





**Brighton & Hove
City Council**

Overview & Scrutiny Commission

Title:	Culture, Heritage, Sport, Tourism & Economic Development Committee
Date:	15 June 2023
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ - HTH/CC
Members:	Councillors: Robins (Chair), McGregor, Hill, Bagaeen, Cattell, Hewitt, Miller, Stevens, Thomson, Goddard
Contact:	Thomas Bald Democratic Services Officer 01273 291354 thomas.bald@brighton-hove.gov.uk

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PROCEDURAL MATTERS

1 Procedural Business

(a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public. A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

2 Constitutional Matters

9 - 14

3 Minutes

15 - 26

To consider the minutes of the previous TECC meeting held on 9 March 2023.

Contact Officer: Thomas Bald, Democratic Services Officer Tel: 01273 291058

4 Chairs Communications

5 Call Over

- (a) Items (9 – 12) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

6 Public Involvement

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 9 June 2023;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 9 June 2023.

7 Items referred from Council

To consider items referred from the last meeting of Full Council held on X 2023

8 Member Involvement

27 - 28

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions;
- (e) **Written Questions:** To consider any written questions;
 - 1) **Samer Bagaeen** – 5G Antenna
- (f) **Letters:** To consider any letters;
- (g) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

9 Seasonal Lifeguard Service 2023

29 - 34

Ward Affected: All Wards

10	Tree Enforcement	35 - 44
11	Rottingdean Neighbourhood Plan – Submission for Examination	45 - 64
	<i>Contact Officer: Carly Dockerill, Principal Planning Officer Tel: 01273 292382</i>	
	<i>Ward Affected: Rottingdean & West Saltdean</i>	
12	Co-Living Interim Planning Guidance	65 - 76
13	Items referred for Full Council	

To consider items to be submitted to the 21 July 2023 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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Date of Publication 7.6.23

Brighton & Hove City Council

**Culture, Heritage, Tourism,
Sport, & Economic
Development Committee**

Agenda Item 2

Subject: Constitutional Matters

Date of meeting: 15 June 2023

Report of: Executive Director, Strategy, Governance & People

**Contact Officer: Name: Thomas Bald
Tel: 01273 291354
Email: thomas.bald@brighton-hove.gov.uk**

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To provide information on the committee's terms of reference and related matters including the appointment of its Urgency Sub-Committee.

2. Recommendations

2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and

2.2 That the committee agrees to establish an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee.

3. Context and background information

3.1 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the constitution together with a summary of their respective functions.

Culture, Heritage, Tourism, Sport, & Economic Development – Terms of Reference

3.2 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.3 The membership of the committee is set at 10 Members of the council.
- 3.4 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, are set out in the Council Procedure Rules 18.14 to 18.25.

Programme Meetings

- 3.5 Ordinary meetings of the Culture, Heritage, Tourism, Sport, & Economic Development Committee are scheduled to take place on the following dates during 2023/24:

15 June 2023
14 September 2023
9 November 2023
18 January 2024
7 March 2024

- 3.6 Meetings of the Committee will normally be held at Hove Town Hall and will start at 4.00 p.m.

Urgency Sub-Committee

- 3.7 The Constitution states that each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of two Members from the Administration and one Member from the Official Opposition on the Council.
- 3.8 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.

4. Analysis and consideration of alternative options

- 4.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

5. Community engagement and consultation

- 5.1 All Members considered and approved the constitution and the changes therein on the 29 July 2022.

6. Conclusion

- 6.1 The recommendations are being put forward in line with the requirements of the constitution.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report. The financial implications of matters considered by the Urgency Sub-Committee will be included in reports to the Sub-Committee.

Name of finance officer consulted: Jeff Coates Date consulted: 7/6/23

8. Legal implications

- 8.1 The Council's constitution complies with the legal framework set out in the Localism Act 2011, the Local Government Act 2000 and other relevant legislation.

Name of lawyer consulted: Alice Rowland Date consulted: 7/6/23

9. Equalities implications

- 9.1 There are no equalities implications arising from the report.

10. Sustainability implications

- 10.1 There are no sustainability implications arising from the report.

Supporting Documentation

1. Appendices

1. Culture, Heritage, Tourism, Sport, & Economic Development Terms of Reference

CULTURE, HERITAGE, SPORT, TOURISM & ECONOMIC DEVELOPMENT COMMITTEE

Explanatory Note

The Committee has responsibility for co-ordinating the Council's approach to economic growth & regeneration, culture, tourism and leisure and planning policy.

Delegated Functions

1. Building Control

To exercise the Council's functions regarding building control.

2. Conservation and Design

To exercise the Council's functions in relation to conservation and design including the Hove Borough Council Act 1976.

3. Culture, Arts and Heritage

To exercise the Council's functions in relation to culture, including arts, entertainment, cultural activities and heritage.

4. Economic Growth and Regeneration

(a) To exercise the Council's functions regarding the promotion of economic growth and the establishment or development of business sectors. This includes partnerships for the purposes of advancing the local economy such as with the city's universities.

(b) To promote and develop the economic fundamentals of Brighton & Hove in areas such as adult skills, productivity and development sites.

5. Events

To exercise the Council's functions in relation to events, including the annual programme of entertainment events (providing that if the relevant Director, or other officer with delegated powers, is of the view that the event is a major event or has corporate budgetary or policy implications the matter shall be referred to the Policy & Resources Committee).

6. Leisure, Sports and Recreation

To exercise the Council's functions in relation to the provision and management of leisure, sports and recreation facilities.

7. Museums

To exercise the Council's functions in relation to museums, art galleries, historic buildings and their gardens and the functions of the Council regarding public records.

8. Planning

To exercise the Council's functions as the local planning authority (to the extent that they are not development control functions delegated to the Planning Committee), including the formulation and development of the Development Plan Documents prior to their adoption by Full Council.

9. Seafront for Leisure

To exercise the Council's functions regarding leisure activities undertaken on the seafront including the esplanade, beach and foreshore.

10. Tourism & Marketing

To exercise the Council's functions in relation to tourism, marketing and conferences.

11. Community Wealth Building and Social Value

To exercise the Council's functions regarding the promotion of community wealth and social value including, but not limited to, the co-ordination of policies and make recommendations to the relevant Committees of the Council.

Brighton & Hove City Council
Tourism, Equalities, Communities & Culture Committee

4.00pm 9 March 2023

Hove Town Hall - Council Chamber

Minutes

Present

Councillors: Osborne (Joint Chair), Powell (Joint Chair), Rainey (Deputy Chair), Evans (Opposition Spokesperson), Grimshaw (Opposition Spokesperson), Bagaeen (Group Spokesperson), Ebel, Littman and Robins.

Co-Optees: Kirsty Walker, Justin Burtenshaw.

51 PROCEDURAL BUSINESS

51a

Apologies from Councillor Simson and Stephanie Prior.

Kirsty Walker attending as substitute for Joanna Martindale.

51b

Councillor Powell declared an interest that she works for Sussex Police and her partner works for Community Works.

51c

It was agreed that the press and public not be excluded from any item on the Agenda.

52 MINUTES

The Minutes of the previous meeting held on 12 January 2023 were agreed as an accurate record.

53 LGBTQ+ MIGRATION, SOCIAL ISOLATION, AND DISTRESS PRESENTATION

53.1 The Chair invited Zoe Boden-Stuart (University of Brighton) and Erica Thornton (MindOut) to give the presentation referring to the report found on page 19 of the Agenda.

53.2 Councillors Grimshaw, Powell, Robins, Bagaeen, & Justin Burtenshaw spoke about mental health services, funding, commissioning services, intersectionality, procurement, and working with Sussex Police.

54 CHAIRS COMMUNICATIONS

The Chair gave the following communications:

Well, here we are, it's final TECC of this term. It's been a pleasure being on the committee over the past few years, and I've really enjoyed working with my co-chair Steph over the past 2 and half years. We are the first administration to bring in co-chairing and I think we have proven that it can work well. I hope other members have enjoyed it too. It's a diverse set of roles that we look at and we have done a lot over the last few years, and I just thought I'd give a quick run-down of things that we have been able to agree as a reminder.

- For **culture**, we have agreed our annual events schedule, which continues to support the fringe, festival, pride, and other large events, and have supported new events in the city such as the Christmas market. We have agreed our Public Arts strategy, as well as the ABCD cultural recovery plan, which has successfully invested over £500k in the sector and will continue in the new Cultural Alliance being set up. Culture is a key part of tourist attraction and so this also links into our Tourism Recovery Strategy which has been important in helping the cities visitor economy find its feet after the pandemic.
- On **equalities**, we receive regular updates on the councils work to tackle racism, and it's great to see that the anti-racist strategy is finally coming later in this agenda. We have worked closely with the CAG on this and we would like to thank Stephanie Prior for her insightful input at these meetings. The accessibility strategy has also had a lot of work over the recent months and will be coming to next committee. The committee has also brought forward strategies to tackle VAWG. We have agreed to seek accreditation to be a White Ribbon organisation with a 3-year action plan which we are working towards and have been able to agree how the new burdens funding from the DA Act will be spent in the city. There was the unfortunate case of Rise losing its contract in 2021 but after the campaign about that, Cllr Steph chaired a cross-party group to look into this and has created recommendations for the future provisioning of that service. Finally, some other things that Steph has been involved in our reaccreditation as a City of Sanctuary, which has been taken alongside our Inclusive Cities Taskforce work.
- We have also taken forward work on sports facilities and the Sports Facilities Investment Plan was agreed and is progressing via the working group. This has included additional facility developments at Withdean (3G pitches, Padel tennis and a Soft Play project) and plans for the development of a brand new sports centre in the West of the city is progressing- we have been engaging with local community groups and regular centre users and are distributing marketing materials to promote key messages and our new webpages and an expression of interest process launched last month to identify other potential sites across the city that could be suitable for our new leisure centre. We expect a site to be chosen later in the year.
- Our action plan for community wealth building has been agreed at January committee
- Seafront- reviewed and refreshed the beach chalet policy and agreed feasibility study for new chalets which came back to state preferred option of new chalets in Saltdean which will be taken forward.
- Community Safety Strategy coming later today and thanks to ongoing presence of Sussex Police at these meetings.
- Libraries- a new libraries strategy was agreed with a wider consultation on this. We have maintained our commitment to libraries as best as we can over recent difficult years.
- Third Sector Investment Programme- thanks for CVS partners for ongoing work and valued input into our budget and attendance of Jo at our committee meetings.

- Last but not least, we have been active in the planning policy role of this committee, we have agreed the city plan part 2, progressed neighbourhood plans, including designating two new areas, agreed on moving to CIL and the governance on that, and the pot of that is growing and will be ready for distributing later in the year, as well as protecting our local parades with A4D and renewal of our Biodiversity and Nature Conservation SPD.

So, a lot!

I did want to thank the members from other parties on their willingness to engage constructively on these matters and I think we can always get more done by being collegiate.

Today, alongside the anti-racist strategy which I've already mentioned we have a few important reports and just wanted to mention about the lifeguard's service. This is something I spoke about in the budget and unfortunately, it's something we have considered as a cut this year, having previously ruled it out. In an ideal world, no one would reduce the service, but with budget cuts we have had to review all proposals and decided this service could be run in a more efficient way. Part of the report discusses long term options, and to be clear, we hope that there could be increased numbers in future years if external funding can be fund and partnership agreed. For this year, there are extra mitigation measures in place and a risk-based approach but I'm sure this report will be debated later and get the attention that it deserves.

I normally try to mention a few upcoming things to add to your diaries.

Brighton Marathon taking place on Sunday 2nd April which we are really pleased to see return after we managed to save the event at last minute after its organisers went into administration. Then in May the city will welcome back the fringe and festival. Please check out the events scheduled, it's always my favourite time of the year, and alongside the Spiegel tent on the Old Steine, there is the Rotunda Theatre in Palmeira Square, a new site north of St Peter's called Caravanserai, and ...

We also thrilled to welcome hundreds of delegates to various conferences over the next few months including from 26-28 March 2023 when we will be hosting the European Meetings and Events Conference in the City, which VisitBrighton secured, attracting over 200 global meeting planners. VisitBrighton continue to attract people to the city and have been able to generate well over £1 million in PR over last 3 months. We are expecting another busy year!

Finally, just wanted to mention that The Kingsway to Sea project has started and so expect to see more work on that over the next months, starting with the enabling works, hoarding and construction of the Outdoor Sports Hub. The project is expected to be completed by this time next year- all very exciting. There is improvement work happening across the stretch of our seafront, from proposed new chalets in Saltdean, the black rock project, Sea Lanes, plans for Madeira Terrace in place right the way along to West end of Hove. So, it's not like things aren't happening!

55 CALL OVER

The following items were reserved for discussion:

- Item 59** Brighton Dome and Brighton Festival Annual Report 2023/24
- Item 60** Anti Racism Strategy
- Item 61** Accessible City Strategy Update
- Item 62** Community Safety Strategy 2023-26
- Item 63** Ukrainian Refugee Programme Grants Scheme 2023-24
- Item 64** Lifeguard Service 2023

The following items were therefore agreed as per the recommendations set out in the reports:

- Item 65** Brighton Marina Neighbourhood Plan – Council Response to Regulation 14 Consultation
- Item 66** Local Development Scheme Update
- Item 67** Review of Local List of Heritage Assets

56 PUBLIC INVOLVEMENT

56.1 The Chair invited Ruth Farnell to put the question found on page 5 of Addendum 1 to the Committee and gave the following response:

The Voices of Lived experience board now has on average 15 active members of the board who live across Sussex. So far the board operates as a trauma informed, flexible and inclusive forum to enable members to participate in ways that work for them.

Some of the participation work that the Voices of Lived experience board have been involved with across Sussex includes awareness raising campaigns of during National Coproduction week in July 2022 and 16 days of activism in November/December 2022, linking in with other lived experience / expert by experience networks, contributing to the East Sussex Adult Social Care Strategy, Co-facilitating multi-agency Domestic Abuse Training in Adult Social Care and the NHS, Co-facilitating domestic abuse training to Student Social Workers at Sussex University (soon to be included at Brighton University), identifying barriers to reporting for Sussex Police, participating in interview panels for positions pertinent to domestic abuse, coproducing research in Identifying domestic abuse in Telemedicine, and presenting at local and national conferences.

Work planned for this Spring includes development work in schools to improve responses to victims / survivors of abuse, lunchtime learning sessions with members of Sussex Police Force, coproducing the partnership board development day, and development work focusing on the improvements needed for local victim / survivors with physical disabilities.

Feedback from members of VOLEB

Feedback from the participation work from Voices of Lived Experience Board has been positive. One member of the board said “After years of being in an abusive relationship, I love that I am finally made to feel welcome somewhere. I get to meet people who understand what I have been through, and we all support each other. Most importantly, though, I finally get my voice back. I am no longer silenced”

56.2 The Chair invited Ruth Farnell to ask the following supplementary question:

We are just looking at the new services themselves from the view of the lived experience board. The new service was not particularly visible locally and we thought the board might have picked up on that. If you look on web searches you don't find the new services. The pages are very text heavy and there's very little information on there. The only languages are English and Welsh with no other language options. There are no illustrations and plenty of abbreviations and quite specific references that a lay person wouldn't particularly understand. We've had no real feedback from the voices of the lived experience board, we were expecting some in September but we didn't get any – we had a short email this week which was positive thank you. But considering that the survivors of domestic abuse are vulnerable and hard to reach, are you satisfied that the website and the communications are actually reaching them?

56.3 The Chair then confirmed that a written response would be sent to Ruth Farnell after the meeting.

56.4 The Chair invited Dani Ahrens to put the question found on page 5 of Addendum 1 to Committee and gave the following response:

Officers have been unable to pull together the information in time for the meeting, but we will be able to share written response with you.

56.5 The Chair invited Dani Ahrens to ask the following supplementary question:

I saw some relevant figures to this on RISE's website last week there was a blog post by the CEO of RISE – the number of people supported by Victim Support since they took over the contract in 2021 is considerably lower than the numbers supported by RISE in the previous 2 years. In 2021/2022 RISE's self-funded helpline service handled almost as many referrals as the commission service from Victim Support, resulting in considerably more clients receiving ongoing support from RISE than from Victim Support over the course of the year. The draft community safety strategy on the agenda today states an intention to offer a coordinated and improved service. Will you make a commitment to pursue that aim by returning to an integrated service for women subjected to domestic abuse, provided by trusted specialists such as those provided by RISE up to March 2021?

56.6 The Chair then gave the following response:

Thank you for your question. I don't think we can commit to anything yet but what we can commit to is some of the work Councillor Powell previously did on the cross party group that was looking at social value in procurement and so we can make sure that the commissioning of that service and the specification for the service is tightened up – so I think we can commit to that process first of all but those decisions are for further down the line. You also mentioned the community safety strategy so we might be able to touch on that if Councillors want to look at that specific reference. We can't give a clear commitment today but we do acknowledge that there does need to be more integrated services and we will be taking that forward when that decision is made which will be in the next term of the Council.

56.7 The Chair noted that Leon Golstein wasn't present at the meeting, and so read out the following responses to the questions found on page 5 of Addendum 1:

In order to be included in the council's Local List of Heritage Assets a building must be considered to meet the criteria set out in the council's Planning Advice Note on Local Listing,

which was approved at committee in 2015 following public consultation. St Catherine's Lodge comprises four large semi-detached houses dating from c1854 that were conjoined in c1927, with a new central link addition, to form a single hotel. The building is considered by heritage officers to meet the approved criteria, despite some later unsympathetic alterations. This is due to its overall architectural, townscape and historic interest and because the style of the original houses is unusual in this area, which forms part of the Cliftonville conservation area. There is no known public record of, or evidence for, the previous existence of a much older house on this site and this part of Hove is not known to have been developed until the 19th century.

A commemorative plaque, as mentioned in the question, can add to public understanding and appreciation of a historic building or site, but is a separate form of recognition that may supplement local listing rather than replacing it.

56.8 The Chair then read out the response to the supplementary question submitted by Leon Golstein:

Any future planning proposals for the building on the site would be subject to public consultation and consideration of the benefits of any scheme. The council cannot pre-judge the outcome of any future public consultation.

56.9 The Chair invited Nicola Bengé to put the question found on page 5 of Addendum 1 to Committee and gave the following response:

Both Victim Support and Stonewater developed a range of publicity materials to let residents and potential service users know about their services. Pamphlets for both services are available and have been distributed across services and community spaces in Brighton and Hove.

*In addition, the websites of both services include details of the services delivered in Brighton and Hove. Victim Support promoted their **Live Time HelpLine** and confirm that many survivors seek support out of hours via this method.*

Stonewater also regularly use Twitter to share local updates.

A large number of events have been attended which have all helped to publicise the service. However, during the first two years of the contract, the realities of COVID and mobilisation meant that awareness was prioritised by:

- 1) Working with partners to raise our profile with victims - especially those who specialise in protected characteristics, and*
- 2) Publicity via both the local VS website and the SaferSussex website. This led to significant numbers of self-referrals both via the form on our website and through survivors accessing our 24/7 web chat and 24/7 contact line at our National Contact Centre.*

With the increasing range of specialist IDVAs coming on line there is now capacity to publicise across a wider range of community locations including Hospitals, GP Surgeries, Children and Young Persons facilities.

56.10 The Chair then invited Nicola Bengé to ask the supplementary question found on page 5 of Addendum 1 and gave the following response:

A wide range of engagement has taken place since 2021. This included working with B&H Victim Hub, the LGBTQ+ Switchboard, Fulfilling Lives, the High Harm Perpetrator Program, trans pride, providing training and consultation and speaking on a large range of podcasts and events.

There is a full list of events and activities that they have been doing over the past few years and officers will send details over to you afterwards. Officers are also happy to discuss how these can be better promoted in the future.

56.11 The Chair invited Dave Boyle to present the deputation found on page 7 of Addendum 1, and gave the following response:

The cross-party Members Advisory Group on Grants (MAG) meeting of 13th December 2021 considered a second report from officers. At that meeting, a compromise position was agreed and the wording of that decision was that that all Community Benefit Societies which can or do pay interest on share investments would be excluded from the Communities Fund. There is an element of individual personal gain and as such does not fit with the core purpose of the Communities Fund.

Members were very clear in their view that the potential to pay interest to the individual members of CBS ran against the core principles of the Communities Fund. However, to be clear, the decision means that a Community Benefit Society which does not have the means to pay interest to its members, by virtue of the Constitution of that Society, would be eligible to apply for funding from the Communities Fund. So, the advice is to ensure that there is something included in the Constitution of the CBS that explicitly states that interest payments will not be taken by the members.

Some added context: the Communities Fund is massively oversubscribed and for 2023/24 we received 122 applications requesting £752,807. The total available funding is £397,000; more than 50% of requested funding had to be rejected. This may mean that CBS applications are still rejected.

56.12 The Committee then noted the deputation.

57 ITEMS REFERRED FROM COUNCIL

There were none.

58 MEMBER INVOLVEMENT

There was none.

59 BRIGHTON DOME & BRIGHTON FESTIVAL ANNUAL REPORT 2023/24

59.1 The Chair invited Louise Peim to introduce the report starting on page 67 of the Agenda.

59.2 Councillors Grimshaw, Bagaeen, and Osborne spoke about diversity, strategy, numbers, social value, and procurement.

Andrew Comben confirmed he would send a full breakdown of the demographics of the permanent, casual and volunteer workforce to Councillor Bagaeen, as well as more information on social value.

RESOLVED:

That Committee:

1. Noted the achievements of the organisation despite challenges presented to them, including significant delays to the capital works at the Corn Exchange and Studio Theatre.
2. Supported the Trust's plans for the forthcoming year 2023/24.

60 ANTI RACISM STRATEGY

60.1 The Chair invited Jamarl Billy to introduce the report starting on page 73 of the Agenda.

60.2 Councillors Grimshaw, Robins, Powell, Littman, and Bagaeen spoke about community engagement, local organisations, leadership in the Royal Pavilion and Museums Trust, procurement, and stakeholders.

RESOLVED:

That Committee:

1. Approved the Anti-Racism Strategy 2023-2028 as set out in appendix 1.
2. That Committee recommends the Anti-Racism Strategy to Policy & Resources Committee.

That Policy and Resources Committee:

- 3.1 Approves the Anti-Racism Strategy as set out in appendix 1.

61 ACCESSIBLE CITY STRATEGY UPDATE

61.1 Emma McDermott introduced the report starting on page 121 of the Agenda.

62.2 Councillors Grimshaw, Powell, Bagaeen, Osborne, spoke about disability inclusivity and equality monitoring data.

RESOLVED:

That Committee:

1. Noted progress on development of the Accessible City Strategy.

62 COMMUNITY SAFETY STRATEGY 2023-26

62.1 The Chair invited Jo Player to introduce the report starting on page 129 of the Agenda.

62.2 Councillors Powell, Grimshaw, and Bagaeen spoke about anti social behaviour, the racial harassment forum, domestic violence, violence against women and girls, and the cross party working group, and were informed that the report in the Agenda was the final version to be agreed by TECC and Council hence the draft watermark, and terminology referring to LGBTQ+ people would be looked at to be more consistent.

RESOLVED:

That Committee:

1. Approved the strategy and the suggested priority areas for reducing crime and disorder in Brighton and Hove.
2. Referred the strategy to Full Council for sign off as set out in the Constitution.
3. Approved the additional consultations as set out in paragraph 5.5.

63 UKRAINIAN REFUGEE PROGRAMME GRANTS SCHEME 2023-2024

63.1 The Chair invited Emma McDermott to introduce the report starting on page 185 of the Agenda.

63.2 Councillors Powell and Bagaeen spoke about employment & skills and the allocation of funds.

RESOLVED:

That TECC Committee:

1. Approved the Ukrainian Refugee Programme grant scheme proposed in section 4.
2. Approved delegate authority to the Executive Director of Housing, Neighbourhoods, Communities to authorise the grant awards.

Recommends that Policy and Resources Committee:

3. Approves the Ukrainian Refugee Programme grant scheme proposed in section 4.
4. Approves delegated authority to the Executive Director of Housing, Neighbourhoods, Communities to authorise the grant awards.

64 LIFEGUARD SERVICE 2023

64.1 Mark Fisher introduced the report starting on page 189 of the Agenda.

64.2 The Chair invited Councillor Evans to move the Labour Amendment, which was seconded by Councillor Robins.

64.3 Councillors Powell, Ebel, Littman, Robins, Bagaeen, Evans, and Grimshaw and spoke about funding, tourism, funding allocation, risk assessments, risks on different stretches of

beach, specific incidents of life saving, and the further implications of a reduced lifeguard service.

64.4 The Committee voted against the Labour Amendment.

RESOLVED:

That Committee:

1. Noted the risk-based approach to prioritising the beaches that will have lifeguard stations for the 2023 summer season (May – September).
2. Agreed to focus core lifeguard resources on four beaches during the 2023 season, as outlined in para 4.2, based on the findings and control measures identified through the beach risk assessment process.
3. Agreed that additional lifeguards during the six-week school holiday period will be stationed on three further beach areas, as outlined in para 4.5, following the same risk-based approach.
4. Agreed to progress a review of options for the longer-term delivery of a sustainable Lifeguard Service, including options to increase funding through sponsorship and/or for the RNLI to deliver the service on the Council's behalf.

65 BRIGHTON MARINA NEIGHBOURHOOD PLAN - COUNCIL RESPONSE TO REGULATION 14 CONSULTATION

RESOLVED:

That Committee:

1. Endorsed the officer comments set out in Appendix 1 which have been submitted to Brighton Marina Neighbourhood Forum as a draft response to its recent public consultation on the Draft Brighton Marina Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

66 LOCAL DEVELOPMENT SCHEME UPDATE

RESOLVED:

That Committee:

1. Approved the revised Local Development Scheme 2023 – 2026, attached as Appendix 1.

67 REVIEW OF THE LOCAL LIST OF HERITAGE ASSETS

RESOLVED:

That Committee:

1. Agreed those nominated heritage assets at Appendix 1 that are to be included in the Local List of Heritage Assets

2. Noted those nominations at Appendix 2 that are not to be included on the Local List of Heritage Assets.
3. Noted that the next periodic review will be undertaken in 2028.

68 ITEMS REFERRED FOR FULL COUNCIL

There were none.

The meeting concluded at 7.35pm.

Signed

Chair

Dated this

day of

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 8 (b)

Subject: Member Questions

Date of meeting: 15.6.23

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from Members
This Committee:

1) Samer Bagaen – 5G Antenna

Westdene and Hove Park leaseholders at Park Lodge have again been subjected to a speculative application by the mobile operators to turn their homes into a giant 5G antenna. They feel let down by the Council's lack of technical and planning guidance to support the delivery of digital connectivity infrastructure.

Would the Council therefore commission and prepare as a matter of urgency city plan guidance, as the London Plan team at the GLA is currently doing, covering all stages of digital connectivity planning applications and provide clarity on locations, expectations and requirements.

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 9

Subject: Seasonal Lifeguard Service 2023

Date of meeting: 15 June 2023

Report of: Executive Director Economy, Environment and Culture

Contact Officer: Name: Mark Fisher, Interim Assistant Director Culture,
Tourism & Sport
Email: Mark.Fisher@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report outlines the proposed approach to extending the Brighton and Hove Beach Lifeguard Service from seven beaches to ten to provide additional lifeguard cover during the busiest weeks of the summer season, including the school holidays starting at the end of July 2023.
- 1.2 The service was reduced for the start of the 2023 summer season following a saving of £0.1m in the service budget from April 2023. To extend the service, additional qualified staff will need to be recruited, tested and trained to ensure that a safe service is delivered. In total, an extra 15 seasonal lifeguards will be required on duty each day to extend the service to all of the beaches that were lifeguarded over the summer of 2022. This is expected to cost up to an additional net £0.093m.

2. Recommendations

That the committee:

- 2.1 Agrees to extend the seasonal lifeguard service to a further three beaches, as outlined in para 4.5 as soon as practicably possible. This is subject to the recruitment and availability of qualified and appropriately trained staff.
- 2.2 Notes the risk-based approach to prioritising the beaches which will have lifeguard stations during the recruitment of additional qualified and trained staff.
- 2.3 Notes the additional financial requirement of net £0.093m to extend the service after budget savings already taken. For 2023/24 financial year this will be covered by service efficiencies across the seafront budget.

3. Context and background information

- 3.1 Lifeguards are stationed on Brighton and Hove beaches from the end of May until the end of the school holidays at the start of September each year. They not only act as first responders to incidents in the sea, but also provide preventative safety advice and first aid, as well as helping to find lost children, provision of tourist information and enforcement of byelaws. Whilst lifeguards play an important role in protecting beachgoers, there is no statutory duty for the Council to provide this service.
- 3.2 Over the past few years, the lifeguard service has been adapted to respond to the pandemic and new ways of working. This has involved redistribution of resources to manage new rescue and staff welfare protocols as well as reflecting the increase in visitor numbers and incidents. As a result, there has been an incremental increase in costs to run the service.
- 3.3 The lifeguard service budget was reduced by £0.1m for 2023/24. In March 2023 the Tourism, Equalities, Communities and Culture Committee agreed a reduced service running from 27 May 2023 that aligned with the smaller budget. As part of the 2023/24 budget setting process an additional one-off £0.06m budget amendment was made available across the Lifeguard Service, Volk's Railway and Visit Brighton.
- 3.4 An intensive period of recruitment, testing, and induction took place between February and May to ensure skilled lifeguards were in place to start delivering the service from 27 May 2023. They are equipped with the full range of first responder tools and rescue kit, working as a team in conjunction with seafront co-ordinators and the wider Seafront Team to prevent incidents and save lives.
- 3.5 Based on an assessment of risk, including visitor numbers, hazards and previous incidents, lifeguards are now stationed until 3 September 2023 at:
- West Street,
 - Palace Pier West,
 - Palace Pier East, and
 - King Alfred.
- 3.6 Additional lifeguard stations are planned on the following beaches from 22 July to 3 September, to provide further cover during the busy school holidays:
- Saltdean,
 - West Pier/Bandstand, and
 - Hove Lawns.
- 3.7 The overall number of lifeguarded beaches has been reduced from ten in 2022 to seven for the 2023 season. Lifeguards have been deployed with the aim of delivering a reduced service well, rather than stretching limited resources across all beaches. This is to ensure a safe, well-managed service is delivered using sufficient levels of cover to protect beach goers, mitigate the number of major incidents, manage high stress situations, and prioritise staff welfare.

3.8 Beaches currently without lifeguards for the 2023 season include Rottingdean; Dukes Mound/Black Rock; and West Hove/Lagoon. If incidents occur on beaches without lifeguards, a member of the lifeguard team will respond if it is practical to do so and does not reduce the levels of safe cover on lifeguarded beaches. Other responders, including the patrol boat, seafront coordinators, and/or seafront officers, as well as partner, emergency service agencies may be called on to deal with the incident. To facilitate a prompt and efficient response, rescue equipment is stored in containers located on non-lifeguarded beaches, should the need to respond arise.

4. Extending the service during the 2023 season

4.1 To extend the current service during the busiest part of the season and cover all previously lifeguarded beaches (ten in total), an additional 15 lifeguards are required on duty each day. This includes provision for additional lifeguards at existing stations to provide greater levels of contingency cover in instances where staffing levels are depleted, e.g. because of absence, major incidents or other extreme circumstances.

4.2 If all 15 lifeguard posts are filled and the service is extended to cover ten beaches from the start of the peak season in July, this will cost the service an anticipated additional £0.153m. Utilising some of the one-off budget amendment and phasing the opening of beaches as the resources become available reduces the additional cost in 2023/24 to up to £0.093m.

4.3 The location and number of lifeguards on the city's beaches follows a risk-based approach. Each beach is designated a risk rating based on a number of key factors:

- Number of beachgoers during the summer season
- Number of water users during the summer season
- Location of previously recorded major and non-life-threatening incidents
- Type of incidents that occur and likely activities of beachgoers
- Presence of physical hazards, e.g. groynes and steep slopes
- Surf conditions, including rip currents
- Lone working and staff welfare

4.4 Lifeguard resources have been prioritised for the 2023 season on the higher risk beaches and deployed in a way that ensures there are enough lifeguards on duty to safely supervise beach and water users swimming in designated bathing zones. In extreme circumstances, for example overcrowding, extreme weather, or high levels of staff absence, it may be necessary to withdraw lifeguards from a beach because it is no longer possible to operate the service safely.

4.5 To mitigate the risk of this as far as possible, the service will first deploy any additional lifeguard resources to provide extra cover on the highest risk, busiest beaches, before further lifeguard stations are opened. Subsequent lifeguard stations will then be opened on the remaining beaches in the

following order of priority, based on their risk classification and minimum staffing levels:

- Dukes Mound/Black Rock
- West Hove/Lagoon
- Rottingdean

- 4.6 This approach means that the Seafront Team can mobilise additional resources effectively and extend the service in a way that is manageable and safe to operate.
- 4.7 Every lifeguard recruited must meet the swim test requirements, hold a valid UK Beach Lifeguard qualification, complete relevant employment checks, and undertake induction training before they can be stationed on a beach. This process can be fast-tracked in this instance and the service has also sourced a training provider to enable individuals to gain the requisite qualification.

5. Analysis and consideration of alternative options

- 5.1 The full cost of replicating the 2022 Lifeguard service across ten beaches (seven stations from May – September and an additional three during the school summer holidays) is £0.437m. The current operational budget is £0.218m after the £0.1m saving in 2023/24 is applied. The full cost includes employing and training seasonal lifeguards, as well as purchasing and maintaining equipment, vehicles and uniform for the team. The 2023 summer season began on 27 May so whilst it is no longer possible to fully replicate the 2022 service for this year, the proposals in this report aim to reinstate the same levels of lifeguard cover during the busiest weeks of the season.
- 5.2 Options for a more financially sustainable lifeguard service model will continue to be developed throughout 2023, with a view to implementing changes, subject to committee approval, in 2024. All options are being explored, including a strategy for fundraising and sponsorship to provide an additional income stream to support the service and/or the service being delivered under contract by another body.

6. Community engagement and consultation

- 6.1 The Seafront Team has close working relationships with the emergency services regarding incident response along the coast. Information about the revised shape of the service has been shared with key agencies in the Safety Advisory Group and operational protocols updated accordingly.
- 6.2 A petition to stop the Lifeguard budget saving received more than 3,000 signatories prior to the Budget Council meeting on 23 February. There continues to be public interest in the operation of the service because of the number of injuries and fatalities that occur each year on UK beaches.

7. Conclusion

- 7.1 The lifeguard service plays an important role in ensuring visitors to Brighton and Hove's beaches can enjoy the coastline safely. The changes to the lifeguard service for 2023 were implemented to ensure the highest risk, most busy beach areas remain supervised by qualified and trained individuals, whilst operating with a reduced service budget.
- 7.2 There is no statutory duty for the Council to deliver a lifeguard service, but the service is highly valued by the local community and visitors to the city. Lifeguards have a considerable impact on people's experience of the city's beaches, not least as first responders who save lives, but also through taking preventative action.
- 7.3 To ensure that the widest number of visitors can enjoy a safe beach and water experience, the proposal is to extend the 2023 service to include lifeguard stations on further beaches that were previously covered in 2022 during some of the busiest weeks of the summer season. This will cost the service up to an additional £0.093m and be subject to the recruitment, training and availability of additional lifeguard resources.

8. Financial implications

- 8.1 In previous years costs for providing the Lifeguard service had been above budget, but this had been mitigated from efficiencies and increased income within the seafront services budget.
- 8.2 To agree to extend the Lifeguard service from seven beaches to ten during the peak summer season is anticipated to cost an additional £0.153m assuming all resources start at the beginning of the peak season. By utilising the £0.06m one-off budget amendment allocation this reduces the additional cost in 2023/24 to a maximum net £0.093m. No budget has been identified for the remaining cost and will be treated as in-year pressure as part of the council's monthly budget monitoring process until funding is identified.
- 8.3 It should be noted to fully resource and operate the seasonal Lifeguard service as per the 2022 season would require a budget of £0.437m which would require £0.219m additional ongoing funding compared to a 2023/24 base budget of £0.218m.

Name of finance officer consulted: John Lack Date consulted: 01/06/2023

9. Legal implications

- 9.1 Section 234 Public Health Act 1936 gives local authorities a general power to provide lifesaving equipment at such places as they see fit. Sea based recreation is not currently protected by legislation and those who undertake such activity do so at their own risk. The Council can therefore provide lifeguards but is not under a legal obligation to do so.

Name of lawyer consulted: Alice Rowland Date consulted: 05/06/2023

10. Equalities implications

- 10.1 Brighton and Hove beaches are enjoyed by people from all protected groups under the Equality Act 2010. In recent years the Council has sought to improve beach access for disabled people, having recently installed an accessible boardwalk as part of the Black Rock rejuvenation, made all terrain wheelchairs available along the seafront, and improved the number of Blue Badge parking bays along Madeira Drive. Extending the lifeguard service to include an additional station at the Dukes Mound/Black Rock beach is likely to have a positive impact on disabled beachgoers benefiting from the improved beach access.

11. Sustainability implications

- 11.1 Lifeguards help to ensure the city's beaches remain safe and clean by working within the seafront team to enforce byelaws along the coastline. Extending the lifeguard service is likely to have a positive impact on the wider beach environment.

12. Other Implications

Crime & disorder implications:

- 12.1 As part of their role, lifeguards monitor and tackle instances of anti-social behaviour and violence or aggression along the seafront. These incidents are often linked to the misuse of alcohol, drugs or as a result of poor mental health. Extending the lifeguard service is likely to have a positive impact on the handling of these type of incidents along the seafront.

Public health implications:

- 12.2 The seafront and bathing areas provide an important setting for participation in sport and physical activity with the subsequent benefit to physical and mental health, and increased wellbeing for users. Extending the lifeguard service will ensure a safer environment for people to undertake beach and water activities.

Supporting Documentation

1. Background documents

1. 'Lifeguard Service 2023', Tourism, Equalities, Communities and Culture Committee, 9 March 2023

Brighton & Hove City Council

Culture, Economic Development, Tourism & Heritage Committee

Agenda Item 10

Subject: Enforcement of Unauthorised Works to Trees

Date of meeting: 15th June 2023

Report of: Executive Director of Economy, Environment, Culture

Contact Officers: Name: Nicola Hurley
Tel: 01273 292114
Email: nicola.hurley@brighton-hove.gov.uk
Name: Peter Small
Email: peter.small@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 The report follows a notice of motion at Full Council on the 15 December 2022 which requested a report on local and national planning policy in relation to trees and Tree Preservation Orders (TPOs); and trees that are removed without agreement. In addition, lawful conditions the council can make on applications regarding trees.

1.2 The motion also requested a draft communications plan for residents and developers to support the Council's enforcement approach. The report responds to this and recommends the preparation of a tree enforcement policy for the Arboriculture Team and communications plan once the policy is adopted.

2. Recommendations

2.1 That Committee notes that enforcement of tree issues relating to development sites, including enforcement of planning conditions, is undertaken by the Planning Enforcement Team under the terms of the Planning Enforcement Policy (Appendix 1).

2.2 That Committee notes that the Arboricultural Team undertakes enforcement of tree issues where there are Tree Preservation Orders (TPOs) in place or trees in conservation areas (CA) in locations that are not presently subject to a planning consent.

2.3 That Committee requests officers to develop a draft enforcement policy relating to trees protected by TPOs, breaches of legislation around CA tree works and brings it to City Environment, South Downs and the Sea Committee for adoption followed by a communications plan.

3. Context and background information

3.1 The Notice of Motion from Full Council in December 2022 requested the following:

- Details on the council's and national planning policy in relation to trees with Tree Preservation Orders (TPOs) that are removed without BHCC's permission and lawful conditions the council can make on applications regarding trees;
- A draft communication plan for residents and developers to support the Council's enforcement approach.

Policy Background:

3.2 There are local and national policies and legislation in respect to trees that are outlined in Appendix 2 to this report. National policies provide an overview on protection of trees and local policies provide further detail to ensure trees are protected during development.

Measures available to protect trees:

3.3 There are a number of different measures available to the Council to protect trees and these are covered by two separate services. The Planning Service has enforcement powers to protect trees as part of new development schemes (such as compliance with conditions). The Arboriculture Team has powers to investigate unauthorised works to trees covered by a TPO and to trees in Conservation Areas. This is also discussed below.

Protection of Trees on Development Sites

3.4 Planning is able to attach conditions when granting full planning permission, to ensure trees are protected during development (such as protective fencing for trees). The British Standards Institute Standards BS 5837:2012; Trees provides standards for this in relation to design, demolition and construction and is often used when requiring protection works.

3.5 The Arboriculture Team is consulted on all planning applications that impact on trees including those covered by TPOs and in Conservations Areas. These comments will ensure that the right conditions are attached to permissions and trees are protected. Therefore, although the granting of full planning permission can override a TPO, this will have been considered as part of the planning application. In addition, consent is not required for cutting down or carrying out work on trees, that may be protected, which are dead, dying or have become dangerous.

Trees subject to Tree Preservation Orders

3.6 A Tree Preservation Order is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of

amenity. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 seek to prevent the cutting down; topping; lopping; uprooting; wilful damage; and wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

- 3.7 Expediency is a key test for justifying designation (in the interests of amenity) and relates to significance of impact on the amenity of the area from a tree being cut down or pruned. Amenity considerations take into the account the criteria of visibility; individual impact and wider impact. These powers are exercised by the Arboriculture Team.

Trees in Conservation Areas

- 3.8 The Town and Country Planning Act 1990 also makes special provision for trees in conservation areas which are not the subject of a TPO. Under this legislation, anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the LPA six weeks' prior notice to allow for the Authority to protect the tree with a TPO.

Enforcement (Planning):

- 3.9 If planning permission is granted subject to conditions concerning trees and those conditions (conditions must meet tests in national guidance) are breached - this is a breach of planning control. The investigation and resolution of this will be carried out in line with the Council's adopted Local Planning Enforcement Plan.
- 3.10 Once a breach has been established, it is necessary to consider whether it is expedient (i.e. significant harm is caused) to take enforcement action. In terms of enforcement powers, if a notice is served and is contravened, then this is an offence. As a result, a criminal investigation can be conducted, and it will be considered whether the evidential test has been met and whether it is in the public interest to pursue a prosecution (details in the Local Enforcement Plan).

Enforcement (Arboriculture Team)

- 3.11 The Arboriculture Team are responsible for enforcement action for trees that are subject to a Tree Preservation Order or trees that are protected in Conservation Areas. For example, if works are undertaken to a tree that is subject of a Tree Preservation Order (TPO) without consent. This may be a criminal offence where consent is required. A person is in contravention when it can be proven, beyond reasonable doubt, that they
- cut down, uproot or wilfully destroys a tree; or
 - top, lop or wilfully damage a tree in a way that is likely to destroy it; or
 - causes or permits such activities.
- 3.12 The ability to prosecute such an offence is time limited and there is also a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order.

- 3.13 There is not currently a policy in place for investigating such matters and it is therefore proposed that an Arboricultural Team Tree Enforcement Policy is prepared. It will need to go to the City Environment, South Downs and the Sea Committee for agreement. This will sit alongside the existing Planning Enforcement Policy.

4. Analysis and consideration of alternative options

- 4.1 Preparing an Enforcement Policy document that covers unauthorised works to TPO trees would provide the public and the team investigating the alleged breaches more certainty and clarity on the process. Furthermore, it would provide support to a decision made by the team. It is therefore proposed that such a policy is developed and brought to members for agreement.
- 4.2 Not preparing an Enforcement Policy Document will not give certainty to members of the public or clarity over decision making and why a particular decision was made if the outcome was not as the complainant wished.

5. Community engagement and consultation

- 5.1 The principles of the adopted Enforcement Plan was subject to consultation through Members Workshops in February and April 2022.
- 5.2 Any Tree Enforcement Policy prepared by the Arboriculture Team will be subject to consultation. In addition, the proposed communications plan will help to raise awareness of the policy once adopted.

6. Conclusion

- 6.1 The report sets out the differences between enforcement powers between the planning enforcement team and the Arboricultural team. The current Planning Enforcement's Local Enforcement Plan (planning team) helps guide investigations as well as decision making for enforcement cases. Similarly, a policy document for unauthorised works to trees will help guide investigations and potentially more formal action for the Arboricultural Team.
- 6.2 The report recommends the preparation of the enforcement report for the Arboricultural Team. Following adoption of an Enforcement Policy document for unauthorised works to TPO trees, it is recommended that a communications plan is developed jointly between the Arboriculture and the Planning Enforcement teams.

7. Financial implications

- 7.1 There are no direct financial implications arising from recommendations 2.1 and 2.2 of this report which is for noting.
- 7.2 Agreeing to recommendation 2.3 of developing a draft enforcement policy relating to trees protected by TPO will require officer time within the Arboricultural Team to develop the enforcement policy and bring back to a

future committee. It is anticipated officer time would be contained within existing services budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 24/05/2023

8. Legal implications

- 8.1 The are no direct legal implications arising from the first 2 recommendations to this report as they ask members to note them.
- 8.2 Regarding the third recommendation, any policy document compiled by the Council must be in conformity with the Development Plan as a whole and pay heed to national policy and guidance. For tree issues, the relevant legislation has been set out in the body of this report and needs to be followed in any resultant policy.

Name of lawyer consulted: Katie Kam Date consulted (25/05/2023):

9. Equalities implications

- 9.1 The planning enforcement service is complaint led and therefore customers, to an extent, are self-selecting. Similarly, complaints regarding works to TPO trees are customer led. The Local Enforcement Plan was subject to an Equalities Impact Assessment and the TPO Enforcement policy will be subject to an Equalities Impact Assessment as well.

10. Sustainability implications

- 10.1 Development plan policy is subject to a sustainability appraisal. In addition to this sustainability is a material consideration and decisions will be made in this regard.

Enforcement of Unauthorised Works to Trees Report:

Appendix 1 – Planning Local Enforcement Plan

The Planning Local Enforcement Plan was adopted at TECC Committee in September 2022. Here is a link to the document:

[Planning local enforcement plan \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk/planning-local-enforcement-plan)

Appendix 2 – Policy Background

National Policy

National Policy and legislation relate to trees in three different ways:

- Consideration of trees as a result of planning applications and subsequent enforcement of any breaches
- Making and enforcing Tree Preservation Orders (TPOs)
- Protected Trees in a Conservation Area

It can be the case that trees are considered and protected in these three different ways as they are separate regimes under the umbrella of the Town and Country Planning Act 1990.

National Planning Policy Framework (NPPF), Trees and Development Sites

The National Planning Policy Framework does not cover issues around Tree Preservation Orders and focuses on trees related to development that require planning permission from the Local Planning Authority. National planning policy states “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

This policy is captured in legislation: Section 197 of the Town and Country Planning Act 1990 imposes a duty for planning permission to make appropriate provision for the protection of trees. Further the Natural Environment and Rural Communities (NERC) Act 2006 s40 imposes a duty to conserve biodiversity.

Local Policy (for the determination of planning applications)

City Plan Part 2 Policy DM22 Landscape Design and Trees states that development proposals will be required to retain, improve and wherever possible provide, appropriate landscape elements/ landscaping, trees and planting as part of the development including taking account the need for the retention of existing trees and hedgerows with details provided of appropriate protection during construction. It is further stated:

“Where removal of a tree is unavoidable, for example by reason of it being severely diseased or dangerous:

- (i) the provision of plans is required that clearly identify the location and species of all those to be lost and all those to be retained; and
- (ii) replacement trees along with appropriate associated planting space and works of a type, size and location to the satisfaction of the council for any tree felled”

In terms of trees the subject of a TPO or if situated within a conservation area it is stated that “works to a protected tree will be permitted only where they do not damage the amenity value and health of the tree and/or are the minimum consistent with good arboricultural practice”. “The felling of a protected tree will only be permitted where it is severely diseased or dangerous, or, it is necessary to accommodate development of national importance which cannot be located elsewhere; and, a replacement tree is provided of a type, size and location to the satisfaction of the council.”

Policy DM26 concerning development in a conservation area states that particular regard will be had to the retention of trees and gardens where these are integral to the significance of the area.

Planning Enforcement Policy:

An updated Enforcement Policy for planning enforcement was approved at TECC committee in September 2022.

The purpose of the Local Enforcement Plan is to manage enforcement proactively, in a way that is appropriate to the area. Based on the number of complaints received as well as the historic cases the Plan sought to:

- focus resources and prioritise planning enforcement cases where it is expedient to take enforcement action and where it is in the public interest to prosecute criminal offences;
- manage customer expectations, and provide good customer service
- apply a consistent approach, negotiate a solution or where it is expedient to take action to remedy a breach or prosecute a criminal offence
- treat all customers, including complainants and contraveners, in a fair and inclusive manner and make decisions taking into account all relevant factors and circumstances.

A breach of condition relating to a planning application is a matter that would fall within the remit of the planning enforcement team and the Local Enforcement Plan covers this type of work.

Unauthorised works relating to TPOs not connected to a planning application fall under the remit of the Arboriculture Team. There is currently no local enforcement policy concerning tree enforcement beyond that dealt within the Planning Local Enforcement Plan concerning breaches of planning control and any contravention of subsequent notices. However, the National Planning Practice Guidance states

When faced with what they believe are unauthorised works to protected trees, local authorities may:

- do nothing – but only if justified by the particular circumstances;
- negotiate with the owner to remedy the works to the satisfaction of the authority;
- consider the option of issuing an informal warning to impress on the tree owner or others suspected of unauthorised works that such work may lead to prosecution;
- seek an injunction to stop on-going works and prevent anticipated breaches; or
- consider whether the tests for commencing a prosecution are met.

The guidance further states

“Negotiation may enable the authority to ensure that remedial works to repair, or reduce the impact of, unauthorised works to a protected tree are carried out. The authority should also take into account the legal duty to replace trees. Prosecutions cannot require remedial works to the tree but will, where appropriate, both punish offenders and deter potential offenders. The authority should consider whether there is a realistic prospect of a conviction and whether it is in the public interest to prosecute. It should also consider whether it is in the public interest to prosecute some or all of the individuals implicated in the offence.”

Brighton & Hove City Council

Culture, Heritage, Sport, Tourism & Economic Development Committee

Agenda Item 11

Subject: Rottingdean Neighbourhood Plan – Submission for Examination

Date of meeting: 15 June 2023

Report of: Executive Director - Economy Environment & Culture

Contact Officer: Name: Carly Dockerill
Tel: 01273 292382
Email: carly.dockerill@brighton-hove.gov.uk

Ward(s) affected: Rottingdean & West Saltdean

For general release

1. Purpose of the report and policy context

- 1.1 Rottingdean Parish has submitted its draft Neighbourhood Plan to the Council. The Council must now take responsibility for progressing the Plan through the subsequent stages of the neighbourhood plan process, as set down in legislation.
- 1.2 To meet the Neighbourhood Planning regulations, the Council published the Draft Plan for formal 'Regulation 16' consultation over a 6-week period from 2 February to 16 March 2023. The next step is to appoint an independent person to undertake an examination of the Neighbourhood Plan and to submit the Draft Plan for examination together with all representations received in response to the Regulation 16 consultation.
- 1.3 This report therefore seeks Committee agreement for officers to proceed with the appointment of an examiner and the submission of the Draft Neighbourhood Plan for examination. At this stage, the Council is not required to reach a formal view on the content of the Neighbourhood Plan.
- 1.4 Officer comments on the plan have been prepared in response to the recent Regulation 16 consultation and the Committee is also requested to endorse these as attached at Appendix 1 and for these to be submitted for consideration by the Neighbourhood Plan Examiner.

2. Recommendations

- 2.1 That the Committee agrees officers proceed with the appointment of a suitably qualified and experienced independent person to undertake examination of the Rottingdean Neighbourhood Plan;

- 2.2 That the Committee agrees to submit the Draft Neighbourhood Plan and its supporting documents for examination, together with all representations received in response to the Regulation 16 publication of the Draft Plan; and
- 2.3 That the Committee endorses and agrees to submit the officer comments on the Draft Neighbourhood Plan set in Appendix 1 as the Council's Regulation 16 response for consideration at the examination.

3. Context and background information

The Neighbourhood Planning Process

- 3.1 Neighbourhood planning is a way for local groups (i.e., parish councils or designated neighbourhood forums) to take a lead on planning the future of their local area. Preparation of a neighbourhood plan involves several prescribed stages which are set out in the relevant planning legislation. Once formally 'made', a neighbourhood plan becomes part of the city's statutory Development Plan and will be used to determine planning applications. The process requires neighbourhood plans to satisfy several tests called 'basic conditions' which are summarised in Appendix 2. One of these is that the neighbourhood plan must be in general conformity with the strategic policies set out in the council's City Plan.
- 3.2 Rottingdean Parish has been working for several years to prepare a neighbourhood plan for its area and council officers have provided support and comments on the plan's preparation to date. The Parish has undertaken extensive engagement with the local community and the publication of a draft version of its Neighbourhood Plan for an 8-week period of consultation took place from 14 February 2021 to 9 April 2021 (referred to as 'Regulation 14' consultation). Council officers submitted formal comments in response to the 2021 consultation which were agreed by delegated authority in June 2021.
- 3.3 The Parish has now formally submitted its Draft Neighbourhood Plan and supporting documents to the Council¹. It is the second neighbourhood group in the city to have reached this stage of the process. From this point forward, planning regulations require that the Council takes responsibility for all subsequent stages of the neighbourhood plan process. This has already included making public the Draft Neighbourhood Plan and supporting documents for a period of at least 6 weeks and inviting representations (this stage is often referred to as 'Regulation 16' consultation).
- 3.4 The Council is now required to appoint a suitably qualified independent person to undertake formal examination of the Plan and to submit the Draft Plan for examination along with all twelve representations received in response to the Regulation 16 consultation.

¹ Under Regulation 15 of the 2012 Neighbourhood Planning (General) Regulations, the neighbourhood body must submit the proposed Neighbourhood Plan, a map showing the neighbourhood area, a consultation statement, and a 'basic conditions statement'.

- 3.5 Following receipt of the Examiners' report, the Council must then decide what action to take in response to any recommendations made by the Examiner and then decide whether the Plan should proceed to a local referendum. If the Plan is supported by more than 50% of the residents voting in the referendum, it will become part of the statutory Development Plan for the Rottingdean area (alongside the City Plan). Councillors can therefore expect to see the Neighbourhood Plan again after the examination if officers seek to proceed the plan to the referendum stage.

Officer comments on the Draft Neighbourhood Plan

- 3.6 In response to the Regulation 16 consultation, council officers have reviewed the Draft Neighbourhood Plan and have compiled a schedule of comments attached at Appendix 1 to this report. It is necessary to ensure that the Neighbourhood Plan policies align with the Council's own plans for the Rottingdean area. It is also important to consider whether the Neighbourhood Plan policies are deliverable in terms of determining planning applications.
- 3.7 Full officer comments made on the neighbourhood plan are set out in Appendix 1 to this report. Officers have not identified any substantial concerns to the Plan at this stage. In summary, officer comments have highlighted the following:
- The need for greater clarity in some policies to ensure that the plan is easily used for Development Management purposes.
 - The need to be update policies to ensure alignment with national planning policy (NPPF) or local planning policy (City Plan Part One and Two).
 - The need for policy T01 'Visitor Accommodation' regarding the loss of hotels and guest houses to be accompanied by an appropriate evidence base.
- 3.8 As highlighted above, draft policy T01 which concerns the loss of hotels and guest houses, raises some issues in terms of its application and evidence base. Adopted City Plan Part One policy CP6 Visitor Accommodation only seeks to safeguard visitor accommodation within the Central Brighton area justified by evidence contained within the 2018 Update to the Hotel Accommodation Study. An examiner would therefore be looking for evidence for Rottingdean to have a more localised approach which appears to be absent. The policy also needs to be clearer for development management purposes and define the information required to demonstrate the lack of demand for hotel accommodation.
- 3.9 The Council is not required to reach a formal view on the content of the Neighbourhood Plan until after receipt of the examiner's report and recommendations. However, the Committee is requested to endorse that the officer comments in Appendix 1 be submitted in response to the Regulation 16 consultation for consideration at the Neighbourhood Plan examination.

4. Analysis and consideration of alternative options

- 4.1 As set out above, the appointment of an Examiner and submission of the Draft Neighbourhood Plan for examination forms the next stage of the neighbourhood plan process. This process is set down in Regulation 17 of the neighbourhood planning regulations and is required to progress the Neighbourhood Plan towards referendum and being formally 'made'.

5. Community engagement and consultation

- 5.1 Extensive local community engagement has been undertaken by the Parish Council prior to submitting the Plan, including Regulation 14 consultation on the draft Plan over an 8-week period in 2021. Full details of the consultation and community engagement undertaken by the Parish Council are set out in a Consultation Statement, which was submitted to the Council and forms one of the supporting documents to the Draft Neighbourhood Plan. The Consultation Statement was published by the Council as part of the Regulation 16 consultation.
- 5.2 In publishing the Draft Neighbourhood Plan for consultation, the Council has met the publicity requirements under Regulation 16 of the neighbourhood planning regulations. The draft Plan and supporting documents were published on the Council website for a period of 6 weeks from 2 February to 16 March 2023. The consultation was also publicised by the South Downs National Park Authority (SDNPA) during this time, as the Neighbourhood Area extends within the SDNPA boundary.
- 5.3 At the start of the consultation an email was sent to all consultees on the Planning Policy mailing list (which includes the national statutory bodies and a wide range of local stakeholders) and all city councilors were informed. In addition, the Parish Council were requested to email all consultees who had commented on the Plan at the Regulation 14 stage in 2021 (as is specifically required by the regulations). Notices publicising the consultation were posted at key locations throughout the Parish and the Council's Press Office also published a news item about the consultation. In total 12 external responses were received during the consultation period from four individuals, five statutory consultees, two local groups and the South Downs National Park Authority. Once an Examiner is appointed, the external responses received and the submitted neighbourhood plan and supporting documents will be forwarded to the Examiner and published on the council's website to form the examination library.

6. Conclusion

- 6.1 Rottingdean Parish has undertaken a substantial amount of work over several years to reach this important stage towards adopting their Neighbourhood Plan (submission stage). The Council is now required to appoint an independent Examiner and submit the Plan for examination together with its supporting documents and the representations received. Council officers have also compiled a schedule of comments on the Draft

Plan to be submitted for consideration at the examination. The Committee is requested to agree these next stages of the neighbourhood plan process.

7. Financial implications

- 7.1 Following the submission of the Draft Neighbourhood Plan by the Parish Council, the City Council is now responsible for all subsequent stages of the neighbourhood plan process. As such, it is responsible for funding the costs of the neighbourhood plan examination and for organising a local referendum. The Council is entitled to funding from central Government to help support this and has a specific budget set aside for neighbourhood planning.

Name of finance officer consulted: John Lack Date consulted: 22/05/23

8. Legal implications

- 8.1 As stated above, the stages of the neighbourhood plan process are set down in planning legislation within the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning regulations. The submission of the Draft Neighbourhood Plan for independent examination is the next stage of the statutory process and is required for the Plan to progress forwards towards the eventual goal of being approved at referendum and formally 'made'.

Name of lawyer consulted: Katie Kam Date consulted: 22/05/23

9. Equalities implications

- 9.1 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations between persons who have a "protected characteristic" and those who do not. This duty applies to the Council when taking formal decisions regarding the neighbourhood plan process.

- 9.2 The Draft Neighbourhood Plan has been prepared through an extensive process of local community engagement which is set out in detail in the Parish's Consultation Statement and their own Equalities Impact Assessment which has been submitted to the council. The Plan is required to be in general conformity with the City Plan (which has been subject to Equalities Impact Assessment) and this is one of the 'basic conditions' that will be assessed at the neighbourhood plan examination.

10. Sustainability implications

- 10.1 The purpose of the planning system is to contribute to the achievement of sustainable development and one of the 'basic conditions' on which neighbourhood plans are examined is that they should contribute to this. The Plan's contribution to the achievement of sustainable development is

addressed in Section 3 (page 7) of the Parish's Basic Conditions Statement which was submitted and published alongside the draft Neighbourhood Plan.

11. Crime & disorder implications:

11.1 None identified.

12. Public health implications:

12.1 None identified

Supporting Documentation

1. Appendices

1. Rottingdean Parish Neighbourhood Plan (Regulation 16 consultation draft)
Brighton & Hove Council officer comments on the Draft Neighbourhood Plan
2. Summary of the 'Basic Conditions' for Neighbourhood Plans

2. Background documents

1. Rottingdean Parish Neighbourhood Plan and all other Regulation 16 Consultation documents can be viewed on the Council website at <https://consultations.brighton-hove.gov.uk/planning/rottingdean-neighbourhood-plan-submission/>

Appendix 1 Rottingdean Neighbourhood Plan - Regulation 16 BHCC Officer Comments

Paragraph / Policy	Comment
Forward	
Page 3 – Para. 3:	<ul style="list-style-type: none"> • should refer to most recent version of NPPF, 2021.
Parish Profile Plan Overview	
Page 5 –	<ul style="list-style-type: none"> • bullet point list: last bullet should read <u>Sustainable Strategic</u> Environmental Assessment Directive.
The Parish Policies Map	
Page 8 – Map 1	<ul style="list-style-type: none"> • Need to make sure that the base map is based on the adopted Policies Map 2022. • Need to make sure that the RNP allocations are clearly referenced in the key with relevant policy. eg GOS3_1 or GOS3_2. • Map is showing SNCIs taken from the Local Plan. These should be replaced by Local Wildlife Sites from CPP2. The following sites are missing: Meadowvale, Ovingdean Copse and Rottingdean Pond. (NB: map should still retain LWS situated within the SDNP) • Map is also missing CPP2 H1 and H2 housing allocations; and Local Centre designation. • Designations not relevant to the area should be deleted from the map/legend: Proposed LNR, Recreation, Community Facilities, Historic Parks & Gardens, National Nature Reserve, Identified Housing Site-HO1, Strategic Allocations CPP1, and Development Area boundaries CPP1. • The following designations with BHP references should be amended to CPP2 policy references: Declared LNR (CPP2-DM37), Conservation Areas (CPP2-DM26). • There is also some inconsistency with the other maps. E.g., Map 3 includes Scheduled Monuments and Archaeological Notifications Areas, whereas map 1 doesn't. Suggest all maps should show all relevant designations, with map 1 also showing the Settlement boundary, map 2 also showing the strategic gaps, and map 3 also showing the wildlife corridors as these maps relate to those policies.
Core Strategic Objectives	
Page 10	<ul style="list-style-type: none"> • The intention to support public transport use to support economic development is welcomed but could be broadened. The statement could also include active travel (walking, wheeling and cycling) as forms of travel that could be used by visitors/tourists to reach/explore the village. This would be consistent with the traffic reduction strategic objective.

Paragraph / Policy	Comment
Page 11 – Air quality and traffic reduction	<ul style="list-style-type: none"> • Suggest soften language in final bullet point – reduce the number of lorries ‘contravening the restriction’ on non-essential HGV journeys along the B2123, rather than ‘abusing the ban’. • This section includes the phrase ‘Traffic Reduction’, but all other sections/headings say ‘Traffic Management’. Each is very different in terms of its outcome and the measures used to achieve it. Amend title accordingly. • The Intentions list is inconsistent with the list on P56, as the Conservation Area reference on P56 is not included here. Amend either list accordingly. Suggest a separate Access section from Housing & Design and possibly move to below the Vision and refer to as an Overarching Objective
Page 13	<ul style="list-style-type: none"> • The section on Access is understood to underpin the whole plan, as set out on P9, but does not have a brief description like the Strategic Objectives sections above.
Context page 16 -para 1.2	<ul style="list-style-type: none"> • Use consistent terminology. Suggest changing to “City Plan Part ± <u>Two</u>” • Suggest the following changes “It makes provision for <u>housing in the urban fringe identified in City Plan Part 1 (Policy SA4) and the urban fringe housing site allocations identified in the City Plan Part 2 (Policy H2).</u>” • Suggest the following changes “1.7 Development proposals outside the settlement boundary will be strictly controlled. However, within the wider context of national and local policy development, proposals will be supported which are appropriate to a countryside location or which are consistent with City Plan Part One and <u>Two</u>.... In terms of the latter category proposals will be supported for development as required to deliver any urban fringe sites which may arise from the City Plan Part One (Policy SA4), <u>City Plan Part Two</u> (Policy H2) and the SDNPA Local Plan.”
Chapter 1 Strategic Development in Rottingdean	
Page 17 – Policy S1	<ul style="list-style-type: none"> • A number of the bullet points duplicate local plan policy/the NPPF so are unnecessary – e.g. being in character with the site/locality, respect residential amenity, can be accommodated by the highway network and water/sewerage infrastructure. • Bullet point 8: “ensure any future application for development is designed using a landscape-led approach so that the design, layout and landscaping sensitively respond to local landscape character.”

Paragraph / Policy	Comment
	<p>Landscape character may not always be applicable, particularly in an urban/suburban setting.</p> <ul style="list-style-type: none"> • Bullet point 9: “ensure any future application for development includes a Landscape and Visual Impact Assessment.” Beyond the scope of the NP – a matter for LPA validation lists. • Page 17 Paragraph 1.9 is this talking about Policy S2 Strategic Gap? If so would it be clearer if the paragraph moved to under Strategic Gap sub heading beneath? • Page 18 paragraph 1.10 – editorial change to fourth sentence is needed. • Last bullet seems to imply that all land outside the built-up boundary is in the SDNP but that isn’t the case – some sites are within the City Plan area (urban fringe). Therefore, the wording should be amended to something like: • <i>“Proposals for development outside the boundary will only be supported if they are appropriate to a countryside location and they are consistent <u>as appropriate with the City Plan (with particular reference to policies SA4 and SA5) or South Downs National Park local plan.</u>”</i>
<p><u>Page 20 – Map 2</u></p>	<ul style="list-style-type: none"> • The following designations have been omitted and should be added: Local Wildlife Sites (to be taken from CPP2 and replace SNCI designations); H1 housing site allocation; H2 housing site allocation; Local Centre designation. (NB: map should still retain LWS situated within the SDNP) • Designations not relevant to the area should be deleted from map/legend: Proposed LNR, Strategic Allocations, Development Area, Recreation, Community Facilities, Historic Park and Garden, Special Area of Conservation, Identified Housing Site – HO1. • The following designations with BHP references should be amended to CPP2 policy references: Declared LNR (CPP2-DM37), Conservation Areas (CPP2-DM26).
<p><u>Page 21 – Policy S2 - Strategic Gaps.</u></p>	<ul style="list-style-type: none"> • The NPPF makes clear that policies in NP are non-strategic. Therefore I think these designations should be referred to as ‘<u>Local Gaps</u>’. • Points 1 and 2 of the policy duplicate other parts of the policy so can be deleted. • Suggest removing number 5 and 6 and having text as paragraphs. Text is a bit confusing and repetitive.

Paragraph / Policy	Comment
	<ul style="list-style-type: none"> Part 5 could it be read that they would be ok with the re-use of ...playing fields, other open land uses...? Would seem to contradict GOS2
Chapter 2 Environment and Biodiversity	
<u>Page 29 – Policy GOS1 – LGS</u>	<ul style="list-style-type: none"> Policy GOS1 designates and protects Local Green Spaces and this includes spaces that are within the conservation area and which in some cases are locally listed heritage assets and/or which include statutory listed buildings. The designation of these spaces is supported. Maps of proposed LGS designations should be provided, either individual sites or on a general NP policies map. The criteria for Local Green Space designation are now set out in Paragraphs 101-103 of the NPPF. However, further revisions are now proposed to the NPPF which will affect the paragraph numbering again. Therefore, suggest amending the wording simply to “... <i>the criteria set out in the NPPF ...</i>” With no reference to paragraph numbers. Policy reads as though the designation of sites is in accordance with criteria set in CPP2, which isn’t really the case. Suggest using consistent terminology in policy “City Plan Part Two” The current policy wording is not consistent with the NPPF. Suggest amending the policy to something like: “Sites LGS1-9 are designated Local Green Spaces through this Plan in accordance with the criteria set out in Paragraphs 90–101 of the NPPF and City Plan Part Two DM38 the NPPF. Proposals for built development (<u>except for</u> the installation of essential utilities infrastructure) on Local Green Spaces will not be permitted unless it can clearly be demonstrated that it is consistent with the role and function of that Local Green Space and <u>City Plan Part Two Policy DM38.</u>”
<u>Page 29 – Policy GOS2</u>	<ul style="list-style-type: none"> Wording “until approved evidence shows they are no longer needed” seems unclear for development management purposes. No supplementary text in supporting text indicating what this is. Suggest this includes statistics about use of the facilities over a defined period of time of at least 12 months. Should indicate in supporting text what evidence is required CPP1 policy CP16 sets out the test for loss so

Paragraph / Policy	Comment
	<p>could cross-reference to that policy at least in supporting text.</p>
<p><u>Page 30 – Para 2.17.</u></p>	<ul style="list-style-type: none"> • Some LWS have been omitted. • Suggest amending as follows: • The Parish of Rottingdean has a well-managed Nature Reserve, Beacon Hill, and two <u>seven</u> other local wildlife protection sites, namely <u>Whiteways Lane, and Balsdean Woods, High Hill Pasture, Wivelsfield Road Grasslands (part), Meadowvale, Ovingdean Copse (part) and Rottingdean Pond.</u> • The text that follows this sentence may also need amending to reflect the above amendment.
<p><u>Page 32 – Map 3</u></p>	<ul style="list-style-type: none"> • Numerous designations not relevant to the area can be deleted to make legend clearer: Valley Gardens, Central Brighton, Retail Proposals, Hotel Core Zone, Regional Shopping Centre, Protected Employment Site, Protected employment-led, Material Recovery Facilities, Special Area of Conservation, Saved EM9 sites, Prime Retail frontage, Outside Prime Frontage, Proposed LNR, Recreation, Community Facilities, Historic Parks and Gardens, Identified Housing Sites. • The following designations have been omitted and should be added: Local Wildlife Sites to replace SNCIs), H1 housing site allocation; H2 housing site allocation. (NB: map should still retain LWS situated within the SDNP) • The following designations with BHLPP references should be amended to CPP2 policy references: Archaeological Notification Areas (CPP2-DM31); Scheduled Monuments (CPP2-DM31); Local Shopping Centres (delete SR6 (BHLPP)); Conservation Areas (CPP2-DM26).
<p><u>Page 33 GOS3 – Wildlife and biodiversity</u></p>	<ul style="list-style-type: none"> • Typo – missing full stop between first and second sentence of policy and last sentence ‘also refers’? • Policy would better reflect Environment Act requirements regarding net gains if amended as follows: • Proposals that contribute to the conservation and enhancement of the landscape of the South Downs, and its special qualities, and conserve wildlife or <u>and enhance wildlife and biodiversity will be supported.</u> Proposals which respect, <u>enhance, and provide green linkages with</u> biodiversity and green space in and around developments are encouraged, particularly

Paragraph / Policy	Comment
	<p>where the space forms part of, or is adjacent to, the wildlife corridor. also refers.</p> <ul style="list-style-type: none"> • The word “respect” in the final sentence of the first paragraph is a little unclear for development management purposes. • Second paragraph – suggest stronger wording to protect wildlife corridor from harm. “New development proposals which cause potential harm to the wildlife corridor would <u>be opposed unless justified in the public interest and</u> suitable mitigation measures are proposed.” • Question necessity of final sentence – duplicates general protections given to SDNP. • No mention of BNG or cross reference to CPP2 in this respect or SPD.
<u>Page 34 – Conservation Area Enhancements</u>	<ul style="list-style-type: none"> • These paragraphs seem a little mis-placed here. Maybe better situated within Chapter 3.
Chapter 3 Housing & Design	
Page 38	<ul style="list-style-type: none"> • Housing Design – formatting and layout - query whether there has been some change to the layout that has moved paragraphs under the wrong sub-heading? • P. 38 is about balancing housing mix but then there is the Design – local context sub heading and paragraph 3.4 which might be better moved after the H1 policy box?
<u>Para 3.3</u>	<ul style="list-style-type: none"> • Use consistent terminology “City Plan Part 1 <u>One</u>”
<u>Para 3.9</u>	<ul style="list-style-type: none"> • Use consistent terminology “City Plan Part 1 <u>One</u>”
Policy H1	<ul style="list-style-type: none"> • The second sentence of the policy is confusing and appears to contradict the target figures set out in the first sentence. Does it imply developments with no 4-bedroom homes would be acceptable?
Paragraph 4.1	<ul style="list-style-type: none"> • Typo- “Street” needs adding to the end of the paragraph after ‘High’.
<u>Page 42 – H2 – Design.</u>	<ul style="list-style-type: none"> • Unclear what the third bullet point means: “They should respect a sense of place and the visual quality of the environment BHCC”
<u>Bullet point 1</u>	<ul style="list-style-type: none"> • “They are in sympathy with the relevant geographic section of the Rottingdean Village Character Statement <u>and</u> BHCC Urban Characterisation Study”
	<ul style="list-style-type: none"> • “Buildings should include Bat boxes and Swift bricks” – suggest delete, not always appropriate and covered by Local Plan policy requirements/guidance.

Paragraph / Policy	Comment
<u>Bullet point 4</u>	<ul style="list-style-type: none"> • Bullet point re swift boxes etc – should this reflect our guidance which says: All new developments in the city of 5 metres or greater in height need swift boxes or swift bricks... we then set requirements depending on whether minor or major development
<u>Bullet point 5</u>	<ul style="list-style-type: none"> • Tall garden walls – what about fencing?
Page 41	<ul style="list-style-type: none"> • Paragraphs 3.9 – 3.11 need to be moved to after H3? • Para 3.9 Typo should refer to “Conservation <u>Area</u>”
	<ul style="list-style-type: none"> • “They do not include installing pavements or kerbs to existing village lanes” – suggest delete as such works are ‘permitted development’ by B&HCC within the highway.
	<ul style="list-style-type: none"> • “They use permeable surfaces on driveways and use sustainable drainage systems that can connect directly to an existing or new wet environment wherever possible;” – understand the desire for SuDS but unclear what connecting to a ‘wet environment’ means or intends to achieve.
	<ul style="list-style-type: none"> • This chapter could benefit from more visual communication to support the text in conveying urban grain, spaces between buildings, urban typologies, heritage context and design quality of existing and new etc. This would be useful in representing the neighbourhood vision for placemaking, especially in consideration of any changes to the place to ensure they enhance an existing community and character.
	<ul style="list-style-type: none"> • The ‘housing and design’ section would benefit from reference to achieving high quality design and what this looks like in Rottingdean and within its various character areas, as per areas outlined in the Urban Characterisation Study
Chapter 4 Employment and Enterprise	
Context page 46 para 4.1	<ul style="list-style-type: none"> • End the paragraph with the word “Street.” • Use consistent terminology “City Plan Part <u>1</u> <u>One</u>”
Pg 47 Policy T01 Visitor Accommodation	<ul style="list-style-type: none"> • Policy seems to be less specific now than previous version. Previous comments from the local authority indicated that there should be appropriate evidence to support such as policy. • Policy is unclear for development management purposes. The policy or supporting text needs to define what ‘survey data’ would be required to demonstrate that there is no longer sufficient demand. For example, this could be similar to the sort of evidence required by CPP1 Policy CP6 within the Hotel Core Zone (set out in Para 4.66 of CPP1).

Paragraph / Policy	Comment
Page 47 para 4.4	<ul style="list-style-type: none"> • <i>“Any proposed change of use here would be considered against the individual shop or parade policy in City Plan Part 2”</i> The retail parade at Meadow Parade is not protected by any policy in the City Plan Part Two. The parade only has one commercial unit left. We no longer have an individual shop policy in the City Plan Part Two. • Use consistent terminology <i>“City Plan Part 2 Two”</i>
Policy EE2 page 50	<ul style="list-style-type: none"> • EE2 – is the first sentence in the policy box an introduction to the policy or part of the policy? • Policy is unclear for development management purposes unsure of the purpose the policy. • might also want to refer to how this point responds to the heritage context also e.g., demountable structures, consideration of the high street, street typology etc.
Chapter 5 Community Facilities	
Policy CF1 - Provision of Community Facilities	<ul style="list-style-type: none"> • 1st bullet- would suggest deleting “or by car” from the final sentence as the Plan should be looking to reduce the need to access community facilities by car. • 2nd bullet – The current wording is less clear than CPP2 Policy DM9. The policy should specify that marketing is needed to demonstrate that it would not be economically viable or feasible to retain the existing community facility. Suggest deleting 2nd bullet or amending to: • <i>“It has been satisfactorily demonstrated <u>that active, flexible and appropriate marketing of the site for community uses has been undertaken</u> and it would not be economically viable or feasible to retain the existing community facility and there is no reasonable prospect of securing an alternative community use of the land or building.”</i>
Chapter 6 Air Quality and Traffic Management	
Page 57 para 6.5	<ul style="list-style-type: none"> • Reference is made 2016 traffic data and high levels of traffic, but this is not quantified. It is recognised that this refers to previous evidence used to develop the plan prior to 2018. Seek to include more up to date figures to help illustrate traffic levels, if possible. • The reference to the Air Quality Monitoring Area is incorrect. Correct reference to Air Quality Management Area.
Policy AQ1 Page 58	<ul style="list-style-type: none"> • Para 6.7 The reference to the need for public transport actions is supported and could also be strengthened. Include reference to the council’s Bus Service Improvement Plan [BSIP] for the city.

Paragraph / Policy	Comment
	<ul style="list-style-type: none"> • It is not clear if the reference to the ‘Highways Authority’ is meant to be National Highways (previously known as the Highways Agency), responsible for the Strategic Road Network, as ESCC and BHCC are both Local Highway Authorities and already mentioned. Check/amend reference accordingly. • This section does not refer to various forms of active and sustainable travel which could help to reduce vehicle volumes in/through the village by replacing some local car journeys. Include reference to the council’s Local Cycling & Walking Infrastructure Plan [LCWIP]. • The wording of this policy is not directly linked to its objective of reducing traffic volumes. • It is not clear what is meant by showing how proposals ‘integrate’ with other roads in the first sentence. • The second sentence combines references to parking design/standards with recording vehicle emissions, although it is unclear what connection is being made here. Should ‘recording’ actually be ‘reducing’? If recording (or monitoring) is correct then ‘Improved understanding’ seems to be related to raising awareness but this is unclear. • This policy is entitled ‘Reducing traffic volumes’ and air quality is the focus of Policy AQ2. The inclusion of air quality references in AQ1 is therefore not necessary. • The first part of the second sentence should also read ‘...provide car parking in conformity...’ (remove the word ‘to’). • Seek clarification and reword policy to better reflect the policy objective. This could possibly include references to appropriate levels of assessment, reducing the need to travel, providing appropriate measures or infrastructure for alternative/sustainable forms of transport to maximise their use, and ensuring that any remaining significant traffic effects of development are appropriately mitigated, including securing Travel Plans. Working in partnership with transport providers to reduce vehicle trips could also be highlighted. • It is unclear how development sites could be “laid out... with the aim of recording emissions and an improved understanding of what actions bring about sustainable improvements in air quality.” How could this be used in the process of determining planning permissions? • Policy text use consistent terminology “City Plan Part # <u>Two</u>”

Paragraph / Policy	Comment
	<ul style="list-style-type: none"> • Policy cross-refers to requirements of CPP2 so suggest it is unnecessary.
Policy AQ2 Page 59	<ul style="list-style-type: none"> • It is unclear what “have regard to the existing AQMA” means in practice. Suggest reference to/measures from the Sussex AQ guidance. • The focus on ensuring that development layouts include provision for journeys to be made by sustainable forms of transport is welcomed but does not refer to wheeling. This would help align the plan more closely to its overarching Access objective. • The policy could be strengthened by referring to safe and accessible layouts which <u>enable</u> (rather than support) journeys to be made by various forms of sustainable and accessible transport. This type of journey will also only improve air quality if it replaces a motorised trip.
Policy AQ3 Page 59	<ul style="list-style-type: none"> • In policy text use consistent terminology “City Plan Part # <u>Two</u>” • Suggest policy unnecessary as Building Regs state that new dwellings require an EV charging point. Otherwise, EV charging points are ‘permitted development’ so the second paragraph is also unnecessary.
<u>Page 56</u>	<p>Various points are suggested for further consideration/information:</p> <ul style="list-style-type: none"> • Need to be clear if this is referring to all traffic; 2 wheelers, cars, taxis, vans, lorries and buses. Petrol, diesel or electric. The High Street, A259 or other Roads such as Steyning Road. • Pollution relates to vehicle acceleration, just as much as congestion. • Sustainable travel could mean active mobility, cleaner vehicles or less vehicle trips for short journeys. • There are different impacts and contributions from the various vehicle categories. • Good to distinguish the greater pollution contribution from diesel vehicles compared with petrol or larger and older vehicles compared with modern models. • Could mention or discuss Brighton & Hove ultralow or zero emission zone approved by ETS committee. Potentially this could include Central Rottingdean. • The objective for air quality in Rottingdean is to continue improving and achieve World Health Organisation guidelines in accordance with interim targets set out in BHCC Air Quality Action Plan 2022 APX. n 2.pdf (brighton-hove.gov.uk) 2002 to 2027. This

Paragraph / Policy	Comment
	<p>is more ambitions than national standards set in 1995. Welcome modern thinking - that local footfall and economy would be better without traffic fumes and emissions.</p> <ul style="list-style-type: none"> • Aim is continue monitoring nitrogen dioxide @ RHS and A259 adjacent facades. Also working through procurement of particulate and gas sensors for roadside and background settings. • As Rottingdean is relatively affluent with high car ownership this is an opportunity for a modal shift in consumer habits away from “large SUV country models” to electric and e-bikes. The air quality officer is to monitor trends in the up-take of cleaner vehicles using local roads (especially Air Quality Management Areas) at the same time as trends in traffic tallies. Plan to sign post to Charging Points & Electric Vehicles: EV charging stations UK - Zap Map (zap-map.com), local ebike options electric - Brighton Marina, local produce, online e-deliveries and electric car share options. • Developments in Lewes DC are likely to add vehicle trips onto the A259. Improved active travel provision and bus access in Newhaven could avoid a portion of vehicle trips. Extra housing around Peacehaven, risks adding urban-sprawl and the need to travel and commute. • Public consultation on the air quality action plan asks that authorities flag up cleaner home heating options without emission to air (such as passive-house, electric, solar and various heat pumps). Aim is to reduce smoke and valley smog from domestic fireplace burning of wood, coal, oil and waste. • Final bullet – again suggest ‘contravening the restriction’ rather than ‘abusing the ban’.
<u>Appendix 12</u>	<ul style="list-style-type: none"> • The Village Character Statement at Appendix 12 is also welcomed and is consistent with the council’s Conservation Area Character Statement.

APPENDIX 2

Summary of the 'Basic Conditions' for Neighbourhood Plans

Only a draft neighbourhood plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The 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.

In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations')².

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Brighton & Hove City Council

Tourism, Equalities, Communities & Culture Committee

Agenda Item 12

Subject: Co-Living Development - Interim Planning Guidance

Date of meeting: 15 June 2023

Report of: Executive Director – Economy, Environment & Culture

Contact Officer: Name: Robert Davidson
Tel: 01273 291580
Email: Robert.Davidson@brighton-hove.gov.uk

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 This report seeks the Committee's agreement to publish Interim Planning Guidance to assist in the determination of planning applications for 'Co-living' housing development in the city. The Interim Guidance references adopted policies in the City Plan Parts 1 and 2 and would be used for development management purposes. A copy of the Interim Planning Guidance is attached at Appendix 1.
- 1.2 The Interim Guidance will assist planning officers in determining planning applications for Co-living development. It will also provide clear advice for developers in terms of the Council's requirements and expectations.

2. Recommendations

- 2.1 That Committee agrees the Interim Planning Guidance on Co-living housing development attached at Appendix 1 to be used for development management purposes.

3. Context and background information

- 3.1 Co-living is a newly emerging category of residential development which has very different characteristics to both traditional self-contained housing and conventional HMOs. The term 'Co-living' is used to describe proposals for large-scale purpose-built shared accommodation comprising private individual studio rooms supplemented by extensive shared communal areas and facilities such kitchen, dining, living and recreation space. Other onsite amenities such as co-working space, a café/restaurant and gym are often also provided.
- 3.2 Co-living is mainly targeted towards young professionals in the 18-35 age range and Co-living developments to date have been concentrated in large urban areas with a substantial post-graduate/ younger professional population such as London, Manchester and Birmingham. Co-living

accommodation often functions as a flexible and short term housing choice which can lead to a fairly transient population with a high turnover of residential occupants.

- 3.3 The private living units are generally (often exclusively) designed for single person occupancy and are much smaller than minimum Nationally Described Space Standards (NDSS). Co-living developments also differ from conventional houses in multiple occupation (HMOs) due to their much larger scale, and greater extent of shared communal spaces and facilities.
- 3.4 Co-living is not specifically defined as a separate housing category in national planning policy or guidance, or in the Use Classes Order. As such, it would be classified as a 'Sui Generis' use rather than C3 which applies to self-contained residential dwellings.
- 3.5 However, national planning guidance does allow Co-living developments to be counted towards the city's overall housing supply figures on a pro-rata basis (1.8 Co-living units to one dwelling) because this type of development is seen as a form of communal housing. Such developments in Brighton & Hove would therefore contribute towards the city's strategic housing target in City Plan Policy CP1.
- 3.6 Within Brighton & Hove there is currently only one Co-living development which has received planning permission, a development of 83 co-living residential units at 19-24 Melbourne Street (BH2019/01820) which has not yet been built. A second and much larger application for 269 co-living units on an adjoining site at Enterprise Point and 16-18 Melbourne Street (BH2022/01490) was recently refused (against officer recommendation) by Planning Committee on grounds relating to scale/bulk/intensification of use and impact on neighbouring uses.
- 3.7 The planning applications at Melbourne Street have highlighted the lack of a specific policy for Co-living housing in the current City Plan. As Co-living is very different to traditional forms of housing, there are a number of important questions to consider. Key issues include:
 - the extent of demand/need for Co-living type housing in the city;
 - the quality and standard of the residential accommodation provided;
 - how Co-living developments can be integrated existing communities and contribute to mixed sustainable neighbourhoods; and
 - how they can contribute to addressing the city's identified housing needs, including by providing affordable housing contributions.
- 3.8 Although City Plan Parts 1 and 2 do not include direct reference to Co-living housing, the Plan does include several relevant policies which are important to the assessment of Co-living development proposals and the determination of planning applications. This includes policies relating to sustainable neighbourhoods, housing density, housing mix and quality, affordable housing, design, and protection of amenity.
- 3.9 The Interim Planning Guidance at Appendix 1 of this report draws on these policies in order to set out a proposed framework to assist the assessment of development proposals for Co-living development in the city. The aim is to ensure that such proposals accord with the development strategy and planning policies within the City Plan; contribute to meeting the city's

identified housing needs; provide good quality residential accommodation; and maintain sustainable neighbourhoods. The Interim Guidance will assist planning officers in determining planning applications for Co-living development. It will also provide a clear steer for developers in terms of the Council's requirements and expectations.

- 3.10 In the longer term, officers will consider whether there is a need for a specific Plan policy for Co-living as part of the ongoing City Plan review. More detailed guidance regarding accommodation standards for Co-living could also be provided in due course drawing on similar planning guidelines already published in London and Birmingham.

4. Analysis and consideration of alternative options

- 4.1 The alternative to preparing Interim Planning Guidance would be to consider planning applications for Co-living on an individual case by case basis as has been the approach up until now. However, as noted above, Co-living is a newly emerging housing category which has very different characteristics to both self-contained housing and conventional HMOs. There are no direct references to Co-living in the City Plan, although the Plan includes a number of policies which are helpful in determining Co-living planning applications. The Interim Planning Guidance will help to ensure a consistent approach to assessing Co-living proposals. It also clearly sets out the Council's expectations and planning policy requirements for applicants and promoters.

5. Community engagement and consultation

- 5.1 The Interim Planning Guidance has been prepared through joint working by Planning and Housing officers. It is intended that it will have the status of informal guidance and it is based on interpretation of existing planning policies in the City Plan (that were subject to extensive consultation). It is therefore not considered necessary to undertake wider public consultation on the Interim Guidance.

6. Conclusion

- 6.1 Co-living is a newly emerging housing sector and there is likely to be increasing interest in developing this form of housing in the city. The Interim Planning Guidance will help provide a consistent approach to determining planning applications for Co-living housing, ensuring that such developments provide a good quality living environment for their residents and contribute to meeting identified housing needs and building sustainable communities in the city.

7. Financial implications

- 7.1 There are no financial implications arising from the Interim Planning Guidance.

Name of finance officer consulted: John Lack Date consulted: 24/5/23

8. Legal implications

- 8.1 The Interim Planning Guidance does not seek to introduce any new policy but sets out how existing policies in the adopted City Plan Parts 1 and 2 will

be applied. It is intended to be used as informal guidance by planning officers in their interpretation of the Plan's policies. Therefore it is considered there are no legal implications.

Name of lawyer consulted: Katy Kam

Date consulted: 24/5/23

9. Equalities implications

- 9.1 The Interim Planning Guidance will promote equalities by helping to ensure that Co-living developments provide a good quality living environment for all residents in terms of private living space, shared communal facilities, accessibility and outdoor amenity. It will also help to ensure that neighbouring uses and activities are not adversely impacted by Co-living developments.

10. Sustainability implications

- 10.1 The Interim Planning Guidance does not directly address issues of environmental sustainability, although these will be addressed by other City Plan policies and Council guidance. The Interim Guidance will support social and community sustainability by encouraging Co-living schemes to be provided as part of a wider mix of housing sizes and tenures and by ensuring that developments are well integrated with and contribute positively to their wider neighbourhood. The Guidance will also help ensure that Co-living developments provide good quality residential accommodation and standards of residential amenity which will support health and wellbeing.

Supporting Documentation

1. Appendices [delete if not applicable]

1. Brighton & Hove Co-living Interim Guidance Note (June 2023)

Brighton & Hove City Council

Co-Living - Interim Planning Guidance Note

Introduction

This interim planning guidance sets out the City Council's approach to assessing development proposals for 'Co-living' development in Brighton & Hove. The aim is to ensure that such proposals accord with the development strategy and planning policies within the Brighton & Hove City Plan; contribute to meeting the city's identified housing needs; provide good quality residential accommodation and maintain sustainable neighbourhoods.

More detailed guidance on Co-living housing will be published in due course. Specific policy requirements will also be considered through the ongoing City Plan review.

What is 'Co-Living'?

'Co-living' is a housing/marketing term used for large-scale purpose-built shared accommodation comprising private individual rooms which are not self-contained combined with extensive communal areas and facilities.

Co-living developments differ from self-contained housing (Use Class C3) due to their emphasis on communal living, providing shared kitchen, dining, recreation and often workspaces, with individual private units being smaller than minimum Nationally Described Space Standards (NDSS). Co-living also differs from houses in multiple occupation (HMOs) due to the scale of the developments, greater extent of communal spaces and facilities, and site-based management services.

Co-living is a relatively new form of housing which is not specifically defined as a separate housing category in national planning policy or guidance. Equally Co-living is not defined in the Use Classes Order, and as such developments are generally classified 'Sui Generis' as large scale non-self-contained market housing. This means that conversion to or from C3 residential or any other use will require planning permission.

Although falling under 'Sui Generis' rather than Use Class C3, national planning guidance allows Co-living residential development to be counted on a pro-rata basis towards the city's strategic housing target which is set out in the City Plan (Policy CP1). The approach set out in the national Housing Delivery Test guidance allows communal residential accommodation to be counted at a ratio of 1.8 units to one dwelling.

Relevant City Plan Policies

The City Plan includes a number of relevant policies which the Council will use to assess proposals for Co-living development. The policies listed below are highlighted in particular. However many other policies are likely to be relevant to specific applications, such as those relating to design matters, accessibility and transport.

City Plan Part 1

Policy SA6 Sustainable Neighbourhoods seeks to create and maintain sustainable neighbourhoods, including delivering balanced communities through the requirement for new residential development to provide an appropriate amount of affordable housing, mix of dwelling sizes and tenure types.

Policy CP14 Housing Density requires that residential development should be of a density that is appropriate to the identified positive character of the neighbourhood. Proposals for residential development at higher densities than typically found in the locality must demonstrate that they meet specific requirements relating to design, neighbourhood character, accessibility by sustainable transport, access to local services and facilities, and provision of open space/green infrastructure. Such developments are also required to include a mix of dwelling types, tenures and sizes that reflect identified local needs.

Policy CP19 Housing Mix seeks to improve housing choice and ensure that an appropriate mix of housing (in terms of housing type, size and tenure) is achieved across the city. It requires that all new residential development has regard to the characteristics of existing neighbourhoods and communities and makes a positive contribution to the achievement of mixed and sustainable communities (referencing SA6 and CP14). Sites coming forward as ‘windfall’ development will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need.

Supporting text to the policy (Paragraph 4.213) sets out the indicative demand/ need for homes in the city over the Plan period. This shows the greatest requirement (both for market and affordable homes) is for 2 bedroom (34%) and 3 bedroom properties (31%); with lower demand for 1 bedroom properties (24%) and 4+ bedroom properties (11%). For market housing alone, there is a slightly higher demand for 2 and 3 bedroom properties (35% and 36% respectively)¹. More recent analysis of housing size requirements in the city (taking account of both the demand for homes and the changing demographic profile) suggests an even greater demand for 2 and 3 bedroom properties representing 75-85% of the city’s market housing requirements going forward (compared to only 10-15% for 1-bedroom properties)².

Policy CP20 Affordable Housing sets out specific requirements for the provision of affordable housing on all sites of 5 or more dwellings (net). For sites of 15 or more dwellings (net), the requirement is for 40% onsite affordable housing. The policy states that the targets may be applied more flexibly where the council considers this to be justified subject to specified criteria which includes consideration of financial viability. Further guidance on affordable housing requirements is set out in the Council’s Affordable Housing Brief and the Affordable housing validation requirements set out on the Council website.

City Plan Part 2

¹ These figures were taken from the Housing Requirements Update Study, October 2012, Table 4.13 and the Objectively Assessed Need for Housing: Brighton & Hove, June 2015 (Table 27)

² Brighton and Hove Strategic Housing Market Assessment (SHMA) 2023 (forthcoming)

Policy DM1 Housing Quality, Choice and Mix requires that proposals for new residential development a) incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs; and b) make provision for a range and mix of housing /accommodation formats subject to the character, location and context of the site.

The policy also requires new residential development (including residential extensions and residential accommodation falling outside Use Class C3) to comply with residential space and accessibility standards and provide private outdoor amenity space appropriate to the scale and character of the development.

Policy DM18 High Quality Design and Places requires that development proposals demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. This involves an integrated approach to the design process from project inception where place making and sustainable development, including the principles of the circular economy, are considered as one. Key design aspects include the local context; the scale and shape of buildings; building materials and architectural detailing; and the spaces between and around buildings. Further guidance is provided in the Council's Supplementary Planning Guidance (SPG) 17: Urban Design Framework.

Policy DM20 Protection of Amenity requires that development should not cause unacceptable loss of amenity to the proposed, existing, adjacent or nearby users, residents, occupiers or where it is not liable to be detrimental to human health. The policy thereby looks to ensure good standards of residential amenity and compatibility with neighbouring uses.

Policy Considerations

The Council will take account of the following policy considerations among others when assessing proposals and planning applications for 'Co-living' development.

Demonstration of need

Co-living by its nature targets a specific and relatively narrow sector of the housing market, focused overwhelmingly on 'affluent' single people (or couples without children) in the 18-35 age range (Savills: Spotlight on UK Co-living – May 2022). It generally functions as a short term housing choice for many residents which can lead to a fairly transient population with a high turnover of units. It is a new form of housing for the city with only one development having so far gained planning permission (BH2019/01820 - 19-24 Melbourne Street) and this is not yet completed. Therefore, at present, it is difficult to assess the level of demand for Co-Living within the city itself or to understand its potential impact on the local housing market and community.

Whilst accepting there may be some local demand for purpose built 'Co-living' reflecting the city's demographics, large scale developments of this type of housing

would not meet the requirements in Policies CP19 and DM1 in terms of providing a mix of housing sizes, types and tenures, or Policies SA6, CP14 and CP19 in terms of promoting sustainable neighbourhoods. For an application to be approved therefore developers will be required to demonstrate clearly what benefits of the scheme outweigh these policy considerations, particularly in terms of meeting an identified need in the City.

The Council will therefore expect Co-Living proposals to be supported by detailed evidence on the level of need and demand for this type of development in the city. The needs assessment should identify the target groups which the development aims to attract and the scale of the potential need arising from these groups. It should also set out how the proposed development would meet the needs of the target group, including in terms of the affordability and nature of the accommodation.

Needs assessments should also examine the availability and potential affordability of alternative rental options (e.g. self-contained studios or flats, HMOs and flat shares) for the target groups, providing information on comparative rent levels and costs. The information provided should set out a clear breakdown of rents and charges indicating where services and utilities are included in the standard rent/room rate.

Locational requirements

To meet the requirements of Policies SA6, CP14 and CP19, proposals for Co-living should generally be directed towards locations with good accessibility to local shops and facilities, well served by public transport, and suitable to promote sustainable travel / lack of car dependency (ideally car-free).

Given there is a substantial identified need for C3 housing in the city, Co-living development should not compromise the delivery of self-contained housing. The Council will not support Co-living development on sites identified for future C3 housing delivery (e.g. City Plan housing allocations or sites with extant permission for C3 housing).

At least until further evidence is available, the Council would expect applications for Co-living accommodation to be of a moderate scale (i.e no more than around 100-200 units). In considering the scale and potential impacts of individual proposals, the Council will also take into account the potential for adverse cumulative impacts of co-living developments on adjacent sites or sites within the locality. This will allow the local demand for Co-living to be tested and for potential impacts on the local housing market and local communities to be better understood.

To meet the requirements of Policies CP19, CP14 and DM1, applicants should also consider options for delivering Co-living housing as part of a mix with self-contained housing thereby providing a better mix of housing sizes and tenures.

Character of the area

Co-living provides high density residential development usually well above existing densities in the surrounding neighbourhood. To meet the requirements of Policy

CP14 requires a high standard of design that helps to maintain or create a coherent townscape and which will positively enhance the character of the neighbourhood and contribute to its sense of place.

It is important that Co-living developments integrate with and contribute positively to the character of their surrounding neighbourhoods in accordance with Policies SA6, CP14 and DM18. These principles should fundamentally inform the design of the development through a range of approaches, including:

- i) providing active uses and public amenities at ground floor level and fronting the street/public realm;
- ii) encouraging use of public amenities such as cafes/restaurants by the local community as well as residents;
- iii) designing high quality public realm to be accessible and used by both the Co-living residents and the surrounding communities; and
- iv) ensuring good accessibility/connectivity to the surrounding area for walking and cycling, and in terms of green infrastructure.

General design principles

For developments to function effectively as 'shared living', they should be clearly designed to promote a communal lifestyle. The private units should provide adequate functional living space but should not be designed to be used as self-contained homes.

Because the private living units are below minimum residential space standards, the shared communal spaces are important in ensuring that the quality of the overall residential amenity is acceptable. Co-living developments should provide shared kitchen, dining and lounge areas on all floors, and provide other indoor communal spaces such as larger meeting rooms, workspaces, indoor recreational spaces and laundry (washing/drying) facilities. The communal spaces should be adequately sized and conveniently accessed to meet the requirements of the intended number of residents and should be designed and managed in a way that encourages social interaction. Where appropriate, communal facilities should integrate with the public realm and external spaces.

Residential density & standards

To comply with Policy DM1, Co-living developments will be expected to meet M4(2) standards and to provide 5% units as 'wheelchair adaptable' under Building Regulations M4(3).

In order to meet residential amenity requirements under Policy DM20, the Council will seek to ensure that all Co-living proposals provide an acceptable and functional layout and living space (c25 sq.m for single occupancy).

CPP2 Policy DM1 seeks the provision of private useable private outdoor amenity space in new residential development where appropriate to the scale and character of the development. Flatted scheme designs should seek to provide private balconies for the individual units. In addition outdoor communal areas should be

provided as an integral part of the design (e.g a garden, courtyards, garden/roof terraces) and these should provide good quality amenity space.

The City Council will provide further guidance on accommodation standards for Co-living developments in due course.

Management

Co-Living schemes should be operated under single management. Tenancies should be provided for a minimum of three months to ensure that the Co-Living development does not function as a hostel or hotel. Occupancy should be limited to persons aged 18+ and the units should not be marketed as student accommodation.

The Council will expect details of a management plan to be submitted alongside any planning application for Co-Living, showing how the development will be managed and maintained. An agreed management plan will be secured through planning condition or a Section 106 agreement. The plan should cover matters such as security and fire safety, moving in and out arrangements, maintenance and repair, cleaning and servicing arrangements etc.

Affordable housing

Communal shared living does not in itself meet the requirements of affordable housing in the city as the residential units are not self-contained and do not meet minimum residential space standards. In addition, Co-living does not offer stable long-term accommodation suitable for most households in affordable housing need.

Policy CP20 requires the provision of affordable housing as part of all developments of 5 or more dwellings (net). Although Co-living developments are classed as 'sui generis' rather than Use Class C3, they still contribute towards the city's housing target and as such would be expected to help address identified affordable housing needs in the city.

Policy CP20 requires developments of 15+ dwellings to provide 40% onsite affordable housing (applying the 1.8 units per dwelling ratio this would be equivalent to 27+ Co-living units). It is accepted that the development economics of rented accommodation differs from housing for sale, however this is allowed for in Policy CP20 which gives flexibility for reduced affordable provision where justified with regard to policy criteria i) to v).

On larger sites the Council would encourage Co-living developments to form part of a wider mix of housing tenures and sizes which could include affordable housing in accordance with Policy CP20.

On smaller sites where Co-living is the only housing tenure being proposed, affordable housing contributions should take the form of an equivalent financial contribution (commuted sum). The payment should be calculated based on the Council's most up to date Affordable Housing Commuted Sums report (available on the Council website) based on the commuted sum payment for a 1-bedroom flat (having first applied the 1.8 Co-living units per dwelling ratio).

Applicants will be expected to provide a detailed justification for the affordable housing provision proposed in accordance with CP20 and having regard to the guidance set out in the Council's Affordable Housing Brief and the Affordable housing validation requirements set out on the Council website. It is also recommended that applicants undertake early (pre-application) discussions with City Council Housing officers regarding the preferred form of affordable housing contribution, including tenure split, size mix and distribution of affordable units where appropriate.

Summary of key Council considerations in assessing Co-living developments

1. Applications for Co-living development will need to clearly demonstrate how they meet an identified housing need/demand for this type of accommodation in the city. (Policies CP19, CP14 and DM1)
2. Co-living developments should be in located in areas with good accessibility/access to service and should not compromise delivery of self-contained (C3) housing (Policies SA6, CP1, CP14)
3. Proposals will need to demonstrate how they make a positive contribution to the character of the neighbourhood (Policies SA6 and DM18)
4. Preference for smaller scale schemes and/or schemes integrated within a mix of housing types, tenures and sizes (Policies SA6, CP14, CP19 and DM1)
5. Co-living schemes should be designed to promote communal lifestyle with good provision of shared communal spaces and facilities (Policies DM1 and DM20)
6. Appropriate residential standards will be applied for space, accessibility and outdoor amenity space (Policy DM1)
7. Co-Living schemes should be operated under single management with tenancies provided for minimum 3 months. Occupancy should be limited to persons aged 18+ and the units should not be marketed as student accommodation.
8. Affordable housing contributions should be provided (onsite where part of mixed development or as a commuted sum) (Policy CP20)

