

## **Hove Station Neighbourhood Plan 2019-2030**

### **Submission Version**

### **Examination Report (Final Version)**

A Report to Brighton & Hove City Council into the Hove Station Neighbourhood Plan 2019-2030

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10<sup>th</sup> October 2023

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## 1.0 Introduction and Role of the Independent Examiner

- 1.1 Neighbourhood Planning is an approach to town planning introduced by the Localism Act 2011 which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This report sets out the findings of the examination of the Hove Station Neighbourhood Plan 2019-2030, submission version (v12), August 2019.
- 1.2 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the Basic Conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan, or to examine other material considerations.
- 1.3 Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following “Basic Conditions”;
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements and
  - it must be compatible with EU obligations.
- 1.4 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:
- (a) that the draft order is submitted to a referendum, or
  - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
  - (c) that the proposal for the order is refused.
- 1.5 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Neighbourhood Plan designated area to which the Plan relates. I make my recommendations at the end of this Report.
- 1.6 / I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan, and I possess appropriate qualifications and experience.
- 1.7 The Hove Station Neighbourhood Plan was subject to Regulation 16 consultation from 20 May to 15 July 2021. The documents associated with this consultation were:
- Hove Station Neighbourhood Plan Part 1: Policies - December 2020

- Hove Station Neighbourhood Plan Part 2: Aspirations - December 2020
- Consultation Statement
- Draft Strategic Environmental Assessment Scoping Report - October 2017
- Strategic Environmental Assessment Regulation 14 Report - May 2018
- Basic Conditions Statement
- Brighton & Hove Council Neighbourhood Planning Privacy Notice

1.8 These and other background documents which I have taken into consideration in undertaking this examination are listed in Appendix 1.

1.9 In relation to national planning policy guidance, I have had regard to the extent to which the HSNP conforms to the National Planning Policy Framework, (NPPF), last updated on 5th September 2023 and relevant related online companion advice in the Planning Practice Guidance (PPG) in respect of Neighbourhood Planning. It should be noted that the recent revisions to the NPPF relating to onshore wind development were confirmed by Ministerial Statement and issued simultaneously by the Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations. He explained,

*“.....I am confirming our intention to proceed with changes to national planning policy for onshore wind which take forward the proposals which were consulted upon, with minor changes to reflect responses and provide clarity on how policy should be applied in practice.*

*This includes amending the planning tests for proposed onshore wind developments to make clear that suitable locations can be identified in a number of ways (rather than solely through an area’s development plan). Development plans can take a number of years to be produced and adopted and we want to be clear that other, more agile and targeted routes are appropriate. For example, through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. We hope that this will mean sites are identified more quickly, speeding up the process of allocating sites for onshore wind projects, and ultimately, and as a consequence more clean and renewable energy is generated sooner.*

*We are also adjusting the policy so that local authorities can more flexibly address the planning impact of onshore wind projects as identified by local communities, on which we intend to publish further guidance. We have heard accounts that current policy has been applied in such a way that a very limited number of objections, and even at times objections of single individuals, have been taken as showing a lack of community backing. This is not the policy intent, and as a result of today’s policy change it will now be important that local decision makers are able to take a more balanced approach, considering the views of communities as a whole. The Government is also open to novel ways to demonstrate community consent, building on best practice and using new digital engagement techniques.*

*We are also clear that local areas that support hosting onshore wind should directly benefit. That is why we have consulted on proposals for improved rewards and benefits to be offered to communities backing onshore wind farms, including potential energy bill discounts. The Government will respond to this consultation in the Autumn.*

*I can also confirm that we are taking forward changes in relation to the repowering and life extensions of existing renewable energy sites to make clearer the circumstances in which these may be approved.*

*I would like to extend my sincere gratitude to all those who participated in the consultation. Our formal response to the other wider proposals in the consultation will also be published later this Autumn.....”*

1.10 The recent changes thus relate to onshore wind farm development only. A copy of the September 2023 changes to the NPPF are attached in Appendix 5 to this report. They do not impact on consideration of national planning policy in relation to the Hove Station Neighbourhood Plan policies. As indicated in the Ministerial Statement above, further policy changes relating to the NPPF may be published in the autumn.

1.11 Concerning general conformity with the adopted strategic planning policy in Brighton & Hove, the HSNP has been examined against the policies in the relevant development plan documents, being:

City Plan Part One (adopted March 2016) *and*

*Annexes to the City Plan Part One:*

Annex 1 - Implementation and Monitoring Plan, March 2016

Annex 2 - Infrastructure Delivery Plan June 2017

Annex 3 - Housing Implementation Strategy, March 2016

Annex 4 - Brighton & Hove Local Plan Policies replaced by the  
Brighton & Hove City Plan Part One, March 2016 on adoption of that Plan

1.12 The City Plan Part One provides the overarching strategy for emerging Neighbourhood Plans and is supported by the City Plan Part Two which was adopted 20 October 2022. This contains the remaining site allocations and development management policies following the adoption of the City Plan Part One. The role of the City Plan Part Two is to support the implementation and delivery of City Plan Part One, building on the strategic policy framework set out in the adopted City Plan Part One; identifying and allocating additional development sites and setting out a detailed policy framework to assist in determining planning applications.

## 2.0 Designation - Hove Station Neighbourhood Forum and Area.

### 2.1 Local Planning Context

2.2 The Hove Station Neighbourhood Forum's (HSNF's) web-site and the Forum's Consultation Statement (CS) describes the process undertaken in establishing the neighbourhood forum and the local actions undertaken by the local community in conjunction with Brighton & Hove City Council (BHCC) in determining the extent and boundaries of Hove Station Neighbourhood Area. The impetus for commencing groundwork for the Hove Station Neighbourhood Plan arose during the preparation of the current Local Plan, the City Plan Part One, which was adopted by BHCC on 24th March 2016. The foreword to the City Plan explains that its strategic policies will help deliver better links for local communities and neighbourhoods to employment and skills opportunities and adequate housing provision whilst also meeting the demands of businesses and visitors. The Plan seeks to create genuinely sustainable communities through encouraging mixed-use developments, high-quality and well-designed places; and developments that enable people to make better choices about their need for travel. The City Plan will also help to ensure that new development is supported by necessary infrastructure that protects and promotes communities, the city's economy and the environment. The City Plan Part One provides the overarching town planning strategy for emerging Neighbourhood Plans and is now supported by the City Plan Part Two which contains the remaining site allocations and development management policies.

2.3 Hove Station Neighbourhood Forum's (HSNF's) website and the Forum's Consultation Statement (CS) describes the process undertaken in establishing the neighbourhood forum and the local actions undertaken by the local community in conjunction with Brighton & Hove City Council (BHCC) in determining the extent and boundaries of Hove Station Neighbourhood Area. The impetus for commencing work on the Hove Station Neighbourhood Plan arose during the preparation of the current Development Plan of which the City Plan Part One is the primary strategic component. The foreword to the City Plan explains that its strategic policies will help deliver better links for local communities and neighbourhoods to employment and skills opportunities and adequate housing provision whilst also meeting the demands of businesses and visitors. The City Plan Part One seeks to create genuinely sustainable communities through encouraging mixed-use developments, high-quality and well-designed places; and developments that enable people to make better choices about their need for travel. The City Plan aims to ensure that new development is supported by necessary infrastructure that protects and promotes communities, the city's economy and the environment.

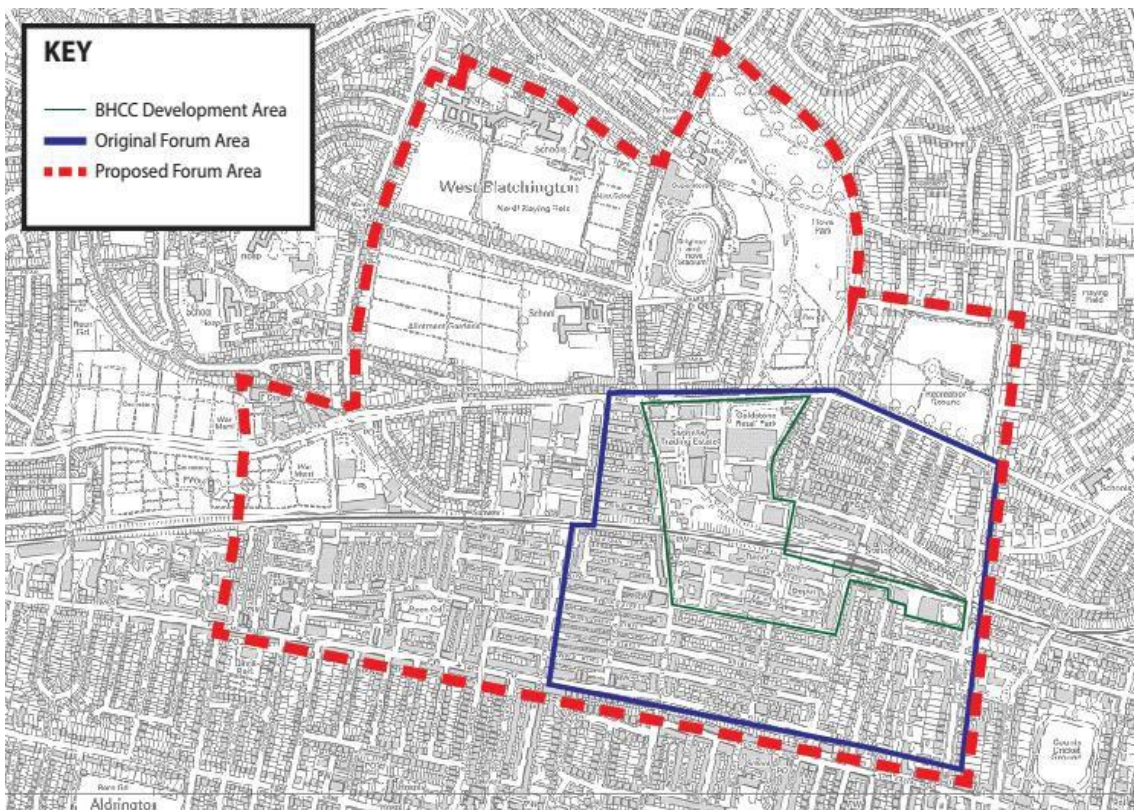
2.4 The process by which the community established the HSNF is explained in considerable detail, On the HSNF website in addition to the CS, tracing the local interest back to the autumn of 2012 when plans for redevelopment by the then local landowner/developer (Matsim) published a front-page image in the Brighton Argus of a comprehensive, high density, high rise redevelopment of the whole of the rundown 1970s industrial area south of the railway. The project comprised a proposal for 600 new homes in high-rise blocks with ground floor offices and retail provision, all anchored with a proposed cinema development. This prompted public outcry and public meetings, exposing a lack of public awareness of the proposed DA6 designation and prospect of large-scale, high-density, long-term redevelopment. The

CS explains that in November 2012, the leading ward councillor supported by a few local residents called a public meeting in the Vallance Centre which attracted some 25 residents. The City Planning Officer explained that officers were negotiating with the developers whose proposals did not comply with emerging City Plan Part One policies. It was suggested that a way forward could be for local residents to establish a Neighbourhood Forum to prepare a Neighbourhood Plan.

**2.5 Hove Station Neighbourhood Area**

2.6 During 2013 and 2014 considerable effort was expended in trying to reach community agreement on the appropriate boundaries for the neighbourhood plan. Originally, the intention appeared to be that the neighbourhood area would be relatively tightly drawn to include development area DA6 and contiguous areas to the south of the A270, as shown edged blue on the Fig 1 below. This map also shows the location of DA6 and the subsequent larger proposal for the neighbourhood area extending to the west and north to include Stoneham and land north of the railway including parts of West Blatchington and Hove Park as indicated by the red broken line. Despite extensive community engagement the parties were unable to resolve their differences and the Council was requested to assist in determining the dispute and the resultant neighbourhood plan boundaries.

*Fig 1. Neighbourhood Area proposed boundaries in relation to BHCC’s Development Area DA6*



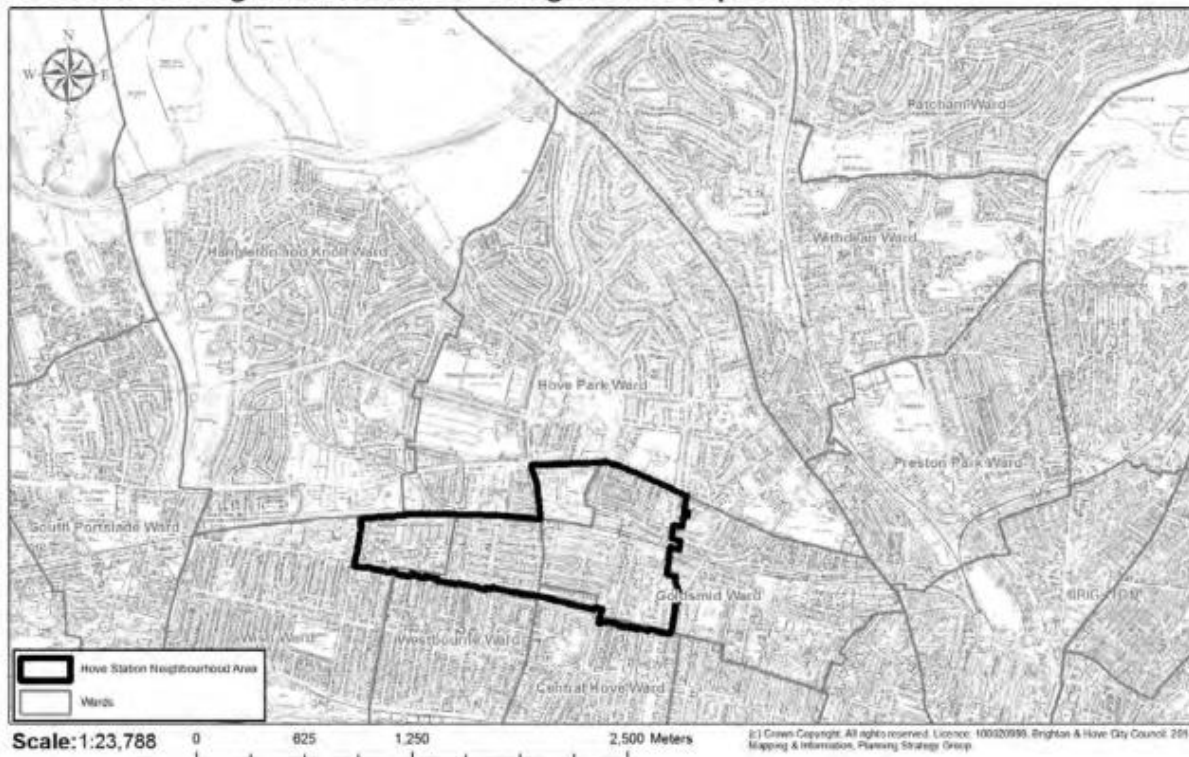
2.7 The process undertaken in determining the neighbourhood area is explained in detail in the Forum’s application to the City Council for the designation of the neighbourhood area dated 20<sup>th</sup> December 2013. The Hove Station Neighbourhood Area was designated by the Economic Development & Culture



Committee on the 18 September 2014 in accordance with the Neighbourhood Planning (General) Regulations 2012. A copy of the designated Plan area is shown in Fig 2.

Fig 2. Hove Station Neighbourhood Area-Designated by BHCC on 14<sup>th</sup> September 2014

**Hove Station Neighbourhood Area – designated 18 September 2014**



- 2.8 The designated neighbourhood area is mainly bounded on the east by The Drive, on the north by the Old Shoreham Road, west to Sackville Road, then south to the railway bridge and west along the railway line to the western boundary at Bolsover Road. The southern boundary follows Portland Road – Clarendon Road- Eaton Road to The Drive. The area is divided by the railway line running east-west and Sackville Road running north-south.
- 2.9 The neighbourhood area slopes gently downhill from north to south which causes significant changes in the level of the built environment from east to west and from north to south. This topography provides both challenges and opportunities for regeneration as recognised by the HSNP. The Hove Station Neighbourhood Area was developed during the mid-late 19th century and partially redeveloped in the post-war period. The area identified on the City Council’s development plan as DA6 has and continues to be redeveloped with residential led and mixed commercial land uses. This area is currently being transformed, broadly as anticipated by the adopted development plan, in the period to 2030. Several sites await renewal as the process of redevelopment and urban renewal takes its course. Consequently, as this transformation takes place the area is likely to exhibit a discordant appearance as at present, incorporating rundown areas of underused land and buildings both north and south of the railway.

- 2.10 The northern part of the area includes the former site of the Brighton and Hove Albion Football Club's Goldstone Ground, redeveloped as a retail park in 1997 with six large single storey buildings and a large surface car park.
- 2.11 The residential areas within the designated neighbourhood area are mainly laid out in a clearly defined grid pattern, but with a variety of house types and streetscapes ranging from modest terraced houses and maisonettes to detached and semi-detached Victorian villas, some of which have been redeveloped /converted into apartments or residential homes and many are in designated Conservation Areas. There is little significant open space east of Sackville Road as also referenced in the HSNP. This deficiency was acknowledged from the early Edwardian period by the then Hove Council which led to the creation of Hove Park north of Old Shoreham Road from 1906 onwards.
- 2.12 South of the railway the bus depot was built between established Conway Street and the railway line. The bus company is a major local employer. The bus depot generates heavy traffic which can only access bus routes via residential Clarendon Road. The area includes five, 10 storey residential tower blocks north of Clarendon Road, with associated provision of community facilities at the junction of the Sackville Road - Honeycroft and the Vallance Community Centre as part of a 1970's regeneration project and low rise industrial / employment uses.
- 2.13 West of Sackville Road the Neighbourhood Area is bounded by the railway to the north and Portland Road on the south. The area has Stoneham Park at its core. To the east of the park the grid iron pattern of 19th century terraces housing is known locally as Poets Corner. To the west the neighbourhood is more varied as it includes the only school in the Neighbourhood Area alongside commercial and industrial development in School Road. Portland Road is one of the City's local centres and provides a wide range of retail and commercial services within walking distance of the dense terraced housing.
- 2.14 **Hove Station Neighbourhood Forum – Designation and re-designation**
- 2.15 The CS further explains that a Management Committee was formed and maintained a stable core of 8 members throughout 65 meetings, with 7 others serving for between a year and three years. Turnover meant that a total of 16 residents have served on this Committee. A wider group of 15 residents have participated in working groups and there have been an estimated 650 participants at the 8 Have Your Say Day events. From the inauguration in July 2013, membership of the Forum increased to 75 when it was designated in December 2014, after which the numbers increased steadily, with a spike after each Have Your Say Day, to 150 by early 2017, 270 by the time of the Regulation 14 Consultation, and at the point at which the CS was completed stood at approximately 290, with a mailing list including supporters of about 360.
- 2.16 At the meeting of BHCC's Economic and Culture Committee on 18 September 2014, in addition to designating the Neighbourhood Area, the Committee also authorised the then Head of Planning & Public Protection to designate the Hove Station Neighbourhood subject to:
- a) being satisfied that the neighbourhood forum met the statutory criteria set out in section 61 F (5) of the Town & Country Planning Act 1990; and

- b) by seeking agreement as how the Hove Station Neighbourhood Forum would engage with the local community and forums in adjacent areas and take their views into account in the drafting of any neighbourhood development plan.

2.17 On 23rd December 2014, the BHCC resolved that the letter of 8 December 2014 from Hove Station Neighbourhood Forum to the Chairman of the Hove Park Neighbourhood Forum and copied to BHCC satisfactorily evidenced how Hove Station Neighbourhood Forum intended to work with the Hove Park Neighbourhood Forum in addressing common issues. The Committee also accepted that HSNF had met the statutory criteria set out in section 61F (5) of the Act. Under s61F (5) , a local planning authority is permitted to designate an organisation or body as a neighbourhood forum if the authority is satisfied that it meets the following conditions—

- (a) it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area that consists of or includes the neighbourhood area concerned (whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses in such an area),

- (b) its membership is open to—

- (i) individuals who live in the neighbourhood area concerned,
- (ii) individuals who work there (whether for businesses carried on there or otherwise), and
- (iii) individuals who are elected members of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

- (c) its membership includes a minimum of 21 individuals each of whom—

- (i) lives in the neighbourhood area concerned,
- (ii) works there (whether for a business carried on there or otherwise), or
- (iii) is an elected member of a county council, district council or London borough council any of whose area falls within the neighbourhood area concerned,

- (d) it has a written constitution,

and

- (e) such other conditions as may be prescribed.

2.18 The Committee designated the HSNF as a neighbourhood forum for the purposes of the Town & Country Planning Act 1990 at that meeting.

2.19 Since the life of a neighbourhood forum is limited to 5 years from the date of designation, it became necessary for the Forum to be redesignated before 23rd December 2019. The Forum made its application to BHCC for re-designation in July 2019 in accordance with the Town and Country Planning Act 1990 the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012, as confirmed on the BHCC

website. confirming that the designated neighbourhood area remained unchanged, and that the Forum contained the necessary minimum of 21 members.

- 2.20 Consultation on the renewal of the Hove Station Forum Designation took place for a period of 6 weeks starting on 4 July 2019 and closing on 15 August 2019 and BHCC approved the redesignation of HSNF and the Hove Station Neighbourhood Area on 18 September 2019.
- 2.21 Renewal enabled the HSNF to continue to prepare the Hove Station Neighbourhood Plan for the area, the Forum having prepared the Regulation 14 version of the Plan by this time.

### Basic Conditions Statement – initial considerations and review

- 2.22 Shortly after the commencement of the examination of the HSNP, I became concerned regarding the extent to which the requirements of Regulation 15(1)(d) were met by the Basic Conditions Statement (BCS). This requires that the submission material should include “... a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.”
- 2.23 Whilst there is no prescribed method for the preparation of a Basic Conditions Statement the Planning Practice Guidance explains that:

“Regulation 15(1)(d) advises that the Basic Conditions Statement should explain how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act. This is confirmed in Regulation 22(1)(e) of the Neighbourhood Planning (General) Regulations 2012 (as amended)) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions to be satisfied are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. (The text in italics applies only to Orders.)
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

- 2.24 A useful summary of what needs to be covered in preparing a BCS is also set out on page 65 of “Guidance to service users and examiners” prepared by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS), 2014, at Annex 2: Scope of a Neighbourhood Plan Examination – Summary of the Legal Requirements.
- 2.25 National guidance and Regulations are clear that in preparing a Basic Conditions Statement, it should demonstrate how emerging policies in the relevant neighbourhood plan generally conform to national and adopted strategic planning policies. I therefore expected that the BCS would contain an explanation as to how in relation to specific national policy and adopted strategic local plan policy how each draft BNP policy broadly conforms to this guidance. This had not been achieved in the submission version of the BCS and thus the requirement of Regulation 15(1) had not been met.
- 2.26 In assessing the veracity of a submission version of a neighbourhood plan, the examination needs to consider whether the relevant legal requirements have been met in relation to the preparation of the Plan by reference to statute and regulations. The submitted version of the BCS had not demonstrated this as required. These deficiencies were explained to Professor Gibson by letter from me, following which a meeting took place attended by representatives of BHCC, the Forum and myself to consider the way forward. The parties agreed in principle that the examination should be suspended and the original submitted BCS should be revised to cover the deficiencies, but that no other alterations should be made to other documents submitted under Regulation 15(1), following which, the submitted documents including the revised BCS would be submitted for a further round of public consultation under Regulation 16, following which the revised BCS and all comments submitted through the further round of consultation would be forwarded to the examiner and the examination would then be resumed.
- 2.27 The Neighbourhood Forum amended the Basic Conditions Statement and re-submitted this to BHCC. In accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012 (as amended), the Neighbourhood Plan and associated documents were subject to a supplementary consultation from Thursday 3 November 2022 for 6 weeks. BHCC invited representations on the amended Basic Conditions Statement and any implications for the other Neighbourhood Plan documents (which remained unchanged). To assist the dissemination of the consultation, BHCC provided a Word version of the response form, available on request. Paper copies of the consultation documents were available to view at Hove Library and Jubilee Library, Brighton.

### 3.0 Basic Conditions Statement – revised version

- 3.1 The amended BCS included two tables which set out in detail each of the Neighbourhood Plan policies and how these conformed to the National Planning Policy Framework (NPPF) and how they were in general conformity with policies in the Brighton & Hove City Plan Parts 1 and 2.
- 3.2 Through these changes, the amended BCS sought to address my earlier concerns with more comprehensive evidence. Further reference to the BCS in this examination report refer to this October 2022 supplemental version of the BCS, unless otherwise stated.
- 3.3 The BCS also includes a section setting out that the legal requirements in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) have been met. This explains that the BCS has been prepared to accompany the Hove Station Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”) and includes a statement explaining how the proposed HSNP meets these requirements.
- 3.4 The BCS notes that paragraph 8 (1) states that the examiner must consider the following:
- a) whether the draft neighbourhood development plan meets the basic conditions (cross referenced to sub-paragraph (2)).
  - b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
  - c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
  - d) such other matters as may be prescribed.
- 3.5 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
  - b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
  - c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
  - d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
  - e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.
- 3.6 Section 2 of the BCS sets out how the HSNP Plan complies with the legal requirements of Paragraph 8, sub-paragraphs 1 (b), (c) and (d).

- 3.7 Section 3 of the BCS explains how the HSNP meets the basic conditions contained in Paragraph 8, subparagraph 1 (a) and subparagraph 2.
- 3.8 The BCS further explains that the Neighbourhood Plan Part Two does not form part of the statutory plan. It sets out various community aspirations and projects, which are intended to contribute towards the achievement of the Plan's vision of a new Hove Station Quarter. The BCS states that these projects will require a combination of community initiatives and local authority actions and may be funded by developer contributions, including the 25% Neighbourhood portion of the Community Infrastructure Levy (CIL). For avoidance of doubt, the Neighbourhood Plan Part Two, falls outside the scope of the examination of the HSNP, which is limited to whether the Plan meets the Basic Conditions.
- 3.9 The Plan and accompanying information submitted for examination has been submitted by Hove Station Neighbourhood Forum, a qualifying body entitled to prepare a neighbourhood plan.
- 3.10 The submission version of the HSNP contains policies relating to the development and use of land within the designated Plan area in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations.
- 3.11 The proposed Neighbourhood Plan states the period for which it is to have effect, being from 2019 until 2030. This period aligns with the Brighton and Hove City Plan Part One (2016-2030) and Part 2 (2022-2030).
- 3.12 The BCS also confirms that the HSNP does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the designated area in accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5.
- 3.13 Although not referred to in the BCS, I am also satisfied that the submission plan proposal is not a 'repeat' proposal (i.e. the City Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
- 3.14 The HSNP does not deal with "county matters" (e.g. mineral extraction and waste development), excluded development, nationally significant infrastructure or other matters set out in Section 61K of the Town and Country Planning Act 1990 and also complies with Section 61J of the Act.
- 3.15 I concur that the submission draft version of the HSNP meets the legal requirements for a neighbourhood plan including the designation of the neighbourhood area, redesignation, and composition of the Forum membership, as considered in Section 2 of this examination report and complies with the Town and Country Planning Act s61(E) and s61(F).

## Meeting the Basic Conditions

- 3.16 The Basic Conditions Statement notes that the four "basic conditions" required by the Regulations must be satisfied if the Plan is to proceed to referendum and explains how his requirement has been met, namely;
- The Plan must have appropriate regard to national planning policy;

- Neighbourhood Plans must promote the achievement of Sustainable Development;
- The Objectives and Policies of the submission version of the Plan must be in general conformity with the strategic Policies in the Brighton & Hove City Council's adopted Development Plan.
- The Plan must be compatible with the European Union (EU) and European Convention on Human Rights (ECHR) obligations.

## Conformity with the National Planning Policy Framework (NPPF).

- 3.17 In demonstrating how the submission version of the BNP conforms to and has appropriate regard to national planning policy, the BCS demonstrates that the Neighbourhood Plan has been prepared having regard to the 13 principal objectives of the NPPF and its national policies and advice. This has been systematically achieved by considering the draft policies of the submission version of the Plan with the policy advice in the NPPF. This is set out in section 3 of the BCS in Table 1, which explains how the Neighbourhood Plan contributes to meeting the NPPF's objectives as relevant and notes the specific national policies that the Plan is intended to support and supplement through:
- empowering the local community to develop the plan for their neighbourhood based on a creative and positive community-led engagement which has identified ways of enhancing and improving the area.
  - preparation of Neighbourhood Plan policies based on robust evidence and providing a practical framework to assist the City Council in reaching decisions on planning applications.
  - actively managing the transition of a major part of the Neighbourhood Plan area into an integrated Hove Station Quarter, responding to social needs - in particular housing and community facilities, economic opportunities for new and modern local employment and environmental challenges by promoting a new 'green' quarter involving the provision of high-quality landscaping and public realm and the development of a low-carbon built environment.

## Achieving sustainable development

- 3.18 The NPPF advises that all plans should be based upon the presumption in favour of sustainable development with clear policies that guide how the presumption should be applied locally. Paragraph 13 of the NPPF advises that the application of this presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans and by shaping and directing development that is outside of these strategic policies. The approach taken by the Neighbourhood Forum accords with this advice and the Plan policies should deliver sustainable development across the neighbourhood area over the lifetime of the neighbourhood plan.
- 3.19 The Basic Conditions Statement identifies how the HSNP has been positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. This section of the BCS summarises how the objectives and policies in the Plan will contribute towards the three strands of sustainable development, delivering environmental, economic and social benefits through Table 2 which sets out a brief sustainability assessment of the neighbourhood plan policies.
- 3.20 I concur that the HSNP has been prepared with regard to achieving the principles of delivering sustainable



development as identified in the Basic Conditions Statement. If, subject to my recommendations, the Plan proceeds to referendum and is subsequently made, it will assist in delivering sustainable development within the Neighbourhood Area.

### General conformity with the strategic policies of the adopted City Plan

- 3.21 Paragraph 29 of the NPPF and footnote 18 requires that neighbourhood planning policy should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the adopted Development Plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The BCS explains that the HSNP has been prepared in general conformity with the policies of the City Plan Part One and the (then) emerging policies of City Plan Part Two noting that the Forum has worked closely with City Council officers to achieve this outcome through regular meetings over 4 years, from the first draft of the Regulation 14.
- 3.22 The HSNP advances a range of mixed-use development policies for housing, employment, improved public realm, transport and parking and environmental policies to help shape the area. The BCS explains that these provide for the detailed development and application of strategic City Plan policies, but which embody the insights and preferences of the local community.
- 3.23 The BCS also avers that there is a strong link with the Hove Station Area SPD which was developed in parallel with the Neighbourhood Plan and which closely reflects the direction and detailed policies and proposals of the HSNP through the contribution of the Forum to the development of the Hove Station Area SPD, adopted by the City Council in October 2021. The BCS also notes that this SPD demonstrates a close alignment between HSNP and the City Council's planning policies.
- 3.24 The BCS further explains that some of the HSNP policies have been incorporated in the now adopted policies of City Plan Part Two. The BCS explains that in the meantime the Forum decided to retain such policies in the HSNP.
- 3.25 In demonstrating how the policies of the HSNP conform to the strategic policies of the City Council's development plan, Table 3 in the BCS from page 13 sets out in a tabular form a summary of how each of the submission draft neighbourhood plan policies conform to the strategic policies of Brighton and Hove City Plan Part One (and the non strategic policies of the City Plan Part Two).
- 3.26 I am content that the HSNP, subject to the recommended policy alterations in section 5 of this examination report, does not promote less development than set out in the adopted Local Plan, or undermine its strategic policies. Again, subject to the recommended policy alterations in section 5, I am also satisfied that the HSNP conforms to the advice in paragraph 16 of the NPPF which seeks to avoid duplication of adopted planning policies covering the same geographic area, at other spatial scales.

## EU obligations

### Strategic Environmental Assessment and Habitats Regulation Assessment

- 3.27 The Forum was assisted by BHCC and environmental consultants AECOM, in connection with the scoping and screening for Strategic Environmental Assessment (SEA) during the preparation of the HSNP, to determine whether the Neighbourhood Plan was likely to result in significant effects, in accordance with Regulation 9 of the of the Environmental Assessment of Plans & Programmes Regulation 2004.
- 3.28 In July 2016, Hove Station Neighbourhood Forum requested Brighton & Hove City Council to carry out a screening exercise based on the draft Hove Station Neighbourhood Plan Vision and Objectives, to determine whether the Hove Station Neighbourhood Plan would require a Strategic Environmental Assessment (SEA). BHCC prepared a Screening Statement on the determination of the need for SEA for the Hove Station Neighbourhood Plan later that year.
- 3.29 In summary:
- a) the Environment Agency considered that the Plan has the potential to give rise to significant environmental effects due to:
    - 1. the potential amount of housing to be delivered; and
    - 2. development on potentially contaminated land above the Brighton Chalk Aquifer, which is vulnerable to pollution; and
  - b) Historic England agreed with BHCC's conclusion that a Strategic Environmental Assessment of the Hove Station Neighbourhood Plan should be carried out to cover a range of issues including the need to consider the effects of the Plan on the conservation areas and listed buildings within the Plan area.
- 3.30 The Forum sought assistance from AECOM to carry out a Strategic Environmental Assessment (SEA). This has included the production of and consultation on a Scoping Report, meeting the requirements of Regulation 12(5) and 12(6), and preparation of the Environmental Report alongside the Neighbourhood Plan in accordance with Regulation 12. The Environmental Report was subject to consultation alongside the draft Plan at pre-submission stage, in accordance with Regulation 13. The SEA concluded that then current version of the HSNP was likely to lead to long term positive effects, across the majority of SEA topics assessed. The HSNP support for the regeneration of previously developed land together with a Concept Masterplan and Options Study (2017) demonstrated that there was the opportunity for significant brownfield regeneration within the Neighbourhood Plan area, in particular development area DA6 proposed through the adopted City Plan, having the potential to deliver a significant number of new homes and employment opportunities, public realm and sustainable transport improvements providing long-term positive effects for a number of SEA themes.
- 3.31 A summary of the Strategic Environmental Assessment, including the changes to draft policy arising from the SEA, is set out in the Annex 1 of the Basic Condition Statement.

- 3.32 The BCS explains that the SEA assessed whether the emerging Neighbourhood Plan was likely to require further assessment under the Habitats Regulations. This is set out in Annex 1 of the SEA Screening Report, August 2016. This concluded that further HRA was not required by taking into consideration the vision and objectives of the Neighbourhood Plan, the location of the Neighbourhood Plan area in relation to European sites, and the conclusions of the HRA screening undertaken for the City Plan Part One. Subsequently, Brighton & Hove City Council commissioned an updated HRA in advancing the draft City Plan Part Two. The HRA considered the in-combination likely significant impacts of all development allocated and proposed through the City Plan Part One and draft City Plan Part Two and screened out significant adverse impacts on all designated European sites. Since the submission version of the HSNP does not include policies which specify any quantum of development the BCS notes that the conclusions of the HRA undertaken by the City Council concerning the City Plan Part Two should also apply to the HSNP and that no separate HRA is required.
- 3.33 That conclusion was reasonable.

### Convention on Human Rights

- 3.34 I am content that the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights. This statement is justified through the extensive engagement with the community and stakeholders as indicated in the Consultation Statement. I also note that considerable care has been exercised throughout the preparation and drafting of the HSNP to ensure that the views of the whole community were considered to avoid unintentional negative impacts on particular groups, as further explained in the BCS. I am therefore of the opinion that there are unlikely to be any prejudicial effects on Human Rights and the Equality Act 2010 if the Plan were to be made in accordance with my recommendations in this examination report.

### Basic Conditions – Interim Conclusion

- 3.35 The Basic Conditions Statement (BCS) has been clearly and systematically prepared in setting out how the Plan meets the Basic Conditions. These matters are clearly set out in the section on Background and Legal Requirements in the BCS. In addition to the Basic Conditions Statement, the HSNP is supported by a Consultation Statement and the evidence base which has informed the Plan's policies.
- 3.36 Subject to the acceptance of the recommendations in the examination of the draft policies, I agree that the HSNP is in general conformity with the strategic policies of the relevant adopted Development Plan Documents comprising:
- The City Plan Part One (adopted 24 March 2016)
  - The City Plan Part Two (adopted 20 October 2022)
  - Hove Station Area SPD (adopted 16 September 2021).
- 3.39 In examining the HSNP, I have assessed the extent to which the neighbourhood plan conforms to guidance in the NPPF and is in general conformity with adopted strategic local policies. Under the principle of

general conformity with adopted strategic local development plan policies, neighbourhood plan policies may differ to some extent from strategic local development plan policies, yet still meet the basic conditions. General conformity is considered for the whole neighbourhood plan, so does not imply absolute conformity on every detail of strategic policy. Relevant considerations include:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle with which strategic policy is concerned;
- the degree of conflict if any, between the draft neighbourhood plan and strategic policy;
- the extent to which draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach, beyond that set out in strategic policy without undermining that policy; and
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

3.40 I make my comments in respect of specific draft policies in Section 5 and more generally in the Summary and Conclusions sections of this report below.

## 4.0 Background Documents

4.1 The background documents referred to in the preparation in this examination report are listed in Appendix 1.

## 5.0 Hove Station Neighbourhood Plan 2019-2030 – Planning Policies

5.1 As a general preliminary comment, the submission version of the HSNP is already significantly out of date due to land ownership change and significant development proposals which have been permitted in the interim. In addition, the adoption of the City Plan Part Two (20 October 2022) and the Hove Station Area SPD, (adopted 16 September 2021) have altered the planning policy background within which the HSNP would function, if subsequently made.

5.2 BHCC in its comments on the HSNP submission version has provided a detailed commentary on the Plan and where revisions are required. A number of these require further revision to further update the HSNP due to further changes in planning policy and development proposals in the neighbourhood area.

5.3 The Plan policies have been derived from the vision for the HSNP, focussed on the creation of Hove Station Quarter as a new centre for Hove, comprising residential and modern employment land uses with Hove Station as a sustainable transport hub. The vision anticipates DA6 offering a rich and diverse mixture of high-quality market and affordable housing, along with office, cultural and high-tech employment opportunities and a wide range of services and facilities for people living and working in the area. Throughout the wider Neighbourhood Area, the vision anticipates public realm improvements, traffic

calming and management of pedestrian and cycle-based flows, spaces for children to play and outdoor space for young people. It aims to create an attractive environment in which to live, work and play.

- 5.4 The Plan's policies have been formulated having regard to the direction, advice and constraints imposed by national and local strategic guidance and also from the evidence base prepared to justify the emerging policies through the preparation of the Plan.
- 5.5 Non-land use aspirations and projects are not considered by the examination process. I therefore make no comment on them. In terms of determining the extent to which the draft Plan meets the Basic Conditions tests it is the land use policies which are examined since it is these that will become material planning considerations in terms of development management if the Plan is made.
- 5.6 If the HSNP is to proceed to referendum, the recommended modifications to the policies must be accepted by the Forum if the Plan is to move forward to that stage. Where I have recommended changes to the draft policies, the recommended revisions are shown as tracked changes in Appendix 2 with "clean" copies of the altered policies in Appendix 3. Where policy revisions are recommended, the explanatory text relating to those policies subject to alteration may also require some modification to reflect the recommended modified policies, in addition to the extensive recommendations to update the supporting text provided by BHCC at the Regulation 16 stage. These comments (shown for convenience in Appendix 4), made by BHCC are now themselves out of date due to changes in landownership, adopted BHCC planning policy and major planning decisions in the neighbourhood area over the intervening two years. Such further changes will be a matter for the Forum to draft in conjunction with the Planning Department of BHCC as part of its duty to co-operate. (See also paragraph 7.3 below).
- 5.7 It should be noted that in examining the neighbourhood plan to determine whether the Plan meets the Basic Conditions tests, this examination has not considered non land use planning matters. Therefore, the community inspired projects in the HSNP have not been assessed in this examination.
- 5.8 I set out below the examination of each of the HSNP draft planning policies and where appropriate, my comments on the related explanatory text within the submission version of the Plan to establish in accordance with paragraph 37 of the NPPF whether the neighbourhood plan policies are in general conformity with the strategic policies of the development plan.
- 5.9 **Policy 1: Creation of the Hove Station Quarter**

**Development proposals in the area shown as DA6 in the City Plan will be supported only if they demonstrate a comprehensive and integrated approach aiming to support the creation of Hove Station Quarter with a strong relationship to the station. The Hove Station Master Plan / SPD will provide site by site guidance based on the framework of City Plan and Neighbourhood Plan policies.**

**The area shown in the City Plan as DA6 will be suitable for a mix of uses comprising residential, commercial, small retail and cultural uses including small workshops. A horizontal mix of uses**

**such as ground floor office / commerce with residential above will be encouraged in appropriate locations to increase interest and attraction at ground floor level. Individual proposals should make efficient use of land and be integrated to achieve a well-functioning, high quality, inclusive and vibrant Hove Station Quarter.**

**Development proposals need to be sympathetic to and reflect the need for area-wide transport and movement linkages, unifying design features and neighbourhood facilities as indicated in Hove Station Area SPD and in the diagrams below (p.47) and in PART TWO of this document. Significant departures from these principles will need to be justified.**

**Where phased redevelopment entails buildings standing empty for some time developers are encouraged to find suitable short term uses for such buildings including housing.**

- 5.10 The BCS confirms that Policy 1 of the HSNP conforms to the NPPF in relation to paragraph 60 by supporting the Government's objective of significantly boosting the supply of homes and encouraging sufficient land to come forward where it is needed to be developed without delay.
- 5.11 In relation to employment and business development, the HSNP also conforms to the NPPF at paragraphs 81 and 82 where planning policies should help create the conditions in which businesses may invest, expand and adapt. Policy 1 of the Plan supports sustainable development to meet this ambition as recognised in the BCS, capitalising on the area's strengths and potential. Policy 1 of the HSNP also supports the City Plan Part One in identifying the conditions in which businesses can invest, expand and adapt. Policy 1 also conforms to the guidance in the NPPF at paragraph 82 by supporting BHCC's City Plan Part One which identifies strategic sites for local and inward investment to meet anticipated needs over the Plan period, whilst also addressing local barriers to investment including inadequate infrastructure and services and through enhancing the local environment.
- 5.12 In recognising the need to provide enhancements to sustainable transport, the BCS notes that the HSNP support measures to achieve this as identified in paragraphs 104-106 of the NPPF. Moreover, the BCS advises that Policy 1 of the HSNP conforms to the guidance in paragraphs 119 and 120 of the NPPF by encouraging the conditions through which the effective use and re-use of land will be achieved.
- 5.13 In relation to conformity with City Plan Part One strategic policy guidance, the BCS confirms that Policy 1 conforms to strategic policy DA6 Hove Station Area, which sets out a series of local priorities to achieve the long term regeneration opportunities around the Hove Station area to enable its development as an attractive and sustainable mixed-use area focussed on securing the creation of a high quality employment environment that will attract investment and new employment opportunities for the city and promote the efficient use of land through, predominantly employment and residential, mixed use developments.
- 5.14 The local priorities to achieve the strategy through this planning policy are supported by Policy 1 of the HSNP. The BCS makes it clear that the preparation of the HSNP largely took place alongside the emerging versions of City Plan Part One and consequently there is strong support for the policy objectives of City Plan Part One, Policy DA6.

- 5.15 In relation to the Regulation 16 consultation responses concerning HSNP Policy 1, these generally referred to particular aspects of strategic Policy DA6 and are covered through subsequent policies in HSNP below.
- 5.16 Policy 1 as drafted is somewhat lengthy and includes some matters that would be more appropriate if included in the supporting statement rather than forming part of a development management policy within the neighbourhood plan.
- 5.17 The first sentence of Policy 1 would offer a more positive policy approach if amended as shown in the proposed modification. The second sentence would be more helpful as a statement of fact, if included in the supporting statement, referring to the now adopted Hove Station Area SPD. The penultimate paragraph in Policy 1 should be revised to exclude references to Part Two of the HSNP because this refers to aspirations within Plan, rather than planning policy content, subject to examination.
- 5.18 For these reasons I recommend that the draft policy should be amended as shown by the tracked changes in Appendix 2 and in the “clean” version in Appendix 3, if the Plan is to proceed to referendum.
- 5.19 The supporting statement will require updating and alteration reflecting the comments made by BHCC in December 2020 to the submission version of the Plan, which will require further alteration to reflect the adopted status of the Hove Station Area SPD and also land ownership changes.

## 5.20 Policy 2: Sackville Coalyard

### **The former Sackville Coalyard is allocated for mixed-use residential and employment development as part of the wider redevelopment of the DA6 area. See Figure 7, zone P2**

- 5.21 Policy 2 has been overtaken by events. Planning permission was granted by BHCC on Wednesday 4<sup>th</sup> March 2020 by BHCC’s Planning Committee to Moda Living for the development of a mixed-use residential proposal for a revised scheme for the provision of 824 homes comprising 564 homes for rent and 260 homes for later living, over 5,000 sqm of offices, almost 700 sqm of flexible retail and some 950 sqm of community and leisure floorspace.
- 5.22 The proposal described at the time as aiming to regenerate the site, including the rundown Sackville trading estate into a ‘thriving inter-generational neighbourhood with extensive public gardens’ has now been substantially constructed. The permitted proposals secured substantial alterations to the submitted application, including an increased number of family homes and a decreased number of studios. Other changes included enhanced daylight levels and an increased availability of workspace throughout the development. 70% of the site is proposed for use as public space for the local community, including landscaped areas with trees and gardens. The proposals were described by Property Investor Today<sup>1</sup> as

<sup>1</sup> Property Investor Today, 11<sup>th</sup> March 2020 <https://www.propertyinvestortoday.co.uk/breaking-news/2020/3/landmark-moda-living-btr-development-in-hove-gets-the-go-ahead>

including ‘one of the largest planning contributions to public amenity by a private company in Brighton & Hove in a decade’, said to be over £10 million, to be invested locally in infrastructure, education, public art and helping the local community.

- 5.23 The residential accommodation is currently being marketed on the Moda Living web-site<sup>2</sup>
- 5.24 In December 2020 BHCC’s comments on Policy 2 at the time of the Regulation 16 Consultation queried whether it was appropriate to include Policy 2 in the HSNP in the light of the fact that planning permission had been granted. Also, both the former coalyard site and the Sackville Trading Estate comprising the larger Moda Living development site had been included in the then emerging City Plan Part Two for development management purposes under Policy SSA4. Given that the redevelopment is now at an advanced stage of delivery the inclusion of Policy 2, relating only to the former coalyard site in the submission draft HSNP is otiose and would serve no useful planning purpose. There may however be a contextual benefit to the Forum and local community in chronicling the re-development of the former coalyard site and Sackville Trading Estate, recording the land-use change in the neighbourhood area over the life of the Plan. This however is outside the examination remit of the HSNP.
- 5.25 For the reasons provided above, I recommend that Policy 2 be deleted from the HSNP.

## 5.26 Policy 3: Goldstone retail park

**In the event that the Goldstone Retail Park site becomes available for redevelopment, proposals for mixed use residential and employment use will be supported. Any re-development of this site needs to respect the proposed linkages across the site and to other parts of the Hove Station Quarter as set out in PART TWO of the Neighbourhood Plan to help create an integrated quarter. See Figure 7, zone P3.**

- 5.27 The BCS notes that this policy supports NPPF policy guidance in identifying land for housing as indicated in paragraph 68, comprising specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the Plan. Goldstone retail park located within policy area DA6 would be suitable for mixed use development including housing, were the land to become available for redevelopment during the Plan period. It also reflects the overall intentions of adopted City Plan Part One Policy DA6. However, there appears little realistic prospect of such event occurring in the life of the HSNP as recognised in the Plan itself and the Regulation 16 comments of BHCC in relation to paragraph 109 of the Plan, states that, *“The aspirations for redevelopment need to be set in the context that the owners of the Goldstone retail park have stated that they have no plans for any redevelopment in the near future. Also*

<sup>2</sup> [https://my.modaliving.com/tap-process/property-list?\\_ga=2.131654159.1209829007.1692981645-1040793344.1692981645](https://my.modaliving.com/tap-process/property-list?_ga=2.131654159.1209829007.1692981645-1040793344.1692981645)



*the recent opening of the new Lidl supermarket is likely to increase the footfall and viability of the existing retail use (at least in the short term)”.*

- 5.28 There were no other policy specific representations made during the Regulation 16 consultation.
- 5.29 As Part Two of the neighbourhood plan has not been examined since it relates to proposed projects and aspirations, it would not be appropriate to include references to proposed linkages for movement across the site as presented in the draft policy. For this reason, I recommend that Policy 3, which is at the margin of acceptability in terms of prospects for delivery during the life of the Plan, should be modified as indicated by tracked changes in Appendix 2 and shown as made in Appendix 3 if HSNP is to proceed to referendum.

### 5.30 **Policy 4: Bus depot**

**Proposals for redevelopment and/or rationalisation of the current bus depot to provide or incorporate residential and employment uses will be supported as part of a comprehensive redevelopment of the area of DA6 South of the railway. Development of the site would need to take into consideration the need for an improved linkage to Hove Station and would need to be essentially car free as set out in policy 16. The Hove Station Area SPD will provide the means to ensure that the strategic operational and development needs of the bus company are provided for. See Figure 7, zone P4.**

- 5.31 The BCS advises that this policy conforms to the national planning advice in the NPPF in Chapter 11 and the other references cited in the BCS in relation to Policy 1. In particular, Table 1 of the BCS states that of particular relevance to Policy 4 is paragraph 120 e. This draws attention to utilising the air space for upward extensions to existing residential and commercial premises for new homes, where such development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, including complying with local design policies and standards, and where safe access and egress for occupiers may be maintained. Policy 4 would conform to NPPF paragraph 120 e, in the event that part or all the bus depot were to be retained on the site as part of a proposal to increase development density.
- 5.32 Concerning conformity with the strategic policies of BHCC’s City Plan Part One the BCS notes in Table 3 that Policy conforms to Policy DA6 and also Hove Station Area SPD extending these policies further in terms of the area to the north of Conway Street and east of Fonthill Road.
- 5.33 The Regulation 16 comments submitted by Savills on behalf of their client the Watkin Jones Group, developer of Hove Gardens Phase 1 to the south of Conway Street, opposite the Bus Depot, strongly supported Policy 4 of the neighbourhood plan. Their comment references the Bus Depot Car Park site in addition to the neighbouring bus garage, although the consultee’s comments in relation to the high degree of accessibility apply equally to both, stating that Policy 4 will support the aspirations to provide more employment floorspace and more new homes.

- 5.34 Planning permission was granted to redevelop the Bus Station site in Conway Street Hove on March 9th, 2023. The application number is BH2021/01731. The proposed development comprises a new four-storey bus garage building, with a head office, rest and changing areas for drivers and other staff, and an open parking area.
- 5.35 The regeneration of City Plan Policy area DA6 has continued to make progress with the grant of this planning permission. It would be premature not to include the policy guidance offered by Policy 4 in the neighbourhood plan in advance of development being implemented, as it would remain open, although perhaps unlikely, for other proposals to be advanced until redevelopment of the site based on the current planning permission has been significantly completed. I support BHCC's suggestion that Policy 4 should be re-titled, "Conway Street Bus Depot" for clarification in its comments at the Regulation 16 stage.
- 5.36 I also recommend that the second sentence of Policy 4 be amended as shown in Appendix 2 by tracked changes and as shown as made in Appendix 3. As to the penultimate sentence which reads "*The Hove Station Area SPD will provide the means to ensure that the strategic operational and development needs of the bus company are provided for*", I recommend that this explanatory text should be included in the supporting statement to the policy.

### 5.37 **Policy 5: Remaining Land South of the Railway**

**Comprehensive redevelopment of land South of the Railway will be supported, taking account of guidance provided in the emerging Hove Station Area SPD. Development should be mixed use residential and employment and should have regard to existing and emerging development proposals elsewhere within the Master Plan area. Any further development in this area over and above permissions already granted should severely limit the provision of car parking, with new residential in the area being essentially car free as set out in Policy 16 (p. 78).**

**Particular attention should be paid to Industrial House and other Council owned land in the area with a focus on the potential for publicly owned assets to increase the quantum of high quality sustainable social housing and community space.**

**Proposals for enhancing and intensifying the use of land on the Clarendon Ellen estate will be supported.**

- 5.38 The BCS advises that Policy 5 conforms to the NPPF chapters:
- Chapter 5. Delivering a sufficient supply of homes, paragraphs 11 and 60,
  - Chapter 6. Building a strong, competitive economy, paragraphs 81 and 82
  - Chapter 8, Promoting healthy and safe communities, paragraph 92,
  - Chapter 9, Promoting sustainable transport paragraphs 104-106,
  - Chapter 11, Making effective use of land paragraphs 119, 120 c, d, e, and 121

Chapter 12, Achieving well-designed places, paragraph 131;  
and to strategic Policy DA6 of the City Plan Part One and the Hove Station Area SPD.

5.39 Regulation 16 representations were made in relation to Policy 5 on behalf of Royal Mail and the Watkin Jones Group (WJG) in addition to comments made by BHCC.

#### 5.40 **A) Royal Mail**

Barton Wilmore submitted representations on behalf of Royal Mail in respect of the development potential of the sorting office site at 88, Denmark Villas, Hove BN3 3UG, situated to the south of the railway and east of Hove Station for residential redevelopment. The comments referred to earlier representations and a high-level capacity review of the Site undertaken by Conran + Partners. The representations indicated that the preferred option considered most appropriate for the site in terms of scale and relationship to surrounding land uses included two buildings which could deliver 105 dwellings. The capacity assessment details how the proposal makes best use of which;

- 40% affordable housing provision subject to viability (42 units split between intermediate, affordable rent and social rented units).
- 63 private market houses and
- 32 parking spaces at a ratio of 0.31 per dwelling to encourage sustainable living.

5.41 The representations advised that implementation of such a proposal would be dependent upon first relocating the sorting office to an alternative suitable site and developing a new sorting office which would suggest that the site would only become available in the medium term. Nonetheless, the representations suggested that the site could deliver more housing than 67 dwellings as indicated in the adopted City Plan Part Two.

#### 5.42 **B) Watkin Jones Group**

Representations were made by Savills on behalf of WJG in respect of the land bounded by Conway Street, Fonthill Street, Ellen Street and Ethel Street. These rehearsed the recent planning and land ownership history associated with the redevelopment proposals up to July 2021 when the representations were submitted to BHCC.

5.43 Subsequent to these representations being made further changes in adopted planning policy have occurred which as previously indicated in this examination report require that the supporting text to the submission version of the HSNP will require significant revision and updating to reflect the up to date position if the Plan is to proceed to referendum. I note that Hove Gardens Phase 1 is nearing completion, and the residential accommodation is currently being marketed by Legal and General. In relation to the development areas to the south of the railway covered by Policy 5, for consistency, these require identification and updating in terms of the land uses, dwelling mix, number of dwellings and commercial floorspace on Table 4: Land use allocation - Summary of proposals by developers compared to City Plan, and Figure 7 - DA6 Sites. This will enable a measure of success to be assessed over the life of the HSNP, as the Plan seeks to deliver significantly more development through the regeneration of the DA6 area than the targets in adopted City Plan Part 1 and the Hove Station Area SPD.

5.44 I recommend the relatively minor modifications to Policy 5 to reflect the current status of the adopted Development Plan covering the neighbourhood area as shown by tracked changes in Appendix 2 and shown as made in Appendix 3, if the revised HSNP is to proceed to referendum.

#### 5.45 **Policy 6: Housing Mix and Tenure**

5.46 **Throughout the Neighbourhood Plan Area residential development should comply with relevant policies for residential development in City Plan Part 1, including Policies CP14, CP19 and CP20. A mix of rented accommodation, both social and private, and accommodation for owner occupation will be sought across the DA6 area. Bearing in mind the large land holdings in the DA6 area developers will also be expected to provide a mix of dwelling sizes that contribute towards meeting city-wide need.**

5.47 The BCS in Table 1 confirms that Policy 6, Housing Mix and Tenure conforms to the guidance in the NPPF at Chapter 5 Delivering a sufficient supply of homes, paragraphs 61 and 62. It does not appear that the guidance in paragraph 61 has in fact been followed in relation to the supply assessment calculated by reference to planning permissions granted within the regeneration area within City Plan Part One, Policy Area DA6, neither has the HSNP approach claimed exceptional circumstances to justify an alternative approach which reflects current and future demographic trends and market signals, nor has any objective assessment been made of the local housing need figure taking into account any needs that cannot be met within neighbouring areas in establishing the amount of housing to be planned for.

5.48 Concerning the advice in paragraph 62, in preparing HSNP, it is clear that a broad assessment of need having regard to housing mix required in the neighbourhood area has been made as explained in the Plan noting the needs of accommodation for the elderly and young families in addition to the need for housing for rent due to affordability problems associated with purchasing housing and the need to afford deposits when taking out mortgages.

5.49 Policy 6, conforms to and supports the strategic planning guidance for housing as set out in City Plan Part One policies, relating the size, type and tenure of housing needed for different groups in the community including those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to undertake self-build housing. Policy 6 expressly supports development which conforms to City Plan policies CP14 Housing Density, CP19 Housing Mix and CP20 Affordable Housing. In relation to housing density in DA6, the density of new residential development is expected to achieve a minimum density of 100 dph on major development sites, provided that the following criteria relating to the delivery of development demonstrates:

1. a high standard of design helping to maintain or create a coherent townscape;
2. respect for or reinforcing the character of the neighbourhood, contributing positively to its sense of place;
3. inclusion of a mix of dwelling types, tenures and sizes that reflect identified local needs;
4. high accessibility by sustainable transport or having the potential to be easily accessible;

5. being well served by local services and community facilities; and
6. providing appropriate outdoor recreation space and a contribution to the 'green network' where an identified gap exists.

5.50 Whilst the express intention of the City Council is to secure, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city, the City Plan acknowledges that within the city's existing housing stock there is clear evidence of a 'bias' towards smaller dwelling types, reducing 'choice' across the housing market in terms of property types and sizes available, particularly in terms of the availability of larger family sized types of dwellings. The City Plan indicates that in practice, the city's land availability constraints are likely to restrict the provision of larger properties. As a consequence, the City Plan advises that for larger sites, where new development will make an important contribution to existing communities in terms of regeneration and/or helping to make them more sustainable places to live, site allocations may set a required housing mix (in terms of housing type, size and tenure) to be achieved. The last sentence of Policy 6 in the HSNP similarly reflects the opportunity that large sites offer to deliver a wider range of housing types to meet local need.

5.51 As to the delivery of affordable housing Policy 6 expects that throughout the neighbourhood area, affordable housing will be provided in accordance with City Plan Policy CP20. The City Plan policy sets out targets for affordable housing delivery but recognises that the policy may need to be provided flexibly due to viability constraints. As drafted, Policy 6 appears to recognise this need for flexibility as development appraisals to generate a realistic developer's profit to adequately incentivise a developer to undertake a particular project will vary from site to site due the costs of development anticipated.

5.52 For greater clarity, I recommend the minor modifications to Policy 6 as shown by tracked changes in Appendix 2 and as made in Appendix 3 if the Plan is to proceed to referendum.

### 5.53 **Policy 7: Affordable Housing**

**Development of affordable housing should comply with Policy CP20 in City Plan Part One. Particular support and encouragement will be given to proposals which deliver genuinely affordable homes (i.e. with rents set no higher than the Local Housing Allowance (LHA) Housing Benefit limit) and which include provision to ensure that the housing remains affordable in perpetuity. There is potential for Council-owned land to contribute towards this as part of the comprehensive redevelopment of the land south of the railway.**

5.54 The BCS advises that Policy 7 of the HSNP conforms to paragraph 63 of the NPPF which advises that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified; and the agreed approach contributes to the objective of creating mixed and balanced communities. In relation with conformity with adopted strategic local planning advice, the BCS confirms that Policy 7 aligns with City Plan Part One guidance in Policy CP20, whilst taking the policy a stage further by supporting the development of affordable social rented housing on land in council ownership south of the railway.

- 5.55 In common with Policy 6 concerning housing mix and tenure, there were no specific Regulation 16 comments concerning Policy 7 relating to the affordable housing policy within the neighbourhood area.
- 5.56 The draft policy is highly aspirational in expecting that affordable housing might be provided in the neighbourhood area at rents no higher than the Local Housing Allowance (LHA). In my experience dealing with affordable housing provision in Sussex over the last decade, it has been increasingly difficult to achieve such an objective and the prospects of achieving this in the short to medium term would appear to be receding due to government policy which has frozen LHA rates in the City Council's administrative area for 2023 -24, at a time when there has been considerable inflation in the cost of materials and labour costs.
- 5.57 Nonetheless, over the life of the Plan circumstances may change and it is conceivable that given the challenges to increase the delivery of all housing tenures, it may become feasible to facilitate affordable housing delivery in accordance with the aspirations in Policy 7.
- 5.58 Accordingly, I consider that Policy 7 would contribute to the delivery of sustainable development in the neighbourhood area, if the HSNP is to proceed to referendum and recommend no changes to it.

#### 5.59 **Policy 8: Housing for the Elderly**

**Developers will be encouraged to include High Quality Housing Schemes for the Elderly in accordance with identified needs as indicated in emerging policy DM4 in draft City Plan Part 2. For all such schemes Building Regulation M4(2) will need to apply.**

- 5.60 The BCS confirms that Policy 8, Housing for the Elderly conforms to the NPPF guidance in paragraph 62 and to local adopted strategic planning policy in City Plan Part One, Policy CP19.
- 5.61 Overall, the evidence relating to the need for the inclusion of specialist housing for the elderly throughout Brighton & Hove is explained in the housing evidence in support of the City Plan and remains reasonably up to date and supports the need for such housing in the Hove Station neighbourhood area.
- 5.62 No policy specific Regulation 16 representations were made concerning Policy 8. However, BHCC queried the inclusion of the reference to meeting Building Regulation M4(2) since Policy DM1 in the City Plan Part Two sets out the M4(2) standard as a minimum a requirement for all new residential units in Brighton & Hove (including housing for the elderly) as well as seeking a proportion of M4(3) wheelchair housing units in all schemes with 10 or more dwellings. Thus, the City Council considered that including a specific reference to M4(2) in Policy 8 would be unnecessary and may be confusing, possibly leading to a conclusion that M4(2) may not necessarily apply to other types of residential development.
- 5.63 In the intervening period between the preparation of the submission version of the HSNP and the examination of the Plan, City Plan Part Two, which includes the City Council's development management policies, has been adopted. As a consequence:

1) Policy DM4 Housing Accommodation for Older Persons, provides a comprehensive criteria-based policy setting out seven relevant matters to be satisfied in preparing residential development proposals to meet the needs of the elderly.

2) Policy DM4 cross refers to Policy CP20 Affordable Housing, which seeks an element of affordable housing provision for older persons as part of appropriate market-led developments for the elderly.

3) where proposals would result in the loss of residential accommodation for the elderly, these will be resisted unless it can be demonstrated that,

a) the existing provision is surplus to identified needs within the city; or

b) the existing provision is incapable of meeting contemporary standards for the support and/or care required and appropriate alternative provision is available and has been secured for the occupants; or

c) the loss is necessary to enable the provision of accommodation for older people which is better able to foster independent living and meet changes in the support and care needs of the occupants.

Also, where the council is satisfied that development involving the loss of accommodation for older persons is justified, the priority will be for an alternative form of supported housing or general housing including an appropriate amount of affordable housing.

5.64 Policy 8 of the HSNP supports and encourages development which includes High Quality Housing for the elderly in accordance with identified needs as indicated in [emerging] Policy DM4 of the adopted City Plan, Part Two, however fails to provide any additional planning benefits and the reference to the Building Regulations is unnecessary. To avoid duplication of planning policy by the HSNP for the provision of housing for the elderly provided by City Plan Policy DM4, I recommend that Policy 8 is deleted from the HSNP if the Plan is to proceed to referendum.

## 5.65 Policy 9: Employment

**All development proposals for employment purposes should accord with the local priorities and requirements set out in Policy DA6 of the City Plan Part 1. Proposals for new retail floorspace within the neighbourhood area should generally be restricted to existing shopping centres defined in the City Plan to help reinforce and strengthen these. However, within the DA6 area small-scale retail uses may be appropriate as an ancillary element of large, mixed use residential and office developments where it is considered that facilities would help support these developments and would not adversely impact existing defined shopping centres.**

**Cultural facilities including arts and crafts studios and workshops will be encouraged, especially in the northern part of the DA6 area**

**New development and changes of uses likely to result in an unacceptable level of noise for neighbouring occupiers will be required to implement appropriate mitigation measures in accordance with draft policy DM40 in the emerging City Plan Part 2.**

- 5.66 The BCS advises that Policy 9 conforms to the NPPF guidance provided in Chapter 6, Building a strong, competitive economy, paragraphs 81 and 82 by creating the conditions in which businesses can invest, expand and adapt. To help achieve this significant weight should be placed on supporting economic growth and productivity, considering both local business needs and wider opportunities for development.
- 5.67 The NPPF guidance explains that in this context, planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth,
  - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
  - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
  - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices and to enable a rapid response to changes in economic circumstances.
- 5.68 The BCS also cites conformity with Chapter 8, Promoting healthy and safe communities, at paragraph 93 d, which states that in providing the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 5.69 At the local strategic planning policy level, the BCS explains that Policy 9 conforms to City Plan Part One policies DA6, CP2, CP3, and CP4. Policy CP2 Planning for Sustainable Economic Development, for example, sets out how the City Council will positively encourage sustainable economic growth working with partners in the city and the region to promote and secure inward investment opportunities; retain existing businesses and support indigenous business growth and support the diversification of the city's economy to ensure its resilience and versatility; and through six further criteria to:
- develop a low carbon economy:
  - bring forward a mix of employment floorspace to support the city's key employment sectors:
  - support information and communication technology (ICT) infrastructure that the city economy requires:
  - support expansion of hospitals and higher and further education establishments:
  - recognise the importance of employment-generating non-B Class uses to the local economy: and
  - secure apprenticeships, training and job opportunities for local residents through the Brighton & Hove Local Employment Scheme and the linked requirement for contributions from developers from major development schemes towards training.
- 5.70 Again, Policy 9 attracted no specific Regulation 16 comments from consultees. However, in its comments BHCC suggested that it would be helpful for this policy to provide greater clarity on what is meant by, "All



*development proposals for employment purposes...*”, although noting that the policy refers to retail and cultural facilities indicating that it is intended to apply more widely than just industrial and office floorspace.

5.71 Furthermore, BHCC considered that it was also unclear whether the policy is intended to apply within the DA6 area alone or across the whole of the neighbourhood area because the first sentence states that proposals should accord with the local priorities and requirements set out in Policy DA6, whereas the second sentence refers to ‘new retail floorspace within the neighbourhood area’. Accordingly, BHCC suggested that a possible rewording of the first sentence to read:

“All development proposals within the Hove Station Quarter that are for employment purposes or involve employment provision should accord with the local priorities and requirements set out in Policy DA6 of the City Plan Part 1.”

5.72 BHCC further recommended that a reworded first sentence should also stand alone as a separate paragraph.

5.73 I support the proposed changes suggested by BHCC as these would bring greater clarity to the application of Policy 9 for employment development.

5.74 In considering mitigating possible pollution and environmental nuisance associated with new physical development proposals and changes of use, Policy 9 refers exclusively to noise as a consequence of higher density development taking place within the Hove Station Quarter over the life of the HSNP. Adopted City Plan Part 2 covers the likely effects of pollution and nuisance<sup>3</sup> associated development in the City Council’s administrative area in development management policy DM40. Pollution and nuisance are defined in the footnote to the policy as including: “noise, vibration, smell/odour, light, heat, dust, dirt, PM10, NO2 fumes, gases, steam, radiation, smoke, invasive non-native species/diseases (including Japanese knotweed, Himalayan Balsam and Dutch Elm Disease), electromagnetism, other polluting and nuisance emissions, and other forms of disturbance”. As such, development proposals which are likely to give rise to concerns with the wide spectrum of possible effects likely to require mitigation to overcome planning harm within the neighbourhood area would require assessment under Policy DM40. HSNP distinguishes noise as a particular source of pollution likely to increase due to the greater density of population living and undertaking activities within the neighbourhood area and particularly within the Hove Station Quarter. The evidence cited relates to Environmental noise guidelines for the European Region, prepared and published by the WHO Regional Office for Europe<sup>4</sup>. The sources of environmental noise considered by this report, as explained in the Executive Summary originated from transportation (road traffic, railway and aircraft) noise, wind turbine noise and leisure noise. This report did not directly assess noise arising from land use activities and land use change *per se*. As a consequence, it is not clear how strongly, if at all, how this evidence supports the assertion that increased noise as a product of new employment derived land uses likely to

<sup>3</sup> In City Plan Part Two, See City Plan Part Two, Brighton & Hove City Council’s Development Plan, adopted October 2022. See page 122 for Policy DM40

<sup>4</sup> Environmental noise guidelines for the European Region, World Health Organization. Regional Office for Europe, 2018, WHO REFERENCE NUMBER: WHO/EURO:2018-3287-43046-60243 <https://www.who.int/europe/publications/i/item/WHO-EURO-2018-3287-43046-60243>

take place in the neighbourhood area and particularly within the Hove Station Quarter will give rise to significantly greater adverse environmental harm and nuisance compared to other sources of pollution and planning harm covered by Policy DM40.

- 5.75 For this reason, I consider Policy DM40, which covers the assessment and mitigation of a wider range of possible sources of pollution and environmental nuisance than focusing on likely harm from new development to be more appropriate. For this reason, I consider that the last paragraph of Policy 9 should be deleted.
- 5.76 I recommend that Policy 9 should be revised as shown in Appendix 2 by way of tracked changes and as made in Appendix 3, if the HSNP is to proceed to referendum.

### 5.77 **Policy 10: Design and Public Realm**

**Designs should make good use of land and create high quality, well landscaped spaces including public art. Strong emphasis should also be placed on the design of the street environment to achieve a high-quality public realm, capable of being used in a variety of ways, with a strong emphasis on planting. The design of new schemes should include, or make provision for, significant numbers of trees, including street trees.**

**1. Development proposals within the DA6 part of the Neighbourhood Plan area should provide opportunities to bring nature into the city by substantially increasing the amount of green space in the area (horizontally and vertically).**

**2. Developers should seek opportunities to create new pedestrian and cycle links as green corridors through the area, including linking up pocket parks and other open space. Where possible, opportunities should also be provided for local food growing and physical activity.**

**3. Where practicable, developments will be required to incorporate onsite green infrastructure, landscaping and tree planting (including street trees) as an integrated part of the overall design. Planting needs to be planned from the outset of a design to ensure sufficient space is allocated to trees. As an alternative to street tree planting developers may provide equivalent vertical or horizontal greening up solutions\*. Developers will be expected to provide a plan for the maintenance of such greening up and tree planting which would be appropriately funded from S106 contributions.**

**In addition, developer contributions to the Community Infrastructure Levy (CIL) will be used to fund off-site tree planting, including street trees. Within the Hove Station Quarter (DA6 area), the plan sets an objective to plant 1 street tree per residential dwelling or 1 per 100m<sup>2</sup> of non-residential floor space.**

**4. Where larger developments are proposed, priority should be given for architectural solutions to break up the bulk and add visual interest to developments.**

**5. Larger residential development proposals should include plans for public landscaped areas to provide for play and breakout both north and south of the railway. This provision should take the form of pocket parks in the Community Hubs at each end of Conway Street as well as in the Sackville Trading Estate area on redevelopment. Potential locations are indicated on p.48, Figure 6 in this document. These locations will be subject to the recommendations of the Hove Station Master Plan work.**

**6. All residential proposals will be expected to have regard to the need to provide private amenity space, landscaping and communal areas to enable informal play/social interaction. (In addition, developments of 10 or more residential units will be required to provide/ contribute to all forms of open space and indoor sport provision in line with the criteria and local standards set out in the City Plan and accompanying guidance).**

**7. Taller development needs to ensure a high level of amenity and visual and environmental interest at street level to help contribute to the vibrancy and overall attractiveness of the Hove Station Quarter.**

**8. Development should 'front' the street, in order to create active frontages, greater natural surveillance and enhanced safety. In the DA6 area, the provision of greater permeability through the creation of new routes should allow for this to happen. Buildings which 'back onto' the street will not generally be supported.**

**\* One example is a green wall, which is a building facade or other internal or external wall intentionally covered with vegetation for aesthetic or functional purposes.**

5.78 The BCS notes that Policy 10, Design and the Public Realm conforms to the NPPF through an ambition to create a mix of community facilities in the area and reflects the ambitions of the NPPF to promote healthy and safe communities. In particular, the policy conforms to the NPPF at paragraph 93 which supports the provision of social, recreational and cultural facilities and community services through planning policies and decisions. These should:

a) plan positively for the provision and use of shared spaces, community other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

5.79 The BCS explains that Policy 10 conforms to City Plan Part One strategic planning policies DA6, CP12, CP13 and CP16. In addition, the BCS notes that Policy 10 supports development management Policy DM22. Urban Design Policy CP12 explains that a city-wide Urban Design Framework will identify and set out areas of the city which should largely be conserved; areas of the city suitable for localised, incremental development and enhancement; and areas of the city where positive and pro-active measures are required to secure major enhancement. The policy states that where appropriate, density will be raised through predominantly low-to-medium rise development but making most effective use of those identified areas which have the potential for taller developments, defined as 18 metres or more in height (approximately 6 storeys). The areas with such potential include Hove Station area. Policy CP12 also confirms that all new development will be expected to:

1. Raise the standard of architecture and design in the city;
2. Establish a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods;
3. Achieve excellence in sustainable building design and construction;
4. Conserve or enhance the city's built and archaeological heritage and its settings;
5. Have regard to impact on the purposes of the National Park, where within the setting of the National Park;
6. Protect or enhance strategic views into, out of and within the city;
7. Be inclusive, adaptable and accessible;
8. Ensure that the design of the external spaces is an integral element of the overall design approach, in a manner which provides a legible distinction between public and private realm; and
9. Incorporate design features which deter crime or disorder and the fear of crime.

5.80 Policy CP13 Public Streets and Spaces, complements Urban Design Policy CP12. The intention of the policy is to comprehensively improve and enhance the city's public realm, through new development schemes, transport schemes and regeneration schemes by producing attractive and adaptable streets and public spaces which will enrich people's quality of life and provide for the needs of all users.

5.81 Under Policy CP16 Open Space, the City Council seeks to retain and enhance the city's open space, working collaboratively to safeguard, improve, expand and promote access to open spaces and the diverse range of experiences which they offer. Policy CP16 seeks to achieve this by effective and appropriate use of all existing open space having regard to the Open Space, Sports and Recreation Study, 2008 and the Open

Space Update Study, March 2011. In addition, Policy CP16 requires new development to contribute to the provision of and improve the quality, quantity, variety and accessibility of public open space to meet the needs it generates in accordance with defined criteria and local standards set out in the policy.

- 5.82 Responding to the Regulation 16 consultation in July 2021, Brighton Active Travel, expressed considerable support to the submission version of the HSNP and in particular Policy 10 with its emphasis on bringing nature into the city, by increasing green space, by providing new pedestrian and cycle links as green corridors, and with green infrastructure fully integrated in new developments from the start, including street trees and pocket parks. The Group welcomed the proposal to plant a new street tree per residential dwelling delivered, or 100 sq. metres of non-residential floor space.
- 5.83 Comments from BHCC at the Regulation 16 consultation stage noted that at the time (July 2021) under Point 5, there was some uncertainty as to the potential locations for pocket parks/play areas. BHCC considered that this was likely to be influenced by land ownership and development proposals and designs proposed. BHCC accepted that the policy referred only to "potential locations". However, BHCC suggested amending the final part of Point 5 to say: "Potential locations are indicated on p.48, Figure 6 in this document and in the Hove Station Area SPD. These locations will be subject to the recommendations of the Hove Station Master Plan work."
- 5.84 As to Point 6, BHCC commented that the 2nd sentence (in brackets) was no longer up to date following the Council's introduction of CIL. BHCC advised that open space, sport and recreation were now funded through CIL and therefore all residential developments eligible for CIL would contribute to these facilities through CIL payments. As a consequence, BHCC further advised that this sentence should be updated or deleted entirely.
- 5.85 Taking these points into consideration and to provide greater clarity to Policy 10, I recommend the minor modifications as shown by tracked changes in Appendix 2 and shown as made in Appendix 3, if the HSNP is to advance to referendum.

#### 5.86 Policy 11: Tall buildings

**Building heights in DA6 will be consistent with the Neighbourhood Plan vision of a high-density station quarter of an urban character and should comply with City Plan Policy CP12, the accompanying Urban Design Framework SPD and Hove Station Area SPD. New tall buildings should have regard to and respect existing buildings and planning permissions already granted, taking account in particular of the key views illustrated in Figure 9 and from the Hove Station Conservation Area.**

**To the north of the railway taller buildings may be acceptable in locations that allow them to act as Hove Station Quarter landmarks and aid way finding.**

**Any redevelopment of the Goldstone Retail Park might include a higher building at the north eastern corner as long as there is visual permeability of the site when viewed from Hove Park.**

**To the south of the railway, development should take advantage of the lower topography by bringing forward taller buildings at occasional points within the area, as long as they are designed in such a way as to collectively minimise overshadowing and enable for good visual permeability north-south.**

**In the area outside DA6 new developments are expected to reflect the prevailing heights of surrounding buildings.**

- 5.87 The BCS explains that Policy 11, Tall buildings conforms to national planning guidance in the NPPF through an affinity with paragraphs 126 and 130 of Chapter 12, Achieving well-designed places.
- 5.88 The provision of a cluster of well-designed tall buildings to the north and south of the railway in the Hove Station Quarter will generate a new vibrant identity to this part of Hove which will reflect the statement in paragraph 126 of the national planning guidance that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve: good design being a central aspect of sustainable development in providing better places in which to live and work and which helps make development acceptable to communities. In relation to the national design advice in paragraph 130 of the NPPF, Policy 11 of the HSNP should encourage the delivery of well - designed high density tall buildings which will satisfy the criteria in paragraph 130 ensuring development:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment while encouraging innovation and change, including increased densities;
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site(s) to accommodate and sustain an appropriate amount and mix of development, including green and other public space and supporting local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 5.89 At the local level, Policy 11 reflects the strategic planning policies for the Hove Station Quarter outlined in City Plan Part One, Policy DA6 and CP12 and the City Council's Urban Design Framework SPD 17 plus the guidance in the Hove Station Area SPD.
- 5.90 The Regulation 16 consultation raised concern from the Environment Agency in relation to the risk of contamination of the Brighton chalk aquifer which is a major water supply vulnerable to pollution. The Agency referred to its earlier comment previously outlined in its response of 7 May 2019 which noted that the Hove Station Neighbourhood Plan area falls within Source Protection Zones 1, 2 and 3 for this aquifer and it is necessary to ensure that development undertaken avoids detrimental impact to the aquifer during both the construction and operational phases of development. Although this representation was not directly related the development of tall buildings and Policy 11, such development is likely to require deep foundations to the chalk bedrock and pose a risk of pollution to subterranean water courses and the aquifer. I note for example, that in relation to the proposed development of the Sackville Trading Estate and Hove Goods Yard, (Planning Application BH2019/03548) was approved by the Brighton and Hove City Council Planning Committee on March 10, 2020, after a number of changes were made to the original proposal. These changes included reducing the height of the tallest buildings, increasing the amount of affordable housing, and providing more public open space. The report to Committee records that the Environment Agency did not object to the proposal, subject to protective mitigation being undertaken by the developer. A similar consultation response was received by BHCC from the Environment Agency in respect of the consultation regarding the Watkins Jones Group's proposal for the Hove Gardens planning application BH2020/00917 for the 18 storey mixed use proposals at Ellen Street which were also approved subject to conditions and a planning agreement in September 2020. Evidence therefore suggests that whilst tall buildings may present some risks to development within the Hove Station Quarter, these can be contained and satisfactorily managed through mitigation to an acceptable level in order that planning permission may be granted.
- 5.91 A policy specific objection was raised to the tall buildings policy by Brighton Active Travel who stated that from the pedestrian point of view, tall buildings are entirely negative creating shadow and dark spaces which do not feel safe, as well as windy spaces which can be very unpleasant to walk through. Brighton Active Travel considered that tall buildings create very alienating environments for people on foot or bicycle and do not contribute to a Liveable City.
- 5.92 At the Regulation 16 stage, BHCC commented that the City Council's earlier Tall Buildings SPG (SPG15) referred to in the submission version of the HSNP had been superseded by the City Council's Urban Design Framework (SPD17) approved for adoption as SPD by the TECC Committee on 17 June 2021.
- 5.93 In reviewing draft Policy 11 in the context of the Regulation 16 consultation comments, tall buildings Policy 11 is generally in accord with national and strategic adopted and up to date development plan policy. Accordingly, I do not accept the thrust of Brighton Active Travel that, *"tall buildings create very alienating environments for people on foot or bicycle and that they fit better with a dated twentieth century idea of cities dominated by motor vehicles where the walking and living environment matters less."* Indeed, the Hove Station Quarter regeneration area as envisaged in the HSNP, positively discriminates in favour of walking and cycling.

5.94 In considering Policy 11, Tall Buildings, I recommend the relatively minor modifications as indicated by the tracked changes to the policy in Appendix 2 and shown as made in Appendix 3, if the HSNP is to proceed to referendum. The supporting statement for Policy 11 will require considerable updating in common with most other policies in the Plan as previously indicated.

#### 5.95 **Policy 12: Community facilities**

**Proposals which broaden and enhance the mix of community facilities such as day nurseries, GP surgeries or sports facilities will be encouraged as an essential component to the use mix in the Hove Station Quarter.**

**Such proposals will need to take account of relevant planning policy considerations including traffic/parking and neighbour/amenity impacts. Where proposed developments would lead to increases in local population any consequent pressure on existing provision will be addressed by developer contributions through the use of CIL contributions.**

5.96 The BCS confirms that Policy 12, Community Facilities conforms to NPPF guidance provided in Chapter 8, Promoting healthy and safe communities, paragraph 92, which aims to promote social cohesion through planning policies which deliver healthy, inclusive and safe places which:

- a) promote social interaction,
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and
- c) enable and support healthy lifestyles and wellbeing

5.97 Concerning conformity with adopted local strategic planning policy, the BCS cites policies DA6 and SA6 which seek to broaden and enhance the mix of community facilities which will be supported by Policy 12.

5.98 Through Policy SA6, Sustainable Neighbourhoods the Council will seek to promote the development of well-connected sustainable neighbourhoods that offer a mix of uses and provide a high quality of life for their residents. The Council has identified the following criteria through which the policy is to be achieved:

- Promoting the development of compact, mixed-use neighbourhoods that are well-connected to public transport, walking and cycling routes.
- Encouraging the development of new homes and businesses in existing neighbourhoods, where appropriate.
- Protecting and enhancing the character of existing neighbourhoods.
- Providing a range of open spaces and green infrastructure in neighbourhoods.
- Ensuring that new development meets high standards of design and sustainability.

5.99 In assessing applications for development in sustainable neighbourhoods, the City Council will consider the following factors;



- The impact of the development on the character of the neighbourhood.
- The level of connectivity to public transport, walking and cycling routes.
- The mix of uses in the neighbourhood.
- The provision of open spaces and green infrastructure.
- The design and sustainability of the development.

5.100 The delivery of community facilities envisaged by the HSNP across the neighbourhood area would align with the ambitions of Policy SA6.

5.101 There were no consultation comments received directly relating to Policy 12 at the Regulation 16 consultation stage from either external consultees or BHCC.

5.102 I recommend no alterations to Policy 12. If the HSNP proceeds to referendum, Policy 12 should contribute to the delivery of sustainable development in the neighbourhood area.

#### 5.103 **Policy 13: Community hubs**

**Several locations within the plan area, around Hove Station, the western end of Conway Street, the northern end of the Sackville Trading Estate and near Stoneham Park, have been identified as suitable for community hubs in which a range of facilities should be located. Proposed locations are indicated Figure 6, p.48 in Part ONE of this plan. It is expected that development will direct appropriate uses to these areas. Appropriate community uses and CIL funding will be directed to these locations to help enhance these hubs.**

**Additional retail activities will also be acceptable as long as they are located within defined local shopping centres/defined important local parades. These areas are also prime candidates for an improved public realm.**

5.104 The BCS advises that Policy 13, Community Hubs conforms to NPPF policy advice at paragraph 92, Chapter 8 Promoting healthy and safe communities, to provide neighbourhood centres to foster community cohesion at the neighbourhood level, (in common with HSNP Policy 12 above).

5.105 In relation to conforming with strategic local policy, the BCS notes that HSNP Policy 13 conforms to City Plan (Part One), policies DA6 and SA6, which will assist in creating an integrated and sustainable Hove Station Quarter and helps create sustainable neighbourhood (SA6) by bringing together community facilities and promoting a sense of place.

5.106 There were no policy specific comments received by BHCC as a consequence of the submission version consultation of the HSNP and no observations on this policy were advanced by BHCC.

5.107 In the preparation of the City Council's Hove Station Area SPD, community hubs are also proposed. At paragraph 2.8 of the SPD, the guidance advises that as a result of the consultation regarding the preparation of the SPD, the following key principles were established:

- The core masterplan area is focussed on the DA6 land south of the railway.
- The needs of pedestrians and sustainable transport are a guiding principle.
- The SPD should identify locations for community hubs.
- Illustrative concepts should be provided to identify the key priorities for public realm improvements.
- The SPD should provide guidance on heights, density and massing of new buildings.
- The SPD should look at providing new good quality workspace that could meet the needs of existing and future businesses.
- Advise on phasing and funding, particularly to ensure that elements such as open spaces and good quality public realm could be delivered alongside new development.

5.108 Evidently, the City Council and Forum have worked closely together in preparing the regeneration strategy for the Hove Station Quarter through the preparation of the City Plan, Parts 1 and 2 and the HSNP Parts 1 and 2. In terms of delivering the regeneration of the area, it appears that BHCC is expecting to take the lead having regard to the content of the SPD, although doubtless conferring and consulting with the Forum in relation to matters pertinent to the Hove Station Quarter. It is also clear that in assessing delivery priorities in the regeneration of the area, BHCC would similarly lead, although there is consensus that delivery of the community hubs should occur early in the delivery process for reasons of fostering community cohesion. As indicated in paragraph 2.8 of the adopted SPD, BHCC through the SPD will also provide advice on delivery and phasing associated with public realm improvements. Whilst the local community should derive CIL benefits and responsibilities via the approach of the Forum associated with the HSNP if this plan is made, there will need to be clarity between the parties over the allocation and priorities over how these responsibilities are discharged. It is conceivable, for example, that BHCC and the Forum may wish to encourage and direct appropriate community uses to the hubs rather than leave this to the market to determine as appears to be envisaged by the submission version of the Plan as described in Policy 13. In relation to funding and delivery of the community hubs, whilst this may in part be through CIL. In the context of the responsibilities defined in the Hove Station Area SPD, these matters would appear to be appropriate for BHCC to determine as local planning authority, supported by the Forum as appropriate.

5.109 For the reasons outlined above, I recommend the modifications as shown by tracked changes to Policy 13 in Appendix 2 and shown as made in Appendix 3 should be incorporated in the Plan if it is to proceed to referendum.

#### 5.110 **Policy 14: Conservation**

**Proposals for change of use and /or improvements to the original Hove Station building will be expected to contribute to increasing the attraction of this part of the centre of the new Hove Station Quarter and to help improve the public realm and enhance the setting of the station.**

**Developments in the Conway Street area will be expected to contribute to public realm improvements along Conway Street especially those areas abutting the Hove Station conservation area.**

**When considering visual and other impacts of new development of the Hove Station Quarter on the Hove Station core of the conservation area, it is essential to ensure that new developments do not cause harm to a listed building or the conservation area.**

**New developments will be expected to contribute towards the conservation and enhancement of historic environment features.**

5.111 The BCS explains that Policy 14 of the HSNP conforms to Chapter 16 of the NPPF, Conserving and enhancing the historic environment, paragraph 190. The guidance advises that Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The policy explains that this approach should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

5.112 Through the local strategic planning guidance in the City Plan (Part One), Policy CP15 seeks to:

- Protect and enhance the city's heritage assets, including its buildings, structures, archaeological sites, and historic landscapes,
- Promote the sustainable use of heritage assets, for example by encouraging their reuse and conversion for new use.
- Ensure that new development respects and enhances the city's heritage character, and
- Raise awareness of the importance of heritage and its contribution to the city's economy, environment, and quality of life.

5.113 HSNP Policy 14 is aligned with the objectives set out in Policy CP15 and accordingly can be said to conform with the relevant policy advice contained within the NPPF and the adopted strategic policies of City Plan (Part One) concerning conservation matters in the neighbourhood area.

5.114 There were no consultation comments directly relating to Policy 14 made by third parties to BHCC during the Regulation 16 consultation; neither did BHCC raise any consultation comments relating to Policy 14 and related conservation issues in the neighbourhood area at that time.

5.115 In considering conservation matters in relation to the regeneration objectives in the neighbourhood area, the Hove Station Area SPD provides a concise summary of the heritage background to the Hove Station Quarter. The SPD notes that the Hove Station Conservation Area, focuses on the listed station buildings and the long approach to them along Goldstone Villas, explaining that it is this relationship between the station and the connection to the town centre that gives the area its special character.

5.116 Within the Hove Station Conservation Area there are two listed buildings:

A) The Station buildings constructed in about 1879 are listed Grade II, the citation including the glazed canopy to the south of the current station building and the pedestrian footbridge which is in a poor state of repair over the railway line and where there is no alternative to cross the railway line.

B) The Ralli Memorial Hall, (Grade II) is within the Conservation Area. Its setting is compromised by the adjacent six storey residential building and the car wash and garage opposite. The Hall provides a range of community activities and could make a positive contribution to an upgraded area around the station.

5.117 I consider that no modifications to Policy 14 are necessary. If the HSNP is to proceed to referendum and the Plan is subsequently made, I would expect Policy 14 to make a positive contribution to delivering sustainable development in the neighbourhood area and promote the conservation and enhancement of heritage assets in the neighbourhood area.

#### 5.118 **Policy 15: Parking and Movement**

**Parking provision in new developments in DA6 will need to comply with the standards set out in the Council's Supplementary Planning Document 14 for the Central Zone. Parking in the remaining parts of the Neighbourhood Plan area will need to meet the standards for Key Public Transport Corridors.**

**Subject to public consultation the controlled parking zone in the area will be extended to cover Newtown Road to manage the impact of future car parking in the area.**

**To maximise the efficient use of land, applications for alternative locations for the existing car park at Hove Station will be supported.**

**New developments should aim to minimise car-based travel and should actively promote and encourage more sustainable modes of travel such as public transport, cycling and walking. This will require travel plans as well as a range of other measures such as designated car club spaces to be allocated throughout the area in discussion with the city's car clubs, electric charging points, plus extensive and secure cycle parking to standards as set out in SPD 14 (see Table 5 above). In addition, support for additional public transport services may be required.**

**New developments proposed will need to ensure that the Hove Station Quarter is easily accessible on foot and by cycle by the provision of appropriate routes. It is also essential that developments ensure that motorised traffic can percolate through the area but that measures are taken in developing the area that severely limit the speeds of any through traffic. Policy 1 and the schedule in Annex 1 set out the expectations of developers and proposed mechanisms to facilitate area wide linkages.**

**Improvements to the local road/highway network will be sought in order to ensure that safe, efficient and sustainable movement is achieved for all road-users. Such improvements will need to mitigate the impact of new developments in the Hove Station Quarter. Roads that are likely to be impacted include Old Shoreham Road, Fonthill Road, Goldstone Villas, Wilbury Avenue and Newtown Road.**

**Provision of an east-west pedestrian/cycle link connecting the Sackville Trading Estate / Coalyard site with Newtown Road will be supported. The feasibility of a vehicular link should also be examined although any such proposal will need to be considered in the context of a comprehensive traffic management scheme for the area in particular to avoid extensive rat-running through the area from The Drive via Wilbury Avenue / Newtown Road.**

5.119 Conformity of Policy 15, Parking and Movement with the NPPF is demonstrated in the BCS by reference to the NPPF Chapter 2, Achieving sustainable development at paragraph 11 which explains the presumption in favour of sustainable development through plan making and also through Chapter 9, Promoting sustainable transport paragraphs 104-109 in respect of drafting planning policies and paragraphs 110-113 concerning development management. At the local level, Policy 15 conforms to policy guidance in the City Plan (Part One) through strategic policies DA6 – Hove Station Area, SA6 - Sustainable Neighbourhoods and CP9 – Sustainable Transport and also by reference to SPD 14 - Parking Standards, adopted on 3 October 2016 as part of the Local Development Framework, to be used as a material consideration in the determination of relevant planning applications from that date.

5.120 In relation to strategic policy CP9 Sustainable Transport, this policy states that BHCC will work with partners, stakeholders and communities to provide an integrated, safe and sustainable transport system that accommodates new development, supports the city's role as a sub- regional service and employment hub; and improves accessibility. At the local level Policy CP9 seeks to ensure that the priorities of the Transport Strategy are delivered within the city by:

- a. Directing significant development into areas with good sustainable transport links and ensuring that major development will be located in areas where measures can be taken to secure accessibility improvements for all (see DA1-DA8 Development Areas). Sustainable transport measures will be focused into these areas.

b. Improving access to significant uses, facilities and services by supporting or providing sustainable transport measures (public transport, cycle and pedestrian and wheelchair friendly), better public realm and improved safety.

c. Ensuring that all new, major development schemes submit a Transport Assessment to identify the likely effects of the demand for travel they create and include measures to mitigate their impacts by reducing car use, implementing agreed travel plans and making appropriate contributions towards sustainable transport measures (see CP7 Infrastructure and Developer Contributions).

5.121 Conformity with the planning guidance in the Hove Station SPD is also relevant to a consideration to Policy 15 in connection with Movement and Parking at paragraphs 3.17 – 3.22 which in conjunction with Figure 3.9, the Movement Analysis Plan, explores the deficiencies encountered and key issues to be addressed in the regeneration of the Hove Station Quarter being:

- the severance caused by the railway line;
- the lack of clarity (or 'legibility') of pedestrian access at the edges of the area;
- rat-running by private vehicles through the area (i.e. use of quieter roads to avoid busier, more congested routes);
- enhancing pedestrian access to the bus services at the Station and along Sackville Road, which is currently limited by the flights of steps at both ends of Conway Street; and
- streets and spaces being dominated by car parking and service areas.

5.122 The consultation responses in relation to Policy 15 at the Regulation 16 stage were broadly supportive of Policy 15. Bricycles, is the pro-cycling group representing cyclists in the city and whose focus is to encourage cycling amongst people who would be disposed to adopt this means of transport if safety, convenience and accessibility were improved. Bricycles support the concept of improving walking and cycling permeability and dealing with rat-runs in the Hove Station Quarter but consider that the area is currently hostile to walking and cycling, due to traffic volumes and the large amount of on-street parking. Bricycles' response sought the reduction of car dominance in part by the reduction in overall parking provision in the area through changing paragraph 94 ii of the Plan from 'the effective management of parking provision' to 'a reduction in parking provision'.

5.123 Cycling UK's Cycle Advocacy Network's (CAN) response to the Regulation 16 consultation highlighted the importance of making cycling a more attractive and convenient option for people in the Hove Station area. CAN's response included the following recommendations:

- Create a continuous, high-quality cycle route from Hove Station to the city centre. This would make it easier and safer for people to cycle to and from the station.
- Provide more secure cycle parking at Hove Station and in the surrounding area. This would encourage more people to cycle, and make it easier for them to do so.
- Improve the visibility and signage for cyclists on the roads around Hove Station. This would help to make cyclists more visible to motorists and reduce the risk of accidents.
- Work with local businesses to encourage them to provide cycle-friendly facilities for their employees. This could include providing cycle parking, showers, and changing rooms.

- 5.124 Brighton Active Travel's (BAT) response to Policy 15 was supportive. BAT were encouraged by the policy proposal that new developments should aim to minimise car-based travel and should actively promote and encourage more sustainable modes of travel such as public transport, cycling and walking, car clubs, EV charging points and cycle parking in addition to severely limiting the speed of traffic, while facilitating movement through the area. The introduction of a one-way system to the rat run on Fonthill Road / Goldstone Road and better routes for pedestrians and cyclists were supported and the footbridge over the station was considered an excellent idea, stressing the need to secure early funding to ensure implementation.
- 5.125 I also note acceptance and support for essentially car-free development in the Hove Station Quarter was advanced in Regulation 16 comments made by Savills on behalf of developer the Watkins Jones Group.
- 5.126 In its comments on Policy 15, BHCC drew attention to the fact that HSNP is seeking to amend the adopted parking standards to apply the reduced Central Zone parking requirements within the Hove Station Quarter, but that the supporting text in paragraph 240 of the submission version of the Plan is not sufficiently clear and that this should be clarified in the supporting text to the policy. Nonetheless the text in the Policy 15 is clear. For avoidance of doubt and to assist in clarifying the proposed change affecting parking standards to be applied under Policy 15 within the DA6 policy area, it would be helpful if the parking zones standards map shown on page 22 of SPD14 could be modified to show superimposed on it the Hove Station Quarter corresponding to the DA6 policy area, coloured primrose to correspond to the main Central Area parking standards zone and included in the HSNP to provide further clarity if this proposed change is accepted. BHCC also helpfully pointed out in its Regulation 16 comments that the references in the explanatory text at paragraph 241 to Policy 16 should read as Policy 15.
- 5.127 Policy 15 through reducing the parking standard to the level anticipated in the Central Area to conform with SPD 14 would offer a significant sustainability measure by increasing dependence on walking and cycling for most activities being undertaken in the Hove Station Quarter where regeneration is taking place and more is anticipated over the life of the Plan. The public transport accessibility available in the area with the capacity to increase bus transportation offers the opportunity to successfully introduce Policy 15 as drafted and enable higher density development than might otherwise be achieved outside the central area of the City. This aspirational planning policy should also offer associated public health benefits through encouraging exercise by the resident and working population in the Hove Station Quarter.
- 5.128 Accordingly, I recommend Policy 15 should be incorporated in the Plan without alteration if the HSNP is to proceed to referendum.

#### 5.129 **Policy 16: Developer Contributions**

**New Development will be expected to contribute to a range of local infrastructure requirements and improvements via Section 106 contributions and Community Infrastructure Levy (CIL), such as school infrastructure, open space and public art.**

**Developer contributions to deal with highway issues are also likely to be required.**

**Annex 1 sets out a list of improvements required in the area.**

- 5.130 Policy 16 of the HSNP briefly sets out the requirements for developer contributions associated with development proposals in the neighbourhood area to deliver a range of improvements relating to S106 contributions and the 25% Neighbourhood Portion of CIL. A list of priorities for implementation is linked to the policy in Annex 1 of the Plan.
- 5.131 The BCS indicates that Policy 16, Developer Contributions conforms to the NPPF, Chapter 3, paragraph 34 which states that Plans should set out the contributions expected from development. This advice indicates CIL should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). The national advice also indicates that CIL policies should not undermine the deliverability of the plan.
- 5.132 As to adopted strategic planning policy, the BCS avers that Policy 16 conforms to the guidance in City Plan (Part One), policies CP7 and CP13. City Plan (Part One) was adopted on 24<sup>th</sup> March 2016. At that time it was unclear whether the City Council would pursue CIL charging, however work commenced in preparing the Council's CIL Charging Schedule in 2018. The Council submitted a Draft Charging Schedule for examination in January 2019 and a public hearing was held on 2 April 2019. Public consultation on proposed modifications to the Draft Charging Schedule was then undertaken by the Council from 17 July to 11 September 2019.
- 5.133 The inspector's report<sup>5</sup> on the public hearing was published in February 2020, recommending that the council's modifications to the Draft Charging Schedule be approved. Full Council approved the Charging Schedule on 23 July 2020 which came into effect on 5 October 2020. The CIL charging schedule sets out the rates of CIL that are charged for different types of development; the rates are based on the size and the location of the development. The CIL charging schedule also sets out a number of exemptions and reliefs, such as for affordable housing developments, and for developments that provide public open space.
- 5.134 The Community Infrastructure Levy (CIL) Regulations provide that a proportion of CIL collected by a charging authority may be spent to address "the demands that development places" on a local area. This proportion, the Neighbourhood CIL, may be spent on non-infrastructure items. The national Planning Practice Guidance (PPG) sets out how the government expects local authorities to approach the spending of the

<sup>5</sup> The examiner's report concerning Brighton and Hove City Council's Draft CIL Charging Schedule, dated 7 February 2020 can be found with proposed modifications at: <https://democracy.brighton-hove.gov.uk/documents/s151885/Adoption%20of%20Brighton%20Hove%20Community%20Infrastructure%20Levy%20Charging%20Schedule%20APX.%20n%201.pdf#:~:text=The%20submitted%20charging%20schedule%20from%20Brighton%20and%20Hove,Zone%20%20-%20C2%A3100sqm%20Nil%20CIL%20charge%20zone>



neighbourhood portion. Where there is no parish or town council, as is the case covering the subject neighbourhood area, the guidance provides that the local authority must consult with the community, on how best to spend 15% of the CIL collected from developments. The receipts are capped each year at £100 per Council tax dwelling (indexed from the year of the adoption of CIL) located in the neighbourhood area. If the neighbourhood area has a neighbourhood plan in place, the allocation for Neighbourhood CIL rises to 25% without the cap. The regulations also place a duty on the charging authority to balance neighbourhood wishes with a wider requirement to ensure growth and relief of cumulative impacts from developments are managed across the authority. In areas without parish or town councils, the Neighbourhood Portion of CIL is retained by the local authority to be spent locally, following consultation with the community. This outcome would occur in the subject neighbourhood area if the HSNP were to be made following a referendum including Policy 16 and Annex 1.

- 5.135 Through the preparation of the HSNP, the Forum has taken the opportunity to identify infrastructure needs having regard to the draft HSNP policies, list and prioritise these in relation to broad expectations as to need and delivery, as shown in Annex 1 to Policy 16. The Annex has been subject to consultation as part of the HSNP, having been prepared by the Forum in consultation with BHCC. The preparation of Annex 1 in support of the identification of how the neighbourhood portion of CIL should be spent in the neighbourhood area over the life of the HSNP broadly follows the guidance in Locality's guidance and also generally reflects the aspirations in the Hove Station Area SPD in addition to the draft policies in the HSNP. The content of Annex 1 appears proportional to the level of detail that would reasonably be expected in the preparation of the HSNP, although in the event that the HSNP proceeds to referendum, inevitably further work will be required in refining Annex 1. In particular, as the regeneration proposals are advanced, the technical feasibility, anticipated costs and viability associated with CIL funded infrastructure will need to be clarified and monitored by BHCC in conjunction with the Forum.
- 5.136 Concerning the consultation responses to 16 and the neighbourhood CIL, a single comment was received from Brighton Active Travel in support of Policy 10 and public realm enhancement. No substantive comments were received from BHCC in connection with Annex 1 and Policy 16.
- 5.137 In conclusion, Policy 16 in conjunction with Annex 1 to the HSNP should encourage and facilitate sustainable development if the Plan proceeds to a successful referendum and the HSNP is made. I recommend no modification to Policy 16.

## 6.0 Summary of findings

- 6.1 Only a draft neighbourhood Plan that meets each of the basic conditions can be put to a referendum and be made. These basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The relevant basic conditions are set out below:
- 6.2 *a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

- 6.3 Subject to the recommended modifications in this examination report being accepted the HSNP will conform to condition a) through supporting the delivery of strategic policies contained in the adopted City Plan (Part One) and strategic policies within relevant Development Plan documents in accordance with guidance in the NPPF 2021 at paragraph 29, by not promoting less development than set out in the strategic policies for the area, or by undermining those strategic policies.
- 6.4 *d. the making of the neighbourhood plan contributes to the achievement of sustainable development.*
- 6.5 The HSNP will contribute to the delivery of sustainable development within the Neighbourhood Area as indicated in this examination report having regard to the policy recommendations. Application of these policies as relevant to the development proposals will assist in delivering sustainable town planning solutions in the neighbourhood area.
- 6.6 *e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- 6.7 As demonstrated by the consideration of the draft policies in the submission draft version of the HSNP by reference to the Basic Conditions Statement and consideration in this examination, subject to the recommended policy changes being incorporated, and if made, the HSNP will be in general conformity with the strategic policies contained in the development plan for the area and will not undermine those policies.
- 6.8 *f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
- 6.9 As demonstrated in this examination report, the supporting assessments made by BHCC in relation to the submission version of the BNP, indicate that the policies in the HSNP are compatible with European Union obligations, as incorporated into UK law, and appear legally compliant. The relevant Directives are:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. (The Strategic Environmental Assessment (SEA) Directive); and
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive).
- 6.10 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes a further basic condition in addition to those set out in the primary legislation, that in the making of the neighbourhood plan, the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (which sets out the habitat regulation assessment process for land use plans, includes consideration of the effect on habitats sites) will not be breached. I am satisfied that this condition is met and that HRA will not be required.

- 6.11 In addition to conforming to the relevant EU environmental obligations, I am content that the Plan does not breach, and is not otherwise incompatible with the European Convention on Human Rights.
- 6.12 *g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*
- 6.13 In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a 'repeat 'proposal (i.e. the City Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
- 6.14 I am satisfied that Hove Station Neighbourhood Forum is the body who submitted the Plan and is a qualifying body for the purposes of making a neighbourhood development plan. The Designation of the Hove Station Neighbourhood Area was designated by the Economic Development & Culture Committee of BHCC on the 18 September 2014 in accordance with the Neighbourhood Planning (General) Regulations 2012 and with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.
- 6.15 As required by the Planning and Compulsory Purchase Act 2005, Section 38B (1) (c), I am also satisfied that the HSNP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.
- 6.16 Concerning compliance with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15, I confirm that BHCC has submitted the following in a satisfactory form:
- (i) A map identifying the area to which the Plan relates;
  - (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a)
  - (iii) The proposed neighbourhood development plan; and
  - (iv) A statement explaining how the neighbourhood development plan meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act and a supplementary Basic Conditions Statement.
- 6.17 As to public consultation, the process and management of the community consultation has been satisfactory and I am confident that the Consultation Statement outlining the terms of reference and actions of the Forum in the preparation of supporting evidence from the surveys, events, workshops, consultation correspondence and feedback leading to the formulation of draft policies and subsequent pre-submission and submission plan consultation on the draft Plan policies, adequately fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulation in relation to publicising the consultation opportunities, during the preparation of the HSNP.
- 6.18 The Plan has been examined against national policies in the NPPF (2021), as updated to 5 September 2023, in addition to the adopted strategic development plan policies of BHCC.

- 6.19 A Basic Conditions Statement in a satisfactory form has been prepared which meets the ‘Basic Conditions’ requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;
- 6.20 The HSNP meets the definition of a ‘Neighbourhood Development Plan’ in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).
- 6.21 The ‘Neighbourhood Development Plan’ (as defined under Section 38A), specifies the time period for which it is to have effect as being from 2019-2030 thereby satisfying the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (a).
- 6.22 I confirm that the HSNP, subject to incorporation of the recommended amendments in this report, will not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) will be satisfied.

## 7.0 Conclusions and Recommendations

- 7.1 I conclude that the HSNP policies, subject to my recommended alterations being accepted as set out in this examination report, would meet the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990, which a neighbourhood plan is required to satisfy before proceeding to a referendum.
- 7.2 If the changes to the HSNP policies recommended in this examination report are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area and meet the neighbourhood planning, “Basic Conditions.”
- 7.3 It will however be necessary to significantly update the supporting text to reflect land ownership changes, recent planning decisions in the Hove Station Quarter and planning policy changes adopted by the City Council since the Regulation 15(1) submission was made by the Forum to the BHCC for Regulation 16 consultation. BHCC compiled a schedule of comments in response to the Regulation 16 publication of the Hove Station Neighbourhood Plan between 20 May and 15 July 2021 and submitted to the Independent Examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act. The comments were also reported to the Council’s Tourism, Equalities, Communities & Culture (TECC) Committee on 16 September 2021. As indicated in this examination report at paragraph 5.6 above, these comments reflect the position as known to the BHCC two years ago. These require revision to bring the HSNP up to date, where relevant, concerning matters of land ownership, planning policy concerning for example, City Plan (Part Two), Hove Station Area SPD, the CIL Charging Schedule, and major planning applications and related decisions within the Neighbourhood Area. It is inevitable of course that in respect of what is likely to be regenerated into an increasingly vibrant district over the life of the Plan, such revisions as may be made to the supporting text

in autumn 2023 will in turn become out of date because of further changes within the Hove Station Neighbourhood Area.

- 7.4 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this examination report are made to the submission draft HSNP and that the Plan as modified is submitted to a referendum.

### Referendum Area

- 7.5 It is the independent examiner's role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. In that event, I consider that the referendum area should extend to those persons entitled to vote who are resident in the designated Neighbourhood Plan Area.

**Jeremy Edge BSc FRICS MRTPI**  
**10<sup>th</sup> October 2023**

## Appendix 1

### Background Documents referred to in the preparation of the examination report of the Hove Station Neighbourhood Plan.

In examining the HSNP, I have had regard to the following documents:

1. Hove Station Neighbourhood Plan 2019 – 2030, Part One: Policies, Regulation 16 December 2020 ,Hove Station Neighbourhood Forum,
2. Hove Station Neighbourhood Plan, Part Two: Aspirations, Regulation 16, December 2020, Hove Station Neighbourhood Forum.
3. Hove Station Neighbourhood Plan, Planning for a Hove Station Quarter 2019-2030, Consultation Statement, Regulation 16, December 2020, Hove Station Neighbourhood Forum.
4. Hove Station Neighbourhood Plan 2019 – 2030, Basic Conditions Statement, Regulation 16, December 2020, Hove Station Neighbourhood Forum,
5. Hove Station Neighbourhood Plan 2019 – 2030, Basic Conditions Statement, Regulation 16, October 2022, Hove Station Neighbourhood Forum,
6. Draft Strategic Environmental Assessment Scoping Report - October 2017
7. Strategic Environmental Assessment Regulation 14 Report - May 2018
8. Brighton & Hove Council Neighbourhood Planning Privacy Notice
9. Brighton & Hove City Council’s Regulation 16 representation
10. Hove Station Neighbourhood Forum Renewal Notice Sept 2019
11. Hove Station Neighbourhood Forum’s Application for redesignation
12. Appendix 1 – details of 21 Forum Members
13. Application for a neighbourhood forum Public Notice
14. Brighton & Hove City Council - Summary of Regulation 16 external representations
15. Hove Station Neighbourhood Plan 2019 – 2030, Part One: Policies, Regulation 14, Consultation Draft March 2019, Hove Station Neighbourhood Forum,
16. Hove Station Neighbourhood Plan 2019 – 2030, Part Two: Aspirations, Regulation 14, Consultation Draft March 2019, Hove Station Neighbourhood Forum,
17. Letter from BHCC to HSNF dated 26<sup>th</sup> September 2014 - Designation of Hove Station Neighbourhood Area
18. Hove Station Neighbourhood Plan
19. Final Strategic Environmental Assessment Determination, Brighton & Hove City Council, November 2016
20. Strategic Environmental Assessment for the Hove Station Neighbourhood Plan - Scoping Report for Hove Station Neighbourhood Forum, AECOM, October 2017
21. BHCC Adopted Development Plan comprising:
  - BHCC City Plan Part Two adopted October 2022
  - Updated Adopted Policies Map - east Area October 2022
  - Updated Adopted Policies Map - west Area October 2022
  - BHCC City Plan Part One adopted March 2016 and four annexes:
    - Annex 1 Implementation and Monitoring Plan (March 2016)
    - Annex 2 Infrastructure Delivery Plan June 2017

Annex 3 Housing Implementation Strategy March 2016

Annex 4 Brighton & Hove Local Plan Policies to be replaced by the Brighton & Hove City Plan Part 1 March 2016.

22. Urban Design Framework SPD17 (adopted 17 June 2021) BHCC
23. Hove Station Area SPD 18 (adopted 16 September 2021), BHCC.
24. Town and Country Planning Act 1990 (as amended)
25. The Planning and Compulsory Purchase Act 2004 (as amended)
26. Planning (Listed Buildings and Conservation Areas) Act 1990
27. The Community Infrastructure Levy Regulations 2010
28. Localism Act 2011
29. Neighbourhood Planning (General) Regulations 2012
30. National Planning Policy Framework July 2021
31. National Planning Policy Framework September 2023
32. Ministerial Statement re NPPF 2023, 5<sup>th</sup> September 2023
33. Planning Practice Guidance (online version)
34. "Guidance to service users and examiners" prepared by the Neighbourhood Planning Independent Examiner Referral Service (NPIERS), 2014, at Annex 2: Scope of a Neighbourhood Plan Examination – Summary of the Legal Requirements.
35. Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.
36. The Conservation of Habitats and Species Regulations 2017, Statutory Instruments 2017 No. 1012
37. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019  
UK Statutory Instruments 2019 No. 579
38. Equality Act 2010 <https://www.legislation.gov.uk/ukpga/2010/15/contents>
39. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 UK Statutory Instruments 2019 No. 579.
40. Property Investor Today, 11th March 2020 <https://www.propertyinvestortoday.co.uk/breaking-news/2020/3/landmark-moda-living-btr-development-in-hove-gets-the-go-ahead>
41. Environmental noise guidelines for the European Region, World Health Organization. Regional Office for Europe, 2018, WHO REFERENCE NUMBER: WHO/EURO:2018-3287-43046-60243  
<https://www.who.int/europe/publications/i/item/WHO-EURO-2018-3287-43046-60243>

## Appendix 2

### Hove Station Neighbourhood Plan – Recommended Revised Policies (Tracked changes)

#### Policy 1: Creation of the Hove Station Quarter

Development proposals in the area ~~comprising shown as~~ DA6 in the City Plan Part One will be supported ~~only~~ if they demonstrate a comprehensive and integrated approach ~~aiming to~~ supporting ~~the~~ creation of Hove Station Quarter with a strong relationship to the station. [The Hove Station ~~Area Master Plan /~~ SPD ~~will provide~~ development management site by site guidance ~~based on the framework of City Plan~~ and is supported by relevant Neighbourhood Plan policies.]

The area ~~identified shown in the City Plan~~ as DA6 will be suitable for a mix of uses comprising residential, commercial, small retail and cultural uses including small workshops. ~~A horizontal mix of uses such as ground floor office / commerce with residential above will be encouraged in appropriate locations to increase interest and attraction at ground floor level. Individual proposals should make efficient use of land and be integrated to achieve a well-functioning, high quality, inclusive and vibrant Hove Station Quarter.~~

To increase interest and attraction at ground floor level, high quality, proposals for ground floor employment uses with residential above will be encouraged. Proposals designed to create an efficient and well-functioning Hove Station Quarter that are inclusive and vibrant will be supported.

Development proposals ~~which need to be sympathetic to and provide sustainable~~ reflect the ~~need for~~ area-wide transport and movement linkages, unifying design features and neighbourhood facilities as indicated in Hove Station Area SPD will also be supported. ~~and in the diagrams below (p.47) and in PART TWO of this document. Significant departures from these principles will need to be justified.~~

Proposals for appropriate interim uses for land and buildings w~~h~~ere site assembly and phased redevelopment is awaited will be encouraged. ~~entails buildings standing empty for some time developers are encouraged to find suitable short term uses for such buildings including housing.~~



## Policy 2: Sackville Coalyard

Please Delete Policy 2

## Policy 3: Goldstone retail park

In the event that the Goldstone Retail Park site becomes available for redevelopment, proposals for mixed use residential and employment use will be supported. ~~Any re-development of this site needs to respect the proposed linkages across the site and to other parts of the Hove Station Quarter as set out in PART TWO of the Neighbourhood Plan to help create an integrated quarter.~~ See Figure 7, zone P3.

## Policy 4: Conway Street Bus depot

Proposals for redevelopment and/or rationalisation of the current bus depot to provide or incorporate residential and employment uses will be supported as part of a comprehensive redevelopment of the area of DA6 south of the railway. ~~Re-development proposals for~~ of the site which provide improved access to Hove Station and which would be essentially car free, will be supported. ~~would need to take into consideration the need for an improved linkage to Hove Station and would need to be essentially car free as set out in policy 16. The Hove Station Area SPD will provide the means to ensure that the strategic operational and development needs of the bus company are provided for.~~ See Figure 7, zone P4.

## Policy 5: ~~Remaining~~ Land South of the Railway

Comprehensive redevelopment of land south of the Railway will be supported, taking account of guidance provided in the adopted emerging Hove Station Area SPD. Development should be mixed use residential and employment and should have regard to existing and emerging development proposals elsewhere within the Master Plan SPD area. Any further development in this area over and above permissions already granted should severely limit the provision of car parking, with new residential in the area being essentially car free as set out in Policy 16 (p. 78).

Particular attention should be paid to Industrial House and other Council owned land in the area with a focus on the potential for publicly owned assets to increase the quantum of high quality sustainable social housing and community space.

Proposals for enhancing and intensifying the use of land on the Clarendon Ellen estate will be supported.

### Policy 6: Housing Mix and Tenure

Proposals for residential development in the neighbourhood area which comply ~~Throughout the Neighbourhood Plan Area residential development should comply~~ with relevant policies for residential development in City Plan Part 1, including Policies CP14, CP19 and CP20 will be supported. A mix of rented accommodation, both social and private, and accommodation for owner occupation will be sought across the DA6 area. ~~Bearing in mind the large land holdings in~~ Within the DA6 area proposals incorporating residential development developers will also be expected to which provide a mix of dwelling sizes that contribute towards meeting city-wide need will be supported.

### Policy 7: Affordable Housing

*(No modifications proposed)*

Development of affordable housing should comply with Policy CP20 in City Plan Part One. Particular support and encouragement will be given to proposals which deliver genuinely affordable homes (i.e. with rents set no higher than the Local Housing Allowance (LHA) Housing Benefit limit) and which include provision to ensure that the housing remains affordable in perpetuity. There is potential for Council-owned land to contribute towards this as part of the comprehensive redevelopment of the land south of the railway.

### Policy 8: Housing for the Elderly

Please delete Policy 8.

### Policy 9: Employment

All development proposals within the Hove Station Quarter that are for employment purposes or involve employment provision should accord with the local priorities and requirements set out in Policy DA6 of the City Plan Part 1.

~~All development proposals for employment purposes should accord with the local priorities and requirements set out in Policy DA6 of the City Plan Part 1.~~

Proposals for new retail floorspace within the neighbourhood area should generally be restricted to existing shopping centres defined in the City Plan to help reinforce and strengthen these. ~~However, w~~Within the DA6 area small-scale retail uses may be appropriate as an ancillary element of large, mixed use residential and office developments where it is considered that facilities would help support these developments and would not adversely impact existing defined shopping centres.

Cultural facilities including arts and crafts studios and workshops will be encouraged, especially in the northern part of the DA6 area.

## Policy 10: Design and Public Realm

Designs ~~proposals~~ should make good use of land and create high quality, well landscaped spaces including ~~as appropriate~~ public art. Strong emphasis should also be placed on the design of the street environment to achieve a high-quality public ~~realm, capable of being used in a variety of ways, with~~ realm with a strong emphasis on planting. The design of new schemes should include, or make provision for, significant numbers of trees, including street trees.

1. Development proposals within the DA6 part of the Neighbourhood Plan area should provide opportunities to bring nature into the city by substantially increasing the amount of green space in the area (horizontally and vertically).
2. ~~Developers should seek opportunities to~~ Proposals which create new pedestrian and cycle links as green corridors through the area, ~~connecting including linking up~~ pocket parks and other open space will be supported. Where possible, opportunities should also be provided for local food growing and physical activity.
3. Where practicable, ~~developments will be required to~~ proposals which incorporate onsite green infrastructure, landscaping and tree planting (including street trees) as an integrated part of the overall design will be supported. Planting needs to be planned from the outset of a design to ensure sufficient space is allocated to trees. As an alternative to street tree planting developers may provide equivalent vertical or horizontal greening up solutions\*. Developers will be expected to provide a plan for the maintenance of such greening up and tree planting which would be appropriately funded from S106 contributions.

In addition, developer contributions to the Community Infrastructure Levy (CIL) will be used to fund off-site tree planting, including street trees. Within the Hove Station Quarter (DA6 area), the plan sets an objective to plant 1 street tree per residential dwelling or 1 per 100m<sup>2</sup> of non-residential floor space.

4. Where larger developments are proposed, designs which demonstrate that priority has been ~~should be~~ given for architectural solutions which ~~to~~ break up the bulk and add visual interest to such developments will be supported. ~~to developments.~~

5. Larger residential development proposals should include plans for public landscaped areas to provide for play and breakout both north and south of the railway. This provision should take the form of pocket parks associated with ~~in~~ the Community Hubs at each end of Conway Street as well as in the Sackville Trading Estate area redevelopment. Potential locations are indicated on p.48, Figure 6 in this document ~~and in the Hove Station Area SPD.~~ These locations will be subject to the recommendations of the Hove Station Master Plan work.

6. All residential proposals will be expected to have regard to the need to provide private amenity space, landscaping and communal areas to enable informal play/social interaction. ~~(In addition, developments of 10 or more residential units will be required to provide/contribute to all forms of open space and indoor sport provision in line with the criteria and local standards set out in the City Plan and accompanying guidance).~~

7. Taller development needs to ensure a high level of amenity and visual and environmental interest at street level to help contribute to the vibrancy and overall attractiveness of the Hove Station Quarter.

8. Development should 'front' the street, in order to create active frontages, greater natural surveillance and enhanced safety. In the DA6 area, proposals which provide for enhanced permeability ~~the provision of greater permeability~~ through the creation of new routes ~~will be supported.~~ ~~should allow for this to happen. Buildings which 'back onto' the street will not generally be supported.~~

\* One example is a green wall, which is a building facade or other internal or external wall intentionally covered with vegetation for aesthetic or functional purposes.

## Policy 11: Tall buildings

Building heights in DA6 will be consistent with the Neighbourhood Plan vision of a high-density station quarter of an urban character compliant and ~~should comply~~ with City Plan Policy CP12, the accompanying Urban Design Framework SPD and Hove Station Area SPD. New tall

buildings should have regard to and respect existing buildings and planning permissions already granted, taking account in particular of the key views illustrated in Figure 9 and from the Hove Station Conservation Area.

To the north of the railway, taller buildings may be acceptable in locations that allow them to act as Hove Station Quarter landmarks and aid way finding.

Any redevelopment of the Goldstone Retail Park might include a higher building at the north eastern corner as long as there is visual permeability of the site when viewed from Hove Park.

To the south of the railway, development should take advantage of the lower topography by bringing forward taller buildings at occasional points within the area, as long as they are designed in such a way as to collectively minimise overshadowing and enable for good visual permeability north-south.

In the neighbourhood area outside DA6 new developments are expected to reflect the prevailing heights of surrounding buildings.

## Policy 12: Community facilities

*(No modifications proposed)*

Proposals which broaden and enhance the mix of community facilities such as day nurseries, GP surgeries or sports facilities will be encouraged as an essential component to the use mix in the Hove Station Quarter.

Such proposals will need to take account of relevant planning policy considerations including traffic/parking and neighbour/amenity impacts. Where proposed developments would lead to increases in local population any consequent pressure on existing provision will be addressed by developer contributions through the use of CIL contributions.

## Policy 13: Community hubs

~~Four~~Several locations within the plan area, ~~around Hove Station, the western end of Conway Street, the northern end of the Sackville Trading Estate and near Stoneham Park,~~ have been identified as suitable for community hubs in which a range of facilities should be located. The pProposed locations are;

- a) Close to Hove Station,
- b) At the western end of Conway Street,
- c) At the northern end of the Sackville Trading Estate, and

**d) Close to Stoneham Park,**

~~as indicated in Figure 6, p.48 in Part ONE of this plan. It is expected that development will direct appropriate uses to these areas. Appropriate community uses and CIL funding will be directed to these locations to help enhance these hubs.~~

Additional retail activities associated with the provision of the community hubs ~~will also be acceptable as long as they are~~ located within nearby defined local shopping centres/defined important local parades will be supported. These areas are also prime candidates for public realm ~~an improved public realm.~~ improvements.

## Policy 14: Conservation

*(No modifications proposed)*

Proposals for change of use and /or improvements to the original Hove Station building will be expected to contribute to increasing the attraction of this part of the centre of the new Hove Station Quarter and to help improve the public realm and enhance the setting of the station.

Developments in the Conway Street area will be expected to contribute to public realm improvements along Conway Street especially those areas abutting the Hove Station conservation area.

When considering visual and other impacts of new development of the Hove Station Quarter on the Hove Station core of the conservation area, it is essential to ensure that new developments do not cause harm to a listed building or the conservation area.

New developments will be expected to contribute towards the conservation and enhancement of historic environment features.

## Policy 15: Parking and Movement

*(No modifications proposed)*

Parking provision in new developments in DA6 will need to comply with the standards set out in the Council's Supplementary Planning Document 14 for the Central Zone. Parking in the remaining parts of the Neighbourhood Plan area will need to meet the standards for Key Public Transport Corridors.

Subject to public consultation the controlled parking zone in the area will be extended to cover Newtown Road to manage the impact of future car parking in the area.

**To maximise the efficient use of land, applications for alternative locations for the existing car park at Hove Station will be supported.**

**New developments should aim to minimise car-based travel and should actively promote and encourage more sustainable modes of travel such as public transport, cycling and walking. This will require travel plans as well as a range of other measures such as designated car club spaces to be allocated throughout the area in discussion with the city's car clubs, electric charging points, plus extensive and secure cycle parking to standards as set out in SPD 14 (see Table 5 above). In addition, support for additional public transport services may be required.**

**New developments proposed will need to ensure that the Hove Station Quarter is easily accessible on foot and by cycle by the provision of appropriate routes. It is also essential that developments ensure that motorised traffic can percolate through the area but that measures are taken in developing the area that severely limit the speeds of any through traffic. Policy 1 and the schedule in Annex 1 set out the expectations of developers and proposed mechanisms to facilitate area wide linkages.**

**Improvements to the local road/highway network will be sought in order to ensure that safe, efficient and sustainable movement is achieved for all road-users. Such improvements will need to mitigate the impact of new developments in the Hove Station Quarter. Roads that are likely to be impacted include Old Shoreham Road, Fonthill Road, Goldstone Villas, Wilbury Avenue and Newtown Road.**

**Provision of an east-west pedestrian/cycle link connecting the Sackville Trading Estate / Coalyard site with Newtown Road will be supported. The feasibility of a vehicular link should also be examined although any such proposal will need to be considered in the context of a comprehensive traffic management scheme for the area in particular to avoid extensive rat-running through the area from The Drive via Wilbury Avenue / Newtown Road.**

## **Policy 16: Developer Contributions**

*(No modifications proposed)*

**New development will be expected to contribute to a range of local infrastructure requirements and improvements via Section 106 contributions and Community Infrastructure Levy (CIL), such as school infrastructure, open space and public art.**

**Developer contributions to deal with highway issues are also likely to be required.**

**Annex 1 sets out a list of improvements required in the area.**

## Appendix 3

### Hove Station Neighbourhood Plan - Recommended Revised Policies (Clean)

#### Policy 1: Creation of the Hove Station Quarter

**Development proposals in the area comprising DA6 in the City Plan Part One will be supported if they demonstrate a comprehensive and integrated approach supporting the creation of Hove Station Quarter with a strong relationship to the station. [The Hove Station Area SPD provides development management e guidance and is supported by relevant Neighbourhood Plan policies.]**

**The area identified as DA6 will be suitable for a mix of uses comprising residential, commercial, small retail and cultural uses including small workshops.**

**To increase interest and attraction at ground floor level, high quality, proposals for ground floor employment uses with residential above will be encouraged. Proposals designed to create an efficient and well-functioning Hove Station Quarter that are inclusive and vibrant will be supported.**

**Development proposals which provide sustainable area-wide transport and movement linkages, unifying design features and neighbourhood facilities as indicated in Hove Station Area SPD will also be supported.**

**Proposals for appropriate interim uses for land and buildings where site assembly and phased redevelopment is awaited will be encouraged.**

#### Policy 2: Sackville Coalyard

##### Delete Policy 2



### Policy 3: Goldstone retail park

**In the event that the Goldstone Retail Park site becomes available for redevelopment, proposals for mixed use residential and employment use will be supported. See Figure 7, zone P3.**

### Policy 4: Conway Street Bus depot

**Proposals for redevelopment and/or rationalisation of the current bus depot to provide or incorporate residential and employment uses will be supported as part of a comprehensive redevelopment of the area of DA6 south of the railway. Re-development proposals for the site which provide improved access to Hove Station and which would be essentially car free, will be supported. See Figure 7, zone P4.**

### Policy 5: Land South of the Railway

**Comprehensive redevelopment of land South of the Railway will be supported, taking account of guidance provided in the adopted Hove Station Area SPD. Development should be mixed use residential and employment and should have regard to existing and emerging development proposals elsewhere within the SPD area. Any further development in this area over and above permissions already granted should severely limit the provision of car parking, with new residential in the area being essentially car free as set out in Policy 16 (p. 78).**

**Particular attention should be paid to Industrial House and other Council owned land in the area with a focus on the potential for publicly owned assets to increase the quantum of high quality sustainable social housing and community space.**

**Proposals for enhancing and intensifying the use of land on the Clarendon Ellen estate will be supported.**

### Policy 6: Housing Mix and Tenure

**Proposals for residential development in the neighbourhood area which comply with relevant policies for residential development in City Plan Part 1, including Policies CP14, CP19 and CP20 will be supported. A mix of rented accommodation, both social and private, and accommodation for owner occupation will be sought across the DA6 area. Within the DA6 area**

**proposals incorporating residential development which provide a mix of dwelling sizes that contribute towards meeting city-wide need will be supported.**

## Policy 7: Affordable Housing

*(No modifications proposed)*

**Development of affordable housing should comply with Policy CP20 in City Plan Part One. Particular support and encouragement will be given to proposals which deliver genuinely affordable homes (i.e. with rents set no higher than the Local Housing Allowance (LHA) Housing Benefit limit) and which include provision to ensure that the housing remains affordable in perpetuity. There is potential for Council-owned land to contribute towards this as part of the comprehensive redevelopment of the land south of the railway.**

## Policy 8: Housing for the Elderly

**Please delete Policy 8.**

## Policy 9: Employment

**All development proposals within the Hove Station Quarter that are for employment purposes or involve employment provision should accord with the local priorities and requirements set out in Policy DA6 of the City Plan Part 1.**

**Proposals for new retail floorspace within the neighbourhood area should generally be restricted to existing shopping centres defined in the City Plan to help reinforce and strengthen these. Within the DA6 area small-scale retail uses may be appropriate as an ancillary element of large, mixed use residential and office developments where it is considered that facilities would help support these developments and would not adversely impact existing defined shopping centres.**

**Cultural facilities including arts and crafts studios and workshops will be encouraged, especially in the northern part of the DA6 area.**

## Policy 10: Design and Public Realm

**Design proposals should make good use of land and create high quality, well landscaped spaces including as appropriate public art. Strong emphasis should also be placed on the design of the street environment to achieve a high-quality public realm with a strong emphasis on planting. The design of new schemes should include, or make provision for, significant numbers of trees, including street trees.**

- 1. Development proposals within the DA6 part of the Neighbourhood Plan area should provide opportunities to bring nature into the city by substantially increasing the amount of green space in the area (horizontally and vertically).**
- 2. Proposals which create new pedestrian and cycle links as green corridors through the area, connecting pocket parks and other open space will be supported. Where possible, opportunities should also be provided for local food growing and physical activity.**
- 3. Where practicable, proposals which incorporate onsite green infrastructure, landscaping and tree planting (including street trees) as an integrated part of the overall design will be supported. Planting needs to be planned from the outset of a design to ensure sufficient space is allocated to trees. As an alternative to street tree planting developers may provide equivalent vertical or horizontal greening up solutions\*. Developers will be expected to provide a plan for the maintenance of such greening up and tree planting which would be appropriately funded from S106 contributions.**

**In addition, developer contributions to the Community Infrastructure Levy (CIL) will be used to fund off-site tree planting, including street trees. Within the Hove Station Quarter (DA6 area), the plan sets an objective to plant 1 street tree per residential dwelling or 1 per 100m<sup>2</sup> of non-residential floor space.**

- 4. Where larger developments are proposed, designs which demonstrate that priority has been given for architectural solutions which break up the bulk and add visual interest to such developments will be supported.**
- 5. Larger residential development proposals should include plans for public landscaped areas to provide for play and breakout both north and south of the railway. This provision should take the form of pocket parks associated with the Community Hubs at each end of Conway Street as well as in the Sackville Trading Estate area on redevelopment. Potential locations are indicated on p.48, Figure 6 in this document and in the Hove Station Area SPD. These locations will be subject to the recommendations of the Hove Station Master Plan work.**

**6. All residential proposals will be expected to have regard to the need to provide private amenity space, landscaping and communal areas to enable informal play/social interaction.**

**7. Taller development needs to ensure a high level of amenity and visual and environmental interest at street level to help contribute to the vibrancy and overall attractiveness of the Hove Station Quarter.**

**8. Development should 'front' the street, in order to create active frontages, greater natural surveillance and enhanced safety. In the DA6 area, proposals which provide for enhanced permeability through the creation of new routes will be supported.**

**\* One example is a green wall, which is a building facade or other internal or external wall intentionally covered with vegetation for aesthetic or functional purposes.**

### **Policy 11: Tall buildings**

**Building heights in DA6 will be consistent with the Neighbourhood Plan vision of a high-density station quarter of an urban character compliant with City Plan Policy CP12, the accompanying Urban Design Framework SPD and Hove Station Area SPD. New tall buildings should have regard to and respect existing buildings and planning permissions already granted, taking account in particular of the key views illustrated in Figure 9 and from the Hove Station Conservation Area.**

**To the north of the railway, taller buildings may be acceptable in locations that allow them to act as Hove Station Quarter landmarks and aid way finding.**

**Any redevelopment of the Goldstone Retail Park might include a higher building at the north eastern corner as long as there is visual permeability of the site when viewed from Hove Park.**

**To the south of the railway, development should take advantage of the lower topography by bringing forward taller buildings at occasional points within the area, as long as they are designed in such a way as to collectively minimise overshadowing and enable good visual permeability north-south.**

**In the neighbourhood area outside DA6 new developments are expected to reflect the prevailing heights of surrounding buildings.**

## Policy 12: Community facilities

*(No modifications proposed)*

**Proposals which broaden and enhance the mix of community facilities such as day nurseries, GP surgeries or sports facilities will be encouraged as an essential component to the use mix in the Hove Station Quarter.**

**Such proposals will need to take account of relevant planning policy considerations including traffic/parking and neighbour/amenity impacts. Where proposed developments would lead to increases in local population any consequent pressure on existing provision will be addressed by developer contributions through the use of CIL contributions.**

## Policy 13: Community hubs

**Four locations within the plan area have been identified as suitable for community hubs in which a range of facilities should be located. The proposed locations are;**

- a) Close to Hove Station,**
- b) At the western end of Conway Street,**
- c) At the northern end of the Sackville Trading Estate, and**
- d) Close to Stoneham Park,**

**as indicated in Figure 6, p.48 in Part ONE of this plan.**

**Additional retail activities associated with the provision of the community hubs located within nearby defined local shopping centres/defined important local parades will be supported. These areas are also prime candidates for public realm improvements.**

## Policy 14: Conservation

*(No modifications proposed)*

**Proposals for change of use and /or improvements to the original Hove Station building will be expected to contribute to increasing the attraction of this part of the centre of the new Hove Station Quarter and to help improve the public realm and enhance the setting of the station.**

**Developments in the Conway Street area will be expected to contribute to public realm improvements along Conway Street especially those areas abutting the Hove Station conservation area.**

**When considering visual and other impacts of new development of the Hove Station Quarter on the Hove Station core of the conservation area, it is essential to ensure that new developments do not cause harm to a listed building or the conservation area.**

**New developments will be expected to contribute towards the conservation and enhancement of historic environment features.**

## **Policy 15: Parking and Movement**

*(No modifications proposed)*

**Parking provision in new developments in DA6 will need to comply with the standards set out in the Council's Supplementary Planning Document 14 for the Central Zone. Parking in the remaining parts of the Neighbourhood Plan area will need to meet the standards for Key Public Transport Corridors.**

**Subject to public consultation the controlled parking zone in the area will be extended to cover Newtown Road to manage the impact of future car parking in the area.**

**To maximise the efficient use of land, applications for alternative locations for the existing car park at Hove Station will be supported.**

**New developments should aim to minimise car-based travel and should actively promote and encourage more sustainable modes of travel such as public transport, cycling and walking. This will require travel plans as well as a range of other measures such as designated car club spaces to be allocated throughout the area in discussion with the city's car clubs, electric charging points, plus extensive and secure cycle parking to standards as set out in SPD 14 (see Table 5 above). In addition, support for additional public transport services may be required.**

**New developments proposed will need to ensure that the Hove Station Quarter is easily accessible on foot and by cycle by the provision of appropriate routes. It is also essential that developments ensure that motorised traffic can percolate through the area but that measures are taken in developing the area that severely limit the speeds of any through traffic. Policy 1 and the schedule in Annex 1 set out the expectations of developers and proposed mechanisms to facilitate area wide linkages.**

**Improvements to the local road/highway network will be sought in order to ensure that safe, efficient and sustainable movement is achieved for all road-users. Such improvements will need to mitigate the impact of new developments in the Hove Station Quarter. Roads that are**

likely to be impacted include Old Shoreham Road, Fonthill Road, Goldstone Villas, Wilbury Avenue and Newtown Road.

Provision of an east-west pedestrian/cycle link connecting the Sackville Trading Estate / Coalyard site with Newtown Road will be supported. The feasibility of a vehicular link should also be examined although any such proposal will need to be considered in the context of a comprehensive traffic management scheme for the area in particular to avoid extensive rat-running through the area from The Drive via Wilbury Avenue / Newtown Road.

### Policy 16: Developer Contributions

*(No modifications proposed)*

New Development will be expected to contribute to a range of local infrastructure requirements and improvements via Section 106 contributions and Community Infrastructure Levy (CIL), such as school infrastructure, open space and public art.

Developer contributions to deal with highway issues are also likely to be required.

Annex 1 sets out a list of improvements required in the area.

## Appendix 4

### Hove Station Neighbourhood Development Plan 2019-2030 (Regulation 16), December 2020

#### Brighton & Hove Council's comments



### **Hove Station Neighbourhood Development Plan 2019-2030 (Regulation 16), December 2020**

#### **Brighton & Hove Council comments**

The following is a schedule of comments by Brighton & Hove City Council in response to the Regulation 16 publication of the Hove Station Neighbourhood Plan between 20 May and 15 July 2021 and submitted to the Independent Examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act. The comments below were reported to the Council's Tourism, Equalities, Communities & Culture (TECC) Committee on 16 September 2021.

#### **General comments**

Several sections of the Plan need updating to reflect further progress since the wording was drafted.

- The Proposed Submission version of CPP2 was published for Regulation 1 consultation between 5 Sept and 30 Oct 2020 and was submitted for examination on 13 May 2021 (along with a Schedule of Proposed Modifications). An examination inspector has been appointed and examination hearings are scheduled to take in Oct/Nov 2021. Formal adoption of the Plan by the Council is now likely to take place in spring/summer 2022
- The Council's Hove Station Masterplan work has led to the preparation of the draft Hove Station Area SPD which was published for consultation from 14 Dec 2020 to 7 Feb 2021. It is intended to take the SPD (including minor amendments) to the council's TECC Committee for formal adoption in Sept



2021. References in the NP to the 'Hove Station Masterplan/SPD' should therefore be updated to 'Hove Station Area SPD'.

- Several of the NP references to development schemes and planning permissions on individual sites should also be updated – in particular the Matsim development at Hove Gardens (1-3 Ellen St) which is widely referred to in the NP has now been superseded by the Watkin Jones development which was granted planning permission in Oct 2020. Also the Mountpark development at Sackville Trading Estate has been superseded by the MOD permission which covers the whole Sackville Estate/Coal Yard site.

There is also some inconsistency in the NP references to City Plan Part 2, which is referenced in some places as 'City Plan Part II'. These should be corrected for consistency.

The Council has not provided detailed comments on the NP Part Two: Aspirations which is presented as a concept plan setting out some of the Neighbourhood Forum's ideas for how the DA6/Neighbourhood Area could develop. The Part Two document does not include detailed planning policies and is not intended to be subject to detailed examination. The aspirations and concepts are considered broadly consistent with the Council's own vision and strategy set out in the draft Hove Station Area SPD. Some references in the Part Two document should ideally be updated to reflect the more recent progress made by the Council on the masterplan work with the formal adoption of the Hove Station Area SPD now scheduled for Sept 2021 (see above).

**Detailed comments**

<b>Paragraph/ Policy</b>	<b>Comment</b>
<b>Section 1: Introduction</b>	
Para 1 (in Section 1.1)	Paragraph numbers start again from 1 rather than running on from the previous section – this needs correcting.  The 2 <sup>nd</sup> sentence refers to the Hove Station Masterplan without explaining what this is. This needs clarification. Also the council is now taking forward the Masterplan as the 'Hove Station Area SPD' which is intended to be taken to the TECC Committee in Sept for formal adoption. Suggest rewriting the sentence to say: <i>“The Neighbourhood Plan is <u>also</u> seen by the Forum as providing <del>the policy context for the Hove Station Area Master Plan for the area</del> <u>policy context for the Hove Station Area Supplementary Planning Document (SPD) which is currently being prepared by BHCC.</u>”</i>
Table 2	The dates given for Stage 3 of the NP process will need updating (if this table is retained in the final version of the Plan).
Para 6	In 1 <sup>st</sup> sentence, reference to the “Community Consultation Statement” should be amended to just “Consultation Statement”.
Para 17	Under the first bullet point, when referring to the Hove Station Masterplan/SPD <i>“future planning work by BHCC”</i> should be amended to <i>“<u>current</u> planning work”</i> .
<b>Section 2: Area Profile</b>	
Para 34	In 2 <sup>nd</sup> sentence, it is not clear what date this development data relates to and what time period is covered by “the next 3 years”. It is assumed this relates to a base date of 2017 in line with the previous paragraph.
Para 51	In 1 <sup>st</sup> sentence, the minimum housing target is DA6 should be corrected to 525 residential units (not 550 units).
Para 62	The paragraph needs updating as the proposed Matsim development at Hove Gardens (Ellen St) has now been superseded by the Watkin Jones development which was granted planning permission in Oct 2020.
Para 91	Presumably this is referring to the railway tunnel on Fonthill Road? This should be clarified.
Para 92	Similarly this paragraph should be clarified by referring to <i>“<u>the footbridge at Hove Station</u>”</i> .
Para 94	Bullet point ii. Identifies “the effective management of parking provision” as a key issue - however parking is not referred to at all in the previous discussion.
Para 100	Is the detailed description of the previous ‘Sackville Place’ scheme still necessary, given that it has been superseded by the more recent MODA permission which is now being implemented?
Para 102	Again this paragraph appears to be no longer relevant now that the MODA scheme is being implemented.

<b>Paragraph/ Policy</b>	<b>Comment</b>
Para 106	Ditto – same comment as above.
Para 109	The aspirations for redevelopment need to be set in the context that the owners of the Goldstone retail park have stated that they have no plans for any redevelopment in the near future. Also the recent opening of the new Lidl supermarket is likely to increase the footfall and viability of the exiting retail use (at least in the short term).
Para 118	The paragraph wording should be updated to reflect the Council's more recent progress in preparing the Hove Station Area SPD (which should now be referred to as an SPD rather than a masterplan).
<b>Section 3: Vision and Strategic Objectives</b>	
Para 130	2 <sup>nd</sup> sentence – Need consistency in how Part Two of the NP is referenced.
Para 131	This paragraph needs updating as the Matsim proposals for Hove Gardens and Mountpark for Sackville Trading Estate have both now been superseded by more recent planning permissions for Watkin Jones and MODA. The council is also now considering a recent application by Brighton & Hove Buses (Go-Ahead Group) for redevelopment by the bus garage site.
Para 133	Suggest amending 1 <sup>st</sup> sentence to say: <i>"The key challenge for a <del>Master Plan</del> for <u>masterplanning</u> the Urban Quarter...."</i>
Para 135	Again this paragraph needs updating to reflect the Council's more recent progress in preparing the Hove Station Area SPD (see comment on Para 118).
<b>Section 4: Policies</b>	
Policy 1	In 1 <sup>st</sup> and 3 <sup>rd</sup> paragraphs, the references to the <i>"Hove Station Masterplan/SPD"</i> should be amended to <i>"Hove Station Area SPD"</i> .
Para 143	Re 3 <sup>rd</sup> sentence, the approved Matsim development for Hove Gardens has since been superseded by the Watkin Jones proposal which was granted permission in October 2020. Also query whether the sentence should describe these proposals as 'recently' approved. The sentence is already out of date and will become progressively more so. It may be better to provide a more general commentary which is less time specific. Similar comments apply to Table 4 which is referenced in the following sentence.
Table 4	It is accepted that this table is meant to be illustrative to demonstrate the higher scale of development already subject to planning permission in the Hove Station area compared to the Policy DA6 minimum figures. However, the problem with including such a table is that it in the Plan is that it will quickly become out of date. Some parts of the table already need to be updated (e.g the Watkin Jones development has since gained planning permission which supersedes the previous Matsim proposals at Hove Gardens).  It should also be noted that the 67 residential units at the Hove Sorting Office site does not derive directly from a developer proposal. The site was promoted to the Council by Royal Mail for inclusion as a residential allocation, however the figure of 67 units is the indicative figure for the site allocation in Policy H1 of the City Plan Part 2 and is based on the Council's own assessment of the site

<b>Paragraph/ Policy</b>	<b>Comment</b>
	potential.
Para 149	In the second sentence, it is not clear if "bettered" refers to the number of jobs generated or the amount of employment floorspace?
Figure 7	This map should also indicate the area covered by Policy 5 for clarification. It is assumed that Policy 5 applies to the whole of the remaining DA6 area south of the railway but this is not clear from the policy wording (see comments on Policy 5 below).
Policy 2	Query the need to retain this policy and the site allocation given that the Sackville Coalyard now has planning permission as part of the MODA redevelopment proposals which also include the Sackville Trading Estate to the north. Both the Coalyard and Trading Estate are allocated as a single larger site under Policy SSA4 of the draft City Plan Part 2 (which was submitted for examination in May 2021).
Para 161	For clarification, suggest amending the 2 <sup>nd</sup> sentence to read: <i>"It is thought that this site will come forward after <u>the end of the plan period.</u>"</i>
Para 162	For clarification suggest amending the 1 <sup>st</sup> sentence to read: <i>"If the site should come forward <u>earlier within the plan period.</u>"</i>
Para 163	As mentioned elsewhere, the Matsim planning permission for the Hove Gardens site has been superseded by permission for a separate development by Watkin Jones, therefore the reference to BH2016/02663 is no longer appropriate. It is suggested that the second sentence of the paragraph is deleted as guidance on development layout principles, including building heights is provided in the draft Hove Station Area SPD which will shortly be adopted by the Council. The proposed SPD is already referenced in Paragraphs 164 and 165.
Para 164	The 1 <sup>st</sup> sentence should be amended to say <i>"<del>The proposed Hove Station Area Masterplan/SPD will provide</del> <u>Hove Station Area SPD provides</u> a range of guidance...."</i>
Para 165	The references to the <i>"Masterplan will provide"</i> should be changed to <i>"<u>SPD provides</u>"</i> .
Policy 4	Suggest re-titling the policy as <i>'<u>Conway Street Bus Depot</u>'</i> for clarification. In 3 <sup>rd</sup> sentence, <i>"Hove Station Masterplan/SPD"</i> should be amended to <i>"<u>Hove Station Area SPD</u>"</i> .
Para 166	In 1 <sup>st</sup> sentence, the existing use is a 'bus depot' rather than a 'bus station' as described (it does not operate as a passenger facility). Discussions with the bus company have indicated that multi-storey mixed residential and employment uses above a new bus depot would not be operationally practicable. Therefore suggest deleting the 2 <sup>nd</sup> sentence. In 2 <sup>nd</sup> sentence, <i>"Hove Station Masterplan area"</i> should be changed to <i>"<u>Hove Station area</u>"</i> .
Policy 5	The policy and title ('Remaining Land South of the Railway') does not make clear what area is covered and there is no specific allocation or policy extent

<b>Paragraph/ Policy</b>	<b>Comment</b>
	<p>shown in Figure 7 (see comment above). This should be clarified in the policy title and wording with the policy extent added to Figure 7.</p> <p>In 1<sup>st</sup> sentence, "<u>Hove Station Masterplan/SPD</u>" should be amended to "<u>Hove Station Area SPD</u>".</p> <p>In 2<sup>nd</sup> sentence, "<u>Masterplan area</u>" should be amended to "<u>Hove Station area</u>".</p>
Para 167	In final sentence, " <u>Hove Station Master Plan /SPD which will provide...</u> " should be amended to " <u>Hove Station Area SPD which provides...</u> "
Para 171	Again this paragraph appears to be referencing the now superseded Matsim scheme for Hove Gardens.
Figure 8	The land ownership map shown is now out of date as Matsim no longer own the Hove Gardens site.
Para 181	" <u>The Hove Station Area Masterplan/ SPD will provide...</u> " should be amended to " <u>The Hove Station Area SPD provides...</u> "
Policy 8	Query the reason for the policy making specific reference to meeting Building Regulation M4(2). Policy DM1 in the draft City Plan Part 2 already seeks to set the M4(2) standard as a minimum a requirement for all new residential units in Brighton & Hove (i.e not only for specialised housing for the elderly) as well as seeking a proportion of M4(3) wheelchair housing units in all schemes of 10+ dwellings. Including a specific reference to M4(2) in this policy is therefore unnecessary and is likely to be confusing, suggesting that M4(2) would not necessarily apply to other types of residential development.
Policy 9	<p>It would be helpful for this policy to provide greater clarity on what is meant by 'All development proposals for employment purposes...' (the policy refers to retail and cultural facilities indicating that it is intended to apply more widely than just industrial and office floorspace).</p> <p>It is also unclear if the policy is intended to apply within the DA6 area or across the whole of the neighbourhood area - the first sentence states that proposals should accord with the local priorities and requirements set out in Policy DA6 whereas the second sentence refers to 'new retail floorspace within the neighbourhood area'.</p> <p>Suggest a possible rewording of the first sentence as follows:</p> <p><i>"<u>All development proposals within the Hove Station Quarter that are for employment purposes or involve employment provision should accord with the local priorities and requirements set out in Policy DA6 of the City Plan Part 1.</u>"</i></p> <p>The reworded first sentence should also stand alone as a separate paragraph.</p>
Policy 10	<p>Under point 6, the 2<sup>nd</sup> sentence (in brackets) is no longer up to date following the Council's introduction of CIL. Open space, sport and recreation are now funded through GIL and therefore all residential developments eligible for GIL will contribute to these facilities through GIL payments. The sentence should be updated or deleted entirely.</p> <p>Re point 5, there is currently some uncertainty as to the potential locations for pocket parks/play areas and this is likely to be influenced by land ownership and development proposals and designs that come forward. It is accepted that the policy refers only to "potential locations". However, suggest amending the</p>

<b>Paragraph/ Policy</b>	<b>Comment</b>
	final part of point 5 to say: " <i>Potential locations are indicated on p.48, Figure 6 in this document and in the Hove Station Area SPD. These locations will be subject to the recommendations of the Hove Station Master Plan work.</i> "
Para 203	Please note that the Tall Buildings SPG (SPG15) has been superseded by the new Urban Design Framework (SPD17) which has been approved for adoption as SPD by the TEGG Committee on 17 June 2021 and will be published on the Council's website very shortly.
Para 205	Again note that the previous Matsim proposal for up to 17 storeys on the Hove Gardens site has now been superseded by planning permission for the Watkin Jones scheme which extends up to 18 storeys.
Para 206	Same comment as above – the Matsim scheme has now been superseded by the Watkin Jones permission.
Policy 11	In 1 <sup>st</sup> sentence, " <i>Hove Station Area Masterplan</i> " should be amended to " <i>Hove Station Area SPD</i> ".
Para 206	The paragraph wording should be updated to refer to the SPD17 Urban Design Framework rather than the SPG15 Tall Buildings and also to reference the more recent Watkin Jones permission at Hove Gardens which has now superseded the Matsim scheme.
Para 208	Amend " <i>The Hove Station Masterplan/SPD will provide...</i> " to " <i>The Hove Station Area SPD provides...</i> "
Figure 9	Again should potentially be updated to illustrate the Watkin Jones scheme rather than the Matsim scheme at Hove Gardens.
Para 225	This paragraph covers low and zero carbon decentralised energy opportunities but follows on directly from paragraphs discussing community hubs. It would therefore be helpful to insert a new sub-heading immediately before Paragraph 225.
Para 228	The final sentence should list Ralli Hall as an additional listed building in the Hove Station Conservation Area.
Para 240	This paragraph should make clearer that the NP (Policy 15) is seeking to amend the adopted parking standards to apply the reduced Central Zone parking requirements within the Hove Station Quarter. It is not clear from the current wording.  Also suggest stating that the SPD14 Parking Standards have been incorporated into the draft GPP2 Proposed Submission.
Policy 15	4 <sup>th</sup> para – Suggest strengthening the wording in first sentence to say " <i>...should actively promote, and encourage and provide more sustainable modes of travel...</i> ".
Para 241	The references to 'Policy 16' in the third and fourth sentences should be amended to 'Policy 15'.
Para 243	The final sentence reference to the SPD needs updating. The draft SPD includes reference to the NP promoting centralised parking for commuters,

<b>Paragraph/ Policy</b>	<b>Comment</b>
	visitors and residents if a suitable site can be found. Suggest amending final sentence to say: " <del>This issue will need to be fully</del> <u>is also</u> addressed in the Hove Station Area SPD."
Para 247	This section should be amended to take account of the emerging City Plan Part 2 (now submitted for examination) and the possibility of the parking standards being reviewed/updated in future. Suggest amending as follows:  <i>"(Relationship to City Plan: SPD14 Parking Standards was adopted in October 2016. <del>and will replace a number of detailed policies and these changes should be inserted into Part II of the City Plan. The policy makes some of the requirements of Policy CP9 more specific and seeks to translate the expectations of CP9 to the local area.)</del> The parking standards are included at <u>Appendix 2 of the draft City Plan Part 2 which also includes a specific policy setting out requirements for new development (Policy DM36 Parking and Servicing). It should be noted that these standards may be subject to future review and revision by the Council).</u>"</i>
P79	It is not clear why the map titled 'Community Engagement' has been included here. This appears to be an error?
<b>Annex 1 Priorities for Implementation</b>	
Table 6	The references to " <i>Hove Station Masterplan/SPD</i> " should now be updated to " <u>Hove Station Area SPD</u> ".
<b>Annex 2 Statement of Compliance</b>	
Para 10	Please note that the Council has now made further progress in preparing City Plan Part 2. The Proposed Submission version of GPP2 was published for Regulation 19 consultation between 5 Sept and 30 Oct 2020 and was submitted for examination on 13 May 2021 (along with a Schedule of Proposed Modifications). An examination inspector has been appointed and examination hearings are scheduled to take in Oct/Nov 2021. Formal adoption of the Plan by the Council is now likely to take place in spring/summer 2022.  The Council has also made progress in developing a masterplan for the Hove Station (Policy DA6) area which is now being taken forward as the 'Hove Station Area SPD'. The draft SPD was subject to public consultation from 14 Dec 2020 to 7 Feb 2021 and is being taken to the council's TECC Committee for formal adoption in Sept 2021.  The references to 'Part II' of the City Pan should be amended to 'Part 2' for consistency.
Para 19	Re 1 <sup>st</sup> sentence, please note that City Plan Part 2 has since been submitted for examination (see above).
<b>Annex 3 Summary of Strategic Environmental Assessment</b>	
No comments on this section.	

## Appendix 5

The amendments to chapter 14 of the National Planning Policy Framework as published by the Department for Levelling Up, Housing & Communities - 5th September 2023



## **RELEVANT UPDATED SECTION OF THE NATIONAL PLANNING POLICY FRAMEWORK**

An updated National Planning Policy Framework will be published today and policy changes, relevant to planning decisions, take effect immediately upon publication (some transitional arrangements for plan making are set out at Annex 1). The amendments are to chapter 14 of the National Planning Policy Framework and are set out below.

### *Planning for climate change*

153. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures<sup>53</sup>. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
  
154. New development should be planned for in ways that:
  - a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - b. can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
  
155. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
  - a. provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
  - b. consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
  - c. identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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<sup>53</sup> In line with the objectives and provisions of the Climate Change Act 2008.

156. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
157. In determining planning applications, local planning authorities should expect new development to:
- a. comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - b. take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
158. When determining planning applications<sup>53a</sup> for renewable and low carbon development, local planning authorities should:
- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
  - b. approve the application if its impacts are (or can be made) acceptable<sup>54</sup>. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
  - c. in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

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<sup>53a</sup> Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

<sup>54</sup> Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

### *Annex 1: Implementation*

221. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point the previous version of this framework was published on 20 July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).
  
222. For the purposes of the policy on renewable and low carbon energy and heat in plans in paragraph 155, these policies apply only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months, of the publication of this version. For Spatial Development Strategies, this applies to plans that have not reached consultation under section 335(2) of the Greater London Authority Act 1999, or are within three months of reaching this stage. For all other plans, the policy contained in the corresponding paragraph in the National Planning Policy Framework published in July 2021 will apply.

