

## **Circus Street Supplementary Planning Document Consultation Statement and Summary of Submissions Report November 2005**

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### **Introduction**

This report meets the requirements of Planning Policy Statement 12 (2.43 (iv)) to produce a statement which demonstrates how the preparation of the SPD has conformed with the Statement of Community Involvement (SCI) and/or the minimum requirements of the Town and Country Planning (Local Development) (England) Regulations 2004 (the regulations). This report provides a full record of all representations received by Brighton and Hove City Council on the draft Circus Street Municipal Market site SPD during October – November 2005 and sets out a response to each comment indicating, where appropriate, how the SPD has been amended in response to the comment.<sup>1</sup>

### **Consultation under Regulation 17**

As required by Regulation 17 of the Regulations, prior to the adoption of the SPD, the Council undertook consultation over a six week period during October – November 2005 as follows:

- The SPD documents and SPD matters was made available for inspection at the following places and times:
  - City Direct, Hove Town Hall from 8.45 to 4.30pm Monday to Friday;
  - City Direct, Bartholomew Square, Brighton from 9.00 to 4.30 pm Monday to Friday;
  - Jubilee Library, Brighton on Monday and Tuesday from 10 am to 7pm, Wednesday 10 am to 5 pm, Thursday 10 am to 8 pm, Friday 10 am to 5 pm, Saturday 10 am to 4 pm;
  - Hove Library on Tuesday from 9.30 am to 7.30 pm, Wednesday, Thursday, Friday and Saturday 9.30 am to 5.30 (please note: Hove Library will be closed for 6 months from October 29<sup>th</sup> 2005).
- A statement was prepared setting out: the persons consulted in connection with the preparation of the SPD; how these persons were consulted; a summary of the main issues raised in consultation; and how these issues have been addressed in the SPD.
- The following documents were published on the Brighton and Hove website: the SPD documents, the SPD matters and a statement of the fact that the SPD documents are available for inspection and of the places and times at which they can be inspected.;
- The following documents were sent to General and Specific Consultation Bodies identified in the SCI: SPD; Sustainability Appraisal

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<sup>1</sup> All consultation on the SPD involved consultation on various stages of the associated sustainability appraisal process and involved consultation bodies identified in the SEA Regulations: Countryside Agency; English Heritage; English Nature; and Environment Agency.

report, SPD matters; and a summary of the main issues raised in consultation; and how these issues have been addressed in the SPD.

- A notice by local advertisement was made of the SPD matters and a statement of the fact that the SPD documents are available for inspection and the places and times at which they can be inspected.
- A request under section 24 (4) (b) of the Planning and Compulsory Purchase Act 2004 of the opinion of the Government Office for the South East as to the general conformity of the draft SPD was made.

### **Additional Consultation**

In addition to the requirements of Regulation 17 and 18, the Council undertook key stakeholder engagement over a five week period (10 October to 9 November 2005) seeking feedback on key sustainability issues and SPD objectives identified in the sustainability appraisal scoping report and key themes/issues addressed by the SPD. This informed the draft SPD and was consistent with the draft SCI requirements. Representations were received from Government Office for the South East, The Countryside Agency, English Nature, The Brighton Society, The Kingscliffe Society, The University of Brighton, the Ocean Rooms Nightclub and a number of local residents. A consultation statement was prepared as required by Regulation 17 (b). The following was also undertaken during consultation consistent with the draft SCI:

- An exhibition was held at the following places and times:
  - The Millwood Centre, Nelson Row, Carlton Hill, Brighton from Monday 10 October 2005 to Friday 14 October 2005, Weekdays 9.00am-1.00pm
  - Hove Town Hall, Norton Road, Hove from Monday 17 October 2005 to Friday 11 November 2005, Weekdays 9.00am-5.00pm
  - Thornsedale Community Room, Thornsedale, Albion Hill, Brighton on Tuesday 25 October 2005, 6.00pm-8.00pm
  - St John's Mount Community Room, St John's Mt., Mt. Pleasant, Brighton on Thursday 27 October 2005, 6.00pm-8.00pm
- A workshop was held on Thursday 13 October 2005, giving members of the public and identified stakeholders an opportunity to comment on the key principles contained within the draft SPD.
- City News article
- The SPD documents, along with the exhibition and questionnaire were made available on a dedicated project website
- 48 letters sent out re: consultation
- The SPD documents were made available on the Brighton and Hove website and made available for inspection at City Direct in Hove Town Hall and Bartholomew Square, along with the Jubilee and Hove Libraries.

### **Requirements under Regulation 18**

As required by Regulation 18, prior to the adoption of the SPD and following consultation undertaken under Regulation 17, the Council has given

consideration to all 34 representations made from or on behalf of the following:

- Government Office for the South East
- The Countryside Agency
- English Nature
- The Brighton Society
- The Kingscliffe Society
- The University of Brighton
- Ocean Rooms Nightclub
- Local residents

**Brighton Circus Street Supplementary Planning Document Workshop – Thursday 13 October 2005**

The Circus Street Supplementary Planning Document workshop was held on Thursday 13 October 2005, at the Millwood Centre, Nelson Row, Brighton.

The purpose of the event was to give local residents, businesses, community groups and organisations the opportunity to express their views on the key principles contained within the draft Circus Street Municipal Market site SPD. The comments raised at the workshop have been fully recorded and accommodated wherever possible within the final SPD for the Circus Street site.

The following 18 local representatives attended the event:

Anthony Benson, Urban Practitioners  
Paul Early, Albion Hill Residents Association  
Robert Edwards, The Kingscliffe Society  
Robert Ellarby, South Downs Health NHS Trust  
Ben Gill, Ocean Rooms Nightclub  
Sarah Hextall, Carlton Hill School  
Mike Lloyd, Children's Centre  
Richard Mileham, Urban Practitioners  
Mat Proctor, Urban Practitioners  
Dr Michael Ray, The Regency Society  
Alex Ross, Market Diner  
Neil Ross, Market Diner  
Helen Rowsell, Kingswood & Milner Tenants Association  
Fiona Salvin,  
Anne Thomeloe, Blake Albion Residents  
Max Woodford, Brighton and Hove City Council  
Bill Lucas, Turner Area Partnership  
Mike Blythman, Jobcentre Plus

Anthony Benson from Urban Practitioners and Max Woodford from Brighton and Hove City Council introduced the event and explained the consultation process and the role of the SPD.

The first stage of the event consisted of a 'Walking Audit' of the Circus Street Municipal Market site. Participants were provided with worksheets on which they were asked to note the issues and opportunities for the Circus Street site.

Following the walking audits, participants were divided into three groups to discuss the issues and opportunities that they had identified for the Circus Street site. Participants were asked to categorise their responses into key themes, highlighting the key issues for the site. The following issues and opportunities were identified:

## **ISSUES**

### **Form**

- Variety of Morley Street is an asset

### **Uses**

- Lack of community space
- Number of existing services nearby (Children's Centre, School Clinic and Homeless Doctor).
- Existing pressure on local schools

### **Transport**

- Circus Street is an important pedestrian/cycle route
- The area is surrounded by 'Rat-runs'
- A number of the existing roads are very wide
- Grand Parade is polluted and dangerous for pedestrians

### **Safety & Security**

- The area is dangerous at night
- Existing Anti-social behaviour problem
- Getting children to school can be difficult

## **OPPORTUNITIES**

### **Frontage**

- Improve residential frontage to Milner Flats
- Retain the existing market frontage
- Provide activity throughout the site
- Incorporate commercial development in building frontages

### **Transport**

- Establish pedestrian/cycle route along Circus Street
- Establish safer routes to school
- Provide more short-term parking
- Incorporate delivery/servicing space
- Reduce car parking
- Provide public transport improvements where possible

### Uses

- Provide (potentially) 100% housing
- Incorporate a mix of uses with 50% Residential (houses and flats), 5% Retail, 15% Community/Health uses and 30% Office/Employment space
- Provide commercial uses to the west of the site
- Provide residential uses to the east of the site (incorporating student accommodation).
- Incorporate student accommodation and teaching space
- Provide a convenience store in the scheme
- Avoid chain retailers within any retail provision
- Encourage social enterprises
- Incorporate education and health facilities where possible
- Address the needs of the BME community
- Avoid the provision of family housing
- Manage the conflicting night-time uses
- Address the increased demand for schools
- Prioritise local people for housing

### Landscaping

- Provide more trees throughout the scheme
- Establish a landmark 'green' development
- Provide a bio-diverse central courtyard
- Provide green space within the site

### Public realm

- Provide more lighting throughout the scheme
- Provide an integrated and overlooked play area
- Use S. 106 funds to enhance the public realm

### Scale and form

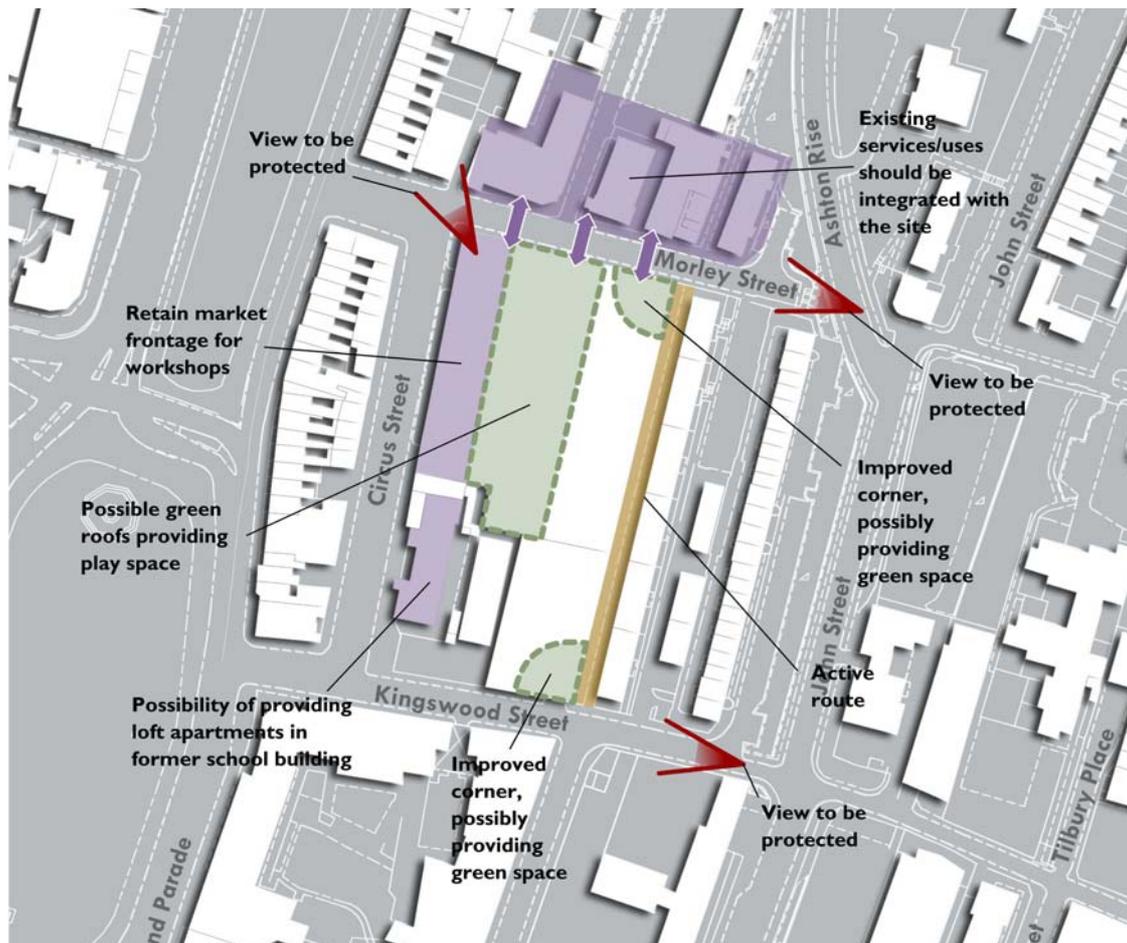
- Generate an interesting built form
- Maintain views from and through the site to St Peters and St Barts
- Minimise impact on Milner flats (views, overlooking, light etc).
- Respect the adjacent Conservation Area
- Incorporate some of the existing brick within new development

### Safety & security

- Address anti-social behaviour issues

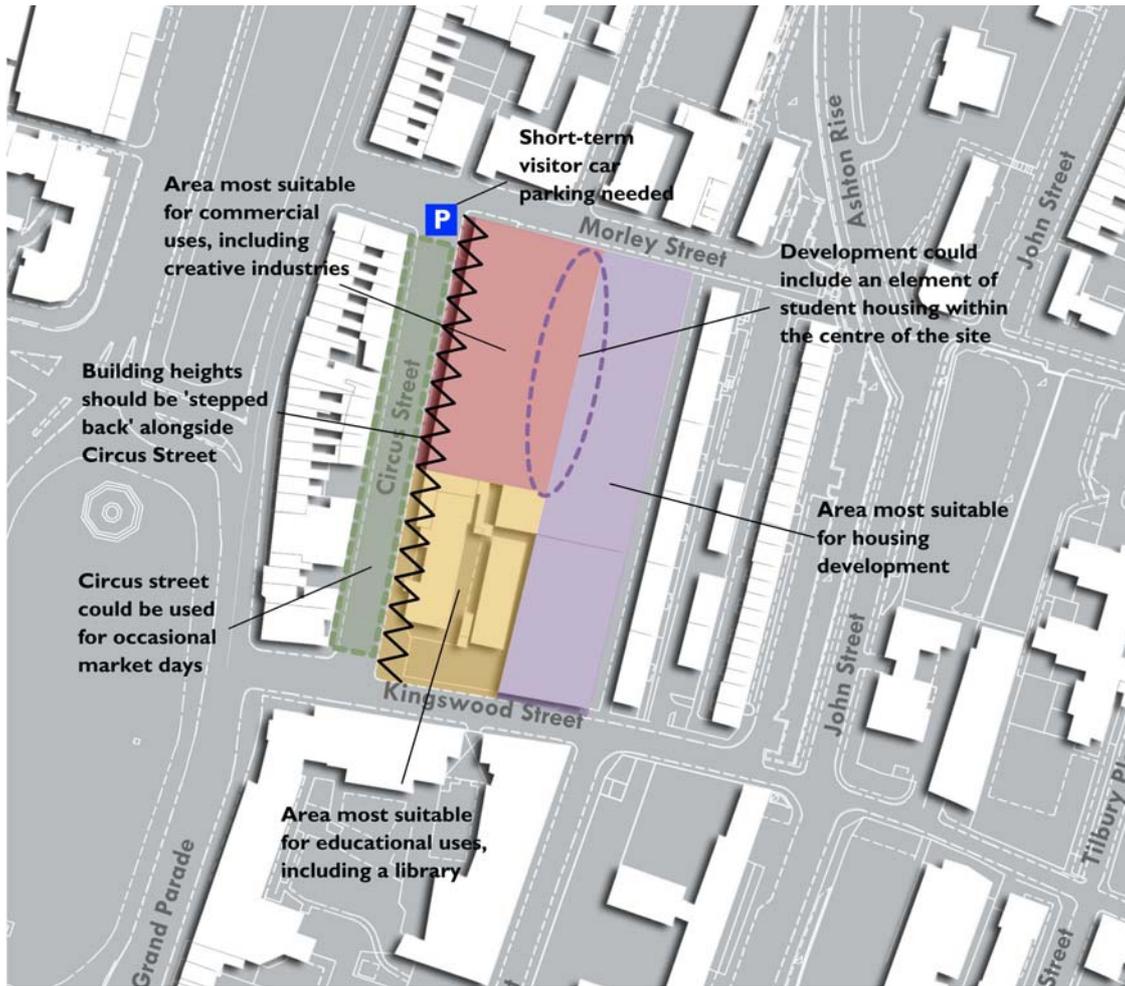
The final stage of the workshop concerned development principles and each group were issued with a large base plan to annotate with their ideas for the key development opportunities at Circus Street. The workshop closed with nominated representatives of each group presenting their ideas to the wider group. The development principles identified by each group are shown below:

Group 1

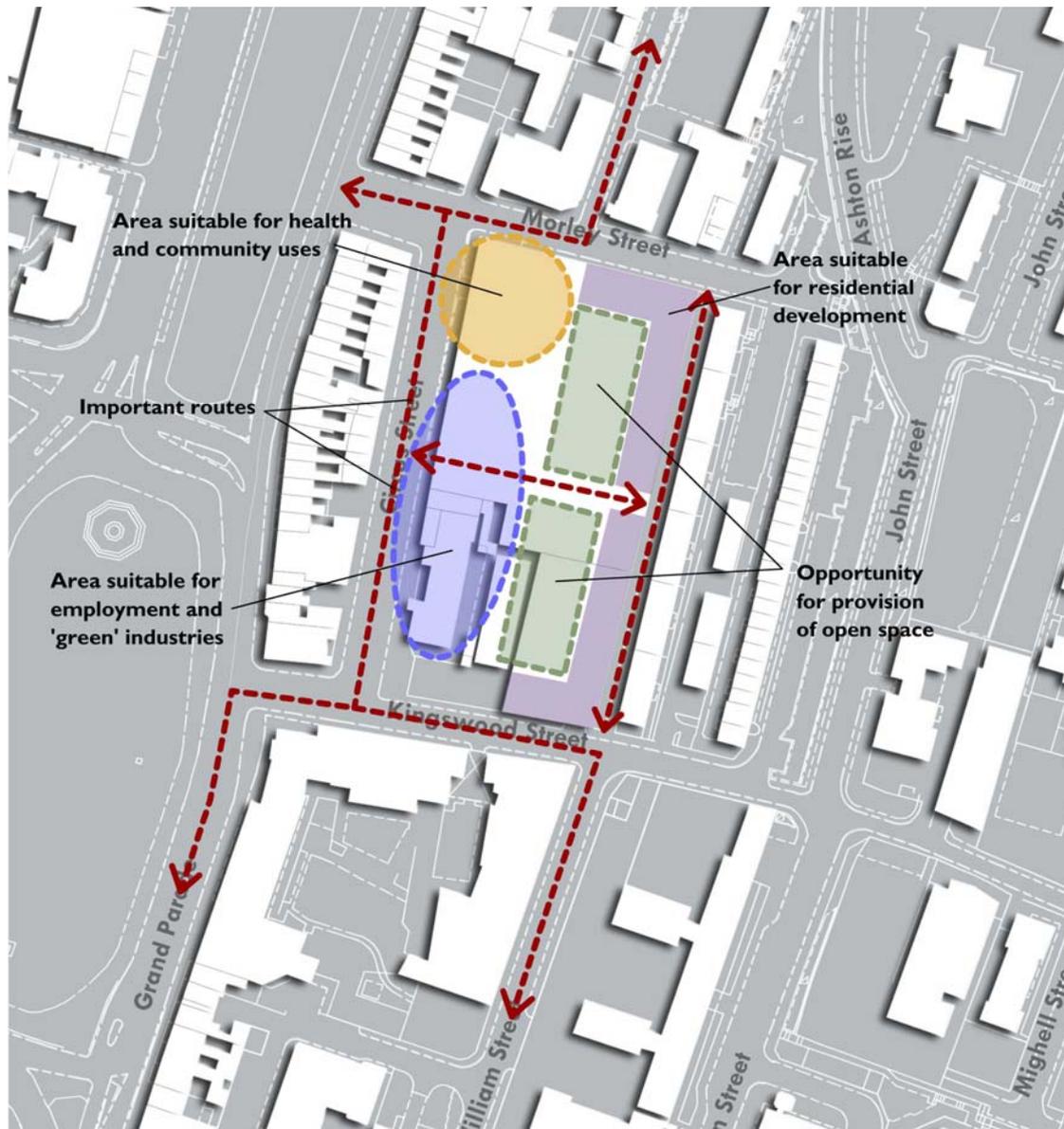




## Group 2



### Group 3



### Questionnaires

Questionnaires were made available at the exhibition and were sent to the identified stakeholders providing an opportunity for comment on the indicative development options contained within the draft SPD. However, none of the questionnaires were returned.

Detailed responses to representations are presented in the table below.

Ref	Comment	Suggested response
1	Anne Sprake, Government Office for the South East	
1.1	You may wish to consider clarification of whether or not the site may be suitable for car free housing	<p>BHCC to advise:</p> <p>It is considered that the site is an entirely sustainable location, benefiting from good access to public transport and a range of shops and services. The document supplements existing local plan policy and it is considered that Policy HO6 may be relevant to redevelopment proposals – hence it is highlighted as such.</p> <p>No change proposed.</p>
1.2	You may wish to consider emphasis on sustainable transport options	<p>Add additional principle within Movement section on page 35:</p> <p><b>Car clubs</b> – <i>Establish car clubs, where possible, in conjunction with the development of and letting of additional office space and large new residential development schemes.</i></p> <p><b>Public transport</b> – <i>Where possible, new development should contribute to improvements to the major public transport routes adjacent to the site.</i></p>
1.3	Clarification is required on the correct policy number for Travel Plans	<p>Amend 'Travel Plans' development principle within Movement section (p. 37) to become:</p> <p>- <b>Travel Plans</b> – <i>Incorporation of Travel Plans within detailed planning applications, promoting greener, cleaner travel choices and removing dependence on the car in accordance with Policy TR4.</i></p>
2	Ben Gill, Ocean Rooms Nightclub	

2.1	The provision of social housing would be entirely detrimental and a scheme involving University accommodation would be beneficial to raising the profile of the area and help combat the anti-social behaviour currently in the area created by Milner Flats.	The northern part of the site is generally considered more suited to residential accommodation. Amend 'Residential' development principle within Mix of Uses section (p. 36) to become:  - <b>Residential</b> – Residential uses located along the Morley Street frontage, incorporating student accommodation if appropriate.
2.2	The provision of residential units in the northwest of the site (opposite the nightclub) would not be appropriate and commercial uses should be provided in this location with housing in the interior of the development.	Morley Street is considered generally appropriate for residential development notwithstanding the existing location of the nightclub. Care will need to be taken in the detailed planning of development proposals to take account of the impact of existing developments. The Evening Economy also highlights that careful management of new development will be required.  No change proposed.
2.3	If a library were to be provided within the scheme it should be provided at the Morley Street end of the development.	Whilst itself not an inappropriate use in that location, new University-related accommodation is considered most appropriately located adjacent to the existing University site at the southern end of the site.  Conversely, Morley Street, being adjoined by predominantly residential and community uses and more distance from the heart of the town centre is considered more appropriate for residential uses.  The existing development principle 'University' (p. 36) indicates that new development should make provision for a new University library and teaching space.  No changes proposed.
2.4	Commercial opportunities should take the form of creative artistic	The existing development principle 'Creative industries' (p. 34)

	workspaces and studios.	promotes the expansion of creative industries at Circus Street.  No changes proposed.
3	Jon Curson, English Nature	
3.1	We would like to see the following included in Development Principles: Environmental Sustainability: Nature conservation:  <i>Provision of nesting sites for swifts, house sparrows and starlings in new buildings associated development.</i>	Agreed. Additional principle to be added on p.35 (' <i>Development Principles</i> ')
4	Robert Edwards, Kingscliffe Society	
4.1	We would very much welcome developments in the area that might help to ameliorate the multiple problems of the environment along the east side of the potentially wonderful Valley Gardens Conservation Area.	Noted.  Amend the 'Scale and Rhythm' development principle (p.36), to become:  <b>Scale and rhythm</b> – <i>Development of the western edge of the site should respect the scale and rhythm of the adjacent Grand Parade properties which fall within the Valley Gardens Conservation Area.</i>
	We would value suggestions of variety in usage, sensitive scale and materials in architectural design and pedestrian-friendly landscaping with appropriate vegetation.	The development principles section of the draft SPD refers to each of these issues.
5	Selma Montford, The Brighton Society	

5.1	Residents have indicated a desire to retain the façade of the Fruit and Vegetable Market, which could be achieved if the market were to be re-used as workshops (or at least the façade facing Circus Street itself).	<p>Whilst the Council may be supportive of the retention of the market building façade, given the building is not listed and does not fall within a Conservation Area it is not considered possible or appropriate to stipulate that the building should be retained.</p> <p>No changes proposed.</p>
5.2	Affordable housing could be built above the market, although no higher than the building opposite in Grand Parade.	<p>The existing development principle 'Affordable housing' indicates that the provision of a 40% element of affordable housing should be incorporated within development at Circus Street.</p> <p>The existing development principle 'Building heights' indicates that the heights of new buildings should not exceed 18 metres (from Circus Street level).</p> <p>In addition, policy HE3 of the Brighton and Hove Local Plan (as summarised on p. 30) states that development will not be permitted where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.</p> <p>No changes proposed.</p>
5.3	It would not be appropriate for housing to face the nightclub in Morley Street, perhaps offices would be most appropriate for this corner.	See 2.1, 2.2 and 2.3 above.
5.4	The old school building in Circus Street is impractical and it would be hard to make a case for its retention	<p>Noted. The development options put forward are flexible and provide scope for the building to be demolished or retained.</p> <p>No changes proposed.</p>

5.5	The old street pattern should be reintroduced where practical	Noted. Historically there is a very strong elongated north-south grain in Brighton. The development options broadly seek to reimpose this historic grain.  No changes proposed.
5.6	The emphasis for the area should be on affordable housing with some open spaces, particularly place spaces.	These principles are largely contained within the development principles section of the SPD.  No changes proposed.
5.7	The tree on the corner of Kingswood Street and John Street should be retained, it marks the entrance to what was once Riding School Lane.	Noted. However the tree appears to be outside of the study area for the SPD. Therefore the SPD has no control in this region.  No changes proposed.
5.8	Important views of St Peter's, St Bartholomews, the Town Hall and glimpses of the green of Grand Parade should be retained.	Noted. A specific development principle is included to seek to ensure key views are maintained.  No changes proposed.
5.9	A car club should be established and the amount of car parking should be limited.	See 1.2 above.
6	Rod Mallinder, The University of Brighton	
6.1	<p><u>Page 22 – Issues and Opportunities Plan</u> The condition of the Circus Street building is generally of a poor state and is identified for disposal in the Estate Strategy. The building has a number of identified problems:</p> <ul style="list-style-type: none"> <li>▪ The slate roof requires complete replacement</li> <li>▪ The external brickwork requires extensive re-pointing</li> <li>▪ The buildings services are poor and require replacement</li> <li>▪ The energy performance of the building is poor</li> </ul>	<p>Amend text at end of 'Conservation Areas, Listed Buildings and Buildings of Architectural Merit' section (p.10), to become:</p> <p><i>The University-owned building on the south-west corner of the site, which dates from around the turn of the century, has some merit and makes a positive contribution to the townscape character. However, the building is in a poor state of repair, has poor energy performance and is ill-suited to meeting Disability Discrimination</i></p>

	<ul style="list-style-type: none"> <li>It is considered impractical to adapt the building to achieve a reasonable standard of disabled access in order to comply with DDA legislation.</li> </ul>	Act (DDA) requirements.
6.2	<p><u>Page 43</u> On what basis is it assumed that student residences (which do not form part of the development brief) located in the north-west quadrant of the site 'would mitigate against the anti-social environment created by the nightclub and all-night café'?</p>	<p>Amend bullet point '8' (p.43) to become:</p> <p><i>8. Student accommodation, which is optional for the scheme, and studio/workshop space in the north western quadrant of the site. A widened Morley Street in this location could incorporate landscaping treatments that could help mitigate against noise associated with the nightclub. New residential development would have to benefit from careful internal planning.</i></p>
6.3	<p><u>Page 44 – Accommodation schedule</u> Proposes 4,400 sqm but the requirement in the brief is for 3,540 sqm gross floor area.</p>	<p>This is a measure of capacity rather than an attempt to meet the requirement of the developer's brief.</p> <p>No changes proposed.</p>
6.4	<p><u>Page 46 – Phasing</u> For information, agreement has been reached between the University and the Council such that new facilities for the University would be constructed whilst existing accommodation remains in University use. Indeed this is a pre-requisite for the University's participation in this joint redevelopment.</p>	<p>Amend 'Phasing' section (p.46) to become:</p> <p><i>The site benefits from a simple pattern of landownership. The University own the south-west corner of the site with the remainder being in Council ownership. The University has aspirations for a new library and teaching space on the site. Agreement has been reached between the University and the Council such that new facilities for the University would be constructed whilst existing accommodation remains in University use.</i></p>
7	Emma Winchester, Environment Agency	
7.1	It is disappointing to note that the Council is not seeking the achievement of environmental improvement in the overarching redevelopment proposal for the site (p.32). We suggest that this	<p>Noted. Add bullet point:</p> <p>- <i>the incorporation of environmental sustainability throughout the</i></p>

	should relate to sustainable water resource management and sustainable construction techniques amongst others – which links to the environmental sustainability development principles outlined later in the document.	<i>development, including sustainable construction techniques, promotion of nature conservation features and water resource management.</i>
7.2	The last paragraph on p.33 gives a mixed message for the vision of the site's future development – it is not explicit whether the regeneration is to be employment or residential led.	<p>Re-word final paragraph to read:</p> <p><i>Sustainable development means ensuring a better quality of life for everyone in the present, and future generations. The Council will expect that any proposals for the mixed-use development of Circus Street will provide long-lasting, rather than temporary solutions. Any proposals must provide a high-quality solution, which allows the flexibility to respond to changes in the future, without the need for whole-sale redevelopment.</i></p>
7.3	Reference should be made to the Council's draft Supplementary Planning Document on Construction and Demolition Waste – which directly relates to the environmental sustainability development principles for the sites.	<p>Add following text to page 31:</p> <p><u><i>Other relevant Supplementary Planning Guidance/Documents</i></u></p> <p><u><i>Draft SPD – Construction and Demolition Waste</i></u>  <i>The aim of the SPD is to provide guidance to developers and those involved in the development process to reduce, reuse and recycle construction and demolition waste. The SPD sets out guidance on the factors that should be considered during the various project stages of a development and indicates that Waste Minimisation Statements should be provided as supporting information to planning applications. Section 18.1 of the SPD outlines a series of waste issues and options that should be considered during the preparation of a Waste Minimisation Statement.</i></p>
8	Brighton and Hove City Council Sustainability team	

8.1	In the development principles specific mention need to be made to biodiversity and especially protecting and enhancing habitats for the priority species in the Biodiversity Action Plan (this could be a lengthier version of the 'nature conservation' principle).	Amend Nature Conservation principle (p. 35) to read:  - <b>Nature conservation</b> – Promotion of nature conservation features, including 'wildlife friendly' plants and shrubs and features such as 'green roofs' and 'green walls' in accordance with Policy SU2. Habitats for priority species identified within the Biodiversity Action Plan should be protected and enhanced.
8.2	Reference to sustainable transport in the development principles also needs to be extended, perhaps mentioning how the sites should benefit from and enhance the adjacent major sustainable transport routes, should encourage cycle use and car-clubs etc.	See 1.2 above.
8.3	The planning policy section in the end should refer to the Council's draft SPD on construction and demolition (see: <a href="http://www.brighton-hove.gov.uk/downloads/bhcc/local_plan_2005/WasteSPD_2005-webversion.pdf">http://www.brighton-hove.gov.uk/downloads/bhcc/local_plan_2005/WasteSPD_2005-webversion.pdf</a> ) as this will be in place by the time developments occur.	See 7.3 above
8.4	On the last paragraph of the 'vision' section reference needs to be made to the fact that Circus Street is a genuine mixed development (see Environment Agency comments).	See 7.2 above
8.5	On the bullet points in the 'vision' section reference should be made to 'provision of sustainable development and sustainable transport'. Correcting it would bring it in line with the other development documents and address the Environment Agency's comments.	See 7.1 above