

Subject:	Draft City Plan Part Two		
Date of Meeting:	21 June 2018		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Helen Gregory	Tel: 01273 292293
	Email:	Helen.gregory@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks approval of the draft City Plan Part Two, along with its supporting documents, for a ten week period of consultation during July and September 2018. Copies of the draft City Plan Part Two have been circulated to Members and published on the council website alongside the agenda and copies of the supporting documents have been placed in the Members' Rooms.
- 1.2 The main role of City Plan Part Two is to support the implementation and delivery of City Plan Part One (adopted March 2016). It builds on this strategic Plan and will help facilitate high quality development by allocating additional development sites and setting out an up to date suite of detailed development management policies.
- 1.3 Once adopted, Part Two will also replace the currently retained 2005 Brighton & Hove Local Plan (BHLP) policies to provide a more streamlined and straightforward set of development management policies. This will result in one City Development Plan (Parts 1 and 2) which will be simpler to use for the development management service, developers and residents; and address a recommendation in the 2016 LGA/PAS Peer Review.
- 1.4 A number of background evidence studies have been completed which provide further background and supporting information to support City Plan Part Two. Appendix 3 provides an outline of the purpose of the studies and a summary of the key findings. Copies have been placed in the Members' Rooms.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Notes the nature of representations made to the City Plan Part Two Scoping Consultation undertaken July - September 2016 (summarised in Appendix 2 with a full schedule attached to the Statement of Consultation placed in the Members' Rooms);
- 2.2 Approves the publication of the draft City Plan Part Two including proposed draft changes to the Policies Map; draft City Plan Part Two Implementation and

Monitoring Targets and the following supporting documents: the Statement of Consultation, Sustainability Appraisal, Habitats Regulation Assessment and Health and Equalities Impact Assessment for a ten week period of stakeholder and public consultation during July and September 2018, subject to any minor grammatical or editorial alterations that may be agreed by the Executive Director Economy, Environment & Culture; and

- 2.3 Approves the following studies: Urban Fringe Further Assessment Study – Ecology and Landscape and Archaeology (2015), Housing and Employment Land Study (2017); Brighton & Hove City Council & South Downs National Park Authority Gypsy and Traveller Accommodation Site Assessments (2017) and Brighton & Hove Detailed Assessment (2017); Lyon Close, Hove Report of Design Workshop (2017); Brighton & Hove Visitor Accommodation Update Study (April 2018); Brighton & Hove Wildlife Sites Review (2018); Strategic Housing Land Availability Assessment update 2017; and Brighton & Hove CPP2 Energy Study (2018) as supporting evidence for the City Plan Part Two and other planning documents.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Brighton & Hove City Plan Part One (CPP1) was adopted in March 2016 and contains strategic policies setting out the overall amounts of development (housing, employment, retail etc.) required across the city to 2030 and the broad locations and Development Areas where new development will take place. It allocates key strategic sites and also sets out key citywide policies to guide development including urban design, transport, affordable housing, biodiversity and sustainability policies.
- 3.2 The role for the City Plan Part Two (CPP2) is to support the implementation and delivery of CPP1. It builds on the strategic framework; identifies and allocates additional development sites; and sets out a more detailed and positive development management policy framework to assist in the determination of planning applications. It will also help to deliver other city council strategies, for example the Economic Strategy and Housing Strategy. It covers the same time period (up to 2030) and geographical area as the CPP1.
- 3.3 It is recommended that the draft CPP2 and supporting documents be published for public consultation for ten weeks during July and September. Comments received during this time will be collated and will inform the Council's final version of the City Plan Part 2 that is due to go to Tourism Development & Culture Committee and full Council in September 2019. It will then be submitted to the Secretary of State for examination following a six week period of consultation on soundness issues.

City Plan Part 2 Scoping Consultation June – September 2016

- 3.4 Scoping Consultation was undertaken in summer 2016 to help identify the issues that the CPP2 needed to address and included a 'call for sites' exercise. A comprehensive schedule of stakeholder events was organised including a stakeholder event (with representatives from amenity and resident groups and Local Action Teams); a Professional Forum event (with representatives from

developers, architects planning and commercial agents); a sustainability and environment workshop (with representative of sustainability organisations, environmental groups and transport organisations) and a bespoke event organised by the Brighton & Hove Economic Partnership. This pro-active approach recognised this was an early stage in preparing CPP2 and there was greater scope for influencing and shaping the document and the engagement period was 3 months. Over 400 people attended the various events

3.5 As well as views collated at the events the council received 197 formal responses resulting in almost 3,000 individual representations. These are summarised in Appendix 2 of this report but note the full summary and comments from workshops are set out in Appendices 4 and 5 of the full Consultation Statement which is available on the council website (<http://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two>) and included in the Members' Rooms. Key issues raised included:

- Strong support to make the most of housing delivery on brownfield sites provided this does not lead to over-development.
- A mix of responses were received in relation to urban fringe sites; many supported the positive roles these site could play in terms of family and affordable housing provision; some raised concerns regarding traffic generation and impacts; only seven respondents objected to the principle of any development on urban fringe sites.
- Strong support for the inclusion of internal space standards and higher access standards in new housing;
- Concerns for better management of HMOs and strong support for identifying Purpose Built Student Accommodation sites;
- Broad consensus on the need for more detailed policy on transport; building on CPP1 CP9 Sustainable Transport and the need to address transport and air quality issues and strong support for park and ride;
- Concern with unregulated growth of short-term holiday lettings and need for further guidance on seafront development proposals;
- Support for further policy on low and zero carbon energy;
- Support for a place making policy and for such a policy to focus on the assessment of proposals on a street/site scale;
- Support for a less restrictive extension and alterations policy;

Draft City Plan Part Two Content

3.6 The structure of the CPP2 includes:

- **46 development management policies** arranged in the following topics: Housing, Accommodation and Community (including HMO and student housing policies), Employment and Retail, Design and Heritage, Transport and Travel and Environment and Energy.
- A new **Special Area Policy for Benfield Valley** to ensure a coordinated policy approach to ensure the positive and ongoing management and maintenance of Benfield Valley's open spaces, wildlife habitats and heritage assets whilst allowing some development.
- **7 Strategic Site Allocations** – larger mixed use sites (including the Brighton General Hospital site and Sackville Trading Estate and Coal Yard)

- A **schedule of 59 housing sites** (brownfield and urban fringe site allocations) and 2 Purpose Built Student Accommodation sites (Lewes Road Bus Garage and 118-130 London Road).
 - Additional **employment site opportunity** at Hangleton Bottom alongside its safeguard as a waste site.
- 3.7 A draft policies map has been prepared which will identify the proposed development sites, updates a number of designations and removes those allocations/ designations related to superseded BHLP policies.

Proposed Development Management Policies

- 3.8 The proposed suite of development management policies provide a positive, more streamlined and straightforward set of development management policies for decision making replacing the 91 currently 'retained' 2005 Brighton & Hove Local Plan policies. The draft policies have been prepared to be positively worded and consistent with the requirements of national policy (National Planning Policy Framework - NPPF) and the strategic policies in the City Plan Part One. Draft changes to the NPPF have recently been consulted upon by the government and the final/ submission version of the Plan will need to be consistent with the final published NPPF (estimated end of summer 2018).
- 3.9 Some of the key matters addressed within the development management policies include:
- Introducing the government's minimum internal space standards and higher accessibility standards for new housing;
 - Additional policy with new criteria to address HMO concentrations; both at the immediate and wider neighbourhood level;
 - Additional policy to manage the type and quality of purpose built student accommodation;
 - New policy to protect public houses;
 - Updated retail protection policies including the identification of important neighbourhood parades;
 - New Special Area retail policies for Brighton Marina and the Seafront;
 - Place making policy – to ensure high quality design and places;
 - Royal Pavilion Policy – to improve visitor experience and coordinate management of the estate;
 - Criteria-based policy for transport interchanges such as Park & Ride, Lorry and Coach parking;
 - New development to include infrastructure to support use of low emission vehicles;
 - New designation of four Local Green Spaces; and
 - Additional energy standards to support energy efficiency and CO2 emission reductions.

Proposed Site Allocations/ Designations

- 3.10 The City Plan Part One sets the city's strategic housing target of 13,200 homes to be delivered over the plan period (2030). Strategic site allocations in City Plan Part One account for a proportion of this but CPP1 recognised that further site allocations would need to be made through CPP2 to help demonstrate that the

city can meet its planned housing requirement. Following the Inspector's examination and report, the CPP1 indicated further site allocations would need to consist of both brownfield and urban fringe sites. A limited number of urban fringe sites are proposed for allocation in the draft CPP2 and will provide an opportunity to secure family and affordable housing, new and accessible open space as well as opportunities for custom/-self build or community-led housing.

- 3.11 Policy CP3 Employment Land in CPP1 sets out the approach for safeguarding and bringing forward new employment floorspace. Through the CPP2 opportunities for new employment floorspace have been considered to address the shortfall of sites to meet forecast demands. These opportunities consist of strategic site allocations, mixed use housing sites and identifying the opportunity for employment uses to come forward on Hangleton Bottom site where these would not prejudice the site's allocation for a strategic waste facility.
- 3.12 Seven Strategic Site Allocations have been identified. These sites offer the opportunity for mixed use development of a certain scale and have arisen from the CPP2 call for sites exercise or emerged through discussions with landowners / developers. Opportunities for these sites to address city-wide health and community needs have also been considered. Two of the strategic site allocations (SSA5 Madeira Terrace and Madeira Drive and SSA6 Former Peter Pan site) support the on-going regeneration of the seafront.
- 3.13 Two additional purpose built student housing sites have identified (Lewes Road Bus Garage and 118-130 London Road). Guided by an updated study of demand for hotels in the city, opportunity search areas for new hotels have been included in CPP2 to guide site searches but no new sites have been identified.
- 3.14 The 2014 Gypsy and Traveller Accommodation Needs Assessment identified a need for 19 permanent pitches for Gypsy and Travellers to be delivered within the city up to 2028. A robust site assessment exercise has been undertaken in conjunction with the South Downs National Park Authority however no suitable sites were able to be identified. Moving forward, this issue will need to be addressed through the Duty to Co-operate and by further review and update of the needs position.
- 3.15 Local Wildlife Sites (formerly SNCIs) are non-statutory sites but are recognised by the Government as making a vital contribution to biodiversity and are protected through national planning policy (paragraph 113 NPPF). The Brighton & Hove SNCI review was undertaken in 2013, too late to be taken through the CPP1. The recommendations were reviewed through the 2018 Local Wildlife Site Review to endorse the 2013 findings and to ensure that the recommended suite of Local Wildlife Sites is robust and fit for inclusion in the CPP2. The 2018 study recommends 50 local wildlife sites and 7 candidate wildlife sites. Formal designation, for planning purposes will be through the adoption of the City Plan Part 2. As part of the consultation on the CPP2, the owners of the LWS will be notified of designations.

Supporting Documents

- 3.16 The CPP2 has to be prepared in accordance with the Planning and Compulsory Purchase Act 2004; the Town and Country Planning (Local Planning) (England)

Regulations 2012; the Environmental Assessment of Plans and Programmes Regulations 2004; and the Conservation of Habitats and Species Regulations 2017. Therefore a number of supporting documents are also required to accompany the draft CPP2 and these are outlined below.

- 3.17 A **Sustainability Appraisal (SA)** has been undertaken to help to refine the policy options and to test the suitability of site allocations. It has also tested the draft policies against the principles of sustainable development. The SA has led to a series of amendments to the draft CPP2 policies. Copies of the full SA and a non-technical summary of the SA have been made available in the Members' Rooms.
- 3.18 A **Health and Equalities Impact Assessment** has been undertaken to ensure the draft policies are coordinated to address equalities, health and well-being outcomes throughout the city. The study found that where there was potential for impact, this was generally positive and many policies were found to be inclusive for various communities. Some policies have specific positive effects for certain groups, for instance older people and disabled people, particularly policies in relation to housing and those that improve accessibility. Some policies have been refined through recommendations arising from the HEQIA.
- 3.19 **Habitats Regulation Assessment** – a Habitats Regulations Assessment (HRA) is required for any proposed plan or project which may have a significant effect on one or more European sites and which is not directly related with or necessary to the management of those sites. The purpose of the HRA is to determine whether or not significant effects are likely and to suggest ways in which they could be avoided. An HRA screening has been carried out to establish if the CPP2 might have any Likely Significant Effects (LSEs) on any European site. This has screened out all potential impacts on European sites with the exception of air quality impacts on the Ashdown Forest SAC and SPA, where more detailed evidence is needed to satisfy the requirement for 'appropriate assessment' in the HRA Regulations. Further traffic and air quality modelling is now underway which will be completed and made available for the start of consultation.
- 3.20 **Implementation and Monitoring Targets** – a set of proposed implementation and monitoring targets have been prepared to support the CPP2 policies and ensure policies are effectively monitored and support delivery of housing
- 3.21 **Statement of Consultation** – sets out the consultation undertaken at the Scoping stage, a summary of consultation responses and how the draft policies address the consultation responses.
- 3.22 **Background Evidence** - the National Planning Policy Framework makes clear, that to be sound, a Local Plan should be positively prepared; justified, effective and consistent with national policy. Much of the evidence that supported the CPP1 remains relevant for the preparation of CPP2. However a number of background studies have been completed which provide evidence to inform the drafting of policies and site allocations. The study findings and recommendations are summarised in Appendix 3 and copies placed in the Members' Rooms. Topic papers have also been prepared to outline the approach to site allocations,

housing provision and retail frontages and copies have been made available in the Members' Rooms.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It is important that the Council has a complete up to date and robust planning policy framework. Whilst the CPP1 provides the overarching strategic planning policies for the City, the eight Development Areas and 23 strategic allocations, it does not allocate all of the sites that will be required to meet the city's identified needs such as housing. Nor does it include a full set of up-to-date detailed development management policies. City Plan Part Two will provide a full policy framework to deliver the strategy.
- 4.2 The process of preparing the draft City Plan Part Two involves testing of reasonable alternative policy options. This testing includes consultation, a robust evidence base and the Sustainability Appraisal.
- 4.3 The Committee could defer or decide not to consult on the draft CPP2, however this would mean that the Council would not have a complete, up to date Development Plan to guide development across the city and would increase the risk of planning applications being allowed at appeal. This option is therefore not recommended.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 A Statement of Consultation has been prepared which details the consultation that was undertaken on the CPP2 Scoping Consultation, the consultation responses received through formal written responses and at the various consultation events and how the preferred approach set out in the draft CPP2 address these representations.
- 5.2 Internal consultation with relevant council departments and teams (including Housing, Transport, Economic Development and Environmental Health) has been undertaken in the drafting of policies. Regular meetings of the Internal Officers Advisory Group – that includes representatives from relevant council departments - were held during the preparation of the draft CPP2 and their advice and comments sought to ensure close links to other city council strategies.
- 5.3 The Cross-Party Working Group on the City Plan has been engaged on the outcomes of the Scoping Consultation and proposed structure of the CPP2.
- 5.4 Draft City Plan is the 'shaping stage' of consultation. Engagement and consultation responses will help to inform the preparation of the Council's final or 'Submission' City Plan Part Two. Consultation on the Draft City Plan Part Two will accord with the statutory requirements; the approach and standards set out in the council's adopted Statement of Community Involvement and take into account the Community Engagement Framework (the city council's policy for involving people, communities and stakeholders in preparing plans). The statutory period of consultation is six weeks. Mindful of the Community

Engagement Framework and the summer months this will be extended to ten weeks.

- 5.5 The draft CPP2 along with all the supporting documents will be made available on the council's website and through the consultation portal and also at the council's main deposit points (the customer service centres and Jubilee, Hove and Portslade Libraries). Copies of the draft CPP2, policies map and non-technical SA will also be made available at the other city libraries. A summary 'quick guide to the CPP2' and guidance about how to make comments will be prepared along with posters to help publicise and inform people on the draft City Plan Part Two. A press release will be prepared and City Plan consultees will be notified. The draft CPP2 will be taken to the relevant city partnerships and presentations will be arranged with key stakeholders.

6. CONCLUSION

- 6.1 The main role of City Plan Part Two is to support the implementation of City Plan Part One (adopted March 2016) and to deliver high quality development and places in the city. It allocates additional development sites and will provide an up to date suite of detailed development management policies.
- 6.2 Approval is needed to publish a draft Plan for consultation to progress the preparation of the CPP2 and to ensure the council has an up to date planning policy framework to replace the retained Brighton & Hove Local Plan policies.
- 6.3 CPP2 it is required to go through several stages of consultation in accordance with statutory requirements and regulations before it can be adopted. Approving the draft CPP2 will allow comments to be sought on the draft policies which will inform the final/submission version of the CPP2.
- 6.4 A complete, up to date Development Plan will provide greater certainty and allow policies at the local level to address local issues and to be fully compliant with up to date requirements. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning applications will then be determined in accordance with the Development Plan, including the City Plan Part 2, unless material considerations indicate otherwise.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of officer time, production of documents and consultation associated with the recommendations in this report will be funded from existing 2018-19 revenue budgets within the Planning service.
- 7.2 It is anticipated that future costs associated to future stages of adopting the City Plan Part Two will also be funded from approved revenue budgets, subject to future reports to this Committee. Any future variations between approved budgets and expenditure will be reported as part of the budget monitoring process and considered as part of the service budget strategy.

Finance Officer Consulted: Gemma Jackson

Date: 15/05/18

Legal Implications:

- 7.3 The development plan is of primary importance in the determination of planning applications (s38(6) of the Planning and Compulsory Purchase Act 2004 and s70 (2) of the Town and Country Planning Act 1990). The process to be followed in preparing and adopting development plans is set out in the Planning and Compulsory Purchase Act 2004 and The Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.4 Regulation 18 of the 2012 Regulations provides that in preparing a development plan the local planning authority must invite representations about what the plan ought to contain. Any representations made must be taken into account in preparing the plan.

Lawyer Consulted: Hilary Woodward

Date: 15/5/18

Equalities Implications:

- 7.5 The Plan will help deliver equalities outcomes from new development. A Health and Equalities Impact Assessment (HEQIA) has been carried out on the draft policies to ensure that the policies are coordinated to address equalities, health and well-being outcomes throughout the city. See paragraph 3.16 for further details.

Sustainability Implications:

- 7.6 A Sustainability Appraisal (SA) incorporating the requirements of Strategic Environmental Assessment (SEA) has been prepared to inform and support the City Plan Part Two. The Plan will therefore support the delivery of sustainable development and outcomes.

Crime & Disorder Implications:

- 7.7 The City Plan Part 1 addressed crime and disorder issues through Development Area proposals, special area policies and a number of citywide policies. During the drafting of the City Plan Part 2 the site assessment and sustainability assessment process has considered crime and disorder issues. A number of policies also address crime and public safety issues (DM8, DM18, DM20, DM23, DM24, and DM40).

Risk and Opportunity Management Implications

- 7.8 Consulting on the draft City Plan will help ensure a sound development plan can be justified and should ensure that there are fewer objections to the plan, or issues arising at the publication stage. Regular meetings with the Cross Party Working Group has enabled preparation of the draft City Plan to be discussed at an early stage therefore reducing uncertainty when key decisions are made.

Public Health Implications:

- 7.9 A HEQIA assessment has been carried out to inform the draft version of the City Plan Part Two to ensure that the policies are co-ordinated to address health and well-being outcomes throughout the city. See paragraph 3.16 for further details.

Corporate / Citywide Implications:

- 7.10 The City Plan Part Two will help with the implementation and delivery of priorities set out in the City Plan Part One. It will contribute to delivering the Corporate Plan, Plans and Strategies across the city council directorates and the Sustainable Community Strategy. The City Plan Part Two will also help to deliver city-wide strategies of public and voluntary sector partners and promote investment and economic growth.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft City Plan 2 (copies circulated to Members and published on the council website alongside the agenda)
2. Summary of Consultation Responses to Scoping Consultation CPP2
3. Summary of Background Studies

Documents in Members' Rooms

1. Statement of Consultation
2. Sustainability Appraisal of Draft City Plan Part 2 and Non-technical summary
3. Proposed CPP2 Implementation and Monitoring Targets
4. Health and Equalities Impact Assessment
5. Habitats Regulation Assessment – screening report
6. Urban Fringe Further Assessment - Ecology and Landscape and Archaeology (2015)
7. Brighton & Hove Housing and Employment Land Study (December 2017);
8. Brighton & Hove and South Downs National Park Authority Gypsy and Traveller Site Assessments (2017) and Brighton & Hove Detailed traveller site assessment (July 2017);
9. Lyon Close, Hove Report of Design Workshop (2017);
10. Brighton & Hove Visitor Accommodation Update Study (2018);
11. Brighton & Hove Wildlife Sites Review (2018);
12. SHLAA Update 2017;
13. Brighton & Hove CPP2 Energy Study (2018)
14. Topic Paper Site Allocations
15. Topic Paper Shopping Frontage Review
16. Topic Paper Housing Provision

Background Documents

1. City Plan Part Two Report 16 June 2016 Economic Development & Culture Committee
2. City Plan Part Two Scoping Report (June 2016)
3. Adopted City Plan Part 1 (March 2016)