

**Section 106 Heads of Terms (DRAFT)**

- Contribution for monitoring obligations relating to Biodiversity Net Gain (£TBC)
- Contribution for monitoring obligations of an agreed Whole School Travel Plan (£7249)
- Submission of an agreed scope and schedule of works to the existing boundary wall on the western side of Walpole Road to be submitted and agreed within 18 months and implemented within further 18 months of the details being agreed.
- Employment and Training Strategy
- Contribution of £6360 for Employment and Skills Training

**Planning Conditions**

1. Approved plans and documents list
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No part of the development hereby approved at the Walpole Road (Convent) site shall be brought into use until the St Mary's site and all ancillary and supporting areas including drainage and the approved improvements to the playing field surface have been fully completed, fitted out and ready for purpose including all hard-standings, road markings and the vehicle exit barrier to Bristol Gate.  
**Reason:** To ensure the policy and public benefits of the scheme are secured and materialise in accordance with the NPPF and policies DM33, DM35 and DM40 of the Brighton and Hove City Plan Part Two and SA6, CP7, CP9, CP12, CP15 and CP16 of the Brighton and Hove City Plan Part One.
4. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development at the Walpole Road site hereby permitted shall take place until details 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):
  - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples/details of all hard surfacing materials
  - d) samples/details of the proposed window, door and balcony treatmentssamples/details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development at the St Mary's site hereby permitted shall take place until details 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):
- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
  - b) samples of all cladding to be used, including details of their treatment to protect against weathering
  - c) samples/details of all hard surfacing materials
  - d) samples/details of the proposed window and door treatments
  - e) details of size, colour and treatment of the Brighton College logo
  - f) section details and material treatment of the "dummy windows"
  - g) samples/details of all other materials to be used externally

The development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. All new render finishes to the Lodge Buildings at the Walpole Road site shall be smooth, lime based, wet render without external beads, stops, bell drips or expansion joints.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 & DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

7. No development above ground floor slab shall take place at the Walpole Road site until full details of all new windows to the Lodge Buildings and their reveals and cills including 1:20 scale elevational drawings and sections and 1:2 or 1:5 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 & DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

8. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 & DM29 of Brighton & Hove City Plan Part 2 and CP15 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including pedestrian and other gates at the Walpole Road site shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

10. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments, including pedestrian and other gates at the St Marys site shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.

**Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2, and CP12 and CP15 of the Brighton & Hove City Plan Part One.

11. If during construction, contamination not previously identified is found to be present at either site then no further development upon that site (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part 2.

12. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

13. Prior to the new boarding houses hereby permitted coming into use, a noise management plan to control any potential noise associated with the new use shall be submitted to and agreed in writing with the local planning authority. The management plan shall be implemented in strict accordance with the agreed details which should include but not be limited to:
- Times of use and management details for external areas.
  - How staff would manage children to reduce noise impacts.
  - How awareness of noise-management issues would be incorporated into regular staff training.
  - Procedures to enable reporting of any noise issues and prompt investigation should any complaints or concerns be raised by nearby residents.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

14. The east facing windows at first and second floor level (including the stairwell) within Convent House 02 shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

**Reason:** To safeguard the privacy of the occupiers of the properties to the east of the site and to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part 2.

15. Access to the flat roof over the new building at the Walpole Road site shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

16. The boarding houses and associated staff dwellings hereby approved shall be implemented in strict accordance with the internal layouts detailed on the floorplans hereby approved. The internal layouts shall be retained as first implemented thereafter.

**Reason:** To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

17. The Boarding Houses hereby approved shall be used solely as Boarding Accommodation (C2) by students enrolled for educational purposes at Brighton College and for no other purpose or occupancy.

**Reason:** To safeguard the amenity of adjacent occupiers and to comply with Policies DM20 and DM40 of the Brighton and Hove City Plan Part 2 and SA6 of the Brighton and Hove City Plan Part One.

18. The properties at 141 and 143 Eastern Road and number 2 Belle Vue Gardens shall be occupied and used for staff in the employment of Brighton College for C3 purposes only.  
**Reason:** To safeguard the amenity of adjacent occupiers and to comply with Policies DM20 and DM40 of the Brighton and Hove City Plan Part 2 and SA6 of the Brighton and Hove City Plan Part One.
19. The developments shall supply final BREEAM certificates for each building, confirming achievement of rating 'Excellent' or better. Within 6 months of first occupation of each development hereby approved a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that a minimum BREEAM New Construction rating of 'Excellent' has been achieved shall be submitted to, and approved in writing by, the Local Planning Authority.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the Brighton & Hove City Plan Part One and DM44 of the Brighton & Hove City Plan Part Two.
20. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for each building at both sites.  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
21. The St Mary's development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.
22. The development at the Convent site hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling 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 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 Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, 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.

23. Details of the roof-mounted solar PV panels at both sites, including output, number and layout shall be submitted and approved in writing by the Local Planning Authority. The PV panels shall be implemented in full accordance with the details approved prior to first occupation.  
**Reason:** To ensure that the development enhances and delivers sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
24. Details of the proposed EV charge point at St Mary's shall be submitted to and approved in writing by the Local Planning Authority, including location and evidence of consultation with the Distribution Network Operator (DNO). The EV charge point shall thereafter be implemented prior to first occupation of the development hereby permitted.  
**Reason:** To encourage travel by more sustainable means and seek measures which reduce fuel use and greenhouse gas emissions, to improve air quality in the city and to comply with policies SA6, CP8, CP9 of the Brighton & Hove City Plan Part 1 and DM20 and DM40 of Brighton & Hove City Plan Part 2.
25. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Eight Versa, 04/04/25, Issue No. 03); as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 187 and 193 of the National Planning Policy Framework 2024, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of City Plan Part Two.
26. No development above ground floor slab level shall take place until an ecological design strategy (EDS) addressing compensation and enhancement measures and including bat, swift and insect bricks/boxes, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following: 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 for monitoring and remedial measures; j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.  
**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 contribute to a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of

the National Planning Policy Framework 2024 and Policy DM37 of the City Plan Part 2.

27. No development, including demolition and excavation, shall commence until a Site Waste Management Plan setting out how waste to landfill will be minimised 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 policies DM18 of the Brighton and Hove City Plan Part Two, CP8 of the Brighton & Hove City Plan Part One, WMP3 of the Waste Plan (2013), and RM0 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan.

28. The implementation of a programme of archaeological works shall be carried out in full accordance with the approved written scheme of archaeological investigation (Chris Butler Archaeological Services Ltd, document ref CBAS1606, dated May 2025) which has been submitted by the applicant, and any subsequent addendums to the scheme approved by the Local Planning Authority, with a written record of any archaeological works undertaken submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with 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 in accordance with Policy DM31 of the City Plan Part 2.

29. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until a pre-commencement meeting is 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 protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection details identified within the approved AIA. The development 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 which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

30. The approved landscaping schemes for both sites including all proposed soft and hard landscaping detailed on the drawings hereby approved shall be carried out in the first planting and seeding season following the first

occupation or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

31. Prior to first occupation of the development at the St Mary's site the Playing Field and Improvement Strategy dated 28<sup>th</sup> May 2025 shall be implemented in full accordance with the approved details and thereafter maintained and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority in consultation with Sport England.

**Reason:** To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use of the playing field and to accord with policy CP16 of the Brighton and Hove City Plan Part One and the NPPF.

32. Use of the development hereby permitted shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the permitted sports hall, change facilities and the playing field and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The sports hall, changing facilities and playing field shall not be used otherwise than in strict compliance with the approved community use agreement.

**Reason:** To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with policy CP16 of the Brighton and Hove City Plan Part One and the NPPF.

33. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, time and method of deliveries, servicing and refuse collection will take place and the frequency of those vehicle movements that covers both sites the subject of this consent shall be 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 and DM33 of Brighton & Hove City Plan Part 2.

34. No development above ground floor slab level shall commence on site until a Scheme of Management of vehicle and any other forms of parking and stopping in the car park area has been submitted to and approved in writing



by the Local Planning Authority. The scheme must include but not be limited to the following measures:

- Details of how the proposal complies with SPD14 Parking Standards (including cycle and scooter parking).
- Details of how each car parking and drop off spaces will be allocated and managed.
- Details of the barrier gate at the Bristol Gate exit
- Details of the management of the barrier gate at the Bristol Gate exit
- Contingent disabled user parking provision for both sites

The approved plan shall be implemented prior to the occupation of the building and thereafter be maintained as such.

**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies DM33, DM36 and SPD14 Parking Standards of the Brighton & Hove City Plan Part Two.

35. Notwithstanding any details shown on the approved plans, no phase of the development hereby permitted shall be occupied until details of secure cycle parking facilities for the occupants of, and visitors to both developments have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of that phase of the development and shall thereafter be retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

36. No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- (i) Timescales for the Proposed Development including the forecasted completion date;
  - (ii) Details of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - (iii) Measures to minimise disturbance to neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site;
  - (iv) Measures to prevent mud/dust from tracking onto the highway;
  - (v) Details of hours of construction including all associated vehicular movements
  - (vi) Details of the construction compound including plant and material storage and manoeuvring areas;
  - (vii) A plan showing construction traffic routes

The construction of the development shall be carried out in full compliance with the approved CEMP.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with

policies DM20, DM33 and DM40 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

37. Prior to first occupation of any part of the development hereby permitted a Whole School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall cover a minimum 5-year period and once approved, shall thereafter be fully implemented in accordance with the approved details. The plan shall be reviewed annually in agreement with the Local Planning Authority for the first five years following first occupation of the development.

The Plans shall include as a minimum:

- Objectives, targets, actions, and measures/incentives to promote and where possible require use of sustainable transport modes, reducing trips by motor vehicles and reducing trips by delivery and servicing vehicles.
- Annual monitoring of trips rates for all Brighton College sites on Eastern Road including school drop off/pick up, campus transfers/activities, staff travel and delivery and servicing movements
- Annual monitoring of parent, pupil and staff awareness of travel plan objectives, targets, actions, and measures/incentives.

**Reason:** to ensure the development maintains a sustainable transport and travel strategy and to comply with policies SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One and policy DM33 and DM35 of the City Plan Part Two.

38. Unless otherwise agreed in writing the development hereby permitted shall not be occupied until the footway re-instatement works, restored kerbs and provision of loading bay to Belle Vue Gardens and the junction and tactile paving improvements to Bristol Gate shall have been fully installed to the satisfaction of the Local Planning Authority

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

39. No installation of electronic communications apparatus as provided for within Schedule 2, Part 16, Class A 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) shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the character of the area and for this reason would wish to control any future development to comply with policies CP12 and CP15 of the Brighton & Hove City Plan Part 1 and policies DM18, DM25 and DM29 of Brighton & Hove City Plan Part 2.

40. The development hereby permitted shall not be first occupied until details of external lighting provision relating to both sites has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include but not limited to 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 and details of maintenance have been submitted to and approved in writing by the Local Planning Authority.

The external lighting shall be installed, operated and maintained in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

