

<b>Subject:</b>	<b>Toad's Hole Valley Supplementary Planning Document -</b>		
<b>Date of Meeting:</b>	<b>21 September 2017</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment &amp; Culture</b>		
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<b>Ward(s) affected:</b>	<b>Hangleton &amp; Knoll, Hove Park and Withdean</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report sets out the results of consultation undertaken on the draft Toad's Hole Valley Supplementary Planning Document (SPD), seeks approval for the changes made and recommends the adoption of the SPD. Once adopted, the SPD will assist in the delivery of City Plan Part One by providing guidance, illustrations and examples to aid the preparation of detailed development proposals and support the successful delivery of a new neighbourhood for the city at Toads Hole Valley.

**2. RECOMMENDATIONS:**

That the Tourism, Development & Culture Committee:

- 2.1 Notes the results of the public consultation (Appendix 1) on the draft Toad's Hole Valley SPD and accompanying Consultation Statement (Appendix 2) and Strategic Environmental Assessment (Appendix 3) and endorses the changes made to the document.
- 2.2 Adopts the SPD15 'Toad's Hole Valley' (Appendix 4) as a SPD subject to any minor grammatical and non-material text and illustrative alterations agreed by the Head of Planning prior to publication.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Toad's Hole Valley (THV) is a 37 hectare greenfield site located on the northern fringe of the Brighton & Hove built up area. It is bounded by the A27 bypass to the north and King George VI Avenue to the south. THV is a strategic site allocation in the adopted City Plan Part One (Policy DA7 Toads Hole Valley). The allocation is for a modern, high quality and sustainable mixed use development to help meet the future needs of the city. The allocation includes a minimum of 700 residential units, a minimum of 25,000 sqm of office space (B1a and b) and space reserved for the provision of a new secondary school.

- 3.2 City Plan Part One Policy DA7 Toad's Hole Valley recognises the strategic importance of the site and the challenges of delivering development on the site. It identifies the council's commitment to preparing detailed planning guidance for the site in consultation with the landowners/developer and relevant stakeholders. This is being taken forward in the form of the SPD.
- 3.3 The Issues and Options was the first stage in the preparation of this SPD. It involved early engagement with stakeholders to understand the Issues and Options including the type and extent of guidance that was required to support Policy DA7. The Issues and Options stage report was agreed by this committee on 10 March 2016.
- 3.4 The results of the Issues and Options stage informed the preparation of the Draft Supplementary Planning Document (SPD). The Draft SPD provides advice and guidance on how the placing and form of development at Toad's Hole Valley can help deliver an economic, social and environmentally healthy new neighbourhood that meets the needs of its users. Permission to consult on the Draft SPD was granted by this committee on 12 January 2017.
- 3.5 The consultation on the Draft SPD was undertaken between 27 February and 4 May 2017. An invitation to comment on the Draft SPD was sent via email to 219 individuals; businesses; organisations; community and amenity groups; landowners and developers of the site; elected members; council, district and South Downs National Park Authority (SDNPA) officers; and statutory planning consultees interested in the development of the Toad's Hole Valley site. The consultation was also promoted across the city via press release, video, the council's Twitter and Facebook social media outlets and a dedicated webpage displaying information about the consultation together with relevant documents for viewing and/or downloading.

### **Outcome of Consultation on Draft SPD**

- 3.6 A total of 138 representations were received during the consultation period from 114 individuals, 16 from representatives of various organisations, 7 statutory consultees and 1 landowner/developer. Of the individuals who responded, 25 supported the representation made by the 'Campaign to Save Toad's Hole Valley'.
- 3.7 The 7 statutory consultees that responded to the consultation (Environment Agency, Highways Agency, County Ecologist, Historic England, Natural England, SDNPA and Sport England) all broadly supported the content of the SPD.
- 3.8 Most respondents raised few issues with the content of the document beyond small changes/ minor alterations to various aspects of the document. Particular elements of the SPD that were supported include:
- provision of affordable housing;
  - protection of wildlife and/or restoration and long-term maintenance SNCI;
  - creation of links to the South Downs National Park and neighbouring communities; and
  - the potential to secure improvements to bus services.

- 3.9 In terms of concerns raised some respondents (mainly individuals) were disappointed with technical language used in the document, felt that there had not been enough consultation and were disappointed that the SPD did not set out more detailed design. Key concerns focused on:
- the impact of the THV development on the local road network, air pollution, road safety and/or traffic flow in surrounding areas;
  - the potential for overspill of parking onto neighbouring areas should there be insufficient parking provided at THV;
  - the importance of getting the transport assessment right with many signposting traffic network pressure points and/or suggesting design solutions that could help reduce the impact of the new development; and
  - disappointment that support had not been given to a garden city/suburb approach to development design.
- 3.10 Although A number of respondents (23) objected to the overall principle of development of THV and/or the parameters set out for the development site as a whole this is not a valid objection to the SPD as the site is already allocated for development in the adopted Plan.
- 3.11 An objection was also received from the landowner/developer asserting that the Draft SPD was unlawful in terms of its content insofar as it was considered that the SPD set out planning policy. Furthermore, they stated that the SPD did not meet the tests set out in the NPPF. Amendments have been made to address this concern to clarify the advisory and guidance status of the SPD and these are outlined in Appendix 2 Consultation Statement.
- 3.12 The main issues raised from the public consultation which were relevant to the SPD are summarised in the Consultation Statement that accompanies this SPD (see Appendix 2). Many of the issues raised have been positively incorporated into the SPD. Some of the issues raised during the consultation fall outside the remit of an SPD and/or would have significantly reduced its effectiveness. The Consultation Statement also indicates how key concerns raised have been or will be addressed.
- 3.13 Concerns regarding transport issues will be addressed through the planning application process mainly via the Transport Assessment that will provide an appropriate level of analysis and mitigation for the scale of development.

### **Role of the SPD**

- 3.14 The purpose of the SPD is to assist in the delivery of Development Plan policies, in particular City Plan Part One Policy DA7's vision for 'a modern, high quality and sustainable mixed use development [that helps to] meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods.'
- 3.15 To that effect the SPD provides illustrations and examples which could aid the preparation of detailed development proposals and support the successful delivery of a new neighbourhood for the city. As such, the SPD:
- identifies opportunities to meet the policy requirements as set out in City Plan Part One Policy DA7 and the City Plan generally; and

- signposts good practice examples of how the challenges of the site (topography, access, linkages, landscape impact and drainage) have been addressed elsewhere in the city or in other areas.

3.16 The SPD is subject to a Strategic Environmental Assessment (SEA) that evaluates the contribution made by the SPD towards achieving sustainable development and has a particular focus on environmental concerns. The SEA Scoping Report was subject to consultation in February and March 2015 and its content informed the Issues and Options Paper. The Issues and Options paper was subject to SEA which fed into development of the draft SPD. The draft SPD was also evaluated, as were the changes made to the SPD arising from consultation comments. A final SEA report has been produced which brings together the various stages (see Appendix 3).

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

4.1 Options were fully considered at the Issues and Options and the Draft SPD consultation stages and these have informed the detail and content to the SPD. Consultation on this is a requirement of Part 5 of the Town and Country Planning (Local Planning) (England) 2012 Regulations and has been undertaken in accordance with the council's Statement of Community Involvement.

4.2 The SEA process has further allowed for the consideration and analysis of alternative options.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

5.1 The council's Statement of Community Involvement (SCI) sets out policy and standards for engaging residents, local groups, stakeholders and statutory consultees in the preparation of planning-related documents. The issues and options paper was the subject of consultation in March and April 2016.

5.2 The Draft SPD was subject to consultation between late February and early May 2017 (the nature of the consultation is summarised in 3.5 of this report and set out in more detail in Appendix 1).

#### **6. CONCLUSION**

6.1 The main purpose of this report is to adopt Toad's Hove Valley SPD to support and enable the delivery of high quality and sustainable development of the site.

#### **7. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

7.1 There are no financial implications associated with adopting the recommendations of this report.

*Finance Officer Consulted: Name Gemma Jackson*

*Date: 02.08.2017*

#### Legal Implications:

- 7.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 govern the content of, and the procedure for adopting, SPDs. The Regulations provide that SPDs cannot contain planning policy but can contain statements regarding environmental, social, design and economic objectives relevant to the attainment of the development and use of land.
- 7.3 SPDs must be subject to a period of at least 4 weeks' public consultation prior to adoption.
- 7.4 Once adopted a SPD will be a material planning consideration in the determination of relevant planning applications.
- 7.5 *Lawyer Consulted: Hilary Woodward Date: 10.08.17*

#### Equalities Implications:

- 7.6 City Plan Health & Equality Impact Assessment (HEQIA) issues relevant to this SPD have been considered, particularly those identified for policy DA7. Equalities issues include citywide affordable housing provision and site infrastructure. Monitoring and implementation measures have been put in place to evaluate the impact of this SPD as a result.

#### Sustainability Implications:

- 7.7 Sustainability issues inform all of the measures promoted in the SPD, which as referenced above, have been informed by the findings of the SEA Scoping Report.

#### Crime & Disorder Implications:

- 7.8 The preparation of the SPD allowed for more detailed consideration and guidance regarding layout and design features which could help deter crime or disorder and the fear of crime. The SPD considers issues of Secured by Design.

#### Risk and Opportunity Management Implications:

- 7.9 The THV SPD will provide guidance on implementing policy DA7 Toad's Hole Valley. Responses received as part of the consultation at the issues and options stage have helped inform the SPD. The SPD is intended to facilitate delivery of this strategic allocation in the City Plan and reduce the risk of non-delivery.

#### Public Health Implications:

- 7.10 Development at THV is expected to support sustainable lifestyles in the site itself and surrounding areas. Opportunities have been identified in the SEA Scoping Report and these informed the production of the Issues and Options paper and informed the consultation workshops. The City Plan policy makes provision for multi-use community facility to include a doctor's surgery and open space to be provided on the site. The production of the SPD for the site will help support the timely provision of necessary infrastructure to support a sustainable and mixed

use community. The site is surrounded by busy roads. Minimising the noise and other traffic impacts of the A27 is a concern that came out of the consultation and the SPD suggests how this issue might be addressed.

#### Corporate / Citywide Implications:

- 7.11 Toad's Hole Valley is the city's largest greenfield development site. The delivery of development at the THV site is fundamental in realising the objectives of the City Plan Part One. The site is expected to make a substantial contribution to meeting identified housing, education, office, open space and transport needs as well as the long-term, sustainable growth of the city. As such, it presents a major opportunity to deliver purpose-built, mixed-use sustainable development that contributes to meeting the city's identified needs. The production of a SPD for the site seeks to assist the successful delivery of development and in particular the timely delivery of necessary infrastructure to support the development.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Draft SPD consultation report
2. Consultation Statement
3. Strategic Environmental Assessment (SEA) non-technical summary
4. Toad's Hole Valley SPD

### **Documents in Members' Rooms**

- Strategic Environmental Assessment (SEA)

### **Background Documents**

- Draft THV SPD consultation report
- Draft THV SPD consultation report Appendices
- City Plan Part One
- EDCC reports