



**Brighton & Hove
City Council**

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

Hearing Session: 9 November 2021 (AM)

**Statement in Response to Matter 5:
Strategic Site Allocations**

**BY
BRIGHTON & HOVE CITY COUNCIL**

List of Abbreviations

CPP1 - City Plan Part 1
CPP2 – City Plan Part 2
NPPF - National Planning Policy Framework
PPG – Planning Practice Guidance
SA - Sustainability Appraisal
SDNP – South Downs National Park

Whether the proposed strategic allocations are soundly based

Issue 1 SSA1 Brighton General Hospital site

Issue 2 SSA2 Combined Engineering Depot

Issue 3 SSA3 Land at Lyon Close

Issue 4 SSA4: Sackville Trading Estate and Coal Yard

Issue 5 SSA5: Madeira Terrace and Madeira Drive

Issue 6 SSA6: Former Peter Pan Leisure site

Issue 7 SSA7: Land adjacent to American Express Community Stadium

The Council is requested to address the following questions for each of the proposed strategic allocations. For those sites where representations have been made, the Council should respond to the particular issue(s) raised. In doing this any updated information regarding the planning and development status of the sites should be included.

Q1. Are the strategic allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?

1. Yes, the council considers the strategic allocations are appropriate and justified. Site analysis proformas have been completed for all the SSA sites and are included in Appendix 6 of TP07 Site Allocations Topic Paper. The site summaries include consideration of potential constraints and infrastructure requirements and conclude that all the sites are suitable for the type of development proposed in the respective policies.

Q2. Are the site boundaries appropriate? Is there any justification for amending the boundaries? Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?

2. The Council considers the boundaries for all the sites to be appropriate and is not aware of any justification for amendments, nor any factors that may indicate that any sites or part of sites should not have been allocated.
3. No representations were received seeking amendments to site boundaries.

Q3. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?

4. **SSA1** - The Council is engaged in detailed pre-application discussions regarding the development of the site with the Sussex Community NHS Foundation Trust (266). The heritage impacts will need careful consideration but are not expected to prevent development.
5. It is understood that the proposed Health & Wellbeing Hub will not benefit from NHS investment funding and as such the value generated by the

residential development will support viability and deliverability of the Hub development.

6. **SSA2** - The site was promoted by the landowner in response to the 'call for sites' in 2016 as a viable site that is deliverable within the plan period. The policy criteria reflect the physically constrained nature of the site and the proximity of the listed Brighton station canopy, but it is not considered that this would prevent delivery of the site. No objections to the policy have been raised by the landowner.
7. **SSA3** – Several consented schemes within this strategic allocation have already been brought forward demonstrating the viability and deliverability of development. Further information is provided in Q7 below.
8. **SSA4** – Planning consent (BH2019/03548) has been granted for the comprehensive redevelopment of the site and site clearance is underway.
9. **SSA5** – Planning consents have been granted for temporary and permanent proposals for an outdoor swimming pool south of the site supported by commercial units including health and fitness uses on the SSA6 site (see answer to Q7 for further detail). A 25-year Agreement for Lease will ensure the council has control over the long-term future of the site and allows the Sea Lanes consortium to access the necessary funding for their investment.
10. **SSA6** - The restoration of Madeira Terrace is a corporate priority for the council. The first phase of work is intended to commence in summer 2022. The intention of the policy is to provide a planning policy framework to support the phased restoration of Madeira Terrace. See answer to Q7 for further detail.
11. **SSA7** – Part of this site falls within Lewes District and a similar policy (E2) has been included in the 2020 adopted Lewes Local Plan Part Two (OD83). That policy was considered soundly based by the examining inspector.

Q4. How were the site capacities determined? What assumptions have been made? Are these justified? What is the expected timescale and rate of development and is it realistic?

12. The considerations in determining site capacities for SSA1-SSA4 are set out in paragraphs 7.1 to 7.4 of the TP07 Site Allocations Topic Paper. Specific development capacities are not included for SSA5-SSA7. Development timescales for individual sites are taken from the SHLAA which is reviewed annually (see BHCC08 Matter Statement 3 for further information). BHCC05 CPP2 Site Allocations provides an update on the planning and development status of the strategic site allocations.

13. Additional relevant site-specific information is provided below:
14. **SSA1** – The minimum of 200 units is considered an appropriate figure, reflecting the requirement for a detailed Heritage Impact Assessment to be produced in support of a planning application to inform detailed design work. The requirement for a healthcare facility responds to the known requirement for ongoing use of part of the site as a modern healthcare facility for the NHS.
15. The Council is engaged in pre-application discussions regarding the site's development and it is expected to be delivered within the plan period.
16. **SSA2** – Residential capacity is based on submission to the Call for Sites in 2016 by the landowner (Network Rail) (see CD22b Appendix 7 Copies of Representations, page 771) and further detailed consideration in the ED17 Housing and Employment Land Study (page 173). The residential capacity (set as a minimum requirement) is slightly lower than that proposed by the landowner in order to accommodate replacement employment floorspace given the identified need set out in CPP1 Policy CP3.
17. Pre-application discussions have taken place but no planning application has submitted. It is anticipated that development will be delivered towards the end of the plan period.
18. **SSA3** – As noted above, several development proposals have already come forward within the SSA3 area, with c353 dwellings either completed or subject to planning permission or Prior Approval. This exceeds the minimum housing target set in the policy and provides evidence that the policy is deliverable. See answer to Q7 below for further detail.
19. **SSA4** – Residential capacity was based on planning applications that had been submitted for the site. Justification for the employment floorspace quantum is set out in paragraph 3.35 in the supporting text. Other ancillary uses are considered necessary to support a new community of this size in this location. As noted above, planning permission has now been granted for a comprehensive redevelopment proposal (see BHCC05 for details) and it is expected that scheme will be delivered in the period 2023-2025.

Q5. What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?

20. Individual SA site assessments formed the basis of the assessment process for the strategic site allocations and are set out in TP07 Appendix 6. The assessments for SSA1-SSA4 indicated there is potential for mixed-use development subject to appropriate mitigation of identified constraints. Proposed development on these sites will make more effective use of large, underused brownfield sites to make significant contributions towards

the city's housing and employment needs. The detailed policy criteria for each site respond to the relevant constraints and will ensure that development proposals take account of these and provide appropriate mitigation.

21. SSA5 and SSA6 are sites with unique development requirements. They will both contribute to the restoration and revitalisation of the Madeira Terrace and Madeira Drive part of the seafront which requires regeneration and investment to better align it with the area west of the Palace Pier which has seen significant investment in recent decades. The policies support the strategic approach for the regeneration of this area as set out in CPP1 Policy SA1. Heritage and biodiversity impacts are key considerations, and the policies contain appropriate criteria to ensure that impacts on designated sites and heritage assets are appropriately mitigated.
22. The SA assessment for SSA7 considered the site to have potential for employment uses. The policy complements a similar policy in the adopted Lewes Local Plan Part Two (OD83) to facilitate commercial development on this site which falls within both Brighton & Hove and Lewes District. The site is close to the SDNP boundary and appropriate criteria are included to ensure that the impact on the National Park and its setting is appropriately mitigated.

Q6. Are the detailed policy requirements for each site, effective, justified and consistent with national policy? Do they adequately address all issues/concerns in relation to each site?

23. Yes, the detailed policy requirements are considered effective, justified and in compliance with the NPPF. The level of detail is considered appropriate given the large and/or unique nature of the sites and takes account of the guidance in PPG (paragraph 61-002) for sufficient detail to be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development. They relate to the importance of site-specific issues such as design, heritage, biodiversity, sustainable transport, air quality etc, and are effective, justified and in accordance with the approach set out in the NPPF.
24. No significant objections were raised during the Regulation 19 consultation to the detailed policy criteria for the sites included in the policies. Some representations requested additional criteria, for example:
- Nest boxes for swifts (SSA1)
 - A specific Heritage Statement requirement for SSA1 and SSA2
 - Specific reference to food growing in all the SSA policies
25. However, these issues are considered to be adequately covered by other policies in CPP1 and CPP2. The issue of building heights in SSA3 was also raised by a number of consultees and this is addressed in Q7 below.

26. MM86 has been proposed to add a policy requirement to SSA4 relating to the protection of groundwater sources, at the request of the Environment Agency to ensure consistency with a similar criterion in SSA7.

Q7. Would the Modifications proposed by the Council address any shortcomings?

27. Other modifications have been proposed to provide clarification and address a number of necessary factual updates and changes to the Use Class Order (MM81–MM100). These are considered necessary to ensure the effectiveness of the policies.

SSA1 Brighton General Hospital site: In the absence of floorspace figures would the requirement for community facilities be effective? Does it appropriately reflect requirements in relation to heritage/biodiversity/ food growing?

28. The term ‘community facilities’ covers a broad range of different facilities as summarised in paragraph 2.79 of the supporting text to Policy DM9¹. In order to provide appropriate flexibility and ensure the policy’s effectiveness it is not considered appropriate to set a specific floorspace requirement when the type of facility that may be provided is unknown.

29. The heritage constraints of the site are recognised in the site appraisal proforma and reflected in the policy criteria. CPP1 Policy CP15 and Policies DM27-DM29 relating to listed buildings and other heritage assets would also be relevant to the consideration of a planning application. In recognition of the prominent listed building and other heritage assets on the site there is a specific requirement in criterion (a) for a comprehensive Heritage Impact Assessment to ensure robust evidence is provided regarding the heritage impacts of any proposed development.

30. Biodiversity issues are addressed by the requirements to conserve and enhance biodiversity as set out in CPP1 Policy CP10 and Policy DM37 which would be applicable to this site as referenced in paragraph 3.18. Paragraph 3.18 also refers specifically to the requirement to maintain and install new swift boxes.

31. Several policies in CPP1 provide strong support for food growing. For example, Policy CP18 relates to measures which can be incorporated in new developments to support healthy lifestyle and recognises the role that easy access to healthy food can play in achieving this. Policy DM22 specifically requires food-growing to be incorporated in new development where practicable. These policies are supported by the OD11 Food Growing Planning Advice Note. This is considered to provide effective support for food-growing space on the site.

¹ Note that an amendment has been proposed to paragraph 2.79 to reflect changes to the Use Class Order – MM05

SSA3: Land at Lyon Close: Would the policy be clear and effective, in requiring a mixed use redevelopment of sites identified? Would it strike the right balance between the retention and promotion of employment floorspace and provision of new homes? Have the minimum development requirements been based on tall building development and if so would it be soundly based?

32. The Council considers the policy is clear and effectively expressed. SSA3 plans positively for a more effective and coordinated use of this mixed-use area to assist meeting the housing needs of the city. It also seeks the provision/retention of 5,700 sqm of flexible business floorspace recognising the changing nature of employment in this area.
33. The policy takes a balanced approach in accordance with CPP1 Policy CP3 which does not identify Lyon Close as a protected employment site. The policy was informed by consented schemes already underway²; and extant planning permissions including prior approvals and proposals that emerged through the 'call for sites' in 2016.
34. The minimum requirement of 300 units is soundly based and informed by existing/ lapsed consents and/or assessment of potential site capacity as outlined in paragraphs 7.1-7.4 of TP07 Site Allocations Topic Paper. It has included consideration of development constraints (such as the Willett Estate Conservation Area) and prevailing densities within the site and surrounding area.
35. SSA3 was also informed by the ED19 Lyon Close Masterplan Principles (Design Workshop) commissioned to provide design advice including place making and public realm improvements for the site. The policy acknowledges that the site is not within an identified Tall Building node/corridor and that individual proposals would need to be assessed for their townscape impacts and against current tall buildings guidance in CP12 and the OD79 Urban Design Framework SPD.

SSA5: Madeira Terrace and Madeira Drive: Would the policy ensure the effective restoration and regeneration of Madeira Terrace and Drive having regard to their heritage significance and At Risk status?

36. Yes, the council is committed to the retaining, restoring and reactivating the Grade II* listed structure. The strategic allocation includes numerous heritage assets that contribute to the uniqueness and special character of this area. Proposed Modifications MM91-MM96 (BHCC02) will update the policy and supporting text regarding the updated listing status and reinforce the policy wording to make more explicit the priority to repair and restore the listed structures.

² 121-123 Davigdor Road, the Crest Nicholson Scheme which was not included in the SSA3 site allocations as it was under construction in 2017.

37. The council recognises that there are substantial costs associated with restoring and bringing Madeira Terrace back into public use. It has allocated £13.4m funding for the Madeira Terraces restoration and recognises that its restoration will need to be undertaken in phases. A Conservation Management Plan is being prepared which will inform the first phase of restoration, the Madeira Terrace 30 Project³, which was commissioned in 2020. A planning application for this first phase is expected in late 2021 and will be accompanied by the Conservation Management Plan and a Heritage Impact Assessment. An Eastern Seafront Masterplan SPD is being produced to support the implementation of SSA5 within the wider context of the Eastern Seafront and guide delivery.

SSA6: Former Peter Pan Leisure site: Would the policy ensure the effective restoration and regeneration of Madeira Terrace and Drive having regard to their heritage significance and At Risk status?

38. The restoration of Madeira Terrace and Drive are addressed in the response to SSA5 above. SSA6b) requires development proposals to achieve a high quality of design and sustainability which preserves and where possible enhances the setting of the East Cliff Conservation Area, adjacent Listed Buildings/ structures, the character of the seafront and strategic views.

39. It is proposed that the supporting text at paragraph 3.52 be updated to reflect the updated listed status to be consistent with the Main Modifications proposed for SSA5:

MM ##	Supporting text to Policy SSA5, para. 3.52 page 168	<p>Policy SSA6 <i>Amend the first sentence of the supporting text 3.52 as follows:</i></p> <p>Ancillary retail uses will be permitted that support the new attraction and create footfall to the site. Due to the heritage assets (East Cliff Conservation Area and Grade II* listed Madeira Terraces and Shelter Hall <u>which have been added to Historic England’s list of heritage assets at risk</u>) development at beach level should be primarily single storey and should not exceed the height of middle promenade to respect the historic setting and open nature of the area...</p>	For clarity
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³ The council’s website provides updated information on the Madeira Terrace Project: [A phased restoration \(brighton-hove.gov.uk\)](http://brighton-hove.gov.uk)