

Subject:	Designation of Neighbourhood Areas and Neighbourhood Forums - Hove Station and Hove Park Neighbourhoods		
Date of Meeting:	Economic Development & Culture Committee 18 September 2014		
Report of:	Executive Director Environment, Development & Housing		
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Ward(s) affected:	Goldsmid; Hove Park; Westbourne; Hangleton & Knoll; Wish; Central Hove		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 The purpose of this report is to determine four neighbourhood planning applications. Two relate to the designation of neighbourhood areas: Hove Station Neighbourhood Area and Hove Park Neighbourhood Area. The other two applications are linked to the area applications and relate to the designation of the neighbourhood forums for Hove Station and Hove Park. These designations are part of the neighbourhood planning provisions introduced by the Localism Act 2011. Once designated they will enable the forums to prepare a neighbourhood development plan for their respective areas.

2. RECOMMENDATIONS:

2.1 That the committee refuse the application from Hove Station Neighbourhoods Forum for the Neighbourhood Area set out in Appendix 1 for the reasons set out in this report and précised in the draft decision notice set out in Appendix 13 and approve the designation of the Hove Station Neighbourhood Area as a neighbourhood area within the meaning of the Town and Country Planning Act 1990 the extent of which Area is delineated on the map forming appendix 11 to this report.

2.2 That the committee authorises the Head of Planning & Public Protection* to designate the Hove Station Neighbourhood Forum as a neighbourhood forum within the meaning of the Town and Country Planning Act 1990 subject to the Head of Planning & Public Protection*:
a) being satisfied that the neighbourhood forum meets the statutory criteria set out in paragraph 3.5 hereof; and

* with the authority to designate the neighbourhood forum passed to the equivalent resultant Head of Service following service redesign

- b) seeking agreement as to how the Hove Station Neighbourhood Forum will engage with people, groups and forums in adjacent areas and take their views into account in the drafting of any neighbourhood development plan.
- 2.3 That the committee refuse the application from Hove Park Neighbourhood Forum for the Neighbourhood Area set out in Appendix 2 for the reasons set out in this report and précised in the draft decision notice set out in Appendix 14 and approve the designation of the Hove Park Neighbourhood Area as a neighbourhood area within the meaning of the Town and Country Planning Act 1990 the extent of which Area is delineated on the map forming appendix 12 to this report.
- 2.4 That the committee authorises the Head of Planning & Public Protection* to designate the Hove Park Neighbourhood Forum as a neighbourhood forum within the meaning of the Town and Country Planning Act 1990 subject to the Head of Planning & Public Protection*:
- a) being satisfied that the neighbourhood forum meets the statutory criteria set out in paragraph 3.5 hereof; and
 - b) seeking agreement as to how the Hove Park Neighbourhood Forum will engage with people, groups and forums in adjacent areas and take their views into account in the drafting of any neighbourhood development plan.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Through the Localism Act 2011, which introduced “neighbourhood planning”, the Government is seeking to give local communities more power to influence the future of the places in which they live. A key element of neighbourhood planning is the ability to produce neighbourhood development plans (to be referred to as neighbourhood plans in this report).
- 3.2 Neighbourhood planning is optional however if a neighbourhood plan is prepared it must comply with national policy and be in general conformity with the strategic policies of the development plan (eg the Brighton & Hove Local Plan / City Plan). They must therefore contribute to the achievement of sustainable development. A neighbourhood plan enables a community to set out planning policies in relation to the development and use of land in a particular neighbourhood area. Once adopted, a neighbourhood plan will be used by the Local Planning Authority, together with its development plan (eg the Local Plan / City Plan), to help determine planning applications for the neighbourhood plan area. In order to have such influence in the planning system neighbourhood plans must go through a statutory process. Only designated bodies that meet specified requirements (or a Parish Council) can produce a neighbourhood plan for a designated area.
- 3.3 One of the first stages in producing a neighbourhood plan is to designate the neighbourhood area in accordance with sections 61F to 61I of the Town and Country Planning Act 1990 and Part 2 of The Neighbourhood Planning (General) Regulations 2012. An application for designation must be submitted to the local planning authority by a relevant body, namely a parish council or, where an area

* with the authority to designate the neighbourhood forum passed to the equivalent resultant Head of Service following service redesign

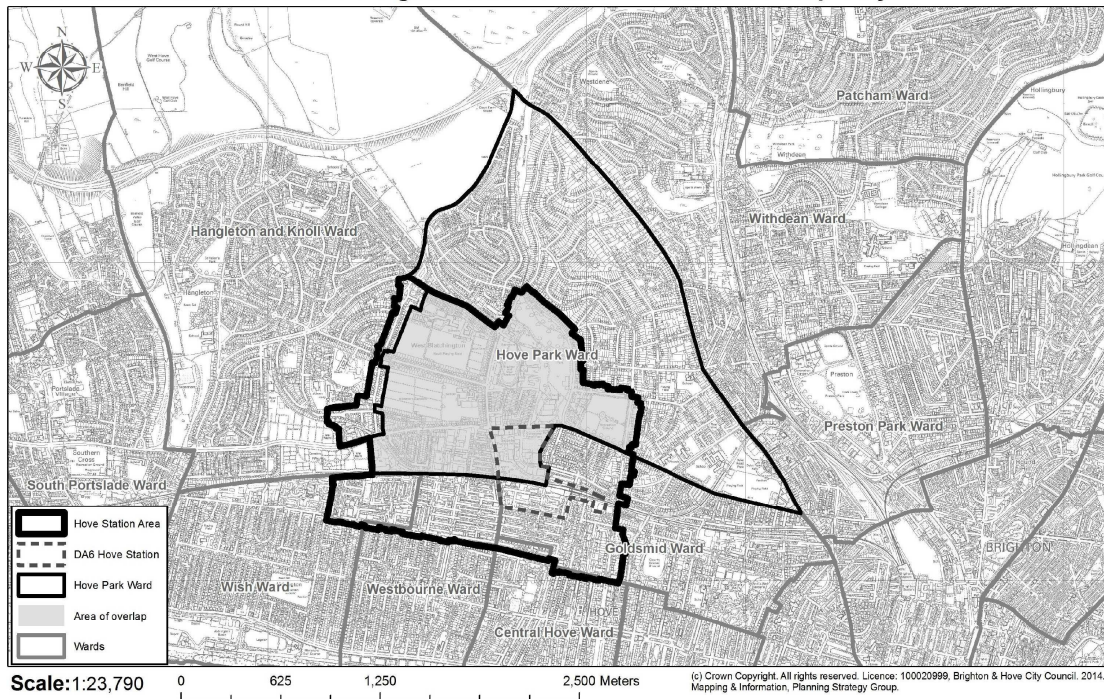
is without a parish council, a neighbourhood forum. The neighbourhood forum must be designated in accordance with section 61F of the 1990 Act and Part 3 of the 2012 Regulations.

- 3.4 The Local Planning Authority determines whether or not a proposed neighbourhood area is an appropriate area for designation. In general a proposed area should be considered appropriate except where it has been submitted by a non qualifying body or where it overlaps with another neighbourhood area because these would be contrary to the legislative requirements. Should the latter arise, the Local Planning Authority must seek to secure that some or all of the specified area forms part of one or more neighbourhood areas (the Local Planning Authority has powers to modify existing neighbourhood area designations).
- 3.5 In order for a local planning authority to designate a neighbourhood forum the authority must be satisfied that the neighbourhood forum meets certain statutory criteria. These are set out in section 61F (5) of the Town and Country Planning Act 1990 and are as follows:
 - That the forum is established for the express purpose of promoting or improving the social, economic and environmental wellbeing of an area that consists of or includes the neighbourhood area concerned;
 - The forum's membership must be open to individuals who live or work in the neighbourhood area and to councillors any of whose ward falls within the area;
 - The forum must have at least 21 members each of whom lives, works or is a councillor in the area;
 - The forum must have a written constitution
- 3.6 In addition to the above, when determining a designation the Local Planning Authority must have regard to the desirability of designating a forum that:
 - Has taken reasonable steps to secure membership that includes at least one person from each of the three aforementioned groups;
 - Has membership drawn from different places in the area and from different sections of the community in the area; and,
 - Whose purpose reflects the character of the area.
- 3.7 Only one forum can be designated for a neighbourhood area. A forum designation ceases after 5 years.
- 3.8 The Government sets out the benefits of neighbourhood planning in a respective Impact Assessment (DCLG, March 2012). It states "The empowerment of neighbourhood communities will lead to community ownership of plans and plans that better reflect the wishes of local communities. It is hoped that this will lead to behavioural change in such a way as to make local communities more predisposed to accept development. As a result, it is anticipated that greater community engagement, coupled with an appropriate sharing in the benefits (including financial benefits) of development, could lead to an increase in development..... that is in-line with local needs" It is also considered it will create greater certainty for applicants and reduce the number of planning appeals.

4. The Proposals

- 4.1 The Hove Station Neighbourhoods Area and Forum applications were submitted in December 2013. The Hove Park Area and Forum applications were submitted in March 2014. Due to the overlap in the proposed areas it was considered the applications should be considered at the same committee in order to address the requirements detailed in 3.4 above. The following plan shows the two neighbourhood areas as submitted with the overlap area shaded grey (please see Appendix 3 for a larger version of this plan).

Hove Station and Hove Park Neighbourhood Areas – area of overlap July 2014



- 4.2 **Hove Station Neighbourhoods Area** - The Hove Station Neighbourhoods Area application under consideration seeks the designation of an area that extends : **north** to Court Farm Road / Nevill Road / Goldstone Crescent / Hove Park Road; **east** to The Drive / Shirley Drive; **south** to Portland Road / Eaton Road, and; **west** to Bolsover Road / Amherst Crescent and up to but excluding Hove Cemetery / English Close / Maple Gardens and part of Elm Drive / Holmes Avenue. It includes Hove Station, schools, Hove Park, Hove Recreation Ground, Weald and North Nevill allotments, the Engineerium, Goldstone Retail Park, Sackville Trading Estate, the Conway Street Industrial Area, bus depot, Newtown Road Industrial Area, the Greyhound Stadium, the whole of the Poet's Corner and industrial and commercial areas centred on St Joseph's Close and Amherst Crescent. The schools within the area include Hove Park and Sixth Form, Blatchington Mill and Sixth Form, Aldrington C of E Primary, West Hove Infant, West Hove Junior and The Drive Prep. (Please see Appendix 1 for a plan of the proposed area applied for.)
- 4.3 **Hove Park Neighbourhood Area** - The Hove Station applications raised awareness of neighbourhood planning not just in the area but also the surrounding area. Possibly as a consequence of a perceived over reach of the proposed Hove Station area the Hove Park Neighbourhood applications were

submitted. The Hove Park Neighbourhood Area application under consideration seeks the designation of an area consistent with the Hove Park Ward boundary which extends : **north** to King George VI Avenue / Dyke Road Avenue; **east** to Dyke Road Avenue / Dyke Road / Goldstone Lane; **south** to Old Shoreham Road / railway line, and; **west** to Sussex House Business Park / Holmes Avenue / King George VI Avenue. It includes schools, Hove Park, Hove Recreation Ground, Weald and North Nevill allotments, the Engineerium, Goldstone Retail Park, Sackville Trading Estate, Newtown Road Industrial Area, the Greyhound Stadium, industrial and commercial areas centred on St Joseph's Close and Amherst Crescent. The schools within the area include Hove Park and Sixth Form, Blatchington Mill and Sixth Form, Aldrington C of E Primary (Please see Appendix 2 for a plan of the proposed area applied for.)

- 4.4 There is a significant overlap between the proposed areas. As raised in 3.4 above, once an application for a neighbourhood area has been submitted the city council must designate some or all of the area, however, designated neighbourhood areas cannot overlap. One or both of the proposed neighbourhood areas applied for must therefore be amended.
- 4.5 The determination of a neighbourhood area application should be judged on the appropriateness of the proposed area / boundary, compliance with legislation and take into account the representations received during the consultation period with regard also given to forum membership (whilst forum membership is continually evolving and thus subject to change it is considered appropriate to have regard to the membership information submitted because it helps to indicate a level of support). National Planning Practice Guidance (NPPG) makes clear neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their area. The NPPG provides guidance on designating neighbourhood areas and what could be considered when deciding boundaries (please see Appendix 7)
- 4.6 The informal view from DCLG in respect of designating a different area to that applied for is as follows: "A local planning authority must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated. While planning guidance encourages local planning authorities to aim to designate the area applied for, the courts (Daws Hill case) have confirmed that the discretion that primary legislation gives to local planning authorities to refuse to designate the area applied for if they consider the area is not appropriate is a broad discretion as long as it is exercised rationally."
- 4.7 **Forum applications** - The determination of a neighbourhood forum must include confirmation that the forum complies with the statutory criteria set out in paragraph 3.5 above and regard should be given to the desirable factors as detailed in paragraph 3.6 above. Only one forum can be designated for a neighbourhood area (which cannot overlap with another neighbourhood area). Determination cannot take into account financial implications. Forum membership can only include residents, workers and elected members from within the neighbourhood area. The designation of the Forums is therefore dependent upon the boundaries of the neighbourhood area(s) to be designated

- 4.8 It should be noted that the designation of a neighbourhood area and forum alone will not affect planning decisions. It will however enable the designated forum to prepare a Neighbourhood Plan which, subject to meeting certain requirements, will carry similar planning weight as the adopted Local Plan.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Prior to the submission of the applications, and after, the respective forums have endeavoured to engage the local community via various methods and the city council has supported, attended and held meetings to help the community understand and undertake neighbourhood planning.
- 5.2 Upon receipt of an application for the designation of a neighbourhood area and an application for the designation of a neighbourhood forum the City Council is required to publicise the proposed designation for a minimum of 6 weeks.
- 5.3 **The Hove Station Neighbourhoods applications** were publicised for the minimum 6 week period (considered reasonable because the publicity period did not include a national holiday period and enabled the applications to potentially meet the 13 March Committee deadlines). The applications were advertised on the City Council's website from 6 January 2014 to 17 February 2014. In addition to this approximately eighty notices were displayed within the area and details of the applications were provided in a press release. People and bodies on the email circulation list for the weekly planning application list were notified of the applications. Key respondents to the City Plan proposals for this area were also notified. Twenty three internal council teams were also consulted (full details can be found in the application folder). The publicity arrangements complied with Regulations 6 and 9 of The Neighbourhood Planning (General) Regulations 2012
- 5.4 **The Hove Park Neighbourhood applications** were publicised for 8 weeks (considered reasonable because the Easter holiday period fell within the consultation period). The applications were advertised on the City Council's website from 22 April 2014 to 17 June 2014. In addition to this the same methods were used to publicise the applications as for the Hove Station Neighbourhoods applications eg approximately eighty site notices, press release, external and internal teams and bodies notified/consulted. People who had commented on the Hove Station Neighbourhoods applications were also notified.
- 5.5 **Consultation responses** : There were approximately 405 representations and a petition with approximately 410 signatories to the Hove Station applications. The petition was signed on the basis that the signatories wanted a Neighbourhood Forum set up for just Hove Park ward and objected to the Hove Station Neighbourhoods Area (please see Appendix 5 for a summary of responses). There were approximately 380 representations to the Hove Park applications of which approximately 160 were a standard response. Of the standard responses between a third to a quarter were from employees at Custom Pharmaceuticals Ltd on Conway Street (please see Appendix 6 for a summary of responses). Copies of responses received can be found in the application folders.
- 5.6 **Forum membership** : According to information submitted by the forums prior to the writing of this report, Hove Station Neighbourhoods Forum had 70 members and Hove Park Neighbourhood Forum had 430 members (please see Appendix 4

for forum membership distribution dot maps).

- 5.7 Whilst it is recognised the amended area boundaries recommended in section 6. below have not been subject to consultation, such consultation is not a legal requirement. Whilst it is recognised some people may disagree with the recommended boundaries it is considered this is inevitable in an urban area. Both Forums are considered to recognise the importance of working with residents and groups beyond their boundaries on cross boundary issues and where proposals lie close to the boundary. It is felt another round of consultation on the neighbourhood area boundaries could lead to confusion and, on balance, would not be in the public's interest.

6. ANALYSIS & CONSIDERATION OF OPTIONS

- 6.1 The appropriateness of the proposed areas and their boundaries need to be considered first because if amendments are to be sought the make up of the forums are also likely to need amending.
- 6.2 The designation of a neighbourhood area is a statutory procedure where non designation or the seeking of an alternative boundary without justification could lead to legal challenges. As raised in 3.4 and 4.4 above the city council must designate some or all of the areas applied for, however, the designated neighbourhood areas cannot overlap. The city council must therefore, in view of the overlap in the proposed areas, amend one or both of the neighbourhood areas applied for. Paragraph 4.5 above and Appendix 7 set out the key factors that should be taken into consideration. The courts have confirmed that local planning authorities have a broad discretion when designating neighbourhood area boundaries as long as it is exercised rationally.
- 6.3 Defining appropriate boundaries for a neighbourhood area within urban areas is not straightforward. People within the same street are likely to define their neighbourhood differently based on a number of factors such as where they shop, work and whether they have children or not (e.g. familiarity with local schools and open spaces). Urban neighbourhood boundaries are therefore unlikely to follow clear widely recognisable boundaries for all people within an area in respect of all relevant factors such as geographical, social, cultural, community etc.
- 6.4 Both areas are not without their merits. Each meet a number of the factors provided in the National Planning Practice Guidance (NPPG) (please see Appendix 7). However the overlap prevents one or both from being designated as submitted. The representations are divided and are not considered to sufficiently justify the designation of either one of the areas in its entirety.
- 6.5 In accordance with the NPPG the city council promoted dialogue between the two groups in order to help resolve the issue of the overlap in the areas. A joint meeting was held on the 2 June 2014 with representatives of the two forums and all respective Ward Councillors. Following the meeting suggested options were sent out to attendees to help enable them to consider this matter further (please see Appendix 8). A joint forums' response and/or individual forum's responses were invited to enable them to set out their preferred option for resolving the

overlap.

6.6 Hove Park Neighbourhood Forum consequently submitted its preference for the Hove Park Ward boundary (please see Appendix 10). Hove Station Neighbourhoods Forum submitted its preference for one large area (please see Appendix 9) and promoted one forum with a federal type approach. In the absence of a community agreed approach for resolving the overlap issue it is left to the City Council to determine and designate the neighbourhood area(s) as it deems appropriate.

6.7 **One Area Option :**

The Hove Station Neighbourhoods Forum, which focuses on DA6*, has submitted a preference for one large area and believes there are good planning reasons for such an approach. It indicates the purpose of a neighbourhood plan is to look at the broader area. It has indicated such an approach would enable a plan to link sites within the area.

6.8 The NPPG on the other hand makes clear the potential content of a neighbourhood plan should not influence the designation of an area. The NPPG states:

“When a neighbourhood area is designated a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order.”

6.9 There is some merit and some good planning reasons why one large neighbourhood area could be appropriate. For example Hove Park acts as a central community hub within the area and the City Plan development area DA6 is likely to affect the wider area. However, there are equally good reasons, including planning reasons, against such an approach. For example the differences in physical appearance and characteristics within the entire area; the size of population (the NPPG indicates ward boundaries to be a useful starting point for considering the appropriate size of a neighbourhood area and states they have an average population of 5,500: Hove Park Ward has a population of approximately 10,600 and the submitted Hove Station Neighbourhoods Area has a population of approximately 17,400, thus even when the overlap is taken into account the population of a combined area would be significantly greater than that indicated in the NPPG) etc.

6.10 It is recognised that, in addition to the City Plan’s development area DA6, there are likely to be a number of development opportunities within the wider combined area. However the inter-relationship of these is weak and not considered to provide sufficient planning reasons to justify designating one large area. Indeed the cumulative implications of development such as traffic, air quality etc is a strategic issue and a matter that needs to be addressed by the City Plan and/or Local Transport Plan rather than a neighbourhood plan. Many of the employment and open space sites do not just serve the ‘co-joined’ area, instead they play a strategic role and help meet citywide needs. This would need to be recognised and reflected in future proposals and consultations by any respective

* DA6 is a development area identified in the Submission City Plan Part 1 and relates to the Hove Station Area.

neighbourhood forum.

- 6.11 It is not considered a one area approach is supported by the representations. In respect of the representations to the Hove Station Neighbourhoods Area application, the vast majority objected to the area (approximately 390 from the 405). Almost all lived within Hove Park Ward. Many indicated the area should remain south of the Old Shoreham Road and/or be smaller than the one proposed. The petition (approximately 410 signatories) also indicates a lack of support for one large area. In respect of the representations to Hove Park Neighbourhood Area application, approximately 180 (of the 380) wanted to have one neighbourhood area instead of the proposed two. However the vast majority of these live outside Hove Park Ward within The Hove Station Neighbourhoods Area. The representations indicate that each forum has played a part in the representations submitted. It is clear there is a divergence in views between the two groups / areas and different methods of approach.
- 6.12 Hove Station Neighbourhoods Forum clearly acknowledge in its submitted preferred option that two sub areas and groups should be set up should a one area approach be taken. This indicates recognition of a division within the wider area. Indeed this raises an issue addressed in paragraph 6.28 below as to whether the wider area forms just one 'neighbourhood' area in accordance with legislation and the NPPG (Appendix 7) and it is noted that the Hove Station Neighbourhoods Area application already indicates its submitted area covers more than one neighbourhood. When all relevant factors are considered it is not felt appropriate to designate one large neighbourhood area encompassing both the areas proposed in the submitted applications.
- 6.13 **Two Areas Option :**
As raised in paragraph 6.5 a number of options were considered by the two Forums to enable them to discuss and reach community agreement. Unfortunately community agreement was not reached. Hove Park Neighbourhood Forum maintains the Ward boundary should form the shared boundary with Hove Station Neighbourhoods Forum. Whilst Hove Station Neighbourhoods Forum considers that the two proposed areas should be co-joined to form one area it has indicated Old Shoreham Road to be the boundary between two sub-groups. Whilst representations were divided, as raised in paragraph 6.4 above, it is considered the submitted areas should form the starting point for considering where the shared boundary should lie. As can be seen this will allow for consideration of Hove Park Neighbourhood Forum's preferred option and also Hove Station Neighbourhoods Forum indicative dividing boundary along the Old Shoreham Road.
- 6.14 **Hove Station Neighbourhoods Area :** The application included a plan showing the evolution of the area detailing a proposed submitted area along with the City Plan development area DA6 and an 'original' forum neighbourhood area (please see Appendix 1). The application makes clear the forum was established as a consequence of redevelopment proposals for the Conway Street area which lies within DA6 and clearly indicates the DA6 area to be a key focus. As with almost all urban neighbourhood areas the submitted area has both factors in favour and against it. For example, the submitted area focuses on the City Plan development area DA6. There are good planning reasons for taking such an approach because the proposed development within DA6 is likely to impact upon

the surrounding area. The area includes key services and facilities within walking distance of DA6 and adjacent roads. However the roads close to the boundary are separated from many of their key services and facilities which lie outside the boundary. The area includes a number of facilities that are more than local in nature eg Hove Park, secondary schools and sixth forms and thus can equally be considered to fall within other 'neighbourhoods'.

- 6.15 Paragraphs 5.5 and 5.6 set out the numbers of representations and forum members. On a quantitative basis the objections (approximately 395) outnumber the representations of support (approximately 2) and forum membership (approximately 70) (please note some representations were neutral or responses to the questions were "Don't know"). When these are analysed further the majority of objections come from people who live north of the Old Shoreham Road whilst the majority of members live and/or work south of the Old Shoreham Road (please see Appendices 4 and 5). Between a quarter to a third of the representations (approximately 140) indicate they would not be averse to a smaller area and several indicate this to be south of the Old Shoreham Road and/or the 'original' area (please note that four of these representations came from the Orchard Road area which lies near DA6 but north of the Old Shoreham Road).
- 6.16 When all relevant factors are taken into account, including the community response and submitted forum membership data, it is considered an amendment to the submitted neighbourhood area is appropriate. If an overlapping neighbourhood area application had not been submitted the Old Shoreham Road may have formed a reasonable northern boundary to the Hove Station Neighbourhood Area.
- 6.17 **Hove Park Neighbourhood Area** : The submitted neighbourhood area follows the boundaries of Hove Park Ward. As with the Hove Station Neighbourhoods Area there are both factors in favour and against it. For example, it follows ward boundaries which many of the residents and community groups in the area recognise and identify with. The NPPG clearly indicates wards can form an appropriate sized area for neighbourhood planning purposes. Whilst the NPPG references an average population of 5,500, due to the dense nature of the city almost all wards in Brighton and Hove have a population of approximately 10,000. There are existing community groups operating within the area, often operating together when appropriate. Hove Park clearly forms a focus to the area.
- 6.18 Paragraphs 5.5 and 5.6 set out the numbers of representations and forum members. On a quantitative basis the forum membership (approximately 430 at the time of writing this report) and representations of support (approximately 100) outnumber the objections (approximately 260) (please note some representations were neutral or responses to questions were "Don't know"). However a significant number of respondents (approximately 215), via a standard questionnaire response, indicated concern over splitting DA6 and felt it should lie within one neighbourhood area. They also raised concern that people south of the Old Shoreham Road would not have a say about the future of the area north of the road including Hove Park, allotments, schools and the Greyhound Stadium. The majority of these people live and/or work outside Hove Park Ward but within the submitted Hove Station Neighbourhoods Area. (Please

see Appendices 4 and 6)

- 6.19 There are planning merits in retaining the whole DA6 in one neighbourhood area. Indeed the character of the DA6 development area is relatively uniform and predominantly business in nature. The lack of response and forum membership from people within DA6 area north of the railway potentially indicates people working within the area have no clear preference. When all relevant factors are taken into account, including the community response and forum membership, it is considered appropriate to review the area boundary where it falls within the vicinity of DA6.
- 6.20 **Recommended Option :**
Whilst there is no clear option that would form two undisputed and readily identifiable 'neighbourhood' areas within this urban location it is considered a reasonable and rational approach can be taken. It is important to note that two areas have been sought, it is therefore considered reasonable to designate two areas.
- 6.21 It is considered reasonable to determine the shared boundary by considering representations and forum membership and then, taking into account relevant factors, to amend the designations applied for accordingly.
- 6.22 Based on representations and forum membership, in relation to both neighbourhood area applications, it is considered land within Hove Park Ward to the north of Old Shoreham Road should fall within the Hove Park Neighbourhood Area (eg in general the majority of people in this area north of the Old Shoreham Road who responded and/or joined a forum indicated a lack of support for inclusion in a Hove Station Neighbourhoods Area and/or support for inclusion in Hove Park Neighbourhood Area.). This would accord with Hove Station Neighbourhoods Forum's suggested sub group areas in its submitted preferred option and maintains Hove Park as a key focus within the neighbourhood area entitled Hove Park Neighbourhood Area.
- 6.23 The area to be investigated further is therefore the land within Hove Park Ward that lies south of Old Shoreham Road ie between the railway line to the south, Old Shoreham Road to the north; Sussex House Business Park to the west and Goldstone Lane to the east. Few detailed representations have been submitted from this area and these have been mixed. However, of particular note is the number of Hove Park Neighbourhood Forum members and also signatories of the petition against Hove Station Neighbourhoods application from within this area to the west of Sackville Road. It is therefore considered, based on representations and forum membership, that land to the west of Sackville Road and north of the Railway should fall within the Hove Park Neighbourhood Area.
- 6.24 No clear view has been expressed from people within DA6 north of the railway. However as detailed in paragraph 6.18 and 6.19 above approximately 215 respondents raised concern about splitting DA6 and it is considered there are merits in keeping the whole of DA6 within one neighbourhood area. The Hove Station Neighbourhoods Area application makes it clear the area's key focus is DA6. Indeed, some of the key Hove Station Neighbourhoods Forum members live near the northern section of DA6. It is therefore considered land to the east of Sackville Road within the area of overlap should fall within Hove Station

Neighbourhood Area.

- 6.25 The railway line, Old Shoreham Road and Sackville Road all form recognisable physical boundaries. It is therefore considered, after considering all relevant factors, the resultant shared boundary detailed above would form two areas appropriate for neighbourhood planning purposes (please see Appendices 11 and 12 for maps of the proposed areas). Whilst there were some representations supporting one large area or potentially a different split between the two areas they are not considered, when the location of respondent and/or content are taken into account, to override the generally expressed views (via representation or forum membership) of those within the roads affected by the overlap.
- 6.26 It is recognised the recommended boundary would place those living just to the north and west of DA6 within a different neighbourhood area to the development area. However as expressed by Hove Station Neighbourhoods Forum the impact of DA6 is likely to extend much further than its boundary. It is not therefore considered appropriate for the City Council to designate a potentially arbitrary boundary along the back of the respective properties along the Old Shoreham Road and Sackville Road. Indeed this would split these properties from other potential development sites or key open spaces to which those residents and businesses may equally feel fall within their neighbourhood.
- 6.27 However it is important to recognise that the impact of development in each area will not be confined by the boundaries. Neighbourhood plans are subject to public consultation, an independent examination and a referendum. It is therefore imperative the Forums not only engage people from within their areas but also adjoining areas and take into account all representations, as appropriate, within a neighbourhood plan. Indeed it is likely, especially where significant development is proposed adjacent to the boundary, that the referendum area will be extended beyond the neighbourhood area. It is important, therefore, that the views from people in adjoining areas are incorporated into the plan-making process so that the plan can receive wide support as it passes through examination and referendum. Both Forums will therefore need to work with each other and residents and businesses in areas adjoining their neighbourhood area to consider and incorporate respective views when drafting their neighbourhood plans.
- 6.28 **Name of Neighbourhood Areas**
An amendment to the boundary of a neighbourhood area may require the name of the resultant area to be re-considered to ensure it appropriately reflects and/or describes the area. In addition to this there is a concern, as a matter of law, over the use of the word 'neighbourhoods' within the Hove Station Neighbourhoods Area. The legislation provides for "neighbourhood" planning. In applying for the designation of a neighbourhood area a map has to be provided identifying the area to which the application relates and a statement submitted explaining why this area is considered to be appropriate as a "neighbourhood" area (Reg 5 of the 2012 Regs.). The legislation refers to "neighbourhood area" - ie an area for one neighbourhood - not an area for 2 or more neighbourhoods.
- 6.29 Hove Park Neighbourhood Area is felt to appropriately describe the respectively recommended neighbourhood area. It is not considered the name should be

amended.

- 6.30 Hove Station Neighbourhoods Area raises the legal concern detailed in paragraph 6.28. In respect of the appropriateness of entitling the resultant area 'Hove Station' it is considered regard should be given to the following :
- it was the name that was sought;
 - the name is now well established and recognised; and,
 - the recommended amended area retains Hove Station and DA6, which is similarly titled Hove Station Area in the City Plan Part 1.
- It is therefore considered the name should be subject to minor adjustment to reflect the legal concern. It is recommended it should be called "Hove Station Neighbourhood Area".

6.31 **Business Area status**

Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given as to whether the authority should designate the area concerned as a business area. Designation as a business area can only be done if the authority considers that the area is wholly or predominantly business in nature [section 61H(3)]. In this case the specified areas are not considered to meet this requirement and neither can therefore be designated as a business area.

6.32 **Forum Applications and Designation**

- 6.33 Both Forum applications have been checked and considered following consultation. The amendments to the areas are considered to address the issues raised in representations in respect of the forums. In principle both applications are considered to meet the requirements subject to addressing the implications of the amendments to the areas. There is one issue with the Hove Station Neighbourhoods Forum application which is similar to that detailed in paragraph 6.28 which will require agreement from the forum to amend the name to Hove Station Neighbourhood Forum.

- 6.34 In view of the amendments to both neighbourhood areas impacting upon the ability of the neighbourhood forums to meet the statutory criteria set out in paragraph 3.5, it is felt a recommendation to designate the two neighbourhood areas, amended in accordance with paragraphs 6.22, 6.23 and 6.24, should be given with authority granted to the Head of Planning & Public Protection* to designate the two forums as neighbourhood forums once 1) he is satisfied that the forums comply with the statutory criteria and 2) he has sought agreement as to how the forums will engage with each other and people, groups and forums in adjacent areas and take their views into account in the drafting of any neighbourhood development.

7. CONCLUSION

- 7.1 The committee is recommended to refuse the application from Hove Station Neighbourhoods Forum for the Neighbourhood Area set out in Appendix 1 for the reasons set out in this report and précised in Appendix 13 and approve the

* with the authority to designate the neighbourhood forum passed to the equivalent resultant Head of Service following service redesign

designation of the Hove Station Neighbourhood Area as delineated in appendix 11 and to refuse the application from Hove Park Neighbourhood Forum for the Neighbourhood Area set out in Appendix 2 for the reasons set out in in this report and précised Appendix 14 and approve the designation of the Hove Park Neighbourhood Area as delineated in appendix 12.

- 7.2 The committee is recommended to authorise the Head of Planning & Public Protection* to designate the Hove Station Neighbourhood Forum and the Hove Park Neighbourhood Forum once he is satisfied the forums meet the statutory criteria and having sought the forums' agreement as set out in paragraph 6.34 above.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 It is anticipated that costs will be incurred within the Planning revenue budget to provide support and advice to communities wishing to undertake neighbourhood plans, consultation, publication of neighbourhood plans, examinations and any other steps that may be needed for the neighbourhood plan to come into legal force, including referendums.

DCLG funding is available to Local Planning Authorities in the 2014/15 financial year of up to £30,000 per neighbourhood plan in recognition of the costs to the council outlined above. This amount is payable to the council in stages depending on requirements being met. It is currently unclear if this funding will be available after the 2014/15 financial year.

The DCLG impact assessment estimates costs to local planning authorities of between £20k and £86k per plan with more plans being towards the lower end of the range. It is therefore possible that the funding available will not be sufficient to cover the costs of supporting this process. In addition the DCLG estimate that the cost of keeping the plan under review would be 70% of the original cost, every ten years. If costs arise which cannot be met from the DCLG funding or managed within the existing Planning budgets then additional funding will need to be identified.

*Finance Officer Consulted: Steven Bedford
(confirmed 07/08/2014)*

Date: 11/02/14

Legal Implications:

- 8.2 The legislative background to neighbourhood planning, including the considerations to be taken into account by the local planning authority when determining applications for the designation of neighbourhood areas and neighbourhood forums, is set out in the body of the report.

There are no human rights implications to draw to Members' attentions.

Lawyer Consulted:

Name Hilary Woodward

Date: 4/8/14

* with the authority to designate the neighbourhood forum passed to the equivalent resultant Head of Service following service redesign

Equalities Implications:

- 8.3 There are no implications arising from this report. The designation of a Neighbourhood Area and/or Forum by themselves does not give rise for a need to carry out an Equality Impact Assessment. Whilst it enables the production of a Neighbourhood Development Plan the effects of which will be assessed when any such plan is determined.

Sustainability Implications:

- 8.4 There are no implications arising from this report. The designation of a Neighbourhood Area and/or Forum by themselves does not have sustainability implications. Whilst it enables the production of a Neighbourhood Development Plan the effects of which will be assessed when any such plan is determined.

Any Other Significant Implications:

- 8.5 Corporate / Citywide Implications: This is a statutory procedure enabling a local community to take advantage of the non compulsory Neighbourhood Planning system. The city council has a duty to support communities wishing to undertake Neighbourhood Planning, the principle of which is considered to be consistent with the council's priorities. It is also consistent with the objectives of the Sustainable Community Strategy and Neighbourhood Governance. The emerging City Plan makes clear support will be given to communities for neighbourhood planning, reflecting the council's aspirations and the new statutory duties. The designation of a Neighbourhood Area and/or Forum by themselves is not felt to affect other services, agencies and the city as a whole. Whilst it enables the production of a Neighbourhood Development Plan the effects of which will be assessed when any such plan is determined.

SUPPORTING DOCUMENTATION

Appendices:

1. Hove Station Neighbourhoods Area – Plan of Area (as submitted) and Plan Showing the Evolution of the Area
2. Hove Park Neighbourhood Area - Plan of Area (as submitted)
3. Plan of Hove Station and Hove Park Neighbourhood Areas - Showing the Overlap
4. Forum Membership Distribution Dot Maps - Hove Station Neighbourhood Forum (December 2013) and Hove Park Neighbourhood Forum (May 2014)
5. Hove Station Neighbourhoods Area and Forum Applications – Consultation Responses : Summaries
6. Hove Park Neighbourhood Area and Forum Applications – Consultation Responses : Summaries
7. National Planning Practice Guidance Extract re Designating Neighbourhood Areas
8. Options Circulated for Consideration re Resolving the Overlap in the Proposed Neighbourhood Areas
9. Hove Station Neighbourhoods Forum’s Preferred Option for Resolving the Overlap in the Areas
10. Hove Park Neighbourhood Forum’s Preferred Option for Resolving the Overlap in the Areas
11. Hove Station Neighbourhood Area (*as amended*) – Recommended for Designation
12. Hove Park Neighbourhood Area (*as amended*) – Recommended for Designation
13. Hove Station Neighbourhood Area – Draft Decision Notice with Reasons for the Decision
14. Hove Park Neighbourhood Area – Draft Decision Notice with Reasons for the Decision

Documents in Members’ Rooms

NONE

Background Documents

1. The Localism Act 2011

2. The Neighbourhood Planning (General) Regulations 2012
3. Localism Act : Neighbourhood Plans and Community Right to Build – Impact Assessment (DCLG, March 2012)