



**Brighton & Hove
City Council**

**Proposed Submission City Plan Part 2
Brighton & Hove Development Plan April
2020**

Hearing Session: 3 November 2021 (AM)

**Statement in Response to Matter 3:
Supply and delivery of housing land
Policies H1, H2, H3 and SSA1 to SSA4**

**BY
BRIGHTON & HOVE CITY COUNCIL**

List of Abbreviations

AMR - Authority Monitoring Report

CPP1 - City Plan Part 1

CPP2 – City Plan Part 2

LPAs - Local Planning Authorities

NPPF - National Planning Policy Framework

PPG – Planning Practice Guidance

SHLAA – Strategic Housing Land Availability Assessment

Issue 1 Meeting the housing requirement

Q1. Does the Plan deliver the City Plan Part 1's housing requirement (for at least 13,210 new dwellings) and its timescale for delivery?

1. Yes, this is set out in detail in TP06 Housing Provision Topic Paper. TP06 identifies a potential housing supply of 15,096 net dwellings which is considered deliverable over the Plan period to 2030. This comfortably exceeds the minimum target set in CPP1 Policy CP1.

Q2. Do the proposed allocations and policy framework accord with the spatial and other requirements of the City Plan Part 1, which concentrates housing in the large identified sites in Development Areas and selected sites in the rest of the City, including the urban fringe?

2. Yes, Table 4 in TP06 sets out a summary comparison of the projected housing supply against the CPP1 Policy CP1 target for each of the different sources of housing supply. Appendix 3 Table 3 in the BHCC01 Council Response to Inspector's Initial Questions presents a more detailed breakdown, showing how the CPP2 site allocations in Policies SSA1-SSA4, H1 and H2 will contribute to meeting the remaining target. As shown in these tables, the total deliverable supply within the Development Areas exceeds the CPP1 requirement. Although identified housing in the Rest of the City and on urban fringe sites falls slightly below the respective CPP1 targets, the overall supply is well above that needed to deliver the CPP1 strategy.

Q3. Is the expected contribution from windfalls, which exceeds that in the Part 1 Plan realistic and justified by evidence? What is the justification for the inclusion of small identified sites? Given the reliance on windfalls, small sites, prior approvals and estate regeneration, none of which are based on allocations in this Plan, are the assumptions made regarding supply from those sources based on robust evidence?

3. Yes, the expected contribution from small site windfalls (5 or less dwellings) is considered realistic and supported by strong evidence. The approach to estimating housing delivery from small windfalls is set out in Section 4.c) of TP06. The projected contribution from small windfalls is based on average net housing delivery on small sites over the past five years (2015-2020) set out in ED15 SHLAA Update 2020, which gives an average annual delivery figure of 157 net dwellings (accounting for 33% of all housing completions over this period). This figure has been projected forward as an annual small windfall allowance for the period 2022-2030, with adjustments to avoid double counting with existing small residential permissions (i.e. small identified sites). Over the Plan period to date (2010-2020), small site completions have totalled 1,461 net dwellings which is already well above the Policy CP1 figure of 1,250 dwellings. The evidence indicates a consistent supply of small residential completions and recent changes to national planning policy through the expansion of permitted

development rights have further increased the potential for small residential developments through changes of use and extensions.

4. 'Small identified sites' refer to developments of 5 or less dwellings that were already under construction or had planning permission at 1 April 2020. These form part of the projected supply figures for Years 1-3 (2020-2023). To avoid double counting, a small windfall allowance is only made within the supply figures from 2022 onwards (with an adjustment in 2022-23). This is explained in Paragraph 4.11 of TP06.
5. The justification for including Prior Approvals and Estate Regeneration Programme in the housing supply figures is set out in Section 4.d) of TP06.
 - Prior Approvals related to permitted development rights for change of use from office to residential have become a significant new source of housing supply since CPP1 was adopted, with the CD13b AMR Residential report 2019/20 showing a total of 561 residential units generated from this source over the past six years. The Council's allowance of 300 dwellings is based on the outstanding Prior Approvals at 1 April 2020 to which a 30% discount has been applied in line with the SHLAA.
 - The New Homes for Neighbourhoods (NHFN) estate regeneration programme commits the Council to develop at least 500 affordable homes. A total of 241 dwellings have already been completed or have planning permission, leaving an outstanding figure of 259 dwellings to achieve the target. Several additional council-owned sites are currently under consideration, in particular Moulsecoomb Hub which is considered to have potential for at least 200 dwellings. For this reason, the Council is confident that at least 259 additional dwellings will come forward from this source.
6. For the reasons set out, the assumed supply of housing from the sources listed is considered to be based on robust evidence.

Q4. Should the submitted Plan include a housing trajectory? Should it set out the anticipated rate of development for strategic site allocations in accordance with NPPF paragraph 74?

7. The Council does not consider it appropriate for CPP2 to include a housing trajectory. This is a Part 2 plan which seeks to assist the implementation and delivery of the strategic planning framework set out in CPP1 which includes other strategic site allocations. CPP1 Policy CP1 sets out the overall City Plan housing provision for the period to 2030 and includes a housing trajectory at Figure 2, (p135) reflecting anticipated delivery at the time of CPP1 adoption. The Council publishes the updated housing supply position and an updated trajectory annually in the SHLAA, the most recent being ED15. Tables A and B in the SHLAA reports indicate the Council's phasing assumptions for all sites of 6 or more

dwellings, including the strategic allocations in both CPP1 and CPP2 (SSA1-SSA4) and all sites allocated in Policies H1 and H2.

8. The NPPF paragraph 74 states that plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. SD04 Proposed Implementation and Monitoring Indicators and Targets sets out delivery targets/timescales for each of the strategic site allocations SSA1-SSA4 and their anticipated phasing is also set out in the SHLAA (see above). SSA3 and SSA4 are already subject to outstanding planning permissions which exceed their minimum housing targets, whereas SSA1 and SSA2 are still at pre-application stage making it difficult to anticipate their precise phasing. The Council does not consider that anticipated rates of development on these sites could be further narrowed down for policy purposes.

Q5. Would there be a supply of deliverable sites and developable sites that would meet the City Plan Part 1's housing requirement? What assumptions have been made in relation to delivery rates and are these justified?

9. Yes, TP06 Section 4 presents detailed information demonstrating how the CPP1 target will be met from different sources of housing supply, including CPP2 site allocations. The projected development timescales for sites allocated in CPP2 are set out in the individual site proformas in TP07 Site Allocations Topic Paper Appendix 3 (H1 sites), Appendix 4 (H2 sites) and Appendix 6 (SSA1-SSA4). In accordance with the PPG, the proformas provide assessment of site location and surroundings, land ownership and control, and the willingness of the landowner to develop the site. The SHLAA Update 2020 (ED15) provides further detail on the delivery and phasing of the housing supply as a whole, including the other sources of housing supply (e.g small sites).
10. Development timescales for individual sites are taken from the SHLAA which is reviewed annually. Delivery assumptions take account of any information received during the monitoring year from landowners, agents and/or developers. On sites where development is already underway, site monitoring supplemented with information from developers provides the main guide. On sites where planning permissions have not commenced or where development has stalled, the relevant developers/agents are contacted by the Council requesting updated information. Discussion is also undertaken with relevant Council officers in Development Management, Housing, Estate Regeneration etc.
11. Development timescales have also been informed by analysis of historic delivery rates for residential developments completed over the past decade looking at average development "lead times" and "build out times" for sites of different sizes. This is explained further in ED16 Housing Delivery Action Plan Paragraph 5.11.

Q6. Is there sufficient range and choice of sites allocated in the Plan in terms of location, type and size to provide adequate flexibility to meet the City Plans Part 1's housing requirement?

12. Yes, this is demonstrated in TP06 and TP07 with further detail provided in the Council's responses to Questions 21 and 23 in BHCC01. CPP2 policies allocate 1,100 dwellings on the four strategic sites (SSA1-SSA4); 1,277 dwellings on non-strategic sites within the built-up area (H1); and 899 dwellings on urban fringe sites (H2). These allocations supplement the strategic sites already allocated in CPP1. Both CPP1 and CPP2 allocations are strongly focused towards brownfield redevelopment sites within the existing built-up area, particularly the Development Areas DA1-DA6 and DA8. This reflects the very constrained geography of the city with this broad spatial strategy being agreed at the CPP1 examination. As evidenced by the ED21-ED24 Urban Fringe Assessments, there is very limited potential for housing allocations on the urban fringe, however H2 allocates 15 non-strategic sites¹ which add to the CPP1 strategic greenfield allocation at Toad's Hole Valley (DA7).
13. The city's physical and environmental constraints mean that there are no further opportunities for greenfield allocations. The Council has already thoroughly explored the potential to overcome local constraints and designations such as Local Wildlife Sites. Furthermore, the identified constraints and required mitigation measures limit the scale and density of housing that can be achieved on the identified urban fringe allocations. This forces a strong policy focus on maximising housing delivery on brownfield opportunities by promoting high densities, taller buildings and mixed-use development where possible. However, this has to be balanced against heritage and amenity considerations, the requirements of other land uses, and the need to plan for a range of different housing types including larger family housing.

Q7. NPPF paragraph 69a states that local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of housing requirements on sites no larger than one hectare. Should this be recognised specifically in the Plan? (See Initial Question 23 and the Council's response)

14. As stated in the response to BHCC01 Question 23, around 45% of housing delivery on CPP2 allocations will be on sites of less than one hectare, including around 90% of non-strategic allocations within the built-up area boundary (Policy H1 sites). It is suggested that reference to NPPF Paragraph 69.a) could be added in the supporting text to H1 through the following Proposed Modification:

¹ Subject to the deletion of Urban Fringe Site 16: Land at and Adjoining Horsdean Recreation Ground as proposed in MM108 of the Council's Revised Schedule of Proposed Modifications (BHCC02).

MM ##	Supporting text to Policy H1, paragraph 3.64, page 178	<p><i>Policy H1 Housing Sites and Mixed Use Sites</i> <i>Add new sentence to Paragraph 3.64 to read:</i></p> <p>3.64 Only sites which are expected to bring forward 10 or more residential units are allocated in this policy. <u>Approximately 90% of this housing will be on sites of less than one hectare which considerably exceeds the 10% target set in the NPPF Paragraph 69a.</u> It is expected that smaller sites and windfall provision will continue to make a significant contribution towards the city’s planned housing requirements as accounted for in Policy CP1.</p>	To provide a direct reference to the requirement in NPPF 69a.
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Q8. Does the Plan provide appropriate support for entry level exception sites, suitable for first time buyers in accordance with NPPF paragraph 72? If not should it?

15. The Council has undertaken comprehensive assessment of the potential for housing development within the city’s urban fringe as set out in ED21-ED24. These sites are sensitive with a range of identified constraints and the Council’s view is that any development should be plan-led. All sites recommended in the studies as having potential to accommodate 10+ dwellings are proposed for allocation in H2 except sites where there is uncertainty about deliverability in the period to 2030 (see TP07). The Council acknowledges that NPPF Paragraph 72 would be a material planning consideration in determining any future proposals for entry-level exception sites. Whilst a reference to Paragraph 72 could be added in the supporting text to Policy H2, the Council does not consider that this would add any further detail to what is already stated in the NPPF.

Q9. Overall, will the Plan realistically deliver the dwellings required over the plan period? What contingencies are in place should housing delivery fall below expectations?

16. The Council is confident that the identified housing requirement figure is achievable by the City Plan end date of 2030. It is accepted that the rate of housing delivery since the start of the City Plan period has fallen short of the projected CPP1 target, however ED15 and ED16 provide evidence of improving housing delivery. In addition, ED16 analyses potential risks to housing delivery and sets out a range of Council actions to boost development, including by accelerating its direct delivery of affordable housing and by taking action to unlock stalled development sites. It should also be noted that a high proportion of the identified housing supply is built as apartment blocks rather than separate residential units which leads to an uneven pattern of completions.

17. Housing delivery rates will to some extent depend on general housing market conditions and specific landowner/developer actions which are outside the Council’s control. For this reason, the identification in ED15 of

housing potential which exceeds the CPP1 requirement provides greater confidence that the minimum CPP1 target will be met. The strategic site allocation policies in both CPP1 and CPP2 set minimum housing provision figures, whilst the housing figures in Policies H1 and H2 are indicative, which allows potential for housing totals to be exceeded on individual sites when development proposals come forward at the planning application stage, subject to assessment in terms of impact on the highways network and other infrastructure.

Q10. In preparing City Plan Part 1, by spreading the housing shortfall from earlier in the Plan period, the Council was able to demonstrate a 5.0 year housing land supply on adoption of that Part 1 Plan. However, the Examining Inspector concluded that the lack of flexibility in the housing supply would require very close consideration in the preparation of this Plan. The Council has confirmed that at present it is unable to demonstrate a 5 year housing land supply. In the context of the requirement set within the City Plan Part 1, has this Plan met the expectation to increase flexibility in the Council's 5 year housing land supply position in accordance with the Examining Inspector's expectations?

18. The most recent published SHLAA (ED15) shows a 5-year shortfall of 342 net dwellings against the adjusted CPP1 target (equivalent to 4.7 years housing supply). This is largely due to the significant shortfall carried forward from previous years due to under-delivery over the period 2014-2020 (the adjusted annualised requirement now stands at 1,108 net dwellings per year). However, CD13b Annual Monitoring Report 2019/2020 and ED16 provide evidence pointing to improving housing delivery (e.g the number of dwellings with extant permissions and increased number of new dwellings permitted over the period 2017/18-2019/20).

19. In preparing CPP2, the Council has been very aware of the CPP1 Inspector's comments and has sought every opportunity to identify additional housing potential and to maximise housing on identified sites, subject to the city's physical, environmental and heritage constraints. TP07 Sections 4 and 5 set out the Council's approach for identifying housing sites within the built-up area and on the city's urban fringe and this is discussed further in the Council's responses to Matters 6 and 7. The Council has pushed the limits in seeking to identify additional housing potential, including thoroughly exploring how far local constraints and development impacts can be overcome or acceptably mitigated. The potential housing supply identified now comfortably exceeds the CPP1 provision figure and this increases confidence that the minimum CPP1 target will be met.

20. As previously stated, delivery rates also partly depend on housing market conditions and specific landowner/developer actions. For example, development lead times on some key strategic sites (e.g Toad's Hole

Valley) have been longer than originally envisaged and this has impacted on the overall housing delivery, leading to an increasing shortfall against the housing trajectory.

21. To counteract this, the Council is pursuing a range of actions to increase housing supply as set out in ED16. However, the city remains extremely constrained, and it remains important to balance housing delivery against other land uses in order to help meet the city's commercial, community and open/green space needs and deliver sustainable development. Within these constraints, the Council considers that CPP2 maximises the housing potential and the flexibility to meet and exceed the CPP1 housing supply.