

CITY PLAN PART TWO – CONSERVATIVE GROUP SUBMISSION

30th October 2020

1. INTRODUCTION

This submission in response to Brighton & Hove City Council's City Plan Part Two ('CPP2') Consultation has been prepared by Cllr Robert Nemeth in his capacity as Conservative Group Spokesman for Tourism, Equalities, Communities & Culture (TECC) on behalf of the Conservative Group of Councillors ('Group') under the leadership of Cllr Steve Bell CBE.

It briefly touches upon the areas of agreement where there is much to celebrate, but principally focuses on a controversial area of disagreement – the question of the future of the City's 'Urban Fringe' which Group recommends is removed from CPP2.

The submission details concerns over a democratic deficit that has prevailed throughout the process which has been exacerbated by the coronavirus crisis, and gives a simple recommendation on how the failings of the process may be remedied.

2. RECOMMENDATIONS

1. Sites as detailed within *H2 Housing Sites – Urban Fringe*, including *Special Area SA7 Benfield Valley*, should be removed from the housing allocation.
2. The Inspector should order a fresh consultation process for CPP2 to be undertaken by Brighton & Hove City Council (BHCC) on the question of the Urban Fringe specifically with the results to be presented to Full Council.

3. KEY ARGUMENTS

1. The presentation of CPP2 to Councillors, as undertaken by BHCC was flawed. Councillors were not briefed on up-to-date housing numbers and votes were not taken on key amendments.
2. The Green Administration of 2011-2015 and Labour Administration of 2015-2020 offered up important natural sites without due weight being placed on environmental, amenity and leisure concerns.
3. CPP2 lacks a democratic mandate from residents of Brighton & Hove. The public consultation process for CPP2, as undertaken by BHCC, has been flawed. Residents have not been provided with a reasonable chance to properly engage with CPP2. Election pledges have been abandoned; petitions ignored; and deputations disallowed.

4. GENERAL

There is much to be positive about when analysing City Plan Part Two which has been prepared professionally and diligently by Council Officers.

The Conservative Group approached past debates with positivity and passion, and sought throughout to improve CPP2 with helpful tweaks and supportive comments where appropriate. Group wishes to touch upon some of these before discussing the main issues of contention.

In the debate at a Special Council meeting on 23rd April 2020, Group highlighted numerous issues of agreement and submitted 30 amendments in total of which 22 were deemed to be 'sound' and 8 'unsound'. Group was pleased to receive backing on the majority of the 22 sound amendments.

Most of Group's requests were simple tweaks rather than wholesale changes as a demonstration of the comprehensiveness of the document.

Group was particularly happy with the *Employment & Retail* section as was discussed by Cllr Brown during the debate. Cllr Brown, however, set out that this section may well need the biggest changes in the future due to predictions about the resilience of Brighton & Hove's economy to the ongoing coronavirus crisis.

Group was also broadly happy with the *Environment & Energy* section. Cllr Bagaen set out why this support is reliant on the City's ultra-ambitious 2030 zero net carbon being met which, separately, will be a huge challenge.

As a general point, given the long period that the overall plan covers, ultimately 2016-2030, it is inevitable that some modification will be necessary, in ways that will be unpredictable, as the situation on the ground changes.

As far as the Greens' Amendments went, all of which were reasonable, Group was happy to confirm in advance that it supported 26 of the 33. Some concerns were raised during the debate and these were set out by Cllr Lewry. The Labour Group failed to submit any amendments.

Conservative amendments fell within three broad themes:

1. Protect the natural environment – Group's concerns here were set out by Cllr Barnett and Cllr Simson.
2. Promote family homes – more to the point, promoting homes of all shapes and sizes to build strong communities rather than block after block of identikit flats, or street after street of HMOs. Cllr Mears and Cllr Miller spoke on these points.
3. Reduce carbon – already mentioned above.

Group submitted a number of other helpful amendments; some of which were quite fun such as Cllr Peltzer Dunn's call for more area-specific signage.

Cllr Theobald addressed the question of the maintenance of materials that require extra levels of care and attention in our harsh seafront location.

Cllr Wares called for proper parking surveys to be carried out; a subject which annoys residents hugely during the planning process.

Cllr McNair highlighted the issue of pollution outside schools.

There was much agreement which is a credit to all concerned in the process.

5. URBAN FRINGE REMOVAL

The key issue of contention between the Labour/Green Groups and the Conservative Group is the degree to which Brighton & Hove City Council should fight to save from development 16 sites on the unspoilt Urban Fringe – a key piece of the City that is more socially valuable than ever at this time.

The Labour/Green Groups are happy to proceed on the advice of a consultant who was tasked with the job of finding sites for development. This was carried out in 2014 by means of the Brighton & Hove Urban Fringe Assessment.

Not only did Brighton & Hove City Council embrace this report without balancing its recommendations with adequate further environmental, amenity and leisure study, it has gone much further – by recommending additional homes over and above what was recommended for inclusion on these controversial sites, prior to knowing how many sites for potential development had been found elsewhere.

Of Group's 8 unsound amendments, 4 related to the Urban Fringe. This meant that no vote by Councillors was allowed at the crunch moment of potential democratic oversight on the most controversial topics in CPP2.

There are no two ways about it, building 930 homes on the city's 16 remaining natural sites on the Urban Fringe is a disaster for the environment. The Conservative Group was surprised that neither of the Labour/Green Groups mounted any sort of questioning of or campaign against the destruction of the Urban Fringe sites despite there being clear assurances prior to the 2019 local elections that some of the sites would be safe.

Little discussion took place about detailed figures within CPP2 despite most Councillors being aware of the assessed need of 30,000 homes and an agreed minimum target of 13,200 – exceeding which is ultimately the point of CPP2.

No Labour/Green Councillor seemed aware that the minimum target had been exceeded by some stretch which was most concerning.

The approval of CPP2 in its proposed form would give rise to a situation where the City would surpass the agreed minimum target by over 20% – nearly 16,000 homes in total. This is not mentioned in CPP2.

The figure is calculated by taking the total housing supply figure of 14,875 from the Housing Provision Topic Paper of October 2019 and adjusting it to take into account increased predictions for the Hove Station Development Area following planning permission being recently granted for the Sackville Trading Estate and Peugeot garage on Newtown Road during the course of the CPP2 process.

With nearly 16,000 homes in total, CPP2 ultimately provides for 2,700 homes over the minimum. There are only 930 homes in the whole Urban Fringe proposal.

Looking back, it was clearly decided to exclude from consideration areas with what were considered to be 'Absolute Constraints', including areas with national level designations such as Site of Special Scientific Interest (SSSI) and above.

Correspondence shows that the Inspector was not prescriptive on how BHCC should look again at the Urban Fringe, or which sites should be included or excluded from any assessment.

In the Inspector's letter to BHCC of 13th December 2013, she wrote:

"Whilst it may be the Council's aspiration to designate some of these sites as Local Green Space (i.e. not to be identified for developed), ... I have doubts as to whether some of these areas would meet the requirements of paragraph 77 of the Framework."

As an example, Whitehawk Hill would meet the requirements of paragraph 77 of the National Planning Policy Framework (2012). Further, the Inspector wrote:

"However, your own analysis concludes that some of these sites do not make a significant contribution to the provision of useable open space, and have limited potential to do so in the future. No consideration appears to have been given to the possibility of allowing development on these sites."

Again, as an example, Whitehawk Hill does indeed make a very significant contribution to the provision of open space in the City.

It would have been possible for BHCC to have chosen, with reasoned justification, to exclude, for example, Local Nature Reserves and areas of statutory Access Land from the Urban Fringe Assessments by identifying them as Absolute Constraints.

In her letter to BHCC of 13th February 2014, the Inspector said:

"According to your Urban Fringe Assessment September 2013, it appears that there are a limited number of sites which are subject to national designations such as SSSI or Scheduled Monument, and such designations apply to parts of sites, rather than the whole of identified sites. In the case of sites affected by SSSI/RIGS designation (site 37 is the only one identified in your Assessment) you will need to consider the extent to which development of parts of the site not covered by the designation would have an adverse impact on the notified special interest features, and the extent to which any harm could be adequately mitigated. Similarly, you will need to consider the extent to which

development would harm a Scheduled Monument in accordance with paragraph 132 of the Framework."

The inclusion of RIGS (Regionally Important Geological Sites) in the list of potential areas to be excluded by the assessment is noted. RIGS are locally designated sites, but such designation is not statutory, whereas Local Nature Reserves are statutory, and bear the additional weight that that implies. If RIGS were to be excluded, why not Local Nature Reserves as well? The Inspector's response does not appear to explicitly endorse BHCC's approach but simply states that the assessment will need to take into consideration the potential for adverse effects of development on the types of sites listed and the extent to which they could be mitigated.

The Inspector's letter of 13th February 2014 is noteworthy:

"For the avoidance of any doubt, my initial conclusions should not be interpreted as an indication that all urban fringe sites would be suitable and/or appropriate for development. My main concern is that the decision to protect some sites from development because of their open space/recreational value is not supported by your own assessment of their existing or potential value for such uses."

It is clearly the case that sites have not been put forward as Local Green Spaces because they are deemed suitable for development – yet they have been deemed suitable for development because they are not Local Green Spaces.

This paradox should have been addressed from the outset and should have led to the removal of a number of the Urban Fringe sites but particularly the entirety of the four sites which are the subject of petitions from residents.

6. DEMOCRATIC DEFICIT

The inclusion of the Urban Fringe to such a degree within the Council's CPP2 can be firmly linked to a theme of a deficit in democracy that has been exacerbated over the past year by both a dearth in leadership at the Council and the challenges of the coronavirus crisis.

6.1 Amendments Denied

The first major issue of concern relates to the flawed presentation of CPP2 by what was at the time a Labour Administration at the Special Council Meeting that took place on 23rd April 2020.

When the Special Council Meeting was held, the Council had not provided full and up-to-date statistics showing the relationship of the proposals in the plan to housing targets. Labour/Green Groups were simply not aware that CPP2 had surpassed the agreed minimum target of 13,200 homes. They were not aware that the minimum housing target could be met through brownfield sites only and were under the impression that green land had to be built on.

Given this flawed presentation, a further opportunity should have been provided for Full Council to debate the issue with all of the data to hand.

Further, four amendments that related to the Urban Fringe were deemed unsound which meant that no vote on the Urban Fringe could even take place. Councillors were not even given the opportunity to remove questionable sites from CPP2 by means of a highly dubious soundness test.

Elected representatives were actually denied the opportunity to remove the Urban Fringe, and elements of it, from CPP2. This is scandalous.

It wasn't only Councillors who were denied the opportunity to participate in the CPP2 process – residents were treated just as badly.

6.2 Election Pledges Abandoned

The last local government election in Brighton & Hove was held in May 2019. Prior to that election, residents petitioning to save the Urban Fringe from development were given a pledge by the local Labour Party that their land would not be developed after inviting each political party to attend a public meeting.

Referring to the urban fringe site 'Land at and adjoining Brighton Race Course', the now Leader of the Labour Group Cllr Platts made a public pledge to petitioners:

"I will be opposing any proposals for this site to be developed and I will be supporting the residents in their campaign to stop this build."

Following the election, Labour formed the Administration of the Council with Cllr Platts as Leader.

At this point, residents and petitioners stopped their petition and campaign in the belief that the land was safe following the pledge made by the then Leader of the Council.

Residents were then taken by complete surprise when, within one year of the election, the new Labour Administration proposed CPP2 with the Urban Fringe included with greater housing numbers than before.

After publication, the Labour/Green Groups proceeded to vote through CPP2 at the Special Council meeting on 23rd April 2020 during a time of mass national panic at the early stages of the ongoing coronavirus crisis.

Residents had had no opportunity to lobby for changes as they had stopped their campaign after the pledge that they had been given by Labour prior to the election.

There had been no community consultation and they were not afforded the opportunity to speak at the Special Council Meeting.

As a result, these residents were left with only one opportunity: participate in the subsequent consultation that was planned for 7th September to 30th October.

Group argues that the consultation process has been flawed and, as a consequence, residents have not had a reasonable chance to properly engage with CPP2.

On 7th September 2020, BHCC announced the start of the consultation process for CPP2 with a press release stating:

"Residents are being invited to have their say on proposals which will guide new development in the city to 2030. We're currently consulting on the proposed City Plan Part Two before we submit it to the Secretary of State for examination and approval and are asking local people to tell us what they think."

However, during the consultation process a number of issues came to light that suggest that this was not a meaningful consultation.

6.3 Petitions Ignored

Following the CPP2 Special Council meeting, four petitions (Appendices 4-7) were circulated by residents' groups wanting to express their views to Councillors that they wanted specific Urban Fringe sites removed from CPP2.

These petitions were as follows:

1. Petition to Save Benfield Valley;
2. Petition to Save Whitehawk Hill; Ingleside Stables; South Downs Ridgin School from Development;
3. Petition to Save Land Adjoining Horsdean Recreation Ground AND Ladies Mile Adjoining the Ladies Mile Nature Reserve from Development; and
4. Petition to Save Coldean's Green Land from Development.

Petitions 1-3 reached the target required to trigger a democratic debate at a meeting of Full Council (1,250 signatures). Petition 4 has achieved 1,002 at the time of writing and is likely to achieve the requisite number of signatures imminently.

Petition 1 was the first to reach this target and did so in July. The Principal Petitioner submitted the petition to the Council and was told there was no space to debate the petition at the meeting of Full Council in August but was given an assurance that the petition would be listed for debate in October, the final meeting of Full Council before the end of the CPP2 consultation process.

Petitions 2 and 3 also reached the threshold for debate and were submitted in plenty of time for debate at the October Council meeting.

However, a few days before the Full Council meeting, petitioners received notification from the Chief Executive and Mayor of BHCC that the petitions would be rejected for debate. The following reason was given:

"The draft agenda for the Council meeting was discussed this morning with the Chief Executive and he questioned whether it would be appropriate for the 3 petitions relating to the City Plan Part 2 to be debated at full Council bearing in mind that the Council had already approved the City Plan Part 2 (which included the sites identified in the petitions) and having regard to the fact that a consultation process was in progress."

Group appealed against this decision and set out its reasons in a letter (Appendix 1), but never received a response from the Chief Executive, despite following up the matter twice.

6.4 Deputations Rejected

In addition to the rejection of the petitions, two residents' groups submitted public deputations to the meeting. These were rejected, with the following explanation:

"I am writing to inform you that after consideration and consultation with the Chief Executive, the Mayor has confirmed that he will not accept the deputation for the Council meeting on Thursday as it relates to the City Plan Part 2 which is now part of a formal process for consultation and written submissions to the Secretary of State. It would not be appropriate for the

Council to receive the deputations as it has concluded its consideration of the City Plan Part 2 and they should be submitted directly to the Planning Inspectorate as part of the consultation process.”

Residents who had not been given an opportunity to influence the CPP2 Special Council meeting vote, had now been denied the opportunity to have their concerns considered by Full Council.

6.5 Consultation Pre-judged

During the consultation period, one Councillor was advised that the business operators at one of the sites listed in Section H2 of City Plan – Land at South Downs Riding School & Reservoir – had already been given a date to vacate, even though CPP2 was out to consultation.

Cllr Dee Simson raised this matter with the Chief Executive on 8th October and was promised a response. No response was provided during the consultation.

6.6 Webcast Lost

While Councillors and residents raised oral questions about CPP2 at the October Council meeting, the webcast recording of the meeting was lost. This has meant that information that was gained from that meeting is unable to be included in submissions to the consultation process.

It is not known by Group if any other instances of webcasts being misplaced in a similar manner have taken place in the past.

7. CONCLUSION

This submission has highlighted serious issues relating to the presentation, consultation and democratic input of residents with regard to Section H2 of the CPP2 process.

As it stands, CPP2 is potentially open to legal challenge. It certainly lacks a mandate from the people of Brighton & Hove.

Group does not propose abandoning CPP2 and recognise the work that has gone into producing this document.

Instead, it is suggested that H2 (including SA7) should be deleted with the remainder of CPP2 approved which would allow the development of the City's brownfield sites to get underway swiftly.

If further examination of the Urban Fringe is required, Group recommends that it is carried out with full public participation in future.

8. APPENDICES

1. Letter to Geoff Raw from Cllr Steve Bell CBE

Deputations

2. Coldean Summary
3. Coldean Supporting Information
4. Whitehawk Hill Summary
5. Whitehawk Hill Supporting Information

Petitions

6. Petition to Save Benfield Valley
7. Petition to Save Whitehawk Hill; Ingleside Stables; South Downs Ridgin School from Development
8. Petition to Save Land Adjoining Horsdean Recreation Ground AND Ladies Mile Adjoining the Ladies Mile Nature Reserve from Development
9. Petition to Save Coldean's Green Land from Development

NB Original petitions have been submitted to Democratic Services for number/signature verification as per advice from Planning Policy Team.

APPENDIX 1

2 October 2020

Geoff Raw
Chief Executive, Brighton & Hove City Council
1st Floor, Hove Town Hall
Norton Road, Hove
East Sussex. BN3 3BQ

Dear Mr Raw,

AN OPEN LETTER CONCERNING CITY PLAN PETITIONS FOR FULL COUNCIL

Our group, having submitted three petitions for Council that satisfied the minimum number of signatories for full debate within the prescribed deadline, has been advised via Cllr. Nemeth, that you and the Mayor will not accept them for debate.

We are advised that one of the reasons was that "planning issues are not normally debated at Council as there are other avenues for concerns to be raised and considered". This is an unconstitutional reason to refuse the petitions. The petition scheme only excludes petitions that apply to a planning application. City Plan Part 2 is not a planning application; it is a policy document.

You authorised and convened a Special Council meeting on the 23rd April that was dedicated to City Plan Part 2. Petitions instigated as a consequence of that Council meeting should not be refused debate unless it is now deemed that the April Special Council was inappropriate to hold and as such should render the decisions taken as unlawful and invalid.

Another reason given to us was that Council had already approved City Plan Part 2; that respectfully is a nonsense. Council approved consultation, it did not approve the Plan as presented unless of course there is now an omission that the consultation is merely a "tick-box" process because the council has no interest in the consultation outcome. In any respect, it contradicts the position that Council does not consider "planning issues".

It was also advised that the petitions had been rejected because a consultation process was in progress. That again is a nonsense. Petitions are part of public engagement. Council has many questions, letters, deputations and petitions presented to it (including debates) on subjects that are in a consultation phase. Are you in all seriousness advising that if the council is engaged in consultation, that during that process, no Member or public engagement at Council will be permitted?

The notification we received further advised that planning officers had also noted that any petitions should be submitted as part of the consultation process having an explanatory note submitted with them. That we are doing regardless. However, that is again an unconstitutional reason to reject the petitions for debate at Council and it is respectfully a matter of no concern or influence by planning officers.

We note that your opinions and comments were expressed to the Labour Mayor that assisted him to also form the view that the petitions will not be accepted.

The decision Geoff is entirely inappropriate and unconstitutional and will only be viewed as having no foundation and undemocratic. You are denying thousands of ordinary members of the public a right to have their views and opinions expressed to the council.

You will also be very aware that there is a degree of political debate and discord associated with this subject. Your intervention as the Chief Executive of the council to refuse to accept the petitions for debate, without constitutional cause, will be seen by many as politically motivated; that is a seriously dangerous place for the Head of Paid Service to be.

We trust that you will reconsider your position and facilitate the democratic process for the voices of this City's citizens to be heard.

Yours sincerely

***Cllr Steve Bell CBE
For and on behalf of the Conservative Group***

APPENDIX 2

Coldean Residents Association and Stanmer Preservation Society support the Motion, and question the soundness of the planning decision to build on land to the NE of Coldean Lane on the following grounds:

1. Policy HE11 of the current City Plan states: **Planning permission will not be granted for proposals that would harm the historic structure, character, principle components or setting of an area included in the Register of Parks and Gardens of Special Historic Interest in England.**
2. On more than one occasion, the Planning Officer referred to the Coldean Land as 'formerly' part of the Stanmer Estate. This is not true, the land remains part of the Grade II Listed and Registered Park and Garden of the historic Stanmer Estate.
Is it possible that this erroneous information might have misled the committee?
3. The fact that LUC considered the Coldean site suitable for building development in their Urban Fringe Assessment is one of the many problems resulting in an unsound decision to grant planning permission for inappropriate high density development on the edge of the SDNP and we would urge a full investigation.
4. As Brighton Council has a duty to 'cooperate with neighbouring authorities' to ensure the protection of the Green Belt, we ask: Why did the Planning Committee ignore the strong objections from the South Downs National Park?
5. It seems that, without anyone knowing, Brighton Council can grant itself permission for Change of Use from Agricultural to Building Development. We consider that decision should be transparent and granted by a higher authority, eg the SDNP.
6. As both Hyde & Council Solicitors claimed to have no knowledge of restrictive covenants, we submitted a copy of a Restrictive Covenant relating to ALL agricultural land within the Stanmer Estate but were told that covenants 'are not a planning matter'. We have yet to receive any confirmation that the land has been released.
7. Brighton Corporation purchased the Chichester Estate in 1947 in order to protect Brighton's drinking water, supplied from the chalk aquifer beneath, and to protect against development.
8. Given Southern Water's recent history, can any of us feel confident that there is even enough clean water supply to accommodate Brighton's existing population?
9. Brexit, Climate Emergency and Covid-19 have all taken their toll since CPP1 and the UFA were produced, with the full impact on local economy and communities yet to be determined, but there can be little doubt of the therapeutic necessity of direct access to nature for resilient mental health.
The negative impact of the loss of essential green belt (62 trees will be felled in Coldean Lane) on biodiversity and community health has not yet been quantified.

In light of these crises, the way farmland and natural resources are managed in and around the city requires urgent reconsideration.

APPENDIX 3

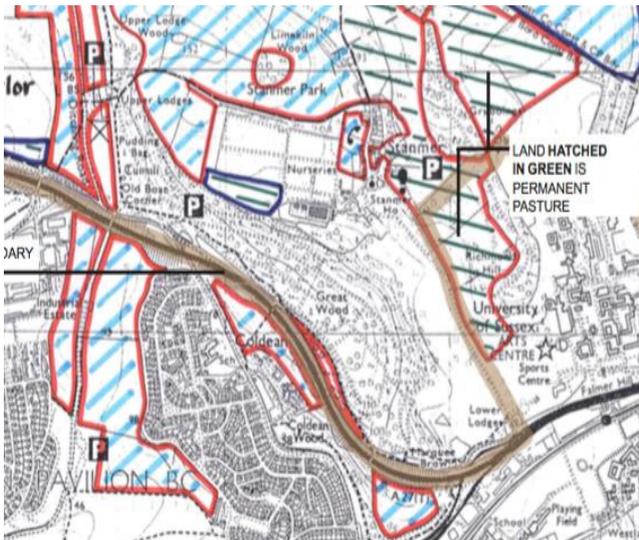
Supplementary documentation to support the delegation of the Coldean Residents:

In response to our complaint that the s106 agreement had not been completed by 30 October 2019, [REDACTED] the Planning Solicitor, stated in March 2020:

Application ref. BH2018/03541 was considered at Planning Committee on 10 July 2019 and was a composite application for both operational development and change of use. The current position on the lease is that it has not yet been granted as archaeological and ground investigations need to be completed. Although the Head of Planning was authorised to refuse permission should the s106 obligation not have been completed by 30 October 2019, this was not a direction and hence the Head of Planning could decide not to act on the authorisation;

In April 2020, Hilary Woodward stated:

In response to your concerns about the change of use involved in the application, the application was for residential development, which on the basis that the development site was a "disused field", the last use of which was "agriculture" (as stated in the application) it is clear that the development would involve a change of use. The principle of developing the site for residential use was considered in the report. We were unable to find any such reference in the report.



This map shows the agricultural land around Brighton in 2003. The Coldean site was clearly part of the agricultural tenancy of Stanmer Home Farm, and the photograph shows the current 'Farm' gate at the Varley Halls entrance to the Coldean site.

It is not



surprising that members of the planning committee were unaware of the composite nature of BH2018/03541 as this is (allegedly) the Change of Use application. It shows quite clearly that the Coldean site remains agricultural land but we have yet to discover when or why the field fell into disuse.

6. Existing Use
Please describe the current use of the site
<input type="text" value="The site is currently a disused field"/>
Is the site currently vacant? <input checked="" type="radio"/> Yes <input type="radio"/> No
If Yes, please describe the last use of the site
<input type="text" value="Agriculture"/>

In April 2019, [REDACTED] stated: As far as planning is concerned, the site wasn't restricted to agricultural use. In fact it has been designated for housing. The site designations were discussed in full and included in the report that went to committee.

We have been unable to find any references in the report that the site designation was discussed at all.

This is a sample of the Restrictive Covenants that should have applied across the whole of the Chichester Estates. We have yet to receive any documentation showing that the covenant no longer applies or that the land has been released.

"THE Purchaser hereby covenants with the Vendor to the intent that the burden of this covenant may run with and bind the property transferred and every part thereof and to the intent that the benefit thereof may be annexed to and run with each and every part of the Vendor's Stanmer Estate remaining unsold at the date hereof not to use the property transferred otherwise than as agricultural land and such word shall bear the same meaning as the bear in the Agriculture Act 1947."

At the time of the Downland Sell Off programme in 2016, the SDNPA stated:

In all meetings SDNPA officers had made clear the concerns about the potential impacts of any sales/transfers on the special qualities of the National Park, and that many possible changes in land use after a sale might be agricultural in nature and would not come within the planning regime. The Authority had been assured that there was no intention within BHCC to look at sales of land within its core downland estate. Any such move would, of course, be of great concern to the SDNPA.

Although development of the Estate agricultural land is not a sale, it does represent a transfer of the land and the views of the SDNP were spelt out in their strong objection:

The current application proposes 250 dwellings within 6 no. six and seven storey blocks. Whilst the SDNPA notes that the intention to deliver at 50-100% of the site as affordable housing, 250 dwellings is a significantly larger number than the current draft allocation and the degree of development proposed would be a form of overdevelopment of an inappropriate scale and density for this hillside urban fringe location within the setting of the SDNP. It would also appear to conflict

[REDACTED]

[REDACTED]

with Policy SA4 of the City Plan Part One, and with the proposed designation of the site as a Local Nature Reserve. Accordingly the SDNPA **objects** to the proposals.

APPENDIX 4

- Deputation concerning, : Whitehawk Hill
Spokesperson – [REDACTED]

Brighton Council want to build on our Ancient Monument at Whitehawk Hill and the Racehill. Land which is a protected area by Boundary Stones.
We have always been told this area (Whitehawk) is an area of deprivation and it is already overcrowded now. With many people on benefits, or very low incomes, plus many have poor physical and mental health issues.
We need to improve the area not make it worse.

The infrastructure is badly thought out with one main Road in, with branches leading off like a tree.

If allowed to build the road leading to the Racehill, it will be built right by the windows of the 2 blocks of flats Kingfisher and Swallow Court.

We have a really high concentration of residents because of all the constant building that has been going on over the years with NO parking spaces provided. The Council insists on cramming so many people into our small valley.
Time this was stopped! Please do not make Whitehawk any more crowded than it is already!

When it rains the water gushes down the Hill, and it will be a lot worse if a road was built.

Cars are already parking on our pavements and green areas and our environment is being destroyed.

Remember Whitehawk Hill is a unique Nature Reserve and we want and need to protect it. There are many rare plants and wildlife there.

3500 reptiles were relocated from Mile Oak last year. Do we really need to move them again it will not do them a lot of good and a lot will die.

The Foxes and Badgers need our Hill as well as the rest of the wildlife.

Whitehawk people should not be forced to choose between their Green Environment and their right to a home. We deserve both.

So, I appeal to you on behalf of the residents living in this beautiful area to take this area off the City Plan.

Do not destroy our unique and precious Nature Reserve!

Do not make Whitehawk more over crowded than it already is. Take it off the City Plan permanently and give us a chance to have a decent life while living here.

Protect our Environment and Green spaces. Do not approve any buildings on our ancient Nature Reserve.

During this current pandemic this area is very well used and people are grateful for the Green space which we do not want destroyed but looked after. A group has been formed to do this task.

We have had qualified ecologists study the Hill with great results of different species of insects and Butterflies and rare plants. I believe the Councillors have no qualifications or understand all that has been written about our area. Or they are just not interested.

Our Councillors and some of the Green Party were fully on board with us on the campaign but voted against us when there was a vote at Council.

The residents deserve better than this. Whitehawk Hill is older than Stonehenge!

APPENDIX 5

Case for Local Green Space Designation in City Plan Part 2 – Whitehawk Hill

Whitehawk Hill and Race Hill were not identified as a site to be brought forward for potential designation as a Local Green Space in the 2014 Urban Fringe Assessment. It is not clear why this was the case, as the site appears to fulfil all of the criteria of paragraph 77 of the National Planning Policy Framework, namely; 'The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and where the green area concerned is local in character and is not an extensive tract of land.'

Taking these one by one;

- Whitehawk Hill and Race Hill are adjacent to Whitehawk, Craven Vale and the Bristol Estate, as well as close to, and well used by, residents in Kempton, Hanover, Queen's Park, the areas either side of Elm Grove and Bear Road, and parts of Woodingdean.
- Many residents in the areas close to Whitehawk Hill and Race Hill say that it is special and important to them. It has been celebrated, enjoyed and written about by a wide public for two hundred years. (See 'Where the Turf Meets the Surf', David Bangs, 2004).
- Most people would agree that it is beautiful, and includes and supports features that are beautiful.
- It includes a Scheduled Ancient Monument - a Neolithic Causewayed Camp - which is one of the UK's ten best preserved examples of this category of monument, and an Archaeological Notification Area which forms its immediate visual and archaeological context.
- We know it because of Brighton Rock - Richard Attenborough's film and Graham Greene's book - and The Prince Regent's love of racing. It is a historic, prehistoric, and geohistoric landscape, which book-ends the whole sweep of the Sussex coastal plain. It is well used and loved by local residents on a daily basis throughout the year for a range of recreational activities.
- Despite its location next to built-up areas it has qualities of tranquillity. It is certainly an area of relative tranquillity in a local context. It has a statutorily designated Local Nature Reserve, supports a range of notable species and has been described as 'one of the best wildlife sites in Sussex'. It is not clear why, despite meeting all of the criteria, Whitehawk Hill and Race Hill was not suggested by the authors of the 2014 UFA. No supporting evidence, such as a matrix indicating which sites met or did not meet the criteria, is presented by them in support of the sites they selected, or excluded.

The UFA also states that the four sites they did identify are "green wedges" into the urban area, which act as wildlife corridors and important routes for people wishing to access the South Downs'. Whitehawk Hill and Race Hill is just such a 'green wedge' (between Whitehawk and development to its west, for example), as well as a wildlife corridor (no positive evidence was advanced for this being the case for the four sites identified) and an important route for people wishing to access the South Downs. We believe it would be hard to argue to the contrary.

We believe Whitehawk Hill and Race Hill should be identified for designation as a Local Green Space in the City Plan Part 2.

A Vision for the Racecourse Landscape

In 2002, just after the Council's decision to recommend inclusion of all the Racecourse Landscape in the South Downs National Park, two senior council officers (the City Ecologist and a Senior Planner in the Conservation team) wrote a Confidential Discussion Paper entitled "A Vision for Whitehawk Hill - Race Hill - Sheepcote Valley". Discussion Document on a New Country Park and Habitat Restoration and Recreation Scheme.

Its essence was the recognition of the unitary character of The Racecourse Landscape: high, open, with a hugely important aggregate resource of wildlife and culturally important historical sites, nearly all of which is in public ownership and already in heavy usage for public recreation.

In the discussion document they proposed the unitary management for public recreation and conservation of the whole of the Racecourse Landscape within the embrace of the great horseshoe-shaped racecourse and the slopes and valleys around it.

They suggested the inclusion of Bevendean Down, which includes the north slopes of Race Hill. Most of these Bevendean Valley slopes, with an extensive Local Nature Reserve, are now within the National Park and thus outside the aegis of the City Plan.

Their Vision was bold and sensible. 'Together, Whitehawk, Race Hill, Bevendean Down and Sheepcote Valley form a major area of downland landscape. This has the potential to become a Country Park comparable in scale and, in time, quality with the Seven Sisters Country Park, the Beachy Head and Eastbourne Downland area, or even some of the great Royal Parks such as Windsor Great Park, Richmond Park and Bushey Park. The Vision is for a Country Park within which there are core areas that are Local Nature Reserves, an educational community farm, and buffer zones of amenity grassland/playing fields enhanced for wildlife and landscape'.

They envisaged a future Working Organic Conservation Farm as the main management tool for the landscape, habitat restoration, landscape

enhancements, new linear access, traffic calming, schools work, employment, rehabilitation and community work, and public events.

It is regrettable that this positive vision has been so thoroughly lost, demonstrated by the Urban Fringe Assessments and the City Plan Part 2 allocations. We believe that this positive vision should be embraced and developed.

APPENDIX 6

PETITION TO SAVE BENFIELD VALLEY

Lead Petitioner:

Councillor Dawn Barnett, [REDACTED]

Petition Text:

"I agree that Benfield Valley should be saved from development and deleted from City Plan Part 2."

Petition Link:

<https://www.brightonhoveconservativecouncillors.com/form/save-benfield-valley>

Explanatory information provided by the lead petitioner:

<https://www.brightonandhovenews.org/2020/10/09/why-i-will-never-stop-fighting-to-protect-benfield-valley-from-development/>

Verified signatures:

Online:	1,811
Paper:	94
Total:	1,905

APPENDIX 7

PETITION TO SAVE WHITEHAWK HILL; INGLESIDE STABLES; SOUTH DOWNS RIDING SCHOOL FROM DEVELOPMENT

Lead Petitioner:

Councillor Mary Mears [REDACTED].

Petition Text:

"I agree that Whitehawk Hill, Ingleside Stables and the South Downs Riding School & Reservoir should be saved from development and deleted from City Plan Part 2."

Petition Link:

<https://www.brightonhoveconservativecouncillors.com/form/petition-to-save-whitehawk-hill->

Explanatory information provided by the Lead Petitioner:

<https://www.brightonandhovenews.org/2020/09/10/why-its-time-for-a-final-stand-on-whitehawk-hill/>

Verified signatures:

Online:	1,620
Paper:	0
Total:	1,620

APPENDIX 8

PETITION TO SAVE LAND ADJOINING HORSDEAN RECREATION GROUND AND LADIES MILE ADJOINING THE LADIES MILE NATURE RESERVE FROM DEVELOPMENT

Lead Petitioner:

Councillor Alistair McNair, [REDACTED]

Petition Text:

"I agree that the Land at and adjoining Horsdean Recreation Ground, Patcham and the Land at Ladies Mile, Carden Avenue should be deleted from City Plan Part 2."

Petition Link:

<https://www.brightonhoveconservativecouncillors.com/form/petition-to-save-horsdean-recrea>

Explanatory information provided by the Lead Petitioner:

<https://www.brightonhoveconservativecouncillors.com/campaigns/patcham-councillors-petition-protect-woodland-and-green-land-development>

Verified signatures:

Online:	1,465
Paper:	139
Total:	1,604

APPENDIX 9

PETITION TO SAVE COLDEAN'S GREEN LAND FROM DEVELOPMENT

Lead Petitioner:

Councillor Robert Nemeth, [REDACTED]

Petition text:

"I agree that the Coldean urban fringe sites 'Land to north east of Coldean Lane' and 'Land north of Varley Halls, Coldean Lane' should be deleted from City Plan Part 2."

Petition Link:

<https://www.brightonhoveconservativecouncillors.com/form/save-coldean-s-green-land-from-d>

Explanatory information provided by the Lead Petitioner:

<https://www.brightonandhovenews.org/2020/09/30/we-must-grasp-this-last-lifeline-to-save-coldeans-green-spaces/>

Verified signatures:

Online:	920
Paper:	82
Total:	1,002

Subject:
Date:

RE: CPP2 - Conservative Group Submission
10 November 2020 01:18:06

[Redacted]

Thanks for your message.

We would like to be informed in the event of all of the below scenarios.

With best wishes

Cllr Robert Nemeth
Wish Ward

[Redacted]

Subject: RE: CPP2 - Conservative Group Submission

Dear Councillor Nemeth

Thank you for submitting your representation on behalf of the Conservative Group.

Please could you also provide 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.

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/delete 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/N
---	-----

Best regards

[Redacted signature block]

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

Due to the current exceptional circumstances and changed working arrangements we are currently unable to deal with incoming phone calls.

[Redacted signature block]

Subject: RE: CPP2 - Conservative Group Submission

Cheers for confirming.

Cllr Robert Nemeth
Wish Ward

[Redacted signature block]

Subject: RE: CPP2 - Conservative Group Submission

Received with thanks

[Redacted]

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

Rate your experience

We are committed to providing you services in accordance with our [Customer Promise](#). Please [tell us about your experiences](#) of using Brighton & Hove City Council services. It will take no longer than 5 minutes to complete.

[Redacted]

Subject: CPP2 - Conservative Group Submission

Hi

Please find attached the Conservative Group’s submission to the CPP2 consultation. A confirmation of safe receipt would be appreciated.

Thanks

Cllr Robert Nemeth
Wish Ward

To: planningpolicy@brighton-hove.gov.uk

For Official Use:

Respondent Number:

Date Received: / / /2020

Entered onto Portal: Yes/No

Consultation on the Draft City Plan Part Two
Brighton & Hove City Council
Planning Policy Team
1st Floor Hove Town Hall. Norton Road
Hove BN3 3BQ

28 October 2020

Dear Sir or Madam

Draft City Plan Part Two – Consultation

Here is another formal representation on the City Plan, following our 13 September 2018 representation which **received zero feedback**, apart from acknowledgement of receipt. This is how **NOT** to foster appropriate dialogue and involvement with relevant stakeholders, constituents and competent specialists.

The Council's formal **Biodiversity Duty** is not being met through a *Biosphere Reserve* designation from UNESCO. In fact, only a few years after receiving this 'green stamp' the Council made its only full time **Ecologist** redundant. There is now a core lack of ecological expertise in the Council.

One example of this lack of competence is the planning application input to the Stanmer Park Restoration Plan. It's A PARK; yet there was no mention made on the Parkland habitat or associated veteran trees and indicator species (esp. Lichens) in any responses by the Council's external advisers!

Since our 2018 response there has been an increasing awareness of the Climate Emergency. There is also Global concern about the **Environmental Emergency**. There is no response to the ecological emergency by this Council; which seeks instead to build houses and roads over the few remaining Wildlife Sites south of the National Park Boundary. One example where this happened is at Meadow Vale, Woodingdean (On appeal to Application BH2016/05530, following BH2014/02589 refusal)

Introduction

1. This is a formal response to the consultation on the Local Plan (referred to as City Plan Part 2). I [REDACTED] I have a professional background in this subject having worked with the [REDACTED], and also advised on Geological and related 'Earth Science' matters.
2. I have lived in Brighton for over 25 year and have gained extensive detailed knowledge of the local wildlife and geologically important features across Brighton and Hove.

Formal Duty to consider Biodiversity

3. Brighton and Hove City Council (BHCC) has a Formal Duty to consider Biodiversity in carrying out its functions. Guidance accompanying the NPPF states this Duty also includes Geodiversity (that is, Geological features and landscapes demonstrating Earth Science processes such as Shingle Beaches).
4. The document: '**Biodiversity duty: public authority duty to have regard to conserving biodiversity**' (Published 13 October 2014 by Natural England and DEFRA) states: "as a public authority, understand what the biodiversity duty is and how to meet it when carrying out all your activities..."
5. National Guidelines also state 'The Planning Process' is a key mechanism for implementing this Biodiversity Duty. The **BHCC City Plan** should lie at the heart of progressing Biodiversity and Geodiversity through these two essential components: **Policy** and **Site Protection**.
6. Sites are now termed Local Wildlife Site (LWS) and Local Geological Site (LGS). Over 100 sites were selected as suitable to be LWSs and LGSs by specialists and local focus groups in 2013. These have been rejected by unelected and unrepresentative officers on behalf of the Council. There was no consultation over rejecting the sites previously selected. This is both undemocratic and an insult to local specialists with an interest in Biodiversity and Geodiversity.
7. We did recommended in 2018 that the land from Pavilion Gardens, Valley Gardens and The Level up to Park Crescent should be added as a valuable wildlife corridor in the very centre of Brighton. Since then it has been virtually destroyed by landscaping and paving to create yet another shopping area.
8. An amended list of sites suitable to be selected on the City Plan as areas important for Biodiversity and Geodiversity is attached (Appendix 1). Further details were provided in the 13 September 2018 representation which need not be repeated here again.
9. These sites have been selected on the grounds: a) they are semi-natural habitats and therefore have high local biodiversity importance, b) they support large numbers of species which are representative of the local biodiversity within a wildlife depleted City, OR c) they provide an opportunity for local people to engage and learn about local Biodiversity and Geodiversity on their doorstep. This is part of a REAL natural environment here and now; not a virtual experience many miles away. (Details of need for transparent selection processes and relevant criteria are detailed below in Appendix 2)

10. We are aware advice was received, and meetings held, at a COUNTY level. Focusing purely on site selection from a County context ignores the qualities which local residents appreciate in their local greenspaces and wildlife sites. This had been especially apparent during 2020 'Lockdown'. We consider areas which support strong nesting bird populations, or reptile communities, should be included as LWSs.

Environmental Emergency

11. The Council is well aware of the current Environmental Emergency. It has been highlighted particularly by groups such as Extinction Rebellion (XR). The City Plan provides an opportunity to address the concerns highlighted in both the Environmental Emergency and Climate Emergency. Instead it addresses neither in any detail.
12. As a basic starting point we should all be able to access the information about the Biodiversity (and Geodiversity) resources which currently exist across the whole of Brighton & Hove. This is currently not possible. The Council's own website is very limited and provides an inaccurate list of just the LNRs. The City Plan maps are opaque and it is extremely difficult to link the areas to a site name, let alone learn about its Biodiversity value.
13. The City Plan needs to provide the mechanism for establishing a baseline datum on natural resources. This must also allow monitoring and future change to be assessed. It is only through accurate up-to-date data that BHCC will be able to monitor the extent of the local Environmental Emergency. It is only through accurate, current, data that **Sustainability Objectives** can be monitored.
14. The phrase "**Think Global, Act Local**" has never been more relevant. The natural environment and species across Brighton and Hove, including south from the National Park boundary are too important to be ignored and destroyed by BHCC through The City Plan's intentions!
15. Unlike in 2018, we expect to receive a detailed response to the issues raised in this representation. Not merely be ignored. We expect the sites proposed to be included within the City Plan Maps; and fully appreciate, in some cases, further survey will be needed to confirm and quantify the '**intrinsic**' wildlife / geological value of the site, and its opportunity for providing valuable experience to local people (their '**instrumental**' value)

Yours faithfully,

██████████

Appendix 1: Details for each site (Alphabetical order)

Local Wildlife Sites (LWS)

#	Second no. (Taken from BHCC 2013)	OS Grid Ref.	NAME and brief comment
1.	80	<i>39 ACRES</i> TQ 314,076	Not confirmed by BHCC. Diverse grassland/scrub. High invertebrate value. Also part of Wild Park LNR.
2.	126	<i>Abinger Road Open Space</i> , listed as 'Abinger Road Paddock'	TQ 361,1047
3.	58	<i>Argyle Road Copse</i> TQ 309,054	Should be treated as if designated' - this matches the north section of Brighton Greenway.
4.	135	<i>Balsdean Bottom Downs</i> , was listed as 'Balsdean Down'	TQ 377,046
5.	136	<i>Balsdean Downland East</i>	TQ 380,049
6.	137	<i>Balsdean Downland North</i>	TQ 381,055
7.	13	<i>Basin Road South</i>	TQ 264,045
8.	74	<i>Beaufort Terrace</i> TQ 321,049.	Missing on BHCC map. Treat as if designated. Needs adding.
9.	15	<i>Benfield Valley Golf Course</i>	TQ 262,071 also called 'Benfield Valley Central'
10.	19	<i>Benfield Valley South</i>	264,064 Appears on BHCC map as part of Benfield Valley Central
11.	121	<i>Bexhill Road (Woodingdean)</i>	TQ 365,061 Also listed as 'Land at Bexhill Road '
12.	109	<i>Black Rock Beach</i>	TQ 333,032 Needs its boundary drawn northwards to be tight . against the wall, as it currently excludes the back end of the beach.
13.	66	<i>Braeside Avenue</i>	TQ 313,094 Also named 'Braeside Avenue Scrub'
14.	48	<i>Bramble Rise Copse</i>	TQ 293,084 Site should be included. Provides an important woodland/scrub and grassland area. Acts as stepping stone across urban area for woodland birds and butterflies.
15.	49	<i>Braypool Sports Ground</i>	TQ 295,099 Was a 'NO' decision to 'Braypool'. Is this the same site?
16.	11	<i>Brighton & Hove Golf Course</i> (next to Waterhall Golf Course)	TQ 269,089 also called 'Round Hill'. This is not clearly shown. Probably uses Waterhall GC, also called 'Round Hill' (at TQ 269,084) A large area is shown on the B&HCC map. Clarify sites.

17. **59** *Brighton Greenway* TQ 310,053 Needs renaming and boundary confirmation. Was called 'Brighton Station North'
18. **110** *Brighton Marina* TQ 340,029 Confirm boundary.
19. **60** *Brighton Station* TQ 308, 056 Now completely built over. This was originally selected as urban habitat for invertebrates and ruderal plants; and used as an example of 'Best Practice' for incorporating biodiversity into urban planning. This site loss should be formally recorded in biodiversity monitoring.
20. **75** *Burstead Woods* TQ 318,073 Ensure shown as a separate LWS to Wild Park LNR, include hedge on west and reptile track to east.
21. **41** *Cardinal Newman School* TQ 297, 057 Missing on BHCC map. Needs adding. Decision:Yes.
22. **49** *Castle Hill Arable Field* TQ 374,051 Missing on BHCC map, boundary needs adding.
23. **117** *Cattle Hill* TQ 352,037. Was Ovingdean Church to Cattle Hill. Confirm name & boundary.
24. **102** *Cemeteries off Bear Road* TQ 327,056. Also called Woodvale, Extra-mural & Downs Cemeteries (off Bear Road) Brighton Borough Cemetery (south of Bear Road) appears with a different (larger) boundary to the one shown, including the access roads, Brighton and Preston Cemetery and Downs Crematorium. The cemetery to the north of Bear Road does not appear. Confirm name and boundary.
25. **102x** *Bear Road Cemeteries* TQ 332,059 Cemeteries North of Bear Road
26. **69** *Chattri Down* TQ 304,109. 'Deep Bottom & The Chattri' Ensure Deep Bottom is in LWS.
27. **69x** *Deep Bottom* TQ 304,109. Add to Chattri Down LWS
28. **111** *Cliff Road Paddock / Pasture* TQ 338,034. Missing on BHCC map. Needs adding. Decision: Yes.
29. **112** *Cliff Corner Pasture* TQ 340,033. Was called Cliff Corner. Missing on BHCC map. Needs adding. Decision: Yes. Was drawn too far north, so takes in private gardens not the paddock, and the spectacular Autumn Ladies Tresses grassland to the east (SW corner of the Roedean pitch & putt course, behind The Cliff's SE houses' back gardens) is not marked as a Local Wildlife Site. Ensure correct boundary is shown.
30. **4** *Cockroost Bottom Lynchet* TQ 249, 081. Also called 'Portslade North Slope' Decision: No
31. **3** *Cockroost Hill East* TQ 248,084
32. **2** *Cockroost Hill West* TQ 243,086

33. **83** *Coldean Lane Slopes* TQ 325,094 Clarify location and boundary. Also see Land at Coldean Lane
34. **36x** *Coney Hill* TQ 298,091 Add to BHCC map. Land is adjacent to #36
35. **36** *Coney Woods* TQ 297,090 Compare with Green Ridge and Coney Woods below
36. **140** *Coombe Farm* TQ 391,030. Listed as 'Coombe Meadow'
37. **140x** *Coombe Meadow* extended area, as above but match boundary to features on ground
38. **150** *Craven Wood* TQ 327,044. Add to BHCC list. Was not included. Clarify location and boundary. Part of Whitehawk Hill LNR. Has local group.
39. **84** *Crespin Way* TQ 323,066. Was called Crespin Way Copse
40. **70** *Ditchling Road / Woodbourne Meadow* TQ 318,081 called 'Ditchling Road SW' Add to BHCC map. Ensure this also includes Woodbourne Meadow. Has a Local 'Friends Group'.
41. **63** *Dorothy Stringer* TQ 308,071. Named 'Dorothy Stringer Wildlife Area'
42. **25** *Dyke Road Strip* TQ 275,089. Needs adding to BHCC map. Decision: Yes.
43. **16** *Dyke Trail* TQ 266,085. Needs adding to BHCC map. Decision: Yes.
44. **115** *East Brighton Golf Course* TQ 347,042. Missing on BHCC map. Needs adding. Decision: Yes. Mistakenly labelled Sheepcote Valley, which is to west.
45. **31** *East Hill*, also called 'Casterbridge Farm' TQ 285,112. Needs adding to BHCC map. Decision: Yes.
46. **10** *Emmaus Gardens and St Nicolas* TQ 256,063. Needs adding to BHCC map. Decision: Yes.
47. **67** *Ewe Bottom (Standean Cottage Down)* TQ 303,098. Ewe Bottom Hill is site to west, add the field to west of Ewe Bottom. Needs adding to BHCC map. Decision: Yes.
48. **67x** *Ewe Bottom fields to west*, see above LWS. Add as extension to Ewe Bottom fields, same botanical interest plus follows features in the field.
49. **93** *Falmer Hill* TQ 348,076. Needs adding to BHCC map. Decision: Yes.
50. **123** *Bostle Bottom (Field E of Woodingdean)* TQ 372,047. Also named: Scrub East of Woodingdean Needs adding to BHCC map. Decision: Yes - but confirm site name.
51. **122a** *Field near Ravenswood Drive / Cowley Drive* TQ 365,045. Also named: Field off Ravenswood Drive. Confirm name.
52. **12** *Foredown Ridge Eastern Side* TQ 254,082. Also called 'New Barn Farm Slope' Needs adding to BHCC map. Decision: Yes.

53. **36** *Green Ridge* TQ 294,087. Also named: Green Ridge and Coney Woods. Separate out to two separate LWSs. Add 36x Coney Hill to LWS.
54. **125** *Happy Valley* TQ 356,048. Also called 'Happy Valley Downland'
55. **88** *Heath Hill Down* TQ 343,065. Missing. Needs adding to BHCC map. Decision: Yes.
56. **42** *Highcroft Villas* TQ 301,060. Missing. Needs adding to BHCC map. Decision: Yes.
57. **134** *High Hill Pasture* TQ376,037. Also called High Hill Down, was listed as 'High Hill'. Confirm name and boundary on BHCC map.
58. **86** *Hodshrove Wood* TQ 333,071. Confirm boundary on BHCC map.
59. **50** *Hogtrough Bottom* TQ 295,105. Missing. Two fields need adding to BHCC map as one LWS. Decision: Yes.
60. **77** *Hollingbury Golf Course* TQ 321,076. Confirm names and boundaries on BHCC map. Many sites exist in the area including Hollingbury Fort. The LWS does not match the Wildpark LNR boundary.
61. **82** *Hollingbury Industrial Estate* TQ 322,090. Confirm boundary on BHCC map. Appears to match Crowhurst Corner, one of the conservation sheep areas. Not the whole industrial estate.
62. **76** *Hollingbury Wood* TQ 314,075. Add to BHCC Map, not the same as Golf Course LWS.
63. **120** *Honeysett* TQ 363,058. Also called: Land at 54 Crescent Drive North. Decision: No.
64. **151** *Hove Lagoon* TQ 270,046 Add to BHCC map. An important house sparrow site with a 'Friends of' Group
65. **38** *Hove Park Reservoir and Engineerium Grounds* TQ 285,065. Also listed as 'Engineerium Grounds' Needs adding to BHCC map. Decision: Should be treated as if designated
66. **94** *Land off Ashurst Road* TQ 342,077. Needs adding to BHCC map. Decision: Yes
67. **97** *Coldean Lane Slopes* TQ 333,086. Also listed as 'Land at Coldean Lane' Needs adding to BHCC map. Decision: Yes
68. **133** *Land near Whiteway Lane* TQ 375,028. Also listed as 'Whiteway Lane'. Needs adding to BHCC map. Decision: Yes
69. **71** *London Road Station* TQ 313,058. Needs adding to BHCC map. Decision: Yes
70. **152** *Longhill Road open space* TQ 362,035. Add to BHCC map. Approved as open space for wildlife in 2017 Planning Decision. Confused with Wanderdown Road Open Space
71. **139** *Looes Barn Woodland* TQ 387,034. Also listed as 'Saltdean Vale'. Needs adding to BHCC map. Decision: Yes

72. **128** *Meadow Vale* TQ 361,041. Also listed as 'Meadow Vale Paddocks'. Needs adding to BHCC map. Correct LWS boundary needs confirming. Note: this site will be lost to a new housing development and this fact needs to be formally recorded as a LOSS.
73. **4** *Mile Oak Fields* TQ 246,078. Add to BHCC map. Decision: Yes
74. **116** *Mount Pleasant (Ovingdean)* TQ 353,044. Add to BHCC map. Decision: Yes
75. **14** *North Benfield Valley* TQ 260,092. Add to BHCC map. Decision: Yes
76. **131** *Ovingdean Hall* TQ 358,036. Add to BHCC map. Decision: Yes
77. **127** *Ovingdean Road Horse Paddocks* TQ 360,044. Also named as 'Old Cottage Paddocks' Add to BHCC map. Decision: Yes
78. **40** *Park Royal & High School* TQ 302,047. Needs adding to BHCC map. Decision: Yes
79. **57** *Parkmore Terrace Railside* TQ 308,055. New boundary added. Will need correcting. Decision: 'Should be treated as if designated' Connects to Brighton Greenway LWS
80. **65** *Patcham Court Farm* TQ 302,092. Missing on BHCC map. Needs adding: Decision: 'Should be treated as if designated'
81. **141** *Quarry Field* TQ 387,027 Also named as 'Saltdean Chalk Pit' Needs adding to BHCC map. Decision: Yes
82. **78** *Queensdown* TQ 324,071. Decision: Yes + proposed LNR. Ensure this is on BHCC map with accurate boundary.
83. **47** *Redhill Sports Ground* TQ 290,081. Needs adding to BHCC map. Decision: 'Should be treated as if designated'
84. **118** *Roedean School Bank* TQ 350,036. Listed as 'Roedean School Slope ' Amend boundary. Roedean School Bank, also part of Ovingdean Grange Farm's management, should have its western boundary tight against the footpath and fence-line, whereas in places it drifts eastwards so omitting bits of the chalk grassland bank; also, the boundary should extend northwards to meet the top of the above LWS at its NW corner. Decision: Yes. Ensure this is on BHCC map with accurate boundary.
85. **132** *Rottingdean Pond* TQ 369,025. Needs adding to BHCC map. Decision: Yes
86. **72** *Roundhill Copse* TQ 317,056. Needs adding to BHCC map. Decision: 'Should be treated as if designated'
87. **113,114** *Sheepcote Valley* TQ 342,052. Listed as 2 sites 'Sheepcote Valley North / Sheepcote Valley South' All of the SNCI area of the valley is included, and also Racehill Orchard. There are some extra areas to the East of Sheepcote which seem to encroach on the golf course and right down Ovingdean. Exclude: Stanley Deason leisure centre along with its floodlit artificial football pitches and school buildings, Whitehawk football club and the adjacent caravan park and the tip / civic amenity site; there's also the formal East Brighton park, with its hard surface tennis courts, plus the manicured cricket and football pitches. Decision: Yes. Ensure this is on BHCC map with accurate boundary.

88. **6** *Sidehill Scrub* (near Mile Oak) TQ 247,066. Needs adding to BHCC map. Decision: Yes
89. **5** *Southwick Hill East* TQ 246,070. Needs adding to BHCC map. Also called Oakdene. New boundary added. Will need correcting.
90. **154** *St Anne's Wells Gardens* TQ 299,049. Add to BHCC list, important location for wildlife in the centre of Hove.
91. **17** *St Helen's Churchyard* TQ 267,072. Decision: Yes. Ensure this is on BHCC map with accurate boundary.
92. **22** *St Leonard's Churchyard* TQ 265,052. Decision: Yes. Ensure this is on BHCC map with accurate boundary.
93. **155** *St Wulfran's Woods* TQ 355,034. Boundary seems to miss out pieces of woodland. Review LWS boundary.
94. **103** *Stevenson Road Quarry* TQ 323,043. Add to BHCC list. Decision: Yes
95. **56a** *Surrenden Crescent and Surrenden Road* TQ 305,073. Decision: Yes. Add to BHCC list. Polygons need aligning accurately and Surrenden Field Copse is a separate LWS.
96. **54** *Surrenden Field Copse* TQ 301,075. Add to BHCC list. Decision: Yes. This is just the woodland east from Surrenden Field.
97. **32** *Sweet Hill Scrub / Sweet Hill West* TQ 290,101. Decision: Yes. Add to BHCC list.. Confirm names and locations.
98. **101** *Tenant, Lain & Moon's Gate Woods* TQ 347,098. Also listed as 'Lots Pond to The Ridge, Stanmer'. Needs adding to BHCC map. Decision: Yes. Semi-Natural Woodland shaw along east edge needs inclusion. Also supports badger *Meles meles* population.
99. **37** *Three Cornered Copse* TQ 285,075. Large invertebrate populations and dormouse site.
100. **157** *Pavilion Gardens, Brighton* TQ 312, 042. Add to BHCC map, important WLH site and site management includes biodiversity objectives.
101. **24a** *Toad's Hole Valley* TQ 280,075. This is the original 100 acre site. However it will be built on! Only a small amount (15 acres) retained for nature as 'East facing slope' (next site). Loss of wildlife site needs to be formally recorded.
102. **24** *Toad's Hole Valley - East Facing Slope* TQ 277,075. Decision: Yes to east facing slope; valley should be treated as if designated.
103. **159** *Wish Park* TQ 271,050. Add to BHCC map. Friends of Wish Park are an enthusiastic group close to the park and are keen to promote its wildlife.
104. **53** *Withdean Park Copse* TQ 305,079 . Adjacent to Withdean Park
105. **161** *Withdean Park* TQ 303 077 Bats, birds, invertebrates. Withdean Park 'Friends Group'

Local Nature Reserves (LNR)

These correct names are provided below. The Government's MAGIC website shows boundaries:

- 106. Beacon Hill LNR
- 107. Benfield Hill LNR
- 108. Bevendean Down LNR
- 109. Ladies' Mile LNR
- 110. Stanmer Park LNR
- 111. Whitehawk Hill LNR
- 112. Wild Park LNR
- 113. Withdean Westdene Woods LNR

Local Geological Sites (LGS)

- 114. **1160** Black Rock LGS
- 115. **1660** Friar's Bay LGS
- 116. **1675** Goldstone (Hove Park)
- 117. **1685** Stanmer Village

Appendix 2: Selecting Local Wildlife and Geological Sites. Government Guidelines

Local Sites Guidance on their Identification, Selection and Management (DEFRA, 2006. [PB 11684]) provides a framework for objectively selecting Local Sites (LWS and LGS). This highlights the need for community engagement and transparency:

32. The basis for selection needs to be transparent to anyone who wishes to understand the rationale for the decisions made. Therefore, the basis for individual site selection should be recorded, showing the species, habitats or features judged to be of substantive interest and how they were assessed against the criteria and any functions the site supports. Conversely, there may also be a need to demonstrate why a site was not selected.

The sites in Appendix 1 all fulfill the specific guidance characteristics highlighted below:

- ✦ Local Sites provide wildlife refuges for most of the UK's fauna and flora and through their connecting and buffering qualities, they complement other site networks.
- ✦ Local Sites represent local character and distinctiveness.
- ✦ Local Sites contribute to the quality of life and the well-being of the community, with many sites providing opportunities for research and education
- ✦ "Sites within the series may also have an important role in contributing to the public enjoyment of nature conservation"
- ✦ **Treatment within the Planning System:** Local authorities are expected to protect all open space required by communities and they should assess community needs for open space, sport and recreation and carry out audits of open space and sporting and recreational facilities. It recognises that open space of high quality or of particular value to a local community should be identified and given protection by local authorities through appropriate policies in plans. Areas of particular quality may include open spaces that also benefit biodiversity and geodiversity.
- ✦ **Record reasons for selection of each site**
 - 32. The basis for selection needs to be transparent to anyone who wishes to understand the rationale for the decisions made. Therefore, the basis for individual site selection should be recorded, showing the species, habitats or features judged to be of substantive interest and how they were assessed against the criteria and any functions the site supports.
 - 39. The selection of Local Sites to help sustain biodiversity should be founded on national, regional and local biodiversity priorities. Other habitats and species features should also be considered if they contribute substantially to local natural character, even if they are not selected as priorities within the local BAP. ... Therefore, this national guidance simply provides a standard framework against which to structure assessment of local nature conservation priorities, rather than a rigid set of rules.
 - 48. Similarly what counts as 'substantive' in one area with substantially less natural space or lacking natural interest, may be much smaller than a site qualifying as substantive in another. The criteria and evaluation of sites within an administrative area will need to reflect such local contrasts, so that where an administrative area includes contrasting areas, criteria will need to cover both contexts.

Annex C:

Typicalness Generally, Local Sites will not be typical of the landscapes in which they are found; their designation is likely to reflect the fact that they are special in some way. Rather, their value lies in them exemplifying a type of habitat, geological feature, or a population of a species, that is characteristic of the natural components of the landscape in which they are found.

- ✧ **Connectivity within the landscape** Besides being of intrinsic interest themselves and directly supporting wildlife within their boundaries, Local Sites also have an important role in supporting populations of species within the wider landscape. Such species may not depend on any single site or piece of habitat but rather require a habitat resource which is comprised of numerous patches which though dispersed, are accessible and are potentially parts of a functional network.
- ✧ **Value for Appreciation of Nature** In populous areas that are poorer in high quality natural environment, sites of lesser intrinsic ecological or geological interest may still be of substantive nature conservation value for the opportunities they provide for the appreciation of nature.
- ✧ **Value for learning** Today, there is an equal need to provide sites for local educational use to enable people of all ages to learn about and better understand the natural world around them.

Reference: DEFRA, 2006, Local Sites Guidance on their Identification, Selection and Management [PB 11684]

[END]



Subject:
Date:



RE: Proposed Submission City Plan Part Two
22 October 2020 17:03:24



Thank you for clarifying this.

Regards



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Subject: Re: Proposed Submission City Plan Part Two

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

Hi Planning Policy Team

I've edited the tables below.

Please note that I've changed the text in the Marina section - and this new text should be used.



On 22/10/2020 08:53, PlanningPolicy wrote:



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

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	N
--	----------

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.

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--	----------

Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

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[Redacted]
[Redacted]
[Redacted] Submission City Plan Part Two

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Hi
Thanks for opportunity to respond

A couple of areas to comment on the I have knowlege of:

Top/East end of Ladies Mile Rd - new housing

Ladies Mile Road is unusual in being a long road with limited access - no roads into it from the north (after Warmdene Rd) and quite constricted hilly roads to the south.

This makes it very slow to access and for a long stretch at the west end (east of Warmdene Rd) cars are parked on both sides, making it single-track, and traffic can be busy.

These are 2 schools west of Warmdene Rd.

So if access to the new houses is from Ladies Mile Rd it will exacerbate an existing problem.

It would make sense to have access from Carden Avenue which the site is right next to.

Surrenden Rd

This road has a wide 7m grass verge to the north and a 15m wide grass strip to the south. It is designated a 'Local Wildlife Site'

The north side is crossed by driveways to the many adjacent houses, so that designation seems to serve no useful purpose.

The road is usually reduced to single-lane by parking, particularly at the east end, and is thus hazardous to traverse.

A solution that would improve road safety be to convert the narrow grassy area to the north into parking bays and make the road no-parking.

Marina DM14

I'm aware of the recent planning meeting on the proposed new flats.

There was an article:

<https://www.brightonandhove news.org/2020/10/01/councillor-brands-brighton-marina-tower-plan-as-poundshop-dubai/>

If the image of the new harbour wall (marked in red on the map) is genuine (as it looks an odd shape) it will virtually stop boats being able to get in and out.

Currently the channel, between buoys, is quite narrow and runs in a wide curve, so is *not too safe* when passing a boat coming in the opposite direction.

In the summer there was a programme of dredging but the end result seems to be a lot shallower in places than the marina hoped and claimed. In fact the marina still cannot be used for boat movements 2 hours either side of low water (so 8 hours a day!) (by decree). There is a dredging plan but it is said it will take 5 years to restore reasonable depths. The marina was built having deep water, and the question is how has it silted up (such that there is less than 3 feet at many berths at low water and mud is visible against the inside of the outer breakwater (ie what would have been the deepest water)). The main consensus is that the marina was designed to have a water-rotating action when the tide ran past the entrance, but when the last set of 2 blocks of flats were built, the pier was removed (water would have run under it) and the replaced with solid foundations - so stopping the flow. This water

flow was probably aimed at refreshing the water or scouring, but its effect now seems to be to bring in sediment from outside and dump it (as there is no other sizeable obvious source of sediment).

In DM14 2.130 it says: 'The Marina provides a mix of housing, shopping, commercial, leisure and recreational buildings in addition to being a working harbour. This creates a unique commercial and leisure environment.' The marina management need to affirm that they will put a priority on serving the recreational boating & commercial fishing community for whom it exists, rather than maximising return.

So could you:

- ensure that the marina entrance channel location does not get any narrower than it is at present, and ideally wider (and deeper).
- make it a condition of any building work that the marina is dredged to, and kept at, a depth of at least 2 meters below chart datum (at no extra expense to berth holders).



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[Redacted]

[Redacted]

[Redacted]

Subject:

SSA3 - City Plan Part 2 Lyon Close - proposals for tall buildings

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

I would like to comment on the proposals for development of Lyon Close, in relation to the proposals for tall buildings.

It is my view that this is not a suitable area for tall buildings over 6 story's. Therefore I strongly advise capping to 6 storey's as an absolute maximum.

Thank you

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

Subject:

[REDACTED]

City Plan 2

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

I would like to comment on the CPP2 relating to SSA3 Lyon Close.

As a local resident of over 20 years, I am opposed to the overdevelopment which is taking place in this area. The area is not suitable for tall buildings, and those that have been built have been hard to sell. The developments are not offering what is wanted or needed.

We need a coordinated overview of development in this area, as each planning application is made based on "they let them build one last time, so let's apply to build another one". No – this is a residential area with a good mix of age groups, including lots of older people, and school aged children. Development should take into account the future needs of this population not aim to fulfil some number requirement for housing, regardless of what it is or how much it costs.

Recent buildings are not in keeping with the area at all, being boxy high rises which you could see anywhere in the world. Not reflecting the style or design of the local area at all. The tall buildings are creating a sunless wind corridor, and over shadowing current residents homes, changing the nature of the area for the worse.

This area needs affordable housing for our children to grow up to move into, and family housing with gardens for families. High rises of 1-2 bedroom flats have limited demand in this area – hence unsold flats still there in the Artisan block.

We do need more housing, but not dense blocks. We need low rise blocks, houses with gardens and maybe even some bungalows!

[REDACTED]

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 \(June 2019\)](#)

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

Yours sincerely,

Planning Policy Team

Brighton & Hove City Council

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Subject: City Plan 2 - Proposed Development on Whitehawk Hill, Ingleside Stables, Southdowns Riding School and Reservoir

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

Dear Sir,

I strongly object to the proposed development above for the following reasons:-

Whitehawk Hill has a wealth of amazing, unusual wildlife including many species of Butterfly and Moths, birds and other wildlife, the plant life, I understand, includes three species of orchids. This site has been a lifeline for many during the present pandemic and I am sure it has improved the mental health of all who use the site.

The other two sites back onto open downland where there is an abundance of wildlife which would be lost forever. This area to has been appreciated by many during the pandemic.

The other issues with building on these three sites would be access. Warren Road is already gridlocked from until 9.30 a.m and again from 3 p.m in the afternoon. To add to that traffic from the town centre is always redirected onto this road when there are major activities such as marathon's etc in the town centre. The traffic calming in the Lewes Road, roads being closed for school opening times and other road works has seen an increase in traffic and subsequent road accidents. The Bus Service is not only expensive but not particularly reliable. The air pollution would increase dramatically, it is already high and those living with asthma and other lung condition already often have to stay indoors due to traffic.

I am sure there are other sites within the city that could be developed without developing the beautiful urban fringe.

Yours faithfully



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Subject:

City Plan Two - Site 30; 32 & 32a; 33

Date:

29 October 2020 12:07:59

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

City Plan Two**SITES: 30; 32 & 32a; 33**

I am writing to object to the proposed development of land at and around Brighton Racecourse.

I object to this for three main reasons:

1. The vital importance of this area as a nature reserve, open space and recreation.

The three areas outlined for development would take out part of the Nature Reserve and build on the existing stables. The Nature Reserve is the site of a rare habitat for flowers, spiders, moths, butterflies, bees, beetles and birds. Surely an enlightened Council like Brighton and Hove realise the importance of this site?

2020 has changed people's views on the importance of open spaces, particularly, in the case of Brighton & Hove, those easily-accessible areas on the fringe of the city.

There is no other place like this on the city fringe; you have to travel miles outside the urban area to the Devil's Dyke or Ditchling Beacon to experience anything like the same unspoilt downland or sense of space.

2. The ancient archeology and history of our rare causewayed camp.

Whitehawk Hill has the area's oldest building - 5,000 years old and built before Stonehenge. It is vital that we keep our ancient monuments and their surroundings intact and honoured.

3. The visual impact of buildings on the the Downs in this area.

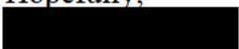
If you travel up Bear Road from Lewes Road and join Warren Road, you experience a complete change of landscape, starting near the top of the hill. The sky is huge, the view is endless, the air is fresh and there is a sense of the ancient grass downland being untouched for millennia.

If you stand at the top of Whitehawk Hill, you can see for miles around, even to the Isle of Wight.

Please keep development away from this area. It is widely used and easily accessible on foot by the thousands of residents of East Brighton, Kemp Town, Hanover, Bevendean, Whitehawk, Woodingdean, Ovingdean and Rottingdean.

The area of the Downs around Whitehawk Hill is a special gem in the crown of Brighton and Hove. Please keep it that way.

Hopefully,




[REDACTED]

[REDACTED]

Planning Policy Team

Brighton & Hove City Council

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[REDACTED]

Subject: Brighton and Hove City Plan

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

I am commenting on the Brighton and Hove City Plan. I understand that consultation finishes this evening.

I have only just been made aware of the opportunity to respond, so I do not have time to make detailed comments. I will focus on Lyons Close which is [REDACTED]

On the whole I endorse the comments made by Hove Gold who have concerns about the height of the buildings proposed, and their environmental impact on noise and the fact that the proposed buildings are neither in keeping with the character of Hove, or innovative and exciting enough to create a character of their own.

I fully endorse the need for additional social housing in Hove, and I welcome new people coming in to the area.

I don't think it is necessary for any provision to be made for cars, but possibly there is a need to enhance the public transport infrastructure locally. I would welcome more pedestrianised areas in Hove.

[REDACTED]

[REDACTED]

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Subject: CPP2 consultation

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

To BHCC Planning dept,

The CPP2 consultation questionnaire is far too detailed and time consuming for the average man on the street to contemplate, even though as local residents we are very concerned and engaged in the future vision of our area.

The SSA3 area is an easy win for the planning department for redevelopment however approved plans and forthcoming applications are a gross overdevelopment, in an unsustainable and uncharacteristic way, something which must be addressed in the City Plan 2. The amendments to CPP2 regarding Tall Buildings shows an unsuitable vision, anything above 6 storeys isn't suitable for this area and is completely out of character with the design principles that make Hove, Hove. As you can see from the comments below, the sheer number of residential units (already at 150% recommendation) will create an enormously high population density, with little provision for amenities or infrastructure.

1. CPP2 says a minimum of 300 residential units but there are 333 already built or approved, with a total pipeline of 478! HoveGold considers this massive overdevelopment with no need to continue this trend.
2. This area is not suitable for buildings over 6 storeys, so we strongly advise capping the size of buildings at 6 storeys maximum.
3. Approved applications are too tall already, and have been met with disapproval from locals with non, or borderline, compliance with BRE daylight and sunlight guidelines, light pollution, overlooking etc., in many cases
4. None of the recent applications have taken a wider view of the SSA3 area in context, certainly not a co-ordinated master-plan approach
5. Plans are approved 'stand alone' by the Committee*, however all reference previously approved tower blocks (like P&H etc). That's why SSA3 is becoming

so uncoordinated. (*the Chair of Planning specifically directed the committee members to only consider the Lyons Close development as a stand alone application and not in the wider context)

6. "Design Principles" for SSA3 has a vision to stack em high, sell em cheap. Approved buildings have been high but expensive; resulting in hard to sell, unwanted flats and empty building sites. The Design Principles document is clearly unsuitable and should be revisited with consultation from the public.
7. Creation of additional office space has been approved, immediately after the approval of conversion of office space to residential space! This makes no sense
8. New buildings have little or no sympathy to existing Goldsmid architecture.
9. The 'Design Principles' document does not provide a vision for a coherent townscape, only highrise infill.
10. 40% affordable housing is almost always missed in applications and offset with S106/CIL
11. Not enough family housing is provided (usually high density 1-2 bedroom flats with no gardens)- proven to be unsuitable during COVID

The buildings Lyon Close/Davigdor Rd which have not broken ground yet, and hope we can learn from the 'test case' of Artisan which has had issues with S106, selling shared ownership, and not even being fully occupied after 2 years.

Please make changes to CPP2 before publishing as the proposals for SSA3 are against the interests of your residents and constituents.

Best Regards



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Dear Carolyn,

Thank you for your representation 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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Yours sincerely,

Planning Policy Team
Brighton & Hove City Council

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[Redacted Signature]

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.

Dear Sir / Madam,

Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
Sites 38, 38A & 39

I strongly disagree that the farmland, proposed Sites 38, 38A & 39, set within the Ovingdean Conservation Area which borders the South Downs National Park, is suitable for housing development.

Setting of the Conservation Area

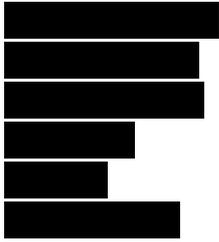
Ovingdean Conservation Area centres on the historic village which contains one Grade I and thirteen Grade II listed buildings, two buildings of local interest and an archaeological notification area. It borders the South Downs National Park. The village developed as a farming community and still retains its rural setting and agricultural history. The proposed development sites form the gateway to the north of the conservation area. There is minimal street lighting within the Conservation Area which contributes to the rural character of the village.

The proposed development of these farm sites will neither preserve nor enhance the distinctive character of the conservation area nor its setting on the edge of the SDNP. In addition, it will interrupt the important views between open downland the Grade I listed church and the village, including key views to and from Cattle Hill and Greenways.

The Conservation Area Character Statement tells us that the Ovingdean Road Area consists of vernacular cottages and converted farm buildings. Inappropriate larger 20th century buildings already dominate the smaller, older cottages. The narrow width and lack of pavements in the area greatly contribute to its character, emphasising their origins as rural farming tracks and lanes; they are totally unsuitable for the current volume of vehicle traffic and are now subject to shared space between pedestrians and cars. It is not possible that these roads could safely support the additional hundreds of car movements per day from fifty new houses.

Any housing development will have an adverse impact on the setting of the SDNP. The sites are on rising ground therefore any development will cause light and noise pollution and no amount of bee bricks or swift boxes could possibly mitigate the harm which will be caused to the existing green space which currently supports a rich variety of wildlife. Any housing development will be contrary to BHCC's proposals for Green Infrastructure and Nature Conservation.

Development of the farm sites will add to the harm already caused to the Conservation Area and the setting of the South Downs National Park and would be contrary to the appraisal set out in the Ovingdean Conservation Area Character Statement.



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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

30th October 2020

Dear Sirs,

Brighton and Hove Draft City Plan – Part Two

We welcome the publication of the Proposed Submission City Plan – Part Two, which will play a key role in planning decisions until 2030 and shape development across the city, and are grateful for your consideration of points raised in our previous representations on the Regulation 18 draft of the City Plan – Part Two.

We continue to have concerns with a number of aspects of the document which we hope can be resolved either through further amendments to the Plan or through the examination process.

As a company we were formed in the city and work with a wide range of clients throughout Brighton and Hove, many of whom have individual interests in various parts of the City Plan – Part Two. We believe we undertake the largest volume of planning applications within the city and therefore have a unique understanding of the planning process within Brighton and Hove. Where appropriate we will be submitting separate comments on the City Plan – Part Two on behalf of clients, but this letter seeks to deal with more general concerns with the City Plan – Part Two and our views on how this document could be strengthened to assist future decision-making.

We want to work alongside the City Council to help achieve their strategic aims for the city and help deliver the development that the city needs. We would welcome any opportunity to discuss these matters further.

Objectives and Timetable

The City Plan – Part Two is intended to “*ensure there is a more streamlined and straightforward set of development management policies*”, which we fully support. Concise, clear and coherent policies help enable consistent and predictable decision-making.

As with the previous iteration of the draft City Plan – Part Two, we do not feel that the document goes far enough in this respect. The Proposed Submission version still contains far too much unnecessary detail and repetition and although the Council agreed with our comments on this point and stated that steps “*to simplify supporting text and remove repetition have been taken*” in their consultation responses, the document is still 224 pages long – the exact same length as the previous draft.

Whilst the ‘supporting text’ for each policy provides a limited amount of additional useful detail, these sections are largely explanation for the policy approach taken (better left for supporting evidence documents) and reduce the overall usability of the document making it harder to navigate. Text that does not provide useful detail to the actual policy requirements should be removed in the interests of delivering a succinct document that can better guide development decisions. Policies still regularly cross-reference other policies even though there is no need for them to do so.

Out of date references

We previously made comments on the protracted timetable for the preparation of this document and the potential for the document to become outdated or ineffective before adoption. This has turned out to be the case and the recent legislative changes to the Use Classes Order, for instance, have made a number of the draft policies ‘out of date’ even prior to submission. It is not clear how the Council will seek to address this issue without a further consultation.

It is disappointing that the Council have not endeavoured to ensure these changes are addressed through revisions to the Proposed Submission City Plan – Part Two. Changes to the Use Classes Order were announced in late July and adopted on 1st September 2020 and therefore the changes should have been addressed prior to the public consultation opening on 7th September 2020. Our ability to comment on several policies is therefore hindered by the publication of policies with outdated Use Class references.

Housing need

The City Plan – Part One only seeks to deliver a proportion of the City’s housing needs (less than half) and the Council is still falling significantly short of this minimum housing requirement. This increasing shortfall has been identified by the local planning authority year-on-year through their Authority Monitoring Report. Development management policies within the City Plan – Part Two need to *positively and appropriately respond and drive improvements* in future delivery against a wide-range of recognised and established needs.

In addition to these housing needs, there are also a range of other needs that also need careful consideration (including the recovery of the cities commercial centres in the midst of a global pandemic, employment floorspace requirements, the need for a significant increase in purpose built student accommodation and identified visitor accommodation requirements).

The need for planning policies which further support and drive the delivery of new homes across the city is clearly highlighted in the conclusions of the City Plan Part One Inspector and should serve as a basis for the overall ambition and intention of the City Plan – Part Two:

“37. The City Plan Part One, as proposed to be modified, seeks to meet only 44% of the objectively assessed need for new housing. This is a very significant shortfall which has important implications for the social dimension of sustainable development. However, as noted above, the City is subject to significant constraints in finding land for new development. The target of 13,200 new homes is expressed as a minimum, which offers scope for that number to be increased when more detailed consideration of individual sites is undertaken for the preparation of the City Plan Part Two.”

Regretfully this document continues to be a missed opportunity to seriously grapple with these issues and positively and creatively shape the future of the city, despite our comments on these matters at Regulation 18 stage two years ago. Largely the proposed submission City Plan – Part Two replicates many former policies from the 2005 Local Plan that were devised in an entirely different policy context. Policies in the 2005 Local Plan were written to respond to an average annual housing need for 216 homes a year. In contrast, evidence from the City Plan – Part One examination shows that there is now an average annual housing need for 1,506 new homes a year (nearly a sevenfold increase). This increase in housing need is also partly the result of the inability of existing Local Plan policies to deliver sufficient housing over the last fifteen years.

Over the last three years the Council has delivered an average of 387 homes a year. The latest Authority Monitoring Report (for 2018/19) now identifies a minimum annual housing target of 852 new homes a year due to consistent underdelivery, a figure that the local planning authority has not come close to meeting at any point over the last ten years.

These factors all point to a severe need for new, creative solutions to deliver new housing in the city, and the need for a new suite of planning policies that will increase the volume of windfall developments that come forward over the next ten years of the City Plan period and act as a catalyst for new development.

We previously invited the City Council to critically review its overall ambition and vision for the city as these policies will shape and/or constrain its future over the next ten years. Unfortunately, no significant revision or additional allocations have been identified in the proposed submission of the City Plan – Part Two. In fact, the development management policies proposed are more restrictive and onerous than current adopted policies and may further *limit* the development of new housing rather than enabling future development.

We therefore consider that the City Plan – Part Two fails to meet the legal tests of soundness as the document has not been *positively prepared* to deliver a strategy that will adequately meet the future needs of the city, is not *justified* by the evidence base (which we have touched upon above but needs more detailed scrutiny at examination), is not *effective* as it will replicate the worsening issues that have arisen over the last fifteen years of Local Plan policies and is not *consistent with national policy* for the reasons set out above.

In addition to these fundamental objections to the strategy and approach of the local planning authority we also have specific comments on the policies that have been proposed that are set out below.

Policy DM1 – Housing Quality, Choice and Mix

The first half of this policy appears to be inconsequential in terms of decision-making. The policy speaks in general terms about matters already upheld in policy terms in other adopted policies and national planning policy. There is no need for these matters to be repeated in terms that fail to direct decision-makers any differently.

The remainder of the policy imposes a number of minimum requirements on new housing that have not been adequately justified.

Nationally Described Space Standards (criterion c)

The Space and Accessibility Standards Topic Paper states that Nationally Described Space Standards have been informally applied on applications since 2015 and that *“There has been no evidence that the application of NDSS has been generally resisted by local developers”*. Clearly it is not in the interests of applicants to resist expectations that they are expected to meet in order to secure planning consent and therefore this is not considered a good evaluation of the suitability of a proposed policy approach.

However, the Council has actively used these standards to refuse applications for otherwise good quality new homes. For example, we are dealing with one case where the Council is seeking to enforce against a conversion of a large long-term vacant house into three good quality apartments on the basis of a double bedroom within the property being 40cm³ smaller than the standard (the bedroom is used as a single occupancy room in a household of two professional sharers, but at least one is required to meet a double occupancy standard). If enforced, the city would lose a further two units of accommodation that would otherwise have been acceptable without this standard in place. A very similar issue occurred for a conversion on the same street with another property that was refused at appeal, and further examples are included in the Council’s own topic paper.

The ‘Need’ section of the Space and Accessibility Standards Topic Paper appears to focus on the housing mix evidence prepared in support of City Plan – Part One policy CP19 (Housing Mix), that has no bearing on the ‘need’ for the proposed Space Standards.

As set out in previous comments submitted by ourselves and others, the imposition of these standards will deter more innovative schemes for ‘tiny house’ projects or other creative solutions for addressing severe shortages of housing whilst still delivering good quality housing designed to address a full range of residential needs in an effective way.

The implication of requiring these minimum space standards in new properties combined with continued under-delivery of new housing could result in all new housing being less affordable

than existing homes and further worsening the city's affordability issues. Whilst the delivery of more spacious, high quality new homes is no bad thing in isolation, the resulting effect on the city's already worsening affordability problems has the potential to create far worse social and economic sustainability impacts for residents. In this context, the failure to explore and understand the viability and affordability implications of Policy DM1 is concerning.

The proposed inclusion of these standards are driven by valid ambitions to improve the quality of new homes in the city, but don't reflect the planning context of the city and ignore the genuine implications that will further constrain housing delivery – compared to if the Council relied on its existing policies addressing residential amenity, housing mix and design quality. When considered alongside the cumulative impacts of other criteria within this policy we do not believe that their inclusion in the City Plan – Part Two has been justified.

Building Regulation M4(2) Accessibility Standards (criterion d)

In addition to these space standards, the Council is also seeking to require Building Regulation M4(2) accessibility standards as a minimum for all new residential accommodation. This will likely also constrain delivery and may even prevent the conversion of some existing (and historic) buildings.

In the examination for a neighbouring authority's Plan, Mid Sussex District Council, where the local planning authority also sought to require these standards for all new residential development, the examining Inspector required this policy to be modified to only 20% of all developments of 5 or more dwellings to reflect "evidence of need". No such evidence of need has been provided by the Council in support of their own policy.

The requirement for M4(2) accessibility standards in all new residential accommodation would require step-free access into all new dwellings and into any private outdoor amenity space in a city where few development sites are located on completely flat land (and many new homes will be on split levels) and where a large number of new dwellings come forward on constrained sites and as conversions of listed buildings. The requirements for all new dwellings to meet M4(2) standards is unnecessarily obstructive to the delivery of new homes and does not reflect the actual need for dwellings of this type.

Whilst the Council's topic paper provides evidence that supports a *proportion* of new dwellings adopting higher accessibility standards, the evidence does not support a requirement for 100% of all new dwellings to meet this standard and shows that this requirement is excessive. The local planning authority have considered the viability of applying this standard across all new developments, but have paid no consideration to the *feasibility* of doing so and this needs to be reflected in the policy.

Private Outdoor Amenity Space (criterion f)

As with other policies in the proposed submission City Plan – Part Two, the requirements of criterion (f) not only replicate the requirements of saved Local Plan (2005) policies but create more onerous requirements for new development proposals.

The extant policy HO5 states:

“The planning authority will require the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development.”

In contrast, the proposed wording of Policy DM1 removes the word “where” from this requirement. The effect of this small change would require all new homes to provide an element of private outdoor amenity space regardless of circumstances. In some cases this will be problematic, such as the subdivision of building original conceived as single dwellings or for other uses. In those cases the provision of individual outdoor spaces will either not be possible, or will result in poor quality subdivisions of existing outside areas. At a minimum, criterion (f) should be included in the ‘exceptions’ part of the policy to allow balanced decisions to be made on individual applications where appropriate.

Sustainability Appraisal

We previously raised concerns about the reasonable alternatives that had been assessed to this policy approach. The Council’s response has been that the Sustainability Appraisal has assessed a “no policy approach” as an alternative to the policy. We do not consider this to be sufficient. A ‘no policy approach’ is not the same as having a policy on Housing Quality without prescriptive standards. The Sustainability Appraisal still fails to assess these detailed requirements against strategic objectives.

More prescriptive requirements will prevent more innovative approaches to addressing the city’s serious housing needs and homelessness problems. It will prevent projects from the Tiny House Movement from emerging in the city, and it will prevent unique solutions to difficult, constrained sites and other creative solutions to housing issues. It imposes standards that prevent more efficient uses of existing buildings under residential conversions (and has done so already when it has been applied by the Planning department without adoption), leading to inefficient use of land or less sustainable approaches to construction (i.e. rebuild rather than reuse).

Summary

Any policies that further constrain the delivery of new and affordable housing within the city should not be brought forward without a clear justification and viability assessment, and a genuine strategy for meeting the city’s housing needs. Whilst there are clear benefits from establishing a minimum standard of accommodation, it is also clear that this policy in its

totality will suppress some potential housing delivery within the city if formally adopted. We do not consider that an appropriate balance has been struck between the desire for higher standards in new development and the dire need for new housing of all types.

We ask the Inspector to carefully consider whether the circumstances of the city support a policy that not only applies minimum space standards, but also sets a higher level of accessibility requirements than required nationally, a requirement for private outdoor amenity space in all developments (with no exceptions caveat within the policy) as well as other policy requirements in respect of CIL and, in some case, affordable housing (again below the national thresholds).

Policy DM2 - Retaining Housing and residential accommodation (C3)

This policy narrowly defines residential accommodation as C3 single dwellinghouses. Given the large demographic of young professionals and students within the city this is neither justified or appropriate and the effect of the policy is allow the loss of C4 dwellings and oppose the principle of any changes of use between C3 and C4 uses. Whilst reference is made to CP21 and DM7 in relation to changes to C4, this wording does not negate or reduce the effect of the Policy as a whole.

This would create a 'one-way street' principle for changes between residential use classes and will ultimately constrain the delivery or provision of shared houses and unfairly disadvantage specific residents and groups, increasing unaffordability amongst a group that is more likely to be on lower incomes and reliant on the private rental market. Young professionals would be disproportionately affected by this policy constraint and this may raise issues in relation to Article 14 of the Human Rights Act 1998 that don't appear to have been considered by the local planning authority.

The policy should be expanded to protect all types of residential accommodation, with an additional exception stating that:

"g) the proposed change of use would be to another residential use type and would not result in a significant loss of residential accommodation"

The Council's Health and Equalities Impact Assessment does not recognise this implication of the policy and therefore its impact on specific age groups within the city has not been assessed. We raised this issue at the previous consultation but there has been no change to the previous HEQIA assessment. In fact the Health and Equalities Impact Assessment makes no mention of 'age' at all, despite this being a protected characteristic under the Equality Act, and there are continual references to the needs of families, students, and older people throughout the City Plan – Part Two and its evidence with no notable consideration of the impacts on young adults and non-students outside of these identified groups (who account for a large proportion of future housing need).

Single individuals under the age of 35 can currently only access housing benefit at the local housing allowance rate for a single room in a shared house and therefore this demographic are treated materially differently from other groups in the housing sector. There is therefore a requirement within this demographic for the retention of good quality shared accommodation and the provision of new homes of this type in parallel with the provision of other housing types. It is therefore necessary to extend the provisions of Policy DM2 to protect other forms of housing.

Policy DM3 – Residential conversions and the retention of smaller dwellings

This policy largely reflects Policy HO9 of the 2005 Local Plan. However, as set out above, the 2005 Local Plan only sought to deliver 216 homes per year within an entirely different national and local policy context. Over a 20-year plan period this previous housing target would have resulted in the delivery of only 4,320 new homes. In contrast the Council now has an established objectively assessed housing need of 30,120 homes over the plan period, almost seven times that required under the Local Plan (2005).

The retention of policies which seek to restrict the delivery of additional housing within the City Plan – Part Two should therefore be subject to very careful consideration. Instead, the draft City Plan – Part Two further raises the size threshold that buildings must meet in order to be suitable for subdivision (from 115m² to 120m²). The justification provided for the floorspace figure chosen is set out in the Council's Space and Accessibility Standards Topic Paper. The Topic Paper states that the figure is chosen to allow the creation of at least one 2-bedroom, 4-person family unit and one 1-bedroom, 2-person unit.

This justification does not stand up to scrutiny as a subdivision could include a 2-bedroom, 3-person family unit, or a 1-bedroom, 1-person unit and require less floorspace than the minimum stated. The subdivision of an existing 98m² building could therefore theoretically still meet nationally described space standards. In addition, the proposal could also extend the building to deliver additional floorspace than the 'original' floorspace figure referred to in the policy. The requirement is therefore unnecessarily restrictive and would make the delivery of new homes harder than if the existing policy were to be retained instead.

This will further reduce the delivery of new homes in this form and worsen the housing crisis that national policies are seeking to address. We do not consider that this policy meets the tests of soundness as it is not positive prepared, justified, effective or consistent with national policy.

If retained the policy should be amended to set a lower threshold than the current policy and encourage further conversions where appropriate. A threshold of 100m² would better align with the Nationally Described Space Standards as suggested by the local planning authority.

The reference to the size of a building "as originally built" should be better defined to provide clarity. Defining this as the size of the building as at 1948 would provide consistency with

case law, as currently the policy excludes any later additions, regardless of when the building was extended.

The policy wording of the extant Local Plan (2005) policy HO9 has caused issues of interpretation and been inconsistently applied across the city. These issues of interpretation would be replicated in the proposed policy. The phrase “*suitable for family occupation*” should be better defined. In the supporting text this states “(i.e 2 or 3 bedroom units)” but the actual policy wording states “*suitable for family occupation and has a minimum of two bedrooms*”. It is not clear whether the requirement is simply (a) that the unit must provide two or more bedrooms (as has been the case on some applications), or (b) whether there are more specific requirements for family suitability (as has been the case on other applications) and this should be clarified.

Policy DM4 – Housing and Accommodation for Older Persons

In the previous consultation we suggested that this policy should be split into two different policies; one for new development, one resisting the loss of existing accommodation. The first three paragraphs should form the first policy and the last two paragraphs should form the second policy.

The Council’s response is that this would add unnecessarily to the number of policies in the Plan. There is no clear reason for reducing the number of policies and we still consider that splitting the policy would provide a useful distinction between the two aspects of the policy that will never overlap on the same application.

Policy DM5 – Supported Accommodation (Specialist and Vulnerable Needs)

The policy contains two lists of criteria with the same lettered references and this should be altered to avoid confusion. The addition of numbered paragraphs (as shown at Policy DM6) would address this issue.

The first paragraph could be deleted or moved to supporting text. Criterion (d) provides little planning benefit and could be removed from the policy – in some cases specialist accommodation cannot also be inclusive as it can be designed with specific end users in mind.

Policy DM6 – Build to Rent Housing

The policy could be significantly improved and simplified. Criterion 1(a) adds nothing to existing adopted policies and can be removed.

The Criterion 1(b) requirement for dwellings to be self-contained and separately let is an unnecessary requirement that provides no obvious benefit and the latter requirement would be difficult to control through the planning system.

The requirement for on-site management under criterion 1(e) is excessive and would likely make small schemes unviable or unaffordable. Although the Council have stated elsewhere that this is not seeking to require a permanent onsite management presence, this is not clear in the policy and will likely lead to issues of interpretation. There is no viability work that shows this to be an appropriate requirement. In addition, the requirement for 'professional' management is vague and undefined.

The requirement under criterion 1(f) for tenancies of at least 3 years cannot be a planning requirement. Criteria 1(g) simply references another policy and is not necessary.

Policy DM7 – Houses in Multiple Occupation (HMOs)

As set out in our comments under Policy DM2, the draft City Plan – Part Two has the effect of supporting changes of use from C4 to C3 (currently permitted development) but preventing/further restricting changes of use from C3 to C4 (currently controlled by a city-wide Article 4 direction). This will have the effect, over time, of reducing the range of housing available to residents and would disproportionately affect specific groups of residents.

No justification or evidence has been provided to justify this policy approach that could result in a shortage of housing for sharers (in particular non-student sharers as the City Plan provides for new purpose-built student accommodation). As set out above, age is a protected characteristic under the Equality Act and the 18-35 year old demographic are treated materially differently from other groups in the housing sector. There is therefore a requirement within this demographic for the retention of good quality shared accommodation and the provision of new homes of this type in parallel with the provision of other housing types. We do not consider that the current City Plan – Part Two would meet the tests of soundness on this basis.

As per the Authority Monitoring Reports published by the Council "*The city has a high number of HMOs, which have increased from 8.2% to 10.9% of all properties between 2001 and 2011*". As the Council's current policy approach (Under CP21 of the City Plan – Part One) is to refuse applications in areas with over 10% concentration of HMOs this planning policy approach will clearly already restrict the provision of newer HMO units within the city. Combined with a chronic undersupply of housing (and a housing requirement significantly below the identified need for the city), this policy approach will significantly constrain the provision of new shared housing across the city and will force young professionals out of the city.

The City Plan makes some (limited) provision for new purpose built-student housing but does nothing to protect the existing housing supply of HMOs for sharers who choose to live in

shared accommodation or cannot afford to buy their own properties. The implication of the Council's policies in this regard (combined with their aggressive approach to enforcement against existing and sometimes long-term HMO accommodation) is that certain groups within the city will be unfairly disadvantaged, with delivery falling disproportionately short of demand and increasing unaffordability for individuals in this age group. The socio-economic impacts of this are obvious and young adults will become 'priced out' of the city over time, with knock-on effects for the city's workforce.

Young adults across the city will be disproportionately affected by the inevitable adverse impacts from the continual undersupply of housing (the City Plan – Part One Inspector highlighted that the housing strategy results in “a very significant shortfall which has important implications for the social dimension of sustainable development”). These include being priced out of the market, subjected to significant rent increases that are not matched in commensurate salary increases and the inevitable impacts on quality of life that would arise as a result.

Article 14 of the Human Rights Act requires that all of the rights and freedoms must be protected and applied without discrimination. This policy approach would disproportionately impact upon certain age groups without any valid justification given.

The Council already have an adopted policy that limits the expansion of HMO accommodation in unsuitable areas (City Plan – Part One Policy CP21). The proposed policy approach would introduce even more onerous requirements with no valid justification or evidence that the existing policy provision is failing. The City Plan – Part One Inspector concluded that the Plan struck “an acceptable balance between the need for student accommodation and general housing needs” and we do not consider that this position has changed since the adoption of the City Plan – Part One. The need for additional restrictions through a further HMO policy has therefore not been justified.

The additional requirements within DM7 are complex and members of the public would not be able to navigate or understand its requirements. The system of assessing the “wider neighbourhood area” requires applicants to identify the active and lawful use of (according to the supporting text) 625 to 875 houses surrounding their property and this cannot be considered to be an appropriate requirement for applicants. No information is given to set out to applicants where they can find the information required to understand the requirements of the policy, nor are its excessive requirements justified in any form.

The policy also represents a missed opportunity for the Council to set out clearly their planning standards for HMOs and the standard of accommodation expected. Recent planning decisions have demonstrated that the Council's planning team seeks to apply standards in excess of those set out in the HMO licensing standards adopted by the Council, but they have not published any clear planning standards. This should be a priority in the City Plan – Part Two to provide certainty for applicants and ensure good standards of accommodation within HMOs across the city.

Currently there is inconsistency with the way HMO proposals are assessed. In particular, the level of communal space considered appropriate for different levels of occupation varies from officer to officer in the absence of any published planning standards. The specific standards outlined at paragraph 2.69 should form part of the policy (not supporting text) as they provide clear direction for decision-makers and applicants. Private sector licensing standards and planning requirements should be aligned to provide clarity and consistency.

We are not clear what the planning benefits of avoiding a continuous frontage of HMOs are considered to be (criterion (c)). The co-location of similar uses is likely preferable in amenity terms.

Criterion (d) cross-references Policy DM1, but the Nationally Described Space Standards do not provide minimum space standards for dwellings with single occupancy-only rooms throughout and therefore it is not clear how these standards would be applied to HMO accommodation.

DM8 – Purpose Built Student Accommodation

This policy should identify the specific standards considered acceptable by the Council (particularly in relation to criteria (b), (c) and (d)), as it currently provides no benefit to the decision-making process (with residential amenity already addressed through other policies).

The requirement for a predominance of cluster units is not well justified and this should be left to market trends. Cluster units may become less popular in the wake of the Covid-19 pandemic and the policy should allow for this. The policy already requires the provision of a suitability sized 'hub space' commensurate to the number of studio units and therefore this would still allow for social interaction without requiring cluster units.

The requirement of criterion (f) to "ensure occupants do not keep cars in Brighton & Hove" is unachievable, unjustified and excessive.

DM10 – Public Houses

This policy currently only supports the retention of public houses and should be titled accordingly or expanded to provide support for new public houses, or the improvement of existing public houses.

Policy support should be added for the diversification and improvement of existing public houses, where this provides opportunities to improve the viability of these businesses. Wording to this effect may help avoid applications that would result in the loss of public houses in the first place and before they begin to fail.

DM11 – New Business Floorspace

This policy is out of date and should be amended to reflect recent changes to the Use Classes Order as there is no longer a B1 use class.

The second half of this policy is unclear and needs clarity. The wording could be simplified to *“Development proposals that seek to upgrade lower quality premises on protected industrial estates, and/or seek to provide higher employment densities, will be supported where the proposed use/s remain within appropriate employment Use Classes”*. However, it is not clear what additional benefit this policy offers that is not already covered by part three of City Plan – Part One Policy CP3.

DM12 – Primary, Secondary and Local Centre Shopping Frontages and DM13 – Important Local Parades, Neighbourhood Parades and Individual Shop Units

As above, this policy is out-of-date as it does not reflect changes to the Use Classes Order. Its requirements can no longer be controlled as changes of use away from retail uses to other Use Class E commercial uses are no longer classified as development.

Historically we have received regular enquiries from clients seeking to introduce positive city centre uses that will generate footfall that have not progressed due to the previous restrictions of Local Plan (2005) policies. We therefore support the new flexibility introduced by the Government to revitalise commercial parades and the City Plan – Part Two should not seek to prevent appropriate new town centre uses.

DM15 – Commercial and Leisure Uses on the Seafront

As above, this policy needs revision to address changes to the Use Classes Order.

DM17 – Opportunity Areas for new Hotels and Safeguarding Conference Facilities

We fully support the policy support for new hotel development however, given the clear need for new hotel development identified in the Visitor Accommodation Study Update 2018 and the absence of any hotel site allocations in the City Plan – Part Two, we suggest that the term ‘search areas’ be replaced with “locations of opportunity” to reflect the Study Update wording. The current wording implies that hotel development should not occur outside these areas.

Ideally, the policy should support all new hotel development (in appropriate locations), identify specific allocations and ‘strongly support’ appropriate proposals in these four DA areas of opportunity (DA1, DA2, DA4 and DA6).

The Study Update highlights that “hotel companies that are keen to open new hotels in Brighton are clearly struggling to secure sites”. This policy should therefore provide additional support to new hotel development wherever suitable sites are identified.

Site Allocations

The site allocation policies also contain a number of outdated references to Use Classes that no longer exist and should be revised prior to submission.

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)

[Redacted Name]

What is your address?

[Redacted Address]

What is your email address? (Required)

[Redacted Email Address]

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

Lewis & Co Planning

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

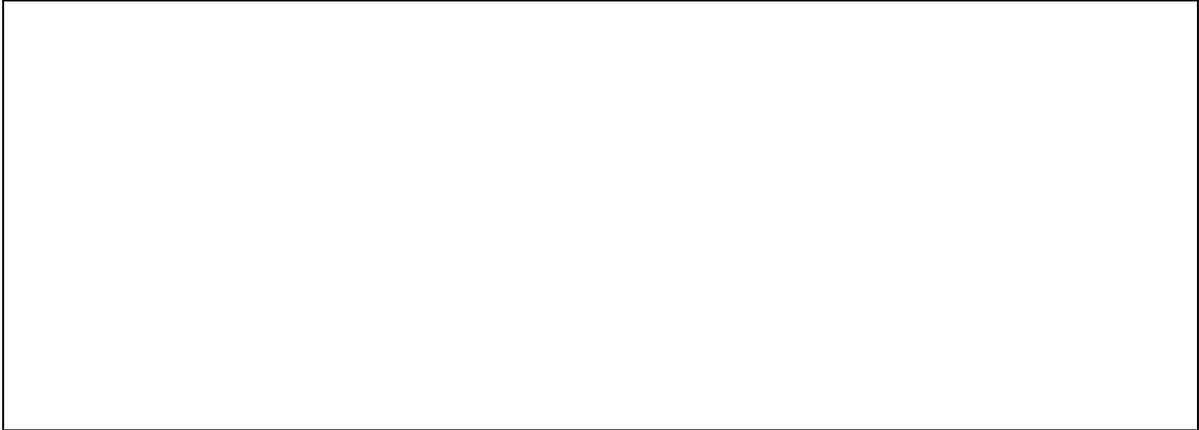
Please fill in the relevant sections for your representation(s).
Section C should be completed for policies DM1 to DM46, SA7, and SSA1 to SSA7. If you want to comment on more than one of these policies, please copy and paste section C) for each policy
Sections D to G should be completed for policies 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)**

Yes, see supporting letter.

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

A large, empty rectangular box with a thin black border, intended for the user to provide their response to the City Plan Part Two. The box is currently blank.

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

DM1, DM2, DM3, DM4, DM5, DM6, DM7, DM8, DM10, DM11, DM12, DM13, DM15, DM17 See supporting letter for detailed comments

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 checked="" type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Meets the Duty to Co-operate	<input checked="" 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 checked="" 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.

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

See supporting letter

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.

See supporting letter

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 checked="" 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.

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

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.

Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ALL SITES**
- Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- Benfield Valley
- Land at and adjoining Horsdean Recreation Ground, Patcham
- Land at Ladies Mile, Carden Avenue
- Land to north east of Coldean Lane
- Land north of Varley Halls, Coldean Lane
- Land at and adjoining Brighton Race Course
- Land at South Downs Riding School & Reservoir Site
- Land north of Warren Road (Ingleside Stables)
- Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- Land adjacent to Ovingdean and Falmer Road, Ovingdean
- Land at former nursery, Saltdean
- Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- Land west of Falmer Avenue, Saltdean

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.

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

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.

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)

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

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

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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.

Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

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

- ALL SITES**
- Lewes Road Bus Garage, Lewes Road, Brighton
- 118–132 London Road, Brighton
- 45 & 47 Hollingdean Road, Brighton

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

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

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.

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)

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)

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.

Section G E1 Opportunity site for business and warehouse uses

Please only fill this section out once

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.

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.

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)

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.

Section H Supporting Documents and Background Studies

Please only fill this section out once

Please use this section if you have any comments on the Supporting Documents and / or Supporting Evidence (Please be as precise as possible, with reference to the name of the document / studies you would like to comment on)

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

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).*

Please don't print this email unless you really need to.

Subject: RE: City Plan Part 2 - SSA7

PLEASE EXERCISE CAUTION - This message originated outside your firm.

Thank you for your prompt response. I note your explanation that you had intermittent issues with your home internet and thought that the representation had been sent on Friday 30th October, only to find the email still in your draft folder on Monday 2nd November. Whilst we will have to indicate to the Inspector that this was a late representation and the reason it was late we will accept the representation and it will be included in the submission documentation for the Inspector's consideration.

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.

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	<input type="checkbox"/>
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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](#).

Kind regards,

[Redacted]

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Due to the current exceptional circumstances and changed working arrangements we are currently unable to deal with incoming phone calls.

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]

[Redacted]
[Redacted]
[Redacted]
[Redacted] City Plan Part 2 - SSA7

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

[Redacted]

I was having intermittent issues with my home internet and thought that they have been sent on Friday, only to find the email still in my draft folder on Monday. Apologies for this.

Bearing in mind that we originally proposed the Policy on behalf of our Client who is the landowner, I trust that these can still be accepted.

Kind regards,



IMPORTANT MESSAGE:

Our approach to client service continuity during the COVID-19 outbreak

Our people are now working from home and you can email us and call us with all our usual contact details and we will continue to deliver our client service standards. Remote working and flexibility are very much at the core of DMH Stallard's culture and the way we work. Our offices are currently closed however, so please do not send us any documents by post or try to visit us. Your usual DMH Stallard contact will be able to advise you how best to deal with your specific needs and situation.

IMPORTANT MESSAGE:

Please be aware of cyber crime. DMH Stallard LLP will NOT notify changes to our bank account details by email. If you receive any communications suggesting that the firm's bank account details have changed, you should contact the firm via the number on the firm's website or headed notepaper immediately to confirm the details before making payment. Please be aware that a phishing email may contain a fraudulent phone number for DMH Stallard LLP. DMH Stallard LLP will not take responsibility if you transfer money to a wrong account.

[Redacted] and it is authorised and regulated by the Solicitors Regulation Authority. The term partner is used to refer to a member of DMH Stallard LLP. A list of the members of the LLP may be inspected at the registered office.

[Please click here to see our disclaimer](#)

Please don't print this email unless you really need to.



Subject: RE: City Plan Part 2 - SSA7

PLEASE EXERCISE CAUTION - This message originated outside your firm.

Thank you for your email. In order to be able to treat this as a late representation it would be helpful if you could provide an explanation as to why you were unable to submit this representation within the specified deadline.

Kind regards,

Due to the current exceptional circumstances and changed working arrangements we are currently unable to deal with incoming phone calls.

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]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: City Plan Part 2 - SSA7

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

Dear Sir or Madam,

We attach comments on behalf of The Community Stadium Limited in respect of Policy SSA7 of the City Plan Part 2.

It is appreciated that the deadline was on the 30th October, and apologies that they were not sent on Friday. However, I trust that you can accept these given that our Client is landowner in respect of this policy proposal.

We have tried to call to discuss, but understand you are only able to communicate via email due to current restrictions.

[REDACTED]

[REDACTED]

[REDACTED]



IMPORTANT MESSAGE:

Our approach to client service continuity during the COVID-19 outbreak

Our people are now working from home and you can email us and call us with all our usual contact details and we will continue to deliver our client service standards. Remote working and flexibility are very much at the core of DMH Stallard's culture and the way we work. Our offices are currently closed however, so please do not send us any documents by post or try to visit us. Your usual DMH Stallard contact will be able to advise you how best to deal with your specific needs and situation.

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DMH Stallard LLP is a limited liability partnership registered in England (registered number OC338287). [REDACTED] and it is authorised and regulated by the Solicitors Regulation Authority. The term partner is used to refer to a member of DMH Stallard LLP. A list of the members of the LLP may be inspected at the registered office.
[Please click here to see our disclaimer](#)

[Please don't print this email unless you really need to.](#)



Brighton & Hove City Council
Planning Policy
Town Hall
Norton Rd
Hove BN3 3BQ

Date 28 October 2020
Your ref
Our ref 0808

Dear Sir or Madam

Comments on the City Plan Part 2 (Submission)

We write on behalf of The Community Stadium Limited to submit comments in respect of the Brighton & Hove City Plan Part 2 with regards to Policy SSA7. This Policy allocates land adjacent to the American Express Community Stadium for B1a, D1 and other uses directly associated with the Stadium or Sussex or Brighton University.

Whilst we support this Policy in principle we consider that the bullet points d and g make the Policy and Plan unsound as they are not considered to be positively prepared or justified in this case.

With regards to bullet point d, it should be noted that the Community Stadium already lies in a highly sustainable location which has received significant investment due to construction and expansion of the Universities and Community Stadium. Both the Universities and Community Stadium operate under detailed Travel Plans to promote sustainable transport in compliance with Planning Conditions and Legal Agreements. The Proposed Development will be for a complementary use to these existing facilities and it is considered unnecessary and too prescriptive to require any significant additional sustainable transport infrastructure. It is considered that any significant additional sustainable transport infrastructure would not be justified, due to the highly sustainable location and the proposed uses.

With regards to bullet point g, it is considered unnecessary and unjustified to require a training place agreement given the level of training being provided already to local people throughout various aspects of The Community Stadium Limited’s business and having regard to the Proposed Development itself, which is likely to comprises elements of education use. The requirement for additional financial contributions to training, along

[Redacted]
[Redacted]
[Redacted]. Website www.dmhstallard.com

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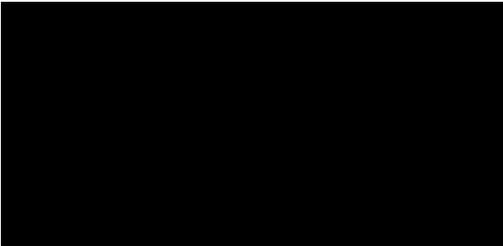


with the CIL requirements, may make any scheme unviable. It is our view that this requirement is therefore not justified.

In order to make this Policy sound we would request that:

1. removal of reference to provision of new sustainable transport infrastructure; and
2. removal of reference to the requirement for a training place agreement

Further to the above, we would like to attend the Public Examination and look forward to receiving confirmation of arrangements of this in due course. If you wish to discuss any aspect of these comments please do not hesitate to contact us.



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

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

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7

Policy Number (DM1 to SSA7)

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

DM1

Policy Title e.g. Housing and Accommodation

Housing Quality, Choice and Mix

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

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

Our client supports the principle of the policy to deliver a wide choice of high quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities.

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

Regarding criterion (a), seeking a range of dwelling types, tenures and sizes that reflect and respond to identified housing need is commendable. However, it is important that City wide need does not stipulate a housing mix for all sites and instead encourages developers to respond to site specific circumstances in the interests of creating mixed and balanced communities. This is recognised in City Plan Part 1 Policy CP19 which seeks to ensure an appropriate mix of housing across the City and Policy CP14 which recognises the need to consider the character of the neighbourhood when establishing appropriate density. To address this matter and for the policy to be justified as an appropriate strategy, we recommend removal of the word 'reflect' so that developments are instead required to 'have regard to' identified housing need and not be bound by it.

We support criterion (b) which supports other housing formats such as build to rent accommodation subject to the character, location and context of the site. This acknowledges that such formats are not appropriate on all sites and site-specific circumstances should be taken into account.

In relation to criteria (c) to (e) we support that exceptions can be made where a robust justification is provided.

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.

Please amend criterion (a) to the following:

"incorporate a range of dwelling types, tenures and sizes that have regard to the city's identified housing needs."

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 checked="" 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)

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

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

N/A

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)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7

Policy Number (DM1 to SSA7)

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

DM6

Policy Title e.g. Housing and Accommodation

Build to Rent Housing

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

	Yes	No
Legally Compliant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Meets the Duty to Co-operate	<input checked="" 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 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 recognition of the potential for build to rent housing to improve housing choice and make a positive contribution to sustainable communities is supported in principle. In addition, the removal of the criterion seeking to resist the overconcentration of build to

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

rent accommodation is welcomed. Some Strategic Allocations may be suitable for build to rent homes and it would be unduly restrictive to limit the contribution that this tenure can make to meeting housing need. The removal of this criterion is therefore considered justified.

Criterion d) states that build to rent housing should be under unified ownership and will be subject to common management. It is typical for individual buildings to be under common management but the ownership structure may vary for a variety of reasons. There are good reasons why different ownerships may be introduced during the delivery and management process most notably increased competition and value for the end consumer. Greater flexibility is required within the policy wording as ownership should not be a concern of policy. The NPPF definition of Build to Rent states that such schemes will 'typically' be professionally managed stock in single ownership and management control indicating that not all schemes will be under single ownership. Accordingly, flexibility should be incorporated into the policy wording to be consistent with national policy.

Criterion f) seeks that the development offer tenancies of at least 3 years available to all tenants with defined in-tenancy rent reviews. We welcome the clarification added at supporting text paragraph 2.48 that shorter tenancies should also be made available where tenants want these. It is considered that the policy wording should be updated to acknowledge this flexibility.

We note that Part 2(a) of the policy has been amended to seek up to 20% affordable housing at genuinely affordable levels to be agreed with the Council and taking account of the overall viability of the development. This approach is supported and recognises that the viability of build to rent schemes different from traditional residential and must be considered on a site-by-site basis. Footnote 29 referred to in the policy explains that affordable rents will generally be set no higher than the Local Housing Allowance Housing Benefit limit; however there is no further information on this limit. Supporting text paragraph 2.50 provides further detail on this noting that the Brighton & Hove Build to Rent Study 2019 indicates that build to rent schemes in the city are capable of supporting up to 20% affordable units provided at discounted rents at least 20% below equivalent local market rents. It is considered that this reference to discounted rent at 20% below market level should be incorporated into the policy wording to provide clarity to developers and to be consistent with the National Planning Policy Framework which defines affordable housing for rent as at least 20% below local market rents.

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

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

supporting text. Please do not use strikethrough text as this will not be shown in your submission.

Part 1(d) should be amended to:

“each build to rent building will be under common management.”

Part 1 (f) should be amended to:

“the development will offer tenancies of at least 3 years available to all tenants, with defined in-tenancy rent reviews, and shorter tenancies should be made available where requested by tenants.”

It is considered that part 2(a) should be amended to:

“provision of up to 20% affordable housing at genuinely affordable rents at least 20% below local market level to be agreed with the Council, taking account of the overall viability of the proposed development and subject to consideration of criteria i. to v. in Policy CP20.”

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)

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

Build to Rent housing could form a significant part of a scheme at Brighton Marina. As a key stakeholder in the Brighton Marina site allocation, it is important that X-Leisure (Brighton II) Ltd and Landsec has the opportunity to participate in discussions regarding this policy at the examination to ensure there is sufficient flexibility so not to inadvertently constrain development.

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)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7

Policy Number (DM1 to SSA7)

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

DM14

Policy Title e.g. Housing and Accommodation

Commercial and Leisure at Brighton Marina

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

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

We strongly support the identification of the special commercial and leisure offer within Brighton Marina and recognition of supporting a wider mix of uses beyond traditional retail in this location. We therefore welcome and support the amended wording to focus on commercial and leisure uses that support the vitality and viability of the Marina. This is considered justified and consistent with national policy.

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

However we note that criterion c) of the policy requires that a window display is provided to retain an active frontage. This is considered unduly onerous for all commercial and leisure uses and could inadvertently constrain those that maintain active frontages but do not have a traditional shopfront. The policy wording should be amended to remove reference to a window display to be justified.

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.

Criterion c) of the policy should be amended to:
"An active frontage is retained."

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 checked="" 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.

As a key stakeholder in the Brighton Marina site allocation, it is important that X-Leisure (Brighton II) Ltd and Landsec has the opportunity to participate in discussions regarding this policy at the examination to ensure there is sufficient flexibility so not to inadvertently constrain development.

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)

Section C Representations on policies DM1 – DM46, SA7, SSA1 to SSA7

Policy Number (DM1 to SSA7)

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

DM19

Policy Title e.g. Housing and Accommodation

Maximising Development Potential

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

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

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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.

We strongly support this policy requiring schemes to maximise opportunities for the development and use of land. We welcome the amendment of the policy wording to require residential development to optimise densities, in response to our previous representations, and consistent with NPPF paragraph 127.

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.

N/A

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 checked="" 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.

N/A

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.

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.

Subject:

Brunswick Town Association response to City Plan 2

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

Brunswick Town Association (BTA) welcomes the invitation to comment on City Plan 2, as follows

COMMERCIAL AND LEISURE USES OF SEAFRONT

DM 15. (d) Insert after 'light pollution' , and overuse

DESIGN and HERITAGE

DM 18 Welcome the importance of high quality design, and space.

DM 20. *Protection of Amenity.* This is most important in terms of a particular area, such as identified Conservation Areas

DM 22. *Design and trees*

Landscape planting prior to development to be made a legal requirement

DM 26. *Conservation Areas*

The importance of the wider environment and impact on existing Conservation areas must be identified in applications, as must the existing infrastructure's capacity to cope with more needs. - e.g.waste facilities. Overdevelopment by 'back building' is creating slums.

DM 27. *Listed buildings*

Conservation Areas and Character Statements up dating should be made a legal requirement

DM 30. *Registered Parks and Gardens*

Omission of Hove Lawns, Adelaide Crescent, Palmeira and Brunswick Squares, and Norfolk Square to be included.

Environment and Energy

DM 38. Green spaces. Omission of Hove Lawns, Adelaide Crescent, Palmeira, Brunswick, and Norfolk Squares These need legal restriction on their use. Currently, insufficient protection is available for them.

DM 39. Development of seafront. It is essential to ensure that the Hove Esplanade/Hove Sea wall is regularly maintained as a **safe** area for walkers and promenaders who simply wish to 'walk by the sea' without diversionary activities.

General comment:

The Hove seafront and its Listed Buildings, from the Peace Statue to the boundary appear to be of secondary importance in the document, and this is to be regretted. They are far too important in heritage terms to be left to serendipity and chance.

Brunswick Town Association, BTA



Helen Gregory



Subject:

REPRESENTATIONS TO PROPOSED SUBMISSION CITY PLAN PART TWO CONSULTATION

Attachments:

BAE Representations Form.pdf; L201030 SAV BAE Reps.pdf

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

Good afternoon,

**PROPOSED SUBMISSION CITY PLAN PART TWO CONSULTATION
REPRESENTATIONS MADE ON BEHALF OF BAE SYSTEMS PENSION FUND TRUSTEES LIMITED**

Please find attached representations submitted on behalf of BAE Systems Pension Fund Trustees Limited to the Proposed Submission City Plan Part Two.

We trust that the content of this response will be considered fully by the Local Planning Authority and afforded the appropriate level of weight in preparing the next version of the Local Plan. We would also welcome the opportunity to discuss the contents of the representations with Officers in due course.

I would be grateful if you could confirm receipt of these representations and continue to keep us informed of progress with the Local plan and other policy documents.

Should you require any clarification or additional information, please do not hesitate to contact us.



Before printing, think about the environment

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[REDACTED]

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Savills Advisory Services Limited. A subsidiary of Savills plc. Registered in England No 06215875. Regulated by RICS. Registered office: 33 Margaret Street, London, W1G 0JD.

Savills Commercial Limited. A subsidiary of Savills plc. Registered in England No 2605125. [REDACTED]

[REDACTED]

We are registered with the Scottish Letting Agent Register, our registration number is LARN1902057.

Please note any advice contained or attached in this email is informal and given purely as guidance unless otherwise explicitly stated. Our views on price are not intended as a formal valuation and should not be relied upon as such. They are given in the course of our estate agency role. No liability is given to any third party and the figures suggested are in accordance with Professional Standards PS1 and PS2 of the RICS Valuation – Global Standards 2017 incorporating the IVSC International Valuation Standards issued June 2017 and effective from 1 July 2017. Any advice attached is not a formal ("Red Book") valuation, and neither Savills nor the author can accept any responsibility to any third party who may seek to rely upon it, as a whole or any part as such. If formal advice is required this will be explicitly stated along with our understanding of limitations and purpose.

BEWARE OF CYBER-CRIME: Our banking details will not change during the course of a transaction. Should you receive a notification which advises a change in our bank account details, it may be fraudulent and you should notify Savills who will advise you accordingly.

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"/>

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

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 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

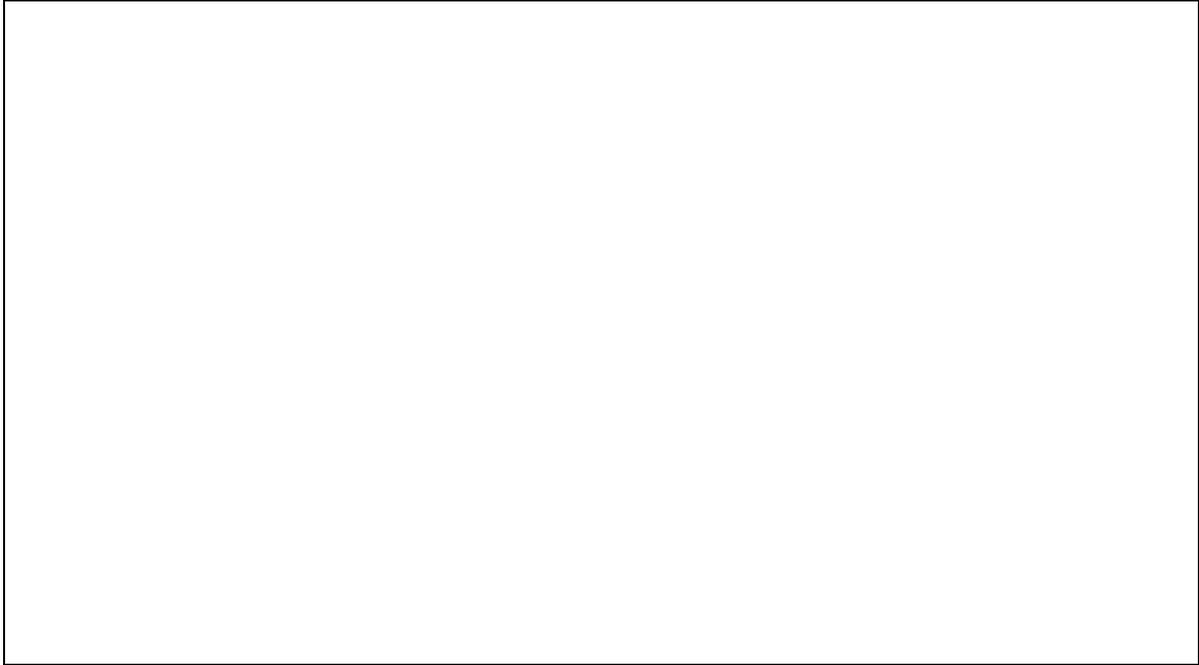
Sections D to G should be completed for policies H1, H2, H3 and E1. Please only fill out sections D-G) once.

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)**

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

A large, empty rectangular box with a thin black border, intended for the user to provide their response to the City Plan Part Two. The box occupies the upper half of the page and is currently blank.

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

SSA3

Policy Title e.g. Housing and Accommodation

Strategic Site Allocations

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

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

Please see enclosed Covering Letter for full details of representations.
--

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.

Please see enclosed Covering Letter for full details of representations.

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 checked="" 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 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.

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.

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 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.

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Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ALL SITES**
- Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- Benfield Valley
- Land at and adjoining Horsdean Recreation Ground, Patcham
- Land at Ladies Mile, Carden Avenue
- Land to north east of Coldean Lane
- Land north of Varley Halls, Coldean Lane
- Land at and adjoining Brighton Race Course
- Land at South Downs Riding School & Reservoir Site
- Land north of Warren Road (Ingleside Stables)
- Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- Land adjacent to Ovingdean and Falmer Road, Ovingdean
- Land at former nursery, Saltdean
- Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- Land west of Falmer Avenue, Saltdean

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.

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

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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)

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

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Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

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

- ALL SITES**
- Lewes Road Bus Garage, Lewes Road, Brighton
- 118–132 London Road, Brighton
- 45 & 47 Hollingdean Road, Brighton

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.

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

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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)

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)

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Section G E1 Opportunity site for business and warehouse uses

Please only fill this section out once

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.

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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)

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.

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Section H Supporting Documents and Background Studies

Please only fill this section out once

Please use this section if you have any comments on the Supporting Documents and / or Supporting Evidence (Please be as precise as possible, with reference to the name of the document / studies you would like to comment on)

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

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).*

30 October 2020
L201030 SAV BAE Reps



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



Dear Sir or Madam

**PROPOSED SUBMISSION CITY PLAN PART TWO CONSULTATION
REPRESENTATIONS MADE ON BEHALF OF BAE SYSTEMS PENSION FUND TRUSTEES LIMITED**

Introduction

We write on behalf of our client, BAE Systems Pension Fund Trustees Limited ('**BAE**') in respect of its interests in land at Davigdor Road in Hove.

This letter is submitted to provide representations to the consultation on the Proposed Submission City Plan Part Two (April 2020).

BAE owns the retail warehouses located on the south of Old Shoreham (A270) in between St Ann's Well Gardens and Hove Green (the '**Site**'). The units form part of the wider Peacock Industrial Estate which is bound by Holland Road to the west, Davigdor Road to the south and the West Coastway railway line to the north.

The Site is proposed to form part of a wider allocation for comprehensive mixed use development within the emerging City Plan Part Two, as 'Site SSA3 – Land at Lyon Close'.

In summary, BAE supports the aspirations of investment and growth within Hove and appropriate redevelopment that will help to meet the requirements of the existing and new population over the plan period. BAE would also confirm its **support** for the emerging mixed use allocation of the retail warehouse units on Davigdor Road through Policy SSA3 in the long term subject to:

1. The allocation not jeopardising the retail use and its active asset management in the medium term;
2. An increase in the residential quantum envisaged by the allocation which would be necessary to support the viable redevelopment of the retail warehouses given their high existing use value; and
3. The potential for retail uses to be retained on the Site as part of a comprehensive redevelopment pursuant to the Allocation.

The Site

As set out above, BAE's land ownership comprises two purpose built retail warehouse units located off Davigdor Road in Hove. The retail units are currently occupied by Wickes and Tapi and accessed via Lyon Close (off Davigdor Road).

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: [REDACTED]



The surrounding area comprises a mixture of commercial, light industrial and residential uses. A combination of terraced streets, new apartment blocks and older purpose built blocks are situated within the immediate area. The retail warehouse units are located immediately adjacent to part of the Peacock Industrial Estate which was granted planning permission for a new build residential development in 2019.

The Site is situated approximately 0.8 miles to the east of Hove railway station, which provides direct access to London Victoria in approximately 1 hour 5 minutes.

General Comments

The National Planning Policy Framework ('NPPF') requires all Local Plans to be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Local planning authorities should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs with sufficient flexibility to adapt to rapid change.

They should be consistent with the principles and policies of the NPPF, and should be aspirational but realistic to address spatial implication of economic, social and environmental dimensions.

As the City Plan Part Two emerges, it is important that it adheres to the requirements of the NPPF in positively promoting new development across the Local Plan area

Site Specific Allocation

The Site is proposed to form part of a wider allocation for comprehensive mixed use development in the emerging City Plan Part Two under Strategic Site Allocation 'SSA3 Land at Lyon Close, Hove'.

It is stated that the allocation will deliver a minimum of 300 homes, the retention / replacement of a minimum of 5,700 sq. m of office floorspace, expanded health facilities and ancillary, small scale retail uses. The draft allocation specifically states that should the retail warehouse units come forward for redevelopment during the plan period then the Council will seek a mix of business and residential uses.

BAE supports the principle of the emerging allocation of the Site for comprehensive redevelopment as part of the adjacent land. The intensification of the development capacity of the Site reflects its sustainable location and its potential to accommodate a successful mix of land uses including both residential and commercial uses.

The redevelopment of the Site can help to meet strategic objectives in terms of residential land supply, economic growth and employment generation within Hove in the mid to long term. It should be noted that, given the existing lease profile of commercial operators at the Site, redevelopment would only be delivered towards the end of the Plan period.

Our client does however have a number of comments in relation to the specific requirements of the Policy, which are detailed further below. We also comment on the Site Specific Policies in relation to nearby sites, where relevant.

Proposed Land Uses

Whilst BAE supports the proposed allocation of the Site for residential development and employment purposes, we consider that the Policy should also include flexibility to support the retention of retail uses. This would reflect the existing and established land use and enable the delivery of an appropriate mix of land uses. Retail uses would continue to help meet the needs of the existing shopper population as well as meeting the needs of a new residential community at the Site and within the wider allocation.

The inclusion of retail uses within the allocation that might exceed 'ancillary' definition would help to meet shopping requirements locally and contribute to creating a sustainable, mixed use development.

The Site Allocation policy should be amended to include flexibility and support for residential, employment and retail land uses. In particular, we propose that the policy text which relates to the redevelopment of the retail warehouse units at the Site be updated to read as follows:

*“Should the retail warehouse units come forward for redevelopment during the Plan period then the council will seek a mix of business, residential **and retail** uses“.*

The above alteration would ensure that the Plan is positively prepared and will make the most effective use of previously developed land. Furthermore, it would enable any future development scheme to respond appropriately to market forces in terms of what is a viable and deliverable.

We would also stress that BAE would only support the emerging Policy on the basis that it does not impact on the effective management of the current, established retail floorspace. As set out above, the redevelopment of the floorspace is only anticipated in the medium to longer term and the owner must retain the ability to asset manage the floorspace in advance of any longer term redevelopment.

The emerging Policy envisages this flexibility given it states: *‘Should the retail warehouses come forward for redevelopment...’*. This flexibility is critical and is demonstrative that, prior to comprehensive redevelopment, asset management objectives of the existing floorspace would not be considered to prejudice the longer term aspirations of the emerging Local Plan.

Residential Yield

The Strategic Site Allocation is identified to deliver a minimum of 300 homes.

As set out above, BAE supports the general approach to the intensification of the Site to include residential uses. Whilst it acknowledges the capacity quoted is a minimum threshold (and not a maximum), we would request that this be increased such that it more accurately reflects the potential of the Site and wider allocation..

The Local Planning Authority has granted planning permission / prior approval for the creation of 336 units to date on sites at 121-123 Davigdor Road, 113-119 Davigdor Road, 106-112 Davigdor Road (P&H House) and land within Peacocks Trading Estate.

Furthermore, there is a live application which is currently under consideration for an additional 43 no flats to be delivered on land formerly used for parking and circulation in association with the office use of P&H House.

The above already exceeds the quantum currently stipulated in the emerging allocation.

On the basis that the retail warehouse units have been specifically identified as suitable for residential uses, and the quantum of development required to facilitate a viable redevelopment would be significant, the minimum homes threshold should be increased to a minimum of **500 homes**. This would more accurately reflect the existing extant position and the true potential of the allocation as a ‘brownfield’ source of housing land supply (which should be optimised where possible).

The above matters will ensure that the emerging Local Plan is appropriately formulated to ensure the future development of the Site can be delivered in an appropriate manner, whilst allowing for reasonable flexibility.

Summary and Conclusion

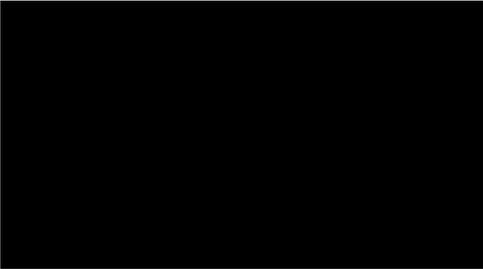
We trust that these formal representations will be afforded the appropriate weight by the LPA and assist in the formulation of the emerging City Plan Part Two.

BAE supports the principle of the allocation of the Site, subject to the detailed considerations as set out above. We would welcome the opportunity to discuss the contents of this letter with Officers in due course. The Response Form has also been completed and is included with this correspondence.

We would be grateful if you could acknowledge receipt of these representations and keep us updated of any further stages of consultation, so that we can provide comments as may be required.

Should you require any clarification or additional information, please do not hesitate to contact .

Yours faithfully

A large black rectangular redaction box covering the signature area.



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

29 October 2020

Dear Sir / Madam,

On behalf of our client Aberdeen Standard Investments ("ASI") acting on behalf of JTC Fund Solutions, hereafter referred to as "JTC", the owner of Churchill Square Shopping Centre, we write to submit representations pursuant to the Brighton and Hove consultation on the City Plan Part Two proposed submission ("CPP2").

Montagu Evans has previously submitted representations in September 2019 on the Community Infrastructure Levy ("CIL") Charging Schedule. These follow on from previous representations submitted by GL Hearn in December 2017 and June 2018 during the consultations on the Preliminary Draft Charging Schedule and Draft Charging Schedule respectively.

BACKGROUND TO REPRESENTATION

JTC owns the Churchill Square Shopping Centre which is located in Brighton, in the administrative boundary of Brighton and Hove City Council ("the Council"). The Churchill Square Shopping Centre is located in the centre of Brighton, south of Western Road and west of West Street.

The development potential of both Churchill Square and the adjoining Brighton Centre conference centre is recognised in the City Plan Part 1 ("CPP1") which allocates the Churchill Square Shopping Centre for development under Policy DA1. Policy DA1 allocates the Brighton Centre and Churchill Square area for the delivery of a new conference centre to benefit the city and wider region and to deliver a positive impact for the local economy. The strategic allocation of Churchill Square under Policy DA1 states that the proposals will be assessed against the local priorities and citywide policies.

While the onus of Policy DA1 is on the delivery of a replacement conference centre at the Brighton Centre and Churchill Square site, the Council and Aberdeen Standard on behalf of JTC have been exploring the potential for the mixed use development of the Brighton Centre and Churchill Square site. The likelihood is that the eventual development of this site is different to that currently envisaged in the policy allocation. If this materialises then it will have a bearing on the draft CPP2 policies.

The Brighton Centre and Churchill Square site is in a prime city centre location to fulfil local and regional development needs, including those identified through CPP1 and emerging CPP2 for office and workspace, housing as well as conference, entertainment and events space. However, bringing the Site forward for development presents cost challenges. These stem from the Site's physical characteristics and levels, the viability of conference and retail uses as

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proposed under Policy DA1 and the ongoing cost of running these uses. The latter two issues are further exacerbated by the current uncertain retail and events market.

Therefore exploring a mixed use scheme at the Brighton Centre and Churchill Square site ameliorates some of these viability challenges but does not overcome them. Some funding mechanisms can be utilised to facilitate the development of the site in line with the strategic allocation, such as through the Coast to Capital Local Enterprise Partnership. However, the cost and viability challenges of developing the site is further compounded by the Council pursuing CIL charging on future development on the Churchill Square Site and opting not to apply a nil CIL rate as has been adopted on other strategically allocated site with recognised and evidenced viability uncertainties, such as the Brighton Marina, Gas Works and Black Rock Area (Policy DA2).

The representations made in relation to the CIL Charging Schedule have been submitted and considered by the Council and at examination and as such we do not repeat them here. However, the information included in the previously submitted representations and iterated above provide importance background details on the challenge in bringing forward the Sites for development in line with CPP1 policy DA1. This background makes clear the importance of ensuring the policy framework within CPP2 is as supportive as possible for development coming forward on the Sites, particularly as it relates to enabling a mixed use development at Churchill Square. Therefore the above background is pertinent to our representations on the draft CPP2 as the viability gap has further widened as a consequence of recent events.

Since the submission of the last representation, the structural changes already taking place in the retail and leisure market have accelerated as a result of the pandemic. Retailing is now consolidating rather than expanding and therefore there is an urgent need for an early review of such allocations to reflect current circumstances where the balance of appropriate uses might change significantly, for example, with retail being replaced by workspace or residential floorspace. While under normal circumstances policies can be reviewed on a step by step basis, ASI believes that there is an urgent need to undertake an early review of one of the City's key allocations.

ASI wishes to work proactively with the Council to transform the Policy DA1 Site. However, as noted above, there are development challenges associated with the delivery of the sites as reflected in respective CPP1 policies. To unlock much needed development in Brighton ASI are seeking to engage and work with the Council on how the ambitions and aims of CPP1 and the emerging CPP2 can be realistically and practically implemented. Most pressingly, the requirement for an imminent review of the CIL charging schedule as it pertains to the Brighton Centre and Churchill Square site.

CITY PLAN PART 2 CONSULTATION

Brighton & Hove City Council has prepared the Proposed Submission City Plan Part 2 (CPP2) document for consultation alongside a suite of supporting documents including: updated policy maps, background studies and topic papers.

Below we will provide our consultation response on behalf of ASI on the CPP2 proposed submission document and supporting studies and papers. Our representations comprise of comments regarding the following:

- The Strategic Housing Land Availability Assessment Update (2019);
- Build to Rent Study (2019);
- Site Allocation Topic Paper (2019);

- Draft Policy DM1 Housing Quality, Choice and Mix;
- Draft Policy DM6 Build To Rent Housing;
- Draft Policy DM11 New Business Floorspace;
- Draft Policy DM12 Changes of Use within Regional, Town, District and Local Shopping Centres;
- Draft Policy DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities;
- Draft Policy DM18 High Quality Design and Places;
- Draft Policy DM19 Maximising Development Potential; and,
- Draft Policy DM36 Parking and Servicing.

CITY PLAN PART 2: BACKGROUND STUDIES

The **Strategic Housing Land Availability Assessment** ("SHLAA") update (2019) provides the latest information on the housing land supply in Brighton and Hove, an updated housing trajectory and five year housing supply position. This has been prepared in line with the National Planning Policy Framework ("NPPF") and supporting Planning Practice Guidance ("PPG").

The SHLAA update highlights the increase in the annual housing need and overall five year housing need compared with the annual housing need figure and five year housing need outlined in CPP1. The SHLAA update shows a shortfall of 1,200 dwellings against the identified five year housing need figure. This results in a projected housing supply of four years, falling short of a five year housing supply.

The inability to achieve a five year housing supply in part stems from the requirement to incorporate a 20% buffer resulting from under delivery of housing in Brighton and Hove as evidenced by the Housing Delivery Test ("HDT") results for the Council. The HDT results show the Council have achieved 76.8% housing delivery against need in the HDT period. Therefore, the Council have produced a Housing Delivery Action Plan (2019) which investigates the issues with housing delivery and identifies one particular issue with housing delivery in Brighton and Hove as the lack of available land and complexity of development sites.

Aside from an increased housing need compared to CPP1, the inability to achieve a five year housing supply also stems from the Council's inability to identify a sufficient supply of suitable, achievable and available sites to satisfy the housing need figure. This reflects in some part the physical and environmental constraints of the city. As the Council is unable to identify enough land to fulfil its housing need this should translate to policies within CPP2 which support the delivery of housing on other strategic allocation sites and other locations where housing would be an appropriate use, achievable on the site and the site is available for development.

The Council's poor housing delivery against housing need identified in the SHLAA and HDT should be recognised in the CPP2. The under delivery of housing indicates a more flexible approach to the planning policy framework should be adopted. This should include a flexible approach to mixed use development in demonstrably appropriate strategic locations. It should also highlight the impact of the CIL Charging Schedule in housing delivery and in particular the urgent need for

an early review. The specific CPP2 policies regarding housing delivery will be reviewed in more detail in the below City Plan Part 2: Proposed Submission Document discussion within this representation.

The Council has produced a **Build to Rent Study** (2019) which has been used to inform and support the build to rent policies with the CPP2. The study looks at the viability of built to rent ("BTR") schemes and outlines the justification for the methodology chosen for this study.

ASI supports the inclusion of CIL charging rates in the methodology given the implications this has for viability and the importance of setting CIL rates which do not adversely impact delivery. In addition, ASI is supportive of the study's recognition of the genuine viability challenges of providing affordable housing within BTR schemes as the study notes that the tensions between affordability and viability *"are likely to be difficult to match-up and it may be that the affordable element of BTR will need to be viewed as fulfilling a different role in the overall provision of choice within the local housing market offer as a whole"*.

ASI's view is that the affordable element within BTR developments is likely to take the form of affordable market rent. This is more compatible with the management of BTR developments and has the advantage of being fully integrated so occupants of DMR units are not segregated from those paying full rent.

CITY PLAN PART 2: TOPIC PAPERS

The Site Allocations Topic Paper (2019) highlights the need to identify further sites for development to meet, in particular, increased housing need. The Site Allocation Topic Paper recommends further strategic site allocations to be incorporated in the CPP2 which have subsequently come forward in CPP2 policies. However, as identified in the SHLAA the further site allocations via CPP2 do not meet the housing need of the area.

Through the Site Allocations Topic Paper, and in tandem with the SHLAA, the Council have reviewed representations made by landowners and developers in relation to proposed site allocations in the draft CPP2 and responded to the changes requested within these representations. Table 3 of the Site Allocations Topic Paper details the changes requested to proposed site allocation policies and the Council's actions. These include changes to site allocation land uses and changes to the indicative housing numbers of proposed site allocations to allow for more flexibility.

ASI are supportive of this flexible approach shown by the Council to the capacity and use for specific site allocations and how landowner and developer comments have been considered and incorporated into the draft submission CPP2. ASI are of the opinion this acts as a blueprint for the flexible approach to site allocation policy requirements the Council will adopt, with consistency, when discussing strategic site allocations with landowners and developers. This flexibility should include discussions on the existing Brighton Centre and Churchill Square site allocation Policy (DA1) where identified development challenges are being presented to the Council.

CITY PLAN PART 2: PROPOSED SUBMISSION DOCUMENT

The CPP2 aims to support the delivery of the spatial strategy of CPP1 by introducing detailed development management policies to guide development. As such, it is important the considerations of landowners and developers are fully considered and accounted for in the evolution of the CPP2 policies to ensure the draft policies do not impede the ability for development to come forward on strategic allocations by being overly onerous, inflexible or imprecise.

The CPP2 is proposing to introduce some key development management policies covering all aspects of planning and development management considerations. The CPP2 also introduces some further strategic site allocations. For the purposes of these representations the policies being commented on are:

- DM1 Housing Quality, Choice and Mix;
- DM6 Build To Rent Housing;
- DM11 New Business Floorspace;
- DM12 Changes of Use within Regional, Town, District and Local Shopping Centres;
- DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities;
- DM18 High Quality Design and Places;
- DM19 Maximising Development Potential;
- DM36 Parking and Servicing; and
- Section 3 (Special Area Policy, Strategic Site Allocations, Housing and Mixed Use Sites and other Site Allocations).

Policy DM1 Housing Quality, Choice and Mix provides guidance for new residential development regarding quality, choice and mix. Policy DM1 provides clear criteria which new residential development will be expected to comply with, including nationally described space standards, accessibility requirements and amenity requirements. ASI supports the ambition of this policy to help create mixed, balanced, inclusive and sustainable communities.

The CPP2 proposes a specific policy, **Policy DM6 Build to Rent Housing**, detailing the considerations proposals incorporating a Built to Rent ("BTR") element will be assessed against. ASI welcomes the inclusion of a specific policy on BTR and the resultant clarity this provides applicants. ASI is exploring the potential for a mixed use scheme at the Churchill Square which could, following discussion with the Council, incorporate an element of BTR. ASI is of the opinion that incorporating some BTR as part of a wider mixed use scheme would be beneficial to bring forward on the Churchill Square site for a range of reasons. Aside from the clear benefits of providing additional housing in Brighton and Hove, where a five year housing supply can't be achieved, ASI as landowner of the Churchill Square Site does not face land assembly issues. Successful BTR developments also benefit from the synergies of complementary facilities which a redeveloped Churchill Square would provide and which are particularly attractive to BTR tenants who also tend to prefer highly accessible locations. Finally, ASI's recent experience of reviewing the opportunities for change in its shopping centre assets is that when considering residential typologies, the BTR model is consistent with the long term management and ownership of town centre uses at lower levels, whereas the sale of residential has the potential to inhibit opportunities for future redevelopment of important town centre sites such as this.

As with all development plan policies, **Policy DM6 Build to Rent Housing** should be evidence led. The Build to Rent Study (2019) concludes that there are genuine viability challenges of providing affordable housing within BTR schemes and advises that *"affordability and viability are likely to be difficult to match-up and it may be that the affordable element of BTR will need to be viewed as fulfilling a different role in the overall provision of choice within the local housing market offer as a whole"*.

Policy DM6, in part, accommodates for these viability challenges in criterion 2(a) "*provision of up to 20% affordable housing at genuinely affordable rents to be agreed with the council²⁹, taking account of the overall viability of the proposed development*". However, footnote 29 notes that affordable rents will generally be required to be "*set no higher than the Local Housing Allowance (LHA) Housing Benefit limit*". ASI is of the opinion that for the policy to be consistent with national planning policy on BTR and in line with the conclusions of the Build to Rent Study footnote 29 should be omitted and affordable rent should be clarified as Affordable Private Rent as defined in national policy. Affordable Private Rent being at least 20% less than the private market rent for the same or equivalent property. Currently, footnote 29 is at odds with the NPPF and PPG, isn't supported by the evidence within the Built to Rent Study and doesn't positively recognise or support the range of affordable rent that could be offered through a BTR scheme, up to the 20% ceiling in Policy DM6.

Policy DM11 New Business Floorspace sets out the parameters for considering new B1a, b and c use class business floorspace, either as stand-alone development or as part of a mixed use scheme. The draft policy supports well-designed buildings suitable for the practicalities of a range of B uses. Policy DM11 provides clear guidance for the development of new business floorspace. However ASI advises, as with the wider draft CPP2, that the policy is amended to reflect the 2020 changes made to the Use Class Order. Sites such as Churchill Square are precisely the type of locations where the new flexible approach to town centre uses now captured in the changes to the Use Classes Order are likely to bring forward vibrant environments and far more variety than found in previous mono use shopping centres.

Policy DM12 Changes of Use within Regional, Town, District and Local Shopping Centres outlines detailed criterion that must be met for changes of use from existing A1 units to non-A1 units within designated shopping centres to be permitted. This policy also needs to be comprehensively reviewed in light of the changes to the Use Classes Order. The substantial shifts in shopping patterns and changes in the retail market mean this policy should be reviewed and made significantly more flexible to allow for city centre locations like Churchill Square to adapt quickly to the changing market. The criteria listed in Policy DM12 are overly onerous, restrictive and do not reflect the reality of the changing currents of retail. Furthermore, the restrictive nature of Policy DM12 makes the delivery of the strategic site allocation at Churchill Square significantly more challenging than when the policy was formulated. Therefore ASI cannot support Policy DM12 as currently drafted and request the Council amend Policy DM12 to allow for a wider range of land uses, including commercial, residential and leisure uses, to be acceptable in city centre and shopping centre locations subject to detailed considerations.

Policy DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities identifies search areas that may be suitable for new hotels as well as policy wording designed to safeguard existing conference facilities. The Churchill Square Site is listed under this policy as a potential opportunity area for new hotel development. The policy wording indicates these areas as appropriate for new hotel development and increases the potential mix of land uses for the listed search areas. The Churchill Square Site is centrally located, close to existing infrastructure and public transport connections. It is therefore a prime location to bring forward a high quality conference and events centre, supported by a mix of other appropriate uses, to enhance Brighton's status as a conference and events destination. ASI support this section of the policy as currently worded.

CPP2 contains policies produced to guide the design of development and ensure high quality places. **Policy DM18 High Quality Design and Places** provides a detailed breakdown of the key design aspects development will be considered against. Whilst the general impetus of the policy is in line with the NPPF expectation of high quality design within development, criterion "*(d) the spaces between and around buildings taking into account: (iv) comfort, image and sociability*" is vaguely worded. It isn't clear how the 'comfort' or 'image' of spaces between and around buildings can be appropriately assessed and ASI suggest this wording is improved to provide clarity for applicants. ASI appreciates more detailed guidance on the specific design considerations of proposals will come forward through the forthcoming Urban

Design Framework Supplementary Planning Document ("SPD") and welcome the clarity on the specific design considerations and expectations that will emerge through this document. ASI would welcome being involved in the formation of this SPD.

One of the core requirements of the NPPF is that development makes efficient and effective use of land, with a particular emphasis on brownfield land, to enable the delivery of much needed housing and other land uses. **Policy DM19 Maximising Development Potential** looks to enshrine the aforementioned principles of the NPPF into local policy and ASI are strongly supportive of this positive approach to maximising development in line with national policy. The policy recognises the importance of "*maximising opportunities for an appropriate mix of uses*" and ASI is supportive of this positively worded policy which is consistent with the NPPF. This process can be assisted by careful townscape analysis.

Policy DM36 Parking and Servicing outlines the Council's expectations for parking and servicing provision and standards in development. This requires parking and servicing to be in line with the standards outlined in SPD 14 Parking Standards for New Development (2016). ASI support the formalisation of the parking standards set out in the SPD in planning policy and recognises the appropriateness of a zonal approach to car parking provision based on accessibility and location. However, the Parking Standards SPD states that "*each development will be assessed on a case by case basis*" and outlines the relevant factors that will be considered in each case. Whilst this case by case approach is acknowledged in the supporting text of Policy DM36, ASI suggest this is included in the policy text for complete clarity on the factors that should be considered in the assessment of each development proposal.

Section 3 (Special Area Policy, Strategic Site Allocations, Housing and Mixed Use Sites and other Site Allocations) of the draft CPP2 allocates further sites for housing and mixed use development. The NPPF requires plans to identify enough land to meet housing need. In addition, the NPPF makes clear that planning authorities should plan positively to meet a full range of housing needs. As illustrated by the SHLAA update (2019) discussed above the Council are unable to identify a five year supply of housing to meet their need. As discussed in City Plan Part 2 Background Studies, the SLHAA identifies that the Plan falls short of meeting its annual housing need figure and can only demonstrate a four year housing supply.

Given **Section 3** of the draft CPP2 does not identify and allocate a sufficient supply of land to meet the housing need, the role of diversifying the land uses and offering of existing site allocations to deliver much needed housing should be acknowledged in Section 3. Currently, the findings of the SHLAA are not discussed or examined in the draft CPP2. ASI is of the opinion that the findings of the SHLAA should be captured in Section 3 to help shape development over the plan period and, given the requirements of national policy for the planning authority to identify land to meet its housing need, this shortfall and deviation from the NPPF requirements should be addressed.

CONCLUDING REMARKS

Overall, the draft CPP2 seeks to positively support and guide growth and development in Brighton and Hove and ASI is supportive of its objectives to facilitate the implementation and delivery of the CPP1 through detailed development management policies.

However, ASI is of the opinion that **Policies DM12, DM17 and DM18** require refinement and amendments in line with the above discussion. In addition, the draft CPP2 submission should be updated to reflect the 2020 amendments made to the Use Class Order. ASI advises **Section 3** should also include commentary on the SHLAA update and the range of other factors, such as adaptability in existing site allocations that can help meet the shortfall in housing delivery over the plan period.

ASI considers that the draft CPP2, with the suggested amendments, will provide sufficient flexibility for appropriate variations from CPP1 site allocation policies to be accommodated in response to the site specific and viability challenges on the Brighton Centre and Churchill Square allocation. ASI looks forward to working positively with the Council as they enact the flexibility enshrined in CPP2 draft policies through the development management process. ASI hope the above provides a helpful platform to begin meaningful discussion on bringing forward development at the Brighont Centre and Churchill Square Site, a review of the CIL charging schedule as it relates to the Brighton Centre and Churchill Square allocated site,

ASI is looking forward to working positively and proactively with the Council on bringing forward development on the Churchill Square site. It is important, now more than ever, that the CPP2 policies provide sufficient flexibility and support for bringing forward strategic and beneficial development on the allocated sites, in what is an increasingly challenging and changing market. The DA1 allocation is out of date and is in urgent need of a review as it impacts on other policies in the plan. We trust the contents of this representation are useful at this time and will be considered during the preparation of the CPP2 for submission to the Secretary of State. We also look forward to engaging with the Council in the coming months on facilitating development at the Brighton Centre and Churchill Square site. In the meantime, should you wish to discuss the above in further detail or require any further information please do not hesitate to contact [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



**REGENCY SOCIETY COMMENTS ON
PROPOSED SUBMISSION BRIGHTON AND HOVE CITY PLAN PART TWO**

The Regency Society has reviewed the proposed submission City Plan Part Two and would comment as follows:

We welcome the improvements which have been made in the document and the progress which has been made in implementing some of its policies, but not all the changes have been for the better and not all of our previous comments have been addressed. Policies alone are not sufficient: Council needs to act on them. We have indicated where we consider action is required, including the preparation of additional documents.

The City Plan Part Two has been a long time in gestation and is in danger of being overtaken by events. There has been an accelerated take-up of electric bicycles and electric scooters are now legal on the public highway. The extension of exemption from planning permission of conversions from retail to residential can be expected to have the same detrimental effect on the quality of the resulting housing as the exemption for office to residential conversions. Allowing blocks of flats to be extended without planning permission by up to two storeys could be very damaging, even though conservation areas are excluded.

This is a pre-Covid 19 document and we have commented on it as such. Although it is too soon to be able to comment with full hindsight on the effect it is already evident that some pre-existing trends have been accelerated. It is of course still unclear what the speed and extent of reversion to the status quo ante will be.

The increased emphasis on active travel, now at the expense of public transport as well as of private cars, is exemplified by the rapid production and implementation of the Interim Covid-19 Response Local Cycling and Walking Infrastructure Plan.

C19 has accelerated the trend towards on-line purchasing and supermarket home deliveries, increasing the number of delivery vans and reducing the potential for creating fully traffic-free areas. The effect has been to accelerate the decline of high street retail outlets and halt the growth of supermarkets and shopping centres while boosting local shopping.

Home working, with or without occasional hot-desking, was already growing before C19, which has seen an exponential growth of on-line meetings. The bounce-back in use of existing office space and demand for new can be expected to be slow and low. The knock-on effects on travel, retail and catering are as yet unpredictable.

It is unclear whether day and longer stay tourism will in the long run benefit from the fall-out of C19 as people staycation.

The folly of replacing the Brighton Centre at Black Rock had already been recognised before the outbreak of C19. Whether a 10,000 seater venue will still be required and what the future holds for Churchill Square are open questions.

We have commented, by exception, on the following sections (clause numbers in brackets are those of the Draft City Plan Part Two). [REDACTED]
[REDACTED]

Housing, Accommodation and Community

DM1 Housing Quality, Choice and Mix

Employment and Retail

DM11 New Business Floorspace

DM12 Changes of Use within Regional, Town, District and Local Shopping Centres

DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units

DM14 Commercial and Leisure Uses at Brighton Marina

DM15 Commercial and Leisure Uses on the Seafront

DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities

Design and Heritage

DM18 High Quality Design and Places

DM19 Maximising Development Potential

DM26 Conservation Areas

DM27 Listed Buildings

DM28 Locally Listed Heritage Assets

DM29 Setting of Heritage Assets

DM30 Registered Parks and Gardens

Transport and Travel

DM33 Safe, Sustainable and Active Travel

DM34 Transport Interchanges

DM35 Travel Plans and Transport Assessments

Environment and Energy

DM39 Development on the Seafront

DM44 Energy Efficiency and Renewables

Special Area Policy, Strategic Site Allocations, Housing and Mixed Use Sites and other Site Allocations

SSA1 Brighton General Hospital Site

SSA5 Madeira Terrace and Madeira Drive

HOUSING, ACCOMMODATION and COMMUNITY

DM1 Housing Quality, Choice and Mix

2.13 The term “where relevant” in relation to the provision of outdoor amenity space requires clarification, possibly by indicating where such requirements are not relevant.

EMPLOYMENT and RETAIL

DM11 New Business Floorspace

We particularly welcome the emphasis on flexibility.

DM12 Changes of Use within Regional, Town, District and Local Shopping Centres

The baseline for calculating allowable percentages for change of use should include previously converted premises.

The provision that within the Lanes and North Laine areas the change of use should not result in a group of three or more adjoining units being in non-A1 is particularly welcome.

We would encourage the residential use of the upper floors and rear areas of shops not least to secure the viability of the premises, provided it does not compromise the viability of the shop. Fire engineering can ensure fire safety where simple compliance with approved documents is not practical.

DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units

The baseline for calculating allowable percentages for change of use should include previously converted premises.

DM14 Commercial and Leisure Uses at Brighton Marina

The opportunities presented by the short remaining leases on some commercial and leisure premises and the abandonment of plans for a 10,000 seat venue at Black Rock are not taken into account by this policy. Any development at the Marina should be in the context of a masterplan for it and Black Rock.

DM15 Commercial and Leisure Uses on the Seafront

There is no specific mention of the importance of Madeira Drive as a venue for events, of the need for infrastructure to support them and of the potential of Madeira Terrace as a grandstand.

DM17 Opportunity Areas for new Hotels and Safeguarding Conference Facilities

We are glad to see that common sense has prevailed and the proposal to replace the Brighton Centre at Black Rock has been abandoned. We consider that Black Rock should be reserved for leisure and recreational use as the eastern termination of the beach and not become the site of a hotel. We do consider the Marina to be a suitable place for a new hotel.

DESIGN and HERITAGE.

DM18 High Quality Design and Places

We welcome the inclusion of the principles of a circular economy in an integrated approach to design.

The spaces around a development can be as important as those within it and should have first call on CIL and S106 funding, for public realm improvements including repaving and street trees.

2.147 (2.139) We welcome the production of detailed guidance to developers (and for Planning Committee members) in the Urban Design Framework Supplementary Planning Document, which should be adopted by the time the City Plan Part Two is adopted.

DM19 Maximising Development Potential

There is potential for the original target of 13,200 new housing units by 2030 to be exceeded by over 1,600 units. This is in part the result of current major developments exceeding their original targets, leading often to over-development with excessively tall buildings with inadequate open space between them. This produces overlooking, possible wind tunnels, restricted sun light and generally unattractive public spaces. Proposed housing schemes which would exceed the City Plan minimum by more than 50% should not normally be approved.

DM26 Conservation Areas

2.204 (2.195-196) There is still no commitment to preparing character statements and management plans, relying instead on the applicants' own assessments. Character statements and management plans should be prepared for all conservation areas that are without them.

2.205 (2.196) There is still no statement that poor condition due to neglect is not legitimate grounds for the demolition of a building which makes a positive contribution to a conservation area.

2.208 This additional clause on contemporary and innovative design is welcomed.

DM27 Listed Buildings

The policies, or at least the supporting text, should still be explicit that less interventive but still economically viable use is preferable to a more commercially viable but more heavily interventive use.

(2.204) The omission of this clause is regrettable given the low quality of so many Heritage Statements.

2.220 (2.211) No Supplementary Planning Document giving further detailed policy guidance on alterations to listed buildings appears to be in preparation.

The Council should not register Planning and Listed Building Consent applications submitted with insufficient information, including inadequate heritage statements.

DM28 Locally Listed Heritage Assets

2.222 (2.213) The Local List of Heritage Assets has not been reviewed since it was issued in 2015.

DM29 Setting of Heritage Assets

2.219 (2.277) The additional statement that “This policy does not therefore preclude a bold architectural approach where appropriate.” is cautiously welcomed.

DM30 Registered Parks and Gardens

The Council should review further parks and gardens for registration and take the lead in the production and implementation of management plans for registered parks and gardens.

TRAVEL and TRANSPORT

DM33 Safe, Sustainable and Active Travel

The Local Transport Plan urgently needs to be supported by the Local Walking and Cycling Infrastructure Plan.

DM34 Transport Interchanges

2.255 The benefit to the local communities and reduction in other car journeys along the route of a frequent bus service from a park and ride into the city centre should be a material consideration in assessing its economic viability.

2.256 Rectifying the lack of dedicated coach parking for tour buses and facilities for their drivers should be a high priority for a city so heavily dependent on tourism. The impending development of Black Rock, restoration of Madeira Terrace and environmental enhancements to Madeira Drive increase the priority, making it an essential element of the proposed Eastern Seafront Masterplan.

The Pool Valley coach station is a disgrace to a city with any pride in itself: its replacement should be of the highest priority.

DM35 Travel Plans and Transport Assessments

2.261 The economic viability of additional public transport to developments in inaccessible locations should be a material consideration for their density of development.

ENVIRONMENT and ENERGY

DM39 Development on the Seafront

The restored arches of Madeira Terrace should be used to minimise development on the actual beach, facilitated by the minimisation of traffic on Madeira Drive.

DM44 Energy Efficiency and Renewables

Implementation of this policy should take into account the whole life energy consumption of existing buildings on circular economy principles, including the embodied energy of the existing fabric and the theoretically unlimited life of a historic building, against the energy cost of demolition and disposal, new raw materials, manufacturing and transporting components to site and constructing new buildings of limited life.

STRATEGIC SITE ALLOCATIONS

SSA1 Brighton General Hospital Site

We have supported the designation as a conservation area of the site formerly occupied by the Brighton Workhouse and wish to see it progressed as a priority.

SSA5 Madeira Terrace and Madeira Drive

We consider overnight accommodation of any kind within the terrace to be inappropriate, not contributing significantly to an active frontage and likely to impose undue pressure on the infrastructure.

We still consider that basic visitor facilities on the beach should be kept to a minimum and excepting lifeguards should preferably be accommodated within the terrace. Minimising traffic on the drive would facilitate this.

The improvement or removal of the coach parking on Madeira Drive should be an integral part of the project.

3.47 (3.36) Reopening all the closed staircases between Marine Parade and Madeira Drive is both feasible and essential, not just an option to be considered, and should be prioritised.

Subject: RE: City Plan Part 2
Date: 29 September 2020 08:35:13

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

Thanks for your email.

My answer is yes to the three yes/no questions.

The comments are submitted on behalf of the Regency Society, so "Regency Society of Brighton and Hove" is the appropriate name, if that is acceptable.

Yes I have read the Privacy Statement.

Subject: RE: City Plan Part 2

Many thanks for submitting the Regency Society's representation.

Before we can process your representation we need to know the following information from you.

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.

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 delete as appropriate to reinforce that you have read this disclaimer and have read the PINS Privacy Notice below

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

- 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](#)

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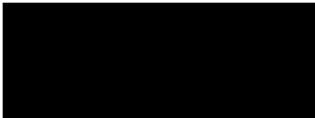


Subject: City Plan Part 2

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

Please find attached comments from the Regency Society on the City Plan Part 2.

Regards



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Thank you in anticipation of your co-operation.

Date: 30th October 2020

Our Ref: 14796

Planning and Development
Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove
BN3 3BQ



Dear Sir or Madam

BRIGHTON & HOVE CITY PLAN PART 2

CONSULTATION ON PUBLICATION DRAFT

We write on behalf of our client, .Big Yellow Self Storage Company Limited ('Big Yellow'), to make representations to the above referenced draft planning policy document that has been published for public consultation.

Big Yellow owns the freehold of the site at 2-16 Coombe Road ('the Site'), which is presently occupied by a Big Yellow Self-Storage facility. Please refer to the Site Location Plan at Appendix 1 of this letter.

Big Yellow Self-Storage Company Limited ('Big Yellow')

Big Yellow is one of the leading self-storage operators in the UK. It is a publicly listed company which develops, owns and operates modern self-storage centres for personal, business and leisure storage. It now has 76 trading stores open across the UK, totalling over 5.4 million sq ft of storage space, and has 41 stores in London.

Big Yellow has been a pioneer in the self-storage industry, being the first operator to build purpose-built warehouses, as well as providing high quality, sensitive conversions of existing premises. Big Yellow employs over 300 full and part-time staff.

Big Yellow's stores provide a secure, do-it-yourself facility for business customers and private individuals. Each store provides a variety of different room sizes from 10 sq ft to 400 sq ft, dependent on the requirements of the customer. The storage space provided is high quality, comprising modern, secure rooms each accessed from wide, well-lit corridors designed for easy manoeuvrability. The individual rooms can be rented for as short a period as seven days or for as long a period as the customer requires. Each individual room has its own door, is alarmed and is locked by each customer's own padlock.

Customers of Big Yellow use self-storage for either domestic or business purposes. On average around 84% of customers of a store will be domestic, with the remaining 16% being business customers. This proportion relates to the numbers of customers, but business customers usually take a greater area of floorspace and thus the floor area they occupy is actually much greater, at 28% of the average store.

The existing Big Yellow self-storage facility on the Site provides direct and indirect employment to the local area. Typically, Big Yellow directly employs 3 or 4 staff at each store, but underlying this is a

[REDACTED]



very positive employment story resulting in a significant contribution to the local economy. Across 76 stores, Big Yellow is home to over 7,000 businesses that in turn employ 23,000 people who depend on the space to run their businesses. The vast majority of these customers will be local small start-ups who have never rented space anywhere else before.

Recent research has been commissioned by Big Yellow to establish the indirect employment generation of their stores and this is summarised within the appended employment survey (Appendix 2), prepared by Quod. The survey explains that on average a Big Yellow self-storage facility generates one job for every 28m² of gross internal area across the whole store.

Existing Allocation HO1 – Brighton & Hove Local Plan 2005

The Site is identified within Policy HO1 of the Brighton & Hove Local Plan as allocated for residential-led mixed use redevelopment that does not benefit from planning permission (referenced as, Former Tyre Co Building, 2-14 Coombe Road, Brighton). It is suggested indicatively that the Site could accommodate 20 residential units with 40% of those units for affordable housing.

Since this time, this Site has not come forward for redevelopment, yet the allocation has been retained and remains present on the latest version of the adopted Policies Map (2020).

Publication Draft for Consultation – Draft Policy H1 (Housing Sites and Mixed Use Sites)

We understand is that the intention is to carry forward the main thrust of the existing allocation into City Plan Part 2. Draft Policy H1 states the following:

‘The sites listed in Tables 6 and 7 below (as shown on the Policies Map) are allocated for housing (Use Class C3) or mixed-use development including housing and other specified uses. 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.

The following additional criteria apply to certain sites where indicated:

- *...For sites marked with a hash (#), the layout should be planned to ensure future access to existing water and/or wastewater infrastructure for maintenance and upsizing purposes.’*

The Site is listed in Table 6 and marked with a hash meaning it is proposed to be retained as an allocation for housing (Use Class C3) (with an indicative number of 33 residential units suggested). It is also stated that permitted additional uses include Class B1 starter business units/affordable workspace at ground floor.

Our Position

Big Yellow **strongly objects** to the proposed allocation of the Site and **requests** that it is instead allocated for self-storage purposes (Class B8).

The Site has been allocated for a residential-led mixed use development since the adoption of the Brighton and Hove Local Plan in July 2005 and has not come forward for redevelopment. The current Site accommodates a thriving self-storage facility and Big Yellow has no interest in either selling or redeveloping the Site within the plan period.

National Planning Policy Framework ('NPPF'), Para 35: Tests of Soundness

Big Yellow considers the Proposed Submission draft of City Plan Part 2 to be unsound on the following grounds:

- 1) It includes an allocation that provides policy support for the replacement of four storeys of existing self-storage floorspace (Class B8) with support for one storey (ground floor only) of starter business units/affordable workspace (Class B1);
- 2) It is informed wrongly that the redevelopment of the Site for a mix of residential and employment uses is deliverable over the plan period (to 2030).

Consequently, the plan is:

- **Not Justified;** and
- **Not effective.**

The draft Plan could be made sound through the re-wording of the allocation to:

- Remove support for the introduction of residential uses and starter business units/affordable workspace on the Site; and
- Replace the wording with support for the retention of the existing self-storage facility (Class B8).

Employment Land Needs

Policy CP3 of adopted City Plan Part One sets out the City's strategic policy approach to employment land and the supporting text to this policy in paragraph 4.29 sets out the City's employment land requirements as follows:

"The Employment Land Study Review 2012 recommended that the City Plan be guided by forecast growth requirements of 112,240 sq m of office floorspace (B1a, B1b) to 2030 and 43,430 sq m of industrial floorspace (B1c, B2 and B8) over the plan period. To ensure that there are sufficient employment sites and premises to meet this forecast requirement and to facilitate economic growth, Development Area proposals identify strategic allocations to bring forward new high quality employment floorspace (DA2-DA8)."

As it is written, the allocation does not support the re-provision of self-storage (Class B8) uses on the Site. The existing store comprises self-storage floorspace across four floors. As part of redevelopment proposals, the allocation supports the re-provision of an element of employment floorspace but limits this to Class B1 floorspace on the ground floor. This would likely represent a complete loss of industrial floorspace on the Site and a significant net decrease of employment floorspace. Both of these outcomes would only serve to prejudice the significant employment land needs outlined within the Employment Land Study Review 2012 upon which the strategic employment policies in City Plan Part One are premised. This is not justified and inconsistent with the NPPF.

Moreover, the existing Big Yellow store at the Site has been operating in this location for over 15 years, demonstrating that the current Site offers a suitable and viable location for such a use. This is reinforced by Big Yellow's intention to continue to operate on the Site meaning there is a continuing

demand and need for self-storage in the City. In addition, although the Site adjoins a mix of residential and commercial properties, the facility has demonstrated its compatibility within this environment. Policy should welcome and foster successful employment/industrial uses that are compatible in partly residential areas.

Deliverability

To reiterate, Big Yellow has no interest in either selling or redeveloping the Site within the plan period (to 2030).

Main Matters

City Plan Part Two fails to fundamentally consider existing self-storage needs or address industrial floorspace requirements. More importantly, it wrongly considers the redevelopment of the Site for residential-led mixed use development to be deliverable, and incorrectly attributes a contribution to the City's housing supply over the plan period needs, when it is not.

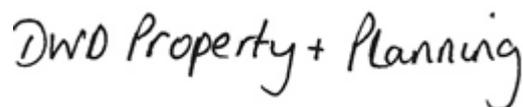
The allocation as it is presently written will only serve to prejudice the ongoing operation of a very successful industrial occupier that is a significant employment generator in the City and fosters small-to-medium enterprises. In addition, it will support redevelopment of the Site for which there is no prospect and incorrectly apportions a proportion of the City's housing supply to be delivered on the Site.

For these reasons, Big Yellow **strongly objects** to the proposed allocation of the Site and **requests** that it is instead allocated for self-storage purposes (Class B8).

We look forward to hearing from you.

If you require any further information, please do not hesitate to contact [REDACTED]
[REDACTED]
[REDACTED]

Yours faithfully



DWD LLP

Appendices:

- Appendix 1: 2-16 Coombe Road Site Location Plan
- Appendix 2: Big Yellow Employment Survey

APPENDIX 1: 2-16 COOMBE ROAD SITE LOCATION PLAN

APPENDIX 2: BIG YELLOW EMPLOYMENT SURVEY



Big Yellow

Summary of Employment Survey, 2018

MAY 2018

Quod



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1 Introduction

- 1.1 Big Yellow Self Storage Company Ltd (“Big Yellow”) has 74 stores nationwide and is one of the country’s biggest providers of self storage floorspace, much of which is utilised by small businesses.
- 1.2 Big Yellow carried out a survey of the business tenants in its stores in February 2018. The survey was conducted online, by invitation. The aim was to find out what sort of businesses they were, how and why they used Big Yellow, and how many jobs they created.
- 1.3 A total of 6,761 businesses were surveyed, and 545 responses were received, an 8% response rate.
- 1.4 This report summarises the survey’s findings. The survey provides evidence that the average Big Yellow store is home to 105 businesses, who between them employ more than 300 people as a direct result of their space at Big Yellow.
- 1.5 Thousands of firms across the country use Big Yellow because of the high-quality space in convenient locations on completely flexible terms.
- 1.6 Self storage frees small businesses from the risks and long-term commitment of leases with traditional business landlords.
- 1.7 This important business role is not always visible to the public, who know Big Yellow mainly for domestic self-storage. However well over a quarter of the space in a typical store is rented to businesses, making a vital contribution to the local economy.
- 1.8 Across the country, that adds up to over 7,700 firms working out of Big Yellow, and 23,000 jobs created, making Big Yellow one of Britain’s most important small business landlords.
- 1.9 Companies of all sorts use Big Yellow – from accountants to engineers, from IT to retail. The majority of these businesses (60%) are start-ups who have never rented anywhere else before. The flexibility of self storage is ideal for new firms, allowing a low-risk, lost-cost start, and then rapid scaling up. Big Yellow stores act as “business incubators” for their local area.
- 1.10 For half the firms occupying space at Big Yellow, it is the only business space they rent anywhere. For others it complements other space. And it works well for them – at least half have been renting at Big Yellow for three years or more.
- 1.11 The rest of this report looks at the survey and its results in more detail.

2 Who are Big Yellow?

- 2.1 Big Yellow is one of the leading self storage operators in the UK. It is a publicly-listed company which develops, owns and operates modern self storage centres for personal, business and leisure storage. It now has 74 trading stores open across the UK, totalling over 5.4 million sq. ft of storage space, and has 39 stores in London.
- 2.2 Big Yellow has been a pioneer in the self storage industry, being the first operator to build purpose-built warehouses, as well as providing high quality, sensitive conversions of existing premises. Big Yellow directly employs over 300 full and part time staff.
- 2.3 Big Yellow's stores provide a secure, do-it-yourself facility for business customers and private individuals. Each store provides a variety of different room sizes from 10 sq. ft to 400 sq. ft, dependent on the requirements of the customer. The storage space provided is high quality, comprising modern, secure rooms each accessed from wide, well-lit corridors designed for easy manoeuvrability. The individual rooms can be rented for as short a period as 7 days or for as long a period as the customer requires. Each individual room has its own door, is alarmed and is locked by each customer's own padlock.
- 2.4 Customers of Big Yellow use self storage for either domestic or business purposes. The majority of customers of a store will be domestic, with the remaining 16% being business customers. This proportion relates to the numbers of customers, but business customers usually take a greater area of floorspace and thus the floor area they occupy is actually much greater, at 28% of the average store.
- 2.5 In addition to self-storage, Big Yellow also has 12 stores which incorporate areas of flexible office space (Use Class B1 (a)), aimed specifically at Small and Medium Enterprises (SMEs).

3 Big Yellow's business customers

- 3.1 Quod analysed the results of the survey and used them to draw out those elements which are particularly important in relation to how businesses use Big Yellow. The survey results are summarised at Appendix A and further details can be provided on request.

How many businesses use Big Yellow?

- 3.2 Big Yellow has 74 stores across Britain, which together have nearly 50,000 customers, of whom more than 7,700 are businesses or other organisations.
- 3.3 These business customers generally take more space than private customers; so in the typical Big Yellow store there will be 105 businesses, occupying 28% of the space. This is a consistent pattern across the country, with every Big Yellow store having at least 15% of its space in use by businesses, and in some the majority of space is taken by businesses.

Who uses Big Yellow?

- 3.4 The businesses occupying Big Yellow vary hugely, including independent retailers who use Big Yellow as their warehouse. There are also wholesalers and importers who hold and distribute stock from Big Yellow and on-line specialist retailers who operate entirely out of Big Yellow.
- 3.5 There are a huge range of construction, design, maintenance, engineering and IT firms with staff who travel to customers' sites. They use Big Yellow as their main base and store for equipment and supplies.
- 3.6 An enormous variety of other firms can be found in Big Yellow – caterers, architects, manufacturers, solicitors, events organisers, financial services. Big Yellow provides somewhere for them to work from, or space to support what they do elsewhere.

- 3.7 Big Yellow also plays host to lots of charities – the average store provides space for around a dozen not-for-profit organisations, as well as more than half a dozen organisations working in health, education, training or the arts.

Why do businesses choose Big Yellow?

- 3.8 The reasons businesses give for choosing Big Yellow are varied, but the top one was location, a factor for 90% of respondents to the survey. Big Yellow provides small business space in locations where there was often very little before. By providing an alternative to renting a whole office or warehouse, it opens up an area to different types of firm.
- 3.9 The survey found that the next most important factor for business customers was the flexibility. Big Yellow requires no commitment to a long-term lease, and also allows firms to quickly increase or decrease the space they use, as required. This greatly reduces risk for a small firm, and also saves costs as they only need take what space they need at any particular time.
- 3.10 The majority of businesses also said the quality of space was a factor in choosing Big Yellow. In the past, affordable space for small firms has too often been of very variable quality, whereas in Big Yellow businesses get a consistent offer of modern, clean, secure space, constantly monitored by on-site staff or CCTV.
- 3.11 These factors not only attract businesses, but also keeps them. The majority of business customers in Big Yellow have been there for three years or more, with almost one in five having been there for six years or more. For half the business customers of Big Yellow, it is the only space they need.

Big Yellow – the local business incubator

- 3.12 Big Yellow has business customers of all sizes, including national chains, but the space offered is particularly popular with SMEs and start-ups.

- 3.13 Independent firms have said that they value the affordable, flexible terms without commitment. They also benefit from the services Big Yellow's own staff offer to support customers – including accepting deliveries, couriers, and forklifting.
- 3.14 As a result, 60% of businesses in Big Yellow are start-ups, who have never rented elsewhere before. Big Yellow meets an important business need, often filling a gap in provision locally, and this supports local small businesses to start up and to grow, creating jobs and providing new services.

4 Big Yellow's employment

- 4.1 Every Big Yellow store has on-site staff, managing and maintaining the building and offering a range of services to the businesses based there.
- 4.2 However, this direct employment – around three people per store – is not the main employment impact of Big Yellow. That comes from the large number of jobs created by the business occupiers themselves, which we have been able to quantify as a result of the survey data collected.
- 4.3 Some Big Yellow stores have flexi-offices, as described in section 2 of this report, which is essentially office space with regular employees sat at desks.
- 4.4 Many businesses that are supported by Big Yellow are operating from storage units where people work regularly – packaging stock for distribution. In addition to these regular on-site workers, there are many jobs outside Big Yellow which are nonetheless dependent on the space rented there.
- 4.5 An example might be an electrical contractor with no fixed place of work, visiting customers every day, but returning to Big Yellow at the start and end of each day to access their stock of equipment and materials.
- 4.6 Another might be a retailer, who has used Big Yellow to store stock so they can maximise the sales floorspace in their shop and take on extra staff.
- 4.7 With such a complex mix of customers using Big Yellow in so many different ways, it has been difficult to quantify how many jobs Big Yellow really supports. Big Yellow therefore carried out this business survey to help understand better how businesses use Big Yellow and how many people they employ.
- 4.8 The results show a huge employment impact from Big Yellow. The average business customer employs around three people directly because of their space in Big Yellow. This means that the average Big Yellow store directly accounts for over 300 jobs.
- 4.9 The local economic benefit of this is significant – the jobs in the average Big Yellow generate a local Gross Value Added (GVA) of around £17m a year.
- 4.10 This level of employment compares very favourably with many alternative employment uses. Allowing for non-business occupiers, and all the non-lettable space (like corridors, lifts, toilets and reception), it works out on average as one job for every 28 square metres gross internal area (GIA) across the whole store. This is a significantly higher job density than, for example, Class B2 Manufacturing at 36sqm GIA per job, or B8 storage/distribution at 70-95sqm per job.
- 4.11 This means that a three-storey Big Yellow store would typically create four times as many jobs as a single-storey industrial unit of the same footprint.
- 4.12 Across Britain, Big Yellow is home to over 7,700 businesses, and 23,000 jobs (assuming an average of 315 jobs per store). The businesses in Big Yellow together generate a GVA contribution to the national economy of over £1bn a year. Big Yellow is therefore a small-business landlord and start-up incubator on a huge scale.

5 Summary

- 5.1 The survey carried out in February 2018 has evidenced the huge employment impact of Big Yellow. The number of SMEs occupying Big Yellow means that they are becoming one of the top small-business landlords in the country, and an incubator to thousands of start-up firms.
- 5.2 The average Big Yellow store:
- Is home to 105 businesses and other organisations
 - These businesses generate a local GVA of £17m a year
 - Employ over 300 people directly because of their space in Big Yellow
 - For half of these businesses it's the only space they have
 - 60% are start ups
- 5.3 Across the whole country, Big Yellow's 74 stores:
- Are home to over 7,700 businesses
 - These businesses generate a national GVA of over £1bn
 - And create around 23,000 jobs
- 5.4 New Big Yellow stores, therefore, provide a place for local businesses to start and grow, and can create hundreds of jobs.

Appendix 1 – Questionnaire

The survey was conducted online, by invitation. A total of 6,761 businesses were surveyed, and 545 responses were received.

Geographically, around half the responses were from London and half from elsewhere in the Great Britain – broadly in-line with the overall distribution of Big Yellow stores.

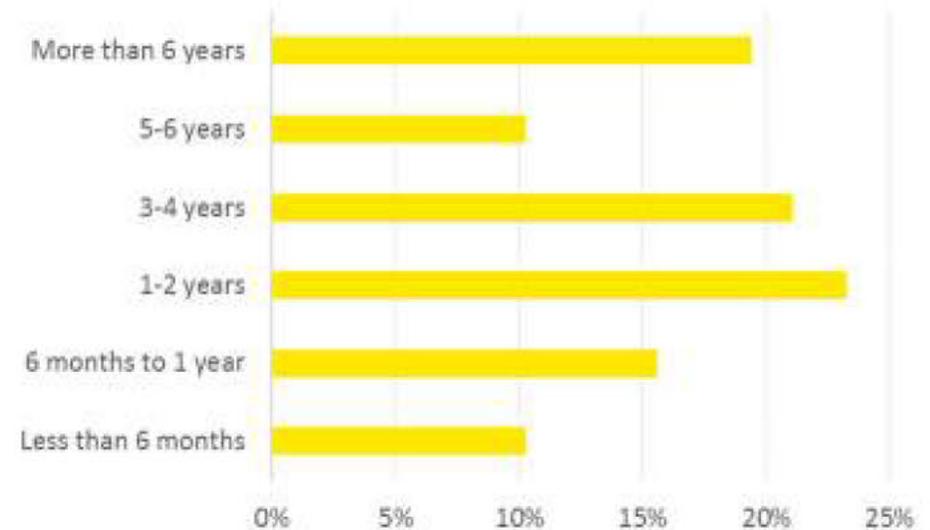
Distribution of survey responses from Big Yellow stores



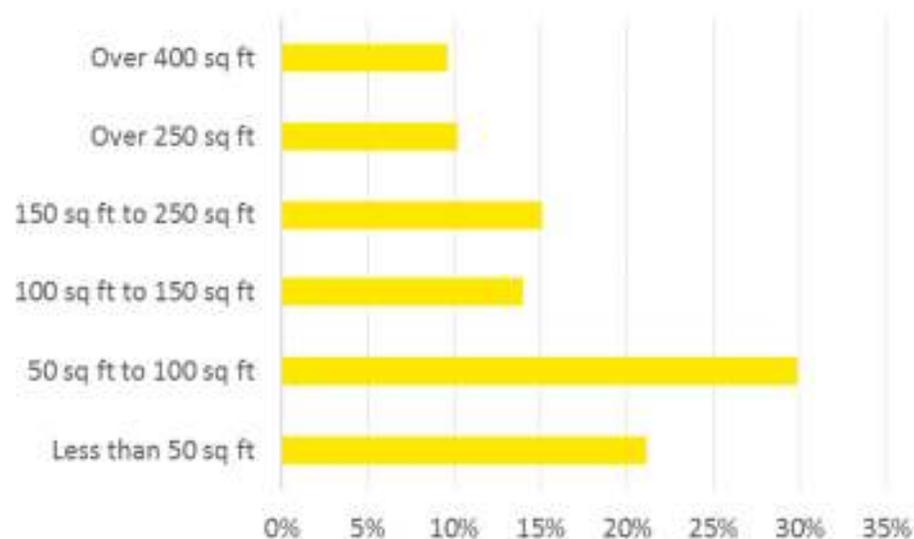
For the analysis of employment, the sample was cross referenced with data from Big Yellow on the rental size mix of all their business customers.

The questions asked in the survey were as follows:

- Q1. Name of business
- Q2. Sector of business (drop down menu or free text “other”)
- Q3. What Big Yellow store do you mainly use?
- Q4. How long have you been using Big Yellow?



Q5. How much space do you use at Big Yellow?



Q6. Is Big Yellow your only business premises?

Q7. When you came to Big Yellow, was it the first business space rented by your business?

Q8. We want to understand our business customers' contribution to the local economy. Many of you work in, or from Big Yellow, or have employees working elsewhere who still depend on your space here. Thinking about the people in your business, how many jobs (including your own) have you been able to create or keep because of your space at Big Yellow?

Q9. Which of these factors were important to you when choosing Big Yellow Self Storage rather than traditional business space? Tick all that apply to you. (drop down menu or free text "other")



Q10. Are there any additional business services which you would like Big Yellow to offer or is there anything else you would like to comment on regarding Big Yellow? (free text box)

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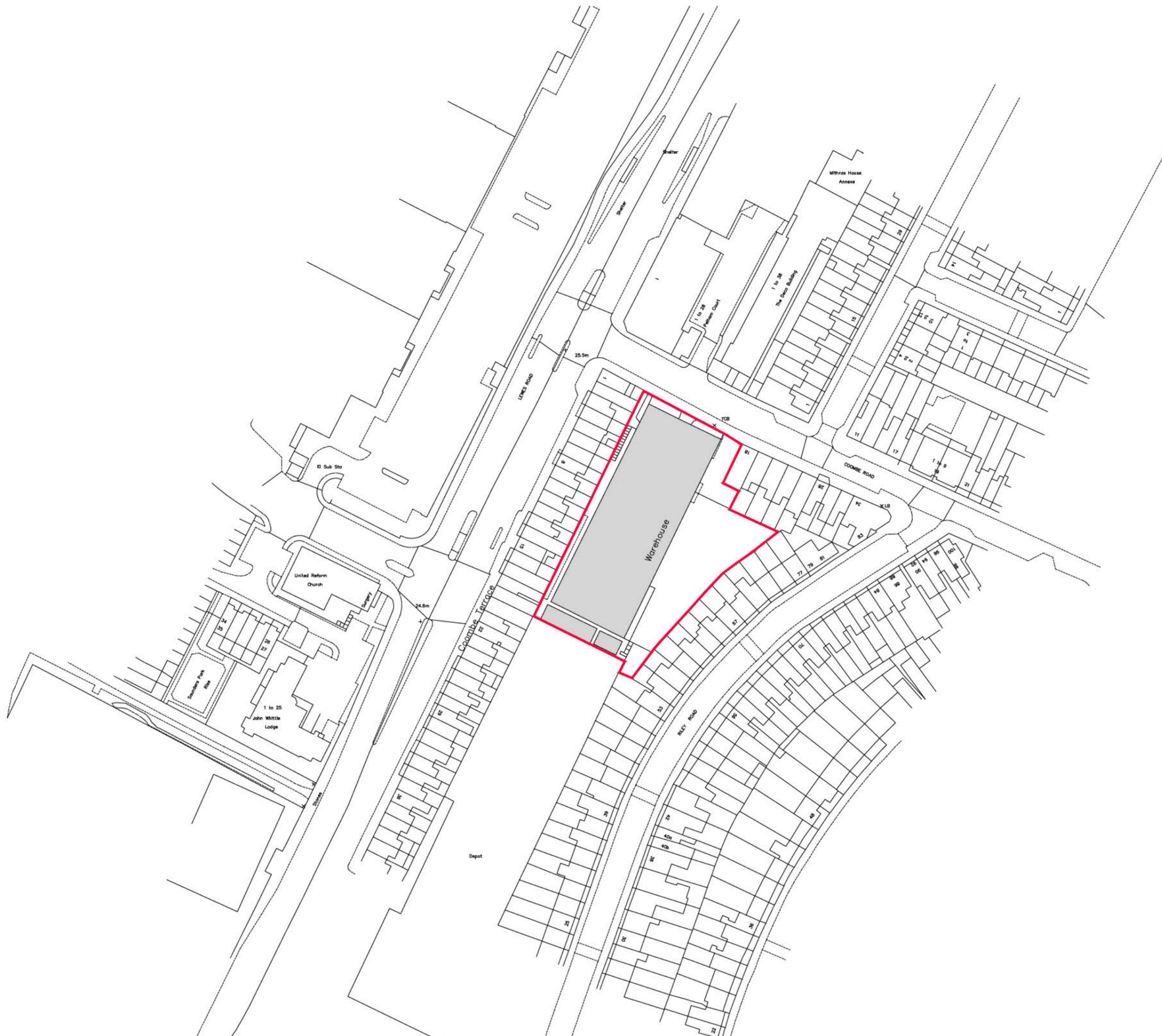
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LIST OF INFORMANTS:
Ordnance Survey Licence number 100022432



MountfordPigott
Architecture Masterplanning Design

**BIG YELLOW SELF STORAGE
BRIGHTON**
SITE LOCATION PLAN

1243-A66-P01

1:1250 @ A3
DRAWN BY DT

22.09.20

Subject: RE: City Plan Part Two - Proposed Submission Consultation
Date: 02 November 2020 09:25:43
Attachments: [image001.png](#)
[image002.png](#)

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

To whom it may concern, I have now answered the questions in red in the email below.



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From: PlanningPolicy [mailto:PlanningPolicy@brighton-hove.gov.uk]
Sent: 31 October 2020 12:54
To: [REDACTED] PlanningPolicy
Subject: RE: City Plan Part Two - Proposed Submission Consultation

Dear [REDACTED]

Thank you for your representation to the Proposed Submission City Plan Part Two on behalf of Big Yellow Storage. 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
--	----------

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](#).



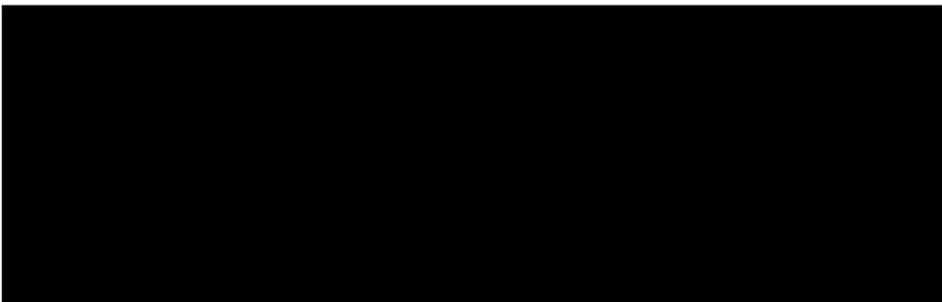
Subject: City Plan Part Two - Proposed Submission Consultation

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

To whom it may concern

On behalf of .Big Yellow Self Storage Company Limited, please find representations to the above document attached.

It would be appreciated if you could acknowledge receipt of these representations and we would be happy to discuss them with your officers.





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

22 October 2020

Dear Sirs,

Brighton and Hove Draft City Plan – Part Two
Preston Park Hotel, 216 Preston Road, Brighton, BN1 6UU

We write on behalf of Preston Park Hotel Ltd, the owner of the above site which is referenced for residential development in policy H1 of the emerging City Plan Part Two.

Policy H1 refers to the site as being suitable for development for 22 units. This is in line with an extant grant of planning permission – BH2015/04536 that was approved on 07 August 2018. It is anticipated that development will commence next summer, once pre-commencement conditions have been approved. A copy of the decision notice is attached to this letter.

Our concern is that Policy H1 qualifies its reference to the above site with an omega symbol, and then states that for sites referenced with the omega symbol “*occupation of the development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider;*”

Such a restriction on our client’s site is unnecessary, and could prevent development going ahead (if a revised planning application is submitted to the Council). This is for the following reasons:

1. The extant planning permission contains no such restrictions, and so it is inconsistent to now apply a restriction that does not otherwise exist.
2. Drainage impact will not be materially different to the existing use of the site – which has 34 bedrooms and therefore a similarly occupancy level (including staff) as would a scheme for 22 flats.

3. For what is a relatively modestly scaled scheme, the scheme would not be suitable for phased occupation – as it would have a disproportionate impact on the cash flow of the development. Furthermore, the restriction would also mean that occupation (and by implication, sale) of any units would be dependent on an outside body. These impacts would place a significant burden on the owners with regard to obtaining development finance.

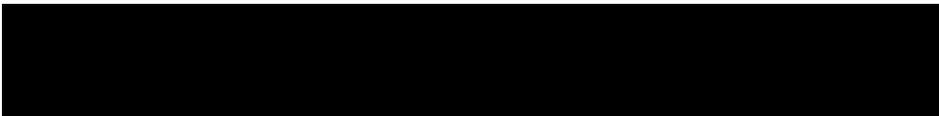
Given the above, the policy restriction set out in policy H1 means that the Plan has not been positively prepared, as it is placing an unnecessary obstacle to development on a site that is suitable for the provision of housing.

We trust that these comments will be taken into account when proposing modifications to the City Plan part two.

Yours faithfully,

LCP

Lewis & Co Planning



APPENDIX 1 – COPY OF EXTANT PLANNING PERMISSION

Application No: BH2015/04536

Lewis and Co Planning SE Ltd



BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990 (as amended)
GRANT OF PLANNING PERMISSION

Address: Preston Park Hotel 216 Preston Road Brighton

Description: Change of use of hotel (C1) to residential (C3) comprising conversion of main hotel and demolition and redevelopment of north wing, to provide 13no self-contained open market flats and 9no affordable flats, alterations to front façade, retention of 27 car parking spaces and provision of new cycle and refuse facilities.

In accordance with the application and plans submitted to the Council on 16 December 2015 and SUBJECT to compliance with any condition(s) specified hereunder:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	01	A	16 December 2015
Other	(PROPOSED SITE PLAN) 21	E	15 June 2016
Elevations Proposed	32	C	15 June 2016
Floor Plans Proposed	23	D	15 June 2016
Block Plan	20	E	15 June 2016
Elevations Proposed	26	D	15 June 2016
Sections Proposed	29	C	15 June 2016
Elevations Proposed	30	D	15 June 2016
Floor Plans Proposed	22	B	15 June 2016
Floor Plans Proposed	24	C	15 June 2016
Floor Plans Proposed	25	B	15 June 2016
Floor Plans Proposed	27	D	15 June 2016
Floor Plans Proposed	28	C	15 June 2016
Noise Report	1093.001R.		15 June 2016

2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3 The first and second floor north facing windows to the side elevation of the new building hereby approved shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4 No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

5 The vehicle parking area shown on the approved plans shall be carried out in accordance with the approved layout and shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

6 No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan

7 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

-1:20 elevation drawings and 1:1 section drawings of all window, door and balcony balustrade types and full details of the proposed verandah restoration.

-Samples of all external materials and hard landscaping materials

Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

8 Prior to first occupation of the development hereby permitted drawings detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD15, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One.

9 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. details of all hard surfacing;
- b. details of all boundary treatments;
- c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

10 Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

11 Prior to first occupation of the development hereby permitted, full details of approved cycle parking facilities for the occupants of, and visitors to, the development shall be

submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

12 Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

13 None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO₂ improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.

14 None of the new build residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

15 No less than one of the new build dwellings hereby approved shall be completed in compliance with Building Regulations Optional Requirement M4(3)(2b) (wheelchair user dwellings) prior to first occupation and shall be retained as such thereafter. All other new build dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

16 No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority detailing the glazing requirements to be installed to the residential units hereby approved to meet the sound reduction losses as identified in the 7th Wave Acoustics report dated 18th May 2016 reference 1093.001R.1.0.RS. The measures shall be implemented in strict accordance with the

approved details prior to the occupation of the development and shall thereafter be retained as such.

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

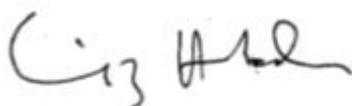
17 No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority detailing how and where ventilation will be provided to the residential units hereby approved including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

Dated this 7 August 2018



Liz Hobden
Head of Planning
City Development and Regeneration

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.

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"/>

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

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 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.

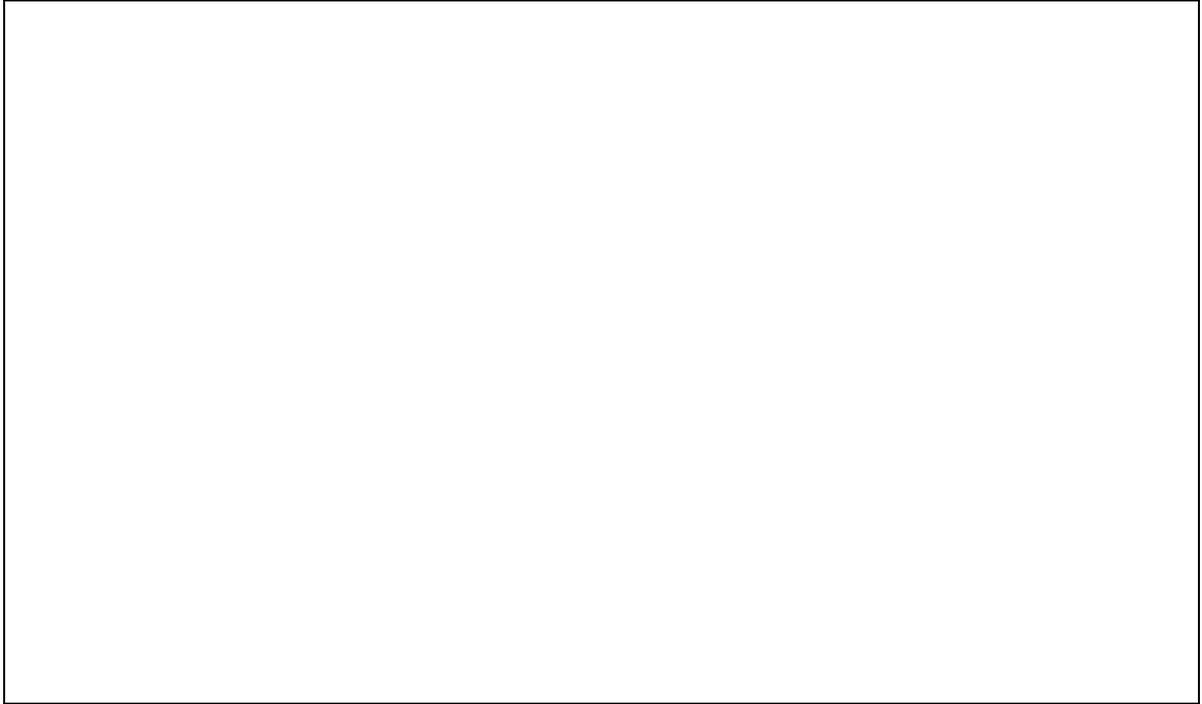
Section H should be completed for supporting documents. Please only fill out section H once.

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 – our comments relate to
Section D only

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

A large, empty rectangular box with a thin black border, intended for the user to provide their response to the City Plan Part Two. The box occupies the upper half of the page.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Meets the Duty to Co-Operate	<input checked="" 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 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.

Our concern is that Policy H1 qualifies its reference to the Preston Park Hotel site with an omega symbol, and then states that for sites referenced with the omega symbol *“occupation of the development will be phased to align with the delivery of sewerage network reinforcement, in consultation with the service provider;”*

Such a restriction on our client's site is unnecessary, and could prevent development going ahead (if a revised planning application is submitted to the Council). This is for the following reasons:

1. The extant planning permission contains no such restrictions, and so it is inconsistent to now apply a restriction that does not otherwise exist.

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

2. Drainage impact will not be materially different to the existing use of the site – which has 34 bedrooms and therefore a similarly occupancy level (including staff) as would a scheme for 22 flats.

3. For what is a relatively modestly scaled scheme, the scheme would not be suitable for phased occupation – as it would have a disproportionate impact on the cash flow of the development. Furthermore, the restriction would also mean that occupation (and by implication, sale) of any units would be dependent on an outside body. These impacts would place a significant burden on the owners with regard to obtaining development finance.

Given the above, the policy restriction set out in policy H1 means that the Plan has not been positively prepared, as it is placing an unnecessary obstacle to development on a site that is suitable for the provision of housing.

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.

Remove the reference to the Preston Park Hotel site needing to be subject to a phased occupation plan

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 checked="" 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)

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

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

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.

Section E H2 Housing Sites – Urban Fringe

Please only fill this section out once

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

- ALL SITES**
- Land at Oakdene, Southwick Hill / Land West of Mile Oak Road, Portslade
- Benfield Valley
- Land at and adjoining Horsdean Recreation Ground, Patcham
- Land at Ladies Mile, Carden Avenue
- Land to north east of Coldean Lane
- Land north of Varley Halls, Coldean Lane
- Land at and adjoining Brighton Race Course
- Land at South Downs Riding School & Reservoir Site
- Land north of Warren Road (Ingleside Stables)
- Land at Ovingdean Hall Farm & Land at Bulstrode / Ovingdean Farm
- Land adjacent to Ovingdean and Falmer Road, Ovingdean
- Land at former nursery, Saltdean
- Cluster at Coombe Farm and Saltdean Boarding Kennels, Westfield Avenue North, Saltdean
- Land west of Falmer Avenue, Saltdean

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.

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

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.

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)

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

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

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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.

Section F H3 Purpose Built Student Accommodation

Please only fill this section out once

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

- ALL SITES**
- Lewes Road Bus Garage, Lewes Road, Brighton
- 118–132 London Road, Brighton
- 45 & 47 Hollingdean Road, Brighton

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

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

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.

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)

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)

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.

Section G E1 Opportunity site for business and warehouse uses

Please only fill this section out once

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.

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.

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)

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.

Section H Supporting Documents and Background Studies

Please only fill this section out once

Please use this section if you have any comments on the Supporting Documents and / or Supporting Evidence (Please be as precise as possible, with reference to the name of the document / studies you would like to comment on)

Supporting Documents / evidence can be found on this webpage <https://www.brighton-hove.gov.uk/content/planning/planning-policy/city-plan-part-two-proposed-submission-stage-2020>

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).*

Subject: Representation to Brighton and Hove City Plan Part Two
Attachments: Brighton and Hove City Plan Part Two representation.docx

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

Dear Planning Policy Team,

I am writing to you with a representation to the Brighton and Hove City Plan Part Two Consultation.

Please find attached our representation to the Consultation.

We wish to be notified when The City Plan Part Two has been submitted for independent examination.

We wish to be notified when the publication of the recommendations of the Inspector who carries out independent examination of the City Plan Part Two.

We wish to be notified on adoption of the City Plan Part Two.

Please confirm receipt of this submission.



[Website](#) | [LinkedIn](#) | [Twitter](#) | [Email](#)

SF Planning's response to the coronavirus pandemic can be found on [our website](#).

Please also note that our Gloucester office is no longer accepting postal deliveries, please send correspondence via email in the first instance, or to our head office in Cheltenham.

This email and any attachments may contain confidential material and are solely for the use of the intended recipient(s). If you have received this email in error, please notify the sender immediately and delete this email. If you are not the intended recipient(s), you must not use, retain or disclose any information contained in this email. Computer viruses can be transmitted by e-mail. No liability is accepted for any damage caused by any virus transmitted by this e-mail. Please consider the environment and don't print this e-mail unless you really need to.



Representations to the Proposed Submission City Plan Part Two (October 2020)

RKO Developments

Land at Palmeira Avenue & Cromwell Road, Hove

This representation also recommends that Land at Palmeira Avenue and Cromwell Road, is included within the City Plan Part Two as a housing allocation.

This representation has been prepared by SF Planning Ltd on behalf of RKO Developments Ltd who are promoting land at Palmeira Avenue and Cromwell Road, Hove ('the site') for housing allocation.

1. The Site

- 1.1 The site currently comprises of an area of land measuring approximately 0.3ha located on the corner of Palmeira Avenue and Cromwell Road in Hove to the west of Brighton City Centre. The site is outlined in Figure 1.
- 1.2 The land currently contains 4 dwellings and a former building with flat, which also had a nursery use. The nursery was damaged as a result of an arson attack and so allocation of this brownfield sites would be in line with national policy. The allocation of this site would also be in line with the council's strategy of allocating brownfield sites. The indicative capacity for the site would be 95 dwellings in line with the previously submitted planning application to the council for 94 dwellings.
- 1.3 There are a few other application in the vicinity of this site was have been granted permission. The county cricket ground which is in close proximity to the site was granted permission for a 9 storey mixed use building with 37 residential apartments. It is also worth noting that an application on Davigdor Road was granted permission as a mixed use site with 52 residential flats. In response to the previously submitted planning application for the site submitted in March 2020 the policy team at the council were in support of the principle of development where the proposed scheme represented an effecting and efficient use of the site.

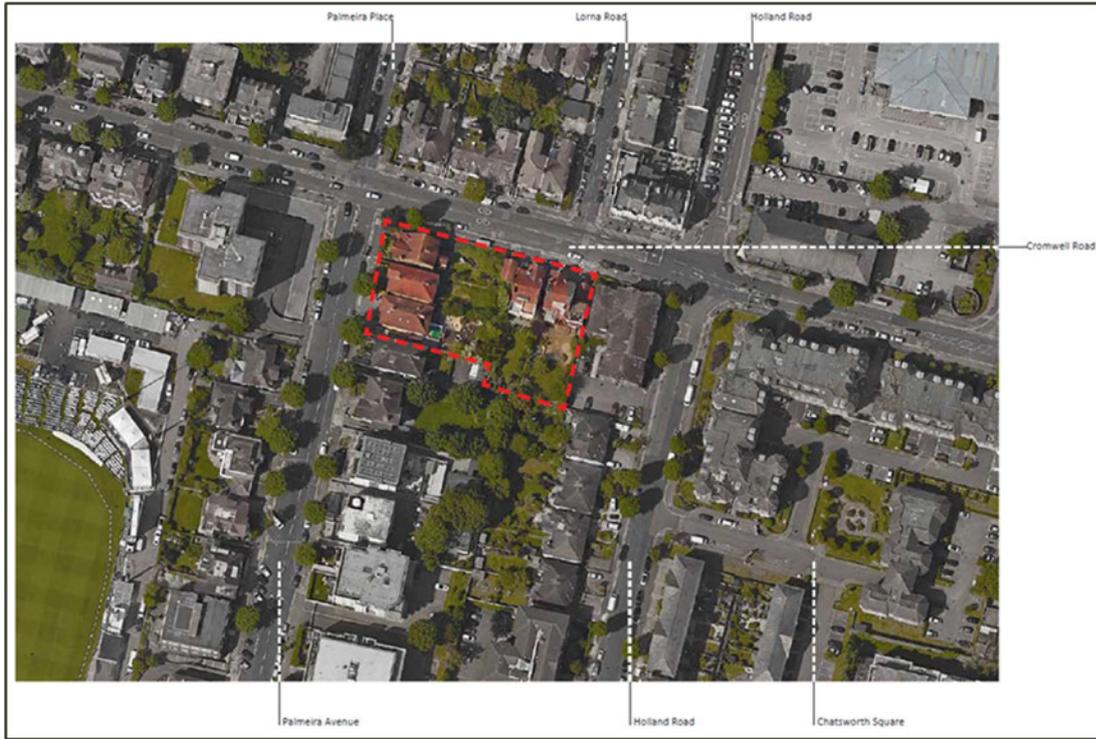


Figure 1: Site location

2. Site Allocation

- 2.1 The City Plan Part Two is consistent with the vision, strategy, objectives and strategic policies set out in City Plan Part One and covers the period up to 2030. This representation is being made to the City Plan Part Two Pre-Submission Consultation regarding the soundness of the plan with particular focus on the failure to deliver the housing requirement set out in City Plan Part One, a failure to maintain a five year housing land supply despite having an adopted plan and the failure to plan for the housing need for the city.
- 2.2 The council have agreed that the City Plan Part One did not allocate enough housing to meet its need due to constraints. The site is being submitted to the council for inclusion within the plan as a suitable site for residential development to assist with meeting the housing requirement. This site has not been previously considered by the council through the plan making process however the site has been considered by the council through the development management process.
- 2.3 This consultation is to make comment on whether the plan is sound based on whether it is positively prepared, justified, effective and consistent with national policy. In light of the Government proposed changes to the standard

method the council will fall short despite the plan meeting the requirement it should account for affordability.

- 2.4 Considering whether the plan has been positively prepared based on a strategy which seeks to meet objectively assessed development requirements has not been done given that the City Plan Part One (adopted 2016) fails to meet the full housing need. The City Plan Part Two seeks to develop the strategic framework set out in Part One, by identifying and allocating further sites for new housing to enable the delivery of sufficient new housing to meet the overall City Plan housing target. Site allocations in City Plan Part Two were identified and selected and the process is shown in the Site Allocations Topic Paper.
- 2.5 The proposed sites allocations in CPP2, shows potential to deliver at least 13,440 net dwellings, a surplus of 230 dwellings against the City Plan target however City Plan Part One (Policy CP1) sets a minimum housing provision target of 13,210 net dwellings to be delivered over the period 2010-2030 which represents only 44% of the full housing need. It was recognised in the City Plan Part One that this shortfall would have implications on sustainable development as set out in the NPPF. As such, the Inspector strongly encouraged BHCC to find new land for development in the City Plan Part Two, concluding: "The target of 13,200 new homes is expressed as a minimum, which offers scope for that number to be increased when more detailed consideration of individual sites is undertaken for the preparation of the City Plan Part Two."
- 2.6 The City Plan Part One is not an effective plan as it is proving to be undeliverable and given that the City Plan Part Two follows the strategic framework adopted in Part One this plan should address the shortfall by allocating further housing sites.
- 2.7 Brighton and Hove have failed to deliver the minimum 90% housing delivery requirement in the housing delivery test in 2018 or 2019 with the 2019 results resulting in a 70% delivery and the implementation of a buffer added to the five year supply. The council have also failed to deliver enough housing for the last two years which shows a lack of consent for major schemes and that the allocation of this site on Palmeira Avenue to provide flats would both boost supply and result in the redevelopment of a brownfield site which government are promoting in the planning for the future consultation and national policy.
- 2.8 The housing supply is not sufficient to meet the needs of the new housing requirement identified by the Standard Method, and in fact represents a

significant shortfall. The council are also unable to confirm a five year housing land supply with a current publication stating that they have 4.0 years, albeit this figure has not been tested and thus it could be lower. Moreover, if the government's proposed changes to the standard method come into force then this would further reduce the council's supply to 3.27 years, even against their own figures.

- 2.9 The City Plan should be consistent with national policy and the plan should enable delivery of sustainable development in accordance with the policies in the national framework. Paragraph 59 of the NPPF makes it clear that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land come forward where it is needed..." The Government have a target of 300,000 homes a year and in the latest publication of the housing supply figures for the monitoring year 2018/2019 the country has a shortfall of 60,000 homes.
- 2.10 Paragraph 60 goes on to note the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including those who require affordable housing, older people, people with disabilities and people who rent their homes. The site is located 600m from the development boundary of the 'Hove Station Area' – a designated development area benefitting from good sustainable transport links and offering significant capacity for substantial regeneration and development, as defined by Policy DA6 of the Brighton and Hove City Plan (Part 1). Allocation of this site would be justified and effective and consistent with national policy in that it is a brownfield site.
- 2.11 Paragraph 68 of the NPPF supports the development of small and medium sized sites, and recognises the important contribution that these sites can have a five – year housing supply. As a result this site should be allocated and at a density that is in line with the adopted City Plan and representative of nearby apartment blocks with a density of 313dph.

3. **Conclusion**

- 3.1 SF Planning Ltd are firmly of the view that the site offers a realistic, available and deliverable parcel of land that ought to be allocated for housing in the CPP2.
- 3.2 By allocating this site it is an opportunity for the council to address their under delivery and this is a missed opportunity to dictate land supply and future growth of the city through the plan making system. It is therefore crucial that the Council explores all possible options for the delivery of additional housing within the City over the plan period in order to comply with the requirements of paragraph 59 of the NPPF and to ensure that the plan is positively prepared in accordance with the soundness tests set out at paragraph 35 of the NPPF.
- 3.3 On behalf of RKO Developments, we thank you for the opportunity to comment and trust our comments will be given full consideration in due course.