



**Brighton & Hove
City Council**

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

Hearing Session: 5 November 2021 (AM)

**Statement in Response to Matter 12:
Community Policies**

**BY
BRIGHTON & HOVE CITY COUNCIL**

List of Abbreviations

CPP1 - City Plan Part 1
CPP2 – City Plan Part 2
NPPF - National Planning Policy Framework
SA - Sustainability Appraisal

DM9 Community Facilities

Q1. Does this policy set out appropriate criteria to support development of community facilities and protect existing community uses, where appropriate?

1. Yes, the policy plans positively for the provision of new community facilities by supporting their development, directing them to sustainable locations to minimise the need for people to travel, and ensuring they are well located to the communities they serve.
2. The policy criteria at part (2) sets out a range of appropriate instances where loss of community facilities would be permitted. These criteria are broadly similar to those in Policy HO20 of the CD08 Brighton & Hove Local Plan 2005 (page 65) with some minor alterations to the wording to improve the new policy's effectiveness. Policy HO20 has been effectively applied to planning applications for many years. The criteria in DM9 are considered appropriate and will guard against the unnecessary loss of valued facilities in line with NPPF paragraph 93.
3. The policy wording relating to partial loss of floorspace is a new addition and is intended to facilitate a more flexible approach, in recognition of some community facilities being housed in buildings with a large floor area for their operations.
4. Three representations were received suggesting the required 12-month marketing period is either too short or too long. The council considers it an appropriate timescale to demonstrate redundancy for most community facilities, however the timescale is not specifically stated in the policy wording to allow for some flexibility where appropriate, given the variety of facilities covered by the policy.

DM10 Public houses

Q1. Does this policy strike the right balance between protecting public houses and enabling those that are not economically viable either now or in the future/no longer needed by the community to change to another use?

5. The inclusion of a specific policy for public houses reflects their unique contribution to the character and vitality of communities, and the complex nature of the business model.
6. The requirements for demonstrating that a public house is not viable are intended to prevent pubs being deliberately run down over a period of time with the intention of reducing turnover to justify their loss on viability grounds. It is also intended to avoid unnecessary loss of otherwise viable

pubs due to onerous management conditions relating to issues such as tied houses.

7. The guidance set out in the supporting text to the policy sets out the evidence required to demonstrate viability. Where it is demonstrated that a pub is actively trying to attract customers and maintain operations as a viable enterprise but is unable to do so over a three-year period, criterion (a) of the policy will be met.
8. The tests in the policy are more stringent than those for other types of community facilities in Policy DM9 because of the difficulty of providing alternative premises for public houses, particularly in established residential areas where the loss of a single establishment may have a more pronounced effect on accessibility to a pub and the sustainability of the local community.
9. It is considered that the policy maintains an appropriate balance between protecting pubs and allowing some flexibility for change of use where clear evidence of unviability has been provided. Representations received have generally supported this policy approach.