

[Redacted]

[Redacted]

[Redacted]

Subject: RE: City Plan Part Two (CPP2) Update

Switch-MessageId: ab16bbca43434b8696f9e7362ba4a47e

Dear Alex,

Many thanks for your confirmation

Kind regards

[Redacted]

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[Redacted]

Subject: RE: City Plan Part Two (CPP2) Update

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Good morning

Thank you for consulting West Sussex County Council on the City Plan Part Two (CPP2). I can confirm at this time there are no officer level comments being made to the consultation, but we would like to continue to be consulted on this and other documents.

Kind regards

[Redacted]

Sent: 27 October 2020 13:24
To: PlanningPolicy
Subject: RE: City Plan Part Two (CPP2) Update

Follow Up Flag: Follow up
Flag Status: Flagged

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir/Madam,

Thank you for your email below, inviting Southern Water to comment on the Proposed Submission City Plan Part 2.

I confirm we have reviewed this and are pleased to note that our previous comments have been taken into account in this version of the Plan. We therefore have no further comments to make.

We look forward to being kept informed of the Plan's progress.

Yours faithfully,



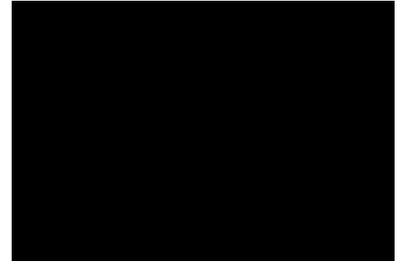
From: PlanningPolicy [mailto:PlanningPolicy@brighton-hove.gov.uk]
Sent: 30 July 2020 14:22
Subject: City Plan Part Two (CPP2) Update

Dear consultee,

City Plan Part Two (CPP2) Update

Please note that formal public consultation on the City Plan Part 2 is now proposed to start on Monday 7th September 2020 and will run until 23.59 on Friday 30th October 2020. A formal statement - the Notice of Publication and Statement of Representations Procedure - will set out how to make comments and where to view the consultation documents and this will be published on the 7th September on the council website (<https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>).

Please note that there will be some changes to the way we normally make the City Plan Part 2 available as a result of the effects of the Covid-19 coronavirus pandemic and we will set this out in the formal statement.



avisonyoung.co.uk

Our Ref: MV/ 15B901605

26 October 2020

Brighton & Hove City Council
planningpolicy@brighton-hove.gov.uk
 via email only

Dear Sir / Madam
City Plan Part Two (CPP2) Consultation
August – October 2020
Representations on behalf of National Grid

National Grid has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Response

We have reviewed the above document and can confirm that National Grid has no comments to make in response to this consultation.

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning their networks.

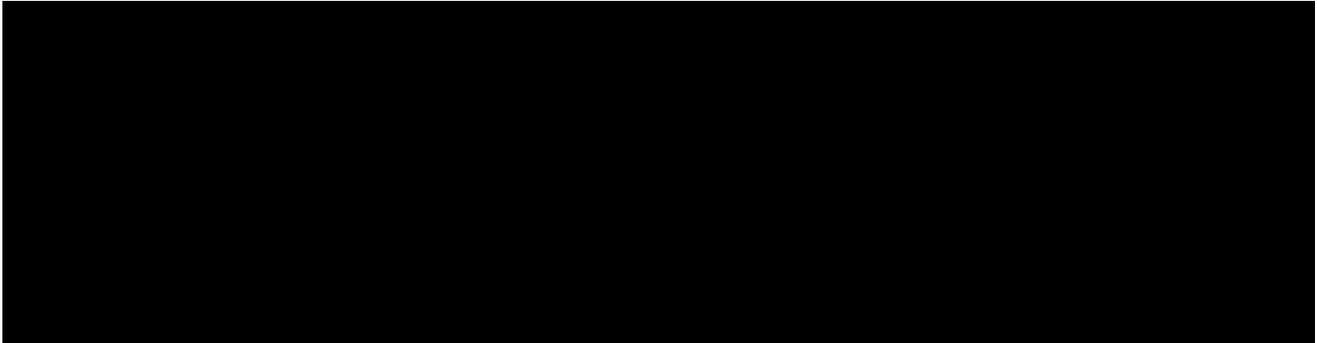
Please see attached information outlining further guidance on development close to National Grid assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans

and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's assets.

We would be grateful if you could add our details shown below to your consultation database, if they are not already included:



If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

• [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

[PINS Privacy Statement \(June 2019\)](#)

(Required) I have read the PINS privacy statement above	Y
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Best regards

Planning Policy Team

City Development & Regeneration | Brighton & Hove City Council

First floor Hove Town Hall, Norton Road, Hove, BN3 3BQ

W: www.brighton-hove.gov.uk

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Subject: Commemorative Plaques in the City

This email originates from outside of Brighton & Hove City Council.
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Dear Sirs,

The Brighton and Hove Commemorative Plaque Panel (Blue Plaque Panel) at its last meeting discussed CPP2 and in the absence of any specific reference to plaques wishes to make the following comments and suggestions to be included in the final and adopted version of CPP2.

1. Listed building: a maximum of ONE plaque of any style or medium should be displayed and or fixed
2. Locally listed building: a maximum of ONE plaque of any style or medium should be displayed and or fixed
3. In Conservation Areas there should be a limit of the number of plaques displayed in any one street. The number to be determined between the Heritage Officers and the Plaque Panel
4. Grade I listed estates and Grade II & II* "set piece" terraces and crescents : a strict limit on the number of plaques displayed being less than the number decided for a street in a Conservation Area. That number to be determined between the Heritage Officers and the Plaque Panel
5. Plaques must be displayed to be legible and viewed from the public realm, with public buildings which include schools and hospitals etc. being deemed as part of the public realm.

With best regards

[REDACTED]

[REDACTED]

VisitBrighton- Brighton and Hove Commemorative Plaque Panel

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Brighton and Hove City Plan 2 Consultation

Response from the Woodland Trust

October 2020

About the Woodland Trust

The Woodland Trust is the UK's leading woodland conservation charity, and wants to see a UK that is rich in native woods and trees, for people and wildlife. We aim to achieve this by restoring and improving woodland biodiversity and increasing people's understanding and enjoyment of woods and trees.

We own over 1,275 sites across the UK, covering over 23,580 hectares and we have around 500,000 members and supporters. The Trust is recognised as a national authority on woods and trees and a protector of the benefits and values that they deliver for society. We work closely with the South Downs National Park authority and the Sussex Local Nature Partnership.

City Plan 2: our response

We welcome the opportunity to comment on the City Plan, as it affects trees and woodland.

<p>Policy DM22 Landscape design and trees</p>	<p>We generally support this draft policy, including the requirements to include landscape design from the outset. We welcome design guidance to incorporate the protection and extension of nature-based solutions and green infrastructure including support for SuDS in all new developments, and encouragement of green links, such as tree lines and hedgerows, to frame residential areas and connect existing habitats. We welcome the recognition of the valuable role that trees and hedgerows can play in mitigating pollution and providing shelter and shade.</p> <p>We recommend the guidance published by the Woodland Trust <i>Residential developments and trees - the importance of trees and green spaces</i> (January 2019). Integrating trees and green spaces into developments early on in the design process minimises costs and maximises the environmental, social and economic benefits that they can provide. As part of that we welcome the development of appropriate standards (para 2.184) for new tree siting, planting and maintenance to ensure their sustainability.</p> <p>We strongly support the presumption in favour of retaining existing trees and hedgerows in para d), and welcome the recognition of the health and wellbeing benefits of retaining trees and hedgerows in the urban realm (para 2.179) and the value given to mature trees (para 2.183).</p>
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We propose adding a robust policy on the **replacement of trees** whose removal is found to be necessary. We recommend specifying a ratio of tree replacement, which reflects the Woodland Trust guidance on *Local Authority Tree Strategies* (July 2016) with a ratio of at least 2:1 for all but the smallest trees and ratios of up to 8:1 for the largest trees. A similar policy can be found in the recent submission version of the Crawley local plan.

We note the references to **tree selection** (in para h) and para 2.177) and welcome the reference to provision of native trees and Sussex fruit trees. We encourage the specification where possible of UK & Ireland sourced and grown tree stock for new planting, ideally from locally-sourced seeds, to support biodiversity and resilience.

We note the reference in j) to **open space requirements**. We support the protection of local green space, including accessible woodland, from development. In addition, we recommend including standards for access to natural green space and woodland for existing and new developments.

Natural England's Accessible Natural Green Space Standard recommends that all people should have accessible natural green space:

- Of at least two hectares in size, no more than 300m (five minutes' walk) from home.
- At least one accessible 20-hectare site within 2km of home.
- One accessible 100-hectare site within 5km of home.
- One accessible 500-hectare site within 10km of home.
- A minimum of one hectare of statutory local nature reserves per 1,000 people.

The Woodland Trust has developed a Woodland Access Standard to complement the Accessible Natural Green Space Standard. This recommends that:

- That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size.
- That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes.

We suggest incorporating these targets into the Brighton City Plan.

One omission in the draft policy is a **tree canopy cover target**. Given the council's ambition to become a carbon neutral city by 2030, we recommend setting a target for tree canopy cover on development sites.

A rapid increase in the level of tree cover has been proposed by the UK's Committee on Climate Change, to provide a key mechanism to lock up carbon in trees and soils, provide an alternative to fossil fuel energy and resource-hungry building material, and importantly to stem the declines in biodiversity.

The Woodland Trust's Emergency Tree Plan (2020) recommends a 30 per cent canopy cover target for development sites, to be

	<p>pursued through the retention of important trees, appropriate replacement of trees lost through development, ageing or disease and by new planting to support green infrastructure.</p>
<p>Policy DM26 conservation areas</p>	<p>We support para h) The retention of trees and gardens where these are integral to the significance of the area.</p> <p>Policies on housing extensions and alterations should include a presumption in favour of the retention of existing trees, in line with policy DM22.</p> <p>For example, we commend the wording used in the Rushmoor SPD on Home improvements and extensions (December 2019): <i>“Wherever possible, you should keep garden trees and landscaping features that make a positive contribution to the residential environment. They can also help screen or soften the visual impact of a new extension and help to integrate it with the surroundings. As well as providing a pleasant residential environment, trees and gardens contribute towards biodiversity and health and well-being.”</i></p>
<p>Policy DM30 Registered Parks and Gardens</p>	<p>We note the policy may “seek the removal of structures and uses that detract from the special historic interest of the park and garden.” We would have concerns about allowing the removal of healthy mature trees which may have become established even if these are not part of the original design. We ask that the principles in DM22 be applied also to this policy.</p>
<p>Policy DM33 Safe Sustainable and Active Travel</p>	<p>We welcome the recognition in 1b) of the potential for integration of tree planting into pedestrian facilities. We urge extending this to apply to equally to cycling routes, to provide shelter and shade and to maximise the potential of these new green corridors for habitat connectivity.</p> <p>Converting grey space to green space, including providing street trees and urban hedgerows should be integrated into local sustainable transport plans.</p>
<p>Policy DM34 Transport interchanges</p>	<p>Ancient woodland is vulnerable to the negative impacts of transport infrastructure and traffic, including severance causing fragmentation and isolation from the wider environment, and environmental degradation from chemical run-off, air, noise and light pollution, while new planting can mitigate such impacts on the wider community.</p> <p>Where new transport infrastructure is proposed, we encourage policies that explore its potential for delivery of tree planting and woodland creation, the construction of wildlife bridges and green corridors and the restoration of damaged ancient woodland.</p> <p>We urge that any infrastructure development complies with the local plan policies DM37 on green infrastructure and nature conservation.</p>
<p>Policy DM37</p>	<p>We support this draft policy, which sets green infrastructure in the context of conserving and enhancing the natural environment and</p>

<p>Green Infrastructure and Nature Conservation</p>	<p>that developers will be expected to work with existing partnerships to support and enhance green infrastructure and nature conservation features.</p> <p>We strongly welcome the specific references to protecting ancient woodland, veteran & protected trees, and the City's National Elm Collection (para 2.278). In particular, we note the importance of protecting and enhancing ancient woodland and natural habitats around ancient woodland to improve connectivity with the surrounding landscape. The consequent increase in ecological connectivity between areas of ancient woodland will create the resilient landscapes recommended in Making Space for Nature (Defra 2010).</p> <p>We welcome the emphasis on nature recovery networks, reflecting the Lawton principles that space for nature should be more, better and better-connected. We welcome the approach taken, including commitments to robust data and integration with biodiversity policies set out in paras 2.280 and 2.281 and the mitigation hierarchy in para 2.283.</p> <p>In each type of area, green infrastructure should be protected, enhanced and integrated into development plans, including through local tree strategies, landscape management plans or urban development briefs.</p> <p>We propose adding a specific target for biodiversity net gain from development sites, and to consider an alternative (such as the Urban Greening Factor in the new London Plan) for urban sites where the baseline biodiversity (and therefore the potential for a percentage-based net gain) is very low.</p> <p>To achieve ongoing benefits, green infrastructure needs to be protected and maintained. CIL allocations should include green infrastructure, including management plans and funding for maintenance. We therefore propose adding a specific commitment to include green infrastructure on the list of approved CIL allocations.</p>
<p>Policy DM43 Sustainable Drainage</p>	<p>Woods and trees form a highly effective part of Sustainable Drainage Systems (SuDS) in addition to their other benefits to environmental quality. Planting trees can slow the flow of water and reduce surface water runoff by up to 62% compared to asphalt, while individual tree canopies can intercept as much as 79% of a 20mm, 24-hour rainfall event under optimum, full leaf conditions. We therefore recommend strengthening this policy with a requirement to include trees and hedgerows in all SuDS schemes.</p>
<p>Policy DM44 Energy</p>	<p>We note in footnote 103 the Council's recognition that residual emissions can be off-set against carbon-positive measures such as tree planting. Offsite carbon mitigation is a legitimate part of any responsible emissions reduction strategy. It should be within a hierarchical approach that first avoids emissions where possible, limits them to a minimum, finally compensating for those that are unavoidable. The Woodland Trust supports schemes to harness the potential of native woods and trees to mitigate energy use</p>

	<p>while reconnecting our landscapes: in particular, we recommend following the Woodland Carbon Code (WCC), which provides a best practice standard for domestic woodland creation schemes finance by carbon credits.</p>
<p>Section 3 Site Allocations</p>	<p>The Woodland Trust objects to ancient woodland areas being included in sites allocated as suitable for development. Areas of natural woodland, in particular ancient woodland, are vulnerable to pollution, encroachment from development, and habitat fragmentation. It is important that any development is located and designed to avoid damaging ancient woodland, providing buffers for designated sites and protecting connectivity between wildlife habitats. Further information is available in the Trust's <i>Planners' Manual for ancient woodland</i>.</p> <p>We recognise the intense pressure to identify and bring forward new sites for housing and employment uses. This pressure makes it all the more important that vital protections for ancient woodland and veteran trees are upheld. Development which would result in the loss of ancient woodland, aged or veteran trees should not be permitted.</p> <p>In the case of the specific site allocations in this plan, we are pleased to see that woodland has generally been excluded from sites, and the one section of ancient woodland potentially affected had a buffer applied.</p> <p>We wish to see these standards maintained throughout the local plan process. The Trust reserves the right to object to future site allocations or individual planning applications which threaten ancient woodland or veteran trees.</p>
<p>Special Area SA7 Benfield Valley</p>	<p>The habitat enhancement for this local wildlife site is encouraged including recognition of the importance of this site as "an important 'green lung' for the area. However, the proposed housing allocation here potentially requires removal of or impacts on woodland.</p> <p>The northern section of housing overlays approximately half a hectare of broadleaf woodland while both sites encroach on the corridor of woodland running north - south. Development here is likely to impact the ability of the woodland to support species using and moving through this corridor through edge effects.</p> <p>To better accord with Policy DM37 Green Infrastructure it is recommended that the housing allocation boundaries be reduced to limit the loss of woodland and to recognise a buffer with the corridor.</p>
<p>Policy H2 Urban fringe sites</p>	<p>We welcome the requirement in policy H2 (p184) for landscape impact assessments, which should allow for assessment of the impacts on woodland cover; and for arboricultural surveys which should allow for appropriate root protection for non-ancient trees and woodland.</p> <p>These policies should be applied in concert with the detailed protections for natural habitats and trees already specified in policies DM22 and DM37.</p>

Policy E1 Land at
Hangleton Bottom

We note that **para 3.87** states that "regard should be given to the need to conserve and enhance biodiversity" with reference to the overlap with local wildlife sites.

We would like to see a more specific reference to retaining or enhancing the environmental value of the site in line with the emerging policy on biodiversity net gain.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

www.woodlandtrust.org.uk

To: [REDACTED]
Subject: [PlanningPolicy](#)
Date: RE: Brighton & Hove City Plan Part Two - response from the Woodland Trust
01 November 2020 10:35:37

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Yes the Woodland Trust would like to be notified of these eventualities.

[REDACTED]

From: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>

[REDACTED]

Subject: RE: Brighton & Hove City Plan Part Two - response from the Woodland Trust

[REDACTED]

Thank you for your representations to the Proposed Submission City Plan Part Two. In order to help us process your formal representation to the City Plan Part Two we do also need to know the following information:

Please let us know if you would like to be notified of any of the following (delete as appropriate);

The City Plan Part Two has been submitted for independent examination

Y/N

The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two

Y/N

The adoption of the City Plan Part Two

Y/N

Please be aware that due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the council's website.

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PINS Privacy Statement (June 2019)

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/838373/Privacy_Statement_-_Plans_final_June_2019.pdf>

(Required)

I have read the PINS privacy statement above

Y/N

Yours sincerely,

Planning Policy Team

Brighton & Hove City Council

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details here<<https://brighton-hove.us18.list-manage.com/subscribe?u=158dd9ecb19d4c090f356396d&id=985d5de505>>.

[REDACTED]
Sent: 30 October 2020 19:41

To: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>

Subject: Brighton & Hove City Plan Part Two - response from the Woodland Trust

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Please find attached a response to the City Plan Part Two from the Woodland Trust.

The Trust produces a range of policy guidance to support local authorities in your planning role:

- * Guidance on local council tree strategies 2016 – <https://www.woodlandtrust.org.uk/publications/2016/07/tree-strategies/>, for example with model policies on tree provision and replacement ratios
- * Guidance on trees and new housing 2019 – <https://www.woodlandtrust.org.uk/publications/2019/01/residential-developments-and-trees/> looking at how to incorporate trees in new housing developments and standards for access to woodland
- * Planners manual for ancient woodland 2019 - <https://www.woodlandtrust.org.uk/publications/2019/06/planners-manual-for-ancient-woodland/> focusing on implementing the enhanced protection for ancient woodland in the NPPF into local plans, including appropriate buffers.

We welcome the opportunity to contribute to the City's policies, particularly as they affect trees and woodland. Please do not hesitate to contact us if we can be of any assistance.

[REDACTED]
[REDACTED]
[REDACTED]
www.woodlandtrust.org.uk<<http://www.woodlandtrust.org.uk/>>

[Facebook]<<https://www.facebook.com/thewoodlandtrust/>>

[Twitter]<<https://twitter.com/woodlandtrust>>

[YouTube]<<https://www.youtube.com/user/woodlandtrust>>

[Instagram]<<https://www.instagram.com/woodlandtrust/>>

[Woodland Trust]<<http://www.woodlandtrust.org.uk/>>

Stand up for trees<<http://www.woodlandtrust.org.uk/>>



To: Brighton and Hove City Council
Submitted via e-mail

29th October 2020

Dear Sir,

Brighton & Hove City Council's City Plan Part 2

Thank you for consulting the Sussex Gardens Trust (SGT) and also the Gardens Trust (GT) about the above Plan. The Gardens Trust is the statutory consultee on matters concerning registered parks and gardens, and is now working closely with County Garden Trusts such as SGT regarding commenting on planning policy and planning applications.

The policies of interest to the Sussex Gardens Trust comprise the following Development Management Policies:

- DM28** - Local Heritage Assets,
- DM29** - the setting of heritage assets ,
- DM30** - historic parks and gardens, and
- DM32** - the Royal Pavilion Estate.

Comments

DM28 Locally Listed Heritage Assets. The Trust welcomes this policy. It is considered to give appropriate protection to possible future additions to the national register of historic parks and gardens.

DM29 The Setting of Heritage Assets. The Trust would welcome the addition of 'height' to the development features listed.in the first paragraph ie alongside siting, footprint, density, scale etc.



www.sussexgardenstrust.org.uk

The Sussex Gardens Trust is a member of The Gardens Trust



It has often been found to be the height of nearby developments that has had the greatest visual impact on garden settings. This is therefore considered a perverse omission.

The Trust considers the wording of the last paragraph an oversimplification, and objects to the way the policy seeks to prioritise heritage assets solely according to significance. If there is to be any prioritising, it should follow an assessment of both significance and impact, both positive and negative.

DM30 Registered Parks and Gardens. The Trust would encourage changes in the wording of this policy for reasons of clarity. It recommends the second sentence be altered to begin ' In assessing the significance of the site and the impact of the development on the site's historic sense of place, it will also have regard to'

The Trust does not believe that the second paragraph has a place within this policy. Such ' temporary' uses have a tendency to gain permanence and become the norm rather than the exception.

DM32 The Royal Pavilion Estate. The Trust welcomes positive proactive action to manage the Royal Pavilion Estate, and recognises the challenges and pressures placed upon it. That said, the Trust considers this policy overly prescriptive with insufficient weight given to the sensitivity and significance of the existing layout and restoration work completed in the late 20th C. The garden's historic interest is in part its use as a promenading garden, as a place for reflection and quiet enjoyment, and not for ever more intensive use(s). But that does not read loud and clear in the way this policy is worded.

Conclusion

For the above reasons the Trust has strong reservations over the way heritage policies DM29, 30 and 32 are worded; wording that dilutes their value as heritage planning policies. This the Trust finds unfortunate and asks that adjustments be made accordingly.

Yours faithfully


On behalf of the Sussex Gardens Trust.
CC: The Gardens Trust

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Best regards

Planning Policy Team

City Development & Regeneration | Brighton & Hove City Council
First floor Hove Town Hall, Norton Road, Hove, BN3 3BQ
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-----Original Message-----

[Redacted content]

Subject: Sussex Garden Trust comments on Brighton & Hove City Council's City Plan Part 2

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sirs

Please see attached comments by Sussex Gardens Trust on the above consultation.

Kind regards

██████████
on behalf of Sussex Gardens Trust

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Historic England

CPP2 Policy Projects and Heritage Team
Brighton & Hove City Council
First Floor Hove Town Hall
Norton Road BN3 3BQ

Our ref: [REDACTED]

Your ref: [REDACTED]

[By email only to planningpolicy@brighton-hove.gov.uk](mailto:planningpolicy@brighton-hove.gov.uk)

[REDACTED]
[REDACTED]
[REDACTED]
29 October 2020

Dear Sir / Madam

Brighton and Hove City Plan Part Two Consultation (Regulation 19)

Thank you for your email of 7 September 2020 inviting comments on the above document.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process, and welcomes the opportunity to comment upon this key planning document.

Historic England's comments are set out detail below.

Historic England supports the policies in Topic – Design & Heritage and notes in particular those that seek to enhance and conserve the distinctive, historic character of the city and its heritage assets - DM18 High quality design and places, DM21 Extensions and alterations, DM23 Shop Fronts, DM24 Advertisements, DM25 Communications Infrastructure, DM26 Conservation Areas, DM27 Listed Buildings, DM28 Locally Listed Heritage Assets, DM29 The Setting of Heritage Assets, DM30 Registered Parks and Gardens, DM31 Archaeological Interest, and DM32 The Royal Pavilion Estate. We concur that these policies, along with the relevant historic environment Policy CP15 and related policies of the City Plan Part 1, will provide a robust framework for underpinning the protection and enhancement of the heritage of the city.

In relation to Section 3 special area and site allocations, we note that sites have been subject to assessment in relation to their potential impact on the significance of heritage assets or their settings. We note the positive proposal for the use of the grade II listed Benfield barn and protection of the character of the associated conservation area (which is on the Heritage at Risk Register) in Special Area SA7 Benfield Valley, and that a heritage assessment is required in relation to the effects that the housing allocation areas may have on the setting of



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these assets. The siting, form and scale of the housing would have to be very carefully planned to ensure no harmful impacts arise and the positive benefits sought by the policy are realised.

Strategic Site Allocations

SSA1 Brighton General Hospital Site, Elm Grove, Freshfield Road, as noted in the policy, contains the grade II listed main hospital building (Arundel Building) and other undesignated heritage assets which will need to be carefully integrated into the wider site redevelopment for housing and community uses. The requirement for a heritage impact statement is supported, but the policy itself should be worded to ensure the preservation of the listed building and its setting.

SSA2 Combined Engineering Depot, New England Road is in close proximity to a number of heritage assets, including the grade II* railway station (as noted in **para 3.23**) and train sheds and the grade II New England railway bridge and viaduct, and is at a strategic arrival point into the city. It is noted that in section **g**), development is required to respect the setting of these assets. A heritage impact statement should be prepared to identify the potential impacts of development on the assets as part of any application for the development of the site.

The **SSA5 Madeira Terrace and Madeira Drive** site includes numerous heritage assets that contribute to its uniqueness and special character (i.e. the Terrace itself, street lamps, shelters, etc), and it is located within the East Cliff conservation area which is registered as a Heritage at Risk asset. The policy will required to be implemented with care and in a way that supports the repair and restoration of the listed structures as a priority; the supporting text could be more explicit also about addressing the ‘at Risk’ status of the Conservation Area of which they are a key part.

Bullet point **b.** in **SSA6 Former Peter Pan leisure site (adjacent Yellow Wave), Madeira Drive** is noted and supported.

While the potential for impact on surrounding heritage assets, including Falmer conservation area, the registered Stanmer Park and the listed University of Sussex campus buildings is identified in policy **SSA7 Land Adjacent to American Express Community Stadium, Village Way** and supporting text (**para 3.59**), it could be reinforced by a requirement for a Heritage Impact Assessment to ensure the effects of any development are fully considered as part of any scheme design.

Notwithstanding the requirement to assess development against all the policies in the plan, including those in CPP1 noted above, all sites to be included in **Table 6 - Residential Site Allocations** and **Table 7 - Mixed Use Housing Site Allocations** attached to **H1 Housing Sites and Mixed Use Sites**, the wording of the policy and site entries should make clear that where appropriate a Heritage Impact Assessment is required as part of development applications.

A number of sites subject to **H2 Housing Sites – Urban Fringe** policy and included in **Table 7 Urban Fringe Allocations** are noted to have historic environment (i.e. archaeology, heritage) or related (i.e. landscape) significances. The policy wording itself, however, is not explicit



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about the requirement to assess the heritage impacts of developing the sites – this should be made clear; e.g. by addition of an additional bullet point to the policy along the lines of that for the natural environment (i.e. bullet **d**)).

In respect of two sites in the Urban Fringe, **Land to north east of Coldean Lane** and **Land north of Varley Halls, Coldean Lane**, we have strong concerns that proposed housing developments would have serious detrimental heritage impacts in view of the high archaeological potential of the sites, and their location in the Grade II Stanmer Park Registered Park and Garden. Ideally these sites should be removed from the allocation policy; or, at the very least a requirement should be inserted that any development proposals should be subject to a Heritage Impact Assessment, and that the scale and form of the developments should be conditioned by that assessment and any impacts it identifies.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

Yours sincerely


Historic Environment Planning Adviser





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To: PlanningPolicy <PlanningPolicy@brighton-hove.gov.uk>

Subject: RE: Brighton & Hove's Proposed Submission City Plan Part 2 - Consultation

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir or Madam

I attach Historic England's response to the above consultation.

Yours faithfully,

A large black rectangular redaction box covers the signature area. The redaction is composed of several overlapping horizontal bars of varying lengths, completely obscuring the name and any handwritten notes or dates that might have been present.

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City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (Required)

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Please let us know if you would like to be notified of any of the following:

	Yes	No
The City Plan Part Two has been submitted for independent examination	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The adoption of the City Plan Part Two	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen here.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

Yes

Your Representation

Please fill in the relevant sections for your representation(s).
Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy
Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.
Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

**Do you have any comments on Section One 'Introduction' of the City Plan Part Two?
(Please reference the page and paragraph number)**

N/A

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

Which site(s) does your representation refer to? (Tick all that apply to your submission)

- ALL SITES**
- Former St Aubyn's School, 76 High Street, Rottingdean
- Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- 60-62 & 65 Gladstone Place, Brighton
- 76-79 & 80 Buckingham Road, Brighton
- 87 Preston Road, Brighton
- Eastergate Road Garages, Moulsecoomb, Brighton,
- Land between Manchester Street/Charles Street, Brighton
- Preston Park Hotel, 216 Preston Road, Brighton
- George Cooper House, 20-22 Oxford Street, Brighton
- Old Ship Hotel (garage), 31-38 Kings Road Brighton
- Saunders Glassworks, Sussex Place, Brighton
- 2-16 Coombe Road, Brighton
- Outpatients Department, Royal Sussex County Hospital
- Whitehawk Clinic, Whitehawk Road, Brighton
- Buckley Close garages, Hangleton
- Former playground, Swanborough Drive, Whitehawk
- Former Hollingbury Library
- 29-31 New Church Road, Hove
- 189 Kingsway, Hove
- Kings House, Grand Avenue, Hove
- Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- Land at the corner of Fox Way and Foredown Rd, Portslade
- Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- Hove Sorting Office, 88 Denmark Villas, Hove
- Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- Wellington House (Site SP3 in JAPP Policy CA3)
- City College, Pelham Tower (and car-park), Pelham Street
- 71 - 76 Church Street, Brighton
- Post Office site, 62 North Road, Brighton
- 27-31 Church Street (corner with Portland Street)
- Former Dairy Crest Site, 35-39 The Droveaway, Hove
- Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- Prestwich House (Site SP1 in JAAP policy CA3)
- Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

1. Do you consider this policy is: (tick as appropriate)

	Yes	No
Legally Compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Meets the Duty to Co-Operate	<input type="checkbox"/>	<input type="checkbox"/>

2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

	Tick
Positively Prepared	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Consistent with National Policy	<input checked="" type="checkbox"/>

In the following boxes, please explain why you think the policy is unsound and/or not legally compliant, and set out any changes you feel should be made to make it sound and legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the policy.

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination. If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

The Policy and allocation for 50 units on the site does not maximise the potential of this highly sustainable brownfield site to accommodate new dwellings

4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

The allocation should be for “a minimum of 80 dwellings, plus ground floor Class E uses”.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

	Tick
No, I do not wish to participate in hearing session(s)	<input type="checkbox"/>
Yes, I wish to participate in the hearing session(s)	<input checked="" type="checkbox"/>

(Please note you may be asked at a later point to confirm your request to participate)

If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

If the policy/allocation is changes as we have requested, then there will be no need to attend the sessions. However, if the policy is not amended – we would like to attend the sessions to demonstrate to the Inspector that the capacity of the site exceed that of the allocation and therefore the allocation should be increased in the interests of maximising the supply of new homes on brownfield land.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Representations must be made between Monday 7th September and 23:59 on Friday 30th October 2020.

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*
- **Consistent with national policy** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*



ATELIER CONSULTANTS
 phone [REDACTED]

[REDACTED]
 e.mail [REDACTED]

BLOCK PLAN

71 - 76 CHURCH STREET, BRIGHTON

1:500 @ A3

EXISTING SITE PLAN

ATELIER CONSULTANTS

e.mall

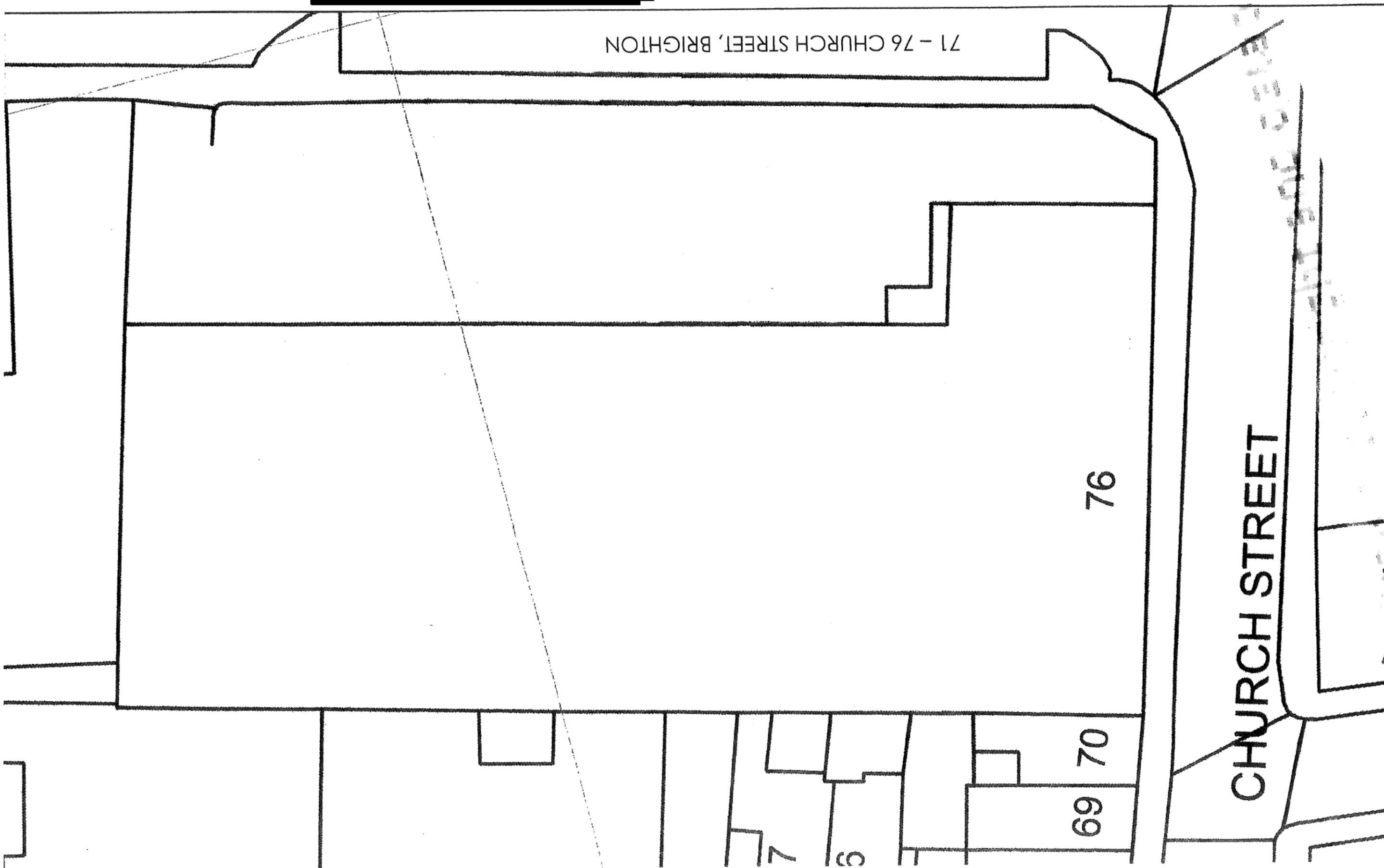
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71 - 76 CHURCH STREET, BRIGHTON

CHURCH STREET

76

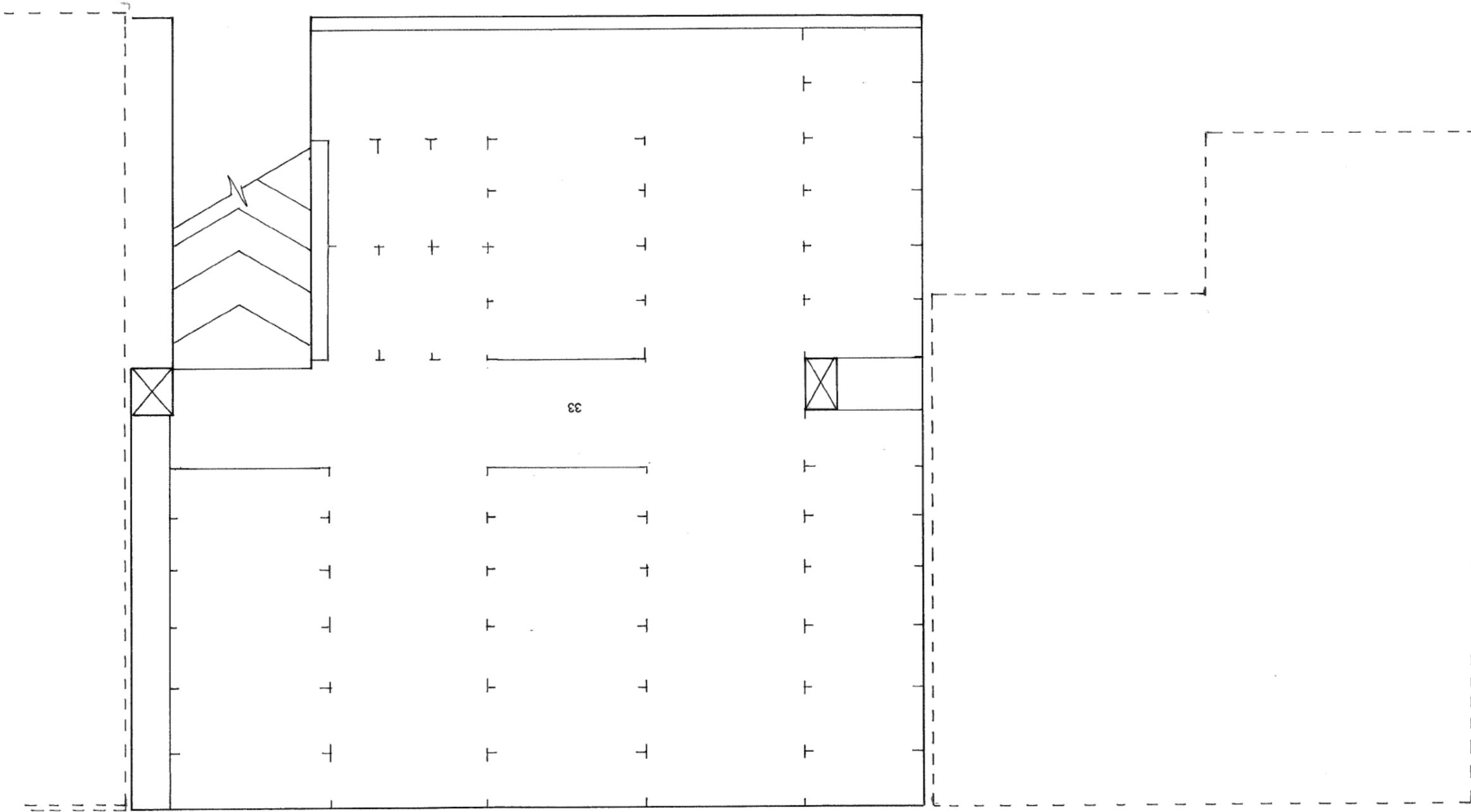
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BASEMENT CAR PARK PLAN

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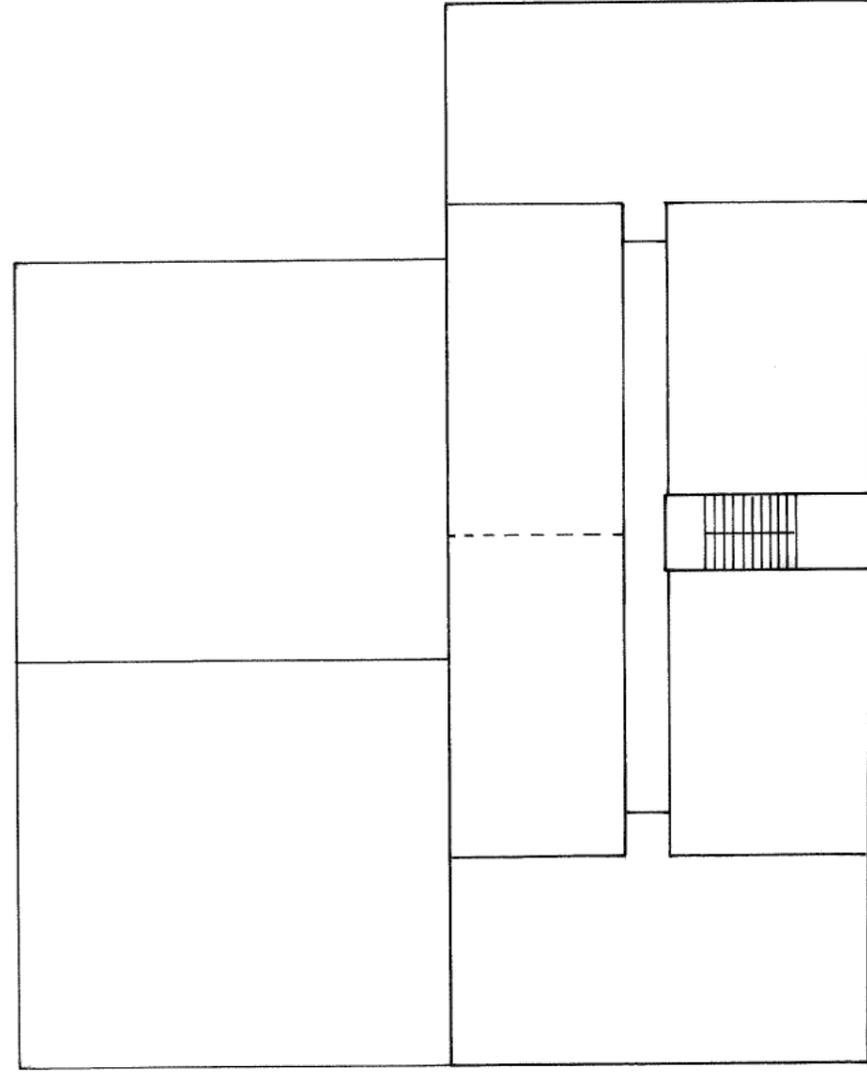
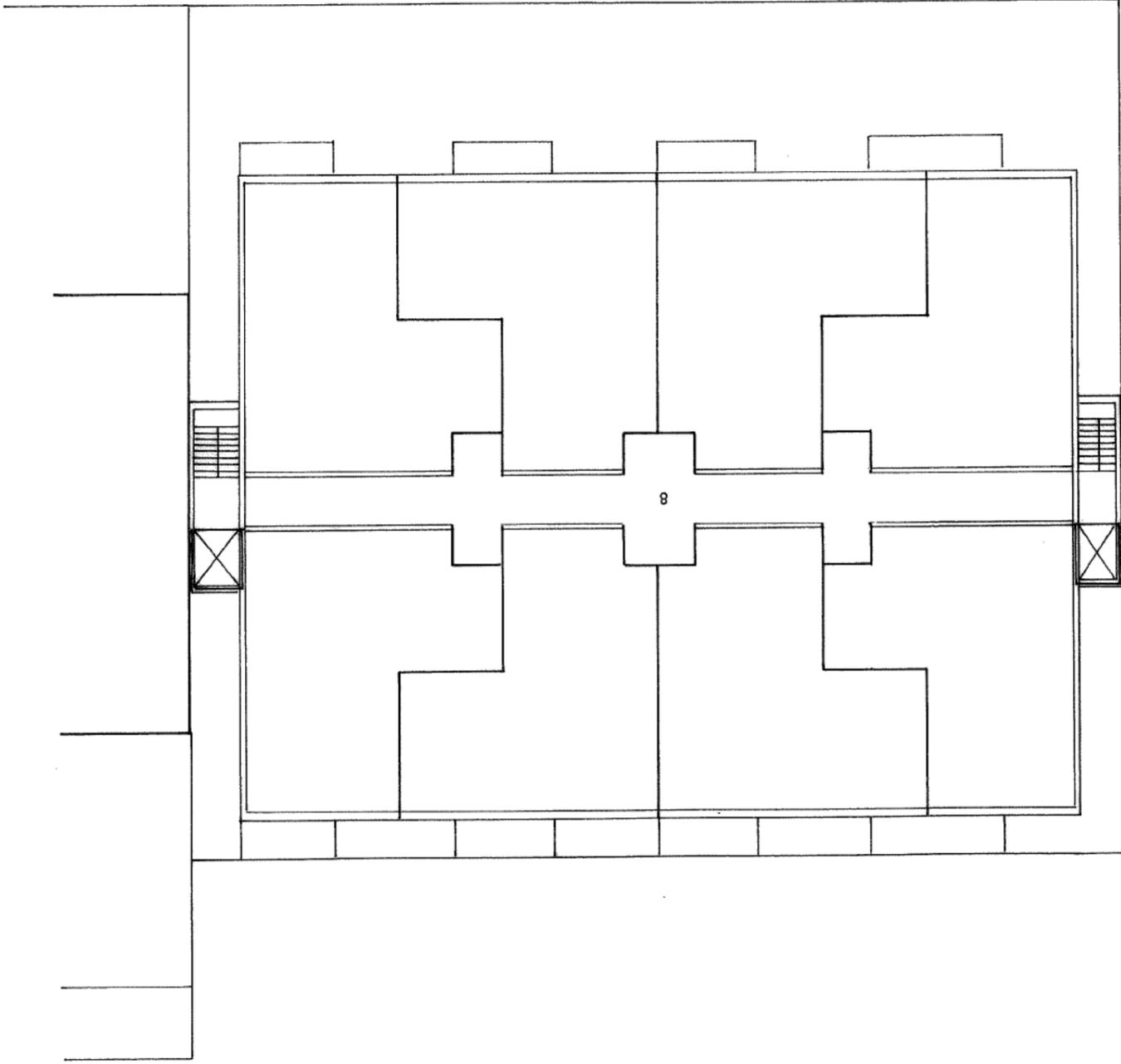
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TYPICAL FLOOR PLAN

71 - 76 CHURCH STREET, BRIGHTON

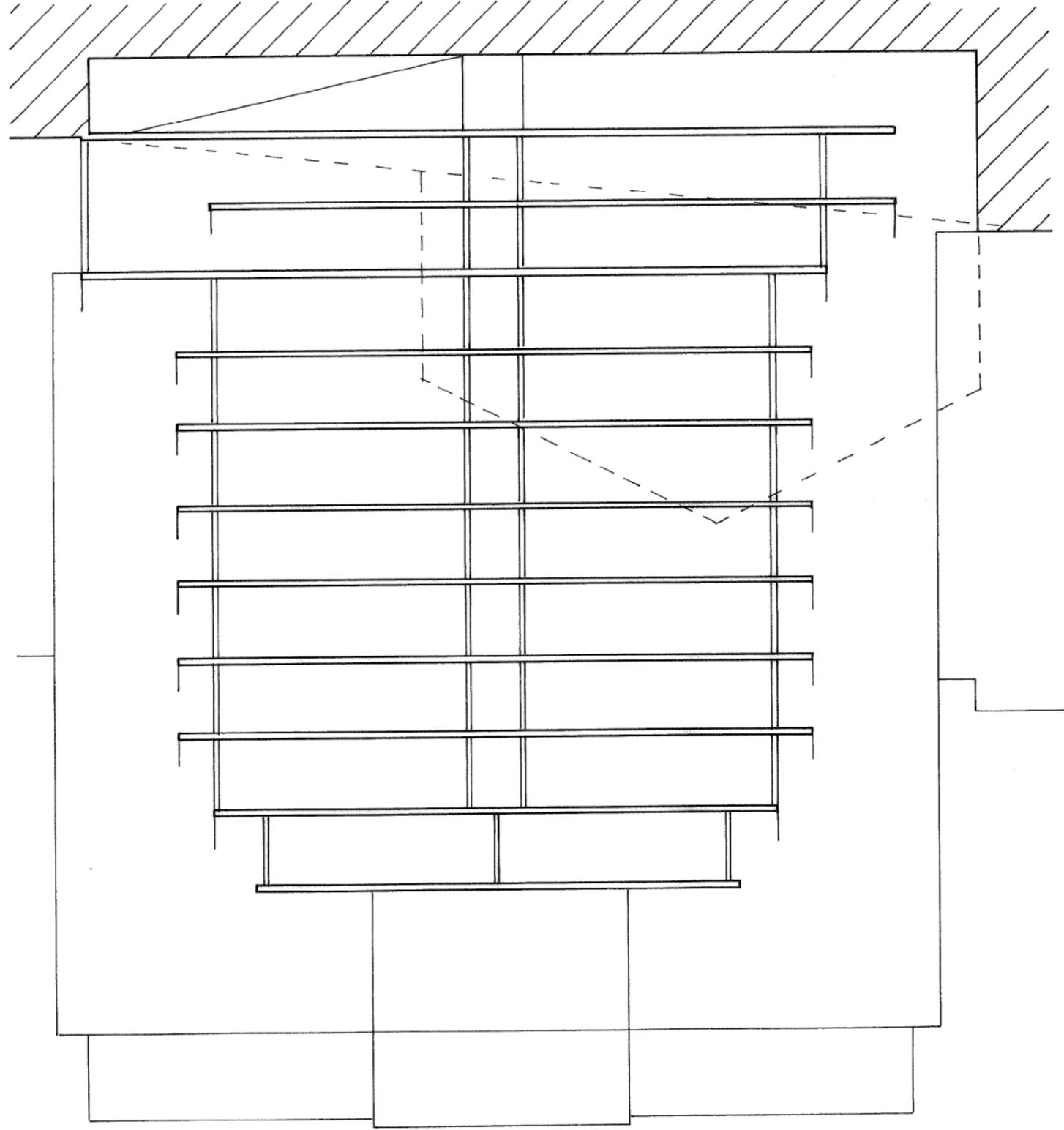
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TYPICAL CROSS SECTION

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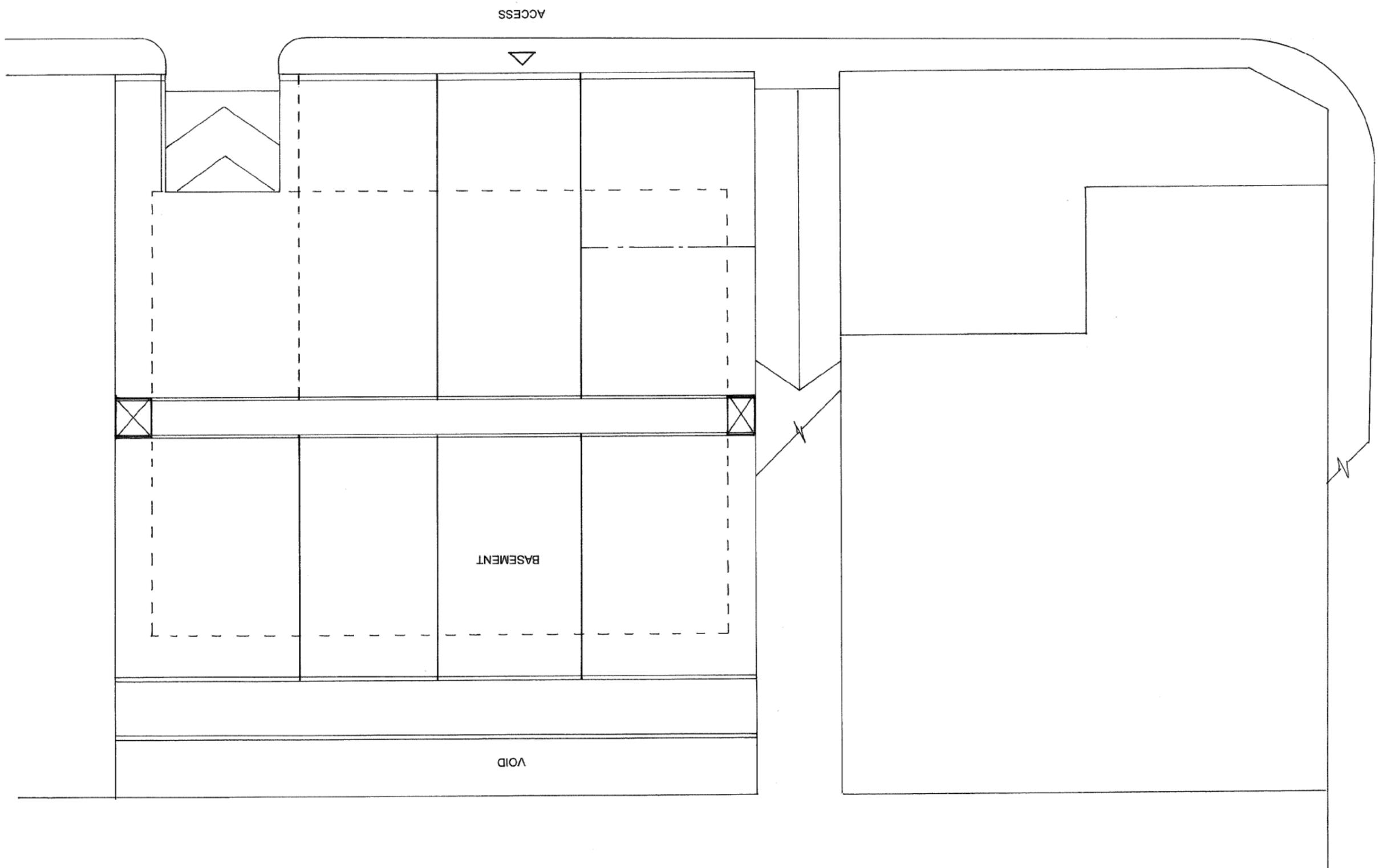
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GROUND FLOOR PLAN - SPRING GARDENS

71 - 76 CHURCH STREET, BRIGHTON

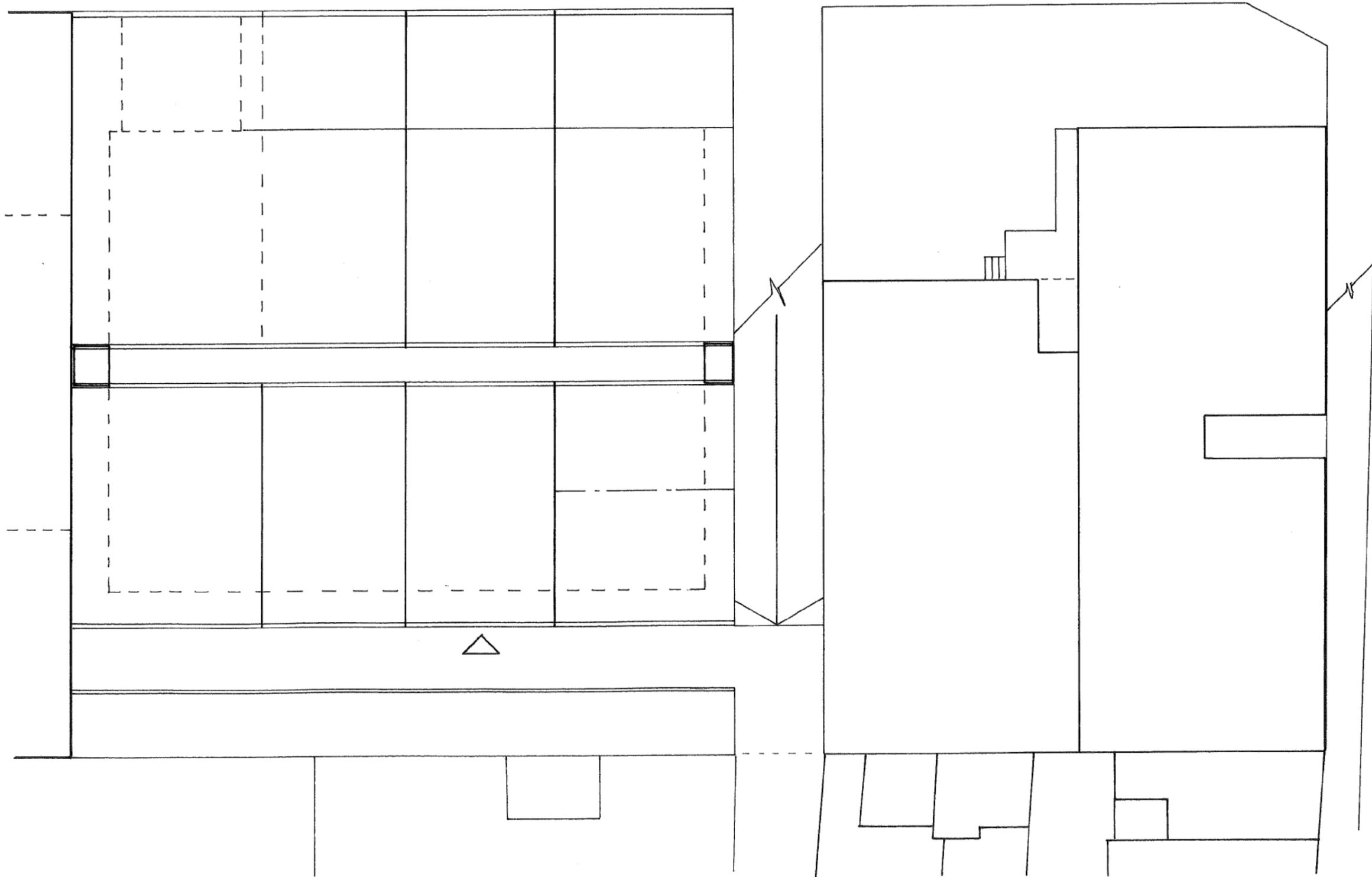
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FIRST FLOOR PLAN - BRIGHTHELM GARDENS
OPTION 1

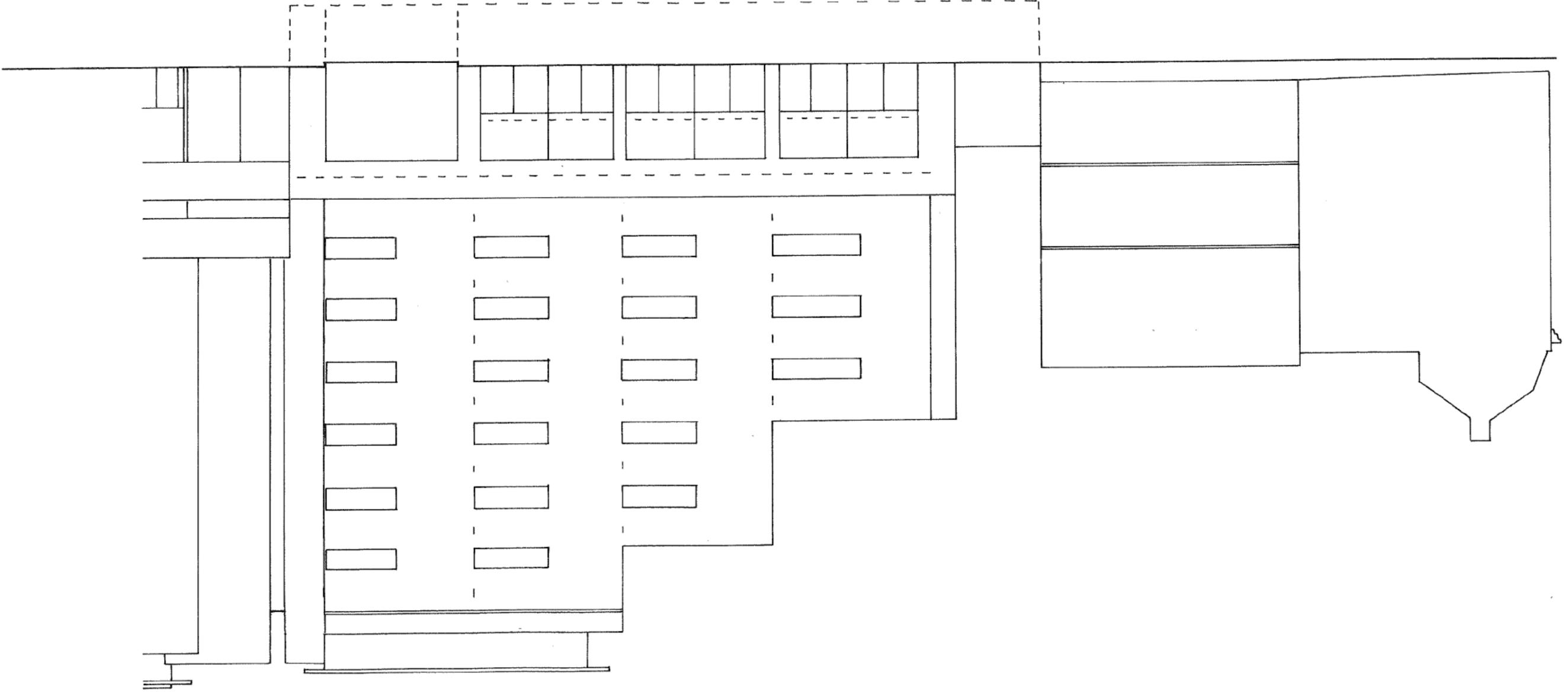
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SPRING GARDENS ELEVATION
OPTION 1

71 - 76 CHURCH STREET, BRIGHTON



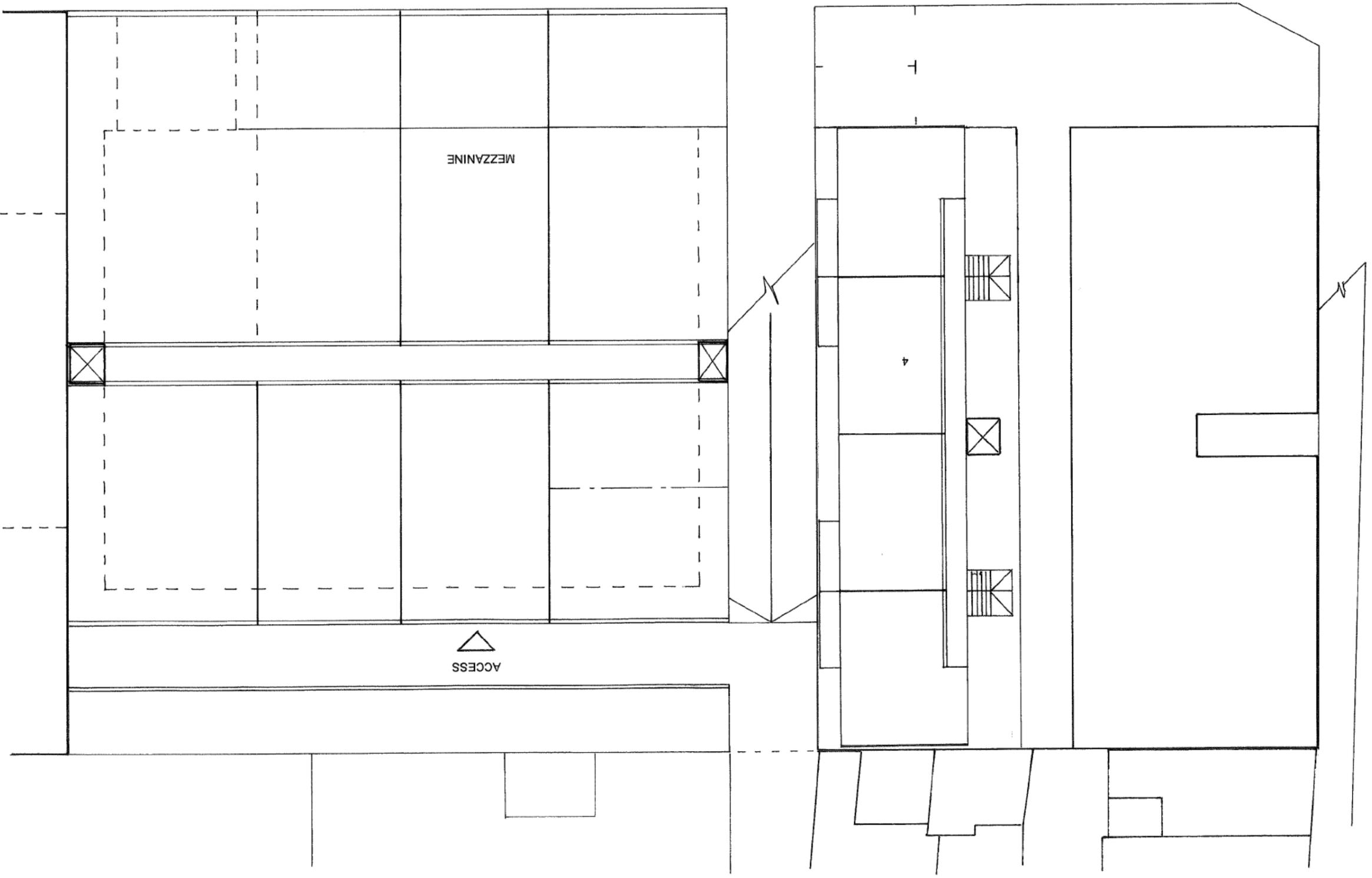
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FIRST FLOOR PLAN - BRIGHTHELM GARDENS
OPTION 2

71 - 76 CHURCH STREET, BRIGHTON

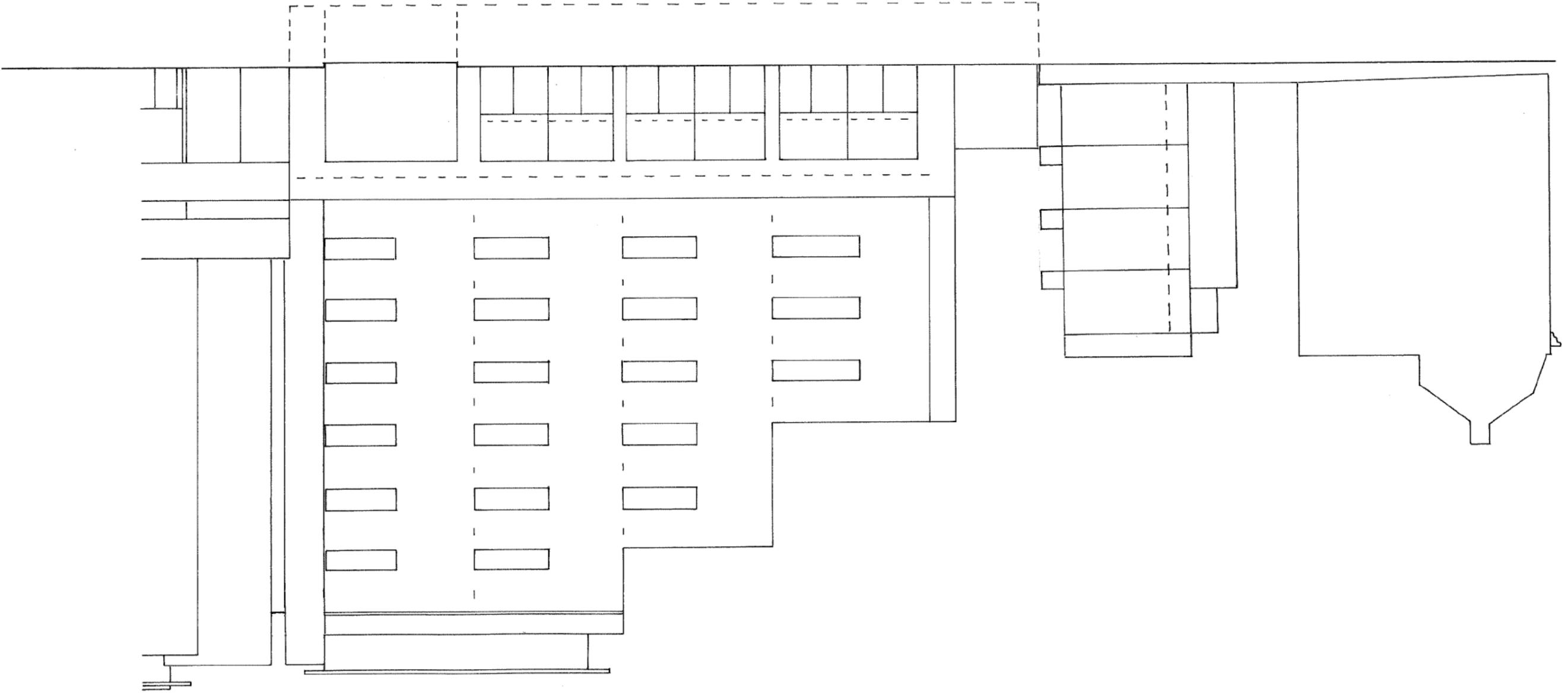
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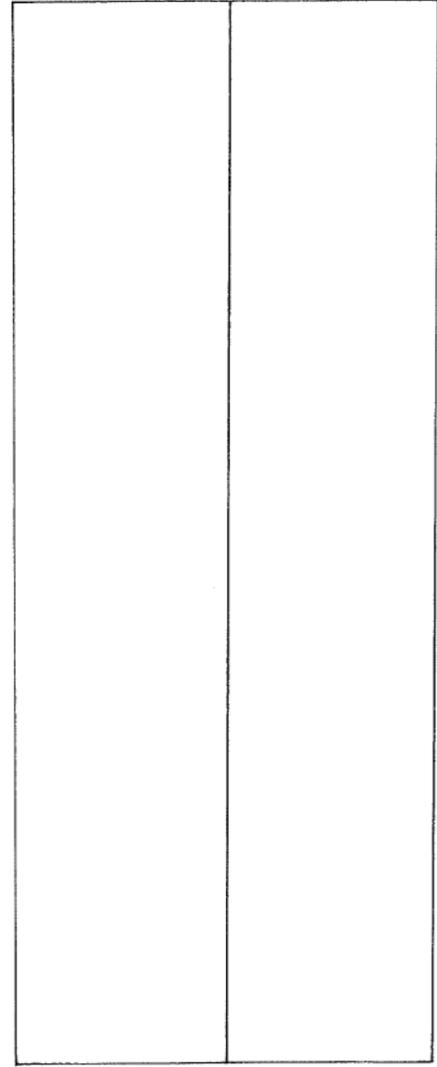
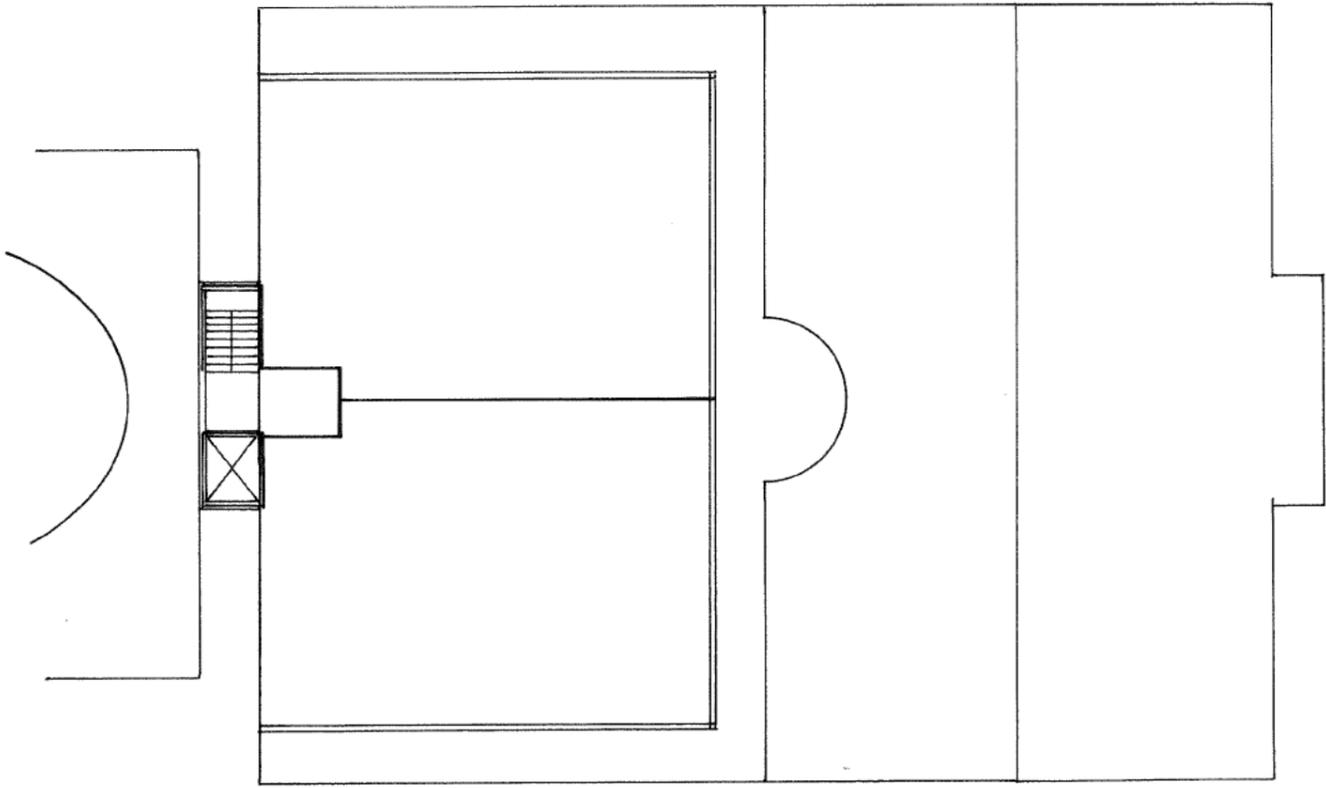




SPRING GARDENS ELEVATION
OPTION 2

71 - 76 CHURCH STREET, BRIGHTON





71-76 CHURCH STREET

APPROXIMATE SCHEDULE OF ACCOMMODATION

CLASS E	sq.m	sq.ft
Ground Floor Spring Gardens	450	4800
Mezzanine Spring Gardens	300	3300
Brighthelm Gardens Basement	350	3750
Brighthelm Gardens Ground Floor	350	3750
Total	1,450	15,600

Residential.

Apartments in new build	50
Apartments in Listed Building	10
Studios in Option 2 new build	14
Total	74

Privacy Notice below

[PINS Privacy Statement \(June 2019\)](#)

<p>(Required) I have read the PINS privacy statement above</p>	<p>Y</p>
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Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details [here](#).

[REDACTED]

Subject: INGLESIDE STABLES and SOUTH DOWNS RIDING SCHOOL

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

I strongly object to the proposal to develop these two precious and special sites.

The proposals to build 45 houses on this site are not sound or justified. And I cannot believe that building on an area of national beauty and on the edge of a national park is consistent with national policy.

The stables provide exercise and occupation for many local young people and disabled riding is encouraged.

The area is on a very busy road - would add approximately 100 more cars to the area.

There are no local shops or schools.

There are no mains supplies of water, sewage, gas, electricity

The site is on the edge of a national park and would cause light pollution and noise pollution to a peaceful rural area.

The destruction of ancient flint walls is vandalism.

The creatures using this natural habitat would be driven out - bats, badgers, birds.

The site is of archaeological interest.

Unauthorised buildings have crept on to what was a farm site without being stopped by the council. Thus the site has the appearance of being more developed than it actually should be.

It is historically inaccurate to assume this site is already residential - actually a number of trailer homes and caravans.

The site is exposed and would be visible for miles - the development should be in a valley, not on a national park hilltop.

I think this area of the plan should be seriously reconsidered and stopped.

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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Brighton & Hove City Council
 FAO: Policy Projects and Heritage Team (Draft CPP2)
 First Floor, Hove Town Hall
 Norton Road
 Hove
 BN3 3BQ

30 October 2020

Dear Sirs,

RE: Brighton and Hove Draft City Plan – Part Two Proposed Submission Stage 2020

SITE: Land between Manchester Street/Charles Street, Brighton, BN2 1TF

We write on behalf of NEK Holdings Limited, the landowner of the site above to promote the site for development through the City Plan – Part Two. We believe the site provides an appropriate location for new development and should be included as a site allocation within Policy H1 the City Plan – Part Two accordingly.

In September of 2018 we wrote to your authority to seek an amendment to the draft Policy H1 to allow this site to be developed in future for either residential led development or for commercial uses (either in connection with or separate to the building to the south). At that time the site was allocated for 24 residential units.

It is clear from the Proposed submission stage draft plan, that draft policy H1 has been amended to allow other uses in addition to residential on the site;

The extract below from the draft plan confirms:

April 2020 city plan part 2 draft:

Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses
Land between Manchester Street/Charles Street, Brighton, BN2 1TF#	12	B1 employment floorspace or D2 entertainment uses.

With the rationale behind this change to the draft plan set out in the Site allocations topic paper.

Site allocations topic paper 2020 extract:

Land between Manchester Street/Charles Street, Brighton	More flexible allocation allowing a stand-alone hotel or other commercial, retail or leisure use in addition or as alternatives to residential led development	Indicative housing number reduced to allow for more flexible development options.
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Further reference is made to this allocation in the Housing provision Topic Paper:

Housing Provision Topic Paper 2020 Extract:

Site name	No. dwellings	Notes
Preston Park Hotel, 216 Preston Road, Brighton	22	Policy H1 residential site allocation
65 Orchard Gardens Hove	23	
UF Site 48-48a Cluster sites Saltdean (Land at Coombe Farm, Westfield)	65	Policy H2 urban fringe site allocation
Kings House, Grand Avenue, Hove	169	Policy H1 residential site allocation
Buckley Close garage site, Hangleton BN3 8EU (HRA site)	12	Policy H1 residential site allocation
St Aubyns School 76 High Street Rottingdean Brighton	93	Policy H1 residential site allocation
UF Site 21 of cluster of sites at Coldean	242	Policy H2 urban fringe site allocation. JV site
29 - 31 New Church Road Hove	45	Policy H1 residential site allocation
Peacock Industrial Estate Lyon Close Hove	152	Part of Policy SSA3 strategic site allocation
35-39 The Droveaway Hove (Dairycrest)	14	Policy H1 mixed use site allocation
Total	1,054	
CPP1 strategic housing allocations without planning permission		
King Alfred, Kingsway, Hove	400	SA1 strategic allocation for min 400 dwellings
Total	400	
Proposed CPP2 housing allocations without planning permission		
2 to 18 The Cliff, Brighton	10	Policy H1 residential site allocation
Brighton General Hospital, Elm Grove, Brighton	200	Policy SSA1 strategic site allocation
Manchester Street/Charles Street, Brighton	12	Policy H1 residential site allocation
UF Site 42 Land adjacent to Ovingdean Road	45	Policy H2 urban fringe site allocation
Former Hollingbury Library, Carden Hill, Brighton	10	Policy H1 residential site allocation
Eastergate Road Garage Site (HRA)	24	Policy H1 residential site allocation. HRA site
(Smokey Estate) Corner of Church Road, Lincoln Road & Gladstone Road	32	Policy H1 residential site allocation
Land south of Lincoln Cottages (Lincoln Cottage Works) 15-26 Lincoln	18	Policy H1 residential site allocation
25 Ditchling Rise/rear of 57-63 Beaconsfield Road Brighton	15	Policy H1 residential site allocation

In response to these changes, the sites owners NEK holdings wish to make further representations to the Planning Authority.

The draft policy has reduced the number of dwellings on this site from 24 to 12. This is explained in the supporting documents, as being necessary to enable other uses on the site as well as residential. However, we do not believe that an allocation for 12 dwellings as well as commercial uses, would make the best and most efficient use of this highly sustainably located site.

Yelo Architects have prepared a capacity study for this site, taking into account the constraints and opportunities, surrounding building heights and the ability of the site to provide commercial floorspace on the ground floor. This document, which is submitted with this representation under separate cover, concludes that the site can provide 19 residential units (a mix of 1 and 2 bed roomed apartments) as well as 260 sqm of commercial floorspace.

Representation 1:

It is requested that the draft policy H1 be amended in relation to this site, to allocate the site for development of a minimum of 19 residential units and a minimum of 250sqm of commercial floor space (Class E).

In addition to the above representation, a further representation is made in respect of the whole of draft policy H1. The wording of this policy is not clear, insofar as the text of the policy states that:

... "Planning permission will be granted for proposals that accord with the Development Plan and which provide the minimum indicative amounts of development shown in the tables".

However, the tables themselves (tables 6 & 7) state that number of units allocated for each site is an Indicative number, rather than a minimum number:

Table 6 - Residential Site Allocations

Site Name	Indicative number of Residential Units (Use Class C3)	Permitted additional Uses
------------------	--	----------------------------------

Representation 2:

For the reasons set out above, we therefore seek an amendment to the draft Policy H1 to refer to the allocation numbers for all sites as "minimum number", rather than an "indicative number" or a "minimum indicative amount". This will provide greater certainty and clarity to the policy.

We believe that this slight amendment to the wording would make it clear that the numbers allocated in the plan are a minimum number, rather than flexible number that could be either higher or lower, and that proposals for more units or greater amounts of floorspace floorspace, that exceed this minimum figure will be considered to be in accordance with the policy.

We trust that these representations are clear and concise, however, if you have any queries in relation to these representations, please do not hesitate to contact [REDACTED]

Yours faithfully,

[REDACTED]

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Please let us know if you would like to be notified of any of the following:

	Yes	No
The City Plan Part Two has been submitted for independent examination	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The adoption of the City Plan Part Two	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

Yes

Your Representation

Please fill in the relevant sections for your representation(s).
Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy
Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.
Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

**Do you have any comments on Section One 'Introduction' of the City Plan Part Two?
(Please reference the page and paragraph number)**

N/A

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7
If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

--

Policy Title e.g. Housing and Accommodation

--

1. Do you consider this policy is: (tick as appropriate)

	Yes	No
Legally Compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input type="checkbox"/>
Meets the Duty to Co-operate	<input type="checkbox"/>	<input type="checkbox"/>

2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

	Tick
Positively Prepared	<input type="checkbox"/>
Effective	<input type="checkbox"/>
Justified	<input type="checkbox"/>
Consistent with National Policy	<input type="checkbox"/>

In the following boxes, please explain why you think the policy is unsound and/or not legally compliant, and set out any changes you feel should be made to make it sound and legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the policy.

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

--

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

	Tick
No, I do not wish to participate in hearing session(s)	<input type="checkbox"/>
Yes, I wish to participate in the hearing session(s)	<input type="checkbox"/>

(Please note you may be asked at a later point to confirm your request to participate)

6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

[If you wish to make a representation on another policy \(DM1 – DM46, SA7, SSA1 to SSA7\) please copy and paste the questions from this section below.](#)

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

Which site(s) does your representation refer to? (Tick all that apply to your submission)

- ALL SITES**
- Former St Aubyn's School, 76 High Street, Rottingdean
- Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- 60-62 & 65 Gladstone Place, Brighton
- 76-79 & 80 Buckingham Road, Brighton
- 87 Preston Road, Brighton
- Eastergate Road Garages, Moulsecoomb, Brighton,
- Land between Manchester Street/Charles Street, Brighton
- Preston Park Hotel, 216 Preston Road, Brighton
- George Cooper House, 20-22 Oxford Street, Brighton
- Old Ship Hotel (garage), 31-38 Kings Road Brighton
- Saunders Glassworks, Sussex Place, Brighton
- 2-16 Coombe Road, Brighton
- Outpatients Department, Royal Sussex County Hospital
- Whitehawk Clinic, Whitehawk Road, Brighton
- Buckley Close garages, Hangleton
- Former playground, Swanborough Drive, Whitehawk
- Former Hollingbury Library
- 29-31 New Church Road, Hove
- 189 Kingsway, Hove
- Kings House, Grand Avenue, Hove
- Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- Land at the corner of Fox Way and Foredown Rd, Portslade
- Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- Hove Sorting Office, 88 Denmark Villas, Hove
- Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- Wellington House (Site SP3 in JAPP Policy CA3)
- City College, Pelham Tower (and car-park), Pelham Street
- 71 - 76 Church Street, Brighton
- Post Office site, 62 North Road, Brighton
- 27-31 Church Street (corner with Portland Street)
- Former Dairy Crest Site, 35-39 The Droveaway, Hove
- Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- Prestwich House (Site SP1 in JAAP policy CA3)
- Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

1. Do you consider this policy is: (tick as appropriate)

	Yes	No
Legally Compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Meets the Duty to Co-Operate	<input type="checkbox"/>	<input type="checkbox"/>

2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

	Tick
Positively Prepared	<input checked="" type="checkbox"/>
Effective	<input type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Consistent with National Policy	<input checked="" type="checkbox"/>

In the following boxes, please explain why you think the policy is unsound and/or not legally compliant, and set out any changes you feel should be made to make it sound and legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the policy.

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination. If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

The policy allocation 12 units plus commercial space on the site does not make a full and efficient use of the land. Please see the attached letter from Lewis & Co Planning and the capacity study by Yelo Architects

4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

Representation 1:

It is requested that the draft policy H1 be amended in relation to this site, to allocate the site for development of a minimum of 19 residential units and a minimum of 250sqm of commercial floor space (Class E).

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Representation 2:

We seek an amendment to the draft Policy H1 to refer to the allocation numbers for all sites as “minimum number”, rather than an “indicative number” or a “minimum indicative amount”. This will provide greater certainty and clarity to the policy.

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

	Tick
No, I do not wish to participate in hearing session(s)	<input type="checkbox"/>
Yes, I wish to participate in the hearing session(s)	<input checked="" type="checkbox"/>

(Please note you may be asked at a later point to confirm your request to participate)

If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

If the policy/allocation is changed as we have requested, then there will be no need to attend the sessions. However, if the policy is not amended – we would like to attend the sessions to demonstrate to the Inspector that the capacity of the site exceed that of the allocation and therefore the allocation should be increased in the interests of maximising the supply of new homes on brownfield land.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Representations must be made between Monday 7th September and 23:59 on Friday 30th October 2020.

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

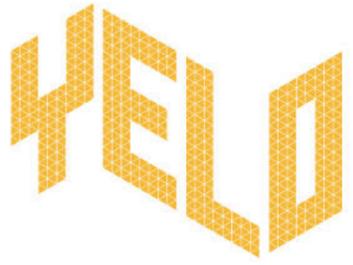
Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*
- **Consistent with national policy** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*



MANCHESTER ROAD CARPARK

Stage 1 Feasibility Document:

Submission for Local Plan Allocation

October 2020



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INTRODUCTION

1.0

1.1 Executive Summary

This feasibility document outlines a potential scheme proposal for the redevelopment of a carpark site into new housing and creation employment space. The aim is to establish a principle and capacity for potential development on the site, with a view to one of the schemes being represented within the councils Local Plan. At a future date a scheme will then be progressed towards a detailed planning application and submitted to the council for approval.

The site exists as a carpark residing in a space between buildings in a city block close to Brighton seafront on Marine Parade / Manchester / Charles Street .

We feel the site clearly has potential to be developed to into new homes which could also contribute to BHCC housing requirements and continue the established context set by other local developments.

The scheme presented within the document provides proposed site plans, layouts and 3d massing views to illustrate proposals clearly in terms of type of accommodation, scale and amenity.

Architectural design is still to be developed at this stage and will likely change prior to submission of a detailed planning application.

Scheme Summary:

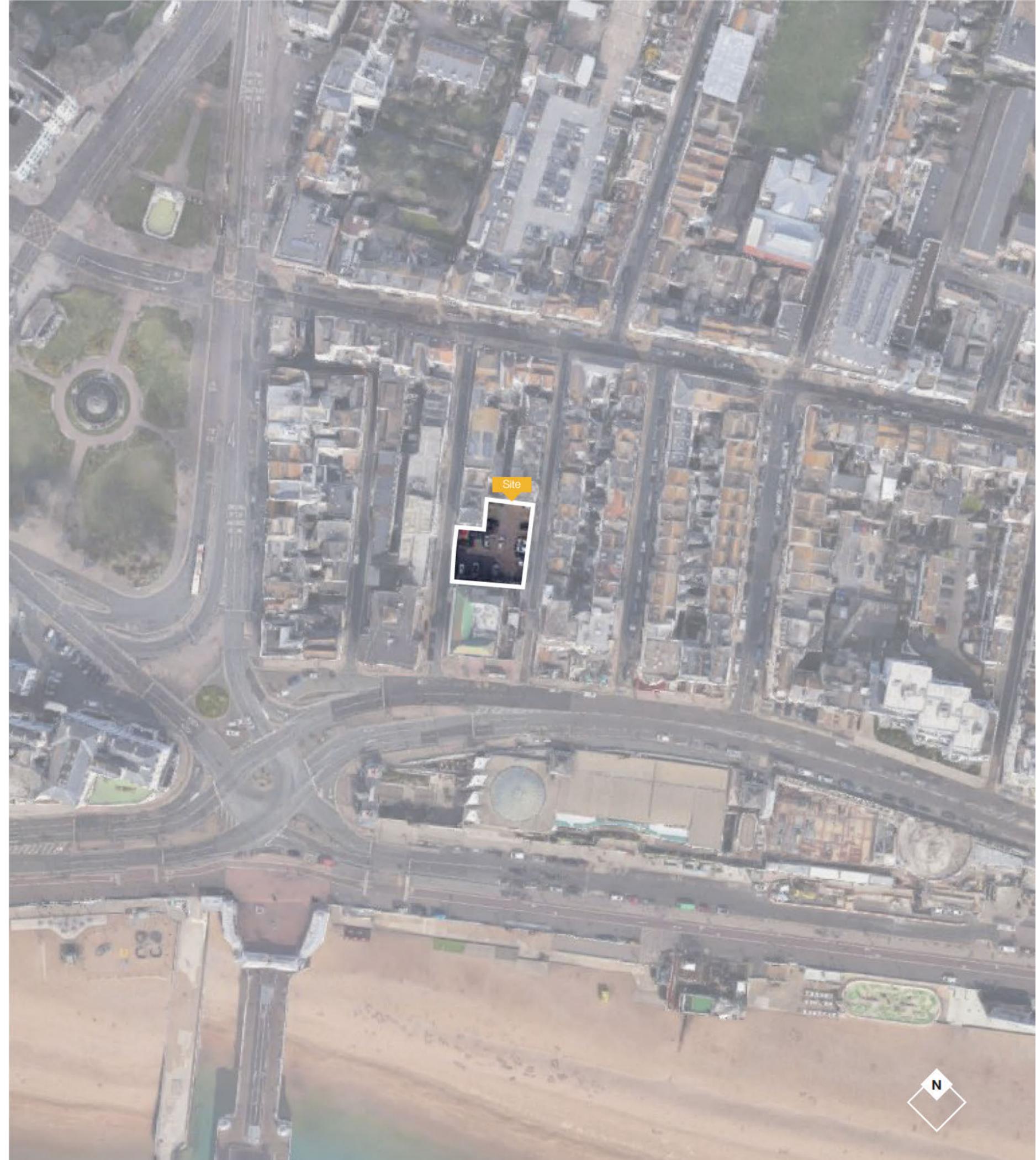
Outline Schedule of Accommodation Site 1:

No. Beds	GIA (m ²)	No. Units
1B2P Apartment	- 50+	14
2B3P Apartment	- 61+	1
2B4P Apartment	- 70+	4

Total NIA Residential: 1041m²

Total units: 19 units

Commercial Space: 260m²



CONTEXT

2.0

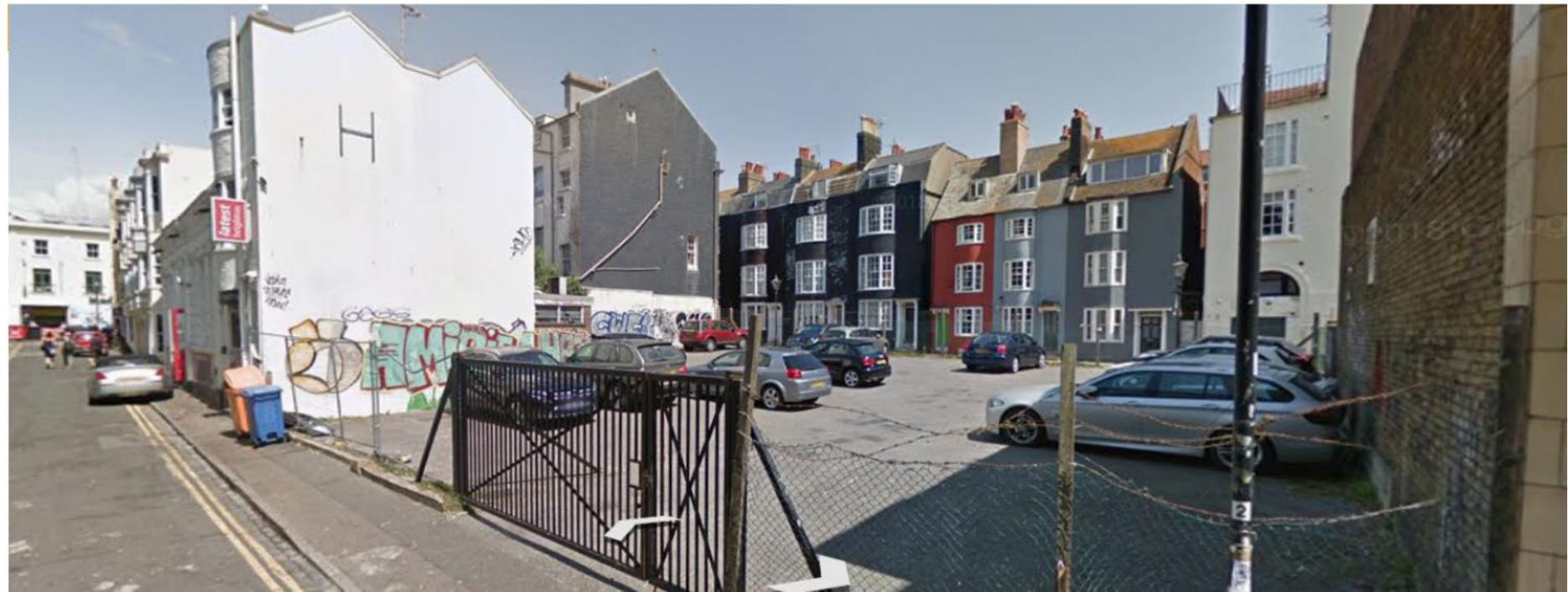
2.1 Site Photos



1 **Site:**
Carpark west facing from Charles Street. 3 storey listed office and venue building located to the north west corner boundary of site.

2 **Site:**
Carpark south west facing from Charles Street. 3/4 storey Charles Street Tap venue building located to the south boundary of the site is

3 **Site:**
Carpark south east facing from Manchester Street. 3 storey flank wall of listed building located tot he north west corner of the site.



2.2 Site Photos - Local Context



- 1 Latest Bar:**
14 - 17 Manchester Street, 2/3 Storey Listed venue and office building on north west boundary of site.
- 2 Manchester Street:**
View facing north from Manchester street. 3/4 storey Charles street Tap building to the south, 4/5 storey office and residential buildings.
- 3 Charles Street**
South facing view from Charles Street. 3/4 storey regency residential terraces east of site. 4/5 storey 'Pier Court' building immediately south west of the site.

2.3 Site Photos - Local Scale: Context Precedents

1

Marine Parade - Albemarle Building:

View from south of site. 8/9 Storey Albemarle tower and the 3/4 storey Charles street tap venue building on Marine parade

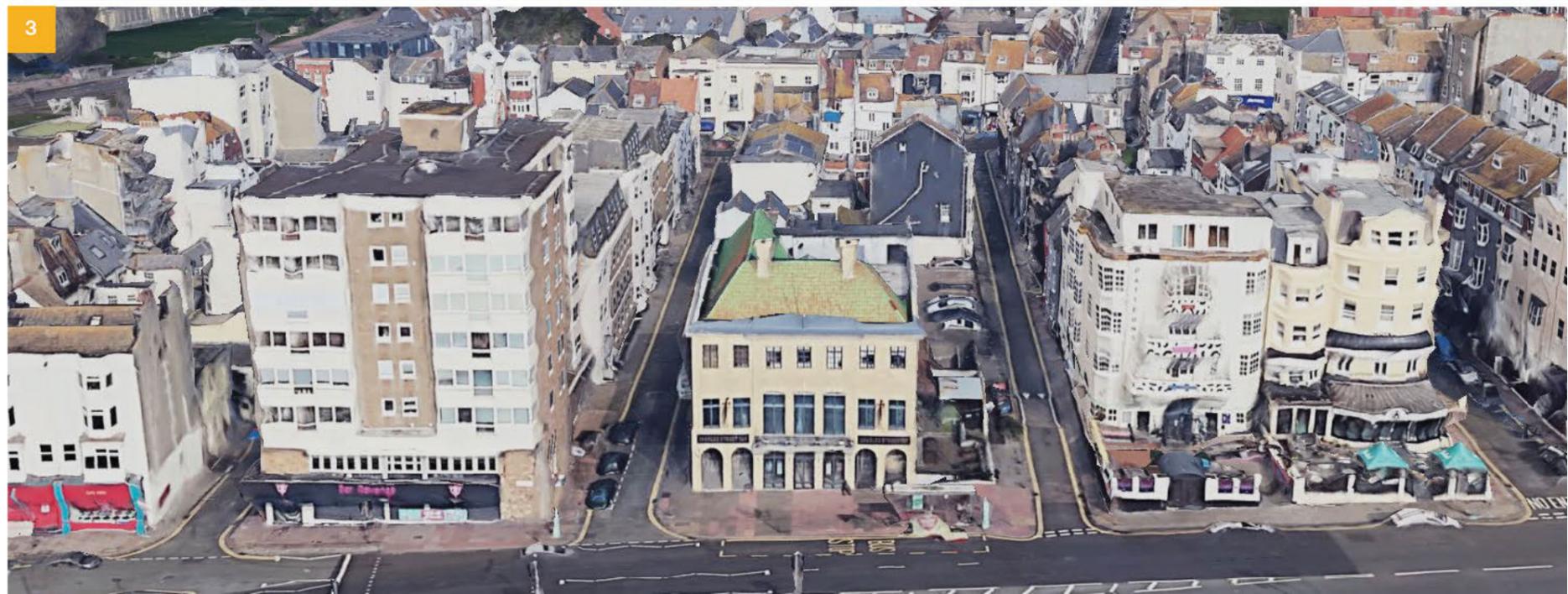
2

Marine Parade - Pier Court Building: Prominent 4/5 storey former Art Deco building on Marine Parade seafront, south east of site

3

Marine Parade:

Marine parade context view facing north show sea frontage building ranging from 4/5 storeys to 8/9 storeys in height.



2.4 Site Opportunities and Constraints

A variety of site opportunities and constraints inhabit the Manchester Road car park. These are illustrated in the diagram to the right and include the following:

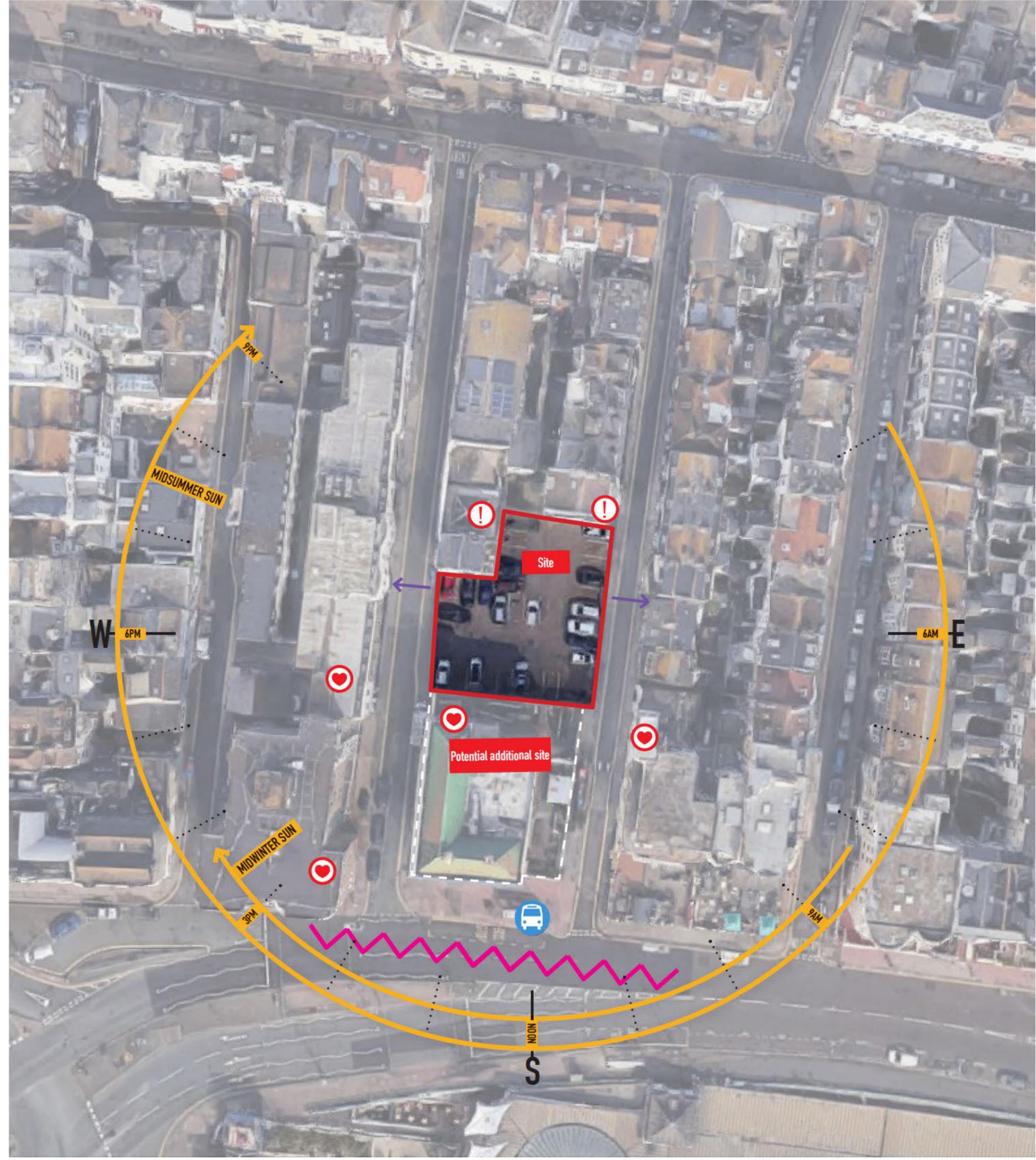
Opportunities

- 4/5 Storey building precedents located on Charles Street.
- 4/5 Storey building precedents located on Manchester Street.
- 8/9 Storey building located on Marine Parade
- Bus stops on Marine Parade.
- Potential secondary site also owned by client located to south

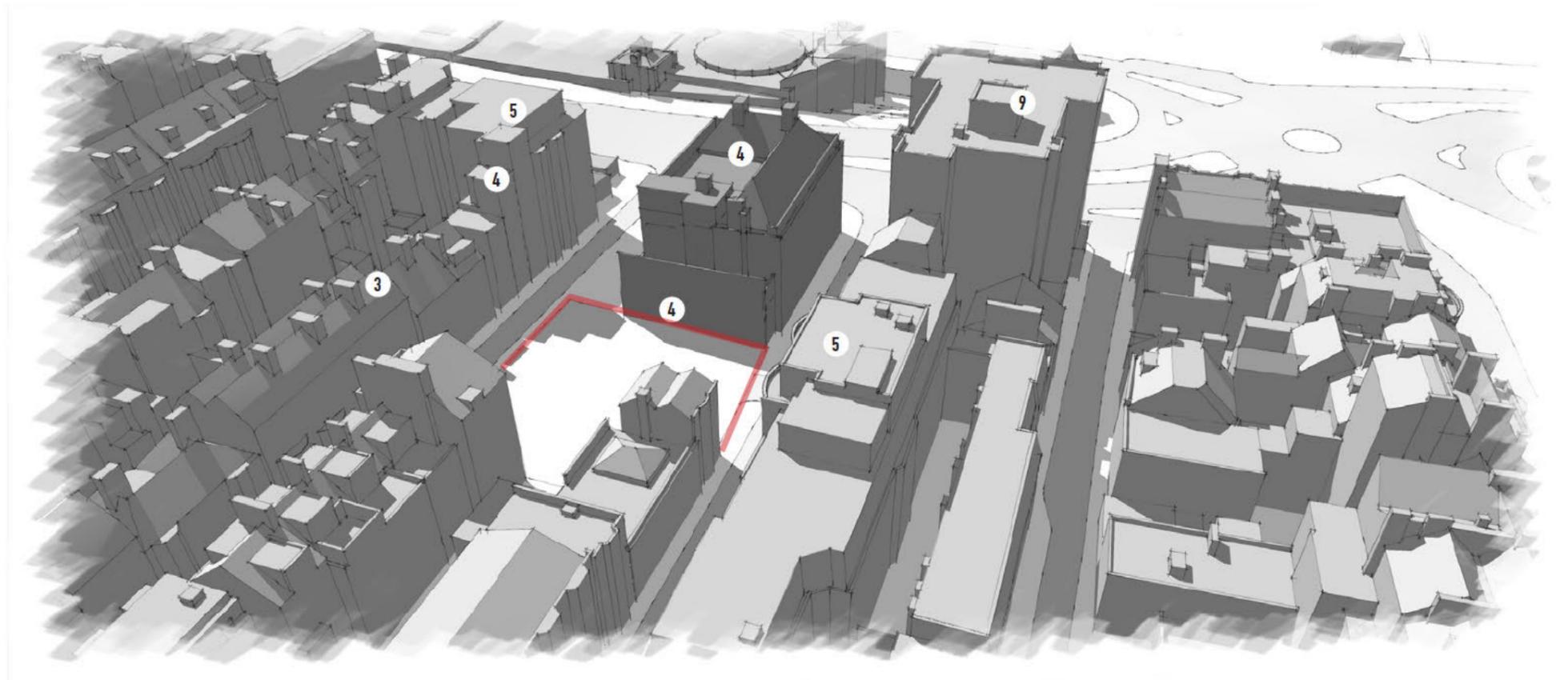
Possible Constraints

- Proximity of windows located on Charles Street and Manchester Street
- Existing secondary window located in flank wall of No. 19 Charles Street
- Listed building located in the North west corner boundary of the site.

-  Issue/concern
-  Opportunity
-  Bus Stop
-  Proximity
-  Potential Development space



2.6 Existing 3d site views



Site: South west facing



Site: South facing

2.5 Existing 3d site views



Site: North east facing



Site: North west facing

PROPOSAL

3.0

3.1 Proposed Scheme - Site 1: Ground Floor Plan

Old Shoreham Road Frontage

The proposal consists of 260m² of commercial space on the ground floor, 1 residential unit accessed from Charles Street and a communal residential entrance located on Manchester street to access apartments on upper floors.

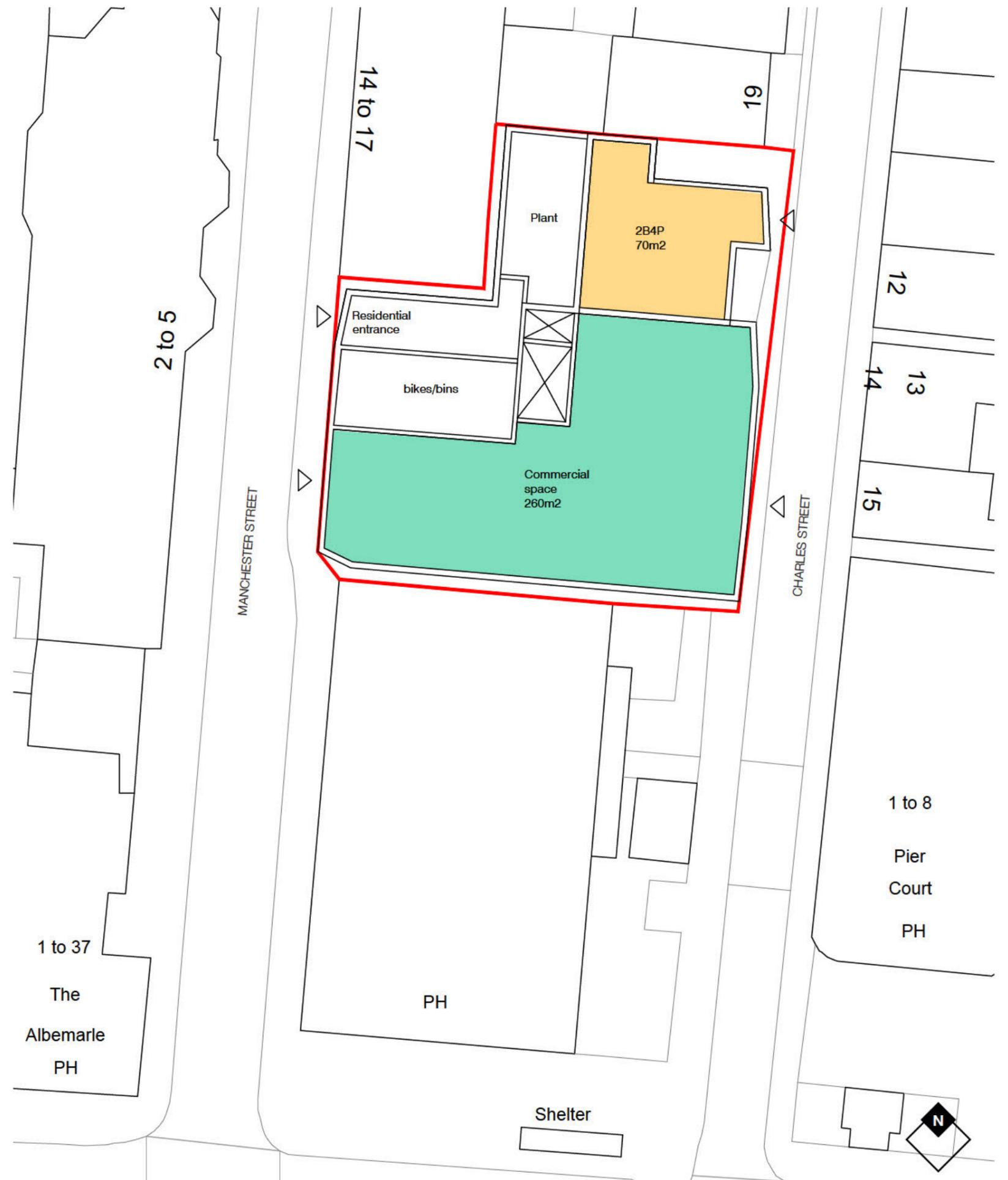
Outline Schedule of Accommodation

No. Beds	GIA (m ²)	No. Units
1B2P Apartment	- 50+	14
2B3P Apartment	- 61+	1
2B4P Apartment	- 70+	4

Total NIA Residential: 1041m²
 Total units: 19 units
 Commercial Space: 260m²
 Total Parking: 0

Key:

- 1 Bedroom unit
- 2 Bedroom unit
- 3 Commercial



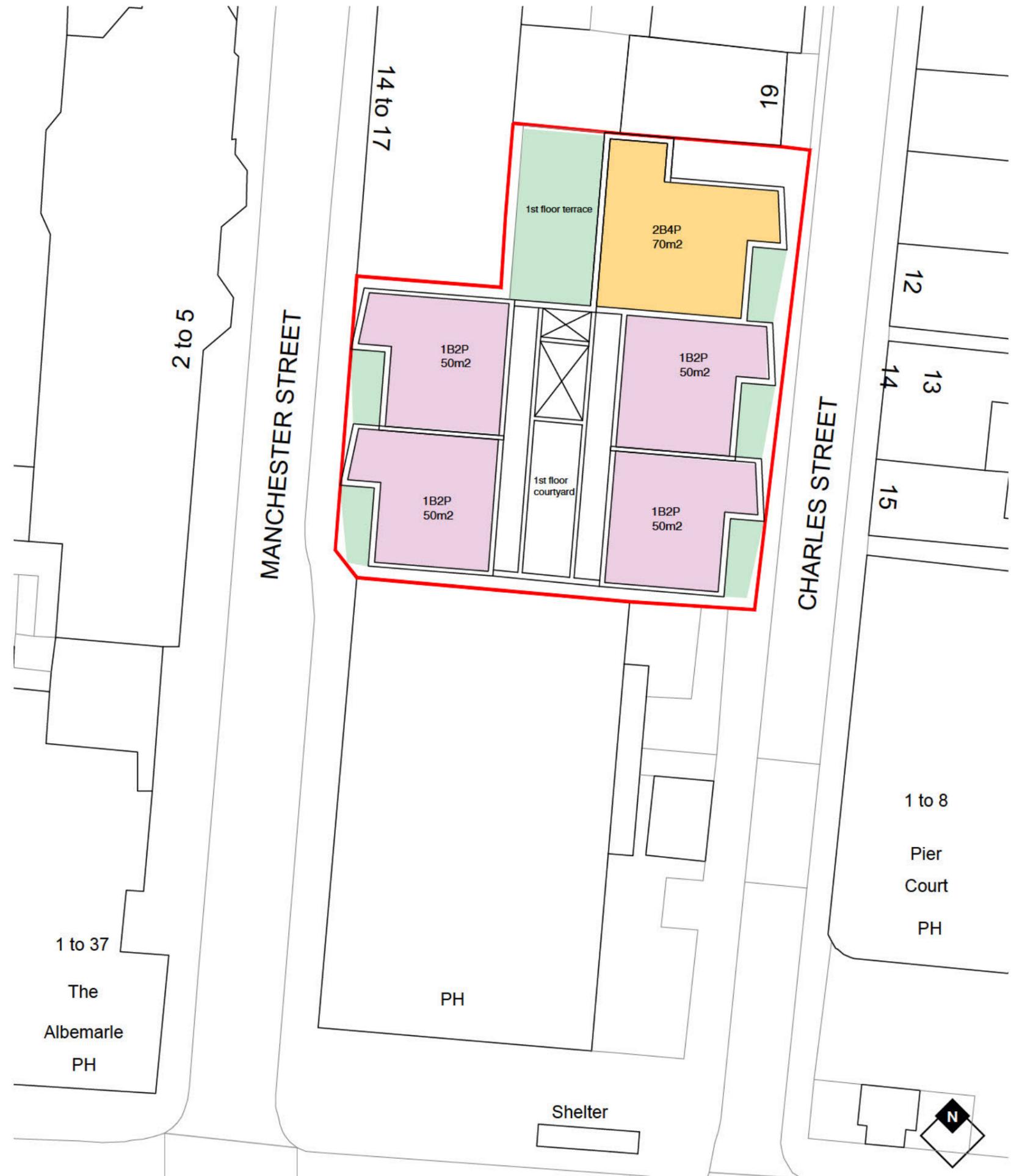
3.1 Proposed Scheme - Site 1: Typical Floor Plan (1-3)

Floors 1-3 consist of residential apartments. 1 and 2 bed units are arranged either side of a lift and circulation core. In the north east corner of the site at first floor level a potential terrace is created. The existing property at 19 Charles street contains a 1st floor secondary window on its flank wall so the proposed building steps back from the existing elevation here in order to maintain light for that property.

Each of the proposed apartments facing east and west in the development would have their windows angled towards the south in order to avoid over looking windows on properties in Charles Street and Manchester Street.

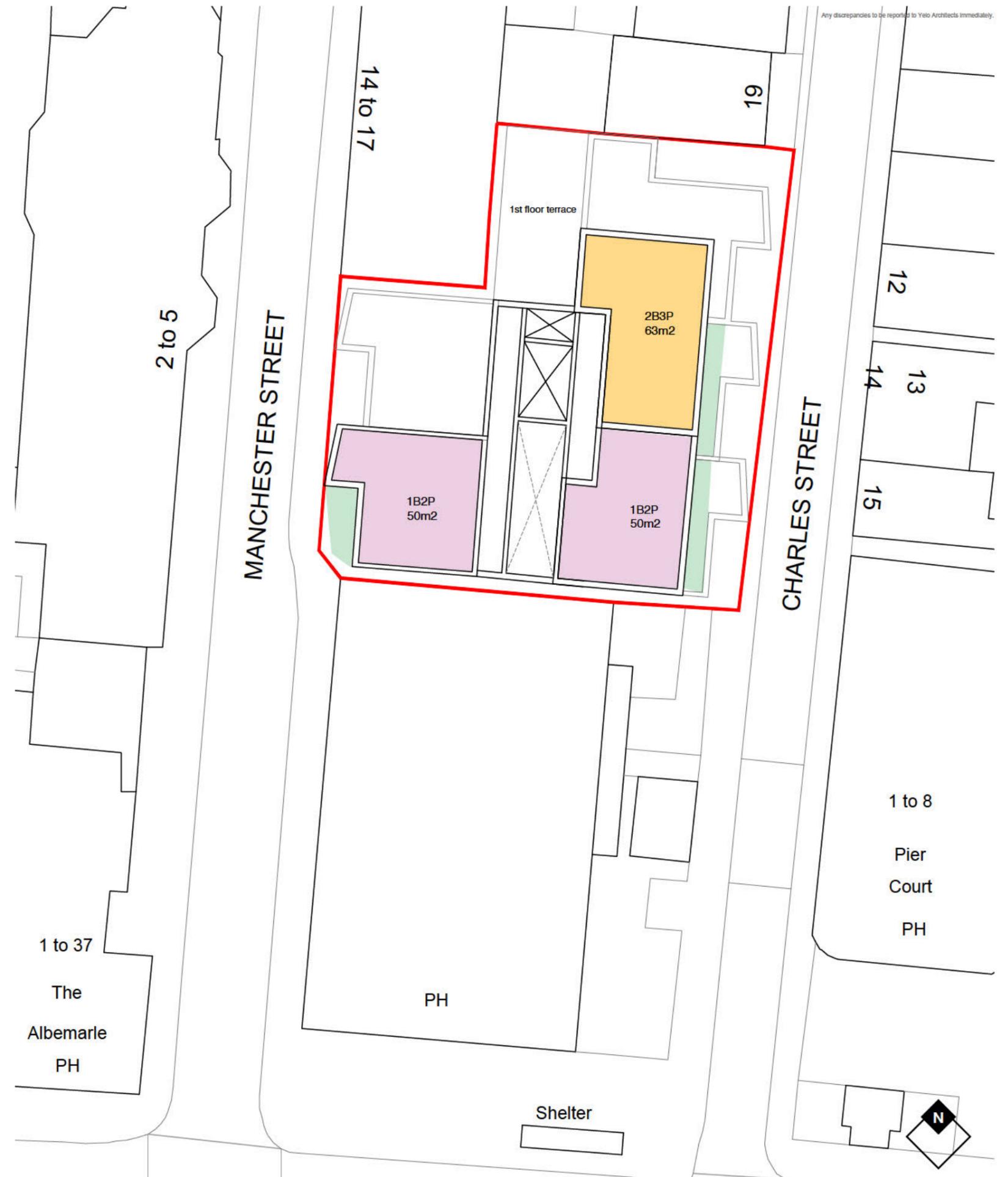
Key:

- 1 Bedroom unit
- 2 Bedroom unit
- 3 Commercial



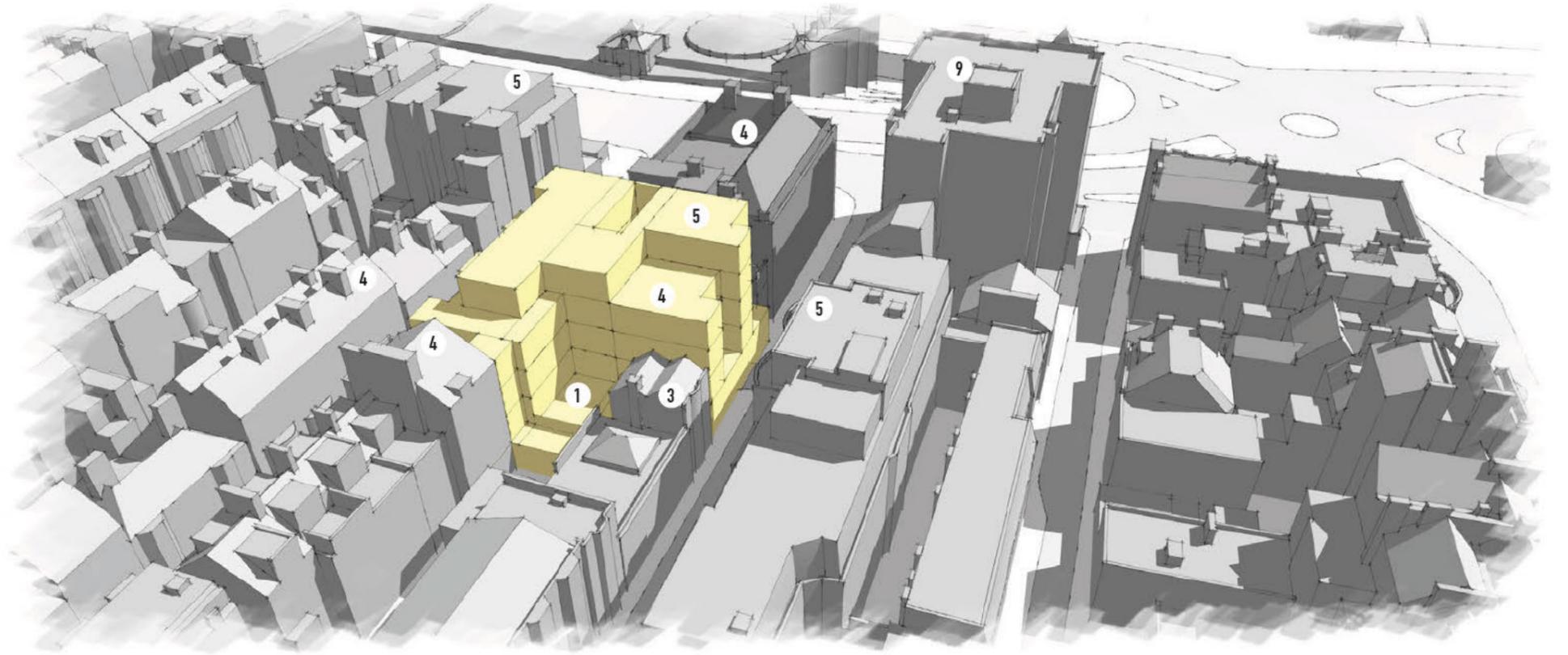
3.1 Proposed Scheme - Site 1: Fourth Floor Plan

The fourth floor of the scheme allows stepping back of the scheme away from the listed building located a 14-17 Manchester Street (Latest Bar) and also the four storey existing terrace building located at 19 Charles Street

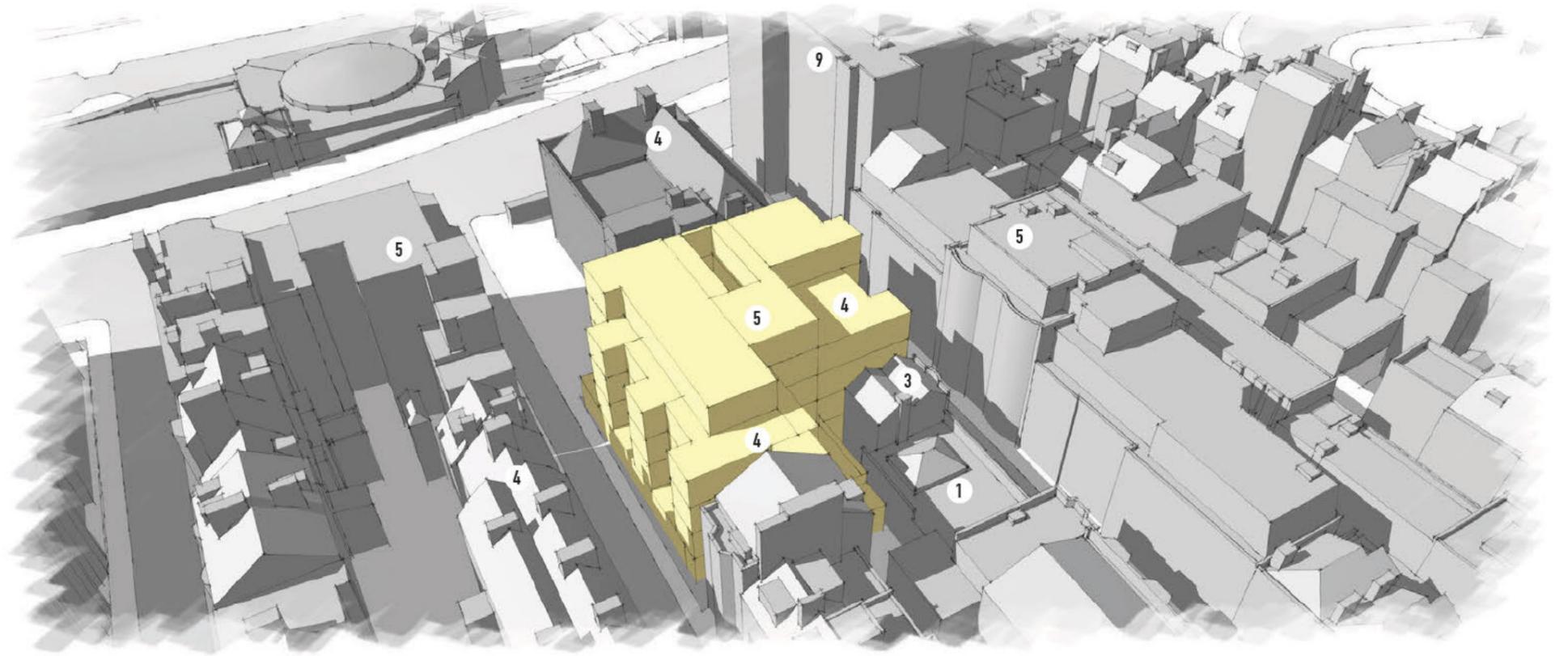


Any discrepancies to be reported to Yelo Architects immediately.

3.2 Proposed Scheme - Site 1 3d Views



Site: South west facing



Site: South facing

3.2 Proposed Scheme - Site 1 3d Views



Site: North east facing



Site: North west facing

3.3 Summary Schedule for Scheme:

We feel the site clearly has potential to be developed to into new homes which could also contribute to BHCC housing requirements and continue the established context set by other local developments.

Architectural design is still to be developed at this stage and will likely change prior to submission of a detailed planning application.

Scheme Summary:

Outline Schedule of Accommodation Site 1:

No. Beds	GIA (m ²)	No. Units
1B2P Apartment	- 50+	14
2B3P Apartment	- 61+	1
2B4P Apartment	- 70+	4

Total NIA Residential: 1041m²

Total units: 19 units

Commercial Space: 260m²

Maximum Height: 5 Storeys

Brighton



hello@yeloarchitects.com
www.yeloarchitects.com





Brighton & Hove City Council
Policy Projects and Heritage Team (Draft CPP2)
First Floor, Hove Town Hall
Norton Road
Hove
BN3 3BQ

30th October 2020

Dear Sir/Madam,

**Brighton and Hove Proposed Submission City Plan Part Two
Saunders Glassworks, Sussex Place, Brighton, BN2 9QN**

We write on behalf of Brightstay (Sussex) LLP, the landowner of the site above in relation to the allocation of the former Saunders Glassworks site within the Proposed Submission City Plan Part Two.

The site has long been allocated for development, and there is a current Local Plan policy allocation for around 15 residential units under saved Policy HO1. The site is 0.14 hectares and is currently cleared of structures following the demolition of the former J J Saunders Glass building.

Our clients are currently progressing plans to redevelop the site and there is a long planning history of previous consents and refusals. We believe that the site provides an appropriate location for new development but that additional flexibility should be incorporated into the allocation policy to ensure that a suitable development is viable, deliverable and maximises the potential of the site.

Site and Planning History

The site is currently cleared of all structures and utilised as a temporary car park. Prior to this the site was occupied by J J Saunders Glassworks from 1895 to 2003.



RTPI

mediation of space · making of place

Chartered Town Planners



Given its location in central Brighton, the site is well situated in relation to local services and facilities. The city centre and railway station are with close walking distance and the seafront and surrounding amenities are also easily accessible from the site. The nearest educational facilities include Carlton Hill Primary School (250m), Greater Brighton Metropolitan College (350m) and University of Brighton (200m).



Site location (approximate) and surrounding context

The site has been subject to a number of applications for various uses, no one of which have been successfully delivered over the last 17 years. The include residential proposals for an apartment building of 49 to 54 residential units, purpose-built student housing proposals for up to 196 student units, and an ongoing appeal for a residential development of nine four-storey townhouses. Pre-application advice was also sought for a mixed-use redevelopment incorporating retail units, offices and studio apartments within a single seven-storey building.

Planning permission for a 49-unit apartment scheme (**BH2005/99343/FP**) has been implemented through the demolition of the original building and discharge of pre-commencement conditions.



Current proposals for the site

City Plan – Part Two allocation

As set out above, the site has been out of active use since 2003 and there is a clear public interest in the redevelopment of the site as a new, high quality city centre development. There are a number of potential uses of the site and opportunities for complementary, mixed uses to come forward also.

Our clients are concerned that the current policy allocation is unnecessarily restrictive and may prevent a viable development from progressing. As set out above the site has an extant planning permission for the development within the allocation that has not been completed since it was first granted in 2005.

The likelihood of this development now being completed 15 years on is low and there have been numerous attempts to progress alternative plans for the site. It is therefore contradictory to the evidence of the last decade and a half to require the delivery of this development under the policy allocation.

As currently written the policy allocation under draft Policy H1 seeks the delivery of 49 apartment units and no permitted additional uses. This unhelpfully directs the redevelopment of the site to only one solution that has failed to be commercially attractive or viable over the last 15 years.

We do not consider this approach to be justified or effective in delivering the redevelopment of this important city centre site.

Proposed Revisions to Policy H1

We understand the local planning authority's need to identify an indicative unit number for any future development of the site in order to demonstrate the quantum of development the

City Plan – Part Two seeks to deliver as a whole. However, the 49-unit apartment block development previously approved has not proved to be deliverable and the policy should be adapted accordingly.

In order to better facilitate the redevelopment of the site a wide range of permitted additional uses should be permitted to include “Commercial, leisure and community uses” as well as Purpose-Built Student Accommodation (PBSA).

The site is well located in close proximity to both the city centre and University of Brighton Grand Parade campus. There is therefore a significant opportunity to deliver complementary uses that support the commercial uses surrounding the site or deliver much needed purpose built student accommodation. It is likely that any potential uses could be delivered alongside housing units as part of a mixed-use development.

Amendments to the allocation that permit these alternative and/or complementary uses will go a long way to ensuring that a viable redevelopment of the site can be achieved over the remainder of the Plan period. The proposed amendments would ensure that that the policy does not unnecessarily direct a future developer to one form of development over other compatible development types.

Lewis & Co Planning would welcome the opportunity to discuss the merits of the site and the suggested amendments in further detail.

Yours faithfully

Lewis & Co Planning


City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Please Note

Policies in the Proposed Submission City Plan Part Two were agreed at Full Council on 23 April 2020. The Government announced amendments to the use classes in the Town and Country Planning (Use Classes) Order 1987 (as amended) on 21st July 2020 to come into effect on 1st September 2020.

The council notes that the changes to the use classes will require changes to be made in particular to Policies DM9, DM12, DM13, DM14 and DM15 of the City Plan Part Two to ensure the Plan is consistent with the changes to the Use Classes Order and effective.

It is proposed that the changes required will be dealt with through a separate focused public consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Further consideration will be given to the most appropriate time to carry out the focused consultation.

Section A - Your Details

Name (Required)

What is your address?

What is your email address? (Required)

If you are responding on behalf of an organisation/individual, please provide the name of that organisation or individual below.

Please let us know if you would like to be notified of any of the following:

	Yes	No
The City Plan Part Two has been submitted for independent examination	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The adoption of the City Plan Part Two	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the BHCC website. BHCC will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS). Details of the PINS privacy policy can be seen here.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement - ROW V2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810383/Privacy_Statement_-_ROW_V2.pdf)

Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice

Please Tick (Required)

Yes

Your Representation

Please fill in the relevant sections for your representation(s).
Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy
Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.
Section H should be completed for supporting documents. Please only fill out section H once.

Section B CPP2 Introduction

**Do you have any comments on Section One 'Introduction' of the City Plan Part Two?
(Please reference the page and paragraph number)**

N/A

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7
If you want to comment on more than one policy, please copy the questions from this section and paste below your representation on each policy

Policy Number (DM1 to SSA7)

Please use separate sheets for each policy that you wish to comment on

--

Policy Title e.g. Housing and Accommodation

--

1. Do you consider this policy is: (tick as appropriate)

	Yes	No
Legally Compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input type="checkbox"/>
Meets the Duty to Co-operate	<input type="checkbox"/>	<input type="checkbox"/>

2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

	Tick
Positively Prepared	<input type="checkbox"/>
Effective	<input type="checkbox"/>
Justified	<input type="checkbox"/>
Consistent with National Policy	<input type="checkbox"/>

In the following boxes, please explain why you think the policy is unsound and/or not legally compliant, and set out any changes you feel should be made to make it sound and legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the policy.

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination.
If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

--

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

	Tick
No, I do not wish to participate in hearing session(s)	<input type="checkbox"/>
Yes, I wish to participate in the hearing session(s)	<input type="checkbox"/>

(Please note you may be asked at a later point to confirm your request to participate)

6. If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

[If you wish to make a representation on another policy \(DM1 – DM46, SA7, SSA1 to SSA7\) please copy and paste the questions from this section below.](#)

Section D H1 Housing Sites and Mixed Use Sites

Please only fill this section out once

Which site(s) does your representation refer to? (Tick all that apply to your submission)

- ALL SITES**
- Former St Aubyn's School, 76 High Street, Rottingdean
- Land between Marine Drive and rear of 2-18 The Cliff, Brighton
- 25 Ditchling Rise / rear of 57-63 Beaconsfield Road, Brighton
- 60-62 & 65 Gladstone Place, Brighton
- 76-79 & 80 Buckingham Road, Brighton
- 87 Preston Road, Brighton
- Eastergate Road Garages, Moulsecoomb, Brighton,
- Land between Manchester Street/Charles Street, Brighton
- Preston Park Hotel, 216 Preston Road, Brighton
- George Cooper House, 20-22 Oxford Street, Brighton
- Old Ship Hotel (garage), 31-38 Kings Road Brighton
- Saunders Glassworks, Sussex Place, Brighton
- 2-16 Coombe Road, Brighton
- Outpatients Department, Royal Sussex County Hospital
- Whitehawk Clinic, Whitehawk Road, Brighton
- Buckley Close garages, Hangleton
- Former playground, Swanborough Drive, Whitehawk
- Former Hollingbury Library
- 29-31 New Church Road, Hove
- 189 Kingsway, Hove
- Kings House, Grand Avenue, Hove
- Victoria Road Former Housing Office (adj Portslade Town Hall), Victoria Rd, Portslade
- Land at the corner of Fox Way and Foredown Rd, Portslade
- Smokey Industrial Estate, Corner Church Road, Lincoln Rd & Gladstone Rd Portslade
- Land south of Lincoln Street Cottages, Lincoln Street, Brighton
- Hove Sorting Office, 88 Denmark Villas, Hove
- Former Belgrave Centre & ICES, Clarendon Pl, Portslade (Site SP2 in JAAP Policy CA3)
- Wellington House (Site SP3 in JAPP Policy CA3)
- City College, Pelham Tower (and car-park), Pelham Street
- 71 - 76 Church Street, Brighton
- Post Office site, 62 North Road, Brighton
- 27-31 Church Street (corner with Portland Street)
- Former Dairy Crest Site, 35-39 The Droveaway, Hove
- Kingsway/Basin Road North (site AB4 in JAAP policy CA2)
- Prestwich House (Site SP1 in JAAP policy CA3)
- Regency House, North Street, Portslade (Site SP4 in JAAP policy CA3)
- Former Flexer Sacks, Wellington Road, Portslade (Site SP5 in JAAP policy CA3)
- Church Road/Wellington Road/ St Peter's Road (site SP6 in JAAP policy CA3)
- Station Road site, Portslade (Site SP7 in JAAP policy CA3)

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

1. Do you consider this policy is: (tick as appropriate)

	Yes	No
Legally Compliant	<input type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Meets the Duty to Co-Operate	<input type="checkbox"/>	<input type="checkbox"/>

2. If you consider the policy to be unsound is it because it is not: (tick as appropriate)

	Tick
Positively Prepared	<input type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Consistent with National Policy	<input type="checkbox"/>

In the following boxes, please explain why you think the policy is unsound and/or not legally compliant, and set out any changes you feel should be made to make it sound and legally compliant.

Please note: As there will not normally be a subsequent opportunity to make further representations please include all the information, evidence and supporting information necessary to support/justify your representation and the suggested change(s) to the policy.

After this stage, further submissions will only be invited at the request of the Planning Inspector, based on the matters and issues he/she identifies for examination. If you have additional material such as maps or photos that you are unable to submit using this form please contact us by email at planningpolicy@brighton-hove.gov.uk

3. If you consider the policy is not legally compliant or is unsound, please give details in the box below. Please be as precise as possible. If you support the policy and feel it is sound and/or legally compliant, please also use the box below to set out your comments.

See supporting letter, the policy unnecessarily restricts future development proposals to regenerate the site.

4. Please set out the change(s) you consider necessary to make the policy legally compliant and sound in respect of any legal compliance or soundness matters you have identified in Q3 above. Please be as precise as possible.

The allocation should permit a mixed-use proposal including commercial, leisure and community uses, as well as purpose built student accommodation proposals

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

You will need to say why each change will make the policy legally compliant and sound. It will be helpful if you are able to put forward any suggested revised wording of the policy or supporting text. Please do not use strikethrough text as this will not be shown in your submission.

5. If your representation is seeking a change to the Plan, do you consider it necessary to participate at the hearing session(s)? (Tick as appropriate)

	Tick
No, I do not wish to participate in hearing session(s)	<input type="checkbox"/>
Yes, I wish to participate in the hearing session(s)	<input checked="" type="checkbox"/>

(Please note you may be asked at a later point to confirm your request to participate)

If you wish to participate at the hearing sessions during the examination, please outline why you consider this to be necessary.

If the policy/allocation is changed as we have requested, then there will be no need to attend the sessions. However, if the policy is not amended – we would like to put this case across in person.

Please note: The Planning Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

City Plan Part Two - Proposed Submission Response Form (7 September – 30 October 2020)

Representations must be made between Monday 7th September and 23:59 on Friday 30th October 2020.

The completed Word Form can be emailed to planningpolicy@brighton-hove.gov.uk or posted to: Proposed Submission CPP2, Policy Projects and Heritage Team, Brighton & Hove City Council, First Floor Hove Town Hall, Norton Road, BN3 3BQ.

Legal Compliance

Legally compliant means asking whether or not the plan has been prepared in line with statutory regulations, the 'duty to cooperate' and legal procedural requirements. There are five areas to consider when looking at whether or not the Plan is legally compliant. These are:

- *Is the Plan consistent with the Council's production timetables known as the Local Development Scheme (LDS)?*
- *How has the community been involved in the process and has the Council met its Statement of Community Involvement (SCI)? Details of how the plan has been prepared are set out in the Statement of Consultation.*
- *Does the Plan meet the requirements for content and consultation set out in the Town and Country Planning (Local Planning) Regulations 2012 and the Planning and Compulsory Purchase Act 2004?*
- *Does the Sustainability Appraisal (SA) Report accompanying the Brighton & Hove City Plan Part Two form a suitable assessment of the sustainability of the Council's proposals and follow the relevant legislation and guidance?*
- *Has the Council complied with the Duty to Cooperate? This is addressed in the council's Duty to Cooperate Statement.*

The government's tests of Soundness

- **Positively prepared** - *the plan should be prepared in a way that meets the need for housing and other development, including infrastructure and business development.*
- **Justified** – *the plan should be based on evidence, and be the most appropriate strategy for the city when considered against other reasonable alternatives.*
- **Effective** – *the plan should be deliverable; the housing and other development should be capable of being carried out.*
- **Consistent with national policy** – *the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).*



Brighton & Hove City Council
Policy Projects and Heritage Team (Draft CPP2)
First Floor, Hove Town Hall
Norton Road
Hove
BN3 3BQ

26th October 2020

Dear Sir/Madam,

**Brighton and Hove Draft City Plan Part Two
27 - 31 Church Street Brighton BN1 1RN**

We write on behalf of SM Brighton Ltd, the landowner of the site above to promote the land for a high-quality new office development through the City Plan Part Two.

The site has long been allocated for development and is currently vacant and cleared of all structures. Our clients are currently progressing plans for a new office (Use Class E) development following pre-application advice from the Council and an application has been submitted (BH2020/02801). We believe that the site provides an appropriate location for this type of development and the allocation within the City Plan Part Two should be amended accordingly to ensure that this is delivered.

Site History

The property is located within the city centre and is a brownfield site on the corner of Church Street and Portland Street. The site was previously occupied by industrial buildings which were cleared in 1996 under planning permission 93/1046/FP and the site has been vacant ever since. This permission was amended in 1996 for a mixed-use office and retail development and was partially implemented. This permission is legally commenced and remains extant.

Previously approved proposals for the site have been for a four-storey mixed-use building, with alternative six (BH2007/01058) and seven (BH2006/01813) storey proposals refused or withdrawn.

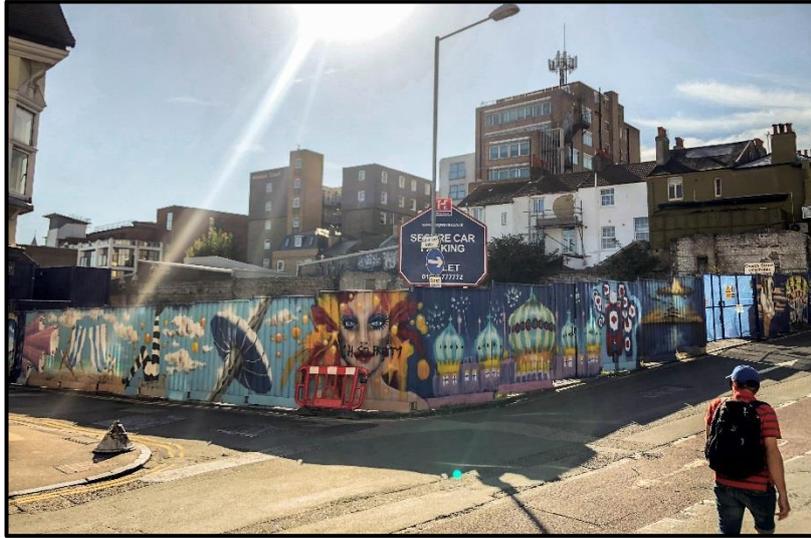


RTPI

mediation of space · making of place

Chartered Town Planners





Existing Site

Planning permission was granted in 2013 on appeal for a mixed-use development of offices, retail (341m²) and nine residential dwellings (BH2011/02401), however despite being legally commenced following amendments (BH2015/03236 and BH2017/01372) the development has never been built-out.

The 2013 appeal scheme appears to be the basis for the current allocation in the Proposed Submission City Plan Part Two, however this has failed to result in a viable development of the site. The site was allocated for mixed use office, residential and retail on the City Plan Part One proposals map and has been included as a mixed-use site including nine new dwellings within the Proposed Submission City Plan Part Two Policy H1 on this basis. The requirement for ground floor retail was removed following previous consultation comments.



BH2015/03236 – Approved Block Plan

The site lies within the North Laine Conservation Area and opposite the Grade II listed former drill hall on Church Street, allocated for residential development under Proposed Submission City Plan Part Two Policy H1.

Aside from these heritage considerations and its sloping topography, the site is relatively unconstrained and could be developed without delay.

The area is characterised by a mix of land uses and a variety of building heights. Substantial buildings nearby include Towerpoint (10 storeys), Windsor Court (8 storeys), Sovereign House (5 storeys), Community Base (6 Storeys) and the Boots/Sainsbury's buildings on North Street (5 storeys), and the site could therefore accommodate taller elements within the development, with extant permission for a four-storey building. Heritage and Urban Design officers supported development proposals of up to four storeys at pre-application stage.

Pre-Application Engagement

Our client has met on multiple occasions with the City Council to discuss plans to develop the site, including meetings with heritage and urban design officers. The local planning authority has agreed in these meetings that due to the size of the site and associated development constraints, a single use development would be acceptable.

Support has also been given to a contemporary building design within the varied context of the site. The corner plot could comfortably accommodate a unique building with active street frontages. Pre-application feedback from the Urban Design Officer concluded:

“The proposals are now considered to be contextually appropriate in terms of scale, form and appearance. They offer improvements to the townscape of Church Street and to the public realm experience of this part of the North Laine Conservation Area. Generally, the site and building layouts offer a high quality of space, and the architectural appearance is contemporary and vibrant whilst remaining sympathetic and responding to heritage context.”

A single use development would ensure that the development potential of the site could be maximised, with no requirement for multiple site entrances, facilities and cores. The site is in a highly sustainable city centre location and can therefore accommodate a car-free development.

Current Proposals

A planning application has now been submitted for a 4-story development of over 3,600m² new, high quality office space (Use Class E). The proposed development would have a contemporary appearance with a simple pallet of materials including clay facing bricks, natural stone cladding, glass balustrades, aluminium ppc curtain walling and rainscreen panels.

The main entrance will have a glazed reception area facing on to Church Street to provide an active frontage at street level. This area will include an exhibition space and an internal living wall feature.

The proposed development has been designed to accommodate employees at a ratio of 1 person to 8m². Based on this ratio, the proposed development would generate over 350 full time employment positions which would make a significant contribution to the employment

requirements of the city. A BREEAM rating of 'Excellent' would be achieved by the proposed development. The proposed development would significantly improve this challenging part of the city centre accordingly.



Visual representation of current proposals

Justification for amendments to the allocation

Previous proposals for the site included only 341m² of retail space (two units) and 631m² of office space. In comparison, the current proposals for the site make a far more significant contribution to the stock and quality of city centre office accommodation.

The requirement within the policy to accommodate a small number of residential units would greatly impact upon the ongoing plans for the site and would result in a more inefficient use of this important city centre development site. Moreover, there is currently a significant shortfall of Grade A office space in the city to meet growing demand from local and regional occupiers.

A more significant residential development is proposed on the Patrick Moorhead Antiques site opposite, and consultation comments from the previous stage of consultation suggest that the number of units deliverable on this site significantly exceeds the 50 units that the site is allocated for. Therefore, it is anticipated that across the two sites the same number of residential units could still be delivered in this location together with a significantly higher provision of new, high quality office space.

We therefore ask that the requirement for a mixed-use development of our client's site is removed from the Policy and replaced with an allocation solely for office development. If desired, the requirement for nine new homes could be re-allocated to the larger 71-76 Church Street site opposite.

Lewis & Co Planning would welcome the opportunity to discuss the merits of the site as a high-quality office development in further detail.

Yours faithfully

Lewis & Co Planning



Enclosed: Site Location Plan



Subject:
Date:



RE: City Plan Part 2 Consultation response
30 October 2020 17:25:47

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir/Madam,

Please see additional information below.



<PlanningPolicy@brighton-hove.gov.uk>

Subject: RE: City Plan Part 2 Consultation response



Thank you for the representation to the Proposed Submission City Plan Part 2 made on behalf of SM Brighton Ltd.

In order to help us process your formal representation to the City Plan Part Two we do also need to know the following information:

Please let us know if you would like to be notified of any of the following (delete as appropriate);

The City Plan Part Two has been submitted for independent examination	Y
The publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two	Y
The adoption of the City Plan Part Two	Y

Please be aware that due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the council's website.

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS

Privacy Notice below

[PINS Privacy Statement \(June 2019\)](#)

(Required) I have read the PINS privacy statement above	Y
--	----------

Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

If you would like the Policy, Projects and Heritage team at Brighton & Hove City Council to continue to occasionally contact you with news of their documents and consultations then please fill in your details [here](#).

[Redacted signature block]

Subject: City Plan Part 2 Consultation response

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir/Madam,

Please see attached our response to the CPP2 allocation relating to the land at Church Street/Portland Street, Brighton on behalf of the landowner.

Yours faithfully

[Redacted signature block]

[Redacted signature block]

Please note that I will be working from home and only available by mobile or email until further notice.

Please be aware that due to the process of having an Independent Examination, any information and/or responses made are not confidential. This means we need your name, or organisation name, so that the comments can be made available for the public inspection. Once your comments have been logged, all names, company names and associated comments submitted as part of the formal consultation process will be made available to view in due course on the council's website.

The council will not share or publish postcodes or email addresses. BHCC will however have to pass on all contact details to the Planning Inspectorate (PINS) who will undertake the examination of the City Plan on behalf of the government. Details of the PINS privacy policy can be seen below. Please tick to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

[PINS Privacy Statement \(June 2019\)](#)

<p>(Required) I have read the PINS privacy statement above</p>	<p>Y/N</p>
---	------------

Best regards

Planning Policy Team

City Development & Regeneration | Brighton & Hove City Council

First floor Hove Town Hall, Norton Road, Hove, BN3 3BQ

W: www.brighton-hove.gov.uk

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

[Redacted signature block]

Subject: City Plan Part 2 consultation

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Please find attached the HBF's representations on the City Plan Part 2. I would be most grateful if you could confirm receipt of this email and its attachment.

[Redacted signature block]

Sent by email to: planningpolicy@brighton-hove.gov.uk

29/10/2020

Dear Sir/ Madam

Response by the Home Builders Federation to the consultation on the City Plan Part 2

Set out below are the representations of the Home Builders Federation on the proposed submission draft of the City Plan Part 2 (CPP2). The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

We would also welcome, in due course, the opportunity to participate in any hearings organised as part of the Examination in Public in order to present our concerns with the City Plan Part 2 to the appointed inspector.

Duty to co-operate

Paragraphs 24 to 27 of the 2019 National Planning Policy Framework (NPPF) set out the requirements relating to the maintenance of effective co-operation as part of all Councils duty to co-operate. This collaboration should identify the relevant strategic matters to be addressed and ensure effective and on-going joint working is an integral to the production of a positively prepared and justified strategy. In particular these paragraphs highlight the need for joint working to identify where development needs that cannot be met in one area can be met elsewhere. In order to demonstrate effective joint working paragraph 27 states that local authorities should maintain one or more Statement of Common Ground documenting any activities relating to cross boundary strategic matters. It is also important to note that paragraph 35 of the NPPF states that cross boundary strategic matters should be dealt with and not be deferred. Further detail is provided in paragraph 610-022 of Planning Practice Guidance which highlights that strategic matters should not be deferred to subsequent plan updates. This is an important change to the 2012 NPPF and one that seeks to prevent strategic and cross boundary issues being pushed down the line to future local plans to address, as was the case with the unmet housing needs identified in the City Plan Part 1 (CPP1).

However, the Council state in paragraph 1.4 of the Duty to Co-operate Statement that most cross boundary issues affecting the city were dealt with at the examination of the



City Plan Part 1 and as such do not need to be reopened. What this statement fails to recognise is that the Duty to Co-operate is an ongoing requirement of plan making and recognition must be given to the fact that some issues that should have been progressed since 2016 must be reviewed and an explanation provided as to the progress, or lack of progress, that has been made.

One such issue is the unmet need for housing in Brighton and Hove and whether the Council has secured any agreements for the provision of additional homes elsewhere to address the substantial shortfall in housing identified in CPP1. It is important for the Council, and ultimately the inspector examining this local plan, to consider whether the mechanisms in place to address cross boundary and strategic issues have maximised the effectiveness of plan preparation, as required by paragraph 33a of the Planning and Compulsory Purchase Act. If these mechanisms have not been effective in addressing any cross-boundary issues identified in the preparation of CPP1 then action should be taken by the Council to rectify any failings as part of its on-going duty to co-operate activities with the outcomes of these actions feeding into the preparation of the part 2 local plan. Such matters should not only be set out in the Council's Duty to Co-operate Statement but also within any statements of common ground (SoCG).

However, no detail is provided as to the progress made by other authorities in addressing Brighton and Hove's unmet housing needs. In particular we are concerned that we could not find any SoCGs that have been published in relation to this issue. It is necessary for the Council to provide SoCGs in relation to housing needs with the local authorities in neighbouring areas setting out their position with regard to Brighton and Hove's unmet housing needs alongside any other relevant issues. We recognise the constraints faced by the Council, but this does not absolve them of the responsibility for working proactively to ensure their housing needs are being addressed elsewhere. If no progress is being made in addressing this strategic issue it will be necessary for the Council to consider whether it can do more to promote additional development through the CPP2 before submitting it for examination.

Five-year Housing Land Supply

The plan is unsound as the Council cannot show a five-year land supply on adoption

In order for a local plan to be considered up to date the Council must be able to show that they have a five-year land supply. It is an essential part of the examination of any local plan to show that the plan will deliver sufficient homes to ensure it has a five-year land supply on adoption. However, it would appear from the supply expectations set out in the Council's Strategic Housing Land Availability Assessment (SHLAA) published in October 2019 that the adoption of this local plan will not result in the Council having a five-year housing land supply between 2020/21 or 2022/23. Using the delivery expectations in the SHLAA we have calculated the rolling 5-year housing land supply for 2020/21 to 2024/25 which is set out in table 1 below.

Table 1: Rolling five year land supply Brighton and Hove

	2020/21	2021/22	22/23	23/24	24/25
Annual Requirement	856	856	856	856	712
Cumulative	6,389	7,245	8,101	8,957	9,669
Delivery	646	1,323	1,350	1,058	1,023
Cumulative	5,051	6,374	7,724	8,782	9,805
Surplus/deficit	-1,338	-871	-377	-175	136
Five-year requirement	4,136	3,992	3,848	3,704	3,560
Five-year requirement including deficit/surplus	5,264	5,330	4,719	4,081	3,735
Buffer	1,053	1,066	944	816	747
Total requirement	6,317	6,396	5,663	4,897	4,482
Five-year supply	5,400	5,777	5,477	5,150	5,115
Surplus/deficit	-917	-619	-186	253	633
5YHLS	4.27	4.52	4.84	5.26	5.71

What is concerning is that the Council will only have 4.27-year land supply in 2020/21 and will not have a five-year land supply until 2023/24 at the earliest. Even then the five-year supply is marginal and slow delivery on any of the sites identified in the part 2 local plan could see the period with future supply being less than the required five years extending even further is a very real possibility. Whilst we recognise the constraints facing Brighton and Hove the evidence indicates that additional sites with the ability to deliver new homes in the next five years need to be identified and brought forward through this local plan. It will also be important to ensure that policies in the CPP2 are not overly onerous and would either delay or prevent the delivery of some developable sites.

DM1 Housing Quality, Choice and Mix

The policy is unsound as it is not effective and has not been sufficiently justified

Our concern with policy DM1 relates to parts c and d which set out the requirements relating to the optional technical standards for space and accessibility.

Part c – Nationally Described Space Standards

Policy DM1 requires development to meet national spaces standards as a minimum. Whilst the HBF shares the Council's desire to see good quality homes delivered across Brighton and Hove we also consider that space standards can, in some instances,

have a negative impact upon affordability issues and reduce customer choice. In terms of choice some developers will provide entry level two, three and four-bedroom properties which may not meet the optional nationally described space standards but which would allow on lower incomes can afford a property which has their required number of bedrooms. Given the poor affordability of property in the area and the tight constraints on development it is therefore important that the Council can provide robust evidence that there is a need to introduce the optional space standards – that these standards are a must have rather than a nice to have policy.

As the Council are aware paragraph 56-020 of PPG establishes the type of evidence required to introduce space standard through the local plan. The Council is required to have a robust justifiable evidence to introduce any of the optional housing standards, based on the criteria set out in PPG. It is also important to note that they can only be adopted through a policy in the local plan. It is therefore surprising to note that the Council has been applying these standards without their being an adopted local plan policy that would support their use in Brighton. As such the Council state that the majority of development coming forward meets space standards. However, the Council provides no evidence in the Combined Space Standards Topic Paper that development had, prior to this, been coming forward significantly below expected standards. The paper states that there was growing concern around spaces standards given the high densities of many developments in the Borough but provides no evidence, aside from two case studies, that new homes were being brought forward below space standards. The topic paper sets out that the type of home being delivered in the Borough comprises of a high number of flats and studio apartments, however it does not indicate whether these types of home are coming forward below space standards. At present we do not consider the topic paper to provide the robust evidence required by national policy to justify the adoption of the nationally described space standards.

The HBF is also not aware of any evidence that market dwellings not meeting the NDSS have not sold or that those living in these dwellings consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison with other dwellings. The HBF in partnership with National House Building Council (NHBC) undertake an annual independently verified National New Homes Customer Satisfaction Survey. The 2019 Survey demonstrates that 91% of new home buyers would purchase a new build home again and 89% would recommend their housebuilder to a friend. The results also conclude that 93% of respondents were happy with the internal design of their new home, which does not suggest that significant numbers of new home buyers are looking for different layouts or house sizes to that currently built.

Given that there is little to suggest that development below space standards is an endemic concern within the Brighton and Hove we would suggest that part c of policy DM1 is removed from the plan. This would give the Council greater flexibility to maximise the number of sites that are developable as well as extending consumer choice to more households.

Part d - Accessibility standards

Part d of DM1 requires all homes to be built to part M4(2) of the Building Regulations. Whilst the HBF recognises that there is a need for some homes to be built to higher accessibility standards we do not consider the evidence presented to indicate that there is a need for all new homes to be built to the optional building regulation M4(2).

When considering the implementation of the optional standards it is important to note that footnote 46 in paragraph 147 in the NPPF states that policies on adaptable and accessible housing should be used "... *where this would address an identified need* ...". This would suggest that any policy should seek to address an identified need that is required rather than considering these standards as being 'nice to have' on all new homes. There must be clear evidence that these homes are needed. The evidence supporting the Council's decision is set out in section 3 of the Combined Space Standards Topic Paper.

One argument that is put forward in section 3 of this paper is that the city has an ageing population and this, inevitably, leads to an increase in the need for housing that allows people to remain living in their home for longer. We would not dispute that across the UK there is an ageing population, however the HBF does not agree that this leads to the conclusion that all new homes should be built to part M4(2).

Firstly, if the Government had considered, when it introduced this policy, that the ageing population seen across the Country to be sufficient to require all homes accessible & adaptable homes standards, then the logical solution would have been to incorporate the M4(2) as mandatory via the Building Regulations. The Government did not do this and introduced the needs-based approach currently set out in PPG and as such the number of homes built to part M4(2) should be proportional to identified needs.

Secondly, the need for more accessible homes above current standards is further reduced for those who live in a recently constructed house. All new homes will be built to part M4(1) which, according to Part M of the Building Regulations, will ensure reasonable provision for most people, including wheelchair users, to approach and enter the dwelling and to access habitable rooms and sanitary facilities on the entrance storey. As such these standards are likely to be suitable for the significant majority of people as they get older and including many those with long term health problems or disabilities.

Thirdly many people with a long-term health problem or disability will be able to adapt their current home to meet their needs. Given that many of those who will need to adapt their homes in future will already live in the Borough this will reduce the number of people moving to meet their housing needs. Some evidence related to this is provided in the English Homes Survey. Whilst we recognise that this is a national study it provides an indication as to the proportion of more adaptable homes that are

required. The study examined the need for adaptations in 2014/15¹ and noted that just 9% of all households in England had one or more people with a long-term limiting illness or disability that required adaptations to their home and that this had not changed since 2011-12. So, despite an increasing proportion of older people in the general populace the proportion of the population requiring adaptations had not changed. The survey also found that in 2014-15, 81% of households that required adaptations in their home, due to their long-term limiting disability, felt their current home was suitable for their needs and that 10% of those households whose home required an adaptation were trying to move somewhere more suitable.

So, whilst there is an ageing population this does not directly lead to the need for all new homes built to higher accessibility standards. An ageing population will lead to more people who are likely to have a mobility problem but not necessarily more people who need a new more home built to the M4(2). Many older people, and indeed those of all ages with a long-term limiting illness or disability, will be able to adapt their existing homes to meet their needs and do not need to find alternative accommodation. It is also the case that for many people a new home built to the mandatory M4(1) standard will offer sufficient accessibility and adaptability throughout their life and as such to require all new homes to comply with Part M4(2) is disproportionate to the likely need arising in Brighton.

On the basis of the results of English Homes Survey it is possible to consider the number of households that may need a more adaptable home over the plan period by applying the proportion of people who required an adaptation but considered their home to be suitable, to the number of households in Brighton and Hove. Using the data provided by the Council in the topic paper on household projections, which are derived from the 2012-based Sub National Population Projections, there will be 145,300 households by 2030. If 9% of these household contain a person with a long term limiting illness or disability that required an adaptation to their home due to their disability, and 19% of these households considered their home to be unsuitable to meet their need there would be around 2,500 households in need of a more accessible home in 2030. Using the same approach to the number of households in 2010 this would represent an increase of circa 450 such households from the start of the plan period. As mentioned earlier we recognise that applying national data to local circumstances will not give a precise figure for those needing a more accessible home. However, it does give an indication that there is no need for all new dwellings to be built to part M4(2) of the building regulations.

As set above the NPPF and PPG state that the adoption of the optional technical standard should address an identified need. Whilst there is evidently a need for some homes to be built to a higher accessibility standard there is not the need for all new homes to be built to part M4(2).

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/539541/Adaptations_and_Accessibility_Report.pdf

DM36 Parking and Servicing

The current policy is not legally compliant as currently worded

This policy requires development to meet the parking standards in the SPD Parking Standards for New Development which are replicated in appendix 2. In order for the Council to require compliance with parking standards they must be included in the local plan as they are policies against which an application could be refused, they are legally considered to provide more than just guidance to the applicant. The issue of what is policy is explored in detail in the High Court Judgement between William Davis Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidson Homes Ltd & Barwood Homes Ltd and Charnwood Borough Council. In this case Justice Gilbert quashed the SPD on the grounds that it contained policies that should have been contained in the local plan because they could be considered to fall under regulation 5(1)(a)(i) and 5(1)(a)(iv) of the Town and Country Planning Regulations (2012). As such the policy cannot defer in future to subsequent revisions of any parking standards within the SPD. Such changes would need to be made through a focussed review of the local plan in order to allow the proper scrutiny of any changes being made. In order to make this policy sound it is necessary to amend the policy to read "*Provision of parking, including 'blue badge' holder and cycle parking, in new developments should follow the standards in SPD14 'Parking Standards for New Development' (and any subsequent revisions) as set out in Appendix 2*", and delete the final sentence of paragraph 2.265.

Energy Efficiency and Renewables

Part 2 of the policy is unsound as it is not consistent with national policy

The Council have included a requirement for new build development to meet higher Energy Performance Certificate ratings than those that are required through Building Regulations. This is in addition to the 19% improvement in CO₂ on the basis of the transitional arrangements following the discontinuation of the Code for Sustainable Homes in the 2015 Written Ministerial Statement (WMS). The Government have recognised the confusion that has been caused with regard to energy efficiency in the absence of the legislation promised in the WMS. The HBF recognise that the transitional arrangements provide flexibility for Council's to require development to deliver improvements in CO₂ emissions over the levels expected in Building Regulations to what would have been expected under Code 4 of the Building Regulations. However, the regulations do not provide further flexibility for Councils to require new homes to meet higher than expected standards set out through Energy Performance Certificates (EPC). At present all properties for sale and rent are expected to meet at least a level EPC C rating yet the Council is requiring new build residential development to deliver up a minimum EPC B rating. Given that EPC ratings goes beyond just CO₂ emissions we are concerned that this approach is not consistent with national policy and guidance. Whilst the vast majority of new homes will achieve

a level B or higher EPC rating², we would suggest this requirement is removed to ensure consistency with national policy and avoid confusion as to the legally required standard.

The HBF has continually argued that the most effective approach to ensuring improvements in the energy efficiency of homes is through a consistent national approach applied through the Building Regulations. This approach allows the supply chains required to deliver improved energy efficiency to become established and not threaten development viability and the delivery of new homes – and in particular, low-cost market homes.

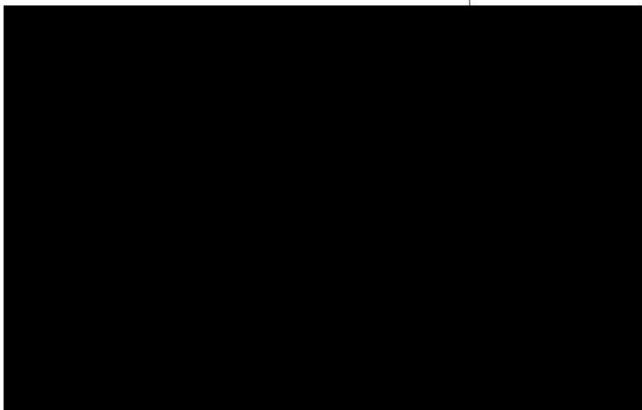
Conclusions

For the CPP2 to be found sound under the four tests of soundness as defined by paragraph 35 the 2019 NPPF the Plan should be positively prepared, justified, effective and consistent with national policy. The HBF considers the CPP2 to be unsound in the following areas:

- No evidence on co-operation with regard to the delivery of unmet needs identified in the CPP1
- no 5 YHLS on adoption;
- Unjustified requirements relating to optional technical standards for accessibility and space standards;
- Using an SPD to define parking standards;
- Requirement for higher EPC standards than the minimum legally required for new residential development.

It is hoped that these representations are of assistance to the Council. If any further assistance or information is required, please contact me.

Yours faithfully



² 84.4% of new build homes were rated A-B for energy efficiency in the second quarter of 2017 (HBF 2017)