

<b><u>No:</u></b>	<b>BH2023/02850</b>	<b><u>Ward:</u></b>	<b>Hangleton &amp; Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Land At King George VI Avenue (Toads Hole Valley) Hove</b>		
<b><u>Proposal:</u></b>	<b>Variation of conditions 1, 3, 4, 5, 10, 23, 31, 32, 42, 50, 52, 55, 60, 64, 65 and 68 of outline permission BH2022/00203 to include reference to the option of permission BH2022/02534 as a substitute for the school site, inclusion of additional reserved phase, and to allow associated amendments to approved drawings.</b>		
<b><u>Officer:</u></b>	<b>Maria Seale, tel: 292175</b>	<b><u>Valid Date:</u></b>	<b>25.10.2023</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>24.01.2024</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	<b>16.02.2024</b>
<b><u>Agent:</u></b>	<b>Enplan 111 High Street Lewes BN7 1XY</b>		
<b><u>Applicant:</u></b>	<b>Toads Hole Valley Ltd, Pecla Investments Ltd &amp; R.M. Simon C/o Enplan 111 High Street Lewes BN7 1XY</b>		

## 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** planning permission subject to a Deed of Variation to the s106 agreement as set out below, and subject to the Conditions and Informatives as set out in Appendix A, SAVE THAT should the s106 agreement not be completed on or before 7<sup>th</sup> May 2024 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix B of this report.

**S106 Legal Agreement (associated with BH2022/00203) - Deed of Variation:**  
Drafting updates to align the permissions on the site, including:

- reference to the subsequent permission (BH2022/02534) to replace the school with 182 residential units
- reference to this Section 73 permission (BH2023/02850)
- inclusion of the reserved phase
- updated plan and map references

Note: The main S106 Heads of Term, including the level and type of financial contributions, remain unchanged from the original permissions BH2022/00203 and BH2022/02534.

**Conditions and Informatives:**

See Appendix A at end of this report.

## 2. SITE LOCATION

- 2.1. The Toad's Hole Valley (THV) site, including Court Farm, is a 47 hectare green field located on the northern fringe of Brighton and Hove. The site bounded by the A27 bypass to the north, by King George VI Avenue (KGVl Ave) to the southeast - the major route from Devil's Dyke roundabout into Hove, with the Goldstone Valley/Hove Park residential area to the south and Hangleton and Knoll residential area to the west. The site is roughly triangular in shape and is former arable farmland, and forms part of a dry valley that was cut off from wider farmland when the A27 bypass was constructed to the north in the early 1990s.
- 2.2. The site does not include any designated heritage assets or any locally listed heritage assets. A relatively small part of the south western edge of the site is within an Archaeological Notification Area. To the west, south east and south west of the site is extensive 20th century suburban housing. The South Downs National Park is located to the north and north-east of the site. The Woodland Drive Conservation Area is located to the north-east of the site across KGVl Ave, including Three Cornered Copse. The entire site lies within a Groundwater Source Protection Zone (majority zone 2, with southern tip within zone 1 and north western corner within zone 3).
- 2.3. The site is not generally accessible to the public however the SNCl is statutory 'Open Access land' i.e. the landowner gives the public the right to roam on the land. The site is largely grassland and scrub, with some shrubs and trees.
- 2.4. The application site forms the majority of the THV site (excluding Court Farm in the north-east section) and includes King George VI Avenue within the red application site line and has a site area of 42.2 ha (or 33.7 excluding the 8.5ha SNCl). The site has a number of notable physical elements such as its topography with changes in elevation of around 70m across the site from east to west, with a steep bank at its western and northern boundaries and a flatbottomed valley floor rising up again towards the east.
- 2.5. The THV site is allocated for development in Policy DA7 of City Plan Part One, for a mixed-use new neighbourhood including the following:
  - A minimum of 700 residential units
  - 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

### 3. APPLICATION DESCRIPTION

- 3.1. The THV site currently has two planning permissions, one outline permission allowing the mixed-use redevelopment of the site including a school (ref.

BH2022/00203), with a second application allowing the redevelopment of the site with additional houses instead of the school (ref. BH2022/02534).

- 3.2. This application seeks to vary the planning conditions on the original outline application BH2022/00203 (granted in June 2022) that refer to the reserved school site so that there is the option to provide either 182 houses or a school on the area, within the wider redevelopment of the site.
- 3.3. Amended parameter and phasing plans have been submitted which identify the relevant part of the site as subject to a 'Reserved Phase' allowing for development of this land EITHER as a school OR residential use under outline permission BH2022/02534 OR such other planning permission as may be granted.
- 3.4. Varied wording is sought to the conditions attached to the original permission BH2022/00203 (numbers 1, 3, 4, 5, 10, 23, 31, 32, 42, 50, 52, 55, 60, 64, 65 and 68), to align the two permissions, so that where reference is made to the school, the words '(if developed)' are added – e.g.  
*“No commercial servicing, vehicular movements including any loading or unloading of vehicles shall take place in association with the operation of the non-residential uses on the site including the school (if developed), sports facilities, community centre and retail and pub/bar and food takeaway uses except between the hours of 07.00 and 21.00 on Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.”*
- 3.5. Drawing numbers referenced in the conditions would also be updated.
- 3.6. It is important to note that no new or amended development is proposed. The developer already has the option of bringing forward either a school or dwellings on this part of the site so this is a technical amendment to clarify, in a single decision, that the permissions on the site are appropriately aligned. The aim of the current application is to tie all the permissions on the Toads Hole Valley site together and to ensure the second outline permission is permissible within the terms of the original outline permission.
- 3.7. Ultimately, it will be for the owners of Toads Hole Valley to decide which option of development they wish to pursue and construct: wider site with school or wider site with additional housing. The proposal allows flexibility for either.

#### 4. **RELEVANT HISTORY**

- 4.1. **BH2022/02534** Outline application for up to 182 residential dwellings (C3 use) with parking and incidental landscaping (All Matters Reserved). Approved 26/4/23. Note: This was a 'drop in' application to the main permission below and related to part of the 5ha site for the school only. It would not be developed in isolation from the original scheme.
- 4.2. **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. Note: This included up to 880 residential units.

## 5. REPRESENTATIONS

- 5.1. Neighbours/Groups: A total of 1 (one) representation has been received from from **Sustrans**, neither objecting or supporting, commenting that current cycling linkages in the area are poor and should be improved as part of the development.

## 6. CONSULTEES

### External:

- 6.1. **Active Travel England**: Do not wish to comment.
- 6.2. **Brighton & Hove Archaeological Society**: Comment.  
The proposed development is of such a large scale that there is potential for archaeological remains to be affected. Suggest County Archaeologist is contacted for their recommendations.
- 6.3. **East Sussex County Council Archaeology**: No objection subject to condition.
- 6.4. **East Sussex County Council Ecologist**: No response.
- 6.5. **East Sussex County Council Landscape Architect**: No objection.
- 6.6. **Environment Agency**: No objection.  
The recommended planning conditions in our response to the outline application BH2022/00203 (our reference HA/2022/123939/01, dated 14 February 2022) and outline application BH2022/02534 (our reference HA/2022/124446/01, dated 21 September 2022) should be imposed. The EA wishes to be consulted on any applications for the discharge of those conditions.
- 6.7. **Natural England**: Do not wish to comment.
- 6.8. **National Highways**: No objection.
- 6.9. **South Downs National Park Authority**: Do not wish to comment.
- 6.10. **Southern Water**: Comment.  
No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. We have

restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

6.11. All other comments on previous applications remain valid (*no objection subject to condition*).

6.12. **Sport England:** No Objection.

6.13. **Sussex Police:** No objection.

Internal:

6.14. **Environmental Health:** No response.

6.15. **Planning Policy:** No objection.

The original outline planning permission BH2022/00203 is broadly compliant with the City Plan and would deliver all the local priorities and key elements identified for THV in Policy DA7 and the accompanying Supplementary Planning Document (SPD15).

6.16. The proposals under BH2022/02534 would replace part of the school land with additional housing which is a departure from Policy DA7. However, permission was granted in the light of evidence put forward by the applicant, which was agreed by BHCC Education, that a further secondary school is no longer needed to serve the city.

6.17. In granting permission, it was also accepted by the Council that provision of further housing is an appropriate alternative land use for the site. Part of the reserved school site would be retained for sports facilities as under BH2022/00203 and together with other community uses in the wider THV site would meet the demands of the increased housing at THV. Also the housing requirements in both Policy DA7 and Policy CP1 (for the wider city) are set as minima and the 182 dwellings proposed would provide additional housing (including 40% affordable housing) which is much needed.

6.18. The city has a very substantial 5-year housing supply shortfall and therefore national planning policy indicates that housing provision carries increased weight within the planning balance (as set out in NPPF Paragraph 11). It should be noted that the city's overall housing supply position has worsened since the Council decision on BH2022/02534. At that date (April 2023) the most recent housing figures (2021 SHLAA) showed a five-year shortfall of 6,915 dwellings (2.1 years of housing supply) whereas more recent figures (2022 SHLAA) show a five-year shortfall of 7,711 dwellings (1.8 years of housing supply).

6.19. THV is the largest single strategic development site allocated in the City Plan and has a major role in delivering the overall housing and employment targets for the city. The variation of conditions proposed in this current application will provide flexibility which will allow for the potential implementation of BH2022/02534 (or such other planning permission as may be granted on the

reserved school land) within the terms of the original outline permission BH2022/00203. This will help to move forward development of the THV site.

6.20. **Sustainability:** No objection.

6.21. **Sustainable Drainage:** No objection.

The proposed amendments will not affect the drainage details reserved by the conditions referenced.

6.22. **Sustainable Transport:** Comment.

Confirmation is sought that the phasing and timings associated with a development option that excludes the school-use, subject of BH2023/02850, are the same as the consented phasing and timings secured as a part of the outline permission (ref: BH2022/02534).

6.23. Confirmation is also sought that the highways infrastructure improvements (the 'Trunk Road Works', 'Hove Highway Works' and 'Other Highways Works') and associated phasing, occupation/delivery density timescales (the 'Requirements') secured through Schedule 7 of the s106 agreement (dated: 01/06/2022) for outline planning permission BH2022/00203 will remain unaffected by the BH2023/02850 application.

## 7. MATERIAL CONSIDERATIONS

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove 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 Two:

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

Planning Advice Notes (PAN):

PAN 05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste

PAN 06: Food Growing and Development

Other:

Woodland Drive Conservation Area Character Statement

Special Guidance A: Swift Boxes and Bricks for New Developments

## 9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The principle of developing the site for a mixed-use development has been established via the DA7 Policy allocation and the two previous (extant) permissions. The principle of substituting part of the school site with 182 additional residential units has been established.
- 9.2. The main consideration therefore relates to whether the proposed variations to conditions and drawings to include reference to school or other optional development, and the introduction of a reserved phase, would have any impact in terms of the policy allocation or other relevant policies, or the type/quantum of development delivered or its associated infrastructure.
- 9.3. The application is solely of a technical nature and is proposed to align the permissions together only, to bring the site forward for development. No new or changed development is proposed.
- 9.4. The proposed changes to the wording of the original conditions are minor and do not change the type or quantum of development already approved. The revised conditions would not change in emphasis and any mitigation etc would be the same.
- 9.5. The proposed reserved phase does not alter the overall phasing of the THV development, which must still broadly adhere to that originally approved. Either option for the land for the school/182 housing units can only come forward as part of the wider neighbourhood scheme, and not before Phase 2. All necessary infrastructure, highways works and supporting uses etc (and associated timelines for their delivery) would remain as originally approved and secured via the S106 agreement.
- 9.6. There are no implications with regard to the original Environmental Impact Assessment or secured mitigation, or in terms of environmental considerations generally, given the proposed development (or current site circumstances) have not changed. Consultees have not raised any objections with regard to this application.
- 9.7. In terms of planning context, the main change since the original permission was granted in June 2022 is the formal adoption of the Brighton and Hove City Plan



Part Two in October 2022. That plan was, however, close to adoption at that time and its policies were given weight when the original scheme was assessed and found to be acceptable, and the position has not changed.

- 9.8. Another change since the original permission is that the city’s five year housing supply has worsened (from 2.1 years to 1.8). Further increased weight must therefore 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. The proposals would align the permissions and thus help deliver comprehensive development of this site and a significant amount of much needed housing, including affordable.
- 9.9. The changes to the S106 agreement required associated with the proposed changes are minor in nature and do not affect the main Heads of Term agreed for both previous permissions, or the type/level of financial contributions. The CIL requirement would be as per the previous schemes, given that no new development is proposed.

**Conclusion**

- 9.10. The proposals are minor in nature and do not alter the development previously approved on the site. They allow flexibility and align both permissions, which will aid significant housing delivery, and weight is given to this in line with the NPPF. The proposal would also aid delivery of other benefits for the city. Therefore approval (subject to a Deed of Variation to S106 agreement) is recommended.

**APPENDIX A – Conditions and Informatives**

Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Report/Statement	ACOUSTIC PLANNING SUPPORT DOCUMENT	sharps	21 January 2022
Arboricultural Report	ARBORICULTURAL IMPLICATIONS REPORT		21 January 2022
Report/Statement	DESIGN AND ACCESS STATEMENT		21 January 2022
Report/Statement	EIA VOL II - ENVIRONMENTAL STATEMENT		21 January 2022
Report/Statement	EIA VOL III - APPENDICES		21 January 2022

Proposed Drawing	02-346-124		21 January 2022
Proposed Drawing	02-346-125		21 January 2022
Proposed Drawing	02-346-126		21 January 2022
Proposed Drawing	02-346-127		21 January 2022
Proposed Drawing	02-346-128		21 January 2022
Proposed Drawing	02-346-129		21 January 2022
Proposed Drawing	02-346-130		21 January 2022
Proposed Drawing	02-346-131		21 January 2022
Proposed Drawing	02-346-132		21 January 2022
Proposed Drawing	02-346-133		21 January 2022
Proposed Drawing	02-346-134		21 January 2022
Proposed Drawing	02-346-135		21 January 2022
Proposed Drawing	02-346-142 - REV A		21 January 2022
Location Plan	1019-050-P1		21 January 2022
Proposed Drawing	1019-100-P9		11 January 2024
Proposed Drawing	1019-101-P6		11 January 2024
Proposed Drawing	1019-102-P7		11 January 2024
Proposed Drawing	1019-103-P7		11 January 2024
Proposed Drawing	1019-105-P5		11 January 2024
Proposed Drawing	1019-106-P8		19 January 2024
Proposed Drawing	1019-107-P1		21 January 2022
Proposed Drawing	1019-201-P3		17 March 2022
Proposed Drawing	1019-202-P9		11 January 2024
Proposed Drawing	1019-203-P7		11 January 2024
Proposed Drawing	1019-204-P7		11 January 2024

Report/Statement	OUTLINE LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN		21 January 2022
Report/Statement	OUTLINE SNCI HABITAT CREATION RESTORATION AND MANAGEMENT PLAN		21 January 2022
Proposed Drawing	205585-PD03.2	REV D (HIGHWAYS 2 OF 8)	9 May 2022
Proposed Drawing	acoustic parameter plan		1 April 2022
Proposed Drawing	205585-PD03	REV G (HIGHWAYS)	9 May 2022
Proposed Drawing	205585-PD03.1	REV D (HIGHWAYS 1 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.3	REV B (HIGHWAYS 3 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.4	REV B (HIGHWAYS 4 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.5	REV D (HIGHWAYS 5 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.6	REV D (HIGHWAYS 6 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.7	REV E (HIGHWAYS 7 OF 8)	9 May 2022
Proposed Drawing	205585-PD03.8	REV A (HIGHWAYS 8 OF 8)	9 May 2022
Proposed Drawing	205585-PD04	REV B (GOLDSTONE CRES)	9 May 2022
Proposed Drawing	205585-PD05	GOLDSTONE JUNCTION	9 May 2022
Proposed Drawing	15-T109-53	REV D - SDNP LINK N/E	10 February 2022
Proposed Drawing	MAPA5.8.1.7	WATERHALL DORMICE	10 February 2022
Proposed Drawing	MAPA5.8.5	ENHANCEMENT COMPENSATION	10 February 2022
Proposed Drawing	15-T109-68	REV A CYCLE/PED ELIZABET	21 January 2022
Proposed Drawing	15-T109-81	SDNP WEST ENHANCEMENT	21 January 2022

2. The development authorised by this permission shall be begun either before the expiration of 5 years from the date of the original permission BH2022/00203 by 6th June 2027, or before the expiration of 2 years from the date of the last of the reserved matters to be approved for Phase 1 as set out in the condition below, whichever is the later.

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

3. Approval of the following details (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing, prior to the commencement of development of each Phase (as broadly indicated on the submitted Phasing Parameter Plans drawing refs 201-P3, 202-P9, 203-P7 and 204-P7) and as agreed via S106 Agreement:

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

- A) All reserved matters applications for Phase 1 of the development as indicated on the Phasing Parameter Plan 201-P3 shall be made by 6th June 2025.
- B) All reserved matters applications for Phase 2 of the development as indicated on the Phasing Parameter Plan 202-P9 (which may include the Class E (g) (i-iii) employment floorspace and the school (if developed)) and which shall include the outdoor sports facilities shall be made by 6th June 2026.
- C) All reserved matters applications for Phase 3 of the development as indicated on the Phasing Parameter Plan 203-P7 (which may include the Class E (i-iii) employment floorspace and school (if developed) if not already provided shall be made by 6th June 2027.
- D) All reserved matters applications for Phase 4 of the development indicated on the Phasing Parameter Plan 204-P7 (which may include the Class E (i-iii) employment floorspace and school (if developed)) shall be made by 6th June 2028.
- E) All reserved matters applications for the Reserved Phase of the development indicated on the Phasing Parameter Plan 204-P4 shall be made by 6<sup>th</sup> June 2028. The Reserved Phase shall not be developed in advance of Phase 2.

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

**Reason:** To enable the Local Planning Authority to control the development in detail and to ensure timely delivery of the development and implementation in line with up to date City Plan policy and priorities for this site and to ensure appropriate infrastructure is delivered to serve the whole site in a comprehensive way, to comply with policies 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. Quantum/type of development permitted (regulatory):
- A) The permission is hereby granted only for the following uses and quantum of development and for no other purpose (including any purpose in Classes C3, E, F1 or F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order amending, revoking and re-enacting that Order with or without modification) as set out in the Parameter Plans:
- (i) up to 880 dwellings (C3 use) and associated car parking
  - (ii) 25,000sqm office/research/light industrial floorspace on a minimum 3.5ha site (E (g) i, ii, iii use) and associated car parking
  - (iii) 5ha of land reserved for a secondary school for up to 900 pupils on a minimum 5ha site (F1 (a) use) (if school developed)
  - (iv) the community sports facilities comprising a 3G pitch and multi-use games area (F2(c) use) (1.09 ha minimum) and associated car parking on part of 5ha site reserved for the school
  - (v) a Neighbourhood Centre comprising 790sqm retail floorspace (E (a) (b) (c) and sui generis drinking establishment and hot food takeaway uses), doctors surgery floorspace comprising at least 750sqm (E (e) use) and a community centre of at least 555sqm floorspace (F2 (b) use) and associated car parking (with an additional 100sqm community centre floorspace to serve the sports facilities on part of the 5ha site reserved for a school if the school is not developed)
  - (vi) open space of minimum 5.8ha in total including landscaping, ecological mitigation, childrens play areas comprising a Local Equipped Area of Play of a minimum 600sqm plus 20m buffer zone and a Local Area of Play of 100sqm plus 5m buffer zone, and public food growing areas of a minimum 0.58ha and a minimum of 4.31ha usable public amenity space (excluding incidental landscaping)
  - (vii) a Site of Nature Conservation Importance of circa 8.5ha.
- B) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted is solely for those uses specified in this condition and no changes shall occur to other uses including to other uses within their respective uses classes without planning permission first being obtained from the Local Planning Authority.

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

Hove City Plan Part One and policies DM1, DM9, DM11, DM19, DM20 DM22, 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 land uses including open space, location, quantum of development, detailed design, 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:

- Parameter Plan: Land Use 101-P6
- Parameter Plan: Phase 1 and associated narrative 201-P3
- Parameter Plan: Phase 2 and associated narrative 202-P9
- Parameter Plan: Phase 3 and associated narrative 203-P7
- Parameter Plan: Phase 4 and associated narrative 204-P7
- Parameter Plan: Transport & Key Infrastructure 105-P5
- Parameter Plan: Landscape & Ecology 106-P8
- Parameter Plan: Building Heights 102-P7
- Parameter Plan: Density 103-P7
- Parameter Plan: Acoustic Parameter Plan
- Parameter Plan - Highways & Landscape Proposals: King George VI Avenue 142 Rev A

Phases 1-4 shall be built in substantial accordance with the approved Plans and Parameter Plans listed above subject to the Reserved Phase either being built in accordance with this Outline Planning Permission, planning permission BH2022/02534 (dated 26th April 2023) or such other planning permission as granted.

**Reason:** As the Local Planning Authority has had regard to these drawings in determining whether the amount and type development proposed can be accommodated within the site in an acceptable and sustainable way in terms of mix of land uses, overall scale and density, open space, transport and infrastructure delivery, landscaping and ecology mitigation and enhancement, flood risk, building heights and acoustics, in accordance with Policies SS1, DA7, SA4, SA5, SA6, CP1, CP2, CP3, CP4, CP5, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP15, CP16, CP17, CP18, CP19 and CP20 of the Brighton and Hove City Plan Part One and 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, of each respective phase shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policy CP8 of the Brighton and Hove City Plan Part One and 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 SA4 and CP18 of the Brighton and Hove City Plan Part One and 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 of each respective phase of the development as permitted shall commence until a Remediation Strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This Strategy will be undertaken by a competent person and shall include the following components:
- A) A preliminary risk assessment, which has identified:
    - (i) all previous uses
    - (ii) potential contaminants associated with those uses
    - (iii) a conceptual model of the site indicating sources, pathways and receptors
    - (iv) potentially unacceptable risks arising from contamination at the site
  - B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - C) The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - D) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan shall comprise built drawings of the implemented scheme, photographs of the remediation works in progress and certificates demonstrating that imported and/or material left in situ is free from contamination.
- The scheme shall be implemented as approved. Any changes to these components require the written consent of the local planning authority.  
**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.

**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, and 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 maximums set out for specific areas of the site on the submitted Heights Parameter Plan ref 102 -P7.

**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 of each respective phase shall take place (except enabling works and site clearance) until details of the housing mix proposed including details of size of units and tenure have been submitted to and approved in writing by the Local Planning Authority. Each phase shall provide circa 50% 3-bedroomed units and the development overall shall provide at least 50% 3 and 3+ bedroomed units and all dwellings shall as a minimum accord with Nationally Described Space Standards for internal space and storage.

**Reason:** To ensure a balanced and sustainable provision of housing including family sized dwellings on the site, to comply with policies CP19, DA7 and SA6 of the Brighton and Hove City Plan Part One 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 within each respective phase hereby permitted shall be built in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter.

Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and provide a mix of units, to



comply with policies CP19 of the Brighton and Hove City Plan Part One and DM1 of the Brighton and Hove City Plan Part Two.

13. Retail floorspace (regulatory):  
No single Class E retail or sui generis drinking establishment or takeaway unit within the Neighbourhood Centre shall exceed 400 sqm in floor area unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure the retail units are not amalgamated to create one large retail unit such as a supermarket or large public house/bar, to ensure a balanced range of facilities and uses to meet day to day local demand, in the interests of sustainability, to encourage use of sustainable transport, to protect the vitality and viability of the shopping centres in the city, to prevent crime and for public health, to accord with Policies CP4, DA7, CP9, SA6 and CP18 of the Brighton and Hove City Plan Part One and DM12 of City Plan Part Two.
14. Air Quality Parameter (regulatory):  
No building facades of residential development shall be located within 30 metres of the A27 trunk road or within 12 metres of King George VI Avenue.  
**Reason:** In the interests of protecting the amenity and health of prospective residents as air pollution levels are greater within these limits, to comply with policies CP18 and SO22 of the Brighton and Hove City Plan Part One and DM40 of the Brighton and Hove City Plan Part Two.
15. Archaeology (pre-commencement):  
No development of each respective phase shall take place until the applicant has secured the implementation of a Programme of Archaeological Works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and policies CP13 of the Brighton and Hove City Plan Part One and DM31 of the Brighton and Hove City Plan Part Two.
16. Archaeology (pre-occupation):  
No respective phase of the development hereby permitted shall be brought into use until the Archaeological Site Investigation and Post-Investigation Assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and submitted to and approved in writing by the Local Planning Authority. The Archaeological Site Investigation and Post-Investigation Assessment will be undertaken in accordance with the Programme of Archaeological Works set out in the Written Scheme of Investigation approved under the condition 15 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 DM31 of the Brighton and Hove City Plan Part Two.
17. Ground levels (pre-commencement):  
The development of each respective phase of development shall not commence until details of the existing and proposed ground levels (referenced as Ordnance

Datum) showing any changes to levels, finished ground slab levels, and spot heights and cross sections to show the buildings and land levels adjoining the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the character and appearance of the area and the amenities of nearby properties, in addition to comply with policies CP12, CP13, CP15, DA7, SA4 and SA5 of the Brighton & Hove City Plan Part One and DM18, DM19, DM20, DM22 and DM29 of the Brighton and Hove City Plan Part Two and SPD17:Urban Design Framework.

18. Drainage Scheme & SUDs (pre-commencement - site-wide and phased):
- A) No development shall take place until an overarching Site Wide Surface Water Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. This overarching SWSWD Strategy shall incorporate the use of Sustainable Drainage Systems (SuDS) features such as ponds, basins and swales and shall provide a framework programme for phased implementation and shall outline how the drainage systems across the whole site will be managed and maintained. The Strategy shall be in accordance with the principles contained in SPD15: Toads Hole Valley and SPD16: Sustainable Drainage.
  - B) No development of each respective phase shall take place until the detailed design of the Drainage Scheme for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The Scheme shall be prepared in accordance with the overarching site-wide strategy approved in section A) above and shall subsequently be implemented in accordance with the approved details before the development of each respective phase is first occupied.

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

1. A list of all SuDS measures considered and selected, detailing constraints, available options and how they would be used on site to achieve integrated SuDS design.
2. Full detailed engineering drawings including levels, cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
3. An assessment to demonstrate appropriate SuDS management and treatment trains for water quality with reference to the SUDS Manual and inclusion of above ground features reducing the requirement for any underground storage and pollution mitigation.
4. Calculations to demonstrate:
  - (i) A Do-Nothing scenario where runoff is discharged offsite without restriction.
  - (ii) The proposed system which will provide sufficient storage to ensure no increase in surface water run-off volumes or onsite flooding for all rainfall events up to and including the 1 in 100

- year + 40% uplift for climate change supported by a time incremental analysis to demonstrate this is achieved.
- (iii) How the system operates during a 1 in 100 year critical duration storm event plus 40% uplift for climate change, including drain down times for all storage features and exceedance routes for any surcharge beyond the design storm.
  - (iv) How each phase of construction impacts on the previous and subsequent phases of construction. This will be used to assess the residual risk of the development stages.
5. The full input and output model file/s used in calculations, for example 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) Upon completion of the drainage works and prior to occupation for each phase in accordance with the timing/phasing, a Management and Maintenance Plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- (i) Provision of complete set of as-built drawings for site drainage.
  - (ii) A timetable for the management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime including any private elements undertaken by a management company. This plan shall ensure use of chemical pesticides/herbicides are minimised or not used.
  - (iii) a Verification Report demonstrating that the SuDS drainage system for the catchment area for each phase has been constructed in accordance with the approved design drawings.
- D) The SUDs drainage systems shall be implemented and maintained in accordance with the approved details under parts B) and C) for the lifetime of the development.

**Reason:** It is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal to provide a satisfactory means of surface water disposal to prevent the increased

risk of flooding and pollution of controlled waters, and in the interests of sustainability and to provide amenity/recreation space, to comply with policies 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.

19. Drainage/sewage - SW (pre-commencement of each phase):  
No development of each respective phase shall take place until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The development shall be carried out and phased as approved.  
**Reason:** To ensure provision of an adequate sewage network is available prior to development commencing on a phased basis, to comply with policies 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.
20. Drainage/foul/surface - SW (pre-commencement of each phase):  
No development of each respective phase shall take place until details of the proposed means of foul and surface water sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved means of foul and surface water sewerage disposal shall be implemented within the development.  
**Reason:** To ensure adequate foul sewage drainage/treatment and surface water disposal measures are available to serve the development, to comply with policies 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.
21. No infiltration of Surface Water into Ground (regulatory):  
No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure adequate pollution prevention measures are put in place due to the sensitivity of controlled waters in this location to ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with the National Planning Policy Framework and policies 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.
22. Energy and Heating Strategy (pre-commencement):

- A) No development shall take place until an overarching site-wide Energy Strategy for the whole development has been submitted to the Local Planning Authority for written approval.
- B) No development of each respective phase shall take place until an updated Energy Statement in line with the principles in the overarching Energy Strategy has been submitted to the Local Planning Authority for written approval for that phase at the design stage that identifies the carbon footprint of the phase of development for each stage of the energy hierarchy:
  - (i) Be lean: savings from energy demand reduction
  - (ii) Be clean: energy savings from low carbon technologies
  - (iii) Be green: savings from renewable technologies.
- All residential development shall be built to achieve an energy efficiency standard of a minimum of 31% CO2 emission improvement relative to the threshold set in the Building Regulations Part L 2013, until superseded by new Building Regulations the Future Homes Standard. Non-residential buildings shall meet the carbon emissions requirements of the Future Buildings Standard. No buildings or dwellings shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the carbon emission targets sought have been achieved.
- The Energy Statements shall demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand. The Energy Statements shall assess the potential for renewable / low carbon energy on site and shall prioritise exploration of solar PV, solar thermal, air source and ground source heat pumps.
- The Energy Statements shall assess low-carbon heating options to supply heating efficiently, cleanly and affordably to residential and non-residential buildings, for the respective phase. This must include a Feasibility Study for a low-carbon heat network, together with a low temperature distribution system. The agreed heating system shall be implemented within the development unless evidence is submitted to prove it is not technically feasible or financially viable under current costs, technologies and funding regimes, and considering heat demand.
- The Statements shall contain a whole life carbon assessment accounting for build, occupancy, maintenance and end of life stages. In addition the Energy Statements will set out how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. The figures for the domestic element of the development should be presented separately from the non-domestic elements and all energy calculations shall use SAP10 emissions factors.
- In the event of future amendments to Building Regulations beyond Part L 2013, the Energy Strategy and Statements shall have regard to the new energy efficiency standards and any Future Homes Standard or Future Buildings Standard in force at that time.
- The agreed energy efficiency measures set out in the Energy Strategy and Statements shall be incorporated within the development and retained.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic

sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to ensure ecological enhancement and mitigation, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14, CP18 and CP10 of the Brighton & Hove City Plan Part One, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

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

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

- a) Energy centre size and location showing facility for expansion for connection to a future district heat network: to include sufficient physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
- b) A route onto and through site: details of below ground works which will be implemented within the scheme to ensure that appropriate piping routes are available and safeguarded to enable future connections to a heat network, demonstration of where connections will be made into the blocks, space on site for the pipework connecting the point at which primary piping comes onsite with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
- c) Metering: installed to record flow volumes and energy delivered on the primary circuit.

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

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

24. Ventilation (ground floor slab level):

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

protection in terms of air quality and shall be implemented before occupation and thereafter retained.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14, CP18 and CP10 of the Brighton & Hove City Plan Part One and QD27 of Brighton and Hove Local Plan, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

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

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

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

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

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One, DM44, DM45 and DM46 of the Brighton and Hove City Plan Part Two and SPD15: Toad's Hole Valley.

26. Water Efficiency (pre-occupation):

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

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives,

to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley.

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

- A) Unless otherwise agreed in writing, or superseded by new building regulations, within 6 months of commencement of each respective phase of the development, details of the type and location of electric vehicle charging points (including for cars, vans, motorcycles, scooters and e-bikes) which meet the following minimum standards shall be submitted to the Local Planning Authority for written approval:
- (i) 100% of the car parking spaces associated with the individual houses shall have EV chargers,
  - (ii) 100% of the car parking spaces associated with the blocks of flats shall have EV charges of which 20% shall be fast EV chargers (7kW to 22kW)
  - (iii) at least 50% of the car parking spaces associated with the non-residential uses, shall have EV chargers of which 20% shall be fast EV chargers (7kW to 22kW) and at least one bay within each communal parking area shall have a rapid EV charger (>22kW)
- B) Within 6 months of commencement of each respective phase of the development details of cable trenching (underground ducting) to be provided to future proof and facilitate electric vehicle charging points for all remaining non-residential parking spaces not covered by section A) above shall be submitted to the Local Planning Authority for written approval. The agreed charging points and cable trenching shall be fully implemented before first occupation of the respective dwellings and first use of the associated commercial parking spaces and shall be retained for use thereafter at all times.

**Reason:** To ensure the development is future-proofed in the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and DM20, DM40 and DM36 of the Brighton and Hove City Plan Part Two.

28. Rainwater Strategy (6 months commencement):

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

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



the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and DM43 of the Brighton and Hove City Plan Part Two.

29. BREEAM Communities (pre-commencement):

- A) No development shall take place until a 'Step 1' BREEAM Communities Assessment for the masterplan for the whole development has been submitted to the Local Planning Authority for written approval demonstrating that a standard of 'excellent' will be achieved as evidenced by submission of independent verification in the form of a BREEAM Assessment report.
- B) No development of each respective phase shall take place until an updated Steps 2 and 3 BREEAM Communities Assessment demonstrating that the development will meet the BREEAM Communities standard of 'excellent', and which cross references the master plan "Step 1" assessment, has been submitted to the Local Planning Authority for written approval for the respective phase at the design stage. This shall be evidenced by submission of independent verification in the form of a BREEAM Assessment report. The BREEAM Communities Assessments shall include the following at each step:
- Step 1 - Establishing the principle of development - including a range of mandatory performance credits across the range of master-planning issues such as consultation, flood risk, noise pollution, energy, water, ecology.
  - Step 2 - determining the layout of the development - including options for:
    - biodiversity and habitat protection and enhancement
    - pedestrian, cyclist and vehicular movement
    - public transport
    - street and building layout, use and orientation
    - housing type, provision and location
    - utilities and other infrastructure provision
    - public realm and green infrastructure.
  - Step 3 - Designing the details - including options for:
    - landscaping
    - construction materials
    - management and long-term stewardship of facilities and services
    - building design
    - inclusive design
    - resource efficiency during and after construction
    - using local employment during construction.

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

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and policies DM43, DM44, DM45, DM46, DM18 and DM19 of the Brighton and Hove City Plan Part Two.

30. BREEAM non-residential (6 months commencement):
- A) Within 6 months of commencement of development of each phase a BREEAM Pre-Assessment for each non-residential building within that phase demonstrating it would meet a BREEAM rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.
  - B) No works above ground floor slab level of each respective non-residential building shall take place until a Design Stage BREEAM report for the relevant use (detailing performance in each category, overall score, and BREEAM rating) to achieve a minimum 'Excellent' rating has been submitted to the Local Planning Authority for written approval.
  - C) Within 6 months of first occupation of each of the non-residential uses hereby permitted a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 'Excellent' shall be submitted to the Local Planning Authority for written approval.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and policy DM44 of the Brighton and Hove City Plan Part Two.

31. Biodiverse Green roofs (6 months commencement):
- Within 6 months of commencement of development of each phase a Biodiverse Green Roof Strategy which demonstrates how green living roofs shall be incorporated on all flat or other suitable roofs in the development shall be submitted to the Local Planning Authority for written approval.
- As a minimum, the school (if provided), Class E g (i-iii) employment buildings, the neighbourhood centre, the doctors surgery, the permanent community centre and 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 within that phase and shall be retained as such thereafter.

**Reason:** In the interests of sustainability and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to ensure ecological enhancement and mitigation and to mitigate the wider visual impact of the development particularly in views from and to the South Downs National Park, to comply with policies DA7, CP8, SA4, SA5, SA6, CP12, CP14 and CP10 of the Brighton & Hove City Plan Part One and SPD15: Toad's Hole Valley and DM43, DM18, DM22 and DM37 of the Brighton and Hove City Plan Part Two.

32. Design Code (pre-reserved matters):

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

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

The Design Code shall build upon the key principles within the submitted Parameter Plans, Illustrative Masterplan, Design and Access Statement and Outline Landscape and Ecological Management Plan and associated illustrative drawings submitted with the original application BH2022/00203. The Design Code shall address site-wide design principles including matters of infrastructure, movement, biodiversity and sustainability, and shall address design principles associated with street types, landscape character areas, special places (public realm), car parking, building typologies, architectural character areas, (including materials palettes) and carbon neutrality.

The Design Code shall have regard to other concurrent specialist strategies for the development as secured by condition and S106 Agreement including site-wide strategies for: sustainability (energy and water efficiency, BREEAM, rainwater harvesting, sustainable drainage, green biodiverse roofs), art, landscape/biodiversity, health impact, external lighting and transport/movement. The Design Code shall build on the following identified Landscape Character Areas and Special Places as a minimum and shall consider how sustainable drainage systems can be integrated with the uses of each case:

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

- Employment Campus
- School Campus (if provided)
- The Design Code shall build on the following identified Road and Street Types as a minimum:
- Primary: Site by-pass / transport artery: this should address improvements to King George VI Avenue with regard to pedestrian and cycle movement networks and road traffic management
- Primary Street 1
- Boulevard: (spine road / sustainable transport route)
- Primary Street 2
- Secondary Street (Residential)
- Tertiary Street Residential
- Tertiary Street Shared Surface
- Tertiary Street Open Space Edge
- Tertiary Street Parking Court
- Tertiary: King George VI Avenue forecourts to frontage buildings

For each identified Road and Street type, the Design Code shall identify and consider aspects of physical street design including: appropriate widths, verges, people-friendly surfaces & pedestrian zones, edge or boundary treatments, accessibility, on and/or off-street parking, refuse collection, planters, seating, lighting, crossings, junctions and material types.

The Design Code shall consider the design of discreet parking configurations in all residential streets but especially associated with buildings which front King George VI Avenue, and shall prioritise pedestrian movement and amenity function over vehicular movement in tertiary residential streets. The Code shall establish a site-wide Street Tree-Planting Strategy, shall consider how sustainable drainage systems can be integrated with the uses of each case and shall have regard to the Artistic Strategy for the site. Each Road and Street Type shall be illustrated by scaled drawings including cross sections.

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

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

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

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

**Reason:** As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies 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 and the NPPF.

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

**Reason:** As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies 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.

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

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

35. Materials samples (pre-commencement of ground floor slab level):  
No development of each respective phase shall take place above ground floor slab level until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- (i) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - (ii) samples of all cladding to be used, including details of their treatment to protect against weathering
  - (iii) samples of all hard surfacing materials
  - (iv) samples of the proposed window, door and balcony treatments
  - (v) samples of all other materials to be used externally

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies CP12, DA7, SA4, SA5 and CP15 of the Brighton & Hove City Plan, policy DM18 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

36. Crime prevention measures (pre-occupation):

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

**Reason:** To ensure the development incorporates design features which deter crime or disorder and the fear of crime, to comply with strategic objective SO23 and policies CP12 and SA6 of the Brighton and Hove City Plan Part One and policy DM18 of the Brighton and Hove City Plan Part Two.

37. Ecological Mitigation and Enhancement Strategy & Plan (pre-commencement): No development shall take place including any enabling works or site clearance or submission of any reserved matters applications until an overarching Ecological Mitigation and Enhancement Strategy (EMES) for the site as a whole has been submitted to and approved in writing by the Local Planning Authority. The EMES shall detail the protection and enhancement of retained habitats, the mitigation and/or compensation for the loss of habitat, the restoration of seminatural habitats and enhancement of the site for biodiversity and shall be in substantial accordance with the details contained in the submitted Environmental Impact Assessment (Enplan, 21/1/22) including Chapter 5 and associated technical appendices including proposed mitigation measures, Outline Landscape and Ecological Management Plan (EPR Ltd 23/12/21), Outline SNCI Habitat Creation, Restoration and Management Plan (EPR Ltd, 23/12/21) submitted with the original application BH2022/00203 and Landscape & Ecology Parameter Plan 106-P8 and shall include:
- a) purpose and conservation objectives for the proposed works
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location/area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details of initial aftercare and remedial measures;
  - j) details for disposal of any wastes arising from works
  - k) evidence that the EMES has been produced by a suitably qualified ecologist.

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

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

38. Ecology - phased (pre-commencement):

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

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

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

**Reason:** To mitigate against the loss of wildlife habitats on site and to ensure satisfactory enhancement of biodiversity, to comply with policies 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.

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

No development of each respective phase shall take place until a detailed Landscape and Ecological Management Plan (LEMP) based on the Outline Landscape and Ecological Management Plan (EPR Ltd 23/12/21 submitted with the original application 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 37 and 38 above and will secure the long term management of the



amenity planting and open spaces, and shall be produced by a suitably qualified ecologist and shall include the following:

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

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

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

**Reason:** Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features, to comply with policies 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.

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

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

carried out in accordance with the proposed new approved ecological measures and timetable.

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

41. External Lighting Strategy (including biodiversity) (pre-occupation-phased):  
No respective phase hereby permitted shall be first occupied until an External Lighting Design Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include any proposed lighting of sports facilities, lamps and luminaires erected as part of the development and any lighting of public open spaces including the Site of Nature Conservation Importance and shall:
- a) identify those areas/features on site that are particularly sensitive for bats, badgers and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - b) demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the species in a) above using their territory or having access to their breeding sites and resting places;
  - c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, design and appearance and details of maintenance;
  - d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part c);
  - e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council;
  - f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

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

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to safeguard the rural setting of the South Downs National Park and its Dark Skies Reserve status to comply with policies 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.

42. Acoustic Design Statement (pre-commencement):

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

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

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

The ADS shall also include measures to mitigate noise impact to users of public buildings and external public areas such as children play areas, outdoor sports facilities and parkland. If the school is to be provided, a separate ADS for the school shall be submitted to and approved in writing by the Local Planning Authority. This separate ADS shall include details of how the school (if provided) at all storeys and all facades will be glazed and ventilated in order to protect internal occupants from road traffic noise and to comply with the "good" levels in British Standard 8233 and the levels stated in BB93 or suitable equivalent. Noise levels in the school grounds shall not exceed 55 dB LAeq T.

The final ADS(s) 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 and land uses within each particular phase shall not be first occupied or used until the approved noise mitigation measures have been incorporated within the development. The approved measures shall thereafter be retained.

**Reason:** To safeguard the amenities of the prospective occupiers and users of the development, to comply with policies DA7 of the Brighton and Hove City Plan

Part One and policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

43. Alternative ventilation (pre-commencement above slab level):  
If relying on closed windows to meet the acoustic guide values agreed under condition 42 above, the respective phase of the development hereby permitted shall not exceed ground floor slab level until a written scheme has been submitted to the local planning authority for approval that demonstrates appropriate alternative ventilation measures that do not compromise the façade insulation or increase internal noise levels. If applicable, any room should have adequate ventilation e.g. trickle ventilators, acoustically treated as necessary. The scheme shall demonstrate how and where ventilation will be provided to each dwelling including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development.  
Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO<sub>2</sub> under Approved Document F. Regard should also be had to draft guidance by Acoustic and Noise Consultants and in Chartered Institute of Building Services Engineers TM59 Design Methodology for the Assessment of Overheating Risk in Homes.  
The agreed ventilation measures shall be incorporated within the development before first occupation of each respective building and shall be retained.  
Reason: In order to protection of the amenities of prospective residents and occupiers, in accordance with 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.
44. Noise transmission between units (ground floor slab level):  
No development within each respective phase above ground floor slab level shall take place until a scheme for protecting each occupied unit from noise transmission between adjoining commercial and/or residential units (where relevant), has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. The Building Regulations also apply for the transmission of sound between residential premises and buildings that adjoin them. The floors/walls/stairs between the commercial uses and the residential uses should be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard unless otherwise agreed.  
The approved measures shall be implemented and retained.  
**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.
45. Plant/machinery noise: (pre-commencement of ground floor slab level):  
No development of each respective phase above ground floor slab level of any part of the development permitted shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or

vibration has been approved in writing by the Local Planning Authority. Noise associated with plant and machinery shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest future noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level, unless otherwise agreed. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014. In addition, there should be no significant adverse impacts from low frequency noise.

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

**Reason:** To safeguard the amenities of occupiers and users of the development to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

46. Tannoys (regulatory):

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

**Reason:** In order to protect the amenities of nearby residents, in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

47. Noise management plan (for external spaces):

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

These Plans are to be submitted to the council prior to first occupation or use of each respective land use and shall be implemented and maintained by the Management Companies and any staff employed by the site.

**Reason:** In order to protection of the amenities of nearby residents, in accordance with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

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

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

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.

49. Hours of operation (retail and community centre) (regulatory):  
 No customers or general public users of the community centre (F2) and retail (E) and sui generis pub/bar and food takeaway uses hereby permitted shall remain on the premises between the hours of 23.00hrs to 07.00hrs each day unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.
50. Hours of operation/floodlighting (sports) (regulatory):  
 The stand-alone sports facilities and outdoor sports facilities within the school (if developed) hereby permitted shall only be in use between 08.00 hrs and 22.00hrs Monday-Saturdays and 09.00hrs and 21.00hrs on Sundays and Bank Holidays and no floodlights shall be illuminated outside of these operational times.  
**Reason:** To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of the Brighton and Hove City Plan Part Two.
51. Delivery and service management plan (pre-occupation of each phase):  
 Each respective land use within each respective phase of the development shall not be first occupied until a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries servicing and refuse collection will take place and the frequency of those vehicle movements associated with all land uses has been submitted to and approved in writing by the Local Planning Authority. All deliveries servicing and refuse collection shall thereafter be carried out in accordance with the approved plan.  
**Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies DM20, DM36 and DM40 of the Brighton and Hove City Plan Part Two.
52. Hours for deliveries (regulatory):  
 No commercial servicing, vehicular movements including any loading or unloading of vehicles shall take place in association with the operation of the non-residential uses on the site including the school (if developed), sports facilities, community centre and retail and pub/bar and food takeaway uses except between the hours of 07.00 and 21.00 on Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.  
**Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies DM20, DM36 and DM40 of the Brighton and Hove City Plan Part Two.
53. Details of any CHP and use of ultralow gas boilers (pre-installation):  
 No Combined Heat and Power system shall be installed within the development until the following specifications have been provided to the Local Planning Authority for written approval prior to any installation: kWh output, location of flue and height above buildings, height above ground, spot height of ground at the proposed location, flue width, plume temperature and exit velocity and NOx emissions per kWh. Any Ultralow NOx boilers within the development shall have NOx emission rates of less than 30 mg/kwh unless otherwise agreed. The

approved system and specification shall be implemented within the development.

**Reason:** To safeguard the amenities of residents and to minimise air pollution and to protect visual amenity, to comply with policies 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.

54. Refuse & recycling (pre-occupation):

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

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

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

The development hereby permitted shall include provision of a full sized 11v11 3G artificial grass football pitch and no development of any outdoor sports playing fields or pitches (including 3G) or multi-use games areas hereby permitted (including if as part of the school - if developed) shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

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

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

**Reason:** To meet the demand created for sports facilities by the development and to help meet a city-wide strategic demand for 3G football turf pitches which are identified as a priority in the Brighton and Hove Local Football Facilities Plan 2022 and ensure that the playing field is prepared to an adequate standard and is fit for purpose and provided to made available for use before development and

to accord with policies SS1, DA7, SA6, CP16, CP17 and CP18 of the Brighton and Hove City Plan Part One.

56. Playing field maintenance (pre-occupation):

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

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

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

Prior to the commencement of the development of each respective phase hereby permitted (including any site clearance or enabling works), a Scheme for the protection of the retained trees (based on the SJA Trees Arboricultural Implications Report January 2022), in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an Arboricultural Method Statement (AMS) and a scheme to protect the existing hedge on the south side of King George VI Avenue and any relevant trees within Hove Park using hand dug methods if required during construction (including during highway works on and off site) shall be submitted to and approved in writing by the Local Planning Authority.

The development of each phase thereafter shall be implemented in strict accordance with the approved details and protection measures shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within areas enclosed by tree/hedge protection fences.

**Reason:** As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies 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.

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

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

**Reason:** As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies 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.



59. Trees - Meeting (pre-commencement):  
No development of each respective phase hereby permitted shall take place (including any site clearance or enabling works) until evidence has been submitted to and approved in writing by the Local Planning Authority (LPA) to demonstrate that a pre-commencement meeting has been held on site and attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree and hedge protection measures to be installed OR that all tree and hedge protection measures have been installed in accordance with the approved tree protection plan.  
The development of each phase shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.  
**Reason:** As this matter is fundamental to protecting the trees and hedge which are to be retained during construction works in the interest of the visual amenities of the area and biodiversity and to comply with policies 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.
60. Hard and Soft Landscaping Scheme (ground floor slab level):
- A) Landscaping proposals within Reserved Matters applications for each phase shall contain the amount, type and location of soft landscaping in substantial accordance with the landscape-led approach contained within the submitted Parameter Plans, Illustrative Masterplan, Design and Access Statement, Arboricultural Implications Report, Landscape and Visual Impact Assessment drawings (02-346-124 to 135 inclusive) and Chapter 9 and associated appendices of the Environmental Statement. The landscaping proposals at Reserved Matters stage shall also generally adhere to the Landscape Character Areas of the site-wide Design Code and accord with the Landscape and Ecological Management Plan required by conditions 32 and 39.
  - B) No development of each respective phase shall take place above ground floor slab level until a Landscaping Scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping of each phase shall be implemented in accordance with the approved details and the soft landscaping shall be carried out in the first planting season after completion or first occupation of each phase of the development, whichever is the sooner.
  - C) The Landscaping Scheme to be submitted for approval shall include the following:
    - (i) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
    - (ii) Details of how any sustainable drainage system (SUDs) features may be used in addition for public amenity in terms of amenity open space or recreation space or landscaping or to provide visual amenity;
    - (iii) detailed planting plans and an outline written specification (including cultivation and other operations associated with plant and grass

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

Any trees or plants which within a period of 5 years from the completion of each respective phase of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development and ensure the provision of amenity afforded by appropriate landscape design and in the interest of the visual amenities of the area and biodiversity to comply with policies 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.

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

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

- a) details of the location for tree planting for different areas within the site including a Street Tree Planting scheme for all streets within the development
- b) details of tree planting pits to a specification that will ensure the successful long term establishment of trees suitable to the soil and site conditions, a minimum 18 to 24 cubic metres per pit. Where space is a limiting factor in the provision of an adequate planting pit then the use of a proprietary subsoil planting infrastructure should be used
- c) details of a new boulevard along King George VI Avenue and species selected for the main internal spine road, and in the area of the taller buildings in the neighbourhood centre, internal spine road and shall have an ultimate growth height (i.e. within 40 years) of not less than 20 meters and shall be 'extra heavy standard' nursery stock at the time of planting with 1618cm girth at 1metre high unless otherwise agreed
- d) details of the size at planting of all remaining trees not included in c) above
- e) all tree planting shall comply with BS 8545 (2014) Trees: from nursery to independence in the landscape
- f) details of a timetable for implementation including details of management and maintenance and who is responsible for this via a Landscape Management Plan for 5 years following completion of each respective phase.

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

**Reason:** To ensure the provision of the amenity value afforded by trees in respect of the proposed development. Sufficient tree pits are essential as the shallow chalk horizons in this area are not conducive to healthy tree growth and the excavation of an adequate tree planting pit will be critical for all new tree plantings. In the interests of visual amenity and biodiversity, to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One, DM18, DM22, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two and SPD15.

62. Biodiversity CEMP (pre-commencement):  
 No development or enabling works, including site clearance, for each respective Phase shall take place until a Biodiversity Construction Environmental Management Plan (BCEMP) has been submitted to and approved in writing by the local planning authority. The BCEMP shall include the following:
- a) risk assessment of potentially damaging construction activities to biodiversity features;
  - b) identification of "biodiversity protection zones";
  - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements);
  - d) the location and timing of sensitive works to avoid harm to biodiversity features;
  - e) the times during enabling/construction when specialist ecologists need to be present on site to oversee works;
  - f) responsible persons and lines of communication;
  - g) the appointment of and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) use of protective fences, exclusion barriers and warning signs.
- The method statements as referred to in c) above are required for the protection of breeding birds, badgers, reptiles and dormice. The content of the method statements shall include the:
- (i) purpose and objectives for the proposed works/measures;
  - (ii) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - (iii) extent and location of proposed works/measures shown on appropriate scale maps and plans;
  - (iv) timetable for implementation, demonstrating that works/measures are aligned with the proposed phasing of enabling and construction;
  - (v) persons responsible for implementing the works/measures;
  - (vi) initial aftercare and long-term maintenance (where relevant);
  - (vii) disposal of any wastes arising from the works/measures
- All clearance and construction activities shall be carried out in accordance with the approved BCEMP.
- Reason:** To protect the biodiversity of the site, to comply with policies CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One and DM22 and DM37 of the Brighton and Hove City Plan Part Two and SPD15.

63. Construction Environment Management Plans (pre-commencement):
- A) No development or enabling works, including site clearance shall take place until an overarching Site-Wide Framework Construction Environmental Management Plan (FCEMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). This shall contain the following:
    - (i) Details of the anticipated types of works that shall be carried out at each phase.
    - (ii) The timing of the enabling/construction works across phases including the forecasted clearance, construction, occupation and completion date(s).

- (iii) The appointment of and the roles and responsibilities of a site-wide CEMP Site Manager who will provide a single point of contact with regard to all CEMPs relating to the whole site for the council, owners, contractors and the public. Details shall include how the CEMP Site Manager will manage, monitor and coordinate all matters pertaining to all CEMPs on the site across all phases and ensure these are compatible and adhered to at all times.
  - (iv) Details of an overarching site-wide Community Engagement Scheme and how the CEMP Site Manager will coordinate and implement this. This shall include details of how the public will be liaised with and kept informed on a regular basis, contact details, details of publicity and how complaints will be dealt with.
  - (v) Details of a site-wide framework relating to mitigation measures to minimise disturbance to neighbours from noise, dust, vibration, site traffic and deliveries to and from the site, and how this will be monitored and how pollution incidents will be recorded and dealt with.
  - (vi) Details of site-wide hours of enabling and construction including all associated vehicular movements including deliveries.
  - (vii) Details of a site-wide Construction Traffic Management Framework including details of the anticipated number, frequency and types of vehicles used during each phase of enabling and construction, a routing plan with associated signage and details of construction site accesses to ensure vehicles can enter and exit in forward gear. This Plan shall include details of measures to prevent vehicles accessing the site from idling or waiting both on the site and on highways in its vicinity, and shall include the locations of any alternative waiting facilities for such purposes if relevant. This Plan shall include details of any anticipated necessary temporary road closure orders or diversions on the highway network in the vicinity of the site.
  - (viii) Details of site-wide measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities
  - (ix) Details of how the public will be protected in the vicinity of the site, including details of anticipated highway scaffolds and hoardings across the whole site.
  - (x) Details of measures to protect public highway from damage across all phases.
  - (xi) Evidence that a Hydrogeological Risk Assessment has been carried out
- B) No development or enabling including site clearance works shall take place within each respective phase until a Detailed Construction Environmental Management Plan (DCEMP) for that particular phase has been submitted to and approved in writing by the Local Planning Authority.

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

- (i) The details of the types of works to be carried out at each phase.
- (ii) The timing of the enabling/construction works across phases including the forecasted construction, enabling, occupation and completion date(s).

- (iii) Where phases are constructed concurrently, the details of how different contractors and site owners will coordinate across phases within the site to ensure the CEMPs are consistently adhered to and are compatible. This will include liaison with the overarching site-wide CEMP Site Manager. Details shall also be included to demonstrate how the CEMPs will have due regard to any works being carried out at the time to developments in the vicinity of the site.
- (iv) The details of a Community Engagement Scheme which shall demonstrate how the contractors will liaise with local people before and during construction to ensure that residents, businesses, elected councillors and public transport operators are kept aware of progress on the site and how any complaints will be dealt with, reviewed and recorded. Details of the extent of the local community engagement area to be liaised with shall be included. The scheme shall include details of publicity measures including information boards on site, newsletters/emails and a website, and may include regular public meetings. The information provided shall include contact details of the site operations manager(s), contracts manager(s), and any other relevant personnel in case of complaints.
- (v) The details of mitigation measures to minimise disturbance to neighbours from noise, dust, vibration, site traffic and deliveries to and from the site, and how this will be monitored and how pollution incidents will be recorded and dealt with.
- (vi) The details of hours of construction including all associated vehicular movements including deliveries.
- (vii) The details of construction lighting.
- (viii) The details of the anticipated number, frequency and types of vehicles used during construction including forecasts of the daily number and peak hour frequencies of construction vehicle movements associated with the site, such forecasts to include details of movement purpose and vehicle type, including size, and details of any variation by phase and/or time of year
- (ix) details of measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities and may include other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders.
- (x) A plan showing construction traffic routes and the method of access and routing of vehicles during construction and details of the form, siting and installation of temporary wayfinding signage to the site. Construction traffic shall be directed to use routes so as to minimise insofar as reasonably practicable impacts of construction traffic on the transport network and the environment and such a routing plan shall show any variant routes for different vehicle types and/or at different times of day or year and/or in relation to different construction phases
- (xi) The details of the temporary construction site access(es) for access/egress by vehicles, cyclists and pedestrians vehicular access to the site and details of turning areas within the site to ensure

vehicles can enter and exit in forward gear. This shall include evidence of any associated temporary traffic restrictions and any temporary traffic management orders proposed or Traffic Regulation approvals, and the designs shall be submitted in scaled drawings and supported by computer generated vehicle tracking assessments to prove the effectiveness of the design. The designs shall also ensure continued access to other premises in the vicinity of the site during construction.

- (xii) The details of locations of alternative waiting facilities to prevent vehicle idling or waiting to access the site.
- (xiii) The details of any necessary temporary road closure orders or diversions on the highway network in the vicinity of the site including any temporary closures, diversion or alterations to of any pedestrian or cycleway routes through or adjacent to the site. Details of any proposal to restrict, alter or stop bus access through or in the vicinity of the site or the provision of temporary bus stops necessary as a result of any temporary road closures shall also be included.
- (xiv) The details of measures to mitigate against the effects of the construction and development in respect of the adopted highway (including, inter alia, pavements, signage, drainage, lighting, trees and street furniture), cycle hire docking stations, bus stops and shelters, and real-time public transport information displays located in the area
- (xv) The details of a scheme to provide for and manage the on-site parking of vehicles including motorcycles and bicycles by site operatives, contractors and visitors, which shall be based on an assessment of anticipated demand, details of where this shall be located, and how this shall be managed.
- (xvi) The details of the provision for the loading and unloading of plant, materials and removal of waste. All plant, machinery and waste will be stored on site.
- (xvii) The details of the proposed measures on the site to separate and enclose any proposed enabling or construction works including details of any proposed security hoardings and fencing and how they will be maintained.
- (xviii) The details of how any residual land comprising the development not being developed as part of particular phase(s) will be treated and made safe and fenced off or made good.
- (xix) The siting and layout of site compounds and welfare facilities for contractors including details of any related access, engineering measures, pedestrian routes, showering facilities, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts.
- (xx) Evidence to demonstrate that the owners/contractors have applied for and obtained prior consent under the Control of Pollution Act 1974 from the council throughout construction.
- (xxi) Evidence to demonstrate that the owners/contractors have adopted the 'Considerate Contractor Scheme' (or equivalent at the time of submission throughout construction).

(xxii) Evidence that a Hydrogeological Risk Assessment has been carried out

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

**Reason:** As this matter is fundamental to the protection of amenity, 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 DM33, DM20, DM40 and DM43 of the Brighton and Hove City Plan Part Two.

64. Site-wide pedestrian and cycling movement strategy (pre-RM applications):  
No Reserved Matters applications shall be submitted until a Site-Wide Pedestrian and Cycling Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be in broad accordance with the Transport and Key Infrastructure Parameter Plan (ref 105-P5) and shall include details of main cycle and pedestrian routes through the site and connections to the wider cycle and pedestrian route network in the area of the site, in particular to connect by bicycle and foot to nearby services and facilities and open spaces including the South Downs National Park. The Strategy shall include, but not be limited to, details of:
- (i) The hierarchy of cycle and pedestrian routes within the site;
  - (ii) Links to off-site cycle and pedestrian network including the national cycle network;
  - (iii) The design of cycleways and footways/pedestrian routes, including surfacing and width, to meet current best practice guidelines at the time of approval and to ensure segregation;
  - (iv) Phasing of provision of infrastructure for cycling and pedestrians on each hierarchy of road and open space;
  - (v) The public engagement and involvement in the preparation of the Site-Wide Pedestrian and Cycling Strategy;
  - (vi) How the Strategy accords with the principles in the Design Code in condition 32 and the site-wide landscape and ecological strategies secured by condition;

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

**Reason:** To encourage and promote sustainable transport and in interests of amenity in accordance with Policies DA7, CP8, CP9 and CP13 of the Brighton and Hove City Plan Part One and DM18, DM33, DM35, DM36, DM37, DM40, DM20 and DM43 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

65. On-site highways/parking (pre RM applications/ pre-occupation):  
Each Reserved Matters application (for each respective phase) shall be accompanied by a Highway Infrastructure Plan detailing the internal site layout with the spine road, all the roads/footways/cycleways/public rights of way/crossing points and associated verges, landscaping, drainage and lighting



necessary to connect the dwellings and non-residential uses the subject of that Reserved Matters application to existing highways and public rights of way.

The Plan shall include detailed plans demonstrating the number and location of car and motorcycle parking spaces and these shall accord with Supplementary Planning Guidance Note 14: Parking Standards unless otherwise agreed in writing. The Plan shall accord with the Site-Wide Pedestrian and Cycling Strategy in condition 64 above and the principles set out in the approved Design Code under condition 32 and approved landscaping scheme under condition 60 and the approved Parameter Plans. Street trees shall be included throughout the development and along all streets and within all car parking areas. The approved car parking areas shall include provision for disabled users and electrically charged vehicles and parking for motorcycles (in accordance with condition 27).

The Plan shall include details of all bus stops within the site which shall include bus cages, raised kerbs, shelters and real-time information in broad accordance with the approved Parameter Plans. The Plan shall be submitted to the Local Planning Authority for written approval. 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, the school (if developed), the sports facility, the neighbourhood centre (including retail uses and doctors surgery), the community centre or the E (g) employment uses to which they serve within each phase, and shall be permanently retained for those purposes at all times thereafter.

**Reason:** To ensure satisfactory infrastructure is in place before buildings are first occupied to meet the travel demands created by the development and the parking needs of occupiers including the disabled to prevent parking overspill, and to encourage and promote sustainable transport and in the interests of highway safety and accessibility. In addition to ensure car parking areas and roads are broken up by greenery in the interests of visual amenity and biodiversity. To comply with policies CP9, CP13, SA4, SA5 and DA7 of the Brighton and Hove City Plan Part One and TR7, TR12 and TR15 of the Brighton and Hove Local Plan and DM18, DM22, DM33, DM35, DM36, DM38, DM43 and DM37 of the Brighton and Hove City Plan Part Two and SPD15 Toads Hole Valley.

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

been fully implemented and made available for use and they shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policies 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.

67. Details of Court Farm Link (pre-g/f slab level / pre-occupation):  
No development above ground floor slab level of Phase 1 shall take place until details of a centrally located pedestrian/cycle link up to the boundary of the northeast of the site with the ability to join up with the adjacent site at Court Farm, to include a sealed surface, drainage and lighting, has been submitted to and approved in writing by the Local Planning Authority. It shall incorporate a segregated cycle path and footpath wide enough for a double buggy and wheelchair to pass at once. None of the dwellings within Phase 1 shall be occupied until the approved link has been fully implemented.  
**Reason:** In the interest of promoting sustainable transport and ensuring a satisfactory primary link between both sites to ensure a comprehensive and connected scheme on the whole of the Toads Hole Valley site, to comply with policies DA7, CP9 and CP13 of the Brighton and Hove City Plan Part One and DM18, DM22 and DM33 of the Brighton and Hove City Plan Part Two.
68. Staff showers in employment site and school (if developed) (regulatory):  
The employment floorspace provided within the defined employment area of the site and school (if developed) hereby approved shall incorporate staff shower provision in accordance with Supplementary Planning Document 14: Parking Standards unless otherwise agreed in writing. The showers shall be available before the respective Class E (g) employment and school buildings (if developed) are first occupied.  
**Reason:** To ensure the promotion of sustainable transport, to comply with policies DA7, CP8 and CP9 of the Brighton and Hove City Plan Part One and DM33 and DM35 of the Brighton and Hove City Plan Part Two and SPD14: Parking Standards.
69. No development above ground floor slab level of each respective phase shall take place until a scheme for accessing refuse and recycling serving the residential dwellings and non-residential buildings in that phase has been submitted to and approved in writing by the Local Planning Authority.  
The scheme shall provide details of how refuse collection vehicles and their operators will access the facilities including the dimensions of turning areas and road gradients and details of the type, size and location of the refuse and recycling storage areas and shall have due regard to Planning Advice Note 5 Design Guidance for the Storage and Collection of Recyclable Materials and Waste (September 2007) (or a subsequent amended version of PAN05) and the principles set out in the Design Code in condition 32.  
The approved access scheme and refuse storage shall be implemented from first occupation of each respective land use within each phase.  
**Reason:** To ensure the provision of satisfactory facilities for the storage and collection of refuse and recycling in the interests of highway safety and

sustainability, to comply with policies CP8 and DA7 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

Informatives:

1. 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 condition 18 above at [sustainable@brighton-hove.gov.uk](mailto:sustainable@brighton-hove.gov.uk) and to have regard to SPD16: Sustainable Drainage and best practice design guidance.
3. (Design Code) With regard to the Design Code referred to in condition 32 above, it is advised that the Local Planning Authority (LPA) would expect the Applicant to enter into pre-application discussions prior to its formal submission and incorporate the outcome of these, to enable the LPA to input and provide comment at draft stage.
4. (Design Code) With regard to the Design Code referred to in condition 32 above, the Code is expected to complement and build on the approved parameter plans and aspects of the design vision outlined within the Design & Access Statement, Parameter Plans and the Illustrative Masterplan which form the Outline Planning Permission and elevate the ambition for quality of landscape and building design on the site. The Applicant should refer to guidance within SPD17: Urban Design Framework and the National Model Design Code. The LPA would advise the Applicant to consider the Design Code for Graven Hill Village 2018, and also the University College London East Design Codes May 2017, as good-practice examples of how design codes may be approached in general terms.
5. (Design Code) The Design Code referred to in condition 32 above makes reference to the need to identify Special Places in conjunction with relevant Character Area codes and it is advised that the following will be sought for such areas:
  - (i) Community Centre Garden (Heart of the Community): This area is considered of particular importance with regard to place function. It is advised that the place should be flexible to host a variety of events whilst also providing the community with a constant parkland environment between events. It should be vibrant; a convergence of every aspect of the future Toad's Hole Valley community and surrounding adjacent communities.
  - (ii) Green Petal Intersections: The intersection of Primary Roads, Secondary and Tertiary Streets, cycle links, pedestrian routes, landscape links and various Landscape Character Areas between the Green Petals poses significant design challenges. As currently illustrated, these intersections are an obstacle to ease of movement, with particular regard to pedestrians, cyclists and wildlife. The Design Code would therefore be expected to

consider how the topography of the site may allow for the creation of multilayered crossings. A good example of this is The Green Bridge at Mile End Park, London. The Design Code should also establish a minimum width of natural habitat to achieve a continuous wildlife corridor through the site, having regard to concurrent relevant ecological conditions.

- (iii) Neighbourhood Centre Forecourt (Heart of the Community): This area is considered fundamental to achieving the quality of place expected of the Heart of Community Character Area. This forecourt forms part of the face of the development and needs consideration as a pedestrianised square to ensure it best serves the development
  - (iv) Primary Site Access (Heart of the Community): Similarly, the primary access to the site adjacent to the Neighbourhood Centre forms the face of the development so it is imperative that this place is designed to be clear, welcoming and intuitive.
  - (v) King George VI Avenue Boulevard: This road is an important interface of the development and is critical in creating an identity for the proposed development. As such, its change in character needs to be managed carefully to ensure the sense of severance to adjacent areas is significantly reduced and the site is welcoming to users. The way the built form and landscaping meets the boundary needs careful consideration as do the building typologies; as such, ambitions for this special place should relate successfully with associated, Road Type, Character Area and Building Typology codes.
6. (Ecology) Where possible, bee bricks required by the condition 38 above should be placed in a south facing wall in a sunny location at least 1 metre above ground level. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
7. (Southern Water) A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
8. (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
9. (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.

**APPENDIX B: Reasons for refusal if Section 106 not signed by 7<sup>th</sup> May 2024:**

Phasing:

1. The proposed development fails to provide a mechanism (via a Section 106 legal agreement) to ensure the development is appropriately phased so that 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 is satisfactorily provided in a timely way to satisfactorily serve the demands created by the development and mitigate its impacts, and thus would fail to deliver a 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.

Transport:

2. 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 is therefore 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.

Affordable housing:

3. 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.

Custom/self-build housing:

4. 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.

Employment space delivery:

5. 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, and thus fails to provide a sustainable neighbourhood at Toad's Hole Valley, contrary to policies 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.

Ecology/Biodiversity:

6. 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 as a result of the development, 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.

Open space:

7. 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 development to meet the demand created by the development for public open amenity space, children's play areas, food growing areas and landscaping, 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.

Sports facility:

8. 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 (either through dual use of the school if developed or as stand-alone community sports facilities as well as use of landscaped areas), 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.

Community facility:

9. 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, 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.

Health facility:

10. 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, 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.

Neighbourhood centre:

11. 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, 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.

Construction training:

12. 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.

Employment Scheme:

13. 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.

Public Art:

14. 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.

Compliance/monitoring:

15. 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.