

# CONDITIONS & SECTION 106 AGREEMENT

Following further discussions with the applicant and consultees, the Section 106 Agreement Heads of Terms and conditions (pages 7 – 29 of the Committee report) have been amended as follows.

## Section 106 Agreement – Heads of Terms

1. A Construction Phasing Plan to include the following information and timeframes:
    - a) Timeframe for construction of the helipad:
    - b) Timeframe for construction for the energy centre and sub station
    - c) Timeframes for demolition and construction of Stages 1, 2 and 3
    - d) Timeframes for demolition and reconstruction of Listed Chapel and Bristol Gate Piers
    - e) Information regarding the on-site and off-site car, motorcycle and cycle parking provision during demolition and construction of Stages 1 and 2.
    - f) Timeframes, locations and specifications for; the temporary and permanent relocation of bus stops, pedestrian crossing points, passenger transport service drop off facilities; during the demolition and construction of Stages 1 and 2.
    - g) Timeframes for; the public realm and pedestrian improvements on the north side of Eastern Road (between Upper Abbey Road and Bristol Gate), the south side of Eastern Road between Abbey Road and Sudeley Place) to include the Eastern Road side road entry treatments at Paston Place, Upper Sudeley Street and Sudeley Place.
    - h) Timeframes for the junction alterations at Bristol Gate/Eastern Road junction, Arundel Road/Eastern Road junction and Freshfield Road/Eastern Road junction.
    - i) On-site access arrangements for construction vehicles during helipad construction and demolition and construction of Stages 1, 2 and 3.
    - j) On-site service arrangements for vehicles during helipad construction and demolition and construction of Stages 1, 2 and 3.
  2. A Construction Environmental Management Plan (CEMP) which will include the provision of the following information:
    - i. The phases of the Proposed Development including the forecasted completion date(s).
    - ii. A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained.
    - iii. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme).
    - iv. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site.
    - v. A plan showing construction traffic routes.
    - vi. A Dust and PM10 Monitoring and Mitigation Scheme.
    - vii. An Asbestos Management Plan.
- On receipt of written confirmation from the Council stating approval of the CEMP the Developer shall use all reasonable endeavours to implement the commitments set out in the CEMP during the construction period.
3. Fourteen days prior written notice of commencement of development of the helipad, the Energy Centre and Stage 1, Stage 2 and Stage 3 .
  4. Contribution towards Sustainable Transport of £556,190.

5. Employment of Travel Plan Coordinator for a period of at least 5 years from the first occupation of the Stage 2 Building as a medical facility.
6. Provision of Framework Travel Plan prior to commencement of development (Stage 1), provision of Full Travel Plan within 3 months of occupation of Stage 2. Both Plans subject to annual review.
7. Commitment to enter into a S278/S38 agreement or agreements to carry out off site works to the highway, to include the following:
  - a) junction capacity improvements at Bristol Gate/Eastern Road, Freshfield Road/Eastern Road and traffic signalisation at Arundel Road/ Eastern Road;
  - b) relocation and upgrade of three bus stops on Eastern Road;
  - c) new pedestrian crossing;
  - d) public realm and pedestrian improvements on the north side of Eastern Road (between Upper Abbey Road and Bristol Gate);
  - e) pedestrian and cycle improvement to include signage, Eastern Road side road entry treatments at Paston Place, Upper Sudeley Street and Sudeley Place;
  - f) Public realm and pedestrian improvements on south side pavement of Eastern Road between Abbey Road and Sudeley Place.
8. Prior to commencement of demolition for stage 1, a Conditions Survey for Eastern Road (between Upper Rock Gardens and Arundel Road) will be carried out. Any subsequent damage identified through further surveys, inspection and observation may require re-instatement of areas of highway which it has been agreed between both parties have been damaged as a result of 3Ts construction traffic.
9. Agreement to fund the necessary Traffic Regulation Orders (TROs) for the highway works, including restricting use of the Patient Transport Services Drop Off Zone to patient transfer services only.
10. Continue residents Liaison Group, with the terms of reference to be agreed. The Liaison Group shall meet 4 times a year throughout the construction period and for a limited period following full occupation.
11. Commitment to present annual updates of site travel plan to Brighton and Hove Strategic Partnership's Transport Partnership.
12. Employment Strategy to be submitted aimed at employing a minimum 20% of local construction workers from within Brighton & Hove City boundary.
13. Artistic component to be provided in accordance with the Trust's Public Art Strategy at a cost of not less than £421,000 index linked to 2012 costs.
14. Off site consolidation centre to be operational prior to commencement of demolition works on Stage 1.
15. Submission and approval of a final Wind Assessment and Mitigation Scheme.
16. Peregrine falcon alternative nest site creation and exclusion works at Thomas Kemp Tower.
17. Requirement for the Stage 1 and Stage 2 Buildings to achieve a relevant BREEAM (2011) rating of Excellent with a minimum of 60% in the Energy and Water Sections.
18. Enter into a legal agreement with the Highway Authority in order for the external lighting on the development to illuminate the highway on Eastern Road (between Upper Abbey Road and Bristol Gate).

## Conditions

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2. The development hereby permitted shall be carried out in accordance with the approved drawings nos.

BDP-AR-HE-A00-GA-L15-0201 F01; BDP-AR-HEA00-GA-L16-0201 F01; BDP-AR-HE-A00-GA-L18-0201 F01; BDP-AR-ST3-A00-EL-00-0223 F01; BDP-AR-ST1-A00-EL-00-0251 F01; BDP-AR-ST2-A00-EL-00-0251 F01; BDP-AR-ST1-A00-EL-00-0252 F01; BDP-AR-ST1-A00-EL-00-0253 F01; BDP-AR-ST1-A00-SE-00-0239 F01; BDP-AR-ST2-A00-SE-00-0201 F01; BDP-AR-ST2-A00-SE-00-0206 F01; BDP-AR-ST1-A00-SE-00-0204 F01; BDP-AR-ST1-A00-SE-00-0202 F01; BDP-AR-ST1-A00-SE-00-0203 F01; BDP-AR-ST1-A00-SE-00-0201 F01 **received on 23rd September 2011;**

ARB-LS-SW-A00-GA-ZZ-0201 F01; BDP-AR-HE-A00-EL-00-0201 F01; BDP-AR-HE-A00-EL-00-0202 F01; BDP-AR-HE-A00-EL-00-0221 F01; BDP-AR-HE-A00-EL-00-0222 F01; BDP-AR-HE-A00-EL-00-0223 F01; BDP-AR-SBA00-EL-00-0202 F01; BDP-AR-SB-A00-EL-00-0203 F01; BDP-AR-SB-A00-GAL05-0201 F01; BDP-AR-SB-A00-SE-00-0201 F01; BDP-AR-ST1-A00-EL-00-0201 F01; BDP-AR-ST1-A00-EL-00-0202 F01; BDP-AR-ST1-A00-EL-00-0203 F01; BDP-AR-ST1-A00-EL-00-0204 F01; BDP-AR-ST1-A00-EL-00-0222 F01; BDP-AR-ST1-A00-EL-00-0233 F01; BDP-AR-ST1-A00-EL-00-241 F01; BDP-AR-ST1-A00-GA-B01-0231 F01; BDP-AR-ST1-A00-GA-B02-0201 F01; BDP-AR-ST1-A00-GA-L01-0201 F01; BDP-AR-ST1-A00-GA-L02-0201 F01; BDP-AR-ST1-A00-GA-L03-0201 F01; BDP-AR-ST1-A00-GA-L04-0201 F01; BDP-AR-ST1-A00-GA-L05-0201 F01; BDP-AR-ST1-A00-GA-L06-0201 F01; BDP-AR-ST1-A00-GA-L07-0201 F01; BDP-AR-ST1-A00-GA-L08-0201 F01; BDP-AR-ST1-A00-GA-L09-0201 F01; BDP-AR-ST1-A00-GA-L10-0201 F01; BDP-AR-ST1-A00-GA-L11-0201 F01; BDP-AR-ST1-A00-GA-L12-0201 F01; BDP-AR-ST1-A00-GA-L13-0201 F01; BDP-AR-ST1-A00-SE-00-0207 F01; BDP-AR-ST1-A00-SE-00-0209 F01; BDP-AR-ST1-A00-SE-00-0212 F01; BDP-AR-ST2-A00-EL-00-0201 F01; BDP-AR-ST2-A00-EL-00-0202 F01; BDP-AR-ST2-A00-EL-00-0203 F01; BDP-AR-ST2-A00-EL-00-0204 F01; BDP-AR-ST2-A00-EL-00-0222 F01; BDP-AR-ST2-A00-EL-00-0224 F01; BDP-AR-ST2-A00-GA-B02-0201 F01; BDP-AR-ST2-A00-GA-L01-0201 F01; BDP-AR-ST2-A00-GA-L02-0201 F01; BDP-AR-ST2-A00-GA-L03-0201 F01; BDP-AR-ST2-A00-GA-L04-0201 F01; BDP-AR-ST2-A00-GA-L05-0201 F01; BDP-AR-ST2-A00-GA-L06-0201 F01; BDP-AR-ST2-A00-GA-L07-0201 F01; BDP-AR-ST3-A00-EL-00-0203 F01; BDP-AR-ST3-A00-EL-00-0204 F01; BDP-AR-SW-A00-EL-00-0202 F01; BDP-AR-SW-A00-GA-00-0201 F01; BDP-AR-SW-A00-GA-00-0211 F01; BDP-AR-SW-A00-GA-00-0212 F01; BDP-AR-SW-A00-GA-00-0241 F01; BDP-AR-SW-A00-GA-00-0251 F01; BDP-AR-SW-A00-GA-00-0261 F01; BDP-AR-SW-A00-GA-00-0271 F01; BDP-AR-SW-A00-GA-00-0281 F01; BDP-AR-SW-A00-GA-00-0291 F02; BDP-AR-SW-A00-GA-L10-0201 F01; BDP-AR-SWA00-GA-L1-0201 F01; BDP-AR-SW-A00-GA-L11-0201 F01; BDP-AR-SW-A00-GA-L12-0201 F01; BDP-AR-SW-A00-GA-L13-0201 F01; BDP-AR-SW-A00-GAL14-0201 F01; BDP-AR-SW-A00-GA-L15-0201 F01; BDP-AR-SW-A00-GA-L16-0201 F01; BDP-AR-SW-A00-GA-L2-0201 F01; BDP-AR-SW-A00-GA-L3-0201 F01; BDP-AR-SW-A00-GA-L4-0201 F01; BDP-AR-SW-A00-GA-L5-0201 F01; BDP-AR-SW-A00-GA-L6-0201 F01; BDP-AR-SW-A00-GA-L7-0201 F01; BDP-AR-SW-A00-GA-L8-0201 F01; BDP-AR-SW-A00-GA-L9-0201 F01; BDP-ELSW-A00-GA-ZZ-0201 F01; BDP-EL-SW-A00-GA-ZZ-0202 F01 **received on 17th October 2011;**

BDP-LS-ST1-A00-GA-ZZ-0201 F02; BDP-AR-ST1-A00-GAB01-0201 F02; P-AR-ST2-A00-GA-B01-0201 F02; BDP-LS-ST2-A00-GA-ZZ-0201 F02 **received on 12th December 2011** and

BDP-AR-ST1-A00-EL-00-0241 F01; BDP-LS-SW-A00-GA-L01-0201 F03; BDP-LS-SW-A00-GA-ZZ-0201 F04 **received on 20th January 2012.**

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

3. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In accordance with BS7445:2003, there shall be no low frequency tones produced by the plant.

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

4. Apart from patient transfer, no vehicular movements nor any loading or unloading of vehicles shall take place in the Stage 3 service yard or on the southern service road except between 7am and 7pm.

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

5. No works of construction shall take place (save for construction of the helipad and substation), until a tree planting scheme, including a 5 year management and maintenance plan, for Bristol Gate and Whitehawk Hill Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timeframe for such planting. The scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

6. Any trees which are planted as required by condition 5, that die within 5 years of being planted, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

7. Use of the basement car parking hereby approved shall be for patients and visitors only.

**Reason:** In order to retain an acceptable number of dedicated patient and visitors car parking spaces on site and to restrict the number of staff parking spaces available and to comply with policy TR1 of the Brighton & Hove Local Plan.

8. A minimum number of 40 car parking spaces for cancer patients, 21 disabled car parking spaces, 27 motorcycle parking bays, 12 short stay parking bays and the dedicated underground drop off zone shall be marked out and permanently retained within the basement car park.

**Reason:** In order to retain an acceptable number of dedicated patient and visitors car parking spaces on site and to restrict the number of staff parking spaces available and to comply with policies TR1, TR18 and TR19 of the Brighton & Hove Local Plan.

9. No development shall commence (save for the helipad and substation) until details of secure and covered cycle parking facilities at the North Access Road as indicated on the approved plans for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. Prior to the erection of construction site hoardings or fencing around Stage 1, these facilities shall be fully implemented and retained for use at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles during the construction phase and post occupation of the development hereby approved are provided and to encourage travel by means other than private motor vehicles and to comply with policies TR1 and TR14 of the Brighton & Hove Local Plan.

## Helipad Conditions

10. Not less than 3 months prior to the commencement of construction of the helipad hereby approved, details of the final verified design of the helipad including details of the associated plant, lifts and staircases shall be submitted to and approved in writing by the Local Planning Authority. The height of the helipad shall not exceed 118.2 metres AOD. The details submitted shall include confirmation from a suitably qualified person that the final design to be implemented would meet the requirements of the Civil Aviation Authority and all other necessary safety requirements. The helipad shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** In order that the Local Planning Authority can be satisfied that the final design is acceptable in terms of its visual impact, in particular its effect on the setting of adjoining Conservation Areas and Listed Buildings and complies with policies QD1, QD2, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.

11. The construction of the helipad shall not commence until final details of external lighting of the helipad have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

12. The helipad hereby approved shall not be used other than by helicopters of the Air Ambulance, HM Coastguard or Police, for Major Trauma Medical Emergencies or Major Incidents and will not be used for any other journeys whatsoever including visitors, personal or pleasure use.

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

13. The helipad shall only be used between 07.00 and 19.00 hours except in the case of a Major Incident. A Major Incident is defined within the NHS Emergency Planning Guidance (2005), or any subsequent update to this Guidance.

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

14. The number of helicopter flights landing on the helipad hereby approved shall be limited to 64 per annum plus a tolerance of 10 %.

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

15. All lighting on the helipad shall only be in use temporarily in connection with an impending helicopter landing or departure for the minimum period required for operational or safety reasons. An exception to this will be any steady red aviation warning lighting required at night by the Civil Aviation Authority on tall buildings or structures.

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

16. The helipad hereby approved shall not be used for carrying out routine repairs and maintenance to helicopters including leaving engines idling.

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

17. Following the commencement of use of the helipad, annual monitoring reports shall be submitted to the Local Planning Authority for a period of 10 years. The reports shall include details of:

- a) Total number of landings and departures in previous 12 months.
- b) Total number of daytime (0700-1900 hours) and night time flights in previous 12 months
- c) Details of the number of flights carried out by each operator permitted to use the helipad in condition 15.
- d) Trauma level and degree of medical emergencies (using the medical definition of a Major Trauma as having a Injury Severity Score of 15 or above) for which the helipad was used in daytime and night time.
- e) A log of the number of complaints in the previous 12 months received by the Trust concerning all operations of the helipad. During this 10 year period the Trust shall make the log book of helipad use available for the Council's inspection upon 7 days prior notice.

**Reason:** In order to monitor and minimise the levels of activity associated with the helipad and to safeguard the amenities of local residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

18. No development of the helipad or additional lifts or Energy Centre flues shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of this part of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

## Energy Centre Conditions

19. The Energy Centre shall not be brought into use until the Applicant has demonstrated that the emissions produced would result in an NO<sub>2</sub> concentration at all heights of the Thomas Kemp Tower which is less than 40µg/m<sup>3</sup> as an annual mean and is less than 200µg/m<sup>3</sup> for the 19th highest hour in the year. This evidence is to be submitted to and approved in writing by the Local Planning Authority. This final evidence will include the results of further dispersion modelling and nitrogen dioxide monitoring which will be used to inform the scope of any Computation Fluid Dynamic (CFD) study (if required) and details of any Mitigation Scheme proposed to reduce emissions from the Energy Centre. The Mitigation Scheme shall also include details of mechanical ventilation systems and the specification and maintenance of NO<sub>x</sub> filters for the Thomas Kemp Tower where appropriate. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To protect local air quality and to ensure that the cumulative impacts are managed and to comply with policy SU9 of the Brighton & Hove Local Plan.

## Stage 1 Conditions

20. (i) No works shall take place on the Stage 1 development site (save for the helipad and substation) until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.
- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 1 development (save for the helipad and substation) hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented. Such verification for each phase shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

21. If, during development of the Stage 1 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

22. No development shall commence at Level 1 of the Stage 1 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

23. An acoustical survey shall be carried out post completion and occupation of the Stage 1 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 1 building, and approved in writing by the Local Planning Authority.

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

24. No works on the Stage 1 development site (save for the helipad and substation) shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

25. No works on the Stage 1 development site (save for the helipad and substation) shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.



26. No works on the Stage 1 development site (save for the helipad and substation) shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy' (WSP-CI-SWRP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 1 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policies SU4 and SU5 of the Brighton & Hove Local Plan.

27. No development shall commence at Level 1 of the Stage 1 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the Stage 1 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

28. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 1 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

29. No development at Level 1 of the Stage 1 Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

30. No development at Level 1 of the Stage 1 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and

combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

31. The Stage 1 development hereby permitted shall not be occupied until details of secure and covered cycle parking facilities at the front of Stage 1 as indicated on the approved plans for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and 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.

32. The Stage 1 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 1 Building being first occupied and shall be retained as such thereafter.

**Reason:** To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy TR1 of the Brighton & Hove Local Plan.

33. A signage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of Stage 1 to include details of the location of information, warning and directional signage around the perimeter of the development hereby approved as follows:

- a) information, location and availability of visitor car parking spaces hereby approved.
- b) directional signage for staff car parking.
- c) information signage at Bristol Gate access to underground car parking
- d) warning signage for cars emerging from underground car park.
- e) information on location and availability of all staff and visitor cycle. Parking facilities serving the RSCH campus.
- f) directional signage of main entrances to Stages 1 and 2.
- g) directional signage for location of bus stops. The strategy shall include details of the timeframe for the implementation of a to g above. The scheme shall be implemented fully in accordance with the approved details.

**Reason:** To ensure efficient navigation around the site and to comply with policies TR7 of the Brighton & Hove Local Plan.

34. A non-clinical waste and recycling strategy to cover the whole development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of Stage 1. The strategy shall include details of separation at source of all waste within the public areas of the hospital to include all public reception and waiting areas, shops, cafes, restaurants, staff management and teaching areas together with the Stage 3 service yard area. The Strategy shall include targets for reduction in waste and for increasing recycling with annual monitoring. The

scheme shall be implemented in accordance with the approved strategy for each stage of the development.

**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan.

35. Notwithstanding the details shown on the drawings hereby approved, the Bristol Gate Piers shall be rebuilt within the landscaped areas adjoining Bristol Gate, in locations submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the Stage 1 development.

**Reason:** To ensure the satisfactory preservation of these listed structures and their setting and to comply with policies HE1, HE3 and HE4 of the Brighton & Hove Local Plan.

36. The hospital chapel shall be reconstructed in the location shown on the drawings hereby approved prior to the occupation of Stage 1 development.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with Policies HE1 and HE4 of the Brighton & Hove Local Plan.

## Stage 2 Conditions

37. (i) No works shall take place on the Stage 2 development site until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details.

(ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 2 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented. Such verification for each phase shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

38. If, during development of the Stage 2 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

39. No development shall commence at Level 1 of the Stage 2 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

40. An acoustical survey shall be carried out post completion and occupation of the Stage 2 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 2 building, and approved in writing by the Local Planning Authority.

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

41. The Stage 2 building shall not be occupied until a final rainwater recycling scheme for the irrigation of the Stage 2 roof terrace, has been submitted to and approved in writing by the local Planning Authority. The rainwater recycling scheme shall also include details of the necessary safeguards to protect public health. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** In order to ensure that the rainwater recycling scheme would not cause harm to public health and to comply with policies SU2 and SU9 of the Brighton & Hove Local Plan.

42. No works on the Stage 2 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

43. No works on the Stage 2 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

44. No works on the Stage 2 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy' (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 2 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policies SU4 and SU5 of the Brighton & Hove Local Plan.

45. No development shall commence at Level 1 of the Stage 2 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the Stage 2 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

46. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 2 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

47. The Level 6 roof terrace of the Stage 2 building shall be made available for public use within 6 months of first occupation of the Stage 2 Building.

**Reason:** To ensure the roof terrace facilities are made available to the public and to comply with policies QD17 and QD27 of the Brighton & Hove Local Plan.

48. Prior to re-construction of the existing brick boundary wall at the Upper Abbey Road/Eastern Road junction, a sample panel shall be constructed for approval by the Local Planning Authority to include details of the brick sample and mortar colour and jointing details. The wall shall be implemented fully in accordance with the approved details prior to the occupation of the Stage 2 Building.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

49. The Stage 2 development hereby permitted shall not be occupied until details of secure and covered cycle parking facilities at the front of Stage 2 as indicated on the approved plans for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and 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.

50. No development at Level 1 of the Stage 2 Building shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

51. The Stage 2 Building shall not be occupied until details including locations of one Real Time Information and one REACT facility have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be implemented fully in accordance with the approved details prior to the Stage 2 Building being first occupied and shall be retained as such thereafter.

**Reason:** To ensure that the development incorporates the agreed sustainable transport contribution measures and complies with policy TR1 of the Brighton & Hove Local Plan.

52. No development at Level 1 of the Stage 2 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

### **Stage 3 Conditions**

53. (i) No works shall take place on the Stage 3 development site until a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring have been submitted to and approved in writing by the Local Planning

Authority. The scheme shall be implemented fully in accordance with the approved details.

- (ii) A competent person shall be nominated to oversee the implementation of the works required by (i). The Stage 3 development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the nominated competent person that any remediation undertaken on site for each stage has been fully implemented such verification for each phase shall comprise:
- a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ in accordance with details agreed as part of (i) above. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i).

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

54. If, during development of the Stage 3 site, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

**Reason:** To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

55. No development shall commence at Level 3 of the Stage 3 building until final details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereafter retained as such.

**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

56. An acoustical survey shall be carried out post completion and occupation of the Stage 3 building to demonstrate that all plant and machinery is capable of running cumulatively at 5dB(A) below existing LA90 background noise level background, as per BS4142:1997, 1-metre from the façade of the nearest existing noise sensitive premises. The survey shall make reference to BS7445:2003 to ensure that there are no tonal features of the various plant. The report shall be submitted to the Local Planning Authority within 3 months of the first occupation of the Stage 3 building, and approved in writing by the Local Planning Authority.

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

57. No works on the Stage 3 development site shall take place until final details of the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

58. No works on the Stage 3 development site shall take place until final details of the proposed water infrastructure has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

59. No works on the Stage 3 development site shall take place until a final scheme detailing the surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be in accordance with the principles within the submitted document, the 'Conceptual Surface Water Strategy' (WSP-CI-SW-RP-0012 dated September 2011), with regard to the Sustainable Urban Drainage System techniques. The scheme shall also include details of how the scheme shall be maintained and managed after completion. Prior to the occupation of the Stage 3 Building, the scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To reduce the increased risk of flooding, to improve and protect water quality, to ensure the future maintenance of the surface water drainage and to comply with Policies SU4 and SU5 of the Brighton & Hove Local Plan.

60. No development shall commence at Level 3 of the Stage 3 building until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the Stage 3 site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

61. All planting, seeding or turfing comprised in the approved scheme of landscaping for the Stage 3 site shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.



62. No development of the Stage 3 site shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the Stage 3 development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU14 and QD27 of the Brighton & Hove Local Plan.

63. No works shall take place on the Stage 3 development site until a servicing and delivery strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the type and size of delivery vehicles that may use the service yard and arrangements for access and egress to and from the public highway and the service yard. The scheme shall also include details of a swept path analysis for HGV and larger delivery vehicles. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

**Reason:** To safeguard the amenities of the occupiers of residential properties with the objective of minimising use of the service road exit onto Upper Abbey Road and to minimise noise and disruption and congestion on Upper Abbey Road and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

64. No development at Level 3 of the Stage 3 Building shall take place until detailed plan sections at Scale 1:10 have been submitted to and approved in writing by the Local Planning Authority, and which shall show all jointing details between each type and combination of cladding material including jointing and reveals with windows, curtain walling and entrances and doorways.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

## **Substation Conditions**

65. No development of the substation site shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping on the substation site, including a 5 year management and maintenance plan, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

66. All planting, seeding or turfing comprised in the approved scheme of landscaping for the substation site shall be carried out in the first planting and seeding seasons following the operation of the building or the completion of the development, whichever is the sooner;

and any trees or plants which within a period of 5 years from the completion 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, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

## **Informatives:**

1. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the 2005 Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and (ii) for the following reasons (*text not included*)
2. Formal applications for both the connection to the public sewerage system and to requisition water infrastructure, are required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).
3. The applicant is advised that the conditions on land contamination have been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
4. The applicant is advised that the details of external lighting required by the conditions should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
5. The applicant should be aware that it is their responsibility to ensure compliance with any other regulatory regimes including food safety, permitting and licences under the Licensing Act 2003. The provision of planning permission does not provide any guarantees or assurances of other permissions being automatically granted under different legislation.
6. Additionally, the holding of a planning consent, does not guarantee against the Council receiving and being required to investigate complaints of noise or light nuisance. The Council has a statutory duty to investigate such matters under the Environmental

Protection Act 1990 and if deemed to be a statutory nuisance, to serve an abatement notice to remedy the matter accordingly.

7. With regard to the information required by condition 19 the applicant should be aware of the information contained within Environmental Protection UK Draft Combined Heat and Power and Air Quality Guidance for Local Authorities (England and Wales) 2011, and any subsequent adopted Guidance.
8. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites ([www.breeam.org](http://www.breeam.org)). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
9. With regard to condition 12, a Major Trauma Medical Emergency is defined as having an Injury Severity Score of 15 or more, using the Association for the Advancement of Automotive Medicine's global Abbreviated Injury Scale (1974).
10. With regard to conditions 12 and 13, the NHS Emergency Planning Guidance (2005) defines a Major Incident as *'any occurrence that presents serious threat to the health of the community, disruption to the service or causes (or is likely to cause) such numbers or types of casualties as to require special arrangements to be implemented by hospitals, ambulance trusts or primary care organisations.'*