

<u>No:</u>	BH2022/02534	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Outline Application All Matters Reserved		
<u>Address:</u>	Land At King George VI Avenue (Toads Hole Valley) Hove		
<u>Proposal:</u>	Outline application for up to 182 residential dwellings (C3 use) with parking and incidental landscaping (All Matters Reserved). (Revised description, site plan and additional information).		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	26.08.2022
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.12.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	17.03.2023
<u>Agent:</u>	Enplan 111 High Street Lewes BN7 1XY		
<u>Applicant:</u>	Toads Hole Valley Ltd, Pecla Investments Ltd & R M Simon C/o Enplan 111 High Street Lewes BN7 1XY		

1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to be **MINDED TO GRANT** outline planning permission subject to:

- A) Completion of a Deed of Variation to the s106 Agreement attached to BH2022/00203 to include this application and secure the Heads of Term as set out at Appendix A
- B) The Conditions & Informatives set out at Appendix B

SAVE THAT should the s106 agreement not be completed on or before 8th July 2023 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix C of this report:

2. SITE LOCATION

2.1 The site the subject of this application is located on the southern part of the 5ha former school site approved under application BH2022/00203 for the wider Toad's Hole Valley (THV) site. The site is located on the lower part of the valley floor of THV and measures 3.24ha. The site includes indicative access off the internal spine road (as shown illustratively in BH2022/00203) which leads off the main THV site access off King George VI Avenue opposite Goldstone Crescent (as approved).

2.2 The wider THV site, including Court Farm, is a 47ha green field located on the northern fringe of Brighton and Hove. The THV site bounded by the A27 bypass to the north, by King George VI Avenue (KGVl 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 wider THV 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.

- 2.3 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 wider THV 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 wider THV site. The Woodland Drive Conservation Area is located to the north-east of the wider site across KGVI Ave, including Three Cornered Copse. The entire wider THV site lies within a Groundwater Source Protection Zone (majority zone 2, with southern tip within zone 1 and north-western corner within zone 3).
- 2.4 The site is not generally accessible to the public however the Local Wildlife Site (LWS, formerly known as the SNCI) to the west of the site 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.
- 2.5 The wider THV 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 application seeks Outline Planning Permission for up to 182 dwellings (C3 use) with associated parking and incidental landscaping in principle.
- 3.2 All detail is proposed to be reserved for subsequent approval at a later 'reserved matters' stage (access, scale, layout, appearance and landscaping).
- 3.3 The proposal is a 'drop in' application to the wider THV permission on solely part of the area former proposed to be the school site.

Parameter Plans

- 3.4 A number of 'Parameter Plans' have been submitted which are illustrative only and these provide a set of principles to guide future development covering the following, and they also indicate how the proposal would fit in with the wider THV development approved under BH2022/00203:
 - Land Use
 - Density
 - Phasing
 - Landscape and Ecology
 - Building Heights
 - Transport and Key Infrastructure

- Acoustics

3.5 Should the proposal be approved, a condition is recommended to ensure that the development that comes forward on the site is in substantial accordance with the Parameter Plans for this site and those for the wider THV site as approved under BH2022/00203. An illustrative masterplan has also been submitted.

Housing Mix:

3.6 The following housing mix has been proposed, and is indicative only at this outline stage (except for the 40% affordable), and will be finalised at reserved matters application stage:

- 60% (109) of the homes will be open market tenure and 40% (73) will be affordable
- Open market mix: 16% 1-bed, 21% 2-bed, 55% 3-bed and 8% 4-bed
- Affordable housing mix: 55% affordable rent (comprising an even mix 'Affordable' Rented Units and 'Social' Rent) and 45% intermediate (eg shared ownership or First Homes), with a size mix of 30% 1-bed, 34% 2-bed, 33% 3 bed and 3% 4-bed. 10% of the affordable housing will comprise Wheelchair Accessible Units
- Updated mix overall equates to 52% of all the homes are family homes of 3 or more beds
- 9 custom/self-build plots

Phasing:

3.7 The development would come forward together with the wider THV development, which is proposed in phases.

3.8 Whilst it is suggested within the submitted Planning Statement and original phasing plan that the site could come forward at Phase 2 (when the red line included the sports facilities originally), this is not indicated on the updated phasing parameter plan, and exact phasing would be secured via S106. In any event, development of the site cannot occur until the main THV site access and internal spine road adjacent to the site is complete, which will be at Phase 2. It will be important that sufficient supporting infrastructure and community uses etc to meet the demand of the new population on the current application site are provided prior to first occupation of the site, and this can be secured by S106.

Environmental Impact Assessment:

3.9 The development, as it forms an integral part of the wider THV development as approved under BH2022/00203, is considered to fall within part 10b of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and is considered an 'EIA development'. Given the nature and scale of the development and relationship to the original scheme (which was EIA development), it was common ground with the applicant that the proposal requires EIA. On this basis no formal Screening Opinion was sought from the LPA.

- 3.10 The application is accompanied by an Environmental Statement (ES) which was submitted under the aforementioned EIA Regulations and contains in-depth analysis of the proposal, in the context of the original THV scheme. 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.
- 3.11 The ES is based on the council's Scoping Opinion given in November 2017, which is still considered relevant as there have been no material changes. In addition, the transport scope altered as a result of further discussions.
- 3.12 The ES 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
- 3.13 Since the application was first submitted revised information has been submitted to update the ecology chapter of the ES including further details regarding Biodiversity Net Gain (BNG).

Amendments/Additions:

- 3.14 In addition to the changes to the ecology outlined above, the red line of the application site was amended during the application. It was reduced in scale to cover solely the proposed residential dwellings and exclude the sports facilities approved under the original permission BH2022/00203 on the remainder of the former school site.
- 3.15 Updated parameter plans and illustrative masterplan were also submitted showing larger landscaped buffers. Further external lighting information was also submitted.

Deed of Variation to S106 attached to BH2022/00203:

- 3.16 The current application is not proposed to be carried out independently of the original THV permission BH2022/2203. It is proposed to vary the S106 agreement attached to BH2022/00203 to ensure this is the case.

- 3.17 To reflect the different land use and need for associated infrastructure to support the additional 182 dwellings, the developer has sought a variation to the S106 which would tie both permissions together to ensure they are developed as one, and that in effect this current application (if approved) would supersede approval for that part of the site which was for a school. The proposed S106 Heads of Terms can be found at Appendix A.
- 3.18 Parameter plans and a masterplan for the wider THV have been submitted for information to reflect the measures to be secured in the S106 Deed of Variation, showing how the sports facilities and parking could be accommodated on the remainder of the former school site, revised landscape buffers, a larger children's play area, a larger food growing area and larger community centre with changing facilities.

4. RELEVANT HISTORY

Applications at THV:

- 4.1 **BH2022/00203** Outline application for a mixed use development comprising residential dwellings (C3 use); land for a 6-form entry secondary school (F1 use)/community sports facilities (F2 use); office/research/light industry floorspace (E use); neighbourhood centre including retail outlets (E/sui generis uses), a doctors' surgery (E use) and community building (F2 and E use); public open and play space, alterations to the Site of Nature Conservation Interest (SNCI); and associated landscaping. Provision of 3no. vehicular accesses onto King George VI Avenue (unreserved) with associated highway alterations. Approved 6/6/22.
- 4.2 **BH2018/03633** Duplicate of above. Appeal submitted against non-determination and application subsequently withdrawn.

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

- 4.3 **BH2022/03483** 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 1880sqm of gross floorspace, with 1315sqm retail floorspace and 115 space car park). Currently under consideration.

5.1 REPRESENTATIONS

Neighbours/Groups: A total of **thirty-two (32)** representations were received from neighbours and the following groups **Brighton & Hove Wildlife Forum, Hove Civic Society, Goldstone Valley Residents Association, Sussex Wildlife Trust** objecting to the proposed development on the following grounds:

Transport and Traffic

- Additional traffic

- Traffic chaos - local roads already at capacity
- 182 homes will create more traffic than a school
- Children will have to travel for school
- Will adversely affect highway safety
- Poor design – unsafe junction on already unsafe road

Land use/Density/Infrastructure

- Loss of a community/public use, should be replaced with another such use, e.g. a park or sport/recreation, or kept for future generations
- More usable recreation space needed that residents can walk to, Hove Park heavily used already
- Profit driven land grab over community use
- Loss of a strategic benefit for wider area to private benefit
- School was key, if removed then whole scheme (BH2022/00203) should be revoked and reconsidered, proposal undermines what was sought here
- Without a school there will be no sense of community
- Educational needs assessment is not definitive picture of future needs, can change
- Overdevelopment
- School needed for families moving here, will put strain on existing oversubscribed schools
- Cumulative impact with rest of Hove developments
- land use mix now not balanced or sustainable, too dominated by housing
- will family homes be appropriate here now without a school
- indicative layout means spine road cannot be as wide or planted as previously
- will put pressure on local services eg NHS, needs more amenities, access to school already need improvement
- sewage/drainage system not convincing will be under strain
- 40% affordable housing not enough
- Development of this site is unnecessary
- Proposal should include older people's accommodation
- sets undesirable precedent, if school goes first then what next?

Ecology

- will destroy wildlife, enhancement on site needed not outside red line
- neighbourhood and mix of land uses will no longer be sustainable
- landscape buffers insufficient scale to protect wildlife
- proximity of floodlighting of sports pitches will harm wildlife
- not clear that 10% BNG will be delivered
- purchase of off-site credits for BNG unacceptable, should be on site
- EIA needs updating
- plastic pitches can cause pollution and affect wildlife, indoor facilities should be considered
- better connectivity required within and outside of site for wildlife
- will introduce invasive predators (cats) close to LWS, whole of this site should be a landscape buffer
- long term care of LWS needs consideration
- wildlife corridors need protection during construction

- last green space in city, it should be protected as an ecosystem

Amenity

- loss of residential amenity
- potential for more noise
- light pollution, contrary to Dark Sky Reserve of SDNP
- whole of THV should be a buffer to rest of city from A27 pollution and provide for wildlife

Other

- detrimental affect on property value
- adverse impact to conservation area

Three (3) letters of comment including from **Nature Space** has been received stating:

- the risk to great crested newts is negligible, as reported in the application
- approval should only be given if proposal meets all city plan policies and national guidance including Gear Change.
- Sports facilities not needed.
- The site should be a Park and Ride if the city is to be sustainable.

Two (2) letters of support have been received stating:

- provision of new homes is positive given desperate shortage in city
- proposal has sufficient recreation and landscaping
- proposal is great addition to local community and economy

Councillors Brown and Bagaen (October 22) (objection):

A copy of their representation is attached to the report.

6. **CONSULTEES**

External Consultees:

Brighton and Hove Archaeological Society: Comment

The proposed development is close to the find spots of Mesolithic flintwork and sites revealed during the creation of the Brighton bypass, and to the west is the location of the West Blatchington Roman villa. It is possible that in such a large area there may be other finds and sites from antiquity. The Society suggest the County Archaeologist is contacted for his recommendations.

Environment Agency: No objection subject to conditions relating to land contamination, SUDs and piling.

National Highways (formerly Highways England): No objection subject to conditions.

Conditions required to secure a Travel Plan, CEMP and completion of the A27/Devils Dyke Road Gyratory improvement works permitted by BH2022/00203 prior to occupation of any dwellings proposed in this application.

Natural England: No comments received

Scotland Gas Networks: The applicant is advised to adhere to guidance with regard to safe construction practice close to cables/apparatus.

Southern Water: No objection subject to condition

Southern Water would expect to see hydrogeological risks to our groundwater abstraction fully considered in future planning conditions, with a hydrogeological risk assessment, piling risk assessment, and the CEMP ensuring the right mitigation.

South Downs National Park Authority: Comment

The SDNPA has no objection to a higher quantum of housing in lieu of a school on the understanding that it has been adequately demonstrated that a new secondary school is not required.

The need to secure interpretation and educational resources associated with the SDNPA in the community use, and the principle of a non-motorised user link in the national park as previously is emphasised, given the increased number of residents now proposed. Detailed lighting information will be required as part of the reserved matters stage that acknowledges the South Downs International Dark Skies Reserve.

Sport England: Comment

The proposed retention of the 3G pitch and MUGA (subject to detailed design) is supported as that helps address established playing pitch deficiencies. The Council's Playing Pitch Strategy (PPS) 2016 although now somewhat out of date identifies a need for 4 or 5 new 3G pitches in the city up to 2037. The PPS does not identify any specific sites where those 3Gs might be located however, the THV development is identified within the Brighton and Hove Local Football Facility Plan (May 2019) as a priority location for the development of a full size 11v11 floodlit 3G AGP. The County FA confirm that THV would be an ideal site for a new 3G, as the Brighton & Hove PPS identified the need for an additional 3G in the west of the city.

The importance of peak time evening illumination of the sports facilities is emphasised, to ensure they remain viable and of benefit to the community. In that regard, the shifting of the sports pitches further away from SNCI from 15m to 40m should serve to assure the County Ecologist and the Council that there would be no adverse impact to the SNCI from illuminating the sports facilities to Sport England and FA guidelines.

The current application will increase the demand on existing off-site sports provision, particularly for swimming pool space that is not catered for on the application site. Sport England would therefore suggest that in allocating CIL receipts to infrastructure projects, that consideration is given to the additional demand on the City's existing facilities (original THV development demand: cost equivalent based on build costs £481,505; Drop-in application demand: £117,072).

Sussex Police: No objection

There are no major concerns with the proposals at the location, however, crime prevention measures should be incorporated and regard of Secure By Design standards is encouraged.

UK Power Networks: The applicant is advised to adhere to guidance with regard to safe construction practice close to cables/apparatus.

Internal Consultees:

Arboriculture: Previous comments made on BH2022/00203 remain valid (namely no objection subject to condition).

CityParks: No comments received.

County Archaeologist: Approval recommended subject to conditions

County Ecologist: Approval - subject to condition/S106 to secure the recommended mitigation, compensation and enhancement measures

Summary:

Initial concerns expressed regarding the impacts of the current application (and sports facilities) on the agreed mitigation and compensation for the wider site, most notably, but not exclusively, in relation to bats, dormice, breeding birds and reptiles. The proposed development is likely to result in significant impacts that could compromise the mitigation and compensation approved for the wider site development, most notably in relation to increased lighting and predation. It is not currently understood whether these additional impacts can be mitigated to an acceptable level. Further information is required as to how measurable biodiversity net gain will be delivered.

The Environmental Statement (ES, Enplan, July 2022) describes the western end of the site as offering good cover, dark conditions and foraging opportunities for any early emerging bats from trees within the LWS or nearby housing. This part of the site provides core habitat for dormice, and high levels of Myotis bat activity were recorded at the southern end of the LWS, indicating the presence of a potential transitional roost within or close to the LWS. The proposed sports facilities run adjacent to the LWS boundary for c. 70m and are likely to require floodlighting. The proposal to site residential development adjacent to the LWS will also result in increased lighting levels through the introduction of built development, street and security lighting. Further information is required at this stage to be able to assess whether the increased impacts can be mitigated.

The ES recognises that residential development is likely to substantially increase the number of domestic cats on site, which is likely to lead to increased predation. The width and type of landscape buffer zones should be amended to mitigate this impact.

In relation to biodiversity net gain (BNG), for the wider application, a Metric calculation was not carried out as the application predated Royal Assent of the Environment Act 2021. For the approved application BH2022/00203, the Metric was again not applied, but at that stage, I was satisfied that from a qualitative point of view, the proposals would deliver some BNG. Since then, Policy DM37 has progressed, with the City Plan Part Two being formally adopted on 20/10/22, and SPD11 Biodiversity and Nature Conservation has been reviewed and updated. The Interim Technical Advice Note on BNG expects major developments to deliver a minimum 10% with on-site opportunities maximised.

As this is a new application, which has the potential to reduce the mitigation, compensation and enhancement measures agreed for BH2022/00203, the Biodiversity Metric should be applied to demonstrate if and how measurable BNG will be achieved and delivered. To properly understand if and how BNG can be delivered, this needs to be explored more fully. Clarification is also required as to whether the loss of the north-west edge of the Three Cornered Copse LWS approved as part of the wider THV scheme has been considered in the impact assessment

Further comments (landscape buffers, lighting and BNG):

The further information provided has been considered and is acceptable (Ecology Addendum inc. BNG Metric and Assessment, Lighting Report, revised parameter plans and illustrative masterplan).

The layout has been amended to increase the distance of the sports pitches and the additional proposed residential to the LWS to 40m and 25m respectively as opposed to 15m which was previously proposed.

The Technical Lighting Report and the Ecology Addendum demonstrate that under a worst-case scenario (i.e. without the use of additional mitigation such as baffles and shields) this revised layout will result in a light spill of 0.2 lux for the majority of the frontage onto the LWS, with a small area where spill increases to c. 0.5lux; these levels are acceptable. It is noted that these calculations are based on horizontal light spill at ground floor level and do not take account of topography. As such, additional mitigation may be required to ensure that light spill onto the LWS is reduced to a minimum. As recommended for the wider scheme (ref. BH2022/00203) a Lighting Design Strategy for Light-sensitive Biodiversity should be required by condition, which should specify that light spill onto the LWS should not exceed 0.5 lux.

The Ecology Addendum reports that provision of a wider buffer to the LWS, with the buffer to include at least 20m (moving from west to east) of dense thorny scrub, will help to reduce potential impacts of increased predation by domestic cats. These revisions are welcomed and I concur with the conclusion that these measures will help reduce the effects of predation and will not adversely change the overall protected species mitigation measures agreed for the wider scheme. This specification is now shown on the further updated Illustrative Masterplan and the Landscape and Ecology Parameters Plan. This is particularly important given that this and the wider scheme are outline applications with all matters reserved.

Planting of the buffer with dense thorny scrub, as proposed and assessed in the Ecology Addendum, is also a specific requirement. It is therefore recommended that compliance with the measures set out in the Ecology Addendum is required by condition.

Clarification of the proposed curfew times are welcomed, and I agree with the conclusion that this will not affect the outcome of the Ecological Assessment for the wider scheme. Clarification regarding the Three Cornered Copse LWS is also welcomed.

With regards to the provision of an artificial pitch and the potential impacts of micro-plastics on biodiversity, the Ecology Addendum sets out mitigation measures that will be implemented which can reduce infill migration by up to 98%. These measures should be secured by condition. The Ecology Addendum confirms that artificial pitches will not provide a foraging resource for birds, and acknowledges that this will result in slightly reduced positive effects of habitat creation, restoration and management throughout the wider scheme on birds. However, I agree with the assessment that this does not affect the overall conclusions of the Environmental Assessment.

Biodiversity Net Gain

The full Biodiversity Metric has been provided for assessment and Appendix 1 of the Ecology Addendum provides an explanation of the calculations and the assumptions that have been made. The assumptions are based on sound professional judgement and I agree that they make sense ecologically, taking into account the constraints of the Metric, and taking a precautionary approach. These recalculations, as set out in Appendix 1, demonstrate a higher loss of biodiversity units than the Metric, and are being taken forward as the amount of BNG which will be sought off-site.

The 'drop-in' application will result in a net loss of 16.58 habitat units and a net gain of 0.6 habitat units. To ensure no net loss and to provide the minimum 10% BNG, 18.71 habitat units will need to be delivered off-site and managed for at least 30 years. It is understood that the applicant is exploring options for delivering off-site BNG through a third part provider. To meet the aspirations of BHCC, and to prevent a negative/reduced multiplier being applied through the Metric, any offsite BNG should be delivered within the same LPA administrative area or the same Natural Character Area. Off-site BNG delivery will also need to ensure that trading rules are met, i.e. that habitats created are of the same broad habitat type or a habitat of higher distinctiveness. In this case, the habitats being lost (other neutral grassland, mixed scrub, and other woodland, broadleaved) are all of medium distinctiveness.

I agree with the conclusion in the BNG assessment that whilst the small group of semi-mature trees has been categorised as "other woodland, broadleaved" within the metric, it does not readily meet this habitat type, and allowing some scrub trees to reach full maturity would provide adequate compensation for loss of this habitat type. It may also be acceptable for scrub habitat to be replaced through natural recolonisation of grassland rather than being specifically planted. Full details will need to be agreed once an off-site BNG site has been identified, but

the focus should be on providing a mosaic of grassland and scattered/dense scrub, to mimic the habitats being lost.

Conditions/S106

In light of the above, it is recommended that the same conditions should be applied to the 'drop in' application as to the wider scheme, specifically: a Construction and Environmental Management Plan (Biodiversity); a Biodiversity Method Statement for the protection of breeding birds, badgers, reptiles and dormice; a Lighting Design Strategy for Light-sensitive Biodiversity (to specify no light spill above 0.5 lux onto Toads Hole Valley LWS); an Ecological Design Strategy addressing mitigation and compensation for the loss of habitats and the provision of measurable biodiversity net gain of at least 10%; a Landscape and Ecological Management Plan to cover on-and off-site habitats to secure BNG for a minimum 30 years; and the requirement for reserved matters and future phases of development to be informed by updated ecological surveys (as a rule of thumb, ecological surveys should be no more than 18 months old). In addition, a condition requiring all ecological measures and/or works to be carried out in accordance with the details contained in the Ecology Addendum (EPR, December 2022) should be applied.

County Landscape Architect: No objection subject to condition.

It is recommended that the application can be supported as it would have a minor impact on local landscape character and visual amenity in the context of the wider Toads Hole Valley masterplan. Appropriate landscaping and height restriction conditions should be imposed as previously.

Economic Development: Comment

Based on the information provided in the application, a contribution is requested of £70,800 via S106 Agreement towards the Local Employment Scheme, and an Employment and Training strategy should be secured.

Education: No objection - due to falling pupil numbers in the city a new school is no longer required

Summary:

The original need for the strategic allocation in policy DA7 to include a school was due to the physical constraints of the city and scarcity of suitable alternative school sites becoming available then or during the Plan period (2016-2030). DA7 was created at a time when pupil numbers in the city were changing from a sustained increase in primary pupil numbers to a more steady state position. As a result of this the proposal to reserve an area of the THV site was included to protect the forecast rise in secondary pupil numbers which always lags primary numbers by 7 years, on account of pupils travelling chronologically through the school system.

This decision was based on the existing identified under-provision of secondary school places in the city at that time. Plans for future secondary provision also included moving and expanding the Kings School to a new site adjacent to the Toads Hole Valley site (now completed) and a new school (now withdrawn) being proposed for the General Hospital site in Elm Grove. These proposals meant that even at the time of the inclusion of the school site there was not likely to have

been an immediate need for a new school at THV in the short to medium term. The provision was included because at the time it was believed that THV would take up to 10 years to develop and given other housing developments in the city and the possible implications for secondary school numbers demonstrated by the modelling we needed to retain the long-term option to deliver a school to meet the potential needs of higher future growth.

We were aware that demographic patterns might shift, and that a new school might not be needed, in which case alternative uses for the area of land reserved for a school could be considered at that time. In the time since DA7 was finalised (2016) the position in terms of school places has changed considerably in the city and is also adjusting nationally. We have moved to a position of having sustained falling rolls in our primary schools and knowing that secondary numbers will also start to fall from September 2023 and are forecast to continue to fall for at least 10 years.

On 14th 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 school within the City Plan. The need or otherwise for the allocation at THV to contain a secondary school was due to be considered as part of the forthcoming formal review of City Plan Part One.

Planning permission was recently granted this year for a new neighbourhood at THV including a 5ha site for a secondary school, in compliance with policy DA7. At the time of that proposal and decision (2018-2022) the evidence and data was not sufficiently clear to determine a definite trend in pupil projections or that a school was not required, and as the proposal was policy compliant, approval was recommended.

In the meantime, the applicant is now seeking to depart from policy and omit the school site and replace it with 182 homes, and has provided an evidenced case for this. In light of this new application we have looked again at our forecast of pupil numbers and the information provided by the applicant now, rather than as part of the review of City Plan Part One.

It is confirmed that the council's forecast for future primary school rolls shows that over the next 4 years we anticipate that primary numbers will continue to drop from approximately 2,250 per intake year to approximately 1,950 per intake year. This will result in an increase in the number of surplus places in the primary phase from approximately 403 city wide at the present time to 740 by September 2025. In the case of the information for secondary school rolls, the forecast need shows that the number of places per year of entry will fall from 2386 in 2023 to 1797 by 2032. This will result in an increase in the number of surplus places in the secondary phase, from 125 in 2023 to 714 by 2032.

It is recognised that these are forecast figures based on the current Published Admission Numbers (PAN's) for the year of entry of the schools and that these PANs may change over time to take account of the changing demographics in the

city. However, we also record the theoretical capacity of the schools for all year groups in the schools using a formula provided by the Department for Education (DfE) which is based on the space available in each school. In general terms it is true to say that the theoretical net capacity of the primary schools is fairly consistent with the PAN, although this is not always the case. We do have some schools that have already reduced their capacity from 3 forms of entry to 2 forms of entry, which has resulted in schools having a much higher theoretical net capacity than its PAN would suggest.

In terms of the secondary schools, their theoretical net capacity is calculated as a range. The theoretical net capacity calculated by PAN for all schools in the city is 14,904 places, the maximum capacity (i.e. the top of the theoretical range) for all schools in the city is 15,640 places. The most recent schools census shows that there were 12,856 pupils on roll in our secondary schools. This means that there are currently 2,048 places still available in our secondary schools based on the PAN of the schools and 2,784 places available based on the maximum theoretical net capacity. We know that in the next two years the number of pupils leaving secondary school will start to exceed the number of new pupils starting secondary school and we can therefore expect the number of unfilled places to increase.

The original Toads Hole Valley outline planning application BH2018/03633 included 880 homes. At that time we forecast that this number of homes would generate approximately 115 nursery age children, 147 primary age children, 132 secondary age children and 20 children who would be looking for a sixth form place in a secondary school rather than a sixth form college. This number covers all years of each stage of education, for example the 147 primary age children would be spread across 7 year groups and the secondary age children would be spread across 5 year groups. This gives a figure of 21 children per year for primary and 27 per year group for secondary age pupils. It is also the case that some of these children will already be resident in the city rather than children that move into the city as a result of the development which would lower the number of addition children per year group from these figures. The current application for a further 182 homes would add a further 27 children to the primary total (9 per year group) and 25 children for secondary (5 per year group). Given the continuing fall in pupil numbers in the city generally and in this area this is considered as quite manageable within the current school provision for the foreseeable future.

We have reviewed the new Education Needs Assessment included as part of this planning application. The report looks in depth at various sources of data including live birth data, ONS data and the council's own data in terms of housing delivery. It uses this data to forecast the likely pupil numbers in the city up to 2043. This is longer than we forecast numbers since it includes 10 years of forecasts for pupils that are not yet born. Notwithstanding this we agree with the conclusion of the report, based on the analysis of a broad range of data that '... there is at present little future requirement for the new school originally proposed for the THV site, either now in the lifetime of the development Plan....' The methodology used in the report makes use of data sources that are commonly used when forecasting pupil numbers and the way in which they are used follows a logical process. We are therefore confident that the forecasts produced are

likely to be reliable. The consultant used for this work is known to us and has undertaken this type of work for many years. Consequently, we have no reason to doubt the accuracy of the work.

As a result of the above we have no reason to object to the planning application as submitted.

Environmental Health (incl land contamination, air quality, noise): No objection subject to imposition of conditions (as previously applied).

Housing Strategy: Support, subject to review of the unit mix and consideration of self-build housing plots.

Summary

The applicant is proposing a policy compliant 40% of the homes to be provided as affordable. This means 73 homes as a mix of affordable rent and affordable ownership (including First Homes). Affordable housing (other than First Homes) would generally be provided by a Registered Provider (RP) and the developer is required to approach RPs (including the council) and negotiate with them for the affordable housing.

This is an exceptional site and the usual unit mix should therefore be reviewed to consider if additional family housing can be provided here. Housing also support the inclusion of plots for self-build homes at this site as at the main site for private individual/ community-led or affordable housing.

Further comment:

Negotiated improvement to provide circa 35% 2 bed and 35% 3+ bed within the affordable is acceptable - larger family homes for rent would be most welcome.

Local Highway Authority: No objection subject to condition/S106 (as previously secured)

Summary

Although a separate scheme, we have considered the proposal in the context of the Environmental Impact Assessment (EIA) submitted and proposals in relation to access, highways amendments/mitigations, agreed trip generation methodology and assessment, and the sustainable transport mitigation package/measures, which covers the whole THV site, which already has planning consent.

The applicant proposes no amendments to the consented THV site accesses on King George VI Avenue. The indicative Transport and Key Infrastructure Parameter Plan and Illustrative Masterplan are considered acceptable in principle and a final layout would be secured at Reserved Matters Application (RMA) stage. A junction improvement scheme at King George VI Avenue/Goldstone Crescent, which forms the main site access, will be secured through the s106 agreement for the consented scheme (ref: BH2022/00203), which will be tied to the current scheme, if approved.

The total number of car parking spaces and cycle parking spaces will be assessed as a part of the RMA stage, to ensure they are compliant with BHCC's Supplementary Planning Document (SPD)14 Parking Standards.

The LHA were previously consulted on the consented scheme (ref: BH2022/00203), which included the submitted transport and highways information and proposed methodology of assessment (i.e., trip rates and the disaggregation of trips by mode) and parameters of assessment, which were agreed with the applicant team and National Highways, prior to the application's determination in June 2022. The applicant has submitted a Transport Assessment (TA) which forecasts the expected trip generation associated with the proposed 182 dwellings by applying trip rates previously agreed with the LHA and National Highways. On this basis, no further response, in respect of the methodology for forecasting trip generation, is deemed necessary for this application (ref: BH2022/02534), as the applicant has applied the same approach/methodology as the consented scheme (ref: BH2022/00203), which is considered robust.

The applicant's forecast trip generation assessment concluded that the replacement of the consented secondary school with 182 residential dwellings would result in a net reduction of 162 two-way vehicle trips in the AM peak and an increase of 10/11 two-way trips in the PM peak. The applicant has forecast that there would be an overall reduction in total person trips in both the AM and PM peak of 619 and 64 total person trips respectively, which is expected with the removal of the secondary school and therefore considered robust.

No amendments to the main A27 junction or local junctions including new accesses on King George VI Avenue are proposed and given that the development proposal will result in a reduction of trips in the AM peak hour, no further modelling assessment, or changes to the consented junction improvements (mitigation), other than those secured through the consented scheme (ref: BH2022/00203), are required given that the impact of the proposed development is comparable to that of the consented school. Whilst the submitted trip generation indicates there would be an increase in 10 vehicle trips during the PM peak hour, this level of increase would not be expected to be impactful to the surrounding existing road network. The applicant has not proposed to reduce the level of mitigation anywhere (i.e., sustainable transport package or highways and junction improvements package/measures) across the wider scheme, as a result of this outline proposal, which the LHA agrees with. No further mitigation is considered to be needed, and no reduction in the consented mitigation is deemed to be required given that the transport and highways impacts are comparable.

The s106 agreement for the consented scheme requires the A27 junction improvements to be implemented before the 200th residential dwelling (phase 1), and the main access junction (King George VI Avenue/Goldstone Crescent/site access) 'King George VI Avenue Phase 2 works' will be implemented prior to the occupation of the 400th residential dwelling (phase 2). The LHA considers the trigger/requirement i.e., 'prior to the occupation of the 400th residential dwelling' to be secured by the s106 agreement for the consented scheme (ref: BH2022/00203) still appropriate (given the 182 dwellings will be built within the wider phase 2 site) in respect of this outline scheme and the main access junction

improvement works should be tied to the agreement for this outline scheme, if approved. The consented scheme (ref: BH2022/00203) proposed a new bus route that would access the site from the main access (phase 2), to provide a much-needed public transport service for prospective residents and employees of the site, in an area that is considered to have poor connectivity to public transport services (stations, stops). The provision of a bus service routed through the site is expected to provide a key connection between the site and the centre of Hove, facilitating the transfer of site generated trips to connecting public transport services into the centre of Brighton and beyond. Clarification of the bus turning area is required.

Further comment: Further information has been provided by the applicant to confirm that a bus turning area could be provided at the entrance to the employment land – as a temporary arrangement until the principal access route through the site is provided in Phase 3 of the approved THV development. The layouts for the current outline application and the approved outline application for the wider THV site are illustrative only at this stage. A condition is recommended to ensure this turning area is provided as part of the reserved matters stage.

Planning Policy: Comment.

Summary:

Policy DA7 reserves the application site for a new secondary school. However, the applicant has submitted an Education Needs Assessment which presents evidence that the site is not needed as there is sufficient existing secondary school capacity across the city to meet and exceed population projections over the Plan period to 2030 and beyond. These arguments will need to be considered in detail by BHCC Education. Development of the site for alternative uses would be contrary to Policy DA7 and SPD15 and would need to be treated as a departure from the development plan.

In the event that Education agree (or cannot disagree) the evidence that the site is no longer needed for a secondary school and will not be needed within the City Plan period, this would be a significant material planning consideration which could potentially outweigh the City Plan policy for the site. Although the partial loss of this site for a strategic community use (school) would be regrettable, there is no policy requirement for an alternative community use, and it needs to be balanced against the significant need for housing in the city. Although the consented development at Toads Hole Valley (THV) already exceeds the minimum 700 dwellings sought in Policy DA7, the additional housing proposed in this application would provide a further helpful contribution to the city's housing requirements and help address the current 5-year housing supply shortfall. When considering the planning balance for this proposal, increased weight will need to be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

The application provides for 40% affordable housing in accordance with Policy CP20. The proposed affordable size mix also reflects that set out in Policy CP20, although it is noted that a high proportion (85%) of the affordable units would be

flats. The proposed tenure mix aligns with that set out in the Council's Affordable Housing Brief.

The application would provide only 45% of the total housing (open market and affordable) as 3 and 4 bed dwellings, which falls short of the Policy DA7 requirement that a minimum 50% housing should be provided as 3+ bedroom family sized homes. The applicant argues that when combined with the consented THV scheme, the proportion of family homes would still be 50%. However, given the limited number of greenfield/urban fringe sites, THV provides a vital opportunity to deliver family homes for the city. To achieve this, the mix of housing for the current application should be altered to provide at least 50% family dwellings.

SPD15 encourages custom build, self-build, community land trust and cooperative housing and there is currently substantial demand for self/custom build plots on the Council's Self-build and Custom Housebuilding Register. THV is by far the largest greenfield housing site identified in the City Plan and the application proposed would exceed any of the urban fringe sites allocated in CPP2 Policy H2. Therefore, it would be appropriate for the development to include an element (c5%) of self/custom build plots (including some land made available at a discounted 'affordable' price which could form part of the shared ownership element of the affordable housing requirement). This would add to the mix of housing formats in accordance with Policies SA6, CP19 and CPP2 Policy DM1.

Policy DA7 and SPD15 emphasise that development at THV should be an 'exemplar' in terms of environmental, social and economic sustainability, and include specific objectives to promote sustainable development, reduced energy use and reduce the city's ecological footprint etc. In addition, specific detailed policy requirements relating to environmental sustainability are also set out in CPP2 policies (e.g DM37, DM43 and DM44) and Council supplementary planning guidance (e.g SPD11 and SDP16). The applicant has provided a range of supporting documents including an Environmental Impact Assessment (EIA), Sustainability Statement and Sustainability Checklist. 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.

The proposed development would be delivered as part of Phase 2 of the wider THV scheme and be fully integrated within it, as indicated by the submitted parameter plans. This phasing appears acceptable in principle; however it will be necessary to consider if the additional housing proposed may have 'knock-on effects' in terms of the quantity and phasing of infrastructure, community facilities and open space which should be provided as part of the THV scheme. The proposed provision of additional open space within the wider THV development (a NEAP and additional land for food growing) is welcomed. This is necessary to support the proposed increase of 182 residential units and ensure compliance with Policy CP16.

To ensure that these amendments will be implemented, it will be necessary to bring forward a deed of variation to the original s106 agreement for

BH20222/00203 to link both permissions together (so that they cannot be carried out independently of each other) and to amend the description and quantum of the open space provided for in the s106. Planning conditions will also be needed to ensure that both planning permissions are required to be carried out in substantial accordance with the relevant parameter plans and phasing plans.

Private Sector Housing: No Comment.

Public Art: Comment

To make sure that the requirements of Policies CP5, CP7, CP13 and DM18 are met at implementation stage, it is recommended that an Artistic Component schedule be included in the section 106 agreement, to the value of £59,600.

Public Health: No objection subject to condition

Sports Facilities: Comment

Summary

The proposal retains much needed outdoor sports facilities on the development site for the city. Although, the provision of additional on or off site indoor sports facilities needs further consideration in light of the proposed additional population and the various council policies and strategies.

The partial loss of this site for a strategic community use (the school) is disappointing and although there is no planning policy requirement for an alternative community use the associated loss of the potential sports facilities that would have been provided to the local community and surrounding areas is significant. In the previous 2018 application and associated S106 agreement it was acknowledged that alternative use of the 5ha site would include a sports facility. Following negotiation, a floodlit 3G pitch, MUGA and provision of a community centre designed to provide one court for badminton was agreed as a minimum.

A 900 pupil sized secondary school would have likely included the delivery of the following: a four court school sports hall, an activity/dance studio, a main hall – for assemblies (also for recreational use), soft outdoor (grass) pitches, a floodlit 3G All Weather Pitch (AWP), a hard outdoor PE area to include a MUGA, associated changing rooms and toilets for staff, pupils and community use (out of hours) including accessible facilities. With the loss of the school the inclusion of grass pitches on this site for a variety of sports and indoor sports is now very limited. It doesn't appear that there is any formal grass pitch sports provision to serve the wider THV site, and the indoor sport provision is limited to the community facility which can accommodate 1 x badminton court. Although this has been compensated to some degree with the 3G pitch and MUGA facility there is now an additional population that needs to be factored in and considered.

It is worth noting that the level of outdoor provision currently proposed is now less than the ratio contained within CP17 of City Plan - part 1. The quantity standard ratio for outdoor sports provision is 0.47 hectares/1000 population. Based on the new 3036 population of the proposed consolidated scheme when fully occupied

there should be 1.427 ha of outdoor sports provision. There is currently 1.06 ha. Currently without the school now being provided there is very limited indoor sports provision on site. There is also concern about the loss of grass pitches e.g., for cricket that would have been provided with the school. Despite the positive provision of the outdoor sports and community facility for the previously approved outline THV development, the new population created by this application means that there is a lack of on-site indoor sports provision, including for swimming (as identified by Sport England). The proposal will therefore need to address this shortfall. This could be on-site, however more effective provision could be provided off-site e.g. as enhancement to existing sports facilities (such as at Withdean Sports Complex or Patcham High School). This could be secured via CIL.

As commented for the last scheme - there does not currently appear to be a Neighbourhood Equipped Area for Play (NEAP) on site and there should be consideration given to expanding the current 'enhanced' Local Equipped Area for Play (LEAP) adjacent to the community facility to meet the additional demands of the larger population now proposed. This facility should now be a larger and comprehensive NEAP to provide activities (including informal sports) for older children and youths. This could also provide good integration and management of the facilities with the MUGA and 3G Pitch.

The retention of the sports facilities (3G pitch and MUGA) will provide an improvement to the city's sport's facility provision. The pitch meets a number of objectives from the Playing Pitch Strategy where it is enhancing provision for the future and providing artificial turf surface to enable all round year provision and access. The Local Football Facility Plan (LFFP) identifies THV as a potential site for the delivery of a new full sized floodlit 3G pitch. It is emphasised that if floodlighting were to be restricted this would be a significant issue, as it would affect viability of the facility. Provision of changing facility as part of the community centre is welcomed in principle and helps viability. The adjacency of the proposed new houses to the sports facilities and associated impact in relation to the visual connection between the sports facilities and community facility is an important and critical factor that needs to be addressed when the site layout is finalised.

Sustainability: No objection subject to condition.

Summary

A commitment was made for the wider THV development to be an exemplar with regard to sustainability, particularly through the use of the BREEAM Communities standard. It is acknowledged that the current scheme is not stand-alone and can only be implemented as part of the original permission. So it is expected that the same standards and conditions will be applied to this proposal. Conditions on sustainability, which should be referred to in developing the proposals, include those relating to: Energy and Heating Strategy, Heating - future proofing, Ventilation, Overheating and climate change, Water Efficiency, Electric Vehicle Charging, Rainwater Strategy, BREEAM Communities and Biodiverse Green roofs.

Some of the pre-commencement planning conditions (eg 31% carbon saving, water efficiency, EV Charging and BREEAM Communities) went beyond BHCC's usual planning policy in order to demonstrate the provision in SPD 15 that Toads Hole Valley should be an 'exemplar' development. Since then, some of the planning conditions have been superseded by changes to Building Regulations. Alongside that, weight should now be given to CPP2 policies. This application presents proposals at an early stage in the design process, and so gives limited information to demonstrate how the commitment to be an 'exemplar' development will be achieved. So, while most of the proposals are acceptable, further details will be required as the proposals are developed at reserved matters stage.

Sustainable Drainage: No objection subject to condition at detailed design stage.

Urban Design: Comment

Summary

Generally, the proposed outline plans communicated through the DAS, the illustrative masterplan and other supporting documents are favourably arranged - to meet policy goals and to mitigate the impacts noted in the EIA - subject to the definition of design codes to inform the evolving proposals.

Given that the request for design codes was previously made by the LPA there is some concern that more has not been achieved in terms of shaping progressive design codes, in principle. National Model Design Code Guidance is at an early stage of introduction. Nevertheless, the absence of explicit commentary from the applicant on the matter of design coding will need to be addressed.

Proposals on this greenfield site will need to ensure that highly sustainable urban settlement is optimised across a natural landscape setting. Further definition is required to drive design quality, addressing policy, and to offset and mitigate the impacts of the development and critically, to maximise the success of the scheme through the intensification and support for ecosystem services.

The site once part of the SDNP, is now isolated due to the introduction of sections of highway network – the trunk road (A27) and King George VI Avenue (KGIVA). The proposals include a public street network/highway that is well laid out. Plots are arranged to form perimeter blocks, and this is generally supported. Policy has been reflected in terms of residential densities and building heights appear to work reasonably well subject to more detailed design being resolved. Some concern remains regarding the height of the development across the consented outline scheme, and it is assumed that at Full Planning stage clearer additional validated views and 3D conceptual massing models will be provided to better communicate the impact of the development and how it sits in context across the landscape.

To satisfy BHCC development plans and Carbon Neutral 2030 aims to deliver high quality sustainable settlement, the previously conditioned design coding for the whole THV site still needs to be established to enable further progress in the planning of this proposed development.

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.

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- 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).

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 & Hove City Plan Part 2:

DM1 Housing Quality, Choice and Mix
DM9 Community Facilities
DM11 New Business Floorspace
DM18 High quality design and places
DM19 Maximising Development Potential
DM20 Protection of Amenity
DM22 Landscape Design and Trees
DM29 The Setting of Heritage Assets
DM31 Archaeological Interest
DM33 Safe, Sustainable and Active Travel
DM35 Travel Plans and Transport Assessments
DM36 Parking and Servicing
DM37 Green Infrastructure and Nature Conservation
DM38 Local Green Spaces
DM40 Protection of the Environment and Health – Pollution and Nuisance
DM41 Polluted sites, hazardous substances and land stability
DM42 Protecting the Water Environment
DM43 Sustainable Urban Drainage
DM44 Energy Efficiency and Renewables
DM45 Community Energy
DM46 Heating and Cooling Network Infrastructure

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 Material Considerations:

BHCC Developer Contributions Technical Guidance (June 2020)
BHCC Special Guidance A: Swift Boxes and Bricks for New Developments
BHCC Public Art Strategy 2022
National Design Guide
Brighton and Hove Local Football Facilities Plan

9. CONSIDERATIONS & ASSESSMENT

Main considerations:

- 9.1 The principle of developing the Toad's Hole Valley (THV) site and Court Farm for a mixed-use development is accepted, given it is a strategic allocation in Policy DA7 of the Brighton and Hove City Plan Part One.
- 9.2 In addition, outline planning permission was granted in June last year for a new mixed-use neighbourhood at the wider THV site (ref BH2022/00203). This involved up to 880 dwellings, a 5ha site for a 6-form entry secondary school/community sports facilities, 25,000sqm of office/research/light industry floorspace (E use), a neighbourhood centre including retail outlets, a doctors' surgery, a community building, public open and play space, alterations to the designated wildlife site, associated landscaping and 3 (unreserved) vehicular accesses off King George VI Avenue with associated highway alterations.
- 9.3 This current application is a 'drop-in' scheme only, for part of the former school site associated with the above, and thus does not seek to re-assess all of what was granted previously. This report therefore will focus on the main issue of the change of land use proposed for the school site, its replacement with an additional 182 dwellings, and the associated impacts of this proposal.

Principle of replacement of school with residential land use:

Policy background

- 9.4 Policy DA7 states that:
- '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.'*
- 9.5 The policy seeks 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.
- 9.6 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*
- 9.7 The policy envisaged that either the council or its nominee would develop the school in the future. Supporting para 3.91 to DA7 states:

'There is a strategic need for additional secondary school places in the city. 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. These additional places will need to be provided in secondary schools by 2018. To go towards meeting this requirement it is proposed that 5 ha is reserved for a 6 form-entry secondary school as part of the mixed use development. Playing fields provided with the school should be made available for dual use with the local community when not being used by the school.'

- 9.8 The Brighton and Hove City Plan Part Two was formerly adopted in October 2022. It does not supersede City Plan Part One, and the allocations such as DA7 are read alongside City Plan Part Two.

School use and city-wide pupil projections

- 9.9 As can be seen above, the replacement of the southern part of the former school site with 182 dwellings is a departure from policy DA7.
- 9.10 The main issue to consider is whether sufficient evidence been submitted with this application to demonstrate that a secondary school is no longer required to serve the city, and whether an exceptional case to divert from policy can be made.
- 9.11 The northern part of the former school site (outside the application site) is shown on the illustrative masterplan to contain sports facilities (a 3G pitch, MUGA and parking) as per the 'fallback' position of the original permission BH2022/00203. This fallback was secured via the original S106, as there was some degree of uncertainty at that time as to whether a school would be brought forward. In the event the school was not delivered relatively early on in the phasing, the permission allowed for provision of sport facilities in its place to partly compensate for the facilities that would have otherwise been delivered by the school and shared with the community.
- 9.12 The purpose of the Brighton and Hove City Plan is to provide the overall strategic and spatial vision for the future of Brighton & Hove through to 2030, and allocate land uses according to predicted need and demand, including for the growing population.
- 9.13 Policy DA7 of Part 1 of the City Plan was first created in 2012-16 at a time when pupil numbers in the city were changing from a sustained increase in primary pupil numbers to a more steady state position. The decision to include land for a school in policy DA7 was based on the identified under-provision of secondary school places in the city at existed at that time and to cover planned new developments during the City Plan period until 2030.
- 9.14 Circumstances have changed significantly since policy DA7 was adopted, as confirmed by the council's Education Team. This has included development of a further secondary school, adjacent to the THV site (Kings). The city has also moved to a position of having sustained falling rolls in primary schools which will feed into secondary schools from 2023 and are forecast to continue to fall for at

least 10 years. The Education Team confirm that the council's forecast for future primary school rolls shows that over the next 4 years it is anticipated that pupil numbers will drop significantly, e.g. a surplus of approximately 714 secondary school places by 2032, from a current surplus of 125 in 2023 (see full consultee comments in Section 6 of this report). The national position has also been changing.

- 9.15 On 14th 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 school within the City Plan.
- 9.16 At the time of the previous applications at THV (2018-2022) the demographic evidence and data was not sufficiently clear to determine a definite trend in pupil projections or that a school was not required, and as the proposal was policy compliant, approval was recommended including the school.
- 9.17 The need or otherwise for the allocation at THV to contain a secondary school was due to be considered as part of the forthcoming formal review of City Plan Part One (estimated to take place 2024-2026), however, in the meantime this application has been submitted and seeks to make an exceptional case, so the issue has to be considered at this time.
- 9.18 The application contains an Educational Needs Assessment, and this has been duly assessed by the council's Education Team. The report looks in depth at various sources of data including live birth data, ONS data and the council's own data in terms of housing delivery. It predicts that an additional secondary school is not required to serve the city now, or during the development plan period (2030) or through to 2043. The report forecasts pupil numbers longer than the council does but, notwithstanding this, the council's Education Team confirm that they consider the evidence, including methodology used, to be robust. They are confident that the forecasts produced are likely to be reliable. As a result, they do not object to the loss of the school land at THV.

Demand for school places from new THV population:

- 9.19 The original THV proposal included 880 homes, which were forecast to generate approximately 115 nursery age children, 147 primary age children (21 children per year group), 132 secondary age children (27 per year group). It is also the case that some of these children will already be resident in the city rather than children that move into the city as a result of the development which would lower the number of addition children per year group from these figures. The Education Team confirm that the additional 182 homes now proposed would likely add a further 27 children to the primary total and 25 children for secondary. Given the continuing fall in pupil numbers in the city generally and in this area, they confirm that this is manageable within the current school provision for the foreseeable future.

Sports/community use

- 9.20 In addition to the above considerations, it is recognised that whilst inclusion of a school within the THV site was primarily to meet local and city-wide education needs, it would also have allowed for dual use of the facilities by the THV population and other local neighbourhood community and sports groups. It is therefore regrettable that some facilities that the school would have contained e.g. grass pitches and indoor halls cannot now be shared with the community, as was originally envisaged via a Community Use Agreement secured via S106.
- 9.21 The retention of the 3G pitch and MUGA (and parking) and community centre (including indoor badminton court) plus informal sports area within the play area and exercise areas as part of the original permission are welcomed, and are considered necessary on-site provision in order to help create a sustainable neighbourhood at THV. A shortfall of full size 3G pitches has been identified in local strategies. Additional information submitted with the application has demonstrated that floodlighting can in principle be successfully achieved to the facilities, which makes them more viable.
- 9.22 The sports facilities would make a significant contribution towards meeting local and city-wide demand for such uses, however, a shortfall of provision would still remain to meet the additional population at THV now proposed, as highlighted by the council's Sports Facilities Team and Sport England, particularly for indoor sports facilities. It is considered that this shortfall would be most effectively met off-site through enhancements to existing centres, and can be secured via CIL, in compliance with relevant policy and guidance.
- 9.23 The Planning Policy Team raise no objection in principle to the loss of the school, provided sufficient evidence of its need during the City Plan Period can be satisfactorily demonstrated. It is considered that retention of the site for school use cannot be justified in planning terms so is a significant material planning consideration which can outweigh the City Plan policy for the site. Although the partial loss of this site for a strategic community use (school) would be regrettable, there is no policy requirement for an alternative community use, and this also needs to be balanced against the significant need for housing in the city.
- 9.24 It is therefore considered that an exceptional case has been made to replace the school within the THV scheme in principle and that departure from Policy DA7 can be justified. The sections below discuss whether further housing is an appropriate replacement land use.

Housing land supply

- 9.25 As the council is currently unable to demonstrate a five year housing land supply (and has a substantial shortfall equivalent to 2.1 years of supply), increased weight must be given to housing delivery when considering the planning balance in the determination of this planning application, in line with the presumption in favour of sustainable development set out in the NPPF. This means that in effect, use of such sites for housing should be given priority over other uses.

- 9.26 Policy DA7 seeks a minimum dwelling figure of 700, not a maximum. Although the consented development at Toads Hole Valley (THV) already exceeds the minimum 700 dwellings, the additional housing proposed in this application would provide a further helpful contribution and is given significant weight within the consideration of this application.

Housing tenure/mix

- 9.27 National and local planning policy requires development to include a variety of housing types and sizes to meet a full range of needs.
- 9.28 The overall housing mix is indicative at this stage and would be secured at Reserved Matters stage. It does however include provision of 40% affordable housing, which is policy-compliant, and is welcomed and given significant weight. The tenure split within the affordable (55% social/affordable rent / 45% intermediate eg shared ownership and First Homes), plus a mix of sizes, that would meet the council's Affordable Housing Brief and, following negotiation, improves upon it by providing a greater number of larger affordable units (circa 34% 2-bed, 33% 3-bed and 3% 4-bed instead of 48% 2-bed and 25% 3-bed initially proposed). This is welcomed by the council's Housing Strategy and Planning Policy Teams and can be secured via S106.
- 9.29 The proposal can only be brought forward in conjunction with the original scheme BH2022/00203, and it is conditioned that the development provides at least 50% family sized (ie 3 and 4 bed units) overall, as required by policy DA7. The parameter plans and illustrative masterplan indicate how the proposed illustrative housing numbers and sizes could be accommodated successfully in principle.
- 9.30 The council is required to keep a register of individuals and groups who are seeking to acquire serviced plots of land in their area and the council is keen to support and encourage people who want to build their own homes. SPD15 encourages provision of self build homes. The proposal includes a further 9 custom/self-build plots (in addition to the 30 in the original THV scheme), which is considered appropriate and is welcomed. These plots can be secured via S106.
- 9.31 The proposed housing tenure and mix would comply with relevant policies including CP19, CP20 and DM1.

Supporting uses

- 9.32 The additional residential population proposed will give rise to additional demand for supporting infrastructure and other types of land use.
- 9.33 Most of the supporting infrastructure and uses that will serve the additional population will be delivered outside the site, as part of the wider THV scheme. The updated parameter plans and illustrative masterplan show the site in the context of the wider THV site, and they indicate a larger neighbourhood equipped area for children's play, plus an additional 0.11ha of food growing area within the wider THV site. These, alongside other supporting uses such as the doctors surgery, community centre, retail units and employment uses will serve the

development, and will be secured via condition and S106, which tie the current site to the main THV site BH2022/00203 and ensure they are not developed separately.

- 9.34 The outdoor sports provision on part of the school site would be secured, alongside a larger community centre containing changing facilities as part of the original scheme BH2022/00203 via a variation to the Section 106 agreement, which would appropriately meet the additional demand for such facilities on-site. The general parkland/public open space and opened up Local Wildlife Site as secured on the wider THV site remains as previously and is considered sufficient to serve the new population of 1062 homes. It remains significantly in excess of the minimum open space requirements in Policy DA7, even when the additional population is factored in. The ES demonstrates that the development of the whole of THV at full occupancy would account for around 58% of the new 3 GP doctor's surgery's patient capacity i.e. the new surgery could fully accommodate the additional population. Highway works including servicing of the employment land that will serve the additional population will also be secured as part of the original scheme. Phasing restrictions will ensure the associated infrastructure is delivered in a timely way as the development as occupied.
- 9.35 It is therefore considered that the proposals, as secured via S106 and condition, will ensure the demands created by the new population are satisfactorily met, and that a sustainable mixed-use development is achieved at THV. Further specific impacts of the additional residential dwellings are discussed below.

Design/Layout

- 9.36 As an outline application only, the detailed layout or design is not for consideration, and would be determined at Reserved Matters Stage.
- 9.37 The application contains a suite of parameter and illustrative plans that demonstrate how the type, quantum, height and layout of development sought could be successfully accommodated, and these will guide future development. These follow the landscape-led design principles approved for the wider THV site, and are considered to be compatible with it.
- 9.38 The replacement of the school with housing within the neighbourhood centre is regrettable, however, the centre would still contain retail units, a doctors surgery, community centre and sports facilities, all in close proximity to each other, which still give a 'heart' and identity to the new neighbourhood. The maximum heights of this part of the site would be as per those previously agreed for the school (16 metres), which has been tested to be appropriate for this lower lying part of the THV site.
- 9.39 The original design approach was agreed in conjunction with the independent Design Panel, County Landscape Architect, County Ecologist, Local Highway Authority, council's Urban Designer and other key consultees. These key consultees raise no objections to the current application. Conditions can ensure that the Design Code and landscape strategy secured for the wider THV site applies to this site also.

Biodiversity and Ecology:

- 9.40 As the proposal involves development of a greenfield site, there will inevitably be a significant impact to biodiversity. The site has been proven to contain many species, including the protected dormouse. The principle of development is however accepted as this is an allocated site under Policy DA7. The aim of national and local policies is to minimise impacts as much as possible and to seek enhancement and biodiversity net gain. Since the original permission for the wider site City Plan Part Two has been formally adopted, and Policy DM37 and SPD11 (as updated) require a measurable 10% biodiversity net gain (BNG) on developments.
- 9.41 Policy DM37 states that developments should avoid adverse impacts and seek to conserve and enhance biodiversity and geodiversity features in accordance with the mitigation hierarchy requirements of the NPPF. In essence it seeks avoidance of harm; then mitigation; then compensation, alongside new benefits for wildlife. On-site opportunities should be maximised wherever possible, or exceptionally off site as appropriate.
- 9.42 The submitted ES contains up to date surveys and has thoroughly assessed the current habitats and predicts the impacts of the development, and concludes that these can be satisfactorily mitigated against and that enhancements could be provided. The ES describes the western end of the THV site as offering good cover, dark conditions and foraging opportunities for any early emerging bats from trees within the Local Wildlife Site (formerly SNCI) or nearby housing. This part of the site provides core habitat for dormice, and high levels of bat activity were recorded at the southern end of the LWS. The ES recognises that residential development is likely to substantially increase the number of domestic cats on site, which is likely to lead to increased predation, but it concluded that landscaped buffer zones (15m) would, amongst other things, be sufficient mitigation.
- 9.43 Initial concerns were expressed by the County Ecologist regarding the impacts of the current application (and sports facilities) on the previously agreed mitigation and compensation for the wider THV site, most notably, but not exclusively, in relation to bats, dormice, breeding birds and reptiles. Concerns were expressed in relation to impacts to the LWS due to increased lighting and predation from the proximity of the proposed dwellings and sports facilities, when compared with the previously approved school land use. Further information and amendments in this regard were sought. The Ecologist also required further information as to how measurable biodiversity net gain would be delivered. Local residents and wildlife groups also expressed similar concerns.
- 9.44 The scheme was amended in response to the Ecologist's comments and an Addendum to the Ecology chapter of the ES was duly submitted. In addition, technical lighting reports were provided which tested potential floodlighting of the sports facilities and general residential lighting. Revised parameter plans, showing a larger, 25m landscaped buffer zone between the housing and the LWS (including 20m of dense thorny scrub) and a 40m buffer between the sports

facilities and the LWS were submitted. The updated ES and information demonstrated that the width and type of landscape buffer zones as amended would appropriately mitigate the impact.

- 9.45 The County Ecologist confirms that the amended information is acceptable and will help reduce the effects of predation and will not adversely change the overall protected species mitigation measures agreed for the wider THV scheme. The indicative layout as shown on the updated parameter plan and buffer zones of minimum width and measures within the ES can be secured by condition, as can lighting levels. As with the wider THV permission, conditions can also secure appropriate mitigation during construction, and secure provision of an Ecology and Landscape strategy for the site.
- 9.46 With regards to the provision of an artificial pitch and the potential impacts of micro-plastics on biodiversity, the Ecology Addendum sets out mitigation measures that will be implemented which can reduce infill migration by up to 98%. These measures can be secured by condition. The Ecology Addendum confirms that artificial pitches will not provide a foraging resource for birds, and acknowledges that this will result in slightly reduced positive effects of habitat creation, restoration and management throughout the wider scheme on birds. However, the County Ecologist agrees with the assessment that this does not affect the overall conclusions of the ES.

Biodiversity Net Gain (BNG)

- 9.47 In light of Policy DM37 and SPD11, the applicant has provided a full Biodiversity Metric, and Appendix 1 of the Ecology Addendum provides an explanation of the calculations and the assumptions that have been made Biodiversity Metric. The County Ecologist confirms that the assumptions are based on sound professional judgement agrees that they make sense ecologically, taking into account the constraints of the Metric, and taking a precautionary approach. These recalculations, as set out in Appendix 1, demonstrate a higher loss of biodiversity units than the Metric, and are being taken forward as the amount of BNG which will be sought off-site.
- 9.48 Whilst off-site BNG provision is not ideal, and the concern of some objectors in this regard are noted, the principle of off-site BNG is allowed for where appropriate. This is a site which is allocated for development and is constrained. Policies seek to ensure that effective and efficient use of sites are secured, and in this case the significant benefit of much needed housing provision (including affordable) needs to be balanced against full on-site BNG provision. Also the wider THV scheme (to which this will be tied) provides for significant landscaping and habitat provision, plus upgrade of the LWS. In this case, the County Ecologist raises no objection in principle to a degree of off-site BNG.
- 9.49 The 'drop-in' application will result in a net loss of 16.58 habitat units and a net gain of 0.6 habitat units. To ensure no net loss and to provide the minimum 10% BNG, 18.71 habitat units will need to be delivered off-site and managed for at least 30 years. The applicant is exploring options for delivering off-site BNG through a third part provider. To meet the aspirations of BHCC, and to prevent a

negative/reduced multiplier being applied through the Metric, any offsite BNG should be delivered within the same LPA administrative area or the same Natural Character Area. Off-site BNG delivery will also need to ensure that trading rules are met, i.e. that habitats created are of the same broad habitat type or a habitat of higher distinctiveness. In this case, the habitats being lost (other neutral grassland, mixed scrub, and other woodland, broadleaved) are all of medium distinctiveness. Full details will need to be agreed once an off-site BNG site has been identified, but the focus should be on providing a mosaic of grassland and scattered/dense scrub, to mimic the habitats being lost. Appropriate BNG can be secured via condition.

- 9.50 Given the above, the proposal is considered to comply with policies CP10 and DM37, and SPD11.

Transport:

- 9.51 The concerns of some local residents and groups with regard to transport matters, including traffic generation and safety, are acknowledged. Much of this concern relates to development of the THV site in principle, but also some concern has been expressed that 182 dwellings would generate more traffic than a school and lead to more trips to schools outside the site.
- 9.52 Outline planning permission has already been granted for the comprehensive redevelopment of the wider THV site (including detailed permission for 3 vehicular accesses off King George VI Avenue) which thoroughly considered transport issues including safety. The assessment of this current 'drop-in' application therefore focuses on any differences in terms of transport impact between the consented scheme compared to that now proposed.
- 9.53 It can be seen from the evidence provided with the application that replacement of part of the school site with 182 dwellings (and sports facilities on the remainder) would have a comparable transport impact, even when factoring in that children will have to travel to secondary schools outside the site. At some times of the day a reduction of trips would result, and at others only a slight increase in trips is forecast. In summary, the applicant's forecast trip generation assessment concluded that the replacement of the consented secondary school with 182 residential dwellings would result in a net reduction of 162 two-way vehicle trips in the AM peak and an increase of 10/11 two-way trips in the PM peak. The additional 10/11 trips in the PM peak would not be expected to be impactful to the surrounding existing road network. The applicant has forecast that there would be an overall reduction in total person trips in both the AM and PM peak of 619 and 64 total person trips respectively, which is expected with the removal of the secondary school and therefore considered robust.
- 9.54 On this basis, no additional mitigation, highways works or promotion of sustainable modes is proposed over and above that secured under BH2022/00203 (and no reduction is proposed either).
- 9.55 The Local Highway Authority and National Highways (NH) confirm that the evidence provided is robust and raise no objection to the proposal subject to

condition, and provided this application is tied into the original S106 (BH2022/00203) to ensure the appropriate site-wide transport measures are delivered, and the site is not developed separately. In particular, NH wish to see conditions/obligations to secure a Travel Plan, Construction Environmental Management Plan (CEMP) and completion of the A27/Devils Dyke Road Gyrotory improvement works permitted by BH2022/00203 prior to occupation of any dwellings proposed in this application. The LHA and NH concur that no additional mitigation above that secured as part of the wider THV scheme is required in relation to the current proposal.

9.56 The proposed additional dwellings would be accessed using the main King George VI access opposite Goldstone Crescent as approved under the original scheme, which is considered appropriate. That access was subject to a Stage 1 Road Safety Audit and found to be acceptable in principle. Exact details of access arrangements would be secured at Reserved Matter Stage and via S106/s278 agreement and would be subject to further road safety audits.

9.57 The measures secured in principle under BH2022/00203 include the following, and the current application would not be delivered sparsely to them, as secured by S106:

- alterations to the A27 dumbbell roundabouts with pedestrian/cycle crossing points
- phased highway works to King George VI Avenue (KGVI Ave)
- Three main accesses into the site - one at s/w corner at top of Goldstone Crescent, and 2 further up KGVI Avenue between the main access and the A27 roundabout.
- Measures to reduce the severance of KGVI 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 KGVI Ave, and around Three Cornered Copse and island over Dyke Road Avenue.
- A pedestrian/cycle link through to KGVI 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 KGVI Avenue.
- 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
- an enhanced link to SDNP behind existing schools to west
- 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)
- 9.58 The S106 would ensure that appropriate infrastructure is phased and delivered at the right time to serve the wider THV scheme and the current proposal.
- 9.59 In addition to the above, conditions are recommended as previously to secure an appropriate highway layout within the site and the wider THV site, plus linkages outside the site. The Transport and Key Infrastructure Parameter plan continues the principles approved under BH2022/00203 for the wider THV site. A site-wide Design Code and Cycle and Pedestrian Strategy is sought by condition to ensure sustainable modes are encouraged. Detailed car parking numbers would be secured at Reserved Matters stage in accordance with SPD14: Parking Standards.
- 9.60 On the basis of the above, the transport impacts of the proposal are considered acceptable and in accordance with relevant policies including CP9, DA7, DM33, DM35 and DM36.

Amenity:

- 9.61 The impact of introducing a new neighbourhood on an undeveloped greenfield site is a significant change, however, development of the wider THV site has been previously accepted, and was deemed acceptable in terms of impact to neighbouring amenity, and in terms of the amenity of the proposed occupiers.
- 9.62 As part of the recent permission conditions were imposed to ensure that neighbouring amenity was not adversely affected, for example during the construction phase through use of a Construction Environmental Management Plan or via conditions restricting noise from plant etc. Conditions also ensured there was no adverse impact to groundwater supplies or public health.
- 9.63 The construction impacts of developing 182 houses is not significantly different than development of a school in terms of amenity, and it is recommended that the same conditions be reimposed for this site. The impacts in terms of traffic generation and air quality from occupiers of 182 dwellings are also similar. In terms of the proposed new occupiers, the site is located well back from the noisier edges of the site (as defined within the acoustic parameter plan) and also well back from roads, as required for air quality purposes. Consultees including the Environmental Health Team raise no objection on amenity grounds, subject to imposition of appropriate conditions.
- 9.64 On this basis the proposal is considered to comply with relevant policies including DM20.

Sustainability

- 9.65 The proposals have been subject to an Environmental Statement (under the 2017 EIA Regulations) that contains a chapter on climate change and the application contains an Energy Statement, Sustainability Statement and Sustainability Checklist, all of which have been assessed by the council's Sustainability officer and found to be robust.
- 9.66 The original THV proposals as permitted under BH2022/00203 were considered to be a sustainable exemplar, as required by policy DA7, as they went beyond the council's environmental standards and future-proof the development. This development would be subject to the same conditions and thus secures a similar scheme, although it acknowledged that in some areas Building Regulations now exceed policy requirements (eg EV charging and overheating). In summary, conditions are recommended to secure: submission of energy and heating strategy including heat network feasibility, future-proofing measures, a requirement to meet BREEAM Communities 'excellent' standard, ecological mitigation and enhancement, sustainable drainage systems, land/groundwater contamination prevention, flood risk mitigation, measures to prevent overheating, measures for appropriate ventilation, water efficiency, incorporation of green bio-diverse roofs, and site waste management. On this basis the Sustainability officer raises no objection to the proposal.
- 9.67 The proposal is therefore considered acceptable in accordance with relevant policies including DA7, CP8, DM43, DM44, DM45 and DM46.

Other matters

- 9.68 The submitted Environmental Statement (ES) predicts the impacts of the development and demonstrates that there will be no significant residual negative environmental effects, after appropriate mitigation and/or compensation. The ES has been assessed by expert internal and external consultees and is considered robust. Its suitability considers alternative uses/layouts. The ecological reports are deemed satisfactorily up to date. The updated data search and habitat surveys undertaken in December 2020 and August 2021 served to confirm that baseline conditions had not significantly changed within the Zone of Influence of the proposed development since the species-specific surveys were undertaken in 2016-2018.
- 9.69 Development of the site was previously accepted under BH2022/00203, albeit for a school/sports use, and circumstances have not changed significantly since permission was granted in June last year. Impacts of the respective land uses are not dissimilar in terms of environmental impact (except with regard to ecology). No objections have been raised by expert internal or external consultees, subject to the imposition of appropriate conditions and S106 obligations to secure similar mitigation as before. The full list of recommended conditions covering a wide range of topic areas can be viewed at Appendix B.

10. CONCLUSION AND PLANNING BALANCE

- 10.1 The replacement of part of the school land with further housing is a departure from Policy DA7. It is however considered that an exceptional case can be made for this.
- 10.2 Evidence provided with the application uses robust methodology and demonstrates that pupil numbers are falling in the city and will continue to fall for a significant period into the future. This demographic trend is confirmed by the council's Education team, who concur that a further secondary school is no longer needed to serve the city and that existing schools will have sufficient capacity.
- 10.3 Provision of housing is considered an appropriate alternative land use. There is no policy justification to require a further community use. Part of the former school site would retain the sports facilities, as per the original permission, and this with other community uses in the wider THV site are considered acceptable to meet the demands of the new (larger) THV population. Policy DA7 seeks a minimum of 700 units and the proposal for further dwellings makes effective and efficient use of the site, which is welcomed. The scheme would deliver much needed housing, including policy-compliant 40% affordable housing plus self-build plots, and this has to be given substantial weight within the planning balance (as per the NPPF), given the council's significant 5-year housing supply shortfall.
- 10.4 The submitted EIA is considered robust and concludes that there would be no significant environmental effects, after appropriate mitigation and/or compensation is applied. No significant concerns have been expressed by expert consultees. The transport and other environmental impacts of 182 dwellings and sports facilities versus a school would be broadly similar, and can be appropriately mitigated against. The scheme has been amended to ensure ecological impacts are acceptable – it provides a balance of on-site mitigation measures and a degree of off-site biodiversity net gain, which is appropriate in principle and can be secured via condition.
- 10.5 Similar conditions and S106 are recommended to be secured to this development as were applied to the wider THV site. The proposal would be tied into the original THV scheme for the wider site approved last year via a S106 legal agreement and would only be brought forward in conjunction with it. The S106 (and conditions) will ensure that all necessary associated infrastructure and mitigation/compensation required to meet the demands created by this site are satisfactorily met. They would ensure delivery of a comprehensive and cohesive scheme and provide for a sustainable mixed-use neighbourhood at Toad's Hole Valley as sought by policy DA7.
- 10.6 Approval (subject to a completed S106 agreement) is therefore recommended.

11. CLIMATE CHANGE/SUSTAINABILITY

- 11.1 The proposals involve development of a greenfield as opposed to an already developed brownfield site, however, the principle of development is supported as it is an allocated site in the City Plan. The development of the site was previously

accepted under BH2022/00203. 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. See also comments under Sustainability section above.

12. INFRASTRUCTURE, SECTION 106 AND COMMUNITY INFRASTRUCTURE LEVY

- 12.1 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 Section 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.
- 12.2 Approval of the application is recommended subject to completion of a Section 106 legal agreement (secured via a Deed of Variation to the S106 attached to the main THV permission BH2022/00203), and the recommended S106 Heads of Term are as set out in Appendix A. These measures as set out will ensure this application cannot be carried out in isolation to the original THV development and ensure timely and comprehensive delivery of infrastructure to serve this development as well as the wider THV scheme, plus will secure appropriate mitigation/compensation measures. This will ensure the proposals comply with relevant policy requirements.
- 12.3 In the event that the draft S106 agreement has not been signed by all parties by the 8th July 2023, it is recommended that the application shall be refused for the reasons set out at Appendix C.
- 12.4 Some off-site measures sought by consultees 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. It should be noted that 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 required by National Highways.
- 12.5 The amount of CIL liability for the type and scale of development proposed is approximately £1.51 million in addition to the estimated £6.85 million for the remainder of the THV site (which included the school). 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 type and size of dwellings 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.

13. EQUALITIES

- 13.1 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 shall be conditioned to be built to Wheelchair Accessible standard (10% of all affordable, and 5% of overall scheme). Accessible designs for the remainder can be secured at Reserved Matters (RM) stage where appropriate.
- 13.2 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
- 13.3 The Design Code secured by condition will ensure that accessibility is a key design principle to be adhered to at RM stage.

Appendix A – Section 106 Heads of Term

- Implementation of this application with BH2022/00203 only, and not carried out separately
- Affordable housing (40% of overall dwellings). With 55% even split of social/affordable rent and 45% intermediate eg shared ownership/First Homes. Mix of affordable to be 30% 1-bed/34% 2-bed/33% 3-bed/3% 4-bed)
- Addition of 9 custom/self-build plots
- Neighbourhood Equipped Area of Play
- Additional 0.11ha of food growing space
- Provision of sports facilities on part of former school site
- Enlarged community centre to accommodate changing for sports
- Employment training strategy and additional contribution of £70,800
- Public art component additional value of £59,600
- Biodiversity Net Gain monitoring fees
- Updated phasing and drawings

Appendix B – Conditions and Informatives

Conditions:

1. Drawings (regulatory)

The development hereby permitted shall be carried out in accordance with the approved drawings and documents listed below.

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

Plan Type	Reference	Date Received
Proposed drawing	Site Location Plan 1460-050-P4	16th December 2022
Report/Statement	Environmental Statement	9th August 2022
Report/Statement	Environmental Statement Appendices	9th August 2022
Report/statement	Ecology Addendum to environmental statement including Biodiversity Net Gain Metric	21 December 2022
Report/statement	Arboricultural Implications Report	9 th August 2022
Report/statement	Design & Access Statement	9 th August 2022
Report/statement	Outline Landscape and Ecological Management Plan (except for LWS landscape buffers)	9 th August 2022
Report/statement	Outline SNCI Habitat Creation and Management Plan	9 th August 2022

2. Overall Time Limit for Commencement (regulatory):

Within four years from the date of this permission the applicant will apply for discharge of the Reserved Matters, and the development shall then be commenced before the expiration of two years from the date of approval of the last of the Reserved Matters.

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) and to ensure timely delivery of the development and implementation in line with up to date City Plan policy.

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:

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

The development shall accord with the approved details.

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 SS1, DA7, SA6, CP1, CP2, CP3, CP4, CP7, CP8, CP9, CP10, CP11, CP12, CP13, CP16, CP17, CP18, CP20 of the Brighton and Hove City Plan Part One, DM1, DM9, DM11, DM18, DM19, DM22, DM33, DM35, DM36, DM37 and DM38 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley and to comply with Section 92 of the Town and Country Planning Act 1990.

4. No separate implementation/highway delivery (regulatory):

The development hereby permitted shall not be implemented or carried out independently of the development for the whole of the Toad's Hole Valley site as approved under BH2022/00203.

The development shall not be carried out earlier than Phase 2 of that original BH2022/00203 development and shall not be first occupied until the main access onto King George VI Avenue opposite Goldstone Crescent as shown on drawings 205585/PD03 Rev G and 205585/PD03.7 Rev E submitted on 9/5/22 with that application have been completed or until the associated portion of the main internal spine road serving the wider Toad's Hole Valley site within the application site as indicated in the submitted parameter plans, and an associated bus turning area, have been completed.

Reason: To ensure a comprehensive, cohesive and sustainable mixed-use development is delivered on the whole Toads Hole Valley site. In the interests of proper planning as the development is isolated within the middle of a development site and it forms part of a wider neighbourhood development and masterplan for the whole Toad's Hole Valley site and cannot be brought forward independently, and it relies on the associated supporting infrastructure, highway works, open and

landscaped space including food growing space, sports, play and community facilities, and other land uses of the original development to meet the demands created by the new population. And in the interests of ensuring highway safety and promotion of sustainable modes of transport and an appropriate housing mix. To comply 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 policies DM1, DM9, DM11, DM18, DM19, DM20, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM43 and DM38 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

5. Parameter Plans (regulatory):

The development hereby permitted including landscaped buffer zones, location, quantum of development, layout, height 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 submitted plans listed below, and shall be also be compatible with and in broad accordance with the associated plans for the remainder of the main Toads Hole Valley site as approved under BH2022/00203 (save where reference to the school is made):

The application site, as submitted on 6/2/23:

Parameter Plan: Land Use

Parameter Plan: Phasing Plan in Relation to Permitted Scheme

Parameter Plan: Transport & Key Infrastructure

Parameter Plan: Landscape & Ecology

Parameter Plan: Building Heights

Parameter Plan: Density

Parameter Plan: Acoustic Parameter Plan (submitted 9/8/22)

Illustrative masterplan

For context with wider Toad's Hole Valley site (BH2022/00203), as submitted on 21/12/22:

Parameter Plan: Land Use (except with regard to school)

Parameter Plans: Phases 2, 3 and 4

Parameter Plan: Transport & Key Infrastructure

Parameter Plan: Landscape & Ecology (except with regard to landscape buffers adjacent to LWS, formerly SNCI)

Parameter Plan: Building Heights

Parameter Plan: Density

Parameter Plan: Acoustic Parameter Plan

Illustrative masterplan

Reason: To ensure the development is compatible with, and has due regard to, that approved for the wider Toad's Hole Valley site, and 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 (and wider Toads Hole Valley site overall) 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 policies DM1, DM9, DM11, DM18, DM19, DM20, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM43 and DM38 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

6. Site Waste Management Plan (pre-commencement):

No development, including enabling works such as site clearance and excavation, 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 and SA4 and CP18 of the Brighton and Hove City Plan Part One, DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.

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

No development 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 prior to first occupation.

Reason: To safeguard the health of future residents, to comply with policies, SA4 of the Brighton and Hove City Plan Part One and DM20, DM40, DM41 and DM42 of the Brighton and Hove City Plan Part Two.

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 prior to first occupation.

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 DM20, DM40, DM41 and DM42 of the Brighton and Hove City Plan Part Two.

10. Parameter Plan: heights (regulatory):

The heights of the development within the site shall not exceed the maximum 16 metres as set out in the submitted Heights Parameter Plan submitted on 6/2/23.

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 and heritage assets, to comply with policies and DA7, SA4, SA5, CP12, CP15 and CP13 of the Brighton and Hove City Plan Part One, DM18, DM19, DM22 and DM29 of the Brighton and Hove City Plan Part Two and SPD17:Urban Design Framework.

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

No development 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. The development shall provide a mix which is in substantial accordance with the illustrative mix submitted with the application and shall include a minimum of 50% 3/3+ bedroomed units, and the Toads Hole Valley development overall (including this development in conjunction with the wider site as approved under BH2022/00203) shall provide at least 50% 3/3+ bedroomed units overall.

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 and DM1 of the Brighton and Hove City Plan Part Two.

12. Wheelchair accessible standard (regulatory):

A minimum of 10% of the affordable housing and 5% of private market housing 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 CP19 of the Brighton and Hove City Plan Part One and DM1 of the Brighton and Hove City Plan Part Two.

13. Archaeology (pre-commencement):

No development 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 CP15 of the Brighton and Hove City Plan Part One and policy DM31 of the Brighton and Hove City Plan Part Two.

14. Archaeology (pre-occupation):

No residential units hereby permitted shall be first occupied 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 evidence 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 13 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 CP15 of the Brighton and Hove City Plan Part One and policy DM31 of the Brighton and Hove City Plan Part Two.

15. Ground levels (pre-commencement):

No development shall take place 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 policies CP12, CP13, CP15, DA7, SA4 and SA5 of the Brighton & Hove City Plan Part One and DM18, DM19, DM22 and DM29 of the Brighton and Hove City Plan Part Two and SPD17: Urban Design Framework.

16. Drainage Scheme & SUDs (pre-commencement - site-wide and phased):

A) No development shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the drainage proposed within the site is compatible and in accordance with an overarching Site Wide Surface Water Drainage Strategy approved for the whole Toad's Hole Valley site (BH2022/00203). The drainage systems shall incorporate the use of Sustainable Drainage Systems (SuDS) features such as ponds, basins and swales and shall accord with a framework programme for phased implementation across the wider Toad's Hole Valley site and shall outline how these drainage systems will be managed and maintained. The drainage shall be in accordance with the principles contained in SPD15: Toads Hole Valley and SPD16: Sustainable Drainage.

B) No development within the phase in which this development is located 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 as stated in section A) above and shall subsequently be implemented in accordance with the approved details before first occupation of the development. The Drainage Scheme for the development 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 this phase of construction impacts on the previous and subsequent phases of construction of the wider Toad's Hole Valley site (BH2022/00203). 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 MicroDrainage, 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) Up on completion of the drainage works and prior to first occupation, 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 the development has been constructed in accordance with the approved design drawings.

D) The SUDs drainage systems shall be implemented prior to first occupation and maintained in accordance with the approved details under parts B) and C) and 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 SS1, DA7, CP7, CP8, CP11, CP16, SA4 and SA6 of the Brighton & Hove City Plan Part One, policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage, SPD17: Urban Design Framework and SPD15: Toad's Hole Valley.

17. Drainage/sewage - SW (pre-commencement):

No development 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 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 as approved.

Reason: To ensure provision of an adequate sewage network is available prior to development, to comply with policies CP11, DA7, SA4 and CP7 of the Brighton and Hove City Plan Part One and policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.

18. Drainage/foul/surface - SW (pre-commencement):

No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

The 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 and CP11, DA7, SA4, CP7 and CP8 of the Brighton and Hove City Plan Part One and policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.

19. 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 CP11, CP7, CP8, DA7 and SA4 of the Brighton and Hove City Plan Part One and policies DM20, DM40, DM41, DM42 and DM43 of the Brighton and Hove City Plan Part Two and SPD16: Sustainable Drainage.

20. Energy and Heating Strategy (pre-commencement):

No development shall take place until evidence that the development is to be built in accordance with an overarching site-wide Energy Strategy for the whole Toad's Hole Valley development as approved under BH2022/00203 has been submitted to the Local Planning Authority for written approval. This shall be via an Energy Statement that identifies the carbon footprint of the 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.

The 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. Evidence shall be submitted to demonstrate that the development will achieve a minimum Energy Performance Certificate (EPC) rating 'B'. The Energy Strategy and Statement shall have regard to the new energy efficiency standards in place at the time of implementation and any Future Homes Standard or Future Buildings Standard in force at that time.

The Statement shall contain a whole life carbon assessment accounting for build, occupancy, maintenance and end of life stages. In addition the Energy Statement

shall set out how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. All energy calculations shall use SAP10 emissions factors.

The Energy Statement shall demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand. The Energy Statement 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 Statement shall assess low-carbon heating options to supply heating efficiently, cleanly and affordably to residential buildings. This shall include a Feasibility Study for a low-carbon heat network, together with a low temperature distribution system either for this site or as part of the wider Toad's Hole Valley site. 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.

No 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 agreed energy efficiency measures set out in the Energy Strategy and Statements shall be incorporated within the development prior to first occupation 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, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

21. Heating - future proofing (pre-commencement part):

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

- a) Plant room 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, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

22. Ventilation (ground floor slab level):

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 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, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

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

Within 6 months of commencement of development 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 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 prior to first occupation 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, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

24. 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 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.

25. Rainwater Strategy (6 months commencement):

Within 6 months of commencement of the development hereby permitted 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 into the development, and it shall accord with the form part of an overarching Sustainable Drainage Strategy for the whole Toad's Hole Valley site as approved under BH2022/00203.

The approved measures shall be implemented and retained prior to first occupation of each respective building containing the measures.

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 and DM43 of the Brighton and Hove City Plan Part Two.

26. BREEAM Communities (pre-commencement):

No development 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 for the whole Toad's Hole Valley site as approved under BH2022/00203, 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 and policies DM43, DM44, DM45, DM46, DM18 and DM19 of the Brighton and Hove City Plan Part Two.

27. Biodiverse Green roofs (6 months commencement):

Within 6 months of commencement 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, all 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 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 and DM43, DM18, DM22 and DM37 of the Brighton and Hove City Plan Part Two.

28. Design Code Implementation (pre-commencement each phase):

No development shall take place until a Design Code Compliance Statement has been submitted for written approval to demonstrate how the design of the development has complied with the objectives of the site-wide Design Code approved for the wider Toads Hole Valley site under BH2022/00203.

The design of the development shall be landscape-led and in broad accordance with the Design and Access Statement, and 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 the phases of the wider Toads Hole Valley development site, 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 and SS1, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP16, CP18, SA4, SA5 and SA6 of the Brighton and Hove City Plan Part One, policies DM18, DM19, DM20, DM22, DM33, DM35, DM36, DM37, DM38, DM43, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two 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.

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

Reserved Matters applications for the development shall include a detailed Health Impact Assessment (HIA) based on up to date population figures and projections to demonstrate how the scheme addresses the following and is also in accordance with the HIA for the wider Toad's Hole Valley site BH2022/00203:

- (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;
- (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.

Development shall be carried out in accordance with the approved details.

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.

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

No development 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, policy DM18 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

31. Crime prevention measures (pre-occupation):

No occupation shall take place until details of crime prevention measures 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 and policy DM18 of the Brighton and Hove City Plan Part Two.

32. Ecological Mitigation and Enhancement Strategy – overarching (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 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 seminatural habitats and enhancement of the site for biodiversity. The EMES shall be in substantial accordance with the details contained in the following:

- (i) Environmental Impact Assessment (Enplan, 09/08/22) including Chapter 5 and associated technical appendices including proposed mitigation measures, submitted 9/8/22
- (ii) Ecology Addendum (EPR, December 2022 submitted on 21/12/22)
- (iii) Outline Landscape and Ecological Management Plan (EPR Ltd 28/4/22) submitted 9/8/22 (except with regard to the width of landscape buffers to LWS)
- (iv) Outline SNCI Habitat Creation, Restoration and Management Plan (EPR Ltd, 28/4/22) submitted 9/8/22, and
- (v) Landscape & Ecology Parameter Plan submitted 6/2/23

The EMES 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
- l) evidence that the EMES for this site accords with, and is compatible with, the EMES for the wider Toad's Hole Valley site as approved under BH2022/00203.

The EMES shall be implemented in accordance with the approved details prior to first occupation or first planting season following occupation (as to be agreed) 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 CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

33. Ecology – detailed EMEP (pre-commencement):

No development shall take place until a detailed Ecological Mitigation and Enhancement Plan (EMEP) 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 the condition above and shall accord with the overall strategy for the wider Toads Hole Valley site as approved under BH2022/00203, 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;
- d) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- e) 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 of 1 bee brick and 1 swift bricks/boxes per residential unit and shall detail a number of starling boxes at suitable locations within the site.
- l) details of biodiverse green walls and green roofs (a specification should evidence that the 4 criterion to meet 'Good' condition have been met as defined in the Biodiversity Metric Technical Supplement (Natural England, April 2022))
- m) details of how the development will be permeable to wildlife

The approved mitigation and enhancement measures shall be implemented before the development 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 approved 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 CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

34. Landscape and Ecological Management Plan (pre-commencement):

No development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) based on the Outline Landscape and Ecological Management Plan (EPR Ltd 28/4/22) submitted 9/8/22 (except with regard to the width of the landscape buffers to the LWS), and also based on the LEMP (EPR Ltd 23/12/21) submitted for the whole Toads Hole Valley site BH2022/00203 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 32 and 33 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
- i) details of how the LEMP accords with that for the overarching Toad's Hole Valley site approved under BH2022/00203.

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 prior to first occupation or first planting season following occupation, as agreed.

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 CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

35. Further ecological surveys over a longer period (pre-commencement):

No development 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 to the site which informed the ecological mitigation and enhancement measures approved under conditions 32 and 33 are up to date and remain valid, in accordance with best practice (CIEEM, April 2019, *Advice Note on the Lifespan of Ecological Reports and Surveys*). If these are deemed to require updating, further ecological surveys should be commissioned to:

- i) establish if there have been any changes in the presence and or abundance of protected species, supporting habitats and/or notable/priority habitats, and
- ii) identify any likely new ecological impacts that might arise from any changes.

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 32 and 33, 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. Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: Given this site is to form part of a large-scale phased development of Toad's Hole Valley over approximately 10 years, ecological surveys may not remain valid for particular species given the period of time passed between original approval and implementation. 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 CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and policies DM22, DM37, DM38 and DM43 of the Brighton and Hove City Plan Part Two.

36. Ecology Addendum works (regulatory pre-occupation)

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecology Addendum (EPR, December 2022) as submitted on 21/12/22 with the planning application prior to first occupation.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, including measures to minimise risk of microplastics from the sports facilities and to capture detail of the buffer zones, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the City Plan Part Two.

37 Biodiversity Net Gain (pre-commencement)

No development shall commence unless and until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include:

1. Proposals for the on-site biodiversity net gain;
2. A management and monitoring plan for onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;
3. Proposals for off-site biodiversity net gain to achieve the approved equivalent 18.71 residential unit off-site net gain provision;
4. A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Management Plan.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policies CP8, CP10 and DA7 of the Brighton and Hove City Plan

Part One and DM37 of the Brighton and Hove City Plan Part Two and paragraphs 174 and 180 of the National Planning Policy Framework 2021.

38. External Lighting Strategy (including biodiversity) (pre-occupation):

The development hereby permitted shall not 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 the impact of any proposed lighting of adjacent sites (including sports facilities) on the development site, and shall include any 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.
- g) demonstrate that there will be no light spill above 0.5 lux onto Toads Hole Valley Local Wildlife Site (formerly SNCI)

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 SA4, SA5, CP10, 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 and policies DM20, DM40, and DM37 of the Brighton and Hove City Plan Part Two.

39. Acoustic Design Statement (pre-commencement):

No development 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 such as sports facilities to the occupiers and users of the development 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 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 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 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.

Each respective property 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 DA7 of the Brighton and Hove City Plan Part One and policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

40. Alternative ventilation (pre-commencement above slab level):

If relying on closed windows to meet the acoustic guide values agreed under condition 39 above, 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 or the removal of pollutants such as moisture and CO₂ under Building Regulations. Regard should also be had to 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 policies CP8 and DA7 of the Brighton and Hove City Plan Part One and DM20 and DM40 of the Brighton and Hove City Plan Part Two.

41. Plant/machinery noise: (g/f slab level):

No development 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 shall achieve no higher than measured background sound pressure levels at 1m from the nearest noise sensitive property, unless otherwise agreed in writing. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. Plant noise shall not exceed 45dB LAeq1hr in external areas, unless otherwise agreed in writing. 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 DM20 and DM40 of the Brighton and Hove City Plan Part Two.

42. Delivery and service management plan (g/f slab level/pre-occupation):

No development above ground floor slab level shall take place until a Delivery & Service Management Plan, which includes details of how deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements, has been submitted to the Local Planning Authority for written approval.

The Delivery and Service Management Plan shall detail how refuse and recycling serving the residential dwellings including blocks of flats will be accessed and 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 the Plan 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 approved Design Code.

All deliveries, servicing and refuse collection shall thereafter be carried out in accordance with the approved details from first occupation and retained as such thereafter.

Reason: In order to ensure that the safe operation of the development, the provision of satisfactory facilities for the storage and collection of refuse and recycling and to protect amenity, to comply with policy CP8 and DA7 of the Brighton & Hove City Plan Part One, policies DM20, DM36 and DM40 of the Brighton and Hove City Plan Part Two and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

43. Refuse & recycling (pre-occupation):

The development shall not be occupied until a scheme for the storage of refuse and recycling for each residential unit 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. The scheme 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 approved Design Code.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with 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.

44. 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 CP12, CP18, DA7, SA4, SA5 and CP8 of the Brighton & Hove City Plan Part One and DM20, DM40, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two.

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

Prior to the commencement of the development hereby approved (including any site clearance or enabling works), a Scheme for the protection of the retained trees (based on the SJA Trees Arboricultural Implications Report April 2022 and associated drawing SJA-TPP-21210-042 submitted on 09/08/22), in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

The development 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 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 DA7, SA4, SA5 CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06: Trees and Development Sites.

46. Tree protection - supervision (pre-commencement):

Prior to the commencement of the development 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 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/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 DA7, CP8, SA4, SA5, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06:Trees and Development Sites.

47. Trees - Meeting (pre-commencement):

No development 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/hedge protection measures to be installed OR that all tree/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/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 CP8, CP10, DA7, SA4, SA5, CP12 and CP13 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD06:Trees and Development Sites.

48. Hard and Soft Landscaping Scheme (RM and g/f slab level):

- A) Landscaping proposals within the Reserved Matters applications shall contain the amount, type and location of soft landscaping in substantial accordance with the landscape-led approach contained within the Design and Access Statement and Arboricultural Implications Report submitted 9/8/22, Parameter Plans and Illustrative Masterplan submitted 6/2/23 and as contained within the Outline Landscape & Ecological Management Plan (EPR Ltd 28 April 2022) submitted on 09/08/22 (except with regard to the width of the landscape buffers to the LWS). Proposals shall also be in accordance with the Landscape and Visual Impact Assessment as set out in Chapter 9 of the Environmental Statement and associated appendices submitted 9/8/22. The landscaping proposals at Reserved Matters stage shall also generally adhere to the Landscape Character Areas of the Design Code for the development and the Toad's Hole Valley wider Design Code as approved under BH2022/00203 and shall accord with the Landscape and Ecological Management Plan required by condition 34.
- B) No development 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 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 the development, whichever is the sooner.
- C) The Landscaping Scheme to be submitted for approval shall accord with the principles as set out in the site-wide landscaping scheme approved for the whole Toad's Hole Valley site under BH2022/00203 and 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 a planted landscape buffer of a minimum 25 metres wide between the residential units and the Local Wildlife Site to the west (formerly SNCI) and at least 20 metres of this buffer closest to the LWS shall be dense thorny shrub, as illustrated in the submitted Parameter Plans;
 - (v) details of significant tree planting along the internal spine road as shown in the illustrative masterplan (see condition below also);
 - (vi) details of how different parts of the landscaping will be continuously connected throughout the site and connected to the wider Toad's Hole Valley site as approved under BH2022/00203 for biodiversity via continuous green connections;
 - (vii) details 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) 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, 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 the respective phase.
 - (xiv) details of a landscape buffer between the residential units and the sports facilities to the north within the main Toads Hole Valley site as approved under BH2022/00203 and as shown on the submitted parameter plans.

The development shall be carried out in full accordance with the agreed details. 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 DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One and DM18, DM22, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two.

49. Tree Planting Scheme (ground floor slab level - phased):

No development 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 subsoil planting infrastructure should be used
- c) details of species selected for the main internal spine road, and in the area of the taller buildings which include blocks of flats in the site and the neighbourhood centre opposite and these 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.

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 DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One, DM18, DM22, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two and SPD15.

50. Biodiversity CEMP (pre-commencement):

No development or enabling works, including site clearance 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
- (viii) details of how the BCEMP for this site accords and is compatible with that for the wider Toad's Hole Valley site approved under BH2022/00203 and associated phasing of that development.

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 CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One, DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD15.

51. Construction Environment Management Plans (pre-commencement):

A) No development or enabling works, including site clearance shall take place until evidence has been submitted to demonstrate that the construction of the development will be carried out in accordance with an overarching Site-Wide Framework Construction Environmental Management Plan (FCEMP) for the

whole Toad's Hole Valley site as permitted under BH2022/00203 has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways).

B) No development or enabling including site clearance works shall take place until a Detailed Construction Environmental Management Plan (DCEMP) for this site 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 FCEMP for the wider Toad's Hole Valley site and shall include the following:

- (i) The details of the types of works to be carried out at this phase.
- (ii) The timing of the enabling/construction works and how this relates to the phases across the wider Toad's Hole Valley site as approved under BH2022/00203, including the forecasted construction, enabling, occupation and completion date(s).
- (iii) Where this site is to be constructed concurrently with another phase of The Toad's Hole Valley development as approved under BH2022/00203, 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 Toad's Hole Valley 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 be 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 this phase 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).
- (xxii) evidence that a hydrogeological risk assessment has been carried out.

The enabling and construction works shall be carried out at all times in accordance with the respective approved details, 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, water quality, and for highway safety throughout development works, and to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in compliance with policies CP9 and DA7 of the Brighton & Hove City Plan Part One and DM20, DM40 and DM43 of the Brighton and Hove City Plan Part Two.

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

No Reserved Matters applications shall be submitted until a Pedestrian and Cycling Strategy has been submitted to and approved in writing by the Local Planning Authority which accords with the site-wide strategy for the whole Toad's Hole Valley site approved under BH2022/00203. The Strategy shall be in broad accordance with the Transport and Key Infrastructure Parameter Plan submitted on 6/2/23 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, including outside the main Toad's Hole Valley 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;
- (vi) The public engagement and involvement in the preparation of the Pedestrian and Cycling Strategy;

- (vii) How the Strategy accords with the principles in the Design Code and the site-specific and wider Toad's Hole Valley landscape and ecological strategies secured by Condition under BH2022/00203.

The development 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 DM18, DM33, DM35, DM36, DM37, DM40, DM20 and DM43 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

53. On-site highways/parking (pre RM applications/ pre-occupation):

Each Reserved Matters application 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 to highways and public rights of way within the main Toad's Hole Valley site approved under BH2022/00203, as well to existing linkages outside the site.

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 submitted Parameter Plans and the approved Pedestrian and Cycling Strategy and the principles set out the approved Design Code, approved landscaping scheme 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. 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 submitted Parameter Plans. The Plan shall be submitted to the Local Planning Authority for written approval. Associated details of any internal sub-phases shall be submitted 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 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 CP9, CP13, SA4, SA5 and DA7 of the Brighton and Hove City Plan Part One and DM18, DM22, DM33, DM35, DM36, DM38, DM43 and

DM37 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

- 54. Cycle Parking (Regulatory - with RM matters applications/pre-occupation):**
The Reserved Matters applications 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 block of flats for 'bike maintenance' and a maintenance stand shall be provided within each bicycle store within the blocks of flats unless otherwise agreed. The cycle parking shall be in accordance with the principles set out in the approved Design Code and approved Pedestrian and Cycling Strategy.

No respective dwelling shall be first occupied until the approved cycle parking facilities which serve that dwelling or block of flats 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 CP9 and DA7 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two and SPD14: Parking Standards.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. (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 conditions above at sustainabledrainage@brighton-hove.gov.uk and to have regard to SPD16: Sustainable Drainage and best practice design guidance.
3. (Ecology) Where possible, bee bricks required by the condition 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.
4. (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.

5. (Air quality/transport) The developer is advised to consider the incorporation of superfast broadband for flexible reliable online working to the dwellings and communal rooms as this can play a part in minimising road traffic congestion (and associated air pollution) associated with morning and evening commuting.
6. (Air quality/transport) The developer should seek to ensure HGV construction movements avoid local Air Quality Management Areas and aim to ensure they meet the euro-VI emission standard available since 2014. Non-Road Mobile Machinery (including bulldozers, loaders, and tower cranes) should aim to meet emissions standard IIIB. From 2025 NRMM should aim to meet emission standard stage IV. Diesel generators and other constant speed engines should aim to meet emissions stage V from 2025.
7. (Cycle parking) In order to be in line with policy cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By-Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes.'
8. (Electric Charging) Details of the site's proposed parking provision will come forward as a part of a reserved matters application (RMA). Given the recent change in Part S of the Building Regulations, which came into effect on 15 June 2022, and requires: "Every new home with on-site parking is to have an electric vehicle charge point." The delivery of active electric vehicle charging provision for 100% of car parking spaces from the start, in line with building regulations and the Council's 2030 Net Zero aspiration is required to be demonstrated/included in any detailed planning application/RMA for this site. All new EV charge points being installed will need to provide a minimum power supply of 7kW or have the cable routes ready for this supply, unless sought otherwise via condition.
9. (Energy Efficient Standard – residential) The applicant is advised that Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
10. (Water Efficient Standard) The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1.

The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

11. (Part O) The applicant is advised that Part O of Building Regulations 2022 is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

Appendix C – Reasons for refusal should the S106 not be signed

In the event that the draft S106 Agreement has not been signed by all parties by 8th July 2023, the application shall be refused for the following reasons:

1. Co-dependent implementation
The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the development is only carried out in conjunction with the wider Toad's Hole Valley site as approved under BH2022/00203. The proposal therefore fails to ensure a comprehensive, cohesive and sustainable mixed-use development is delivered on the whole Toads Hole Valley site. The proposed development would otherwise be isolated within the middle of a development site when it can only form part of a wider neighbourhood development and masterplan for the whole Toad's Hole Valley site. Without a S106 the associated supporting infrastructure, sustainable transport modes, highway works, open and landscaped space, food growing space, sports, play and community facilities, and other land uses of the original development and housing mix the development requires cannot be delivered. The proposal would therefore be contrary to 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 policies DM1, DM9, DM11, DM18, DM19, DM20, DM22, DM29, DM33, DM35, DM36, DM37, DM40, DM43 and DM38 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.
2. Phasing:
The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the development comes forward in an appropriately phased way alongside the main Toad's Hole Valley site approved under BH2022/00203 which enables the necessary supporting social, environmental, community, health, ecological, open space, sports and play, employment, transport (including sustainable transport linkages) and other physical infrastructure and mitigation measures to be satisfactorily provided in a timely and cohesive way to serve the demands created by the development and mitigate its impacts, and the proposal would thus fail to deliver a comprehensive or sustainable neighbourhood, contrary to policies SS1, DA7, SA6, CP1, CP2, CP3, CP4, CP7, CP8, CP9, CP10, CP11, CP12, CP13, CP16, CP17, CP18, CP20 of the Brighton and Hove City Plan Part

One, DM1, DM9, DM11, DM19, DM33, DM35, DM36, DM37 and DM38 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

3. Transport:

The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the provision of necessary transport and travel measures and highway works to satisfactorily mitigate its impacts or meet the travel demand created by the development. Without a section 106 agreement the necessary highway works could not be secured for sufficient junction and road capacity or the promotion of use of sustainable modes of transport including walking, cycling and bus use including strategic linkages to adjacent areas including the South Downs National Park. In addition, there would not be a mechanism to ensure the proposed highway works are carried out in a timely way or are safely designed. The proposal would not deliver a sustainable neighbourhood at Toad's Hole Valley and would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary, and would be contrary to policies SS1, DA7, SA6, CP7, CP8, CP9, CP12, CP13 and CP18 of the Brighton and Hove City Plan Part One, DM33, DM35 and DM36 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

4. Affordable housing:

The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to secure the necessary provision of 40% affordable housing within the scheme, contrary to policies SS1, CP1, CP7, CP19, CP20, DA7 and SA6 of the Brighton and Hove City Plan Part One, DM1 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

5. Custom/self-build housing:

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure the necessary inclusion of an element of custom/self-build housing plots, contrary to policies SS1, SA6, CP1, CP7, CP19 and DA7 of the Brighton and Hove City Plan Part One, DM1 of the Brighton and Hove City Plan Part Two, Supplementary Planning Document 15: Toad's Hole Valley and the council's statutory duty to ensure sufficient serviced plots of land to meet demand on the Custom Housebuilding Register, the Council's Developer Contributions Technical Guidance and the NPPF para 62.

6. Employment space delivery:

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery (and marketing) of necessary cleared and serviced employment land and employment floorspace on at least 3.5 hectares of the site as approved under BH2022/00203 as required as part of a sustainable new neighbourhood at Toad's Hole Valley. The proposal would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary to policies EM4 and EM9 of the Brighton &

Hove Local Plan and SS1, DA7, SA6, CP2, CP3 and CP7 of the Brighton and Hove City Plan Part One, DM11 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

7. Ecology/Biodiversity:
The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of the necessary and appropriate ecological mitigation and enhancement on and off-site required which contribute towards the wider Toad's Hole Valley sustainable neighbourhood and would not secure an appropriately comprehensive or cohesive ecological scheme, contrary to policies SS1, CP7, DA7 and CP10 of the Brighton and Hove City Plan Part One, DM37 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, Supplementary Planning Document 11: Nature Conservation and Development, the council's Developer Contributions Technical Guidance and the NPPF.
8. Open space:
The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of the necessary and appropriate open space within the wider Toad's Hole Valley development to meet the demand created by this development for public open amenity space, children's play areas, food growing areas and landscaping and which also contribute towards the wider Toad's Hole Valley sustainable neighbourhood. The proposal would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary to policies SS1, CP7, SA6, DA7, CP12, CP13, CP14, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One, DM18, DM22, DM37 and DM38 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance, Planning Advice Note 06: Food Growing and Development and the NPPF.
9. Sports facility:
The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of necessary and appropriate sports and exercise facilities to meet the demand created by the development and the wider strategic needs of the city, and which contribute towards the wider Toad's Hole Valley sustainable neighbourhood. The proposal would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary to policies SS1, CP7, SA6, DA7, CP12, CP13, CP14, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One, DM22 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance, the Brighton and Hove Local Football Facilities Plan and the NPPF.
10. Community facility:
The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure the delivery (and marketing) of a necessary and appropriate multi-use community centre facility (which includes sports provision and South Down National Park interpretation material within it) to meet the demand created by the

new development and strategic city-wide needs. and which contribute towards the wider Toad's Hole Valley sustainable neighbourhood. The proposal would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary to policies SS1, CP5, CP7, DA7, SA6, CP12, CP17 and CP18 of the Brighton and Hove City Plan Part One, DM9 of the Brighton and Hove City Plan Part Two, Supplementary Planning Guidance Note 15: Toad's Hole Valley, the Council's Developer Contributions Technical Guidance and the NPPF.

11. Health facility:

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery (and marketing) of a necessary and appropriate doctors surgery facility to serve the development and which contribute towards the wider Toad's Hole Valley sustainable neighbourhood. The proposal would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary to policies SS1, SA6, DA7, CP7, CP12 and CP18 of the Brighton and Hove City Plan Part One, DM9 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

12. Neighbourhood centre:

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery (and marketing) of a necessary and appropriate neighbourhood centre which includes ancillary supporting retail and community uses to serve the development and which contribute towards the wider Toad's Hole Valley sustainable neighbourhood. The proposal would fail to ensure the wider Toad's Hole Valley development is delivered in a comprehensive and cohesive way. The proposal would therefore be contrary to policies SS1, SA6, DA7, CP4, CP7, CP12, CP18 of the Brighton and Hove City Plan Part One, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

13. Construction training:

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure an Employment and Training Strategy specifying how the developer or their main contractors will provide opportunities for local people to gain employment or training on the construction phase of the proposed development contrary to policy SS1, SA6, CP2, CP7 and DA7 of the Brighton & Hove City Plan Part One and Supplementary Planning Guidance Note 15: Toad's Hole Valley the Council's Developer Contributions Technical Guidance.

14. Employment Scheme:

The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution towards the City Council's Local Employment Scheme to support local people to employment within the construction industry, contrary to policy SS1, SA6, CP2, CP7 and DA7 of the Brighton & Hove City Plan Part One and Supplementary Planning Guidance Note 15: Toad's Hole Valley and the Council's Developer Contributions Technical Guidance.

15. Public Art:
The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure delivery of an on-site artistic component, contrary to policies SS1, SA6, CP5, CP7, DA7 and CP13 of the Brighton & Hove City Plan Part One, and Supplementary Planning Guidance Note 15: Toad's Hole Valley and the Council's Developer Contributions Technical Guidance and Planning Advice Note 10: Public Art and the Council's Public Art Strategy 2022.

16. Compliance/monitoring:
The proposal fails to provide a mechanism (via a Section 106 legal agreement) to secure a financial contribution to ensure timely monitoring and compliance of the conditions and obligations associated with the scheme and ensure effective implementation of relevant Development Plan policies, and to ensure timely delivery of the scheme, contrary to policy SS1, SA6, CP7 and DA7 of the Brighton & Hove City Plan Part One and the Council's Developer Contributions Technical Guidance.

