



**Brighton & Hove
City Council**

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

Hearing Session: 5th November 2021 (AM)

**Statement in Response to Matter 13:
Employment & Retail Policies**

**BY
BRIGHTON & HOVE CITY COUNCIL**

List of Abbreviations

CPP1 - City Plan Part 1
CPP2 – City Plan Part 2
DAs – Development Areas
DPD - Development Plan Document
ILPs – Important Local Parades
NPPF - National Planning Policy Framework
PPG – Planning Policy Guidance

DM11 New business floorspace

Q.1. Are modifications required to ensure this policy is effective and consistent with national policy, particularly in relation to the uses sought?

1. Yes, Main Modifications are proposed in BHCC02 Revised schedule of Proposed Modifications to the Proposed Submission CPP2, August 2021 (at MM07-11) to reflect changes to the Use Classes Order that came into effect 1st September 2020 to ensure DM11 remains effective and consistent with national policy.

Q.2. How does the policy interact with City Plan Part 1 policies CP2 and CP3 in particular?

2. CPP1 Policy CP2 at part 3. supports the provision of a mix of employment land in recognition of the particular employment sectors in the city and their land use requirements. CPP1 Policy CP3 Employment Land sets out the strategy for safeguarding existing employment land and premises including at part 3. Identifying and protecting industrial estates and premises and encouraging their upgrade and refurbishment. DM11 and its supporting text provides detailed development management guidance on the design/ configuration of any new/ refurbished employment land so that the employment space is fit for purpose, flexible and therefore attractive to range of occupiers. The second paragraph of the policy and supporting text 2.102 provides further clarification that where proposals to upgrade protected industrial estates propose more effective use of the site/ premise, the proposed new floorspace/ reconfigures site should remain within the uses specified under Policy CP3.

Q.3. Is a specific policy required to support live work units?

3. No, consideration as to whether a policy on specific types of new employment floorspace to replace BHLF Policy EM8 Live-Work was required took place during the 2016 scoping stage; see paragraph 3.19 and question E6 of SD20 CPP2 Scoping Paper, June 2016. The consultation responses and discussions at consultation workshops indicated that a specific policy was not generally supported or considered necessary (CD22b appendix 7, page 6). CPP1 Policy CP2.3 supports a mix of employment floorspace types and CP3.4 and relevant strategic site allocations in CPP1 and CPP2 and H1 provide opportunities for a mix of housing and employment uses to come forward on identified sites.

DM12 Changes of use within regional, town, district and local shopping centres and DM13 Important local parades, neighbourhood parades and individual shop units

The Plan proposes to allocate ten Important Local Parades in Policy DM13 as smaller centres that provide access to day-to-day necessities such as newsagents, convenience stores, off-licences, pharmacies and post offices, within walking distance from home. As an update to the hierarchy of shopping centres set out in City Plan Part 1 Policy CP4, the secondary frontage of the Regional Centre has been amended to facilitate a new centre called Brunswick Town Local Centre. This centre is shown on the updated Policies Map and is detailed within Policy DM12.

Q.1. How have changes to the shopping areas within the retail hierarchy been identified, in particular the identification of changes to the secondary frontage of the regional centre and the 10 ' Important Local Parades'? Is that methodology soundly based and has it been consistently applied so as to meet NPPF requirements to define a network and hierarchy of town centres, promote their long-term vitality and viability and to define the extent of town centres and primary shopping areas?

4. The CPP1 Retail Study Update (2011) did not identify any obvious need for extensions or contractions of town centre boundaries, however, since the publication of this study and the adoption of CPP1, there have been the creation and loss of some commercial units in or near to frontages. At the CPP2 scoping stage consultation (CD22a CPP2 Scoping Stage Consultation) there was broad support for amending or removing some less successful sections of the shopping frontage from shopping centres in the retail hierarchy.
5. The council considered whether reduced or expanded boundaries of these centres was necessary. The methodology undertaken is explained in TP02, Retail Policies Topic Paper May 2021, page 17. Annual retail health check surveys were used to inform changes to centres and evidence demonstrated that whilst most of the boundaries were still relevant some minor changes were required. Within the Regional Centre the proposed changes reflect the additional units built in new developments such as Trafalgar Street and Jubilee Street Brighton. Frontages were adjusted within other centres such as the newly identified Brunswick Town Local Centre, which was formally secondary frontage of the Regional Centre.
6. Full details of the frontage changes are set out from page 20 of TP02, as well as a summary of consultation responses received at each

consultation stage of the plan. The Council considers that the proposed boundaries address paragraph 86 of the NPPF.

7. The ten Important Local Parades (ILP) were identified via site visits and desktop study and Table 2 of TP02, page 67 outlines how these were assessed. The initial criteria used to assess the suitability of the parades is set out alongside a qualitative summary of each parade which determined whether they should be designated as an ILP.
8. PPG, paragraph 6 includes a set of indicators which may be relevant in assessing the health of town centres, and planning for their future. These baseline indicators were used by the council in assessing the health of its retail centres and were used to help determine the changes to boundaries and proposed ILPs in policies DM12 and DM13.

Q.2. Are modifications required to this policy to reflect changes to the Use Classes Order which have the effect of restricting controls on changes of use within shopping parades? Do the policies make clear the range of uses permitted in identified shopping areas, as part of a positive strategy for the future of each centre?

9. Modifications are proposed in BHCC02 (MM12 - MM14) to reflect changes to the Use Classes Order that came into effect 1st September 2020 to ensure DM12 and DM13 remain effective and consistent with national policy.
10. Modifications proposed in BHCC02 (MM12 - MM13) make clear the range of uses permitted in shopping areas for Policy DM12. Proposed modifications to DM12 states that uses under Class E, Class F1 and Class F2 will be supported in defined centres. Proposals for other uses will be considered if criteria a) to e) are met. The policy also supports residential uses above or to the rear of units as well as 'meanwhile' uses. The proposed policy wording is considered to offer a positive strategy for growth in each centre considering the use class order changes and new permitted development rights in ensuring that this is the best possible solution to maintain sustainable shopping centres whilst balancing the need for housing.
11. For Policy DM13 modifications proposed in BHCC02 (MM13) make clear that use class E will be supported in ILPs. Other uses will be considered if they meet the criteria set out in the main policy text (criteria a-d). The proposed policy wording is considered to offer a positive strategy for growth in each ILP whilst protecting the amenity of neighbouring uses considering the new use class order changes and new permitted development rights and offers the best possible solution to maintain sustainable shopping parades.

Q.3. Would the policy requirements be justified, effective and consistent with national policy and City Plan Part 1 CP4?

12. DM12 and DM13 are consistent with national policy (NPPF para 86.) specifically paragraph 86(b) which requires it to be made clear the range of uses permitted in Primary Shopping Areas as part of a positive strategy for the future of each centre. The policy approach is appropriate and justified given the evidence set out in TP02 which showed that there was scope for consolidating some centres in the hierarchy and allocating new ILPs.
13. DM12 and DM13 are consistent with CPP1 Policy CP4 which it indicates that amendments to the boundaries of centres could be made or that new centres could come forward through future DPDs.

DM14 Commercial and leisure uses at Brighton Marina

Q.1. Would the policy requirements be justified, effective and consistent with national policy and City Plan Part 1 policy CP4?

14. Although Brighton Marina was removed as a District Centre in the CP4 retail hierarchy by the Inspector at the CPP1 examination (CD23), a policy that guides changes of use in the DA2 area is justified to ensure that any proposed development aligns with a strategic objective of Policy DA2 to secure a more balanced mix of retail and non-retail uses.
15. Policy DM14 is consistent with the wording of CP4, paragraph 4.44 which sets out that the council's approach for Brighton Marina is to enhance choice and performance of retail activity through a specific policy in CPP2. Policy DA2 also indicates (para 3.17) that a detailed policy regarding the appropriate type and mix uses in the Marina will be set out in CPP2. The policy complements DA2 in seeking to address local priorities 2, 3 and 6.
16. Policy DM14 is consistent with paragraphs 92 a) b) & c) as well as para 93 a), c), d) and e) of the NPPF in promoting health and safe communities.

Q.2. Are Modifications required to this policy to reflect changes to the Use Classes Order which have the effect of restricting controls on changes of use within shopping parades? Do the policies make clear the range of uses permitted in identified shopping areas, as part of a positive strategy for the future of each centre?

17. Yes, Main Modifications are proposed in BHCC02 Revised schedule of Proposed Modifications to the Proposed Submission CPP2, August 2021

(MM15-MM16) to reflect changes to the Use Classes Order that came into effect 1st September 2020 to ensure DM14 remains effective and consistent with national policy. The proposed policy wording supports E use class and F2 use class at the Inner Harbour area of the Marina, and this is considered to form a positive strategy for the Brighton Marina area, aligned with DA2's local priorities 2, 3 and 6.

Q.3. In requiring a window display to retain an active frontage, would the policy be effective?

18. Main Modifications are proposed in BHCC02 Revised schedule of Proposed Modifications to the Proposed Submission CPP2, August 2021 (MM15 - MM16) to remove the requirement of maintaining a window display as part of the main policy text. Reference to window displays is included in the supporting text as an example of retaining an active use but is not considered a requirement.

DM15 Commercial and leisure uses on the seafront and DM16 markets

Q.1. Would the policy requirements be justified, effective and consistent with national policy and City Plan Part 1?

19. Policy DM15 sets out how changes of use and new developments for commercial and leisure uses will be considered on the seafront. Amendments have been made to the policy to clarify the types of uses accepted on the seafront in line with the new use classes order changes as set out in BHCC02 to ensure that it is justified, effective and consistent with national policy. DM15 is consistent with CPP1 Policy SA1 in supporting proposals that support the year-round sport, leisure, and the cultural role of the seafront for residents and visitors whilst complementing its outstanding historic setting and natural landscape value.
20. Policy DM15 is consistent with paragraphs 92 a) b) & c) as well as para 93 a), c), d) and e) of the NPPF in promoting health and safe communities.
21. Policy DM16 sets out how the council will seek to retain and enhance existing markets and how it will assess proposals for new markets. The policy wording is considered consistent with national policy (NPPF para 86.) specifically paragraph 86 c). The policy requirements align with the priorities set out in CPP1 Policy CP18 Healthy City particularly point 5 and therefore the policy approach taken is appropriate and justified.

Q.2. Are Modifications required to policy DM15 to reflect changes to the Use Classes Order which have the effect of restricting controls on changes of use within shopping areas?

22. Yes, Main Modifications are proposed in BHCC02 Revised Schedule of Proposed Modifications to the Proposed Submission CPP2, August 2021 (MM17-18), to reflect changes to the Use Classes Order that came into effect 1st September 2020 to ensure DM15 remains effective and consistent with national policy.

DM17 Opportunity areas for new hotels and safeguarding conference facilities

Q.1. Would the policy requirements be justified, effective and consistent with national policy and City Plan Part 1 policy CP6?

23. DM17 is consistent with national policy (NPPF paragraphs 86- 87), CPP1 spatial strategy and Policy CP6 Visitor Accommodation. The policy complements CP6.1 which directs new hotels firstly to Central Brighton. Proposals for new hotels outside Central Brighton will be considered against the sequential test for main town centres uses. Where there are no suitable or available sites in Central Brighton, DM17 informs the search area by identifying suitable opportunity areas for new hotels consistent with CPP1 spatial strategy for accommodating the city's identified development needs to certain areas of the city (Development Areas).
24. The policy approach is appropriate and justified given the evidence on market demand (as summarised in DM17 paragraph 2.140) and updated forecast demand. The CPP1 was guided by the 2007 Hotel Futures Study projections which suggested no need to identify additional hotel sites over/ above what was planned to 2016. DM17 is informed by ED07 Brighton & Hove Visitor Accommodation Study Update 2018. Guided by the low-growth forecast there is an additional need for 5 new hotels over the plan period.
25. Given the constraints in land availability in the city for suitable sites for new hotels and the need to ensure that the priorities for development as identified in CPP1 strategic allocations are not compromised DM17 provides an effective approach that could support the delivery of new hotels over the plan period. DM17 describes them as opportunity areas as the potential for hotels alongside the allocated uses would be subject to consideration of capacity as proposals come forward.

Q.2. How have the strategic allocations and development areas been identified as areas of search for new hotel development? Is that methodology robust and has it been consistently applied?

26. ED07 Visitor Accommodation Update Study 2018 reviewed the options for meeting the identified future hotel requirements, see section 5.5 Hotel Site Availability which was informed by the CPP1 spatial strategy for

accommodating the city's identified development needs to certain areas of the city (Development Areas) and informed by market requirements (5.5.1). A robust assessment of a range of potential sites and locations for hotel development was undertaken and consistently applied (Appendix 16 Brighton Hotel Sites Assessment). The assessment considered the status of the site (availability/ scheme details/ history/ constraints and planning) and market view/ opportunity (operator requirements/ market potential etc). From this assessment, four of the CPP1 Development Areas were considered to have potential for hotel development alongside the allocated uses set out in strategic allocations and this is summarised in DM14 paragraph 2.143. The study suggested that the potential for hotels in these areas could help add value and improve viability and vitality to proposals.