

<u>No:</u>	BH2022/00203	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Outline Application Some Matters Reserved		
<u>Address:</u>	Land At King George VI Avenue (Toad's Hole Valley) Hove		
<u>Proposal:</u>	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 [For Information: up to 880 dwellings and 25,000sqm office floorspace. Duplicate application to BH2018/03633]		
<u>Officer:</u>	Maria Seale, tel: 292175	<u>Valid Date:</u>	21.01.2022
<u>Con Area:</u>	Adjacent Woodland Drive	<u>Expiry Date:</u>	13.05.2022
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	08.06.2022
<u>Agent:</u>	Mr Martin Carpenter Enplan 10 Upper Grosvenor Road Tunbridge Wells TN1 2EP		
<u>Applicant:</u>	Toads Hole Valley Limited, Pecla Investments Limited & Robert Mark Simon C/O Agent		

PREAMBLE:

This application is a duplicate (identical) application to the original 2018 application BH2018/03633, which is currently subject to an appeal against non-determination. A public inquiry is due to begin on 9th June 2022.

At Planning Committee on 21st March 2022 members were asked to consider the appealed application BH2018/03633 and give a view on the decision the Committee would have made, had the decision remained with them.

At that committee the officer report outlined that the development of the site and proposals were accepted in principle, however, the recommendation was that the application could not have been supported, if the appeal had not been lodged due to insufficient transport information.

The traffic modelling had not yet gone through its final audit stage so it could not be verified that the traffic predictions in the application were robust and a final assessment as to their acceptability and that of the mitigation/sustainable transport package could

not be reached. In addition, there was no Stage 1 Road Safety audit to accompany the highway designs to demonstrate they were safe.

Significant objections were received at that time from the Local Highway Authority and National Highways (in respect of the local and strategic highway networks respectively) on the basis of insufficient information.

The committee agreed with the officer recommendation and resolved that as the transport issues (and associated air quality issue) were fundamental to the overall outcome of the proposal that the appeal be defended on that basis.

Since that committee, the proposals have progressed and the two critical remaining pieces of information – the traffic model audit and the first version of the Road Safety Audit Stage 1 – have since been submitted.

It is considered this additional information is satisfactory and overcomes previous concerns. The consultees have also withdrawn their objections.

This report therefore recommends approval of the application as set out below.

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 s106 legal agreement and conditions as set out in Appendix A (S106 Heads of Term) and B (Conditions & Informatives), **SAVE THAT** should the s106 agreement not be completed on or before 25 September 2022 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Appendix E 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 (KGV Ave) to the south-east - the major route from Devil's Dyke roundabout into Hove, with the Goldstone Valley/Hove Park residential area to the south and Hangleton and Knoll residential area to the west. The site is roughly triangular in shape and is former arable farmland, and forms part of a dry valley that was cut off from wider farmland when the A27 bypass was constructed to the north in the early 1990s.
- 2.2. The site does not include any designated heritage assets or any locally listed heritage assets. A relatively small part of the south western edge of the site is within an Archaeological Notification Area. To the west, south east and south west of the site is extensive 20th century suburban housing. The South Downs National Park is located to the north and north-east of the site. The Woodland Drive Conservation Area is located to the north-east of the site across KGV Ave,

including Three Cornered Copse. The entire site lies within a Groundwater Source Protection Zone (majority zone 2, with southern tip within zone 1 and north-western corner within zone 3).

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

3. APPLICATION DESCRIPTION

- 3.1. The application is a duplicate (identical) application to BH2018/03633 currently at appeal.
- 3.2. The application seeks Outline Planning Permission for the following in principle:
 - Up to 880 dwellings (C3 use) including 40% affordable (352 units) and 30 custom/self-build plots
 - 5ha of land for a 6-form entry secondary school for up to 900 pupils/community sports facilities (3G pitch and MUGA) should school not be developed
 - 3.5ha land for office/research/light industry floorspace to accommodate 25,000m² of floorspace
 - A neighbourhood centre including 790m² retail outlets, a 750m² doctors' surgery for 3GPs and 555m² community building
 - Open space totalling 5.8 ha including landscaping, ecological buffers, open space and amenity areas. Includes 0.58ha public food growing space and 2 children's play spaces.
 - Enhancements and alterations to the circa 8.5ha Site of Nature Conservation Interest (SNCI)/Local Wildlife Site (LWS)
 - Associated car parking serving the land uses
- 3.3. The application also seeks 'un-reserved', i.e. full and detailed, planning permission for 3 main vehicular accesses onto King George VI Avenue with associated highway alterations.
- 3.4. The application does not seek permission for the appearance, layout, scale or landscaping of the site at this outline stage, and these would be dealt with at a later stage under separate 'Reserved Matters' applications, and secured by condition/S106l.
- 3.5. The main highway proposals directly adjacent to the site include:

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

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

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

Parameter Plans:

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

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

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

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

Housing Mix:

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

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

The mix is indicative only at this outline stage.

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

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

3.13. The open market housing (528 units) are proposed as follows: 83 (15.5%) 1-bed flats, 83 (15.5%) 2-bed flats, 212 (39%) 3-bed houses, 130 (26%) 4-bed houses and 20 (4%) 5-bed houses.

Phasing:

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

Phase	No. of dwellings incl circa 40% affordable at each phase	Other key land uses and infrastructure
-------	--	--

Phase 1	210	Pedestrian and cycling works, other highway works including highway works on upper part of KGV Avenue including new access and crossings, A27 dumbbell junction works, dormice crossing and other ecological mitigation, landscaping and open space. Restoration of SNCI. Children's play area. Temporary community centre.
Phase 2	402	Neighbourhood centre incl retail units and health facility, community centre, children's play area, part of internal spine road incl access road and servicing to office site (and delivery of employment floorspace if marketing interest), school (and if not built then fallback of community 3G sports pitch and multi-use games area by end of Phase 2), remainder of KGV Ave highway works including main junction. Off-site junction works. Pedestrian and cycle works incl Goldstone Crescent enhancement, landscaping, open space and ecological mitigation. Bus service enhancement.
Phase 3+	268	Remainder of internal spine road and, if not yet built, remainder of employment and school if started, open space, landscaping and ecological mitigation.

Environmental Impact Assessment:

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

addition, the transport scope has altered and been updated as a result of discussions since 2017. The ES contains the following main chapters:

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

3.18. Since the application was first submitted revised information has been submitted to update the transport, air quality and acoustic chapters of the ES. This was due to an error in the tables of traffic movements in the appendices of the air quality and acoustic assessments, as the baseline figures were incorrect. The council has considered the revisions in the context of the EIA Regulations, and the baseline data has a relatively minor impact and the overall conclusions of the ES do not change. The current vehicle movements are similar to those contained in the original ES and only minor revisions were required to each of the three ES chapters.

Amendments/Additions:

3.19. In addition to the changes to the ES outlined above, the main transport-related updates since the application was first received is the submission of:

- Transport VISSIM modelling audit
- Models for stand-alone junctions outside VISSIM scope
- Road Safety Audit Stage 1 (RSA)
- Updated highway drawings (note: these stay largely the same however they have been revised to take account of RSA recommendations)

4. RELEVANT HISTORY

Applications at THV:

4.1. No previous history for the main Toad's Hole Valley site, however, it should be noted that an identical application for the same development as proposed in this application is at appeal (against non-determination) ref: **BH2018/03633**, and the public inquiry is to start on 9th June 2022. This appealed application was considered at Planning Committee on 21/3/22 (see Preamble to this report and copy of Committee Report including Late Representations List at Appendix C and minutes at Appendix D).

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

4.2. **BH2021/03511** Demolition of existing buildings on site and erection of retail unit (Class E) with associated works including new access, car parking and landscaping. (For information: proposal is for 1895sqm of gross floorspace, with 1315sqm retail floorspace and 120 space car park). Withdrawn 27/1/22.

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

PRE-APPLICATION DISCUSSIONS

- 4.6. There have been no pre-application discussions in relation to this particular application, however, the previous 2018 application of which this is a duplicate, was subject to extensive pre-application discussion. That proposal was presented at the independent South East Design Panel twice, and was subject to two councillor briefing presentations. Council officers also provided written feedback. The current proposals largely address and reflect the feedback given at that time. See report at Appendix C for full account of pre-application discussion.
- 4.7. In terms of transport-related matters, the Design Panel supported the ambition to create a more active frontage to King George VI Avenue and slow traffic and create a more neighbourhood feel which was very positive. Elected members welcomed the masterplan proposals and asked that whilst sufficient parking would be required it should not exceed SPD standards. Members welcomed the proposals to significantly change the character of King George VI Ave in principle, however, felt it would be challenging to change people's perceptions of this road. Members advised that it would be important to provide evidence that the new road layout will be safe and will not result in congestion with vehicles backing up in surrounding areas. Some Members expressed reservations about loss of the climbing lane. Members welcomed proposals to improve pedestrian and cycling links to surrounding areas as these are necessary, and for enhanced bus services.
- 4.8. Council officers were supportive in principle of the proposals and the general approach taken in terms of transport, which were considered to comply with the key aims of national and local planning policy. It was advised that an appropriate balance between use of sustainable modes and vehicular use was required. Parking should be in line with SPD14 and large unsightly areas of parking should

avoided and broken up by greenery. Discussions to bring the bus into the site were welcomed. Officers expressed their support for proposals to radically alter the character of KGVI Avenue to provide a new urban gateway – such as the introduction of gateway features, crossing points, direct driveways, narrowing of the road, reducing it to 30mph, introducing cycle lanes and introduction of street trees – for safety and to reduce severance between the site and neighbouring areas. A Stage 1 Road Safety Audit would be required.

5. REPRESENTATIONS

5.1. Neighbours/Groups: A total of **182 (one hundred and eighty two)** representations were received from neighbours and the following groups **Friends of the Earth, Sussex Wildlife Trust, Cycling Advocacy Network, Brighton Active Travel, Goldstone Valley Residents Association, Nature, Friends of the South Downs, Woodland Drive Action Committee, Brighton and Hove Wildlife Forum and Keep The Ridge Green** objecting to the proposed development on the following grounds:

5.2. Adverse transport impact:

- Will cause major traffic problems including excessive additional traffic/congestion
- Local road infrastructure will not cope
- Transport Assessment flawed, traffic predictions inaccurate, previous traffic predictions from the Highways Department have led to the area being gridlocked in the morning and evening
- Highway Safety-The traffic problems will exacerbate current safety issues for cyclists and pedestrians
- The traffic survey was conducted during a holiday period and is therefore inaccurate at representing a typical week in winter.
- Lack of access to bus services mentioned in the travel plan from the proposed site
- Concerns about adequacy and frequency of bus service, and rising costs
- Concerns about the downgrading of King George the VI Avenue will lead to traffic moving into other parts of the Hove Area causing traffic there.
- Layout needs more cycling permeability
- Does not prioritise sustainable modes of transport
- Proposed cycle links are poor, including into town and links to SDNP is tortuous, too focussed on recreation
- Proposal too car-reliant
- Lack of ambition in the travel plan
- Inadequate assessment of walking/cycling facilities
- Lack of consideration of the cumulative impacts of Traffic from this development with other housing developments which are yet to be occupied such as MODA in Sackville Road and around Hove Railway Station.
- Parking issues along Goldstone Crescent and Woodland Drive need to be addressed as a new CPZ in the area has caused problems with passing traffic.

- If the Aldi supermarket proposal is to go ahead it will further impact the traffic infrastructure in the area.
 - Car based layout
 - Phasing is bad for transport
 - Design of main site junction compromises cyclists and pedestrians
- 5.3. Loss of greenfield site/adverse impact to ecology and biodiversity/sustainability:
- Will result in loss of an important wildlife habitat and green space which should be protected, proposal should incorporate more habitat
 - Negative impact on biodiversity and fails to meet 10% biodiversity net gain is unacceptable
 - Loss of an important wildlife habitat particularly for hedgehogs, bird life, dormice and brown hairstreak butterfly
 - Adverse impact to remaining habitat
 - Protected rare dormice will not survive, more could be done to manage and mitigate impact to dormice
 - Adverse impact to Woodland Drive Conservation Area/Three Cornered Copse Local Wildlife Site
 - Loss of hedgerows and trees
 - Floodlighting of pitches not appropriate adjacent to wildlife habitats
 - The green corridors are fragmented and it is not clear how they would be appropriate
 - The development will put the aquifer at risk of being polluted
 - The wildlife survey of the site is out of date and cannot be used
 - Insufficient carbon savings
 - Will undermine council's ability to hit 2030 net zero carbon target
 - Is not a sustainable exemplar
- 5.4. Loss of amenity:
- The building works will last for a long period of time and will result in excessive noise.
 - The additional traffic will lead to an increase in air pollution which will negatively impact the health of those living in the area as well as those walking to school through the area.
 - Will exacerbate flood risk issues and potentially pollute groundwater
 - Adverse impact to residential amenity
 - Overshadowing
 - Adversely affects Conservation Area
 - Overdevelopment
 - Poor design
 - Restriction of view
 - Too close to the boundary
- 5.5. Inappropriate design/layout/density:
- Overdevelopment - the amount of housing proposed as increased from the original proposal and is excessive
 - No objection to principle of development but overall dwelling number is excessive

- Poor design
 - Due to its high visibility there would be a significant adverse impact on the setting of the South Downs National Park.
 - Light would spill onto the National Park which is a protected dark sky area
 - It is unclear what the status of the paths through the site are and whether they are segregated or not.
- 5.6. Inappropriate land uses proposed:
- Unclear if school is being proposed
 - A school is not needed in this area nor is a 6th form
- 5.7. Other:
- The developer has not carried out public participation correctly and the views of those commenting have not been considered
 - Amendments do not address previous concerns
 - Contrary to government guidance and the Brighton and Hove Planning Policies
 - Detrimental affect on property values
- 5.8. A total of **2 (two)** representations supporting the scheme were received including the following grounds:
- Good design
 - Good use of space
 - Residents have adapted well to previous developments
 - The housing would address the housing supply shortage in the city
 - Not clear how pedestrians and cyclists will access the National Park
- 5.9. A total of **7 (seven)** representations (incl from **NatureSpaceNewts and CPRE Countryside Charity**) of comment (neither object nor support) were received including the following:
- Generally support of the proposal for now houses but more of the site should be left to nature and the transport provided is not appropriate
 - Recommendation that the school site should be developed with shared buildings
 - Consideration should be given to combining the existing bus services to provide a service to the proposal site
- 5.10. **Councillors Brown and Bagaen** (February 22) (objection):
A copy of their representation is attached to the report.

6. **CONSULTEES**

External Consultees:

- 6.1. **Environment Agency:** No objection subject to conditions.

The previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 1 and located upon

a principal aquifer and safeguard zone. The application's Desk Study and Geo-environmental Site Assessment (RSK September 2021, ref: 52288) demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

- 6.2. Conditions relating to a remediation strategy for contaminated land, SUDs infiltration and piling are recommended to ensure the proposed development on this site does not pose an unacceptable risk to the environment.
- 6.3. **National Highways** (formerly Highways England): No objection subject to condition.
We have reviewed the further information submitted by the applicant on 12 December 2018. Having assessed the application and further information submitted we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A27 Devils Dyke Junction), provided that conditions are imposed, (reflecting the DfT Circ 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests).
- 6.4. Conditions should ensure the trunk road roundabout works are implemented before occupation of the 300th dwelling and before the employment floorspace is occupied. Conditions should also secure a construction management plan and a travel plan.
- 6.5. **Natural England:** No comments received
(it should be noted that NE on previous original application raised no objection subject to condition to ensure appropriate ecological mitigation and net gain).
- 6.6. **NHS Clinical Commissioning Group:** Comment
The CCG support the addition of a new GP surgery encompassed within the Toad Hole Valley development as there is currently a lack of facilities within this area to support future population growth. However, we are unsure whether the surgery within this scheme is in the right location or large enough to also support adjacent patient populations, opposed to just those encompassed within the development itself.
- 6.7. **Southern Water:** Comment/Objection
The proposed development is located within the EA SPZ1 & SPZ2 catchment for our Hove public licensed groundwater abstraction and the development is also located within a Principal dry valley within the Chalk aquifer. Therefore, there is the potential risk that any contamination from the proposed site could adversely impact our groundwater source. Any workings in the Chalk will require enhanced mitigations to protect the groundwater aquifer from contamination and generation of turbidity.
- 6.8. The FRA & Drainage Strategy do not consider all potential risks to groundwater. These documents should be informed by a Hydrogeological Risk Assessment, preferably authored by a hydrogeologist. Operational pollution spills entering

infiltration drainage could impact the aquifer and subsequently our groundwater abstraction are not fully considered amongst other risks

- 6.9. The Environmental Statement relies upon the CEMP to mitigate significant risk impacts, however, the specific nature of such requirements are not clearly outlined and this needs to be addressed. On pollution preventions, the mitigation for contamination spills entering SUDS is lacking. The CEMP includes for the appropriate guidance required for construction activities. It is important these best practices are relayed to the construction works in a digestible format.
- 6.10. The Geotechnical Appraisal notes there is a moderately-low to moderate risk of dissolution features in this location and the report notes a reported solution pipe 200m north of the site. The presence of a solution feature in close proximity to the site indicates there is potential risk of solution features and fast flow pathways in the local area. No detailed consideration has been made in this regard within the geotechnical appraisal or the land conditions ES chapter.
- 6.11. At present there is a potential risk to our Hove groundwater abstraction from the proposed development and we would require hydrogeological assessment(s) to ensure that risks to groundwater are identified are appropriately mitigated. Southern Water would also like to review and approve the proposed piling methodology. At present Southern Water object to this application and seek further reassurances that our groundwater abstraction source will not be impacted by the proposed development.
- 6.12. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised. Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Conditions requiring phasing will be required to ensure that adequate waste water network capacity is available to adequately drain the development.
- 6.13. Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. Further details of SUDs are required by condition. An Informative regarding sewage and surface water disposal is recommended.
(note: SW did not object to the original application however a response has been provided by the applicant that addresses the points raised. It is anticipated that the further comments of SW and the council's Flood Risk officer will be reported on the Late List if received.)
- 6.14. **South Downs National Park Authority: Comment**
Landscape Character and Visual Impact (including Dark Night Skies):
The application as submitted broadly demonstrates that many of the comments made by the SDNPA during the pre-application and previous application process

have been taken on board. Since those conversations, the National Planning Policy Framework has been updated in respect of National Parks, in particular paragraph 176 which now advises "development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas". Overall, this includes advice given through specialist landscape pre-application meetings, where the setting of the SDNP, viewpoint selection and mitigation measures were discussed.

- 6.15. The impact of vehicle parking has not been given adequate consideration in the supporting documents; this has the potential to have a negative effect on the quality of the scheme and in views from the National Park. Whilst this is relevant to the residential element of the scheme, it is of greater concern in relation to the school, employment and community hub areas. Further clarification of how car parking will be mitigated is required prior to the determination of the outline application and is highlighted as a matter to be addressed as part of the Toads Hole Valley SPD.
- 6.16. The scheme relies upon highway land as visual mitigation/buffer to the A27, but this is not in the control of the developer. Clarification should be provided, regarding the steps that have been taken to protect the integrity of the northern boundary within the red line. The loss of trees along the A27 boundary could impact upon the setting of the National Park (as well as habitat connectivity, air quality and noise reduction).
- 6.17. Very careful consideration to the treatment of the commercial/employment buildings will also be needed to minimise adverse visual effects, although it is considered these are located appropriately within the site. Sympathetic use of materials could help to minimise scale, break up form and prevent reflection/glare/light spill. This should be addressed in detail at Reserved Matters stage.
- 6.18. The Masterplan indicates that there is good potential for green infrastructure throughout the site. The SDNPA would want this to be conditioned and further details secured at Reserved Matters stage. Further measures should be considered and developed, particularly in the non-residential areas that would also deliver opportunities for education and interpretation.
- 6.19. The site is adjacent to the Transition Zone (E1B) for Dark Night Skies as explained in the accompanying external lighting strategy. The contents of this strategy are noted and the actions and mitigation highlighted will need to be implemented at Reserved Matters stage. It is commended that consideration has been given to the SDNPA's Dark Night Skies Technical Advice Note, although would point out this has been updated since the Strategy was prepared in 2018.

Access:

- 6.20. The SDNPA is supportive in principle of a new non-motorised link into the National Park, however we cannot support the proposed link, as shown in drawing 53 Rev D 'Potential SDNP Link from A27 Gyratory alongside Devils Dyke Road', due to our concerns about its proposed form and location. We have previously advised that the route as proposed would have an urbanising impact,

with little evidence to suggest that the appropriate widths and verges could be accommodated. There has been no correspondence with the applicant on this matter since December 2019 when these concerns were raised directly with the applicant.

- 6.21. As previously discussed, as the application to which it relates has been classified as EIA development, there are no permitted development rights that would enable the delivery of the link without a grant of planning permission. This link falls wholly within the SDNPA boundary, and as such we would require a planning application to be submitted to the SDNPA for determination. It is for BHCC to decide whether the application for the link would need to be determined prior to the determination of this Outline Planning Permission.

Section 106 Agreement:

- 6.22. It is noted that there is an intention to secure interpretation and educational resources associated with the SDNPA as part of the community centre and wider development, which we welcome. It is understood that the Section 106 will also look to secure the proposed non-motorised user link in the National Park to be provided within Phase 1. The principle of this is supported, however it should be noted in line with our comments above that the current illustrative location and form of this route is not supported by the SDNPA at this time.
- 6.23. **Sport England: No objection** subject to imposition of condition/S106. Sport England previous responses to the original 2018 application remain relevant. In addition, and while it is not clear from the illustrative masterplan and planning statement, it is understood that the principal pitch to be provided at the school (or as community sports pitches if the school is not required) is to be a full sized 3G Artificial Grass Pitch with sports lighting. The provision of a full sized 11v11 3G in this location would be consistent with the priority projects identified within the Brighton and Hove Local Football Facilities Plan. If it transpires that a 3G pitch is not to be provided on site then Sport England would recommend that a financial contribution is secured through a s.106 agreement towards alternative provision elsewhere.
- 6.24. Sport England has no objection to this application subject to securing the provision of / contributions towards indoor and outdoor sports facilities in line with previous comments.
- 6.25. **Sussex Police: No objection** Despite the level of crime and anti-social behaviour in the Brighton & Hove district being above average when compared with the rest of Sussex, there are no major concerns with the proposals at this location. However, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.
- 6.26. The proposals should have regard to Secured by Design (SBD) standards for residential, commercial and school development. Consideration should be given to creating the retail area's own access road to the West of the school. This will assist in keeping the development's road layout free from congestion and

obstruction and remove large volumes of traffic away from the school during busy times such as rush hour and school runs.

- 6.27. Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made.

Internal Consultees:

- 6.28. **Arboriculture:** No comments received
(note no objections were raised on the previous original application, subject to imposition of appropriate conditions to mitigate impact of lost trees and to ensure a suitable landscape strategy. None of the trees proposed to be lost were considered major components in the local and wider landscape, and substantial landscape proposals along with significant numbers of replacement and new tree plantings can be required by planning conditions which will give overall environmental betterment for the area).
- 6.29. **City Neighbourhood Co-ordinator:** No comments received.
(note for previous duplicate application the Co-ordinator suggested that community hall of approx. 730sqm with café and car park for 6 cars would be appropriate, that health facility may be too small and that wish to see co-location of community and health facilities).
- 6.30. **CityParks:** No comments received.
(note: no objections raised on previous original application. CityParks commented that it is a requirement to provide appropriate children's play areas - LEAP and LAP - in accordance with Fields in Trust standard. A central destination play facility akin to a NEAP with informal game was considered acceptable, provided it appropriately covered all ages (2-14+) with a location as suggested adjacent to the community building being appropriate. LAP required to serve Phase 1. Playable landscapes should be incorporated with informal play/exercise and can include SUDs. Dual use of school outdoor facilities required and fallback sports facilities if school not delivered. Food growing - orchard and allotments of 10-15 plots of 250sqm with ancillary infrastructure – welcomed. Enhancement and public access to the SNCI is welcomed and will be a significant an open space resource, s106 should secure maintenance and transfer of ownership to council. Phasing needs careful consideration to ensure that sufficient open space is provided at the appropriate time to serve the demand created by the new population on a pro-rata basis. It is important to link the development to existing surrounding open spaces including the national park, Three Cornered Copse and Hove Park. Pathways through Copse should be upgraded.)
- 6.31. **County Archaeologist:** Approval recommended subject to conditions
The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.
- 6.32. **County Ecologist:** Approval recommended in principle subject to condition

Summary:

- 6.33. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.
- 6.34. The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions. Conditions should be applied detailing the method statements required for the protection of bats, birds, badgers, dormice and reptiles, and surveys should be updated at the reserved matters stage and future phases of development. On and off-site habitats should be managed for biodiversity in the long term. Green roofs, SUDS, bird and bat boxes and a sensitive landscaping scheme will provide enhancements.
- 6.35. Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Main Comment:

Policy Context:

- 6.36. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:
“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”
- 6.37. The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
- 6.38. The National Planning Policy Framework states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ... sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).
- 6.39. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (para 180).

Potential impacts on biodiversity:

Ecological Information:

- 6.40. The ecologists working on behalf of the developer have carried out a very thorough assessment of the potential impacts of the development which is to be commended. Surveys were carried out in accordance with best practice and are sufficient to inform appropriate mitigation, compensation and enhancement. Habitats surveys of the site were conducted in 2008, 2011, 2012 and 2016, with updated surveys in 2020 and 2021, with a suite of species-specific surveys carried out between 2011 and 2018. The updated habitat surveys confirmed that conditions on site have not changed significantly, and as such, populations of protected species on site are likely to be as previously recorded and the recommendations for mitigation, compensation and enhancement remain valid. Detailed design and mitigation should be informed by comprehensive updated surveys at the Reserved Matters stage.
- 6.41. An Ecological Constraints and Opportunities Plan (ECOP) has been used to guide development design, reducing ecological impacts where possible. This includes the siting of high residential areas within areas of relatively low ecological sensitivity in the eastern and southern parts of the site and lower impact uses such as commercial and employment between the residential area and the LWS, the retention and buffering of core habitat areas, and the creation of green corridors through and around the site.

Designated sites and habitats:

- 6.42. The site includes Toad's Hole Valley LWS, originally designated for its rough grassland with scattered scrub, dense scrub, broad-leaved woodland and dew pond. Since designation, the LWS has almost completely succeeded to scrub which is used by a range of notable birds. Small areas of grassland remain, e.g. along the path sides, and although these cannot be classified as chalk grassland, they do contain some chalk grassland indicator species, showing the potential for restoration. There is an area of secondary woodland and a derelict dew pond. The proposed development includes the restoration and management of the LWS, which is welcomed. To maintain the interest for breeding birds, blocks of scrub are to be retained and managed within the LWS.
- 6.43. Aims to make the LWS publicly accessible must not be to the detriment of the LWS or the species that use it. There is the potential for the LWS (and areas of public open space) to be managed either through cutting or grazing; grazing is preferred. Chemical control of weeds should be avoided, especially within the LWS and the Sustainable Urban Drainage Scheme (SUDS). Weeds should be manually controlled. A path should go past one side of the restored pond rather than encircling it.
- 6.44. The proposals will result in the loss of a small area of scrub from the Three Cornered Copse LWS. Given the proposal for positive management of the LWS, including planting, this loss is acceptable.
- 6.45. I concur with the conclusions of the Habitats Regulations Assessment: Shadow Scoping Report (EPR, 23/12/21), that the proposed development is unlikely to have a significant effect on any European Sites, either along or in combination. As a competent authority under The Conservation of Habitats and Species Regulations 2017, as amended (The Habitats Regulations), it is the

responsibility of BHCC to produce a Habitats Regulations Assessment (HRA) and to be accountable for its conclusions. It is therefore recommended that BHCC adopts the HRA.

- 6.46. The remainder of the site is scrub with small areas of rank, species poor grassland, although the occasional presence of chalk grassland indicators shows the potential for restoration. The proposed development will result in the loss of approximately 22 ha of scrub, the majority of which is young, plus areas of grassland. Approximately 1.5 ha of more mature, diverse scrub along the northern boundary will be retained, enhanced and buffered. The commitment to undertake extensive scrub planting and management within Three Cornered Copse and Waterhall will provide some compensation for the loss of scrub. The outline plans for Three Cornered Copse and Waterhall are appropriate and in line with discussions.

Badgers:

- 6.47. Badgers are protected under the Protection of Badgers Act 1992. No badger sett was recorded on site. There is a sett in close proximity to the site, although not within the range where development could damage or disturb it, and as such, a licence is not required. Badgers may use the site for foraging, although there is no evidence that the site forms part of the local clan's core foraging habitat. The proposed development will retain existing semi-natural habitat likely to be used by badgers and the creation of new habitats and green corridors will maintain movement and foraging resources.
- 6.48. In light of the above, badgers do not pose a significant constraint to development. However, given the known presence of badgers in the local area, best practice working methods should be employed to ensure the protection of badgers during construction. It is also recommended that pre-construction badger surveys are carried out to assess current use of the site by badgers and to inform appropriate mitigation. The recommendations made in the Confidential Badger Report (EPR, 23/12/21) are appropriate and should be incorporated into a Construction Environmental Management Plan (CEMP) for biodiversity.

Bats:

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

Breeding Birds:

- 6.51. The site potentially supports 33 species of breeding birds, seven of which are red listed on the Birds of Conservation Concern, two amber listed, and eight are Species of Principal Importance under Section 41 of the NERC Act.
- 6.52. The proposed development will result in the permanent loss of c. 25ha of nesting and foraging habitat, although this loss will be phased. The loss will be mitigated in part by the retention and management of mature scrub along the northern boundary and within the LWS, and scrub planting and management at Three Cornered Copse and Waterhall will provide some compensation off-site. Scrub should be managed to maintain a diverse age structure. Scrub habitat on the embankment of the A27 to the north of the proposed site is important for breeding birds. Whilst it is recognised that this is outside the proposed development boundary and the control of the developer, it is recommended that National Highways is approached to manage this habitat for the benefit of breeding birds and other protected species.
- 6.53. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

Dormice:

- 6.54. The Hazel Dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2010, as amended, making it a European Protected Species. Dormice have been confirmed on site, and as such, works will require a European Protected Species (EPS) licence.
- 6.55. A EPS licence will require a detailed mitigation strategy, to be agreed with Natural England. However, the mitigation and enhancement strategy outlined in the Environment Statement (ES, Enplan, January 2022) and technical appendix is considered acceptable. A planted refuge on King George VI Avenue is being provided to provide connectivity to Three Cornered Copse.

Reptiles:

- 6.56. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. The site supports an exceptional population of slow worms, a good population of common lizard and a low population of grass snake. As such, it is a Key Reptile Site. The proposed development will result in the loss of c. 18ha of optimal reptile habitat. Approximately 5 ha of reptile habitat will be retained or recreated on site, primarily in the restored LWS. As such, a proportion of the reptile

- 6.57. population will be able to be retained; this should include all snakes. West Hove Golf Club and Brighton & Hove Golf Club will be used as off-site receptor sites, and planting at habitat management at Waterhall LWS will provide compensation for loss of habitat.

Other species:

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

Mitigation measures and Biodiversity Net Gain:

- 6.60. The timing of when mitigation measures are implemented is critical to minimise impacts on biodiversity. Restoration works within the LWS should be carried out in phase 1, as should works to increase the carrying capacity of the off-site receptor sites. Any planting required to enhance and buffer dormouse habitat should also be undertaken during phase 1 as these will take some time to become fully viable for dormice. Later phases will need to be informed by updated surveys, and if those surveys show a change in the protected species present and the potential impacts, other conditions may need to be updated.
- 6.61. In addition to mitigation and compensation measures discussed above, the site offers opportunities for enhancement. The Environment Act will mandate the delivery of a minimum 10% biodiversity net gain on new developments, with the latest version of Defra's Biodiversity Metric being used as the tool for measurement. However, this requirement is not expected to come into force until November 2023. The metric calculation has not been applied to the current application. However, from a qualitative point of view, I am satisfied that the proposals set out in the ES will deliver biodiversity net gain.

Recommended conditions:

- 6.62. If the application is to be approved, it is recommended that conditions/S106 obligations relating to the following are applied: landscape ecological management plan/design strategy, construction environmental management plan (biodiversity), Biodiversity method statement, lighting design strategy, landscape and ecological management plan (LEMP) and further surveys.
- 6.63. **County Landscape Architect:** Approval recommended subject to conditions
If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works and planting schemes.

- 6.64. The site is allocated for development in the Brighton and Hove City Plan under Policy DA7 Toads Hole Valley. The key landscape requirement included within this policy is that green infrastructure is included through the site.
- 6.65. The landscape section of the Environmental Impact Assessment outlines various options for the layout of the main parts of the development. These were subject to consultation with the local authority and other interested parties. The masterplan has also been revised in response to comments from the Design South East Panel. The parameters plan has evolved from these early consultations.
- 6.66. The illustrative masterplan has been developed to respond to the steep topography and visual sensitivity of parts of the site. This has identified distinct areas of character within the valley which have informed the resulting green infrastructure strategy. The landscape character areas that have been identified and used to inform the masterplan will help to ensure that the various elements of the development will have a sense of place and identity.
- 6.67. The EIA does identify that there will be some significant adverse visual effects on the local area and from some viewpoints in the South Downs National Park. There would not be any long term significant adverse effects on landscape character. There will be enhancements to the character of the area and these include:
- a) The reconfiguration of King George VI Avenue as a tree lined road with new landscape treatment and improved public realm.
 - b) The creation of landscaped public spaces through the central part of the valley.
 - c) The positive management and enhancement of the Local Wildlife Site which is currently overgrown and intimidating.
 - d) Significant areas of managed green infrastructure and public open space.
 - e) A hierarchy of streets with street tree planting throughout the site area.
 - f) Implementation of the Landscape and Ecological Management Plan into the long term.
- 6.68. The success of the landscape masterplan will depend on the full implementation of the above measures. It is recommended that a landscape condition is applied which would require detailed landscape designs prior to construction of each phase of development.
- 6.69. Cross sections through the proposed development have been provided to illustrate the relative heights of the proposed buildings across the site in relation to topography, existing buildings and the permitted development at Court Farm. Wireline images have been provided from viewpoints within the South Downs National Park. In response to concerns that the proposed houses on the highest north eastern part of the site would break the skyline from key views in the South Downs National Park the parameters plan has been revised. The maximum height for houses in these areas will be 9m and the wireline images indicate that there will be limited locations in views from the wider countryside where the houses would break the skyline. From the more elevated viewpoints in the South

Downs National Park the development would appear as an extension to the urban area which lies to the south and east. The proposed tree planting and green infrastructure around the boundaries and within the site would help to break up the mass of development from these views. The visual effect of the housing development at the top of the slope needs to be considered in the context of the development which will take place on the valley slopes in the foreground.

- 6.70. As a response to comments regarding other parts of the masterplan the parameters plan has been modified as follows:
- a) The buildings in the Neighbourhood Centre are indicated as up to 5 storeys as the gateway building reducing to 4 storeys further into the site. This could be acceptable as a gateway building if the design is for a high-quality feature building at the entrance to the site.
 - b) The height of the business units have been reduced to up to 3 storeys on the slope closest to the A27 and the wider National Park and this is welcomed. It is recommended that these units have green roofs as they will be viewed from elevated viewpoints.
 - c) Tree planting within and amongst the various parts of the development will be important in breaking up the massing and scale. Ultimately larger species of tree would need to be planted around the taller buildings and as the avenue trees to the main access roads and King George VI Avenue.
- 6.71. It is recommended that the outline application can be supported subject to the further development of a landscape and ecological management plan and acceptable detailed design for hard and soft landscape elements.
- 6.72. **Economic Development: Comment**
Previous comments made on the original application apply here. Whilst the development of this site is welcomed in principle, there remain concerns regarding the proposed timing, phasing and lack of actual employment floorspace delivery in the current application. The applicant is committing to only marketing the employment site but stops short of actually providing any floorspace, contrary to the supporting text to policy DA7. It is considered that speculative development would pose only relatively low risk. It is however welcomed that employment space will now be marketed earlier on (phase 2) and the access road to the serviced employment land will be provided earlier than originally proposed, which will help ensure delivery of employment floorspace. Delivery should be secured via s106 subject to demand.
- 6.73. Should this application be successful, due to the size of the development, there will be a requirement for:
- The payment of developer contributions towards the Employment Scheme payable through relevant staged payments prior to formal site commencement for each phase of the development.
 - An employment and training strategy to be submitted no later than 1 month prior to site commencement for approval by the council.
- 6.74. **Education: Comment**:

- 6.75. At the time of the original application in 2018 we were experiencing increasing numbers school age children in the city. As a result of this we requested a contribution under the proposed S106 Agreement and also the provision of a site within the development for a secondary school. Since that time the situation in respect of the number of school age children in the city has changed significantly. We now find ourselves in the position where the number of school age children in the city is falling. We are experiencing falling rolls throughout the primary phase and we anticipate that this will start to be reflected in the secondary phase within the next two years and continue for at least 10 years from then.
- 6.76. As a result of this we feel that we can no longer justify a request for funding under any S106 Agreement or CIL arrangement towards the cost of education provision. The most local primary school to the development site currently has spare capacity sufficient to meet the needs of the development and we anticipate this being the case for the foreseeable future.
- 6.77. In addition, there remains some uncertainty about whether a new secondary school is still required on the THV site to serve the city for the same reason. As we move forwards through the next 10 years we anticipate that the number of secondary age pupils in the city will fall. This is likely to result in there being a surplus of secondary school places throughout the city for at least the next decade.
- 6.78. On 14th June 2021 the Children, Young People and Skills Committee considered a report regarding the future projection of secondary aged pupils needing places in the city's schools. That report acknowledged that the current forecast of future pupil numbers could have an implication on the future designation of the THV school within the City Plan, and it is anticipated that this would be reviewed when City Plan Part One is formally reviewed (2023/2024).
- 6.79. **Environmental Health (Air Quality):** No objection subject to condition
Summary:
A detailed Air Quality Assessment (AQA) has been carried out to assess the contribution of the proposed development and other committed developments to local emissions and outdoor air quality. The assessment is considered robust and the impacts indicated are acceptable.
- 6.80. The assessment of the air quality impacts of the operational phase of the proposal are predicated (at least in part) on the applicant's highway modelling. The daily (24-hour) traffic inputs to the air quality assessment (future heavy and light vehicles numbers) are derived from the Vissim transport model. These predictions have been audited and checked by the Highways Authority that is the Transport Department at Brighton & Hove City Council. Therefore, since May 2022 there is sufficient information to recommend approval and previous reasons for refusal have effectively been discharged.
- Main Comment:
- 6.81. Revised transport and traffic generation information have been submitted. The Environmental Statement (ES) addendum takes account of air quality impacts

or pollutant contributions based on audited traffic generations for heavy and light vehicles. If given planning permission, it is anticipated the development will be completed on or before 2030. Emission damage costs to guide the level of mitigation have been calculated for the period 2030 to 2034.

- 6.82. The air quality addendum focuses on development contribution of Nitrogen Dioxide (NO₂) on Brighton & Hove City Councils Air Quality Management Areas (AQMA). The nearest AQMA roadsides to the THV development plot (identified in City Plan part 1) are:
- Southern Cross Trafalgar Road A293
 - Wellington Road A259
 - The Drove near bridge under the railway
 - New England Road-Old Shoreham Road near Chatham Place and the bridge under the railway A270
- 6.83. Particulate standards are expected to become more stringent than those currently in legislation, that said local road traffic emissions are not the main source of fine particles to air. At selected locations (receptors at the residential façade) are assessed for NO₂ and particulate pollutant contributions due to THV and cumulative changes. This includes an assessment of baseline and future emissions and their dispersion in the local environment.
- 6.84. Without the THV development, a reduction in NO₂ is predicted by the developer in the local AQMAs. By the time of proposed development completion, outdoor levels of NO₂ without development are predicted by the developer to have improved significantly. It is important to emphasis these are predictions that rely on substantial improvement in road traffic emissions between the baseline and occupancy of THV.
- 6.85. For this to be reality a rapid acceleration in market uptake of ultra-low emissions and zero exhaust vehicles would need to happen. Replacement of euro-5 (light diesel vehicles) and euro-V (heavy diesel vehicles) that have relatively high emissions rates of oxides of nitrogen (NO_x) would need to advance prior to the development completion of THV. The asset life of relatively polluting vehicles is likely to surpass 2024 and 2029 in a minority of cases. If granted planning permissions is not certain which year the development will be completed.
- 6.86. The developer predicts contribution of pollutants due to THV are insignificant because:
- Predictions assume substantial improvement in road traffic emissions and general air quality during the time elapsed between the baseline situation (road traffic emissions and outdoor air quality) and completion of the proposed development
 - The development is phased and will not be entirely completed all at once, with phase 1 at the top of the hill likely to happen first
 - Pollution hotspots and the declared AQMAs are geographically remote from the site, and it is anticipated this situation will not change
- 6.87. Highways are seeking sustainable travel options including the extension of bus services into the development. It is essential that bus services meet best

available emissions standards at the time of phase 1 and development completion.

- 6.88. In 2018 a NO₂ monitoring survey adjacent with King Georg VI Avenue was carried out for to assess horizontal change with distance back from the kerb. Concentrations of nitrogen dioxide are considerably higher within three metres of the traffic climbing the steep gradient. It is recommended that residential use is set back King George-VI Avenue hill gradient by at least twelve metres and thirty metres from the A27 to avoid building enclosure of the road (that are predicted to carry more traffic by the time of development completion).
- 6.89. The council's own assessment will seek to distinguish future changes in air quality, for example road traffic emissions on King George-VI Avenue that is the local boundary road to the east of the site.
- 6.90. In accordance with council policy for monitoring on major plans it is recommend that developer contribute (via CIL) to air quality assessment before during and after construction. This may include funds for traffic counters, modelling software and air monitors.
- 6.91. The development will include renewable energy provision without emissions to air and avoid CHP (Combined Heat and Power) with NO_x emissions to air.
- 6.92. Conditions and Informatives should be imposed to:
- set back the development form A27 by 30m and from KGVI Ave by 12m
 - demonstrate continued improvement in oxide of nitrogen emissions for bus services
 - seek alternatives to gas combustion
 - 100% of parking ready for electromotive charging points
 - car club shall provide zero exhaust vehicles only
 - the dwellings and communal rooms shall have superfast broadband for flexible reliable online working
 - in accordance with reports to TECC and ETS committee January 2022 the developer will be expected to contribute an agreed amount to the city council's air quality assessment to model and monitor future changes in local air quality (via CIL).
 - HGV construction movements shall avoid local AQMA's and meet the euro-VI emission standard available since 2014.
- 6.93. **Environmental Health** (Noise/light/contamination): No comments received.
(note: no objections were received by EH on the original application subject to imposition of appropriate conditions relating to the following: contamination remediation, acoustic design statement/parameter plan, delivery and service management plan, hours of opening and servicing, noise and odour generated by plant, school noise levels, ventilation, noise management plan, CEMP during construction and lighting scheme.)
- 6.94. **Flood Risk Officer:** No objection subject to conditions.
The developed site, once completed, is expected to be at low risk of flooding from all sources and the inclusion of storage for large return period storms will

reduce runoff and overland flow compared to the existing situation. This is due to capturing and storing large volumes of rainwater which would otherwise create runoff and surface water flood risk downstream.

- 6.95. We have made comments on the drainage strategy to be taken on board as the design is progressed at reserve matters stage to establish the site layout. Including: maximising opportunities for landscape led sustainable drainage, mitigation of groundwater contamination risk for roads, clarifying management and maintenance of systems across areas of different land uses, establishing sitewide proposed levels and effectiveness of drainage features, details for existing ditches, infiltration rates and potential for reduced infiltration to achieve water quality mitigation, safe access to public areas.
- 6.96. We do not object to this application subject to planning conditions for which the wording we provided for the 2018 application has been updated as part of this reply and should serve for either application. The sitewide drainage strategy will need to be confirmed at reserve matters stage for a known plan layout ahead of approval of details.
- 6.97. **Heritage:** Do not wish to comment
(note: no objections were raised in relation to the original application with regard to impact to setting of nearby heritage assets including Three Cornered Copse/Woodland Drive Conservation Area, King George VI Mansions, Hollingbury Hillfort or the Chattri.)
- 6.98. **Housing Strategy:** Support
Policy CP20 requires that developments of more than 15 new homes should provide 40% of the housing on site as affordable housing. This application proposes 352 affordable homes which represents 40% of the overall units (880) and is therefore compliant with Policy CP20.
- 6.99. Policy CP20 requires that developments of more than 15 new homes should provide 40% of the housing on site as affordable housing. This application proposes 352 affordable homes which represents 40% of the overall units (880) and is therefore compliant with Policy CP20.
- 6.100. A tenure mix compliant with the council's current Affordable Housing Brief would be provided as 55% Affordable Rent which is 194 homes and 45% as affordable home ownership which is 158 homes. The applicant has stated that they intend to meet the council's preferred unit mix ie 30% 1 beds / 45% 2 beds and 25% 3+ beds. The proposed mix currently includes 9 no. 4 bedroom houses which is welcomed. The inclusion of 5 bed houses as part of the overall mix would also be welcomed as these are provided less often.
- 6.101. The Government has recently introduced the First Homes initiative whereby 25% of the Affordable Housing element should be sold directly by the developer at a discounted price to eligible purchasers. The discount percentage is retained in perpetuity through a local charge and applied to all subsequent sales of the property. First Homes provides part of the affordable ownership element in terms of the council's Brief.

- 6.102. The scheme proposes 30 serviced plots for self or custom build which is welcomed. Of these, 15 are allocated as affordable and will also form part of the affordable ownership element of the affordable housing overall. The council will work with community-led housing partners in the city in taking forward the self-build plots where viable.
- 6.103. Retained Policy HO13 requires and 10% of the affordable housing (5% of all the housing) to be provided as wheelchair accessible from the outset. This would require 35 fully wheelchair accessible affordable homes. The intention to provide this is confirmed in the Affordable Housing Statement forwarded with the application. Affordable rent is the preferred tenure for wheelchair homes.
- 6.104. **Planning Policy: Comment Summary:**
 The outline application covers the major part of Toad's Hole Valley (THV) which is allocated in the City Plan (Policy DA7) for a sustainable, mixed use development to help meet the future needs of the city, improve accessibility and provide new community facilities to share with adjacent neighbourhoods. The policy specifies a minimum of 700 residential units, 3.5-4.5 ha employment space, a 5ha site for a new secondary school, 2ha public open space, a multiuse community building, ancillary retail uses, 0.5 ha food growing space and integrated green infrastructure. In addition, the policy sets out a series of local priorities and criteria and Supplementary Planning Document 15 (SPD15) provides further development guidance.
- 6.105. Since the original application BH2018/03633 was originally submitted in December 2018, the development proposals have largely stayed the same in terms of land uses etc. The applicant has since provided additional information and clarification on a number of matters however, including issues raised in the representations by Council officers and other consultees.
- 6.106. The application includes a number of supporting documents to support the planning policy aspects of the proposals including a Planning Statement, Environmental Statement (EIA) and an Affordable Housing Statement. The outline proposals are set out in a series of Parameter Plans and include an Illustrative Masterplan. The outline proposals would deliver or provide for the following development and land uses sought in Policy DA7 and SPD15.
- Development of up to 880 dwellings which would considerably exceed the Policy DA7 requirement for a minimum 700 dwellings and would make a significant contribution towards meeting the City Plan housing target and will potentially help to reduce the current 5-year housing shortfall.
 - As required by DA7, the proposed scheme will include 50% family housing (i.e. 3 or more bedrooms) and 40% of the residential will be affordable.
 - The scheme would provide an overall residential density of c53 dwellings per hectare (dph), which would fall within the range of 50-75 dph.
 - The proposals would involve construction of a community centre and doctor's surgery and would include provision for small retail units within a new neighbourhood centre.

- The proposals would provide 3.5ha of employment land, meeting the lower end of the requirement in Policy DA7 but which it has been indicatively demonstrated can accommodate the 25,000sqm floorspace (and associated parking) aimed for in the supporting text to DA7.
- A 5ha site would be set aside for a 6 form-entry (6FE) secondary school.
- Provision for 5.8 ha of open/green space, including a community orchard/food growing space (0.58 ha); areas of landscaped open space; a local equipped area of play (LEAP) and local area of play (LAP); buffer zones/ecology zones; school playing fields (with provision for dual use); and public access areas within the SNCI. The proposed green infrastructure would be integrated throughout the development. Specific provision would be made for the restoration and future enhancement of the SNCI through an ongoing management plan.
- Provision for a network of pedestrian/cycling/sustainable transport routes throughout the new development and improved off-site connections to the surrounding neighbourhoods and the South Downs National Park.

6.107. The application as now submitted has addressed a number of the policy concerns raised in the previous Planning Policy comments on the original application BH2018/03633 dated 9 July 2019, 25 November 2019 and 12 August 2020.

- In response to concern that community facilities would not be available until Phase 2 of development, the application will now (via s106) provide temporary community building within Phase 1 which will serve the development until construction of the permanent community building in Phase 2.
- Similarly, it is now proposed to provide a Local Area of Play (LAP) within Phase 1 of the development, in addition to a Local Equipped Area of Play (LEAP) in Phase 2 through s106. The overall amount of open space has also been increased to reflect the higher level of housing compared to the minimum Policy DA7 figure of 700 homes.
- The proposals also now provide contingency (via s106) for the provision of the sports pitches (including a MUGA) before the end of Phase 2 in the event that the school is not developed.
- It is now proposed through s106 to make available serviced employment land before the end of Phase 2 and to commence marketing from the start of Phase 2, with a commitment to provide employment floorspace subject to occupier interest.

6.108. The outline proposals are now considered to meet all the Policy DA7 requirements in broad terms, however there remain some issues of concern from a wider policy viewpoint.

- In terms of housing mix, the scheme would provide 450 family houses (3+ bed), representing c51% of the total, however the remaining 430 dwellings are proposed as 1 and 2 bed flats. This would meet the housing mix requirement set out in Policy DA7, however given the very high preponderance of 1/2 bed flats coming forward on brownfield developments in the city, it would be preferable if the mix included a proportion of smaller 2-bed houses for market sale as well as a higher proportion of larger (3/4 bed) affordable dwellings.

- The amended application now provides for 30 custom build plots within Phase 2 of the development proposals (an increase from the 20 originally proposed), secured via s106. However, given that THV represents the largest single housing site in the city, it is considered that a larger quantity of at least 50 self/custom build plots should be sought, including some provision within Phase 1 as well as Phase 2. The self/custom build should include an element of 'affordable' provision (which could form part of the shared ownership element of the affordable housing requirement).
- Despite the applicant's commitment to bring forward the employment land before the end of Phase 2 and to commence marketing from the start of Phase 2, it is still likely that the serviced land would not become available until the end of the City Plan period (2030) or beyond. In addition, there remains no specific commitment to provide employment floorspace, only if there is occupier interest. The proposals should ideally include the upfront speculative development of some employment floorspace (e.g as managed workspace/start-up units) in order to help to deliver the comprehensive vision for THV in Policy DA7 and SPD15 as a sustainable, mixed-use neighbourhood. In addition, the marketing should continue over a period of several years once the access/serviced land becomes available and allow sufficient flexibility so that the land may be taken up/developed in either one, two or more than two phases. This will maximise potential opportunities for attracting business occupiers. The applicant could be requested to provide justification as to why delivery of at least one phase of speculative employment development would not be possible/viable.

6.109. **Planning Policy – Artistic Component:** No comments received
 (note for original application it was noted that to make sure the requirements of local planning policy are met at implementation stage, it is recommended that an 'Artistic Component' schedule be included in the section 106 agreement. It is recommended that an overall Artistic Component Strategy is sought with phased delivery of the Artistic Component elements which should consider consistent principles across the whole site.)

6.110. **Public Health:** No comments received
 (note: for original application comments were made that submitted HIA had been assessed and whilst broadly supportive further details would need to be secured as part of the reserved matters schemes).

6.111. **Sports Facilities:** No comments received.
 (note: supported original application as it would help deliver a number of the council's key objectives - a multi-use community facility, secondary school (with playing fields) and improved informal recreation facilities across the whole site. Dual use of school facilities are needed or fallback of 3G pitch and MUGA on school site if no school, with changing/parking facility. Proposal complies with BHCC's current planning guidance and the broad level of pre-CIL contributions.

6.112. **Sustainable Transport:** Support subject to conditions/s106.

Summary:

We can confirm that the additional information in relation to the traffic modelling and road safety audit are satisfactory.

- 6.113. The overall network performance is showing that with the proposed development and associated proposed mitigation in place, the network is expected to perform more effectively and result in a lesser impact than the equivalent scenario where the proposed development (and associated mitigation) did not occur. However, some negative impacts on certain junctions are forecast in terms of journey times and queuing. It is considered that these are mainly due to changes to highway layout and junction design such as the introduction of traffic signals.
- 6.114. In relation to the Road Safety Audit, we can conclude that there are no significant problems that have been raised that cannot be dealt with through subsequent stages of the design and Road Safety Audit process.
- 6.115. On balance, the impacts need to be considered in the context of the proposed benefits from the wider application. A significant highways mitigation and sustainable transport package has been proposed. This includes improvements for people walking and cycling, new/ enhanced bus services, access to car club vehicles and a travel plan which will help to improve the sustainable transport offer of the site, with the overall aim of reducing the need to travel by car, as well as benefiting the wider surrounding area.
- 6.116. We can conclude there are no outstanding transport related items and that we do not consider the proposed development to have a severe impact on the local highway network as per the test set out in National Planning Policy Framework (NPPF) paragraph 111. As such, we find the proposals acceptable, subject to the inclusion of the recommended s106 obligations and conditions.
- 6.117. Overall, the proposals are considered to meet several local policy requirements. This is an allocated site within City Plan Part One, and the latest proposals are compliant with the policy requirements set out in DA7 and CP9, , as well as the requirements set out in the Toad's Hole Valley supplementary planning documents (SPD15).

Main Comment:

- 6.118. This outline planning application is for a new mixed-used development on land at Toad's Hole Valley. This is a duplicate application following the submission of an appeal against the Council's non-determination of the outline application (BH2018/03633) which was submitted in November 2018. The application is exactly the same in all respects, including the proposed development quantum and proposed mitigation, including highway changes, as well as submitted transport assessment information.
- 6.119. Extensive discussions have been held over the past 12 months between Vectos (representing the applicant as their transport consultant), Brighton and Hove City Council and National Highways to discuss items outlined in the Transport Assessment Addendum October 2021 (TAA3) and latest Transport Assessment Addendum January 2022 (TAA4) of BH2018/03633, namely:
- Trip Generation;

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

- 6.120. Discussion on the above matters have been positive and were significantly advanced at the time the appeal was lodged for the 2018 application (BH2018/03633) and subsequent Planning Committee meeting which was held on 21st March 2022. Notwithstanding this, the Local Highway Authority (LHA) has provided four responses to BH2018/03633 where we were unable to conclude on the proposals. In the latest response (7th March 2022), the LHA was not able to conclude whether the proposals were acceptable due to outstanding matters relating to traffic modelling and the Road Safety Audit.
- 6.121. Traffic modelling work undertaken by the applicant of the forecast impacts of the development and of the proposed highway and traffic mitigation was still ongoing. As the modelling work was still undergoing the auditing process, and awaiting sign-off, we were unable to assess the transport implications relating to traffic flows and movements to determine whether the impacts and proposed mitigation was acceptable. Auditing and sign off of the models are required to ensure that they are representative of the scheme and to confirm that the models are fit for purpose. These have been done independently by modelling consultants on behalf of NH and the LHA. This can provide confidence to the LHA that the model outputs will provide a robust assessment required to inform decisions about any changes that may be needed and that any safety issues are identified.
- 6.122. Additionally, we were still awaiting the Road Safety Audit to be completed to understand the road safety implications of the proposed changes to the highway network. Road Safety Audits are a requirement for highway schemes as set out in government guidance GG119. The Road Safety Audit reviewed the proposals against the relevant design guidance included Design Manual Roads and Bridges (DMRB), Manual for Streets (MfS) and LTN 1/20. The Council as LHA needs to be content that the road safety implications of all proposals affecting its network have been dealt with satisfactorily. The audit is significant because it ensures that the safety implications are covered in full and that any remediation measures are documented and acted on. At that time an objection had also been submitted by National Highways on similar grounds regarding these outstanding matters.
- 6.123. Our fourth response dated 7th March 2022 therefore concluded that whilst we had agreed the core building blocks (trip generation, trip distribution, scenarios assessed and committed development & background traffic growth), due to the outstanding matters (traffic modelling and Road Safety Audit) we had to object to the application for the following reason:
- 6.124. *There is a need for auditing of the latest iteration of the applicant's highway modelling to be completed, as well as for the Stage 1 Road Safety Audit to be completed and (if necessary) any safety matters resolved. As a result, there is*

currently insufficient information from which to determine: (a) whether the residual cumulative impacts of the proposal on the strategic and local road network would be acceptable; (b) whether the proposal avoids an unacceptable impact on highway safety; and (c) whether the proposed highway mitigation measures are adequate. As it currently stands, therefore, it has not been demonstrated that the proposal complies with Policies TR7, TR12 and TR15 of the Brighton & Hove Local Plan 2005; Policies DA7, CP7, CP9 and CP13 of the Brighton & Hove City Plan Part One 2016; DM33 and DM35 of the emerging Brighton & Hove City Plan Part Two; the 'Transport and Travel' section of THV SPD 15; and paragraphs 104, 105 and 110-113 of the NPPF 2021.

6.125. On 21st March 2022, the application went before committee members to determine what would have been decided if the application had been considered by the Planning Committee rather than at appeal. The committee members agreed with the Planning case officer's report, and no additional reasons for refusal were added. As this application is a duplicate of BH2018/03633, it is therefore considered that the transport items associated with this development are as per the previous response but with the exception of the key transport matters for which information had not been submitted and / or finalised at the time of the March Planning Committee. Whilst this response to the application does comment on all transport related topics (as per the response to the 2018 application dated 7th March 2022, which was summarised within the March committee report and which officers consider was accepted) the focus of this response is upon the outstanding matters relating to the traffic modelling and Road Safety Audit.

6.126. This response will therefore focus on the traffic modelling and Road Safety Audit; however all items considered in the previous (7th March) response including matters such as the core building blocks have been included for reference and are shown in italics. The references have been updated to reflect the Transport Addendum Assessment (January 2022) submitted under this application BH2022/00203, which we can confirm is consistent with the Transport Assessment Addendum (TAA4) (January 2022) document submitted for the 2018 application.

6.127. The remainder of this comment is set out in the following sections:

- *Policy Context;*
- *Overview Of Proposals;*
- *Core Building Blocks - Traffic Assessment (Trip Generation, Trip Distribution, Scenarios Assessed and Committed Development & Background Traffic Growth) – already agreed;*
- VISSIM Modelling;
- Standalone Junction Modelling;
- Road Safety Audit;
- *Highway Works and Sustainable Transport Package (Site Access, Highway Works, Pedestrian and Cycling, Public Transport Accessibility, Travel Plan);*
- *Other Matters – Parking;*
- *Other Matters – CEMP;*

- Conclusion; and
- Conditions / S106 Heads of Terms.

Policy Context

6.128. *General policy relevant to the consideration of this and other applications can be found in City Plan part One, draft City Plan part Two and the National Planning Policy Framework. More specifically, this application is for development within the policy DA7 Development Area/Strategic Allocation defined in City Plan part One. In addition to confirming acceptable types and quantum of development this defines, inter alia, the following broad policy aims in respect to transport include:*

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

6.129. *The supporting text to policy DA7 goes on to note:*

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

3.95 *The site is bounded by King George VI Avenue which is a main route into Hove from the A27 Bypass. The redevelopment of Toad's Hole Valley represents an opportunity to improve safety on this steep and curving road. Redevelopment proposals should give consideration to slowing traffic, realigning the road, providing off-street parking in accordance with parking standards and improving the local environment.*

3.96 *The development is likely to have an effect on the operation of the Devils Dyke Junction with the A27. Work will be undertaken with the National Highways and developer, taking into account sustainable measures to reduce vehicular traffic, and mitigation measures will be identified to ensure the safe movement of traffic on the A27.*

3.97 Improved walking and cycling links to the South Downs National Park will be expected to be provided as part of the redevelopment scheme. This may involve improving existing links.

6.130. The aims in policy DA7 are further built upon by Supplementary Planning Document SPD15. This notes that any application to develop the site should be supported by a Transport Assessment and Environmental Statement. Of relevance to transport, it also states the following:

At paras 4.24- 4.35 the Local Planning Authority recognises that housing numbers are set at a minimum and there may be an opportunity for increased housing provision which could help create a more viable neighbourhood that supports a variety of businesses and activities and is well served by regular bus services.

Ways to achieve Development Plan policy compliance could arise from:

- locating higher density residential flats above shops and businesses with close access to public transport which could help to provide a neighbourhood hub/cluster with critical mass to sustain viable customer base and public transport services;*
- accommodating a variety of typologies to meet a range of needs including housing for older people, disabled people, non-family households and non-car owners;*
- enabling people to choose to reduce car dependency and ownership or choose ultra-low emission options;*
- [In respect to office uses] There are also a number of opportunities for applicants to achieve multiple policy objectives and optimise the use of land. For example, by:*
 - locating office use where it can take advantage of transport connections and/ or of amenities;*
 - The siting and design of the school could explore opportunities for:*
 - access via safe cycle and walking routes and public transport from the new development and wider residential catchment area, the SNCI and the South Downs National Park;*
 - maximised road safety and Travel Plans and facilitated bikeability training to pupils, staff and parents;*
 - There are a number of opportunities to reduce the ecological footprint of the development at THV and combine Biosphere objectives to deliver sustainability policy requirements. These could include, for example: combining efforts to deliver ecosystem services and high standards of building design and construction (energy generation, passive design approaches, food growing and minimising water use and waste management), effective, accessible and sustainable transport links (cycle and pedestrian routes and public transport);*
 - carbon emission reduction via, for example, promotion and provision associated with ultralow emission vehicles.*

4.43 *The design of the network of paths, roads and public transport across the site may offer opportunities for meeting a range of policy objectives by, for example:*

- *promoting and providing for sustainable transport initiatives such as minimising on-site car parking, promoting public transport use, car sharing and access to car clubs;*
- *creating a more built-up area feel to King George VI Avenue could improve road safety and provide a sense of spatial containment to the road;*
- *adopt physical measures along the King George VI Avenue such as central reservations and crossing points that help place the needs of pedestrians and cyclists as top priorities, and which could also help to change driver perceptions and behaviours and therefore manage traffic flow and reduce the impacts of vehicles;*
- *using existing informal pedestrian and cycling entry points and desire lines into the THV site to inform design of the road network and the new neighbourhood;*
- *an appropriate number of accessible bus stops with up to date information systems;*
- *improve pedestrian and cycle access to THV site to and from Hangleton area via the SNCI whilst taking steps to minimise impact upon this protected part of the site; and*
- *design a network of paths, roads and open spaces in the development site to be as accessible as possible for all users.*

4.44 *Other issues and combined policy gains that may be useful to consider in the overall design/layout of the development include, for example:*

(Public transport)

- *There are several bus routes and stops close to the THV site's south and west edges that could be extended to support new bus services at THV and/or improvement of services to existing communities and visitors to the SDNP;*
- *and the secondary school could be located near and/or close to existing services in order to use these until resident numbers at THV are high enough to support new services going into the site.*

4.26 *(Parking for vehicles and servicing areas)*

- *The amount and type of parking provided for developments/land-uses should have due regard to the council's SPD 14 Parking Standards;*
- *the provision of adequate cycle parking facilities could encourage more sustainable movement patterns throughout the site;*
- *individual developments could design in sufficient areas to enable servicing and delivery in a way that does not hinder movement and access within the site and/or affect the local community and environment; and*
- *parking provided in connection with a future office use may offer opportunities for informal weekend Park + Ride provided the criteria set out in the supporting text of policy CP9 Sustainable Transport can be met.*

4.27 *(Travel plan)*

- *Providing detailed Travel Plans for different land-uses that set out how access and movement could help prevent or mitigate the potential impacts of the new community on the site and its surrounding areas, including the setting of the SDNP. (Links with the SDNP)*
- *Improving legibility and the condition of existing links over the A27 to the east (Devil's Dyke roundabouts) and west (pedestrian bridge north of Hangleton);*
- *providing information boards about the SDNP at the two existing access points (car and foot bridge over the A27 to the east and west of the site); and*
- *exploring opportunities for new connections for people and wildlife into the SDNP including identifying a broad location for the provision for a National Park Gateway that connects the Park with THV and surrounding neighbourhoods.*

6.131. **Core Building Blocks - Traffic Assessment**

Trip Generation

We have reviewed the trip generation assessment submitted in the Transport Assessment (BH2022/00203) and can confirm it is the same as that submitted for TAA3 and TAA4 (BH2018/03633). Therefore, we will reiterate our comments below.

6.132. *The trip generation assessment has been reviewed as part of TAA3 (BH2018/03633) and has been discussed in detail through the recent discussions leading up to the submission of the latest documents. A revised methodology has been used to determine the trip rates for certain land uses. The methodology of each land use is detailed below:*

- *Residential – TRICS® has been used to determine all person trip rates, the National Travel Survey (NTS) was then used to split these trips by journey purpose, and then TEMPro was used to apply local mode split data*
- *Office – TRICS® has been used to determine all person trip rates, and 2011 Census Travel to Work data was then used to apply local mode split data*
- *Secondary School – these trips are forecast based on 900 pupils and were previously agreed between IPL, NH and BHCC as part of previous iterations of the Transport Assessment. These trip rates have therefore been carried forward.*
- *GP Surgery – TRICS® has been used to determine vehicle trip rates*
- *Neighbourhood Centre – these trips were agreed as part of previous iterations of the Transport Assessment. These trips have been carried forward.*
- *Community Hub – TRICS® has been used to determine person trips rates. NTS data was then used to split these trips by journey purpose.*

6.133. *TAA3 (BH2018/03633) only presented vehicle trip rates for the Secondary School, GP Surgery, Neighbourhood Centre and Community Hub. We therefore requested that multi-modal trips for all land uses were provided. Chapter 2 within TAA4 (BH2018/03633) outlines the methodology used to determine multi-modal*

trip rates for all land uses. The vehicle trips determined in TAA3 (BH2018/03633) have been factored up using NTS data. We would agree that this approach is acceptable.

6.134. Delivery and servicing trip rates have been derived from TRICS®. During recent discussions, we acknowledged that there are limited surveys within TRICS® that include delivery and servicing. Having undertaken our own review, we consider that whilst some of sites selected in TRICS® and applied in the applicant's assessment are not necessarily representative, overall we would consider the proposed delivery and servicing rates appear reasonable.

6.135. We would expect the delivery and servicing trip analysis to be taken further at a later stage to include likely dwell times. Furthermore, the masterplan should clearly set out where delivery and servicing is expected to take place, to ensure that there is sufficient turning and manoeuvring space, and to demonstrate that any proposed loading bays have sufficient capacity to accommodate demand. To address this, we will request that a Delivery and Servicing Management Plan (DSMP) is secured by condition.

6.136. The total development vehicle trips are replicated from TAA4 (BH2018/03633) in the Table 1 below and are the same as those presented in Transport Assessment (BH2022/00203). We can confirm that these are the vehicle trips that were agreed during recent discussions, based upon the agreed methodology.

6.137. Table 1 – Total Development Vehicles (including delivery and servicing)

Land Use	AM Peak			PM Peak		
	Arri	De p	2- Wa y	Arri	De p	2- wa y
Residential	54	209	263	24 1	109	350
Office	286	30	317	36	269	305
Secondary School	128	82	210	22	33	55
Local Centre	31	28	59	31	30	61
GP	28	17	44	11	15	26
Total	527	366	893	34 1	456	797

Source: Table 6.9 Transport Assessment BH2022/00203

Trip Distribution

6.138. For the external distribution, the proposed trip distribution methodology for each of the primary land uses has been discussed in detail leading up to the submission of the latest documents and is as follows:

- Residential/ Office – Census Journey-to-Work data for the MSOA 007 and Google route planning tool
- Neighbourhood centre / local shops – observed turning proportions

- *School and Doctors Surgery – distributed for their respective catchments using turning proportions. At the catchment boundary, it has been assumed that these trips would disperse via minor junctions before reaching the next assessment junction*

6.139. *During recent discussions we agreed in principle to the methodology proposed but requested further clarification on the dissipation of trips into the local area for the Neighbourhood Centre, School and Doctors Surgery. This needed to be understood in the context of the number of vehicle trips that would be distributed locally at the catchment boundary. For the Neighbourhood Centre and Doctors surgery, the level of vehicle trips at the catchment boundary was low and therefore it was considered reasonable to assume that these would dissipate in the local area.*

6.140. *We also requested further clarification on the dissipation of school trips at the catchment boundary, especially at the Goldstone Crescent / Woodruff Avenue junction. It was confirmed that trips had not been distributed to the next assessment junction as this was at the end of the study network. The trips have been evenly split at the next junction and from here there are a number of residential roads the trips could dissipate to. The level of trips in this area is likely to be low and we therefore accept that this is a reasonable assumption.*

6.141. *For the site accesses, the VISSIM model developed as part of the application has been used to distribute trips within the site, which informs the final assignment of trips to/from the site access points. The trips are then distributed manually using the spreadsheet model for the highway network external to the site.*

6.142. *We can confirm that the trip distribution outlined in the submitted documents is in line with what was agreed during recent discussions, and that we find the approach acceptable.*

Scenarios Assessed

6.143. *The following scenarios have been assessed as part of this application:*

6.144. *Table 2 – Scenarios Assessed*

Scenario	Test	Assessment
1,2	Core	2017 Observed
3,4		2017 Observed + Permitted Development
5,6		2017 Observed + Permitted Development + Proposed Development with mitigations
7,8	Cumulative (without growth)	2017 Observed + Permitted Development + City Plan Allocations
9, 10		2017 Observed + Permitted Development + City Plan Allocations + Proposed Development with Mitigations

11, 12	Cumulative (with growth)	2017 Observed + 8% Growth + Permitted Development + City Plan Allocations
13, 14		2017 Observed + 8% Growth + Permitted Development + City Plan Allocations + Proposed Development with Mitigations
15-29	NH Sensitivity Test	All above scenarios run using trip rates provided by NH.

Source: Table 7.1 Transport Assessment BH2022/00203

6.145. We can confirm that the scenarios that have been prepared, tested and reported in the latest submitted documents accord with those agreed through the recent discussions. In particular, the scenarios include cumulative scenarios which we specifically requested to ensure a wider understanding of future transport conditions is available, allowing for forecast background growth assumptions and City Plan allocations.

Committed Developments & Background Traffic Growth

6.146. As set out in National Planning Policy Framework and Planning Practice Guidance for Transport Assessment it is important to give appropriate consideration to the cumulative impacts arising from other committed developments. Extensive discussions were held over the list of developments that would have an impact on the study area. We can confirm that the committed developments detailed in Table 7.2 of the TAA3 (Table 7.2 Transport Assessment BH2022/00203) include all those that were agreed upon during recent discussions. It is noted that Table 7.2 splits these into the Core Scenario (Permitted Development) and Cumulative Scenario (City Plan Allocations).

6.147. With regard to background traffic growth, Vectos' position is that background traffic growth should not be applied in addition to permitted developments and City Plan allocations as there is a lack of certainty that traffic volumes will increase. They state that existing traffic trends demonstrate that overall, there has been a plateau in traffic flows, a reduction in car driver mode share for commuting and car ownership.

6.148. During discussions, BHCC continued to request that a level of background traffic growth would be applied as a sensitivity test. An 8% growth factor was identified following detailed review, and this was determined through application of the DfT's TEMPro data and associated adjustments facilitated within the software. It was agreed during discussions that the inclusion of 8% traffic growth is considered reasonable. The Cumulative Scenario without and with growth has been requested to inform BHCC of the potential impacts on the local highway network, if this situation were to occur, and provides further understanding to supplement the core scenario outputs.

6.149. Both the Core Scenario and Cumulative Scenario have been tested as part of the submitted assessment and all associated results are presented in the Transport Assessment (BH2022/00203).

VISSIM Modelling

- 6.166_ A VISSIM computer-based model has been used to simulate and assess the traffic impact of this development on the local highway network. Two models have been created; one covering the highway network forming the study area in closest proximity to the site and an additional model covering the A27/A23 junction only. Atkins have audited both models on behalf of Brighton and Hove City Council and National Highways and a final audit report was produced on the 8th April 2022 which gave final approval and concluded the model to be fit for purpose.
- 6.150. *As outlined above, the Core and Cumulative Scenarios have been assessed. The Core Scenario is considered to be the key test for this application, as this is the scenario which considers the direct impacts of the proposed development in comparison to the known committed situation (allowing for example, for those other developments that have already obtained planning consent). The Cumulative Scenario, without and with background growth, was requested to inform BHCC of the potential impacts on the local highway network, should other allocation sites come forward alongside background increases in general traffic demand, and provides further understanding to supplement the Core Scenario outputs. For reference, it should be noted that the background traffic flows used in the modelling are based on pre-pandemic levels.*
- 6.151. The modelling considers the end-state (i.e. when the full development and all associated mitigation is in place). As such, triggers are included in the s106 agreement which reflect that the development will be built out in phases and therefore, when the proposed mitigation should be delivered alongside this. It should therefore be noted that further modelling and design work may therefore be required at various stages (likely to be associated with the triggers) given that the development will be phased and to assist BHCC in ensuring that the mitigation is delivered in the most effective and timely manner.
- 6.152. The VISSIM model provides outputs on the following metrics which we have reviewed as part of our assessment:
- Completed trips (total number of trips going through the modelled network);
 - Average speeds (mph);
 - Overall delay per vehicle (seconds);
 - Latent demand at the end of the peak hour (number of vehicles not able to enter the modelled area);
 - Journey times (seconds); and
 - Journey queues (PCUs).
- 6.153. In the Core Scenario with the proposed development in place, the proposed mitigation is predicted to have a positive impact on the overall network performance. The Core Scenario includes all developments that were identified as being permitted at the time of the assessment work. An additional 1,609 trips in the AM peak (07:45-08:45) and 1,157 trips in the PM peak (16:45-17:45) are expected to be accommodated in the modelled network as a result of the network operating more efficiently due to the proposed mitigation measures.

- 6.154. Average delay per vehicle is expected to be reduced, and there is a forecast reduction in the number of vehicles not able to enter the model area (latent demand). Alongside this, average vehicle speeds are expected to increase slightly (0.3mph in AM peak and 1.5mph in the PM peak), which suggests that the network would be working more efficiently.. Overall therefore, the proposed mitigation measures are forecast to be effective and achieve a positive impact.
- 6.155. The VISSIM model has been used to review a number of journey routes and these are outlined in Table 5.5 of Transport Assessment Addendum (TAA4) (January 2022). Table 5.6 and Table 5.7 of TAA4 January 2022 present the forecast differences in journey times between the 'with development' and 'without development' scenarios. With the proposed development and proposed mitigation in place, there is predicted to be a positive impact on journey times on the majority of routes. Route 2 (Dyke Road Avenue to A27 Northbound) and Route 8 (Dyke Road Avenue to A27 Southbound) are expected to see journey time improvements of five minutes in the AM peak and two minutes in the PM peak.
- 6.156. There are also some increases in journey times on routes heading northbound towards the A27. Route 4 (Hangleton Road West to A27 Southbound) is expected to see an increase in journey time of approximately 1.5 minutes in the AM peak and one minute in the PM peak, and for Route 6 (Hangleton Road West to A27 Northbound), two minutes in the AM peak and 1.5 minutes in the PM peak. However, some increases in journey times are to be expected on these routes due to the introduction of traffic signal junctions and crossings and the reduced speed limit of King George VI Avenue to 30mph and associated narrowing of the road from two lanes to one in each direction. As set out in SPD15 (September 2017) these proposed changes to King George VI Avenue conform with policy with the overarching aim of reducing severance, improving safety and ensuring that pedestrian and cyclist movements are prioritised to maximise the sustainable transport options available.
- 6.157. Table 5.9 of Transport Assessment Addendum (TAA4) (January 2022) presents the predicted differences in average and maximum queues between the 'with development' and 'without development' scenarios. The majority of junctions are forecast to have increases in queuing of less than five vehicles with the development and mitigation in place. Notably, in the AM peak (07:45-08:45) the A27 Southern Roundabout sees significant decreases in queues with the development and mitigation measures in place. The maximum modelled queue on Mill Road decreases by 30 vehicles, and on the A27 Westbound off-slip the queue reduces by 61 vehicles.
- 6.158. However, at some junctions there are increases in predicted queues of above 20 vehicles with the development and mitigation measures in place including:
- *A27 Northern Roundabout junction*
 - *Devil's Dyke Road (East) approach;*
 - *A2038/Goldstone Crescent/Site Access 1 junction*
 - *Goldstone Crescent approach; and*
 - *A2038 King George VI Avenue southbound ahead/left approach.*
- These junctions are discussed in further detail below.

A27 Northern Roundabout

- 6.159. In the AM peak, the increased queue lengths on Devil's Dyke Road East are reflected by a minor increase in journey times of 23 seconds (per vehicle). Increases in queuing could be expected at this location because of the new traffic signal crossings introduced at these roundabouts to facilitate safe cycling and walking movements towards the South Downs National Park. National Highways has also reviewed the modelling results and confirmed that they are acceptable from the perspective of the operation of its strategic road network.

A2038 King George VI Avenue / Goldstone Crescent/ Site Access 1

- 6.160. In the AM peak, on Goldstone Crescent some increases in queue lengths are to be expected as a result of traffic signals being introduced at this junction and the overall proximity to the THV site. Despite the increase in queues, there is a forecast reduction in journey times of 41 seconds. This shows that whilst there is additional traffic at this junction and increased queuing associated with red signals, traffic is expected to be able to get through the junction more quickly during green times; this replaces the current arrangement with a priority junction that requires traffic to give way and wait for a suitable gap between vehicles. Furthermore, these proposals should improve road safety for all users. It should also be noted that further complementary mitigation is proposed on Goldstone Crescent.
- 6.161. In the AM and PM peak, the increase in queue lengths on A2038 King George VI southbound ahead/left arm results in an increase of journey times of approximately 69 seconds. However, here some increases in queues and journey times are to be expected as this junction is to become a traffic signal junction to provide safer access for people walking and cycling.
- 6.162. In addition to the Core Scenario, two Cumulative Scenarios have been assessed as outlined in Table 2 above. In the Cumulative Scenarios there are similar patterns to those reported for the overall network performance in the Core Scenario. There is a significant increase in the number of trips that are expected to be able to be accommodated (broadly consistent with the Core Scenario), decreases in delay per vehicle (albeit that delay overall is greater due to the inclusion of higher volumes of traffic) and that the proposed mitigation continues to indicate that an increased number of vehicles would be able to enter the modelled area (latent demand) allowing for the proposed development and associated proposed mitigation.
- 6.163. Table 6.5 and Table 6.6 Transport Assessment Addendum (TAA4) (January 2022) present the differences in journey times between the Cumulative Scenarios, without and with background growth. Again, similar to the Core Scenario, with the development and mitigation in place, there is forecast to be a positive impact on journey times on the majority of routes. However, journey times are forecast to increase on certain routes, and these are similar to those identified in the Core Scenario. As expected, the forecast increases in journey times are slightly higher than those in the Core Scenario allowing for the addition of further potential development traffic alongside other potential background growth increases.

- 6.164. Similarly to the Core Scenario, the majority of junctions are expected to have increases in queues of less than five vehicles with the development and mitigation in place. Again, in the AM peak the A27 Southern Roundabout is predicted to have significant decreases in queues with the development and mitigation in place. Increases in queues will occur in similar locations to those identified in the Core Scenario. Queues occur to a slightly greater extent than in the Core Scenario allowing for the addition of further potential planned development traffic alongside other potential background growth increases. Compared to the Core Scenario, there are however, only two additional locations that are forecast to experience queue impacts of over 20 vehicles. These are:
- A27 Northern Roundabout, Devil's Dyke Road West Approach; and
 - A2038 King George VI Avenue southbound ahead/left approach.
- 6.165. In the Cumulative Scenario, it is recognised that there will be an increase in traffic on the network that is associated with the growth of the city over time. Notwithstanding this, the modelling outputs indicate that the proposed mitigation is expected to be able to provide an overall positive benefit to the network and have a lesser impact than if the development (and its associated mitigation) was not delivered. The proposed mitigation is therefore predicted to be effective in mitigating the overall impacts of the development and suggests that the mitigation is still providing a positive impact allowing for the cumulative effects of other planned development and background growth forecasts.

Standalone Junction Modelling

- 6.166. Further modelling of individual junctions has been undertaken for those locations that are also included in the TA study area, but are more remote to the site and are not covered in the VISSIM model. The TA study area and locations requiring assessment and modelling was discussed in detail and agreed with BHCC.
- 6.167. The standalone junction models have been received from the applicant. These have been checked and are considered suitable to assess the impact of the development.
- 6.168. The standalone junction modelling assessment has highlighted that four junctions are expected to experience capacity issues in the future. These junctions are:
- Junction 10 - Nevill Road/Woodland Drive/The Droveway;
 - Junction 14 - Old Shoreham Road/Goldstone Crescent/Fonthill Road;
 - Junction 22 – Dyke Road Place/Dyke Road Avenue/Tongdean Road; and
 - Junction 36 - Old Shoreham Road/Dyke Road Avenue.
- 6.169. Junctions 10 and 14 are forecast to operate over the theoretical capacity threshold (>100%) in the Core and Cumulative Scenarios. Mitigation has been proposed for these two junctions and further details are provided in the sections below.
- 6.170. The proposed mitigation for Junction 10 includes a scheme which will provide on-crossing pedestrian detection which would only enable a pedestrian crossing phase when called for. This reduces 'lost' greentime to pedestrians and gives

more green time to vehicles whilst still allowing pedestrians to cross without significant delay. The mitigation for Junction 10 has been shown to provide minor benefits to the junction in both the Core and Cumulative scenarios. The mitigation in both scenarios still results in the junction operating over theoretical capacity in the AM Peak but is broadly equivalent to the scenario without the development and mitigation in place and therefore we consider this to be acceptable.

- 6.171. The proposed mitigation for Junction 14 includes an improvement scheme comprising separate right turn lanes on the Goldstone Crescent and Old Shoreham Road (East) approaches to the junction and left turn on the Old Shoreham Road (West) approach to the junction, to improve the use of available space at the junction and thus improving its efficient operation. In the Core Scenario, the mitigation for Junction 14 brings the junction back below the theoretical capacity threshold in the AM Peak and below the recommended capacity threshold in the PM Peak. Therefore overall, the mitigation can be considered to be effective to manage the impacts of the development. However, in the cumulative scenario which accounts for other potential development and background increases in traffic demand, whilst the proposed mitigation provides minor benefits to the junction, it is still forecast to operate over theoretical capacity to a small degree (106%) in the AM Peak.
- 6.172. It is acknowledged that the proposed improvements to this junction have been highlighted in the Stage 1 Road Safety Audit for further review. It has been concluded that further changes to the design can be dealt with at the detailed design stage. We advise that following any design changes the revised scheme should be re-modelled to check the effectiveness of the solution. Furthermore, during this process there is the opportunity for the design of this junction to be revisited and further optimised to improve its operation further.
- 6.173. In addition to Junctions 10 and 14, Junctions 22 and 36 are forecast to operate over theoretical capacity, but only in the Cumulative Scenario and for this reason, no mitigation has been proposed by the applicant. These junctions are only forecast to operate slightly above theoretical capacity and only in the cumulative scenario. The 'with growth' scenario includes 8% background traffic growth and City Plan Allocations that are not yet permitted. These locations have therefore been flagged and the Local Highway Authority will consider whether mitigation at the locations would be appropriate in respect of other development as / when it comes forward or in relation to other Council-led schemes.

Road Safety Audit

- 6.174. A Stage 1 Road Safety Audit [RSA] of all of the proposed highway mitigation has been undertaken by Allen Transport Consultancy Ltd during February and March 2022. The Audit has been undertaken in accordance with recognised national guidance and the Audit Brief, which was reviewed and signed off by BHCC and National Highways as the overseeing organisations.
- 6.175. The Audit identified 34 problems and further details of these can be found in the Road Safety Audit on the planning portal. Following the receipt of the RSA, Vectos provided a Designer's Response to the problems raised which has been

reviewed and accepted by BHCC and National Highways as overseeing organisations. Having reviewed the Designer's Response, we can conclude that there are no significant problems that have been raised that cannot be dealt with through subsequent stages of the design and Road Safety Audit process. In most cases, the problems raised through the audit and the responses provided by the design team have been accepted. However, in some other cases, further design work has been identified which will be conducted at the s278 detailed design stage and re-appraised through the subsequent stages of the RSA process. During this stage, proposals will be reviewed and iterated further to ensure compliance with the relevant design guidance and ensure the optimum design is secured. Further details of the LHA response to the Designer's Response can be found on the planning portal.

- 6.176. Therefore, we can conclude that we are satisfied that the outline designs for proposed highway mitigation package are acceptable in principle from a safety perspective.

Highway Works and Sustainable Transport Package

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

Site Access

- 6.178. *As per the previous submission there will be three main vehicular accesses to the site:*
- *The main site access: A junction improvement scheme is proposed at King George VI Avenue/ Goldstone Crescent. The junction is a linked junction of the main site access on the west and the Goldstone Crescent access on the east. The site access is a traffic signal-controlled T junction, with two ahead lanes and dedicated right-turn/left-turn lanes in both an east and west direction. The junction includes a signalised pedestrian crossing on Goldstone Crescent. The existing informal pedestrian crossing at the northern end of Goldstone Crescent would be replaced by this signalised pedestrian crossing. The left turn will be separately signalised to the ahead*

movements on King George VI Avenue, to minimise the impact on traffic capacity.

- *Central access: located opposite the northernmost section on King George VI Drive and is planned to be a signalised junction with a bus gate to and from King George VI Drive*
- *Northern access: located at the top of the site in King George VI Avenue, 200m south of the dumbbell roundabout junction with Dyke Road Avenue/A27/Mill Road. This junction will be a priority T junction.*

Highway Works

6.179. *King George VI Avenue has been identified as contributing to significant severance and policy DA7 and SPD15 supports adopting physical measures along King George VI Avenue such as central reservations and crossing points that help place the needs of pedestrians and cyclists as top priorities, with consideration given to slowing traffic and realigning the road. The following sections detail the highway works proposed to mitigate the impact of the development, as outlined by the applicant in TAA3.*

5.54 King George VI Avenue
<i>A reduced speed limit to 30mph, along the length of King George VI Avenue and on the A27 Dumbbell Roundabouts</i>
<i>King George VI Avenue will be narrowed to two lanes to reduce speeds and make route more conducive to cycling</i>
<i>Five new signalised crossings will be provided along King George VI Avenue</i>
<i>The existing informal pedestrian crossing at the northern end of Goldstone Crescent will be signalised. The impact of this on traffic capacity is minimised through separately signalising the left turning traffic to the ahead movements on King George VI Avenue.</i>
<i>The existing footway to the south of the main site access will be extended to provide access to the site and tie into the existing footway network.</i>
<i>Segregated footway/cycleway along the length of King George VI Avenue both north and south of the carriageway. There is an opportunity for the developers of the Court Farm site to extend the shared pedestrian footway and cycleway north from the dormouse crossing to the A27 dumbbell roundabout</i>
<i>An extended footway to the main site access on the northern side of Hangleton Road</i>
<i>The east-west movement across King George VI Avenue at the central site access will have a camera detection system that shall give priority to bus and cycle movement with 'Jump In' into signal cycle</i>
<i>Traffic calming features in the form of gateways provided to encourage lower speeds</i>
Goldstone Crescent
<i>A change in the current speed limit with a proposed reduction to 20mph</i>
<i>Intermittent cycle road markings to make drivers more aware of cyclists on the road</i>

<i>Raised tables at junctions to slow vehicle speeds at Goldstone Way/Edward Avenue junction, Nevill Way junction, Elizabeth Avenue junction and Goldstone Close/Woodland Avenue junction</i>
<i>It is anticipated that time limited parking restrictions will be introduced along the length of Goldstone Crescent</i>
<i>Traffic calming will be introduced along the entire length of the route</i>
<i>To the south of Goldstone Crescent is the junction with Woodland Drive, which is in the form of a mini roundabout. The cycle route is proposed to end here on-road and connect to an existing shared footway/cycleway through Hove Park on the southern side of the junction</i>
<i>Continuing south on this route, a contribution will be made to improve the cycle facilities at the A270 Old Shoreham Road/Goldstone Crescent/Fonthill junction. The above improvements will result in a new continuous cycle link between the site, Hove Station and the wider Brighton and Hove areas</i>

A27 Junction – Southern Dumbbell
<i>Reduce the speed limit to 30mph across the interchange and King George VI Avenue</i>
<i>Partial signalisation via the provision of pedestrian crossings is proposed on the southern dumbbell. Widening of the A27 westbound off slip entry to the roundabout is proposed from 2 lanes to 3</i>
<i>Lane and destination markings to be provided on the carriageway where appropriate with lane destinations signage to be provided on the roundabout approaches.</i>
<i>Pedestrian/cycle facilities are proposed on King George VI Avenue, Dyke Road Avenue, A27 westbound on-slip and Devil's Dyke Road with traffic islands separating the traffic movements on the Devil Dyke Road, Dyke Road Avenue and King George VI Avenue arms of the roundabout. On Dyke Road Avenue a segregated route is proposed to take cyclists off the carriageway throughout the junction</i>
<i>A cyclist right turning pocket is proposed on Dyke Road Avenue to enable cyclists to join the segregated route and re-join the carriageway. There is the potential to provide a cycle crossing for southbound cycles returning to the existing southbound cycle lane to the south of southern dumbbell on Dyke Road Avenue. However, this would only be provided if third party land is made available at no cost to the development.</i>
<i>Between the two dumbbells a shared footway/cycleway is proposed again to allow cyclists an alternative from using the carriageway throughout the junction.</i>

A27 Junction – Northern Dumbbell and South Downs Link
<i>Modified into a part signalised teardrop roundabout, with signals on the A27 off slip arm and Devils Dyke Road southern arm. A signalised pedestrian crossing is also proposed on the A27 on slip.</i>
<i>The road markings are to be revised to provide a dedicated right turning lane from the southern dumbbell on the A27 on slip. The left-hand lane will be ahead and turning right providing access to Devil's Dyke Road. Destinations will also be provided as road markings. Direction arrows are also proposed on the A27 off slip to help direct vehicles into both lanes.</i>

<i>It is proposed to reduce the speed limit to 30mph across the interchange</i>
<i>For pedestrians and cyclists as described above a shared footway/cycleway is proposed between the two dumbbells and toucan crossing to provide access to the cycle link into the South Downs National Park</i>
<i>The cycle link to the South Downs National Park will be DDA compliant other than a short section, which BHCC have agreed can be non-DDA compliant for environmental reasons. The link is shown in Drawings 15-T109-49 and 15-T109-81 at Appendix D. The route is intended to accommodate cyclists and pedestrians only as equestrians cannot currently use the informal link as there is no natural continuation for equestrians into Brighton and Hove</i>

Other Highway Works
<i>Old Shoreham Road/Goldstone Crescent/ Fonthill Road Signal Junction - proposed to make slight amendments to existing kerb lines and provide two lane approaches on both the Goldstone Crescent and Old Shoreham Road westbound approaches.</i>
<i>Nevill Road/ Woodland Drive/ The Droveway - it is proposed to update the traffic signal timings to run an additional pedestrian phase across Woodland Drive with The Droveway at the traffic signals</i>

Pedestrian and Cycling

- 6.180. *The site is currently considered to have poor pedestrian and cyclist connectivity. The A2038 King George VI Avenue does not currently benefit from any footway or cycle lane provision. The need for improved walking and cycling links are identified by the policy requirements set out in DA7.*
- 6.181. *A number of pedestrian and cycling improvements are proposed, as outlined by the applicant in the TAA3, and are shown in the tables below.*

King George VI Avenue
<i>Segregated footway/cycleway along the length of King George VI Avenue until the A27 junction, where the segregated route end and northbound cyclists are proposed to re-join the carriageway at the proposed dormouse crossing. An informal crossing is also proposed here to prevent trampling of the dormouse crossing. On the southern side of the carriageway the segregated footway/cycleway extends to the A27 junction around Three Cornered Copse.</i>
<i>Toucan crossing at proposed improvement scheme at King George Avenue/ Goldstone Crescent/Site Access. Segregated pedestrian and cycle routes are proposed throughout the junction to ensure cyclists are removed from any conflicting movements.</i>
<i>Signalised crossing in proximity to King George VI Drive, with segregated crossing areas for pedestrians and cyclists and access to King George VI Drive</i>
<i>Signalised crossing in proximity to King George VI Drive and Bus Gate junction, with segregated crossing areas for pedestrians and cyclists and access to King George VI Drive</i>
<i>Signalised crossing between the Bus Gate Site Access and the Site Access in proximity to the A27 Junction, with segregated crossing areas for pedestrians and cyclists and access to King George VI Drive</i>

<i>Crossing over the proposed priority junction in the proximity to the A27 junction providing priority for cyclists along the segregated route on King George VI Avenue. On the south-eastern side of the junction a pedestrian and cycle link into the existing residential area is provided to King George VI Drive</i>
<i>The east-west movement across King George VI Avenue at the central access will have a camera detection system that shall give priority to bus and cycle movement with 'Jump In' into signal cycle.</i>
<i>Traffic calming features in the form of gateways provided to encourage lower speeds</i>
<i>Reduced speed limit to 30mph, along the length of King George VI Avenue</i>
<i>The road will be narrowed to two lanes to reduce speeds and make the route more conducive to cycling</i>

Goldstone Crescent
<i>A change in the current speed limit with a proposed reduction to 20mph</i>
<i>Intermittent cycle road markings to make drivers more aware of cyclists on the road</i>
<i>Raised tables at junctions to slow vehicle speeds at Goldstone Way/Edward Avenue junction, Nevill Way junction, Elizabeth Avenue junction and Goldstone Close/Woodland Avenue junction</i>
<i>It is anticipated that time limited parking restrictions will be introduced along the length of Goldstone Crescent</i>
<i>Traffic calming will be introduced along the entire length of the route</i>
<i>To the south of Goldstone Crescent is the junction with Woodland Drive, which is in the form of a mini roundabout. The cycle route is proposed to end here on-road and connect to an existing shared footway/cycleway through Hove Park on the southern side of the junction</i>
<i>Continuing south on this route, an obligation will be made to improve the cycle facilities at the A270 Old Shoreham Road/Goldstone Crescent/Fonthill junction. The above improvements will result in a new continuous cycle link between the site, Hove Station and the wider Brighton and Hove areas</i>

A27 Junction and South Downs Link
<i>Widening of the existing traffic islands on Dyke Road Avenue, King George VI Avenue, and the northern link arm on the southern dumbbell roundabout</i>
<i>Widening of the footway to 3m-4.3m to become a shared footway/cycleway around the gyratory</i>
<i>Toucan Crossings will be provided across both the northern and southern dumbbell roundabouts</i>
<i>A link into the South Downs National Park via a toucan crossing across the northern roundabout</i>
<i>On the Dyke Road Avenue arm of the junction a cyclist (and pedestrian) refuge island is proposed to enable cyclists to re-join the cycleway/re-join the road depending on their direction of travel</i>
<i>The link into the South Downs National Park is DDA compliant other than a short section, which was BHCC has agreed can be non-DDA compliant for environmental reasons. The route is intended to accommodate cyclists and pedestrians only as equestrians cannot currently use the informal link this</i>

would replace, have no natural continuation of the route into Brighton and Hove, cannot currently use the car park link as they should not be on the path; and to minimise the environmental impact of the impact design on the embankment.

Other Pedestrian and Cyclist Improvements

Improvements are proposed to the footway/footpaths through the Three Cornered Copse green space to the south of the site. This provides an improved off-road route for pedestrians between Dyke Road Avenue, Hove Park and Goldstone Crescent. The proposed pedestrian and cycle crossings on King George VI Avenue will enable residents to access these footpaths easily

Existing footpath/cycleway (National Cycle Route (NCR) 82) would link directly to King George VI Avenue via a new DDA compliant 3m footway/cycleway running from the northwest of the site to the southeast of the SNCI (would require liaison and agreement with Sustrans). Improvements will also be made to the footway/cycleway behind the existing school.

The development proposals include the provision of a cycle hire facility, in-line with the existing cycle hire scheme within Brighton and Hove.

Provision of signing and lining enhancement for safe pedestrian and cycle routes from Phase 1 via existing residential streets through estate to south to link to Goldstone Crescent (south) improvements and shops at Victoria Avenue.

Public Transport Accessibility

6.182. The site is considered to have poor public transport provision, and this is reflected in the policy requirements set out in DA7. The site is not served directly by bus with the nearest bus stop located on Queen Victoria Avenue approximately 170m southwest of the site. The bus stop on Queen Victoria Avenue is served by bus services 21 and 21A, 21E and has poor supporting infrastructure consisting of a flag and a pole. Services 21 run 3 times a day, 21A runs hourly and 21E once a day.

6.183. The table below outlines the proposed bus improvements.

Bus Stop Improvements

A bus service improvement contribution of £2.1million which will be indexed linked for inflation from November 2020

Provision of existing bus stop upgrade to include raised kerbs, RTPI

Provision of new bus stop or upgrade of new bus stop off site to include flag, bus cage, RTPI and bus boarder at phase 2

Travel Plan

6.184. A Framework Travel Plan has been submitted in support of the application. A minimum set of measures to be included in the Travel Plan will be detailed in the S106. This will include amongst others:

- Car clubs
- Brighton & Hove Bike Share (£50,000 contribution)

- *Maintenance Stands*
- *Travel Packs*
- *Public transport ticket subsidy for a two year period*
- *Free membership for the Car Club for a two year period*
- *Free membership of 'Brighton & Hove Bike Share Scheme' for a two year period*
- *Free bikeability cyclist training*
- *One £150 bike voucher per household. For use at bicycle shops or outlets within Brighton & Hove against the cost of a bike or cycling equipment*

Our dedicated Travel Plan officer will review and sign off an updated Framework Travel Plan and all Phase/Parcel Travel Plans post-determination.

Summary

- 6.185. We can now confirm that, having reviewed and accepted the modelling outputs and received, reviewed and responded to the outcome of the Stage 1 RSA, the proposed mitigation is acceptable. The proposed mitigation addresses the key policy requirements set out in SPD15 and is therefore welcomed. As set out above, the proposed mitigation is essential to the acceptability of the scheme so should be secured within the S106 agreement to ensure that it can be delivered and CIL bids will be made where appropriate, to secure the funding to deliver the scheme(s).

Other Matters - Parking

- 6.186. The total number of car parking spaces and cycle parking will be assessed as part of the reserved matters application(s) to determine it is in line with SPD14. This will be secured by condition. Five car club bays are proposed as part of the development. We would expect an in principle agreement from a recognised car club provider (which could include Enterprise as the current and only operator in the city) to be included in any reserved matters application.

Other Matters - CEMP

- 6.187. A Construction Environmental Management Plan [CEMP] has not been referenced as part of the TAA3, however it is referenced in the 'Environmental Statement Addendum - Including Summary/Overview of Changes'. A CEMP should be secured to ensure the impacts of construction activity and traffic on the road network are effectively mitigated against. This is important since major highway works impacting existing roads will be ongoing at the same time as construction and occupation of the different phases of the site, potentially with multiple different contractors/developers requiring access and works co-ordination. To address this, we will request that a CEMP is secured by condition.

Conclusion

- 6.188. In conclusion, we can confirm that the additional information in relation to the traffic modelling and road safety audit are satisfactory. In the Core Scenario, the submitted modelling indicates that overall the proposed mitigation is predicted to be effective at mitigating the expected impacts of the proposed development. The overall network performance is showing that with the proposed development and associated proposed mitigation in place, the network is expected to perform more effectively and result in a lesser impact than the equivalent scenario where the proposed development (and associated mitigation) did not occur. However,

some negative impacts on certain junctions are forecast in terms of journey times and queuing. It is considered that these are mainly due to changes to highway layout and junction design such as the introduction of traffic signals.

- 6.189. The Cumulative assessment scenario shows a similar pattern to the Core. Generally, the submitted modelling shows the mitigation to be effective at mitigating the impacts of the proposed development. There are some junctions where the impact has not been effectively mitigated, however we consider the Core Scenario to be the key assessment scenario for this application. The Cumulative 'with growth' scenario includes 8% background traffic growth and City Plan Allocations that are not yet permitted. The likely occurrence of this scenario is therefore uncertain and was requested to help inform BHCC. These locations have therefore been flagged and the Local Highway Authority will consider whether other mitigation at the locations would be appropriate in respect of other development as / when it comes forward or in relation to other Council-led schemes.
- 6.190. In relation to the Road Safety Audit, we can conclude that there are no significant problems that have been raised that cannot be dealt with through subsequent stages of the design and Road Safety Audit process. In most cases, the problems raised through the audit and the responses provided by the design team have been accepted. However, in some other cases, further design work has been identified which will be conducted at the detailed design stage and re-appraised through the subsequent stages of the RSA process which may also include some further localised modelling analysis, where appropriate.
- 6.191. On balance, the impacts need to be considered in context of the proposed benefits from the wider application. A significant highways mitigation and sustainable transport package has been proposed. This includes significant improvements for people walking and cycling, new/enhanced bus services, access to car club vehicles and a travel plan which will help to improve the sustainable transport offer of the site, with the aim of reducing the need to travel by car, as well as benefiting the wider surrounding area.
- 6.192. It should be noted that National Highways has now removed its holding objection subject to the inclusion of conditions. In relation to the A27 Westbound slip road improvements, National Highways will be seeking a contribution and when this should be made available and will be providing this information under a separate cover. As such, they have confirmed that the cost of the slip road upgrade will not prevent the application or appeal being determined.
- 6.193. Therefore, we can conclude there are no outstanding transport related items and that we do not consider the proposed development to have a severe impact on the local highway network as per the test set out in National Planning Policy Framework (NPPF) paragraph 111. As such, we find the proposals acceptable, subject to the inclusion of the recommended s106 obligations and conditions.
- 6.194. Overall, the proposals are considered to meet several local policy requirements. This is an allocated site within City Plan Part One, and the latest proposals are compliant with the policy requirements set out in DA7 and CP9, as well as the

requirements set out in the Toad's Hole Valley supplementary planning documents (SPD15).

Conditions/S106 Head of Terms should the proposal be allowed:

- 6.195. Please refer to Appendix 1 of the Committee Report (dated 21/03/2022) for BH2018/03633 (and Appendix A and B of this current report for the duplicate).
- 6.196. **Sustainability Officer:** Approve subject to conditions
Summary:
Policy DA7 expects Toads Hole Valley to be an 'exemplar' of sustainability. Since the Policy DA7 allocation was first drafted prior to 2016 and since Policy CP8 was first drafted, there has been a significant shift towards all development needing to reach a high standard of sustainability. New building regulations will require a substantial uplift in energy efficiency, improvements to ventilation, and changes to requirements for Electric Vehicle chargepoints.
- 6.197. The suggested conditions push beyond Brighton & Hove's usual standards, to ensure the proposal complies with Policy DA7. These conditions will result in a development which is exemplary in terms of energy efficiency and water use, going beyond expectations, and will help the City Council to achieve its carbon neutral ambitions.

Main Comment:

Context:

- 6.198. Policy CP8 sets out energy and water efficiency standards required to be met for all developments. It states that the council will seek to ensure development incorporates sustainable design features to avoid expansion of the city's ecological footprint, help deliver the principles of the One Planet approach, radical reductions in greenhouse gas emissions, particularly CO2 emissions, and mitigate against and adapt to climate change. Unless it can be demonstrated that doing so is not technically feasible and/or would make the scheme unviable all development will be required to achieve the following minimum standards:
- Energy efficiency standards of 19% reduction in CO2 emissions over Part L Building Regulations
 - Water efficiency standards of 110litres/person/day
- And for non-residential developments:
- 'major' applications are expected to achieve BREEAM 'excellent'.
- 6.199. Policy: DA7 Toad's Hole Valley (THV) goes further than policy CP8 and expects the development to reach an 'exemplary' standard in terms of environmental, social and economic sustainability, achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives.
- 6.200. DA7 states that environmental sustainability will be central to the design and layout of the scheme which should aim to incorporate infrastructure to support low and zero carbon decentralised energy and in particular heat networks subject to viability and deliverability.
- 6.201. DA7 states that development will be expected to address the principles of a One Planet approach and incorporate measures to help mitigate or adapt to climate

change, reduce greenhouse gas emissions, address fuel poverty and security and reduce the city's ecological footprint subject to viability and deliverability.

- 6.202. The supporting text to DA7 suggests measures to help achieve the delivery of these objectives including:
- facilitating low ecological footprint lifestyles and practices, both on site and in the surrounding area;
 - rationalising site layout, street and building orientation to maximise passive design;
 - maximising the potential to generate energy renewably on the site;
 - delivering a decentralised energy network;
 - offering options to extend energy infrastructure to the surrounding built environment;
 - surface water run-off being controlled to maintain Greenfield run-off rates; and
 - tree-planting to help reduce the impact of urban heat island effect

Update:

- 6.203. Following extensive discussions with the Applicant in 2020, a set of conditions on energy efficiency, low carbon and renewable energy, heating, ventilation, water use and electric vehicle charging were proposed. These conditions were intended to result in a development which is exemplary in terms of energy efficiency and water use, going beyond expectations, and helping the City Council to achieve its carbon neutral ambitions.
- 6.204. However, in 2021, the government announced new Building Regulations for both residential and non-residential new developments – the Future Homes Standard and the Future Buildings Standard. Interim versions of these new standards will come into force in June 2022 and will demand much greater reductions in carbon emissions than the current Building Regulations and the Council's own planning policy CP8. The Future Homes Standard is expected to require carbon emissions to be 31% below BRUKL in 2022, increasing to 75-80% in 2025. The Future Building Standard introduces new standards on carbon emissions for non-residential buildings, depending on function. To achieve this, homes would typically have a heat pump, a waste water heat recovery system, triple glazing and minimum standards for walls, floors and roofs that significantly limit any heat loss.
- 6.205. The THV development will almost certainly have to meet the new standards, regardless of when planning permission is granted. A very substantial uplift in energy efficiency will be required. It is also likely that gas boilers will not meet the carbon emission requirements, so alternative low-carbon heating solutions must be investigated. The Future Homes Standard and Future Buildings Standard also amend building regulation provisions for ventilation. The council understands that new regulations will also increase the number of electric vehicle charge points provided in new developments.
- 6.206. The applicant has previously committed to improve upon current sustainability standards as set out in policy CP8, and it is considered that provided conditions

are imposed to cover the following areas in the context of the above future uplifts in standards, approval can be recommended:

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

- 6.207. In 2017, Brighton & Hove City Council carried out a study of Heat Networks, identifying potential suitable sites across the city. A Heat Network study was carried out for Toads Hole Valley (ref: 035279, March 2017, undertaken by BuroHappold Engineering). This study gave indicative feasibility outlines for various scenarios, none of which were financially viable at the time of the study. This was principally due to the cost of servicing and maintaining such a dispersed heating demand.
- 6.208. The THV Heat Network Study states that further feasibility and viability studies will be needed to provide greater accuracy once the masterplan for the site is developed. Once more is known about the layout, feasibility studies will be better informed. The feasibility studies will assess whether a heat network is an efficient way of providing heat to low density parts of the scheme, especially as improved building standards reduce the heating demand of the homes, as new technology comes into play, and as the national electricity grid decarbonises. Higher density areas including the neighbourhood centre, flats, school and offices may be more suitable for a heat network serving these buildings.
- 6.209. If and when heat networks are developed (by others) near the THV site, the site should be future-proofed to be able to connect to such sites and take advantage of low-carbon heat. The government's Heat Network Delivery Unit has funding available for feasibility studies and can provide advice. The applicant has not opposed the principle of connection to a District Heat Network (subject to cost and carbon considerations) and has committed to future-proof those parts of the site where a higher density of heat demand might be expected (e.g. the larger apartments and school), by providing a safeguarded route to connect to a future heat network.
- 6.210. Therefore, an appropriate condition can give flexibility to take account of changes over the development period in energy and heating technologies and costs, building standards, funding regimes, and the local context, in order to achieve an overall energy and heating strategy which minimises carbon emissions, is affordable for residents and efficient to build. An appropriate condition can secure an overarching Energy Strategy for whole site and for each respective phase, which will review options for renewable energy integrated with low carbon heating (including solar PV and solar thermal, air and ground-source heat pumps, and new technologies such as hydrogen which may come forward during the development period) and clean ways of delivering the energy, including a Heat Network Feasibility Study for each phase.
- 6.211. An overarching Energy Strategy for the whole development should be submitted, and for each phase. Energy Statements shall demonstrate that a fabric first, passive design approach has been adopted to reduce energy demand and should The Energy Statements shall assess the potential for renewable / low carbon energy on site and shall prioritise exploration of solar PV, solar thermal, air source and ground source heat pumps. The Energy Statements should

assess low-carbon heating options to supply heating efficiently, cleanly and affordably to residential and non-residential buildings, for the respective phase. This must include a Feasibility Study for a low-carbon heat network, together with a low temperature distribution system. The agreed heating system shall be implemented within the development unless evidence is submitted to prove it is not technically feasible or financially viable under current costs, technologies and funding regimes, and considering heat demand. In addition, the Energy Statements should set out how the use of recycled, sustainable and low-carbon building materials and circular economy principles will be incorporated in the development. The figures for the domestic element of the development should be presented separately from the non-domestic elements and all energy calculations shall use SAP10 emissions factors.

- 6.212. In the event of future amendments to Building Regulations beyond Part L 2013, the Energy Strategy and Statements shall have regard to the new energy efficiency standards. Conditions should also be imposed to ensure the development is future proofed and able to connect to any future decentralised heat network, should one become available.
- 6.213. It is expected that a Future Homes Standard will come into force within the timespan of the Toads Hole Valley development. If that is the case then the new Standard will likely supersede some existing City Plan policies. However, an interim position and conditions are required in order to cover the period until a Future Homes Standard is implemented and to ensure that Toads Hole Valley is an exemplar of low carbon development. An appropriate condition should ensure residential development secure a minimum of 31% CO₂ emission improvement relative to the threshold set in the Building Regulations Part L 2013, until superseded by new Building Regulations the Future Homes Standard. Non-residential buildings should also meet the carbon emissions requirements of the Future Buildings Standard.

Ventilation:

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

Overheating and climate change:

- 6.215. Consideration of thermal comfort should be assessed as standard as part of the design process. The Applicant has agreed to provide this information to the Council and this can be secured by condition to ensure that residential and non-residential units have been designed to ensure they incorporate measures to adapt to future climate change and do not overheat at any time of year. This analysis shall use dynamic thermal modelling in line with the guidance and data set out in CIBSE TM52 and TM59. Evidence should be submitted to demonstrate that the buildings have been designed with regard to climate change and are adaptable to meet predicted future weather without affecting their energy

consumption or compromising healthy building principles. This shall include evidence that they have been designed for comfort to keep cool in hotter summers, and designed for structural stability, weatherproofing and water management.

Water Efficiency:

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

Electric Vehicle Charging:

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

Sustainable Drainage Systems (SuDS):

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

BREEAM:

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

Green Roofs:

- 6.221. The Applicant has suggested that green roofs are proposed for the school and employment space, buildings which will have a management scheme in place. Green roofs will contribute to the green infrastructure and biodiversity of the

development and its setting in the South Downs National Park and they will improve the building performance and reduce the heat island effect, and are therefore encouraged throughout the development. Green roofs will help to achieve BREEAM credits and contribute to the exemplar nature of the development, and it is therefore proposed that they are considered for all flat (or other suitable) roofs across the site. Green walls would be welcome too, especially in the larger buildings such as the community centre, school and flats, and it is suggested it be referred to in the Design Code.

6.222. A Green Roof Strategy can be secured by condition which demonstrates how green living roofs shall be incorporated on all flat roofs in the development and shall include the location, area coverage in sqm, a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme.

6.223. **Urban Design: Comment:**

Generally, the masterplan proposals and parameter plans are well received. Proposed movement networks respond well to site topography and generate legible hierarchies and segregated pedestrian / cycle routes through green spaces and outside of the masterplan area into the SDNP and surrounding suburban context. Similarly, proposed land uses, residential densities and building heights appear to respond to site topography and suburban context, locating civic / community facilities and tallest buildings towards the valley bottom, nearest to central Hove.

6.224. However, some recommendations are offered on these aspects, primarily regarding:

- Pedestrian priority and the avoidance of rat-running in tertiary residential streets;
- Details of critical movement intersections to ensure pedestrian and cyclist priority;
- Details of critical crossing points over King George VI Ave;
- Accessibility from the primary bus route to the proposed Community building;
- Wildlife corridors / connectivity between open green spaces; and,
- Optimising residential densities across the site.

6.225. Recommendations are also offered regarding unreserved aspects of Layout and other reserved matters, seeking to inform the development of a site-wide design code prior to reserved matters applications, primarily regarding:

- Building typologies and building orientation;
- Discreet car parking configurations;
- Development of identified landscape character areas, special places and street typologies into a site-wide design code;
- Expansion of the (already well received) SUDS strategy to incorporate smaller SUDS interventions elsewhere on the site;
- Provision of 3D massing information;
- Development of the proposed varied roofscape into a site-wide design code, relative to building typology and general massing strategy;

- Passive design solutions for reduced carbon emissions and high-quality homes;
- Development of building typologies and architectural character zones into a site-wide design code; and,
- Development of a zero carbon strategy into a site-wide design code, to meet the city's Carbon Neutral 2030 Programme.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

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

CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing

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

TR4	Travel plans
TR7	Safe Development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related disability
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise Nuisance
SU11	Polluted land and buildings
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD21	Allotments
QD25	External lighting
QD26	Floodlighting
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO19	New community facilities
HO21	New community facilities in residential and mixed use schemes
EM4	New business and industrial uses on unidentified sites
EM9	Mixed uses and key mixed use sites
SR4	Regional shopping centre
SR5	Town and district shopping centres
SR6	Local centres
SR7	Local parades
SR12	Large Use Class A3 and A4
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part 2:

- 8.1. Policies in the Proposed Submission City Plan Part 2 (CPP2) do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy.
- 8.2. Since 23 April 2020, when CPP2 was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th 2022 (BHCC44 Schedule of Main Modifications). The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable and is summarised below.

DM1	Housing Quality, Choice and Mix (significant weight)
DM9	Community Facilities (significant weight)
DM11	New Business Floorspace (limited weight)
DM18	High quality design and places (limited weight)
DM19	Maximising Development Potential (significant weight)
DM20	Protection of Amenity (significant weight- more than BHL P Policy QD27)
DM22	Landscape Design and Trees (significant weight)
DM29	The Setting of Heritage Assets (significant weight)
DM31	Archaeological Interest (significant weight-more than BHL P Policy HE12)
DM33	Safe, Sustainable and Active Travel (significant weight)
DM35	Travel Plans and Transport Assessments (significant weight)
DM36	Parking and Servicing (significant weight)
DM37	Green Infrastructure and Nature Conservation (limited weight)
DM38	Local Green Spaces (significant weight)
DM40	Protection of the Environment and Health – Pollution and Nuisance (significant weight)
DM41	Polluted sites, hazardous substances and land stability (significant weight)
DM42	Protecting the Water Environment (significant weight)
DM43	Sustainable Urban Drainage (significant weight)
DM44	Energy Efficiency and Renewables (limited weight)
DM45	Community Energy (significant weight)
DM46	Heating and Cooling Network Infrastructure (significant weight)

Supplementary Planning Documents:

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

Planning Advice Notes (PAN):

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

Materials and Waste
PAN 06: Food Growing and Development

Other Material Considerations:

BHCC Developer Contributions Technical Guidance (June 2020)
BHCC Woodland Drive Conservation Area Character Statement
BHCC Special Guidance A: Swift Boxes and Bricks for New Developments
BHCC Public Art Strategy 2022
National Design Guide
Brighton and Hove Local Football Facilities Plan
Design Manual for Roads and Bridges GG119: Road safety audit

9. CONSIDERATIONS & ASSESSMENT

Main considerations:

- 9.1. The principle of developing the Toad's Hole Valley site for a mixed development as proposed is accepted, given it is a strategic allocated site in Policy DA7.
- 9.2. At Planning Committee on 21st March 2022 in relation to the identical original application (at appeal), the officer report presented outlined that the development of the site and proposals were acceptable and policy-compliant, except with regard to some outstanding transport matters (and a related air quality issue).
- 9.3. Whilst the transport case was considered significantly advanced, given the insufficient transport information available at that particular time, namely the absence of a traffic model audit and Stage 1 Road Safety Audit, which were considered fundamental pieces of information, two putative reasons for refusal were put forward to form the basis of the council's defence at appeal as agreed by members (see Appendix C) as set out below:
 1. *There is a need for auditing of the latest iteration of the applicant's highway modelling to be completed, as well as for the Stage 1 Road Safety Audit to be completed and (if necessary) any safety matters resolved. As a result, there is currently insufficient information from which to determine: (a) whether the residual cumulative impacts of the proposal on the strategic and local road network would be acceptable; (b) whether the proposal avoids an unacceptable impact on highway safety; and (c) whether the proposed highway mitigation measures are adequate. As it currently stands, therefore, it has not been demonstrated that the proposal complies with Policies TR7, TR12 and TR15 of the Brighton & Hove Local Plan 2005; Policies DA7, CP7, CP9 and CP13 of the Brighton & Hove City Plan Part One 2016; DM33 and DM35 of the emerging Brighton & Hove City Plan Part Two; the 'Transport and Travel' section of THV SPD 15; and paragraphs 104, 105 and 110-113 of the NPPF 2021.*
 2. *On the basis of the information provided within the Environmental Statement ('ES'), it would appear that the impacts of the proposal on air quality would be acceptable. However, the assessment of the air quality*

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

- 9.4. Given the Planning Committee resolution of 21st March, therefore, this report will focus mainly on an update to the outstanding transport matters. The main issues to consider at this stage for this application are:
- Whether the application now contains sufficient information to enable a full and final assessment of the transport impacts
 - Whether the VISSIM model including audit is robust
 - Whether the stand-alone junction modelling is robust
 - Whether the outcomes of the modelling as presented within the Transport Assessment are considered acceptable in terms of highway impact (on both strategic and local highway networks).
 - Whether the proposed mitigation measures are acceptable
 - Whether the proposals effectively promote use of sustainable modes of transport, including via enhanced cycling and pedestrian linkages
 - Whether the proposed highway designs are safe, as demonstrated by a Stage 1 Road Safety Audit
 - Whether the transport assessment (and modelling) upon which the air quality assessment is in part predicated is robust and final conclusions with regard to air quality can be reached
- 9.5. The other key planning considerations remain unchanged from those outlined in the committee report of 21st March for the identical duplicate application, and this report should be read in conjunction with the considerations set out in that 21st March report (see Appendix C and summary below).
- 9.6. The objections received by neighbours and groups are noted and have been fully considered (as seen within the original committee report and in this report). It is noted that transport issues remain the most significant concern for objectors, and these are addressed in detail.

Summary (detail provided in the 21st March report at Appendix C):

- 9.7. In summary, the principle of development here is established. The site forms one of the council's strategic allocations identified to accommodate mixed land uses to meet the future needs of the city for housing, employment, education and other uses. The type, amount and range of land uses proposed deliver the requirements of policy DA7 and are acceptable.
- 9.8. The proposals would deliver much needed housing including affordable housing and includes local supporting services and community uses, to ensure a

balanced and sustainable neighbourhood. Employment land to meet the 25,000sqm requirement in DA7 is proposed, and whilst actual delivery of speculative floorspace is not proposed at this stage, a section 106 legal agreement will ensure appropriate marketing and delivery if interest.

- 9.9. The County Ecologist confirms that the impacts to ecological habitats can be appropriated mitigated against on and off site, and biodiversity net gain can be achieved. Enhancement of the SNCI on site is a significant benefit.
- 9.10. Parameter Plans and other information submitted show how the level and type of development can be satisfactorily accommodated, and the County Landscape Architect raises no objection in terms of impact on wider views. The proposals are landscape-led and contain significant open space, and would satisfactorily preserve the setting of the SDNP and heritage assets. The council's Urban Designer confirms the indicative layout is appropriate and it follows advice given by the Design Panel.
- 9.11. The scheme is considered to be an exemplar of sustainability, subject to imposition of appropriate conditions. Sustainable drainage systems can be satisfactorily accommodated in principle and groundwater quality would not be compromised by the development.
- 9.12. The proposal would not adversely affect amenity, subject to condition.
- 9.13. The Environmental Statement is considered robust – it has been assessed by expert consultees and appropriately identifies the likely significant environmental effects and suggests comprehensive mitigation.
- 9.14. The indicative phasing is considered acceptable in principle. Conditions/S106/CIL can ensure that key mitigation and infrastructure are delivered over phases in a timely way. Detail of the scheme can be secured at Reserved Matters stage and conditions can ensure this is appropriately controlled.
- 9.15. Increased weight when considering the merits and overall balance of the application has been given to housing delivery as per the NPPF requirement, given the council cannot demonstrate a 5 years housing supply and has a significant shortfall (equivalent to 2.1 years).
- 9.16. The two pieces of outstanding transport information – the VISSIM traffic model audit and road safety audit - have now been submitted and are considered robust and to satisfactorily prove the transport impacts of the proposal are acceptable (as set out below). The stand-alone junction models have also been checked and are suitable. Key expert consultees – the local highway authority and National Highways - have withdrawn their objection to the scheme on the basis of this satisfactory new information, and the application is therefore recommended for approval.

Transport and Highways Policy Context:
Policy DA7: Toad's Hole Valley

- 9.17. The key policy in City Plan Part One relevant to this site is Policy DA7: Toad's Hole Valley.
- 9.18. With regards to transport, highways, road safety and sustainable transport linkages in particular, Policy DA7 requires the following. At Part A:
- *The site to be used efficiently and effectively to assist in meeting the development and infrastructure requirements of the city.*
 - *The development to aim to be an exemplary standard in terms of environmental, social and economic sustainability, achieving a One Planet approach and promoting the city's UNESCO Biosphere objectives.*
 - *That development respects the setting of the South Downs National Park and seeks to enhance links to the National Park for local residents and tourists.*
 - *The development will provide the opportunity to benefit residents in terms of the mix of uses, an improved provision of community facilities, road safety improvements, training and job opportunities for local people and the provision of green infrastructure including public open space and natural green space.*
 - *To improve sustainable transport links to the area.*
- 9.19. At Part C.1 of Policy DA7 it is stated that proposals will be assessed against the citywide policies and the following criteria:
- *Environmental sustainability will be central to the design and layout of the scheme which will be expected to meet the requirements of policy CP8.*
 - *Development will make contributions towards improved pedestrian and cycle links to the South Downs National Park.*
 - *Development proposals will address the issues of highways safety on King George VI Avenue, noise and other traffic impacts from the A27 and provide improved links to adjacent residential areas.*
 - *Improvements to public transport access and a good quality public realm that encourages healthy lifestyles (walking and cycling with connections to existing cycle infrastructure).*
 - *Work in partnership with the Highways Agency and developer to improve the operational performance of the trunk road network and links to local roads that will be set out in a future planning brief for the area.*
- 9.20. The supporting text to policy DA7 recognises that the key issue for any comprehensive redevelopment of THV is to ensure there are improved sustainable transport links to the area. It seeks that work is undertaken with sustainable transport providers to ensure that links are improved. In terms of promoting cycling and walking, improved links to adjacent neighbourhoods and to designated national cycle routes are sought as part of a redevelopment scheme.
- 9.21. The supporting policy text states that redevelopment of THV represents an opportunity to improve safety on KGVI Avenue which is steep and curving. The text states that redevelopment proposals should give consideration to slowing traffic, realigning the road and providing off-street parking in accordance with parking standards and improving the local environment.

Supplementary Planning Document 15: Toad's Hole Valley

- 9.22. Supplementary Planning Document 15 (SPD15) was formally adopted on 21/9/17 and relates specifically to this site, and is a key material consideration of significant weight in the assessment and determination of this application.
- 9.23. SPD15 provides illustrations and examples to aid the preparation of detailed development proposals on the site and identifies opportunities to meet Policy DA7 and the City Plan generally, and it signposts good practice examples of how the challenges of the site (topography, access, linkages, landscape impact and drainage) have been addressed elsewhere in the city or in other areas.
- 9.24. With regard to transport and highways, SPD15 identifies a number of opportunities to reduce the ecological footprint of the development and combine Biosphere objectives to deliver sustainability policy requirements.
- 9.25. SPD15 identifies ways the development can have connections within it and can fully connect to adjacent neighbourhoods and open spaces including SDNP, to overcome the challenges posed by the site's location on the edge of the built up area, and the physical severance caused by the steep slopes of the SNCI, the A27 and KGVI Avenue.
- 9.26. SPD15 identifies that creation of a more built-up area feel to KGVI Avenue could improve road safety and provide a sense of spatial containment to the road. It advocates adoption of physical measures along the King George VI Avenue such as central reservations and crossing points that help place the needs of pedestrians and cyclists as top priorities, and which could also help to change driver perceptions and behaviours and therefore manage traffic flow and reduce the impacts of vehicles.

The National Planning Policy Framework (NPPF)

- 9.27. Local policies reflect the NPPF, and this states that when assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code. And
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.28. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Key Development Plan Policies and Considerations

- 9.29. City Plan Policy CP9 reflects the NPPF and states that the council will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that will accommodate new development; support the city's role as a sub-regional service and employment hub; and improve accessibility. The policy seeks to ensure developments promote and provide measures that will help to manage and improve mobility and lead to a transfer of people and freight onto sustainable forms of transport to reduce the impact of traffic and congestion, increase physical activity and therefore improve people's health, safety and quality of life. Other relevant CPP1 policies are listed in the report.
- 9.30. Local Plan Policy TR7 seeks to ensure highway safety is not compromised by development proposals. Other relevant BHLF policies are listed in the report.
- 9.31. SPD14: Parking Standards is a material consideration and this sets out relevant vehicle and cycle parking standards for development.
- 9.32. Emerging policies in the Brighton and Hove City Plan Part Two with regard to safe sustainable travel and parking/servicing are also relevant, and hold significant weight for decision making purposes: DM33 (Safe, Sustainable and Active Travel), DM35 (Travel Plans and Transport Assessments) and DM36 (Parking and Servicing).
- 9.33. The government document: 'Design Manual for Roads and Bridges GG119: Road safety audit' is a material consideration and this sets out national road safety requirements. This sets out at para 5.17.1 that a Stage 1 road safety audit (RSA) should include road safety matters which have a bearing upon land take, licence or easement before planning consent is applied for. At para 5.46.1 it states that a stage 1 RSA report should be undertaken before planning consent is applied for as this demonstrates that the potential for road user safety issues has been addressed.
- 9.34. It is good practice that all proposals affecting road layouts are subject to an independent Stage 1 RSA by suitably qualified personnel which takes place at the initial design stage to ensure that there are no proposals that would have a detrimental effect on any road users.
- 9.35. Transport modelling is widely adopted to understand the expected impacts of development sites. For the proposed development, two modelling approaches have been applied:
- VISSIM model of the A27 junctions and local area in the vicinity of the site; and
 - Junction modelling for those locations to be affected beyond the scope of the VISSIM area model.
- 9.36. The VISSIM model has been subject to audit by Atkins on behalf of the Council and National Highways. Auditing models of this type is common practice to ensure that the model in question is fit for purpose and that its results are robust.

The stand-alone junction models have been checked by Mott MacDonald on behalf of the council.

Key Transport and Highways considerations:

- 9.37. The principle of developing the site for the type and amount of land uses proposed is accepted in principle given this accords with policy DA7. At the time that policies in City Plan Part One were being formulated the THV allocation proposals were deemed acceptable and viable in terms of transport and other impacts in principle, as they were tested for soundness at the time of formal allocation. City Plan Part One including all allocated sites was subject to a Strategic Transport Assessment, which was found to be sound by the Planning Inspectorate.
- 9.38. The proposals increase the number of residential units cited in policy DA7 from 700 to up to 880, although the policy clearly states that 700 is a minimum only (including Court Farm), so the site was deemed capable of achieving a significant amount of development. The council welcomes a higher density of development on the site in principle, as this makes effective and efficient use of the site, if this can be achieved with no significant (residual) impacts after mitigation.
- 9.39. It is now, at application stage, that the detailed impacts can be considered. It is accepted that development of the scale proposed at THV will inevitably have some impacts to neighbouring roads, particularly if additional pedestrian and cyclist crossings and other sustainable transport infrastructure is to be given priority, as required by policy. The key test as set out in the NPPF is whether the impacts are 'severe' and whether the proposed highways designs are safe. In addition, it is at the application stage when assessment can be made as to whether the proposals meet the requirements of relevant policies including DA7, and SPD15.
- 9.40. It is noted that transport issues are a key concern for most local residents and groups and these have been duly considered in the assessment of the application. The transport case has been thoroughly assessed by expert consultees including the Local Highway Authority and National Highways, as well as independent auditors.
- 9.41. At the time the original application was heard at committee on 21st March the transport case was significantly advanced with many transport matters being largely agreed. The highway designs were considered to broadly comply with policy and the sustainable transport mitigation package was considered comprehensive and appropriate in principle. There was at that stage, however, insufficient information to enable the Local Highway Authority and National Highways to reach a conclusion that the proposal would not cause severe highway impact or compromise highway safety. It was recommended to Members that officers' recommendation would have been refusal if the appeal for non-determination had not been lodged.
- 9.42. Now that the traffic modelling has gone through its final audit stage and the impacts are deemed acceptable, and as there is now a completed and

satisfactory Stage 1 Road Safety audit (RSA) to accompany the highway designs, previous consultee objections have been withdrawn. These two independently produced pieces of information were deemed fundamental to enable a definitive assessment of proposals. The application now contains sufficient information to enable a full and final assessment of the transport impacts.

- 9.43. Both the LHA and NH have duly considered the additional information and confirm that both the VISSIM model audit and the stand-alone junction modelling are robust and accurately reflect the expected impacts of the development. Both NH and the LHA confirm that the outcomes of the modelling as presented within the Transport Assessment are considered acceptable in terms of highway impact (on both strategic and local highway networks) subject to mitigation, as set out in their full comments within this report and as summarised below.
- 9.44. National Highways state that having assessed the application and further information submitted they are content that the proposals would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A27 Devils Dyke Junction), subject to imposition of conditions/S106.
- 9.45. The LHA confirm that in the 'Core assessment' scenario, the submitted modelling indicates that overall the proposed mitigation is predicted to be effective at mitigating the expected impacts of the proposed development. The overall network performance is showing that with the proposed development and associated proposed mitigation in place, the network is expected to perform more effectively and result in a lesser impact than the equivalent scenario where the proposed development (and mitigation) did not occur.
- 9.46. However, as expected there are some negative impacts on certain junctions in terms of journey times and queuing. These are mainly due to changes to highway layout and junction design such as the introduction of traffic signals. This type of junction is required to enable and manage safe and suitable access by people and vehicles to and from the site which comply with the site allocation and wider Toad's Hole Valley supplementary planning document (SPD15) strategy for the area.
- 9.47. The LHA consider the impacts need to be considered in the context of the proposed benefits from the wider application. They consider that sustainable modes have been prioritised within the scheme and highway designs, and a significant highways mitigation and sustainable transport package has been proposed. This includes improvements for people walking and cycling, new/enhanced bus services, access to car club vehicles and a travel plan which will help to improve the sustainable transport offer of the site, with the overall aim of reducing the need to travel by car, as well as benefiting the wider surrounding area. The LHA confirm the travel plan is acceptable and further details will be secured via S106.
- 9.48. Off-site improvements are proposed to the A27 dumbbell roundabouts and junction that are considered necessary to ensure sufficient capacity and safety,

and also to improve pedestrian and cyclist access, as per policies DA7 and CP9. These can be secured by S106. Such works would also benefit the city as a whole and other developments, and as such the s106 would secure a proportionate contribution based on impact for THV. It should be noted that £2million of the scheme's CIL has been agreed by councillors to be ring-fenced towards upgrading this junction given its wider strategic importance

- 9.49. It is considered that the proposals as set out and included within Parameter Plans should, in principle, ensure the new THV neighbourhood is fully and appropriately connected to its surroundings as well as within the site itself. A significant number of enhanced or new pedestrian and cycling links are proposed, including to the SDNP, within the SNCI, along Goldstone Crescent and through Three Cornered Copse (and across Dyke Road Avenue to Green Ridge).
- 9.50. Provision of segregated cycle/footways along KGV1 Avenue and introduction of signalised crossing points here and on the dumbbell roundabouts is a significant benefit of the scheme. A new formal crossing and creation of a cycleway/footpath north of the A27 roundabout into the SDNP is a significant benefit of the scheme as no such links exist at present and would have a wider benefit to residents and visitors in the city. Nearby junctions would be improved to give priority to sustainable modes and ensure sufficient traffic capacity and safety.
- 9.51. The concerns expressed by some residents regarding cycling enhancements in Goldstone Crescent are noted, however, traffic calming will be all on road, and no trees or verges would be affected. Exact detail of the scheme would be secured via S106. Such a proposal would be a significant benefit and help link the site to Hove Park and beyond.
- 9.52. Given the location and limited frequency of current bus services in the area, significant contributions would need to be secured towards enhanced bus services, and this is agreed (£2.1 million), which is welcomed in principle, together with upgrades of existing bus stops. The LHA consider this sum sufficient to meet anticipated demand and was originally based on the developer's indicative case put forward for a new service within the application. The sum is considered appropriate to either secure a new service, or enhancement of an existing one eg the 21A. A bus service could enter the site from phase 2.
- 9.53. Some groups have stated the Travel Plan is unambitious however the LHA consider this is not the case. A significant and comprehensive Travel Plan is proposed including car club provision, financial and other incentives and extension of the city bike hire scheme. These and the other measures proposed can be secured via S106.
- 9.54. The safety and capacity concerns expressed by some residents and groups is noted, however, the approach taken with regard to KGV1 Avenue is welcomed. The principle of 'downgrading' KGV1 Ave and reducing its severance and adding crossings accords with adopted policy. The Design Panel and the LHA fully

support the ambition to create a more active frontage to King George VI Avenue and slow traffic and create a more neighbourhood feel. The Road Safety Audit proves the designs are safe.

9.36 In relation to the Road Safety Audit (RSA), both the LHA and NH conclude that they are satisfied that there are no significant problems that have been raised that cannot be dealt with through subsequent stages of the design and Road Safety Audit process. In most cases, the problems raised through the audit and the responses provided by the design team have been accepted. However, in some other cases, further design work has been identified which will be conducted at the detailed design stage and re-appraised through the subsequent stages of the RSA process. As such, the mitigation proposals submitted are considered to be safe and deliverable, and are therefore developed to an appropriate level of detail for this stage of the planning process.

9.37 The LHA and NH advise that, therefore, there are no outstanding transport-related items, and that they do not consider the proposed development to have a severe or unsafe impact on the local highway network as per the test set out in National Planning Policy Framework (NPPF) paragraph 111. As such, the proposals are acceptable and are considered to meet several local policy requirements and DA7 and SPD15, subject to the inclusion of the recommended s106 obligations and conditions.

Other considerations:

Updated highway drawings:

- 9.55. As a result of the Stage 1 Road Safety Audit iterations the highway designs have changed very slightly. This has included a minor widening of the segregated cycle/footway along KGV Avenue for safety reasons, which encroaches into the north-western edge of the Three Cornered Copse SNCI (3CC). Originally in the original 2018 application this equated to 362sqm or approximately 0.58% of the total of 3CC, and this was revised to 298sqm or 0.48% as a result of overall design changes. The Stage 1 RSA iterations have now meant this has increased back up slightly to 332sqm or approximately 0.53% of the total in this current application.
- 9.56. As can be seen from the original committee report, the loss of this small area along of 3CC is considered regrettable, and the objections received in this regard are noted. As a protected space and wildlife habitat, there is a presumption against any encroachment. The proposals are in this case, however, considered to represent a special circumstance. The proposed area to be taken for a segregated cycle/footway is very limited and is adjacent to a busy road, and the County Ecologist confirms that the impacts can be appropriately mitigated against. It is considered that the benefits of a continuous strategic sustainable transport link are significant and represent an exceptional case that outweigh the loss of vegetation. The proposals are therefore considered to accord with policy NC4 and emerging CPP2 policy DM38, where Three Cornered Copse is designated as a protected Local Green Space.

Amenity/Air Quality:

- 9.57. With regard to the impacts on air quality, the proposal and considerations are the same as for the original 2018 application (see committee report in Appendix C). The proposals were deemed acceptable except that until the traffic modelling was signed off a conclusion could not be reached that the air quality assessment was robust, given that it was partly underpinned by a transport assessment that was not complete.
- 9.58. Now that the VISSIM model has been audited and the transport methodology is deemed robust and acceptable, the Air Quality Officer (AQO) confirms the air quality assessment is robust. The AQO confirms the proposals are acceptable and policy-compliant with regard to air quality, subject to condition.

Water quality and supply

- 9.59. The proposals are considered acceptable with regard to the impact to water quality and supply, as set out in the committee report of the original application (Appendix C). The ES comprehensively assesses the proposals and expert consultees have also considered the ES, and concur with its conclusion that there will be no significant environmental effects, provided appropriate mitigation is put in place. The proposal incorporates SUDs in principle, and has due regard to the aspirations for natural based SUDs in SPD15.
- 9.60. Circumstances have not changed since March in this regard and proposal is considered to be policy-compliant and acceptable. The Environment Agency and the councils Flood Risk officer reiterate that they raise no objection. Southern Water (SW) are broadly supportive subject to condition but it is noted they do now seek further reassurances that their groundwater abstraction source will not be impacted by the proposed development. Whilst SW originally raised no objection they now consider the proposals should be informed by a Hydrogeological Risk Assessment. The applicant has submitted further evidence to address SW comments, and SW have been re-consulted and their updated comments will be reported on the Late List if received. Notwithstanding SW's response, it is considered that the appropriate stage to require a Hydrological Risk Assessment is a prior to construction when the designs and methods are known, post reserved matters, and this can be adequately dealt with by condition.

Housing Supply:

- 9.61. The council currently has a very substantial five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply). This situation has worsened since the original 2018 application was first submitted. As the council is currently unable to demonstrate a five year housing land supply, increased weight has been given to housing delivery when considering the planning balance in the determination of this planning application, in line with the presumption in favour of sustainable development set out in the NPPF. This places increased importance on bringing forward the planned development at THV.

EIA regulations – Alternative site consideration:

- 9.62. Schedule 18 (Part 5) of the 2017 EIA Regulations require that an Environmental Statement (ES) includes a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific

characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment. The submitted ES does therefore consider this, and the situation is as per the report of the original 2018 application at Appendix C, and reasonable alternatives have therefore been duly considered.

10. INFRASTRUCTURE AND S106/COMMUNITY INFRASTRUCTURE LEVY

- 10.1. In addition to the policy requirements above, policy CP7 seeks to ensure that the necessary social, environmental and physical infrastructure is appropriately provided in time to serve the development. To make the development acceptable and enable the granting of planning permission, inadequacies in infrastructure arising from proposed development are required to be mitigated through s.106 Planning Obligations via a legal agreement. Further off-site impacts may also be mitigated via the Community Infrastructure Levy (CIL), charged by the council since 5 October 2020.
- 10.2. S106 obligations are sought where they meet the statutory tests of being:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development
- 10.3. A s106 legal agreement is recommended, and the S106 Heads of Term are set out at Appendix A of this report.
- 10.4. It is considered that these measures as set out should appropriately mitigate the impacts of the development, secure necessary enhancement and ensure timely delivery of infrastructure over a phased basis in principle. Some off-site contributions sought by consultees, including a number of highway works would need to be considered as part of future CIL bids, in accordance with the council's Developer Contributions Technical Guidance and Infrastructure Delivery Plan. At the council's Policy and Resources Committee on 1/7/21 it was agreed that up to £2million of the CIL receipts from the THV proposals would be ring-fenced for necessary trunk road junction works to be carried out at the Devil's Dyke Roundabout as required by National Highways.
- 10.5. The amount of CIL liability for the type and scale of mixed use development proposed is approximately £6.85 million. As an outline scheme only, however, this is very much an estimate and the actual figures secured would be based on the floor area created and house/premises sizes developed. The exact amount would be confirmed by CIL liability notice at the appropriate time, and it would be collected on a phased basis at Reserved Matters stage, should this application be approved at appeal.

11. OVERALL CONCLUSION & PLANNING BALANCE

- 11.1. The principle of development of the site is acceptable as it forms a strategic allocation in City Plan Part One, as set out in Policy DA7. Toad's Hole Valley is

the city's largest greenfield development site and presents a significant opportunity to deliver purpose-built, mixed-use sustainable development that contributes to meeting the city's identified needs for housing, education, office and open space. Development is therefore welcomed in principle.

- 11.2. The (original) proposals have been the subject of extensive pre-application discussion, and further discussions since that application was first submitted in 2018, and the developer has worked with the council and consultees to ensure the current proposals meet the aspirations of Policy DA7 and the guidance in SPD15.
- 11.3. The proposals deliver all the land uses required by DA7 and the indicative designs have taken on board comments from expert consultees including the Design Panel. The proposals are policy compliant and would bring significant benefits to the city and help meet its strategic needs with regard to housing, employment, education and open space. The proposal would deliver 352 affordable homes, equating to 40% of the total, which is significant benefit of the of the scheme. Over 50% of all the housing will be much needed family homes with 3 or more bedrooms. Custom/self-build plots are included within the scheme. The proposal would provide new jobs for the city. The Planning Policy Team are supportive of the proposals.
- 11.4. The proposal makes effective and efficient use of the site whilst delivering significant housing and incorporating substantial new public open space (in excess of the DA7 requirement). The proposal includes new children's play spaces, sports facilities, food growing areas and a new and enhanced and publicly accessible SNCI, which are welcomed benefits. The council's, CityParks and Sports Facilities team and Sport England are supportive of the proposals. The proposal includes a neighbourhood centre with local shops, health facilities and community uses. All these new facilities will help meet the demand created for such facilities by the new THV population and can also be shared by nearby neighbourhoods.
- 11.5. Potential impacts to amenity of existing and proposed residents from e.g. noise or pollution, can be appropriately mitigated against by condition.
- 11.6. The proposals will impact ecological habitats as currently the site is an undeveloped green field, however, the impact can be satisfactorily mitigated and the proposals will deliver benefits including significant ecological enhancement and creation of new habitats on and off-site, and can achieve biodiversity net gain. The impacts to protected species habitats can be suitably mitigated. The County Ecologist and Natural England are supportive of the scheme in principle.
- 11.7. Sustainability is embedded within the designs and proposals, and the proposals will be future-proofed and conditions will ensure the scheme goes beyond current environmental standards. The scheme can be described as a sustainable exemplar, which is a significant benefit. The council's Sustainability officer is supportive of the scheme.

- 11.8. The proposals can satisfactorily protect sensitive groundwater, deal with surface run-off/flood risk, and would incorporate sustainable drainage systems. The council's Flood Risk officer and the Environment Agency do not raise any objections, subject to appropriate conditions being imposed. Concerns expressed by Southern Water can be address via condition.
- 11.9. The proposed illustrative layout, landscaping and density is considered appropriate in terms of impact to the character and appearance of the surrounding area, including the setting of the South Downs National Park and the Woodland Drive Conservation Area. The proposals make effective and efficient use of the site whilst being 'landscape-led', and indicative building heights proposed are appropriate. The County Landscape Architect and the South Downs National Park Authority raise no objection. The council's Urban Designer and the Design Panel are supportive of the scheme.
- 11.10. The proposed Parameter Plans are considered acceptable. Detailed designs and layout etc will be considered at Reserved Matters Stage and conditions/S106 will ensure development will be suitably mitigated, enhanced and controlled, should approval be granted. The proposed indicative phasing is considered broadly appropriate and would ensure timely delivery of required supporting infrastructure.
- 11.11. The Environmental Statement contains all chapters sought by the council's Scoping Opinion. The ES is considered robust and appropriately identifies the likely significant effects of the development and required mitigation.
- 11.12. The concerns of local residents and groups regarding transport matters including safety and traffic generation is noted, however, following detailed transport discussions and submission of final information, outstanding transport matters have been satisfactorily resolved. It has been demonstrated that the Transport Assessment is underpinned by robust traffic modelling and highway safety information (RSA), which have been independently verified and assessed. The proposals are considered to comply with relevant national and local transport policies and those specific to the THV site, plus SPD15.
- 11.13. The proposals prioritise sustainable modes and result in a well-connected new neighbourhood. They deliver enhanced connectivity within the wider area, including the national park. An enhanced bus service can be secured. The severance caused by KGVI Avenue can be addressed and it can be 'downgraded' and made safer in principle, as required by DA7 and SPD15.
- 11.14. The Local Highway Authority (LHA), National Highways (NH) and the council's Air Quality officer have withdrawn their previous objections and are supportive of the scheme, subject to imposition of appropriate conditions/S106 obligations.
- 11.15. Significant weight has been given to the assessment of the scheme made by expert consultees and it is considered that the final transport/air quality issues are now fully resolved. Whilst the scheme will result in some additional localised traffic impacts these are expected with an allocated site of this scale and the impacts are not considered severe, and are partly a result of beneficial

improvements to sustainable linkages. Overall, the impact to the overall highway network is considered acceptable.

- 11.16. It can be seen that the scheme would deliver many benefits to the city including much need housing including affordable housing, and this too is given significant weight within the planning balance (as per the NPPF).
- 11.17. Approval (subject to a completed S106 agreement and conditions) is therefore recommended.

12. EQUALITIES

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

13. CLIMATE CHANGE/ BIODIVERSITY

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

14. S106 AGREEMENT

- 14.1. In the event that the draft S106 agreement has not been signed by all parties by the 25th September 2022, the application shall be refused for the reasons set out at Appendix E:

APPENDIX A: S106 Agreement Heads of Term:

A.1 Implementation and Phasing:

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

A.2 Sustainable Transport Measures and Highway Works *(note some off-site highway works may also require a s278 agreement may be subject to future successful funding bids through CIL):*

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

road and link just north of northern dumbbell roundabout adjacent to Dyke Rd to join up to existing path adjacent to car park, and signage.

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

A.3 Housing:

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

A.4 Employment land:

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

A.5 Ecology:

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

A.6 Open space including recreation, childrens play and food growing space:

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

A.7 Sports provision:

- Community Use Agreement to allow dual use of school's indoor and outdoor sports facilities
- Provision of fallback sports facilities - a full size publicly accessible 3G sports pitch plus a Multi Use Games Area (MUGA) on site of school if school not developed in Phase 2, plus provision of ancillary facilities

including toilets and car and cycle parking. Community Use Agreement to allow school use of such facilities. Management structures to secure maintenance of sports facilities to include provision of an annual sinking fund for 3G.

A.8 Community (incl sports) facility:

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

A.9 Provision of appropriate maintenance/management arrangements: relating to ecological mitigation/enhancement and land uses within site including open space, play, sports, food growing, landscaping, public realm and community uses.

A.10 Health provision

- Provision of minimum 750sqm floorspace of doctors surgery/health facility to shell and core standard within neighbourhood centre at Phase 2.
- Marketing strategy of health building

A.11 Neighbourhood centre:

- Provision of retail units (and doctors surgery) buildings completed to shell and core in Phase 2
- Marketing Strategy of centre

A.12 Construction Employment & Training:

- A financial contribution of £258,500 towards the Local Employment scheme
- Provision of an Employment and Training Strategy which aims to secure at least 20% local labour during the construction phase

A.13 Public Art:

- Overarching site-wide Public Art Strategy to co-ordinate delivery of an artistic component
- Implementation of artistic components to total cost of £175,000 (phased) in accordance with principles sets out in Public Art Strategy

A.14 Compliance/Monitoring fees:

- Total contribution of £185,000 to ensure compliance with and monitoring of S106 obligations
- Travel Plan monitoring fees in accordance with the council's Technical Guidance

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

APPENDIX B - Conditions and Informatives

1. Approved Drawings (regulatory):

The development hereby permitted shall be carried out in accordance with the approved drawings listed below (*List of plans including up to date highway drawings to be inserted*).

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

2. Overall Time Limit for Commencement (regulatory):

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

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

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

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

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

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

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

4. Quantum/type of development permitted (regulatory)

- A) The permission is hereby granted only for the following uses and for no other purpose (including any purpose in Classes C3, E, F1 or F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order amending, revoking and re-enacting that Order with or without modification) as set out in the Parameter Plans.:
- (i) up to 880 dwellings (C3 use) and associated car parking
 - (ii) 25,000sqm office/research/light industrial floorspace on a minimum 3.5ha site (E (g) i, ii, iii use) and associated car parking
 - (iii) a 6-form entry secondary school for up to 900 pupils on a minimum 5ha site (F1 (a) use) or part use of site (1.09 ha minimum) for use as community sports facilities comprising a 3G pitch and multi-use games area (F2(c) use) should school not be developed, and associated car parking
 - (iv) a Neighbourhood Centre comprising 790sqm retail floorspace (E (a) (b) (c) and sui generis drinking establishment and hot food takeaway uses), doctors surgery floorspace comprising at least 750sqm (E (e) use) and a community centre of at least 555sqm floorspace (F2 (b) use) and associated car parking (with an additional 100sqm community centre floorspace to serve the sports facilities on the school site if the school is not developed)
 - (v) open space of minimum 5.8ha in total including landscaping, ecological mitigation, childrens play areas comprising a Local Equipped Area of Play of a minimum 600sqm plus 20m buffer zone and a Local Area of Play of 100sqm plus 5m buffer zone, and public food growing areas of a minimum 0.58ha and a minimum of 4.31ha usable public amenity space (excluding incidental landscaping)
 - (vi) a Site of Nature Conservation Importance of circa 8.5ha.
- B) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted is solely for those uses and quantum specified in this condition and no changes shall occur to other uses including to other uses within their respective uses classes without planning permission first being obtained from the Local Planning Authority.

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

5. Parameter Plans (regulatory):

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

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

Reason: As the Local Planning Authority has had regard to these drawings in determining whether the amount and type development proposed can be accommodated within the site in an acceptable and sustainable way in terms of mix of land uses, overall scale and density, open space, transport and

infrastructure delivery, landscaping and ecology mitigation and enhancement, flood risk, building heights and acoustics, in accordance with Policies SS1, DA7, SA4, SA5, SA6, CP1, CP2, CP3, CP4, CP5, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP15, CP16, CP17, CP18, CP19 and CP20 of the Brighton and Hove City Plan Part One and TR7, TR12, TR15, QD15, QD16, QD18, QD21, HO19, HO21, SU9, SU11, HE6 and NC4 of Brighton and Hove Local Plan and SPD15: Toad's Hole Valley.

6. SWMP (pre-commencement):

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

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

7. Piling methods (regulatory/pre-commencement)

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

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

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

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

- A) A preliminary risk assessment which has identified:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- C) The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- D) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan shall comprise built drawings of the implemented scheme, photographs of the remediation works in progress and certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

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

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

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

10. Parameter Plan: heights (regulatory):

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

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

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

No development of each respective phase shall take place (except enabling works and site clearance) until details of the housing mix proposed including details of size of units and tenure have been submitted to and approved in writing by the Local Planning Authority. Each phase shall provide circa 50% 3-bedroomed units and the development overall shall provide at least 50% 3 and

3+ bedroomed units and all dwellings shall as a minimum accord with Nationally Described Space Standards for internal space and storage.

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

12. Wheelchair accessible standard (regulatory):

A minimum of 10% of the affordable housing and 5% of private market housing within each respective phase hereby permitted shall be built in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

13. Retail floorspace (regulatory):

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

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

14. Air Quality Parameter (regulatory):

No building facades of residential development shall be located within 30 metres of the A27 trunk road or within 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 QD27 and SU9 of the Brighton and Hove Local Plan and CP18 and SO22 of the Brighton and Hove City Plan Part One and emerging policy DM40 of the Brighton and Hove City Plan Part Two.

15. Archaeology (pre-commencement):

No development of each respective phase shall take place until the applicant has secured the implementation of a Programme of Archaeological Works in

accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

16. Archaeology (pre-occupation):

No respective phase of the development hereby permitted shall be brought into use until the Archaeological Site Investigation and Post-Investigation Assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and submitted to and approved in writing by the Local Planning Authority. The Archaeological Site Investigation and Post-Investigation Assessment will be undertaken in accordance with the Programme of Archaeological Works set out in the Written Scheme of Investigation approved under the condition x above.

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

17. Ground levels (pre-commencement):

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

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

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

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

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

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

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

9. Details of measures to maintain and secure safe public access arrangements within shared areas of public open space and how such areas will incorporate informal recreation or amenity use.
 10. A phasing and timing of implementation plan.
 11. How nature-based infiltration systems are incorporated and how balancing ponds or other SuDS features will incorporate biodiversity features
 12. How SuDS will interact with and facilitate facilities to recycle, harvest and conserve water resources including rainwater recycling.
- C) Upon completion of the drainage works and prior to occupation for each phase in accordance with the timing/phasing, a Management and Maintenance Plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- (i) Provision of complete set of as-built drawings for site drainage.
 - (ii) A timetable for the management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime including any private elements undertaken by a management company. This plan shall ensure use of chemical pesticides/herbicides are minimised or not used.
 - (iii) a Verification Report demonstrating that the SuDS drainage system for the catchment area for each phase has been constructed in accordance with the approved design drawings.
- D) The SUDs drainage systems shall be implemented and maintained in accordance with the approved details under parts B) and C) for the lifetime of the development.

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

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

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

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

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

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

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

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

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

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

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

- A) No development shall take place until an overarching site-wide Energy Strategy for the whole development has been submitted to the Local Planning Authority for written approval.
- B) No development of each respective phase shall take place until an updated Energy Statement in line with the principles in the overarching Energy Strategy has been submitted to the Local Planning Authority for written approval for that phase at the design stage that identifies the carbon footprint of the phase of development for each stage of the energy hierarchy:
 - (i) Be lean: savings from energy demand reduction
 - (ii) Be clean: energy savings from low carbon technologies
 - (iii) Be green: savings from renewable technologies.

All residential development shall be built to achieve an energy efficiency standard of a minimum of 31% CO₂ emission improvement relative to the threshold set in the Building Regulations Part L 2013, until superseded by new Building Regulations the Future Homes Standard. Non-residential buildings shall

meet the carbon emissions requirements of the Future Buildings Standard. No buildings or dwellings shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the carbon emission targets sought have been achieved.

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

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

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

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

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

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

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

No development of the neighbourhood centre including retail units and flats, the school, the community centre and the employment uses hereby permitted shall take place until detailed plans and evidence have been submitted to the Local Planning Authority for written approval to demonstrate how such uses will be

able to connect to any future decentralised heat network, should one become available. Evidence should demonstrate the following:

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

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

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

24. Ventilation (ground floor slab level):

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

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

of the Brighton & Hove City Plan Part One and QD27 of Brighton and Hove Local Plan and SPD15: Toad's Hole Valley.

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

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

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

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

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

26. Water Efficiency (pre-occupation):

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

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

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

A) Unless otherwise agreed in writing, or superseded by new building regulations, within 6 months of commencement of each respective phase of the development, details of the type and location of electric vehicle

charging points (including for cars, vans, motorcycles, scooters and e-bikes) which meet the following minimum standards shall be submitted to the Local Planning Authority for written approval:

- (i) 100% of the car parking spaces associated with the individual houses shall have EV chargers,
 - (ii) 100% of the car parking spaces associated with the blocks of flats shall have EV charges of which 20% shall be fast EV chargers (7kW to 22kW)
 - (iii) at least 50% of the car parking spaces associated with the non-residential uses, shall have EV chargers of which 20% shall be fast EV chargers (7kW to 22kW) and at least one bay within each communal parking area shall have a rapid EV charger (>22kW)
- B) Within 6 months of commencement of each respective phase of the development details of cable trenching (underground ducting) to be provided to future proof and facilitate electric vehicle charging points for all remaining residential properties and commercial parking spaces not covered by section A) above shall be submitted to the Local Planning Authority for written approval.

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

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

28. Rainwater Strategy (6 months commencement)

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

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

29. BREEAM Communities (pre-commencement)

- A) No development shall take place until a 'Step 1' BREEAM Communities Assessment for the masterplan for the whole development has been submitted to the Local Planning Authority for written approval demonstrating that a standard of 'excellent' will be achieved as evidenced by submission of independent verification in the form of a BREEAM Assessment report.
- B) No development of each respective phase shall take place until an updated Steps 2 and 3 BREEAM Communities Assessment demonstrating that the development will meet the BREEAM Communities standard of 'excellent', and which cross references the master plan "Step 1" assessment, has been submitted to the Local Planning Authority for written approval for the respective phase at the design stage. This shall be evidenced by submission of independent verification in the form of a BREEAM Assessment report. The BREEAM Communities Assessments shall include the following at each step:

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

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

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

Step 3 – Designing the details – including options for:

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

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

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

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

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

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

31. Biodiverse Green roofs (6 months commencement)

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

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

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

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

32. Design Code (pre-reserved matters)

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

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

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

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

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

- Restored Downland
- Blue Corridor
- Hilltop Clumps
- Green Petals (including movement intersections)

- Terraced Slopes
- Food Growth / Allotments
- Landscape Links
- Childrens Play/Sports Facilities
- Heart of the Community
- Employment Campus
- School Campus

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

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

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

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

The Design Code shall build on the following identified Building Typologies, considering building layout to optimise functionality, natural light, ventilation and views; elevational composition, roof type and material palettes to ensure a

suitably varied visual character yet cohesion across the site; and carbon neutrality:

- Open Space Edge – Northern Side (Residential);
- Open Space Edge – Southern Side (Residential);
- Sea View (Residential);
- King George VI Avenue (Residential);
- Stepped Terrace / Courtyards (Residential);
- Linked Villa (Residential);
- Detached (Residential);
- Employment;
- School;
- Neighbourhood Centre (Mixed Use);
- Community Centre; and,
- Infrastructural (e.g. pavilions, bus shelters, bin stores, bike stores etc.)

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

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

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

Reason: As these matters are fundamental to ensure a holistic and clearly defined set of design principles to provide cohesion and consistency across this phased development site as a whole, in order to achieve a distinctive place and a good quality neighbourhood layout and built environment, and to respect its sensitive edge of Downland setting, and to ensure the development is sustainable and vibrant, and has due regard to landscape, biodiversity, visual impact, amenity, health, inclusivity and flood risk, to comply with policies TR7,

TR11, TR12, TR14, TR15, SU3, SU5, SU9, SU10, QD5, QD15, QD16, QD18, QD25, QD27, HO5, HO13, HO19 and NC4 of the Brighton and Hove Local Plan and SS1, CP8, CP9, CP10, CP11, CP12, CP13, CP14, CP16, CP18, SA4, SA5 and SA6 of the Brighton and Hove City Plan Part One and as Policy DA7 of the Brighton and Hove City Plan Part One aims to ensure development of Toads Hole Valley is of an exemplary standard in terms of environmental, social and economic sustainability and achieves a One Planet approach and promotes the city's UNESCO Biosphere objectives, and to comply with SPD15:Toads Hole Valley, SPD06: Trees and Development Sites, SPD11: Nature Conservation and Development and SPD14: Parking Standards and SPD16: Sustainable Drainage and SPD17: Urban Design Framework.

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

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

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

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

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

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

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

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

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

36. Crime prevention measures (pre-occupation):

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

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

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

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

- a) purpose and conservation objectives for the proposed works
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;

- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details of initial aftercare and remedial measures;
- j) details for disposal of any wastes arising from works
- k) evidence that the EMES has been produced by a suitably qualified ecologist.

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

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

38. Ecology – phased (pre-commencement)

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

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

The approved mitigation and enhancement measures shall be implemented within each respective phase before it is first occupied (or if located on individual

buildings, before those buildings are first occupied), or in the case of soft landscaping they shall be implemented within the first planting season following approval of the details and should any plant fail or die within the first 5 years they shall be replaced. The measures shall be retained.

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

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

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

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

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

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

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

Hove Local Plan and CP10, CP8 and DA7 of the Brighton and Hove City Plan Part One.

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

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

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

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

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

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

- a) identify those areas/features on site that are particularly sensitive for bats, badgers and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications)

- so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the species in a) above using their territory or having access to their breeding sites and resting places;
- c) include details of levels of luminance, hours of use, predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors, hours of operation, design and appearance and details of maintenance;
 - d) include evidence to demonstrate that the predicted illuminance levels have been tested by a competent person to ensure that the illuminance levels agreed in part c) are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed in part c);
 - e) demonstrate that the external lighting installations comply with the recommendations of the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (2011), or similar guidance recognised by the council;
 - f) demonstrate that the lighting has had regard to, and will not unduly impact, the South Downs National Park Dark Skies Reserve status.

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

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

42. Acoustic Design Statement (pre-commencement):

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

The ADS shall be prepared by a competent person and shall demonstrate how the design and layout of the phase has ensured that best practicable noise conditions are provided. The ADS shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and shall identify appropriate noise mitigation measures for all land uses. All residential units in each phase

shall thereafter be designed so as not to exceed the noise criteria based on BS8233:2014, unless otherwise agreed in writing by the Local Planning Authority:

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

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

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

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

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

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

43. Alternative ventilation (pre-commencement above slab level)

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

Noise mitigation measures, including associated alternative ventilation arrangements shall not compromise the need to provide the required cooling of the dwellings under Approved Document L and the removal of pollutants such as moisture and CO2 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 SU10 and QD27 of the Brighton & Hove Local Plan and CP8 and DA7 of the Brighton and Hove City Plan Part One.

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

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

The approved measures shall be implemented and retained.

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

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

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

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

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

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

- 46. Tannoys (regulatory):**
No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc.) shall be installed or operated on the site without the written prior approval of the Local Planning Authority.
- Reason: In order to protect the amenities of nearby residents, in accordance with polices SU10 and QD27 of the Brighton & Hove Local Plan.
- 47. Noise management plan (for external spaces):**
No communal balconies, roof terraces, outside smoking areas or external spaces used for events shall be first brought into use until the respective Management Companies in control of different land uses within the site have submitted Noise Management Plans for all occupiers, tenants and leaseholders of the development detailing the rules for noise management to the Local Planning Authority for written approval. The aim of the Plans should be to avoid noise nuisance during the day and especially between 11pm-7am. These Plans are to be submitted to the council prior to first occupation or use of each respective land use and shall be implemented and maintained by the Management Companies and any staff employed by the site.
- Reason: In order to protection of the amenities of nearby residents, in accordance with polices SU10 and QD27 of the Brighton & Hove Local Plan.
- 48. Odour control of plant (pre-installation):**
No plant associated with cooking facilities within the non-residential development hereby permitted shall be installed until a scheme for the fitting of odour control equipment has been submitted to and approved in writing by the Local Planning Authority. Odour control measures can increase fan noise and this should be taken into account during design phase. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the relevant non-residential development and shall thereafter be retained as such.
- Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 49. Hours of operation (retail and community centre) (regulatory):**
No customers or general public users of the community centre (F2) and retail (E) and sui generis pub/bar and food takeaway uses hereby permitted shall remain on the premises outside the hours of 23.00hrs to 07.00hrs.
- Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 50. Hours of operation/floodlighting (sports) (regulatory):**
The stand-alone sports facilities and outdoor sports facilities within the school (F2/F2) hereby permitted shall only be in use between 08.00 hrs and 22.00hrs Monday-Saturdays and 09.00hrs and 21.00hrs on Sundays and Bank Holidays and no floodlights shall be illuminated outside of these operational times.

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

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

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

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

52. Hours for deliveries (regulatory):

No servicing, vehicular movements including any loading or unloading of vehicles shall take place in association with the operation of the non-residential uses on the site including the school, sports facilities, community centre and 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 SU10 and QD27 of the Brighton & Hove Local Plan.

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

No Combined Heat and Power system shall be installed within the development until the following specifications have been provided to the Local Planning Authority for written approval prior to any installation: kWh output, location of flue and height above buildings, height above ground, spot height of ground at the proposed location, flue width, plume temperature and exit velocity and NOx emissions per kWh. Any Ultralow NOx boilers within the development shall have NOx emission rates of less than 30 mg/kwh unless otherwise agreed. The approved system and specification shall be implemented within the development.

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

54. Refuse & recycling (pre-occupation):

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

and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

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

The school 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 (whether as part of the school or otherwise) shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

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

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

Reason: To 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. Following the commencement of use of the sports facility the approved schedule shall be complied with in full.

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

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

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

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

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

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

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

59. Trees – Meeting (pre-commencement):

No development of each respective phase hereby permitted shall take place (including any site clearance or enabling works) until evidence has been submitted to and approved in writing by the Local Planning Authority (LPA) to demonstrate that a pre-commencement meeting has been held on site and

attended by the developers appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree and hedge protection measures to be installed OR that all tree and hedge protection measures have been installed in accordance with the approved tree protection plan. The development of each phase shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the LPA.

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

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

- A) Landscaping proposals within Reserved Matters applications for each phase shall contain the amount, type and location of soft landscaping in substantial accordance with the landscape-led approach contained within the submitted Parameter Plans, Illustrative Masterplan, Design and Access Statement, Arboriculture Implications Report, Landscape and Visual Impact Assessment drawings (02-346-123 to 135 inclusive) and Chapter 9 of the Environmental Statement. The landscaping proposals at Reserved Matters stage shall also generally adhere to the Landscape Character Areas of the site-wide Design Code and accord with the Landscape and Ecological Management Plan required by conditions 32 and 39.
- B) No development of each respective phase shall take place above ground floor slab level until a Landscaping Scheme for hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping of each phase shall be implemented in accordance with the approved details and the soft landscaping shall be carried out in the first planting season after completion or first occupation of each phase of the development, whichever is the sooner.
- C) The Landscaping Scheme to be submitted for approval shall include the following:
 - (i) details of all hard and soft surfacing to include type, position, design, dimensions and materials;
 - (ii) Details of how any sustainable drainage system (SUDs) features may be used in addition for public amenity in terms of amenity open space or recreation space or landscaping or to provide visual amenity;
 - (iii) detailed planting plans and an outline written specification (including cultivation and other operations associated with plant and grass establishment). A proportion of native species shall be used including those that encourage wildlife, and shall include grass/wildflower mixes, street trees and structure planting. The plans and specifications shall be accompanied by a schedule detailing species, nursery stock sizes (and indicative ultimate heights) and

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

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

Reason: To enhance the appearance of the development and ensure the provision of amenity afforded by appropriate landscape design and in the

interest of the visual amenities of the area and biodiversity to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan and DA7, SA4, SA5, CP8, CP10, CP12, CP16 and CP13 of the Brighton & Hove City Plan Part One.

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

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

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

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

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

62. Biodiversity CEMP (pre-commencement)

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

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

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

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

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

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

63. Construction Environment Management Plans (pre-commencement)

- A) No development or enabling works, including site clearance shall take place until an overarching Site-Wide Framework Construction Environmental Management Plan (FCEMP) has been submitted to and approved in writing by the Local Planning Authority (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
 - (i) 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.
 - (ii) Details of measures to protect public highway from damage across all phases.
 - (i) 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 be include details of movement purpose and vehicle type, including size, and details of any variation by phase and/or time of year
- (ix) details of measures to prevent or control mud, dust and waste being deposited on or affecting the safety and operation of the public highway and public transport which shall include the provision of wheel washing facilities and may include other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders.
- (x) A plan showing construction traffic routes and the method of access and routing of vehicles during construction and details of the form, siting and installation of temporary wayfinding signage to the site. Construction traffic shall be directed to use routes so as to minimise insofar as reasonably practicable impacts of construction traffic on the transport network and the environment and such a routing plan shall show any variant routes for different vehicle types and/or at different times of day or year and/or in relation to different construction phases

- (xi) The details of the temporary construction site access(es) for access/egress by vehicles, cyclists and pedestrians vehicular access to the site and details of turning areas within the site to ensure vehicles can enter and exit in forward gear. This shall include evidence of any associated temporary traffic restrictions and any temporary traffic management orders proposed or Traffic Regulation approvals, and the designs shall be submitted in scaled drawings and supported by computer generated vehicle tracking assessments to prove the effectiveness of the design. The designs shall also ensure continued access to other premises in the vicinity of the site during construction.
- (xii) The details of locations of alternative waiting facilities to prevent vehicle idling or waiting to access the site.
- (xiii) The details of any necessary temporary road closure orders or diversions on the highway network in the vicinity of the site including any temporary closures, diversion or alterations to of any pedestrian or cycleway routes through or adjacent to the site. Details of any proposal to restrict, alter or stop bus access through or in the vicinity of the site or the provision of temporary bus stops necessary as a result of any temporary road closures shall also be included.
- (xiv) The details of measures to mitigate against the effects of the construction and development in respect of the adopted highway (including, inter alia, pavements, signage, drainage, lighting, trees and street furniture), cycle hire docking stations, bus stops and shelters, and real-time public transport information displays located in the area
- (xv) The details of a scheme to provide for and manage the on-site parking of vehicles including motorcycles and bicycles by site operatives, contractors and visitors, which shall be based on an assessment of anticipated demand, details of where this shall be located, and how this shall be managed.
- (xvi) The details of the provision for the loading and unloading of plant, materials and removal of waste. All plant, machinery and waste will be stored on site.
- (xvii) The details of the proposed measures on the site to separate and enclose any proposed enabling or construction works including details of any proposed security hoardings and fencing and how they will be maintained.
- (xviii) The details of how any residual land comprising the development not being developed as part of particular phase(s) will be treated and made safe and fenced off or made good.
- (xix) the siting and layout of site compounds and welfare facilities for contractors including details of any related access, engineering measures, pedestrian routes, showering facilities, acoustic screening and the provision of sound insulation required to mitigate or eliminate specific environmental impacts.
- (xx) Evidence to demonstrate that the owners/contractors have applied for and obtained prior consent under the Control of Pollution Act 1974 from the council throughout construction.

- (xxi) Evidence to demonstrate that the owners/contractors have adopted the 'Considerate Contractor Scheme' (or equivalent at the time of submission throughout construction).

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

Reason: As this matter is fundamental to the protection of amenity, 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 QD27, SU3, SU5, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, CP9 and DA7 of the Brighton & Hove City Plan Part One.

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

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

- (i) The hierarchy of cycle and pedestrian routes within the site;
- (ii) Links to off-site cycle and pedestrian network including the national cycle network;
- (iii) The design of cycleways and footways/pedestrian routes, including surfacing and width, to meet current best practice guidelines at the time of approval and to ensure segregation;
- (iv) Phasing of provision of infrastructure for cycling and pedestrians on each hierarchy of road and open space;
- (v) The public engagement and involvement in the preparation of the Site-Wide Pedestrian and Cycling Strategy;
- (vi) How the Strategy accords with the principles in the Design Code in condition 32 and the site-wide landscape and ecological strategies secured by condition;

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

Reason: To encourage and promote sustainable transport and in interests of amenity in accordance with Policies DA7, CP8, CP9 and CP13 of the Brighton

and Hove City Plan Part One and TR7, TR12 and TR15 of the Brighton and Hove Local Plan and SPD15 Toads Hole Valley.

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

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

The respective car parking areas, roads, footways, cycleways and public rights of way shall be provided in accordance with the approved details prior to the respective occupation of the residential uses, the school, the neighbourhood centre (including retails 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 polices TR7, TR12, TR18 and QD15, QD16 and QD18 of the Brighton and Hove Local Plan and CP9, CP13, SA4, SA5 and DA7 of the Brighton and Hove City Plan Part One and TR7, TR12 and TR15 of the Brighton and Hove Local Plan and SPD15 Toads Hole Valley.

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

Each Reserved Matters application (for each respective phase) shall be accompanied by detailed plans and a document demonstrating the number, type and location of secure cycle parking facilities for the occupants of, and visitors to, the development. The provision shall include one communal store per phase for 'bike maintenance' and a maintenance stand shall be provided within each

bicycle store unless otherwise agreed. The cycle parking shall be in accordance with the principles set out in the Design Code in condition 32 and the Site-Wide Pedestrian and Cycling Strategy in condition 64. No respective dwelling or non-residential use shall be first occupied until the approved cycle parking facilities which serve that dwelling or building/use have been fully implemented and made available for use and they shall thereafter be retained for use at all times.

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

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

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

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

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

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

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

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

No development above ground floor slab level of each respective phase shall take place until a scheme for accessing refuse and recycling serving the residential dwellings and non-residential buildings in that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how refuse collection vehicles and their operators will access the facilities including the dimensions of turning areas and road gradients and details of the type, size and location of the refuse and recycling storage areas and shall have due regard to Planning Advice Note 5 Design Guidance for the Storage and Collection of Recyclable Materials and

Waste (September 2007) (or a subsequent amended version of PAN05) and the principles set out in the Design Code in condition 32. The approved access scheme and refuse storage shall be implemented from first occupation of each respective land use within each phase.

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

Informatives:

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

are an obstacle to ease of movement, with particular regard to pedestrians, cyclists and wildlife. The Design Code would therefore be expected to consider how the topography of the site may allow for the creation of multi-layered crossings. A good example of this is The Green Bridge at Mile End Park, London. The Design Code should also establish a minimum width of natural habitat to achieve a continuous wildlife corridor through the site, having regard to concurrent relevant ecological conditions.

- (iii) Neighbourhood Centre Forecourt (Heart of the Community): This area is considered fundamental to achieving the quality of place expected of the Heart of Community Character Area. This forecourt forms part of the face of the development and needs consideration as a pedestrianised square to ensure it best serves the development
 - (iv) Primary Site Access (Heart of the Community): Similarly, the primary access to the site adjacent to the Neighbourhood Centre forms the face of the development so it is imperative that this place is designed to be clear, welcoming and intuitive.
 - (v) King George VI Avenue Boulevard: This road is an important interface of the development and is critical in creating an identity for the proposed development. As such, its change in character needs to be managed carefully to ensure the sense of severance to adjacent areas is significantly reduced and the site is welcoming to users. The way the built form and landscaping meets the boundary needs careful consideration as do the building typologies; as such, ambitions for this special place should relate successfully with associated, Road Type, Character Area and Building Typology codes.
5. (Ecology) Where possible, bee bricks required by the condition 38 above should be placed in a south facing wall in a sunny location at least 1 metre above ground level. Swift bricks can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting swift bricks above windows or doors. Where swift bricks are not practical due to the nature of construction, alternative designs of suitable swift nest boxes should be provided in their place.
 6. (Southern Water) A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
 7. (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.
 8. (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. Form 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 C: Planning Committee Report 21st March 2022 incl Late Representations List (see attached).

APPENDIX D: Planning Committee minutes 21/3/22 (see attached)

APPENDIX E: Reasons for refusal if Section 106 not signed:

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 TR4, TR7, TR11, TR12, TR14, TR15, SU3, SU5, SU9, SU11, QD15, QD16, QD18, QD21, HO19, HO21, EM4, EM9 and NC4 of the Brighton & Hove Local Plan and 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 TR4, TR7, TR11, TR12, TR14 and TR15 of the Brighton & Hove Local Plan and 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 EM4 and EM9 of the Brighton & Hove Local Plan and SS1, DA7, SA6, CP2, CP3 and CP7 of the Brighton and Hove City Plan Part One, DM11 of the Brighton and Hove City Plan Part Two, the Council's Developer Contributions Technical Guidance, Supplementary Planning Guidance Note 15: Toad's Hole Valley and the NPPF.

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 QD15, QD16, QD18 and NC4 of the Brighton & Hove Local Plan and 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 QD15 and QD16 of the Brighton & Hove Local Plan and 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 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 policy HO19 and HO21 of the Brighton and Hove Local Plan and 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 HO19 and HO21 of the Brighton and Hove Local Plan and 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 HO19 and HO21 of the Brighton and Hove Local Plan and 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.