



Brighton & Hove Local Plan 2005

Brighton & Hove Local Plan Policies Retained
on Adoption of the Brighton & Hove City Plan Part One (March 2016)



The Brighton & Hove Local Plan was adopted in July 2005. Many of its policies were continued to be saved by the Secretary of State in July 2008. However on adoption of the City Plan Part 1 some of the saved policies will be replaced by policies set out in the City Plan Part One.

The City Plan Part One along with the retained Local Plan Policies form part of the Development Plan for Brighton & Hove. The retained Local Plan policies will continue to apply until replaced by the City Plan Part Two Development Plan Document.

This reprint of the Local Plan contains only the retained Brighton & Hove Local Plan policies.

The list of replaced Local Plan Policies are set out in Annex 4 to the City Plan Part 1.

On adoption of the City Plan Part 1, the Policies Map supersedes the Local Plan Proposals Map.

Please note the following symbol  denotes an update for your information.

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Making the connection between land use and transport - promoting accessibility and managing demand

- 1.2 The council's aim is to improve travel to and within Brighton & Hove. It seeks to limit the growth of traffic to help it move more freely but also promote forms of transport that are less damaging to the environment with lower levels of air and noise pollution. The policies of this chapter are intended to reinforce and support the council's aims and complement the proposals in the Local Transport Plan. Extensive public consultation on the Sustainable Transport Strategy showed that there was widespread support for the Strategy by the people who live and work in Brighton & Hove.
- 1.3 The Sustainable Transport Strategy as set out in the Local Transport Plan aims to:
- Increase awareness of the whole community of the impacts of traffic and travel decisions;
 - Reduce danger for all road users, particularly by reducing traffic speed;
 - Improve accessibility for environmentally friendly forms of transport;
 - Reduce road traffic, pollution and congestion within and around the city;
 - Promote and improve the economic, environmental and social viability of the city;
 - Encourage partnership and innovation in promoting and developing choice in the provision of sustainable transport, and
 - Seek compatibility between transport and planning policies and decisions.
- 1.4 Transport issues cannot be seen in isolation: they are related to land use, to economic prosperity and to the well being of citizens. In order to maximise the limited road space in the city for essential users like emergency vehicles, public transport vehicles, service vehicles and freight transport, the use of private cars for non essential journeys at peak times by those who could use alternative transport means, needs to be reduced.
- 1.5 This Plan introduces the key principle of planning for the demand for travel that any development generates. When considering planning applications, it will be important that the development site is considered in relation to neighbouring uses. For example, applicants and developers will need to consider how the development of their sites can contribute to the provision or improvement of sustainable transport links in Brighton & Hove.

TR4 Travel Plans

Travel plans will be required for developments that are likely to have significant transport implications. These include:

- major developments for employment, shopping, leisure and recreation, new or expanded education proposals;
- smaller developments, below the advisory thresholds where a travel plan would alleviate local traffic or air quality problems, associated with traffic generated by the proposed development.

- 1.20 'Travel plans' seek to reduce traffic generation by encouraging the use of walking, cycling, public transport and journey sharing through the provision of specific facilities, opportunities and incentives to employees, which might include reduced cost rail or bus passes and cycle allowances. Government guidance, set out in Planning Policy Guidance Note 13, 'Transport', recommends thresholds for developments that require 'travel plans', formerly known as 'green transport plans'. Current government thresholds for 'travel plans' are set out in Annex D of PPG13 and incorporated into Supplementary Planning Guidance, 'Transport'.

TR7 Safe Development

Planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. Where there are no acceptable solutions to problems that arise from development proposals, planning permission will be refused.

- 1.28 Most development sites can be designed to provide safe access for all highway users but occasionally the location of a use may cause serious safety problems for pedestrians, cyclists and other road users. In such cases planning permission may be refused unless a satisfactory design solution can be found.

TR9 Pedestrian priority areas

Planning permission will be granted for developments that are designed to take into account the need to introduce pedestrian priority measures into the areas listed below, together with any additional areas that may be identified during the plan period.

The following areas have been identified as pedestrian priority areas :

- a. Ship Street/Old Town Area; (pedestrianisation and pedestrian priority measures) and**
- b. Boundary Road/Station Road (pedestrian priority measures)**

Additional areas will be identified via the Local Transport Plan

- 1.32 The economic well-being of Brighton & Hove relies on people being able to move safely around the centre and the district shopping centres. Measures implemented in recent years have aimed to reduce the dominance of the car and enhance the shopping environment for pedestrians. In order to protect lives and improve the quality of life for residents, it is necessary to restore priority to pedestrians. Pedestrian priority means creating areas that make it easier for pedestrians to move around and can include better crossing points, pavement widening and traffic calming. 'Pedestrianisation' involves excluding motor vehicles from areas for all or part of the time. Full details of any scheme would be the subject of public consultation prior to implementation. It remains important however, that freight deliveries can be made efficiently and that bus services can deliver customers to the area. Pedestrian priority areas must also reflect the needs of people with disabilities who may rely on the use of a car.

TR11 Safe routes to school and school safety zones

Development proposals that affect proposed or existing 'Safe Routes to Schools' or 'School Safety Zones' should contribute towards the implementation, improvement and maintenance of routes to school or to the safety of movement within the 'School Safety Zones'.

Planning permission will not be granted for development proposals that would have an adverse impact on a 'Safe Routes to School' or 'School Safety Zones' schemes unless remedial measures, where reasonably related to the development, are undertaken to ameliorate any harm.

- 1.35 The perception that the roads are dangerous for child pedestrians and cyclists has led to increasing numbers of parents driving their children to school and college.
- 1.36 'Safe Routes to Schools' is a concept developed by the sustainable transport charity 'Sustrans.' It involves a partnership between schools, pupils and the local authority whereby children are encouraged to walk or cycle to school as a result of the local authority making improvements to road and pavement design near schools to improve safety.
- 1.37 'School Safety Zones' are areas where specific engineering measures will be taken to improve safety around schools where there have been traffic accidents.
- 1.38 Where possible, the opportunity will be taken to link routes to 'greenways', traffic-free cycle routes, other cycle routes and pedestrian routes. 'Safe routes to school' and school safety zones will be developed and implemented during the plan period. Supplementary Planning Guidance will be issued to identify the school safety zones as they are developed.



TR12 Helping the independent movement of children

New developments should provide walking and cycling routes that are separated from vehicular traffic as far as possible and suitable for the independent movement of children within the development site and into adjoining areas.

The pathways/cycle routes should be designed with sight lines that take into account the smaller stature of children. Where the pathways / cycle routes cross vehicle routes within the site or cross external roads, they should be designed to take into account the limited ability of children to judge the speed of approaching vehicles and choose safe points for crossing roads.

- 1.39 Children's access needs are different from the needs of adults because of their inability to assess traffic speed, their lesser physical strength and control when cycling; their inability to choose safe places to cross roads and their restricted sight lines because of their lack of height. In order to reduce accidents, it is necessary to facilitate safe, ideally traffic free, routes for the day to day activities of children in the community, i.e. when visiting friends, play areas, parks, local shops, swimming pools and libraries. Most daily journeys will include the journey to school but car free access to leisure time activities will encourage attitudes that are not car dependent.
- 1.40 Policy TR12 concentrates on children because car free habits, once established, are likely to endure. Routes designed to be safe for the most vulnerable, will be of benefit to all pedestrians, including wheelchair users and those with sensory impairment.
- 1.41 Many existing cycle routes, whilst providing a route for competent adult cyclists, are unsuitable for the independent use by children but have sections through open spaces or parks which are safe for young children and family groups. It is the intention of the council to identify and where possible link, these safe routes whenever the opportunity allows, to create a network of traffic free routes for children's independent movement or for family recreational use, throughout the town.
- 1.42 By providing such routes, it is hoped that families will be encouraged to return to bicycles when they have not cycled for years because of fear of the potential for conflict with fast moving traffic.

TR14 Cycle access and parking

In all proposals for new development and changes of use, applicants should provide facilities for cyclists in accordance with the parking guidance.

These include:

- **Safe, clearly defined and well lit access and approaches to, and circulation within, the development site; and**
- **secure, convenient, well lit, well signed and wherever practical, sheltered cycle parking, close to the main entrance of premises, in accordance with the council's approved parking standards.**

Cycle parking for the occupants of new dwellings must be under cover, secure and readily accessible at street level. Cycle parking to cater for longer stay evening use must be secure, supervised and the parking area and approaches well lit.

Where the need generated by the development cannot be met on site, the planning authority will negotiate with the applicant for the provision of cycle parking facilities nearby on the public highway or for a contribution to improvements to the cycling infrastructure: - in either case to be reasonably related to the demand generated by the development.

- 1.44 To encourage alternative means of travel which have a less harmful environmental impact than the car, facilities for cyclists must be significantly improved and additional facilities provided to attract those who do not currently cycle. To further encourage employees or students to cycle, adequate shower and changing facilities should be provided in new developments.
- 1.45 Cycle routes are unlikely to be used unless cycles can be left safely and securely at either end of a journey. Where secure communal cycle parking storage areas are to be provided, they must also include a sufficient number of fixings to support and secure all the individual cycles to be accommodated.
- 1.46 Secure, clearly marked and wherever possible, undercover cycle parking, should be provided as an integral part of all new development. When providing cycle parking for facilities that are open after dark, like restaurants, cinemas and theatres, it is essential that spaces and approaches to them, can be supervised and are well lit for the safety of the cyclists, as well as the cycles.
- 1.47 Where possible the opportunity should be taken to provide cycle parking for leisure facilities, including recreation areas, children's play areas, sports pitches and public open spaces where there is little or no provision at present. The opportunity should also be taken wherever possible to improve the access to railway stations and provide secure parking at stations to encourage cycle / train travel for both commuting and leisure purposes.

TR15 Cycle network

Development proposals that affect proposed or existing cycle routes should protect the alignments of proposed cycle routes and enhance them. Developments should contribute to the implementation, sign posting, improvement and maintenance of the cycle network and / or additions to the network in a manner reasonably related to any impact made, or demand generated by the development.

The network will include the following key routes:

- South Coast Cycle Route (A259) - National Cycle Network Route 2;
- A23 London Road Corridor to Brighton Central Area - National Cycle Network Route 20;
- Hangleton to Hove Central Area - Regional Cycle Network Route 82;
- Lewes Road Corridor to Brighton Central Area - Regional Cycle Route 90;

- 1.48 The National Cycle Strategy, aims to treble cycle use by 2010, based on the level of cycling in 2000 and quadruple cycle use by 2012. The strategy states that there should be a hierarchy of cycle routes for different types of journeys. The National Cycle Network should reach from town centre to town centre wherever possible. It should link to radial routes through the town for everyday journeys and provide links to the countryside and open spaces, the seafront cycle route and long distance routes. Regional and local cycle route networks will serve more local needs for commuting and utility trips, including cycling to schools, colleges, universities and railway stations, as well as providing for short leisure journeys. The best and safest routes will be traffic free. However, until this can be achieved there will also be a need to cater for more experienced cyclists by the provision of facilities on the roads.

TR17 Shopmobility

Planning permission will be granted for shopmobility schemes to serve the following centres:

- **Regional Centre (including Churchill Square, North Laine, The Lanes and neighbouring streets);**
- **Town Centres: London Road and Hove;**
- **District Centres: St. James's Street, Lewes Road, Brighton Marina and Boundary Road/Station Road.**

When considering proposals in these areas for developments estimated to attract 10 or more blue badge parking spaces for people with a mobility related disability, the planning authority will negotiate for provision of shopmobility vehicle parking areas that are accessible from public transport service buses, community transport buses, taxis and cars.

Where parking for people with mobility problems cannot be provided to the full standard, the planning authority will seek a contribution to a shopmobility scheme.

The contribution will be calculated on the same basis as providing parking spaces for people with mobility impairment (blue car badge scheme).

- 1.50 Expanding traffic calming areas and the pedestrianisation of key shopping and tourist streets should not disadvantage those with limited mobility. Electric buggies would give better access to the narrow Lanes and the pedestrianised streets. Where the opportunity exists to create a 'shopmobility' scheme, applicants will be expected to contribute to improving disabled access to their facilities and or contribute to the cost of providing 'shopmobility' buggies.

TR18 Parking for people with a mobility related disability

Parking spaces for people with a mobility related disability (blue car badge scheme holders) should be sited closest to the main or most suitable access, to the development.

Where these spaces cannot be laid out within the development site, developers will be required to provide dedicated spaces in public car parks or to support the relevant 'shopmobility' scheme; or to support especially adapted public transport infrastructure.

The number of parking spaces is to be calculated in accordance with the parking standards set out in Supplementary Planning Guidance, 'Parking Standards'.

- 1.51 People with a mobility related disability, who require the essential use of a vehicle, should not be put at a disadvantage by policies which seek to reduce private commuter car journeys for which other transport modes are available. Part M of the Building Regulations and the Disability Discrimination Act requires provision for disabled access to be made on site and to and within premises. Traffic Advisory Leaflet 5/95 provides advice on 'Policy for Disabled People'. The policy further supports these provisions by ensuring that there will be adequate and suitable parking provided at the most convenient point of access.

TR20 Coach parking

Planning permission will be granted for short stay coach parking with ancillary cleaning and drivers' rest facilities in Madeira Drive.

TR21 Long term coach and overnight lorry park

Planning permission will be granted for a long term coach and overnight lorry park which

- a. serves a local need and supports the local economy;
- b. minimises travel through residential areas, the central area and Conservation Areas;
- c. is close to journey destinations;
- d. is a brownfield site;
- e. will have no significant adverse effect on residential amenity or the local environment;
- f. will be carefully designed and landscaped to minimise its visual impact; and
- g. will provide a safe and secure environment for its users

- 1.52 Brighton & Hove is an attractive tourist resort which is a popular destination for excursion and tour buses. At present tour buses park along the seafront but there are no facilities for drivers or for cleaning between trips or for sewage discharge. Proper layover facilities, including driver rest rooms are urgently needed including shared sites for the summer peak. These could be on brownfield sites or share sites used for parking at other times of the year. Shared parking sites that could be available to meet the summer peak could include university/college campus parking or the racecourse. In the meantime, Madeira Drive and will continue to provide short stay parking facilities.





Energy, water, pollution and waste - a sustainable way forward

- 2.1 Development proposals all too often focus on just one need, usually a social or economic need, for example, the need for a business site or for additional housing. Whilst it is important to address these issues, it is imperative that it is not done at the expense of the environment or other social and economic needs. Social, economic and environmental factors are all inextricably linked and proposals should take account of all three in a co-ordinated manner, adopting an integrated approach in order to avoid conflicts.
- 2.2 It is essential for quality of life and human wellbeing, that what is trying to be achieved in one area, is not undone in another. As recognised in the White Paper entitled 'This Common Inheritance - Britain's Environment Strategy' the way energy is produced, natural resources are used and waste is produced threaten to fundamentally change the balance of the global environment. One country's pollution can be every country's predicament and prevention is more often better and cheaper than cure.
- 2.3 The environmental impact of a proposal must be taken into consideration. Applicants should not only seek to minimise the harmful impacts but also provide environmental enhancements. All development proposals must be designed and located to reflect the aim of achieving sustainable development.



SU3 Water resources and their quality

Planning permission will not be granted for proposals which will result in an unacceptable risk of pollution of existing and / or proposed water resources, including surface and groundwater resources and the sea, or affect such resources by having an adverse impact on their:

- a. water quality;
- b. water quantity / potential yield;
- c. nature conservation;
- d. environmental value; and / or
- e. recreation value.

Proposals within sensitive aquifer protection zones will be not be granted if they pose an unacceptable risk of pollution to the aquifer or an adverse impact on the water quality / potential yield of the aquifer.

In the interests of minimising the risk of pollution, the planning authority will impose conditions on planning permissions to ensure that adequate pollution control measures are incorporated into new developments.

- 2.21 Water is an essential resource. Growing demand for supplies and the need to safeguard against the problems of drought makes it particularly important that existing resources are protected. Drinking water for Brighton & Hove is supplied mainly from groundwater sources in the form of underground chalk aquifers. Sea water quality is of equal importance in terms of environmental quality and its value as a key recreational asset. Similarly other surface water resources, such as ponds, provide a range of uses and habitats.
- 2.22 Damage to such water resources can occur from physical disturbance and pollution. The protection of these resources from development likely to cause such problems is particularly important and relies heavily on the planning system. Once damage has been caused, the water resource can be lost for many years. It is preferable, therefore, to prevent or reduce the risk of harm rather than deal with its consequences. This may require the use of planning conditions to ensure adequate and appropriate protection measures or where necessary, refusal of planning permission. In operating this approach, the planning authority will have regard to advice given by the Environment Agency and Southern Water.
- 2.23 Policy SU3 has particular links with the following in this Plan: the policies relating to coastal defences; efficiency in development; infrastructure; surface water run-off and flood risk; surface water and foul sewage disposal infrastructure; polluted land; pollution; and nature conservation. However, Policy SU3 affects all proposals and thus has links with all the other policies of the development plan.

SU5 Surface water and foul sewage disposal infrastructure

In order to ensure that adequate surface water and foul sewage drainage / treatment is available prior to development commencing, planning permission may be granted subject to the development being phased in step with such provisions.

Where surface water sewers of adequate capacity are not available and where ground conditions, aquifer protection considerations and building clearances permit, applicants will be required to use soakaways of suitable design for the disposal of surface water.

- 2.31 Southern Water is the statutory sewerage and water undertaker for Brighton & Hove and is empowered by the 1991 Water Industry Act to collect infrastructure charges associated with new developments. In general, where wastewater treatment infrastructure required by new developments accords with Local Plans, this will be planned for and provided by Southern Water. Where it is not physically possible to provide new capacity as soon as developers might wish, the planning authority may restrict the occupancy of new development.
- 2.32 New development should seek to avoid draining surface water to combined foul sewers because of the energy costs of pumping and treating this surface water once it enters foul sewerage systems (and also to avoid overloading the existing sewers). Where surface water sewers of adequate capacity or other storm water retention measures are not available and where permitted by ground conditions, aquifer protection considerations and building clearances, (and also depending on the advice from the Environment Agency), developers will be encouraged to use suitably designed soakaways for the disposal of surface water.
- 2.33 New development proposals may also require existing public sewers and water mains on site to be diverted by Southern Water at the developer's expense. Existing sewers and water mains are afforded statutory protection under section 18 of the Buildings Act 1984 (as amended) and section 174 of the Water Industry Act 1991 respectively. Southern Water has constructed a storm water storage tunnel along Brighton seafront to store storm water overflows from the combined sewerage system. Storm water from this tunnel is pumped back into the foul sewer and this will eventually connect to a new wastewater treatment works.
- 2.34 Policy SU5 has particular links with the following in this Plan: the policies relating to efficiency in development; water resources and their quality; surface water run-off and flood risk; and infrastructure. However, this Policy affects all proposals and thus has links with all the other policies of the development plan.

SU6 Coastal defences

Planning permission will not be granted for development which would:

- a. require enhanced coastal defences; unless adequate coastal defences, of a design and appearance in keeping with their surroundings, are provided and maintained as part of the development;**
- b. be detrimental to existing and proposed coastal defences;**
- c. inhibit the maintenance of existing coastal protection works; and / or**
- d. run contrary to the findings and recommendations of the shoreline management plan.**

Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure necessary requirements.

- 2.35 Recent research has identified certain trends in the climate which are likely to result in a gradual rise in sea level accompanied by an increase in storm severity. Allied with increased storminess, this is likely to result in the sea defences being 'overtopped' and damaged more frequently. Consequently, an increasing level of maintenance and repair will be required to ensure the integrity and effectiveness of the defences. The importance of access to the coastal defences is therefore going to increase. Development which will require enhancements to the defences will not be permitted without the developer funding the full costs of such enhancements and of future maintenance.
- 2.36 If development is permitted in the vicinity of coastal and flood defences, the planning authority, following consultation with the Environment Agency, will require appropriate measures to be incorporated into the scheme in order to ensure that the stability and continuity of the defences is maintained. Developers will be expected to cover the costs of any such measures, including their long term monitoring and management.
- 2.37 Policy SU6 has particular links with the following in this Plan: the policies relating to water resources and their quality; infrastructure; surface water run-off and flood risk; development within the coastal zone; seafront recreation; West Pier; King Alfred / RNR site; and Black Rock Site.

SU8 Unstable land

Development of unstable or potentially unstable land will be permitted provided that:

- a. **the site can be developed and used safely without adding to the instability of the site or surrounding land; and**
- b. **the development of the site and any necessary stabilisation measures are environmentally acceptable.**

Development that is likely to make land elsewhere unstable, will not be permitted unless it can be demonstrated that the concern is unfounded or environmentally acceptable remediation measures are to be carried out. The applicant may be required to submit a slope stability report before an application can be determined. Where a slope stability report is required it should take account of ancient landslides, geological fault lines, water courses / ditches and natural ground water routes.

Stabilisation works may invoke the need for an Environmental Impact Assessment and will be secured by the use of planning conditions or by legal agreement.

- 2.41 This Plan seeks full and effective use of land. Sites which have been damaged by industrial activities or which are naturally unstable can often be put into productive use. However, it is important to ensure that developers take into account the full implications of building on unstable land at an early stage in the development process. If unstable land is developed without appropriate stabilisation measures, landslides can result creating significant risks to the occupiers of the development and adjacent land.
- 2.42 The stability of the ground is a material consideration, to be taken into account when determining a planning application. The responsibility for determining whether land is suitable for a particular purpose rests primarily, however, with the applicant. The liability for safe development and secure occupancy of a site rests with the applicant / developer and / or landowners. It is not the responsibility of the planning authority to investigate the ground conditions of any particular development site (unless it owns or intends to develop the land).
- 2.43 Policy SU8 therefore seeks to ensure there is appropriate control over development on unstable land so as to avoid any unnecessary risks. Indeed it is in accordance with government guidance set out in PPG14 'Development on Unstable Land' which advises that the possibility of ground instability should be taken into account when preparing development plans.
- 2.44 Where applicants feel land stability will be an issue, expert advice should be sought. Applicants are encouraged to contact the planning authority at an early stage to ensure that the requirements of both Planning and Building Regulations can be included within the scheme satisfactorily.
- 2.45 Policy SU8 has particular links with the following in this Plan: the policies relating to design; to extensions and alterations; to surface water run-off and flood risk; to coastal defences; polluted land; to development densities; landscaping; trees and hedgerows; and the protection and integration of nature conservation features.

SU9 Pollution and nuisance control

Development that may be liable to cause pollution and / or nuisance to land, air or water will only be permitted where:

- a. human health and safety, amenity, and the ecological well-being of the natural and built environment is not put at risk;
- b. it does not reduce the planning authority's ability to meet the Government's air quality and other sustainability targets; and
- c. it does not negatively impact upon the existing pollution and nuisance situation.

All proposed developments that have a potential to cause pollution and / or nuisance, will be required to incorporate measures to minimise the pollution / nuisance and may invoke the need for an Environmental Impact Assessment. Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure the necessary requirements.

Planning permission will only be granted for development on a site adjacent to an existing pollution / nuisance generating use and / or within an air quality 'hotspot' or potential 'hot spot' where:

- i. the effect on the proposed development, its occupiers and users will not be detrimental; and
- ii. the proposed development will not make the pollution and / or nuisance situation worse and where practicable, helps to alleviate the existing problem(s).

In applying this policy, particular attention will be given to a proposal's location and its impact on other development, land uses and nature conservation.

- 2.46 For the purposes of Policy SU9, pollution and nuisance include noise, dust, dirt, PM10, fumes, gases, steam, smell, radiation, vibration, light, smoke, heat and other polluting and nuisance emissions. Policy SU9 therefore applies to anything that can be deemed to be pollution and / or a nuisance. This includes greenhouse gases and ozone layer damaging gases. It also applies to electromagnetism where the effects are likely to cause ill health or have other adverse affects.
- 2.47 Road transport is one of the main pollution and nuisance generators and any air quality 'hot spots' in Brighton & Hove are likely to be the result of motor vehicle pollution. The planning authority will expect, therefore, the impact from traffic to be included with any assessment of pollution and nuisance. The planning authority may seek to control the volume and flow of traffic to and from a proposed development to comply with this policy (see also Policy TR1: 'Development and the demand for travel'). Sensitive developments such as housing, schools and hospitals are felt to be inappropriate next to significant pollution and / or nuisance generating uses, except where measures are to be taken to alleviate effectively the existing problems prior to occupation.

- 2.48 The council has declared one AQMA which encompasses sections of London Road, Ditchling Road, Preston Circus, Viaduct Road, Lewes Road and the surrounding area of the Vogue Giratory. Any additional Air Quality Management Areas (AQMA's) will be identified and declared, if required. Within these areas, the planning authority will expect any development to help alleviate the air quality problems, in accordance with the relevant Action Plan and council strategies.
- 2.49 In applying Policy SU9, particular attention will be given to a proposal's location and impact on other development and land uses. PPS23 'Planning and Pollution Control' states that the government attaches great importance to controlling and minimising pollution. It advises that the government's approach to pollution issues is a precautionary one. Where there are significant risks of damage to the environment, pollution controls will take into account the need to prevent or limit harm even where scientific knowledge is not conclusive. It also advises that some proposals will require the preparation and submission of an Environmental Impact Assessment. In addition to this, regard must be given to Part I of the Environmental Protection Act 1990, which is the main legislation that controls air pollution and authorisation of certain industrial processes.
- 2.50 Policy SU9 will be assisted and complemented by the powers and duties exercised under Environmental Health legislation, including the National Air Quality Strategy and the Local Authority Pollution Prevention Control (LAPPC), in accordance with Part IV of the Environment Act 1995 and the Pollution Prevention and Control Regulations 2000. In addition to the above, regard must be given to Part I of the Environmental Protection Act 1990, (which is the main legislation that controls air pollution with respect to the authorisation of certain industrial process) and to the Building Regulations legislation as well as to other agencies, for example, the Environment Agency, the Health and Safety Executive, English Nature and the Fire Authority. Implementation of this Policy will also be assisted and complemented by the Local Agenda 21 Strategy and by the council's voluntary involvement in a regional and national radiation monitoring scheme.
- 2.51 Policy SU9 has particular links with the following in this Plan: the policies relating to development and the demand for travel; polluted land and buildings; water resources and their quality; surface water run-off and flood risk; noise nuisance; species protection; protection and integration of nature conservation features; remote and tranquil areas; external lighting and floodlighting.

SU10 Noise nuisance

Proposals for new development will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding environment. Applicants may be required to submit a noise impact study or to assess the effect of an existing noise source upon the proposed development, prior to the determination of a planning application.

Developments likely to generate significant levels of noise will be permitted only where appropriate noise attenuation measures are incorporated which would reduce the impact on the surrounding land uses, existing or proposed, to acceptable levels in accordance with government guidance.

Where necessary, planning conditions will be imposed and / or a planning obligation sought in order to specify and secure acceptable noise limits, hours of operation and attenuation measures.

Planning permission for noise-sensitive development, such as housing, schools and hospitals, will not be granted if its users would be affected adversely by noise from existing uses (or programmed development) that generate significant levels of noise.

- 2.52 Noise as a source of nuisance has been recognised by the government and was identified by consultees during the initial consultation period on this Local Plan as an issue that should be taken into consideration when dealing with planning applications. Policy SU10 relates to all forms of noise whether it originates from traffic and roads, railways, aircraft, factories and other land uses, or even the proposed means of ventilation. It is important to note that it therefore applies to all types of development, including changes of use. Noise can have significant effects on the environment whether it occurs continuously in the background, at regular intervals or at irregular intervals. These effects can vary depending on the pitch, tone and frequency of the noise and on where the source is located.
- 2.53 It is not practicable, therefore, to give a concise indication as to when noise impact studies will be expected. Any noise assessment must be carried out in accordance with BS4142 'Method for rating industrial noise affecting mixed residential and industrial areas' or any other appropriate methodology to be agreed with the planning authority. Planning Policy Guidance Note 24, Planning and Noise gives guidance on the control of noise and introduces the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.
- 2.54 Potentially noisy development should be located in areas where noise will not be a significant consideration, for example, industrial areas and should ensure that its impact is minimised. It should be noted that the reference to 'surrounding environment' and 'surrounding land uses' should be taken to be all encompassing, thus they include factors such as: people, animals and areas prized for their tranquillity (e.g. the countryside). The importance of protecting areas which have remained relatively undisturbed by noise nuisance and thus prized for their tranquillity, from noise generating proposals is recognised because such areas are often of significant amenity and recreational value.

Particular regard will be given to protecting the specially sensitive 'remote and tranquil areas', (defined in this Plan in Chapter 7 'An integrated approach to nature conservation and the countryside'), from noise impacts.

- 2.55 Developments which are sensitive to noise, such as housing, schools and hospitals, should normally be located away from existing or programmed sources of noise, such as immediately adjacent to railways, heavily trafficked roads or noisy industrial premises.
- 2.56 When considering such applications regard will be given to the noise exposure categories detailed in PPG24 Planning and Noise (or subsequent revisions). Where necessary, planning conditions may be imposed to secure adequate noise attenuation measures, such as sound insulation, and / or to restrict the hours of operation of noise generating activities or the specification of an acceptable noise limit based on government guidance and/or policy.
- 2.57 Regard should also be given to the provision of appropriate measures to minimise the impacts on development or uses that may be sensitive to noise at certain times of the day and days of the week, such as offices and churches.
- 2.58 Policy SU10 seeks to take into account the information set out, in relation to local environmental quality, in the DETR document entitled 'Monitoring Progress - Indicators for the strategy for sustainable development in the United Kingdom' (1999). One of the key objectives identified by the DETR is that of 'attractive streets and buildings, with low levels of traffic, noise and pollution and green spaces'.
- 2.59 The implementation of this Policy will be assisted by and where appropriate have regard to the Local Agenda 21 Strategy; Public Entertainment Licences (applications for new and extensions in size of licensed premises); and also Noise Abatement Zones.
- 2.60 Policy SU10 has particular links with the following in this Plan: the policies relating to pollution and nuisance control; design; traffic calming; traffic free routes for children; car free housing; development in the countryside / downland; and nature conservation.

SU11 Polluted land and buildings

Proposals for the development of known or suspected polluted land and / or premises will help to ensure effective and productive use is made of brownfield sites and will be granted, in accordance with the other policies of the development plan, where the following can be met:

- a. the application is accompanied by a site / building assessment and detailed proposals for the treatment, containment and / or removal of the source of contamination, appropriate to the proposed future use and surrounding land uses, and to prevent leaching of pollutants;
- b. the proposal will not give rise to an increase in contamination and atmospheric pollution; and
- c. conditions can be imposed and / or a planning obligation sought in order to ensure the fulfilment of any necessary remediation measures and / or future monitoring.

Planning permission will not be granted for the development of polluted land or land adjacent where the nature and extent of contamination is such that even with current methods of remediation the proposed development, people, animals and / or surrounding environment will be put at risk.

Where the suspected contamination is not felt to be significant or not of a high risk, permission may be granted subject to conditions requiring site investigation and any necessary remedial measures.

- 2.61 The re-use of polluted land and buildings will be promoted, where it is practicable, in order to promote the re-use of brownfield sites; reduce the need for the development of greenfield sites; and reduce the threats posed by contamination to health, safety or the environment. It offers a sustainable approach to redevelopment and a means of regenerating specific areas and has the potential for delivering significant environmental benefits. Very few sites are so badly polluted that they cannot be re-used at all, but the contamination and the cost of dealing with it may restrict the choice of new uses. The preferred approach is that contamination be dealt with on the site itself.
- 2.62 The council intends to achieve the following target: the remediation of all polluted land prior to development and / or during its construction, as appropriate to its future use. Where a site may possibly be contaminated, the planning authority may grant planning permission which is conditional upon the developer, firstly, carrying out an investigation and assessment; and secondly, carrying out remedial measures; prior to and / or during development, as appropriate. The future monitoring of sites, where there may be a risk from landfill gas or similar in the future, may also be required.

- 2.63 Policy SU11 will be assisted and complemented by the powers and duties exercised under Environmental Health legislation (in accordance with the Environmental Protection Act and Environment Act 1995), Building Regulations legislation, the Land Contamination Act, and by other agencies, for example, the Environment Agency.
- 2.64 Policy SU11 has particular links with the following in this Plan: the policies relating to pollution and nuisance control; water resources and their quality; surface water run-off and flood risk; and unstable land.



SU12 Hazardous substances

Proposals which involve the storage or use of hazardous substances, including extensions to existing sites, will only be permitted where:

- a. the location is appropriately distanced and / or buffered from uses which may be adversely affected by potential hazard or pollution which may occur; and**
- b. the design and layout of the site makes adequate provision for necessary or appropriate measures designed to minimise the potential for, and impact of, fire or pollution.**

Planning permission will not be granted for proposals on sites that lie near or adjacent to a hazardous substance site or installation, or within the consultation distance of a notifiable installation, if:

- i. the amenities of the future occupants of the proposal would be adversely affected by the normal permitted operations of the existing uses; and / or**
- ii. the existing uses might have to compromise their current or future operations as a result of the proximity of the proposal.**

- 2.65 The Planning (Hazardous Substances) Act 1990 provides for the control of the presence or use of hazardous substances. Whilst it is not the role of the planning system to enforce legislation covered by other bodies, it is appropriate to consider the land use issues. For example, regard needs to be given to the site implications of accommodating necessary pollution control measures and the desirability of a proposal, requiring planning permission, being allowed in a particular location.
- 2.66 The storage of hazardous substances can increase the risk of fire explosion or toxic or atmospheric pollution. Where hazardous substances are involved, the council is required to assess the risk of an accident and its consequences for the health and safety of people in the surrounding area. The Policy is therefore concerned with reducing the risk of harm being caused by hazardous substances as well as minimising the possibility of a hazardous occurrence. It is relevant for the planning authority to consider the ability of proposals to deal effectively and safely with potential risks and to ensure that they are appropriately distanced or buffered from adjacent uses.
- 2.67 In determining what provision needs to be made within the site layout to accommodate appropriate measures, the planning authority will consult with the relevant bodies concerned with controlling hazardous substances. There may be cases where additional provisions are needed to satisfy general planning considerations. Where possible and practicable, such uses will normally be restricted to existing industrial, commercial and / or polluted sites.

- 2.68 Certain sites and pipelines (e.g. British Gas High Pressure Pipelines) are designated as notifiable installations by virtue of the quantities of hazardous substances that are stored or used in them. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. The planning authority will consult with the relevant bodies concerned with controlling hazardous substances where applications are received within the vicinity of any notifiable installation (the distances vary according to the substances involved).
- 2.69 It is important to make sure that where existing hazardous substances are appropriately located and have taken proper measures to prevent pollution or hazardous occurrences, they are not hindered by new development which is incompatible. This is important because suitable new sites for hazardous substances are hard to find.
- 2.70 Policy SU12 will be assisted and complemented by the powers and duties exercised under Environmental Health and Building Regulations legislation and by other agencies, for example, the Health and Safety Executive and Environment Agency. It has particular links with the following in this Plan: the policies relating to pollution and nuisance control; water resources and their quality; surface water run-off and flood risk; polluted land and buildings; and unstable land.



Design, safety and the quality of development

- 3.1 Design is critical as to whether a new development fits in visually and functionally with its surroundings and blends in with the existing landscape. The nature and use of materials is just one element of design. Good design also takes into account a 'sense of place' in the wider built and natural environment and seeks to integrate all the elements that are essential to the quality of life by providing a healthy, safe and pleasant environment.
- 3.2 To illustrate the above, the integration of elements such as, for example, crime prevention measures, public art and nature conservation into the design of new development helps to create interest, diversity and a more pleasant environment. These are qualities that are widely appreciated by residents and businesses including those seeking to relocate to the City. These qualities contribute to the revitalisation of urban areas and help to encourage economic growth.



QD5 Design - street frontages

All new development should present an interesting and attractive frontage particularly at street level for pedestrians. Commercial developments in the town centres should include ground floor uses that provide visual interest and which encourage people to visit in the daytime and evening.

- 3.24 Policy QD5 seeks to actively promote a stimulating and visually interesting environment and new investment through good design. Development that presents a sterile or bland appearance can detract from the appearance of an area and discourage people from visiting. Significant expanses of blank facades also reduce those opportunities for casual surveillance and increase the opportunities for crime to occur. With few visitors attracted into a street, the area may become perceived as being unsafe resulting in 'no-go' areas that deter investment (see also Policy QD8 'Shop shutters'). Commercial developments should have ground floors open to the public by providing uses such as shops or cafes in order that pedestrians will be drawn by evening activity or attractive lighting and window displays when the building's main activity has ceased for the day.
- 3.25 Architects who took part in urban design visioning workshops considered that proposals which featured a building at the back of a site with large expanses of parking, loading and storage areas in front were contrary to good design principles.
- 3.26 Respondents to the Local Plan consultation leaflet identified a number of examples of poor development that have taken place in Brighton & Hove such as large bulky developments with no street activity and buildings with no proper street frontage. Participants in community visioning workshops made the benefits of a safe town for all one of their highest priorities and recognised in particular, the need to reduce the 'fear of crime' which is one of the key priorities of the council's 'Community Safety Strategy, 2005 to 2008'.



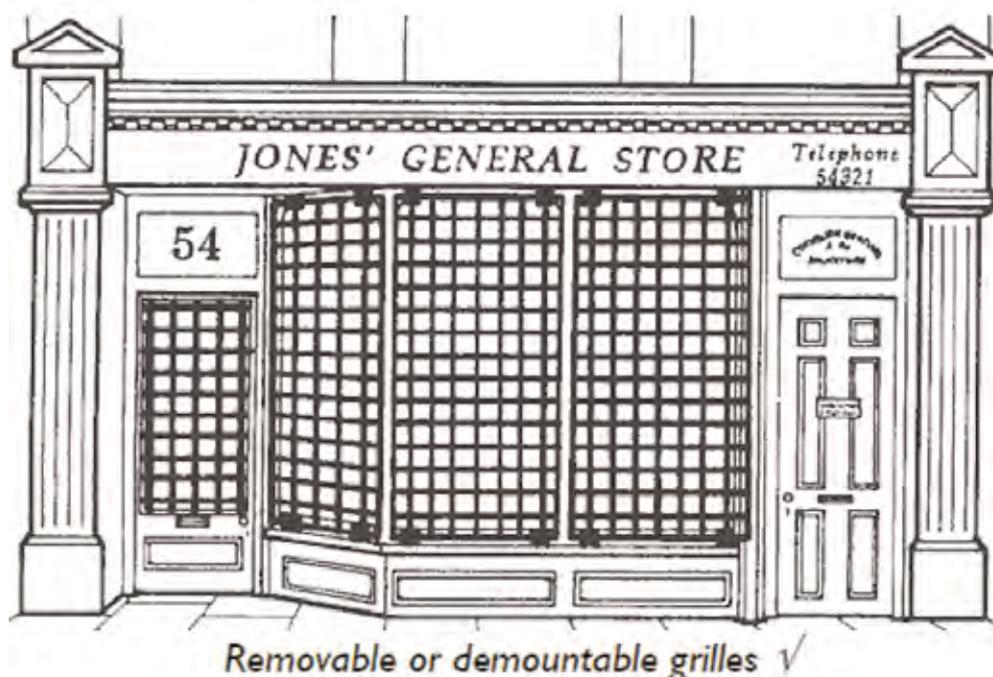
QD8 Shopshutters

Solid shutters, which obscure the window display at any time, will not be permitted except:

- a. **in isolated locations or in special circumstances where evidence, supported by the Police, has shown that security poses a special problem and all other appropriate security measures as advised by the Police have already been taken;**
- b. **where the shopfront is of an open type such as a traditional fishmongers, butchers and greengrocers, and where no alternative solution would be possible; or**
- c. **where there is no acknowledged need to retain a visible display outside opening hours, such as King's Road Arches on Brighton Seafront.**

***For the avoidance of doubt, shutters with the "pin hole" design are considered to be 'solid' for the purposes of this policy.**

- 3.36 Policy QD8 aims to create and maintain a safe and attractive environment that does not deter the public from using particular shopping streets thus losing the benefit of passive surveillance. The spread of solid shutters in a street can transform it in the hours of darkness into a more threatening environment that increases the fear of crime to pedestrians in particular.
- 3.37 Consultees attending a 'Retail and Town Centres' focus group to inform this Plan agreed the need to improve shop frontages and in general, to maintain an attractive environment with input from shop owners with the help of incentives.
- 3.38 All proposals for shopshutters should also take into account the shopfront and design policies of this Plan, particularly in conservation areas and on listed buildings. Proposals should also conform to the Supplementary Planning Guidance published by Hove and Brighton Borough Councils in the form of a leaflet entitled 'Shop Security: Grilles and Alarms' and any subsequent updates.



QD9 Boarding up of flats, shops and business premises

Planning permission will be granted for the boarding up of flats, shops and business premises provided the proposal:

- a. is for a temporary period;
- b. does not harm amenity and / or the shopping / business environment of the locality; and
- c. the boards are to be decorated with designs appropriate to their location in order to contribute to the surrounding environment.

- 3.39 It is recognised that there will be occasions, when properties become vacant for a temporary period and that windows and doors may need to be boarded up for security reasons. It is important that this is only taken as a temporary measure, for example, six months to a year. The longer-term solutions are to bring the premises back into use or, where appropriate, the redevelopment of the site. Conditions will be imposed on planning permissions limiting the proposal to a specified temporary period. The period of time granted will take into account the time needed to bring the site back into active use. Applicants will therefore be expected to submit details of the action to be taken to bring a property back into use and to provide the predicted timescales for such action.
- 3.40 The boarding up of premises has a significant impact on the building's appearance and on the surrounding area. Clusters of vacant boarded-up premises can result in a run down appearance, which can be detrimental to the visual amenity and vitality of the area respectively. In order to create and maintain a safe and attractive environment, which does not deter the public from using such locations, it is important the boards are appropriately decorated in a way that helps to maintain and if possible, contribute to the vitality and viability of the area. Enforcement action against insensitive boarding may be taken where the necessary consent has not been obtained.
- 3.41 Policy QD9 has particular links with the following in this Plan: the policies relating to design; shopshutters; shopfronts; public art; listed buildings; conservation areas; and, buildings of local interest.

QD10 Shopfronts

Replacement shopfronts and alterations to existing shopfronts will be permitted provided that the proposed shopfronts and fascia:

- a. **respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts / buildings;**
- b. **retain a visible means of support to the buildings above and do not interrupt any architectural details;**
- c. **are part of an overall design strategy which covers all elements of the shopfront, including shop-shutters, blinds, advertisements and signs; and**
- d. **allow access for everyone including wheelchair users, the visually impaired and other people with disabilities.**

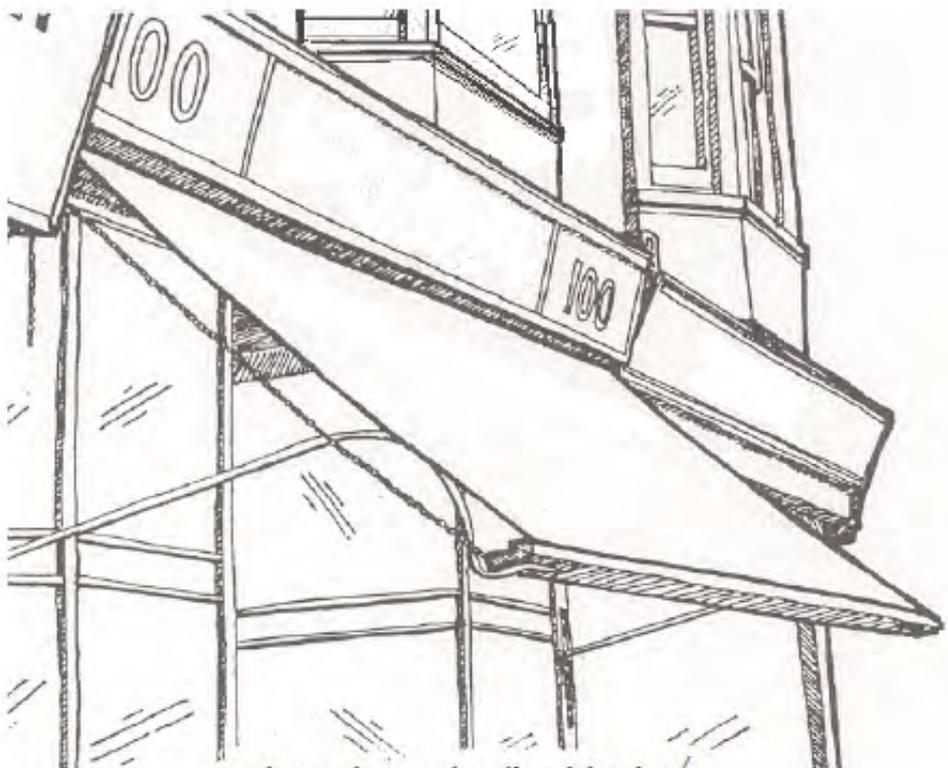
In respect of conservation areas and listed buildings, shopfront proposals will be required to preserve or enhance the special appearance or character of the area and / or the buildings special architectural or historic interest respectively. Permission will not be given to replace good period shopfronts or remove surviving features of interest.

- 3.42 The design of shopfronts has an important role to play in the appearance of an area. The appearance of shops is often an indicator of the quality, success, prosperity, or image of a town, so the design of a shopfront is important.
- 3.43 Shopfronts and their associated signs are intended to attract attention. Unfortunately, they are often designed to promote a corporate image rather than to respect their setting and townscape context. In order to achieve an attractive and pleasant environment it is important that all shopfronts, including their associated signs, are well designed reflecting the characteristics of the building and area concerned. The design of shopfronts is particularly important in the case of listed buildings, conservation areas and buildings of local interest where it is essential that they complement architectural details and historic features.
- 3.44 Many local shopfronts incorporate traditional features such as a recessed doorway, a timber frame and fascia with mouldings and a rendered or brick stall riser. These features make a valuable contribution and their retention will be sought. Where two or more adjacent units are being combined to form one unit, the shopfront should be designed so as to retain the appearance of separate units, especially within a conservation area, on a listed building and within its setting. Further guidance on shopfronts and associated elements such as security, blinds and advertisements is contained in supplementary planning guidance and /or supplementary planning documents.
- 3.45 Policy QD10 has particular links with the following in this Plan: the policies relating to design; advertisements and signs; shopshutters; boarding up of flats, shops and business premises; blinds; public art; listed buildings; conservation areas; and buildings of local interest.

QD11 Blinds

Planning applications for the erection of blinds will only be permitted where they are sensitively designed and located with respect for the appearance of the building and / or street. Non-traditional, Dutch, or PVC blinds will not be permitted in conservation areas or on listed buildings.

- 3.46 If erected with care and consideration, canopies and blinds can add interest and vitality to a shopping street. Blinds which can retract into a recessed box are usually less harmful provided they are an integral part of the shopfront which does not interrupt the unity of the repetitive elements of shop fascias, or obscure or damage architectural detail. Inappropriate blinds can have a significant impact on the character and appearance of a building and its surrounding environment. It is important, therefore, to ensure that blinds are appropriate to the area and building and are of a suitable design. In conservation areas the planning authority will serve discontinuance notices on inappropriate non-traditional Dutch or PVC blinds which have deemed consent by virtue of the Advertisements Regulations. For the purposes of Policy QD11, 'awnings' and 'canopies' are included within the term 'blinds'.
- 3.47 Blinds that incorporate an advertisement are to be treated as an advertisement, in accordance with legislation. Regard must be given to highway legislation, for example, blinds should normally be a minimum of 2.4m above footway surface level and should not contain side panels.
- 3.48 Policy QD9 has particular links with the following in this Plan: the policies relating to design; advertisements and signs; shopfronts; shopshutters; listed buildings; conservation areas; and buildings of local interest.



A traditional roller blind ✓

QD12 Advertisements and signs

Sensitively designed and located advertisements and / or signs, which contribute to the visual amenity of the area and do not prejudice public safety, will be permitted. Advertisements and signs, which are detrimental to visual amenity and / or would adversely affect public safety, will not be allowed.

The criteria used to determine an advertisement's or sign's suitability will include:

- a. size;**
- b. design;**
- c. colour;**
- d. materials;**
- e. lettering;**
- f. illumination;**
- g. means of fixture;**
- h. location; and**
- i. overall impact, individually and cumulatively with existing advertisements / signs.**

The planning authority will seek to reduce the number and / or size of existing advertisements and signs where these are considered to be detrimental to public safety and / or amenity. Advertisements and signs outside the built up area must be sensitively designed and be in keeping with the rural area and landscape.

Illuminated advertisements and / or signs will not be granted express consent outside the built up area.

- 3.49 Advertising is important to the vitality of commercial enterprises but a proliferation of advertisements and signs of different sizes, colour, design etc. can create a cluttered appearance with no uniformity or cohesion. This can result in an adverse affect on the amenity of an area and be detrimental to public safety, which, in turn, can harm the vitality of the businesses in the area.
- 3.50 A good building can easily be spoiled by a poorly designed, insensitively placed or oversized sign or advertisement or by a poor choice of advertisement finishes; fixtures; materials; colour; or illumination which is alien to the building's design or fabric. The planning authority will seek to ensure that advertisements and signs are kept to a minimum and carefully designed so that the appearance and character of an area is not harmed. The appropriateness of each sign will therefore depend on the characteristics of the building and the locality within which the advertisement or sign is to be displayed. As a general rule, advertisements or signs above first floor window sill level will normally be considered out of keeping and harmful to the visual integrity of a building and will therefore be resisted.

- 3.51 Whilst many advertisements and signs can be displayed without the need to apply for express consent, care still needs to be taken to ensure they respect their surroundings. The planning authority can take discontinuance action against such signs in order to remedy substantial harm to amenity or danger to members of the public. The planning authority will seek the removal of adverts, signs, boards etc. on private forecourts and pavements in front of business premises by conditions attached to consents, or if an obstruction is created, through highways legislation.
- 3.52 Further guidance can be found in a booklet produced by the Department of the Environment, Transport and the Regions (DETR) entitled 'Outdoor Advertisements and Signs - A guide for advertisers'.
- 3.53 Policy QD12 has particular links with the following in this Plan: the policies relating to design; shopfronts; advertisements and signs within conservation areas and on, or in the vicinity of a listed building; advertisement hoardings; and, protection of amenities.

QD13 Advertisement hoardings

Consent will not be given where a hoarding will be detrimental to public safety and amenity, in particular the character and appearance of the surrounding area. Applicants will be expected to submit a written design statement to demonstrate that the proposed hoarding is acceptable in terms of amenity and public safety.

Hoardings will not be given consent in the following areas or within their settings: conservation areas; within the vicinity of a listed building; within the seafront area; or outside the built up area. Exceptions will only be made where the hoarding enhances the street scene and would not be detrimental to public safety or have an adverse impact on amenity, including views in and out of the area.

- 3.54 Advertisement hoardings can be particularly intrusive in a locality because of their size and positioning. It is therefore important that careful attention is given to the impact of proposed hoardings to ensure that they do not harm the appearance of surrounding areas and buildings. A temporary solution for the security and amenity of a derelict / vacant site may be resolvable by the use of hoardings. However, the long term solution is the redevelopment of the site. Consent for hoardings around derelict / vacant sites will normally only be temporary for reasons of amenity.
- 3.55 Where hoardings may be appropriate, the council will seek to ensure that they are sensitively located and make a positive contribution to their locality. In some areas of Brighton & Hove, such as on the Downs, it is unlikely that any hoardings would be given consent. It will also continue to be important to ensure that hoardings do not adversely impact on road safety.
- 3.56 Policy QD13 has strong links with other policies in this Plan concerned with advertisement control; development in the countryside / downland; conservation areas; and listed buildings.

QD14 Extensions and alterations

Planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a. **is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;**
- b. **would not result in significant noise disturbance or loss of privacy, outlook, daylight / sunlight or amenity to neighbouring properties;**
- c. **takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and**
- d. **uses materials sympathetic to the parent building.**

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

- 3.57 Badly sited extensions can reduce the privacy, block daylight or seriously interfere with the outlook of adjoining properties. When considering orientation and daylighting / sunlighting, regard will be given to the Building Research Establishment (BRE) report entitled 'Site layout planning for daylight and sunlight - a guide to good practice' (1991) and any subsequent revisions. An important guideline when assessing proposals to extend properties is checking whether the extension cuts a 45-degree line (both horizontal and vertical) drawn from the centre of the nearest ground floor window of a kitchen or habitable room on a neighbouring residential property. In the case of two storey extensions the quarter point of the nearest ground floor window is used instead. The BRE report should be referred to, however, for further details and guidance. It is not the length or height per se of an extension that is critical but its effect on adjoining properties and its appearance.
- 3.58 Extensions to residential and commercial buildings should normally be sited at least 1m from a joint (i.e. shared) boundary to prevent undesirable terracing and loss of light to adjacent properties. In less densely developed areas a greater distance will probably be more appropriate and thus required in order to maintain the space around buildings and the character of the area.
- 3.59 Policy QD14 has particular links with the following in this Plan: the policies relating to design; the efficient use of resources; listed buildings; conservation areas; local interest buildings; nature conservation; species protection; greenways; and, external lighting.

QD15 Landscape design

All proposals for development must submit details to show that:

- a. adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
- b. the proposal includes suitable open space provision;
- c. high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
- d. effective use has been made of existing landscape features;
- e. where appropriate, existing nature conservation features have been retained and new suitable ones created; and
- f. if the location is appropriate, the site contributes to the Brighton and Hove Greenway Network.

Planning conditions may be imposed or a planning obligation sought in order to secure the provision of landscaping and future maintenance.

On major schemes, details of structural landscaping that contributes to the existing overall landscape quality of an area will need to be agreed with the planning authority prior to the determination of a planning application. It will be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing.

- 3.60 Consultees involved in the preparation of this Plan placed a lot of importance on open spaces and landscape. The spaces between and around buildings are just as important as the buildings themselves. It is essential that careful attention is given to these spaces within the overall design of a scheme in order to achieve good design. Indeed, good design involves consideration of the landscape as an integral part of the design process. The objective of a scheme should be to integrate a development into its surroundings with minimal impact on the environment, whilst at the same time creating an attractive setting in the immediate vicinity.
- 3.61 The council aims to promote a high standard of design. New developments are encouraged to express individuality and a legible sense of identity whilst retaining the character of the local area. Landscape schemes will be sought which are attractive and distinctive and make a positive contribution to the site and its surroundings. Materials should be carefully selected to suit and work with the function of the space. Personal and community safety should be carefully considered in all schemes. For example, landscape proposals adjacent to railways should ensure trees are located well away from the railway boundary as they could provide a means of illegal access onto the railway line and leaves falling onto the line could cause major problems and train delays.

- 3.62 Landscaping can support and provide new nature conservation features (as defined in Chapter 7 'An integrated approach to nature conservation and the countryside') which contribute to the creation of a stimulating environment and can serve as an educational resource. Landscape features includes trees and hedgerows which are also subject to a separate policy, QD16. It is important in terms of 'quality of life' for people to have easy access to natural open space. This was recognised by English Nature, which produced a research report entitled 'Accessible natural greenspace in towns and cities: A review of appropriate size and distance criteria'. Regard will be given to this document when considering proposals and landscape schemes.
- 3.63 Effective landscaping will also be required where proposals involve changes of use. A change of use to a building may require an alteration to the materials in the landscaped area so that the new function of the building, and consequently its character, is reflected in its surroundings. The landscape and external space can play an important role in determining access into areas, use of spaces and the hierarchy of public / private outdoor spaces with differing levels of privacy and security. Careful consideration should also be given to ensure that the role of the landscaping does not conflict with the requirements of the Building Regulations, for example, landscape schemes should not hinder emergency access points.
- 3.64 Planning applications will be required to submit a design statement. Landscape plans will be required as part of the design statement in order that they can be considered as part of the entire scheme and problems can be raised at an early stage and easily resolved. Proposals must include information about materials to be used and details of all aspects of planting. It should be noted that native species will be encouraged, where appropriate (and where possible, native species of local origin).
- 3.65 Conditions may be imposed in order to secure the provision of landscaping. For example, to secure the completion of a landscape scheme prior to occupation of a site and / or an adequate maintenance programme and the replacement of any plants that fail within the first five years on a 'like for like' basis, unless otherwise agreed with the planning authority. Where landscape plans have not been agreed but are felt to be resolvable, the planning authority may grant planning permission with appropriate landscaping conditions.
- 3.66 Applicants are recommended to seek professional landscape advice at an early stage in the design process. Additional advice and guidance is available from the council's arboriculturists, ecologists and landscape designers. A Street Design Manual will also be published by the council, which should be taken into account.
- 3.67 Policy QD15 has particular links with the following in this Plan: the policies relating to trees and hedgerows; design; development densities; crime prevention; unstable land; surface water runoff and flood risk; conservation areas; listed buildings; historic parks and gardens; urban open space; the retention and integration of nature conservation; species protection; greenways; provision of outdoor recreation space in housing schemes; traffic calming; external lighting; and public art.

QD16 Trees and hedgerows

Applications for new development:

- should accurately identify existing trees, shrubs and hedgerows
- must seek to retain existing trees and hedgerows; and
- wherever feasible include new tree and hedge planting in the proposals.

This planting will be secured through planning conditions and / or a planning obligation. The planting of native species will be sought, where appropriate. Works to a tree, which is subject to a Tree Preservation Order or lies within a conservation area, will be permitted only where the works do not damage the amenity value and health of the tree and / or are the minimum consistent with good arboricultural practice.

Development which would damage or destroy a preserved tree will not be permitted unless, the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.

Where the felling of a preserved tree is permitted: as for example by reason of it being severely diseased, dangerous or unavoidably located on the site of a new development; a replacement tree will be required of an appropriate type and size; and located to the satisfaction of the planning authority.

Where development is permitted in the vicinity of trees, adequate provision must be made for the protection of existing trees. Tree protection and all construction work carried out will need to comply with the advice of the current British Standard 5837 (Trees in relation to construction) and any subsequent revisions.

- 3.68 Existing trees and hedgerows should be retained and new ones planted as far as practicable. They help to add maturity to schemes; provide essential habitat for a wide range of wildlife; integrate developments into the existing environment; contribute to the character of the town; are valuable in softening the appearance of the built-up area; emphasise highway and pedestrian routes; help to identify site boundaries; provide shelter; and can help to reduce noise and atmospheric pollution. Regard however must also be given to personal and community safety. As detailed in paragraph 3.61, trees should not be planted near to the boundary of railway land or other such sites as they could enable illegal access.
- 3.69 Planning applications for any development that affects trees will be expected to be accompanied by a detailed arboricultural report and plan. The plan should be accurately plotted to scale and should indicate tree species, trunk diameter at breast height and crown spread. Hedgerows should also be plotted with species height and spread indicated. The footprint of the development, underground services, driveways, hardstanding areas and ground level changes should also be indicated. Where development is permitted in the vicinity of trees or hedgerows, details about protective fencing will also be required.

The landscaping and tree planting schemes of development proposals will be subject to the approval of the planning authority. Where it is considered by the planning authority that an existing tree is of little amenity and / or wildlife value or that its location is inappropriate, a suitable replacement may be sought. With regard to new and replacement trees and hedges, the planning authority will normally seek the planting of native species, where appropriate, and where possible, native species of local origin. Account should be taken of the potential impact of fully matured planting on the amenity of adjoining properties.

- 3.70 Brighton has been an Area of (Elm) Disease Management since the 1970s and has the only significant population of Elms in England making it home to the English Elm collection. Particular regard will therefore be given to the need to maintain and expand the presence of Elm trees within the city.
- 3.71 Some hedgerows are given extra protection by virtue of the 'Hedgerow Regulation 1997 - A Guide to the Law and Good Practice'. Applicants must therefore have regard to these regulations. Tree Preservation Orders are applied to trees in the interests of public amenity or where they are known to be under threat from future development pressures. Trees may be preserved for their intrinsic beauty; contribution to the landscape; or because they serve to screen an eyesore or future development. The value of trees may be enhanced by their scarcity and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant an Order.
- 3.72 Works to a tree covered by a Tree Preservation Order or within a conservation area will be permitted only where the works do not damage the amenity value or health of the tree. Any work carried out will be done using good arboricultural practice, such as that detailed in British Standard 3998 'Recommendations for tree work'. Where trees are removed for any reason, replacement trees of an agreed species, size and location will be required and a condition of replacement will be imposed if the tree fails. Developers will be expected to protect trees covered by Tree Preservation Orders. In addition to British Standard documents, sources of information on this subject can be obtained from the Arboricultural Association, International Society for Arboriculture, National House Building Council and government advice and circulars.
- 3.73 It should be noted that it is a criminal offence to do works to a tree in contravention of a Tree Preservation Order. Legal action may be taken, therefore, if any contravention of a Tree Preservation Order occurs. Where works are carried out to a tree without consent, such as, felling or works that adversely affect the long term health of the tree, a replacement tree will be required.
- 3.74 Applicants are advised to contact the council's arboriculturists in order to ascertain what trees and hedgerows are formally protected and to discuss proposed works and planting schemes. Policy QD16 has particular links with the following in this Plan: the policies relating to landscaping; design; development densities; crime prevention; unstable land; polluted land; surface water run-off and flood risk; conservation areas; listed buildings; historic parks and gardens; urban open space; the retention and integration of nature conservation; species protection; and greenways. See also Supplementary Planning Document 6, Trees and Development Sites.

QD18 Species protection

Where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under National legislation, European legislation or categorised as 'a declining breeder', 'endangered', 'extinct', 'rare' or 'vulnerable' in the British 'Red Data' books, the applicant will be required to undertake an appropriate site investigation.

Measures will be required to avoid any harmful impact of a proposed development on such species and their habitats. Where practicable, the developer will be expected to enhance the habitat of the respective species. Where necessary, a condition will be imposed or a planning obligation sought in order to secure these requirements.

Permission will not be granted for any development, including changes of use, that would be liable to cause demonstrable harm to such species and their habitats.

- 3.82 The presence of protected species is a material consideration in planning decisions. Many other species are nationally rare or vulnerable although not currently protected by law. In some cases these species have specialised habitat requirements and survive in a few, localised areas. The council considers that, in the interests of biodiversity and promoting sustainable development, both groups of species should be conserved as part of the development control process.
- 3.83 Development proposals which may affect protected or rare species should be fully informed by expert survey and advice. The Sussex Biodiversity Record Centre, based at the Sussex Wildlife Trust, and the Booth Museum in Dyke Road, can provide survey information for such purposes. When applying Policy QD18, regard will be given to the achievement of Biodiversity Action Plan Targets, as detailed in the introduction to the nature conservation section in this Plan in Chapter 7 'An integrated approach to nature conservation and the countryside'.



QD21 Allotments

Planning permission will not be granted for proposals that would result in the loss of allotments. Planning permission may be given for alternative open space uses for allotments which are surplus to requirements. Allotments will be considered surplus to requirements where the following criteria are met:

- a. **plots have remained genuinely available to allotment users;**
- b. **they have been unused for more than five years;**
- c. **they have been offered to all the people on the allotment waiting lists, city wide;**
- d. **they have been advertised to the general public as being available during this time; and**
- e. **the redundant allotment plots form a cohesive unit, that can be separated from other plots without causing disruption to existing allotments, still in active use.**

Where allotments are surplus to requirements, preference will be given to alternative amenity or leisure uses that retain the open nature of the site and are compatible with allotment gardening.

- 3.96 Allotment sites owned by the council and in private ownership, are unevenly distributed throughout Brighton & Hove. Some are inner urban plots, others form part of the urban fringe between the built up area and the Downs. In the government's command paper, 'The Future of Allotments', the government considered that allotments form a component part of healthy neighbourhoods and that there was a need for urgent action to protect existing allotment sites. The government welcomed the contribution made by private sites and urged the owners of private sites to adopt a long term and positive approach. The government advised that planning guidance on the role of allotments should be explicit because allotment land is the principal category of urban green space that is being eroded.
- 3.97 During the consultation process carried out to inform this Plan, allotment holders expressed concern that allotment sites should be protected and that any alternative use of vacant plots should not damage the existing allotments. The deliberate development of scrub or overgrown vegetation was considered to be unhelpful to other allotment holders because of possible rabbit infestation.
- 3.98 Allotment sites in Brighton & Hove are currently being surveyed by the council. Until the survey is complete and any vacant plots identified, advertised and promoted, it is not known whether there are any parcels of redundant land that could be put to alternative uses. Some allotments on the downland fringes may be of very poor quality and if not in use over a period of time may be better managed as open downland until they are needed. Small sites publicly or privately owned within the built up area fulfil several roles as amenity open space as well as allotment land and are likely to be valued as open space by the local community.
- 3.99 Proposals affecting allotments will also be expected to comply with the 'Urban Open Space' Policy (QD20) and the 'Protection of public and private outdoor recreation space' Policy SR20.

QD22 Satellite dish aerals

When planning permission for satellite dishes is required, applications will be granted where:

- a. **they have due regard to the character, appearance and design of the building and the surrounding area;**
- b. **they can be achieved without detriment to the amenities of nearby residents;**
- c. **the size of any dish is kept to a minimum;**
- d. **due regard has been given, where appropriate, to the installation of a communal aerial;**
- e. **the dish is an appropriate colour; and**
- f. **the dish / apparatus is sited in an inconspicuous location, for example, concealed in a roof valley.**

In the case of listed buildings the planning authority will only accept installations that do not adversely affect the architectural or historic character of the building and will require, where possible, that locations within the building such as in the roof space be used.

In all cases in view of the short-lived nature of the equipment and of the likelihood of technological change and to ensure that it does not detract from the character and appearance of an area in the long term, the local authority will grant permission for a maximum period of ten years.

- 3.100 Many alterations to buildings, including the installation of satellite dishes, can adversely affect their appearance. In turn this can have a harmful affect on the character and appearance of Brighton & Hove. The planning authority will seek to ensure that, where technically possible, satellite dishes are not visible from a highway or public open space.
- 3.101 Permissions granted for satellite dishes will be for a maximum period of ten years. Rapid changes in technology and the growth in cable television are continuing and the use of satellite dishes may be obsolete within 10 years. Policy QD22 will therefore enable the planning authority to ensure the removal of satellite dishes if they are rendered obsolete or if there are alternatives which are less harmful to the appearance of a property.
- 3.102 A general permission currently exists under the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town & Country Planning (General Permitted Development) Order 1998 for satellite dishes in certain circumstances. However in other cases planning permission is required. Further advice on whether planning permission is required can be found in the current government booklet: 'A Householder's Planning Guide for the Installation of Satellite Television Dishes'.

QD23 Telecommunications apparatus (general)

Proposals for telecommunication developments will only be permitted where the following criteria are met:

- a. subject to technical and operation considerations, the development is sited, designed, landscaped (where relevant) and in the most appropriate materials and colours, so as to minimise its visual impact;
- b. it can be demonstrated that existing masts, nearby buildings or structures cannot reasonably be used for the purpose;
- c. there will be no serious adverse effect on the character or appearance of the area;
- d. where the proposal determines the location of development elsewhere, details are submitted of the co-ordinated and strategic assessment, including the location of any subsequent apparatus, which demonstrates that the proposal is part of a plan that minimises the overall impact; and
- e. there would be no unacceptable adverse impact on amenity, people, landscape and nature conservation in the locality.

If significant physical or electrical radio interference is likely to result, this will be taken into account. The planning authority will seek to ensure, wherever possible, cables and wires to be located underground.

In the event that no controls exist under other legislation, the planning authority will impose on all masts or other telecommunications apparatus, conditions requiring their removal, if at any time in the future they become obsolete and are no longer required for the purpose for which they were erected.

- 3.103 The benefits from telecommunications to the community and economy are recognised and welcomed. Care needs to be taken, however, over the installation of such equipment in order to protect both the urban and rural environment from 'visual damage'. The planning authority will encourage telecommunication providers to co-operate in sharing masts and other structures in order to reduce the need for the proliferation of these installations, provided that the visual impact is less than the installation of a further mast. There may be occasions when two smaller masts are actually considered to be more appropriate than one big mast.
- 3.104 When determining applications for telecommunication apparatus, consideration will be given to the type of mast, radio type and frequency, output and to the potential health considerations and public concern where appropriate. Regard will be given, to the guidelines set out by the International Commission on Non-Ionising Radiation Protection (ICNIRP), the National Radiological Protection Board (NRPB) and the findings of the Stewart Report into Mobile Phones and Health (and any subsequent reports).

- 3.105 It is in an applicant's best interest to ensure all appropriate information is submitted to enable all the relevant factors to be taken into account when their application is considered. Where it is felt there is not sufficient information or there is insufficient justification of the data to enable the impact of a proposal to be appropriately considered, planning permission will be refused.
- 3.106 Where there is the potential for either electrical or physical radio interference the planning authority may require trial transmissions and may grant planning permission subject to a condition that, before development commences, the developer will ensure that the quality of any reception affected by the development will be restored.
- 3.107 Whilst it is generally considered that the impact on the environment is less if cables and wires are located underground, care should still be taken to ensure the impact is minimised. For example, trees should be protected from direct and indirect damage and hard surfaces replaced on a like for like basis.
- 3.108 Policy QD23 has particular links with the following in this Plan: the policies relating to telecommunications apparatus affecting important areas; design; protection of amenity; countryside / downland; landscaping; trees and hedgerows; the retention and integration of nature conservation; and urban open space.



telecommunication apparatus in Brighton & Hove
list of **Full Planning or Prior Notification**
telecommunications apparatus



QD24 Telecommunications apparatus affecting important areas

Proposals for telecommunication developments, such as masts or other structures, will not be permitted in locations where they would have an adverse affect on any of the following important areas or their settings:

- Area of Outstanding Natural Beauty (National Park);
- a conservation area;
- a listed building;
- a registered park or garden of special historic interest;
- an important wildlife site;
- a site of known or potential archaeological interest.

Exceptions will only be made where all the following criteria can be met:

- a. the proposal complies with Policy QD23 'Telecommunications Apparatus (General)' and other respective policies in the Development Plan;
- b. the design of the apparatus is the most suitable for the area / building and takes into account the area's / building's special importance;
- c. it is demonstrated that the proposal provides an essential link in a national and local network for which no alternatives exist and the adverse impacts are minimised; and
- d. a detailed visual impact assessment is provided and in the case of important wildlife sites, an ecological assessment is also provided, even when a formal Environmental Impact Assessment is not required.

3.109 The important areas listed in Policy QD24, are particularly sensitive to the impacts from telecommunication developments. The planning authority will therefore seek to protect such areas from telecommunication proposals. Proposals that would adversely affect these areas will only be permitted in exceptional circumstances. For example, where it can be demonstrated that there are no alternative technically suitable sites that are more acceptable in terms of environmental impact and the apparatus has been specially designed to minimise its impact. When considering whether there are alternatives to the provision of apparatus within an important area, regard will be given to whether they are technically suitable or environmentally preferable. If they are not, they will not be considered to be alternatives.

3.110 Policy QD24 has particular links with the following in this Plan: the policies relating to telecommunications apparatus (general); design; landscaping; trees and hedgerows; AONB, conservation areas, listed buildings, historic parks and gardens, archaeological sites, and nature conservation.

QD25 External lighting

Proposals for external lighting will be required to form part of an overall design strategy which demonstrates how they work in harmony with existing and surrounding lighting and create a balance between light and shadow which avoids both over-lighting and under-lighting.

Planning permission will not be granted for lighting units which emit over-intense light in the context of the use of the building or space to be illuminated and / or can be seen to cause detriment to amenity, environment, highway safety or cause significant light pollution, especially upward light pollution.

- 3.111 Lighting in and around buildings and roads is important for crime prevention and community safety - issues which were afforded a high priority by people who participated in the consultation process to inform this Plan. Lighting can also help to improve the quality of the 'night-time environment' and can be used to reveal, enhance and dramatised an area's architecture; in particular unique buildings and spaces.
- 3.112 However, the number of outdoor lights and their relative power has increased considerably over recent years, creating 'skyglow' which affects the ability of astronomers to see the night sky. Any light that fails to illuminate the intended target represents a waste of resources and can be regarded as visual pollution since it often has a detrimental impact on the amenities of the surrounding area.
- 3.113 It is important then to ensure that external lighting schemes do not adversely impact on amenity or create a dangerous distraction for highway users. Applicants submitting proposals for external lighting will be required to submit a written design statement. Where appropriate, planning conditions will be imposed restricting the intensity and hours of illumination.
- 3.114 Policy QD25 is consistent with the council's Lighting Strategy and has strong links with other policies of the Plan concerned with floodlighting; pollution and nuisance control; energy efficiency; protection of amenity; the countryside/ downland; AONB; listed buildings; conservation areas; and local interest buildings.

QD26 Floodlighting

Proposals for floodlighting will be required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity. Conditions will be imposed in order to limit the hours of use and frequency.

Floodlighting which creates significant illumination beyond those areas requiring illumination or will result in detriment to amenity or to sensitive areas and their settings will not be permitted.

- 3.115 Whilst floodlighting can help to enable land to be used more effectively, for example, hours of use of a sports field can be significantly increased, care needs to be taken to ensure that this is not to the detriment of the amenity of the surrounding area and that it does not create a dangerous distraction for highway users. The impact of floodlighting can be particularly harmful to sensitive areas and their setting, for example, conservation areas, listed buildings, sites important for nature conservation, the countryside and the Area of Outstanding Natural Beauty (National Park). The planning authority will ensure, therefore, that all floodlighting proposals are sympathetic and appropriate to the area in which they are to be located. Where appropriate, planning conditions will be imposed, restricting the intensity and hours of illumination.
- 3.116 The number of fittings and structures is critical to the overall impact of floodlighting. In general, a greater number of structures enables their overall height to be lower, the direction of the lighting to be controlled more easily and the intensity of the lighting to be lower. However, whilst this will help to minimise light pollution and the visual impact of tall structures, regard will need to be given to the harm to visual amenities from having a greater number of structures. Applicants are advised to discuss this with a lighting engineer and the council at an early stage in the design process. Proposals should meet the approval of the council's Lighting Engineer and where practicable, illuminance calculation plots should be provided for both horizontal and vertical planes to indicate proposed levels and light spill.
- 3.117 Policy QD26 is consistent with the council's sport and recreation strategy and lighting strategy and has strong links with other policies of the Plan concerned with external lighting, pollution and nuisance control; protection of amenity; energy efficiency; new development for sports and recreation; seafront recreation; Black Rock Site; protection of outdoor recreation space; major sporting venues; community stadium; the countryside/ downland and listed buildings and conservation areas.

QD27 Protection of amenity

Planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 3.118 When determining planning applications the planning authority will endeavour to protect the amenity of an area, its users, residents and occupiers, including a development's future users, residents and occupiers. Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. Disturbance includes factors such as speed, volume and type of traffic, noise, artificial lighting, smell and other pollution, erosion and flooding. The policies in this Plan dealing with these factors will be applied rigorously where new development, including alterations and extensions, unduly affects an area and its users, occupiers and residents.



Access to a decent home and community facilities

What the policies are trying to achieve

- 4.1 The policies and proposals set out in this chapter are a positive response to the need for additional houses and flats in Brighton & Hove of the right type and quality - and especially, the need to secure decent, affordable dwellings for people on low incomes and people with special housing needs. These aims are in accordance with government planning policy guidance PPS3: 'Housing', which states that everyone should have the opportunity of living in a decent home, which they can afford, in a community where they want to live.
- 4.2 As well as addressing housing need and providing an important safety net for people unable to afford the market costs of housing - genuinely affordable housing - can act as an important 'springboard' for people looking to move into work, including people who may be on temporarily low incomes.
- 4.3 Affordable housing plays a crucial role in helping people avoid becoming 'trapped' in unemployment and benefit dependency. The relationship between average local house prices / rents and average local incomes in Brighton & Hove is such that many households cannot afford market housing solutions.
- 4.4 The policies illustrate the importance the council attaches to planning for sustainable and vibrant neighbourhoods where a range of employment opportunities and local services and facilities are readily available without people having to travel long distances to get to them.

A complementary role for planning

- 4.5 It is vital that local planning policies complement the role played by the council as the local housing authority and as a lead regeneration agency. Greater integration of planning and housing policies is a key part of working toward an integrated, multi-agency approach to tackling social exclusion.
- 4.6 The council's strategic priorities include reducing local poverty by helping people on low incomes to have a decent quality of life. The council's vision: *'is to ensure that all the people of Brighton & Hove have access to decent affordable housing that enables a good quality of life'*. ('Brighton & Hove Housing Investment Strategy 2001-2006 - Housing: The well-being of the City' and subsequent updates)

- 4.7 Achieving this vision demands a partnership approach which will involve the council working directly with local people and a range of organisations involved in the development and management of housing. Partnership working with the Housing Corporation and local housing associations enables the council to look at innovative ways of meeting housing needs.
- 4.8 The Housing Strategy for the city sets out the aims and key objectives in respect of housing and housing investment. It is a key complementary strategy to the local plan housing related policies.

Sustainable neighbourhoods and regeneration

- 4.9 The development of land at Foredown Hill saw the last of the remaining large 'greenfield' sites to be developed for housing in Brighton & Hove. There are very few new sites available for housing and in accordance with government guidance, the emphasis is now firmly placed upon making the best use of land within the built-up area.
- 4.10 The list of identified housing sites set out in this chapter demonstrates the council's fundamental commitment to using brownfield (previously developed) sites to provide new housing. Instead of the traditional 'housing estate', key sites will be expected to provide a variety of housing types and sizes and a mix of tenures to meet a range of housing needs. This approach is supported by government guidance and policy which advises local planning authorities to encourage development that seeks to achieve sustainable mixed and balanced communities. By planning positively for this 'rich mixture' in Brighton & Hove, there is a real opportunity for neighbourhoods to develop which do not exclude people on grounds of income, age or need. Planning for the diverse housing needs of the whole community, including vulnerable people at risk, was afforded a particularly high priority by people on low incomes who contributed to a vision for this Plan.
- 4.11 Equally important on a number of key sites will be the need to plan positively for a mix of activities. This approach will help to breathe new life into the regeneration of existing areas by offering opportunities for employment, leisure and community facilities alongside housing. It will also help to ensure that new neighbourhoods emerge that meet the needs of local people right from the start. At the smallest scale, a mix of uses can involve the development or conversion of a building to provide 'live-work' accommodation or the re-use of vacant space above a shop to provide a flat.
- 4.12 Rather than being overly prescriptive, the policies of this Plan seek to provide the basic framework for new opportunities for a mix of housing types and tenures and mixed uses in Brighton & Hove. The detailed 'spatial planning' of neighbourhoods will rely on the involvement of the people who live there. A good example was the East Brighton 'New Deal for Community Partnership's Community Development and Urban Design Strategy'. The Strategy, led by the East Brighton Community, proposes a co-ordinated approach to improving the quality of housing; the immediate housing environment; open spaces; connections by road and on foot and other significant land uses.

- 4.13 In response to the need for more housing in the South East Region, the government has indicated that part of the solution may lie in increasing housing densities in existing urban areas. Higher density living is seen as helping to maintain the vitality of neighbourhoods by supporting local services and contributing to a reduction in the need to travel. Consultees involved in putting this Plan together recognised the benefits that higher density living might bring but cautioned that many people are already living at high densities in Brighton & Hove - many felt that higher densities should be linked to improvements in public transport accessibility.
- 4.14 Sustainable Neighbourhoods which incorporate a mix of uses and tenures and higher density development will only be successful if they are well designed (Chapter 3 'Design, safety and the quality of development'). High standards of architecture and making the best use of the spaces between buildings will also be important considerations if live-work accommodation, car-free houses and flats and lifetime homes are to be successfully introduced (see policies HO6 and HO13). Fundamental considerations in the design of a sustainable neighbourhood will be the need to plan positively for crime prevention and community safety (see Policy QD7).
- 4.15 During the preparation of the Local Plan, the council initiated ongoing work on an urban housing capacity study to consider what other opportunities there may be for the provision of additional housing in Brighton & Hove. This work reflects the council's commitment to 'plan, monitor and manage' provision for housing in line with government guidance.

Housing need in Brighton & Hove

- 4.16 The total number of households in Brighton & Hove is projected to increase by just over 9,000 (8%) in the period between 1991 (109,300) and 2011¹ (118,400). In line with national trends, it is predicted that there will be a sharp rise in the proportion of smaller households over the Plan period - by 2011 about 45% of households will comprise just one person.
- 4.17 Housing tenure figures show that the private rented sector stock in Brighton & Hove represents a significantly higher proportion (20%) of the total housing stock than the regional or national averages. The proportion of housing rented from housing associations continues to grow and has reached about 5% of the total housing stock. Around 60% of the households in Brighton & Hove are owner occupied, a figure which is broadly in line with the national average. 10% of the stock meanwhile is owned by the council. Therefore, total affordable stock in the city is 15%; a figure which is lower than many urban authorities and significantly lower than national average which is 22%.

¹ ESCC Population Projections, 1996-based. These projections are being revised following 2001 Census and updated population estimates. Any new figures will be incorporated into the emerging Local Development Documents.

- 4.18 The Census shows us that the proportion of households lacking or sharing basic amenities and suffering from overcrowding in Brighton & Hove is significantly higher than the average for the South East and is twice the national average. The proportion of households in non-self contained accommodation nearly four times higher than the national average.
- 4.19 To provide an accurate picture of housing needs in Brighton & Hove successive surveys have been carried out in Brighton & Hove over the past decade. Housing needs information complements existing sources of information such as the council's Housing Register and Transfer lists and plays a key role in guiding the Housing Investment Programme. In planning positively for housing, the government expects councils to underpin their policies by carrying out rigorous assessments of local housing needs.
- 4.20 The key findings of the Brighton & Hove Housing Needs Survey 2000 that informed the Plan are summarised as follows:
- 5,642 households are living in unsuitable housing. The main reasons for this are overcrowding and problems with the state of repair of their property;
 - Of those households living in unsuitable accommodation, it is estimated that 86% could not afford to resolve their housing problems within the existing Brighton & Hove housing market;
 - 13,430 households are living in unsuitable housing and cannot afford to resolve this situation;
 - In addition there are 52 concealed households in need - these households are persons who currently live with another household but need to move to their own separate accommodation now but cannot afford local market housing;
 - There are an estimated 205 additional homeless households not included as part of a household based survey, but who should nevertheless be considered as in housing need;
 - In total, it is estimated that there are 13,687 households in housing need at the time of the survey;
 - Over the next 5 years the number of households in housing need is projected to increase by 13,145 households if the current pattern continues;
 - To meet all of the current and projected housing need, around 15,727 additional affordable homes would be required by 2005 (N.B.: not all of the housing needs arising will need to be met through the provision of additional affordable housing; some can be met through repairs / adaptations or by households moving to less expensive areas);
 - Overall, around 11.8% of all households in Brighton & Hove are in housing need; twice the national average from 130 surveys;
 - Almost 16% of all households in Brighton & Hove include people with special needs, the majority of which include at least one person with a physical disability; and
 - At 30%, the proportion of special needs households in housing need is substantially higher than overall proportion of households in housing need.

Land for housing

- 4.21 Policy HO1 reflects a 'sequential approach' to the release of housing sites whereby the highest priority is attached to the use of previously developed sites (or buildings for re-use or conversion) in accordance with the government guidance set out in PPS3 'Housing'. The term 'indicative' is used in the schedule of housing sites as a guide to what the council considers achievable on the sites in terms of achieving PPS3 land supply requirements. They are not intended as rigid targets.
- 4.22 In accordance with government policy guidance PPS3, sites are only included if they represent a 'realistic proposition' in terms of the following factors:
- availability and suitability
 - location and accessibility
 - infrastructure requirements
 - community development
 - physical and environmental constraints
- 4.23 Policy HO1 also gives indicative percentage targets for affordable housing on identified sites in accordance with government guidance. These indicative targets were arrived at by taking account of the following criteria:
- site size, suitability and economics of provision;
 - the proximity of local services and facilities and access to public transport;
 - whether there will be particular costs associated with development of the site; and
 - whether the provision of affordable housing would prejudice the realisation of other planning objectives/policies that need to be given priority in the development of the site.

HO1 Housing sites and mixed use sites with an element of housing

Housing Land Supply Assessment: Brighton & Hove (as at April 2003)

Table 1. Allocation requirement to meet Structure Plan and PPG3 requirements as at 1.4.2003

Dwelling Requirement		
1	Housing Requirement 1991-2013	9920
2	Residential Completions 1991-2003	7765
3	Residual housing provision to be provided 2003-2013 (row 1 minus row 2)	2155
4	Annual Average Residual (row 3 divided by 10 years)	216
5	Five year total residual requirement (Row 4 multiplied by 5 years)	1080
6	Identified supply in local plan as at 1.4.2003 (large 6 + units) sites allocated and with planning permission	2276
7	Deficit/Surplus	+1196

Note: Housing requirement assumes Structure Plan annual rate of 260 dwellings in period 2006 to 2011 is continued until 2013.

Therefore an additional 520 (260 x 2 years) dwellings are required to meet Structure Plan requirement of 9,400 (1991 to 2011).

Table 2. Housing Supply to 2013

Housing Requirement		
1	Housing Requirement 1991-2013	9920
2	Less completions 1991- 2003	7765
3	Residual provided 2003-2013	2155
Housing Supply		
4	Windfall Potential from Urban Capacity Study 2003-2013	2600
5	Identified Supply in Local Plan	2276
6	Total Supply (row 4 plus row 5)	4876
7	Deficit/Surplus (row 6 minus row 3)	+2721

HO1 Housing sites and mixed use sites with an element of housing

The following sites are identified for housing or the inclusion of housing as part of a mixed-use development (as at 1 April 2003)



Allocated Sites With Planning permission at 1 April 2003			
Site Address	Brownfield Site, redevelopment /conversion	Units/indicative number of units	Indicative affordable housing %
52 Palmeira Avenue and adjoining land to south	✓	24	0
12 Richmond Parade	✓	10	40
Wholesale Market Building, Circus St	✓	55	60
St Anne's Institute, 110 St Georges Road, Kempdown	✓	6	0
Marine Gate, land between Marine Drive and rear of 2-18 The Cliff	X	16	0
Land at Hamilton Close and Chalky Road, Portslade	X	12	100
Former Senior Hostel, adj. 26 Southdown Ave 223 Old Shoreham Rd	✓	6	100
Carlton Hill, Brighton	✓	26	100
80-90 Grand Parade/Edward St, Brighton	✓	33	0
32-33 St James St, 1-4 Cavenish St and 1 St James	✓	11	0
95-99 Western Road, Brighton	✓	22	0
11 Marine Drive, Rottingdean	✓	22	36
Land Jubilee St, Church St, Barrack Yard	✓	100	25
76-84 Trafalgar St, Brighton	✓	33	64
Former Argus Printing Works, Robert St	✓	65	34
90-96 Preston Road, Brighton	✓	124	40
		Total 565	

Nb: The value of '0' will typically reflect extant planning permissions. Any renewal of planning permission will be assessed in accordance with Policy HO2.



Allocated Sites without Planning Permission at 1 April 2003			
Site Address	Brownfield Site, redevelopment /conversion	Units/indicative number of units	Indicative affordable housing %
Brighton General Hospital, Elm Grove, Freshfield Road	✓	200	80
Sussex Place, Brighton	✓	15	40
Preston Barracks, Lewes Road	✓	10	40
Land at Former Gas Works, Boundary Road, Marina	✓	80	30
The Rise (former school buildings), Portslade	✓	37	100
Land adj to Portslade College, Applesham Way, High Street, Portslade	✓	6	100
Shoreham Port	✓	To accord with a future development brief for Shoreham Harbour See Policy EM12	40
Manchester Street/Charles Street, Kemptown	✓	24	40
The Post Office, 44-51 Ship Street, Brighton	✓	25	40
21-23 Middle Street, 65-75 West St & Boyces St	✓	38	40
100 North Road, 1-2 Cheltenham Place, Brighton	✓	10	100
Brighton Station 'New England Quarter'	✓	270	30
49-50 Providence Place, Brighton	✓	26	40
Former Tyre Co Building, 2-14 Coombe Rd, Brighton	✓	20	40
King Alfred, Hove to accord with development brief	✓	300	40
		Total 1,061	40
Unimplemented windfall Sites gaining planning permission (8 sites) 2000/01		148	
Unimplemented windfall Sites gaining planning permission (10 sites) 2001/02		96	
Unimplemented windfall Sites gaining planning permission (26 sites) 2002/03		406	
Total unimplemented large windfall sites		650	
Total identified HO1 Sites		1,626	
Total identified supply		2,276	

HO5 Provision of private amenity space in residential development

The planning authority will require the provision of private useable amenity space in new residential development where appropriate to the scale and character of the development.

- 4.43 The above policy will be applied to all proposals for new residential development in order to ensure that the need for amenity space is addressed. The policy requires that an element of usable private amenity space (excluding parking and turning areas) is provided for occupants. This is particularly important for those likely to spend a large part of their day in the home environment. In considering the amount of usable private amenity space within new residential proposals, the planning authority, will take into account front gardens, back gardens and balconies.

HO8 Retaining housing

Planning permission will not be permitted for proposals involving a net loss of units of residential accommodation unless one or more of the following exceptional circumstances applies:

- a. the residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation;
- b. a separate access to the residential accommodation is impracticable;
- c. where it can be demonstrated that the change of use is the only practicable way of preserving the existence or special architectural or historic character of a listed building or other building of architectural or historic interest;
- d. where the proposal would result in a net gain in units of affordable housing; or
- e. where previous use of a building would be a material consideration.

- 4.52 Strict limitations on the number of new sites available for housing development in Brighton & Hove and the need to make the best use of the sites and properties that are available, mean that it will continue to be important to retain existing houses, flats and other residential accommodation. Policy HO8 will help to ensure that measures aimed at delivering additional housing including rehabilitation and repair, are not undermined by losses to the existing stock.
- 4.53 Policy HO8 complements Brighton & Hove City's Empty Properties Strategy and is consistent with other policies of this chapter concerned with improving housing conditions and bringing vacant housing back into use; affordable housing; residential conversions and the retention of smaller houses.

⁵ Housing Investment Strategy 2001-2006

⁶ Private Sector House Condition Survey, July 2001

HO9 Residential conversions and the retention of smaller dwellings

Planning permission will be granted for the conversion of dwellings into smaller units of self-contained accommodation when:

- a. the original floor area¹ is greater than 115 sq m or the dwelling has more than 3 bedrooms as originally built;
- b. at least one unit of accommodation is provided which is suitable for family occupation and has a minimum of two bedrooms;
- c. the proposal is not detrimental to adjoining properties, including those within the same building, in terms of noise and nuisance and there is adequate provision for the storage of refuse;
- d. secure, covered cycle parking is provided (if off-street cycle parking is not available and provision cannot be made on-street, then a contribution may be sought towards cycle parking nearby);
- e. the proposal will not result in an unacceptable level of on-street car parking; and
- f. if the building is listed, the proposal preserves the character of the listed building.
- g. if the building is in a conservation area, the proposal preserves or enhances the character of the conservation area.

The requirement within criterion b) for a unit of family accommodation will not apply when:

- i. a different mix of units is essential to preserve the character of a listed building; or
- ii. a different mix of units is necessary to meet the needs of existing occupants who will remain on completion of the conversion;
- iii. the proposal is poorly located to meet the needs of families; or
- iv. the proposal is specifically for people with special housing needs.

(Detailed design guidance set out in the Supplementary Planning Guidance and /or Supplementary Planning Documents will apply to residential conversions and alterations).

- 4.54 The conversion of larger properties contributes toward the provision of a wider range of housing and helps to meet the needs of a growing number of smaller households. It is also consistent with the objective of making the best use of the land available within Brighton & Hove and easing the pressure for the release of greenfield sites.
- 4.55 There remains a high level of demand for smaller dwellings suitable for family accommodation and it will continue to be important to retain the existing stock of these dwellings (i.e. those where the original floor area is less than 115m²).

¹ the original floor area excludes later additions such as extensions, garages (including converted garages) and loft conversions. Calculation of the original floor area must be based on internal dimensions only.

- 4.56 The council recognises that too much conversion activity can have an adverse impact on residential amenity, particularly in those areas where dwelling densities are already high. Similarly, a number of consultees who contributed to the preparation of this Plan recognised the importance of respecting the 'capacity' of different areas of Brighton & Hove to accommodate higher density living in terms of the impact on local services, infrastructure, amenity and community facilities.
- 4.57 Policy HO9 is consistent with the priorities set out in the council's Housing Strategy and other policies of the Plan concerned with retaining housing; improving housing conditions and bringing vacant housing back into use; affordable housing; residential conversions and the retention of smaller houses.

HO10 Accommodation for homeless people

Planning permission will be granted for the provision of residential accommodation, including temporary accommodation and hostels, to meet the needs of homeless people, provided that the site is well served by local community services, public transport and walking and cycling routes.

Planning permission will not be granted for proposals involving the loss of accommodation for homeless people unless it can be adequately demonstrated that this need for the accommodation no longer exists.

- 4.58 Policy HO10 is consistent with the council's aim of increasing the supply of short-term accommodation for homeless people and minimising the use of emergency bed and breakfast accommodation. The policy complements the council's objectives of;
- allocating a third of all properties to those in greatest need on the Housing Register;
 - targeting under-occupied council homes to make the best use of limited stock; and
 - providing move-on accommodation for those who no longer need supported accommodation, thus freeing specialist stock.
- 4.59 The policy has strong links with other policies of the Plan concerned with housing for people with special needs and affordable housing.

HO11 Residential care and nursing homes

Planning permission will be granted for new residential care and nursing homes and extensions to existing residential care and nursing homes where it can be demonstrated that the proposal:

- a. will not adversely effect the locality or neighbouring properties by way of noise or disturbance; or by way of size, bulk or overlooking;
- b. provides adequate amenity space - (a minimum depth of 10m and not less than 25m² per resident - although a lower standard may apply for nursing homes where residents are less mobile);
- c. is accessible to people with disabilities; and
- d. provides for operational parking in accordance with the council's standards.

Planning permission will not be granted for proposals involving the loss of residential care and /or nursing homes which comply with, or are realistically capable of reaching, the respective standards set out for residential care / nursing homes.

Where the loss of a residential / care home is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs.

The conversion of larger homes will be expected to provide a proportion of affordable housing in accordance with Policy HO2 'Affordable housing - 'windfall sites'.

- 4.60 Policy HO11 seeks to allow for an adequate supply of residential care and nursing homes. Where appropriate, the policy seeks to provide for alternative uses for former residential care and nursing homes - former homes will often be ideally located to provide opportunities for additional housing and to meet important housing needs, including affordable housing and supported housing for older people.
- 4.61 Policy HO11 is consistent with the council's Housing Strategy and Social Services Strategy for Older People. It has strong links with other policies of this chapter concerning housing for older people, housing for people with special needs and, affordable housing.

HO12 Sheltered and managed housing for older people

Planning permission will be granted for the provision of sheltered and managed housing for older people.

Proposals for sheltered and managed housing should:

- a) be located close to local amenities, including public transport and shops, to meet the needs of particular clientele; and
- b) incorporate an element of affordable housing* on HO1 sites or sites of the kind described in policy HO2, using the relevant assessment criteria of that policy.

Where sheltered / managed housing is no longer required, a priority will be attached to providing housing that meets an identified local need.

*** Such affordable housing will not necessarily be for the same type of clientele as is specified in the particular planning application. However, the form and type of affordable housing sought will take account of identified local needs and the particular characteristics of the proposals and of the development site.**

- 4.62 Whilst the elderly population is projected to decline over the period of the plan, there remains a shortfall in the supply of modern, sheltered and managed housing to meet the housing needs of older people. There is a particular need for affordable accommodation in this sector and the policy seeks to establish the provision of an element of affordable housing as an integral part of all new sheltered and managed housing schemes for elderly people.
- 4.63 Community visioning workshop participants, involved in the preparation of this Plan, attached a high priority to ensuring that everyone has access to decent, affordable homes and identified a particular need for sheltered accommodation to meet the needs of older lesbian and gay people.
- 4.64 Some of the existing stock of sheltered accommodation in Brighton & Hove can no longer meet modern requirements and will inevitably become surplus over the period of the Plan. The conversion or redevelopment of such accommodation could provide much needed affordable housing or supported housing for older people with special needs and associated facilities such as a 'drop in' centre, carers' base or respite care.
- 4.65 Policy HO12 is consistent with the Social Services Strategy, the council's Housing Strategy and the Community Care Plan. The Policy has strong links with other policies concerned with affordable housing and housing for people with special needs.

HO13 Accessible housing and lifetime homes

Planning permission will only be granted for new residential dwellings that are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.

A proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard.

Proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that wherever it is practicable, Lifetime Homes criteria have been incorporated into the design.

Design criteria for lifetime homes and wheelchair standards are set out in Planning Advisory Notes.

- 4.66 Policy HO13 responds to the objectives of securing equal access to housing for people with disabilities and meeting the needs of households as their occupants grow older or circumstances change. This approach is consistent with an under-supply of housing capable of being adapted to meet the needs of people with disabilities in Brighton & Hove and the need for the planning system and plans to respond to the challenge of meeting the housing requirements of the whole community.
- 4.67 The policy is intended to complement the Building Regulations by ensuring that access issues are considered at an early stage in the development process. It is consistent with the council's Housing Strategy which seeks to maximise the provision of accommodation suitable for people with disabilities and has strong links with other policies intended to provide greater choice and a better mix of housing.
- 4.68 Up to date monitoring suggests that the percentage of homes to be built to a wheelchair accessible standard on larger (10+) housing sites should be approximately 5% overall. This is based on the numbers of people in Brighton & Hove holding a disabled persons 'Blue Badge'. It should be noted that in affordable housing schemes, 10% wheelchair accessible housing is sought which reflects registered needs. Regular assessment of the housing needs of disabled people over the plan period may lead to a higher/lower percentage of wheelchair accessible housing being required.

HO14 Houses in multiple occupation (HMOs)

Planning permission will not be granted for proposals involving the net loss of units of non self-contained accommodation which comply with, or are realistically capable of reaching, the standards set out in the Housing Acts, other than in circumstances listed below. The extenuating circumstances are:

- a. where it can be demonstrated that the proposal meets an identified housing need; or**
- b. where the loss represents the only practicable means of preserving a listed building.**

- 4.69 Houses in Multiple Occupation (HMOs) play an important role in providing housing for young people and people who are socially or economically disadvantaged. They are often the only choice of housing for people who would otherwise be homeless. Given the overriding level of housing need in Brighton & Hove, it remains important to ensure that an adequate supply of HMO accommodation is retained. The need for HMO accommodation will be monitored throughout the period of the Plan and the policy reviewed, should research and monitoring indicate that the objectives of the policy can be met in other ways.
- 4.70 However, both the government and the council remain concerned that HMO accommodation does not always offer acceptable standards when it comes to issues such as repair, soundproofing and amenity. This policy is intended to complement the council's efforts to ensure high standards of maintenance and repair via the Housing Acts and other initiatives such as those intended to secure improvements to historic buildings.
- 4.71 Policy HO14 is consistent with other policies of the Plan which seek to promote high standards of maintenance and repair and encourage improvements to historic buildings. It complements the council's use of the Housing Acts to ensure that proper standards of management, soundproofing, amenities, repair, fire precautions and safety for HMOs are enforced.
- 4.72 It is recognised that in some areas of the city, a concentration of HMOs can cause various problems arising from heavy concentrations of people living within a small geographical area. Appropriate policies elsewhere in the Plan aimed at protecting amenities will also be important factors in assessing new proposals in respect of new HMOs and the loss of existing HMOs. Particularly important in this respect are policies QD27 and HO4.

HO15 Housing for people with special needs

Planning permission will be granted for the provision of residential accommodation for people with special needs, including supported housing.

Where some, or all, of the facilities are shared, planning permission will be granted provided that the criteria for conversions set out in Policy HO9 'Residential conversions and the retention of smaller dwellings' are met.

***(with the exception of criterion b) concerning the provision of at least one unit of family accommodation).**

- 4.73 The approach set out in this policy is consistent with highest priority attached to 'an integrated society which cares for the vulnerable', identified by participants in community visioning workshops who contributed to the preparation of this Plan.
- 4.74 There is a high level of demand for residential accommodation for people with special needs and the council's Housing Strategy statement identifies supported housing in particular, as an important element of future housing provision.
- 4.75 The council's supported housing forum has highlighted the difficulty of finding suitable accommodation for young people and older people with mental health problems, or for those with particularly chaotic behaviour. In a similar vein, the council's Housing Investment Programme Strategy Update indicates that 'supported housing' will continue to be an important element in future provision in Brighton & Hove with an emphasis on meeting special needs. The Social Services Strategy for Older People identifies the need to maintain and increase residential provision for older people with mental health problems.
- 4.76 Policy HO15 is closely linked to Policy HO9 'Residential conversions and the retention of smaller dwellings'.

HO19 New community facilities

Planning permission will be granted for community facilities (including places of worship, day care and health centres, libraries and archives, schools, churches and community halls) where it can be demonstrated that:

- a. **the design and use of the facility will ensure its accessibility to all members of the community and include:**
 - i **demonstrable benefits to people from socially excluded groups; and**
 - ii **the provision of suitable childcare and toilet facilities;**
- b. **there is no unacceptable impact on residential amenities or on the amenities of the surrounding area;**
- c. **the location is readily accessible by walking, cycling and public transport; and**
- d. **adequate car and cycle parking, including provision for people with disabilities, is provided.**

- 4.80 Brighton & Hove has an exceptionally rich and varied mix of communities which, as the council's bid for city status made clear, are central to its identity. Accordingly, in land use terms it is important to ensure that the range and quality of community facilities in Brighton & Hove is supported and improved.
- 4.81 Support for the provision of new community facilities reflects community visioning participants' aspirations for an integrated society that cares for the vulnerable and the identified need for 'affordable social facilities'. Community visioning participants sought a commitment from the council to listening and responding to the needs of community groups and support, in partnership, for community projects. People from low income groups sought more help for emerging community groups, whilst lesbian and gay participants sought to ensure that the diversity of Brighton & Hove was celebrated and identified a particular need for a gay and lesbian archive facility. Many of those who responded to a consultation leaflet recorded their concern that neighbourhood community facilities should be improved.
- 4.82 To reflect Brighton & Hove's diversity, Policy HO19 places an emphasis on ensuring that community facilities are accessible to all. An overall shortage of suitable buildings and pressure from competing uses, emphasises the need to promote community facilities that are 'multi-functional'. Accordingly, particular care will be taken in implementing Policy HO19 to ensure that attention is paid to detailed aspects such as the provision of suitable kitchen facilities, which can help to ensure that buildings can be used by religious and ethnic minority groups.
- 4.83 Policy HO19 is consistent with those other policies of the Plan aimed at protecting existing community facilities and specific proposals for new community facilities.

HO20 Retention of community facilities

Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.

Exceptions may apply when:

- a. the community use is incorporated, or replaced within a new development; or**
- b. the community use is relocated to a location which improves its accessibility to its users; or**
- c. existing nearby facilities are to be improved to accommodate the loss; or**
- d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.**

Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.

- 4.84 The council recognises the importance of social and community facilities. They make a vital contribution to the well-being of the community and the 'quality of life' of neighbourhoods.
- 4.85 In line with the results of consultation, this Plan attempts to provide a framework which allows the use of facilities to be maximised and to adapt to changing community needs. The starting point is the retention of existing facilities by resisting proposals for alternative uses or redevelopment which would result in their loss to the community.
- 4.86 Where a site is to be redeveloped and the community use is to be incorporated / replaced within a new development or accommodated elsewhere, the council will seek to ensure that the 'new' facilities remain available to the existing users on similar terms and that they are equal to, or better than, the existing facilities.
- 4.87 The planning authority will, where practicable, seek the reuse for community purposes of facilities no longer required by community or religious groups by another such group. It is recognised, however, that existing church buildings will not always meet the needs of other religious and cultural groups in which case they can provide a valuable resource for other community uses. Where no community use is forthcoming, residential and mixed uses will be considered in accordance with the other policies of this Plan.
- 4.88 Policy HO20 plays an important role in complementing the Plan's approach to the provision of new and improved community facilities. It is also consistent with the Plan's approach to securing new residential accommodation and support for mixed uses.

HO21 Provision of community facilities in residential and mixed use schemes

Proposals for (or which include) residential uses will be expected to demonstrate that a suitable range of community facilities will be provided to meet the realistic, assessed needs of residents, consistent with the scale and nature of the development proposed.

Accordingly, as part of such developments, the local planning authority will seek, by means of a legal agreement, the provision of community facilities as an integral part of the development scheme.

Where it can be demonstrated that it is not practicable to integrate community uses into the development scheme, the planning authority will seek, by means of a legal agreement, land for community uses within the development site and, where appropriate, a financial contribution towards the construction of these facilities.

In exceptional circumstances, where land cannot be made available, the planning authority will seek an appropriate contribution towards the provision of community facilities on an alternative site, readily accessible to the future residents of the proposed development.

- 4.89 By their very nature, new developments which include houses and flats, will generate a need for new community facilities. A range of community facilities will play an important role in the 'success' of a new development and will contribute directly to the local 'quality of life'. It is important then, that applicants demonstrate how community facilities will be included as an integral part of a development proposal.
- 4.90 The need for community facilities will be reflected in the scale of development and also the type of development. Community facilities will be expected to accurately reflect the needs of residents and take into account factors such as age profile and special needs.
- 4.91 Policy HO21 plays an important role in complementing the Plan's approach to the provision of new and improved community facilities. It is also consistent with the Plan's approach to securing new residential accommodation and support for mixed uses.

HO23 Community centre at Woodingdean

A new community centre is proposed at Woodingdean (Warren Road) to replace the existing facilities. In addition to those services currently provided such as the library, a new facility may include additional facilities such as a doctor's surgery and additional function rooms.

- 4.93 The existing buildings are life expired and in need of replacement. People living in Woodingdean who contributed to the consultation process identified a shortfall in the community facilities available locally and identified the potential for improvements to be made at this site. Since the existing community facilities were built on the identified site on the proposals map, the population of Woodingdean has grown by the expansion of housing to the south. This has resulted in a general shortage of available premises for community activities.

HO25 Brighton General Hospital

A new community centre will be sought as part of any large scale housing residential development at Brighton General Hospital.

- 4.95 A new community centre to be created as part of any residential development at Brighton General Hospital, will have the benefit of serving the wider residential area, where no such facilities exist at present.

HO26 Day nurseries and child care facilities

Planning permission for day nurseries and other day care provision for children, will be permitted where:

- a the property is capable of meeting the council's accommodation and staffing standards and has an adequate external amenity area for play;**
- b the proposal would not have a detrimental impact on the amenity of adjoining residents or the surrounding neighbourhood;**
- c the location is readily accessible by walking, cycling and public transport;**
- d the proposal would not result in traffic congestion or prejudice highway safety; and**
- e adequate storage space is provided for buggies and pushchairs.**

The loss of residential units may be permitted as an exception to Policy HO8, 'Retaining housing', to enable the provision of nursery facilities in those areas where it can be demonstrated that there is a significant shortfall. In such circumstances, at least one residential unit should be retained wherever it is practicable.

Unless their retention or replacement can be shown to be economically unviable, planning permission will not be granted for development entailing the loss of day nursery or childcare facilities, if there remains a demonstrable need for such facilities and replacement facilities, meeting the criteria are not available.

As an integral part of development proposals which will generate a large number of new jobs, appropriate child care facilities should be provided (for both pre-school and school age children). Where this is not practicable, the planning authority will expect to enter into a legal agreement to secure the provision of these facilities in a suitable and accessible location, which meets the criteria set out above.

- 4.96 The difficulties associated with such a shortfall are common to other parts of Brighton & Hove and this policy aims to provide a supportive land use framework for affordable childcare.
- 4.97 People on low incomes who contributed to the development of this Plan identified the need for affordable childcare to help people get back to work. A community visioning group, comprising women participants, identified the need for more breakfast and after school clubs and the potential to provide childcare through networked community centres.
- 4.98 Where an applicant is claiming a private sector facility has become economically unviable, the local planning authority will require information to show that the facility has been actively marketed for a reasonable period of time and locally, at a price that reflects the condition and commercial value of the facility, as nursery/childcare facilities. This is consistent with other policies in the Plan, which ask for a viability test.
- 4.99 Implementation of Policy HO26 will respect the role of the council's Childrens and Young People's Trust, which has responsibilities concerned with the inspection and registration of nurseries. The policy is consistent with those other policies of the Plan aimed at protecting existing community facilities and specific proposals for new community facilities.



Supporting the local economy and getting people into work

- 5.1 One of the council's six strategic priorities is 'Getting People into Work'. The council's aim is to make sure there are good quality local jobs and that there is a workforce able to do them. In achieving this aim, the key objectives are to:
- Improve the competitiveness of the local economy;
 - Support and retain existing businesses;
 - Promote Brighton & Hove for international, national and local business investment opportunities;
 - Develop a portfolio of high quality premises to meet the needs of expanding local businesses and companies wishing to re-locate to Brighton & Hove;
 - Improve the skills level of the local workforce; and
 - Maintain and strengthen the visitor economy.
- 5.2 The council's Economic Development Strategy seeks to:
- develop a portfolio of high quality premises to meet the needs of expanding local businesses and companies wishing to come to Brighton and Hove;
 - create a dynamic and positive business culture by encouraging new international, national and local business investment and by supporting existing businesses to grow and expand;
 - develop the capacity of the workforce to meet employer needs and workforce aspirations by addressing identified shortages in the labour market especially for semi-skilled jobs and work with employers to tackle barriers to recruitment and retention of employees;
 - research and monitor the local economy to identify and support growth sectors; and
 - lead, co-ordinate and maximise European funds and activity in supporting the council's strategic objectives.

- 5.3 The European Union has granted Assisted Area status to 16 selected wards in Brighton & Hove. Brighton & Hove also lies within the Priority Area for Economic Regeneration (PAER), which has been designated along the coast from Hastings to Shoreham in the Regional Planning Guidance for the South East, RPG 9. The purpose of the PAER designation is to tackle deprivation and promote economic growth. To support the PAER status, it is essential that a supply of suitably located employment land is available.
- 5.4 Regional planning guidance, (RPG 9) proposes that 60% of all development should be located on previously built-on land (brownfield sites). The strong environmental constraints that make Brighton & Hove such an attractive place to live, mean that most employment land will have to be found by recycling existing industrial and other redundant sites. The supply of industrial land will be maintained by clearance and redevelopment, or by the refurbishment and modernisation of existing buildings and industrial areas. Sites currently in industrial use have been designated to assist in attracting funding for refurbishment or redevelopment projects. The designated land includes the older industrial estates, which are owned by the council and are already being redeveloped and refurbished.
- 5.5 The designation of East Brighton as a New Deal area emphasises the need to provide education, training and employment opportunities. The Plan seeks to assist with the aims of New Deal by providing a range of sites suitable for small workshops and training companies, as close as possible to the neighbourhoods where the need is greatest.
- 5.6 The Local Plan recognises the need to support and retain local businesses. A wide range of existing small workshop units will be protected to provide places for local industries to start up and grow. The Plan identifies sites that are appropriate for small starter units and managed units.
- 5.7 A key strand of the Structure Plan is to take advantage of the employment generating potential from the higher education and research functions of the Universities of Sussex and Brighton and the Brighton College of Technology. The Structure Plan proposes that employment sites along the A27/270 'Academic corridor' should be especially identified for high-tech industries and research and development businesses. The Local Plan proposes that these sites could also provide opportunities for 'innovations centres' which help to convert research ideas from the universities into sound business ventures.
- 5.8 Brighton & Hove attracts 8 million visitors a year, bringing £380 million a year into the local economy. The majority of visitors, some 6.8 million per year, are day visitors but nearly two thirds of the tourist generated income comes from the 1.2 million visitors who stay overnight (including business and conference tourism) in the city. It is estimated that catering for visitors supports over 13,000 local jobs or up to 10% of the workforce. For policies relating to tourism, see Chapter 6 'Shopping, recreation and leisure - maintaining vitality and viability'.

- 5.9 The Local Plan provides the land use basis for securing the council's strategic objectives, the objectives of the council's 'Economic Development Strategy' and the Structure Plan floorspace requirements. To achieve these aims, the policies and proposals in this chapter will:
- provide a range of sites to help existing and new business thrive and stay in Brighton & Hove;
 - give priority to recycling brownfield sites for employment generating uses;
 - provide a flexible policy framework to reflect the changing needs of business;
 - identify opportunities for mixed use developments;
 - reflect the need to provide sites for the employment priorities of the New Deal project;
 - provide a supportive planning framework for start-up and small businesses; and,
 - provide key sites to support the tourist and conference sectors of the economy.

Predicting future employment land requirements

- 5.10 Projections for land requirements for the employment needs in Brighton & Hove are set out in the 'East Sussex and Brighton & Hove Structure Plan'. The Structure Plan guidelines identify an additional requirement for 'between 90,000 sq. m to 120,000 sq. m of B1 office / high tech' floorspace in the western area (which includes Brighton & Hove) and indicates that there is no quantitative requirement for additional general industry and warehousing, provided existing commitments are implemented.
- 5.11 The figures are based on the projected demand for local jobs, generated by the local workforce. Two figures have been produced, based on vacancy levels of industrial and business property, which reflect different assumptions on the success of the local economy. These figures are not intended as targets and will be subject to regular monitoring and review.
- 5.12 As part of Structure Plan preparation, in the 1998 'Employment Land Study', it was considered whether the projected floorspace requirements could be met from existing identified sites within the built up area of Brighton & Hove. The 'Employment Land Study' took into account existing (including vacant) industrial and business property together with unimplemented planning permissions and the sites allocated in the Brighton Borough Local Plan and the Hove Borough Local Plan for employment uses. An assessment was made of sites allocated in both plans as to whether the particular development site was free of constraints and how much floorspace could be provided. The 'Employment Land Study' found that there could be a shortfall in the amount of office/high tech floorspace available of approximately 100,000 sq.m in the period up to 2011. For general industry and warehousing, it found that there is no quantitative requirement, provided that all existing commitments are implemented and all suitable existing sites remain in use.

- 5.13 Additional employment sites have been identified as part of the process of producing this Plan and the potential supply of land for office / high tech use in Brighton & Hove has been revised accordingly. Two different supply figures have been produced, derived from different assumptions made about the amount of development that can be fitted onto the identified sites. The minimum figure assumes that only those sites without constraints will be developed, whilst the maximum figure may require a pro-active response (for example, grant aid to demolish buildings and redevelop sites at higher densities).
- 5.14 The minimum figure still shows a potential shortfall in the region of 80,000 sq.m. However, if all identified sites were developed this could provide a potential oversupply of office/ high tech floorspace of approx. 80,000 sq.m. In reality, the supply is likely to lie in between the two extremes¹.
- 5.15 The minimum figure suggests that there still remains a potential shortfall of office/high tech floorspace, based on the recognition that constraints exist on many of the identified sites.
- 5.16 However, the implication of accepting that only the 'minimum yield sites' come forward for development, is that many of the identified sites would remain vacant or be developed for other uses. This would also lead to pressure to allocate additional greenfield sites for the shortfall. When suitable brownfield sites exist within Brighton & Hove, such an approach would be clearly contrary to government planning policy and guidance on the 'sequential approach'. Similarly, developing peripheral greenfield sites would hinder the redevelopment of existing brownfield sites, so conflicting with current ideas on generating an 'urban renaissance'. Additionally, other sites may come forward in adjacent areas that would contribute to meeting the employment needs of Brighton & Hove, e.g. that part of Shoreham Port within Adur District in West Sussex.

¹See also the 'Brighton & Hove Employment Land Study 2006' for the most recent floor space estimates

EM4 New business and industrial uses on unidentified sites

Planning permission will be granted for new business and industrial uses (Use Classes B1 and B2) on unidentified sites within the built up area boundary provided that:

- a. **there is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission;**
- b. **the site is readily accessible by public transport, walking and cycling;**
- c. **the development would not result in the net loss of residential accommodation;**
- d. **the development would not result in the loss of an important open space, an identified Greenway or a nature conservation site as specified in the Plan;**
- e. **the development would not have a demonstrably adverse environmental impact because of increased traffic and noise;**
- f. **the development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and**
- g. **there is adequate landscaped amenity open space.**

- 5.26 To encourage new businesses or existing businesses to develop and expand, new sites which have not been identified in the Plan (windfall sites) that come forward during the Local Plan period and are suitable for new business premises, will be granted permission. They will need to be well located for the business community; readily accessible by public transport; by freight vehicles; by foot and by cycle in order to comply with policies on sustainability. The sites should not be allocated for other uses in the Local Plan. Alternatively, if monitoring demonstrates that there is likely to be a shortfall of employment land towards the end of the ten year Local Plan period, windfall sites would provide an opportunity to increase the overall industrial floorspace.
- 5.27 The use of suitable 'windfall' sites for employment purposes, when added to the allocated sites, will allow the least suitable industrial and office sites to be released for other more appropriate uses. In this way the overall stock of industrial and business floorspace will gradually be modernised and relocated on the best sites, whilst maintaining the overall level of floorspace needed to meet the requirements of the Structure Plan. (See above, 'Predicting future employment land requirements', paragraphs 5.10 - 5.16).
- 5.28 Policies EM1, EM2 (and EM9) list the identified sites in the Local Plan and the amount of land they will provide. However, it is recognised that not all of the sites may be redeveloped in the plan period and other sites may come forward to meet the overall level of additional floorspace required by 2011.

EM7 Warehouses (B8)

Planning permission for new primary warehousing development will not be permitted unless it can be demonstrated that such proposals are essential to the economy of Brighton & Hove; and

- a. **the number of jobs to be created would not be significantly less than those which would be likely to be generated by Class B1 or Class B2 use;**
- b. **there are no vacant warehouse buildings existing, under construction or with planning permission in the Brighton & Hove area;**
- c. **there is no adverse environmental impact due to increased traffic and noise;**
- d. **the development will not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the areas; and**
- e. **there is satisfactory provision for access, parking and servicing.**

- 5.34 Brighton & Hove is densely developed with limited opportunities for large scale industrial development. The area has above average unemployment levels. Therefore it is important to maximise employment generation on those sites which are available for business and industrial uses. The Structure Plan guidelines point out that there is no outstanding quantitative requirement for general industrial or warehousing floorspace provided that existing commitments are implemented and re-usable industrial sites and premises are reused for employment purposes: use classes B1(c), B2 or B8. Therefore it is not proposed to allocate any new sites for primary warehousing in the plan period. There are occasions where local businesses require storage of products near the point of manufacture or other goods need to be stored, ready for use. Ancillary warehousing, in conjunction with a main industrial use, can be appropriate provided it meets the provisions of the other policies in the Plan such as those for transport and design.

EM8 Live-work units on redundant industrial business and warehouse sites

Planning permission will be granted for the conversion or redevelopment of redundant industrial / business and warehouse premises or sites (Use Classes B1, B2, and B8) to live-work units provided the sites are not identified for other uses elsewhere in the plan and ground floors are retained for industrial or business use.

The work areas must be suitable for a full range of B1 uses and be of adequate design and sufficient size for light industrial use. Designs will include adequate noise attenuation measures, floor strengths and separate servicing arrangements.

Conditions will be applied removing residential permitted development rights to ensure that work areas are retained as employment units.

- 5.35 Small vacant sites and premises can provide real opportunities for new businesses to set up, perhaps as part of mixed use schemes which include housing. The concept of mixed use is embodied in 'live work' units, which as the name implies, provide living and working space under the same roof.
- 5.36 Live work units may offer an alternative approach where former industrial sites are no longer needed for their original purpose and have little prospect of attracting a single user for employment use. They should be of a substantial area and well designed to fit business purposes. It is essential that ground floor units remain available for workshops or businesses and are not re-absorbed into the dwelling space. Therefore residential permitted development rights will not apply so that they cannot become part of the domestic premises.

EM9 Mixed uses and key mixed use sites



Planning permission will be granted for the conversion or redevelopment of redundant or vacant sites not identified in the plan for any other purpose, for mixed uses. The uses should include employment generation, affordable housing, amenity space, community facilities and commercial development amongst other uses. Uses should be mixed both horizontally and vertically where practicable, to add to the vitality of the area and respect the grain of the neighbouring developments.

The mixed-use areas should be readily accessible by public transport.

(NB the uses suggested for the sites are indicative, to illustrate a range of uses that may be acceptable. The indicative uses are not intended to be prescriptive and an alternative range of uses in line with the objectives of the policy may also be acceptable).

- 5.37 The Plan identifies a number of sites for mixed uses to which the Policy applies. It will also apply to additional sites that become available for development during the Plan period. Mixed use sites improve the vitality and diversity of inner urban areas. Uses should be mixed from site to site and floor to floor, depending on the type of use. They should be of a scale that encourages walking and cycling because of the short distances involved and help to keep streets populated at night. It is important that all developments are more sustainable and create more rounded environments in which to live, work and pass leisure time.
- 5.38 As part of the consultation for the Local Plan, a focus group considered mixed use developments and concluded that the council should be proactive in promoting mixed use developments in partnership with others and promoting the importance of good design in achieving attractive mixed uses and reducing travel distances.
- 5.39 The Urban Task Force report, 'Towards an Urban Renaissance' refers to the good example of Brighton & Hove with its unique, popular, multi-purpose places and its robust and long enduring form and fabric which supports many different activities and a wide mix of housing tenures. This Policy seeks to achieve this mix in new developments and retain the mix in the existing built up areas.

The following sites have been identified for mixed use:

EM9 sites	Area in sq m	Policy Reference	Mixed Uses (horizontally and /or vertically integrated) could include:
Shoreham Harbour	271,950	See Policy EM2	Port related activities; employment including both industry and offices; mixed housing types and accommodation types; specialist retail uses, food and services; open space
Brighton Station	81,670	See Policy EM13	Employment uses, both offices and small workshops; mixed housing tenures and accommodation types including live work units; public open spaces, retail uses, community services and education/training
Preston Barracks (part site)	1,180,000	See policies EM2 and EM17	B1a/b uses (yielding not less than 9,300 sq m of office floorspace), retail and leisure uses
Portland Street / Church Street	1,240	See Policy EM2, EM10 and HO1	Offices and small workshops, mixed housing types and ground floor retail frontage to Church Street
West Street / Boyces Street / Middle Street	2,915	See Policy EM16	Employment uses including offices and housing, with complementary retail and / or leisure uses
Jubilee Street	14,165	See Policy EM15	Library; mixed housing tenures; employment uses - including offices and small workshops/live work units; retail uses
Tyre Co, Coombe Road	3,495		Business uses (B1-2), starter business units, housing, community facilities nursery/childcare facility
Air Street Quadrant	835	See Policy EM14	Retail uses with employment uses including offices, and / or housing
Argus Site, Kensington Street / Robert Street		See Policy EM10	Workshops (B1/B2), small scale storage (B8), mixed housing and small scale Use Class A developments
Circus Street / Kingswood Street		See Policy EM2 and SPD	Offices, housing

EM10 North Laine Area - mixed uses

In the North Laine area planning permission will not be granted for changes of use for redundant business and industrial premises to residential use, unless employment floorspace (Use Classes B1(a)(b)(c) or B2) is retained at ground floor level.

As part of such a scheme, small-scale ground floor retail uses (A1) or small scale (A2) uses would also be acceptable.

The Windsor Street / Portland Street site is identified for a mix of housing, business / light industrial and small-scale retail uses.

For the purposes of this policy, 'small-scale' means that the maximum width of the unit to the street frontage should not exceed 6 metres.

- 5.40 The ready availability of small employment sites in the North Laine area supports small scale industry and encourages new enterprises to set up. The conversion of small workshops to houses is causing a loss of potential small employment sites for people starting up new enterprises. There is a steady demand for small premises at affordable prices in the North Laine area, especially for IT and media related businesses. In recent years the demand for new residential developments in the North Laine has led to the loss of many workshops and small garage units. It is therefore necessary to clarify their status and make it clear that workshops are regarded as a useful resource for local or start up industries / businesses. They should either remain; be refurbished; or be replaced by modern, small-scale industrial and business units appropriate for a 'mixed use'. Small scale retail (A1) and financial and other services (A2 uses) as part of such development would be acceptable. The usual frontages in the North Laine are about 6 metres width or less and this pattern should be retained for any new retail A1 or A2 services premises.
- 5.41 Large, older, industrial premises in the North Laine may no longer be suitable for modern uses but when these are redeveloped, new replacement industrial or business floorspace should be created on the ground floor.



EM11 Mews - mixed uses

In Mews:

- a. **planning permission will not be granted for changes of use for redundant business and industrial premises or sui generis car uses to residential uses unless employment floorspace is retained at ground floor level;**
- b. **planning permission will not be granted for the expansion of existing vehicle repair firms unless it can be demonstrated that it will not harm residential amenity.**

When premises in B2 (general industrial use) or B8 use (storage), are no longer required for that use, then they will be retained for B1(a)(b) or (c) business use.

- 5.42 In the mews of Brighton & Hove, the ready availability of the former stables and garages for use as small workshops, provide affordable accommodation for long established small businesses and new enterprises. The conversion of the small ground floor workshops to houses, results in the loss of these important employment sites. The traditional appearance of the mews is also compromised by the insertion of domestic 'house fronts' at ground floor level.
- 5.43 Some older industrial uses (use class B2) in the mews premises are no longer appropriate in close proximity to housing. However, when these are reoccupied, industrial or business floorspace on the ground floors should be retained.
- 5.44 Traditionally, mews areas have provided an opportunity for small car workshops. Mews premises are not suitable for large scale vehicle repair activities but the existing small workshops used for car repairs, provide a way into employment and mews premises are much sought after for this use. Pressure from residential occupiers has led to the loss of vehicle workshops and small garage units and it is therefore necessary to clarify their status and make it clear to all that they will be retained for business activities that are appropriate for mixed residential areas.





Shopping, recreation and leisure - maintaining vitality and viability

- 6.1 The retail policies in this chapter aim to enhance the vitality and viability of the shopping centres and maintain their attractiveness. The approach will be to ensure that any out of centre retail development does not have a harmful impact on the shopping centres. Meanwhile, in the defined prime frontages of a hierarchy of centres, predominantly retail uses will be retained whilst permitting complementary uses such as banks and cafes that also attract people to an area. The policies aim to strengthen the role of local parades and corner shops that provide a valuable local facility, particularly for less mobile members of the community.
- 6.2 The policies aim to make the centres more attractive by promoting environmental improvements and additional facilities for shoppers as part of major retail proposals. The objective is to make it easier for people to shop in the town centre, to offset any possible harmful impact that a development may have and to regenerate the centres after the harm done in the past by out of town shopping. A number of significant sites for retail proposals are identified which aim to boost the amount of retailing in the two main centres in conjunction with new residential uses to encourage more people to live in the centre and 'living above the shop'.
- 6.3 A key objective of the council's policies for the town centres is to make them feel safer for all users. A particular concern has been the spread of large pubs/bars and nightclubs that can generate problems of noise, disturbance and public disorder often at night. The policies introduce controls over the numbers, size, location and management of pubs/clubs so that they can operate in safety and minimise their environmental impact.
- 6.4 This chapter adopts a sustainable approach to the protection and new provision of recreation and leisure facilities. Encouragement will be given to increasing the stock of tourist accommodation, but it should be provided in a sustainable manner that offers a choice of means of transport for visitors to travel to and around Brighton & Hove. Similar considerations apply to the objective of improving the provision of sports and recreation facilities. It is vital that as part of achieving the objective of Brighton & Hove becoming a regional centre for sporting excellence that its major sporting venues are retained together with the development of a new community sports stadium. Major facilities should be accessible by public transport and other methods of sustainable transport for the majority of their users whilst encouragement is also given to the improvement and further provision of community sports facilities in the neighbourhoods.

- 6.5 The seafront is a location where it is particularly important to balance the opportunities for providing visitor attractions whilst protecting those obvious historic and environmental qualities that attract visitors to Brighton & Hove in the first place.
- 6.6 The Plan proposes an enlarged hotel core zone that includes the major transport interchanges as well as the coastal strip, in recognition of the importance of the tourist and conference trade to Brighton & Hove which brings in 8 million visitors a year.



SR3 Retail warehouses

In order to ensure against wider retail use, which would harm the vitality and viability of existing shopping centres, permission will only be permitted for new retail warehouses which accord with other policies for new retail development outside of the shopping centres. The planning authority will impose the following planning conditions for all such developments without exception:

- a. the type of goods sold is restricted to bulky goods only;**
- b. the subsequent sub-division of units is restricted; and**
- c. the subsequent construction of mezzanine floors to provide additional floorspace is restricted.**

- 6.16 Retail warehouses are generally characterised by large single-level stores specialising in the sale of household goods (such as carpets, furniture and electrical goods) and bulky DIY items, catering mainly for car-borne customers and often in out-of-centre locations. More recently however, some warehouses have introduced mezzanine floors. There are also some examples in Brighton & Hove of retail warehouses selling non-bulky goods such as shoes and clothing.
- 6.17 Members of a focus group on 'Retail and Town Centres' expressed concern that out-of centre retailing has a detrimental impact on the attractiveness of town centre shopping. Focus group participants and respondents to the Local Plan consultation leaflet all strongly supported the resistance of further out-of-centre retail development which was seen as a threat to the vitality and viability of established centres. It was also felt that out-of-centre retailing was not a sustainable form of development.
- 6.18 However, it is not always possible for some types of retailing, such as large stores selling bulky goods, to find suitable sites either within or on the edge of town centres. This may be due to the proposed scale of the development and the nature of the retailing involved which may result in problems of access and deliveries to stores and out to customers. It is vital, that where the development has to be located in an out-of-centre location that the range of goods sold differs from those that are sold or could be sold in town centres. This ensures that there is no direct competition that would draw significant trade from the centres and hence have a detrimental impact.
- 6.19 The 'Drivers Jonas Brighton & Hove Retail Study' 1999 found that there is no capacity for retail warehouse development before 2001. By the middle of the Plan period there will be some capacity for additional floorspace. The Study recommended that future provision should be directed to existing retail locations or locations that benefit from good public transport access, that are adjacent to other retail and leisure facilities and are served by surrounding residential areas. The planning authority will therefore be directing any new provision during the middle of the Plan period to these areas and encouraging more efficient use of existing sites and premises.
- 6.20 Development proposals should conform to the other retail policies of this Plan.

SR4 Regional shopping centre

Within defined prime frontages of the regional centre, the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses, will be permitted provided that all of the following criteria are met:

- a. as a result of the proposal there would not be a significant break in the shopping frontage of more than 10m;
- b. it would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street(s) to which it relates;
- c. it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
- d. the development would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.

Exceptions to (a) may be permitted if it would allow an existing business currently occupying an immediately adjacent unit to expand.

Outside the prime frontage of the regional centre, the loss of retail use will be permitted provided that a healthy balance and mix of uses (including Class A1 retail) is retained and concentrations of uses other than Class A1 are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area.

- 6.21 The council considers it particularly important to maintain at least 75% Class A1 uses in the prime frontages of the regional centre. This is in order to maintain its role as the principal shopping centre in East Sussex, which is of considerable importance to the economic and social life of Brighton & Hove. It is also desirable to ensure that any proposed use will encourage pedestrian activity into the centre and therefore residential uses will not be permitted. Retail units at the corner of two streets can have added significance as they can "signpost" the beginning of at least one shopping frontage. Where a proposal relates to a retail unit on a street corner, the impact of the change of use on the frontage of both shopping streets will be considered.
- 6.22 Outside the prime frontages, the planning authority wishes to retain a healthy level of activity in the daytime and evening by ensuring that a good mix of Class A1(retail), A2 (banks /building societies), A3 (cafes / restaurants) and other uses prevail whilst avoiding any one particular class of activity dominating an area. Community uses falling within Class D1 (e.g. doctors, dentists) which would draw people to the centre and may generate a combined shopping visit will also be considered provided that a window display is maintained.
- 6.23 Participants in a focus group on 'Retail and Town Centres' thought that more flexibility was needed in applying the policy, and that Western Road, Brighton would benefit from more A3 uses - there remains some flexibility for further changes of use to non-retail uses within the terms of Policy SR4.
- 6.24 Implementation of the policy will be assisted by continuing to monitor numbers of retail / vacant units. In addition, new sites for significant retail development are identified elsewhere in this Plan in this centre.

SR5 Town and district shopping centres

With the aim of maintaining and enhancing the defined prime frontages of:

- the Town Centres of London Road and Hove; and
- District Centres of St James Street, Lewes Road, Brighton Marina and Boundary Road / Station Road;

the change of use of existing Class A1 use shops to Class A2, A3 (cafes and restaurants), will be permitted provided all of the following criteria are met:

- a. a clear predominance of Class A1 uses would be maintained;
- b. as a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres;
- c. it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
- d. the development would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the area.

In addition to Class A2 and A3 uses, some Class D1 community uses (e.g. doctors, dentists) may be permitted provided that a window display is maintained and it can be demonstrated that the proposed use would draw pedestrian activity into the Centre.

Within any part of these Centres a change of use at ground floor level to residential in a shopping frontage will not be permitted.

Outside the prime frontage in the town and district centres, the loss of retail use will be permitted provided that a healthy balance and mix of uses (including Class A1 retail) is retained and concentrations of uses other than Class A1 are avoided. The proposed use should still attract pedestrian activity to the centre and should not have a significantly harmful impact on the amenity of the area.

- 6.25 Town and District centres commonly serve community needs for both comparison and convenience goods shopping, together with a range of non-retail services such as banks, building societies, cafes and restaurants. The centres are capable of fulfilling an important function as a focus for both the community and for public transport. They have suffered however, over the past decade from economic downturns and increased competition from out of centre retailing. A more flexible approach is needed therefore to ensure that their vitality and viability is maintained and enhanced. There should still be a predominance of at least 50% of retail (Class A1) units retained.

- 6.26 The proposed uses should draw pedestrian activity into the centres. Residential uses will not therefore be permitted as such uses would not fulfil criteria (c) of this Policy. Other community uses falling within Class D1 (e.g. doctors, dentists) which would draw pedestrian activity and would generate combined visits to the centres could be favourably considered provided that a window display is maintained. Outside the prime frontages, the council wishes to retain a healthy level of activity in the daytime and evening by ensuring that a good mix of Class A1(retail), A2 (banks /building societies), A3 (cafes / restaurants) and other uses prevail whilst avoiding domination by any one particular class of activity.



SR6 Local centres

With the aim of maintaining and enhancing the following local centres:

Mill Lane, Portslade; Portland Road, Hove; 'The Grenadier', Hangleton Road; Richardson Road, Hove; Eldred Avenue, Withdean; Old London Road, Patcham; Ladies Mile Road, Patcham; Seven Dials; Fiveways; Hollingbury Place, Hollingdean; Beaconsfield Road, Preston Park; St George's Road, Kemp Town; Warren Way, Woodingdean; Whitehawk Road, Whitehawk; High Street, Rottingdean; Lustrells Vale, Saltdean; and Longridge Avenue, Saltdean;

the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses will be permitted, provided that all of the criteria, a) to e), are met:

- a. it would not result in either the number of non-retail units or the proportion of frontages exceeding 35% of the centre;
- b. it has been adequately demonstrated that a Class A1 retail use is no longer economically viable in that particular unit or the centre as a whole;
- c. the proposed use would attract pedestrian activity (particularly in the daytime) which would make a positive contribution to the vitality and viability of the centre;
- d. the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area; and
- e. the location and prominence of the proposed use would not lead to a significant break of more than 10 metres in the frontage.

In addition to Class A2, A3, A4 or A5 uses, some Class D1 community uses (e.g. doctors, dentists) may be permitted provided that a window display is maintained and it can be demonstrated that the proposed use would draw pedestrian activity into the centre.

Changes of use at ground floor to residential will not be permitted in Local Centres.

- 6.27 Local centres are small groupings, usually comprising a newsagent, a general grocery store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is important particularly for the elderly, people with disabilities and the very young who cannot easily travel far, that their convenience retail needs can be met within easy walking distance within their neighbourhood. It is also desirable from a sustainable point of view that people are not dependent on use of the car for their day to day retail needs. Great concern about the decline of local centres and parades was expressed by participants in a focus group on 'Retail and Town Centres' and people who responded to the Local Plan consultation leaflet.

- 6.28 Local centres that retain a good predominance of Class A1 retail uses with low vacancy rates still retain their vitality with a healthy level of pedestrian activity. 65% is considered to represent a good predominance of units and is more realistic in local centres than the higher ratios required by Policy SR5 (Regional Shopping Centre). Most of the local centres do not exceed this ratio (in terms of the proportion of non-A1 uses) and so there is some flexibility within the policy. Policy SR6 will be strictly applied and where the proportion of non-retail units has risen above the threshold already, then the further loss of retail units will only be permitted in exceptional circumstances.
- 6.29 Indicators to be taken account of affecting the economic viability of a unit are:
- the characteristics of the unit;
 - its position in the centre;
 - the pedestrian flow associated with the unit and the centre as a whole;
 - the number of other vacancies in the centre; and
 - the length of time that the unit has been actively marketed on competitive terms.
- 6.30 It is important that the proposed use will still contribute to the activity in the centre particularly in the daytime. For example, a Class A5 use (e.g. selling hot food) with little or no seating which operates mainly as a take-away opening only later in the day, would not, it is considered, fulfil this role. As with the other centres a community use such as that falling within Class D1 (e.g. doctors, dentists), which attracted pedestrian activity and encouraged a combined shopping visit to the centre will be considered provided that a window display is maintained. Residential uses are not considered appropriate for this reason and a residential use would not fulfil criteria (c) of Policy SR6.

SR7 Local parades

Within local parades the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses will be permitted provided that all of the following criteria are met:

- a. the number of units or frontages other than Class A1 in the parade would not exceed 50%;
- b. it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit or parade;
- c. the nature of the proposed use and the level of activity (particularly in the daytime) likely to be associated with it, would make a positive contribution to the vitality and viability of the parade; and
- d. the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.

Exceptions to (a) may be permitted if the parade in question is within easy walking distance of a local, district, town centre or the regional shopping centre and all other criteria are met.

In addition to Class A2, A3, A4 or A5 uses, some Class D1 community uses (e.g. doctors, dentists) may be permitted provided that a window display is maintained and it can be demonstrated that the proposed use would draw pedestrian activity into the centre.

Changes of use at ground floor to residential will not be permitted in local parades.

- 6.31 The term 'local parade' in this Policy refers to a cluster of three or more A1 retail units such as a newsagent, convenience store or off-licence, together with A2 uses, for example estate agents or A3, A4 or A5 uses, that function as a group and are capable of serving the convenience needs of a local residential catchment population. Participants in a focus group for 'Retail and Town Centres' were greatly concerned about the decline of local shopping parades.
- 6.32 It is important particularly for older people, people with disabilities and the very young who cannot easily travel far, that their convenience retail needs can be met within easy walking distance within their neighbourhood. In most cases, up to 300m is considered to be an 'easy walking distance' (PPS6 'Planning for Town Centres') to serve the local convenience needs of a neighbourhood. However a shorter distance may be deemed appropriate if, for example, it is necessary to walk up a hill or to cross a busy main road. It is also desirable from a sustainable point of view that the wider population is not dependant on use of the car for day to day retail needs. It may be unrealistic to expect more than 50% of retail units to be retained in such a parade but it is considered most important to protect these parades for the reasons stated above and to ensure that sufficient alternatives exist nearby.
- 6.33 If an exception to (a) is being considered then there should be substantive written evidence submitted with an application to meet the other criterion, particularly criterion (b).

- 6.34 Indicators affecting the economic viability of a unit which will be taken account of are:
- the characteristics of the unit;
 - its position within the parade;
 - the pedestrian flow associated with the unit and the parade as a whole;
 - the number of other vacancies in the parade; and
 - the length of time that the unit has been actively marketed on competitive terms.
- 6.35 It is important that proposed changes of use will still contribute to the activity in the parade particularly in the daytime. For example a Class A5 use with little or no seating, which operates mainly as a take-away, opening only later in the day would not, it is considered, fulfil this role. As with the other centres, a community use such as that falling within Class D1 (e.g. doctors, dentists) which attracts pedestrian activity and encourages combined visits to the parade could be favourably considered, provided that a window display is maintained. Residential uses are not considered appropriate for this reason and a residential use would not fulfil criteria (c) of this Policy.
- 6.36 The type of amenity issues that would be covered by criterion d) may include visual amenity, noise and disturbance, air pollution, litter and vehicle movements.
- 6.37 Other retail policies in this Plan, which are relevant to this policy include Policy SR6 and Policy SR8.



SR8 Individual shops

Planning permission for changes of use of individual shops from Class A1 use will be permitted provided all of the following criteria are met:

- a. the shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;**
- b. it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit; and**
- c. the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.**

- 6.38 It is important, particularly for older people, people with disabilities and the very young who cannot easily travel far, that their convenience retail needs can be met within an easy walking distance within their neighbourhood. In terms of sustainable development, it is important that people are not dependant on use of the car for their day to day retail needs. Participants in a focus group on 'Retail and Town Centres' expressed great concern about the loss of corner shops. Such concern has been a key issue in the Hanover area of Brighton, for example, parts of which are not within easy walking distance of the centres. 'New Deal for Communities'³ (operating in East Brighton) also actively seeks to address poor access to affordable shops and to banks/building societies. Policy SR8 is designed to provide better protection for corner shops and to help ensure that sufficient alternatives exist nearby.
- 6.39 The catchment area of an individual shop is defined as being a radius of 400m from the unit; this being the maximum acceptable walking distance. In most cases, up to 300m is considered to be an 'easy walking distance' (PPS6 'Planning for Town Centres') and in some circumstances it may be a shorter distance depending on the topography of the area or physical barriers such as a busy main road preventing convenient access.
- 6.40 Indicators affecting economic viability which will be taken into account are:
- the characteristics of the unit;
 - its location within the neighbourhood;
 - the pedestrian activity associated with the unit and the locality as a whole; and
 - the length of time that the unit has been actively marketed on competitive terms.
- 6.41 Applicants will be expected to submit documentary evidence, including a comparison with units in a similar location, to demonstrate active marketing of the unit on competitive terms in support of their proposal.

³ 'New Deal for Communities' was a key programme in the government's strategy to help some of the most deprived neighbourhoods in the country. The programme is delivered through partnerships between local people, community and voluntary organisations, public agencies, local authorities and business.

SR9 Brighton Post Office, 51 Ship Street

In the event of the Post Office relocating to another site in central Brighton planning permission will be granted for a mixed use scheme comprising Class A1 retail use on the whole of the ground floor with residential accommodation above, retaining the existing listed building.

- 6.42 Policy SR9 is a positive response to the concept of mixed uses in town centre locations, which add to their vitality. The post office building occupies a prominent position linking the prime shopping frontages of North Street and Duke Street with The Lanes. It is important that a significant retail outlet is retained here which can draw pedestrians towards the retail in the Lanes. It also represents an opportunity to provide significant residential floorspace in an attractive town centre location.
- 6.43 The principle of 'living over the shop' attracted support from the urban design visioning and community visioning workshop participants whilst participants in a focus group on 'Mixed-use and Higher Density Development' supported the view that it can improve security by increasing the opportunities for natural surveillance. The 'Retail and Town Centres' focus group also suggested that a natural surveillance benefit of this type of mix in the town centre would be the support of the smaller shops by the residents.



SR10 Amusement arcades / centres

Planning permission for amusement arcades and centres will only be granted in the following parts of the town centres and seafront:

- a. **outside the prime frontages of the regional, town and district shopping centres; and**
- b. **mixed commercial areas;**
- c. **between the Palace Pier and the eastern end of The Colonnade, Madeira Drive within existing buildings or arches only.**

Permission will not be granted within or adjoining premises containing residential accommodation, close to schools, churches, hospitals and hotels, nor within predominantly residential areas.

The planning authority will seek to ensure that an over concentration of arcades in the same vicinity is avoided in order to protect the amenity of the area and to retain a mix of leisure activities thus appealing to all visitors.

Where appropriate planning conditions will be imposed to ensure that some premises contain amusement-with-prizes machines only in order to protect the character and amenity of the location.

- 6.44 The council recognises the role that amusement centres play in providing attractions for visitors in particular and considers that they should be located in those areas most popular with visitors such as the seafront. In the shopping centres their appeal is more limited and they have only a limited role to play in maintaining the vitality of centres. An over concentration of amusement centres can be detrimental to a shopping centre. There are amusement centres already in existence in the prime frontage of most of the main retail centres in Brighton & Hove and it is considered that there is sufficient representation there already. It is recognised that amusement centres can have a detrimental impact on visual amenity and can generate noise. For these reasons it is preferable for centres to be located in mixed commercial areas. However, account should be taken of the character of the area and parts of the city are appreciated by visitors more for their historic character which the council is seeking to preserve and enhance.
- 6.45 The 'Recreation, Leisure, Tourism and Arts' focus group was unanimously in favour of area based controls and considered there to be adequate provision of amusement arcades already. Most of the group considered them to be noisy and unattractive features. However, it was recognised that they were a factor in attracting visitors.
- 6.46 Monitoring of existing provision will be carried out and consideration of proposals for new amusement arcades will take place in consultation with the council's licensing teams. Council policy on licensing can take into account over-provision of amusement arcades and centres which may result in excess competition and a lowering of standards. Account will also be taken of other policies in this Plan related to retail centres, amenity and noise pollution.

SR11 Markets and car boot sales

Planning permission for new off-street or on-street markets, covered or open, will be granted where:

- a. the proposal would not have an adverse effect on residential amenity or the immediate environment in terms of noise, nuisance or visual appearance; and
- b. the proposal should not result in traffic congestion or danger, and should be readily accessible by public transport.

In addition:

- c. the proposal should not adversely affect the viability of existing shops in the vicinity and should not result in an over concentration of markets in one particular area;
- d. adequate car parking for stallholders should be provided;
- e. adequate provision must be made for servicing and storage of stalls, as well as refuse storage. Provision of new litter bins may also be required;
- f. all permanent barrows or stalls should be of a satisfactory appearance and well maintained, with the area being left clean and tidy after operation.

Proposals for markets and car boot sales should be supported by a management plan indicating how they will operate including details of times, allocation of pitches and marshalling. A 'limited period only' permission may be given if the environmental consequences are either uncertain, especially in residential areas, or could be harmful in the longer term, in order to allow for monitoring of potential harm or nuisance. Similarly hours of operation may be limited where appropriate to avoid nuisance.

- 6.47 Markets and boot sales fulfil an important role by offering more affordable goods particularly for those on lower incomes. Farmers markets or fruit and vegetable markets are prime examples such as the Open Market, London Road which has the added benefit of being easily accessible by public transport for many of its users. Good quality markets selling comparison goods also add to the vitality and cultural richness of the City thus attracting locals and visitors.
- 6.48 Markets and car boot sales, however, can create unique and significant environmental problems in terms of their impact on residential locality or proximity to ecologically sensitive sites as well as the reliance on the car particularly by stall holders. Policy SR11 will be strictly applied, particularly those aspects relating to environmental impact and traffic congestion. The numbers of markets and car boot sales in operation will be monitored and policy reviewed if necessary. Proposals should be considered in the light of other transport and environmental policies in this Plan.

SR12 Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)

New cafés, restaurants, bars or public houses or extensions to such facilities with a total resultant public floorspace in excess of 150 sq m will be permitted provided they meet the following criteria:

- a. the premises would not be within 400m of another establishment falling into the above category. (Evidence to demonstrate this must be supplied by the applicant);
- b. the premises do not, or will not, operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises;
- c. that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
- d. that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.

Exceptions to this policy may be permitted provided that any customer floorspace in excess of 150 sq.m (as shown on approved plans) is for service to seated customers only in the manner of a restaurant or café. To ensure this, planning conditions would be imposed to ensure that no alcohol could be sold or supplied except to persons who are taking meals on the premises and who are seated at tables. Where appropriate, conditions will also be applied to ensure that closing times in relation to other similarly large venues in the vicinity are staggered in order to avoid large numbers of people dispersing from an area at the same time. However this will usually be inappropriate where the proposal is in or near a residential area.

- 6.49 The number of large pubs and bars which serve mostly just alcohol, clustered together in the town centres, is giving rise to concern from the police and public alike regarding the potential for noise, disturbance and public disorder. By controlling their operation and encouraging good management, the objective is to make the city a more attractive destination for leisure / entertainment for all sectors of the population. Cafés and restaurants (Use Class A3) no longer fall within the same use class as pubs and bars (now in Use Class A4) and the policy has been adjusted to reflect the changes to the Use Classes Order 1987.

- 6.50 Government Circular 5/94 ('Planning out Crime') states that crime prevention is one of the social considerations to which regard must be given in development plans. Section 17(1) of the Crime and Disorder Act 1998 also requires local authorities, when exercising all of their functions, to consider the effect on crime and disorder.
- 6.51 Policy SR12 follows from close consultation with Sussex Police and reflects their 'Policy relating to premises licensed for the sale and/or consumption of intoxicating liquor'. A net floorspace figure for service to customers of approximately 150sq m (i.e. excluding corridors, lobbies, stairwells, WC's and staffed areas) is considered to be 'large' for the purposes of this policy. An equivalent sized nightclub would be permitted a capacity of approximately 300 persons in order to satisfy current fire regulations.
- 6.52 The 400m distance referred to in Policy SR12, will be measured by the shortest practical pedestrian route between the existing and proposed premises. It provides a 'safety net' that would make it unlikely that large groups of people leaving different venues could be drawn together thus increasing the potential for public disorder. It is considered that certain areas of the town centre have reached saturation point in terms of the numbers of large pubs and bars clustered together. The distance of 400 metres will ensure that any proposed new Class A4 venues will either be geographically spread out more or will operate in a manner that provides an alternative to pubs and bars, thus appealing to a greater variety of customers and providing more vitality to the town centre.
- 6.53 One of the key priorities of the council's 'Community Safety and Crime Reduction Strategy' 2002-2005 is to reduce the 'fear of crime'. This is particularly relevant since in addition to actual crime, it is the perception of crime that discourages many people from coming into parts of the town centre particularly at night. Issues surrounding these uses were discussed at focus groups for 'Mixed-use and Higher Density Development' and 'Retail and Town Centres'. Sussex Police gave examples of other towns in Sussex, where, by providing a mix of uses, it has encouraged a greater mix of the population to visit town centres which has reduced the number of disturbances. It was noted that there have been significant problems of crime in, for example West Street, Brighton and in the Regency ward where there is a dominance of single uses, such as bars, in confined areas. A wider range of entertainment opportunities and a greater mix of town centre activities would help to alleviate these problems.
- 6.54 The 'Retail and Town Centres' focus group considered that extending licensing hours might result in more such venues but would avoid the concentrations of customers leaving all at once and so reduce disturbances.
- 6.55 Proposals will be considered in close consultation with Sussex Police and the council's Environmental Health and Licensing teams and will be considered in relation to other community safety and noise pollution policies in this Plan.

SR13 Nightclubs

New clubs or extensions thereto with either a total or resultant net public floorspace in excess of 150 sq.m will be permitted, provided they meet all of the following criteria:

- a. it would not be within 400m of another establishment falling into the above category. Distance to be measured by the shortest pedestrian route between the existing and proposed premises;
- b. the premises do not, or will not, operate within or abutting premises containing residential accommodation except that occupied by staff of the premises;
- c. that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
- d. that having regard to the location of the premises in relation to other similar establishments, the customer capacity on or off-site parking facilities and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased levels of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations;
- e. the location of the club is within easy walking distance of late night public transport and taxi ranks.

Smaller clubs or extensions thereto, will have to meet all of the above criteria except (a).

In consideration of applications, the planning authority, where appropriate, will seek to ensure by condition that clubs in close proximity to each other, as defined in (a) above, have different closing times in order to avoid an accumulation of people dispersing at one time. Clubs located some distance from residential areas such as the seafront arches may be permitted longer opening hours in conjunction with licensing conditions which ensure that drinking times are significantly more restricted. However this will usually be inappropriate where the proposal is in or near a residential area.

- 6.56 The council's Community Safety and Crime Reduction Strategy 2002 -2005 has followed a multi-agency approach to tackling crime and improving safety. As part of this, the police and the council's licensing and planning teams have been working together to produce a consistent policy approach in consideration of premises including nightclubs which require licenses. Section 17(1) of the Crime and Disorder Act 1998 requires local authorities, when exercising their functions, to consider the effect on crime and disorder. Government Circular 5 / 94 ('Planning out Crime') also makes crime and safety a planning issue in consideration of planning applications.

- 6.57 A focus group on 'Mixed-Use and Higher Density Development' considered the problems associated with streets dominated by single uses, such as bars, and concluded that a mix of entertainment opportunities to attract people from a wider range of age groups would help to alleviate these problems. Other towns were cited where this has happened already. Encouraging a diversity of premises will attract a more diverse mix of people into the town centres, particularly at night, which in turn, will reduce the likelihood of disorder. Avoiding concentrations of similar venues in close proximity and staggering and relaxing closing times (without relaxing permitted alcohol times) will avoid peak densities and 'flashpoints' of disorder. The management of premises including security e.g. through the council's Door Supervisor scheme is also an important contributor to improving safety.
- 6.58 Sussex Police will take into account four principles when commenting on planning applications: - diversity of premises, geographical spread and concentration of licensed premises, time spread of closing times and care, control and supervision of premises.
- 6.59 The council's Licensing Policy defines large clubs as those with a capacity in excess of 300 people. This equates to a minimum floorspace of approximately 150 square metres for customers to satisfy fire regulations excluding corridors, lobbies, stairwells, WC's etc and staffed areas. For the purposes of this policy the floorspace will be defined this way.

SR16 Major sporting and recreation facilities

Major sporting and recreational facilities which serve Brighton & Hove as a whole should be located within the built up area boundary in a location which is either well served by public transport, with good pedestrian and cycle links, or where measures to ensure this can be taken. Any development proposals must be accompanied by an environment impact assessment; a transport assessment and a business plan. Any proposal outside the built up area boundary must be supported by convincing evidence that the proposal was of significant cultural and recreational importance to Brighton & Hove and that no alternative sites were available to warrant a departure from other relevant policies in this plan.

Any enabling development linked to a sporting facility will only be permitted if it has firstly been identified on the Proposals Map and it conforms to other policies in the Plan.

- 6.66 Major facilities are considered to be those that due to their size or limited number are intended to draw their customers from a broad catchment area across Brighton and/or Hove. Existing examples would include the major sporting venues (see Policy SR22, Major sporting venues), the Prince Regent and King Alfred swimming pools and the sports centres at Falmer and Brighton Marina.
- 6.67 New facilities should be located close to the communities they are intended to serve in order to reduce the length of journeys needed to get to them. In the case of major facilities, a central location would best meet the needs of the majority of the population. If no such suitable site is available then the council will expect applicants to demonstrate a sequential approach to site selection in accordance with government policy (PPS6 'Planning for Town Centres').
- 6.68 This policy is consistent with the views expressed by participants in a 'Recreation, Leisure, Tourism and Arts' focus group who felt that a number of new or improved sporting and recreation facilities were needed in Brighton & Hove. Particular examples cited were a campsite on the national cycle network, more indoor sports halls, swimming pools, a large indoor sports arena and improvements to the cycle track. It was also considered that school sites could be used to provide additional community recreation facilities. Quality of provision and convenient access to the public were key issues raised by participants.
- 6.69 The council's City Sports Strategy and Action Plan 2006-2012, identifies a number of key priorities for new or improved provision of facilities and preferred locations for them. Educational sites, for example, will play an important role in the location and provision of new facilities through the development of community sports programmes.
- 6.70 Policies on seafront recreation and provision of recreation facilities in housing schemes should also be taken into account. This policy applies to developments for active recreation and not leisure activities such as cinemas.

SR18 Seafront recreation

New recreation facilities which are related to seafront / coastal activities will be permitted on the seafront provided that:

- a. there will be no development onto the beach;**
- b. the importance of the seafront and beach as an open space is not undermined;**
- c. any development does not have a detrimental impact on strategic views along the coastline;**
- d. the development makes a considered response in its design to the visual and environmental character of the stretch of seafront to which it relates, supported by a design statement which addresses that character;**
- e. the development does not have a harmful impact on the amenity of local residents and the seafront due to noise, disturbance and light pollution;**
- f. the development will not result in the significant generation of car borne journeys, nor additional pressure for car parking;**
- g. the development will not have an adverse impact on the setting of important seafront buildings;**
- h. the development does not have an adverse impact on nature conservation interests; and**
- i. any development enables the beach and seafront to be accessible to all.**

- 6.71 The seafront provides an important opportunity for promotion and enhancement of both formal and informal recreation. The character of the seafront varies in its intensity of activity with both lively and tranquil stretches which contribute to its broad appeal to residents and visitors alike. Provision for recreation must, however, complement the outstanding seafront landscape and respect its intrinsic wildlife value.
- 6.72 A focus group for 'Recreation, Leisure, Tourism and Arts' agreed that there were quiet areas of the seafront that needed protecting and there was a need to have a more sustainable tourism strategy that recognised the impact that tourism has on residents. Participants in the urban design 'visioning' workshops identified the seafront as having outstanding landscape value featuring strategic views both along the coastline and towards the seafront from higher ground that could be spoilt by inappropriate development. This policy should therefore be read in conjunction with policies QD1 and QD4.
- 6.73 An important consideration in any development of the seafront will be the council's publication, 'Wildlife for People - A Wildlife Strategy for Brighton & Hove' which highlights the huge variety of species that can colonise the coastal and marine environments.

SR22 Major sporting venues

The following venues will be retained as major sporting and recreational centres for the City and redevelopment for non-sporting uses will not be permitted. Planning permission will be granted for improvements to the existing playing and spectating facilities at these venues and other related uses which would improve the attractiveness of these major sporting venues, provided that they are not detrimental to the amenities of the local area:

- a. **County Cricket Ground;**
- b. **Withdean Stadium; and,**
- c. **Brighton Racecourse.**

- 6.86 Land for sporting and recreation planning uses is in short supply and it is vital that these major sites are retained because of the difficulties of finding acceptable alternatives in Brighton & Hove. The loss of these sites as major sporting venues could add to the pressure for development elsewhere or result in the loss of a sporting venue from the City altogether. The difficulties that have been encountered so far in trying to relocate Brighton & Hove Albion Football Club, highlight the need to retain major venues capable of use for a variety of sports.
- 6.87 Retaining these sites would also meet the objectives of national planning guidance PPG17 'Sport and Recreation' by providing major leisure / recreational uses within the built up area in locations that are well served by public transport. The Policy would help to achieve the council's sport and recreation strategy aim for Brighton & Hove to be recognised as the 'Sporting City of the South East' in ten year's time. The council will encourage the improvement of major sporting venues, including permitting related uses, which improve facilities for the playing of the particular sport and improve facilities for spectators.
- 6.88 Participants in a 'Recreation, Leisure, Tourism and Arts' focus group considered that there was a need for quality sporting arenas and that most of the existing facilities were not capable of staging key international events.
- 6.89 Other policies in this Plan for the retention of sporting and recreational facilities and improving access to sporting facilities for the community should be taken also into account.

SR25 Hollingbury Park sports pavilion

Planning permission will be granted for a new pavilion for the tennis and bowls facilities to replace the existing buildings. The replacement buildings should be designed to a high standard whilst the existing footpaths adjoining the site should either be retained and enhanced or replaced by paths serving the same routes.

- 6.101 The council wishes to see the existing facilities replaced as part of its commitment to improving sports facilities as set out in its Sport and Recreation Strategy. The site lies outside the built up area - however, it is considered that a sympathetic replacement of the existing worn out buildings would enhance this part of the open countryside.
- 6.102 In view of the sensitive location and prominence of the site, a high quality of design for the building will be expected in accordance with the design policies elsewhere in this Plan and proposals should meet the requirements of policies on Urban Open Space (QD20).
- 6.103 The footpaths surrounding this site provide excellent examples of greenways linking different parts of the urban environment. In this instance, a short pedestrian route links Hollingbury Park and upper Hollingdean and gives direct access to the Downs whereas by car it would involve a significant detour due to the topography of the area. Proposals will need to accord with the Greenways Policy (QD19) of this Plan.



SR26 Hangleton Bottom

In association with the development of a Materials Recovery Facility on this site, community and recreational facilities will be provided to meet the local community's identified needs.

Any development of the site will be required to pay particular attention to its impact on the landscape and views of the site in accordance with its location within the defined boundary of the Area of Outstanding Natural Beauty.

- 6.104 The 'East Sussex and Brighton & Hove Waste Local Plan' identifies Hangleton Bottom as a site for a Materials Recovery Facility (MRF) - a MRF is a facility where recoverable waste (eg. bottles, cans, paper, plastic bottles) is sorted prior to transportation to a processing plant.
- 6.105 Hangleton Bottom is a one hectare site enclosed on three sides by the A27 bypass, Benfield Valley link road and existing housing development.
- 6.106 Consultation to inform this Plan identified the potential for a number of uses for this site, including the potential for playing fields/ sports facilities and / or community facilities such as a farm-based visitor attraction. A key priority of the council's sports and recreation strategy is to develop community sports facilities to meet local needs.
- 6.107 Any development of the site will need to respect its downland setting within the formally designated Area of Outstanding Natural Beauty and in particular, those views from high ground to the north, east and west.





An integrated approach to nature conservation and the countryside

- 7.1 The natural environment within and surrounding Brighton & Hove is of remarkable quality. Indeed, much of the downland surrounding Brighton & Hove has been designated an Area of Outstanding Natural Beauty (AONB) in recognition of its nationally important landscape quality. In addition to this, the Department for Environment, Food and Rural Affairs (DEFRA) is in the process of considering designating the South Downs as a National Park. It is paramount, therefore, to protect this highly valued landscape and its setting from harm, whilst at the same time ensuring its future management is secured appropriately. It is equally important to ensure that the countryside / downland outside the AONB in Brighton & Hove (which is considered to be of equal quality to that within the AONB), is safeguarded and regard given to its own intrinsic natural beauty.
- 7.2 The council is committed to conserving rare species and habitats and the rich biological diversity of plants and animals in Brighton & Hove. This contributes to the UK's international obligations as a signatory to the Convention on Biological Diversity at the Rio Earth Summit in 1992. However, the true value of nature conservation also lies in the social, educational and environmental contribution made to the lives of people living nearby. People gain pleasure from nature, with its sights, sounds, smells and seasons. They enjoy the sense of wonder and surprise nature can provide. Health and relaxation are promoted; opportunities for community development, adventure and informal play are created. In short, nature conservation is as much about benefits to local people as it is about promoting biological diversity.
- 7.3 The council has established a Wildlife Advisory Group, which has made an important contribution to the development of the policies in this Plan. 'Wildlife for People', the council's Wildlife Strategy provides further information on the council's nature conservation commitments.
- 7.4 The following policies refer to 'nature conservation features' that contribute to maintaining biodiversity and provide important opportunities for local people to have direct contact with nature. They include species and their habitats (including feeding, resting and breeding areas), geology and geomorphology, semi-natural elements of the landscape with particular cultural or historical significance and features which provide links or stepping stones from one habitat to another.

- 7.5 Development proposals affecting nature conservation features should include a nature conservation report which demonstrates how any losses will be ameliorated and how opportunities to enhance the nature conservation value of the site will be taken. The report should provide evidence that the following five-stage approach has been applied:
- 7.6 Development proposals affecting nature conservation features should include a nature conservation report which demonstrates how any losses will be ameliorated and how opportunities to enhance the nature conservation value of the site will be taken. The report should provide evidence that the following five-stage approach has been applied:

Stage 1: Information / Assessment

Assess the effects, opportunities and threats of the development on nature conservation features. This may require an ecological survey and reference to previous surveys, where appropriate. The Sussex Biodiversity Record Centre, based at the Sussex Wildlife Trust and the Booth Museum in Dyke Road, are both sources of survey information for such purposes.

Stage 2: Avoidance

Explain how adverse effects on nature conservation features will be avoided wherever possible.

Stage 3: Mitigation

Describe how any adverse effects will be minimised.

Stage 4: Compensation

Where significant adverse effects remain after mitigation, compensatory measures should be described to offset harm.

Stage 5: Enhancement

Describe what opportunities will be taken to produce new nature conservation benefits.

- 7.6 The council will publish detailed guidelines on the preparation of nature conservation reports. For some development proposals, Environmental Impact Assessments (EIAs) may be required where significant effects on nature conservation features are likely.
- 7.7 Habitat creation can be a useful tool for enhancing the nature conservation value of sites. Where opportunities exist for the creation of new habitats, proposals should integrate such habitats into site plans from the outset and, where necessary, make provision for long term aftercare.
- 7.8 Habitat creation should not be confused with translocation, which is the physical removal of an existing nature conservation feature from one place to another. Translocation cannot avoid a loss of nature conservation value and is not a substitute for in-situ conservation. Where the planning authority considers the importance of the nature conservation features of a site are such that a proposal should not be permitted, translocation (or re-creation) of the respective features will not make the proposal acceptable. However, where a proposal is deemed to be acceptable, translocation may be one of those measures required as an option of last resort where nothing would be lost by trying to remove the species or habitat.

7.9 As a signatory to the Convention on Biological Diversity, the UK is committed to taking action to reverse the decline in the variety of species (the 'biodiversity') found within its borders. National and Local 'action plans' have been drawn up throughout the country to achieve this objective. Action plans have already been published for several habitats and species in Sussex and the council is working in partnership with nature conservation organisations to produce action plans specifically for Brighton & Hove. Where practicable, proposals will be expected to contribute to the achievement of local Biodiversity Action Plan targets. Planning permission will not be granted for proposals that are likely to hinder the achievement of such targets.

Regard should also be given to the Local Agenda 21 Strategy, the Open Space Strategy which is being prepared and publications relevant to Brighton & Hove from other organisations such as the Sussex Wildlife Trust and English Nature. For example, English Nature's report entitled 'Accessible natural greenspaces in towns and cities: A review of appropriate size and distance criteria'.

- 7.10 The natural environment cannot be compartmentalised, however, as easily as designations may imply. Designations are a useful tool and provide valuable information when balancing environmental, social and economic issues but should not be taken to be the only areas where environmental issues need to be considered. Indeed, the features that have resulted in a site's designation may not be sustained, or will be detrimentally harmed, if they become isolated from the wider natural environment. It is essential, therefore, that environmental issues form part of an integrated approach in order to ensure they are appropriately incorporated within all proposals.
- 7.11 Enhancements to the environment are just as important as enhancements to social and economic factors. Greater emphasis is being placed on the need for applicants to properly assess and to take account of the impact of their proposals on the environment. In addition to this chapter, the integration of environmental issues is also covered in Chapter 3 'Design, safety and the quality of development'.
- 7.12 The nature conservation policies in this chapter have particular links with the following policies in this Plan: relating to the countryside / downland; to the Sussex Downs Area of Outstanding Natural Beauty; to the retention and integration of nature conservation features; to species protection; to urban open space; to greenways; to archaeology; and to design.

NC2 Sites of national importance for nature conservation

Planning permission will not be granted for a proposal within, or in the setting of, an existing or proposed site of national importance for nature conservation where it is likely to have an adverse impact, directly or indirectly, on the nature conservation features of the site. Exceptions will only be made where either:

- a. the proposal can be subject to conditions that will prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features; or
- b. the proposal is of national importance and cannot be located anywhere else and the following requirements have been met:
 - i. the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain;
 - ii. compensating and equivalent nature conservation features are provided;
 - iii. remaining features are protected and enhanced and provision made for their management; and
 - iv. improvements to public appreciation of and access to the site are provided.

Conditions will be imposed or a planning obligation sought in order to secure these requirements. Environmental Impact Assessments (EIAs) will be required to accompany planning applications for development that would be likely to have a significant effect on sites of national importance for nature conservation.

- 7.16 There are two types of national site designation for nature conservation in Brighton & Hove. These are Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs). SSSIs are designated by Natural England (the government nature conservation agency) under the Wildlife and Countryside Act 1981 "as amended". Such sites are of special national interest by reason of their flora, fauna, geological features or landforms (which are all nature conservation features). NNRs are designated by Natural England under the National Parks and Access to the Countryside Act 1949 and are exemplars of positive conservation management where conservation and enhancement of the natural heritage is the prime aim.
- 7.17 There are two SSSIs in Brighton & Hove: Castle Hill and Brighton to Newhaven Cliffs and one NNR: Castle Hill (part of the SSSI). These sites are shown on the Proposals Map.

NC3 Local Nature Reserves (LNRs)

Planning permission will not be granted for a proposal within or in the setting of an existing or proposed Local Nature Reserve where it is likely to have an adverse impact, directly or indirectly, on the nature conservation features of the site. Exceptions will only be made where:

- a. the proposal can be subject to conditions that will prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features; or
- b. the proposal is essential to meet social, environmental and / or economic needs, of at least regional importance, cannot be located anywhere else and the following requirements have been met:
 - i. the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain;
 - ii. compensating and equivalent nature conservation features are provided;
 - iii. remaining features are protected and enhanced and provision made for their management; and
 - iv. improvements to public appreciation of and access to the site are provided.

Conditions will be imposed or a planning obligation sought in order to secure these requirements.

- 7.18 Local authorities can designate Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949 through a process which requires consultation with Natural England. Such reserves are specifically managed to promote their special local nature conservation value. LNRs usually create opportunities for people to gain access to appreciate and become actively involved in conserving nature close to where they live.
- 7.19 The council plans to extend its network of LNRs so that people living in Brighton & Hove have better access to dedicated nature conservation sites. Both existing and proposed LNRs are listed below and shown on the Proposals Map.
- Benfield Hill (declared)
 - Withdean Woods and Westdene Woodlands (declared)
 - Ladies Mile (declared)
 - Stanmer Park (proposed)
 - Wild Park (proposed)
 - Bevendean Downland (proposed)
 - Whitehawk Hill (declared)
 - Beacon Hill (declared)

NC4 Sites of Nature Conservation Importance (SNCl)s and Regionally Important Geological Sites (RIGS).

Planning permission will not be granted for a proposal within, or in the setting of, an existing or proposed Site of Nature Conservation Importance (SNCl) or a Regionally Important Geological Site (RIGS) where it is likely to have an adverse impact, on the nature conservation features of the site.

Exceptions will only be made where:

- a. the proposal can be subject to conditions that will prevent damaging impacts on the nature conservation features and their setting and includes provision for the protection, enhancement and management of nature conservation features; or
- b. the proposal is: essential to meet social, environmental and / or economic needs; of more than local importance within the City; cannot be located anywhere else; and the following requirements have been met:
 - i. the location, design and construction of the development is such that damage to nature conservation features is minimised and opportunities are taken for nature conservation gain;
 - ii. compensating and equivalent nature conservation features are provided;
 - iii. remaining features are protected and enhanced and provision made for their management; and
 - iv. improvements to public appreciation of and access to the site are provided.

Conditions will be imposed or a planning obligation sought in order to secure these requirements.

- 7.20 Sites of Nature Conservation Importance (SNCl)s are designated by local authorities because of their local importance for nature conservation. In addition to the more 'scientific' reasons for designation, the SNCl)s in Brighton & Hove have been chosen on the basis of the real benefits they provide to local communities and have been identified in partnership with national and local nature conservation organisations and local people.
- 7.21 Regionally Important Geological and Geomorphological Sites (RIGS) are the most important places for geology and geomorphology and are identified by local, specialist RIGS groups. It should be noted that nature conservation features include geological and geomorphological features. There are two RIGS in Brighton & Hove. They adjoin one another and are as follows:
- Black Rock, Brighton (TQ30/236)
 - Coastal Section, Friar's Bay to Black Rock Marina (TQ40/174)

List of Sites of Nature Conservation Importance (SNCIs)

Grid Ref.	Site Number	Name
243,086	1	Cockroost Hill West
247,078	2	Mile Oak Fields
248,085	3	Cockroost Hill East
249,081	4	Cockroost Bottom Lynchet
251,080	5	Foredown Ridge - Earthwork
254,086	6	Foredown Ridge - Eastern Side
256,064	7	Emmaus Gardens and St Nicolas
260,084	8	Bridleway East of Benfield Ridge
262,073	9	Benfield Valley Golf Course
264,045	10	Basin Road South
269,089	11	Brighton & Hove Golf Course
278,076	12	Toads' Hole Valley
282,112	13	East Hill
284,093	14	Waterhall
285,075	15	Three Cornered Copse
290,085	16	Green Ridge
294,085	17	Bramble Rise Copse
295,089	18	Coney Wood
295,099	19	Braypool Sports Ground
299,071	20	Tivoli Copse and Railway Woodland
258,071	21	Foredown Allotments
246,070	22	Oakdene, Southwick Hill
303,099	23	Ewe Bottom Hill
303,108	24	Chattri Down
308,056	25	Brighton Station
321,090	26	Hollingbury Industrial Estate
322,064	27	Crespin Way
324,066	28	Brighton University
325,035	29	Volk's Railway
327,056	30	Woodvale, Extra-mural & Downs Cemeteries
333,032	31	Black Rock Beach
337,054	32	Wilson Avenue, Whitehawk
340,029	33	Brighton Marina
343,048	34	Sheepcote Valley
343,078	35	Westlain Plantation/Hog Plantation

Grid Ref.	Site Number	Name
347,098	36	Tenant Lain & Moon's Gate Woods
348,055	37	Woodingdean Cemetery
352,037	38	Cattle Hill
354,045	39	Mount Pleasant, Ovingdean
355,035	40	St Wulfran's Woods
357,049	41	Happy Valley
358,037	42	Ovingdean School Grounds
360,039	43	Wanderdown Road Open Space
361,044	44	Ovingdean Road Horse Paddocks
361,047	45	Abinger Road Open Space
366,019	46	Bexhill Road, Woodingdean
366,046	47	Cowley Drive Paddocks
371,048	48	Bostle Bottom
374,051	49	Castle Hill Arable Field
376,029	50	Whiteway Lane
377,046	51	Balsdean Downland West
376,037	52	High Hill Pasture
380,048	53	Balsdean Downland East
381,034	54	Wivelsfield Road Grassland
381,055	55	Balsdean Downland North
387,027	56	Quarry Field
388,036	57	Looes Barn Woodland
394,033	58	Coombe Farm
350,037	59	Roedean School Bank
267,072	60	St Helen's Churchyard
306,101	61	Ewe Bottom
363,058	62	Honeysett

NC9 Benfield Valley

Land in Benfield Valley, between the Old Shoreham Road and the bypass should remain free from further built development and should be reserved for outdoor recreation, consistent with wildlife habitats, the landscape and safe use of rights of way by the public. The protection and enhancement of the site is of particular importance and will be sought. Proposals to improve access for pedestrians and cyclists, appropriate to the area, will also be sought.

The area north of Hangleton Lane should remain as open space with land uses such as a golf course or country park consistent with its importance as a wildlife habitat and to the landscape of the valley and the Area of Outstanding Natural Beauty (National Park).

This Policy excludes that part of Hangleton Bottom covered in a separate policy in this Local Plan (Policy SR26 'Hangleton Bottom').

- 7.44 The Benfield Valley is an important green wedge into the urban area much used by the general public for outdoor recreation and contains significant wildlife habitats. Indeed part of the area has been designated as a Site of Nature Conservation Importance (SNCI). Part of the valley lies within the built up area and the rest within the countryside / downland with the northern section within the Sussex Downs Area of Outstanding Natural Beauty and is a valuable 'urban fringe' site.
- 7.45 Benfield Valley helps to act as a green lung into the urban area and is an important part of the urban greenway. With major open spaces at both the north and south end of the area, the visual continuity would be lost if a substantial width of open space was not set aside in the central part of the area, i.e. in the vicinity of Hangleton Lane. It is proposed to maintain a broad linear open space running through the Benfield Valley towards Benfield Hill. The Valley is at its narrowest adjoining Hove Park School and Greenleas Recreation Ground. Therefore, the development of this land would not be appropriate and so this 14-acre area is set aside as open space.
- 7.46 The land north of Hangleton Lane is currently being used as a golf course. If this use should cease, it is important this land is retained, in its entirety, as open space. The protection and enhancement of the site is of particular importance given that the entire site has been proposed for designation as a SNCI by an independent selection panel.

NC10 Benfield Barn

As a Grade II Listed Building, the demolition, unsympathetic alteration or conversion involving major or complete reconstruction of Benfield Barn will not be permitted.

The sympathetic repair and conversion of Benfield Barn, in a way that is compatible and integrates with the local natural environment, will be permitted.

Appropriate uses for the Barn are considered to be:

- public hall;
- exhibition hall;
- museum / arts centre;
- bunkhouse barn;
- downland interpretation centre;
- other uses consistent with improving non-intensive community and / or recreational facilities appropriate to the area.



NC11 Land and buildings in the vicinity of Benfield Barn

Planning permission will be granted for the change of use of the land and buildings in the vicinity of Benfield Barn to community and/or recreational activities provided that the proposal:

- a. is compatible and integrates with the local natural environment;
- b. includes the use and repair of Benfield Barn within the scheme and ensures that all the proposed uses are compatible;
- c. protects and / or enhances the nature conservation value of the area and the Benfield Barn Conservation Area;
- d. makes use of existing buildings and does not require extensive new development;
- e. improves public access to the site and the wider local natural environment, especially via the provision of safe pedestrian and cyclist access, cycle parking and links to public transport;
- f. minimises the need for car parking but where appropriate and necessary, provides a small sensitively located and designed motor vehicle parking area.

New buildings will only be granted where it is necessary for the implementation of a scheme considered to be appropriate for the site. The height and design of any new buildings should reflect the design of the original buildings in size, height and materials and should not intrude into the open aspect of the valley or detract from the character of Benfield Barn itself and its setting.

- 7.47 Benfield Barn and surrounding area is ideally located to be a centre for social and community activities and as the basis for a 'stepping-off' point for the Downs. In order to protect the existing buildings in the vicinity of the Barn and to encourage high quality new development, the Benfield Barn Conservation Area was designated in June 1989.
- 7.48 Benfield Barn is a listed building, which is in effect, a non-renewable resource. It is important to retain such buildings for future generations to enjoy and learn from. The Barn's loss would therefore conflict with the principles of sustainability. For similar sustainability reasons, it is essential that any proposal does not have a detrimental impact on the surrounding natural environment and ensures visitors and the local community can access the site via environmentally friendly means of transport.
- 7.49 Applicants will be expected therefore, to minimise the need for a car park by facilitating access via walking, cycling and public transport. If it can be demonstrated that a car park is a necessary and integral part of any development proposal, it must be sensitively designed, landscaped, appropriate to the locality, and should also serve to facilitate other means of transport and public access to the Downs. It must not have any adverse impacts on existing important features or on residential amenities, including the access route.
- 7.50 The most appropriate location for any car park is likely to be the area south of the derelict Benfield Cottages, which uses the existing car park access and retains the important landscape features. Applicants will be expected to provide sensitively designed and clearly, but appropriately, marked wheelchair and pedestrian access between the parking area and the buildings.



Managing change within an historic environment

- 8.1 The quality of Brighton & Hove's historic environment is outstanding. When people think of the Brighton & Hove area they often conjure up images of the Royal Pavilion, the piers and promenade, Regency and Victorian terraces and the historic village of Rottingdean. This unique 'sense of place' deserves to be protected and is important in the promotion of tourism and the economy in general. Many of the local consultees involved in the preparation of this Plan highlighted the importance of the historic environment to them when they identified older buildings as one of the main contributors to the appearance of Brighton & Hove and felt they should be retained and restored.
- 8.2 The historic environment is a central part of our cultural heritage and contributes to a sense of national identity. It is an irreplaceable record, which helps us to understand both our present and past. The council will therefore continue to operate policies that seek to protect and enhance the buildings and areas that contribute to this fine and valued legacy. This will inevitably present challenges as the city seeks to accommodate changes in economic and technological trends and the way we choose to live. The historic environment has proved itself in the past to be adaptable and flexible to changing needs and can contribute greatly to the need for future sustainable development. Nevertheless, an integrated approach involving innovative thinking will be required in order to tackle all the various issues surrounding new developments within the historic environment. Such an approach is essential for the prosperity of Brighton & Hove and to promote its image as 'the place to be'.

HE1 Listed Buildings

Proposals involving the alteration, extension, or change of use of a listed building will only be permitted where:

- a. the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and b. the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.**

8.3 Listed buildings are of national importance due to their architectural and historic interest. In Brighton & Hove they contribute greatly to the image of the city as an attractive place to visit and in which to invest; they also provide much of the city's low cost housing accommodation.

8.4 Brighton & Hove has a wealth of stunning historic architecture. Renowned for its Regency stucco architecture, the area also has a wide range of buildings of the highest quality from all historic periods, including the Victorian era and the middle part of the 20th century. There are now some 3,600 listed buildings in Brighton & Hove. Few are still in the form or use as first built and certainly those that predate the 19th century most likely include features of interest from a number of periods of history. There will be opportunities for further sensitive alterations to and/or changes of use for these buildings, particularly where necessary to secure their viable future and to maintain their contribution to the prosperity of the town. Nevertheless, the retention of the original use will normally be the most appropriate and any new use must respect the internal plan, form and features and should maintain quality of design.

8.5 Many buildings however, have lost a good deal of their special interest through unsympathetic alterations. For example, to roofs, doors and windows and facades - including the removal of bays, balconies and canopies or the addition of incongruous additions such as alarm boxes, boiler flues and waste pipes. The cumulative effect of such alterations is nearly always to cause harm to their historic character and contribution to the wider historic environment. The planning authority will take a rigorous approach in protecting these buildings, especially in relation to ensuring their care and maintenance and the quality of any alterations that are undertaken. Further advice regarding alterations to listed buildings is provided in supplementary planning guidance, which is consistent with government guidance set out in PPG 15 'Planning and the Historic Environment', for example, making use of section 215 notices of the 1990 Planning Act and sections 47/48 and section 54 of the Planning (Listed Building and Conservation Areas) Act 1990. Conservation advice is available from the council and owners considering changes to their listed property are encouraged to take such advice at an early stage. See SPGBH 11 Listed Building Interiors and SPGBH 13 Listed Buildings - general advice.

8.6 Policy HE1 has particular links with the following in this Plan: the other policies relating to listed buildings; conservation areas; archaeology; design; external lighting; advertisements; blinds; landscaping; open space; densities; telecommunications; nature conservation; and species protection.

HE2 Demolition of a listed building

Development involving the demolition or major alteration of a listed building will not be permitted save in exceptional cases where all the following criteria can be met:

- a. clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation in some form of charitable or community ownership is not possible;
- b. the redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and
- c. the physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this criterion.

Demolition or major alteration will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and / or for the landscaping of the site prior to the commencement of demolition.

Before any demolition or major alteration takes place, applicants may be required to record details of the building by measured drawings, text and photographs, and this should be submitted to and agreed by the planning authority.

- 8.7 There is a general presumption in favour of the preservation of listed buildings. It is important that these buildings are given maximum protection. Indeed there is a statutory duty on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Demolition will be acceptable only in very exceptional circumstances.
- 8.8 Government guidance set out in PPG15 'Planning and the Historic Environment' advises that once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. During the last 25 years no consent has been given to demolish a listed building in either Brighton or Hove, except where collapse has been so sudden and unexpected as to be irretrievable. Many listed buildings have been rescued from near collapse and now make a very positive contribution to the historic environment and the prosperity of the 'towns'.

- 8.9 The council will maintain a 'listed buildings at risk' register and where necessary take legal action to secure the proper preservation and repair of the area's listed buildings. 'Enabling development' may occasionally be considered in order to finance the rescue and secure the future of a listed building. In such instances, regard will be given to English Heritage's statement 'Enabling Development and the Conservation of Heritage Assets' which sets out a rigorous approach to assessing enabling development.
- 8.10 Grant assistance may be available toward the cost of major repairs to listed buildings, particularly those so dilapidated and / or without economic use as to make repairs financially unviable.
- 8.11 Policy HE2 has particular links with the following in this Plan: the policies relating to minimisation and reuse of construction industry waste; efficiency in development; design; listed buildings; conservation areas; historic parks and gardens; archaeology; densities; nature conservation; and species protection.



HE3 Development affecting the setting of a listed building

Development will not be permitted where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.

- 8.12 The setting of a listed building is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. It will rarely be considered appropriate to develop within the grounds of a listed building or to partition off a garden to a listed building, particularly where the remaining grounds would appear mean or undersized relative to the size and status of the listed building. Such partitioning of gardens can also affect the future economic viability of historic buildings. The visual effect of so called 'enabling development' within the curtilage of a listed building, which is intended to assist in the restoration of a listed building, will be critically examined.
- 8.13 Moreover, listed buildings should not be considered in isolation. They invariably contribute to a wider landscape or street scene and are often designed in the context of a larger estate or to be viewed from particular street views. Preserving the skyline above historic buildings may also be important and proposals for development, which may affect near or distant views to and from listed buildings, will be critically examined. All likely adverse consequences of development, including physical development such as street furniture and advertising within the street or on frontages immediately adjoining the listed building, will also be critically examined.
- 8.14 Policy HE3 has particular links with the following in this Plan: the policies relating to design; listed buildings; conservation areas; historic parks and gardens; archaeology; landscaping; trees; open space; densities; telecommunications; and nature conservation.

HE4 Reinstatement of original features on listed buildings

Where appropriate, the planning authority will require - in conjunction with applications for a change of use, alteration or refurbishment - the reinstatement of original features on listed buildings, such as: mouldings, traditional doors and windows.

- 8.15 It is important to preserve and where possible to reinstate original features of buildings that are protected due to their special historical / architectural interest. The planning authority will take the opportunity, therefore, to secure enhancements to these buildings for the benefit of the wider community and to enable future generations to experience the buildings and learn from them. Neither conjectural restorations nor restoration work that would destroy important later phases of a building's development will be permitted.
- 8.16 The implementation of this Policy may be assisted by obtaining advice at an early stage in the preparation of proposals from the council's Design and Conservation team. Grants may also be available toward the cost of reinstating traditional shopfronts or missing architectural features.
- 8.17 Policy HE4 has particular links with the following in this Plan: the policies relating to design; shopfronts; and listed buildings.

HE6 Development within or affecting the setting of conservation areas

Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms¹;
- b. the use of building materials and finishes which are sympathetic to the area;
- c. no harmful impact on the townscape and roofscape of the conservation area²;
- d. the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
- e. where appropriate, the removal of unsightly and inappropriate features or details; and
- f. the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area³.

Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.

- 8.21 There are 33 conservation areas in Brighton & Hove, in which areas the planning authority has a duty to pay special attention to the desirability of preserving or enhancing their character and appearance. For each conservation area the council has, or is in the process of preparing, an individual character assessment and visual appraisal detailing the area's distinctive qualities. When considering proposals affecting a conservation area, including changes of use and traffic calming measures, the planning authority will have regard to the need to preserve or enhance the character or appearance of the area as detailed in these assessments / appraisals.
- 8.22 The council will review the existing conservation areas and their boundaries from time to time and as part of a city wide review, following public consultation, will assess which, if any, additional areas may merit designation as a conservation area.

¹ With regard to criterion (a), in respect to buildings that contribute to the area's character or appearance, the alteration of the style and detail of traditional panelled timber doors and timber sliding sash, or original timber or metal casement windows, will be resisted.

² With regard to criterion (c), alteration to roofs including the insertion of roof dormers or roof lights will be considered against the guidance in the council's Supplementary Planning Guidance note BH1 'Roof Alterations and Extensions' and subsequent revisions.

³ With regard to criterion (f), the removal of boundary walls, fences, railings, gates and formation of car hardstandings will be resisted.

Conservation Area Name	Date of Designation	Date of Extension
Avenues (The)	September 1985	July 1989
Benfield Barn	June 1989	
Brunswick Town	May 23 1969	June 1978
Clifton Hill	February 1973	January 1977
Cliftonville	May 23 1969	September 1985
College	April 1988	
Denmark Villas	July 17 1984	
Drive (The)	1977	September 1985
East Cliff	February 1973	January 1977 June 1989 June 1991 September 2002
Engineerium	1982	
Hangleton	1984	
Hove Station	December 1996	
Kemp Town	September 1970	January 1977
North Laine	January 1977	September 1989 February 1995
Old Hove	February 1997	
Old Town	February 1973	January 1977
Ovingdean	September 1970	
Patcham	September 1970	September 1992
Pembroke & Princes	July 1989	
Portslade Old Village	1974	
Preston Park (Formerly Preston)	September 1970	January 1977 November 1980 Split June 1988 Further extension June 1995
Preston Village (Formerly Preston)	September 1970	January 1977 November 1980 Split June 1988
Queens Park	January 1977	
Regency Square	February 1973	January 1977
Rottingdean	September 1970	
Round Hill	January 1977	
Sackville Gardens	February 1997	
Stanmer	September 1970	June 1988
Tongdean Ave / Road	June 1989	
Valley Gardens	February 1973	January 1977 June 1988 June 1989 September 1989 February 1995 October 1995
West Hill	January 1977	June 1988 February 1995
Willett Estate	July 1989	
Woodland Drive	December 1996	

- 8.23 Some possible future designations were indicated in the former Hove Borough Local Plan. These areas and other similar areas will be tested against approved selection criteria, which will endeavour to maintain the status of conservation areas and ensure the concept is not devalued.
- 8.24 In conservation areas, the planning authority will give special regard to matters of detailed design to avoid the gradual erosion of character. The retention of architectural features, which contribute to the appearance of buildings in conservation areas, is vital. The planning authority will seek the reinstatement or repair of such features when considering applications for planning permission and will also do its utmost to prevent the removal of features such as curtilage walls and chimneys. Trees are also important features within conservation areas and should therefore be retained. If this is not possible, the planning authority will seek suitable replacements in appropriate locations. Similarly, where a proposal involves changes within the street, the planning authority will seek the retention of traditional street furniture and surfaces such as cast iron lamp-posts, natural stone paving and kerbstones.
- 8.25 The loss of original features to those buildings that contribute to an area's special character is nearly always harmful to the quality of the area. Much of this visual harm is a consequence of 'permitted development' rights. In many conservation areas 'Article 4 Directions' are now in force which bring under planning control minor alterations to properties, such as alterations to front boundary walls and the painting of facades and, in respect of houses, alterations to doors, windows, roofs and chimneys. Article 4 Directions will be sought for other conservation areas where, after review, it is clear that the area's appearance and special architectural interest is being harmed.
- 8.26 Further guidance on alterations to existing properties, including to doors, windows, roof extensions and shop fronts is provided in the form of supplementary planning guidance (SPGs) or Supplementary Planning Documents (SPDs). Planning briefs will be prepared for sites in conservation areas, which are identified in conservation area studies as causing harm to the area's character.
- 8.27 Particular attention will be given to the impact of proposed changes of use on a conservation area. The mix of uses can be an important element of the character of a conservation area. For example, the North Laine Study seeks to protect warehouses, light industrial uses and shop uses in certain streets because these are an important element of the North Laine's character. (See also Policy EM10 in Chapter 5 'Supporting the economy and getting people into work'.)
- 8.28 The implementation of Policy HE6 will be assisted by applicants entering into discussions with the council's Design and Conservation team at an early stage in the preparation of proposals. Grants may also be available toward the cost of reinstating traditional shop fronts or missing architectural / original features.
- 8.29 Policy HE6 has particular links with the following in this Plan: the policies relating to design; conservation areas; listed buildings; historic parks and gardens; shopfronts; blinds; advertisements; landscaping; trees; open space; densities; telecommunications; nature conservation; and external lighting.

HE8 Demolition in conservation areas

Proposals should retain buildings, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a. **supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner / applicant);**
- b. **viable alternative uses cannot be found; and**
- c. **the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.**

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and / or the landscaping of the site prior to the commencement of demolition.

- 8.32 The planning authority will apply the general presumption in favour of retaining buildings, including boundary walls, which make a positive contribution to the character or appearance of a conservation area. The planning authority will not grant consent to demolish a building in a conservation area, simply because redevelopment is economically more attractive, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing building. Any decision concerning demolition within a conservation area will, therefore, reflect this and government guidance set out in PPG15 'Planning and the Historic Environment'.
- 8.33 The planning authority will support the removal of buildings, which are identified in the character appraisals as harming the character or appearance of a conservation area. Before demolition is allowed, detailed planning permission must first be granted for a replacement building and evidence of a contract for the replacement building must have been submitted to the council. Through Policy HE8, the planning authority will endeavour to reduce the number and impact of vacant unsightly gap sites on the historic environment. Where demolition is permitted, waste building materials must be kept to a minimum and traditional materials salvaged for reuse.
- 8.34 This Policy has particular links with the following in this Plan: the policies relating to minimisation and reuse of construction industry waste and the associated SPD 'Construction and Demolition Waste'; efficiency in development; design; listed buildings; conservation areas; historic parks and gardens; archaeology; densities; nature conservation; and species protection.

HE9 Advertisements and signs within conservation areas and on, or in the vicinity of a listed building

Advertisements and signs within conservation areas and on, or in the vicinity of a Listed Building will only be allowed where:

- a. **they do not have any adverse effect on the architectural and historic character or appearance of the building, on a conservation area or on their settings;**
- b. **the advertisement and / or sign relates to the function of the premises upon which it is displayed;**
- c. **the type of material chosen respects the character / appearance of the building and / or area; and**
- d. **if illumination is required, the advertisement and / or sign has individually halo or internally illuminated letters on an unlit fascia, or is externally spot-lit.**

Internally illuminated fascia and / or projecting advertisements and / or signs will not be permitted.

When considering such proposals, particular attention will be given to the criteria set out in the 'Advertisements and Signs' Policy (QD12).

- 8.35 The planning authority will pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and a listed building and its setting when considering the impact of proposed outdoor advertisements and / or signs on amenity and public safety. Freestanding advertisement and / or sign display boards on forecourts or footways and high level 'banner' style advertisements and / or signs on the exterior of buildings add inappropriate visual clutter to the street scene and are unlikely to be acceptable within conservation areas and on, or in the vicinity of, a listed building.
- 8.36 Advertisements and signs are often fixed so as to conceal original fascia detail, including original timber or rendered fascia, cornices and corbelling, to the detriment of the building's character. These features must be preserved and retain visual prominence.
- 8.37 To complement Policy HE9, the planning authority will take a pro-active approach to the enforcement of advertisement and sign controls in relation to conservation areas and listed buildings, including, where expedient, discontinuance action to secure the removal of adverts/signs erected under deemed consent. This may involve targeting specific 'historic shopping streets' as part of corporate regeneration or community safety initiatives, where the adverts or signs are considered to have a harmful effect on visual amenity or public safety.
- 8.38 Policy HE9 is consistent with the Plan's other policies concerning advertisements and signs, hoardings and blinds which are detailed in Chapter 3 'Design, safety and the equality of development'. To complement this Policy, guidance on advertisements and signs in conservation areas and listed buildings will be published by the council.

HE10 Buildings of local interest

The planning authority will seek to ensure the retention, good maintenance and continued use of buildings of local interest. Whilst not enjoying the full protection of statutory listing, the design and the materials used in proposals affecting these buildings should be of a high standard compatible with the character of the building.

- 8.39 Government guidance set out in PPG15 'Planning and the Historic Environment' (1994) advises that many buildings, which are valued for their contribution to the local scene, or for local historical associations, will not merit statutory listing, but can have local architectural or historic value. The council has drawn up lists of locally important buildings for Brighton & Hove, which have been approved and will be published and regularly updated in consultation with local people. The review of the Brighton statutory list added many buildings from the Brighton local list, which in consequence now requires updating. The Hove list was last reviewed in 1997.
- 8.40 Local criteria for selecting buildings of local interest are as follows: those with historic interest will include buildings whose former use effectively reflects the development of the community; which display physical evidence of periods of local economic or social significance; or which have connections with well known local historic events, people or designers. Buildings with architectural significance will be buildings of quality of a particular architectural style or period, a good example of a particular local building or buildings displaying good innovation or craftsmanship. Such buildings remain substantially unaltered and retain the majority of their original features. Included on this list will be buildings that may merit statutory listing and which may be listed buildings in the future. In essence, buildings of local interest will equate in quality to buildings in conservation areas, but are on the local list either because they are of an unusual style within a conservation area or if outside a conservation area because they do not form part of a group that justifies the formal designation.
- 8.41 The implementation of Policy HE10 will be assisted by applicants entering into discussions with the council's Design and Conservation Team at an early stage in the preparation of proposals.
- 8.42 Policy HE10 has particular links with the following in this Plan: the policies relating to design; external lighting; densities; demolition; and landscaping and trees.

HE11 Historic parks and gardens

Planning permission will not be granted for proposals that would harm the historic structure, character, principal components or setting of an area included in the Register of Parks and Gardens of Special Historic Interest in England.

8.43 English Heritage has compiled a 'Register of Parks and Gardens of Special Historic Interest in England'. Currently the historic parks and gardens in Brighton & Hove included on this register are:

- Stanmer Park
- Kemp Town Enclosures;
- Queens Park;
- The Royal Pavilion Estate;
- Preston Manor grounds, including Preston Park and The Rookery; and
- Woodvale Cemetery.

8.44 Government guidance set out in PPG15 'Planning and the Historic Environment' (1994) advises that the effect of proposed development on a registered park or garden or its setting, is a material consideration in the determination of a planning application. Policy HE11 therefore seeks to protect such areas. The sites included on the register are identified on the Proposals Map. Consideration is being given to the drawing up of a local list of historic parks and gardens. Protection of parks and gardens on a local list would be provided by Policy QD20 'urban open space'.

8.45 Where feasible the planning authority will seek the removal of structures and uses that detract from the special historic interest of areas included in the Register of Parks and Gardens of Special Historic Interest and any restoration work will be based on sound research of lost or damaged structures and landscaping features.

8.46 The implementation of this Policy will be assisted by applicants entering into discussions with the council's Design and Conservation Team at an early stage in the preparation of proposals. Policy HE12 has particular links with the following policies: the policies relating to urban open spaces; design; conservation areas; setting of a listed building; external lighting; landscaping and trees; archaeology; telecommunications; nature conservation; species protection; and greenways.

HE12 Scheduled ancient monuments and other important archaeological sites

Development proposals must preserve and enhance sites of known and potential archaeological interest and their settings. Proposals that are likely to have an adverse impact on the archaeological interest, character or visual amenity of such sites and their settings will not be permitted. Exceptions will only be made where:

- a. in the case of Scheduled Ancient Monuments and their settings, the development would provide for an essential national need for which no alternative site is available and the archaeological remains are to be preserved, as far as practicable, in situ and the adverse impacts minimised; or
- b. in the case of other archaeological sites and their settings, the planning authority, in considering the relative importance of the site against the need for the proposal, is satisfied that the adverse impacts are to be minimised and the need for the proposal outweighs the likely harm to be done.

All proposals must be accompanied by an appropriate assessment of their archaeological implications. In considering whether an exception should be made, the planning authority may require the applicant to provide a further assessment of the significance of potential archaeological remains before the application is determined. This might form part of an Environmental Impact Assessment.

If the planning authority is satisfied that the value of the archaeological remains is outweighed by the need for the development, it will seek to preserve archaeological remains in situ as far as possible. If preservation in situ is not practicable, the applicant may be required to make provision for archaeological recording and/or specialist excavation before and during development; the conservation and storage of artefacts; and the dissemination of results.

The planning authority will also require appropriate enhancements, mitigation, and compensatory measures to be undertaken.

Planning conditions may be imposed, or a planning obligation sought, in order to secure these requirements.

- 8.47 Archaeological remains are a finite and irreplaceable resource which are particularly vulnerable to the effects of new development. It is important to reconcile the need for development with archaeological interests. Government guidance states that policies should provide for the protection, enhancement and preservation of sites of archaeological interest and of their settings.
- 8.48 There are 15 scheduled ancient monuments within Brighton & Hove. Four of these, Hollingbury Castle, Whitehawk Camp, Beacon Hill and Portslade Old Manor, are easily accessible to the public.

A full list of the 15 scheduled ancient monuments, is as follows:

Grid Ref.	Reference Number	Name and Description
3131,1014	SM.25458	Tegdown Hill, Patcham: A Saucer Barrow and Three Bowl Barrows.
3298,0473 3306,0485	SM.20176	Whitehawk Camp, Whitehawk Hill: Neolithic Causewayed Enclosure.
3257,0955	SM.34307	Pudding Bag Wood, Stanmer: Prehistoric Linear Boundary an Bronze Age Bowl Barrow.
3638,0276	SM.12775	Beacon Hill, Rottingdean: Long Barrow.
3646,0258	SM.29234	Beacon Hill, 160m NW of the Windmill, Rottingdean: Long Barrow.
3221,0787	SM.27028	Hollingbury, Hillfort: the possible remains of a Romano-Celtic Temple and a group of three Bowl Barrows.
378,068	AM.62	Castle Hill: Earthwork.
304,103	AM.12	Ewe Bottom, Patcham: Entrenchment.
318,096	AM.10	Near Eastwick Barn Patcham: Earthworks and Lynchets.
301,091	AM.106	Patcham Court Farmhouse: Dovecote.
3714,0544	SM.29235	Field on the Bostle: Group of Three Bowl Barrows and an Anglo-Saxon Barrow.
3286,0943	SM.27018	Great Wood, Stanmer: Bowl Barrow.
267,086 271,079	AM.183	Round Hill, Hangleton: Section of Port's Road and Barrow.
255.064	AM.159	Portslade Manor House: Ruins of Medieval Manor
3319,0924	SM.34308	Great Wood, 500m south west of Stanmer House: Cross dyke

- 8.49 In addition to this there are many sites of archaeological interest in the city, including Iron Age ditches, the site of Roman villas at West Blatchington, the site of the Medieval Village of Hove, Preston Village, Patcham, Stanmer, Ovingdean and Rottingdean. This category includes, but is not limited to, the Archaeologically Sensitive Areas.
- 8.50 Any proposal that may affect Scheduled Ancient Monuments or sites of archaeological interest or their settings will be subject to particularly close scrutiny.
- 8.51 Before the determination of an application for development that may affect a known or potential site of archaeological interest, developers will be required to make provision for an archaeological field evaluation. This may include:
- desk-top evaluation and
 - field evaluation

The evaluation should seek to define:

- the nature and extent of archaeological remains on the site or in the vicinity.
- the likely impact of the proposed development on archaeological remains; and
- how the impact of the proposed development might be mitigated by redesign of the proposal to achieve preservation of the remains in situ or, where this is not practicable or desirable, by archaeological recording/excavation before and / or during development.

- 8.52 Developments that will have an adverse impact on known significant archaeological remains will not normally be permitted. Where the principle of the proposal is considered to be acceptable, the planning authority will seek to preserve such remains in situ by requiring the applicant to redesign the proposal and/or to make provision for desk-top evaluation, field evaluation, specialist excavation prior to development, recording during development, conservation of artefacts and dissemination of results, as appropriate. (Field evaluation includes trial trenching, topographical surveying and geophysical surveying).
- 8.53 In considering whether a site is of potential archaeological interest, the planning authority will have regard to the maps of Archaeologically Sensitive Areas (ASAs). However, other archaeological sites may exist outside of these ASAs and archaeological assessments may also be required elsewhere. In order to minimise the overall impacts of a proposal, applicants may be required to improve the setting of the archaeological site and / or provide appropriate mitigating / compensatory measures.
- 8.54 Where structures or land uses exist on scheduled Ancient Monuments or other important archaeological sites or in their settings that are damaging or potentially damaging to their archaeological interest, character or visual amenity, the planning authority will seek their removal, where practicable. Where appropriate, the planning authority will also consider making Article 4 Directions to control developments that are harmful.
- 8.55 Scheduled Ancient Monuments and ASAs are reviewed regularly and amended as appropriate, thus the designations shown on the proposals map may be subject to change. Applicants should therefore check with the council, at an early stage, as to whether amendments have been made.
- 8.56 Wildlife sites are frequently associated with ancient monuments, thus regard should be given to the policies dealing with nature conservation.



Glossary

This glossary provides an explanation of terms used in this Local Plan, where an explanation is not given in the text of the Local Plan. The Glossary does not form part of the statutory plan.

Academic Corridor Concentration of three major higher and further education institutions (the Universities of Brighton and Sussex, and City College) along the A27/A270 which together provide enhanced facilities for high-technology and knowledge-based businesses.

Affordability gap This is the 'gap' between the amount that can be afforded for a dwelling based on an average local income and the actual cost of houses or flats on the open market.

Affordable Housing Residential accommodation that is provided with a subsidy to ensure that rents/prices remain at a level that is genuinely affordable by local people whose incomes fall below the level needed to buy accommodation in the housing market.

Air Quality The Air Quality Strategy for England, Scotland, Wales and Northern Ireland sets maximum objectives (targets) for the following pollutants: Benzene, 1-3 Butadiene, Carbon monoxide, Lead, Nitrogen dioxide, Particles (PM10), Sulphur dioxide and Polycyclic aromatic hydrocarbons. These pollutants, which largely result from traffic and industrial processes, are monitored and the identified levels are used to measure air quality.

Allocated site A site identified in the Local Plan for a specific use.

Amenity Factors which contribute to the pleasantness of living in a particular place.

Aquifer A rock layer that holds water within its structure and provides a natural underground store for water. In Brighton & Hove, aquifers are used to provide drinking water.

Archaeological sites Evidence of the past development of our civilization, including places of worship, defensive structures, burial grounds, farms and fields, housing and sites of manufacture. In Brighton & Hove these include Scheduled Ancient Monuments, Archaeologically Sensitive Areas and other sites of archaeological interest.

Archaeologically Sensitive Areas These are sites that have been compiled by the County Archaeologist as part of the Sites and Monuments Record on behalf of the local planning authority, as advised in PPG16 paragraphs 15 & 16. These areas are judged to have county and city wide importance and are known to have archaeological remains or features, although the full extent and richness of the site is often unknown. Some might on further detailed investigation merit designation as a Scheduled Ancient Monument.

Area of Outstanding Natural Beauty (AONB) Land of high visual quality designated by the Countryside Commission (now Natural England) as being of national importance under the National Parks and Access to the Countryside Act of 1949.

Article 4 Direction These are Directions made under the planning acts, requiring a planning application to be made for specified minor development in particularly sensitive areas, e.g. conservation areas, where planning permission would not otherwise be required. An example would be an Article 4 Direction that required planning permission to be sought for the external painting of a property.

Assisted Area Status Areas in Great Britain where regional state aid may be granted under European Union law. Discretionary grants are available to secure employment opportunities and increase regional competitiveness and prosperity.

Avenue Wide street or approach or a double row of trees.

Backland development Development of land without its own road or highway frontage located behind buildings that front a road or highway

Benchmark policy A policy that contains a fundamental principle of the development control role of the Local Plan, which sets a precedent for best practice.

Best Value A requirement of the Local Government Act 1999 for each local authority to engage in a process of continuous improvement in the way its functions are exercised having regard to a combination of economy, efficiency and effectiveness.

Biodiversity Action Plan (BAP) A plan prepared by the city council and nature conservation organisations to reverse the decline in the variety of species of animals and plants.

Biological Diversity (Biodiversity) The range and variety of life (including plants, animals and micro-organisms), ecosystems and ecological processes.

Blue Badge parking Parking for people who are registered with a disability that affects their movement. (Previously called 'orange' badges but changed to blue to be the same colour as that used across Europe).

Brighton & Hove Community Environment Partnership (BriHCEP) A partnership of the public sector, business sector, environmental organisations and community and voluntary organisations seeking to protect and improve the local environment.

British 'Red data' books Sources which describe the population status of species understood to be of greatest conservation concern. A range of qualifying criteria are used, including rarity, population decline and distribution.

Brownfield Previously developed land. Site containing permanent structures and associated development, which can be re-developed for other uses before greenfield sites.

Built Heritage Buildings and other structures considered to be of a special architectural or historic quality or interest. Includes, but not limited to, Listed Buildings and Conservation Areas.

Built up area Extent of area identified on the Local Plan Proposals Map within which the development of the city has occurred. The outer limits of the built up area are defined on the Local Plan Proposals Map by the 'Built Up Area Boundary' beyond which land is classified as 'countryside' (or the sea).

Bulky goods Retail goods of a heavy or bulky nature e.g. furniture, refrigerators.

Bus priority measures Engineering and other measures that ease the movement of buses including dedicated road space, junction alterations and priority signalling at traffic lights.

Circular Government advice published to explain or interpret Acts of Parliament.

Coastal strip Areas of the city physically or visually related to the seafront, usually characterised by tourist related activity.

Coastal Zone Management Policy General policy produced by all those with an interest in the development, management and protection of the coastal zone. Local authorities are responsible for implementation of the policy through strategies for identified stretches of coast.

Community safety A concept that encompasses reducing crime and lessening the fear of crime for all sections of the community. In partnership with other relevant groups, the city council has published a 'Community Safety and Crime and Disorder Strategy' that sets out an approach to improve community safety.

Community Sports Programmes City council programme for increasing the provision of local sports facilities through, for example, schools and other educational establishments.

Community stadium A stadium that provides sports facilities to meet the needs of top Brighton & Hove sportswomen and men and the wider community.

Conservation Area An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. In respect of Brighton & Hove they are usually designated by the city council, though the Secretary of State could designate them.

Contaminated land Statutorily defined as 'any land which appears to the local authority in whose area it is situated, to be in such a condition by reason of substances in, on or under the land that:

(a) Significant harm is being caused or there is a significant possibility of such harm being caused; or

(b) Pollution of controlled waters is being or is likely to be caused'.

Contiguous Connected, adjacent or adjoining.

Convention on Biological Diversity An international agreement signed at the Rio Earth Summit that included provisions on habitat conservation and impact assessment.

Corbelling Stone or timber projections from a wall. In Brighton & Hove they are usually brickwork with a purely decorative function. However, a corbel often has a support function.

Cornice A band of ornamental moulding round the wall of a room just below the ceiling or crowning the external facade of a building.

Council's Community Safety Crime and Disorder Strategy Document reviewed every 3 years that identifies priorities and sets targets for improvements to service delivery related to improving public safety and achieving crime reduction.

Council's 'Door Supervisor' scheme A voluntary scheme for entry staff security employed by nightclubs / bars to be registered with the city council. Staff are given training, including first aid, and have to display photographic identification as well as the city council's logo whilst on duty.

Countryside Agency The former name of the statutory body working to: conserve England's countryside; help everyone to enjoy the countryside and spread social and economic opportunity for the people who live there. Now incorporated in 'Natural England'

Criteria based policy A policy that applies across the whole of Brighton & Hove for a specific type of development (such as housing, transport, employment etc) that contains a number of requirements that should be met by applicants for planning permission.

Customer capacity Maximum number of members of the public permitted inside a venue normally controlled by licensing or fire regulations.

Cycling network A defined web of routes into and through the city that uses specific traffic engineering structures, including designated road space and signage, to make cycling safer, quicker and easier. It includes parts of the National Cycling Network, regional and local cycling networks.

Deemed Consent An advertisement or sign which is allowed (by virtue of Government Legislation) without the submission of an application to the Local Planning Authority (see also permitted development).

Design statement Supporting written submission that highlights the key design features of a development proposal and explains how the design takes account of its context in relation to the natural landscape and / or neighbouring buildings and other features.

Development Plan This Local Plan, the East Sussex and Brighton & Hove Structure Plan 1991-2011, the Waste and Minerals Local Plans and the Regional Plan which together comprise the development plan for Brighton & Hove. They indicate the manner in which local planning authorities propose that land in their administrative areas should be used for a defined period of time (3 years from adoption in the case of this Local Plan). They provide the primary basis for the consideration of planning decisions on proposals to build on land, or for changes of use. However, decisions must also take account of other material considerations. The Local Plan system is being replaced by Development Plan Documents, in accordance with the 2004 Planning and Compulsory Purchase Act.

Downland Usually treeless open land with only a thin covering of soil on the chalk uplands. There are areas of downland, in the plan area, both within and outside the Sussex Downs Area of Outstanding Natural Beauty.

Dutch blind Curved blind on metal frame above a shop window, which cannot be retracted, for the purpose of screening window display or for advertisement.

Dwelling density Measure used to describe the numbers of housing units associated with a given area e.g. dwellings per hectare.

East Brighton New Deal initiative A Government-funded project that aims to bring about positive change within the East Brighton locality through a partnership of local service deliverers and the community. It is known by the acronym eb4u (East Brighton for you).

Empty Homes Strategy Published by Brighton & Hove City Council and the Brighton & Hove Private Sector Housing Forum in 2002, with the aim of bringing empty homes back into use for housing.

Enabling development Development which, on balance, is acceptable in its own right but generates funds to allow the provision of a strategic development objective of the local planning authority e.g. the restoration and/or the ongoing maintenance of a building, or the construction or renovation of a much needed facility.

English Nature A statutory body set up to promote the conservation of England's wildlife and natural features. Together with the Countryside Agency merged as Natural England).

Environment Includes the 'natural' environment (air, water, land, flora and fauna) and 'built' environment (buildings and other structures built by humans).

Environmental Impact Assessment (EIA) A systematic procedure to determine the likely significant effects of a proposed development project on the environment. The EIA is prepared by and is the responsibility of the applicant and the resulting documentation is termed an 'Environmental Statement'. The EIA aims to ensure the likely environmental effects of proposed developments are highlighted at an early stage in the process to assist the decision-making authority in determining planning permission.

Extant permission An existing, valid planning permission.

Façade Face of a building.

Facilities Hierarchy Model Theoretical model produced by Sport England that may be used to calculate under or over-supply of sporting facilities in a defined area.

Fascia An element of a shop front that usually runs across the width of the premises above the shop window and below the first floor level upon which signs are often attached e.g. the name of the shop.

Fenestration Window openings and details.

'Flashpoints' of disorder Sudden incidents of affray or criminal damage concentrated at a particular location.

Fly-Tipping Dumping of waste illegally, usually by roadsides, on wasteland etc.

Footprint Area of ground on a site taken up by the building itself as seen in outline when viewed overhead.

Geomorphology Shape of the earth - the physical features and land form which arise from the weathering of the geological structures beneath.

Grain General layout, pattern and footprint of buildings and streets as viewed overhead in plan form.

Greenhouse gases Gases or vapours in the atmosphere which trap heat from the Earth's surface. The main greenhouse 'gas' is water vapour while carbon dioxide (which is produced principally from the burning of fossil fuels) is the main manufactured greenhouse gas. It is generally accepted that these gases, when they accumulate in the atmosphere, lead to global warming.

Green lung An undeveloped piece of land surrounded by the built-up area that may provide natural habitats and / or open space for recreation.

Green roofs Roofs specially designed to be covered in vegetation.

Green wedge A section of undeveloped farmland, woodland or parkland or green open space that projects into the urban area from surrounding countryside.

Greenfield A site that has not been previously been built on (includes areas such as playing fields, allotments and countryside).

Greenway network A web of largely car-free off-road routes connecting people to facilities and open spaces in and around towns, cities and to the countryside for shared use by people of all abilities on foot, bike or horseback, for commuting, play or leisure. In this Plan also includes wild life corridors not accessible by people.

High Tech A business using a high level of advanced technological expertise and/or equipment.

Historic Parks and Gardens Gardens, parks and man-made landscapes whose character reflects the period (or periods) of their design, and sometimes also the style of a particular designer. English Heritage compile the list on the Register of Parks and Gardens of Special Historic Interest in England. No additional statutory controls apply but sites so identified are given added protection from development in the development plan.

Hotel core zone Area identified on the Local Plan Proposals Map within which tourist accommodation will be afforded special protection by planning policy.

Houses in Multiple Occupation (HMOs) There is no statutory planning definition of Houses in Multiple Occupation and definitions may vary. For planning purposes, HMOs are usually defined as dwellings containing two or more household spaces where basic amenities such as kitchen, bathrooms and WCs are shared, such as 'bedsit' accommodation. The Housing Act definition of HMO is somewhat broader and can include hostels and guesthouses. A Department of The Environment, Transport and the Regions (DETR) factsheet (Housing Factsheet No.9) entitled 'Houses in Multiple Occupation (HMO)' advises that an HMO is currently defined in housing legislation as 'a house which is occupied by persons who do not form a single household'.

Housing Corporation Government agency responsible for housing matters; principally the distribution of government funds (e.g. Housing Association Grant) for housing development in accordance with regional and local needs.

Housing Investment Programme (HIP) The city council's priorities and objectives for expenditure on housing.

Housing Need Households lacking their own housing or living in housing which is inadequate or unsuitable, who are unlikely to be able to meet their needs in the housing market without some assistance.

Housing provision figures The amount of extra housing development required during the plan period. Set out initially in regional planning guidance and subsequently in the Structure Plan for individual local authority areas.

Housing Register The city council's housing register lists all households who have applied and are eligible for city council or registered social landlord accommodation in Brighton & Hove.

Illuminance calculation plots Calculation method for measuring lighting levels.

Integrated Transport System A transport system that allows all sectors of society to use different modes of travel (such as trains, buses, cars, cycles and walking) as efficiently as possible.

IT Information Technology.

Key worker Workers whose services are essential to local communities, who need to live close to those communities and the people they serve. Government guidance identifies specific workforce groups such as teachers, nurses and the police, as key workers

Land management The manner in which land is planted and maintained, including farmed, in the case of agricultural land.

Landscape buffer A planted or otherwise undeveloped strip of land that separates the built-up areas or a particular development from the surrounding area.

Learning Community A population with access to continuing education opportunities.

Lifetime homes Housing built to standards to cater for various lifestyle stages, e.g. wider corridors to cater for pushchairs and wheelchairs, scope for adaptations for disability needs, needs of the elderly, etc.

Light spill Unfocussed artificial light which spreads beyond the area that is intended to be illuminated.

Linked trips Journeys undertaken that enable more than one destination to be visited simultaneously, for example when visiting two adjacent shops.

Listed Building A building of national importance due to its architectural or historic interest. They are buildings which have been included in the Statutory List of Buildings of Special Architectural or Historic Interest. The Statutory List is compiled by the Secretary of State (Department of Culture, Media and Sport), with advice from English Heritage and other specialist organisations, using agreed national criteria. It is a criminal offence to carry out any works affecting the character of a listed building without first obtaining 'Listed Building Consent' from the city council.

Live-work unit A mixed use space providing both living and working accommodation within one unit.

Living above the shop Concept for encouraging the re-occupation of vacant floors above ground floor shop units for residential purposes.

Local Agenda 21 A process of developing local strategies for sustainable development. Local authorities are required to build partnerships between different sectors of the community to develop a LA21 action plan.

(Local) Planning Authority In respect of Brighton & Hove this will usually be the city council, however, this term also includes East Sussex County Council, Planning Inspectors and the Secretary of State as they are all bodies that may make planning decisions affecting the local area.

Local Transport Plan (LTP) (Also called the Full Local Transport Plan when it has been approved by the Government). It is the document prepared by the city council which sets out its transport policy and proposals and is prepared in order to bid for central government funding for all forms of transport.

Locally Equipped Area of Play (LEAP) Category of children's play area defined in the National Playing Fields Association standards.

Material Considerations In principle any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will however depend on the circumstances. Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. They must also fairly and reasonably relate to the application concerned. Material considerations may include the Government's national and regional planning guidance and material representations from interested parties. Whether such matters are material in a particular case is ultimately a matter decided through the law courts.

Mezzanine floor A new floor level inserted between two existing floors or a floor and the ceiling. Characteristically it does not cover the extent of the area of floor below.

Microclimate Local climatic conditions.

Minerals Local Plan In relation to Brighton & Hove this is a joint Plan produced by East Sussex County Council and Brighton & Hove City Council. It sets out the policies in relation to minerals within the area.

Mitigation Measures Actions to prevent, avoid or minimise the actual or potential adverse effects of a development, action, project, plan, policy etc.

Mixed use A building, development or site featuring two or more different land uses, for example residential flats above a retail unit.

Mixed use development A development that contains two or more uses e.g. residential, employment, leisure, community uses.

Multi-agency Joint working between (normally) public authorities on issues/projects of mutual interest e.g. Council, Police and Magistrates on a crime reduction strategy.

National Park An area designated by the Countryside Agency (now Natural England) under the National Parks and Access to the Countryside Act 1949 (as amended). The statutory purposes of National Parks are conservation of the natural beauty of the countryside and promotion of its public enjoyment.

National planning guidance (PPG) Planning Policy Guidance notes (PPGs), Minerals Planning Guidance notes (MPGs), Regional Planning Guidance notes (RPGs), Government Circulars, White Papers and Ministerial Statements. PPGs are now replaced by PPSs (see below).

National planning policy (PPSs) Planning Policy Statements (PPSs) - Introduced in the 2004 Plan and Compulsory Purchase Act to replace PPGs see above.

National Playing Fields Association Organisation with specific responsibility for acquiring, protecting and improving playing fields, playgrounds and playspace where they are most needed and for those who need them most.

Natural England Formed from the merger of English Nature and Countryside Agency.

Neighbourhood Area for Play (NEAP) Category of children's play area defined in the National Playing Fields Association standards.

New Deal See 'East Brighton New Deal initiative'.

Occupancy controls Planning conditions or obligations used to ensure that housing when built, is occupied, either initially or in perpetuity, by people falling within particular categories of need.

Park and Ride A facility or facilities that provide parking for cars and an interchange for transferring passengers onto public transport, particularly at the approaches to the city.

Pastiche Mock version or replica of a historic building design.

Pedestrian priority areas Areas where it is easier for pedestrians to move around - including those with better crossing points, pavement widening and traffic calming.

Permeability Visual or physical linkages between different parts of an urban area that encourage patterns of movement between streets and districts.

Permitted Development Development, including changes of use, which is allowed (by virtue of Government legislation) without the submission of a planning application to the Local Planning Authority (see also deemed consent).

Planning Authority See 'Local Planning Authority'.

Planning Obligations/Section 106 Agreements Planning Obligations, also known as Section 106 Agreements (under the 1990 Town & County Planning Act), are legal agreements that secure measures and/or controls that could not be achieved by the imposition of planning conditions.

Planning Policy Guidance Notes (PPGs) Government planning guidance on a variety of topics that must be taken into consideration when preparing development plans or when determining planning applications, now replaced by Planning Policy Statements.

Planning Policy Statements (PPSs) Government planning policy statements on a variety of topics that must be taken into consideration when preparing development plans or when determining planning applications. They are replacing PPGs.

Polluted land This is not statutorily defined. It is land that contains harmful or offensive substances; it may or may not be statutorily defined as 'contaminated land'. (See Contaminated Land)

Prime frontage Part of a shopping centre identified on the Local Plan Proposals Map as being of particular importance to the operation of the centre.

Priority Area for Economic Regeneration (PAER) In order to address economic inequalities in the South East, the Regional Planning Guidance has identified particular areas for economic regeneration. Brighton & Hove falls within one of these areas.

Proposals Map Map that forms an integral part of the local development plan and which identifies sites/areas to which particular policies apply.

Public Examination / Examination in Public (EIP) A public inquiry presided over by an Inspector appointed by the Government, at which the draft Regional Planning Policy is debated (a similar process is also used in respect of the Structure Plan).

Regional Planning Guidance (RPG) Government policy on regional planning matters which sets out a framework for reviews of structure plans and unitary development plans. The current guidance for the South East (Regional Planning Guidance for the South East - RPG9) was published March 2001 and sets out broad regional guidelines to the year 2016. It is being replaced by the South East Plan.

Registered Social Landlord (RSL) Independent non-profit making organisation registered with The Housing Corporation (usually a housing association). The main purpose of most registered social landlords is to provide accommodation at affordable rents to people on low incomes or in housing need.

Renewable Energy Term used to describe energy that occurs naturally and repeatedly in the environment - e.g. energy from the sun, wind, water, land, plant material, as opposed to energy derived from non-renewable resources such as that from 'fossil fuels' e.g. coal and oil. Combustible or digestible waste materials are also regarded as renewable sources of energy.

Retail hierarchy See 'Sequential approach', below.

Retail Impact Assessment A study designed to assess the extent of the social and economic impact of a proposed retail development on existing retail facilities.

Retail shed A retail warehouse - a large, normally single-level store specialising in the sale of household goods (such as carpets, furniture and electrical goods) and DIY items, catering mainly for car-borne customers and often in out-of-centre locations.

Rio Earth Summit The United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992.

Scheduled Ancient Monument A statutorily protected building or structure of national importance because of its archaeological and historic interest.

Seafront Development Initiative (SDI) A project set up to finance works of enhancement to the beach and promenade to assist the regeneration of Brighton's Lower Promenade between the Brighton (Palace) Pier and the former Brighton/Hove boundary. These improvements are substantially complete; works outstanding (at July 2005) are works to the bandstand and adjacent gardens. The initiative followed a study by the City Council and the South East Tourist Board. Significant funding was obtained via the Single Regeneration Budget (a Government funding initiative) and Southern Water also provided some funding.

Section 215 notices of the 1990 Planning Act Section 215 provides the city council with the power to require proper maintenance of land where it appears that the amenity of the area is being adversely affected by the condition of the land. Land includes any building(s).

Section 47/48 and section 54 of the Planning (Listed Building and Conservation Areas) Act 1990 Section 47 - enables the city council (or the Secretary of State) to compulsorily purchase a listed building in need of repair where the Secretary of State can be satisfied that reasonable steps are not being taken to properly preserve the listed building. Section 48 - provides details on the serving of a repairs notice which must be preliminary to any acquisition under section 47. Section 54 provides details of when the city council may undertake urgent works to preserve an unoccupied listed building (or part of it).

Sequential approach This is the Government's required approach (set out in PPG3) for local authorities to identify suitable land for residential use and buildings for conversion. Re-using previously developed ('brownfield') sites within urban areas, identified in an Urban Housing Capacity Study, is the preferred option, followed by urban extensions and new development around public transport nodes. A sequential approach is also recommended (in PPG6) for the allocation of land for retail use. The preferred 'retail hierarchy' (in descending order of preference) is: town centre sites where suitable sites or buildings suitable for conversion are available; edge-of-centre sites; district and local centres; and only then out-of-centre sites in locations that are accessible by a choice of means of transport. PPG9 requires local authorities to give preference to the re-use of developed land and to allocate sites for industry and commerce, particularly in urban areas and in places that are accessible by environmentally friendly modes of transport.

Setting of (a building/area) This will depend upon the individual circumstances relating to the building or area in question. The setting often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and/or to the quality of the spaces between buildings. The setting may include:

- Land (and buildings) which are obviously ancillary
- Land some distance away e.g. affecting views
- a number of surrounding properties e.g. in a crowded urban street
- an entire street.

Sheltered housing Managed housing units, usually for the elderly with wardens/staff on hand.

Site of Nature Conservation Importance Non-statutory designation of an area supporting important wildlife habitats or species and/or area that serves as a wildlife resource for local communities.

Site of Special Scientific Interest (SSSI) Sites designated by English Nature (now Natural England) under the Wildlife and Countryside Act 1981.

Small business A business with fewer than 50 employees.

Soakaway A sub-surface structure/drain designed to promote the percolation of surface water.

Social Exclusion What may happen when people or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown.

South Downs Joint Committee Group established by merging the South Downs Conservation Board and the East Hampshire AONB Joint Advisory Committee in preparation for the establishment of the South Downs National Park.

Specific land use proposals A detailed suggestion for the future uses of a site that is defined on the Proposals Map.

Sports and Recreation Strategy City council strategy concerned with the retention and provision of sports facilities and the meeting of identified needs of sports clubs and associations in Brighton & Hove.

Stallriser Solid section of a shopfront below the shop window.

Statutory Consultee Organisations with which the local planning authority must, by law, consult on the preparation of its land use plan or in determining a planning application.

Streetscape General appearance and urban character of a road or street.

Structure Plan In relation to Brighton & Hove this is a joint document produced by East Sussex County Council and Brighton & Hove City Council. It sets out key, strategic policies to guide future development and provides a framework for the preparation of the Local Plan.

Sui generis A use of land or building that is excluded from any specific class of the Town and Country Planning (Use Classes) Order 1987. Planning permission is required to change the use of land or buildings to or from a sui generis use. Literally means 'of its own'.

Supplementary Planning Guidance (SPG) A document that provides detailed planning guidance regarding the implementation aspects of a particular policy contained in the development plan. SPG is recognised as a material consideration in development control decisions and appeals but its status is not the same as a statutory development plan. It is being replaced by Supplementary Planning Documents (SPDs) under the 2004 Planning and Compulsory Purchase Act.

Supported housing Housing for groups with care and support needs, including people with HIV and AIDS; disabled people; the elderly; young people; and substance misusers. The City Council works with housing support agencies (Brighton Housing Trust, Care Co-Ops) to co-ordinate services, share best practice and monitor the effectiveness of services.

Sussex Wildlife Trust A charitable trust that promotes nature conservation within East and West Sussex, Brighton & Hove.

Sustainable Development Development that meets the needs of the present without compromising the ability of future generations to meet their own needs (a widely-accepted definition taken from 'Our Common Future' also known as 'The Brundtland Report' - the Report of the 1987 World Commission on Environment and Development). The key elements of sustainable development are social progress which recognises the needs of everyone, effective protection of the environment, prudent use of natural resources and maintenance of high and stable levels of economic growth and employment. It also implies more equitable access to these elements of sustainable development within current and future generations and the global implications of development.

Sustainable Transport Strategy Name given to the transport strategy adopted by Brighton & Hove City Council and set out in the Full Local Transport Plan which seeks to implement schemes that encourage the use of public transport, walking and cycling.

Sustainable Urban Drainage Systems The management and control of surface water run off (rainwater - often polluted) by providing ways through which it can be absorbed and treated naturally through detention/retention ponds, grass land, soakaways and permeable road and pavement surfaces etc, rather than being directed straight to sewers. Such systems seek to use the environment to slow the speed of run off, reduce the quantity of run off collected and provide ways to treat collected surface water before being discharged to water-courses or infiltrated into land rather than sewers.

Topography Description of the features of the land including height in relation to sea level.

Town cramming Over development of an area without regard to the retention of open spaces, the existing environment and/or the generated demands for local services etc, resulting in a harmful impact on the quality of the living and working environment.

Townscape General view, appearance and character of an urban scene/landscape.

Transport Assessment A process of looking at the impact on transport of a proposed development. Can range from a simple document setting out the movements by different methods likely to arise from a development, to a detailed assessment derived from modelling the likely impact of the transport needs of a development and setting out the steps proposed to deal with it. Previously called a 'Traffic Impact Assessment' (TIA) but now renamed to a TA to take into account pedestrian movements.

UK Strategy for sustainable development 'A Better Quality of Life', published in May 1999, sets out the Government's priorities for achieving sustainable development. Also referred to as the 'UK Strategy'.

Urban Task Force Group chaired by Lord Rogers (Architect) that produced a report in 1999 entitled "Towards an Urban Renaissance" that looked at the causes of urban decline and suggested practical solutions for bringing people back to the cities, towns and urban neighbourhoods.

Vista Medium or long narrow view framed by, for example, buildings or other landscape features such as trees.

Waste Defined by the European Union Waste Framework Directive as any material, substance or product which the holder must discard, intends to discard or is required to discard.

Waste Local Plan In relation to Brighton & Hove this is a joint Plan produced by East Sussex County Council and Brighton & Hove City Council. It sets out the policies in relation to the management and disposal of waste within the plan area.

Wildlife Advisory Group (WAG) An advisory group convened by the City Council comprising representatives of local, county and national wildlife and conservation organisations that provides advice on planning applications and other land management issues that may impact on wildlife.

Windfall Site Site gaining planning permission for a use which was not previously identified in a Local Plan. This term is normally applied in respect of housing developments on unidentified sites.