

Conservative Group Unsound Amendments

Policy Number	Page Number	Paragraph number	Part of policy or Line(s)	Amendment proposed (revised text)	Evaluation*	Reason**	
---------------	-------------	------------------	---------------------------	-----------------------------------	-------------	----------	--

Topic – Housing, Accommodation and Community – including policies DM1 – DM10

DM6	29	-	1. c)	Replace “the homes are held... 15 years” with “ <u>the homes are held as build to rent under a covenant in perpetuity. The Council will seek inclusion within the S106 Agreement a review mechanism for affordable housing in line with the then current affordable housing policy for sales in the event of units being sold or taken out of the build to rent sector</u> ”	unsound	Not consistent with national policy. Not positively prepared/ justified. The national planning guidance (NPPG) for Build to Rent states that consideration should be given to a covenant period for the retention of private market rent homes in that tenure and potential compensation mechanisms in the event that private market rent homes are sold before the expiration of an agreed covenant period. It states that LPAs should recognise that	.
-----	----	---	-------	--	----------------	---	---

						<p>BTR operators will want sufficient flexibility to respond to changing market conditions and onerous exit clauses may impede development.</p> <p>In practice, covenants of around 15 years have become fairly standard and appear to be generally acceptable to BTR developers and investors. The requirement for BTR schemes to be held under covenant for 15 years is set in policy in the new London Plan which has recently been through public examination.</p> <p>A 15 year covenant was agreed by the applicant for the BTR scheme at Longley Industrial Estate (Legal & General) and is included in the s106 agreement. It is also</p>
--	--	--	--	--	--	--

						<p>understood that a 15 year covenant has also been accepted by the Sackville applicant (Moda).</p> <p>Setting a policy requirement that developments are held as BTR in perpetuity would be inconsistent with national policy as it is contrary to the NPPG. Such a requirement might also be judged to be unreasonable and onerous for BTR developers – in which case the policy would fail the tests of being positively prepared and justified.</p> <p>With regard to affordable housing, Policy DM6 already provides for affordable homes within BTR schemes to be</p>
--	--	--	--	--	--	---

						<p>secured in perpetuity with provision for 'clawback' in the event of the affordable units being sold.</p> <p>Setting a review requirement based on the then current affordable housing policy for sales would be considered unreasonable and onerous – therefore not consistent with national policy, not positively prepared/justified</p>
DM7	33	-	2. a)	Replace "20%" with "15%".	unsound	<p>The proposed policy approach to HMOs comprising the adopted tests in CPP1 Policy CP21, new criteria in Policy DM7 and the forthcoming citywide Article 4 Direction is already understood to be the toughest in the country and represents an appropriate and very</p>

Special Council 23 April 2020 - City Plan Part 2: Conservative Group Unsound Amendments

						robust approach to managing the distribution of HMOs. The proposed amendment to toughen this further is not justified and would risk soundness.	
--	--	--	--	--	--	---	--

Special Council 23 April 2020 - City Plan Part 2: Conservative Group Unsound Amendments

Policy Number	Page Number	Paragraph number	Part of policy or Line(s)	Amendment proposed (revised text)	Evaluation*	Reason**	
---------------	-------------	------------------	---------------------------	-----------------------------------	-------------	----------	--

Topic Employment and Retail – including Policies DM11 – DM17

DM13	53	-	A)	Add " <u>Town's Corner, Hangleton Way, Hangleton</u> " to list of Important Local Parades.	unsound	Not justified – would be inconsistent with approach taken to the assessment of suitability for inclusion as important local parade. Does not meet assessment criteria. This parade would still have protection through the policy as neighbourhood parade.	.
------	----	---	----	--	----------------	---	---

Policy Number	Page Number	Paragraph number	Part of policy or Line(s)	Amendment proposed (revised text)	Evaluation*	Reason**
---------------	-------------	------------------	---------------------------	-----------------------------------	-------------	----------

Topic Environment and Energy – including policies DM37- DM46

DM37	112		C. Locally Protected sites	<p>Delete the first eight words, which are: 'Unless allocated for development in the City Plan'...</p> <p>Add new point i) above existing points i) & ii):</p> <p><u>'within a Local Nature Reserve: there are overriding benefits of regional importance, and it can be demonstrated that there are no suitable alternative sites'</u>; (then proceed to existing points i) & ii))</p> <p>Then insert the following words at the beginning of the following point</p>	unsound	<p>Not positive planning; contrary to NPPF and adopted City Plan Part One, Policy SA4.</p> <p>Policy SA4 Urban Fringe states that: 'Development within the urban fringe will not be permitted except where:</p> <p>a) a site has been allocated for development in a development plan.'</p> <p>The Urban Fringe 2014 and Further Assessments 2015 provide evidence of the suitability of urban fringe sites for housing and in relation to those sites that are within or adjacent to locally protected sites (LNRs, LWS) the 2015 Further Assessments indicate that appropriate and robust mitigation and enhancement measures can be achieved.</p>
------	-----	--	----------------------------	--	----------------	--

				(existing point i)) <u>'and within other locally protected sites'</u> ...			
--	--	--	--	--	--	--	--

Policy Number	Page Number	Paragraph number	Part of policy or Line(s)	Amendment proposed (revised text)	Evaluation*	Reason**	
---------------	-------------	------------------	---------------------------	-----------------------------------	-------------	----------	--

Section 3 Site Allocations – including policies SA7, SSA1 – SSA7, H1 – H3 and E1

SA7	148	-	-	Remove SA7 from the plan.	unsound	<p>Not positive planning/ not justified and not consistent with CPP1.</p> <p>Only a limited amount of housing is proposed restricted to a small area. The suitability of Benfield Valley to accommodate some development has been considered in detail through the 2014 and 2015 Urban Fringe Assessments and further by council/county council officers (see topic paper).</p> <p>To remove the housing allocation from the Plan despite the evidence that the</p>	
-----	-----	---	---	---------------------------	----------------	---	--

Special Council 23 April 2020 - City Plan Part 2: Conservative Group Unsound Amendments

						site is suitable, available and deliverable would conflict with the CPP1 strategy and would not constitute positive planning.	
SA7	150	3.6	-	Replace "100" with "30".	unsound	<p>Not positive planning/ not justified and not consistent with CPP1.</p> <p>The proposed housing follows more detailed assessment of the site capacity by council officers, the County Landscape Architect, and County Ecologist in 2017. This concluded that the development areas identified in the 2014 and 2015 UFAs could support a higher density of development within the same footprint without detracting from the character of the wider area. It was</p>	

Special Council 23 April 2020 - City Plan Part 2: Conservative Group Unsound Amendments

						<p>also felt that a higher level of development could help support the wider policy aspirations for the enhancement and long term management of Benfield Valley. See Benfield Valley Topic Paper for further explanation.</p> <p>To disregard the potential to accommodate additional housing when the city has an overall housing shortfall would not be positive planning and would not be consistent with the strategy in CPP1 or Policy CP1.</p>	
H2	177	-	-	Remove H2 (all urban fringe sites) from the plan.	unsound	Not positive prepared/not justified and not consistent with NPPF/ CPP1	

						<p>Principle firmly established through CPP1. The soundness of the evidence underpinning CPP1 was tested by the CPP1 Planning Inspector and has subsequently been tested through several planning appeals and decisions for urban fringe sites that have already come forward.</p> <p>CPP1 states that urban fringe housing sites will be allocated through the preparation of CPP2. The proposed sites in Policy H2 have all been identified following further analysis in the 2015 Urban Fringe Assessment.</p>	
--	--	--	--	--	--	---	--

						Removal of any of the sites can only be justified if shown to be not suitable, available or deliverable. No evidence has been put forward to justify the removal of any of the sites, therefore this could not be justified against the 'soundness tests'. The plan must be prepared positively (aiming to meet objectively assessed needs), it must be justified by appropriate evidence, effective and in conformity with the NPPF.	
H2	180	-	-	Remove Site 30, Site 32/32a, and Site 33.	unsound	Not positive planning/not justified and not consistent with NPPF or CPP1 As stated above, the	

						<p>requirement to identify and allocate sites for c.1,000 homes on the urban fringe established at the CPP1 examination and is set out in CPP1 Policies CP1, whilst a commitment to allocate such sites through CPP2 is set out in Policy SA4.</p> <p>These three proposed sites were identified as having potential for housing in the 2014 Urban Fringe Assessment and were subject to further detailed evaluation in the 2015 UFA. The proposed allocations in Policy H2 have been based on this evidence. For Site 30, the proposed housing</p>	
--	--	--	--	--	--	---	--

						number has been reduced from 150 to 30 dwellings reflecting the decision of 'Homes for Brighton & Hove' not to pursue proposals for a larger, high density scheme due to site access and technical difficulties affecting viability / deliverability of high density build.	
--	--	--	--	--	--	---	--

