

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
Policy H1 Houses in Multiple Occupation (HMOs)	Policy H1 Criteria relating to design, amenity, refuse storage and transport are covered by the relevant City Plan policies. Criterion (e) merely signposts to DM7 (but not to Policy CP21). It is unclear what this policy would add. Suggest deleting policy H1 as unsure it adds anything that is not already in the development plan. It cannot be more restrictive than CP21 / CM7 -	This Policy was suggested by our adviser and agreed by Forum members. It requires a holistic approach to reviewing HMO planning.	This matter is covered by the policy. For Examiner to consider
Policy H1 Houses in Multiple Occupation (HMOs)	The LPA cannot restrict parking permits, suggest deleting the following text from H1 <del>or the change of use will need to be a car-free development with the future residents retracted from applying for parking permits.</del>	The LPA restricted parking permits at Denman Place.	LPA cannot restrict parking permits because Coldean does not fall within a Controlled Parking Zone. For Examiner to consider
Policy H1 Houses	That definition is for small HMOs. Larger sui generis HMOs house 7 or more individuals. Varley Halls is PBSA which is sui generis not use class C2.	Wording provided by University of Brighton Reviewer.	BHCC consider this issue is for Examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
es in Multiple Occupation (HMOs)			
Figure 13	This map is confusing as it is the Adopted Policies map from the City Plan. Suggest deleting. Title of map says Settlement Area and the map doesn't show this, it shows the built up area boundary. Not sure what a Settlement Area	Retained as the Council amended it before at Reg 14 stage. Title of Map changed Settlement Area is the description from our adviser PMR	BHCC still consider that this would be confusing to the user, and needs its own map. For Examiner for consider
Page 25 Policy H2 New Developments within Settlement Boundary	Para 60 needs rewording and justifying. The first sentence is set within supporting text; however, it is phrased like policy text. There is no definition of what an infill site or a detrimental site is. It is unclear what the justification is for stating "New dwellings will only be built in infill sites or where it improves detrimental sites", A text amendment or a source is also required for "We do not forecast much population growth in the area during the Plan period"	Only reworded as much as ONS figures are included.	BHCC still considers it is unclear what the justification is for stating "New dwellings will only be built in infill sites or where it improves detrimental sites", New sites may be identified over the whole city as part of the city plan review. "We do not forecast much population growth in the area during the Plan period"

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
			concerns that this does not meet the basic condition changes.
	<p>Only criterion (a) of policy H2 relating to the Coldean Design Guidance and Codes adds anything further than that already in the City Plan. All other points duplicate existing city plan policies.</p> <p>Criteria H2 (e) seems to require all applications for new dwellings from one new dwelling upwards to demonstrate that there is sufficient infrastructure. Provision of Infrastructure to meet the needs of new dwellings is already required through the Community Infrastructure Levy. There are no required studies or documents specified in this plan for applicants to provide, and no justification for why these studies or documents may be required.</p> <p>Therefore the following text should be deleted:</p> <p><del>Demonstrate that adequate infrastructure (e.g. transport, drainage, schools, health services) is</del></p>	Text retained	For examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	<del>available or can be provided to support the development.</del>		
Page 28 Policy LGS1 – Local Green Space	Para 70 states that spaces which don't meet the criteria for Local Green Space can be designated as Local Community Spaces. There is no known planning designation for "Local Community Spaces" and it is questioned whether this is a valid designation.	There is a designation for Local Community space as advised by our professional advisers at the time. Hence there is a definitions box and we have used that designation. Although it is not a Planning designation it is understood. It has been there throughout	This section is confusing, for the Examiner to consider.
Page 28 Policy LGS1 – Local Green Space Designations	Para 71 goes on to describe the methodology for designating these spaces. It is not clear whether this is referring to the Local Green Space or Local Community Facilities. If this is referring to Local Community Facilities, is this a recognised methodology?	This table has been there throughout and was composed by our advisers. It assesses Local Green Spaces and Local Community Spaces, consistent with the designations defined.	This section is confusing, for the Examiner to consider.

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
Page 36 Policy LCS1 – Local Community Spaces	<p>As per Reg 14 comments</p> <ul style="list-style-type: none"> <li>• If justified to retain local community spaces, have landowners been contacted re proposed allocation of these sites/uses? Evidence of this would be required for examination.</li> <li>• If justified to retain local community spaces, inset Maps should be provided in the plan otherwise no one is aware of their boundaries.</li> <li>• No policy text to accompany sites listed.</li> </ul>	See comment above	Consider that Local community spaces and facilities need boundary maps shown in the plan as well as policy text. For Examiner to consider.
Pages 31-34 Policy LGS1	<p>Policy LGS1 - Local Green Space Designations are designated in this NP in accordance with the NPPF. Suggest these areas are supported with a clear statement of local specialness (e.g. historic, recreational or wildlife characteristics) with photographs, local resident statements and evidence of landowner consultation</p>	This was not required before. The analysis/rationale for the designation of each Green space is in the Evidence documents on the CNPF website.	For Examiner to consider
<u>5.4</u> <u>Local</u> <u>Comm</u>	Unclear whether the landowners for these sites have been contacted?	We understand that the Council owns all these sites or properties as Coldean was	For Examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
<u>unity Facilities (LCF)</u>		part of the Stanmer Estate gifted to the Council.	
<u>5.4 Local Community Facilities (LCF)</u>	No maps showing extent of areas defined	There was no mapping done of these Facilities	For Examiner to consider
<u>5.4 Local Community Facilities (LCF)</u>	<ul style="list-style-type: none"> <li>• No policy text and no policy number</li> <li>• Query whether these can all be designated as a local community facility, in particular infrastructure such as “steps”, “access routes” and “bridges”, as well as open spaces.</li> </ul>	Not needed. No policy here, it’s not Planning, as you were mentioning	Confusing layout. For Examiner to consider.
<u>5.4 Local Community Facility</u>	In relation to this paragraph, no explanation is provided which sets out the type of evidence that would be required to demonstrate the sites are no longer needed.	This is an unrealistic request! It will depend at the time.	Setting out the required evidence will be required to implement this section of the NP. For Examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
ies (LCF)			
5.4 <u>Local Community Facilities</u> (LCF)	Loss of open space would also need to meet the requirements of City Plan Part 1 policy CP16 Open Space which should be referred to here.	We had been asked not to keep listing CityPlan policies before, we can do so here if really needed.	For Examiner to consider
5.4 <u>Local Community Facilities</u> (LCF) 5.4 <u>Local Community Facilities</u>	This paragraph at the end of the long list of sites also refers to “very special circumstances set out in the NPPF”. However Very Special Circumstances only apply to land designated as Local Green Space and is not relevant to local community facilities. Suggest deletion	That is what we are referring to, as no other Spaces have protections. Not deleted, as you suggested.	For Examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
ies (LCF)			
Page 39 Policy C1 Designing out Crime	<p>Policy C1.</p> <p>Requiring this for all developments seems excessive.</p>	<p>Its either applicable to none, or all, developments, to be fair. Crime is increasing in Coldean because of new developments.</p>	<p>For Examiner to consider</p>
Page 43 Policy T2 – Through Traffic	<p>The need and/or focus/wording of this policy and what it is seeking to achieve should be reviewed.</p> <p>This is because it is difficult to justify a policy related to through/external traffic, as existing or new development will either be a trip origin or destination within the local area.</p> <p>Traffic signage is not a planning issue and traffic management measures generally do not require planning permissions</p> <p>It is difficult to understand how this policy can be used to assess a planning application</p>	<p>There is a lot of through traffic which stops in Coldean for shops etc. Traffic signage is important, as we have seen with the Denman Place development. It affects through traffic. We are happy to discuss how this can be improved. There should be a suitable Policy to cover this.</p>	<p>For Examiner to consider</p>

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
Page 43 Policy T3 – Car and Cycle Parking	<p>Criterion (a) – unnecessary as this can be implemented by the Council without the need for a planning application.</p> <p>Criterion (b) - It is unclear whether off-street parking means a car park or parking that is part of a development. The latter would be considered against BHCC standards within policy DM36. Furthermore, an off-street parking space often means a dropped kerb and a loss of an on-street parking space.</p> <p>Permitted Development rights already allow for hardstanding of front gardens</p>	<p>This Policy has been reworded by the Council before. Off street parking does not mean a car park, except in the case of Denman Place. We can discuss this Policy.</p>	<p>For Examiner to consider, as this has been a comment from transport colleagues.</p>
	<p>Criterion (c) – a policy cannot be used to state what does or does not need planning permission</p> <p>‘(c) Any <i>development</i> proposals to vary the existing car parking policy in Coldean (SPD14) of one space per dwelling on the road plus one space per two dwellings for visitors needs planning permission.’</p>		<p>Comments stand; For Examiner to consider</p>

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
Page 44 Policy T4 – Accessibility for all	(b) asking major applications to demonstrate inclusive design with reference to all of i)-v) is onerous	It is necessary for a major development. Car parking at Denman Place has already divided the community.	Comments stand, for the Examiner to consider
Page 45 Policy T5 – Accessible Developments	<p>Requirement for “safe cycle and pedestrian connections” duplicates CPP2 DM33</p> <p>Priorities for cycling and walking are set out in the council’s Local Cycling &amp; Walking Infrastructure Plan [LCWIP], and any routes will be expected to reflect these priorities. <a href="https://www.brighton-hove.gov.uk/lcwip">https://www.brighton-hove.gov.uk/lcwip</a> The LCWIP includes references to Coldean and Coldean Lane.</p> <p>The policy needs to be more specific about the size and type of development it refers to. For example, does a new householder extension have to provide safe cycle and pedestrian connections; or should this requirement be upwards of certain number of dwellings? Unclear</p>	No changes made here, as we had already reworded it to include the Council comments before.	Comments stand, for Examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
Page 50 Policy E1 – Settlement Contaminant	The text “Proposals for development within this area of countryside” is unclear as the area of countryside is not clearly defined spatially on any map.	There is a settlement map! It’s the Council’s ‘ built up area’ map	It is not clearly set out. Concerns regarding any undermining of the urban fringe sites coming forward in that area which may have a potential conflict with new Basic Conditions changes. For Examiner to consider
Page 50 Policy E2 – Protecting Valued Views	<p>Currently, Policy E2 is not precise enough to be used by Development Management case officers to determine planning applications.</p> <p>Therefore, as per BHCC Regulation 14 comments:</p> <p>The policy lacks the clarity needed to enable implementation. CPP1 Policy CP12 Urban Design, SPD17 Urban Design Framework and the Urban Characterisation Study identify key ‘strategic’ and ‘local’ views to aid the assessment of design proposals, in particular tall buildings. Strategic views are generally distant views from elevated locations, including some from the SDNP, and local views are used for wayfinding and as route markers. What are ‘valued’ views and how do they differ from</p>	See new E2 policy wordings from our adviser	This policy has been redrafted. For the examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	<p>the ‘strategic’ and ‘local’ views established in the UDF SPD? How have ‘publicly valued’ views been established and evidenced? Where are they located? What types of proposals would this policy apply to? These will need to be described in the policy and set out in on the NP policies map or appendix to the plan.</p> <p>It is questioned why only publicly valued views from designated LGS are identified for protection. What about views from other locations?</p>		
<p>Page 51 Policy E3 – Protecting Allotments</p>	<p>Policy E3 is not in is not in conformity with City Plan Part 1 policy CP16. This policy seeks to retain and seek better use of all existing open space including allotments and sets out exception criteria where loss is accepted. Legal protection is afforded to statutory allotment sites and applies to Coldean Lane and Charlton Allotments; these allotments are well used with a waiting list.</p> <p>E3(b) allows loss if the allotment is in a “dilapidated” condition. There is no explanation of what constitutes a “dilapidated condition”. It is argued that most allotments, even if not in use, can be brought back into productive use even if they appear</p>	<p>See new E2 policy wordings from our adviser</p>	<p>This policy has been redrafted. For the examiner to consider</p>

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	<p>“dilapidated”. Does not accord with the statutory criteria for disposal of allotments. Suggest deletion.</p> <p>Point (c) repeats policy CP16.1(b) and is therefore unnecessarily repeating City Plan policy. Suggest deletion.</p> <p>If retained, the policy should reference policy CP16 to clarify the criteria are in addition to CP16. Suggested amendments as follows:</p> <p><u>In addition to criteria of City Plan Part One policy CP16</u>, proposals that result in harm or loss of allotments <del>to</del> <u>in</u> Coldean will not normally be permitted unless:</p> <p><del>a) Replacement provision be made, of at least equivalent <u>quantity and</u> quality, where it would be located at reasonable convenience for the existing plot holders. <del>or;</del></del></p> <p><del>(b) They are in a dilapidated condition - without the potential for improvement.</del></p> <p><del>(c) The loss is necessary to bring about significant and demonstrable long term enhancements to Coldean’s open spaces as a whole.</del></p>		

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

<b>References</b>	<b>Council Reg 16 comments</b>	<b>Coldean Neighbourhood Forum responses</b>	<b>Amendments the City Council consider necessary but are not agreed by the Forum</b>
<p>Page 51 Policy E4 – Adapting to Climate Change</p>	<p>This policy largely duplicates the requirements set out in City Plan Part One policy CP8 Sustainable Buildings, and City Plan Part Two Policies DM43 Sustainable Drainage and DM44 Energy Efficiency and Renewables which require accordance with Future Homes Standard and Future Building Standards set out in Part L as a minimum and opportunities for new development to achieve greater reductions in CO2 emissions through the use of passive design, fabric standards, energy efficiency measures and low and zero carbon technologies will be encouraged in housing allocations in the urban fringe.</p> <p>It should be clarified what extra criteria or requirement is added by Policy E4 when compared with the current relevant policies in CPP1 and CPP2</p> <p>E4 also seeks as in addition or as an alternative the adoption of Passivhaus design principles. It is recognized that this would enable new homes to be optimized for Net Zero and whilst this might be encouraged it could not be required as this would go beyond the City Plan Policies CP8 and DM44 and would need to address the December 2023 Written Ministerial Statement. How would compliance be assessed -through certification/ self-declaration?</p>	<p>See new E 4 Policy wording from our adviser but we have retained wordings at E4 (d) and (e) suggested by Southern Water, and voted on /approved by Forum members in an Open Meeting. Southern Water wording at E4(e) retained. The reference at E4(d) to be amended.</p>	<p>This policy has been redrafted. For the examiner to consider</p>

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	<p>In terms of wording, the first sentence of the policy could be re-worded:</p> <p>All new development proposals within Coldean <del>should seek to</del> are encouraged <del>to meet a</del> high standards of sustainable development by improving upon the minimum standards outlined in Approved Documents Part F, Part L and Part O of the Building Regulations <del>and/ or adopt Passivhaus design principles,</del>                      ...’</p> <p>E4(d) correct reference to City Plan policy: ‘...should also comply with City Plan Policy DM43 and Brighton &amp; Hove City Council’s Sustainable Drainage SPD.’</p> <p>E4(e) suggest deletion of this criteria as standards for water consumption of new homes are set out in CP8 and Policy DM42 Protecting the Water Environment addresses these issues.</p> <p>Relevant minimum standards are expected to also include the Future Homes Standard (expected 2025).</p>		

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	E4(a) suggest adding “Avoid, or reduce the use of fossil fuels”		
Page 52 Policy E5 - Biodiversity	<p>Point (a) includes a reference to “Schedule 7A of Town and County Planning Act 1990 (inserted by the Environment Act)”. This schedule refers to securing mandatory BNG which differs somewhat to the E5 policy requirements. The Natural Environment and Rural Communities Act, and Wildlife and Countryside Act would also be of relevance. However it is not considered necessary to refer to names of legislation in policy. Suggest deletion of this part of the sentence.</p> <p>Point (a) suggest also referring to “habitats” as follows: ...including the preservation of rare, protected, priority or notable <u>habitats and</u> species...</p> <p>Some of the policy requirements appear more like aspirations or projects than policy requirements and it is unlikely these will be directly applicable to development (e.g. point (b) and point (c)). Suggest deletion.</p>	See new E5 policy wording suggested by our adviser. Policy E5 ( e ) wording from Southern Water, and voted on /approved by Forum members in an Open Meeting, retained. There are aquifers! And underground water movement. Very vital on chalk downlands.	This policy has been redrafted. For the examiner to consider

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	<p>Point (c) - CPP2 DM37 already requires the control and eradication of invasive non-native species. May be unnecessary repetition. Suggest deletion.</p> <p>Point (e) - possible typo "... preservation of pollution..." Should this be "...<u>prevention</u> of pollution..." ?</p> <p>Point (e) is the final part of (e) relevance to the Neighbourhood Plan as there are no rivers or streams locally? "...and the preservation of watercourses crucial for the ecosystem" In relation to water resource and quality this would duplicate CPP2 Policy DM42 Protecting the Water Environment. Suggest deleting.</p>		
Page 52 Policy E5	<p>The policy could be strengthened by explicitly requiring all new developments to demonstrate a measurable net gain, in line with national policy.</p> <p>This policy could be made stronger as well as clearer and more explicit just by referring to BNG rather than the legislation.</p> <p>a) Implements measures to protect and enhance the diversity of plant and animal species, including the preservation of rare, protected, priority or notable</p>	See new E 5 Policy wording from our adviser but we have retained wordings at E5 (e) suggested by Southern Water, and voted on /approved by Forum members in an Open Meeting	This policy has been redrafted. For the examiner to consider.

**Appendix 3 Amendments not agreed as common ground by the Coldean Neighbourhood Forum and BHCC.**

References	Council Reg 16 comments	Coldean Neighbourhood Forum responses	Amendments the City Council consider necessary but are not agreed by the Forum
	<p>species through habitat restoration and conservation, <a href="#">providing Biodiversity Net Gain where required</a>. <del>in line with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021):</del></p>		