

Introduction

The Coldean Neighbourhood Plan can only be put to a referendum and be made if it meets the 'basic conditions' set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The 'basic conditions' are as follows:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. **This applies only to Orders.**
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. **This applies only to Orders.**
- (d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- (e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- (g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

This statement is to be read in conjunction with the Coldean Neighbourhood Plan which provides a development plan for Coldean to 2030. It sits alongside the Brighton and Hove City Plan Part I and Part II as well as the National Planning Policy Framework. Our Vision, 'to remain a residential suburb of Brighton as a family friendly community with uninterrupted connection to Stanmer Park, the Wild Park and Highfields'.

Basic Condition (a) & (e)

Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

The Coldean Neighbourhood Plan has been written in conjunction with the NPPF and Brighton & Hove City Plan, ensuring continuity and conformity, supporting and upholding the general principles of the strategic policy, as well as avoiding conflict. Below we have outlined the policies including within the Coldean Neighbourhood Plan, as well as an overview of both the NPPF and Local Plan.

POLICY HI - HMO

Development involving the conversion of a building to a house in multiple occupation, will only be permitted provided:

- (a) *The proposal would not harm the character and appearance of the building;*
- (b) *The use of the building would not have an unacceptable impact on neighbouring properties;*
- (c) *Internal and external amenity space, refuse storage and car and bicycle parking is provided at an appropriate quantity, to a high standard and so as not to harm visual amenity;*
- (d) *The proposal would not cause unacceptable highway problems;*

- (e) *The proposal would not result in an over concentration of HMOs in any one area of Coldean to reflect CPP2 DM7;*
- (f) *If parking spaces would be lost as a result of the development, this may need to be replaced elsewhere within the curtilage of the dwelling.*

This Policy adheres to Policy DM7 (HMO) in Brighton & Hove City Plan 02 and Policy CP21 (Student Accommodation and Houses in Multiple Occupation) in Brighton & Hove City Plan 01, which controls the quality and quantity of HMOs within the City. The parking standards also align with the adopted Parking Standards Supplementary Planning Document. The control of the quantity and density of HMO's in the City is also aligned with Brighton & Hove City Council's Article 4 Direction dated 3rd June 2019.

POLICY H2 - NEW DEVELOPMENTS WITHIN SETTLEMENT BOUNDARY

Development within the neighbourhood area should have regard to the following design principles:

- (a) *Ensure any future applications for major development include a Community Engagement Plan - involving public consultation with key stakeholders and the community to develop a scheme through transparent communication.*
- (b) *Ensure that the location, layout and built form complement the surroundings;*
- (c) *Include a robust and long lasting landscape framework which takes advantage of existing landscape features;*
- (d) *Integrate measures to address climate change in ways which contribute to the character and appearance of the proposals;*
- (e) *Create or maintain a high quality public realm;*
- (f) *Are designed to be inclusive for all groups;*
- (g) *Ensure that the scale, massing and height of buildings and other structures relate well to the site and its surroundings;*
- (h) *Adopt contemporary and innovative design solutions, where appropriate;*
- (i) *Are visually attractive as a result of high quality architectural detailing and landscaping;*
- (j) *Use high quality materials which relate well to materials in the locality;*
- (k) *Are sympathetic to local character and the historic environment;*
- (l) *Retain and protects existing trees of good arboricultural and amenity value;*
- (m) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*

This Policy adheres to Para. 73, which states: *Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise house builders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.*

This Policy adheres to Para. 89, which states: *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

Brighton & Hove City Plan 01 states *“Most of the land surrounding the built up area of the city is managed as open space or farmed downland and much falls within the boundaries of the South Downs National Park. For the purposes of the City Plan the term ‘urban fringe’ applies to those areas of land that lie between the defined built up urban area boundary and the boundary of*

the South Downs National Park. In many instances the South Downs National Park boundary is contiguous with the built up urban edge of the city. The urban fringe is therefore now made up of 'pockets' of residual green space rather than any homogenous green 'belt' around the city.

POLICY LGS1 - LOCAL GREEN SPACE DESIGNATIONS

Sites OS1, OS2, OS6, OS12, OS22, OS25, OS41 and OS42 are designated Local Green Spaces in this Plan in accordance with **Paras 90 - 101 of the NPPF and City Plan Part One DM38.**

POLICY LCS1 - LOCAL COMMUNITY SPACES

These valued green and open spaces including those currently in use for Recreation, Playing Fields and Allotments will be retained for their appropriate community use until approved evidence shows they are no longer needed.

This Policy adheres to Para. 98, which states: *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

This Policy adheres to Para. 103, which states: *Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*

This Policy adheres to Para. 104, which states: *Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:*

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;*
or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

This Policy adheres to Para. 105, which states: *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

This Policy adheres to Para. 106, which states: *The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

This Policy adheres to Para. 107, which states: *The Local Green Space designation should only be used where the green space is:*

- (a) in reasonably close proximity to the community it serves;*
- (b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- (c) local in character and is not an extensive tract of land.*

This Policy adheres to Para. 108, which states: *Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts.*

This Policy adheres to Brighton & Hove City Plan: CP10 Biodiversity / CP16 Open Space / DM20 Protection of Amenity / DM30 Registered Parks and Gardens / DM37 Green Infrastructure and Nature Conservation / DM38 Local Green Spaces

POLICY CI DESIGNING OUT CRIME

Where applicable, new development should create safe environments for communities. Applications designed to reflect comments received from a Designing Out Crime Officer (DOCO) will be supported. Development should incorporate appropriate design measures in the layout and landscaping of new developments, streets and public spaces to reduce opportunities for crime and support community safety.

This Policy adheres to Para. 96 which states: *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- (c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

This Policy adhere to Para. 102 which states: *Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:*

- (a) anticipating and addressing possible malicious threats and other hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development; and*
- (b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.*

POLICY TI - T6

The Transport Policies included within the Coldean Neighbourhood Plan are fully aligned and support the Brighton & Hove City Plan, endorsing the following Policies: CP9 Sustainable Transport / CPI3 Public Streets and Spaces / DM33 Safe, Sustainable and Active Travel / DM34 Transport Interchanges / CPI3 Public Streets and Spaces / DM33 Safe, Sustainable and Active Travel / DM34 Transport Interchanges / DM35 Travel Plans and Transport Assessments / DM36 Parking and Servicing.

These Policies adhere to Para. 109 - 114.

POLICY DCI - DESIGN GUIDE

All developments, large or small, within the Coldean 'settlement boundary' are expected to reflect the guidance outlined in the 'Coldean - Design Guidance & Codes' document, created as part of this Plan.

This Policy adheres to Para. 77, which states: The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should: ...c) set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed homes to meet the needs of different groups in the community.

This Policy adheres to Para. 130, which states: Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

This Policy adheres to Para. 133, which states: To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

This Policy adheres to Para. 134, which states: Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.

POLICY EI - E6

It is a priority in the Plan for Coldean is to retain, enhance and protect the high quality open space within and around the edges of Coldean, recognising that all parks, open spaces and wildlife areas make an important contribution to Coldean's green infrastructure and quality of life.

These Policies adhere to Para. 103 - 108, 161 - 168, 187 - 191, and 192 - 195.

These Policies adhere to Brighton & Hove City Plan: CP10 Biodiversity / CP16 Open Space / DM22 Landscape Design and Trees / DM37 Green Infrastructure and Nature Conservation / DM38 Local Green Spaces / DM42 Protecting the Water Environment / DM43 Sustainable Drainage / DM44 Energy Efficiency and Renewables.

Overview of Conformity

The Neighbourhood Plan includes a vision which does not conflict with the overarching vision and objectives contained in the adopted Local Plan. Policy wording has been chosen with the aim of being clear and unambiguous, but at the same time recognising that there needs to be flexibility. The Council, as Local Planning Authority, have made some comments intended to clarify points and these have been taken on board and revisions made where appropriate. There are no obvious conformity issues raised by these policies. The policies are not intended to be prescriptive, and focus on reinforcing local distinctiveness.

Basic Condition (d)

The Neighbourhood Plan's policies have also been assessed against the three overarching objectives considered in achieving sustainable development as identified in the NPPF:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The assessment is summarised in the following table. This allows an overview of the combined impacts of the plan's policies. It demonstrates that the plan's policies should help contribute towards sustainable development.

Neighbourhood Plan Policies	Economic	Social	Environmental	Notes
HI - HMO	X	X		Creating locally distinctive dwellings, which respond to both local housing need, as well as respond to the local vernacular will ensure the character of Coldean is protected and the community supported. Ensuring new development is constrained within the settlement boundary will also protect the natural environment and enhance the setting of the South Downs National Park.
H2 - Settlement Boundary			X	
LGS1 - Local Green Space Designations		X	X	The retention of these areas will deliver significant benefits to the community members who use them and to wildlife who inhabit them. Enjoyment of Local Green Space should not be compromised.
LCS1 - Local Community Spaces		X		

Neighbourhood Plan Policies	Economic	Social	Environmental	Notes
CI - Designing Out Crime	X	X		These policies ensure Coldean is safe and secure for both existing and future communities. The focus on safe environments will further encourage social interaction and by mitigating anti-social behaviour, it will reduce required policing and remedial works.
T1 - Increasing Sustainable Transport			X	Traffic management is a major aspect of the Coldean Neighbourhood Plan. The community identified several key issues related to traffic that need to be addressed within the Neighbourhood Plan to ensure the safety, accessibility, and overall quality of life in the area. The key aspects is the focus on sustainable modes of transport will improve the air quality and hopefully encourage a car share scheme, more frequent walking / cycling groups, which will increase social interaction.
T2 - Through Traffic		X		
T3 - Car & Cycle Parking		X	X	
T4 - Accessibility for All			X	
T5 - Accessible Developments		X		
T6 - Provision of Cycle / Walkways		X		
DC1 - Design Guide	X	X	X	The Design Guide forms part of the Coldean Neighbourhood Plan. The special qualities of Coldean are defined in order to provide practical guidance and codes for development within the Neighbourhood Area. Significant weight will be given to development that reflects the local design guidance and codes of this report, and other relevant design policies and guidance. Other sustainable or high-quality designs may also be given weight when reflective of the overall form and layout of their surroundings. The focus of this policy is to reinforce the need for locally responsive design.
E1 - Settlement Containment			X	These policies seek to preserve well established landscape features and encourage biodiversity. This policy will have a positive effect on the natural environment and will also deliver social benefits to the communities' enjoyment of local wildlife. The seeks to maintain and enhance access to the countryside which will be socially beneficial to the community. This should not be compromised. E3 designates areas of Local Green Space. The retention of these areas will deliver significant benefits to the community members who use them and to wildlife who inhabit them. Enjoyment of Local Green Space should not be compromised.
E2 - Protecting Valued Views			X	
E3 - Protection of Green Spaces			X	
E4 - Protecting Allotments		X	X	
E5 - Adapting to Climate Change			X	
E6 - Biodiversity			X	

Basic Condition (f)

The 'making' of the Neighbourhood Plan must not breach or conflict, and must be compatible, with EU obligations, must not have a significant effect on a European site, and must contribute to the achievement of sustainable development. It must not breach human rights, within the meaning of the Human Rights Act 1998.

EU Obligations

The making of the Coldean Neighbourhood Plan does not breach, and is otherwise compatible with, retained EU obligations.

Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA)

The Coldean Neighbourhood Planning Forum carried out a screening assessment of the pre-submission version of the Coldean Neighbourhood Plan to determine whether a full SEA or HRA was required. This assessment, which included consultation with the statutory agencies, confirmed that it is unlikely that there will be any significant environmental effects arising from policies in the pre-submission. As a result, they have confirmed that a full SEA or HRA are not required. Whilst the submitted Coldean Neighbourhood Plan contains amendments in response to the Statutory Regulation 14 consultation, these amendments do not materially affect this conclusion.

Human Rights

No issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations, and given the conclusions on the plan's general conformity with the strategic policies of the Local Plan and regard to National Planning Policy, it is reasonable to conclude that the making of the plan should not breach human rights.