at the appropriate time to serve the demand created by the new population on a pro-rata basis, and consideration of how parts of larger areas may be appropriately apportioned (and maintained) in each phase. Need to ensure all types of open space are delivered at appropriate times- not right at the end of housing in each phase, to ensure delivery and facilities for early occupiers.

Links to other open space:

- 6.81. It is important to link the development to existing surrounding open spaces. As mentioned above the city plan states “All new provision should optimise accessibility to all users (including the local community and visitors), reflect the open space requirements, facilitate sustainable means of access”.
- 6.82. The proposed enhanced linkages to the National Park are welcomed. This should include the upgrading of the surface of the path joining the SNCI to the downlink. The bridleway through Three Cornered Copse, through its linking paths, would provide an important link for the new residents as it currently does for those in the surrounding area to access the Open Space amenity of the site as well as residents from the site to access other open spaces such as Hove Park and Green Ridge. This Bridleway is in a poor condition and it is therefore recommended that it be restored to its full legal width and resurfaced to provide an off road link to residents of the development and the surrounding area. Surface improvements to increase access opportunities for those with impaired mobility is an aim within the Rights of Way Improvement Plan (ROWIP) adopted by the council in 2017. Improving connectivity to green spaces within Brighton & Hove is another key aim within the ROWIP and Three Cornered Copse is an important link in the green corridor from Hove Rec / Hove Park up to Three Cornered Copse and the South Downs. This could be secured by S106/CIL and would cost approximately £230k.
- 6.83. **County Archaeologist:** Approval recommend subject to conditions  
The proposed development is of archaeological interest due to its location within an area of the South Downs that has been a focus for human activity, settlement and burial from at least the Bronze Age period (c. 2500BC). There have been no reported archaeological finds within the development, but this likely reflects a lack of past archaeological investigation. In the wider landscape there are a number of known archaeological sites, including a Roman villa to the west, a Saxon village to the south and Bronze Age finds to the north-west. It is therefore highly likely that the proposed development area contains buried archaeological remains. This is also the conclusion of the archaeological desk based assessment submitted with the application.

- 6.84. However, due to ecological restrictions it is not currently possible to clear the site to allow archaeological field investigation, therefore any significant archaeological remains present will need to be identified and scoped out of the overall design post-determination of this outline application and prior to submission of a reserved matters application.
- 6.85. In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.
- 6.86. **County Ecologist:** Approval recommended in principle subject to condition  
Summary:  
 The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions. Conditions should be applied detailing the method statements required for the protection of bats, birds, badgers, dormice and reptiles, and surveys should be updated at the reserved matters stage and future phases of development. On and off-site habitats should be managed for biodiversity in the long term. Green roofs, SUDS, bird and bat boxes and a sensitive landscaping scheme will provide enhancements.
- 6.87. Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.
- Main Comment:  
 Policy Context:
- 6.88. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:  
*“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”*
- 6.89. The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
- 6.90. The National Planning Policy Framework states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ... sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).
- 6.91. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity;

these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

Potential impacts on biodiversity:

- 6.92. The ecologists working on behalf of the developer have carried out a very thorough assessment of the potential impacts of the development which is to be commended. Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. An Ecological Constraints and Opportunities Plan (ECOP) has been used to guide development design, reducing ecological impacts where possible. This includes the siting of high residential areas within areas of relatively low ecological sensitivity in the eastern and southern parts of the site and lower impact uses such as commercial and employment between the residential area and the Local Wildlife Site, the retention and buffering of core habitat areas, and the creation of green corridors through and around the site.
- 6.93. The site includes Toad's Hole Valley Local Wildlife Site (LWS or Site of Nature Conservation Importance), originally designated for its rough grassland with scattered scrub, dense scrub, broad-leaved woodland and dew pond. Since designation, the LWS has almost completely succeeded to scrub which is used by a range of notable birds. Small areas of grassland remain, e.g. along the path sides, and although these cannot be classified as chalk grassland, they do contain some chalk grassland indicator species, showing the potential for restoration. There is an area of secondary woodland and a derelict dew pond. The proposed development includes the restoration and management of the LWS, which is welcomed. To maintain the interest for breeding birds, blocks of scrub should be retained and managed within the LWS. Whilst Cityparks are happy in principle to take on the management of the LWS, this cannot be taken on until the restoration work has been carried out and grazing established.
- 6.94. The Outline SNCI Creation, Restoration and Management Plan and the Outline Landscape and Ecological Management Plan are broadly acceptable, although aims to make the LWS publicly accessible must not be to the detriment of the LWS or the species that use it. There is the potential for the LWS (and areas of public open space) to be managed either through cutting or grazing; grazing is preferred. Chemical control of weeds should be avoided, especially within the LWS and the Sustainable Urban Drainage Scheme (SUDS). Weeds should be manually controlled. A path should go past one side of the restored pond rather than encircling it as shown on the illustrative SNCI layout.
- 6.95. The remainder of the site is scrub with small areas of rank, species poor grassland, although the occasional presence of chalk grassland indicators shows the potential for restoration. The proposed development will result in the

loss of approximately 22 ha of scrub, the majority of which is young, plus areas of grassland. Approximately 1.5 ha of more mature, diverse scrub along the northern boundary will be retained, enhanced and buffered. The commitment to undertake extensive scrub planting and management within Three Cornered Copse and Waterhall will provide some compensation for the loss of scrub. The outline plans for Three Cornered Copse and Waterhall are appropriate and in line with discussions with CityParks. Works will be required to upgrade the bridleway through Three Cornered Copse as this is currently in poor condition and the development will increase its use.

Badgers:

- 6.96. Badgers are protected under the Protection of Badgers Act 1992. No badger sett was recorded on site. There is a sett in close proximity to the site, although not within the range where development could damage or disturb it, and as such, a licence is not required. Badgers may use the site for foraging, although there is no evidence that the site forms part of the local clan's core foraging habitat. The proposed development will retain existing semi-natural habitat likely to be used by badgers and the creation of new habitats and green corridors will maintain movement and foraging resources.
- 6.97. In light of the above, badgers do not pose a significant constraint to development. However, given the known presence of badgers in the local area, best practice working methods should be employed to ensure the protection of badgers during construction. It is also recommended that pre-construction badger surveys are carried out to assess current use of the site by badgers and to inform appropriate mitigation. The recommendations made in the Confidential Badger Report (EPR, October 2018) are appropriate and should be incorporated into a Construction Environmental Management Plan (CEMP) for biodiversity.

Bats:

- 6.98. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species (EPS).
- 6.99. Roost sites within the site are restricted to a number of trees within the LWS, which are to be retained unless their removal is necessary for health and safety reasons; any trees scheduled for removal should be assessed for their bat roost potential and surveys carried out as appropriate. Surveys recorded a high level of activity around the southern end of the LWS that could indicate a transitional roost; this will require further investigation at the reserved matters stage. Bat activity across the site was low with foraging focussed on the woodland in the northern and southern ends of the LWS, along the western boundary of Downland Drive and the eastern base of the LWS. As such, bats do not pose a significant constraint to development, but a sensitive lighting scheme should be developed to protect foraging, commuting and potential roosting habitat.

Breeding Birds:

- 6.100. The site potentially supports 33 species of breeding birds, seven of which are red listed on the Birds of Conservation Concern, two amber listed, and eight are Species of Principal Importance under Section 41 of the NERC Act.

6.101. The proposed development will result in the permanent loss of c. 25ha of nesting and foraging habitat, although this loss will be phased. The loss will be mitigated in part by the retention and management of mature scrub along the northern boundary and within the LWS, and scrub planting and management at Three Cornered Copse and Waterhall will provide some compensation off-site. Scrub should be managed to maintain a diverse age structure. Scrub habitat on the embankment of the A27 to the north of the proposed site is important for breeding birds. Whilst it is recognised that this is outside the proposed development boundary and the control of the developer, it is recommended that National Highways is approached to manage this habitat for the benefit of breeding birds and other protected species.

6.102. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

Dormice:

6.103. The Hazel Dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2010, as amended, making it a European Protected Species. Dormice have been confirmed on site, and as such, works will require a European Protected Species (EPS) licence.

6.104. An EPS licence will require a detailed mitigation strategy, to be agreed with Natural England. However, the mitigation and enhancement strategy outlined in the ES is considered acceptable and should be incorporated into a detailed mitigation strategy. In line with Natural England's advice, the focus should be on maintaining dormice on-site and in bolstering connectivity to nearby sites, rather than on off-site compensation. It is disappointing that dormouse bridges across King George VI Avenue and Dyke Road are unlikely to be feasible or effective, but the justification is sound. As the principal means of connectivity to off-site habitat will be through the provision of a central refuge on King George VI Avenue and planting either side of the road, detailed plans of the crossing are required to ensure it provides sufficient connectivity. The central island should be as big as possible and the distance that dormice have to cross should be reduced as much as possible. The central refuge and crossing should be created and planted using mature plants as early as possible in phase 1. The updated details regarding the dormouse crossing between Three Cornered Copse and Toads Hole Valley are acceptable.

6.105. I concur with the view that given the efforts made to increase connectivity with the site and Three Cornered Copse and the proposal to install dormouse boxes within Three Cornered Copse and for rotational scrub management at Waterhall,

the dormouse mitigation strategy is likely to meet the requirements set out in Natural England's discretionary advice given in March 2018.

Reptiles:

- 6.106. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. The site supports an exceptional population of slow worms, a good population of common lizard and a low population of grass snake. As such, it is a Key Reptile Site. The proposed development will result in the loss of c. 18ha of optimal reptile habitat. Approximately 5 ha of reptile habitat will be retained or recreated on site, primarily in the restored LWS. As such, a proportion of the reptile population will be able to be retained on site through translocation to the LWS. Approximately 13ha of off-site compensation will need to be provided off-site. Any snakes found should be retained on-site.
- 6.107. The outline mitigation strategy provided in the ES is broadly acceptable. The documents originally referred to Waterhall as a potential receptor site. However, after extensive investigations, the preferred options for off-site translocation are Brighton & Hove Golf Club and West Hove Golf Club. Whilst these sites already provide suitable reptile habitat, and may already support reptiles, there are significant opportunities for the sites to be enhanced for reptiles, thus increasing their carrying capacity. The commitment to provide habitat creation and to secure ongoing management at these sites for 15 years is acceptable.
- 6.108. The outline mitigation strategy notes that depending on project timings, it is possible that reptile translocation will take place over two seasons, with a break for winter hibernation. It would be preferable for translocation to be done in one season to avoid complications of removing sections of fencing. Trapping should only be carried out on suitable days, so it should be made clear that trapping may take more than 90 consecutive days. Habitat manipulation, clearance and the destructive search must be done under the supervision of a suitably qualified and experienced ecologist.

Other species:

- 6.109. The site has the potential to support hedgehogs. The hedgehog is a Species of Principal Importance under S41 of the NERC Act having suffered significant decline in recent years. Care should be taken during site clearance, and any hedgehogs found should be moved to areas of retained habitat on site. Any boundaries within the site should be made permeable to wildlife, e.g. through the provision of gaps at the bottom of fences.
- 6.110. The site currently offers habitat for a range of invertebrates, including a number of notable species. No detailed surveys have been carried out. However, proposals to restore the LWS, to retain and manage boundary habitats, and to provide green corridors through the site, will retain and create a wide range of habitats for invertebrates.
- 6.111. The mitigation proposed for brown hairstreak butterflies is welcomed.

Lighting:

- 6.112. It remains the case that under a 'no school' scenario, a floodlit 3G all-weather pitch is proposed. Floodlighting in close proximity to Toads Hole Valley LWS would not be supported. Whilst it is accepted that this would be considered under a separate planning application, it should be noted that floodlighting would not be appropriate in this location given its proximity to the LWS, and core dormouse and bat habitat. If a school is not required, additional planting should be provided to bolster habitat for dormice, bats and birds and to buffer the LWS.

Three Cornered Copse:

- 6.113. It is disappointing that the proposals for a pedestrian and cycle path with result in the loss of small area of Three Cornered Copse Local Wildlife Site (LWS of Site of Nature Conservation Importance), equivalent to approx. 0.58% of the LWS (*note this now reduced to 0.48% with revised highway drawings*) However, it is acknowledged that additional planting within the Copse will compensate in some part for this loss. As stated in the Addendum, precautions for breeding birds and dormice will be required for this vegetation clearance, which should be set out in a CEMP (Biodiversity).

Biodiversity net gain:

- 6.114. The site offers opportunities for enhancement, and as noted by Natural England in their comments of 04 February 2019, biodiversity net gain is a key requirement of the 25 Year Environment Plan, national planning policy and section 40 of the Natural Environment and Rural Communities Act.
- 6.115. Since the application was submitted, the Environment Act has received Royal Assent (November 2021). The Act will mandate the delivery of a minimum 10% biodiversity net gain on new developments, with the latest version of Defra's Biodiversity Metric being used as the tool for measurement. However, this requirement is not expected to come into force until November 2023. The metric calculation has not been applied to the current application due to it predating the Act. However, from a qualitative point of view, I am satisfied that the proposals will deliver biodiversity net gain. To provide certainty over how biodiversity net gain will be provided, a condition is recommended to secure an Ecological Design Strategy.

Mitigation Measures/Enhancement Opportunities:

- 6.116. The timing of when mitigation measures are implemented is critical to minimise impacts on biodiversity. Restoration works within the LWS should be carried out in phase 1, as should works to increase the carrying capacity of the off-site receptor sites. Any planting required to enhance and buffer dormouse habitat should also be undertaken during phase 1 as these will take some time to become fully viable for dormice. Later phases will need to be informed by updated surveys, and if those surveys show a change in the protected species present and the potential impacts, other conditions may need to be updated.
- 6.117. In addition to mitigation and compensation measures discussed above, the site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NERC Act and NPPF. Opportunities include, but are not limited to, the provision of green (biodiverse) roofs and walls, the use of

native species and species of known wildlife value within the landscape scheme, sustainable urban drainage systems, and bat, bird and insect boxes.

- 6.118. It is noted that green roofs will be provided on the school and employment blocks and neighbourhood centre as a minimum; these should be chalk grassland to help meet Biosphere and Biodiversity Opportunity Area targets. Green roofs should be provided on as many other buildings as possible. Bird boxes should target species of known conservation concern including swift, starling and house sparrow and should be woodcrete for longevity, as should bat boxes.
- 6.119. If the application is to be approved, it is recommended that conditions/S106 obligations relating to the following are applied: landscape ecological management plan, construction environmental management plan (biodiversity), Biodiversity method statement, lighting design strategy, landscape and ecological management plan (LEMP). There should be overarching method statements and a Landscape Ecological Management Plan for the whole scheme, with individual statements and plans for each phase of the development. Mitigation via the Golf Clubs should be secured via s106 legal agreement, and also s106 will be required to ensure the long-term provision and management of off-site compensation for dormice and connectivity to those areas.
- 6.120. **County Landscape Architect:** Approval recommended subject to conditions. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes.
- 6.121. The site is allocated for development in the Brighton and Hove City Plan under Policy DA7 Toads Hole Valley. The key landscape requirement included within this policy is that green infrastructure is included through the site.
- 6.122. The landscape section of the Environmental Impact Assessment outlines various options for the layout of the main parts of the development. These were subject to consultation with the local authority and other interested parties. The masterplan has also been revised in response to comments from the Design South East Panel. The parameters plan has evolved from these early consultations.
- 6.123. The illustrative masterplan has been developed to respond to the steep topography and visual sensitivity of parts of the site. This has identified distinct areas of character within the valley which have informed the resulting green infrastructure strategy. The landscape character areas that have been identified and used to inform the masterplan will help to ensure that the various elements of the development will have a sense of place and identity.
- 6.124. The EIA does identify that there will be some significant adverse visual effects on the local area and from some viewpoints in the South Downs National Park. There would not be any long term significant adverse effects on landscape

character. There will be enhancements to the character of the area and these include:

- a) The reconfiguration of King George VI Avenue as a tree lined road with new landscape treatment and improved public realm.
- b) The creation of landscaped public spaces through the central part of the valley.
- c) The positive management and enhancement of the Local Wildlife Site which is currently overgrown and intimidating.
- d) Significant areas of managed green infrastructure and public open space.
- e) A hierarchy of streets with street tree planting throughout the site area.
- f) Implementation of the Landscape and Ecological Management Plan into the long term.

6.125. The success of the landscape masterplan will depend on the full implementation of the above measures.

6.126. Cross sections through the proposed development have been provided to illustrate the relative heights of the proposed buildings across the site in relation to topography, existing buildings and the permitted development at Court Farm. In addition, wireline images have been provided from viewpoints within the South Downs National Park. In response to concerns that the proposed houses on the highest north-eastern part of the site would break the skyline from key views in the South Downs National Park the parameters plan has been revised. The maximum height for houses in these areas will be 9m and the wireline images indicate that there will be limited locations in views from the wider countryside where the houses would break the skyline. From the more elevated viewpoints in the South Downs National Park the development would appear as an extension to the urban area which lies to the south and east. The proposed tree planting and green infrastructure around the boundaries and within the site would help to break up the mass of development from these views. The visual effect of the housing development at the top of the slope needs to be considered in the context of the development which will take place on the valley slopes in the foreground.

6.127. As a response to comments with regard to other parts of the masterplan the parameters plan has been modified as follows:

- a) The buildings in the Neighbourhood Centre are indicated as up to 5 storeys as the gateway building reducing to 4 storeys further into the site. This could be acceptable as a gateway building if the design is for a high quality feature building at the entrance to the site.
- b) The height of the business units have been reduced to up to 3 storeys on the slope closest to the A27 and the wider National Park and this is welcomed. It is recommended that these units have green rooves as they will be viewed from elevated viewpoints.
- c) Tree planting within and amongst the various parts of the development will be important in breaking up the massing and scale. Ultimately larger species of tree would need to be planted around the taller buildings and as the avenue trees to the main access roads and King George VI Avenue.

6.128. It is recommended that the outline application can be supported subject to the further development of a landscape and ecological management plan and acceptable detailed design for hard and soft landscape elements.

6.129. **Economic Development: (Comment)**

Summary:

City Regeneration supports this application with some adverse comments. Whilst the development of this site is welcomed in principle, there remain concerns regarding the proposed timing, phasing and lack of actual employment floorspace delivery in the current application. The applicant is committing to only marketing the employment site but stops short of actually providing any floorspace, contrary to the supporting text to policy DA7. It is however welcomed that B1 will now be marketed earlier on and the access road to the serviced B1 land will be provided earlier than originally proposed, which will help ensure delivery of B1 floorspace.

6.130. Should this application be successful, due to the size of the development, there will be a requirement for:

- The payment of developer contributions towards the Employment Scheme payable through relevant staged payments prior to formal site commencement for each phase of the development.
- An employment and training strategy to be submitted no later than 1 month prior to site commencement for approval by the council.

Main Comments:

6.131. City Plan Part 1 DA7 states that the development is an opportunity to provide high tech, modern office space that will provide a range of unit sizes to attract new businesses to the city to support economic growth. Our research shows that there is a current shortfall of good quality B1 employment floorspace and the proposed 25,000sqm of B1 floorspace will provide much needed employment for 2,179 employees. However only 3.5ha of the overall site is allocated for B1 use, when the policy DA7 states it could be between 3.4-4.5ha. The site may prove that 25,000sqm isn't achievable on a smaller area, taking into account restrictions on heights and parking requirements and this should be tested.

6.132. Economic Development is aware that there is a demand for Grade A space as the majority of stock in the city is circa 1980s. Recent B1 speculative development, albeit city centre location, has achieved rents up to £32psf and has been let or under offer before the building has been constructed. The fact that there are occupiers willing to take occupation before completion is a good indicator of the demand. The city centre can provide a type of employment space that meets the needs of certain employers; however there is also a demand for a business park on the outskirts of the city which enables easy access to the A27, as some of the industrial estates in the city are redeveloping land for housing.

6.133. The location needs to encourage significant development to help meet the city's employment needs as the city centre is constrained. The site allocation has the potential to enable further employment sites to be freed up through

displacement, although a certain quantum of development is required to make this an attractive option to future tenants.

- 6.134. The Economic Strategy for Brighton & Hove cites that “the supply of commercial space is a major factor impacting on Brighton & Hove’s growth potential. Demand for space is high and the city has some of the highest commercial values in the south east. Supply has been impacted by permitted development, and stalled developments are affecting the certainty of future pipeline. While the city has a growing number of SME workspaces there are specific constraints in the provision of grow-on space and larger footplate space. Securing more space, and of the ‘right’ type, is therefore an important priority.”
- 6.135. City Plan Part 1 states that the site should support the knowledge based economy as a key sector growth and notes that the Employment Land Study Review 2012 accedes that as part of the need for industrial floorspace there is potential for some of the B1a and B1b, employment floorspace to be substituted by B1c light industrial. Again, Economic Development is aware of such demand for employment space as the creative, digital and information tech sector is rapidly growing and in order to retain these start-up businesses then Grade A quality builds are needed to help facilitate move on/growth space (City Plan Part 1 CP2). In addition to this the Economic Development Team is also aware there is a need for industrial units B8 as industrial estates in the city centre are being lost due to redevelopment. The Industrial Estates Audit 2017 reports that ‘there remains a lack of good quality modern units in the 1,000 sqm plus range which continues to frustrate occupiers looking to expand or to move into the city. Limited land for new development is having a detrimental impact on the growth of these businesses and that Brighton & Hove remains an attractive location for a number of businesses although there is limited scope for new development’.
- 6.136. The location of the development will serve businesses well as it is close to the A27 and the employment zone in the layout is close to other commercial uses which will create a community as the business park won’t be isolated. Parking will need to be offered in accordance with the recommendations of SPD14 Parking Standards, as a development on the outskirts will mean that employees will be commuting in by car or public transport. Bus routes will also be key; a consistent route with a good timetable during commutable hours will be required.

B1 floorspace delivery:

- 6.137. City Plan Part 1 Policy (DA7 supporting text) highlights that new employment floorspace is an important element of the scheme, and that a minimum of a first phase of the employment land should be completed prior to completion of the housing element of the scheme to stimulate the market. The Economic Development Team sees no reason for this part of the development to be left to the latter stages of the phasing and should be being marketed at the earliest possible time with the view to build out by Phase 3. This will create a more balanced and sustainable community and deliver a more wholesome completion.
- 6.138. Therefore, whilst the development of this site is welcomed in principle, there remain concerns regarding the proposed timing, phasing and lack of actual

employment floorspace delivery in the current application. The applicant is committing to only marketing the employment site but stops short of actually providing any floorspace, contrary to the supporting text to policy DA7.

- 6.139. The overall timing within this phase of the development for servicing of employment land is far later than City Regeneration would expect. There is a concern that the delivery of this phase will not meet the City Plan DA7 stipulated provision by 2030 of B1 employment space. It is suggested that the first phase of B1 floorspace should be delivered before the end of phase 2. The application states that the delivery of employment floorspace will occur subject to marketing and occupier interest. Therefore the application is only suggesting the servicing of employment land, and not delivering any employment floorspace, contrary to policy. We suggest that there would be relatively low risk associated with speculatively building the first phase of B1 floorspace and no exceptional circumstances have been put forward. Provision of the first phase would help stimulate the market.
- 6.140. City Regeneration does however welcome the amended proposal to build the access road to the employment floorspace site in the early part of phase 2. The delivery of the road will enable the space to be seen as a more viable option for future relocation of existing city businesses and inward investment. This early delivery will help mitigate any fears that the employment space won't be delivered and give the site every marketing opportunity early on. City Regeneration communicated to the developers that they are aware of a number of businesses looking to relocate and remain in the city. Toads Hove Valley will be a preferred location due to the lack of any other B1 employment floorspace coming forward in the foreseeable future. City Regeneration recommends that a soft marketing/research exercise is carried out in Phase 1 to explore the B1 commercial market. It is our belief that if this earlier marketing of the site is conducted with commercial agents the developers would feel secure in the market knowledge that either a speculative build or building good quality, sustainable units would be beneficial. Further marketing of the site to generate interest can be done in Phase 2 as the access road is being constructed.

Developer Contributions:

- 6.141. These should be sought in accordance with the council's Technical Guidance for Developer Contributions and City Plan Part One Policies DA7 and CP7. Based on the proposed size and floorspace of the development and it is deemed appropriate to accept staged payments in line with the phased delivery of this development.
- 6.142. With substantial developer contributions attached to this development, this would give the opportunity to provide a range of funding opportunities for training, which could leave a legacy for the local area. The Employment Strategy should demonstrate how the Developer or main contractor and / or their subcontractors will source local labour and provide training opportunities during the life of the project. How they will work with the Council's Local Employment Scheme Co-ordinator and partner organisations operating in the city to promote employment for local construction workers or those wishing to enter the industry, and construction phases of the Proposed Development, with a target that at least

20% of the temporary and permanent job opportunities generated by the development are provided for local people (residents living within the city postcodes).

6.143. **Education: (Comment):** (pre-CIL)

At this outline application stage, the assumption has been made that the housing mix for affordable units will be as per the Affordable Housing Statement and that number and size of the market units will be as per the housing mix in the table in para 4.14 of the Planning Statement. A financial contribution of £2,102,849.40 in total (£1,886,824.40 for secondary and £216,025.00 for 6th Form) would be required towards increasing capacity at either of the following secondary schools/6th Form: Blatchington Mill, Hove Park, Kings, Cardinal Newman. This is based on current outline housing mix proposed and consequent population generated (should this change the contribution will change accordingly) This is based on the number of school age pupils the development would be likely to generate. *Note: Since application was submitted and these were comments received the council has introduced CIL, and education impact now mitigated via CIL, not via S106 financial contribution.*

6.144. In respect of the area of land earmarked for a new school, the situation is, at the present time, that it is unclear whether a new secondary school is needed for the city. This will become more clear over time when we can analyse the impact on pupil numbers of the significant number of new homes planned for the city during the life of the City Plan. Given that this is the case it is suggested that the designation of this land should remain for the life of the current City Plan (until 2030).

6.145. It would be acceptable to secure the provision of the community sports pitch and MUGA on the land for the school within the timeframe suggested. It would then be incumbent on any school provider to work with the community to ensure that the facilities were available for both school use and community use.

6.146. **Environmental Health (Air Quality):** No objection subject to condition (only if updated TA modelling impacts are signed off by LHA)  
Revised transport and traffic generation information have been submitted. In response an Environmental Statement (ES) addendum takes account of air quality impacts or pollutant contributions based on the new traffic generations and compares with previously submitted numbers.

6.147. The air quality addendum focuses on development contribution of nitrogen dioxide (NO<sub>2</sub>). Brighton & Hove City Councils Air Quality Management Area (AQMA) is declared for this pollutant. The nearest AQMA sections to the Toad Valley development plot (identified in City Plan part 1) are:

- Southern Cross Trafalgar Road A293
- Wellington Road A259
- The Drove near bridge under the railway
- New England Road-Old Shoreham Road near bridge under the railway A270

6.148. All other pollutants including fine particulate matter have been screened out in the original ES. At a number of selected locations (receptors at the residential

façade) are assessed for NO<sub>2</sub> pollutant contributions due to the development. This includes an assessment of baseline and future levels. For some locations the baseline (2018) air quality assessment overestimates current levels of nitrogen dioxide (NO<sub>2</sub>).

- 6.149. The council is confident (in principle) that the receptors selected by the developer should not exceed NO<sub>2</sub> limits. This is however reliant on the TA modelling being signed off by the LHA. Without the Toad Valley development partial occupation (2021) a reduction in NO<sub>2</sub> is predicted by the developer at worse-case receptors. By proposed development completion (2027) ambient levels of NO<sub>2</sub> without development are predicted by the developer to improve. It is important to emphasize these are predictions that rely on substantial improvement in road traffic emissions between 2018 and 2027.
- 6.150. The 2018 monitoring indicates lower baseline pollution is lower than the consultant's assessment. That said long term monitoring (a decade or more) by Brighton & Hove City Council does not show the rate of improvement predicted by the Toad Valley assessment. The office of national statistics and EU data agree that the average age of light vehicle categories (cars and vans) is increasing. Older vehicles are less likely to have exhaust systems for the lowest emissions rates to help improve roadside and ambient air quality.
- 6.151. An approximate 20 - 46% improvement in ambient NO<sub>2</sub> over the next three to nine years is unlikely to happen in practice. For this to be reality a rapid acceleration in market uptake of ultralow emission vehicles would need to happen. Replacement of euro-5 (diesel light vehicles) and euro-V (diesel heavy vehicles) that have relatively high emissions rates of oxides of nitrogen (NO<sub>x</sub>) would need to advance before the majority of the development happens. The asset life of many of these vehicles is likely to surpass 2021 and 2027 in a minority of cases.
- 6.152. The developer predicts contribution of pollutants due to Toad Valley are insignificant because:
- Predictions of substantial improvement in road traffic emissions and general air quality in the time elapsed between baseline, phase 1 and completion.
  - Current air quality hotspots and the declared AQMA are remote from the site
  - A CEMP can mitigate impacts at construction phase
  - A detailed dispersion modelling assessment has been undertaken to ascertain the proposed developments impact on, and sensitivity to, local air quality undertaken for the proposed development's various phases; Phase 1 in 2028, Phase II in 2029, and the completion of the development from 2030.
  - The proposed development is predicted to have an insignificant impact on local annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in all years assessed.
  - NO<sub>2</sub> concentration contour plots have been used to show that no sensitive receptors within the proposed development will be exposed to concentrations of NO<sub>2</sub> exceeding the relevant AQS.
  - As such, the proposed development is deemed acceptable in terms of its sensitivity to local air quality.

- The proposed development contains a number of air quality related mitigation measures that will encourage a modal shift towards more sustainable forms of transport and improve the overall sustainability of the scheme. Examples include the provision of electric vehicle charging points; the expansion and improvements to the local cycle network; and the extension of the local bus network
- 6.153. Highways comments are seeking sustainable travel options including the extension of bus services into the development. It is essential that this and other bus services are meet more stringent emissions standards by the time of the development.
- 6.154. A nitrogen dioxide monitoring survey adjacent with KGVI Avenue has been carried out for to assess horizontal drop off with distance back from the kerb. Concentrations of nitrogen dioxide are considerably higher within three metres of the traffic climbing the steep gradient. It is recommended that residential use is set back KGVI Avenue hill gradient by at least ten metres and thirty metres from the A27 to avoid building enclosure of the A road (predicted to carry more traffic in the 2020s). Note: This refers to interior residential use, measured to the façade of dwellings. The requirement does not include outdoor amenity space or locations where people spend less than 4400 hours a year (<50% of the time).
- 6.155. Other options to a CHP (Combined Heat and Power) should be considered. Information on gas fired plant: kWh output, location of flue and height above building, height above ground, spot height of ground at the proposed location, flue width, plume temperature and exit velocity and NOx emissions per kWh. It is recommended that the developer seek ignition and flue design for lowest available NOx emission rates.
- 6.156. If approved, conditions are recommended to: set back all residential development from A27/KGVI Ave; seek euro-VI emission standards for buses; seek alternatives to gas combustion and to ensure any CHP shall have the lowest NOx rate per kWh available on the market at the time of implementation; to ensure 50% EV charging for parking spaces and for CEMP to ensure construction movements avoid local AQMAs.

Updated comments:

- 6.157. Final conclusion on air quality will be given when the Transport Assessment (modelling audit) has been agreed. The dispersion model predictions should not require an adjustment. Higher road traffic emissions than those reported are anticipated with the King George VI Avenue Hill Climb. However these do not fundamentally alter previous comments on air quality given the conditions for residential use to be set back from roadside. Clarity is required with regard to potential for diversion of HGVs from KGVI Avenue which was a previously considered.
- 6.158. The further into the future the development occurs, the more important it will be to have higher proportions of electromotive charging on site. This shall be in combination with energy provisions without emissions to air.

6.159. **Environmental Health** (Noise/light/contamination): (No objection subject to conditions)

Acoustics:

Acoustic mitigation is the main potential issue with this scheme, as the site is inherently noisy due to the surrounding road network, however with careful design this can be satisfactorily mitigated against.

6.160. The main concern is noise for the future users of the site. Much of the site is above 60dB(A) due to the high levels of traffic on two sides of the site, some of it labouring up a hill. A barrier alongside the A27 would help reduce noise levels to part of the site, but the land to site the barrier does not belong to the developer, and National Highways have not given permission for such work.

6.161. As per ProPG, Planning and Noise: New Residential Development, in order to demonstrate all methods have been considered in meeting this standard mitigation must be evaluated. Firstly, separation; layout and orientation, barriers, glazing and finally façade insulation/additional ventilation, so that internal comfort can be maintained with windows closed. Careful siting of buildings to provide a shield and putting distance between the roadways and residential occupiers (in particular) will help make internal noise levels acceptable. Therefore, buildings closest to the A27 should ideally be built first. Development should be set back from the roadways (and no buildings within the in the red zone shown on the application). A proportion of the buildings will need enhanced glazing to make the internal noise climate acceptable. This will mean relying on closed windows to keep out noise. Corresponding ventilation measures are required to make sure that there are adequate air changes and air cooling to avoid overheating. It is expected that the main outdoor amenity area per dwelling treated with acoustic screening and/or barriers, so that they attain the below 55dB(A) standard and are usable for relaxation, etc. It is also expected that the communal amenity spaces are usable for respite from traffic noise.

6.162. The EIA indicates that the increase in traffic from the new population will not result in a significant adverse effect on the noise climate in the area.

6.163. The Sharps Gaylor acoustic planning report of November 2018 (and subsequent amendments) is accepted for the purposes of this outline application, where detail regarding the exact form and layout of development is not yet known. An Acoustic Design Statement will therefore need to be provided, on a phased basis, prior to commencement of development.

6.164. It is recommended that the 'red zone' as shown within the Acoustic Planning Support Document submitted on the 5/9/19 should be formalised as a Parameter Plan for the whole site to inform Reserved Matters applications, to ensure no buildings containing sensitive receptors shall be built within the red 'unacceptable' noise zones shown alongside the roadways to the north and south of the site. This can be conditioned.

Construction:

6.165. The Control of Pollution Act 1974 and BS 5228 guidance can be used to control noise, vibration and dust via a Construction Environmental Management Plan

(CEMP), during the construction phase. It is anticipated that a series of Section 61 permits will be applied for, at each stage of the development. The main receptors at the construction phase are the new occupiers of the early phases of the site. There should be no noisy working outside of the hours 8am-6pm Mon-Sat and not at all on Sunday or public holidays.

Land Contamination:

- 6.166. There are no issues in relation to land contamination. There are no identified contamination issues at this stage and the report with the application advises further site investigation and testing during site preparation. A discovery strategy will also be used when work commences. Groundwater considerations are within the remit of the Environment Agency.
- 6.167. In relation to potentially contaminated land the RSK reports (May 2017 & Feb 2018) are accepted. There is no remediation scheme required, though further soil testing and a discovery strategy will be adopted. Verification may be required at the end of the project. This can be conditioned.

Lighting:

- 6.168. Lighting matters on private sites (primarily floodlights from the school sports pitch) can be dealt with by careful design. This can be conditioned.
- 6.169. The planning submission Enplan November 2018 covers lighting of public areas (within the remit of the Highways team), but not external lighting on buildings and private areas, which can lead to light nuisance for other occupiers (covered by Environmental Protection). The report touches on the design of the floodlights for the sports pitch and it is agreed that as well as careful design to ensure the light reaches only the pitch surface and does not spill out, the floodlight times should be restricted to 10am-10pm.
- 6.170. The topography of the site and position on the edge of the City means that there is the potential for light pollution across the area; there is some distance between the site and neighbouring dwellings, however the operating times for the sport floodlights will need to be restricted.
- 6.171. Conditions are recommended to mitigate any potential issues that may arise relating to the following: contamination remediation, acoustic design statement, delivery and service management plan, hours of opening and servicing, noise (and odour) generated by plant, school noise levels, ventilation, noise management plan and lighting scheme.

- 6.172. **Flood Risk Officer:** No objection subject to conditions.

Summary:

The proposed strategy is suitable for outline planning purposes with further design and calculation to be provided at reserve matters and approval of details stages controlled by a pre-construction planning condition.

- 6.173. It is necessary to require a site-wide strategy to be confirmed as part of the reserve matters application prior to approval of the detailed design as the current outline proposals do not establish the layout of the site which may alter thereby

affecting the assumptions, topography, drained areas and positions or sizes of drainage features currently shown.

Main Comments:

- 6.174. The site is located on a principal aquifer with high groundwater vulnerability and encompasses Source Protection Zones 1 & 2. Water quality mitigation is a key consideration in the design of the sustainable drainage system and we expect the highest standards of design for water quality in these locations, particularly for greenfield sites where the land is available for surface features.
- 6.175. The developed site, once completed, is expected to be at low risk of flooding from all sources and the inclusion of storage for large return period storms will reduce runoff and overland flow compared to the existing situation. This is due to capturing and storing large volumes of rainwater which would otherwise create runoff and surface water flood risk downstream.
- 6.176. Full infiltration proposed, which the applicant has provided the infiltration test result for. Site is on SPZ 1 for which a treatment train proposed which should be adequate in dealing with the pollution expected from surface water runoff, level of detail is acceptable at this stage of design). Existing greenfield runoff values are acceptable.
- 6.177. Some initial issues with regard to the proposed calculations/sketches were raised and further information was submitted, which is an improvement. Some areas remain where further information is required however this can be dealt with at Reserved Matters Stage via condition.
- 6.178. Maintenance plan is acceptable. Upon release Sewers for Adoption 8th edition the adoption of the suds proposed should be revisited. Applicant required to confirm how pollution will be managed from the runoff from the highways be managed prior to discharging to the infiltration basin. Whilst we understand the suggestion of permeable paving in the roads has been rejected due to maintenance requirements/adoption, we would ideally like to see prior treatment.
- 6.179. Where there are permeable paving features, the recommendations in the SuDS Manual C753 should be followed with respect to incorporating a layer of soil with good contamination attenuation potential (i.e. loamy soil). There are large areas of permeable paving currently shown in the strategy. These will need to be broken up to account for topography with flat bases and baffles incorporated as necessary to achieve the required storage volumes without surcharge at the lowest finished levels.
- 6.180. There is no shortage of opportunities within this large greenfield site to incorporate landscape led sustainable drainage solutions with multifunctional benefits as required by our site-specific Policy DA7 and SDP15, together with our SPD17 on Urban Design. Details of measures to maintain and secure safe public access arrangements within shared areas of public open space will be required at reserve matters stage.

- 6.181. The strategy discharges surface water to a principal chalk aquifer with high groundwater vulnerability. The design needs to demonstrate the contamination risk has been fully considered and effectively mitigated.
- 6.182. Sufficient design for proposed levels for the entire site will be required at reserve matters stage to prove the proposed layout and accompanying drainage design is feasible within the levels constraints including extent of banking for surface features and accounting for any gradients across soakage features.
- 6.183. There are some instances where residential roofs are drained to infiltration features located within an area designated for a different use (e.g. phase 2 network). The design will need to demonstrate how maintenance and responsibility will be managed given the potential for mixed ownership/leaseholds. Consideration should be given to finding a solution which avoids this situation for example by providing soakaways within rear gardens.
- 6.184. The intention around the ditch along the SNCI is clear in the current submission. However, it remains unclear what the intention is for the ditch along the southern boundary along with any others within the site. This should be clarified at reserve matters stage. Use of an average infiltration rate will not be suitable for developed design. As noted in the text of the drainage strategy document, the design needs to consider local ground conditions and size storage accordingly.
- 6.185. The strategy document lists water recycling, water butts, bioretention features and green roofs which are not currently identified on the drainage strategy plans and will need to be clarified at reserve matters stage.
- 6.186. A condition is recommended to secure a SUDs Strategy - to ensure submission of a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods. The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+40% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water. Applicant required to confirm dimensions and storage volumes of the SuDS for each network.
- 6.187. **Heritage:** No objection  
Statement of Significance:  
This roughly triangular site is former arable farmland, part of a dry valley, that was cut off from wider farmland when the A27 bypass was constructed to the north in the early 1990s. It does not include any designated heritage assets or any locally listed heritage assets. A relatively small part of the south western edge of the site is, however, within an Archaeological Notification Area. To the south east and south west of the site is extensive 20th century suburban housing.
- 6.188. South east of the site is the Woodland Drive conservation area, including Three Cornered Copse, which is directly opposite for a very short length of the site boundary in the south east corner. Woodland Drive conservation area is a linear

area characterised primarily as a leafy suburban 1930s Mock Tudor estate laid out along a wide curving road with generously sized front and rear gardens. The architectural integrity of the buildings, with their pitched roofs, timbered gables, and Mock Tudor detailing, gives the area a cohesion of architectural form which has remained relatively unaltered since originally built. The road rises up to the South Downs with the buildings and their gables 6.207 on the western side providing an attractive group, with their gently sloping front gardens remaining largely undefined by anything other than low stone walls or planting. All of the buildings share a common building line to Woodland Drive and although the plots are not wide the deep front gardens with their attractive planting give the road a sense of space and width. The inclusion of the Three Cornered Copse within the conservation area is important as it provides an important green space to the buildings although the existence of the woodland walk is not evident from the road.

- 6.189. Close to the southern tip of the site is the locally listed group of buildings known as King George VI Mansions; three-storey brick and tile hung vernacular revival flats, by T Garrett & Sons. The buildings have half-hipped tiled roofs, with dormers and gables. These features, as well as prominent chimney stacks, provide a distinctive roofline. The buildings are set back from the road and arranged around a central green. They are a good example of 20th century vernacular revival architecture and in townscape terms the distinctive layout and style of the buildings contribute greatly to the area.
- 6.190. Due to the location, extent and topography of the site development as proposed is likely to be visible to some extent from the Scheduled Monument at Hollingbury Hill Fort and from the grade II listed Chattri near Patcham. Hollingbury Hill Fort is a slight univallate hillfort dating to the Early Iron Age together with three earlier bowl barrows. The Chattri is a memorial of 1921 by EC Henriques under the supervision of Sir Samuel Swinton Jacob and erected on the site where bodies of Hindu and Sikh soldiers were cremated. It is built of white Sicilian marble and another, darker stone for the base. Its tranquil downland setting, affording long views, is extensive and is an important part of its significance.

The Proposal and Potential Impacts:

- 6.191. The proposals would develop the majority of the site in a generally suburban layout but with larger scale buildings, particularly to the south east and south west. Green space would run through the centre of the site. The principle of development is set out in policy DA7 of City Plan Part One.
- 6.192. There is very little inter-visibility between the site and the Woodland Drive conservation area. This would not change with the development except where the development would be visible from the upper part of Three Cornered Copse. The Copse provides an important green space to the houses of the conservation area and this would not change with the development. The conservation area is part of a much wider suburban area and contains a busy vehicular route. The way in which the conservation area is experienced would not change with this development. Its setting would therefore be preserved.

- 6.193. The site is clearly visible from the locally listed group of buildings known as King George VI Mansions but the closest part of the site would remain undeveloped and whilst the new development would change the views from these buildings, their setting is already defined largely by wide, busy carriageways and suburban housing. It is therefore considered that the setting of this non-designated asset would not be harmed.
- 6.194. The long views west and south west from Hollingbury Hill Fort already encompass a wide band of urban and suburban built development, with a golf course in the foreground, and the proposed distant development of this site would have a negligible impact on these views and, overall, on the setting of the Scheduled Monument. The panoramic view from the Chattri in this direction is more rural in character and is dominated by belts of trees with some grassland. The Chattri's tranquil downland setting, affording long views, is extensive and is an important part of its significance.
- 6.195. The proposed development would potentially introduce a small amount of additional built development into the panoramic view but the impact on this view would be very minor and would not cause any overall harm to the setting of the listed building, subject to careful choice of materials.

Additional comment relating to associated highway works at junction of Dyke Road Avenue and King George VI Avenue:

- 6.196. Proposals to realign/widen the highway on the east side of KGVI Ave and at the top of Dyke Road Avenue involve the loss of two lengths of dense vegetation along the outer periphery of Three-Corner Copse. As stated in the original comment, the inclusion of the Three Cornered Copse within the Woodland Drive Conservation Area is important as it provides an important green space to the buildings.
- 6.197. The extent to which the size of this area would be reduced by the new road alignment is relatively small and is not considered to affect the limited inter-visibility between the site and the Woodland Drive Conservation Area. It is considered that the Copse would continue to provide an important green space to the houses of the conservation area with this slight reduction in the area of dense vegetation.
- 6.198. Therefore it is considered this amendment will have a negligible impact on the way in which the conservation area is experienced and the Heritage Team does not wish to object to this amendment.
- 6.199. **Housing Strategy:** Support  
Policy CP20 requires that developments of more than 15 new homes should provide 40% of the housing on site as affordable housing. This application proposes 352 affordable homes which represents 40% of the overall units (880) and is therefore compliant with Policy CP20.
- 6.200. A tenure mix compliant with the council's current Affordable Housing Brief would be provided as 55% Affordable Rent which is 194 homes and 45% as low cost home ownership (usually shared ownership) which is 158 homes. These are

traditionally provided through one or more of the council's Register Provider partners. The council recognises that the site also offers an opportunity for community-led housing homes to be provided as part of the affordable housing element, and will work with community-led housing partners in the city in taking this forward where viable.

- 6.201. The scheme also proposes 30 serviced plots for self or custom build which is welcomed.
- 6.202. Policy HO13 requires and 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible from the outset. This would require 35 fully wheelchair accessible affordable homes for which affordable rent is the preferred tenure. The intention to provide this is confirmed in the Affordable Housing Statement forwarded with the application.
- 6.203. The unit mix overall is required to meet policy DA7 for the site which reflects the unusual opportunity to provide significant family size accommodation – 50% of housing to be 3 bed+ which is proposed at this site and will be conditioned.
- 6.204. This development will progress in four phases with the residential units being developed in the first three of these with the appropriate element of affordable housing being provided at each phase alongside the market housing. Based on the current phasing proposed this would mean 40% at each phase (phase 1: 84 affordable of a total 210 units, phase 2: 161 of total 402 units, phase 3: 107 of total 268 units).
- 6.205. The provision of serviced plots for self or custom build housing is welcomed at this site and is projected as being provided in clusters of 10 to 30 plots per cluster and provided at the latest by Phase 2 of the development programme within the private residential element. The council works closely with community housing providers.
- 6.206. **Planning Policy: Comment**  
**Summary:**  
The proposals deliver the land uses and requirements sought by policy DA7 and SPD15 and are therefore considered to be broadly policy compliant.
- 6.207. The outline application covers the major part of Toad's Hole Valley (THV) which is allocated in the City Plan (Policy DA7) for a sustainable, mixed use development to help meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods. The policy specifies a minimum of 700 residential units, 3.5-4.5 ha employment space, a 5ha site for a new secondary school, 2ha public open space, a multiuse community building, ancillary retail uses, 0.5 ha food growing space and integrated green infrastructure. In addition, the policy sets out a series of local priorities and criteria and Supplementary Planning Document 15 (SPD15) provides further development guidance.
- 6.208. Policy DA7 and SPD15 emphasise that the development should be an 'exemplar' in terms of environmental, social and economic sustainability,

achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives.

- 6.209. The SPD promotes a 'landscape led design' in recognition of the site's urban fringe location and proximity to the SDNP. The SPD also emphasises the importance of 'place-making', aiming to provide for a well-integrated mix of uses as part of a balanced and sustainable community (in contrast to many of the city's outer suburbs which lack a mix of uses or house types). The ultimate aim is seen as the creation of a modern, high quality and sustainable mixed use development that people want to live, work and visit.
- 6.210. Whilst the scheme is broadly policy compliant, there remain some issues of concern from a wider policy viewpoint:
- Housing mix - the scheme would provide 450 family houses (3+ bed), representing c51% of the total, however the remaining 430 dwellings are proposed as 1 and 2 bed flats. This would meet the housing mix requirement set out in Policy DA7, however given the very high preponderance of 1/2 bed flats coming forward on brownfield developments in the city, it would be preferable if the mix included a proportion of smaller 2-bed houses for market sale as well as a higher proportion of larger (3/4 bed) affordable dwellings.
  - Custom/self- build plots – 30 now proposed (an increase from the 20 originally proposed), secured via s106. However, given that THV represents the largest single housing site in the city, it is considered that a larger quantity of at least 50 self/custom build plots should be sought, including some provision within Phase 1 as well as Phase 2. The self/custom build should include an element of 'affordable' provision (which could form part of the shared ownership element of the affordable housing requirement).
  - B1 employment delivery - despite the applicant's commitment to bring forward the employment land before the end of Phase 2 and to commence marketing from the start of Phase 2, it is still likely that the serviced land would not become available until the end of the City Plan period (2030) or beyond. In addition, there remains no specific commitment to provide employment floorspace, only if there is occupier interest. The proposals should ideally include the upfront speculative development of some employment floorspace (e.g as managed workspace/start-up units) in order to help to deliver the comprehensive vision for THV in Policy DA7 and SPD15 as a sustainable, mixed-use neighbourhood. In addition, the marketing should continue over a period of several years once the access/serviced land becomes available and allow sufficient flexibility so that the land may be taken up/developed in either one, two or more than two phases. This will maximise potential opportunities for attracting business occupiers. The applicant could be requested to provide justification as to why delivery of at least one phase of speculative employment development would not be possible/viable.

Main Comments:  
Housing provision

- 6.211. Policy CP1 sets a target to deliver at least 13,200 new homes over the period 2010-2030, of which the minimum 700 homes allocated in Policy DA7 would form the largest single development. The outline application proposes a substantially higher figure of up to 880 dwellings (which excludes the Court Farm part of DA7). The Council's latest housing supply position (updated from 16 June 2021) shows a very substantial five-year housing supply shortfall of 6,604 (equivalent to only 2.2 years of housing supply). This places increased importance on bringing forward the planned development at THV.
- 6.212. The outline proposals for up to 880 dwellings should therefore be welcomed in principle, subject to other policy requirements. The development would make a significant contribution towards meeting the City Plan housing target and would help to reduce the current 5-year housing shortfall.

#### Housing mix and affordable housing

- 6.213. In accordance with Policy DA7, it is proposed that the scheme will include 50% family housing (i.e. 3 or more bedrooms) and 40% of the residential will be affordable, and this is welcomed.
- 6.214. The 40% affordable housing equates to 352 dwellings. The application proposes 156 for rent and 128 dwellings for shared ownership. This broadly meets the required tenure mix sought in the Council's Affordable Housing Brief (55% social rented and 45% intermediate/shared ownership), however in accordance with updated national policy, 25% of the affordable housing should be provided as 'First Homes'.
- 6.215. CPP1 Paragraph 4.213 indicates that the majority of the city's projected housing need/demand is for smaller units (1/2 bed), however given the very high preponderance of 1/2 bed flats coming forward on brownfield developments in the city, it may be more appropriate to include some provision of 2-bed houses and a higher proportion of 3 and 4 bed affordable dwellings or to provide a justification as to why such a mix would not be appropriate.
- 6.216. The phasing of development should be carefully considered to ensure each phase contains a suitably balanced mix of housing units.

#### Self/custom build housing

- 6.217. SPD15 seeks to encourage custom build, self-build, community land trust and co-operative housing, reflecting the potential of the THV site to accommodate a wide range of needs and lifestyles and this is seen as contributing towards a lively, diverse and economically viable new neighbourhood. The Council has a statutory duty to give planning permission for sufficient serviced plots of land to meet identified local demand for self-build and custom housebuilding. There is currently demand for a total of 150+ plots identified on the Council's Self-build and Custom Housebuilding Register (including both community-led housing and individual self-build).
- 6.218. The applicant has committed to provide for 30 custom build plots within Phase 2 of the development proposals. This is an increase from the 20 originally proposed and would be secured via the s106 agreement. Whilst this would be

welcome, it should be noted that THV is by far the largest greenfield housing site identified in the City Plan - the allocation of a minimum 700 dwellings at THV compares with a combined figure of c900 dwellings in total for all other 'urban fringe' sites allocated in CPP2. In this context, a larger quantity of at least 50 self/custom build plots would be more appropriate. The self/custom build should include an element of 'affordable' provision

Housing Densities:

- 6.219. Policy DA7 requires that the residential development should fall within the range of 50-75 dwellings per hectare (dph). The parameter plan shows a range of residential densities, with the highest densities (60-120 dph) in the flatted development above the neighbourhood centre/doctors' surgery and densities of 50-100 dph in the area adjacent to the school site and employment land. These areas are on the lowest parts of the site, where it is envisaged taller building of flatted development can be accommodated. The supporting information indicates that the overall density across the site would be c53 dph (and c58dph across the developable residential land).

Community facilities

- 6.220. The outline proposals include the construction of a 4/5-storey neighbourhood centre building located close to the main access into the site at its southern end (providing neighbourhood facilities on the ground floor and residential flats above).
- 6.221. Provision is made for local retail uses comprising a unit for a local convenience store of c370 sq.m and 4 other units ranging in sizes from 93 sq.m to 139 sq.m. The scale of retail provision and proposed unit sizes appear appropriate in terms of providing local facilities in accordance with Policy DA7 and Policies SA6 and CP4. The total retail floorspace would fall below 1,000 sq.m, so there is no policy requirement to undertake a retail impact assessment. However, it may be appropriate to apply planning conditions to ensure that the individual retail units should not be amalgamated to create a larger store (e.g a supermarket). This will ensure a variety of local shops that meets local needs.
- 6.222. A doctors' surgery is proposed on the ground floor of the 4-storey building immediately to the north of the neighbourhood centre, providing 742 sq.m floorspace for a surgery/ health facility to be established. This figure equates to the minimum floorspace requirement advised by the BHCC City Neighbourhood Coordinator based on their previous discussions with existing GP practices, and would potentially accommodate 3 whole time equivalent GPs, which would exceed the additional demand generated by THV alone (1.85 GPs). Up to date comments should ideally be sought from the Clinical Commissioning Group (CCG) to help inform the proposals.
- 6.223. The application also proposes construction of a multi-purpose community building as required by Policy DA7. This would function as a multi-purpose facility and would include provision of indoor sports facilities suitable for a badminton court and changing rooms. It would be centrally located within the development and set within a landscaped area of open space (which would include an adjacent area of children/young people outdoor play space

(LEAP). The neighbourhood centre and community building would be well located to create a 'neighbourhood hub' for the new community. These facilities are not phased for construction until Phase 2 of the development in order to ensure that there is a 'critical mass' of development. However, the application proposes to provide a temporary community building within Phase 1 which will serve the development until construction of the permanent community building in Phase 2. The neighbourhood centre including doctor's surgery would be speculatively delivered to shell and core construction, as secured by s106, which is welcomed and this will help attract potential tenants.

#### Employment space

- 6.224. Policy DA7 seeks provision of B1 employment space comprising 3.5 - 4.5 ha of land which the supporting text (para 3.90) indicates should provide c25,000 sq.m floorspace. This represents the largest single element of the identified B1 office supply over the City Plan period. Employment provision is a key element of the vision for THV in Policy DA7 and SPD15, which is for a sustainable mixed use development to form a new community/neighbourhood.
- 6.225. The application does not commit to the provision of employment floorspace, only to the provision of serviced land. The application includes information that indicatively demonstrates that 25,000sqm employment floorspace could be accommodated within the 3.5ha site, however given that the proposed employment land is the minimum size sought in the policy, the case officer and consultees will need to satisfy themselves that the area is indeed sufficient in principle to accommodate 25,000sqm satisfactorily in terms of height, layout, parking, landscaping etc.
- 6.226. The supporting text to DA7 at para 3.93 requires as a minimum that the first phase of the employment land should be completed prior to completion of the housing element of the scheme to stimulate the market. There are not considered to be any exceptional circumstances which justify departing from this, especially given the strength of demand for new office floorspace in the city. The applicant's indicative phasing timetable would not provide the serviced employment land until relatively late in the development (towards the end of Phase 2 at the earliest). It is understood that the employment site could not be phased earlier as it would require the main new junction and remainder of the internal spine road (and costs associated with it) which will only be deliverable at the Phase 2 stage.
- 6.227. Discussions with the applicants since submission of the application have resulted in slightly greater flexibility, with the commitment to start marketing the employment land from the start of Phase 2 and potentially to provide some employment floorspace before the end of Phase 2, subject to occupier interest. However, it is still likely that the serviced employment land would not become available until the end of the City Plan period (2030) or beyond and there remains no specific commitment to provide employment floorspace, notwithstanding the supporting text of DA7 which seeks this.
- 6.228. It is unfortunate that the layout and phasing of THV does not allow fully serviced employment land to be brought forward at an earlier stage in the development.

However, the proposals should ideally include the upfront speculative development of some employment floorspace (e.g as managed workspace/start-up units). This will help to deliver the vision for THV in Policy DA7 and SPD15. Justification should be sought from the applicant as to why this is not possible/viable. The views of the BHCC Economic Development team should be sought on the most appropriate types of employment space to meet demand in the city.

#### Land for secondary school

- 6.229. As required by Policy DA7, 5 ha of land within the development area is set aside for a secondary school, and as stated in the supporting text to DA7 this would provide for a 6 form-entry (6FE) school. The school site would be well located on level ground close to the main access to the THV development and the proposed neighbourhood centre/community uses, which would enable the school buildings and playing fields to be made available for dual use by the local community as required in CPP1 (para 3.91). The Policy DA7 allocation was made on the basis there is demand currently for a further school in the city within the Plan period (until 2030) as a minimum. It is a strategic allocation and aims to meet the needs of more than just that created by the new population at Toads Hole Valley. If the school is not required, formal sports pitches for community use (including a MUGA) should be provided on the school site (see below under 'Open space'), plus changing rooms to serve them, to ensure the sports and recreation needs of the new population are met within the new neighbourhood.

#### Open space/green infrastructure

- 6.230. Policy DA7 sets specific requirements for the provision of 2 ha of public open space with children's play space and informal sports facilities, together with 0.5 ha of food growing space. In addition, there is a specific requirement to conserve and enhance the designated SNCI at the western end of the allocation. SPD15 provides further guidance emphasising the potential for a landscape-led development.
- 6.231. The outline proposals provide for a total of 5.8 ha open/green space, excluding the SNCI (which extends to c8.5 ha). The proposals include a Local Area of Play (LAP) to be provided within Phase 1 of the development, together with a Local Equipped Area of Play (LEAP) provided within Phase 2. The proposals also include a community food growing space (0.58 ha); areas of landscaped open space; buffer zones/ecology zones; school playing fields or formal sports pitches; and public access areas within the SNCI.
- 6.232. The illustrative masterplan shows that the open/green space would be well integrated within the development, providing a series of green corridors, which would provide for multi-functional open space, landscaping, habitat protection/ecological mitigation, sustainable drainage/flood attenuation and pedestrian/cycle routes. Specific provision is made for the restoration and future enhancement of the SNCI through an ongoing management plan, which is a significant benefit of the proposal in accordance with Policy DA7. The proposals also provide for a landscape and ecology buffer around the perimeter of the development.

- 6.233. In terms of overall area, the proposed open space would exceed the requirements set out in Policy DA7 although it is assumed that the DA7 figure of 2 ha excludes some categories of open space which are not necessarily public open space, (e.g Natural and Semi-Natural Greenspace) but are considered necessary to support the scale and type of development proposed. As the number of residential units proposed is higher than the 700 homes required in Policy DA7, the additional housing will proportionately increase the requirement for onsite open space.
- 6.234. The proposed community centre will accommodate provision for an indoor sports area which can accommodate badminton and other sports activities. Outdoor sports facilities will be provided onsite in conjunction with the secondary school and made available for dual use by the residents of the new development, and a fallback contingency should be made for the provision of sports pitches (including a MUGA) on part of the school site before the end of Phase 2 with changing facilities provided as an add-on to the community centre. Phasing will need to be carefully considered to ensure that sufficient open space is provided at the appropriate time to serve the demand created by the new population on a pro-rata basis, and consideration of how parts of larger areas may be appropriately apportioned (and maintained) in each phase.

#### Development phasing and infrastructure

- 6.235. The scale and the mix of uses proposed require that that the development will come forward in phases. The applicant has provided phasing parameter plans which identify the development/land uses and infrastructure that will be provided within each phase. The applicant's Planning Statement explains the approach to development phasing in more detail. The proposed approach to phasing is generally considered acceptable.

#### Sustainability and waste management.

- 6.236. Policy DA7 and SPD15 emphasise that the development should be an 'exemplar' in terms of environmental, social and economic sustainability, achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives. Policy DA7 (criterion e) requires that environmental sustainability will be central to the design and layout of the scheme which will be expected to meet the requirements of Policy CP8.
- 6.237. Development should incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability and deliverability (criterion f). The supporting text for Policy DA7 (para 3.86) and the SPD (para 4.35) identify a range of potential measures to help mitigate or adapt to climate change, reduce greenhouse gas emissions, and reduce the city's ecological footprint etc. The applicant has provided a range of supporting documents including an EIA, Energy Statement, Sustainability Statement, Flood Risk and Surface Water Drainage Strategy and Framework Travel Plan. The application proposals together with these documents will need to be reviewed in detail by the relevant consultee Council officers to ensure that the scheme will deliver the Policy DA7 sustainability objectives.

- 6.238. Policy WMP3d of the Waste and Minerals Plan requires development proposals to minimise and manage waste produced during construction demolition and excavation. A development of scale will produce significant quantities of construction, demolition and excavation waste, and a comprehensive Site Waste Management Plan should be required by condition.
- 6.239. **Planning Policy – Artistic Component:** Comment  
To make sure the requirements of local planning policy are met at implementation stage, it is recommended that an ‘Artistic Component’ schedule be included in the section 106 agreement. It is recommended that an overall Artistic Component Strategy is sought with phased delivery of the Artistic Component elements which should consider consistent principles across the whole site.
- 6.240. **Private Sector Housing:** Do not wish to comment.
- 6.241. **Public Health:** Comment  
Public Health has analysed the responses to the Health Impact Assessment provided by the applicant for this site, as well as assessing the proposals against the HIA criteria developed by Public Health and Planning.
- 6.242. Healthy Housing - The section relating to housing quality and design has been marked as having a positive health impact, although it is not possible to say this at this outline stage as there is insufficient detail, so neutral may be a better reflection of the position.
- 6.243. We are supportive of some of the positive changes outlined: community building in phase one; sport pitches (including a MUGA) if the school does not come forward with additional changing facilities as a “bolt on” to the main community building; improvements to the Goldstone Crescent cycle route and cycle and pedestrian crossings at the A27 Devils Dyke gyratory; widening of the cycle and footpath at Three Corners Copse and improvements to bus coverage within the development.
- 6.244. Further details with regard to the following should however be addressed again and considered at the Reserved Matters application stage:
- Accessibility
  - Sustainable transport
  - Appropriate (segregated) cycling and walking infrastructure for healthy lifestyles
  - The needs of protected characteristic groups
  - Access to open space and nature
  - Access to inclusive childrens play
  - Alternative sports facilities if no school, and community use of school facilities
  - Safe and vibrant neighbourhoods including co-located healthcare and other social infrastructure
  - Provision of benches for accessibility/inclusivity

- Access to work and training - potential to include managed and affordable work spaces.
- Access to Healthy Food
- Healthy Environment - mitigation to minimise air pollution

6.245. **Sports Facilities:** (Comment) (pre-CIL)

The proposal helps, or could help, deliver a number of the council's key objectives, outcomes and recommendations from the following policy/strategy documents including:

- BHCC Corporate Plan 2015-19
- BHCC City Plan – Part 1
- BHCC Sports Facilities Plan 2012-22
- BHCC Sport & Physical Activity Strategy 2013-2018
- Playing Pitch Strategy (2017)

6.246. The BHCC Sports Facilities Team is keen to support the proposal which involves the addition of a community facility, secondary school (with playing fields) and improved informal recreation facilities across the whole site.

6.247. Overall, the development would appear to support in the delivery of a number of sport and physical activity requirements although this is complicated due to the phasing particularly in relation to the above facilities which appear to be delivered in the later phases (especially the school). This means the facilities proposed at the school (which are not yet known) will not be available for community use for a number of years. Due to this reason it would seem appropriate to secure some offsite sports contributions for outdoor and indoor sport in the initial phases. This would then mitigate the impact of each phase prior to the delivery of the community and school facilities. As suggested previously the closest public indoor sports facility would be Withdean Sports Complex (which also has outdoor facilities) although there could be other options or opportunities at other sites nearby. It is however important to consider the balance between on and off site provision.

6.248. It is disappointing that currently no off-site contributions will be provided - especially when considering the Sport England recommendations and their requirement for some on or off site wet provision. *Note: CIL has since superseded contribution requirement for off-site facilities.* However, it is acknowledged that the current proposal significantly improves the outdoor and indoor sports facilities in the city. It is also acknowledged that what is currently proposed for the site (without the school) – the 3G, MUGA and increased community facility to provide indoor sports provision complies with BHCC's current planning guidance and the broad level of contributions. The provision is also all on site and although is delivered later on in the phasing of the scheme it directly provides a recreation offer for those in the immediate vicinity.

6.249. If the school is not provided the equivalent sports facilities should be provided and a full sized 3G All Weather Pitch and MUGA and associated facilities are proposed. These associated facilities include additional toilet/changing/officials provision would need to be added specifically for the 3G and MUGA users. These should be separate to the internal community building ones and ideally

accessed directly externally to avoid conflict between users. This has been raised through S106 discussions and it is hopeful the community centre footprint could be increased to enable the necessary provision (anticipated requirement of 100m<sup>2</sup>). Allocated parking, separate to the community centre would also be required. In terms of car and bike parking initial calculations indicate spaces for 40 cars and 16 bikes would satisfy the council's parking guidance - SPD14. It is recommended that an annual sinking fund of £25K is established from day one in respect of the 3G pitch.

6.250. The multi-use Community Facility hall space has been re-designed and increased to provide a one court badminton hall which is really positive and therefore suitable for a wider range of activities. However, the exact dimensions are still not known - this formal sports hall needs to be secured by s106 (to be approx. 400sqm in area and 6.7m in height).

6.251. If the school and the school's associated sports facilities are delivered then there would need to be a requirement for those facilities to be available and open to the public during evenings, weekends and school holidays which would need to be formalised via a S106 community use agreement.

6.252. **Sustainable Transport: Objection**  
Summary:

Overall, we welcome the proposals which in principle help to meet several local policy requirements. This is an allocated site within the Local Plan, and the latest proposals appear compliant with the policy requirements set out in DA7 and CP9 of the City Plan Part One, as well as the requirements set out in the Toad's Hole Valley supplementary planning documents (SPD15).

6.253. However, despite several of the core building block elements of the application having been agreed through the recent discussions (trip generation, trip distribution, background traffic growth, committed developments, scope of modelling and broad sustainable transport package) and discussions being significantly advanced with most matters agreed, there remains insufficient information from which to determine whether the traffic and safety impacts of the proposals have been appropriately assessed and if the proposed mitigation is adequate, as required by national and local planning policy.

6.254. Therefore, at this stage, a final conclusion with regard to the Transport Assessment (TA) and associated Environmental Impact Assessment cannot be given. On the basis of the above, we would have to object to this application at this stage and in the absence of the information listed above, as we are unable to determine whether the development would have a severe impact as required by National Planning Policy Framework (NPPF) paragraph 111.

Main comments:

Background:

6.255. When the application was first submitted the Local Highway Authority was unable to conclude whether the proposals were acceptable due to outstanding issues and concerns regarding the methodology of the Transport Assessment. Discussions continued (including National Highways) with a view to resolving

the outstanding matters, given that the site is an allocated site within the Local Plan, and that the proposals were deemed broadly policy compliant. Since then, significant additional analysis and assessment has been provided by the applicant and a revised Transport Assessment Addendum has been submitted, which forms part of the overall Environmental Statement submitted under the Environmental Impact Assessment Regulations.

6.256. Discussion on the matters below have been positive and are significantly advanced subject to some outstanding matters which we envisage to be nearing conclusion:

- Trip Generation
- Trip Distribution
- Background traffic growth
- Committed developments
- Scope of Modelling; and
- Sustainable Transport Package

Policy context:

6.257. Key policies and guidance relevant to the assessment of this proposal include CP9, DA7 and SPD15.

6.258. In addition to confirming acceptable types and quantum of development this defines, inter alia, the following broad policy aims of DA7 in respect to transport include:

- i. Using the site efficiently and effectively to assist in meeting the development and infrastructure requirements of the city.
- ii. Improving sustainable transport linkages to the area.
- iii. Addressing the issues of highways safety on King George VI Avenue, noise and other traffic impacts from the A27 and provide improved links to adjacent residential areas.
- iv. Improving public transport access and providing good quality public realm that encourages healthy lifestyles (walking and cycling with connections to existing cycle infrastructure).
- v. Making contributions towards improved pedestrian and cycle links to the South Downs National Park.
- vi. Benefitting residents, including through road safety improvements.
- vii. Working in partnership with the National Highways and developer to improve the operational performance of the trunk road network and links to local roads.
- viii. Providing developer contributions to secure the sustainable conservation and enhancement of the adjacent Site of Nature Conservation Importance.

The supporting text to policy DA7 goes on to note at the following paragraphs:

6.259. The key issue for any comprehensive redevelopment of Toad's Hole Valley is to ensure there are improved sustainable transport links to the area. Work will be undertaken with sustainable transport providers to ensure that links are improved. In terms of promoting cycling and walking, improved links to adjacent neighbourhoods and to designated national cycle routes will be sought as part of a redevelopment scheme.

- 6.260. The site is bounded by King George VI Avenue which is a main route into Hove from the A27 Bypass. The redevelopment of Toad's Hole Valley represents an opportunity to improve safety on this steep and curving road. Redevelopment proposals should give consideration to slowing traffic, realigning the road, providing off-street parking in accordance with parking standards and improving the local environment.
- 6.261. The development is likely to have an effect on the operation of the Devils Dyke Junction with the A27. Work will be undertaken with the National Highways and developer, taking into account sustainable measures to reduce vehicular traffic, and mitigation measures will be identified to ensure the safe movement of traffic on the A27.
- 6.262. Improved walking and cycling links to the South Downs National Park will be expected to be provided as part of the redevelopment scheme. This may involve improving existing links.

Modelling:

- 6.263. The modelling work is currently undergoing the auditing process. A computer-based VISSIM model has been used to assess the traffic impact of this development on the local highway network. Two models have been created; one covering the highway network forming the study area in closest proximity to the site and an additional model covering the A27/A23 junction only. Further modelling of individual junctions has been undertaken for those locations that are also included in the TA study area but are more remote to the site and are not covered in the VISSIM model. The TA study area and locations requiring assessment and modelling was discussed in detail and agreed with BHCC.
- 6.264. Traffic modelling work undertaken by the applicant of the forecast impacts of the development and of the proposed highway and traffic mitigation remains ongoing. Until the audit has been completed and the modelling is signed off, we are unable to assess the transport implications relating to traffic flows and movements to determine whether the impacts and proposed mitigation is acceptable.

Road safety:

- 6.265. The Road Safety Audit Brief has been reviewed and signed off by BHCC and National Highways Audit Team. However, at the time of writing BHCC has not received the outcomes of the Audit and it is understood that this work is currently being undertaken. Following receipt of the Audit, the applicant's transport consultant will then need to provide a designer's response to any issues raised. Whilst it is recognised that an earlier iteration of the scheme proposals have been through the RSA process, we require a full and current Road Safety Audit to be completed of the latest scheme, which includes all of the site access junctions and proposed highway mitigation, so that we are able to assess the safety implications of the proposed changes to the highway network.

Mitigation package:

- 6.266. The proposed mitigation addresses the key policy requirements set out in SPD15, and therefore is welcomed in principle. However, until the traffic model

audit has been signed off, the model outputs cannot be confirmed and therefore we cannot conclude whether the proposed mitigation is acceptable.

- 6.267. To mitigate the impacts of the development, a scheme of highway works has been proposed and these are currently being assessed through the Road Safety Audit process. In addition, a significant scheme for pedestrian and cyclist improvements, an enhanced bus service, car clubs and a travel plan have been proposed as part of a sustainable transport package to improve the sustainable transport offer of the site, with the aim of reducing the need to travel by private car. The mitigation package that has been proposed would be essential to ensure that the forecast vehicle trips can be managed, and the trips forecast to be made by sustainable modes as set out in the TA can be achieved, to avoid a severe impact on the local highway network. These mitigation measures would need to be secured through the s106 agreement, to ensure their delivery and CIL bids will be made where appropriate, to secure the funding to deliver the scheme(s). Financial contributions towards an enhanced bus service and the council's bike docking scheme would need to be secured along with a comprehensive package of measures and highway works. It is noted that councillors at the council's Policy and Resources Committee on 1/7/21 have agreed to ringfence £2million of CIL funds for the THV trunk road works, which is also set out within the draft s106.

Conclusion:

- 6.268. Therefore, on the basis of the above, we would have to object to this application at this stage and in the absence of the information listed above, as we are unable to determine whether the development would have a severe impact as required by NPPF paragraph 111.

- 6.269. **Sustainability Officer:** Approve subject to conditions

Summary:

- 6.270. Policy DA7 expects Toads Hole Valley to be an 'exemplar' of sustainability. Since the Policy DA7 allocation was first drafted prior to 2016 and since Policy CP8 was first drafted, there has been a significant shift towards all development needing to reach a high standard of sustainability. New building regulations will require a substantial uplift in energy efficiency, improvements to ventilation, and changes to requirements for Electric Vehicle chargepoints.

- 6.271. The suggested conditions push beyond Brighton & Hove's usual standards, to ensure the proposal complies with Policy DA7. These conditions will result in a development which is exemplary in terms of energy efficiency and water use, going beyond expectations, and will help the City Council to achieve its carbon neutral ambitions.

Main Comment:

Context:

- 6.272. Policy CP8 sets out energy and water efficiency standards required to be met for all developments. It states that the council will seek to ensure development incorporates sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions,

and mitigate against and adapt to climate change. Unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable all development will be required to achieve the following minimum standards:

- Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations
- Water efficiency standards of 110litres/person/day

And for non-residential developments:

- 'major' applications are expected to achieve BREEAM 'excellent'.

6.273. Policy: DA7 Toad's Hole Valley (THV) goes further than policy CP8 and expects the development to reach an 'exemplary' standard in terms of environmental, social and economic sustainability, achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives.

6.274. DA7 states that environmental sustainability will be central to the design and layout of the scheme which should aim to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability and deliverability.

6.275. DA7 states that development will be expected to address the principles of a One Planet approach and incorporate measures to help mitigate or adapt to climate change, reduce greenhouse gas emissions, address fuel poverty and security and reduce the city's ecological footprint subject to viability and deliverability.

6.276. The supporting text to DA7 suggests measures to help achieve the delivery of these objectives including:

- facilitating low ecological footprint lifestyles and practices, both on site and in the surrounding area;
- rationalising site layout, street and building orientation to maximise passive design;
- maximising the potential to generate energy renewably on the site;
- delivering a decentralised energy network;
- offering options to extend energy infrastructure to the surrounding built environment;
- surface water run-off being controlled to maintain Greenfield run-off rates; and
- tree-planting to help reduce the impact of urban heat island effect

Update:

6.277. Following extensive discussions with the Applicant in 2020, a set of conditions on energy efficiency, low carbon and renewable energy, heating, ventilation, water use and electric vehicle charging were proposed. These conditions were intended to result in a development which is exemplary in terms of energy efficiency and water use, going beyond expectations, and helping the City Council to achieve its carbon neutral ambitions.

6.278. However, in 2021, the government announced new Building Regulations for both residential and non-residential new developments – the Future Homes Standard and the Future Buildings Standard. Interim versions of these new standards will

come into force in June 2022 and will demand much greater reductions in carbon emissions than the current Building Regulations and the Council's own planning policy CP8. The Future Homes Standard is expected to require carbon emissions to be 31% below BRUKL in 2022, increasing to 75-80% in 2025. The Future Building Standard introduces new standards on carbon emissions for non-residential buildings, depending on function. To achieve this, homes would typically have a heat pump, a waste water heat recovery system, triple glazing and minimum standards for walls, floors and roofs that significantly limit any heat loss.

- 6.279. The THV development will almost certainly have to meet the new standards, regardless of when planning permission is granted. A very substantial uplift in energy efficiency will be required. It is also likely that gas boilers will not meet the carbon emission requirements, so alternative low-carbon heating solutions must be investigated. The Future Homes Standard and Future Buildings Standard also amend building regulation provisions for ventilation. The council understands that new regulations will also increase the number of electric vehicle charge points provided in new developments.
- 6.280. The applicant has previously committed to improve upon current sustainability standards as set out in policy CP8, and it is considered that provided conditions are imposed to cover the following areas in the context of the above future uplifts in standards, approval can be recommended:

Energy Efficiency, Carbon Reduction Target, and Low-Carbon Heating:

- 6.281. In 2017, Brighton & Hove City Council carried out a study of Heat Networks, identifying potential suitable sites across the city. A Heat Network study was carried out for Toads Hole Valley (ref: 035279, March 2017, undertaken by BuroHappold Engineering). This study gave indicative feasibility outlines for various scenarios, none of which were financially viable at the time of the study. This was principally due to the cost of servicing and maintaining such a dispersed heating demand.
- 6.282. The THV Heat Network Study states that further feasibility and viability studies will be needed to provide greater accuracy once the masterplan for the site is developed. Once more is known about the layout, feasibility studies will be better informed. The feasibility studies will assess whether a heat network is an efficient way of providing heat to low density parts of the scheme, especially as improved building standards reduce the heating demand of the homes, as new technology comes into play, and as the national electricity grid decarbonises. Higher density areas including the neighbourhood centre, flats, school and offices may be more suitable for a heat network serving these buildings.
- 6.283. If and when heat networks are developed (by others) near the THV site, the site should be future-proofed to be able to connect to such sites and take advantage of low-carbon heat. The government's Heat Network Delivery Unit has funding available for feasibility studies and can provide advice. The applicant has not opposed the principle of connection to a District Heat Network (subject to cost and carbon considerations) and has committed to future-proof those parts of the site where a higher density of heat demand might be expected (e.g. the larger

apartments and school), by providing a safeguarded route to connect to a future heat network.

- 6.284. Therefore an appropriate condition can give flexibility to take account of changes over the development period in energy and heating technologies and costs, building standards, funding regimes, and the local context, in order to achieve an overall energy and heating strategy which minimises carbon emissions, is affordable for residents and efficient to build. An appropriate condition can secure an overarching Energy Strategy for whole site and for each respective phase, which will review options for renewable energy integrated with low carbon heating (including solar PV and solar thermal, air and ground-source heat pumps, and new technologies such as hydrogen which may come forward during the development period) and clean ways of delivering the energy, including a Heat Network Feasibility Study for each phase.
- 6.285. An overarching Energy Strategy for the whole development should be submitted, and for each phase. Energy Statements shall demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand and should The Energy Statements shall assess the potential for renewable / low carbon energy on site and shall prioritise exploration of solar PV, solar thermal, air source and ground source heat pumps. The Energy Statements should assess low-carbon heating options to supply heating efficiently, cleanly and affordably to residential and non-residential buildings, for the respective phase. This must include a Feasibility Study for a low-carbon heat network, together with a low temperature distribution system. The agreed heating system shall be implemented within the development unless evidence is submitted to prove it is not technically feasible or financially viable under current costs, technologies and funding regimes, and considering heat demand. In addition the Energy Statements should set out how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. The figures for the domestic element of the development should be presented separately from the non-domestic elements and all energy calculations shall use SAP10 emissions factors.
- 6.286. In the event of future amendments to Building Regulations beyond Part L 2013, the Energy Strategy and Statements shall have regard to the new energy efficiency standards. Conditions should also be imposed to ensure the development is future proofed and able to connect to any future decentralised heat network, should one become available.
- 6.287. It is expected that a Future Homes Standard will come into force within the timespan of the Toads Hole Valley development. If that is the case then the new Standard will likely supersede some existing City Plan policies. However an interim position and conditions are required in order to cover the period until a Future Homes Standard is implemented and to ensure that Toads Hole Valley is an exemplar of low carbon development. An appropriate condition should ensure residential development secure a minimum of 31% CO2 emission improvement relative to the threshold set in the Building Regulations Part L 2013, until superseded by new Building Regulations the Future Homes

Standard. Non-residential buildings should also meet the carbon emissions requirements of the Future Buildings Standard.

Ventilation:

- 6.288. The Applicant has agreed to provide details regarding proposed ventilation systems in relation to each respective phase, and this is considered necessary to ensure this is sustainable and can be conditioned. It is anticipated that the majority of the buildings will rely on natural ventilation via openable windows. Some spaces, such as the commercial offices and assembly areas (such as within the school) may require mechanical ventilation, combined with heat recovery.

Overheating and climate change:

- 6.289. Consideration of thermal comfort should be assessed as standard as part of the design process. The Applicant has agreed to provide this information to the Council and this can be secured by condition to ensure that residential and non-residential units have been designed to ensure they incorporate measures to adapt to future climate change and do not overheat at any time of year. This analysis shall use dynamic thermal modelling in line with the guidance and data set out in CIBSE TM52 and TM59. Evidence should be submitted to demonstrate that the buildings have been designed with regard to climate change and are adaptable to meet predicted future weather without affecting their energy consumption or compromising healthy building principles. This shall include evidence that they have been designed for comfort to keep cool in hotter summers, and designed for structural stability, weatherproofing and water management.

Water Efficiency:

- 6.290. The Applicant has been requested to promote water efficiency as part of the design, as Brighton and Hove is an area of water stress. The proposed water use of 105 litres per person per day is an improvement on the CP8 target of 110 litres, and is welcomed. This can be conditioned.

Electric Vehicle Charging:

- 6.291. A commitment to provide electric vehicle charging facilities is required and the Applicant's agreement to this is appreciated. Previously it was agreed with the Applicant to exceed the SPD14 minimum of 20% in order to be an exemplar for an urban fringe site, increasing this to 50% of both residential properties and non-residential parking spaces, in line with what has been secured on city centre sites. In addition, it is proposed to future-proof all other properties with suitable cable trenching to facilitate installation of charging facilities at a later date. This is a relatively cheap solution which avoids the cost of digging up the road later.
- 6.292. Electric vehicles are, however, an area where the technology and regulation is changing fast, and building regulations are likely to require 100% EV provision for all new dwellings from 2022. 100% provision should therefore be secured for residential, and 50% for non-residential, via condition, and this would be a welcomed improvement upon SPD14.

Sustainable Drainage Systems (SuDS):

- 6.293. The Applicant has committed to the provision of SuDS at the site. A more detailed SUDs obligation will be secured by S106/condition to secure certain key measures within an overall site-wide strategy. A separate condition is however recommended to cover Rainwater Harvesting Strategy to detail how rainwater will be collected, stored, managed and used and how green living roofs, water butts and tanks will be incorporated, and it shall form part of an overarching Sustainable Drainage Strategy for the whole site.

BREEAM:

- 6.294. The Applicant has committed to the assessment of the scheme against BREEAM 'Communities', a standard which assesses development masterplans to demonstrate an exemplary standard in terms of environmental, social and economic sustainability. This is additional to the CP8 standard requirement for individual (non-residential) buildings to achieve the 'Excellent' BREEAM score, and is a first for the city, and is welcomed. This can be conditioned. It is also recommended that a BREEAM rating of 'excellent' be applied to all individual non-residential development, as per policy CP8.

Green Roofs:

- 6.295. The Applicant has suggested that green roofs are proposed for the school and employment space, buildings which will have a management scheme in place. Green roofs will contribute to the green infrastructure and biodiversity of the development and its setting in the South Downs National Park and they will improve the building performance and reduce the heat island effect, and are therefore encouraged throughout the development. Green roofs will help to achieve BREEAM credits and contribute to the exemplar nature of the development, and it is therefore proposed that they are considered for all flat (or other suitable) roofs across the site. Green walls would be welcome too, especially in the larger buildings such as the community centre, school and flats, and it is suggested it be referred to in the Design Code.
- 6.296. A Green Roof Strategy can be secured by condition which demonstrates how green living roofs shall be incorporated on all flat roofs in the development and shall include the location, area coverage in sqm, a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. 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.
- 7.2. 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);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

7.3. 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.

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
DA7	Toad's Hole Valley
SA4	Urban Fringe
SA5	The setting of the South Downs National Park
SA6	Sustainable neighbourhoods
CP1	Housing delivery
CP2	Sustainable economic development
CP3	Employment land
CP4	Retail provision
CP5	Culture and tourism
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

#### Brighton and Hove Local Plan (retained policies March 2016):

TR4	Travel plans
TR7	Safe Development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Polluted land and buildings

QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD21	Allotments
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	New community facilities in residential and mixed use schemes
EM4	New business and industrial uses on unidentified sites
EM9	Mixed uses and key mixed use sites
SR4	Regional shopping centre
SR5	Town and district shopping centres
SR6	Local centres
SR7	Local parades
SR12	Large Use Class A3 and A4
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

- 8.1. Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy.
- 8.2. Since 23 April 2020, when CPP2 was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable and is summarised below. This reflects the Post Hearing Actions published by the Inspector, and where policies are more up to date and compliant with national policy than adopted Brighton and Hove Local Plan (BHLP) policies, this is stated. ‘Significant weight’ is identified where there are no significant unresolved objections, and in some cases more weight than BHLP policies can be given where CPP2 is more up to date with national policy and is underpinned by up to date evidence. ‘Limited weight’ is identified where the emerging policy has been the subject of significant unresolved objections.

DM1	Housing Quality, Choice and Mix (significant weight)
DM9	Community Facilities (significant weight)
DM11	New Business Floorspace (limited weight)
DM18	High quality design and places (limited weight)

DM19	Maximising Development Potential (significant weight)
DM20	Protection of Amenity (significant weight- more than BHL P Policy QD27)
DM22	Landscape Design and Trees (significant weight)
DM29	The Setting of Heritage Assets (significant weight)
DM31	Archaeological Interest (significant weight-more than BHL P Policy HE12)
DM33	Safe, Sustainable and Active Travel (significant weight)
DM35	Travel Plans and Transport Assessments (significant weight)
DM36	Parking and Servicing (significant weight)
DM37	Green Infrastructure and Nature Conservation (limited weight)
DM38	Local Green Spaces (significant weight)
DM40	Protection of the Environment and Health – Pollution and Nuisance (significant weight)
DM41	Polluted sites, hazardous substances and land stability (significant weight)
DM42	Protecting the Water Environment (significant weight)
DM43	Sustainable Urban Drainage (significant weight)
DM44	Energy Efficiency and Renewables (limited weight)
DM45	Community Energy (significant weight)
DM46	Heating and Cooling Network Infrastructure (significant weight)

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD15	Toad's Hole Valley
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

Planning Advice Notes (PAN):

PAN 05:	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
PAN 06:	Food Growing and Development

Other:

Woodland Drive Conservation Area Character Statement  
Special Guidance A: Swift Boxes and Bricks for New Developments

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this outline application relate to:
- The principle of developing this greenfield site
  - Whether the likely significant effects of the development and appropriate mitigation are identified and robustly assessed within the Environmental Statement (ES)
  - Whether the type, mix and amount of land uses proposed are appropriate in principle in this location (including affordable housing, housing mix/density)

- Whether the impact to existing ecological habitats and the Site of Nature Conservation Importance (SNCI) and proposed ecological mitigation and enhancement (on and off site) are appropriate in principle
- Transport issues including the traffic that would be generated, potential for congestion, parking levels, highway safety and detailed junction design, promotion and enhancement of sustainable transport modes and linkages on and off site, including to National Park
- Whether sufficient supporting community infrastructure would be secured on or off site to meet the demand created by the new population and adjacent neighbourhoods eg in terms of education, health, community centre, children's play, sport, food growing
- Whether the illustrative masterplan layout and land uses proposed foster a sense of community and centre to this new neighbourhood
- Whether the development is sustainable in principle in both a wider sense but also in terms of incorporation of sustainable building methods, is the scheme an 'exemplar' of sustainability in principle and does it meet Biosphere principles. Is the site being used effectively and efficiently
- Whether the proposal would satisfactorily protect sensitive groundwater and ensure no increase in surface run-off and flood risk, are sustainable drainage systems proposed
- Whether the proposed illustrative layout, landscaping and density is broadly appropriate in terms of impact to the character and appearance of the surrounding area, including the setting of the South Downs National Park and the Woodland Drive Conservation Area, whether the development includes sufficient open space to be described as a 'landscape-led' scheme
- Whether the indicative building heights proposed are appropriate in the context of the setting of the site
- Impact to trees
- Whether the proposed indicative phasing is broadly appropriate in principle and ensures delivery of required infrastructure
- Whether the scheme promotes jobs and contributes towards the council's Employment Scheme
- Whether the scheme includes an artistic component within the public realm
- Whether the scheme compromises the amenity of occupiers of adjacent properties
- Whether scheme compromises the amenity of prospective occupiers for example by way of noise or air quality
- Whether the proposals and guidelines as set out in broad terms in the Parameter Plans are acceptable, as development that comes forward would be in substantial accordance with them

**Summary:**

- 9.2. Development of the site for the uses proposed is acceptable in principle, and broadly accords with the Toads Hole Valley strategic allocation in Policy DA7, however, the transport case put forward is not yet complete. Whilst many transport matters have been largely agreed, and the sustainable transport mitigation package is considered comprehensive, at this stage there is insufficient information to enable the Local Highway Authority to reach a conclusion that the proposal will not cause severe highway impact. This is due

to the fact the traffic modelling has not gone through its final audit stage, and as there is no Road Safety audit to accompany the highway designs to demonstrate they are safe. An objection on these grounds has been raised by the Local Highway Authority and National Highways, and therefore it is recommended that the application is minded to refuse and the appeal defended on this basis. The case with regard to air quality cannot also be confirmed at this stage given that it relies on a complete and finalised transport case.

- 9.3. No other significant concerns are raised, however the transport issues are considered fundamental. Transport-related issues aside, the ES is considered robust – it has been assessed by expert consultees and appropriately identifies the likely significant environmental effects and suggests comprehensive mitigation. The proposals in principle can comply with policy DA7 and other relevant policies, and can achieve the aims contained in site specific guidance (SPD15).
- 9.4. The type and range of land uses proposed are acceptable in principle. The proposals would deliver all the land uses required in Policy DA7 including much needed housing and affordable housing. The proposals include local supporting services and community uses and would ensure a balanced and sustainable neighbourhood in principle. Employment land to meet the 25,000sqm requirement in DA7 is proposed, and whilst actual delivery of floorspace is not proposed at this stage, the s106 will ensure appropriate marketing and delivery if interest.
- 9.5. The County Ecologist confirms that the impacts to ecological habitats can be appropriated mitigated against on and off site, and biodiversity net gain can be achieved. Enhancement of the SNCI on site is a significant benefit. Parameter Plans and other information submitted show how the level and type of development can be satisfactorily accommodated in principle, and the County Landscape Architect raises no objection in terms of impact on wider views. The proposals are landscape-led and contain significant open space, and would satisfactorily preserve the setting of the SDNP and heritage assets. The scheme is considered to be an exemplar of sustainability (transport issues aside), subject to imposition of appropriate conditions. Sustainable drainage systems can be satisfactorily accommodated in principle and groundwater quality would not be compromised by the development. The proposal would not adversely affect amenity.
- 9.6. The indicative phasing is considered acceptable in principle. Conditions/S106/CIL can ensure that key mitigation and infrastructure are delivered in a timely way. Detail of the scheme can be secured at Reserved Matters stage and conditions can ensure this is appropriately controlled.

**Principle of developing the site, planning policy context and key material considerations:**

- 9.7. Development of this site in principle is accepted given it is an allocated site.

**Policy Context:**

Brighton and Hove City Plan Part One: Policy DA7- Toad's Hole Valley:

- 9.8. Brighton and Hove City Plan Part One was formally adopted in 2016 and forms part of the Development Plan against which applications are assessed. Its policies hold significant weight.
- 9.9. The key policy in City Plan Part One relevant to this site is Policy DA7: Toad's Hole Valley. The site forms one of the Strategic Allocations identified to accommodate mixed land uses to meet the future needs of the city for housing, employment, education and other uses. THV is the city's largest greenfield development site.
- 9.10. Policy DA7 states:  
*The strategy for the development of Toad's Hole Valley and Court Farm is to secure a modern, high quality and sustainable mixed use development to help meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods.*
- 9.11. The local priorities to achieve this strategy are set out in Part A of Policy DA7:
1. *That the site is used efficiently and effectively to assist in meeting the development and infrastructure requirements of the city.*
  2. *The development will aim to be an exemplary standard in terms of environmental, social and economic sustainability, achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives.*
  3. *Ensure that development respects the setting of the South Downs National Park and seeks to enhance links to the National Park for local residents and tourists.*
  4. *The development will provide the opportunity to benefit residents in terms of the mix of uses, an improved provision of community facilities, road safety improvements, training and job opportunities for local people and the provision of green infrastructure including public open space and natural green space.*
  5. *To improve sustainable transport links to the area.*
  6. *To incorporate appropriate landscaping and planting to maximise opportunities to increase biodiversity across the site.*
  7. *Conserve and enhance the designated Site of Nature Conservation Importance.*
  8. *Protect sensitive groundwater source protection zones from pollution and ensure no increase in surface water run-off and flood risk.*
  9. *Provide the necessary infrastructure for the development including water distribution and sewerage.*
- 9.12. Part B of Policy DA7 states that the following key elements will be provided by 2030:
- *A minimum of 700 residential units*
  - *B1 employment space – site area 3.5 – 4.5ha*
  - *Site reserved for a new secondary school – site area 5ha*
  - *Public open space with children's play space and informal sports facilities – 2 ha*
  - *Provision of ancillary supporting uses – shops and cafes and multi-use community building*

- *Food growing space – 0.5 ha*
- *Green infrastructure integrated through the site to deliver Biosphere objectives and contribute to Biodiversity Action Plan targets*

9.13. And at Part C.1 of Policy DA7 the strategic allocation for Toad's Hole Valley is: *Provision will be made for a high standard sustainable, mixed-use development across the site comprising a minimum of 700 residential units, B1 employment space, a new secondary school, a multi-use community facility and ancillary supporting uses.*

9.14. Policy DA7 states the proposals will be assessed against the citywide policies and the following criteria:

- New development will be expected to make the best use of the site and residential densities should fall within a range of 50 – 75 dwellings per hectare.*
- There will be a minimum of 50 per cent 3+ bedroom family sized dwellings provided as part of the residential scheme.*
- The office element of the scheme will be high tech, modern office space that will provide a range of unit sizes to attract new businesses to the city and support growing business.*
- Due regard will be given to the impact of development on the purposes and setting of the South Downs National Park*
- Environmental sustainability will be central to the design and layout of the scheme which will be expected to meet the requirements of policy CP8.*
- Development within this area will aim to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability and deliverability.*
- The scheme will make provision for 5ha of land to accommodate a new secondary school to be developed by the city council or its nominee.*
- Development will make contributions towards improved pedestrian and cycle links to the South Downs National Park.*
- The provision of a new multi-use community facility to include a community meeting place, a doctor's surgery and a resource promoting links to the National Park.*
- Development proposals will address the issues of highways safety on King George VI Avenue, noise and other traffic impacts from the A27 and provide improved links to adjacent residential areas.*
- Improvements to public transport access and a good quality public realm that encourages healthy lifestyles (walking and cycling with connections to existing cycle infrastructure).*
- Development will need to provide local infrastructure to the water and sewer system at the nearest point of adequate capacity.*
- Provision of children's play facilities, public open space (2 ha.), contributions towards improved links to existing parks and food-growing space (0.5 ha.) and opportunities.*
- Developer contributions will be sought to secure the sustainable conservation and enhancement of the adjacent Site of Nature Conservation Importance.*
- The developer will enter into a training place agreement to secure training for local people.*

- p) *The site will be the subject of detailed guidance provided in a future planning brief prepared in consultation with the landowners/developer and relevant stakeholders.*
- q) *Work in partnership with the Highways Agency and developer to improve the operational performance of the trunk road network and links to local roads that will be set out in a future planning brief for the area.*
- 9.15. It can therefore be seen that the principle of introducing development on this greenfield site is established by Policy DA7.
- Supplementary Planning Document 15: Toad's Hole Valley
- 9.16. Supplementary Planning Document 15 (SPD15) was formally adopted on 21/9/17 and relates specifically to this site, and is a key material consideration of significant weight in the assessment and determination of this application.
- 9.17. SPD15 provides illustrations and examples to aid the preparation of detailed development proposals on the site and identifies opportunities to meet Policy DA7 and the City Plan generally, and it signposts good practice examples of how the challenges of the site (topography, access, linkages, landscape impact and drainage) have been addressed elsewhere in the city or in other areas.
- 9.18. A Landscape-led design approach to development is encouraged within the document. Advice is given with regard to strategic views and the location of taller buildings are encouraged towards the flat-bottomed valley floor at the western end of the site. Opportunities for optimum layout and high quality public realm are identified, including dual use of SUDs features. Good Practice examples of food growing. Opening up and enhancing the SNCI is encouraged.
- 9.19. SPD15 encourages a positive, creative approach to the mix of land use policy requirements that could help to make the best use of the THV site and optimise housing provision as well as generate a critical mass of activities and housing densities to enable a diverse, welcoming and economically viable new neighbourhood to develop. Clustering of community uses and Placemaking is encouraged. Custom-build, self-build, community land trust and co-operative housing is encouraged.
- 9.20. SPD15 identifies a number of opportunities to reduce the ecological footprint of the development and combine Biosphere objectives to deliver sustainability policy requirements. A Toad's Hole Valley Heat Network Study has been undertaken by the council to explore the feasibility and viability of a heat network for the site and is also a consideration.
- 9.21. SPD15 identifies ways the development can have connections within it and can fully connect to adjacent neighbourhoods and open spaces including SDNP, to overcome the challenges posed by the site's location on the edge of the built up area, and the physical severance caused by the steep slopes of the SNCI, the A27 and KGVI Avenue. SPD15 identifies that by creating a more built-up area feel to KGVI Avenue this could improve road safety and provide a sense of spatial containment to the road. It advocates adoption of physical measures along the King George VI Avenue such as central reservations and crossing

points that help place the needs of pedestrians and cyclists as top priorities, and which could also help to change driver perceptions and behaviours and therefore manage traffic flow and reduce the impacts of vehicles.

Other Material Considerations - Housing Supply:

- 9.22. Policy CP1 sets a target to deliver at least 13,200 new homes over the period 2010-2030, of which the minimum 700 homes allocated in Policy DA7 would form the largest single development. The outline application proposes a substantially higher figure of up to 880 dwellings (which excludes the Court Farm part of DA7). The Council's latest housing supply position (updated from 16 June 2021) shows a very substantial five-year housing supply shortfall of 6,604 (equivalent to only 2.2 years of housing supply). This places increased importance on bringing forward the planned development at THV.
- 9.23. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF.

City Plan Part Two:

- 9.24. Other policies in adopted City Plan Part One are also relevant to this development and are discussed where appropriate in sections below. Not all policies in the Proposed Submission City Plan Part 2 carry full statutory weight but are gathering weight as the Plan proceeds through its stages (see summary in Policies section above). The weight attached to policies will be discussed where relevant below.

EIA regulations – Alternative site consideration:

- 9.25. Schedule 18 (Part 5) of the 2017 EIA Regulations require that an Environmental Statement (ES) includes a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.
- 9.26. The submitted ES does therefore consider this, and the applicants have set out that this scheme is a 'plan led' development, having been allocated for the uses proposed under Policy DA7 of the Brighton and Hove City Plan. In this case, consideration of alternative sites for the allocated development (on some 40 ha of land) has already been carried out through the comprehensive plan making process which included an independent examination of the proposed allocation. In the light of the site's status in an up to date development plan, it is agreed that it is not considered necessary to consider alternative sites for the development proposed within this EIA.
- 9.27. Alternative site layouts have been considered as part of the masterplanning of the site, which evolved as part of an iterative process, as set out in the submitted Design and Access Statement.
- 9.28. Reasonable alternatives have therefore been duly considered and the conclusions are concurred with.

Conclusion regarding principle of development:

- 9.29. Development of this site in principle is accepted given it is an allocated site. It is considered that the type of land uses and overall mix of development proposed, including open space, means that in principle, the application represents a policy-compliant scheme in terms of City Plan Part One and Policy DA7. See also later sections for more detail. The proposals could, in principle, deliver a sustainable mixed-use neighbourhood to help meet the future needs of the city and deliver a significant amount of housing, including much needed affordable housing, towards the city's shortfall. The proposals also have due regard to SPD15 guidance.
- 9.30. It is considered that the submitted Environmental Statement (ES) does demonstrate that in principle a development of the scale and type proposed may be able to successfully accommodated, however, given the outstanding transport matters the final conclusions set out in the Transport Assessment which forms part of the ES cannot be confirmed , and thus an overall conclusion that the proposal is acceptable in principle cannot be reached at this stage (see Transport section of report below).

**Type, amount and mix of land uses proposed:**

Changes to Land Use Classes:

- 9.31. Since the application was first submitted in 2018 there have been changes to the Town and Country Planning (Use Classes) Order 1987. Class A1 shops, A2 financial/professional services, A3 cafes/restaurants, D1 medical facilities and B1 office/business uses are all now subsumed into a new Use Class E. Local A1 shops of less than 280sqm are now Class F2. D1 schools are now F1. D1 Community uses and D2 outdoor sports are now Class F2. Class A4 bars and A5 takeaways are now sui generis uses.
- 9.32. As this application was submitted before 1st September 2020 the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 state that if an application makes reference to the previous use classes in force on 31/8/20 the Local Planning Authority (LPA) must determine the application by reference to those uses or use classes.
- 9.33. For the avoidance of any doubt and to enable the LPA to control the development, a condition would be recommended to ensure the uses proposed remain as submitted as their specific impacts have been assessed as such in the ES and as there are policy reasons why a certain mix of uses is sought by DA7. Permitted development rights to move to other classes within the same use class will be removed, as will rights to go to other uses such as residential.

Type and mix of land uses:

- 9.34. In terms of the type and mix of land uses proposed, it is considered that the application accords with policy DA7 in principle. The capacity of the site to accommodate the land uses and amounts of development sought in DA7 were tested when City Plan Part One was formulated and its allocation was found to be sound and viable, and thus the policy was formally adopted. The proposal

does propose an uplift in terms of housing numbers than that stated in DA7 – see section 8 below.

- 9.35. The proposal includes all the respective land uses sought by DA7, over a phased period. The range of land uses proposed, together with linkages to surrounding sites, should ensure Toads Hole Valley is a viable and sustainable neighbourhood. The proposal would also accord with policy SA6, which seeks sustainable and balanced neighbourhoods, with good quality public services, mixed and integrated communities with a number of housing choices, good access to jobs, shops and other local services, and a healthy and safe environment. The proposal also accords with policy CP7 in principle, which seeks to ensure that necessary social, environmental and physical infrastructure is appropriately provided, transport issues aside.
- 9.36. Whilst the proposal is in outline form only, supporting information has been submitted, including parameter plans, to demonstrate the amount of development that may be accommodated and appropriate locations and layouts for each land use. This follows extensive pre-application work including with the Design Review Panel and County Landscape Architect, and takes account of key constraints and mitigation. The ES submitted with the application identifies the likely significant effects of the amount and type of different land uses proposed, and recommends mitigation. These have been duly assessed and found to be acceptable, except that at this stage the transport case has not been fully proven. The ES has considered the impacts associated with the range of socio-economic effects and found these to be either moderate or major beneficial, which is concurred with.
- 9.37. Whilst the scheme is in outline and thus there will be some flexibility over final layout etc, the development could be conditioned to ensure it is brought forward in 'substantial accordance' with the parameter plans. The application description refers to land uses rather than specific amounts, however, the amounts of development ie number of housing units and floor areas for employment etc could be secured by separate condition to ensure compliance with policy DA7 and as these specific amounts of development have been assessed within the Environmental Statement.
- 9.38. The individual land uses sought are discussed in more detail below.

Housing:

- 9.39. The amount of housing proposed is greater than set out in policy DA7 (880 as opposed to 700, and excludes Court Farm) however this 700 figure is stated as a minimum only, and thus 880 would be policy-complaint in principle. There does, however, remain uncertainty at this stage whether the transport impacts of the amount of development proposed can be adequately mitigated against.
- 9.40. The proposals are considered to make effective and efficient use of the site, as required by policy (CP1, CP8, CP14). Supporting information including parameter plans and section drawings have demonstrated that the physical development can be accommodated appropriately. Given the shortfall of

housing provision against the CPP1 target of 13,200 homes, this significant contribution would be very much welcomed in principle.

- 9.41. The scheme is landscape-led as required on this site and contains substantial amounts of open space (beyond the minimums set out in policy DA7). The density proposed meets the 50-75 dwellings per hectare range sought by policy DA7 and is set out in the Parameter Plans. The indicative housing mix as presented is broadly acceptable in principle, however it is only illustrative at this outline stage and would need to be secured at Reserved Matters Stage. The proposal allows for a significant proportion of family sized housing with more than 50% 3 or 3+bed dwellings, as sought by DA7, and this can be conditioned at this stage to ensure it is delivered throughout the phases.
- 9.42. 40% affordable housing is proposed which accords with the target in Policy CP20 and this will make a significant contribution to the city's supply and is welcomed. This can be secured by S106. The proposed affordable mix (55% even mix of 'Affordable' Rented units and 'Social' Rented units and 45% as low cost home ownership housing including Shared Ownership and First Homes) accords with the council's Affordable Housing Brief and will be secured by S106. Affordable housing mix sizes (30% 1-bed, 45% 2-bed, 25% 3-bed) are considered acceptable and will be secured. A proportion of wheelchair accessible housing will be secured, as required by policy HO13.
- 9.43. The Council's has a Self-build and Custom Housebuilding Register and has a statutory duty to permit sufficient serviced plots of land in the city and emerging policy DM1 in CPP2 seeks such provision as part of a mix of housing types. In addition, SPD15 encourages inclusion of such plots within THV. Originally 20 such plots were proposed however the Planning Policy Team wished to see this increased given the limited opportunities within the city to provide them. They ideally wish to see 50 plots given this is the city's largest greenfield development site. The applicant has agreed to increase the provision to 30 plots (including affordable) which is, on balance, considered acceptable particularly as there are no minimum requirements set out in policy. The council's Housing Strategy Team welcome the proposed provision. These can be secured via s106.
- 9.44. The council's Housing Strategy and Policy Teams raise no objection to the housing proposals. The housing proposals and indicative mix would therefore meet identified need and policies DA7, CP1, CP14, CP19, CP20, SA6 and CP18 of City Plan Part One and are considered to have a 'major beneficial' impact as outlined in the ES, transport issues aside. The proposals are considered to accord with policy DM1 in City Plan Part Two with regard to housing quality, choice and mix, and this emerging policy holds significant weight given there are no significant unresolved objections to it. Given the council's housing supply position, substantial weight is given to the proposed housing delivery, in line with the NPPF.

Secondary School:

- 9.45. Strategic Objective SO21 in City Plan Part One seeks the provision of additional primary and secondary school places in response to growing demand and future

increases in population by working with partners, including not for profit organisations, to build new schools and by expanding successful schools.

- 9.46. Since 2005 the council has expanded a number of primary schools to provide an additional 11.5 forms of entry (345 more places) per year to meet the additional demand identified at that time. This additional demand has now fed through to secondary schools. The need is partly created by existing population increases but also partly by new population in new developments in the city, including via City Plan allocations. Currently there remains a strategic need for additional secondary school places in the city, and 5ha of school land was reserved in the THV site via the City Plan Part One allocation in DA7 (in 2016) to potentially meet the strategic demand for the plan period (until 2030).
- 9.47. The application therefore proposes 5ha of school land (not development of the school itself) and the EIA has assessed the impact of a 6-form entry 900 pupil secondary school in principle, as required by policy DA7.
- 9.48. The inclusion of the school land is welcomed by the council's Education Team, however, they have confirmed that presently it is unclear whether a new secondary school is still needed for the city. This issue has also been raised by some members of the public. Since Policy DA7 was formulated, school pupil projections have been decreasing. Also Kings School to the west of the site has been developed and the council has also withdrawn its interest in developing a further secondary school at the Brighton General Hospital site.
- 9.49. The Education Team advise that the position will become clearer over time as it is too early to make future predictions around need, and too early to establish if decreasing children numbers in the city is a longer-term trend. They also wish to analyse the impact on pupil numbers of the significant number of new homes planned for the city during the life of the City Plan and therefore wish the school land to be reserved at present. On 14<sup>th</sup> June 2021 the Children, Young People and Skills Committee considered a report regarding the future projection of secondary aged pupils needing places in the city's schools. That report acknowledged that the current forecast of future pupil numbers could have an implication on the future designation of the THV within the City Plan, and that this would be reviewed when City Plan Part One is formally reviewed (2023/2024).
- 9.50. The inclusion of the school land at this current time is therefore still considered necessary and is welcomed. A school here would have a 'major beneficial' impact to the city as stated in the ES. The school could generate up to 132 FTE jobs, which is welcomed. Whilst the school land is needed to meet city-wide demand, it could partly help meet the demand created for local secondary school places from the new THV population. In addition, a Community Use Agreement for dual-use of school facilities including sports is to be secured via S106, as encouraged in supporting text to policy DA7 and in SPD15. This would help the scheme meet the aims of policies DA7, SA6, CP7, CP16, CP17 and CP18, and emerging policy DM9 in CPP2, which holds significant weight.

- 9.51. The Socio-Economic chapter of the ES predicts that the THV development would generate approximately up to 140 pre-school children up to the (age of 0-4), up to 220 primary school age children (ages 5-11) and up to 230 secondary school young people (aged 12-17). The council's Education Team have assessed the ES and assessed the scheme in line with the Developer Contributions Technical Guidance and would seek to secure CIL towards improving capacity at local secondary and 6th form establishments as required. There is currently sufficient capacity at local primary schools. Such funds would be sought given that the secondary school within THV would not be in place at Phase 1 to meet the demands of that new population, and as there is uncertainty around the school being required going forward. This is considered an appropriate approach and accords with policy.

Given that part of the demand for outdoor sports created by the new population at THV is to be met through dual-use of the school facilities, to address the uncertainty over the school delivery the s106 also secures an alternative 'fallback position' of stand-alone community sports facilities on part of the school site. The Education Team confirm development of such facilities (a 9,280sqm 3G sports pitch and 1,056sqm multi-use games area) would not prejudice a future school coming forward on the remainder of the site. Also the s106 will secure a Community Use Agreement to ensure local schools will be able to use the facilities. The sports facilities would be delivered by the end of Phase 2 if construction work on a school is not started by then, which is appropriate. The provision of a full sized 11v11 3G in this location would be consistent with the priority projects identified within the Brighton and Hove Local Football Facilities Plan. The councils Sports Facilities Team and Sport England are supportive of the proposal.

Employment:

- 9.52. Recent studies have consistently identified the shortage of employment premises and employment land supply as threats to business and employment growth in the city. Policy CP3 of City Plan Part One states that sufficient employment sites and premises need to be safeguarded in order to meet the needs of the city to 2030 to support job creation, the needs of modern business and the attractiveness of the city as a business location. This would be achieved partly through strategic proposals and allocations such as DA7 at THV.
- 9.53. Emerging policy DM11 in City Plan Part Two (which holds limited weight at this time) seeks to provide for well-designed buildings and layouts suitable for incorporating a range of unit sizes and types that are flexible, with good natural light, suitable for sub-division and configuration for new B1 uses and activities; and for new B1c light industrial, B2 industrial and B8 storage and warehousing premises to include adequate floor to ceiling heights; floor loading, power, servicing and loading facilities.
- 9.54. To help meet the city's strategic need Policy DA7 requires the inclusion of a 3.5 – 4.5 ha site area for employment use with the aim of accommodating 25,000 sqm B1 employment floorspace.
- 9.55. The proposals include a 3.5ha site for this in the Parameter Plans and whilst this is at the lower end of the 3.5-4.5ha allocated site area, the application has demonstrated how 25,000sqm could be satisfactorily accommodated in

principle. This is therefore welcomed as it makes effective use of the 3.5ha site. This significant proposal can provide the opportunity for high quality, sustainable and flexible business space offering move-on space for successful companies that need to expand and potential for incubation space linked to the universities. Light industrial floorspace could also be provided, which is welcomed.

- 9.56. Whilst welcoming the proposal, the council's Economic Development and Planning Policy Teams do however raise some concerns as the actual employment floorspace will only be provided subject to market interest and that it might only be delivered later on in the phasing so will not help meet the city's strategic demand within the City Plan 2030 timeframe. If the employment floorspace is not delivered they raise concerns that a comprehensive and sustainable development with a full range of mixed uses is not delivered as envisaged in DA7. The supporting text to DA7 states that the new employment floorspace represents an important element of this mixed-use scheme and development should be delivered to a phasing programme to be agreed. It states that a minimum of a first phase of the employment land should be completed prior to completion of the housing element of the scheme to stimulate the market.
- 9.57. The proposal does, however, include the employment land as part of the application and policy DA7 does ensure the land is safeguarded for such use. Policy DA7 does not state that all land uses within the allocation must be delivered simultaneously or as part of one sole planning application, and the fact the whole neighbourhood is coming forward as one scheme here, is a significant benefit of the current application. The desired phasing and employment land delivery as set out in the supporting text to DA7 is acknowledged, however, only limited weight can be given to supporting text of a policy, as opposed to the main wording of the policy itself.
- 9.58. In this case, the applicant states that reason for not delivering the employment development is that it is very risky to do so speculatively and that it would not be viable, particularly in this out of centre location. The applicant has submitted a letter from a local agent (Oakley) which states that THV is not an established or immediately attractive business location as, for example, competing employment sites in better established market sectors, for example around the M23/M25 area. The agents note pre pandemic office development in the city centre has demonstrated that the ability to build offices speculatively has, in more recent years, returned to the city of Brighton after many years of rents not being high enough to encourage speculative development. They consider that as we exit the pandemic, with current availability levels of office space, such schemes would no longer be readily fundable on a speculative basis. The agent states rent levels will be significantly lower than the city centre, which will impact heavily on the viability of development without pre lettings, and that until it is possible for the developer to demonstrate that they have pre let occupiers legally secured for space, the developer will not be able to attract finance to build out the project. The agent considers that early marketing does provide the developer with an appropriate marketing lead in period for the employment space element of the scheme. They confirm it is important the land is serviced in phase 2, as it will demonstrate to occupiers that the site is ready and deliverable for employment space development.

- 9.59. The lack of actual employment floorspace delivery is regrettable, however, on balance no objection is raised in this regard given the uncertainties and risk associated with this type of speculative development. It is recommended that a robust Marketing Strategy for the land across a number of years early on at the beginning of Phase 2 is secured via s106 to positively market the land to a potential occupier. In addition, the s106 can ensure the site would be cleared, accessed and serviced to maximise its marketability relatively early (mid-way in Phase 2) with appropriate marketing lead-in time, and this is welcomed by the Policy and Economic Development Teams. There is also a requirement within the s106 to secure actual delivery of the employment buildings if there is market interest. This overall approach is considered reasonable. Notwithstanding the agents comments above, given the shortage of such employment floorspace in the city it is anticipated the site will be taken up, and the council's Economic Development Team will work with the landowners to achieve this.
- 9.60. The Environmental Statement states that the proposal would have a major beneficial impact as around 1,420-1,770 jobs could be created, which is welcomed.
- 9.61. The scheme could contribute towards the council's Employment Scheme via s106 and secure 20% local labour, in accordance with policy and the council's Developer Contributions Technical Guidance.
- 9.62. This aspect of the proposal is therefore considered to broadly accord with aims of policies DA7, SA6, CP7, CP2 and CP3, and emerging policy DM11 and is considered to have a 'major beneficial' impact as outlined in the ES.

Local Shops & Community Uses:

- 9.63. In order to ensure a sustainable mixed-use neighbourhood, policy DA7 requires the inclusion of ancillary supporting uses such as local shops and cafes and a multi-use community building including doctors surgery. No minimum floor areas for such uses are stated in the policy.
- 9.64. Policy CP4 seeks to ensure the scale and mix of new retail uses is appropriate and do not prejudice the vibrancy, attractiveness and accessibility of existing centres. Local centres should meet peoples day to day needs, and out of centre locations must comply with national retail policy. Policies CP18 and SA6 seeks to support healthier lifestyles.
- 9.65. Local Plan Policy HO21 states residential proposals will be expected to demonstrate that a suitable range of community facilities will be provided to meet the realistic, assessed needs of residents, consistent with the scale and nature of the development proposed. HO21 states that accordingly, as part of such developments, the local planning authority will seek, by means of a legal agreement, the provision of community facilities as an integral part of the development scheme. Emerging policy DM9: Community Facilities in City Plan Part Two which seeks to support such uses is also relevant, although it currently holds limited weight.

- 9.66. The application proposes provision of 790sqm of retail floorspace (A1-A5 uses) 750sqm of doctors surgery floorspace (D1 use) and a community centre of 555sqm floorspace (D1 use) (with an additional 100sqm floorspace to serve the stand-alone sports facilities on the school site if the school is not developed). These are proposed to come forward in Phase 2, when the main neighbourhood centre and main vehicular access will be provided. A temporary community building will be provided in Phase 1 until the permanent one is delivered. These should create approximately 33 to 45 jobs, which is welcomed.
- 9.67. This mix of uses proposed is as per policy DA7 and their scale is considered appropriate and will help ensure the new neighbourhood is sustainable and has a clear centre and sense of place, in accordance with policies CP4, CP7, CP18, HO21, DA7 and SA6 and emerging policy DM9.
- 9.68. The retail uses do not require a retail impact assessment given they are below the 1000sqm local threshold. The relatively limited amount of floorspace proposed would ensure the shops serve only local needs and do not prejudice other retail centres or draw additional traffic to the area, or result in undue disturbance in the case of A4 (bar) and A5 (takeaway) uses, and their individual size can be conditioned.
- 9.69. The doctors surgery would be of sufficient size to accommodate 3.5 FTE GPs, which exceeds the projected demand outlined in the ES for 1.85 GPs (or a 15% increase) to serve the new THV population. This facility is welcomed. It is recognised that the NHS PCT currently favour the larger multi-use health centre model, however, this development can only deliver what is required to meet the needs of the THV new population and such a facility cannot be justified in planning terms. The surgery is currently shown located separately to the community building and policy DA7 envisaged these together, however as an outline scheme this can be explored at Reserved Matters stage and the facilities are in any event shown very close by so will achieve similar aims of mutual interaction.
- 9.70. The provision of a community centre of 555sqm will allow for sufficient space for a meeting place, café, toilet facilities and a main hall, plus 150sqm of enclosed outdoor garden space and car/cycle parking provision is proposed. The S106 will ensure the main hall is flexible for multiple community uses and provides a badminton court to help meet demand for indoor sports facilities (to meet policy CP17). This is supported by the council's Sports Facilities Team. CP5 Culture and Tourism recognises the role of the South Downs as a visitor, education and recreation asset and seeks to promote eco-tourism and create a stronger visitor experience and as also per policy DA7, the community building will also contain SDNP interpretation material, secured by S106.
- 9.71. The provision of these community uses would accord with policies HO21, CP7, DA7 and SA6 and support healthier lifestyles as per policy CP18. They can be used by surrounding neighbourhoods also, which is a benefit. The supporting uses will not be in place until Phase 2 (except for the temporary community building at Phase 1) however this is considered acceptable and reasonable

given this is a large, phased development. See also comments below regarding phasing.

Open Space and Sports:

- 9.72. As a new neighbourhood, THV is required to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates. This can include formal and informal open space such as parkland, semi-natural space, food growing, childrens play and outdoor sports, as per policies CP16, CP17, CP18, CP8 and SA6. There is also a requirement for a landscape-led scheme on this site with sufficient open spaces to ensure the development protects and enhances biodiversity and respects the setting of the countryside and the South Downs National Park in this edge of city location as per policies CP8, CP7, CP10, CP12, CP13 and SA5.
- 9.73. Policies QD15 and QD16 in the BHLP are also relevant, as are emerging CPP2 policies with regard to open space, landscaping and green infrastructure: DM18 (limited weight), DM19 (significant weight), DM22 (significant weight), DM37 (limited weight) and DM38 (significant weight). The council's document PAN 06: Food Growing and Development encourages such provision within developments.
- 9.74. In addition to the above policy context, policy DA7 sets out minimum open space requirements: 2 ha of public open space with children's play space and informal sports facilities plus 0.5ha of food growing space. The SNCI (8.5ha) is also required to be conserved and enhanced.
- 9.75. The proposal includes a total of 5.8ha of open space, including landscaping, which increases to 14.3ha if the 8.5ha SNCI is included. The Parameter Plans indicate that approximately 1.35ha of public open amenity space would be provided at phase 1, 2.66ha at phase 2, 0.3ha at phase 3/4, plus incidental landscaping at each phase, so a total of 4.31ha dedicated open 'amenity space'. Significant amounts of open space/landscaping are required for ecological mitigation as well as landscape/visual mitigation and these will have amenity and recreational value also, and these aspects are discussed in later sections. Whilst the 880 residential units will have greater demand for open amenity space above the minimum 2.5ha envisaged in DA7 for 700 units, it can nevertheless be seen that the proposed open amenity space significantly exceeds that required by policy DA7. In view of the larger population, the amount of dedicated food growing space has increased to 0.58ha. This will comprise a mix of allotments and a community orchard with ancillary infrastructure, which is welcomed. The respective amounts and broad locations of open space and landscaping are within the Parameter Plans and will be conditioned. The SNCI enhancement will be secured by S106 and this land will be transferred to council ownership and as well ecological enhancements it will have formal public access, which will be a significant an open space resource and is welcomed.
- 9.76. General public amenity space and parkland is proposed throughout the scheme as can be seen in the illustrative Masterplan and the Parameter Plans. Children's play facilities are proposed on site, a Local Area of Play (LAP) at phase 1 and a Local Equipped Area of Play (LEAP) at Phase 2, which is welcomed and will be

secured by s106. Policy DA7 and SPD15 do not specify the standard of children's play provision required. However, the Council S106 Developer Contributions Technical Guidance and Open Space Calculator provide guidance as to what might be appropriate to meet demand, as do the Fields in Trust national standards. Whilst the new population would generate the need for a larger Neighbourhood Area of Play (NEAP) based on Fields in Trust Standards, the topography of the site mean this would be challenging in its suggested location, and the council's CityParks Team consider that an enhanced LEAP would be acceptable in this instance. They state that a central destination play facility could be acceptable, provided it appropriately covers all ages (2-14+) and contains NEAP characteristics for informal ball games. The application proposes an enhanced LEAP of 600 sq.m which is more than the minimum 400 sq.m required for a standard LEAP (but below the 1,000 sq.m required for a NEAP) and would include nine play experiences (the requirement for a NEAP) rather than six (minimum requirement for a LEAP). On balance therefore the proposal are considered acceptable.

- 9.77. Outdoor sports facilities will be provided informally as part of the LEAP and also as part of the school (through dual community use) or through stand-alone facilities (see school section above). Indoor sports facilities will be provided partly within the enhanced community hall and also the school (if developed). The overall sports provision proposed within the scheme is considered acceptable and is equivalent or greater than the level of contribution to off-site provision which would be secured on most other sites which do not benefit from such on-site space.
- 9.78. In addition, policy DA7 requires contributions towards improved links to existing parks, and it is therefore proposed that the off-road links through Three Cornered Copse to Hove Park (and its sports and play facilities) are enhanced via CIL as well as enhancement of other cycling and pedestrian links from the site to the park. As per policy DA7 a new cycle/pedestrian link is also proposed to the north of the A27 roundabout in the SDNP and enhancement to the pathway behind West Blatchington/Kings Schools that links the bridge over the A27 and SDNP to the west, which will encourage recreation. These linkages will benefit residents in Phase 1 until the sports and play facilities in Phase 2 are completed. These linkages will encourage walking and cycling and are also discussed in a later transport section.
- 9.79. It can therefore be seen that significant open space infrastructure will form part of the development and that appropriate on-site recreation, play and sports facilities will be provided as per policy DA7, CP16, CP17, SA6, CP18 and emerging CPP2 policies. Provision of such facilities on-site in close proximity to the new population is particularly welcomed and help support healthier lifestyles. In addition, linkages to off-site recreation will be enhanced, which is another significant benefit. All such provision will also benefit nearby existing neighbourhoods, which is welcomed. The council's CityParks, Sports facilities and Planning Policy Teams are supportive of the proposals.

### **Phasing:**

- 9.80. Policy CP7 requires that necessary social, environmental and physical infrastructure is appropriately provided in time to serve the development. It is important that all priorities in the relevant areas are adequately considered so necessary infrastructure is provided in a timely way to support the needs of new development.
- 9.81. The supporting text to Policy DA7, and SPD15, envisage that development of this large and complex site is likely to come forward in phases, and state it will be important to ensure that each phase incrementally and cumulatively can meet the aspirations of City Plan Part One Policies. The supporting text to policy DA7 states that supporting, ancillary and community uses (including the school, ancillary shops and the community facilities) should be provided at the appropriate time so as not to place an unacceptable burden on existing facilities and to ensure the vision of a sustainable mixed use community and objectives for 'place making' are met. The supporting text also states that the employment floorspace should be delivered to a phasing programme to be agreed, and a first phase of it completed before the final housing element.
- 9.82. Careful consideration has therefore been given to the phasing of development. It is considered important to ensure that the infrastructure and mitigation demands on each phase not only ensure there is no unnecessary burden to existing facilities/infrastructure but also that they are proportional and reasonable based on number of residential units delivered, given that each phase needs to be viable. It would not be expected or indeed viable for all infrastructure to be delivered up front at Phase 1 and the policy and guidance reflect this. As the SPD recognises, development of such a greenfield site has a number of complexities, one of which is the amount of new infrastructure and off-site works required to enable any new development to commence. The s106 (and conditions) can secure triggers for provision of infrastructure and of certain facilities and mitigation measures such as ecological mitigation, provision of open space including play and sports, provision of highway works, pedestrian /cycle linkages, delivery of community uses including doctors surgery and the neighbourhood centre.
- 9.83. The proposed development is proposed to be delivered in up to 4 phases, which is acceptable in principle, and indicative phasing parameter plans have been submitted. The phasing can be secured in broad accordance with these plans by condition/s106. The applicant has provided a phasing narrative to outline why phases are proposed as they are, notably to ensure that the mix of uses are duly delivered in a timely way and so that each phase has a fair and proportionate infrastructure burden to ensure viable delivery. It is considered to be the case that, cumulatively, all the phases will deliver the aspirations for THV, and the delivery of key supporting land uses and infrastructure can be ensured via s106. The Planning Policy Team confirm that the proposed approach to phasing is generally considered acceptable.
- 9.84. A key element for Phase 1 is the requirement for highway works to the dumbbell roundabouts at the top of KGVI Avenue including the introduction of pedestrian crossings. In addition, further highway works to the top part of King George VI Ave are required and provision/enhancement of off-site pedestrian/cycle links.

Enhancement of an off-site bus stop is also required. Significant works to improve the Site of Nature Conservation Importance (SNCI) and other ecological mitigation including translocation of reptiles, substantial landscaping in and around the site (including a 15 metre buffer along the entire northern and eastern boundary) and dormice mitigation including provision a dormouse crossing are also required to be carried out at the beginning of the development. For these reasons development is to start (Phase 1) at the northern eastern part of the site with one of the three primary accesses onto KGVI Avenue. Phase 1 includes a range of proposals which will deliver the Council's aspirations for the THV site in compliance with Policy DA7 as set out above, including 210 residential units, open space, children's play, food growing and a temporary community building. It can therefore be seen that Phase 1 will provide a significant amount of supporting infrastructure/mitigation.

- 9.85. With regard to Phase 2 (a large phase, with 402 dwellings and non-residential/community uses), a critical mass of new residents is required to support and generate income to build new facilities and this is one of the reasons why the non-residential uses to serve the whole site are proposed at this time. Also, one of the main access points into the site to the south-west would be constructed at that time to allow access to this part of the site, with the remainder to KGVI Avenue works and cycling improvements along Goldstone Crescent. Phase 1 is already providing a significant amount of supporting infrastructure and Phase 2 (about halfway through the whole development) is considered appropriate for delivery of such uses. The S106 can secure marketing of such uses early on with the intention of enabling occupation in Phase 2. The community building would be constructed ready for occupation in Phase 2. The Neighbourhood Centre retail units and Doctors Surgery would be constructed (to shell and core) in Phase 2, with a view to being occupied in Phase 2. The school may commence construction in Phase 2, subject to demand. If the school does not come forward a fallback provision of outdoor sports facilities would be secured towards the end of Phase 2. The bus service enhancement/provision will start in Phase 2 (although Travel Plan incentives will in place at Phase 1 also) and the partial internal spine road will allow a bus to enter if required. Clearance, servicing and access to the B1 employment floorspace would take place in Phase 2, and floorspace could be provided subject to market interest (as discussed in this report above).
- 9.86. Phase 3 would involve 268 dwellings and potentially the remainder of the B1 employment space (and school if construction has started), which is considered appropriate.
- 9.87. 40% affordable housing would be provided at each phase, in accordance with policy.
- 9.88. It is therefore considered that a phased approach to delivery of the different land uses and associated infrastructure is acceptable in principle, and the proposals have achieved the appropriate balance. The phasing as proposed would incrementally and cumulatively ensure the delivery of appropriate levels of new development with appropriate and timely infrastructure to serve it and meet the aspirations for the THV site, in compliance with City Plan policy. Until the

outstanding transport information can be verified and confirmed to be acceptable, however, a final view with regard to the appropriateness of transport (and air quality) mitigation at each phase cannot be given.

### **Sustainable Transport and highway safety:**

#### Policy/Guidance Context:

- 9.89. The NPPF states that when assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code. And
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.90. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.91. City Plan Policy CP9 reflects the NPPF and states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life. Other key CPP1 policies are listed in the report.
- 9.92. Local Plan Policy TR7 seeks to ensure highway safety is not compromised by development proposals. Other BHLPP key policies are listed in the report. SPD14: Parking Standards is a material consideration and this sets out relevant vehicle and cycle parking standards for development. Emerging policies with regard to safe sustainable travel and parking/servicing are also relevant: DM33 (significant weight), DM35 (significant weight) and DM36 (significant weight).
- 9.93. With respect to transport, policy DA7 states that development within THV should improve sustainable transport links to the area and use the site efficiently and effectively to assist in meeting the development and infrastructure requirements of the city. Development will be expected to make contributions towards improved pedestrian and cycle links to the South Downs National Park and towards improved links to existing parks. The policy requires development proposals to address the issues of highway safety on King George VI Avenue, noise and other traffic impacts from the A27 and provide improved links to

adjacent residential areas. The policy seeks improvements to public transport access and a good quality public realm that encourages healthy lifestyles (walking and cycling with connections to existing cycle infrastructure). The policy expects developers to work in partnership with National Highways to ensure the safety of users of the A27 trunk road network and local roads.

- 9.94. The supporting text to policy DA7 recognises that the key issue for any comprehensive redevelopment of THV is to ensure there are improved sustainable transport links to the area. It seeks that work is undertaken with sustainable transport providers to ensure that links are improved. In terms of promoting cycling and walking, improved links to adjacent neighbourhoods and to designated national cycle routes are sought as part of a redevelopment scheme.
- 9.95. The text states that redevelopment of THV represents an opportunity to improve safety on KGV Avenue which is steep and curving. The text states that redevelopment proposals should give consideration to slowing traffic, realigning the road and providing off-street parking in accordance with parking standards and improving the local environment.
- 9.96. Supplementary Planning Document 15; Toads Hole Valley recognises that the site's location on the edge of the built up area, and the physical severance caused by the steep slopes of the SNCI, the A27 and KGV Avenue pose specific challenges in achieving the objective of a fully connected new neighbourhood. SPD15 identifies that any development scheme should seek to reduce the severance caused by KGV Avenue and advises this could be done by creating a more built-up area feel to the road which would improve road safety and provide a sense of spatial containment to it. It advocates adoption of physical measures along the King George VI Avenue such as central reservations and crossing points that help place the needs of pedestrians and cyclists as top priorities, and which could also help to change driver perceptions and behaviours and therefore manage traffic flow and reduce the impacts of vehicles.

Consideration:

- 9.97. A significant number of objections have been received from neighbours and organised groups who cite transport as their key concern associated with the development. In summary, concerns have been raised with regard to traffic congestion, highway safety and lack of priority for sustainable modes of transport. Concerns have also been raised with regard to the assessment methodology used and lack of cumulative assessment with other committed developments. These concerns are discussed below.
- 9.98. When the application was first submitted, the LHA raised concerns regarding the Transport Assessment (TA) methodology. There has since been significant discussion (including with National Highways) with a view to resolving the outstanding matters. Discussions were pursued given that the overall proposals were deemed broadly policy compliant and that this is a significant strategic allocated site. Significant further information has therefore been submitted and a further TA, including updated Addendums, was submitted with the application

forming part of the ES. This has included updated methodology and an agreed scope of up to date and relevant committed developments.

- 9.99. The LHA confirm that broad agreement has now been reached in principle with regard to the key components of the TA: trip generation, trip distribution, background traffic growth, committed developments, scope of modelling and the proposed sustainable transport package. The LHA also confirm that, overall, they welcome the proposals which in principle appear compliant with the aims of the NPPF and local policy requirements set out in DA7 and CP9 of the City Plan Part One, as well as the requirements set out in SPD15. It can therefore be seen that discussions have been positive and are significantly advanced.
- 9.100. The principle of developing the site for the type and amount of land uses proposed is accepted in principle given this accords with policy DA7. At the time that policies in City Plan Part One were being formulated the THV proposals were deemed acceptable and viable in terms of transport and other impacts in principle, as they were tested for soundness at the time of formal allocation. City Plan Part One including all allocated sites was subject to a Strategic Transport Assessment, which was found to be sound by the Inspectorate. It is accepted that an allocation of the scale proposed will have some impacts to neighbouring roads. It is now, at application stage, that those impacts are considered in full detail. The key test as set out in the NPPF is whether impacts are severe.
- 9.101. The main change with the current proposals is that the number of residential units has increased from 700 to 880, although policy DA7 clearly states that 700 is a minimum only (including Court Farm) so the site was deemed capable of achieving a significant amount of development, at least in principle. The council welcomes a higher density of development on the site in principle, as this makes effective and efficient use of the site, but only if this can be achieved with no significant (residual) impacts after mitigation.

Traffic Impact:

- 9.102. In terms of traffic impact, the development testing has been split into three parts:
- I. Core Scenario – to identify impacts that are directly attributable to the development proposals;
  - II. Cumulative Scenario (without Background Traffic Growth) – to identify the impacts of the development proposals in the context of the wider adopted City Plan Part 1 proposals. This scenario does not consider background traffic growth in addition to allocated City Plan sites.
  - III. Cumulative Scenario (with Background Traffic Growth) – to identify the impacts of the development proposals in the context of wider adopted City Plan Part 1 proposals. In addition, this scenario has considered further background traffic growth.
- 9.103. It was agreed to undertake testing of these three assessment scenarios to understand the impact of the proposed development in the context of wider city growth.
- 9.104. A threshold was agreed with the LHA whereby only junctions where the development had a greater than 5% impact required further analysis. The

assessment currently shows that the majority of junctions assessed with a greater than 5% impact operate within capacity with negligible to small increase in average queues. The exceptions to this were the signalised junctions of Nevill Road / Woodland Drive / The Drove and Old Shoreham Road / Goldstone Crescent / Fonthill Road.

- 9.105. In terms of driver delay/congestion, the updated TA states that in the construction phase the impacts will be negligible and only temporary, which is concurred with. In terms of the operational phase (2017 baseline with/without development) certain junctions will experience delay but this will be largely 'minor adverse' in terms of impact. The exception is the Old Shoreham Road/Goldstone Crescent/Fonthill junction where the impact is 'major adverse', and mitigation here is therefore proposed.
- 9.106. The operational phase (2030) is predicted to result in minor adverse impacts (no more than 30 second wait) at some junctions but also 'major adverse' impacts are predicted at Old Shoreham Road/Goldstone Crescent/Fonthill Road, Dyke Road Avenue/Dyke Road Place/Tongdean Road, and Goldstone Crescent/Woodruff Avenue and Goldstone Crescent/Woodland Drive. Moderate impacts are predicted at Goldstone Crescent/Woodruff Avenue and Goldstone Crescent/Woodland Drive but are deemed to have low sensitivity and the impacts shown to be 'minor adverse'. The residual impact into the future are predicted to be permanent/long-term 'minor adverse'. following mitigation at 2030.
- 9.107. The VISSIM modelling currently demonstrates how the additional traffic generated by the development can be accommodated on the local highways network with the proposed highways mitigations. The modelling results state that there will be benefits at the A27 junction that improve both capacity and safety. With regard to the site access junctions, the models currently show these operating satisfactorily. The surrounding side roads such as Goldstone Crescent and Hangleton Road (west) operate with some increases in queues due to the increased traffic flows and introduction of traffic signals.
- 9.108. The above impacts are as result of modelling, and an (independent) final audit of the model is required to verify the position above, to establish a final conclusion. The modelling work currently remains on-going however and is undergoing an audit (by Atkins on behalf of the LHA and National Highways) at the time of writing. Until the audit has been completed and the modelling is signed off, it is not possible to definitively assess the transport implications relating to traffic flows and movements to determine whether the proposed mitigation is indeed acceptable. This is a fundamental concern raised by the LHA, and has also been raised by National Highways, who object to the scheme on grounds of insufficient information. This objection from a national statutory consultee is given significant weight. This information is expected within the next few weeks but as it is not available at the time of writing, and as the council must respond to the submitted appeal within set timeframes it will need to form part of the council's Statement of Case to the Inspectorate.

Sustainable transport and highway works:

- 9.109. The concerns raised by some groups and neighbours with regard to sustainable transport and linkages is acknowledged and it is agreed that at present the site is not well served by sustainable transport and therefore requires significant enhancement.
- 9.110. In this regard, the application contains a significant and comprehensive package of varied sustainable transport measures. It is considered that these would mitigate potential impacts of the scheme and promote use of sustainable modes of transport in principle. Whilst a final view on the package of sustainable transport measures and mitigation cannot be reached at this stage as stated in this section, it is considered they are broadly acceptable and in line with policy and SPD15. This is confirmed by the LHA. Sustainable modes have been prioritised within the scheme and highway designs. Further detail and priority can be secured at Reserved Matters Stage for on and off-site proposals. Should the appeal be allowed, it will be key to secure such measures.
- 9.111. The approach taken with regard to KGVI Avenue is welcomed in principle. It is recognised that safety and traffic generation are significant concerns for local residents however the principle of 'downgrading' KGVI Ave and reducing its severance accords with adopted policy. The Design Panel and the LHA fully support the ambition to create a more active frontage to King George VI Avenue and slow traffic and create a more neighbourhood feel.
- 9.112. There is no objection in principle to the provision of three main accesses into the THV site off KGVI Avenue, along with the potential for further secondary accesses. Some objectors have queried why the main access cannot be taken though the Court Farm site however that site is not within the applicant's ownership and in any event the THV proposals seek to demonstrate they are acceptable as presented. There is no requirement in policy or SPD15 to seek such provision and there is no evidence that this is indeed the optimum transport layout. Some residents have also raised why a new tunnel or additional bridge can't be provided to link the site to the SDNP to the north. This is not considered necessary to make the development acceptable and is not required by policy, and in any event the applicant has no control over the private land to the north and such proposals would likely make any development of THV unviable.
- 9.113. Whilst only an outline scheme, the Design Panel considered the indicative position of the spine road responds to challenges of topography as there are very limited alternatives. Provision of signalised junctions is welcomed and ensures that sustainable modes of transport are prioritised. The indicative Parameter Plans and masterplan are considered acceptable in principle and final layout would be secured at Reserved Matters stage. If the appeal were to be allowed, such highway works would need to be secured by condition/S106.
- 9.114. Off-site improvements are proposed to the A27 dumbbell roundabouts that are considered necessary to ensure sufficient capacity and safety, and also to improve pedestrian and cyclist access, as per policies DA7 and CP9. These can be secured by S106. Such works would also benefit the city as a whole and other developments, and as such the s106 would secure a proportionate contribution based on impact for THV. It should be noted that £2million of CIL has been

agreed by councillors to be ring-fenced towards upgrading this junction given its wider strategic importance.

- 9.115. It is considered that the proposals as set out and included within Parameter Plans should, in principle, ensure the new THV neighbourhood is fully and appropriately connected to its surroundings as well as within the site itself. A significant number of enhanced or new pedestrian and cycling links are proposed, including to the SDNP, within the SNCI, along Goldstone Crescent and through Three Cornered Copse (and across Dyke Road Avenue to Green Ridge). Provision of segregated cycle/footways along KGV Avenue and introduction of signalised crossing points here and on the dumbbell roundabouts is a significant benefit of the scheme. A new formal crossing and creation of a cycleway/footpath north of the A27 roundabout into the SDNP is a significant benefit of the scheme as no such links exist at present and would have a wider benefit to residents and visitors in the city. Nearby junctions would be improved to give priority to sustainable modes and ensure sufficient traffic capacity and safety. The concerns expressed by some residents regarding cycling enhancements in Goldstone Crescent are noted, however, traffic calming will be all on road, and no trees or verges would be affected. Such proposal would be a significant benefit and help link the site to Hove Park and beyond.
- 9.116. Given the location and limited frequency of current bus services in the area, significant contributions would need to be secured towards enhanced bus services, and this is agreed (£2.1 million), which is welcomed in principle, together with upgrades of existing bus stops. The LHA consider this sum sufficient to meet anticipated demand and is based on the developer's indicative case put forward for a new service within the application. A bus service could enter the site from phase 2.
- 9.117. Some groups have stated the Travel Plan is unambitious however the LHA consider this is not the case. A significant and comprehensive Travel Plan is proposed including car club provision, financial and other incentives and extension of the city bike hire scheme. These and the other measures proposed can be secured via S106/CIL. As part of the appeal process draft conditions and S106 Heads of Terms will need to be agreed – see these at Appendix 1 at the end of this report.
- 9.118. Notwithstanding the above, there are concerns that until the Road Safety Audit of all proposed highway works is complete it is not possible to understand the road safety implications of the proposed changes to the highway network. This concern is shared by National Highways and is given significant weight. This is considered a critical piece of information and without it the council is unable to state with confidence that the proposals are safe, and thus this should form part of the Statement of Case to the Inspectorate.

Conclusion:

- 9.119. The LHA confirm that despite many matters being agreed and discussions being significantly advanced, at present they must conclude that there is currently not sufficient information to determine the potential transport and highways implications, and associated mitigation required for this application. Therefore,

at this stage the Transport Assessment cannot be accepted. The LHA and National Highways confirm that they have to object to this application at this stage in the absence of information stated above. The proposals are therefore not considered to be compliant with relevant national or local policy and guidance.

- 9.120. Without this information it is not possible to definitively determine whether the development would not have a severe impact, as required by NPPF paragraph 111, and therefore it is recommended that the Local Planning Authority defend the appeal on this basis. This also has implications for the air quality assessment within the ES, which cannot be agreed until the outstanding transport information has been agreed. . Unless or until the remaining information is submitted and assessed to be satisfactory, it is recommended that the Local Planning Authority defend the appeal on these grounds. Should the outstanding information be submitted during the life of the appeal prior to its end, and provided to be satisfactory, it would be recommended that the council withdraw its grounds of appeal.

**Design and appearance including landscape and trees, and setting of the South Downs National Park:**

- 9.121. The site is located adjacent to the South Downs National Park and the council has a duty to have regard to the impact of the development on the Purposes of the National Park, as required under S11A of the National Parks and Access to the Countryside Act 1949 (as inserted by S62 of the Environment Act 1995).
- 9.122. The Purposes as set out in s5(1) of the 1949 Act are:
- 1) To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
  - 2) To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- 9.123. S5 (2) states that if there appears to be a conflict between those purposes, greater weight shall be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

Policy context:

- 9.124. The NPPF makes it clear that creating high quality buildings and achieving well-designed places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.
- 9.125. City Plan Policies CP12 Urban Design, CP13 Streets and Open Spaces and CP14 Housing Density set out the general design criteria for new development to achieve high quality buildings, spaces and routes. These include, for example, the requirement for development to be attractive, accessible, inclusive, adaptable, safe, sustainable and integrated into the wider site context. Incorporation of street tree planting and biodiversity is encouraged in policy CP13. Policy CP10 Biodiversity, Policy CP16 Open Space and CP17 Sports Provision outline the city's expectations in respect of enhancing biodiversity and

existing open spaces and also the provision of new open space. They recognise the importance of the South Downs Way Ahead Nature Improvement Area and the need for taking a landscape scale approach.

- 9.126. Local Plan policies QD15 and QD16 seek to ensure that development proposals show adequate consideration to landscape design, including all the spaces between and around buildings, at an early stage in the design process and that schemes include suitable open space provision. Policy QD15 states that on major schemes, details of structural landscaping that contributes to the existing overall landscape quality of an area will need to be agreed with the planning authority. The objective is to integrate a development into its surroundings with minimal impact on the environment, whilst at the same time creating an attractive setting in the immediate vicinity. Policy QD16 requires that existing trees, shrubs and hedgerows are accurately identified and seeks to retain existing trees and hedgerows and, wherever feasible, include new tree and hedge planting. Where development is permitted in the vicinity of trees, policy QD16 requires that adequate provision must be made for the protection of existing trees.
- 9.127. Policy SA4 seeks to protect and enhance the wider landscape role of land within the urban fringe, the setting of the South Downs National Park and the protection of strategic views into and out of the city. Policy SA5 seeks to protect the setting of the SDNP and ensure consideration has been given to the purposes of the National Park, which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park and provide opportunities for the understanding and enjoyment of its special qualities by the public. Proposals must respect and not significantly harm the National Park and its setting. The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks (para 176).
- 9.128. Emerging policies in CPP2 that are relevant are: DM19 Maximising Development Potential (significant weight), DM22 Landscape Design and Trees (significant weight) DM37 Green Infrastructure and Nature Conservation (limited weight) and DM38 Local Green Spaces (significant weight).
- 9.129. Policy DA7 requires the incorporation of appropriate landscaping and planting to maximise opportunities to increase biodiversity across the THV site. It sets out minimum requirements for open space.
- 9.130. SPD15 advises that development on THV should have regard to its landscape character and wider impacts, and provides guidance on appropriate forms of development. SPD15 encourages a 'landscape-led' design which seeks to address wider views, orientation, topography. It states that undulating landscape of the development area provides opportunities for building siting, massing and form to:
- raise the standard of architecture and design in the city;
  - enhance strategic views through and from within the site towards the sea and the SDNP and help to soften the hard edge of the current built-up area; and
  - minimise the impact of light pollution and exposure to air pollution and road noise for residents and users of the new and existing neighbourhood

- 9.131. SPD15 also encourages use of landscape-led, climate resilient water management solutions appropriate to use within a Groundwater Source Protection Zone. SPD15 advises that dual use of landscape, SuDs and external space and can play an important amenity role. With regard to building heights, SPD15 suggests that the impact of taller buildings would be lessened if these were located at the flat-bottomed valley floor at the western end of the site subject to visual impact assessment. This approach would also be in line with existing development south of King George VI Avenue and in the area furthest away from the SDNP boundary. SPD15 advises that to deliver a diverse, welcoming and economically viable new neighbourhood careful consideration should be given to land use relationships, connections and clustering/co-provision of non-residential uses.
- 9.132. Since the application as first submitted SPD17: Urban Design Framework has been formally adopted. It signposts priorities the council would like applicants to consider when preparing design proposals. The SPD illustrates how good design is vital to the delivery of inclusive, sustainable and climate-resilient development. The north-east corner of THV is identified as a key strategic viewpoint within the document.

Layout, design, landscaping and wider views:

- 9.133. Some objectors consider the proposals will have detrimental visual impact and be overly dominant within the landscape. This is not concurred with and is discussed below. Key consultees raise no objection to the proposals in this regard.
- 9.134. Given the context above, the proposal duly contains a significant amount of open space, ecological enhancement and new planting including street trees, and takes references from its edge of Downs location, and can therefore be considered to be 'landscape-led'. The Design and Access Statement submitted with the application clearly sets out how the development of the illustrative masterplan has been an iterative process with key consultees, and has followed an integrated landscape, ecological and drainage strategy. The layout has been influenced by topography and the noise environment and seeks to capitalise on views out of the site for new residents. Landscape character areas are identified.
- 9.135. The set of Parameter Plans and masterplan has evolved following pre-application advice given by officers and the Design Panel, and during the life of the application, and are considered the right and necessary approach to such a large scale outline scheme. The Design Panel suggested certain fundamental aspects of this application such as the location of the spine road and key connections should be fixed to ensure they are embedded in future design strategies, given this is an outline scheme where there could be significant variation from the indicative designs presented before detailed planning applications are submitted for the various phases.
- 9.136. Additionally, the Design Panel (and SPD15) advised that a 'Design Code' should be produced describing issues including how the edges of the scheme should be addressed, how the heart of the scheme is resolved, and the approach

to public space, landscape and ecology. Use of Design Codes is encouraged within the government's National Design Guide and the NPPF.

- 9.137. Whilst a Design Code did not form part of the application, the Design and Access Statement and submitted drawings do provide a strong vision for the site and suggest a set of appropriate parameters for future development. It is recommended that a comprehensive condition be imposed requiring submission of a site wide Design Code which can build upon the documents submitted. This is considered an appropriate approach for such an outline scheme on a large site which is to be built in phases. This will inform all reserved matters applications to ensure each phase is of a good quality, coherent and consistent design and adheres to the overarching principles of the site wide design code. The Design Code can focus on both site-wide design principles and more detailed building design, and would align with the National Design Guide and National Model Design Code. Building Typologies (together with material palettes) will form part of the Code and it will help reinforce a sense of identity and place to this new neighbourhood. The condition requires the Code to be produced in detailed consultation with the Local Planning Authority.
- 9.138. The Design Panel felt the overall approach, creating two swathes of housing with landscape in between, is the right response. The proposed substantial tree planting along KGVI Ave and the main internal spine road and neighbourhood centre, with large areas of connected greenery in the centre of the site, together with a 15m wide landscape buffer to the northern and eastern boundaries and enhanced SNCI, is considered appropriate and necessary to break up the mass and scale of the development and help assimilate the scheme into the wider landscape. The Design Code can ensure that large parking areas are sufficiently broken up with landscaping, which was a concern of the SDNP Authority. The new neighbourhood contains a 'heart' or centre of non-residential and community uses and it is considered the illustrative layout meets fundamental placemaking objectives, as sought by the Panel. Taller buildings and those with large footprints which have a greater visual impact have been located towards the valley floor, which is appropriate. The precise location, scale and height of these buildings will be secured at reserved matters stage but shall be in substantial accordance with the Parameters Plans. These larger buildings will have green roofs to help integrate them into the wider setting.
- 9.139. Establishing the final maximum heights and overall layout and key locations for landscaping has involved a detailed landscape and visual impact assessment, especially in the consideration of visibility from key viewpoints within the SDNP. The ES contains a Landscape and Visual Impact Assessment (LVIA) and also verified wireline views and sections have been submitted with the application. These have tested the impacts of the illustrative masterplan and Parameter Plans (including heights), in wider views.
- 9.140. The key strategic views including from within the SDNP were identified at pre-application stage in conjunction with the County Landscape Architect (CLA). The study area for the ES has been defined to incorporate all parts of the landscape that potentially may have a view of the proposals (referred to as the Zone of Theoretical Visibility or ZTV) and a wider area sufficient in size to define the

broad landscape context of the site. The landscape and visual impact assessment has followed established methodologies practised by the landscape profession. This was undertaken in both winter and summer conditions in 2017/18. An assessment of local landscape character was undertaken, including the application site and adjoining areas. The LVIA considered the predicted effects at different stages of the development.

- 9.141. The topography of THV and its wider landscape context is dominated by the solid chalk geology of the South Downs, the form of which is a broad elevated east-west chalk ridge. The visual setting of THV (i.e. those areas which can be seen from within THV and from which a part of THV is visible) includes the edges of the neighbouring residential areas of Goldstone Valley and Hangleton, parts of West Blatchington to the south-west, a length of the A27 beside the site, an area within the SDNP to the north of THV and the tops of some more distant ridges within the downs to the west. There are a range of views from within the SDNP to the north. These are generally related to the Public Rights of Way that run along the ridges and two valley sides of the minor valley feature north of the A27. These include bridleways at Round Hill and the permissive bridleway alongside Devil's Dyke Road. The visual character of THV shares some characteristics of the SDNP (e.g. its topographical form and sense of visual openness) and, in some views, typically the higher ground at the existing urban edge, is seen in the context of a wider downland setting. However, in these views the incongruous alignment and the intrusion of the traffic of the A27 is apparent, as too is the prominent urban edge, seen on the skyline. From lower positions in the landscape, THV is not generally seen in a wider downland context, these views being partially blocked by the A27 embankment. In these views THV appears somewhat isolated from the downs and degraded.
- 9.142. The ES and LVIA demonstrate that the main issues associated with the landscape and visual impacts of the proposals are:
- The visual effect on users of the some Public Rights of Way and permissive routes within the SDNP within around 3km of the centre of THV;
  - The extent of locations within the SDNP from where there would be views to the development, although the magnitude of effect at locations beyond 3km would be slight or less and not significant;
  - The effect on the visual amenity of residents in some of the houses and flats at King
  - George VI Drive, King George VI Avenue and at the apartments off Windsor Drive;
  - The less than significant effects on the landscape character of a relatively confined part of the SDNP north of THV; and
  - Night time effects on a very restricted area of the SDNP, at Round Hill, to the north-west of THV.
- 9.143. The LVIA in the ES demonstrates that the visual effects on receptors in and around the rim of the minor valley to the north of THV, within the SDNP, would be the most affected. Receptors at these locations would be of 'very high sensitivity', the magnitude of effect would be generally 'substantial' where the views would be open, and of 'major + adverse' significance. The LVIA however states that in all of these views the A27 and its traffic would lie in the foreground

and the urban area of Brighton and Hove would form part of the backdrop. The ES states the outline proposals have been carefully developed to ensure that the heights, location and form, together with the location and effectiveness of the landscape mitigation and green infrastructure proposals, would assist in reducing the magnitude of effects further. The ES states these factors reduce the magnitude of effect to below a level at which the proposed development would appear dominant.

- 9.144. The ES demonstrates that in the long range views from within the SDNP to the north of the minor valley the magnitude of effect would reduce to 'slight adverse' and less, to 'negligible', with distance. Although receptors at these locations would be of 'very high sensitivity', the significance of these effects would be 'major/moderate' to 'moderate adverse' and consequently below the threshold of significance as considered by the EIA Regulations. In the remaining longer range views from within the SDNP to the west, north and east the amount of the development that would be visible would be small and related to the highest parts of the development adjoining Court Farm and along King George VI Avenue. The magnitude of effects would generally be 'negligible', of 'moderate adverse' significance and below the threshold of significance as considered by the EIA Regulations.

The LVIA demonstrates that there is the potential for there to be effects on the visual amenity of properties on King George VI Drive that would be towards the higher end of 9.145. significance. The precise effects would depend upon the exact locations of the proposed properties within THV, in particular the four-storey elements, and in relation to the nature of the views out from them. Some views from some of the flats off Windsor Close that face onto THV would also be affected towards the higher end of significance. This assessment is a worst case one based on the estimate of effects as assessed from nearby publicly accessible locations and the application site. For the houses that back onto King George VI Avenue the magnitude of effects would be slightly reduced due to intervening vegetation but would still be significant.

- 9.146. Significant night time visual effects would be limited to locations along Round Hill (see also comments under 'Amenity' in section below). The ES concludes there would be no significant landscape character effects, including within the SDNP. Landscape character effects within the minor valley north of THV, up to around 3km from the centre of the site, would fall just under this threshold and the setting of the SDNP would not be significantly adversely affected.
- 9.147. The ES concludes there would be no significant cumulative effects, in the terms expressed in the EIA Regulations. The ES considers that the development would provide for some notable landscape benefits, including the enhancements to character and appearance of King George VI Avenue, the SNCI/Open Access Land and through the provision of open space within the development, beyond that required by Policy DA7.
- 9.148. The ES demonstrates that the degree, extent and significance of the landscape and visual effects at the construction stage, at Year 1 and Year 15 with the mitigation matured, are acceptable in overall landscape terms.

- 9.149. It is considered that the impact on surrounding areas has therefore been duly and comprehensively assessed, and the County Landscape Architect (CLA) considers it robust. The CLA confirms that the illustrative masterplan has been successfully developed to respond to the steep topography and visual sensitivity of parts of the site. This has identified distinct areas of character within the valley which have informed the resulting green infrastructure strategy. The landscape character areas that have been identified and used to inform the masterplan will help to ensure that the various elements of the development will have a sense of place and identity. The key landscape requirement included within policy DA7 is that green infrastructure is included throughout the site, and the CLA advises that the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes. The SDNP Authority broadly agree with the CLA comments.
- 9.150. The CLA considers that the proposed landscaping scheme will help mitigate these impacts and advises that there would not be any long term significant adverse effects on landscape character. There will be enhancements to the character of the area and the success of the landscape masterplan will depend on the full implementation of such measures below:
- a) The reconfiguration of King George VI Avenue as a tree lined road with new landscape treatment and improved public realm.
  - b) The creation of landscaped public spaces through the central part of the valley.
  - c) The positive management and enhancement of the SNCl which is currently overgrown and intimidating.
  - d) Significant areas of managed green infrastructure and public open space.
  - e) A hierarchy of streets with street tree planting throughout the site area.
  - f) Implementation of the Landscape and Ecological Management Plan into the long term.

Heights:

- 9.151. Building heights, massing and the location of the various uses (as defined by the Parameter Plans which accompany the application) have been carefully considered to minimise the landscape and visual effects of the development, in particular on the SDNP. But, as required by Policy DA7, this is a comparatively high density scheme with uses that require some large building blocks and, consequently, the proposals would be visible from locations within the SDNP and inevitably, notwithstanding the landscape mitigation, there would be some degree of residual adverse visual effect.
- 9.152. Cross sections through the proposed development have been provided to illustrate the relative heights of the proposed buildings across the site in relation to topography, existing buildings and the previously permitted development at Court Farm. In addition wireline images have been provided from viewpoints within the South Downs National Park.
- 9.153. There was originally some concern regarding the proposed heights of development as indicated within the pre-amended Parameter Plans. In particular

sensitivities were identified relating to the height of dwellings in the north-east corner of the site and along KGVI Ave (which is the highest point of the site and the skyline for the city here), with regard to the employment buildings closest the A27 and with regard to buildings within the neighbourhood centre. Further wireline views and section drawings were requested and were assessed by the CLA, and whilst this demonstrated that some impacts were acceptable, it did highlight that some of these original concerns were justified.

- 9.154. The heights have therefore been reduced or amended in these areas. The CLA is now supportive of the proposed heights and these shall be conditioned as a maximum to ensure they are not breached at reserved matters stage. It is important that the proposed houses on the highest north eastern part of the site should not unduly break the skyline from key views in the South Downs National Park. The maximum height for houses in these areas will be 9m (up to 3-storeys) and the wireline images indicate that there will be only limited locations in views from the wider countryside where the houses would break the skyline. The dwellings in this north east corner will be at least a storey lower than the approved scheme at Court Farm and buildings will step down the slope, respecting the topography of the site. The CLA states that from the more elevated viewpoints in the South Downs National Park the development would appear as an extension to the urban area which lies to the south and east. The proposed tree planting and green infrastructure around the boundaries and within the site would help to break up the mass of development from these views. The visual effect of the housing development at the top of the slope needs to be considered in the context of the development which will take place on the valley slopes in the foreground.
- 9.155. As a response to initial concerns expressed by the CLA relating to other parts of the masterplan, the heights parameters plan has been also modified as follows:
- a) The buildings in the Neighbourhood Centre are indicated as up to 5 storeys as the gateway building reducing to 4 storeys further into the site, rather than potentially 5-storeys across all the centre. The CLA states this height could be acceptable for a gateway building if the design is for a high quality feature building at the entrance to the site.
  - b) The height of the business units have been reduced to up to 3 storeys on the slope closest to the A27 and the wider National Park, which is an improvement and ensure they are less dominant. The taller 4 storey building will be located closer to the centre of the site. These buildings will have green living roofs (secured by condition) as they will be they will be viewed from elevated viewpoints.
  - c) Conditions will ensure ultimately larger species of tree will be planted around the taller buildings and as an avenue of trees to the main access roads and King George VI Avenue, as tree planting within and amongst the various parts of the development will be important in breaking up the massing and scale.
- 9.156. It is recognised that 'tall' buildings are proposed within the scheme, notably one block of up to 5 storeys/17.9m in the neighbourhood centre and an employment block of up to 4 storeys/17.9m, and that THV has not been identified within SPD17 or policy CP12 as suitable for tall buildings in principle (defined as 6-

storeys or 18+m or significantly taller than surroundings). This does not however mean that such buildings are precluded outside of the areas identified, and each proposal must be judged on its own merits. The taller buildings are located at the lowest point of the site on the valley floor and their heights have been thoroughly tested in wider views and found to be acceptable. Green roofs and substantial landscaping will mitigate their impact further. It should be noted there is an existing 4 storey block of flats on the corner of Goldstone Crescent opposite the site. It is important to make efficient and effective use of this site and the proposal does this.

- 9.157. On the basis of the evidence submitted within the ES, the revised parameter plans and conditions to secure substantial landscaping, the CLA raises no objection to the proposal. The Parameter Plans will ensure that key landscape features are retained, enhanced or provided to help mitigate the visual impact of the scheme. The proposal is therefore considered acceptable in principle in terms of design, site layout and impact on wider views including the setting of the SDNP, and accords with relevant national and local policies. (see also Amenity Section regarding Dark Skies status) Precise detail of the proposals can be further considered at Reserved Matter stage. See also section on lighting impacts in amenity section below.

Public Art:

- 9.158. As per policies CP13 and CP7 it is considered appropriate to integrate a public art element within the public realm across the site as a whole. A site wide public art strategy can be secured by s106 and as part of the Design Code for the site. This will help provide a sense of place and identity and ensure common themes are incorporated within each phase.

**Trees:**

Context:

- 9.159. THV is largely open with scrubland however it does contain some trees, largely along the western and south-western edges, and also KGV Avenue contains trees within highway verges. Some residents and groups have expressed concern that the proposal would result in development of a green space and habitat in principle, including removal of trees.
- 9.160. As stated in the previous section of this report, policies QD15, DA7 and SPD15 expect development to be landscape-led and incorporate appropriate landscaping and planting to maximise opportunities to increase biodiversity across the site. Policy QD16 expects applications for new development to accurately identify existing trees, shrubs and hedgerows, seek to retain existing trees and hedgerows; and wherever feasible include new tree and hedge planting in proposals. Where development is permitted in the vicinity of trees, adequate provision must be made for the protection of existing trees. Policies SA4 and SA5 require the setting of the wider landscape and SDNP to be preserved.
- 9.161. Emerging CPP2 policies are also relevant: DM19 Maximising Development Potential (significant weight), DM22 Landscape Design and Trees (significant weight) DM37 Green Infrastructure and Nature Conservation (limited weight)

and DM38 Local Green Spaces (significant weight). SPD06-Trees and Development Sites is also a relevant material consideration.

- 9.162. Whilst there are no protected trees (via Tree Preservation Orders) within or adjacent to the THV site there is an expectation that key landscape features will be retained or replaced and enhanced where appropriate.

Consideration:

- 9.163. The arboricultural impact of the scheme is set out in the Arboricultural Implications Report assessment, prepared by Simon Jones Associates, and accompanies the planning application. It concludes that the impact is of 'low magnitude' and this has been taken into consideration in the Landscape chapter of the ES.
- 9.164. The application sets out how the proposals seek to retain trees which have significant amenity value and safeguard retained trees during construction. The proposals also include opportunity for replacement of any removed trees and for further landscaping enhancement. The outline scheme as originally presented resulted in the removal of 21 trees, and this has increased with regard to the southern portion of SNCI (see para below). The assessment, however, confirms that none of these are veteran or ancient trees, or category 'A' or 'B' individuals, and no trees of high landscape or biodiversity value would be removed. The assessment demonstrates that none of the main arboricultural features of the site would be removed.
- 9.165. An 18m wide strip of trees (group G7), adjacent to the junctions of King George VI Avenue with Goldstone Crescent and with Nevill Road within the SNCI, would be lost. This is regrettable as this is a significant amount of vegetation, however the assessment concludes that the proposed removal of individuals and groups of trees in this location would represent only a very minor alteration to the main arboricultural features of the site as a whole and would not have a significant adverse impact on the arboricultural character. The tallest trees in group G7, which are principally ash (and it is likely the majority would be subject to ash dieback), are around 15m tall and the largest trunk diameter is around 450mm. The assessment considers that whilst some are the most significant in terms of height and trunk diameter, they are relatively unremarkable examples of their species, due to the cramped growing environment in which they are found. This has resulted in typical woodland morphology such as asymmetrical canopies, drawn-up stems and the formation of a single, aerodynamic canopy. In terms of landscape character the assessment concludes the loss of these trees represents only a slight local landscape impact. Conditions can ensure that their loss is sufficiently compensated for.
- 9.166. The council's Arboriculturalist Team (AT) broadly consider the ES and Arboricultural report to be robust. They confirm that the proposal will result in the loss of trees including some along the southern edge of King George Ave, the removal of self-sown scrub within the site and areas of established tree regeneration along the western boundary. However, they confirm that none of these are major components in the local and wider landscape, and the County Landscape Architect concurs with this view.

- 9.167. The main area of THV is neglected pastureland and now has a good cover of self-sown native species such as Hawthorn and Blackthorn. Adjacent to Court Farm at the eastern edge of the site there is a covering of semi mature self-sown trees such as Sycamore. The AT consider that the loss of the vegetation in the centre of the site is to be expected if the site is to be developed and, in arboricultural terms, would not make a major impact in the local and wider landscape.
- 9.168. The AT consider that the main adverse arboricultural impact is the loss of the highway trees planted in the wide verge along the southern side of KGVl Ave, however they note that these trees are a mixture of species that have been planted by the council in recent years and they have not thrived due to the shallow chalk soil horizons. They are widely spaced so they present themselves as individual trees and offer very limited screening between KGVl Ave and the adjacent housing to the south. Any arboricultural input to users of KGVl Ave is very limited as the attention of the motorists and pedestrians is focused on the distant views to the north. Likewise, screening value to the residents of King George Drive is very limited due the exiting trees wide spacing and their relatively small size.
- 9.169. The AT note that the beech hedge that runs along the southern edge of the site boundary provides useful visual screening and windbreak between the houses and the KGVl Ave and that it is important that this hedge is given sufficient protection during the construction period to ensure successful retention. Protective measures for this feature are not shown within the application and therefore can be secured by condition. An Arboricultural Method Statement can ensure that any highway works required within close proximity of trees will ensure adequate protection.
- 9.170. The AT advise that detailed conditions relating to landscaping, tree protection and planting should be imposed to ensure the successful establishment of all tree/shrubs within the scheme along with a requirement to replace any losses. Such conditions would therefore recommended and they would require more detail of the range of species proposed and set out the specification for the tree planting pits (as the shallow chalk horizons in this area are not conducive to healthy tree growth and the excavation of an adequate tree planting pit will be critical for all new tree plantings). The AT advises that the buffer strip between the site and the A27 is critical to the screening of the site from distant views in the SDNP and conditions should secure more detail in relation to species selection, planting density, and planting size for this area.
- 9.171. This outline proposal is considered a landscape-led scheme in line with policy, and the AT conclude that substantial landscape planting proposals, along with significant numbers of replacement and new tree plantings (including the formation of avenues along KGVl Ave and the internal spine road) secured by planning condition, can give overall environmental betterment for the area, which is welcomed. These will be dealt with at Reserved Matter stage. The AT raise no objections to the scheme provided conditions do ensure high-quality public planting in respect of both species selection and planting specifications in order

to offset the loss of trees along KGVI Ave, together with the provision of public amenity space. This aspect of the proposal is therefore considered to be in compliance with relevant national and local plan policies.

### **Heritage:**

#### Conservation Areas, Listed Buildings and Scheduled Monuments:

- 9.172. 9.157 The site has no designated heritage assets within it but is within the setting of the Woodland Drive Conservation Area and other strategic views of listed buildings (Chattri) locally listed buildings (King Gorge VI Mansions) and scheduled monuments (Hollingbury Hill Fort, Devils Dyke Hill Fort).
- 9.173. Policies HE6, HE12, DA7, CP12, CP13, CP14 and CP15 are relevant and seek to ensure proposals preserve or enhance the setting of nearby heritage assets. Emerging CPP2 polices DM29 The Setting of Heritage Assets (significant weight) and DM31 Archaeological Interest (significant weight-more than BHL Policy HE12) are also relevant.
- 9.174. A detailed Landscape and Visual Impact Assessment together with wireline views has been submitted as part of the ES with the application. The impact on surrounding areas including designated heritage assets has been duly assessed and is considered robust, and the conclusion that the impacts would be 'moderate' and cause no significant harm to heritage is concurred with. The councils Heritage Team raise no objection to the proposals. The development is therefore considered to accord with local policy and national guidance.
- 9.175. There is very little inter-visibility between the site and the Woodland Drive conservation area. This would not change with the development except where the development would be visible from the upper part of Three Cornered Copse. The Copse provides an important green space to the houses of the conservation area and this would not change with the development. The setting of the Woodland Drive CA would therefore be preserved.
- 9.176. The site is clearly visible from the locally listed group of buildings known as King George VI Mansions but the closest part of the site would remain undeveloped and whilst the new development would change the views from these buildings, their setting is already defined largely by wide, busy carriageways and suburban housing. It is therefore considered that the setting of this non-designated heritage asset would not be harmed.
- 9.177. Due to the location, extent and topography of the site development as proposed could be visible to some extent from the Scheduled Monument at Hollingbury Hill Fort and from the grade II listed Chattri near Patcham. The council's Heritage Team state that the long views west and south west from Hollingbury Hill Fort already encompass a wide band of urban and suburban built development, with a golf course in the foreground, and the proposed distant development of this site would have a negligible impact on these views and, overall, on the setting of the Scheduled Monument. The panoramic view from the Chattri in this direction is more rural in character and is dominated by belts of trees with some grassland. The Chattri's tranquil downland setting, affording long views, is

extensive and is an important part of its significance. The proposed development would potentially introduce a small amount of additional built development into the panoramic view but the impact on this view would be very minor and would not cause any overall harm to the setting of the listed building, subject to careful choice of materials.

Archaeology:

- 9.178. Policy CP15 seeks to conserve and enhance the city's heritage. Policies HE12 and DM31 (which holds more weight than HE12) seek to preserve or record archaeological sites, stating that if the planning authority is satisfied that the value of the archaeological remains is outweighed by the need for the development, it will seek to preserve archaeological remains in situ as far as possible. If preservation in situ is not practicable, the applicant may be required to make provision for archaeological recording and/or specialist excavation before and during development; the conservation and storage of artefacts; and the dissemination of results.
- 9.179. A relatively small part of the south western edge of the site is within a designated Archaeological Notification Area. An archaeological desk based assessment has been submitted and has been duly assessed by the East Sussex County Archaeologist, who confirms that whilst there have been no reported archaeological finds within the development, this likely reflects a lack of past archaeological investigation. They raise no objection in principle to development provided proposed a programme of archaeological works is secured by condition. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF and local policy.

**Ecology:**

Legal and Policy context:

- 9.180. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
- 9.181. The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ... sites of biodiversity or geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 174).
- 9.182. Policy CP10 of the Brighton and Hove City Plan Part One states that the council will develop programmes and strategies which aim to conserve, restore and enhance biodiversity and promote improved access to it. CP10 seeks to ensure that all development proposals:
- a) Provide adequate up-to-date information about the biodiversity which may be affected;
  - b) Conserve existing biodiversity, protecting it from the negative indirect effects of development, including noise and light pollution;

- c) Provide net gains for biodiversity wherever possible, taking account of the wider ecological context of the development and of local Biosphere objectives; and
- d) Contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development.

Consideration:

- 9.183. A significant number of objectors to the scheme have raised concerns about developing this green field in principle and loss of habitat and impact to protected species. The principle of development on the site is already established through the DA7 policy allocation. The site contains a number of wildlife habitats, and it is clear that any substantial (unmitigated) development proposals would have a significant negative impact.
- 9.184. The ES submitted with the application contains a comprehensive chapter on ecology which seeks to address the above. The scheme proposes substantial biodiversity mitigation and enhancement including creation of new/enhanced habitats on site, enhancement of habitats off site and a landscaped layout with connected green spaces and habitat within the site.
- 9.185. The ES and proposed mitigation have been reviewed by Natural England and the County Ecologist. The Ecologist considers the ES to be robust and the information provided satisfactory. They consider that the ecologists working on behalf of the developer have carried out a very thorough assessment of the potential impacts of the development on various habitats, and commend this. It is confirmed that surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. The County Ecologist considers the information enables the LPA to determine that, whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.
- 9.186. An Ecological Constraints and Opportunities Plan (ECOP) has been used to guide development design, reducing ecological impacts where possible. This includes the siting of high residential areas within areas of relatively low ecological sensitivity in the eastern and southern parts of the site and lower impact uses such as commercial and employment between the residential area and the Local Wildlife Site, the retention and buffering of core habitat areas, and the creation of green corridors through and around the site. The proposed development includes the restoration and management of the SNCI, which is welcomed, and will also have the significant benefit of opening this area up to public access. The proposal includes biodiverse green roofs, SUDS, bird and bat boxes and a sensitive landscaping scheme to provide enhancements.
- 9.187. The proposed development will result in the loss of approximately 22 ha of scrub, the majority of which is young, plus areas of grassland. Approximately 1.5 ha of more mature, diverse scrub along the northern boundary will be retained, enhanced and buffered. The commitment to undertake extensive scrub planting and management within Three Cornered Copse and Waterhall will provide some

compensation for the loss of scrub. The outline plans for Three Cornered Copse and Waterhall are appropriate and in line with discussions with Cityparks.

- 9.188. The impacts of the development on various species have been fully assessed, as set out in the ES and the County Ecologist comments in this report, alongside the suggested mitigation and enhancement. The Hazel Dormouse has been found on site and is a European Protected Species, and as such works will require a European Protected Species (EPS) licence, irrespective of any planning permission granted. The proposals include connected dormice habitats on site as well as connection to off-site areas and off-site habitat enhancement. An EPS licence will require a detailed mitigation strategy, to be agreed with Natural England, and the County Ecologist considers that the mitigation and enhancement strategy outlined in the ES is likely to meet the requirements set out in Natural England's discretionary advice given in March 2018. As set out on the County Ecologist comments, on and off-site habitat mitigation and enhancement for other species including reptiles, birds, bats, hedgehogs is considered acceptable. Appropriate mitigation can be secured by condition and s106. A Landscape and Ecological Management Plan (LEMP) and a Construction Environmental Management Plan (CEMP) for biodiversity can be secured by condition.
- 9.189. The loss of a small area along the north-western edge of Three Cornered Copse SNCI adjacent to KGVI Ave required to accommodate a new segregated cycle/pathway is regrettable, and the significant objections received in this regard are noted. As a protected space and wildlife habitat, there is a presumption against any encroachment. The proposals are in this case, however, considered to represent a special circumstance. The proposed area to be taken for a segregated cycle/footway is very limited (approximately 298sqm equivalent to approx. 0.48% of the SNCI) and is adjacent to a busy road, and the County Ecologist confirms that the impacts can be appropriately mitigated against. It is considered that the benefits of a continuous strategic sustainable transport link are significant and represent an exceptional case that outweigh the loss of vegetation. The loss of trees along the southern edge of the SNCI within the THV site also allow for a continued footway linking up to Hangleton Road which is important, and the impacts can be appropriately mitigated against (see also comments under Trees below). The proposals are therefore considered to accord with policy NC4 and emerging CPP2 policy DM38, where Three Cornered Copse is designated as a protected Local Green Space.
- 9.190. The county Ecologist is satisfied that from a qualitative point of view, the proposals will deliver biodiversity net gain. To provide certainty over how biodiversity net gain will be provided, a condition can be imposed to secure an Ecological Design Strategy. This will ensure the proposals are future-proofed given the forthcoming legislation in this regard.
- 9.191. The County Ecologist confirms that provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective and would comply with relevant policies and guidance. These would all be proposed and considered in significant detail at Reserved Matters stage.

**Sustainability:**

- 9.192. The council declared a climate and biodiversity emergency in December 2018 and has made a commitment as a city to become carbon neutral by 2030.

Policy Context:

- 9.193. Policy CP8 requires that all new development incorporates sustainable design features to avoid expansion of the city's ecological footprint, helps deliver the principles of the One Planet approach, provides radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigates against and adapts to climate change. Residential development is expected to achieve a minimum 19% carbon reduction improvement against Part L of Building Regulations and meet a water efficiency standard (of 110 litres). Non-residential is expected to meet a BREEAM standard of 'excellent'.
- 9.194. Policy DA7 requires that development should aim to be of an exemplary standard in terms of environmental, social and economic sustainability, and should achieve a One Planet approach and promote the city's UNESCO Biosphere objectives. DA7 expects environmental sustainability to be central to the design and layout of development on the site.
- 9.195. Emerging policies in CPP2 encourages all development to improve energy efficiency and achieve greater reductions in CO2 emissions in order to contribute towards Brighton & Hove's ambition to become a carbon neutral city. Of particular relevance are: DM43 Sustainable Urban Drainage (significant weight), DM44 Energy Efficiency and Renewables (limited weight), DM45 Community Energy (significant weight) and DM46 Heating and Cooling Network Infrastructure (significant weight). Also of relevance is the 2017 Heat Network study carried out for Toads Hole Valley undertaken by BuroHappold Engineering, that gave indicative feasibility outlines for various scenarios. SPD16 Sustainable Drainage and SPD17 Urban Design Framework are also material considerations.

Consideration:

- 9.196. The application is in outline form where the layout and design of buildings is not known, however, the application contains a Sustainability Checklist, a Sustainability Statement and Energy Statement, and an ES Climate Change Assessment chapter which has identified the likely significant environmental effects of the development and provides commitment to sustainable measures in principle as mitigation.
- 9.197. The ES chapter assessed the potential effects on drainage and biodiversity and suggested mitigation to ensure the proposed development remained resilient to climatic changes. The ES used Met Office Long Term Averages and UKCP09 Projections as principal data sources for the baseline. This identified the potential for increased winter rainfall, reduced summer rainfall and warmer winters and summers. Potential effects were assessed in relation to both the construction and operational phases of the development, both in terms of the effect of climate change on the development and the effect of the development on climate change.

- 9.198. Both positive and negative impacts were identified within the ES, however, the more significant and negative impacts related to the impact of climate change on the operational phase of the development. Following mitigation, the significance of the effects was judged to be 'low'. The mitigation proposed includes use of energy efficient systems, improved building fabric, use of low carbon & renewable technologies, operational waste management and promotion of sustainable travel. The overall conclusion reached is that the proposals are an improvement on the baseline position that will contribute towards an overall reduction in global carbon emissions.
- 9.199. The supporting sustainable documents further assessed the scheme and suggested mitigation through commitment to use of measures to achieve a 19% carbon reduction, BREEAM excellent, use of PVs and air source heat pumps. The Energy Statement discounted district heating based on cost and location, CHP due to base heat loads being unstable, GSHP due to bore hole costs and geology and biomass due to the fuel not being readily available and insecurity of supply.
- 9.200. The Sustainability Officer considered that, whilst consideration of climate change and sustainability was generally robust, further consideration and commitment was needed as they were not convinced the proposals could initially be described as an exemplar, as per policy DA7. Whilst it is acknowledged that since policies DA7 and CP8 were first drafted some environmental standards are now being raised nationally, it is still considered appropriate for development at THV to be an exemplar. The sustainability of the scheme has therefore improved since first submitted following negotiation with officers and a number of conditions have been agreed to secure this. A further Sustainability Addendum was submitted. In addition, a further heat network feasibility study is deemed necessary as officers did not consider all opportunities had been fully explored, especially for a greenfield site. For example, funding from the Heat Network Investment Programme (HNIP) should be explored.
- 9.201. Following discussions with the council's Sustainability Officer a series of detailed conditions are recommended as summarised below to secure a number of sustainable measures to ensure the development that comes forward is a sustainable exemplar, in accordance with policy. As an outline scheme only at this stage, it will be Reserved Matters stage where significant further detailed information with regard to sustainability would be submitted for consideration.
- 9.202. A condition can ensure a site wide and phase by phase Energy and Heating Strategy is submitted and this will require all residential development to achieve a minimum 31% carbon reduction improvement against Part L, which goes beyond the policy requirement and is appropriate as this would accord with the Interim Future Homes Standard (FSH) that will come into effect later this year. This would be the first development in the city to which this higher standard has been applied by condition, which is welcomed and will ensure it is future-proofed. It should also be noted that the FHS is planned to increase to a 75-80% carbon reduction in 2025. The THV development will almost certainly have to meet the new standards, regardless of when planning permission is granted.

- 9.203. The Energy Strategy would demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand and it would assess the potential for renewable / low carbon energy on site and would prioritise exploration of solar PV, solar thermal, air source and ground source heat pumps. The condition can ensure that low-carbon heating options to supply heating efficiently, cleanly and affordably to residential and non-residential buildings are assessed including a feasibility study for a low-carbon heat network, together with a low temperature distribution system. In addition, the condition can require evidence of how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. This would comply with emerging policy DM46 in CPP2 where the council encourages development proposals to consider the inclusion of integrated heat networks and/or communal heating systems.
- 9.204. In 2017, Brighton & Hove City Council carried out a study of Heat Networks, identifying potential suitable sites across the city. A Heat Network study was carried out for Toads Hole Valley (ref: 035279, March 2017, undertaken by BuroHappold Engineering). This study gave indicative feasibility outlines for various scenarios, none of which were financially viable at the time of the study. This was principally due to the cost of servicing and maintaining such a dispersed heating demand. The THV Heat Network Study states that further feasibility and viability studies will be needed to provide greater accuracy once the masterplan for the site is developed. Once more is known about the layout, feasibility studies will be better informed. A future proofing condition is recommended to ensure the development demonstrates how the buildings proposed within each phase will be able to connect to any future decentralised heat network, should one become available.
- 9.205. In the event, the application is allowed at appeal, a condition can be recommended to ensure the scheme as a whole (ie the masterplan) would meet a BREEAM Communities Assessment standard of 'excellent' and that each respective phase meets an excellent BREEAM Communities standard. This is the first time a scheme in the city will be assessed under BREEAM Communities standard and would thus be an exemplar and is welcomed. It can ensure a robust approach to sustainability taken on this site from the outset. In addition, BREEAM 'excellent' can be secured by condition for individual non-residential buildings within each phase, as per policy CP8.
- 9.206. A condition can ensure a written scheme is submitted which demonstrates how and where ventilation and heat recovery will be provided to each residential and commercial building, and a further condition will ensure submission of an overheating and climate change analysis (using dynamic thermal modelling) to demonstrate that residential and non-residential units have been designed to incorporate measures to adapt to future climate change and do not overheat at any time of year. This commitment is welcomed and this is an exemplar condition.
- 9.207. The applicant has committed to achieve as a minimum, a water efficiency standard of not more than 105 litres per person per day maximum indoor water

consumption. This improves upon the 110litres currently sought within the city, and is a welcomed exemplar.

- 9.208. If the appeal is allowed, a condition requiring how site wide water usage will be managed and incorporate facilities to recycle, harvest and conserve water resources can be secured, which will ensure efficient management of water, and would be welcomed.
- 9.209. A condition requiring at least 100% of the residential and 50% of non-residential car parking spaces to have electric charging points (including some rapid chargers) can be secured and cable trenching (underground ducting) will be secured to future proof and facilitate electric vehicle charging points for all remaining buildings, if the appeal is allowed. This again goes beyond minimum standards set out SPD14, and is welcomed and is an exemplar. It would future proof the scheme given that it would be in line with emerging building regulation changes.
- 9.210. A green roof strategy can be secured by condition and will as a minimum demonstrate how green living roofs are incorporated on all flat or suitable roofs in the development (with individual roof areas >20sqm). Green roofs can be conditioned to be provided as a minimum on the school, the B1 employment, the neighbourhood centre and the residential apartment block buildings. This will help reduce the heat island effect, together with other landscaping and street trees, and this is a significant commitment which is welcomed from a sustainable and biodiversity point of view. Such proposals can help assimilate the development into the wider landscape also.
- 9.211. In addition to the above the development will (in principle) meet sustainable aims in the wider sense given the mix of land uses proposed, the promotion of sustainable modes of transport, the biodiversity enhancements proposed, incorporation of food growing and use of sustainable drainage methods etc.
- 9.212. The proposal would therefore comply with policies CP8 and DA7 and relevant emerging CPP2 policies. Sustainability has been central to design of the masterplan and Parameter Plans and can be refined at Reserved Matters stage. The Sustainability Officer supports the proposals. Some of the measures secured within the recommended conditions above go beyond current policy requirements and what has been secured to date within the city, which would be very welcome and should ensure the development is indeed a current 'exemplar' of sustainability, and is a significant benefit of the scheme.

**Amenity:**

Context:

- 9.213. Brighton & Hove Local Plan policies seek to protect amenity. Policy QD27 seeks to ensure that development does not cause material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or that it be detrimental to human health.

- 9.214. Policies SU9, SU10 and SU11 seek to ensure the control of potential pollution and nuisance including noise. Policies SA6 and CP18 seeks to promote healthier lifestyles and requires larger developments to demonstrate how they minimise negative impacts. Development proposals are expected to protect and improve local air quality and should be appropriately and sensitively designed to mitigate negative impacts on air quality. Policies QD25 and QD26 seek to control external lighting, including floodlighting. Policy SA5 seeks to protect the setting of the National Park and the impact to its landscape character and SDNP Dark Sky Reserve status are considerations.
- 9.215. Emerging policies in CPP2 are also relevant: DM18 High quality design and places (limited weight), DM20 Protection of Amenity (significant weight- more than BHP Policy QD27), DM40 Protection of the Environment and Health – Pollution and Nuisance (significant weight) and DM41 Polluted sites, hazardous substances and land stability (significant weight).
- 9.216. With regard to pollution and emissions SPD15 states that:
- The best air quality will be set back from roads and towards the top of the slope where dispersion conditions are easier; there is likely to be higher pollution within three metres of the A2038 King George VI Avenue due to heavy vehicles climbing up the hill with limits for particulate, nitrogen dioxide and carbon monoxide being at risk if the main carriageway is enclosed by walls or buildings within a few metres of road kerb;
  - it could be beneficial for air quality if steep road gradients are avoided (minimising fuel consumption, tailpipe emissions and tyre and brake wear);
  - promoting reduction in car use in order to contribute to meeting the local and national carbon reduction targets;
  - ensuring that options considered for traffic-calming do not have any unacceptable indirect adverse effects for noise or air quality
  - taking account of development impact on local air quality and the SDNP Dark Sky Reserve by, for example, taking steps to minimise light pollution and seeking improvements in air quality and noise pollution;
  - exploring options for the design and placement of buildings, hard and soft landscaping design and innovative solutions that can positively change and sculpt the nature of the acoustic environment within the new neighbourhood.

Consideration:

- 9.217. Some residents have expressed concern with regard to their amenity. The potential impacts in this regard are discussed below.
- 9.218. The ES submitted with the application assesses the likely significant effects of the development, including to nearby residents and occupiers. Given this is an undeveloped greenfield site separated from surrounding development, the most notable potential impact identified to neighbouring occupiers is during the construction stage, from dust, traffic and noise, and also from potential air and light pollution. In terms of potential impact to prospective residents within THV, the main impact is likely to be from noise from adjacent roads (the A27 in particular), and associated air pollution. The ES also considers night time effects of external lighting within the Landscape and Visual Impact Assessment and a

Lighting Strategy Report that has been submitted which assess the potential for light pollution such as urban sky glow, glare, light trespass and unattractive visual environment that may arise, and sets out a strategy to minimise impacts through good design.

Construction:

- 9.219. The ES assesses the potential for likely significant environmental effects during construction and determines that dust and noise could have the most significant impacts. The impact from construction generation is assessed to be negligible. The impact from dust was assessed at the location of highly sensitive receptors, i.e. residential dwellings and schools. The ES concludes that in the absence of any mitigation, earthworks, construction and trackout emissions are considered to present a 'high' risk of dust soiling effects. The ES identifies that the proposed construction poses a 'low' risk for PM10 health effects and ecological effects in the absence of any mitigation. Emissions from construction vehicles and plant also have the potential to cause impacts, however, this impact is predicted to be smaller than that caused by the operation of the proposed development. In terms of noise during construction, the ES predicts there is potential for 'major adverse' effects' without mitigation, such as control of construction hours, use of appropriate methods, noise limitations etc.
- 9.220. The ES suggests mitigation including imposition of a Construction Environmental Management Plan (CEMP). Specialist consultees concur with this and consider the potential construction issues of noise, dust and traffic movements through sensitive locations can be appropriately mitigated against by a CEMP. This is to be secured by detailed condition on a phased basis and thus the construction phase of the proposal will not compromise amenity and will accord with local plan policy. The Environmental Health Team (EHT) consider that a CEMP can adequately control any potential adverse impacts during the construction period, as do the Local Highway Authority.

General amenity & noise:

- 9.221. The ES reports the findings of an assessment of the likely significant effects on the noise environment as a result of the proposed development. The ES assesses residual significant effects of the operational phase of the development, both on existing and future receptors, and conclude they are negligible in all cases and no mitigation is required. The ES demonstrates that the significant effects of the construction phase of the development have been assessed as 'minor to moderate adverse', and 'major adverse' in terms of new residents, but notes these are short term only and therefore will not be lasting residual impacts.
- 9.222. The Environmental Health Team (EHT) consider the ES correctly identifies the potential impacts created by the development itself on the surrounding environment when compared to the existing baseline. A new neighbourhood will by its very nature lead to an intensification of use compared to a greenfield site and will result in a degree of subsequent traffic, noise and activity associated with new built form. This is not however considered to result in excessive noise or loss of amenity, and the EHT consider any impacts can be adequately

controlled by condition eg relating to noise from plant, sports facilities, commercial premises etc.

- 9.223. The Sharps Gaylor acoustic planning report of November 2018 (and subsequent amendments) is accepted for the purposes of this outline application, where detail regarding the exact form and layout of development is not yet known. The EHT do however raise the potential for adverse impacts to the general amenity of prospective occupiers given the relatively high noise levels already created by the A27 and KGVI Avenue. The EHT recommend that an Acoustic Design Statement will need to be provided, on a phased basis at reserved matters stage, prior to commencement of development to ensure an amenity is not compromised.
- 9.224. The ES sets out the noise contours across the site and surrounding areas and this has informed development of the illustrative masterplan and Parameter Plans. This shows that the areas of the site that are most sensitive (the 'red zones') are along the A27 boundary and KGVI Ave boundary, followed by majority of the site, and the least sensitive area is located within the centre close to the valley floor. Much of the site is above 60dB(A) due to the high levels of traffic on two sides of the site, some of it labouring up a hill and the red zones are currently above 70dB. BS8233 guidelines state that between 60-70DB mitigation is required and that over 70DB housing should be avoided.
- 9.225. The EHT therefore consider that acoustic mitigation to be a significant issue, but state that with careful design (secured by condition) this can be satisfactorily mitigated against. They recommended that the 'red zone' plan be formalised as a Parameter Plan for the whole site to inform Reserved Matters applications (which it is), to ensure no buildings containing sensitive receptors are built within the red 'unacceptable' noise zones shown alongside the roadways to the north and south of the site. Buildings can be set back from these zones. The initial analysis in the supporting acoustic planning document demonstrates that an acceptable noise environment can be achieved with the proposed illustrative masterplan layout in principle.
- 9.226. For the remainder of the site the Acoustic Design Statement secured by condition can inform layout at reserved matters stage and include measures to address any potential noise concerns, this could include careful siting of buildings to provide a shield and putting distance between the roadways and residential occupiers or location of sensitive rooms away from roads, use of façade insulation and use of alternative ventilation if windows need to be closed to make internal noise levels acceptable. Use of acoustic fencing in gardens and acoustic barriers to public spaces may also be necessary. It is recognised that as the employment site and phase 3 closest to the A27 may not be built until after other parts of the site, and that therefore some new residents will not benefit from the acoustic screen they could provide, however this will for a temporary period only and mitigation can be included to ensure the environment will still be within acceptable limits. The school was relocated from adjacent to the A27 to closer to the centre of the site at pre-application stage in response to concerns regarding noise. The school will need to adhere to national mandatory standards with regard to internal environment.

- 9.227. It should be noted that pre-application discussions with National Highways did take place to explore whether acoustic screens or bunds could be placed adjacent to the A27 to reduce noise impacts. It is however contrary to NH policy and practices to allow any infrastructure which may compromise their future operations on their land. Also given the topography of the site which is in places higher than the A27, the effectiveness of such measures was not certain.
- 9.228. There is not considered to be an impact to neighbouring properties outside THV in terms of direct loss of light or privacy given the location of the site, away from neighbouring development. The topography of the site is such that most of the site slopes away from existing development. In addition, the scheme will need to substantially adhere to the submitted Parameter Plans in terms of heights and landscaping – and the tallest buildings have been proposed to the lower parts of the site and the scheme will incorporate significant landscaping. Internal layout and sufficient distances between properties can be achieved for prospective residents within the THV site at the Reserved matters application stage. A condition ensuring all residential units meet internal National Described Space Standards is to be secured.
- 9.229. The proposals are therefore not considered to compromise amenity and would comply with local plan policy.

Air Pollution (operational phase):

- 9.230. The ES (including addendum) evaluates the impact on air quality of the construction and operational phases of the proposed development. The updated TA predicts reduced traffic generation (by approximately 16-23% less than 2018 TA). A detailed dispersion modelling assessment has been undertaken to ascertain the proposed developments impact on, and sensitivity to, local air quality. This assessment was undertaken for the proposed development's opening year in 2021 and its year of predicted full occupation in 2027. The ES considers both dust emissions and pollutants associated with vehicle emissions, principally nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The main pollution sources in the vicinity of the application site are identified as vehicles travelling on the local road network. It identifies the city's air quality hotspots - Air Quality Management Areas (AQMAs) - the closest of which is 1.3km from the site. A number of selected locations (receptors at the residential façade) are assessed for NO<sub>2</sub> pollutant contributions due to the development.
- 9.231. The ES predicts the proposed development would have a negligible impact on local annual mean PM<sub>10</sub> and PM<sub>2.5</sub> concentrations in all years assessed. It states that the proposed development is anticipated to have a 'Negligible' impact on annual mean NO<sub>2</sub> concentrations in 2027, at all receptors. The highest concentration in the 2030 'with development' scenario is the A23 Viaduct Road and that is still below the annual mean. The largest increase in annual mean NO<sub>2</sub> concentrations predicted as a result of the proposed development in 2030 is on the A2038 KGVI Avenue and the impact would be 'minor', with reference to the EPUK and IAQM impact descriptors. All other increases, including those within the AQMAs, are predicted to be 'Negligible'. The ES states that whilst the proposed development will generate more traffic in 2027, the UK vehicle fleet is

predicted to be far less polluting; as such, fewer cars in 2021 are predicted to have more of an impact on local air quality.

- 9.232. In terms of layout and proximity to roads, a nitrogen dioxide monitoring survey adjacent with KGVI Avenue has been carried out to assess horizontal drop off with distance back from the kerb. Concentrations of nitrogen dioxide were predicted to be considerably higher within three metres of the traffic climbing the steep gradient. NO<sub>2</sub> concentration contour plots have been used to show that no sensitive receptors within the proposed development (as shown in the illustrative masterplan) will be exposed to concentrations of NO<sub>2</sub> exceeding acceptable limits.
- 9.233. The ES concludes that the proposed development will lead to an increase in emissions locally, however, it anticipates that the overall operational impact of the proposed development, following full occupation and the implementation of mitigation measures, will be 'negligible' and insignificant. The ES suggests that measures to encourage modal shift to cleaner/more sustainable forms of transport such as the provision of electric vehicle charging points; the expansion and improvements to the local cycle network; and the extension of the local bus network, together with the low emission measures associated with the Energy Strategy, would help mitigate any potential impacts of the development.
- 9.234. The assessment and suggested mitigation within the ES (including addendum) have been duly considered by the council's Air Quality Officer (AQO) in the Environmental Health Team, and officers, and is considered generally robust in principle. The air quality assessment, however, partly relies on the traffic being known and agreed, which it is not at present. The traffic inputs for light vehicles (cars and vans) and heavy vehicles (lorries and buses) is derived from vissim modelling, which is yet to be finally audited. The DEFRA technical guidance 2016 is used to verify modelling with monitoring and is standard practice, however the predicted vehicle trip rates rely on vissim. The AQO raises no objection in principle to the proposal, subject to imposition of appropriate conditions (if the traffic modelling case is proven). The AQO states that they are confident that the receptors selected by the developer should not exceed NO<sub>2</sub> limits, TA issues aside.
- 9.235. The AQO does note that whilst the ES predictions rely on substantial improvement in road traffic emissions between 2018 and 2027, a significant improvement in ambient NO<sub>2</sub> over the next three to nine years is unlikely to happen in practice. For this to be reality a rapid acceleration in market uptake of ultralow emission vehicles would need to happen. They do however agree that THV and committed development traffic generations accounted for should diminish to likely acceptable levels before reaching the nearest AQMA.
- 9.236. The AQO raises no objection to approval of a phased scheme in principle provided that conditions are imposed to ensure any CHP proposed use low emission boilers, and that all new residential development is set back from the A27 trunk by 30m and King George VI by 10m. They also request that by final occupation the development should have at least 50% of electromotive (EV) charging points and they very much welcome the condition recommended by

the Sustainability officer to ensure 100% EV charging for all parking spaces. In addition, CEMPs should ensure that the latest transport guidance on low emissions is followed and that construction HGVs are routed to avoid local AQMAs. These standards can be recommended by condition (or exceeded in case of electric vehicle charging). The AQO would also wish to seek the use of ultralow emission bus services that surpass the euro-VI emission, however this cannot be controlled (or enforced) by condition, but can be encouraged by the council when bus services are contracted.

- 9.237. Overall, it is expected that the proposed development could comply with the NPPF and local planning policy as it should not expose any new or existing receptors to unacceptable air quality (subject to mitigation including promotion of sustainable modes of transport). The figures with regard to traffic generation as presented within the TA are a result of detailed discussion with the LHA and NH, and have been agreed in principle. On the basis of the information provided within the ES, it would appear that the impacts of the proposal on air quality would be acceptable. However, the assessment of the air quality impacts of the operational phase of the proposal are predicated (at least in part) on the applicant's highway modelling. As this modelling is the subject of further auditing, there is currently insufficient information to determine whether information provided within the ES concerning air quality is robust. Accordingly, it has not been demonstrated that the proposal complies with relevant policies. As a final and definitive conclusion cannot be reached at this stage this therefore needs to form part of the Local Planning Authority case to the Inspectorate.

Lighting:

- 9.238. The South Downs International Dark Sky Reserve was designated in May 2016 and there is a duty to address light pollution in such areas. The site is adjacent to the Transition Zone (E1B) for Dark Night Skies, and conditions in this zone will be variable.
- 9.239. The fact THV is a greenfield site, is sloping and is located on the edge of the city adjacent to open countryside (including National Park) means that there will be an impact from external lighting on the surrounding environment. This was to a degree accepted in principle when the site was allocated for development. The ES and Lighting Strategy Report duly consider the potential for night time light effects, including on the setting of the SDNP and its Dark Skies status (see also Landscape section above) .
- 9.240. The ES notes that current light sources include the A27 dual carriageway, its slip roads and roundabouts, KGV1 Avenue (its complete length beside THV), the majority of residential roads in Hangleton and Goldstone Valley and, in general, the wider urban area of Brighton and Hove. The urban area and these main roads which form the backdrop and, to some degree, the foreground of views from the SDNP to THV are, therefore, well-lit and give rise to occurrences of sky glow and glare. In contrast the SDNP, to the north of the A27, is dark with limited external light sources. The S states that the SDNPA's Dark Skies Technical Advice Note 2018 defines the area of the SDNP north of the A27 as lying within policy zone E1b Transition Zones. This recognises that skies in these areas are

relatively brighter but that it is still important to reduce light pollution as these have the potential to become dark zones in the future.

- 9.241. Three key viewpoints were assessed in the LVIA in the ES. From Devils Dyke Road (Golf Farm) and Devils Dyke Road (Dyke Railway Trail junction), the lighting elements would be perceived to be in the middle distance and seen beyond vehicle lighting along the raised A27 and set against the backdrop of the existing urban lighting. The impact was deemed to be between 'negligible/slight to moderate adverse', and thus not significant in terms of the EIA Regulations. The ES concludes that the most significant night time visual effects would be limited to locations along Round Hill. From this area the development would be in view, although not the sports pitch. Whilst the development would be seen in the context of the conspicuous A27 highway lighting, the extent of new lit urban area would be prominent and deemed 'major adverse'. The ES states however that as the area of significant visual night time effects would be so restricted, the effects on the key characteristics and qualities of the SDNP would not be significant overall.
- 9.242. The ES demonstrates that it is not necessary to assess effects on distant locations (beyond 3km) within the SDNP as the amount of additional lighting effect produced by the development proposals, set against the night time effects of the urban backdrop, would be minimal.
- 9.243. In terms of potential impact to receptors in the urban area, the ES states assessment was not necessary because these locations are currently set within well-lit areas, particularly affected by highway and vehicle lighting.
- 9.244. The council's Environmental Health Team and the County Landscape Architect concur with the findings of the ES. In addition, the South Downs National Park Authority raise no objection. There is acknowledgement that a new neighbourhood here will have an impact. The Environmental Health Team confirm that the effects outside and within THV can however be minimised through good design, proper installation and management of external lighting systems, and they recommend a lighting strategy be secured by condition. Such a condition can also ensure impacts to biodiversity during construction and operation are adequately taken into account for example by ensuring low key lighting within and on the boundaries of sensitive areas. Floodlighting may not be appropriate adjacent to the SNCI and SDNP however this would improve the viability of such a facility therefore the condition will ensure all options/mitigation are fully assessed. Restrictions on operating hours of lighting will help reduce impact to prospective residents within THV.
- 9.245. The proposal is therefore considered to comply with relevant national and local plan policies.

General health:

- 9.246. In terms of impact to health generally, given the mix of different land uses within the site, the preliminary layouts and linkages proposed within the Parameter Plans, together with highway proposals, the development is considered to have a positive health impact. The application contains a preliminary Health Impact

Assessment (HIA) which outlines the various positive impacts the development would have, including good quality housing and design, access to healthcare services and other infrastructure, access to open space, sport/play and nature, access to work and training, access to active travel, access to healthy food, good air quality, noise and neighbourhood amenity performance, minimisation of resources potential for crime prevention and promotion of social cohesion and a 'lifetime neighbourhood' .

- 9.247. This has been considered by the council's Public Health Team and its findings are generally concurred with although they note that there is little firm detail available for assessment at this outline application stage. They do raise some initial concerns (see full comments under consultees) but raise no objection provided a further, more detailed, review of the public health impact is carried out at the Reserved Matters stage for each phase, secured by condition. The Public Health Team do welcome the amendments made to the scheme, notably the inclusion of sports pitches and improved cycling and pedestrian routes.
- 9.248. The proposal is considered to comply with policies SA6 Sustainable Neighbourhoods and CP18 Healthy City in principle, which aim to reduce health inequalities and promote healthier lifestyles.

#### **Drainage and Ground Conditions:**

##### Context:

- 9.249. The site lies within a Groundwater Source Protection Zone (majority zone 2, with southern tip within zone 1 and north western corner within zone 3). The site is classified with a 'Major Aquifer High' Groundwater Vulnerability Zone. In terms of groundwater therefore the site is considered to be sensitive. As a greenfield site there has been little opportunity for land contamination and it does not benefit from any existing drainage infrastructure.
- 9.250. Local Plan policy SU3 states that permission will not be granted for proposals which will result in an unacceptable risk of pollution of existing and / or proposed water resources, including surface and groundwater resources and the sea. Proposals within sensitive aquifer protection zones will be not be granted if they pose an unacceptable risk of pollution to the aquifer or an adverse impact on the water quality / potential yield of the aquifer. Policy SU5 seeks to ensure that adequate surface water and foul sewage drainage / treatment is available prior to development commencing. Policy SU11 states that permission will not be granted for the development of polluted land or land adjacent where the nature and extent of contamination is such that even with current methods of remediation the proposed development, people, animals and / or surrounding environment will be put at risk. Where the suspected contamination is not felt to be significant or not of a high risk, permission may be granted subject to conditions requiring site investigation and any necessary remedial measures.
- 9.251. City Plan policy CP11 seeks to manage and reduce flood risk and any potential adverse effects on people or property in Brighton & Hove, in accordance with the findings of the Strategic Flood Risk Assessment (SFRA). CP11 states that in particular development should include appropriate sustainable drainage

systems (SuDS) in order to avoid any increase in flood risk and to ideally reduce flood risk. Where flood risk management or mitigation measures are required, the policy encourages the opportunity to simultaneously achieve wider sustainability and biodiversity objectives for the city (as identified in CP8 and CP10) to be investigated.

- 9.252. Emerging policy DM43 Sustainable Urban Drainage in City Plan Part Two holds significant weight and states that the design and layout of all new buildings, and the development of car parking and hard standing, will be required to incorporate appropriate SuDS capable of ensuring that there is a reduction in the level of surface water. City Plan Part Two policies DM41 Polluted sites, hazardous substances and land stability (significant weight) and DM42 Protecting the Water Environment (significant weight) are also relevant.
- 9.253. Parts A.8 & 9 of Policy DA7 seek to ensure development protects sensitive groundwater source protection zones from pollution and ensures no increase in surface water run-off and flood risk, and provides the necessary infrastructure for the development including water distribution and sewerage.
- 9.254. SPD15 builds on the above policies and recommends use of SuDS using landscape-led, climate resilient water management solutions appropriate to use within a Groundwater Source Protection Zone including rain gardens, swales, ponds and green roofs and walls that help to reduce the risk of flooding, contamination of the aquifer and enhance biodiversity. It states that incorporating landscape-led, natural ways of preventing flooding and contamination of the aquifer via sustainable drainage solutions can help increase the capacity of the piped system to cope with rainwater events and reduce impact upon the rest of the catchment area. Dual use of SuDS features is encouraged to include amenity spaces.
- 9.255. SPD16 Sustainable Drainage is also a material consideration and this provides guidance on the use on use of SuDS and the benefits these bring in terms of reducing flood risk, reducing pollution of groundwater aquifers and biodiversity.

Consideration:

- 9.256. The concerns expressed by some objectors with regard to potential impact to water quality are noted, and are in principle justified given the sensitivity of the site. The ES however comprehensively assesses the proposals and expert consultees have also considered the ES, and concur with its conclusion that there will be no significant environmental effects, provided appropriate mitigation is put in place. The proposal incorporates SUDs in principle, and has due regard to the aspirations for natural based SUDs in SPD15.
- 9.257. The ES contains chapters on hydrology, drainage, ground conditions, geology and geomorphology, and the application also contains a Flood Risk and Surface Water Drainage Strategy and a Foul Drainage and Utilities Assessment. Further drainage information including calculations were also submitted since the original submission to aid assessment. These have considered the site and proposal in some considerable detail and outline the potential likely significant effects, and recommend appropriate mitigation. Given the sensitivity of the site,

the ES concludes that the proposed development will have 'minor to moderate/major adverse' impacts on the local water environment in the absence of mitigation. The initial ground conditions assessment for the site indicated that overall the risk for the site was moderate/low associated with the potential for localised reworked soils and or made ground. The ES demonstrates that the subsequent site investigation found no evidence of any reworked/made ground soils. No visual or olfactory evidence of contaminative impact was observed during these exploratory works.

- 9.258. The ES concluded the site is therefore suitable for the proposed end use however there is a requirement for basic radon protection measures as part of any future development proposal. The ES assigns a precautionary 'medium' severity when assessing the risks posed to human health. The ES identifies a need for a robust discovery strategy to address any previously unforeseen ground conditions. A precautionary severe severity has been assigned when assessing the risks posed to controlled waters. The resultant major – moderate adverse effects classification highlights the need for strict environmental management and controls to be in place.
- 9.259. The ES recommends that a number of mitigation measures are implemented to reduce potential significant impacts. In particular, a CEMP and early implementation of SuDS during the construction phase and a discovery strategy, piling risk assessment, slope stability assessment and other environmental management measures. With mitigation measures implemented, the ES anticipates that no further measures will be required and there would be no residual significant impacts and there would be no potential effects on either human health, controlled waters, the geology or geomorphology of the site.
- 9.260. The submitted documents were all duly assessed by expert consultees including the Environment Agency, Southern Water and the councils Flood Risk Manager and Environmental Health Team, and are considered robust. Provided the mitigation measures in the form of the surface water drainage strategy (controlling infiltration) are implemented, and adequately maintained, specifically adequate maintenance of the SuDS, it is anticipated that there will be no significant residual impacts to the water environment from the proposed development.
- 9.261. No piling will occur unless agreed by condition. In addition a discovery strategy and remediation of any unsuspected contamination can be secured by condition. A CEMP can ensure impacts during construction are appropriately controlled. Conditions will secure submission of evidence that adequate waste water network capacity is available to adequately drain the development, submission of details of foul and surface water sewerage disposal and a restriction that no drainage systems for the infiltration of surface water to the ground shall occur without prior consent.
- 9.262. None of the expert consultees object to development of the site or to the scheme in principle, provided appropriate conditions are imposed. It is appropriate for such details to be submitted at Reserved Matters stage.

- 9.263. The development proposes the use of SuDs, which is welcomed, as SuDS will attenuate surface water volumes on site, improve the water quality and offer amenity and biodiversity benefits. Dual use of SuDS is encouraged by condition as sought by SPD15 and SPD16. A site wide SUDs strategy can be secured by condition.
- 9.264. On the basis of the above, it is considered that the principle of developing the land is acceptable and new drainage/sewage infrastructure can be adequately provided and adequate pollution control measures can be incorporated to minimise the risk of pollution and ensure that the sensitive groundwater source protection zones are protected. In addition, surface water run-off and flood risk can be minimised. The proposal is therefore considered to comply with policy.

## **10. INFRASTRUCTURE AND S106/COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. In addition to the policy requirements above, policy CP7 seeks to ensure that the necessary social, environmental and physical infrastructure is appropriately provided in time to serve the development. To make the development acceptable and enable the granting of planning permission, inadequacies in infrastructure arising from proposed development are required to be mitigated through s.106 Planning Obligations via a legal agreement. Further off-site impacts may also be mitigated via the Community Infrastructure Levy (CIL), charged by the council since 5 October 2020.
- 10.2. S106 obligations are sought where they meet the statutory tests of being:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development
- 10.3. Should the appeal be allowed, a s106 legal agreement would be recommended, and at Appendix A of this report a Draft Head of Terms for a S106 legal agreement are set out.
- 10.4. Transport issues aside, it is considered that these measures as set out should appropriately mitigate the impacts of the development, secure necessary enhancement and ensure timely delivery of infrastructure over a phased basis in principle. They do not prejudice the council's case with regard to transport, but a draft must be set out as part of the appeal process, and the committee's authorisation is sought to allow the Head of Planning to put forward the draft s106 should the appeal be allowed. The final details and legal agreement would be agreed between the parties during the appeal process, and the s106 would be completed should the appeal be allowed by the Inspector.
- 10.5. The majority of off-site contributions sought by consultees, including some highway works, education and policing mitigation etc would need to be considered as part of future CIL bids, in accordance with the council's Developer Contributions Technical Guidance and Infrastructure Delivery Plan. At the council's Policy and Resources Committee on 1/7/21 it was agreed that up to £2million of the CIL receipts from the THV proposals would be ring-fenced for necessary trunk road junction works to be carried out at the Devil's Dyke

Roundabout as may be required by National Highways.

- 10.6. The amount of CIL liability for the type and scale of mixed use development proposed is approximately £6.85 million. As an outline scheme only, however, this is very much an estimate and the actual figures secured would be based on the floor area created and house/premises sizes developed. The exact amount would be confirmed by CIL liability notice at the appropriate time, and it would be collected on a phased basis at Reserved Matters stage, should this application be approved at appeal.

## **11. CONCLUSION & PLANNING BALANCE**

- 11.1. The principle of development of the site is acceptable as it forms a strategic allocation in City Plan Part One, as set out in Policy DA7. Toad's Hole Valley is the city's largest greenfield development site and presents a significant opportunity to deliver purpose-built, mixed-use sustainable development that contributes to meeting the city's identified needs for housing, education, office and open space. Development is therefore welcomed in principle.
- 11.2. The proposals have been the subject of extensive pre-application discussion, and discussions since the application was first submitted in 2018, and the developer has worked with the council and consultees to ensure the proposals meet the aspirations of Policy DA7 and the guidance in SPD15. The proposals are significantly advanced and, final outstanding transport matters aside, are considered acceptable.
- 11.3. The proposals deliver all the land uses required by DA7 and the indicative designs have taken on board comments from expert consultees including the Design Panel. The proposals are, in principle, broadly policy compliant and would bring significant benefits to the city and help meet its strategic needs with regard to housing, employment, education and open space. The proposal would deliver 352 affordable homes, equating to 40% of the total, which is significant benefit of the of the scheme. Over 50% of all the housing will be much needed family homes with 3 or more bedrooms. Custom/self-build plots are included within the scheme. The proposal would provide new jobs for the city. The Planning Policy Team are broadly supportive of the proposals.
- 11.4. The proposal makes effective and efficient use of the site whilst delivering significant housing and incorporating substantial new public open space (in excess of the DA7 requirement). The proposal includes new children's play spaces, sports facilities, food growing areas and a new and enhanced and publicly accessible SNCl, which are welcomed benefits. The council's, CityParks and Sports Facilities team and Sport England are supportive of the proposals. The proposal includes a neighbourhood centre with local shops, health facilities and community uses. All these new facilities will help meet the demand created for such facilities by the new THV population and can also be shared by nearby neighbourhoods. Potential impacts to amenity of existing and proposed residents from e.g. noise or pollution, can be appropriately mitigated against by condition.

- 11.5. The proposals will impact ecological habitats as currently the site is a green field, however the impact can be mitigated and it will deliver benefits including significant ecological enhancement and creation of new habitats on and off-site, and can achieve biodiversity net gain. The impacts to protected species habitats can be suitably mitigated. The County Ecologist and Natural England are supportive of the scheme in principle. Sustainability is embedded within the designs and proposals, and the proposals will be future-proofed and conditions will ensure the scheme goes beyond current environmental standards. The scheme can be described as a sustainable exemplar, which is a significant benefit. The council's Sustainability officer is supportive of the scheme. The proposals can satisfactorily protect sensitive groundwater, deal with surface run-off/flood risk, and would incorporate sustainable drainage systems. The council's Flood Risk officer, the Environment Agency and Southern Water do not raise any objections, subject to appropriate conditions being imposed.
- 11.6. The proposed illustrative layout, landscaping and density is considered appropriate in terms of impact to the character and appearance of the surrounding area, including the setting of the South Downs National Park and the Woodland Drive Conservation Area. The proposals make effective and efficient use of the site whilst being 'landscape-led', and indicative building heights proposed are appropriate. The County Landscape Architect and the South Downs National Park Authority raise no objection. The proposed Parameter Plans are considered acceptable in principle. Detailed designs and layout etc will be considered at Reserved Matters Stage and conditions/S106 will ensure development will be suitably mitigated, enhanced and controlled, should approval be granted. The proposed indicative phasing is considered broadly appropriate in principle and would ensure timely delivery of required supporting infrastructure.
- 11.7. The Environmental Statement contains all chapters sought by the council's Scoping Opinion. The ES is considered robust and appropriately identifies the likely significant effects of the development and required mitigation, except a final conclusion cannot be reached with regard to the outstanding transport matters identified (modelling audit and Road Safety Audit). The transport case is however well advanced and could in principle meet the requirements of policy and guidance.
- 11.8. The Local Highway Authority (LHA) confirm that the proposals prioritise sustainable modes and can result in a well-connected new neighbourhood. They can deliver enhanced connectivity within the wider area, including the national park. An enhanced bus service can be secured. The severance caused by KGVI Avenue can be addressed and it can be 'downgraded' and made safer in principle, as required by DA7 and SPD15. The baseline figures in terms of traffic generation are considered reasonable in principle, however, as set out in this report, a definitive view cannot yet be made. Until the traffic modelling is (independently) audited and the Road Safety Audit is complete, both the LHA and National Highways (NH) confirm their objection. Significant weight is given to the NH objection given they are a national statutory consultee. In addition, the

air quality case cannot be concluded until the outstanding highway matters are resolved.

- 11.9. Notwithstanding the many benefits the scheme therefore, and the fact that significant weight should be given to housing delivery within the planning balance, this final piece of transport information is considered fundamental, and sufficient to outweigh the benefits of the scheme. Approval of the application cannot be recommended at this stage, and it is suggested the council defend the appeal on this basis.

## **12. EQUALITIES**

- 12.1. As an outline scheme, only illustrative layouts have been provided and there are no detailed plans of buildings or public realm at this stage. A percentage of all dwellings can be conditioned to be built to Wheelchair Accessible standard (10% of all affordable, and 5% of overall scheme) as per policy HO13 via the S106 Agreement/condition. Accessible designs for the remainder can be secured at Reserved Matters (RM) stage where appropriate.
- 12.2. All non-residential buildings can be designed to be accessible and will need to meet up to date Building Regulations in this regard, and would also be assessed at RM stage.
- 12.3. All highway designs and infrastructure will accord with standards and guidance to ensure that they are fully accessible for everybody. At RM stage the layout will need to include a proportion of disabled parking spaces in accordance with SPD14 standards as per condition
- 12.4. The site-wide Design Code secured by condition will ensure that accessibility is a key design principle to be adhered to at RM stage.

## **13. CLIMATE CHANGE/ BIODIVERSITY**

- 13.1. The proposals do involve development of a greenfield site, however the principle of development is supported as it is an allocated site in the City Plan, and the proposals are landscape-led and contain significant mitigation and enhancement measures to ensure biodiversity and climate change are satisfactorily addressed. These can be secured by condition and s106 agreement. The proposals have been subject to an Environmental Statement (under the 2017 EIA Regulations) that contains a chapter on climate change, and have been assessed by the council's Sustainability officer. The proposals are considered to be a sustainable exemplar, as required by policy DA7, as they go beyond the council's current environmental standards and future-proof the development. See also Sustainability sections above in this report.

## **APPENDIX A:**

**Appeal:**

As part of the council's appeal case a set of draft Section 106 heads of term and draft conditions are required. These will then need to be agreed with the developer as part of the appeal process and then the Inspector will consider them and impose them if appropriate, should the appeal be allowed. It is recommended that the following be put forward to the Inspector:

**Draft S106 Agreement: Heads of Terms:****Implementation and Phasing:**

- Phasing Plan for whole site to be substantially in accordance with indicative Phasing Parameter Plans submitted and ensure timely delivery of associated infrastructure and mitigation at each respective phase

**Sustainable Transport Measures and Highway Works (note some off-site highway works may also require a s278 agreement will be subject to future successful funding bids through CIL) and:**

- Phased 'downgrading' works to KGVI Avenue and pedestrian/cycle enhancement (in two main phases) including partial narrowing and downgrade to 30MPH, incorporation of gateway features, creation of segregated pedestrian and cycleways on both sides incl around Three Cornered Copse, provision of main signalised junction at southern end of site (opposite end of Goldstone Crescent) linked to a new signalised junction at the end of Goldstone Crescent, provision of two other junctions into the site (the central access signalised and including a bus gate connection to King George VI Drive, the northern access a standard priority junction with right turn lane), provision pedestrian island crossings including a dormice crossing at the island crossing at the northern end of King George VI Avenue and a ramped access from King George VI Drive to one of the pedestrian crossings, street tree, extended footways linking to existing on Hangleton Road.
- Signalised pedestrian and cycle crossings over KGVI Ave to serve phases 1 and 2 (potentially temporary initially).
- Dyke Road Avenue/KGVI Avenue/dumbbell roundabouts/A27 junctions - partial signalisation and geometric changes to the junction layouts, including enhancements to ensure sufficient vehicular capacity, 30MPH downgrade, provision of pedestrian and cycle crossings, provision of new crossing over slip road to link to SDNP, raised parapet of bridge for safe cycling. Provision of southbound cycle/pedestrian access on Dyke Road Avenue with island crossing from Three Corner Copse Funding of Traffic Regulation Orders necessitated by the highway works to include any revisions to existing speed limits at the Devils Dyke Road roundabouts (A27 interchange) as required (via ring-fenced CIL)
- Improvements at junctions off-site (signals/physical works) where required including: Nevill Road/Woodland Drive/The Drove way and Old Shoreham Road/Goldstone Crescent/Fonthill Road including to cycle crossing.
- Funding of any Traffic Regulation Orders necessitated by the highway works to include revisions to existing speed limits on Goldstone Crescent & King George VI Avenue, parking restrictions.
- Enhancement to walking and cycling links from site to South Downs National Park (to east) - new signalised pedestrian/cycle across A27 slip road and link just north of northern dumbbell roundabout adjacent to Dyke Rd to join up to existing path adjacent to car park, and signage.

- Existing bus stop upgrade off-site (at 83-85 King George VI Drive) to include raised kerb(s), real-time information (and shelter if room)
- Bus stop/upgrade of existing bus stop (at 5-7 King George VI Drive) to include flag, bus cage, real-time information and bus boarder (and shelter if room)
- Financial contribution of £2.1 million towards bus service - enhancement of existing bus service or provision of new bus service servicing the site
- Residential and Non-Residential Travel Plans - including measures to promote and incentivise use of sustainable travel including provision of travel packs and subsidy for bus or train travel, funded bike voucher for each household, maintenance stands in cycle stores and setting up of bicycle user groups. Regular monitoring. (The Travel Plans may be dealt with via condition rather than s106 going forward)
- Car Club - provision of free membership for each occupant (2 years) and provision of up to 5 car club vehicles and parking spaces (with EV charging) within site.
- Bike docking station contribution of £50,000 towards extension of city bike hire scheme to secure bikes and docking stations on site
- Local signing and lining enhancement - for safe pedestrian and cycle routes from Phase 1 via existing residential streets through estate to south to link to Goldstone Crescent (south) improvements and shops at Victoria Avenue.
- Highway works to facilitate cycling and walking - in Goldstone Crescent to Hove Park including on-road measures including traffic calming, reduced speed limit, raised tables and revised parking restrictions. Sealed surface into park. Includes improvements n/w and s/e of Elizabeth Ave to Goldstone Crescent
- Enhancement to South Downs National Park (to west) - enhanced surface treatment of existing pathway from within SNCI to rear of West Blatchington Primary School (which then links up to existing bridge over A27) and signage. Re-routing of national cycle route through SNCI (if agreed by Sustrans).
- Enhancement of pathways through Three Cornered Copse
- Measures to divert/discourage HGVs from KGVI Avenue (*note if required for air quality purposes*)

### **Housing:**

- 40% Affordable Housing at each respective phase (352 units total)
- Affordable Housing tenure split- to comprise 55% Affordable Rent (even mix of 'Affordable' Rented units and 'Social' Rented units) and 45% as low cost home ownership housing (including First Homes, shared ownership and custom/self-build plots)
- Affordable Housing Mix - sizes to comprise: 30% 1-bed, 45% 2-bed, 25% 3-bed
- 30 Self-build/custom-build serviced building plots and provision of associated marketing strategy to target people on council's self-build register, including element of affordable discounted plots
- Wheelchair units – 10% of affordable to built to wheelchair accessible standard

### **B1 employment land:**

- Marketing Strategy for B1 land (3.5ha to deliver 25,000sqm)
- Site Preparation/servicing – B1 site to be cleared, fenced and ready for development and access road and services (utilities, broadband) to boundary provided at Phase 2
- Provision of B1 buildings - if interest via marketing.

### **Ecology:**

- On site mitigation and enhancement - including provision of/enhancement of linked landscaped habitat areas and restoration of the Site of Nature Conservation Interest (SNCI) via provision of SNCI Specification to include scrub clearance, planting, restoration of dew pond, creation of scrapes, banks, hibernacula, habitat piles and wildlife boxes, provision of public access and visitor infrastructure (footway/cycleways through, benches, interpretation boards, bins, low key lighting), installation of grazing infrastructure (fencing, water supply)
- Transfer of ownership of SNCI to council together with a 25 year maintenance contribution of £500,000 towards ranger time, livestock checks, infrastructure repairs and general maintenance of land/vegetation.
- Three Cornered Copse contribution of £44,410 and Waterhall contribution of £36,817 for habitat enhancement for protected species including dormice, birds, invertebrates and bats, both to include for 10 yrs maintenance
- Other off site mitigation and enhancement – habitat enhancement and provision for translocation of reptiles and slowworms to receptor sites to include West Hove Golf Course and Brighton and Hove Golf Course to an agreed specification.
- Dormice crossing across KGV Ave

### **Open space including recreation, childrens play and food growing space:**

- Scheme for SNCI enhancement to allow for public access
- Local Area of Play (LAP) for children up to 11yrs of at least 100sqm activity area in Phase 1 and maintenance.
- Local Equipped Area of Play (LEAP) for children up to 11yrs of at least 600sqm activity area and 9 pieces of equipment including informal sports and ancillary infrastructure in Phase 2 and maintenance.
- Informal play and exercise scheme to be agreed for landscaped areas such as older persons exercise equipment or play trail, and maintenance.
- Provision of a 0.58ha minimum land area for food growing to include provision of allotment plots, community orchard and ancillary facilities, and maintenance.

### **Sports provision:**

- Community Use Agreement to allow dual use of school's indoor and outdoor sports facilities
- Provision of fallback sports facilities - a full size publicly accessible 3G sports pitch plus a Multi Use Games Area (MUGA) on site of school if school not developed in Phase 2, plus provision of ancillary facilities including toilets and car and cycle parking. Community Use Agreement to allow school use of such facilities. Management structures to secure maintenance of sports facilities to include provision of an annual sinking fund for 3G .

### **Community (incl sports) facility:**

- Temporary community centre facility at Phase 1
- Permanent community centre facility fully fitted ready for use in Phase 2 for flexible use to include a main hall laid out to allow for sport, and ancillary facilities including dedicated outdoor space and parking, and maintenance/management
- Community Use Agreement for sports hall and use of toilet/changing facilities
- Marketing Strategy

## **Health provision**

- Provision of minimum 750sqm floorspace of D1 doctors surgery/health facility to shell and core standard within neighbourhood centre at Phase 2.
- Marketing strategy of health building
  
- **Neighbourhood centre:**
- Provision of retail units (and doctors surgery) buildings completed to shell and core in Phase 2
- Marketing Strategy of centre
  
- **Construction Employment & Training:**
- A financial contribution of £258,500 towards the Local Employment scheme
- Provision of an Employment and Training Strategy which aims to secure at least 20% local labour during the construction phase
  
- **Public Art:**
- Overarching site-wide Public Art Strategy to co-ordinate delivery of an artistic component
- Implementation of artistic components to total cost of £175,000 (phased) in accordance with principles sets out in Public Art Strategy
  
- **Compliance/Monitoring fees:**
- Total contribution of £185,000 to ensure compliance with and monitoring of S106 obligations
- Travel Plan monitoring fees in accordance with the council's Technical Guidance and rates as set out at Environment, Transport & Sustainability Committee 18/1/21

*Note: All financial contribution figures above will be index-linked in line with inflation from November 2020 (when they were originally finalised).*

## **Draft Conditions (for information only):**

### **1. Approved Drawings (regulatory):**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below (*Location Plan and highway drawings to be inserted*).

Reason: For the avoidance of doubt and in the interests of proper planning.

### **2. Overall Time Limit for Commencement (regulatory):**

The development authorised by this permission shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the last of the reserved matters to be approved for Phase 1 as set out in the condition below, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

### **3. Time Limit Reserved Matters & Phasing (pre-commencement):**

Approval of the following details (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing, prior to the commencement of development of each Phase (as broadly indicated on the Phasing Parameter Plans (*drawing refs to be inserted*) and as agreed via S106 Agreement:

- (i) appearance
- (ii) layout
- (iii) scale
- (iv) landscaping

- A) All reserved matters applications for Phase 1 of the development as indicated on the Phasing Parameter Plan x shall be made within 3 years from the date of this planning permission.
- B) All reserved matters applications for Phase 2 of the development as indicated on the Phasing Parameter Plan x (which may include the Class E (g) (i-iii) employment floorspace, the school or outdoor sports facilities on part of the school site) shall be made within 4 years from the date of this planning permission.
- C) All reserved matters applications for Phase 3 of the development as indicated on the Phasing Parameter Plan x (which may include the Class E (i-iii) employment floorspace and school if not already provided) shall be made within 5 years from the date of this planning permission.
- D) All reserved matters applications for Phase 4 of the development indicated on the Phasing Parameter Plan x (which may include the Class E (i-iii) employment floorspace and school if not already provided) shall be made within 6 years of the date of this permission.

Development within each Phase shall be carried out as approved and shall be commenced within 2 years of the date of the final Reserved Matters approval for that Phase.

Reason: To enable the Local Planning Authority to control the development in detail and to ensure timely delivery of the development and implementation in line with up to date City Plan policy and priorities for this site and to ensure appropriate infrastructure is delivered to serve the whole site in a comprehensive way, to comply with policies DA7, CP1, CP7 and SS1 of the Brighton and Hove City Plan Part One, SPD15 Toads Hole Valley and to comply with Section 92 of the Town and Country Planning Act 1990.

### **4. Quantum/type of development permitted (regulatory)**

A) The permission is hereby granted only for the following uses and for no other purpose (including any purpose in Classes C3, E, F1 or F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order amending, revoking and re-enacting that Order with or without modification) as set out in the Parameter Plans.:

- (i) up to 880 dwellings (C3 use) and associated car parking
- (ii) 25,000sqm office/research/light industrial floorspace on a minimum 3.5ha site (E (g) i, ii, iii use) and associated car parking
- (iii) a 6-form entry secondary school for up to 900 pupils on a minimum 5ha site (F1 (a) use) or part use of site (1.09 ha minimum) for use as community sports facilities comprising a 3G pitch and multi-use games area (F2(c) use) should school not be developed, and associated car parking
- (iv) a Neighbourhood Centre comprising 790sqm retail floorspace (E (a) (b) (c) and sui generis drinking establishment and hot food takeaway uses), doctors surgery floorspace comprising at least 750sqm (E (e) use) and a community centre of at least 555sqm floorspace (F2 (b) use) and associated car parking (with an additional 100sqm community centre floorspace to serve the sports facilities on the school site if the school is not developed)
- (v) open space of minimum 5.8ha in total including landscaping, ecological mitigation, childrens play areas comprising a Local Equipped Area of Play of a minimum 600sqm plus 20m buffer zone and a Local Area of Play of 100sqm plus 5m buffer zone, and public food growing areas of a minimum 0.58ha and a minimum of 4.31ha usable public amenity space (excluding incidental landscaping)
- (vi) a Site of Nature Conservation Importance of circa 8.5ha.

B) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted is solely for those uses and quantum specified in this condition and no changes shall occur to other uses including to other uses within their respective uses classes without planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and as the scheme has been assessed and approved on the basis of this quantum of development only as set out in the application and accompanying Environmental Statement, and to ensure a comprehensive and sustainable mixed use development to meet the strategic needs of the city and the needs of the new residents and to ensure sufficient open space is included for biodiversity, visual and amenity reasons, and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with policies SS1, CP1, CP2, CP3, CP4, CP5, CP8, CP10, CP16, CP17, CP18, SA6 and DA7 of the Brighton and Hove City Plan Part One and QD15, QD16, QD18, QD21, HO19, HO21 and NC4 of Brighton and Hove Local Plan and SPD15: Toad's Hole Valley.

**5. Parameter Plans (regulatory):**

The land uses including open space, location, quantum of development, detailed design, layout and associated infrastructure of the development proposed through Reserved Matters applications pursuant to this Outline Planning Permission shall have regard to, and shall be in substantial accordance with, the principles set out in the following plans:

Plan	Drawing Number	Date Received
Parameter Plan: Land Use	All refs to be inserted	All dates to be inserted
Parameter Plan: Phase 1 and associated narrative		
Parameter Plan: Phase 2 and associated narrative		
Parameter Plan: Phase 3 and associated narrative		
Parameter Plan: Phase 4 and associated narrative		
Parameter Plan: Transport & Key Infrastructure		
Parameter Plan: Landscape & Ecology		
Parameter Plan: Building Heights		
Parameter Plan: Density		
Parameter Plan: Acoustic Parameter Plan		
Parameter Plan – Highways & Landscape Proposals: King George VI Avenue		

Reason: As the Local Planning Authority has had regard to these drawings in determining whether the amount and type development proposed can be accommodated within the site in an acceptable and sustainable way in terms of mix of land uses, overall scale and density, open space, transport and infrastructure delivery, landscaping and ecology mitigation and enhancement, flood risk, building heights and acoustics, in accordance with Policies SS1, DA7, SA4, SA5, SA6, CP1, CP2, CP3, CP4, CP5, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP15, CP16, CP17, CP18, CP19 and CP20 of the Brighton and Hove City Plan Part One and TR7, TR12, TR15, QD15, QD16, QD18, QD21, HO19, HO21, SU9, SU11, HE6 and NC4 of Brighton and Hove Local Plan and SPD15: Toad’s Hole Valley.

**6. SWMP (pre-commencement):**

No development, including enabling works such as site clearance and excavation, of each respective phase shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.

#### **7. Piling methods (regulatory/pre-commencement)**

Piling penetrative construction methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: Due to the sensitive nature of groundwater beneath this site and the proximity to the drinking water abstraction a piling risk assessment will be required to ensure that the proposal does not harm groundwater resources in line with the National Planning Policy Framework, to comply with policies SU3, SU5, SU9 and SU11 of the Brighton and Hove Local Plan and SA4 and CP18 of the Brighton and Hove City Plan Part One and SPD16.

#### **8. Development on Land affected by Contamination (pre-commencement)**

No development of each respective phase of the development as permitted shall commence until a Remediation Strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This Strategy will be undertaken by a competent person and shall include the following components:

- A) A preliminary risk assessment which has identified:
  - (i) all previous uses
  - (ii) potential contaminants associated with those uses
  - (iii) a conceptual model of the site indicating sources, pathways and receptors
  - (iv) potentially unacceptable risks arising from contamination at the site
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- C) The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- D)** A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan shall comprise built drawings of the implemented scheme, photographs of the remediation works in progress and certificates demonstrating that imported and/or material left in situ is free from contamination.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To safeguard the health of future residents, to comply with policies QD27 and SU11 of the Brighton and Hove Local Plan and SA4 of the Brighton and Hove City Plan Part One.

**9. Previously Unidentified Contamination (regulatory/pre-commencement)**

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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework to comply with policies QD27 and SU11 of the Brighton and Hove Local Plan.

**10. Parameter Plan: heights (regulatory):**

The heights of the development within the site shall not exceed the maximums set out for specific areas of the site on the submitted Heights Parameter Plan ref x.

Reason: In the interests of visual amenity as the heights have been tested in wider views and it has been demonstrated that any increase is likely to have a detrimental impact on the wider setting and views into and out of the locality including the setting of the South Down National Park, to comply with policies and DA7, SA4, SA5, CP12 and CP13 of the Brighton and Hove City Plan Part One and SPD17.

**11. Housing size and mix (regulatory/pre-commencement):**

No development of each respective phase shall take place (except enabling works and site clearance) until details of the housing mix proposed including details of size of units and tenure have been submitted to and approved in writing by the Local Planning Authority. Each phase shall provide circa 50% 3-bedroomed units and the development overall shall provide at least 50% 3 and 3+ bedroomed units and all dwellings shall as a minimum accord with Nationally Described Space Standards for internal space and storage.

Reason: To ensure a balanced and sustainable provision of housing including family sized dwellings on the site, to comply with policies CP19, DA7 and SA6 of the Brighton and Hove City Plan Part One.

**12. Wheelchair accessible standard (regulatory):**

A minimum of 10% of the affordable housing and 5% of private market housing within each respective phase hereby permitted shall be built in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings)

prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and provide a mix of units, to comply with policy HO13 of the Brighton & Hove Local Plan and policy CP19 of the Brighton and Hove City Plan Part One.

**13. Retail floorspace (regulatory):**

No single Class E retail or sui generis drinking establishment or takeaway unit within the Neighbourhood Centre shall exceed 400 sqm in floor area unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retail units are not amalgamated to create one large retail unit such as a supermarket or large public house/bar, to ensure a balanced range of facilities and uses to meet day to day local demand, in the interests of sustainability, to encourage use of sustainable transport, to protect the vitality and viability of the shopping centres in the city, to prevent crime and for public health, to accord with Policies QD27 and SR12 of Brighton and Hove Local Plan and CP4, DA7, CP9, SA6 and CP18 of the Brighton and Hove City Plan Part One.

**14. Air Quality Parameter (regulatory):**

No building facades of residential development shall be located within 30 metres of the A27 trunk road or within 10 metres of King George VI Avenue.

Reason: In the interests of protecting the amenity and health of prospective residents as air pollution levels are greater within these limits, to comply with policies QD27 and SU9 of the Brighton and Hove Local Plan and CP18 and SO22 of the Brighton and Hove City Plan Part One and emerging policy DM40 of the Brighton and Hove City Plan Part Two.

**15. Archaeology (pre-commencement):**

No development of each respective phase shall take place until the applicant has secured the implementation of a Programme of Archaeological Works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policies HE12 of the Brighton and Hove Local Plan and CP13 of the Brighton and Hove City Plan Part One and emerging policy DM31 of the Brighton and Hove City Plan Part Two.

**16. Archaeology (pre-occupation):**

No respective phase of the development hereby permitted shall be brought into use until the Archaeological Site Investigation and Post-Investigation Assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and submitted to and

approved in writing by the Local Planning Authority. The Archaeological Site Investigation and Post–Investigation Assessment will be undertaken in accordance with the Programme of Archaeological Works set out in the Written Scheme of Investigation approved under the condition x above.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policies HE12 of the Brighton and Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One and emerging policy DM31 of the Brighton and Hove City Plan Part Two.

**17. Ground levels (pre-commencement):**

The development of each respective phase of development shall not commence until details of the existing and proposed ground levels (referenced as Ordnance Datum) showing any changes to levels, finished ground slab levels, and spot heights and cross sections to show the buildings and land levels adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the character and appearance of the area and the amenities of nearby properties, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12, CP13, CP15, DA7, SA4 and SA5 of the Brighton & Hove City Plan Part One.

**18. Drainage Scheme & SUDs (pre-commencement – site-wide and phased)**

A) No development shall take place until an overarching Site Wide Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. This overarching SWSWD Strategy shall incorporate the use of Sustainable Drainage Systems (SuDS) features such as ponds, basins and swales and shall provide a framework programme for phased implementation and shall outline how the drainage systems across the whole site will be managed and maintained. The Strategy shall be in accordance with the principles contained in SPD15: Toads Hole Valley and SPD16: Sustainable Drainage.

B) No development of each respective phase shall take place until the detailed design of the Drainage Scheme for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall be prepared in accordance with the overarching site-wide strategy approved in section A) above and shall be subsequently be implemented in accordance with the approved details before the development of each respective phase is first occupied.

The Drainage Scheme for each phase shall include details of the following, incorporated within a Sustainable Drainage Statement:

1. A list of all SuDS measures considered and selected, detailing constraints, available options and how they would be used on site to achieve integrated SuDS design.
  2. Full detailed engineering drawings including levels, cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
  3. An assessment to demonstrate appropriate SuDS management and treatment trains for water quality with reference to the SUDS Manual and inclusion of above ground features reducing the requirement for any underground storage and pollution mitigation.
  4. Calculations to demonstrate:
    - (i) A Do-Nothing scenario where runoff is discharged offsite without restriction.
    - (ii) The proposed system which will provide sufficient storage to ensure no increase in surface water run-off volumes or onsite flooding for all rainfall events up to and including the 1 in 100 year + 40% uplift for climate change supported by a time incremental analysis to demonstrate this is achieved.
    - (iii) How the system operates during a 1 in 100 year critical duration storm event plus 40% uplift for climate change, including drain down times for all storage features and exceedance routes for any surcharge beyond the design storm.
    - (iv) How each phase of construction impacts on the previous and subsequent phases of construction. This will be used to assess the residual risk of the development stages.
  5. The full input and output model file/s used in calculations, for example Micro-Drainage, in both .pdf and modelling software formats.
  6. Where infiltration forms part of the proposed system such as infiltration trenches, basins and soakaways, soakage test results at similar test locations and depths and in accordance with BRE digest 365 must be provided.
  7. The implementation of silt traps for protection of any residual tanked elements from siltation.
  8. An estimate of the cost of replacing the chosen system once it has reached its design life.
  9. Details of measures to maintain and secure safe public access arrangements within shared areas of public open space and how such areas will incorporate informal recreation or amenity use.
  10. A phasing and timing of implementation plan.
  11. How nature-based infiltration systems are incorporated and how balancing ponds or other SuDS features will incorporate biodiversity features
  12. How SuDS will interact with and facilitate facilities to recycle, harvest and conserve water resources including rainwater recycling.
- C) Upon completion of the drainage works and prior to occupation for each phase in accordance with the timing/phasing, a Management and Maintenance Plan

for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) Provision of complete set of as-built drawings for site drainage.
- (ii) A timetable for the management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime including any private elements undertaken by a management company. This plan shall ensure use of chemical pesticides/herbicides are minimised or not used.
- (iii) a Verification Report demonstrating that the SuDS drainage system for the catchment area for each phase has been constructed in accordance with the approved design drawings.

D) The SUDs drainage systems shall be implemented and maintained in accordance with the approved details under parts B) and C) for the lifetime of the development.

Reason: It is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal to provide a satisfactory means of surface water disposal to prevent the increased risk of flooding and pollution of controlled waters, and in the interests of sustainability and to provide amenity/recreation space, to comply with policies SU3, SU5 and QD27 of the Brighton & Hove Local Plan and SS1, DA7, CP7, CP8, CP11, CP16, SA4 and SA6 of the Brighton & Hove City Plan Part One, SPD16: Sustainable Drainage, SPD17 Urban Design Framework and SPD15: Toad's Hole Valley.

**19. Drainage/sewage - SW (pre-commencement of each phase):**

No development of each respective phase shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The development shall be carried out and phased as approved.

Reason: To ensure provision of an adequate sewage network is available prior to development commencing on a phased basis, to comply with policies SU3 and SU5 of the Brighton & Hove Local Plan and CP11, DA7, SA4 and CP7 of the Brighton and Hove City Plan Part One.

**20. Drainage/foul/surface – SW (pre-commencement of each phase)**

No development of each respective phase shall take place until details of the proposed means of foul and surface water sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved means of foul and surface water sewerage disposal shall be implemented within the development.

Reason: To ensure adequate foul sewage drainage/treatment and surface water disposal measures are available to serve the development, to comply with policies SU3 and SU5 of the Brighton & Hove Local Plan and CP11, DA7, SA4, CP7 and CP8 of the Brighton and Hove City Plan Part One.

**21. No infiltration of Surface Water into Ground (regulatory)**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate pollution prevention measures are put in place due to the sensitivity of controlled waters in this location to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with the National Planning Policy Framework and policies SU3 and SU5 of the Brighton and Hove Local Plan and CP11, CP7, CP8, DA7 and SA4 of the Brighton and Hove City Plan Part One.

**22. Energy and Heating Strategy (pre-commencement):**

A) No development shall take place until an overarching site-wide Energy Strategy for the whole development has been submitted to the Local Planning Authority for written approval.

B) No development of each respective phase shall take place until an updated Energy Statement in line with the principles in the overarching Energy Strategy has been submitted to the Local Planning Authority for written approval for that phase at the design stage that identifies the carbon footprint of the phase of development for each stage of the energy hierarchy:

- (i) Be lean: savings from energy demand reduction
- (ii) Be clean: energy savings from low carbon technologies
- (iii) Be green: savings from renewable technologies.

All residential development shall be built to achieve an energy efficiency standard of a minimum of 31% CO2 emission improvement relative to the threshold set in the Building Regulations Part L 2013, until superseded by new Building Regulations the Future Homes Standard. Non-residential buildings shall meet the carbon emissions requirements of the Future Buildings Standard. No buildings or dwellings shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the carbon emission targets sought have been achieved.

The Energy Statements shall demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand. The Energy Statements shall assess the potential for renewable / low carbon energy on site and shall prioritise exploration of solar PV, solar thermal, air source and ground source heat pumps.

The Energy Statements shall assess low-carbon heating options to supply heating efficiently, cleanly and affordably to residential and non-residential buildings, for the respective phase. This must include a Feasibility Study for a low-carbon heat network, together with a low temperature distribution system. The agreed heating system shall be implemented within the development unless evidence is submitted to prove it is not technically feasible or financially viable under current costs, technologies and funding regimes, and considering heat demand.

The Statements shall contain a whole life carbon assessment accounting for build, occupancy, maintenance and end of life stages. In addition the Energy Statements will set out how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. The figures for the domestic element of the development should be presented separately from the non-domestic elements and all energy calculations shall use SAP10 emissions factors.

In the event of future amendments to Building Regulations beyond Part L 2013, the Energy Strategy and Statements shall have regard to the new energy efficiency standards and any Future Homes Standard or Future Buildings Standard in force at that time.

The agreed energy efficiency measures set out in the Energy Strategy and Statements shall be incorporated within the development and retained.

Reason: In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to ensure ecological enhancement and mitigation, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14, CP18 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

### **23. Heating – future proofing (pre-commencement part)**

No development of the neighbourhood centre including retail units and flats, the school, the community centre and the employment uses hereby permitted shall take place until detailed plans and evidence have been submitted to the Local Planning Authority for written approval to demonstrate how such uses will be able to connect to any future decentralised heat network, should one become available. Evidence should demonstrate the following:

a) Energy centre size and location showing facility for expansion for connection to a future district heat network: to include sufficient physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;

b) A route onto and through site: details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections to a heat network,

demonstration of where connections will be made into the blocks, space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.

c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

The approved future-proofing measures shall be implemented before first occupation of the buildings within which they are located/ connected to and shall be retained.

Reason: To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

**24. Ventilation (ground floor slab level):**

Each respective phase of the development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for written approval which demonstrates how and where ventilation will be provided to each residential and commercial building within the development including specifics of where the clean air is drawn from, heat recovery, and that sufficient acoustic protection is built into the system to protect end users of the development. The approved scheme shall provide suitable protection in terms of air quality and shall be implemented before occupation and thereafter retained.

Reason: To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14, CP18 and CP10 of the Brighton & Hove City Plan Part One and QD27 of Brighton and Hove Local Plan and SPD15: Toad's Hole Valley.

**25. Overheating and climate change (within 6 months commencement):**

Within 6 months of commencement of each respective phase evidence shall be submitted to the Local Planning Authority for written approval, in the form of an Overheating and Climate Change Analysis to demonstrate that residential and non-residential units have been designed to ensure they incorporate measures to adapt to future climate change and do not overheat at any time of year.

This analysis shall use dynamic thermal modelling in line with the guidance and data set out in Chartered Institute of Building Services Engineers TM52 and TM59 Design Methodology for the Assessment of Overheating Risk in Homes. Evidence shall be submitted to demonstrate that the buildings have been designed with regard to climate change and are adaptable to meet predicted future weather without affecting their energy consumption or compromising healthy building principles. This shall include evidence that they have been designed for comfort to keep cool in hotter summers, and designed for structural stability, weatherproofing and water management.

The approved design measures to prevent overheating and adaptations to climate change shall be implemented within the development and retained.

Reason: To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

**26. Water Efficiency (pre-occupation):**

None of the residential units hereby approved shall be occupied until evidence that they have been built to achieve as a minimum, a water efficiency standard of not more than 105 litres per person per day maximum indoor water consumption has been submitted to the Local Planning Authority for written approval. The approved water efficiency measures shall be retained.

Reason: To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

**27. Electric Vehicle Charging (within 6 months commencement):**

A) Unless otherwise agreed in writing, or superseded by new building regulations, within 6 months of commencement of each respective phase of the development, details of the type and location of electric vehicle charging points (including for cars, vans, motorcycles, scooters and e-bikes) which meet the following minimum standards shall be submitted to the Local Planning Authority for written approval:

- (i) 100% of the car parking spaces associated with the individual houses shall have EV chargers,
- (ii) 100% of the car parking spaces associated with the blocks of flats shall have EV charges of which 20% shall be fast EV chargers (7kW to 22kW)
- (iii) at least 50% of the car parking spaces associated with the non-residential uses, shall have EV chargers of which 20% shall be fast EV chargers (7kW to

22kW) and at least one bay within each communal parking area shall have a rapid EV charger (>22kW)

B) Within 6 months of commencement of each respective phase of the development details of cable trenching (underground ducting) to be provided to future proof and facilitate electric vehicle charging points for all remaining residential properties and commercial parking spaces not covered by section A) above shall be submitted to the Local Planning Authority for written approval.

The agreed charging points and cable trenching shall be fully implemented before first occupation of the respective dwellings and first use of the associated commercial parking spaces and shall be retained for use thereafter at all times.

Reason: To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

#### **28. Rainwater Strategy (6 months commencement)**

Within 6 months of commencement of each respective phase a Rainwater Harvesting Strategy shall be submitted to the Local Planning Authority for written approval. This shall detail how rainwater will be collected, stored, managed and used and how green living roofs, water butts and tanks will be incorporated, and it shall form part of an overarching Sustainable Drainage Strategy for the whole site. The approved measures shall be implemented and retained.

Reason: To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

#### **29. BREEAM Communities (pre-commencement)**

A) No development shall take place until a 'Step 1' BREEAM Communities Assessment for the masterplan for the whole development has been submitted to the Local Planning Authority for written approval demonstrating that a standard of 'excellent' will be achieved as evidenced by submission of independent verification in the form of a BREEAM Assessment report.

B) No development of each respective phase shall take place until an updated Steps 2 and 3 BREEAM Communities Assessment demonstrating that the development will meet the BREEAM Communities standard of 'excellent', and

which cross references the master plan “Step 1” assessment, has been submitted to the Local Planning Authority for written approval for the respective phase at the design stage. This shall be evidenced by submission of independent verification in the form of a BREEAM Assessment report. The BREEAM Communities Assessments shall include the following at each step:

Step 1 – Establishing the principle of development - including a range of mandatory performance credits across the range of master-planning issues such as consultation, flood risk, noise pollution, energy, water, ecology.

Step 2 – determining the layout of the development- including options for:

- biodiversity and habitat protection and enhancement
- pedestrian, cyclist and vehicular movement
- public transport
- street and building layout, use and orientation
- housing type, provision and location
- utilities and other infrastructure provision
- public realm and green infrastructure.

Step 3 – Designing the details – including options for:

- landscaping
- construction materials
- management and long-term stewardship of facilities and services
- building design
- inclusive design
- resource efficiency during and after construction
- using local employment during construction.

The development of each phase shall be built in accordance with the approved BREEAM details.

Reason: In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city’s UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad’s Hole Valley.

**30. BREEAM non-residential (6 months commencement):**

A) Within 6 months of commencement of development of each phase a BREEAM Pre-Assessment for each non-residential building within that phase demonstrating it would meet a BREEAM rating of ‘Excellent’ shall be submitted to the Local Planning Authority for written approval.

B) No works above ground floor slab level of each respective non-residential building shall take place until a Design Stage BREEAM report for the relevant use (detailing performance in each category, overall score, and BREEAM rating) to achieve a minimum ‘Excellent’ rating has been submitted to the Local Planning Authority for written approval.

C) Within 6 months of first occupation of each of the non-residential uses hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.

Reason: In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

### **31. Biodiverse Green roofs (6 months commencement)**

Within 6 months of commencement of development of each phase a Biodiverse Green Roof Strategy which demonstrates how green living roofs shall be incorporated on all flat or other suitable roofs in the development shall be submitted to the Local Planning Authority for written approval. As a minimum, the school, Class E g (i-iii) employment buildings, the neighbourhood centre, the doctors surgery, the permanent community centre and blocks of residential flats shall incorporate green roofs. The details shall include the location, area coverage in sqm, a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme.

The biodiverse green roofs shall then be constructed, maintained and irrigated in accordance with the approved details before first occupation of each respective building they are located on within that phase and shall be retained as such thereafter.

Reason: In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to ensure ecological enhancement and mitigation and to mitigate the wider visual impact of the development particularly in views from and to the South Downs National Park, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

### **32. Design Code (pre-reserved matters)**

No Reserved Matters applications shall be submitted until a Design Code which builds on the submitted Design & Access Statement and focusses on both site-wide design principles and more detailed building and landscape design aligning with the National Design Guide and, National Model Design Code and SPD17: Urban Design Framework has been produced in detailed consultation with the Local Planning Authority, and has been submitted to and

approved in writing by the Local Planning Authority, which identifies and considers the following:

- (i) An explanation of the purpose of the Code
- (ii) A development vision for the site including placemaking objectives
- (iii) A holistic and sustainable approach to design across all phases of development
- (iv) Carbon neutrality, addressing both operational and embodied carbon
- (v) A strong landscape-led design approach as a priority, with green connectivity for movement, recreation, visual and biodiversity amenity
- (vi) A community-oriented approach to placemaking and public realm with evidence submitted to show community and key stakeholder involvement
- (vii) A positive approach to topography that capitalises on views
- (viii) An approach to movement to achieve easy permeability through and to and from the site and which identifies appropriate pedestrian, cyclist and vehicular hierarchies
- (ix) A contemporary design approach yet which respects local character
- (x) How key local planning policy objectives are supported

The Design Code shall build upon the key principles within the Parameter Plans, Illustrative Masterplan, Design and Access Statement and Outline Landscape and Ecological Management Plan and associated illustrative drawings submitted with the application hereby permitted. The Design Code shall address site-wide design principles including matters of infrastructure, movement, biodiversity and sustainability, and shall address design principles associated with street types, landscape character areas, special places (public realm), car parking, building typologies, architectural character areas, (including materials palettes) and carbon neutrality.

The Design Code shall have regard to other concurrent specialist strategies for the development as secured by condition and S106 Agreement including site-wide strategies for: sustainability (energy and water efficiency, BREEAM, rainwater harvesting, sustainable drainage, green biodiverse roofs), art, landscape/biodiversity, health impact, external lighting and transport/movement.

The Design Code shall build on the following identified Landscape Character Areas and Special Places as a minimum and shall consider how sustainable drainage systems can be integrated with the uses of each case:

- Restored Downland
- Blue Corridor
- Hilltop Clumps
- Green Petals (including movement intersections)
- Terraced Slopes
- Food Growth / Allotments
- Landscape Links
- Childrens Play/Sports Facilities
- Heart of the Community
- Employment Campus

- School Campus

The Design Code shall build on the following identified Road and Street Types as a minimum:

- Primary: Site by-pass / transport artery: this should address improvements to King George VI Avenue with regard to pedestrian and cycle movement networks and road traffic management
- Primary Street 1 - Boulevard: (spine road / sustainable transport route)
- Primary Street 2
- Secondary Street (Residential)
- Tertiary Street Residential
- Tertiary Street Shared Surface
- Tertiary Street Open Space Edge
- Tertiary Street Parking Court
- Tertiary: King George VI Avenue forecourts to frontage buildings

For each identified Road and Street type, the Design Code shall identify and consider aspects of physical street design including: appropriate widths, verges, people-friendly surfaces & pedestrian zones, edge or boundary treatments, accessibility, on and/or off-street parking, refuse collection, planters, seating, lighting, crossings, junctions and material types. The Design Code shall consider the design of discreet parking configurations in all residential streets but especially associated with buildings which front King George VI Avenue, and shall prioritise pedestrian movement and amenity function over vehicular movement in tertiary residential streets. The Code shall establish a site-wide Street Tree-Planting Strategy, shall consider how sustainable drainage systems can be integrated with the uses of each case and shall have regard to the Artistic Strategy for the site. Each Road and Street Type shall be illustrated by scaled drawings including cross-sections.

The Design Code shall incorporate an overarching site-wide Artistic Strategy which identifies how artistic components will (on a phased basis) be incorporated within the public realm and walking and cycling network across the site, with focus within the Heart of Community and Neighbourhood Centre area. This may include, where appropriate, street furniture, landscaping measures including provision of informal play space and architectural detailing. The site-wide Artistic Strategy shall demonstrate how artistic components across each phase may be coordinated to ensure consistency and common themes.

The Design Code shall build on the following identified Building Typologies, considering building layout to optimise functionality, natural light, ventilation and views; elevational composition, roof type and material palettes to ensure a suitably varied visual character yet cohesion across the site; and carbon neutrality:

- Open Space Edge – Northern Side (Residential);
- Open Space Edge – Southern Side (Residential);
- Sea View (Residential);
- King George VI Avenue (Residential);
- Stepped Terrace / Courtyards (Residential);

- Linked Villa (Residential);
- Detached (Residential);
- Employment;
- School;
- Neighbourhood Centre (Mixed Use);
- Community Centre; and,
- Infrastructural (e.g. pavilions, bus shelters, bin stores, bike stores etc.)

Reason: As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies TR7, TR11, TR12, TR14, TR15, SU3, SU5, SU9, SU10, QD5, QD15, QD16, QD18, QD25, QD27, HO5, HO13, HO19 and NC4 of the Brighton and Hove Local Plan and SS1, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP16, CP18, SA4, SA5 and SA6 of the Brighton and Hove City Plan Part One and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with SPD15:Toads Hole Valley, SPD06: Trees and Development Sites, SPD11: Nature Conservation and Development and SPD14: Parking Standards and SPD16: Sustainable Drainage and SPD17: Urban Design Framework and the NPPF.

### **33. Design Code Implementation (pre-commencement each phase)**

No development of each respective phase shall take place until a Design Code Compliance Statement has been submitted to demonstrate how the design of each respective phase has complied with the objectives of the site-wide Design Code sought by the condition no. 32 above. The design of the development within each phase shall be carried out in accordance with the approved Design Code Compliance Statement.

Reason: As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies TR7, TR11, TR12, TR14, TR15, SU3, SU5, SU9, SU10, QD5, QD15, QD16, QD18, QD25, QD27, HO5, HO13, HO19 and NC4 of the Brighton and Hove Local Plan and SS1, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP16, CP18, SA4, SA5 and SA6 of the Brighton and Hove City Plan Part One and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and

promotes the city's UNESCO Biosphere objectives, and to comply with SPD15:Toads Hole Valley, SPD06: Trees and Development Sites, SPD11: Nature Conservation and Development and SPD14: Parking Standards and SPD16: Sustainable Drainage and SPD17: Urban Design Framework.

**34. Health Impact Assessment (regulatory/pre-commencement RM):**

Reserved Matters applications for each respective phase of the development shall include a Health Impact Assessment (HIA) for that particular phase to demonstrate how the scheme within that phase addresses the following:

- (i) Healthy Housing – healthy housing quality and design; internal design layout for wheelchair use and the needs of older people; design for accessible car parking; Lifetime Homes standards
- (ii) Active Lifestyles – how more people will travel actively, and walking and cycling will be prioritised with a clear separation between cyclists and pedestrians; the needs of protected characteristic groups, with particular regard to disability/dementia friendly paving; benches on steep roads within and adjacent to the scheme
- (iii) Access to open space and nature – public open spaces including those for childrens play and sports; how spaces and sports facilities are inclusive to all; provision of informal structured activities;
- (iv) Safe and vibrant neighbourhoods – GP healthcare and other social infrastructure; integration of health facilities with other community facilities; the health impact on other primary care services i.e. dentists, pharmacies and opticians.
- (v) Access to work and training - how the proposals include access to work and training; the inclusion of managed and affordable work spaces.
- (vi) Access to Healthy Food – food growing including community orchards and allotments; the type of retail offer, to avoid a cluster of hot food takeaways.
- (vii) Healthy Environment - measures to minimise air pollution caused by traffic and energy facilities; inclusion of a car club; enhancement/provision of bus service; electric vehicle charging points.

Reason: To ensure a sustainable and healthy neighbourhood, to comply with policies DA7, SA6 and CP18 of the Brighton and Hove City Plan Part One and SPD15: Toad's Hole Valley.

**35. Materials samples (pre-commencement of ground floor slab level):**

No development of each respective phase shall take place above ground floor slab level until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- (i) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- (ii) samples of all cladding to be used, including details of their treatment to protect against weathering
- (iii) samples of all hard surfacing materials
- (iv) samples of the proposed window, door and balcony treatments
- (v) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details and shall accord with the approved Design Code for that respective phase.

Reason: To ensure a satisfactory appearance to the development and to comply with policies CP12, DA7, SA4, SA5 and CP15 of the Brighton & Hove City Plan and SPD15 Toads Hole Valley.

**36. Crime prevention measures (pre-occupation):**

No occupation of each respective phase shall take place until details of crime prevention measures for that phase and each respective land use have been submitted to and approved in writing by the Local Planning Authority. This can be evidenced through Secured By Design certification. The approved measures shall be incorporated within the development and retained.

Reason: To ensure the development incorporates design features which deter crime or disorder and the fear of crime, to comply with strategic objective SO23 and policies CP12 and SA6 of the Brighton and Hove City Plan Part One.

**37. Ecological Mitigation and Enhancement Strategy & Plan (pre-commencement)**

No development shall take place including any enabling works or site clearance or submission of any reserved matters applications until an overarching Ecological Mitigation and Enhancement Strategy (EMES) for the site as a whole has been submitted to and approved in writing by the Local Planning Authority. The EMES shall detail the protection and enhancement of retained habitats, the mitigation and/or compensation for the loss of habitat, the restoration of semi-natural habitats and enhancement of the site for biodiversity and shall be in substantial accordance with the details contained in the Environmental Impact Assessment (Enplan, November 2018) including Chapter 5 and associated technical appendices, Outline Landscape and Ecological Management Plan (EPR Ltd 14/11/18), Outline SNCI Habitat Creation, Restoration and Management Plan (EPR Ltd, November 2018), Ecology Addendum (EPR Ltd, 22/10/19) and Environmental Statement – Mitigation Measures Updated (Enplan, July 2020) and Landscape & Ecology Parameter Plan submitted with the application and shall include:

- a) purpose and conservation objectives for the proposed works
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details of initial aftercare and remedial measures;
- j) details for disposal of any wastes arising from works
- k) evidence that the EMES has been produced by a suitably qualified ecologist.

The EMES shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, the National Planning Policy Framework, and to comply with policies QD18 and NC4 of the Brighton and Hove Local Plan and CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One.

### **38. Ecology – phased (pre-commencement)**

No development of each respective phase shall be approved until a detailed Ecological Mitigation and Enhancement Plan (EMEP) for that particular phase has been submitted to and approved in writing by the Local Planning Authority. This EMEP shall be produced by a suitably qualified ecologist and shall accord with the overarching principles contained in the site-wide EMES approved under condition 37 above and shall include:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details of initial aftercare and remedial measures;
- j) details for disposal of any wastes arising from works.
- k) details of number, type and location of bird, insect and bat boxes. These shall include as a minimum the equivalent of 1 swift box/brick per residential unit and 20 swift boxes per 50sqm of non-residential floorspace, and 1 bee brick and 2 swift bricks/boxes per residential unit (and a minimum of 20 starling boxes on retained trees within the site).
- l) details of biodiverse green roofs and/or green walls
- m) details of how the development will be permeable to wildlife

The approved mitigation and enhancement measures shall be implemented within each respective phase before it is first occupied (or if located on individual buildings, before those buildings are first occupied), or in the case of soft landscaping they shall be implemented within the first planting season following approval of the details and should any plant fail or die within the first 5 years they shall be replaced. The measures shall be retained.

Reason: To mitigate against the loss of wildlife habitats on site and to ensure satisfactory enhancement of biodiversity, to comply with policies QD18 and NC4 of the Brighton and Hove Local Plan and CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One.

**39. Landscape and Ecological Management Plan (pre-commencement - phased):**

No development of each respective phase shall take place until a detailed Landscape and Ecological Management Plan (LEMP) based on the Outline Landscape and Ecological Management Plan (EPR Ltd 14/11/18 submitted with this application) has been submitted to and approved in writing by the Local Planning Authority. The content of the detailed LEMP shall provide measures to manage and maintain the measures secured in the conditions 37 and 38 above and will secure the long term management of the amenity planting and open spaces, and shall be produced by a suitably qualified ecologist and shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features, to comply with policies QD18 and NC4 of the Brighton and Hove Local Plan and CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One.

**40. Further ecological surveys over a longer period (phased pre-commencement)**

No development of each respective phase shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that all ecological surveys relating the site which informed the ecological mitigation and enhancement measures approved under conditions 37 and 38 are up to date and remain valid. If these are deemed to require updating, further supplementary ecological surveys for the particular species and/or habitats identified shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through conditions 37 and 38. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme under conditions 37 and 38, the original approved ecological mitigation, compensation and enhancement measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development of that particular phase of development. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: Ecological surveys may not remain valid for particular species given the period of time passed between original approval and implementation, given this is a large-scale phased development over approximately 10 years. Species are mobile and habitats can change and become more or less suitable, it is therefore important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation, compensation and enhancement can be put in place and to ensure no offences are committed, to comply with policies QD18 and NC4 of the Brighton and Hove Local Plan and CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One.

**41. External Lighting Strategy (including biodiversity) (pre-occupation-phased):**

No respective phase hereby permitted shall be first occupied until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include any proposed lighting of sports facilities, lamps and luminaires erected as part of the development and any lighting of public open spaces and shall:

- a) identify those areas/features on site that are particularly sensitive for bats, badgers and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the species in a) above using their territory or having access to their breeding sites and resting places;
- c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, design and appearance and details of maintenance;
- d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part c);
- e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council;
- f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

All external lighting shall be installed, operated and maintained in accordance with the specifications and locations set out in the approved Strategy, and these shall be maintained thereafter in accordance with the approved Strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to safeguard the rural setting of the South Downs National Park and its Dark Skies Reserve status to comply with policies SU9, QD25, QD26 and QD27 of the Brighton and Hove Local Plan and SA4, SA5, CP16 and DA7 of the Brighton and Hove City Plan Part One and to protect species and wildlife habitats as many species active at night (e.g. bats and badgers) which are sensitive to light pollution. The introduction of artificial light might mean such species may be disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation and would be contrary to policies CP10 and DA7 of the Brighton and Hove City Plan Part One.

#### **42. Acoustic Design Statement (pre-commencement):**

No development of each respective phase shall take place until an Acoustic Design Statement (ADS) outlining how the layout, design and detailed noise mitigation measures of the proposed development ensures there is no undue impact from road traffic noise or other sources to the occupiers and users of the development in that phase has been submitted to and approved in writing by the Local Planning Authority.

The ADS shall be prepared by a competent person and shall demonstrate how the design and layout of the phase has ensured that best practicable noise conditions are provided. The ADS shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and shall identify appropriate noise mitigation measures for all land uses. All residential units in each phase shall thereafter be designed so as not to exceed the noise criteria based on BS8233:2014, unless otherwise agreed in writing by the Local Planning Authority:

Dwellings indoors in daytime: 35 dB LAeq, 16 hours  
Outdoor living area in daytime: 55 dB LAeq, 16 hours  
Inside bedrooms at night-time: 30 dB LAeq, 8 hours (45 dB LAmax).

The ADS shall also include measures to mitigate noise impact to users of public buildings such as the school and community centre and external public areas such as children play areas, outdoor sports facilities and parkland. The ADS shall include details of how the school at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the "good" levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. Noise levels in the school grounds shall not exceed 55 dB LAeq T.

The final ADS shall be based on the principles of ProPG, Planning and Noise: New Residential Development, BS8233 2014 and WHO standards.

No development of buildings or land uses containing noise sensitive receptors shall be carried out within the red 'unacceptable' noise zones of the site as set out in the approved Acoustic Parameter Plan drawing ref x.

Each respective property and land uses within each particular phase shall not be first occupied or used until the approved noise mitigation measures have been incorporated within the development. The approved measures shall thereafter be retained.

Reason: To safeguard the amenities of the prospective occupiers and users of the development, to comply with policies QD27 and SU10 of the Brighton and Hove Local Plan and DA7 of the Brighton and Hove City Plan Part One.

#### **43 Alternative ventilation (pre-commencement above slab level)**

If relying on closed windows to meet the acoustic guide values agreed under condition 42 above, the respective phase of the development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval that demonstrates appropriate alternative ventilation measures that do not compromise the façade insulation or increase internal noise levels. If applicable, any room should have adequate ventilation e.g. trickle ventilators, acoustically treated as necessary. The scheme shall demonstrate how and where ventilation will be provided to each dwelling including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development.

Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO<sub>2</sub> under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and in Chartered Institute of Building Services Engineers TM59 Design Methodology for the Assessment of Overheating Risk in Homes.

The agreed ventilation measures shall be incorporated within the development before first occupation of each respective building and shall be retained.

Reason: In order to protection of the amenities of prospective residents and occupiers, in accordance with polices SU10 and QD27 of the Brighton & Hove Local Plan and CP8 and DA7 of the Brighton and Hove City Plan Part One.

#### **44. Noise transmission between units (ground floor slab level):**

No development within each respective phase above ground floor slab level shall take place until a scheme for protecting each occupied unit from noise transmission between commercial and/or residential units (where relevant), has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. The Building Regulations also apply for the transmission of sound between residential premises and buildings that adjoin them. The floors/walls/stairs between the commercial uses and the residential uses should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard unless otherwise agreed.

The approved measures shall be implemented and retained.

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

**45. Plant/machinery noise: (pre-commencement of ground floor slab level)**

No development of each respective phase above ground floor slab level of any part of the development permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been approved in writing by the Local Planning Authority.

Noise associated with plant and machinery shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest future 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. In addition, there should be no significant adverse impacts from low frequency noise.

The approved measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such

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

**46. Tannoys (regulatory):**

No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) shall be installed or operated on the site without the written prior approval of the Local Planning Authority.

Reason: In order to protect the amenities of nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

**47. Noise management plan (for external spaces):**

No communal balconies, roof terraces, outside smoking areas or external spaces used for events shall be first brought into use until the respective Management Companies in control of different land uses within the site have submitted Noise Management Plans for all occupiers, tenants and leaseholders of the development detailing the rules for noise management to the Local Planning Authority for written approval. The aim of the Plans should be to avoid noise nuisance during the day and especially between 11pm-7am. These Plans are to be submitted to the council prior to first occupation or use of each respective land use and shall be implemented and maintained by the Management Companies and any staff employed by the site.

Reason: In order to protection of the amenities of nearby residents, in accordance with policies SU10 and QD27 of the Brighton & Hove Local Plan.

**48. Odour control of plant (pre-installation):**

No plant associated with cooking facilities within the non-residential development hereby permitted shall be installed until a scheme for the fitting of odour control equipment has been submitted to and approved in writing by the Local Planning Authority. Odour control measures can increase fan noise and this should be taken into account during design phase. The measures shall be implemented in strict accordance with the approved

details prior to the first occupation of the relevant non-residential development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

**49. Hours of operation (retail and community centre) (regulatory):**

No customers or general public users of the community centre (F2) and retail (E) and sui generis pub/bar and food takeaway uses hereby permitted shall remain on the premises outside the hours of 23.00hrs to 07.00hrs.

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

**50. Hours of operation/floodlighting (sports) (regulatory):**

The stand-alone sports facilities and outdoor sports facilities within the school (F2/F2) hereby permitted shall only be in use between 08.00 hrs and 22.00hrs Monday-Saturdays and 09.00hrs and 21.00hrs on Sundays and Bank Holidays and no floodlights shall be illuminated outside of these operational times.

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

**51. Delivery and service management plan (pre-occupation of each phase):**

Each respective land use within each respective phase of the development shall not be first occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements associated with all land uses has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with polices SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

**52. Hours for deliveries (regulatory):**

No servicing, vehicular movements including any loading or unloading of vehicles shall take place in association with the operation of the non-residential uses on the site including the school, sports facilities, community centre and retailand pub/bar and food takeaway uses except between the hours of 07.00 and 21.00 on Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

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

**53. Details of any CHP and use of ultralow gas boilers (pre-installation)**

No Combined Heat and Power system shall be installed within the development until the following specifications have been provided to the Local Planning Authority for written approval prior to any installation: kWh output, location of flue and height above buildings, height above ground, spot height of ground at the proposed location, flue width, plume

temperature and exit velocity and NOx emissions per kWh. Any Ultralow NOx boilers within the development shall have NOx emission rates of less than 30 mg/kwh unless otherwise agreed. The approved system and specification shall be implemented within the development.

Reason: To safeguard the amenities of residents and to minimise air pollution and to protect visual amenity, to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan and policy CP12, CP18, DA7, SA4, SA5 and CP8 of the Brighton & Hove City Plan Part One.

#### **54. Refuse & recycling (pre-occupation):**

No respective phase of the development shall be occupied until a scheme for the storage of refuse and recycling for each respective land use within that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development to which it relates and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

#### **55. Playing field design (pre-commencement of facility)**

No development of any outdoor sports playing fields or pitches (including 3G) or multi-use games areas hereby permitted (whether as part of the school or otherwise) shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field(s)/pitch(es)/MUGA(s) which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect the sport's facility quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (iii) Evidence that the playing field/s and pitch/es have been constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011);
- (iv) Details of implementation and a maintenance strategy

The sports facility shall be carried out in accordance with the approved details and the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for sports use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and provided to made available for use before development and to accord with policies SS1, DA7, SA6, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One.

**56. Playing field maintenance (pre-occupation)**

No playing fields, pitches or multi use games areas shall be first brought into use until a schedule of playing field/pitch/MUGA maintenance has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the sports facility the approved schedule shall be complied with in full.

Reason: To ensure that the sports facility is first established as a functional playing field/pitch/MUGA to an adequate standard and is fit for purpose and to accord with policies SS1, DA7, SA6, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One.

**57. Tree Protection/method statement (pre-commencement):**

Prior to the commencement of the development of each respective phase hereby permitted (including any site clearance or enabling works), a Scheme for the protection of the retained trees (based on the SJA Trees Arboricultural Implications Report November 2018 submitted on 23/11/18), in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) and a scheme to protect the existing hedge on the south side of King George VI Avenue and any relevant trees within Hove Park using hand dug methods if required during construction (including during highway works on and off site) shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase thereafter shall be implemented in strict accordance with the approved details and protection measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within areas enclosed by tree/hedge protection fences.

Reason: As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and DA7, SA4, SA5 CP8, CP10,CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

**58. Tree protection – supervision (pre-commencement):**

Prior to the commencement of the development of each respective phase hereby approved (including any site or ground clearance, tree works, demolition or construction), details of all tree and hedge protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase thereafter shall be implemented in strict accordance with the approved details during the construction period.

Reason: As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies QD15 and QD16 of the Brighton & Hove Local

Plan and DA7, CP8, SA4, SA5, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

**59. Trees – Meeting (pre-commencement):**

No development of each respective phase hereby permitted shall take place (including any site clearance or enabling works) until evidence has been submitted to and approved in writing by the Local Planning Authority (LPA) to demonstrate that a pre-commencement meeting has been held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree and hedge protection measures to be installed OR that all tree and hedge protection measures have been installed in accordance with the approved tree protection plan. The development of each phase shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

Reason: As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and CP8, CP10, DA7, SA4, SA5, CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

**60. Hard and Soft Landscaping Scheme (ground floor slab level)**

A) Landscaping proposals within Reserved Matters applications for each phase shall contain the amount, type and location of soft landscaping in substantial accordance with the landscape-led approach contained within the submitted Parameter Plans, Illustrative Masterplan, Design and Access Statement, Arboriculture Implications Report, Landscape and Visual Impact Assessment drawings (02-346-123 to 135 inclusive) and Chapter 9 of the Environmental Statement. The landscaping proposals at Reserved Matters stage shall also generally adhere to the Landscape Character Areas of the site-wide Design Code and accord with the Landscape and Ecological Management Plan required by conditions 32 and 39.

B) No development of each respective phase shall take place above ground floor slab level until a Landscaping Scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping of each phase shall be implemented in accordance with the approved details and the soft landscaping shall be carried out in the first planting season after completion or first occupation of each phase of the development, whichever is the sooner.

C) The Landscaping Scheme to be submitted for approval shall include the following:

- (i) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
- (ii) Details of how any sustainable drainage system (SUDs) features may be used in addition for public amenity in terms of amenity open space or recreation space or landscaping or to provide visual amenity;
- (iii) detailed planting plans and an outline written specification (including cultivation and other operations associated with plant and grass establishment). A proportion of native species shall be used including those

that encourage wildlife, and shall include grass/wildflower mixes, street trees and structure planting. The plans and specifications shall be accompanied by a schedule detailing species, nursery stock sizes (and indicative ultimate heights) and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and defects liability periods;

- (iv) details of screen planting including a minimum 15 metre wide landscaped buffer to the A27 and Court Farm, and the landscape link between the school/sports site and the employment site, as illustrated in the Parameter Plans;
- (v) details of the significant tree planting and green verges proposed along King George VI Avenue to provide a boulevard as illustrated in the Parameter Plans and tree and shrub planting along the new and enhanced cycle/pedestrian route around and through Three Cornered Copse. Specimen of trees which will reach at least 20 metres height at maturity will be required along King George VI Avenue, adjacent to neighbourhood centre and along the internal spine road (see condition below also);
- (vi) details of how different parts of the landscaping will be continuously connected throughout the site for biodiversity via continuous green connections;
- (vii) details of layout and detailed design of open spaces including the creation of landscaped public spaces through the central part of the valley and evidence of how the landscaping has responded to the steep topography and visual sensitivity of parts of the site in accordance with the Parameter Plans;
- (viii) details of hard landscaping works including proposed finished levels and contours, details of car parking surfacing and layouts (and these shall include tree planting to break up their expanse in particular within the school, neighbourhood centre and employment area) and details of other vehicle and pedestrian access and circulation areas;
- (ix) details of all boundary treatments to include type, position, design, dimensions and materials;
- (x) details of minor artefacts and ancillary structures such as street furniture including benches, play equipment, tree pits and guards, refuse bins or other storage, details of lighting column designs, height and material(s);
- (xi) details of water features, walls, steps, mounds, acoustic bunds etc., and such details to include representative cross/long-sections where necessary;
- (xii) a timetable programme for implementation of the landscaping scheme
- (xiii) details of management and maintenance and who is responsible for this via a Landscape Management Plan for 5 years following completion of each respective phase.

Any trees or plants which within a period of 5 years from the completion of each respective phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development and ensure the provision of amenity afforded by appropriate landscape design and in the interest of the visual amenities of the area and biodiversity to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One.

**61. Tree Planting Scheme (ground floor slab level – phased):**

No development of each respective phase shall take place above ground floor slab level until a Scheme for Proposed Tree Planting, indicating positions or density, species, and planting size have been submitted to approved in writing by the Local Planning Authority. This may form part of the overall Landscaping Scheme for the site (see condition above) and shall include:

- a) details of the location for tree planting for different areas within the site including a Street Tree Planting scheme for all streets within the development
- b) details of tree planting pits to a specification that will ensure the successful long term establishment of trees suitable to the soil and site conditions, a minimum 18 to 24 cubic metres per pit. Where space is a limiting factor in the provision of an adequate planting pit then the use of a proprietary sub-soil planting infrastructure should be used
- c) details of a new boulevard along King George VI Avenue and species selected for the main internal spine road, and in the area of the taller buildings in the neighbourhood centre, internal spine road and shall have an ultimate growth height (i.e. within 40 years) of not less than 20 meters and shall be ‘extra heavy standard’ nursery stock at the time of planting with 16-18cm girth at 1metre high unless otherwise agreed
- d) details of the size at planting of all remaining trees not included in c) above
- e) all tree planting shall comply with BS 8545 (2014) Trees: from nursery to independence in the landscape
- f) details of a timetable for implementation including details of management and maintenance and who is responsible for this via a Landscape Management Plan for 5 years following completion of each respective phase.

Any such trees planted pursuant to this condition that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the provision of the amenity value afforded by trees in respect of the proposed development. Sufficient tree pits are essential as the shallow chalk horizons in this area are not conducive to healthy tree growth and the excavation of an adequate tree planting pit will be critical for all new tree plantings. In the interests of visual amenity and biodiversity, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One and SPD15.

**62. Biodiversity CEMP (pre-commencement)**

No development or enabling works, including site clearance, for each respective Phase shall take place until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the local planning authority. The BCEMP shall include the following:

- a) risk assessment of potentially damaging construction activities to biodiversity features;
- b) identification of “biodiversity protection zones”;

- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during enabling/construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the appointment of and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The method statements as referred to in c) above are required for the protection of breeding birds, badgers, reptiles and dormice. The content of the method statements shall include the:

- (i) purpose and objectives for the proposed works/measures;
- (ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- (iii) extent and location of proposed works/measures shown on appropriate scale maps and plans;
- (iv) timetable for implementation, demonstrating that works/measures are aligned with the proposed phasing of enabling and construction;
- (v) persons responsible for implementing the works/measures;
- (vi) initial aftercare and long-term maintenance (where relevant);
- (vii) disposal of any wastes arising from the works./measures

All clearance and construction activities shall be carried out in accordance with the approved BCEMP.

Reason: To protect the biodiversity of the site, to comply with policies QD18 and NC4 of the Brighton and Hove Local Plan and CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and SPD15.

### **63. Construction Environment Management Plans (pre-commencement)**

A) No development or enabling works, including site clearance shall take place until an overarching Site-Wide Framework Construction Environmental Management Plan (FCEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall contain the following:

- (i) Details of the anticipated types of works that shall be carried out at each phase.
- (ii) The timing of the enabling/construction works across phases including the forecasted clearance, construction, occupation and completion date(s).
- (iii) The appointment of and the roles and responsibilities of a site-wide CEMP Site Manager who will provide a single point of contact with regard to all CEMPs relating to the whole site for the council, owners, contractors and the public. Details shall include how the CEMP Site Manager will manage, monitor and coordinate all matters pertaining to all CEMPs on the site across all phases and ensure these are compatible and adhered to at all times.

- (iv) Details of an overarching site-wide Community Engagement Scheme and how the CEMP Site Manager will coordinate and implement this. This shall include details of how the public will be liaised with and kept informed on a regular basis, contact details, details of publicity and how complaints will be dealt with.
- (v) Details of a site-wide framework relating to mitigation measures to minimise disturbance to neighbours from noise, dust, vibration, site traffic and deliveries to and from the site, and how this will be monitored and how pollution incidents will be recorded and dealt with.
- (vi) Details of site-wide hours of enabling and construction including all associated vehicular movements including deliveries.
- (vii) Details of a site-wide Construction Traffic Management Framework including details of the anticipated number, frequency and types of vehicles used during each phase of enabling and construction, a routing plan with associated signage and details of construction site accesses to ensure vehicles can enter and exit in forward gear. This Plan shall include details of measures to prevent vehicles accessing the site from idling or waiting both on the site and on highways in its vicinity, and shall include the locations of any alternative waiting facilities for such purposes if relevant. This Plan shall include details of any anticipated necessary temporary road closure orders or diversions on the highway network in the vicinity of the site.
- (viii) Details of site-wide measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities
- (ix) Details of how the public will be protected in the vicinity of the site, including details of anticipated highway scaffolds and hoardings across the whole site.
- (x) Details of measures to protect public highway from damage across all phases.

B) No development or enabling including site clearance works shall take place within each respective phase until a Detailed Construction Environmental Management Plan (DCEMP) for that particular phase has been submitted to and approved in writing by the Local Planning Authority.

The DCEMP shall accord with the principles set out in the approved Site-Wide Framework CEMP under part A) and shall include the following:

- (i) The details of the types of works to be carried out at each phase.
- (ii) The timing of the enabling/construction works across phases including the forecasted construction, enabling, occupation and completion date(s).
- (iii) Where phases are constructed concurrently, the details of how different contractors and site owners will coordinate across phases within the site to ensure the CEMPs are consistently adhered to and are compatible. This will include liaison with the overarching site-wide CEMP Site Manager. Details shall also be included to demonstrate how the CEMPs will have due regard to any works being carried out at the time to developments in the vicinity of the site.
- (iv) The details of a Community Engagement Scheme which shall demonstrate how the contractors will liaise with local people before and during construction to ensure that residents, businesses, elected councillors and public transport operators are kept aware of progress on the site and how any complaints will be dealt with, reviewed and recorded. Details of the extent of the local community engagement area to be liaised with shall be included. The scheme shall include details of publicity measures including information boards on site, newsletters/emails and a website, and may include regular public

meetings. The information provided shall include contact details of the site operations manager(s), contracts manager(s), and any other relevant personnel in case of complaints. .

(v) The details of mitigation measures to minimise disturbance to neighbours from noise, dust, vibration, site traffic and deliveries to and from the site, and how this will be monitored and how pollution incidents will be recorded and dealt with.

(vi) The details of hours of construction including all associated vehicular movements including deliveries.

(vii) The details of construction lighting.

(viii) The details of the anticipated number, frequency and types of vehicles used during construction including forecasts of the daily number and peak hour frequencies of construction vehicle movements associated with the site, such forecasts to include details of movement purpose and vehicle type, including size, and details of any variation by phase and/or time of year

(ix) details of measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities and may include other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders.

(x) A plan showing construction traffic routes and the method of access and routing of vehicles during construction and details of the form, siting and installation of temporary wayfinding signage to the site. Construction traffic shall be directed to use routes so as to minimise insofar as reasonably practicable impacts of construction traffic on the transport network and the environment and such a routing plan shall show any variant routes for different vehicle types and/or at different times of day or year and/or in relation to different construction phases

(xi) The details of the temporary construction site access(es) for access/egress by vehicles, cyclists and pedestrians vehicular access to the site and details of turning areas within the site to ensure vehicles can enter and exit in forward gear. This shall include evidence of any associated temporary traffic restrictions and any temporary traffic management orders proposed or Traffic Regulation approvals, and the designs shall be submitted in scaled drawings and supported by computer generated vehicle tracking assessments to prove the effectiveness of the design. The designs shall also ensure continued access to other premises in the vicinity of the site during construction.

(xii) The details of locations of alternative waiting facilities to prevent vehicle idling or waiting to access the site.

(xiii) The details of any necessary temporary road closure orders or diversions on the highway network in the vicinity of the site including any temporary closures, diversion or alterations to of any pedestrian or cycleway routes through or adjacent to the site. Details of any proposal to restrict, alter or stop bus access through or in the vicinity of the site or the provision of temporary bus stops necessary as a result of any temporary road closures shall also be included.

(xiv) The details of measures to mitigate against the effects of the construction and development in respect of the adopted highway (including, inter alia, pavements, signage, drainage, lighting, trees and street furniture), cycle hire docking stations, bus stops and shelters, and real-time public transport information displays located in the area

(xv) The details of a scheme to provide for and manage the on-site parking of vehicles including motorcycles and bicycles by site operatives, contractors and visitors, which shall be based on an assessment of anticipated demand, details of where this shall be located, and how this shall be managed.

- (xvi) The details of the provision for the loading and unloading of plant, materials and removal of waste. All plant, machinery and waste will be stored on site.
- (xvii) The details of the proposed measures on the site to separate and enclose any proposed enabling or construction works including details of any proposed security hoardings and fencing and how they will be maintained.
- (xviii) The details of how any residual land comprising the development not being developed as part of particular phase(s) will be treated and made safe and fenced off or made good.
- (xix) the siting and layout of site compounds and welfare facilities for contractors including details of any related access, engineering measures, pedestrian routes, showering facilities, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts.
- (xx) Evidence to demonstrate that the owners/contractors have applied for and obtained prior consent under the Control of Pollution Act 1974 from the council throughout construction.
- (xxi) Evidence to demonstrate that the owners/contractors have adopted the 'Considerate Contractor Scheme' (or equivalent at the time of submission throughout construction).

The enabling and construction works within each respective phase shall thereafter be carried out at all times in accordance with the respective approved CEMPs under parts A) and B) above, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to the protection of amenity and for highway safety throughout development works, to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP9 and DA7 of the Brighton & Hove City Plan Part One.

**64. Site-wide pedestrian and cycling movement strategy (pre-RM applications):**

No Reserved Matters applications shall be submitted until a Site-Wide Pedestrian and Cycling Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in broad accordance with the Transport and Key Infrastructure Parameter Plan (ref x) submitted with the application and shall include details of main cycle and pedestrian routes through the site and connections to the wider cycle and pedestrian route network in the area of the site, in particular to connect by bicycle and foot to nearby services and facilities and open spaces including the South Downs National Park. The Strategy shall include, but not be limited to, details of:

- (i) The hierarchy of cycle and pedestrian routes within the site;
- (ii) Links to off-site cycle and pedestrian network including the national cycle network;
- (iii) The design of cycleways and footways/pedestrian routes, including surfacing and width, to meet current best practice guidelines at the time of approval and to ensure segregation;
- (iv) Phasing of provision of infrastructure for cycling and pedestrians on each hierarchy of road and open space;
- (v) The public engagement and involvement in the preparation of the Site-Wide Pedestrian and Cycling Strategy;

- (vi) How the Strategy accords with the principles in the Design Code in condition 32 and the site-wide landscape and ecological strategies secured by condition;

The development of each phase shall thereafter be carried out in accordance with the approved details.

Reason: To encourage and promote sustainable transport and in interests of amenity in accordance with Policies DA7, CP8, CP9 and CP13 of the Brighton and Hove City Plan Part One and TR7, TR12 and TR15 of the Brighton and Hove Local Plan and SPD15 Toads Hole Valley.

**65. On-site highways/parking (preRM applications/ pre-occupation):**

Each Reserved Matters application (for each respective phase) shall be accompanied by a Highway Infrastructure Plan detailing the internal site layout with the spine road, all the roads/footways/cycleways/public rights of way/crossing points and associated verges, landscaping, drainage and lighting necessary to connect the dwellings and non-residential uses the subject of that Reserved Matters application to existing highways and public rights of way. The Plan shall include detailed plans demonstrating the number and location of car and motorcycle parking spaces and these shall accord with Supplementary Planning Guidance Note 14: Parking Standards unless otherwise agreed in writing. The Plan shall accord with the Site-Wide Pedestrian and Cycling Strategy in condition 64 above and the principles set out the approved Design Code under condition 32 and approved landscaping scheme under condition 60 and the approved Parameter Plans. Street trees shall be included throughout the development and along all streets and within all car parking areas. The approved car parking areas shall include provision for disabled users and electrically charged vehicles and parking for motorcycles (in accordance with condition 27). Details of internal sub-phases shall be submitted for written approval. The Plan shall include details of all bus stops within the site which shall include bus cages, raised kerbs, shelters and real-time information in broad accordance with the approved Parameter Plans. The Plan shall be submitted to the Local Planning Authority for written approval.

The respective car parking areas, roads, footways, cycleways and public rights of way shall be provided in accordance with the approved details prior to the respective occupation of the residential uses, the school, the neighbourhood centre (including retail uses and doctors surgery), the community centre or the E (g) employment uses to which they serve within each phase, and shall be permanently retained for those purposes at all times thereafter.

Reason: To ensure satisfactory infrastructure is in place before buildings are first occupied to meet the travel demands created by the development and the parking needs of occupiers including the disabled to prevent parking overspill, and to encourage and promote sustainable transport and in the interests of highway safety and accessibility. In addition to ensure car parking areas and roads are broken up by greenery in the interests of visual amenity and biodiversity. To comply with policies TR7, TR12, TR18 and QD15, QD16 and QD18 of the Brighton and Hove Local Plan and CP9, CP13, SA4, SA5 and DA7 of the Brighton and Hove City Plan Part One and TR7, TR12 and TR15 of the Brighton and Hove Local Plan and SPD15 Toads Hole Valley.

**66 Cycle Parking (Regulatory - with RM matters applications/pre-occupation):**

Each Reserved Matters application (for each respective phase) shall be accompanied by detailed plans and a document demonstrating the number, type and location of secure cycle parking facilities for the occupants of, and visitors to, the development. The provision shall include one communal store per phase for 'bike maintenance' and a maintenance stand shall be provided within each bicycle store unless otherwise agreed. The cycle parking shall be in accordance with the principles set out in the Design Code in condition 32 and the Site-Wide Pedestrian and Cycling Strategy in condition 64. No respective dwelling or non-residential use shall be first occupied until the approved cycle parking facilities which serve that dwelling or building/use have been fully implemented and made available for use and they shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan, policy CP9 and DA7 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards.

**67 Details of Court Farm Link (pre-g/f slab level / pre-occupation):**

No development above ground floor slab level of Phase 1 shall take place until details of a pedestrian/cycle link up to the boundary of the north-east of the site with the ability to join up with the adjacent site at Court Farm, to include a sealed surface, drainage and lighting, has been submitted to and approved in writing by the Local Planning Authority. It shall incorporate a segregated cycle path and footpath wide enough for a double buggy and wheelchair to pass at once. None of the dwellings within Phase 1 shall be occupied until the approved link has been fully implemented.

Reason: In the interest of promoting sustainable transport and ensuring a satisfactory primary link between both sites to ensure a comprehensive and connected scheme on the whole of the Toads Hole Valley site, to comply with policies TR7 and TR15 of the Brighton and Hove Local Plan and DA7, CP9 and CP13 of the Brighton and Hove City Plan Part One.

**68. Staff showers in employment site and school (regulatory)**

The employment area of the site use(s) and school hereby approved shall incorporate staff shower provision in accordance with Supplementary Planning Document 14: Parking Standards unless otherwise agreed in writing. The showers shall be available before the respective Class E (g) employment and school buildings are first occupied.

Reason: To ensure the promotion of sustainable transport, to comply with policies DA7, CP8 and CP9 of the Brighton and Hove City Plan Part One and SPD14: Parking Standards.

**69. Refuse & Recycling Scheme (access) (pre-g/f slab level/pre-occupation):**

No development above ground floor slab level of each respective phase shall take place until a scheme for accessing refuse and recycling serving the residential dwellings and non-residential buildings in that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how refuse collection vehicles and their operators will access the facilities including the dimensions of turning

areas and road gradients and details of the type, size and location of the refuse and recycling storage areas and shall have due regard to Planning Advice Note 5 Design Guidance for the Storage and Collection of Recyclable Materials and Waste (September 2007) (or a subsequent amended version of PAN05) and the principles set out in the Design Code in condition 32. The approved access scheme and refuse storage shall be implemented from first occupation of each respective land use within each phase.

**Reason:** To ensure the provision of satisfactory facilities for the storage and collection of refuse and recycling in the interests of highway safety and sustainability, to comply with policy QD27 and TR7 of the Brighton & Hove Local Plan, policy CP8 and DA7 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

**Informatives:**

1. (Flood Risk) The applicant is advised to contact the council's Flood Risk Manager for further advice as to what information is required to comply with condition 18 above at [sustainable drainage@brighton-hove.gov.uk](mailto:sustainable drainage@brighton-hove.gov.uk) and to have regard to SPD16: Sustainable Drainage and best practice design guidance.
2. (Design Code) With regard to the Design Code referred to in condition 32 above, it is advised that the Local Planning Authority (LPA) would expect the Applicant to enter into pre-application discussions prior to its formal submission and incorporate the outcome of these, to enable the LPA to input and provide comment at draft stage.
3. (Design Code) With regard to the Design Code referred to in condition 32 above, the Code is expected to complement and build on the approved parameter plans and aspects of the design vision outlined within the Design & Access Statement, Parameter Plans and the Illustrative Masterplan which form the Outline Planning Permission and elevate the ambition for quality of landscape and building design on the site. The Applicant should refer to guidance within SPD17: Urban Design Framework and the National Model Design Code. The LPA would advise the Applicant to consider the Design Code for Graven Hill Village 2018, and also the University College London East Design Codes May 2017, as good-practice examples of how design codes may be approached in general terms.
4. (Design Code) The Design Code referred to in condition 32 above makes reference to the need to identify Special Places in conjunction with relevant Character Area codes and it is advised that the following will be sought for such areas:
  - (i) Community Centre Garden (Heart of the Community): This area is considered of particular importance with regard to place function. It is advised that the place should be flexible to host a variety of events whilst also providing the community with a constant parkland environment between events. It should be vibrant; a convergence of every aspect of the

- future Toad's Hole Valley community and surrounding adjacent communities.
- (ii) Green Petal Intersections: The intersection of Primary Roads, Secondary and Tertiary Streets, cycle links, pedestrian routes, landscape links and various Landscape Character Areas between the Green Petals poses significant design challenges. As currently illustrated, these intersections are an obstacle to ease of movement, with particular regard to pedestrians, cyclists and wildlife. The Design Code would therefore be expected to consider how the topography of the site may allow for the creation of multi-layered crossings. A good example of this is The Green Bridge at Mile End Park, London. The Design Code should also establish a minimum width of natural habitat to achieve a continuous wildlife corridor through the site, having regard to concurrent relevant ecological conditions.
  - (iii) Neighbourhood Centre Forecourt (Heart of the Community): This area is considered fundamental to achieving the quality of place expected of the Heart of Community Character Area. This forecourt forms part of the face of the development and needs consideration as a pedestrianised square to ensure it best serves the development
  - (iv) Primary Site Access (Heart of the Community): Similarly, the primary access to the site adjacent to the Neighbourhood Centre forms the face of the development so it is imperative that this place is designed to be clear, welcoming and intuitive.
  - (v) King George VI Avenue Boulevard: This road is an important interface of the development and is critical in creating an identity for the proposed development. As such, its change in character needs to be managed carefully to ensure the sense of severance to adjacent areas is significantly reduced and the site is welcoming to users. The way the built form and landscaping meets the boundary needs careful consideration as do the building typologies; as such, ambitions for this special place should relate successfully with associated, Road Type, Character Area and Building Typology codes.
5. (Ecology) Where possible, bee bricks required by the condition 38 above should be placed in a south facing wall in a sunny location at least 1 metre above ground level. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
  6. (Southern Water) A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

