

**City Plan Part Two Brighton and Hove City Council's Development
Plan (the Plan/Local Plan) April 2020 Examination
Inspector – Ms R Barrett MRTPI IHBC
Programme Officer – Pauline Butcher**

Inspector Note 7

Hearing agendas

I sent out my matters, issues and questions for examination some time ago (Inspector Note 3 dated 10 September 2021). In light of the responses received, I have produced agendas for each hearing session. I now include those for the second week of hearings. Each hearing session will only cover issues about which I require further information, having read all written submissions. I expect to go round the table once on each item. Rebuttals of others' contributions are not encouraged and I will act to prevent the repetition of points made by previous speakers. However, I may myself seek further comment in the interests of clarification, or where there is a matter that I need to pursue further.

R Barrett
INSPECTOR

29 October 2021

09:30am Tuesday 9 November 2021 (Day 4)

Matter 5: Strategic site allocations (SSA1-SSA7)

Agenda

Whether the proposed housing and mixed use allocations are soundly based

Inspector's opening announcements

1. What is the purpose of the strategic allocations in meeting the requirements of CPP1?
2. Are the strategic allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?
3. Are there any significant factors that indicate that any sites/parts of sites should not have been allocated?
4. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?
5. How were the site capacities determined? What assumptions have been made? Are these justified?
6. What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?
7. 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?
8. Would the Modifications proposed by the Council address any shortcomings?

The above matters will be explored further in addition to the following:

SSA1 Brighton General Hospital site

1. In the absence of floorspace figures would the requirement for community facilities be effective?
2. Does the policy appropriately reflect requirements in relation to heritage and biodiversity?

SSA2 Combined Engineering Depot

1. How do the site specific requirements reflect the priorities of DA4?
2. Would the policy requirements require a high quality of design that responds to the full range of railway heritage both within the proposed allocation and the surrounding locality?

SSA3: Land at Lyon Close

1. Would the policy requirements strike the right balance between the retention and promotion of employment floorspace and provision of new homes?
2. Have the minimum development requirements been based on tall building development and if so would it be soundly based?

SSA4: Sackville Trading Estate and Coal Yard

1. How does this policy interact with the emerging Hove Neighbourhood Plan?
2. How do they both reflect the priorities of DA6?

SSA5: Madeira Terrace and Madeira Drive

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

SSA6: Former Peter Pan Leisure site

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

SSA7: Land adjacent to American Express Community Stadium

1. Are the detailed policy requirements effective, justified and consistent with national policy?

Inspector's closing remarks

2:00pm Tuesday 9 November 2021 (Day 4)

Matter 6: Housing and mixed use allocations in the rest of the City (H1)

Matter 8: Site allocations for purpose built student accommodation (PBSA) (H3)

Agenda

Matter 6 Housing and mixed use allocations in the rest of the City (H1)

Whether the proposed housing and mixed use allocations are soundly based

Inspector's opening announcements

Issue 1 Housing site allocations (Table 6)

Issue 2 Mixed use housing site allocations (Table 7)

General matters

1. Are the housing and mixed use housing allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?
2. Has the cumulative impact of development on proposed site allocations included in sites H1 and H2 been reflected within the strategic transport modelling? Have Highways England's concerns been overcome? What is the timescale for the expected SoCG on this matter?
3. 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?
4. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?
5. 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?

6. What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?
7. Would the Modifications proposed by the Council address any shortcomings?
8. Should the housing and other uses required on each site be stated as a minimum?

The above matters will be explored further in addition to the following:

Table 6

- **Land between Marine Drive and rear of 2-18 The Cliff:** The requirement for compliance with policies CP10 and DM37 to mitigate any adverse impacts on designated sites and provide biodiversity net gains is noted. However, how have the impacts of development on this Local Wildlife Site been taken into account?
- **Land between Manchester Street/Castle Street:** Is the indicative capacity of this site soundly based?
- **Preston Park Hotel:** Are the requirements for occupation to be phased to align with the delivery of sewerage network reinforcement justified?
- **Saunders Glassworks:** Is the indicative number of residential units soundly based? Would the site be capable of accommodating other permitted uses? Would the inclusion of such uses be necessary for soundness?
- **Land at corner of Fox Way and Foredown Road:** How have flood risk considerations been reflected in this proposed allocation? What contribution does this site make to the green infrastructure in the locality and is its proposed allocation justified?
- **Hove Sorting Office:** Are the development requirements soundly based?

Table 7

- **71-76 Church Street:** Does the indicative capacity of this site sufficiently take account of heritage considerations?
- **27-31 Church Street:** Is the proposed indicative mix justified?

Matter 8 Site allocations for PBSA (H3)

Whether the proposed PBSA allocations are soundly based

1. What is the context provided by the City Plan Part 1 for PBSA?
2. Are the allocations appropriate and justified in light of the potential constraints, infrastructure requirements and adverse impacts?
3. 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?
4. Are the sites viable and deliverable? Is there any risk that site conditions and constraints might prevent development or adversely affect viability and delivery?
5. 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?
6. What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?
7. 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?
8. Would the Modifications proposed by the Council address any shortcomings, particularly in respect of Ground Water Source Protection Zones?

The above matters will be explored further in relation to the following:

Issue 1 Lewes Road Bus Garage, Lewes Road (250 bedspaces)
Issue 3 45 & 47 Hollingdean Road (40 bedspaces)

Inspector's closing remarks

9:30am Wednesday 10 November 2021 (Day 5)

Matter 7: Housing site allocations in the urban fringe (H2)

Agenda

Whether the proposed housing allocations in the urban fringe are soundly based

Inspector's opening announcements

1. How did the Urban Fringe Assessment (2014,2015 and 2021) take account of environmental constraints, such as the South Downs National Park, Registered Parks and Gardens, local designations such as LWS and Local Nature Reserves (LNR), ecology, biodiversity (including biodiversity net gain) more generally, climate change, and infrastructure, including local transport infrastructure requirements? Would the development plan's policy framework along with proposed site specific measures, together, appropriately avoid, minimise and mitigate adverse development impacts?
2. Would those site allocations impacting LWS and LNR accord with the NPPF paragraph 174, 175 and 179, which together, seek to protect and enhance valued landscapes, sites of biodiversity or geological value and provide net gains for biodiversity?
3. 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?
4. What benefits would the proposed development bring? What are the potential adverse impacts of developing the site and how might they be mitigated?
5. Is amendment to para 3.76 required to reflect the methodology adopted to assess the ecological impacts of potential site allocations?

The above matters will be explored further in addition to the following:

- **Issue 1 Land at Oakdene Southwick Hill/Land West of Mile Oak Road and Issue 2 Land at Mile Oak Road, Portslade**
Whether the proposed allocations are justified effective and consistent with national policy?
- **Issue 4: Benfield Valley:** How have the impacts on air quality and traffic been assessed and any adverse impacts mitigated?
- **Issue 5: Land at and adjoining Horsdean Recreation Ground, Patcham:** Given the findings of the Urban Fringe Assessment Update 2021, in respect of the integrity of the Patcham Court Field LWS impacts, would the allocation of this site be soundly based?
- **Issue 6: Land at Ladies Mile, Carden Avenue:** How have any adverse impacts on traffic and flood risk and the local drainage/sewerage system been taken into account?
- **Issue 8: Land north of Varley Halls, Coldean Lane:** How has the impact of development on heritage assets and the LWS been taken into account?
- **Issue 9: Land at and adjoining Brighton Racecourse:** Given that this site includes a LWS and LNR, and taking into account the Urban Fringe Assessment 2021 Update and site specific requirements, would the proposed allocation be soundly based? Given that there is Rights of Way across this land and previous development proposals have raised traffic and access concerns, would the site be deliverable?
- **Issue 10: Land at South Downs Riding School and Reservoir Site:** Given its proximity to the Bevendean Down LNR and other constraints, and taking into account site specific mitigation measures, would this allocation be soundly based?
- **Issue 10: Land north of Warren Road (Ingleside Stables):** Given its proximity to the Bevendean Down and Whitehawk Hill LNRs and other constraints, and taking into account site specific mitigation measures, would this allocation be soundly based?
- **Issue 12: Land at Ovingdean Hall Farm & at Bulstrode/Ovingdean Farm:** Given its proximity to heritage assets and other constraints, and taking into account site specific mitigation measures, would this allocation be soundly based?
- **Issue 14: Land at Former Nursery, Saltdean:** Would the site boundary be soundly based? Given landscape constraints is the potential number of dwelling units justified?

Inspector's closing remarks

2:00pm Wednesday 10 November 2021 (Day 5)

Matter 10: Special Policy Area (SA7 Benfield Valley)

Agenda

Whether the proposed Special Policy Area (Benfield Valley) is soundly based

Inspector's opening announcements

1. How would the identification of this area secure the long term and enduring positive management, maintenance and enhancement of the Benfield Valley and its relationship to the National Park and urban areas?
2. Is the boundary of the Special Area policy appropriate? Is there any justification for amending the boundary?
3. What are the potential benefits and adverse impacts of allocating a part of the site for housing? Would this be compatible with the policy aims and its status as a LWS, and recognition as a green wedge? How would this impact on the proposed designation of the rest of Benfield Valley as a Local Green Space? How have the heritage, ecology, biodiversity, open space/ recreation, visual impact, landscape, traffic and air quality and the community use of the area been addressed in the proposed allocations? What would be the adverse impacts and how have they been taken into account? Could any adverse impacts be mitigated? (the detailed issues of the proposed allocations will be dealt with under H2 site allocation in the urban fringe)
4. What is the justification for residential densities to be higher than the surrounding residential areas and up to three storeys? Is it based on robust evidence? Was this based on a site specific LVIA as requested by Natural England? How has this been dealt with? How were the buffers around the development sites identified? Are they soundly based?
5. Is the detailed policy wording clear and effective, justified and consistent with national policy?

Inspector's closing remarks

9.30am Friday 12 November 2021 (Day 6)

Matter 14: Design and heritage

Agenda

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to design and heritage.

Inspector's opening announcements

DM18 High quality design and places

1. Are the key design aspects, set out in A-D justified by appropriate available evidence, having regard to national policy and local context, including meeting the requirements of the City Plan Part 1?

DM19 Maximising development potential

1. Would this policy reflect the application of the minimum density standards set out in City Plan Part 1 policies CP12 and CP14, along with national policy set out in NPPF para 125?

DM22 Landscape design and trees

1. Would this policy be effective in requiring, in the first instance, retention of trees and then replacement to the satisfaction of the Council? Does it effectively reflect the importance of trees and planting in providing climate change mitigation and environmentally sustainable and climate resilient townscape?

DM23 Shop fronts and DM24 Advertisements

1. Do the policies effectively reflect the heritage balance set out in NPPF paras 201 and 202?

DM25 Communications infrastructure

1. Does this policy accord with requirements of NPPF paras 117 and 118?
2. Is it clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

DM26 Conservation areas

1. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that, in the exercise, with respect to any buildings or other land in a conservation area, of any functions

under the planning Acts special regard shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further NPPF paragraphs 201-202 set out how to weigh the impact of development on the significance of a designated asset. Overall, is the wording of this policy and explanatory text clear and justified having regard to the statutory provisions and national policy?

2. In the absence of a commitment to produce up to date management plans for conservation areas, would this policy be effective?

DM27 Listed buildings

1. Section 66(1) of the same Act sets out ...'in considering whether to grant planning permission for development which affects a listed building or its setting ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' In this context, the supporting text to this policy explains national policy requirements where substantial harm is identified. In the absence of the same for less than substantial harm, would the policy as a whole be effective?

DM29 Setting of heritage assets

1. The last paragraph of this policy sets out that, where there are impacts on the setting of multiple heritage assets, priority should be given to enhancing the setting of those assets of greatest significance. In the absence of a consideration of impacts, would this policy be justified, effective and consistent with national policy?

DM30 Registered parks and gardens

1. Are modifications to this policy or its supporting text required to ensure that it is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?
2. NPPF paragraphs 201 and 202 set out how to weigh the impact of development on the significance of a designated asset. Is this reflected in this policy?

DM31 Archaeological interest

1. Should the policy explicitly require suitable field evaluation/survey at pre-determination stage?
2. Does the policy address the way in which development affecting the different categories of remains should be weighed as set out in NPPF paragraphs 201 to 203 and PPG *Conserving and enhancing the historic environment* ID 18a 040?

DM32 The Royal Pavilion Estate

1. Does the policy effectively identify the gardens' historic interest and acknowledge the previous restoration scheme and the need to enhance the successes of that scheme? Are Modifications required to ensure that the policy is effective in these regards?

Inspector's closing remarks

2.00pm Friday 12 November 2021 (Day 6)

Matter 15: Transport

Agenda

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to transport.

Inspector's opening announcements

DM33 Safe, sustainable and active travel

1. Should the policy or supporting text refer to any other recent relevant national and local documents?

DM34 Transport interchanges and DM35 Travel plans and transport assessments

1. Does policy DM34 provide appropriate support for a park and ride facility?
2. In general terms would the policies be justified, effective and consistent with national policy? Is it clearly written and unambiguous, so it is evident how a decision maker should react to development proposals?

DM36 Parking and servicing

1. In referring to any subsequent revisions to the parking standards as set out in appendix 2, would the policy be justified and effective?

Inspector's closing remarks

9.30am Tuesday 16 November 2021 (Day 7)

Matters 17 & 18: Infrastructure, viability & monitoring

Agenda

Inspector's opening announcements

Matter 17 Infrastructure and Viability

Whether the Plan is positively prepared and justified, effective and consistent with national policy and the City Plan Part 1 in relation to infrastructure and viability.

Issue 1 Infrastructure

1. Is the Plan's approach towards infrastructure justified, effective and consistent with national policy, so as to ensure the timely delivery of the scale and distribution of development in the Plan?
2. What are the likely impacts of the proposed development on infrastructure, and what specific improvements are required or have been proposed?

Issue 2 Viability

1. Were viability assessments undertaken during the preparation of the Plan in accordance with the relevant national guidance? Are the recommendations of any viability assessment reflected in the Plan? (See Initial Question 25 the Council's responses)
2. Are the policy requirements such that the cumulative cost of all relevant policies will not undermine the deliverability of the Plan having regard to the types of development and sites proposed?

Matter 18 Monitoring and review

Whether the Plan would be able to be monitored effectively to ensure timely delivery of its proposals in conformity with the City Plan 1?

Issue 1 Monitoring

1. How would the implementation of the Plan policies be achieved? What mechanisms are there to assist development sites to progress?
2. How would the implementation of the Plan be monitored? Would it be effective? How would the results of monitoring be acted upon? What would trigger a review of the Plan?

3. Overall does the Plan deal adequately with uncertainty?

Inspector's closing remarks

2pm Tuesday 16 November 2021 (Day 7)

Close

Inspector's closing remarks