

Council

31 January 2013

Agenda Item 80

Brighton & Hove City Council

Subject:	Proposed Submission City Plan Part 1		
Date of Meeting:	31 January 2013 24 January 2013 – Policy & Resources Committee		
Report of:	Strategic Director- Place		
Contact Officer:	Name:	Helen Gregory	Tel: 29-2293
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks approval of the publication of the Submission City Plan Part 1, part of Brighton & Hove's Local Development Framework, along with its annexes and supporting documents, for a six week period of public consultation during February, March and April 2013 prior to submission to the Secretary of State for independent examination.
- 1.2 This Plan is ambitious. It responds to the difficult economic circumstances we face today and sets out a clear framework for the city's future growth and prosperity. It is a Plan that is positive about development and reflects the needs of residents and businesses now and for the next 20 years. These needs have to be balanced and accommodated in a sustainable manner, respecting and enhancing the historic, built and natural environment of the city. The City Plan will provide the framework to guide the preparation of Part 2 of the City Plan and neighbourhood plans and will allow issues of local importance to be addressed appropriately and innovatively.
- 1.3 Since consultation on the City Plan ended in July 2012, a number of additional background studies have been completed which provide further supporting information and evidence for the City Plan Part 1. The report seeks approval of these studies as background evidence to support the City Plan and further local plan documents.

2. RECOMMENDATIONS:

- 2.1 That Policy & Resources Committee is asked to recommend to Council that:
 - The summary of the responses to the consultation on the draft City Plan Part 1 be noted (summarised in Appendix 1 with a full schedule attached to the Statement of Consultation on city council's website, placed in the Members' Rooms and in Customer Service Centres).
 - The Proposed Submission City Plan Part 1 is agreed and published for statutory public consultation for a six week period commencing in February 2013. (Along with appendices and supporting documents).

- The document should be subsequently submitted to the Secretary of State subject to no material changes, other than alterations for the purposes of clarification, improved accuracy of meaning or typographical corrections, being necessary.
- To authorise the Head of Planning and Public Protection, to agree any draft “main modifications” to the City Plan Part 1 necessary to make it sound and to authorise the publication of such draft modifications for public consultation save that should any draft modification involve a major shift in the policy approach of the City Plan Part 1 the draft modification shall be referred by the Head of Planning and Public Protection to the Policy and Resources Committee for approval.
- To note that all modifications to the Plan will be presented to the Policy and Resources Committee and Full Council in due course as part of the adoption of the City Plan Part 1.
- Approve the following studies as supporting evidence for the City Plan and further Local Development Documents:
 - The Employment Land Study Review 2012
 - Draft Transport Assessment 2012
 - The Brighton and Hove Energy Study 2012
 - Local Housing Requirements update 2012
 - Strategic Housing land Availability assessment (SHLAA) Update 2012
 - Housing Needs Assessment 2012
 - Site capacity assessments 2012

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In September 2011, Cabinet agreed a new work programme to prepare the City Plan to replace the withdrawn Core Strategy. Issues and Options consultation was undertaken between 17 October and 2 December 2011 on 4 policy areas (housing delivery, employment, transport - park and ride, and student housing) where a significant change of approach from the withdrawn Core Strategy was considered to be required. Informed by the Issues and Options consultation responses, significant policy changes were incorporated into the Draft City Plan:
- A local housing target of 11,300 new homes by 2030 and the identification of Toad’s Hole Valley as an additional Development Area;
 - Additional strategic allocations, identification of Central Brighton as the city’s prime office area and the identification and safeguarding of existing employment sites;
 - Removal of formal park and ride from the Sustainable Transport policy, replaced by alternative measures to intercept traffic entering the city.
 - A new Student Housing policy managing purpose built student accommodation as well as controlling the concentration of homes in multiple occupation (HMOs) in certain areas of the city.
- 3.2 Other modifications were undertaken in light of changes to government guidance including the publication of the NPPF (March 2012); updated evidence and background studies; and to reflect the intention of the South Downs National Park Authority to produce a local plan for land falling within the National Park. This general updating resulted in the restructuring of the policies within the plan under four themes (a strong and prosperous economy, a sustainable city, an attractive

city and healthy and balanced communities). The annexes supporting the City Plan - the Implementation and Monitoring Plan and Infrastructure Delivery Plan - were also updated and a Housing Implementation Strategy was prepared.

- 3.3 Following consideration by Cabinet at its meeting on 10 May 2011, the draft City Plan Part 1 and its annexes and supporting documents were subject to public consultation for eight weeks from 28 May to 20 July 2012.

Consultation on the draft City Plan Part 1

- 3.4 Consultation on the draft City Plan Part 1 involved:
- Making the consultation documents available at the city libraries and customer service centres and on the council's website (and consultation portal);
 - Along with press articles, over 700 people were made aware of the consultation papers via email or letter.
 - A range of specific events including a launch and a stakeholder event (with representatives of community and amenity groups, businesses and transport providers), a bespoke event organised by the Brighton and Hove Economic Partnership, a Question Time on the regeneration aspects of the City Plan, and a meeting of the Sustainability Working Group (a sub-group of the City Sustainability Partnership). Over 120 people attended these events.
 - The draft City Plan was discussed at six partnership meetings, six Local Action Teams and a number of residents groups/ associations.
 - The draft City Plan was also discussed at a variety of other planned meetings such as the Arts and Creative Industries Commission, the special Conservation Advisory Group and the Get Involved group of the B&H Federation of Disabled People.
 - There was a leaflet drop to 3,500 households around Toad's Hole Valley, two drop in sessions were held in Hangleton for residents regarding proposals for Toad's Hole Valley. Over 250 people attended these sessions.
- 3.5 Alongside a range of comments noted from discussions at the events, 254 formal written responses were received, making over 920 separate representations and a small number of late responses. A combined paper and e-petition opposing the proposed re-designation of Toad's Hole Valley for housing and mixed use development was debated at the 25 October Full Council meeting, having exceeded the threshold with a total of 1,384 signatures.
- 3.6 Further detail is set out in the Statement of Consultation placed in the Members' Rooms, Customer Service Centres and on the website which includes a full schedule of the consultation representations received and officer responses to these. A summary is attached at Appendix 1.
- 3.7 The main representations on the Introduction and Spatial Strategy were seeking additional emphasis in the vision and objectives on specific policy areas such as affordable housing provision; recognition of the role of universities in the local economy; aspirations around sustainability and the need for new schools. In terms of the spatial strategy, concerns were raised that the City Plan had not sufficiently addressed Duty to Cooperate issues.

- 3.8 There was general support for the overall intentions of the Development Area proposals for DA1-6 and DA8. Detailed representations were made on a range of issues such as: concerns regarding the scale of development proposed (DA2 Brighton Marina, DA6 Hove Station); the degree of prescription and deliverability of policies relating to employment floorspace provision (DA3 Lewes Road, DA4 New England Quarter and London Road, DA5 Eastern Road and Edward Street and DA6 Hove Station Area); the need for development to respect existing residential development (DA8 Shoreham Harbour and DA6 Hove Station Area); and whether there was too much or too little student accommodation identified (DA4 New England Quarter and London Road area). With regards to DA7 Toad's Hole Valley whilst the proposal was supported by a range of city partnerships there were 83 objections and 10 partial objections from local residents and residents groups on the principle of development on this open space, as well detailed concerns with the proposals notably relating to traffic.
- 3.9 There was general support for the intentions of the Special Area policies, representations were made on a range of issues. For example concerns were expressed by residents regarding the need for development to respect existing residential development along the western seafront (SA1 and also CP12 Urban Design). The Registered housing providers felt the council needed to consider further opportunities for housing development in the Urban Fringe (SA4) although other representations to SA4 wanted to see clearer protection for the urban fringe in the policy. The South Downs National Park Authority felt it was not appropriate to include a policy in the City Plan on the South Downs (SA5) given their intention to prepare a local plan for the national park area.
- 3.10 With regard to the City-wide policies, overall the intentions of the policies were supported. Policies where particular objections were raised were:
- CP1 Housing Delivery – various views on housing target and whether further urban fringe sites could be identified
 - CP3 Employment Land – whether policy was sufficiently flexibility and would delivery economic growth.
 - CP6 Visitor Accommodation – policy should be less restrictive regarding the loss of unviable hotels
 - CP8 Sustainable Building – comments regarding the standards set out in the policy and whether they were viable
 - CP9 Sustainable Transport – further detail regarding bus infrastructure improvements and need for reference to disabled parking bays.

The Proposed Submission City Plan

- 3.11 The Vision for the City Plan remains unchanged. The main changes to the plan are in response to consultation representations; the findings of studies and new evidence (see Appendix 2 Summary of Main Changes to the City Plan). The majority of these changes were minor. Policies where more change was required include:
- DA5 Eastern Road and Edward Street – response to comments, capacity and viability assessment.
 - DA6 Hove Station Area – in response to comments and Employment Land Study Review 2012.

- SA5 The South Downs – in response to concerns raised by South Downs National Park Authority.
- CP3 Employment Land – to reflect the findings of the Employment Land Study Review 2012 regarding updated forecast need and supply of employment land to 2030.
- CP6 Visitor Accommodation – amending the requirements for change of use applications in response to comments by Brighton & Hove Hoteliers Association
- CP7 Infrastructure and Developer Contributions – defer decision on Community Infrastructure Levy to encourage development.
- CP8 Sustainable Buildings –in response to comments and Government-led progression of Building Regulations and to reflect findings of the Brighton & Hove Energy Study
- CP22 Traveller Accommodation – to reflect government guidance and the need for a future review of the policy to address pitch targets for remaining plan period.
- There is also a government requirement to include a new policy: ‘presumption in favour of sustainable development’ to accord with the National Planning Policy Framework.

3.12 The Proposed Submission City Plan Part 1 comprises:

- **Introduction and overview** – context and challenges for the City Plan.
- **Vision, objectives and Spatial Strategy** – the spatial strategy seeks a balanced and sustainable approach to accommodating growth over the plan period (to 2030). It balances the need to provide for a mix of homes to support the growth and maintenance of sustainable communities; the need to provide land for other essential uses (such as employment, retail, health and education facilities and other community and leisure facilities) and the need to respect the historic, built and natural environment of the city. Appendix 6 illustrates how the City Plan will help deliver against the principles and local targets under the One Planet approach.
- **8 Development Areas** –are identified to accommodate a significant amount of development because they are in accessible locations; they contain opportunities for change; they can deliver development of citywide or regional importance and/or because they are in need of regeneration. Proposals for strategic allocations (allocations involving significant housing, employment or other provision) within these areas and indicative amounts of anticipated development are set out alongside local priorities.
- **6 Special Areas** - areas of the city requiring a special or coordinated approach to managing future change are identified in the plan. These areas include the Seafront (SA1), Central Brighton (SA2), Valley Gardens (SA3), The Urban Fringe (SA4) and the South Downs (SA5). Proposals are also set out to improve the sustainability of residential areas of the city with the priority to reduce inequality (SA6).
- **22 City-wide policies** – set out the preferred approach to strategic policy issues such as housing, the economy, transport and shopping and are arranged under the four themes
- **A key diagram**, which illustrates the spatial strategy in broad diagrammatic terms.
- **Annexes** – Implementation and Monitoring Table, Infrastructure Delivery Plan and Housing Implementation Strategy.

- 3.13 Subject to there being no further material changes to the Plan in the light of comments, the Plan will be submitted to the Secretary of State who will appoint an Inspector to conduct an independent examination of the Plan. The Inspector will be required to test the Plan for compliance with certain statutory provisions, including whether the Plan is "sound". More information on the tests of soundness is included in Appendix 3.
- 3.14 The fact that the city's housing delivery target does not match the assessed full level of housing requirement is a soundness risk to the City Plan. The council has sought to minimise this risk by undertaking its 'duty to cooperate' with the city's neighbouring local authorities. Brighton & Hove's strategic housing market and travel to work area extends westwards incorporating Adur District and parts of Worthing District; eastwards incorporating parts of Lewes and Wealden Districts and northwards to Mid Sussex, Horsham and Crawley. Many of these areas also face similar challenges in meeting housing requirements and they have indicated to the council that they are unable to accommodate the city's unmet housing need. In accordance with government guidance, the council will continue to engage constructively, actively and on an ongoing basis with neighbouring authorities and public bodies with regard to strategic planning matters, including the provision for housing, over relevant strategic housing market areas and is preparing a Duty to Cooperate Statement to submit to the Inspector.
- 3.15 In testing the Plan the Planning Inspector will consider the way in which the Plan has been prepared, its content and evidence submitted by the Council together with representations received as a result of consultation. The Planning Inspector will also hold a public examination and it is anticipated that this will take place in the autumn of 2013. Adoption is then programmed for early 2014, following which, formal work will commence on City Plan Part 2 which will contain further site allocations and remaining development management policies to replace the saved policies in the Local Plan.
- 3.16 It is important that the council has an up-to date plan which sets out a strategy for accommodating housing and employment needs with other essential uses (such as retail; health; education; and other community and leisure facilities) and the need to respect the historic, built and natural environment of the city. The National Planning Policy Framework (NPPF) was published 27 March 2012 and replaces all government planning policy statements. It should be noted that as the City Plan moves closer to adoption, the greater the weight that may be given to the draft policies contained within the City Plan depending on their compliance with the NPPF and level of support. Until the adoption of the City Plan the Brighton & Hove Local Plan will remain a material consideration weighed against the policies contained within the NPPF.

City Plan Supporting Documents

- 3.17 Planning policy must be based upon a sound and robust evidence base the following documents (along with other background documents) have been commissioned to inform policy decisions. Policies in the plan have been amended to take into account the findings from these. The following statutory supporting documents are summarised in Appendix 4 and they inform and are an integral part of the City Plan:

- **Sustainability Appraisal** (which tests the extent to which the City Plan meets identified sustainable development principles)
- **Health & Equalities Impact Assessment** (which identifies potential health and equalities outcomes)
- **Statement of Consultation** (which sets out the consultation undertaken on the draft City Plan and officer responses)
- **Schedule of Changes to the Policies Map** – (proposed changes to the Adopted Policies Map to be made when the City Plan Part 1 is adopted)
- **Local Plan Policies proposed to be replaced by the City Plan Part 1**- sets out which of the saved Local Plan policies will be replaced by policies set out in the City Plan Part 1 when it is adopted.
- **Technical Background Paper – Housing Delivery**
- **Technical Background Paper – Duty to Cooperate**

Supporting Background Studies

3.18 This report also seeks approval of the following studies that provide background and supporting evidence for the City Plan and further Local Development Documents. Full copies of each study will be available in members' rooms, in Customer Service Centres and on the website. Appendix 5 provides an outline of the purpose of the studies and a summary of the key findings. Although background studies inform the policy approach they do not determine policy:

- **Employment Land Study Review 2012**
- **Draft Transport Assessment 2012**
- **Brighton & Hove Energy Study 2012**
- **Local Housing Requirements Update 2012**
- **Strategic Housing Land Availability Assessment (SHLAA) Update 2012**
- **Housing Needs Assessments 2012**
- **Site Capacity Assessments 2012**

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 A Statement of Consultation has been prepared which details the stages of consultation undertaken on the draft City Plan Part 1, the consultation responses received through formal written responses and at the various consultation events and officer responses to address these representations.

4.2 The Cross-Party Working Group on the City Plan met on 14 September and 22 November and was advised of the outcomes of the draft City Plan Part 1 consultation and the proposed main changes to be made to the plan as a result of the consultation responses. The Group was also made aware of other changes required to bring the Plan up to date and to reflect updated background and supporting evidence.

4.3 Consultation on the Proposed Submission City Plan will accord with the approach and standards set out in the council's adopted Statement of Community Involvement and take into account the Community Engagement Framework (the city council's policy for involving people, communities and stakeholders in preparing plans). The statutory consultation period is for at least six weeks rather than the twelve week requirement set out in the Community Engagement

Framework and comments will largely relate to soundness issues (see appendix 4).

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Revenue: The costs of preparation and consultation for the City Plan, and of holding an examination, will be met from within existing Planning Strategy and Projects revenue budgets, along with a special budget allocation made for the examination.

Finance Officer Consulted: Karen Brookshaw Date: 05/12/12

Legal Implications:

- 5.2 Once adopted, the City Plan Part 1 will be a Development Plan Document ("DPD") within the meaning of the Planning and Compulsory Purchase Act 2004 and will be a material consideration in the determination of planning applications. The detail as to the preparation of this type of document is found in the Town and Country Planning (Local Planning) (England) Regulations 2012. Regulation 19 of the 2012 Regulations provides that, prior to submission to the Secretary of State for independent examination, a DPD must be publicised for a period of at least 6 weeks and representations invited. Any representations received by the local planning authority within the timescale set out will be forwarded to the Secretary of State.
- 5.3 It is not considered that any adverse human rights implications arise from the Report.

Lawyer Consulted: Hilary Woodward Date: 04/12/12

Equalities Implications:

- 5.4 A Health and Equalities Impact Assessment has been undertaken on the draft City Plan to inform the final version of the City Plan Part 1. The outcomes of this are summarised in Appendix 4.

Sustainability Implications:

- 5.5 A statutory Sustainability Appraisal has been produced to inform the preparation of the City Plan Part 1.

Crime & Disorder Implications:

- 5.6 The City Plan Part 1 addresses crime and disorder through development areas, special area policies and a number of citywide policies.

Risk and Opportunity Management Implications:

- 5.7 Risks to the project are regularly reviewed at project meetings. A major risk is if the plan were to be found unsound by the Planning Inspector. As outlined in the paragraph 3.14 of report, the City Plan has sought to minimise these risks.

Public Health Implications:

- 5.8 The draft City Plan addresses health inequalities and the healthy planning agenda through a city wide healthy city policy and where appropriate, in a number of other policy areas. The draft City Plan was subject to an Equality and Health Impact Assessment and the findings have informed the final version of the City Plan.

Corporate / Citywide Implications:

- 5.9 The City Plan will be a significant factor in steering development in the city for the next 20 years. It will contribute to delivering the Corporate Plan and plans and strategies across the city council directorates, along with the Sustainable Community Strategy. It will also help to deliver city-wide strategies of public and voluntary sector partners.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This is the only practicable option if the City Plan Part 1 is to progress towards adoption.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To progress the adoption of the City Plan Part 1 in order to ensure the council has an up to date strategic planning framework for the city to replace the current Local Plan. Approval of Council is required to submit the City Plan for examination.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of Representations to the draft City Plan Part 1
2. Summary of Main Changes to the City Plan Part 1
3. Test of Soundness
4. City Plan Supporting Documents
5. Summary of Background Studies
6. How the City Plan helps to deliver against the One Planet Living principles

Documents in Members' Rooms

1. Proposed Submission City Plan Part 1
2. Annex 1 Implementation and Monitoring
3. Annex 2 Infrastructure Delivery Plan
4. Annex 3 Housing Implementation Strategy
5. Sustainability Appraisal of Submission City Plan and Non-technical summary
6. Health & Equalities Impact Assessment (2012)
7. Statement of Consultation
8. Schedule of Proposed Changes to the Proposals Map
9. Local Plan Policies proposed to be replaced by the City Plan Part 1
10. Employment Land Study Review 2012 (November 2012),
11. Brighton & Hove Energy Study (November 2012)
12. Draft Transport Assessment (2012)
13. Local Housing Requirements Study – Update (Brighton & Hove)(2012)
14. Strategic Housing and Land Availability Assessment (SHLAA) update (2012)
15. Housing Needs Assessment 2012
16. Sites Capacity Assessment 2012
17. Technical Background Paper – Housing Delivery
18. Technical Background Paper – Duty to Cooperate

Background Documents

1. Cabinet 13 October 2011 – Consultation on Policy Options Papers for the New City Wide Plan
2. Cabinet 10 May 2012 – Draft City Plan Part One
3. Background Studies to the City Plan