



# **Brighton & Hove Local Plan 2005**



# Brighton & Hove Local Plan

Adopted July 2005

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## Introduction

### a - the framework for preparing a positive plan

#### a1. the Local Plan

- a1.1 The Local Plan provides a detailed framework for the use of land and buildings in Brighton & Hove. The Plan sets out detailed policies for the control of development and makes proposals for the development and the use of land.
- a1.2 In fulfilling its statutory function under the Town and Country Planning Act 1990, the Local Plan is required to include policies for:
- conservation of the natural beauty and amenity of the land;
  - improvement of the physical environment; and the management of traffic
- a1.3 Planning, and the Local Plan in particular, has much more to offer. At its best, planning acts as a positive force, helping to underwrite the success of other strategies and initiatives by providing a complementary approach to the use of land. In this regard, the Local Plan has a key role to play in delivering sustainable development and tackling social exclusion.
- a1.4 Decisions about the use of land are crucial to the development of Brighton & Hove and land use planning has a vital role to play in realising the council's vision for Brighton & Hove as:

*'a cosmopolitan, successful city by the sea where people have a high quality of life in a decent environment'.*

- a1.5 A positive approach to planning in Brighton & Hove can:
- deliver much needed housing, community facilities and employment opportunities of the right types in the right places;
  - maintain and enhance our outstanding natural environment and built heritage;
  - contribute to an integrated transport system with more opportunities to walk, cycle or take public transport;
  - help to ensure that resources are used efficiently and waste is minimised;
  - promote good design for buildings, streets and neighbourhoods;
  - make the best use of the land and secure the re-use of sites that have lain vacant for too long; and
  - support existing and new businesses and the jobs they provide.

#### a2. a plan-led system

- a2.1 The legislative framework for Local Plan preparation seeks to provide a basis for rational and consistent decision making.
- a2.2 The system is 'plan led' and unless there are overriding planning reasons for doing otherwise, it is expected that all planning decisions should accord with the development plan. The thinking is that this will prevent planning decisions being taken in an arbitrary way and will introduce levels of consistency and certainty over the use of land that will benefit those making investment and other decisions affecting its use.

- a2.3 The importance of the development plan in a 'plan led' system means that it is crucial that people have the opportunity to have their say when the plan is being put together. National planning guidance states that the aim should be to encourage local people to participate actively in the preparation of plans from the very earliest stages so that they can be fully involved in decisions about the development of their area. Preparation of this Plan has involved an extensive consultation process which has sought to address a number of traditional weaknesses which often deny people the opportunity to participate effectively in preparing a plan, see 'c - Consultation'.
- a2.4 The development plan for Brighton & Hove is not a single document - it comprises this Local Plan and the East Sussex and Brighton & Hove Structure Plan (until it is replaced by the SE Plan) the East Sussex and Brighton & Hove Waste Local Plan and Minerals Local Plan. In preparing this Local Plan, the council took into account national and regional planning policy and guidance issued by the government's Department for Communities and Local Government (DCLG); the strategic planning context provided by the East Sussex and Brighton & Hove Structure Plan; Regional Planning Guidance (RPG9); and the emerging Regional Spatial Strategy (RSS): the South East Plan.

### a3. national policy

- a3.1 At a national level, the government looks to the planning system and development plans in particular, to play a key role in the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development.
- a3.2 Sustainable development can be defined as:  
*'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.*  
*'Our Common Future' (The Brundtland Report) - Report of the 1987 World Commission on Environment and Development.*
- a3.3 The UK Strategy for sustainable development is based on four broad objectives:
  - 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.
- a3.4 In achieving these objectives, conflicts inevitably arise over the best use of land. The planning system is required to regulate the use of land in the public interest and national planning guidance remains clear that:  
*'the (planning) system as a whole and the preparation of development plans in particular, is the most effective way of reconciling the demand for development and the protection of the environment'.*
- a3.5 Beyond this role of reconciling competing land uses, plans are expected to provide a positive lead in planning for sustainable development. The challenge for local plans in particular, is to offer both certainty and flexibility over the use of land.

- a3.6 By identifying sites for development in a local plan, a local authority can provide certainty and demonstrate how part of its vision for the future can be achieved. However, an over prescriptive approach to land use could have the opposite effect and unduly limit peoples' ability to use and re-use land and buildings as and when circumstances change. In preparing a local plan then, there are key roles for both specific land use proposals for particular sites and criteria based policies for different types of land use - part of the key to 'positive planning' is getting the balance between the two right.
- a3.7 National planning policy is established through a series of Planning Policy Guidance notes, (PPGs) now being replaced by Planning Policy Statements (PPSs) and Government Circulars which provide detailed guidance and advice on how to meet the UK Strategy objectives set out above.
- a3.8 In preparing their plans, local planning authorities are urged to place a particular emphasis on making the best use of the land available and to recognise the importance of the relationship between land use and transport.
- a3.9 To achieve sustainable patterns of development and to help reduce the environmental impacts of transport, national planning policy demands an integrated approach whereby land use policies and transport programmes are seen to be complementary and contribute toward:
- reducing growth in the length and number of motorised journeys;
  - encouraging alternative means of travel which have less environmental impact; and,
  - helping reduce reliance on the private car.
- a3.10 Development in urban areas with good public transport accessibility is seen as a way of helping to reduce the need to travel. Local Plans are therefore expected to help sustain the 'vitality and viability' of town centres and to focus development, especially retail development, in locations which maximise the opportunity to use means of transport other than the car.
- a3.11 By offering a diverse range of services close to where people live, mixed use developments can offer sustainable alternatives to single use developments. In preparing their local plans, planning authorities are encouraged to include policies to promote and retain mixed uses, particularly in town centres and in other areas, highly accessible by means of transport other than the private car, including areas of major new development.
- a3.12 To help achieve mixed use development, national planning policy proposes a flexible approach which might allow for higher density housing and a reduction in the amount of parking space expected to be provided. Recent guidance on housing actively encourages local planning authorities to avoid placing unduly restrictive limits on the amount of housing a site can accommodate. However, where higher densities are considered appropriate, care should still be taken to ensure that alternative modes of transport are available and that there would be no adverse affect on local amenity or the needs of business.

- a3.13 To complement a more flexible approach to mixed use and higher densities, a new emphasis is placed on good urban design. National planning policy guidance issues a reminder that new buildings have a significant effect on the character and quality of an area. In planning for an 'urban renaissance', the report of the Urban Task Force chaired by Lord Rogers concludes that:

*'The quality of the built environment in our towns and cities has a crucial impact on the way they function. Well designed buildings, streets and districts are essential for successful social, economic and environmental regeneration'.*

#### **a4. regional policy**

- a4.1 The regional planning framework is provided by Regional Planning Guidance for the South East (RPG9) which is being replaced by the Regional Spatial Strategy (RSS), the South East Plan. Together, the Guidance and the Strategy cover the period up to 2026 and set a framework for the longer term.
- a4.2 The RPG's vision seeks to encourage economic success throughout the South East region whilst ensuring a higher quality of environment with management of natural resources, opportunity and equity for the Region's population and a more sustainable pattern of development.
- a4.3 Key development principles set out in RPG9 include the following:
- urban areas should become the main focus for development through making them more attractive, accessible and better able to attract investment;
  - greenfield development should normally only take place after other alternatives have been considered and should have regard to the full social, environmental and transport costs of location;
  - the pattern of development should be less dispersed with more sustainable patterns of activity, allowing home, work, leisure and community services to be in closer proximity and minimising the amount of land required in all new developments;
  - economic opportunities should be increased by measures to improve the performance of poorer parts of the Region and by reducing or surmounting bottlenecks to sustainable growth; and
  - sufficient housing should be provided for all who live and work in the Region and the development of housing should be more sustainable, providing a better mix of sizes and types, having regard to the structure of households and people's ability to access housing.
- a4.4 In promoting economic success, the RPG identifies the need to address inequalities within the Region. Brighton & Hove was identified, together with a number of other coastal towns and cities, as a Priority Area for Economic Regeneration (PAER). The RPG states that within the larger 'coastal strip' between Shoreham Harbour and Hastings, there are significant pockets of deprivation and unemployment and problems associated with a mismatch between the pool of labour and the available jobs.

- a4.5 To help address these problems, the RPG proposes diversification of the employment base and improved access to employment by sustainable means. The RPG looks to future plans to bring forward sites where new development could be created and to encompass tourist related activities, education and training, as well as business and industrial employment-generating uses.
- a4.6 In proposing a 'Transport Strategy' for the Region, the RPG establishes a close link between transport planning, development plans and more concentrated forms of development, regeneration and delivering an 'urban renaissance'. In accordance with national policy guidance, the RPG states that the management of future travel demand will be critical to the task of delivering a more sustainable pattern of development in the South East.
- a4.7 In planning for an adequate supply of affordable housing, the RPG states that development plans should consider whether there is evidence to justify using lower site size thresholds than those prescribed in government guidance, when negotiating for the inclusion of an element of affordable housing in development proposals.

#### **a5. the East Sussex and Brighton & Hove Structure Plan**

- a5.1 The 'development plan' for Brighton & Hove comprises the East Sussex and Brighton & Hove Structure Plan 1991-2011, associated waste and minerals local plans and this Local Plan. The Structure Plan provides the broad strategic planning framework which the Local Plan translates into a detailed set of policies and proposals to guide the development of Brighton & Hove.
- a5.2 The overall aim of the Structure Plan is:
- 'to seek a more environmentally sustainable future for the county and to meet the needs for development and change in a manner that is more sustainable in the longer term'.*
- a5.3 To achieve this aim the Structure Plan seeks to protect and enhance the area's key assets whilst at the same time addressing some significant problems.
- a5.4 The key objectives of the Structure Plan are to:
- protect and enhance the environment;
  - achieve economic prosperity;
  - provide for local housing requirements and contribute to meeting regional demand;
  - regenerate urban areas;
  - achieve prosperous and attractive rural areas;
  - achieve better integration with mainland Europe;
  - seek integration of transport and reduce the need to travel;
  - match infrastructure and services to needs; and
  - match policies, priorities, resources and programmes.

- a5.5 For Brighton & Hove, the Structure Plan (Policy S13) states that attention will be focussed on revitalising and regenerating the physical fabric of the urban area in a manner that strengthens its important role as an international resort and regional centre and enhances the townscape quality.
- a5.6 To protect the landscape and its setting, the Structure Plan envisages no further outward expansion of Brighton & Hove's built-up area other than in exceptional circumstances where the early release of land for employment uses could be justified on economic grounds and in terms of environmental impact (Policy E10).
- a5.7 The Structure Plan highlights the need to focus on the regeneration of vacant and underused sites within the urban area to improve the local economy and the environment. It envisages further progress in providing for a range of transport modes other than the private car to improve accessibility and the quality of the environment.



## **b.1 the council's strategic priorities**

- b1.1 Land use issues cannot be addressed in isolation and the framework for Plan preparation, set out above, reflects the contribution the Plan can make toward achieving wider sustainable objectives; tackling social exclusion; improving community safety; and supporting economic regeneration. To be effective, the Local Plan must complement the council's work in these key areas.
- b1.2 The Local Plan then, has a key role to play in realising the council's strategic vision for Brighton & Hove and a pivotal role in realising the objectives of many of the other strategies and plans that flow from the vision. Care has been taken to ensure that the Plan complements these other strategies and plans and representatives from across the council's departments have contributed directly to the preparation of this Plan.
- b1.3 At the heart of the council's approach to delivering services is a commitment to a vision for Brighton & Hove as a 'city' that is:
- attractive to live in, with a protected and improved built environment and a range of recreation, leisure and cultural facilities;
  - recognised for its excellence in education, through the quality and achievements of its schools, colleges and universities;
  - economically buoyant, attracting and retaining business investment and rewarding jobs;
  - accessible to all and safe, healthy and secure for residents, the workforce and visitors alike; and
  - caring and tolerant of all members of its diverse communities.
- b1.4 Achieving the council's vision relies on progressing a set of strategic priorities. The strategic priorities are about guiding the work of the council and, in common with the Local Plan, have been informed by consultation with local people, including the Citizens' Panel.
- b1.5 The Strategic priorities demand a complementary approach to land use and are therefore of fundamental importance to the Local Plan's policies and proposals. The council's Strategic Priorities are:
- b1.6 Getting people into work
- improve the competitiveness of the local economy
  - support and retain existing business
  - 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
  - research and monitor the local economy to identify and support growth sectors
  - improve participation rates in adult learning
  - maintain and strengthen the visitor economy

- b1.7 Reducing local poverty
- improve the supply of and access to, decent affordable housing
  - reduce social exclusion and social isolation
  - support advice agencies that provide services for the least well off
  - strengthen equalities measures, such as those against harassment and discrimination
  - help local communities to develop skills to help themselves
  - increase the take up of benefits by those in real need
  - bid for government and European funds that help reduce poverty
- b1.8 Delivering key investment projects
- complete the investment projects at the Dome and Brighton Museum and Art Gallery
  - build a new central library
  - improve the King Alfred site and the Brighton Centre
  - improve facilities at Brighton Station and Queens Road
  - support the West Pier redevelopment
- b1.9 Making it easier to travel about
- improve pedestrian priority areas and routes
  - improve parking enforcement and management
  - increase bus priority measures, with better facilities and information from passengers
  - improve the operation of the park and ride network
  - complete a safe and attractive cycling network with secure parking facilities
  - raise public awareness of transport issues through education and publicity
- b1.10 Developing a learning city
- for every school to be successful and improving
  - for every individual to have access to high quality educational opportunities
  - for every community to be a learning community
- b1.11 Improving the council's performance
- provide the best value services and continuous service improvements
  - modernise the way we operate
  - make the best use of new technologies
  - improve the way we work with others through partnerships and joint ventures
  - extend our consultation and the participation and involvement of service users

## c.1 consultation

- c1.1 The importance of consultation to the preparation of this Plan cannot be understated. Rather than a 'one-off' exercise at the beginning of plan preparation, consultation has been a dynamic process with opportunities for people to see and discuss the results of their participation and to maintain their involvement.
- c1.2 The aims, from the start, have been to:
- ensure that consultation on the Local Plan is an inclusive, open and accountable process, consistent with the council's stated aim of :  
*'listening, identifying and responding to local needs and involving people directly in the decision making process'*,  
and the particular priority attached to  
*'involving those people who might not have had the opportunity to participate before'*,
  - utilise the most effective and appropriate consultation methods to provide people from all sectors of the community with a genuine opportunity to contribute to the formulation of detailed land use policies; and
  - provide people with a clear idea of where their comments or involvement 'fit in' to the overall process of plan preparation and how they can maintain their involvement as plan preparation progresses.
- c1.3 A key part of helping to ensure an open and accountable process involved working directly with an independent partner organisation - the University of Westminster - to prepare a Consultation Strategy.
- c1.4 To meet the Strategy's recommendations, a series of consultation initiatives were initiated, including:
- the establishment of a Local Plan Advisory Group (LPAG), comprising key representatives from the public, private and voluntary sectors to oversee the consultation process. The group has played an influential role in ensuring that consultation is open and accountable; advising on the most appropriate consultation methods; and providing valuable links with consultees;
  - Community visioning workshops attended by people from sections of the local community identified as under-represented in the decision-making process. These groups included people with disabilities; older people; lesbian and gay people; people on low incomes, and women, as well as two randomly selected groups. The 71 participants have played a key role in formulating a vision for this Plan.
  - Focus groups to bring people with diverse views together (who might not usually meet until a public local inquiry into the Plan, if at all) to provide an open forum for frank exchanges at an early stage in the plan making process. A set of seven focus groups met on two occasions and in total, 64 organisations participated.

- Urban design visioning workshops - using large-scale maps, participants were encouraged to mark on their ideas for improvements and to identify key buildings, street scenes and views. The workshops covered several neighbourhoods which had not previously been the focus of design initiatives. In addition, workshops were held to discuss urban design for Brighton & Hove as a whole and the exercise was repeated for local architects.
  - Many people responded to:
    - a Brighton & Hove News questionnaire;
    - a widely distributed 'issues-based' consultation leaflet; and,
    - a Local Plan 'hotline' and email address.
- c1.5 In addition, a key part of the consultation process has been a series of seminars for councillors and 'one to one' meetings with a number of local groups and organisations, including key partners such as the Housing and Regeneration partnerships. The Local Plan Task Group comprising cross-party councillor representatives played an active role in advising on and participating in, consultation initiatives.
- c1.6 To provide people with a clear indication of how their contribution has been recognised and where it fits in to the overall process a number of key measures have been undertaken:
- the 'Results of Consultation' have been sent to all those people who participated in a community visioning exercise; focus group; or urban design visioning event; or any other consultation event;
  - a set of draft policies have been published as a Pre-deposit 'working document' in advance of this Plan and sent to everyone who participated in a consultation exercise. Rather than appearing in a 'Plan' format each Pre-Deposit policy was published in a standard format, including the mandatory 'Results of Consultation' to help explain 'how and why' the consultation exercises have informed policies; and
  - a follow up round of consultation exercises has been carried out - targeted in particular at those original participants - with the key objectives of discussing with participants:
    - a) how their earlier contribution has informed the development of policies;
    - b) the extent to which policies meet participants' aspirations; and
    - c) how people can maintain their involvement.
- c1.7 The results of consultation are reflected in the policies and proposals of this Plan and, wherever it helps to make the justification for a policy clear, a specific reference is made to the results of consultation.
- c1.8 The process of consultation has been monitored and evaluated by the University of Westminster and is the subject of a separate report.

## d.1 a vision for the plan

d1.1 In their own words, participants in a series of community visioning workshops described their ideal Brighton & Hove as:

- **An integrated society which cares for the vulnerable**  
*marginalised groups working together as a mainstream, including complete breakdown of ethnic / social barriers, care services including child care, affordable social facilities*
- **Access for all (with minimal car use)**  
*few cars and cheap, clean, comprehensive, fully integrated public transport which accepts and accommodates different transport needs*
- **Homes for all**  
*everyone having decent, affordable homes and housing in town*
- **Benefits of a safe town for all**  
*less crime and vandalism and fear of crime, more police presence on the beat, self policing, parental responsibility, safe access*
- **Healthy people enjoying their city**  
*good health, somewhere good to live and enough money to live on, wholesome, affordable food, better NHS service and short waiting lists, conferences bringing the benefits in*
- **Arts, facilities and leisure for all**  
*information about, and access to, leisure for all, including facilities for young/elderly/disabled and local people on estates, affordable access to the sea and Downs, adventurous sculpture and architecture, independent trading and diversity of shops in all areas (including market in town centre)*
- **Income for all, valuing all contributions**  
*no visible or invisible poverty through effective initiatives for employment and local empowerment, valuing of all abilities, creative and productive, more imaginative ways of getting money*
- **Quality local environment for all**  
*'city by the sea' stimulating environment, clean air and streets, child-friendly places, restoration of all heritage buildings, no greenfield development and a relationship with the countryside (eg through local food)*
- **Efficient waste management and recycling**  
*widespread recycling and daily rubbish collection from all premises in the town centre*
- **Community focus and influence**  
*local areas seen as 'villages' and a glamorous place to be, influence by residents on local issues, and understand problems*
- **Life-long education and communication**  
*free council nurseries, lifetime learning, information on and understanding of rights, understanding and communication between agencies, council housing, DSS*

- d1.2 Participants recognised that in achieving elements of the vision set out above, there would inevitably be policy 'conflicts' that the Local Plan and other plans and strategies would need to resolve. With this in mind, participants established the following set of guidelines to inform decision making on land use issues:
- bringing life into the town centre;
  - generating mixed communities (types of people and land-use);
  - considering buildings as part of the local environment;
  - utilising existing buildings and spaces before taking over new land;
  - maximising access while minimising car use;
  - enabling local residents to make full use of their town;
  - involving local communities in decision making and action;
  - tackling root causes of problems rather than the symptoms;
  - valuing all members of society; and
  - not being shy of bold decisions, and taking the lead.
- d1.3 In implementing the guidelines set out above, participants urged the council to be 'bold' and 'visionary'; 'take the lead' on contentious issues and find 'imaginative ways of funding' projects and initiatives, as well as playing an active role in changing national policy through lobbying.
- d1.4 For their part, participants pledged to maintain their participation, monitor and check progress in Plan preparation and contribute to the development of new solutions and ideas.

## e.1 realising the vision

### key objectives

- e1.1 The challenge for this Plan is to translate the results of consultation and the council's strategic priorities into a robust land use planning framework for Brighton & Hove in the context provided by national, regional and strategic policy.
- e1.2 To meet this challenge and provide a firm basis for the policies and proposals that follow, guiding principles for development are set out below as the Plan's key objectives:
- e1.3 The **key objectives** of this Plan are to:
1. make a positive contribution to people's quality of life in Brighton and Hove;
  2. provide for a sustainable approach to the use of land which reflects people's needs and the aim of a more integrated and healthy society where no-one is excluded and people have access to the fullest range of services and facilities;
  3. make the best use of the land available and secure the re-use of sites that have lain vacant for too long;
  4. provide opportunities for new types of development where the use of land or buildings is mixed and residential densities are higher;
  5. 'make the link' between land use and transport, reduce the need to travel and contribute toward an integrated transport system with more opportunities to walk, cycle or take public transport;
  6. minimise environmental impact and conserve, sustain and enhance environmental assets and resources;
  7. minimise the use of non-renewable resources and the production of waste, whilst maximising energy efficiency; and promoting renewable sources of energy;
  8. place a new emphasis on the 'importance of design' for individual buildings, streets, neighbourhoods and Brighton & Hove as a whole; and as part of this, to contribute to improving public safety and minimising crime and the fear of crime;
  9. provide enough of the types of houses and flats people need, of a decent standard in the right locations and at prices and rents people living in Brighton & Hove can afford;
  10. provide for a range of sites and a supply of employment land and premises that will help to support and retain our existing businesses, attract new businesses and complement economic regeneration initiatives;
  11. provide a supportive planning framework for the East Brighton New Deal initiative;
  12. maintain and enhance the vitality and viability of our town centres and local centres and respect the variety of roles they play;

13. promote new opportunities for sport, recreation, tourism, leisure and cultural facilities, in particular through the development of key sites, and maximise opportunities for new public art;
14. maintain and enhance our outstanding natural environment, the Sussex Downs AONB and built heritage ; and
15. promote an integrated approach to nature conservation which preserves and enhances existing features of nature conservation importance, provides new opportunities for nature conservation and contributes to achieving Biodiversity Action Plan targets.

### **policies and proposals**

- e1.4 The policies and proposals of this Plan seek to provide a basis for achieving the objectives set out above. The first three chapters of the Plan contain the majority of those policies that relate to all development whilst the five chapters that follow focus on key land use themes.
- e1.5 For the Plan to work in practice, policies and proposals should not be read in isolation and there is an emphasis on cross-referencing both with other policies and proposals of the Plan and other relevant strategies and initiatives.

#### **1 making the connection between land use and transport ~ promoting accessibility and managing demand**

- e1.6 The relationship between land use planning and transport is of fundamental importance to Brighton & Hove over the next 10 years. The policies and proposals of this chapter provide a direct link with and are informed by, the council's Sustainable Transport Strategy and Local Transport Plan.
- e1.7 The importance of the 'land use planning and transport' relationship is reflected in the first 'benchmark' policy which embodies the principle of planning positively for the demand for travel that development generates. A mechanism for informing land use decisions using a measure of transport accessibility is introduced, as are a number of specific proposals to promote walking, cycling and public transport. There is a particular emphasis on planning for safety.

#### **2 a sustainable approach to energy, pollution and natural resources**

- e1.8 This chapter reflects a need, if we are serious about sustainable development, to include a new set of policies which have not traditionally formed part of the Plan. Many of the directions for these policies have been provided by those who participated in consultation, particularly on aspects such as energy efficiency, pollution and water quality.
- e1.9 A key Policy establishes the relationship between the use of land and energy efficiency and provides robust and detailed guidance on those factors that will be taken into account, as well as complementary sources of information to assist in the formulation of development proposals.
- e1.10 In common with the approach to energy, policies concerned with aspects of pollution indicate what else the council is doing and the context provided by other legislation. The policies underline the relationship between transport and air quality and planning for the re-use of polluted land.

- e1.11 Whilst waste issues are the subject of a separate Plan, this chapter introduces a Policy seeking to minimise the amount of waste arising from construction activity and a Policy which aims to secure an integrated approach to waste management as part of development proposals.

### **3 design, safety and the quality of development**

- e1.12 It is clear from the results of consultation that there has to be a new emphasis on design in Brighton & Hove. The policies of this chapter aim to improve the quality of design at all levels and to provide a supportive framework for distinctive and innovative development schemes that respect their surroundings and context. Bland and uniform developments will be rejected and development proposals will be expected to demonstrate how they improve the visual quality of the environment.
- e1.13 Design is of the utmost importance if new types of development which include a mix of uses and raise densities are to work effectively, and in planning for a safer environment. Community safety considerations must form an integral part of any development proposal and in this regard, the Local Plan has a key role to play in supporting the Community Safety and Crime and Disorder Strategy.
- e1.14 The Plan's emphasis on design and environmental quality is reflected in the wide-ranging nature of this chapter. Policies concerned with issues such as telecommunications, advertisements, amenity and public art emphasise this point, as does the inclusion of a key policy aimed at promoting nature conservation as an integral consideration in the preparation of development proposals. Public art is an important part of Brighton & Hove's identity and is valued by residents and visitors alike. The aim of the Plan is to take a lead in maximising opportunities for new public art.
- e1.15 Issues of environmental quality underpin the Plan's stance on open space and recognition of the concept of greenways. An assertive policy stance reflects the variety of ways that open spaces contribute to peoples' quality of life and identifies the potential for open spaces to contribute to a 'greenway network' with the potential to play a number of roles, including that of a sustainable transport alternative.

### **4 access to a decent home and neighbourhood**

- e1.16 The policies and proposals of 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. An emphasis is placed on the need to plan positively for a mix of house and flat types and sizes which reflect local need.
- e1.17 This chapter seeks to emphasise the importance of housing to regeneration activity and its role in tackling social exclusion. Once again, the policies reflect the complementary role of planning in supporting other strategies and initiatives, including the Housing Investment Programme.

- e1.18 Securing access to community facilities is of fundamental importance in addressing social exclusion. The chapter includes a set of policies which reflects the needs of a diverse community and acknowledges that people can be excluded for many different reasons including age, disability, mental illness and substance misuse. The policies seek to complement other areas of the council's activities, including work in partnership through the equalities and social justice forum.

## **5 supporting the local economy and getting people into work**

- e1.19 The council's strategic priority 'getting people into work' demands a response which offers the certainty business needs, whilst at the same time providing a level of flexibility not apparent in traditional approaches to planning for employment land.
- e1.20 Within the same overall limits on the amount of new land available for development that apply to other land uses, the policies of this Plan seek to promote a range of sites and premises which reflect the diverse needs of modern business users, encourage local businesses to thrive and stay and new businesses to invest and set up in Brighton & Hove.
- e1.21 This chapter identifies a number of key sites for new 'mixed use' development such as, Shoreham Port, Brighton Station and Jubilee Street, several of which are considered in further detail in Chapter 5 '*Supporting the local economy and getting people into work*' and Chapter 6 '*Shopping, recreation and leisure - maintaining vitality and viability*'.

## **6 shopping and leisure ~ maintaining vitality and viability**

- e1.22 The Plan recognises the importance of supporting town and local centres and sustaining and enhancing their vitality and viability. The policies of this chapter set out a retail hierarchy which is informed by an up to date assessment of retail need and a detailed approach to consultation which looked at the importance people attach to the relative 'health' of the town and local centres they use.
- e1.23 The Plan underlines the importance of leisure and recreation by introducing a policy approach which seeks to encourage the provision of new facilities for the benefit of local people and visitors alike, whilst at the same time ensuring that existing facilities are retained and improved. The Plan identifies the potential for the provision of a community stadium at Village Way North and a key opportunity for a new leisure facility at Black Rock.
- e1.25 The Plan sets out a clear framework for planning for the countryside, much of which lies within the Sussex Downs Area of Outstanding Natural Beauty (AONB). The context for planning for the AONB will change during the 'lifetime' of the Plan with the introduction of a National Park.
- e1.26 Brighton & Hove incorporates a significant area of countryside / downland which is of outstanding landscape and environmental value but does not lie within the formally designated ANOB. The policies of this chapter treat this land in a similar manner to that land which does fall within the AONB. This is a continuation of an approach to planning for the surrounding countryside which has been successful for many years.

## **7 an integrated approach to nature conservation and the countryside**

- e1.27 The policies of this chapter reflect a variety of nature conservation designations and seek to complement measures aimed at the protection and enhancement of species and habitats.
- e1.28 Detailed guidance is set out for any development proposal which could affect a feature of nature conservation value and the policies complement those policies of Chapter 3 'Design, safety and the equality of development' aimed at realising the potential for nature conservation to be treated as an integral part of all forms of development.
- e1.29 With particular regard to the aim of planning for sustainable development, this chapter recognises the wider benefits that nature conservation brings and the important contribution it can make to people's quality of life.

## **8 managing change within a historic environment**

- e1.30 Brighton & Hove has an outstanding historical and architectural heritage which is of national importance and includes some 3,600 listed buildings and 33 conservation areas.
- e1.31 The policies of this chapter offer an integrated approach which aims to protect and enhance important buildings and areas in a manner that recognises the variety of roles they play and their importance to Brighton & Hove as a whole. This extends to providing a positive framework for the protection and enhancement of a number of historic parks and gardens, scheduled monuments and other important archaeological sites.

### **implementation, 'spatial planning' and monitoring**

- e1.32 The policies and proposals of this Plan provide only the framework for development - the key to achieving the Plan's objectives is to apply this framework in practice.
- e1.33 The development control process - the process of determining planning applications - remains the principal way in which many of the policies and proposals will be implemented. To ensure that the Plan is effective, there must be an emphasis on monitoring the use of policies and their effectiveness and keeping the Plan up to date.
- e1.34 To complement the process of development control, additional and detailed guidance will be prepared in the form of supplementary planning guidance, supplementary planning documents and development briefs.
- Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs) provide further, detailed information to complement the policies and proposals of the Plan and support their implementation.

- Preparation of a development brief helps to provide a clear statement of the type of development that would be suitable on a particular site and an indication of the detailed considerations that need to be taken into account when developing the site. In the context provided by the policies and proposals of this Plan, development briefs have an important role to play in promoting good design and in realising the potential of brownfield sites. Development briefs are a particularly valuable tool if land ownership is complex or a site suffers from constraints such as contaminated land. By establishing mechanisms for 'making sites work', development briefs can help stimulate interest in a site and complement marketing initiatives.
- e1.35 The council will adopt a positive approach to the use of planning obligations in a clear and consistent manner which accords with national policy. Planning obligations usually take the form of legal agreements between the council and a developer or landowner. Such obligations can be used to resolve planning problems, meet additional costs arising from a development and improve the quality of a development. The policies and proposals of this Plan illustrate that planning obligations are likely to be used to address the wider implications of a development proposal, including its impact on the transport system and its infrastructure requirements.
- e1.36 The council will also continue to work proactively in many other areas of policy relevant to achieving the objectives of this Plan, including preparation and implementation of numerous other strategies, plans and programmes, many of which are referred to in the chapters that follow. The council is involved in the preparation of least 70 'plans' and more than 40 partnerships. The process of community planning, reflected in the council's 'Community Plan', provides a guiding framework for each of these plans.
- e1.37 The importance of the council's role in community planning is likely to be reflected in new measures<sup>1</sup> aimed at putting the council at the centre of local action to tackle the complex issues facing communities, including sustainable development, social exclusion, health and well-being and education.
- e1.38 To complement the council's community planning role, this Plan is intended to reflect the potential for the development of a further document known as a spatial development strategy and, or a series of neighbourhood spatial development strategies.
- e1.39 Spatial development strategies provide the opportunity to bring together the work of a variety of partners across a range of services and to set out:
- how an area will change;
  - how public and private services will be co-ordinated; and,
  - how the changes will be funded.

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<sup>1</sup> Part 1 of the Local Government Act 2000 contains new powers for the promotion of economic, social and environmental well-being.

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- e1.40 In common with this Plan, the preparation of a spatial development strategy demands an approach based on clearly identified community needs and aspirations.
- e1.41 In addition to its co-ordinating role, the benefits of a spatial development strategy include the potential to be flexible and to react quickly to changing circumstances.

### **monitoring and targets**

- e1.42 Monitoring is of fundamental importance in establishing whether or not the Plan is being used and whether it is 'making a difference'.
- e1.43 A number of the policies and proposals of the Plan establish targets by which their relative success can be measured. These include measures of 'impact' on aspects such as air and water quality and technical measurements such as ratings of energy efficiency.
- e1.44 The Plan also refers to external measures of environmental sustainability which are affected by the policies and proposals of the Plan. Examples, include the Brighton & Hove Community Environment Partnership (BriHCEP) quality of life indicators.
- e1.45 The council will continue to monitor development gains and losses across the range of land uses, including key aspects such as the number and proportion of affordable housing units

### **delivered 'via' the Plan.**

- e1.46 To complement and inform implementation of the Plan's policies, further work will also be undertaken in determining and monitoring measures of public transport accessibility.





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

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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.

- 1.5 The objectives of the Government's evolving transport strategy, set out in draft PPG 13, 'Transport' are to:
- promote more sustainable transport choices; and
  - reduce the need to travel, especially by car.
- 1.6 The car has given freedom of movement and opened up choices in employment and leisure activities. For some people unable to use or reach other means of travel, or for certain business journeys, the car is essential; but for many journeys, the car is merely a convenience to the user. However, non-essential use of the car at peak times, causes increasing pollution and congestion in busy central areas. It is likely to have an adverse effect on shoppers, on tourists whose presence supports the economy of a town and on essential freight movements.
- 1.7 The tourist industry and Brighton & Hove's role as a major shopping and leisure centre are all important to its economy and will be adversely affected if the city centre becomes congested. In recent years much has been done to reduce and calm traffic in the central streets and bus use and cycling have increased. It is important that in allocating land uses and promoting development, all contribute either to reducing traffic, or as a minimum, do not increase non-essential traffic.
- 1.8 This chapter sets out policies which actively seek to reduce dependency on the car and link transport and land uses. Government guidance in PPG 13 affirms the need to take into account the public transport accessibility of sites. Major traffic generators should be located in areas with high accessibility to public transport and all development should be designed to reduce the need to travel. All developers and applicants for planning permission will be expected to consider how and when their workforce, freight and customers will arrive at their sites and make provision for the most sustainable travel options, both within or off the site. They will be expected to set out their findings in a Transport Assessment and / or a green transport plan as part of their planning application.
- 1.9 Parking standards will be related to the travel accessibility of sites. Where sites lie close to routes served by regular public transport or lie close to transport interchanges, then they will be expected to reflect this in a reduction of the parking levels. The relevant parking guidelines are set out in Supplementary Planning Guidance 4, 'Parking Standards'.

## TR1 Development and the demand for travel

**Development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling.**

**A 'Transport Assessment' (TA) will be required where a development proposal is above government advisory thresholds.**

**Below the advisory thresholds, a Transport Assessment may be required where it is considered that there could be an adverse impact on transport.**

**Where the TA indicates that the development will have an unacceptable impact on transport, that is not addressed by remedial measures set out as part of the planning application, then planning permission will be refused.**

- 1.10 It is essential that applicants manage the travel and transport demands of their developments so that new development does not encourage unnecessary car journeys that could be made by more sustainable alternatives such as public transport, walking or cycling. At the earliest stage, applicants need to consider how the occupiers of the site will travel to and from the site; how visitors will reach the premises; how freight to and from the site will be managed; and what the impact of these new activities will be on their neighbours.
- 1.11 All new development should be designed to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as private car use. Alternative modes of transport must be as easy to access as possible. For example alternative ways of travel will be promoted by providing safe and comfortable bus shelters; by design that brings buses to front entrances; by providing dry and lockable areas for cycle storage close to main entrances and by making sure pedestrian routes are convenient and direct.
- 1.12 The latest government or regional guidance on the thresholds to be used, should be taken into account when preparing transport assessments. There will be circumstances where developments below the government's general thresholds are likely to have an adverse impact, for example in some of the conservation areas or the narrow Lanes. Under these circumstances, the planning authority may require a Transport Assessment for smaller developments. Where a development site is subdivided into several planning applications, the Transport Assessment should address the cumulative transport impact of development for the whole site.
- 1.13 Policy TR1 has strong links with the other policies of this chapter and should be read in conjunction with them and the council's approved parking standards together with the policies and proposals of the Plan concerned with housing development, industrial and commercial development, car free housing (Policy HO7), energy efficient development (Policy SU2) and pollution (Policy SU9). See Policy QD28 for details of planning obligations.
- 1.14 The council's Local Transport Plan sets out the framework and statistical background to justify the policy direction of the council as far as transport issues are concerned.

## TR2 Public transport accessibility and parking

**Planning permission will only be granted for development proposals that have been assessed to determine their level of accessibility to public transport. According to the accessibility rating of the site, applicants will provide the appropriate level of parking or contribute to the costs of improving accessibility by providing public transport improvements and improvements to pedestrian access.**

**Where parking levels below the standard<sup>1</sup> are agreed as part of the planning consent, measures will be specified for monitoring on street parking prior to the application being implemented and after the development is complete. The frequency of monitoring and the monitoring process will also form part of the conditions attached to the consent to ensure that car parking problems are not being caused elsewhere. If the development is causing parking problems elsewhere, then remedial measures will be sought.**

**Operational parking, parking for registered disabled car badge holders (blue badge holders), cyclists' parking and service access will still need to be met in full within development sites.**

- 1.15 Developments that have the potential to generate a high number of commuter journeys should be sited on good public transport routes or near public transport inter-changes. Where a proposed development site is on a public transport route with a frequent public transport service and is adjacent to an existing or proposed cycle route, then developers can maximise built development at the expense of parking spaces and reduce commuter parking, by promoting alternative ways of travelling to the site. Government guidance set out in Planning Policy Guidance note 13, 'Transport', requires the submission of transport plans with planning applications to deliver sustainable transport objectives.
- 1.16 It will always be important to cater for those for whom public transport is not available or appropriate and this is why the policy requires that operational parking, parking for blue (previously orange) badge holders, cyclists and access for servicing will still need to be met within development sites.
- 1.17 Different parts of Brighton & Hove are more accessible by public transport than other parts. It is important to determine the level of accessibility. Details of the accessibility rating of different parts of Brighton & Hove and will be set out in a supplementary planning document.
- 1.18 Providing parking levels below the parking guidance level and merely anticipating that commuters will relocate onto improved public transport, pedestrian links or cycle paths, could result in local on-street parking problems. Therefore developments need careful monitoring by the applicant, who will need to demonstrate that the measures are working and that car parking problems are not being caused elsewhere. If the measures are not working, then remedial measures will be sought. For example, excessive on street parking by employees may result in the need for a residents' parking scheme to be prepared and funded by the developer in conjunction with the council as local highway authority and the body responsible for parking enforcement, in line with conditions set out in a legal agreement.

<sup>1</sup>For the parking standards currently applicable see policy TR19 and SPG4.

### TR3 Development in areas of low public transport accessibility

**Planning permission will be granted for development proposals in areas of low public transport accessibility, where applicants enter into a legal agreement to eliminate or reduce their car parking requirement by preparing, implementing and monitoring a 'travel plan' and where the development incorporates substantial public transport and / or sustainable travel improvements that improve the accessibility rating of the site.**

**Planning permission will not be granted for development proposals that would generate an inappropriate level of car parking in locations that fall within areas of low public transport accessibility.**

- 1.19 Government guidance, set out in PPG 13 'Transport,' is that the preferred locations for travel generating development will be close to major transport interchanges. Some areas of the conurbation, for example the suburban fringe areas, are unlikely to have good public transport accessibility ratings. This is because of the low density of development, the physical difficulties of the landscape for route planning or where, for example, the proposed development would operate at hours when there is no public transport or only a very limited service. In such circumstances it would be inappropriate to locate developments that rely on car access because of the problems they would create on the road network in terms of increased activity for the area, noise, safety or parking congestion. In exceptional cases and only where applicants are willing to enter into a legal agreement to provide and monitor a 'travel plan' that sets out remedial measures, will a development be acceptable. For example, by making a commitment to support public transport. Any 'travel plan' will need to be the subject of a legal agreement, to ensure that it meets the targets set and continues to deliver a sustainable transport pattern for the duration of the development.

### 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'.

## TR5 Sustainable transport corridors and bus priority routes

Planning permission will be granted for developments along sustainable transport corridors which create transport demands, provided that they are designed to:

- accommodate bus priority measures;
- facilitate access to bus services and / or enhance their effectiveness.

Bus priority measures will be introduced where feasible along the following routes which are defined as 'Sustainable Transport Corridors':

- A23 from the A27 bypass to Preston Circus;
- A259 from Saltdean to Shoreham Harbour;
- A270 (Lewes Road)
- Church Road / Western Road; and
- Eastern Road / Edward Street.

1.21 Sustainable transport corridors are main routes into Brighton & Hove where measures will be taken to improve access by public transport, for cyclists and for pedestrians. Bus priority measures facilitate the movement of buses along the selected routes, especially during peak traffic hours. They can include dedicated road space, junction alterations, priority signalling at traffic lights and other measures. This will allow bus operators to maintain reliable timetables throughout the day and thereby encourage car drivers to transfer to public transport. Any additional routes identified during the Plan period will be set out in the Local Transport Plan.

1.22 New developments along these routes that benefit from their proximity and attract reduced parking standards as a result, will be expected to contribute to their implementation and improvement. For example, applicants may be expected to provide raised kerbs and shelters at bus stops to serve new developments.



## TR6 Park and ride

In accordance with other Local Plan policies, any proposal for park and ride should demonstrate that it contributes to the economic, environmental and social wellbeing of the city by widening the choice of means of travel for access to the city centre.

In accordance with the Local Transport Plan, any proposal for a park and ride scheme should form an integral part of a wider package of measures to control and manage parking in the city centre and improve public transport. Planning permission for a park and ride scheme which fulfils this role will be granted where it can be demonstrated that the proposal would:

- a. improve the economic vitality and support the environment of the city centre by improving accessibility and offering a genuine choice over the modes of transport available;
- b. support the existing public transport network and contribute to an increasing proportion of people arriving in the city centre by public transport and a reduction of traffic growth in the wider urban area;
- c. provide a frequent, high quality public transport service to the town centre, together with a range of complementary facilities and information services for users which will add to the quality of the overall scheme. No ancillary development will be permitted on any site in the countryside, other than that which is strictly necessary for the operation and supervision of the park and ride site;
- d. have no significant adverse effect on residential amenity or the local environment of the area in which parking occurs;
- e. be carefully designed and sensitively landscaped to minimise its visual impact and to provide a safe and secure environment for users and their vehicles; and
- f. not be sited north of the A27.

For any proposal which lies beyond the limit of the built up area, the applicant will need to demonstrate why an alternative location or locations meeting the criteria set out above could not be found within the built-up area.

Any successful application for a park and ride site should be accompanied by a legal agreement to ensure that should it no longer be required, the site reverts to a use which is consistent with Local Plan policies for the area.

- 1.23 The council is committed to expanding the economy of Brighton & Hove by supporting a dynamic and positive business culture which would offer employment opportunities to all its citizens. The council aims to secure new international, national and local business investment and help existing local businesses to grow and expand. The continuing success of Brighton & Hove as a business and conference venue, a shopping centre and tourist destination that draws visitors from across the region - including the many parts of rural Sussex which comprise Brighton & Hove's immediate hinterland, - will depend upon the ease of movement and the pleasant environment within the city.
- 1.24 To retain the benefits of traffic calming and public transport improvements, the council needs to offer a choice of transport options to incoming traffic and encourage a move to other forms of transport for commuter traffic and for those visitors for whom access to the town centre by car is not essential. An attractive park and ride system which picks up incoming traffic and offers a high quality ride to the town centre will help to limit the growth of traffic in the city to the benefit of the whole economy. The Local Transport Plan indicates that the introduction of park and ride as part of an overall strategy, can be an effective means of increasing transport choice and as a result, can lead to reduced traffic and emission levels in the town centre.
- 1.25 Based upon the success of the existing Withdean Stadium scheme, the Brighton & Hove Transport Strategy looks towards improving the operation of the park and ride network. To meet the Strategy's objective, the council places a particular emphasis on ensuring that a frequent, high quality bus service is provided as part of any park and ride scheme, see criterion c) in policy TR6.
- 1.26 For park and ride to make a 'real difference', the council believes that the emphasis on quality should extend to cover all aspects of any scheme, including the provision of safe and secure waiting areas and travel information for users. To secure the viability of such a service, it is likely that any new proposal would, ultimately be significantly larger in area than the current Withdean scheme which is now too small to meet existing and projected demand. A phased scheme may be an appropriate option to allow for a planned expansion in the service.
- 1.27 The government advice on park and ride schemes is set out in Planning Policy Guidance Note 13, paragraphs 59-63. Schemes for park and ride need to be subject to robust assessment, including the consideration of alternative sites, their impact on local amenity and travel impacts, including traffic reduction or traffic generation. To meet the provisions of this policy and government advice, the benefits of a proposed park and ride scheme must be both identifiable and measurable and any adverse impact must be minimised. Particular care should be taken to ensure that a park and ride scheme contributes towards an increase in the proportion of people arriving in the town centre by public 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.

## TR8 Pedestrian routes

**Planning permission will be granted for development proposals that provide for the needs of pedestrians by creating short, safe, attractive and direct routes for walking.**

**All new development must take account of pedestrian links within and outside site boundaries and improve links to and between pedestrian routes and public transport facilities, where reasonably related to the development.**

- 1.29 In order to reduce road traffic pollution and congestion in and around the city, it is essential to achieve a movement from car use to more sustainable forms of transport. This can be assisted by making walking a pleasurable and safer everyday activity and giving precedence to pedestrians in the design of development proposals. Furthermore, there are many citizens and visitors who do not have access to a car, including older people, people on low incomes and students.
- 1.30 Traffic levels during the 'rush hours' could be reduced if drivers could be encouraged to leave their cars and use attractive pedestrian facilities, especially for short journeys. Proposals where the convenience of the car user predominates in the design of the development, for example putting pedestrian access routes through car parks, encourages people to drive rather than walk. In contrast, siting new commercial buildings at the front of plots encourages people to walk. The redevelopment of a site may offer opportunities for creating new links and more direct or attractive routes to public transport facilities - bus stops, rail links or taxi ranks as well as leisure routes.
- 1.31 The policies on 'Greenways', 'Safe routes to school' and 'Helping the independent movement of children' pick up particular aspects of good practice for new developments and pedestrian links.

## 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.

## TR10 Traffic calming

**Planning permission will be granted for developments that are designed to support traffic calming measures that may be identified during the plan period.**

**As part of the traffic calming process Home Zones may be identified during the plan period in residential areas where there is an open space deficit and no opportunities for children's play without crossing busy main roads.**

- 1.33 The Local Transport Plan identifies residential areas as having a requirement for traffic calming when:
- traffic from other areas takes short cuts through particular streets;
  - the area has a high accident record;
  - the area is close to schools, retirement homes and hospitals; and
  - pedestrian movement requires a higher priority in the area.
- 1.34 In areas where there is a shortage of open space and children have to cross busy roads to reach their nearest play area, 'Home Zones' may be identified during the plan period. In such zones, traffic speeds could be reduced to 10 mph or less. In traffic calmed areas or Home Zones, through traffic will be discouraged and areas may be set aside for seating, meeting and opportunities for informal play for young children.

## 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.

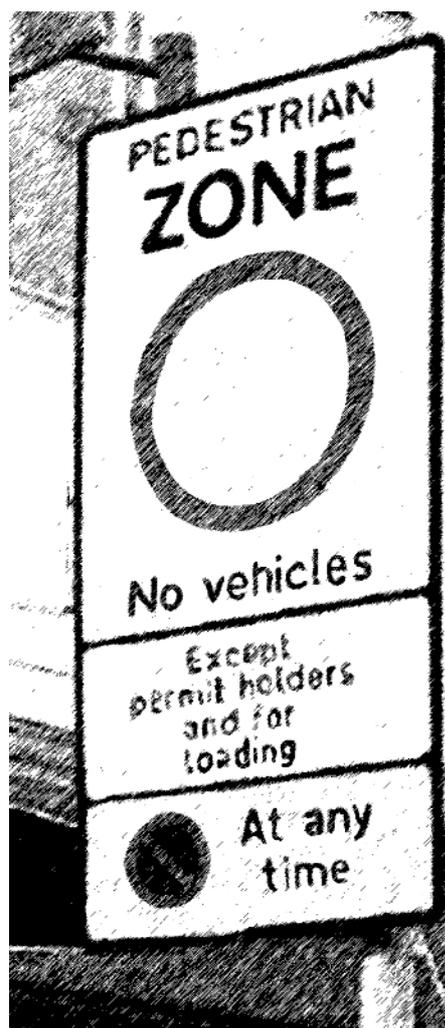
## TR13 Pedestrian network

Development proposals that affect existing pedestrian routes should protect and enhance them. They should protect the alignments of proposed pedestrian routes. Where reasonably related to the development, developers should contribute towards the implementation, improvement and maintenance of the pedestrian network and/or additions to the network.

The network includes:

- Seafront Walkway
- Links to the South Downs Way
- Patcham / London Road.

- 1.43 To encourage walking as an alternative to the car, routes need to be safe, convenient and attractive. Routes used at night must be well lit and direct and may be different from daytime routes. Opportunities will be sought throughout the Plan period to incorporate additional routes and links, or to landscape, surface and light where appropriate and otherwise improve existing footpaths. (See also Policy QD19 Greenways)



## 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.

## TR16 Potential rail freight depot

**Planning permission will only be granted for developments that will not affect the use of the railway sidings and coal depot adjacent to Hove Station, together with the road and rail access to them, because they have been identified as a potential site for the transfer of waste onto the rail system.**

**The site will be protected from built development until it has been appraised, during the plan period, to determine whether it could form a site for rail-freight or rail to road transfer.**

**Any development of the site for this purpose would be subject to meeting the locational needs of the existing coal depot.**

- 1.49 Government Planning Policy Guidance note 13, 'Transport', states that, 'Local authorities should encourage the carriage of freight by rail or water rather than by road' and seeks to reduce road traffic in general. In order to support the transfer of freight from the road network to the railway system, built development must not preclude the possible use of suitable sites for freight storage nor access to this land and access to the rail network. The site is identified in the Waste Local Plan as a site for the transfer of waste from road to rail. Any appraisal of the use of the site for road to rail transfer should include an assessment of the effect of traffic on the surrounding area.

## 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.

## TR19 Parking standards

Planning permission will be granted for new developments and changes of use, where parking levels meet the parking standards set out in the Supplementary Planning Guidance, 4 'Parking Standards'.

## 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.



## SU1 Environmental impact assessment

**Applicants will be required to submit a formal environmental statement for all development proposals exceeding the relevant thresholds or meeting at least one of the criteria set out in Schedule 2 of the Environmental Impact Assessment Regulations<sup>1</sup>. Proposals below these thresholds may also be required to submit a comprehensive environmental statement where there is potential for significant impacts on people or the built and natural environment.**

- 2.4 In order to help assess a proposal and its impact on the locality, communities and the environment in general, the planning authority will require the preparation of a formal environmental statement under the terms of the Environmental Impact Assessment (EIA) Regulations. Due to the high population density of Brighton & Hove and the sensitivity of the environment (both natural and built) the planning authority considers that any proposal which exceeds the indicative thresholds set out in Schedule 2 of the EIA regulations will have the potential for significant impacts, by virtue of its nature, size and location.
- 2.5 The environmental statement in particular should seek to minimise impacts on the environment, propose mitigation measures when impacts are unavoidable and consider alternatives including that of doing nothing. The planning authority also wishes to see full consideration of social and economic impacts in the statement. Applicants should also pay particular attention to the production of an accessible non-technical summary to accompany the full environmental statement.
- 2.6 A number of proposals contained in this Plan are likely to require the production of formal environmental statements, including:
- Brighton Station
  - Proposed Stadium at Falmer
  - Shoreham Harbour
- 2.7 Due to the density of population and the sensitivity of the environment there may be circumstances where proposals are beneath the thresholds set out in the EIA regulations, yet the potential remains for significant environmental impacts about which the planning authority requires comprehensive information in order to determine any planning application. In these circumstances the planning authority will require the submission of a comprehensive environmental statement akin to that required under the EIA regulations.
- 2.8 The presentation of environmental information in a systematic way will also assist the local planning authority's task of appraising the application and drawing up appropriate planning conditions thus enabling swifter decisions to be reached.

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*1 TCP (EIA) Regulations, (S.I. 1999 No.293) and any subsequent amendments. NB Development listed in Schedule 1 always requires EIA. Development listed in Schedule 2 requires EIA if it is likely to have significant effects on the environment by virtue of factors such as its size, nature or location.*

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## SU2 Efficiency of development in the use of energy, water and materials

Planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials provided that they are otherwise in accordance with the other policies of the development plan.

Proposals will be required to demonstrate how the following factors have been integrated into their siting, layout and design:

- a. measures that seek to reduce fuel use and greenhouse gas emissions;
- b. the incorporation / use or the facilitation of the use, of renewable energy resources;
- c. measures that seek to reduce water consumption;
- d. measures that enable the development to use grey-water and rainwater; and
- e. the use of materials and methods to minimise overall energy and / or raw material inputs.

When considering these factors, particular regard should be given to the following:

- i. daylight / sunlight;
- ii. orientation;
- iii. building form;
- iv. materials;
- v. the use of natural ventilation;
- vi. fenestration;
- vii. landscaping;
- viii. provision of space within each planning unit and general facilities for refuse, waste recycling and composting; and
- ix. suitable space for occupier and visitor cycle parking.

- 2.9 This benchmark policy seeks to promote a sustainable approach to energy, water and materials used in all new development in Brighton & Hove. An example of how this policy can be implemented is provided by the Brighton Station site where efficiency issues are being successfully incorporated within the proposed development.

- 2.10 The conservation of energy, water and materials and the use of renewable resources can make a significant contribution toward sustainable development objectives by reducing the need for finite resources, greenhouse gas emissions and other harmful environmental impacts. Energy conservation measures can also improve the home environment and in so doing, can help to deliver improvements in health and alleviate fuel poverty. Efficiency in energy and water use should also lead to financial benefits, for both homeowners and businesses, by virtue of reduced fuel and water bills. In addition to this, energy conservation can be assisted by locating development so that the consumption of energy resources, particularly those which are non renewable, is minimised. The strategy of this Plan is therefore, for new development to be located wherever possible where it will keep to a minimum the need for travel, especially by private motor vehicle.
- 2.11 As the main objective of Policy SU2 is to help deliver sustainable development, the planning authority will seek a high standard of 'efficiency' in proposals and require the measures adopted to be sustainable in themselves. For example, where appropriate, renewable energy resources should be suitably designed and incorporate filters and other such measures in order to ensure they do not generate significant quantities of pollution harmful to the environment and human health.
- 2.12 The Local Plan is part of a network of opportunities for securing improved energy efficiency set out in the council's Home Energy Efficiency Strategy. Promoting energy efficiency and the use of renewable energy sources as an integral part of all development is consistent with national policy in the form of PPS22 'Renewable Energy' and the 'Home Energy Conservation Act' 1995.
- 2.13 The Department of the Environment Transport and the Regions (DETR) publication 'Planning for Sustainable Development: Towards Better Practice' (1998) states that Local Plans should clarify the full range of energy efficiency measures that would be expected in developments and also advises that it is important that planners take the opportunity to secure the incorporation of energy efficient measures in their scrutiny of design issues. Similarly the improvement of energy efficiency and the prudent use of natural resources is promoted in 'A better quality of life - A strategy for sustainable development for the UK' (DETR, 1999).
- 2.14 The factors that need to be taken into account when considering any development proposal include: siting with respect to micro-climate; passive solar heating; the use of low energy lighting; automatic controls; making best use of natural ventilation; window size in relation to orientation in order to maximise natural light and solar gain; the use of recyclable and / or recycled materials; landscaping to provide effective shelter; grey water recycling; making use of rainwater; environmentally acceptable Combined Heat and Power systems within individual buildings and schemes. It should be noted that the reference to fenestration relates more to the design, number and size of windows and should not be construed as being a general encouragement of double glazing. When considering orientation and daylighting / sunlighting, regard will be given to the Building Research Establishment report entitled 'Site layout planning for daylight and sunlight - a guide to good practice' (1991) and any subsequent revisions. Adequate sunlight and daylight should be achieved without the need to remove existing trees on the site.

- 2.15 Applicants will also be expected to have taken into account the Building Research Establishments Energy Assessment Methodology (BREEAM) within their proposals. The DETR has set up a 'Design Advice' service to enable developers to obtain free advice on energy efficient environmental improvements and the potential commercial benefits of such improvements / developments. The advice uses the BREEAM analysis to determine the energy efficiency of a project.
- 2.16 The planning authority will require applicants to incorporate 'efficiency' measures appropriate to the building, its design and the locality. For example, UPVC double glazing will rarely, if ever be appropriate on a listed building. Where listed buildings are concerned, efficiency measures should be sought that are in keeping with, and appropriate to, the building's historical and architectural importance.
- 2.17 In accordance with the Waste Local Plan, major developments, or developments employing or attracting a large number of people, will be expected to include as an integral part of the development:
- facilities for the public to recycle / compost waste; and
  - facilities within individual or groups of properties or premises for the source separation and storage of waste for collection.
- 2.18 Applicants should therefore ensure there is sufficient space to make it easy for households to separate and store recyclable waste such as paper, glass, cans and to compost other waste. Consideration must also be given to the minimisation of overall energy inputs, for example, generally the re-use of existing buildings is preferable to their redevelopment. (See Policy SU13 Minimisation and re-use of construction industry waste.) New developments should be designed and located in order to reduce the need to travel.
- 2.19 The implementation of Policy SU2 will be supported by the council's Home Energy Efficiency Strategy and greater use of Design Advice and BREEAM analysis.
- 2.20 It will be further assisted by application of energy efficiency assessment procedures such as the Standard Assessment Procedure (SAP) and the National Home Energy Rating (NHER). It will also require close liaison with building control services and architects. In addition to this, one of the requirements of Private Finance Initiatives (PFIs) is that they must have a very strong environmental element. Policy SU2 affects all proposals and has links with all other policies of the development plan. The efficient and effective use of land is addressed in Policy QD3 'Design: efficient and effective use of sites'.

Planning permission will not be granted for proposals that have not taken into account efficiency in the use of energy, water and materials and incorporated measures suitable to the proposal.

## 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.

## SU4 Surface water run-off and flood risk

Development will not be permitted if:

- a. it would increase the risk of flooding;
- b. it is located in an area at risk from flooding; and / or
- c. the additional surface water run-off would be liable to harm people, property or the environment.

Where appropriate, conditions will be imposed or a planning obligation sought in order to ensure that effective preventative measures are provided. The preventative measures used must be environmentally friendly, without detriment to the site, land elsewhere, people, animals, property and nature conservation.

Sustainable urban drainage systems should be utilised and 'green' or 'alternative' roofs and other measures to minimise surface water run-off from sites should be incorporated where practicable and appropriate.

In the exceptional circumstances that development on the rural fringes of the city and within rural areas of the town is otherwise acceptable, it will be required to take account of flooding and the seasonal appearance of streams in apparently 'dry' valleys.

Where insufficient information is available regarding suspected surface water runoff and / or flood risks, the applicant will be required to carry out a detailed technical investigation to evaluate the extent of the risk.

- 2.24 Surface water can be polluted with oil, pesticides, silt, leaves, bacteria etc. Heavy rainfall accelerates run-off, thus flushing all these contaminants rapidly into drains and then into the sea. Similarly fire water run-off, which is often polluted, gets flushed rapidly into the drainage system. Because the natural settling out process is bypassed, the common result is localised contamination of bathing waters. It is important to ensure that new development does not worsen the situation. This can be done by slowing the speed of run-off to allow settlement, filtering and infiltration, reduce the amount of run-off and provide natural ways of treating collected surface water before it is either discharged to the sea or infiltrated into land (thus assisting ground water reserves to replenish themselves).
- 2.25 There is a wide range of options to choose from when dealing with surface water which are usually cheaper than conventional systems. For example; grass swales and filter strips; infiltration basins, trenches or other infiltration devices; detention ponds; retention ponds; wetlands; and porous surfaces. Further guidance on these Best Management Practices / Sustainable Urban Drainage Systems can be obtained from the Environment Agency (EA) and from a more detailed EA document entitled 'Nature's Way - designs that prevent water pollution'. Applicants will be required to address the future maintenance requirements of facilities like retention ponds and flow controls. When designing new development, applicants should seek to minimise the surface water run-off from sites.

- 2.26 Proposals must not adversely affect the potential yield of aquifers. For example, schemes designed to enable rainwater capture and use. It has also been suggested that grassed flat roofs would help to slow surface water run-off, would help to green the environment, would provide wildlife gain, lower microclimate temperatures and could, where appropriate, provide garden space.
- 2.27 New developments may result in a substantial increase in surface water run-off as permeable surfaces are replaced by impermeable surfaces such as roofs and paving. This can result in increased risk of flooding within the development site itself and elsewhere including at a considerable distance away from the development. It is essential that the risk of flooding is taken into account when considering development proposals because of the potential impact on people and property. Developers seeking to develop a site at risk from flooding will be expected to demonstrate that the proposal and any proposed preventative measures will not create significant harm.
- 2.28 Proposals should be designed to ensure that water flows are not diverted or added to in a way that causes flooding either within the site or elsewhere. Proposed development on the edge of the city, within the rural fringes of the city or within the rural areas will be required to ensure measures are taken to prevent damage to the site and adjacent land from flash flooding, including mud slides. In such locations a suitably landscaped buffer zone and/or other measures should be included within the proposal. In order to assess these risks, applicants should investigate and submit information on the surrounding land and how it is managed, for example, what agricultural practices are in operation and intended for the future. Where relevant this information will also be required for the development site itself and sustainable practices, that minimise the risks, will be sought. Where possible, agreements should be entered into with adjacent landowners in order to secure sustainable land management practices, which minimise the risk of flash flooding and mud slides. It should be noted that Policy SU4 will be applied and development refused where the risks from flooding relate to mud slides and/or other impacts that are directly or indirectly caused due to flooding or surface water run-off.
- 2.29 Flooding of commercial and residential property from recreational and agricultural land is a recurrent problem for Brighton & Hove. Careful consideration of the effects of a development in terms of surface water run off and the seasonal appearance of streams and floodwater within the development itself as well as on surrounding property will ensure its long term sustainability.
- 2.30 Policy SU4 has particular links with the following in this Plan: the policies relating to efficiency in development; water resources and their quality; infrastructure; coastal defences; development within the coastal zone; surface water and foul sewage disposal infrastructure; polluted land and buildings; unstable land; and pollution and nuisance control. However, this Policy 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.

## SU7 Development within the coastal zone

**Planning permission for development will only be granted within the coastal zone, which is otherwise in accordance with the other policies of the development plan, where it:**

- a. takes account of the particular conditions experienced within this area, for example, in the layout, design, landscaping and materials proposed;**
- b. incorporates, where appropriate, adequate flood protection and mitigation measures;**
- c. respects or enhances the appearance and character of the seafront environment;**
- d. does not adversely affect existing sea views; and**
- e. does not reduce public access to the coast.**

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

- 2.38 Planning applications must demonstrate that account has been taken of the particular conditions experienced within the coastal zone. Proposals that include basements, cellars and other enclosed areas below ground level will be particularly scrutinised. Applicants should ensure that habitable rooms are not at risk from flooding. There must be safe access to and from the north of the building in order to help ensure people can escape in the event of tidal flooding. Where openings are proposed on the southern elevation they must minimise the risk from flooding.
- 2.39 It should be noted that the coastal zone boundary identified on the Proposals Map may be subject to change. A study of the sea defences was undertaken between the Marina and the River Adur ('Brighton Marina to River Adur Tidal and Coastal Defence Strategy Plan' 2003). The study involved flood mapping. One of the main objectives of defining a coastal zone boundary is to minimise the risk to buildings and human health, upon which flooding will have a major impact.
- 2.40 Policy SU7 has particular links with the following in this Plan: the policies relating to design; landscape design; seafront recreation; Black Rock Site; King Alfred/RNR; West Pier; water resources and their quality; infrastructure; surface water run-off and flood risk; and coastal defences.

## 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:**

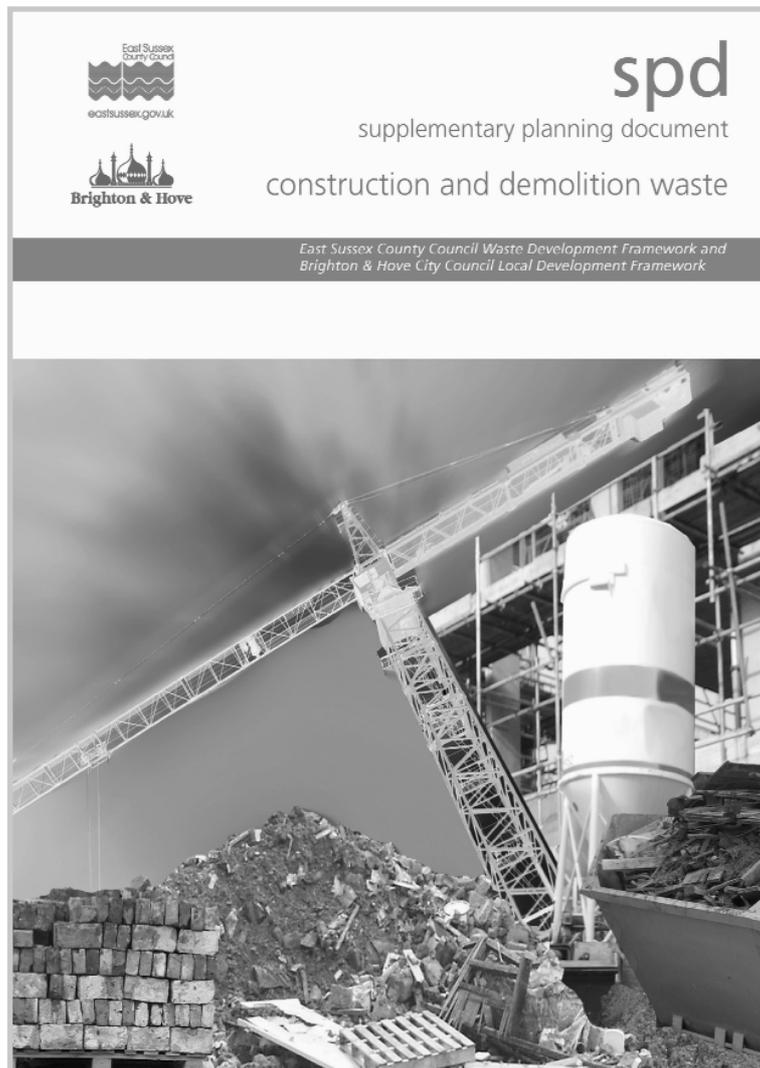
- a. **the location is appropriately distanced and / or buffered from uses which may be adversely affected by potential hazard or pollution which may occur; and**
- b. **the design and layout of the site makes adequate provision for necessary or appropriate measures designed to minimise the potential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



## SU13 Minimisation and re-use of construction industry waste

Planning permission will be granted for developments which reduce the amount of construction waste, which are otherwise in accordance with the other policies of the development plan. Development proposals should show that regard has been given to the minimisation and reuse of construction waste by:

- a. site selection and the design of the development which minimises the need for excavation;
- b. maximising the re-use of buildings and promoting standards of design and construction which increase the life-span of the development;
- c. utilising construction methods which minimise the use of raw materials and maximise the use of secondary aggregates, recyclable and recycled materials, where feasible on site; and
- d. incorporating waste material into the design of the development.

Where site conditions permit and no adverse impacts on amenity will be created, applicants will be expected to provide temporary on site facilities for the recovery, separation and processing of the development's construction industry waste.

As part of the planning application, the planning authority wishes to see a detailed waste management statement included that outlines how the above points have been met. The report should show how the amount of potential waste arisings will be reduced and managed during the development project.

**Planning permission will not be granted for developments which cannot demonstrate that the minimisation and reuse of construction industry waste has been sought in an effective manner.**

- 2.71 Construction industry waste consists of excavated soils and rock together with materials arising during the construction, demolition and maintenance of buildings and roads. It is the single largest 'waste stream' and takes up valuable space at landfill sites which reduces capacity for other types of waste that are less able to be recycled / reused. Measures to improve construction practices and the design of new development, when linked to the reuse of buildings rather than demolition and the careful siting of development to reduce excavation, could potentially significantly reduce the generation of construction industry waste.
- 2.72 Policy SU13 will be assisted and complemented by the Waste Strategy and the Waste Local Plan. It has particular links with the following in this Plan: the policies relating to efficiency in development; waste management; demolition, including Listed Buildings and in conservation areas; and buildings of local interest. To assist developers, the council has produced a Supplementary Planning Document 'Construction and Demolition Waste'. This policy affects all development proposals and thus has links with many other policies in the Plan.

## SU14 Waste management

**Applicants proposing large-scale developments or developments that employ or attract a large number of people, such as supermarkets or industrial units, will be required to provide appropriately designed facilities for the recycling or re-use of the waste that they, their customers and staff generate. Hard surfaced, screened and landscaped areas will be required to be provided by developers in safe and convenient locations in substantial new housing developments within which recycling facilities, appropriate for waste generated by households, can be located if adequate facilities do not exist in the vicinity.**

- 2.73 The land use planning system has an important role to play in helping to achieve the goal of sustainable waste management. The waste management hierarchy set out in the government's document entitled 'Making Waste Work' is as follows: Reduction; Re-use; Recovery - recycling/composting/incineration; Disposal. Policy SU14 therefore seeks to facilitate the re-use and recovery of waste whilst Policy SU13, relating to construction industry waste seeks to facilitate the reduction, re-use and recovery of waste.
- 2.74 The planning authority will expect the facilities to be provided by virtue of this Policy to be appropriately located within the development and to form an integral part of the design. They must be easily accessible whilst at the same time they must not detract from the area or adversely affect the amenities of the area, for example, they must not be visually harmful or create a significant noise nuisance to surrounding occupiers. Policy SU14 will be assisted and complemented by the Waste Strategy and the emerging Waste Local Plan. It has particular links with the following in this Plan: the policies relating to design, including landscape design; efficiency in development; minimisation and re-use of construction industry waste; and major shopping, residential, commercial and leisure developments.



## SU15 Infrastructure

**Planning permission will only be granted for development where adequate services and infrastructure either already exist or will be provided in time to serve the development without detriment to existing users or the environment.**

**Where appropriate, the planning authority will impose conditions and / or seek a legal agreement in order to:**

- a. require development to be phased with the provision of programmed services or infrastructure; and / or**
- b. secure an appropriate contribution towards, or the direct provision of, the necessary services or infrastructure.**

2.75 In order to enable new development, particularly major development to take place, the appropriate services and infrastructure will be necessary. The planning authority may require the services and infrastructure to be in place before development commences, or the phasing of the development with the provision of services and infrastructure. For the purposes of this policy, services and infrastructure include water resources, sewerage and land drainage, electricity, gas, roads / public transport, open space, and in appropriate cases, coastal defences, hospitals, local retail outlets, and community facilities including schools and surgeries.

2.76 Policy SU15 has particular links with the following in this Plan: the policies relating to coastal defences; efficiency in development; water resources and their quality; surface water run-off and flood risk; and surface water and foul sewage disposal infrastructure. However, this Policy affects all proposals and thus has links with all the other policies of the development plan.

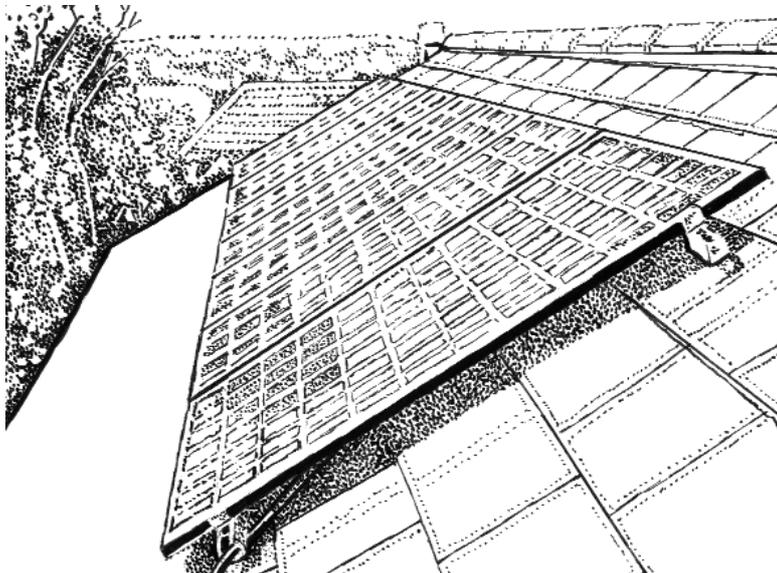


## SU16 Production of renewable energy

**Planning permission for power generation installations based on energy from renewable resources, will be permitted provided that the proposal will not have a significant detrimental impact on:**

- a. the environment;**
- b. the amenities of nearby occupiers;**
- c. the general character of the area; and**
- d. the aims of the other policies in the Development Plan.**

- 2.77 A significant amount of the global carbon dioxide emissions come from current power generation methods, which are largely based on the burning of fossil fuel. Therefore, in the interests of combating climate change, alternative power generation methods need to be encouraged that are clean and do not involve the burning of fossil fuels. For example, alternative power generation methods such as from wind, the sea, the sun, agricultural and / or forestry waste. This approach is in keeping with government guidance provided in PPS22 'Renewable Energy'. Assistance towards renewable energy generating developments, which conserve and enhance the environment and/or enable farming, forestry and other rural business and communities to adapt to changing circumstances and to develop, may be available via the England Rural development Programme ERDP or any successor programme, as detailed in Chapter 7 'An integrated approach to nature conservation and the countryside', paragraph 7.23.
- 2.78 However, care needs to be taken to ensure that the wider environmental benefits of such installations are balanced against the local impacts. Attention must be given to ensuring they are appropriately located not only in respect to the function they are to perform but also in environmental and amenity terms.
- 2.79 Policy SU16 has particular links with the following in this Plan: the policies relating to efficiency in development; water resources and their quality; and pollution and nuisance, including noise nuisance.





# 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.



## QD1 Design - quality of development and design statements

All proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment. In areas of drab and uninteresting character, the planning authority will expect the opportunity to be taken to create new buildings and areas of distinction on suitable sites.

Unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged. The following design aspects will be taken into account in all developments:-

- a. scale and height of development;
- b. architectural detailing;
- c. quality of materials;
- d. visual interest particularly at street level; and
- e. appropriate levels and type of landscaping.

**A 'Design Statement' will be required for all large scale\* development proposals; sites in prominent locations; significant smaller sites in conservation areas or sensitive sites within the setting of major or listed buildings. The statement should address the criteria in policies QD2-QD5.**

**\*Large scale developments in this policy are defined as a residential scheme of 10 or more units or a commercial proposal for 1000 sq m and above**

- 3.3 This Plan seeks to raise the overall standard of design and aims to encourage more innovative and distinctive design. The 'Urban Task Force' report 'Towards an Urban Renaissance' highlighted that well designed buildings, streets and neighbourhoods are essential for successful social, economic and environmental regeneration. New urban developments must be designed to much higher standards if they are to attract people back into our towns and cities and priority should be given to high architectural standards and to the design of public spaces between buildings.
- 3.4 Policy QD1 and the others that follow do not seek to restrict creative design provided that new development can still be integrated successfully into its context. Modern designs using contemporary and sustainable materials will be welcomed particularly in areas of characteristically drab and uninteresting design and architects and developers will have much more creative freedom to originate new design solutions. It is possible to integrate modern developments whilst respecting the character of areas that are attractive and worthy of preservation.
- 3.5 The preparation of design statements, which firstly describe the physical characteristics of a site and the wider context and secondly, set out the design principles adopted and how the development relates to its context with illustrative material is recommended. The planning authority will not accept 'off the shelf' or corporate design solutions which have taken little or no account of local characteristics. The thresholds used for determining whether an application is a major or large scale application in Policy QD1, are those used by the government when classifying planning applications in statistical returns.

- 3.6 The appropriateness of the scale and height of the development should follow from the layout of the scheme and its relationship to adjoining buildings and the surrounding area. Architectural detailing should be carefully integrated into the building and not appear as 'tacked on' elements. A high standard of materials is expected. Wherever possible natural materials from local and / or sustainable sources should be used. At street level, there should be variety in the elements of the design such as the entrances and fenestration and materials. Landscaping should be an integral and functional component of the development and not used to treat left over spaces. The design statement should explain how or why the design of the development has been arrived at with reference to the above design aspects and other contextual considerations contained in the other design policies in this Plan.
- 3.7 Architects who took part in urban design visioning workshops to inform this Plan supported the view that architects should develop individual design solutions suited to the locality rather than rely on standard design solutions. Local people who participated in urban design visioning workshops described some residential areas as 'bland' and indicated that many would benefit from an infusion of innovative design. They also expressed concern about the impact of large bulky developments on the character of Brighton & Hove in terms of both the height of a building and how its footprint can intrude into the fine grain of the urban environment.



## QD2 Design - key principles for neighbourhoods

All new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. height, scale, bulk and design of existing buildings;
- b. topography and impact on skyline;
- c. natural and developed background or framework against which the development will be set;
- d. natural and built landmarks;
- e. layout of streets and spaces;
- f. linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces;
- g. patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. natural landscaping.

**In addition to the above, the development should take the opportunity to minimise the opportunities for crime to take place, through the integration of its design into the neighbourhood.**

- 3.8 The appearance of proposed development and its relationship to its surroundings are matters that relate to the design of buildings and to urban design. 'Urban design' refers to the relationship between different buildings and the streets, squares, parks, waterways and other spaces which make up the public domain itself. Policy QD2 seeks to ensure that spaces created around buildings should be satisfactorily enclosed and should be functional and attractive to the intended users. The site layout should be influenced by pedestrian circulation and cycle routes and should either maintain or improve existing routes.
- 3.9 All proposals should take account of policies in this Plan concerned with cycling, walking and public transport. Opportunities should be taken to enhance landmarks, prominent corners and intersections which then provide visual interest and can act as 'signposts' to pedestrian circulation around a neighbourhood. Urban Design also refers to the nature and relationship of one part of the city with other parts and the patterns of movement and activity that are thereby established. Design can therefore have a significant impact on the quality and character of an area and good design is an important factor in promoting sustainable development which attracts investment and reinforces civic pride.
- 3.10 Urban design visioning workshops carried out to inform this Plan were held in several specific areas and for Brighton & Hove as a whole. A strong view emerged from the workshops that people see Brighton & Hove as being made up of a patchwork of neighbourhoods with different characteristics. It was agreed that this diversity was desirable and should be encouraged by careful integration of development into its context.

- 3.11 One of the key recommendations from the report on urban design visioning was that valued neighbourhoods, not necessarily of special architectural or historical interest should be recognised in order that amenity and social policies might have more relevance to an area and thereby enhance local distinctiveness. It is intended that during the Plan period, an 'Urban Characterisation' study will be prepared identifying neighbourhoods and their characteristics. The workshops also recommended that policies should ensure that the impact of large scale developments on the street scene, is considered much more carefully to ensure their integration in terms of footprint, bulk and skyline and that uses at ground level are assured.
- 3.12 There has been a general acceptance that the design of buildings and their surroundings are major factors affecting crime. It is recognised that certain elements in design can influence criminal behaviour for good or ill, as well as the ability of citizens to exercise control over their environment. The implementation of such measures at the earliest opportunity in the design stage is the most economical and effective way of reducing the likelihood of a criminal attack (see for example, Policy QD7).



### QD3 Design - efficient and effective use of sites

**New development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings.**

**To secure the efficient and effective use of a site, proposals will be expected to incorporate an intensity of development appropriate to: the locality and / or prevailing townscape; the needs of the community; the nature of the development; and proposed uses. Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.**

**When applying this policy, in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area. Proposals for 'backland' development will be rigorously examined in respect of these features and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings.**

- 3.13 Policy QD3 seeks to promote the objectives of the government's 'Urban Task Force' which was formed to identify causes of urban decline and recommend practical solutions to bring people back into our cities, towns and urban neighbourhoods. The Urban Task Force's report, 'Towards an Urban Renaissance,' advocates an urban renaissance which is not only about numbers and percentages but also about creating the quality of life and vitality that makes urban living desirable.
- 3.14 In order to reduce pressure for the development of greenfield sites and yet address the need for further homes and jobs, the planning authority will seek efficient and effective use of brownfield sites, which will in general include the promotion of higher densities and greater diversity in the mix of uses. Indeed, much of Brighton & Hove's built up area already encompasses densities of development equivalent to inner city areas.
- 3.15 However, whilst higher densities will be promoted, care will be taken to ensure this does not amount to 'town cramming' and thus lead to a deterioration in the environment or quality of life. The importance of urban open space and need for it will, therefore, be equally promoted. Indeed, during the consultation process carried out to inform this Plan, many people wanted to see maximum use of existing buildings and higher densities in order to protect the countryside, provided quality of life was not harmed. It was also evident that people greatly valued urban open space and many felt that the protection of greenfield sites should not be at the expense of urban open spaces.

- 3.16 A well designed scheme can be high in density whilst also enhancing environmental aspects, such as nature conservation features, landscaping and open space. It is imperative that developments are sensitively designed and well landscaped in order to fit successfully into small vacant sites in established urban areas. Diversity in the mix of uses also helps to sustain higher densities and helps to minimise the number of journeys by private motor vehicles, in accordance with the transport policies of this Plan. Where a site can withstand a greater intensity of development than that which is appropriate for the proposed use(s), the planning authority will require greater diversity in the mix of uses.
- 3.17 In respect of the 'locality and prevailing townscape' regard will be given to the mix of uses and the character and appearance of the area and neighbourhood, especially if it is a conservation area or within the setting of a listed building. The 'needs of the community' include issues such as the need for: education facilities; outdoor recreation space; and for an appropriate range and type of dwellings in order to address housing needs. For example, if there is a local housing need for three bedroom houses, it would be inappropriate to develop one bedroom flats.
- 3.18 In general, higher densities will be sought where a site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.
- 3.19 Policy QD3 has particular links with the following in this Plan: the policies that relate to design; transport; employment; housing; retail; landscaping and trees; nature conservation; greenways; urban open space; and outdoor recreation space. However, it should be recognised that this policy links in with all the other policies in this Local Plan.

## QD4 Design - strategic impact

**In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted.**

**The following features and buildings are considered to be of strategic importance:**

- a. views of the sea from a distance and from within the built up area;**
- b. views along the seafront and coastline;**
- c. views across, to and from the Downs;**
- d. views across valleys;**
- e. views into and from within conservation areas;**
- f. the setting of listed buildings and locally well known landmark buildings of townscape merit;**
- g. vistas along avenues, boulevards and steeply rising streets; and**
- h. initial views of Brighton & Hove from access points by all modes of transport.**

- 3.20 The City of Brighton & Hove has a rich and varied natural and built landscape; its topography enables spectacular views which are valued by local people and visitors alike. New development can have a significant wider visual impact and it is vitally important, therefore, that development proposals take account of the natural and built landscape.
- 3.21 Participants in urban design visioning workshops carried out to inform this Plan identified many views and landmarks that they particularly valued and appreciated and wished to see protected. These included views that are available whilst travelling by all modes of transport, particularly walking. The important role views play in influencing peoples' first impressions of Brighton & Hove was also recognised - for example, a number of classic/key views are experienced when approaching Brighton by train.
- 3.22 Government guidance (PPG15 'Planning and the Historic Environment') indicates that a proposed high or bulky building might also affect the setting of a listed building some distance away or alter views of a historic skyline. Regard should also be given to 'glimpses' of features and buildings which can be gained particularly in the higher density areas and which contribute to the richness of the streetscape. Special attention should also be paid to strategic development sites that are prominent at the end of a stretch of road such as a wide avenue or at the top of a steep hill. Examples of this are the Avenues in Hove or streets in Hanover and Preston wards in Brighton. Proposals which have an impact on important views should take into account other policies in the Plan relating to the downland, seafront and conservation areas.

- 3.23 SPG 15 Tall Buildings gives guidance on the siting of tall buildings to ensure they have minimal visual impact on sensitive historic environments and that they retain and enhance key strategic views. Strategic views and approaches are identified in the SPG. The SPG also identifies areas which are considered suitable for tall buildings.



## 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'.



## QD6 Public art

**The planning authority will seek the provision of new public art in major development schemes, including refurbishment and changes of use, and / or a financial contribution towards the provision of public art, appropriate to the development proposal. 'Public Art' includes permanent and temporary work, arts facilities and arts training.**

**All development proposals will be expected to retain and / or enhance existing public art and wherever possible make provision for new public art. The provision of public art will be secured via a legal agreement and / or the use of conditions.**

- 3.27 The provision of public art can create and enhance local distinctiveness and helps develop a desirable sense of place. Some public art schemes provide important opportunities to involve the local community and all will offer work opportunities to artists, many of whom will be local. By supporting and encouraging the local art studios and artists, an economic benefit will be felt. Furthermore the artistic tradition of the city, an important aspect of Brighton & Hove's local identity, will continue to be promoted, strengthening its appeal as a tourist attraction.
- 3.28 It is important to take public art into account at an early stage in the preparation of development proposals. Applicants should seek to address public art at the pre-application stage. The council's 'Public Art' officer should be contacted in order to discuss this part of a proposal.
- 3.29 Public art can take many forms such as:
- works of art and artists' input that is integrated into the building and its environment, for example, in construction details and landscape schemes, water features and lighting effects;
  - funding or the setting up of street carnivals and other artistic projects within or in the vicinity of the development;
  - funding or the provision of artist workshops, galleries and exhibition space within or in the vicinity of the development; and
- 3.30 For the purposes of public art, major development will be defined as set out below:
- non-residential development occupying a prominent position with construction costs of around 1 million pounds\* or more;
  - non-residential development not occupying a prominent position with construction costs of around 2 million pounds\* or more;
  - residential developments of 30 or more units; and
  - other significant proposals that would have a major impact on important public spaces.
- 3.31 The type of public art and level of contribution will vary depending on the nature of the development proposal, the characteristics of the site and its surroundings. However, a nationally acceptable guideline is that it will be around one percent of the construction costs.
- 3.32 It should be noted, however, that the above are only guidelines.

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*\*Building costs will be indexed linked from 2001 values.*

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## QD7 Crime prevention through environmental design

Where large scale developments are proposed (defined as 10 or more houses or 1,000 sq m of commercial floorspace), planning permission will only be granted for proposals where the applicant can demonstrate clearly how crime prevention measures have been incorporated into the layout and design. The development should also meet the safety requirements of the transport policies in this Plan.

- 3.33 Policy QD7 aims to ensure that new development does not increase and if possible reduces, the opportunities for crime in a neighbourhood. The definition of large scale development is specific to Policy QD7 and reflects an agreement between the council, Sussex Police and other councils in East Sussex. All large scale and other appropriate proposals will be referred to the Police for a risk assessment and comments. All such proposals will be assessed with reference to crime prevention measures set out in the Sussex Police publication 'Secured by Design'. Developments should also conform to the design policies in particular where there are safety considerations.
- 3.34 A 'Mixed-use and Higher Density Development' focus group discussed issues of safety with new developments to inform this Plan. The group agreed that providing a mix of uses in town centres helped to reduce crime. Crime was the fourth highest priority for participants in community visioning workshops who wanted to see less vandalism, safe access and a reduction in the fear of crime.
- 3.35 The council's 'Community Safety Strategy 1999 / 2002' set a target of achieving high standards of safety in all new development proposals and planning approvals and will monitor those applications which fall into the categories identified in Policy QD7.



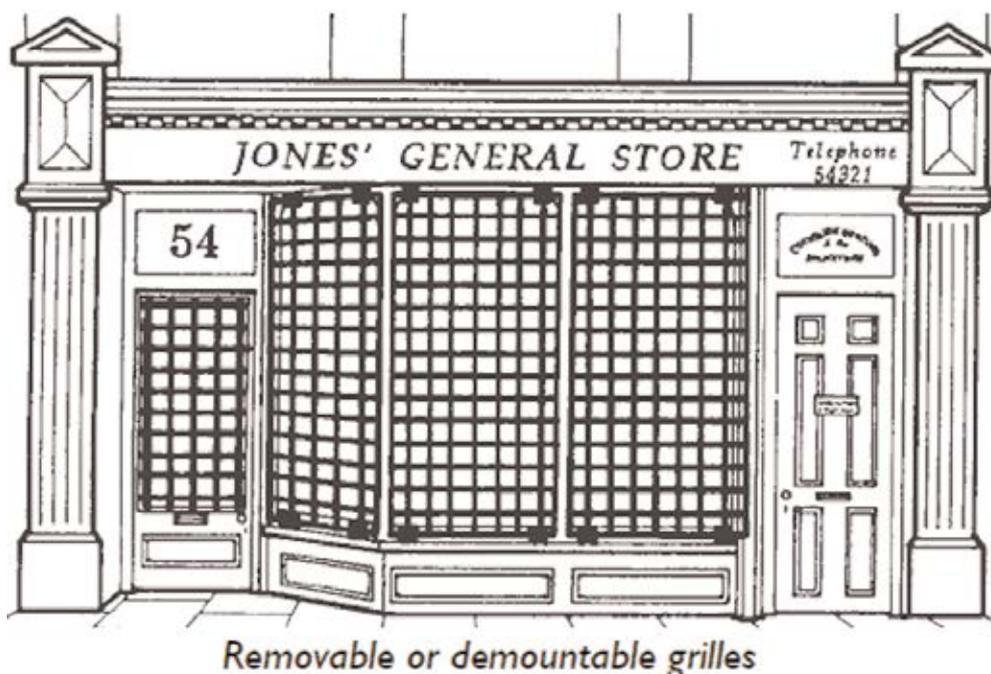
## QD8 Shopshutters

**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.**

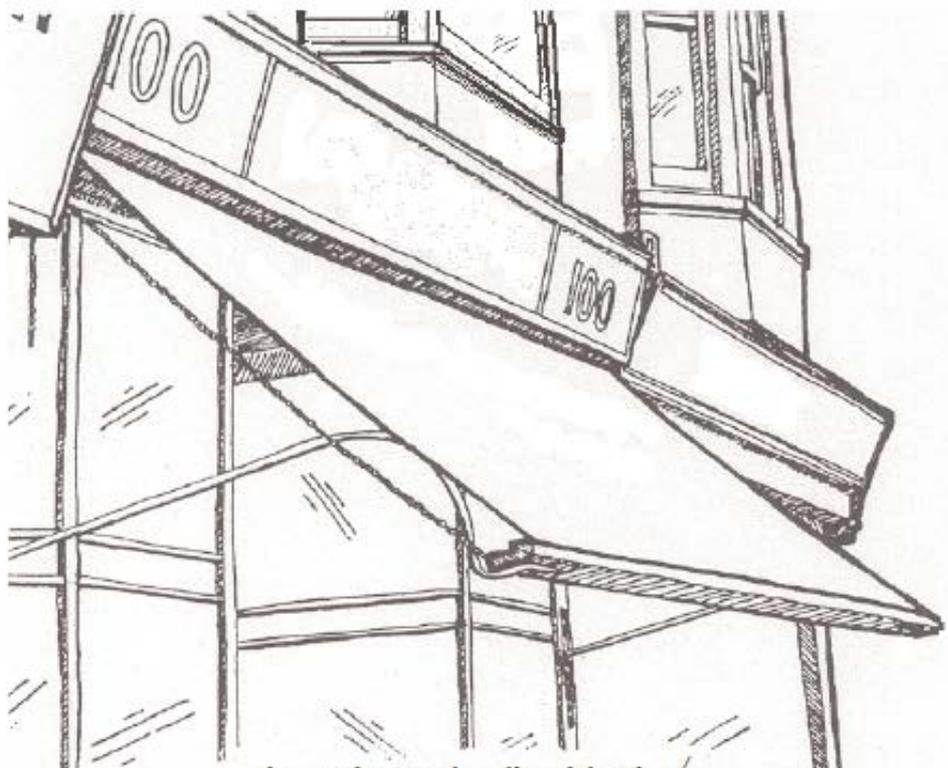
**In respect of conservation areas and listed buildings, shopfront proposals will be required to preserve or enhance the special appearance or character of the area and / or the buildings special architectural or historic interest respectively. Permission will not be given to replace good period shopfronts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

## QD17 Protection and integration of nature conservation features

**Development proposals affecting nature conservation features outside protected sites will be granted planning permission provided:**

- a. the proposal can be subject to conditions that prevent damaging impacts on those features; or
- b. the impact is minimised and as many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged.

**New nature conservation features will be required as part of development schemes. These features should be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme. Suitable schemes where such features have not been incorporated, will be refused.**

**Where necessary, conditions will be imposed or a planning obligation sought in order to secure these requirements.**

- 3.75 Policy QD17 refers 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.
- 3.76 Many people value nature conservation features close to where they live and work, as they help to create a calm and pleasant environment. The planning authority regards nature conservation as an important contributor to the revitalisation of urban areas and a key to encouraging economic growth.
- 3.77 There will be occasions when nature conservation features of value are discovered whilst a proposal is being considered on a site that is not protected by a formal designation. In these circumstances it is important to protect and enhance these features and prevent any harmful impacts. The resultant development proposal should include a nature conservation report as detailed in the introduction to Chapter 7 'An integrated approach to nature conservation and the countryside' and must demonstrate how nature conservation forms an integral part of the scheme. Proposals will also be expected to incorporate measures aimed at improving public appreciation of and access to, nature conservation features.
- 3.78 New development can also create a variety of opportunities to integrate new nature conservation features for the benefit of local people. Larger development proposals can integrate new habitats into imaginative landscaping schemes and even small developments can incorporate ponds, native plants, bird and bat boxes within roof spaces, 'green roofs' and similar 'greening' ideas. Nature conservation features near to development sites help to increase nature conservation potential. They should not be used as a justification for negating the requirements of this policy.

- 3.79 In seeking to conserve existing habitats outside designated sites in Brighton & Hove, the council will pay particular attention to the following important nature conservation features:
- Broad-leaved woodland
  - Semi -natural chalk grassland
  - Hedgerows
  - Scrub of value to breeding birds or other wildlife
  - Seashore, sea cliffs and cliff top grassland
  - Ponds
  - Vegetated Coastal Shingle
- 3.80 The council is publishing detailed guidance on integrating new and existing nature conservation features into development in due course as a Supplementary Planning Document. Where practicable, proposals will be expected to contribute to the achievement of local Biodiversity Action Plan targets, as detailed in the introduction to Chapter 7 'An integrated approach to nature conservation and the countryside' of this Plan. Regard should also be given to the Local Agenda 21 Strategy, 'Wildlife for People' (the council's Wildlife Strategy), any open space strategy and publications relevant to Brighton & Hove from other organisations such as the Sussex Wildlife Trust, the Brighton Urban Wildlife Group and English Nature.
- 3.81 Policy QD17 complements Chapter 7 and affects all proposals and has links with all the other policies of the Plan.



## 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'.



## QD19 Greenways

**Development within the setting of a Greenway will be required to contribute to the provision and / or enhancement of the network, proportional to the development and its potential impact on the Greenway. Planning permission will not be granted for proposals that are likely to hinder the provision of a proposed section or harm the existing Greenway network or its objectives.**

- 3.84 Greenways have been defined by the Countryside Agency as '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' (Countryside Agency<sup>1</sup> leaflet: 'Greenways - the way to go'). Greenways create links between urban features such as open spaces, shopping centres, schools, public transport nodes and recreation and employment areas. With time they can change people's perception of how to move around a city and make an important contribution to sustainable transport objectives. Greenways also link important nature conservation sites in and around the urban area, incorporating suitable landscaping where necessary to improve habitat connectivity, accessibility, local air quality and water permeability.
- 3.85 The multi-functional objectives of Greenways incorporate benefits to tourism and civic image, recreation and healthy living, urban and rural landscaping and economic regeneration. Because 'Greenways' integrate many objectives, implementation demands a high degree of partnership working with local people and businesses and an integrated policy approach.
- 3.86 The creation of traffic-free routes connecting a range of facilities, where the routes themselves also provide opportunities for recreation, landscaping and nature conservation, is an important potential benefit of the Brighton & Hove Greenways. Developments within the setting of a Greenway will be expected to contribute to such routes by creating connections where none currently exist and / or by enhancing existing routes.
- 3.87 The setting of Greenways includes the wider urban landscape of adjoining back gardens, open spaces, downland or nearby residential and commercial properties, which contribute to the character of the Greenway. In applying Policy QD19, the planning authority will usually take 'the setting of a greenway' to be within 100m either side of the centre line, as shown on the Proposals Map.
- 3.88 Other features that may be included in the Brighton & Hove Greenway Network are:
- safe routes to school;
  - traffic calmed and pedestrian prioritised streets;
  - cycle routes / networks;
  - proposed and existing pedestrian areas; and
  - Public Rights of Way.
- 3.89 An indicative Greenway network is identified on the Proposals Map. Detailed route planning and design will be subject to extensive local consultation and involvement.

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<sup>1</sup> Merged with English Nature and renamed 'Natural England'

## QD20 Urban open space

**Planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance.**

**The loss of an area of open space important to people will only be considered in exceptional circumstances. For example, where it can be demonstrated that the proposal is of national importance or essential to meet social, environmental and / or economic needs, which cannot be located elsewhere. Where such exceptional circumstances apply, the planning authority will require alternative appropriate open space provision of a suitable size, type, layout character, appearance and location.**

**Planning permission for the development of areas of public and private open space that are not considered to be important to people, will only be permitted where the applicant can satisfy the planning authority that:**

- a. **there are no alternative open space needs in the area, such as deficiencies in outdoor recreation space, accessible natural green space or allotments; or**
- b. **the area of open space is not suitable to meet alternative open space needs.**

**Major developments will be required to provide accessible open space as part of the proposal.**

- 3.90 The council will seek to balance the competing claims of different land uses and the community's long term requirements for open space. Policy QD20 helps to safeguard areas of open space that are important to the local and / or wider community and help to provide an attractive, sustainable and stimulating environment. Preparation of the council's Community Plan involved an extensive survey whereby local residents were asked 'What makes living in your area special?' to which approximately 22% of the responses said 'parks and open space' (the highest response to this question).
- 3.91 For the purposes of this policy 'open space' does not just relate to parks and gardens: it also includes the beach, areas that provide a valuable feeling of space and / or seating within the urban area, areas of grass important as an informal area of play, recreational areas, allotments and areas of amenity value that are visible but not necessarily accessible to the public. Indeed they can be large or small, the value of them depends on the individual circumstances and the community. Policy QD20 therefore protects all urban open spaces that are important to people, including factors such as, tranquillity, health and mental wellbeing, until such a time as the City's open space audit is completed. If it is found that some areas are overprovided with open space, then alternative uses could be considered for surplus open space located within the built up area boundary.

- 3.92 It is important to retain open space areas even if they are not currently being 'used' to best effect because once lost they are unlikely to return to 'open space'. Where possible, the planning authority will not only seek the retention of the area of open space but also its enhancement to increase its value to and / or use by the community. The development of an open space should only be considered after alternative open space needs have been taken into account. Where there are alternative open space needs, development will only be acceptable where the applicant can demonstrate the site is not suitable to meet these needs, for example, it cannot be made accessible or the size of the site is too small (excluding sites that form part of a larger open space). It must not be assumed that an area of open space on the edge of the built up area can be developed purely because the countryside is nearby. Each open space is important for different reasons it therefore depends on why the open space is valued or needed and whether the countryside can fulfil the respective open space role without becoming urbanised in accordance with the respective policies.
- 3.93 When considering proposals that involve the loss of urban open space regard will be given to the recommendations in English Nature's Report entitled 'Accessible natural green spaces in towns and cities: a review of appropriate size and distance criteria'.
- 3.94 Accessibility to open space varies across the city. The council recognises the need for new areas of open space and natural habitats where accessible open space is limited. The provision of urban open space should reflect the needs of the local area and also complement the needs of the wider community. Consideration must be given to potential future needs and account given to trends. The Greenway network, existing and proposed, must not be compromised. Opportunities for creating further space will be taken through environmental improvement schemes and landscape schemes where substantial new developments arise. The council is preparing an open space strategy, in consultation with local communities, which will help to provide further guidance in respect to Policy QD20.
- 3.95 Policy QD20 covers all areas of urban open space, including allotments and outdoor recreation space within the urban area. Where a proposal lies within the urban area and affects an allotment or outdoor recreation space both Policy QD20 and Policy QD21 allotments or Policy SR20, the protection of outdoor recreation space, will apply respectively.

## 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 aerials

**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:

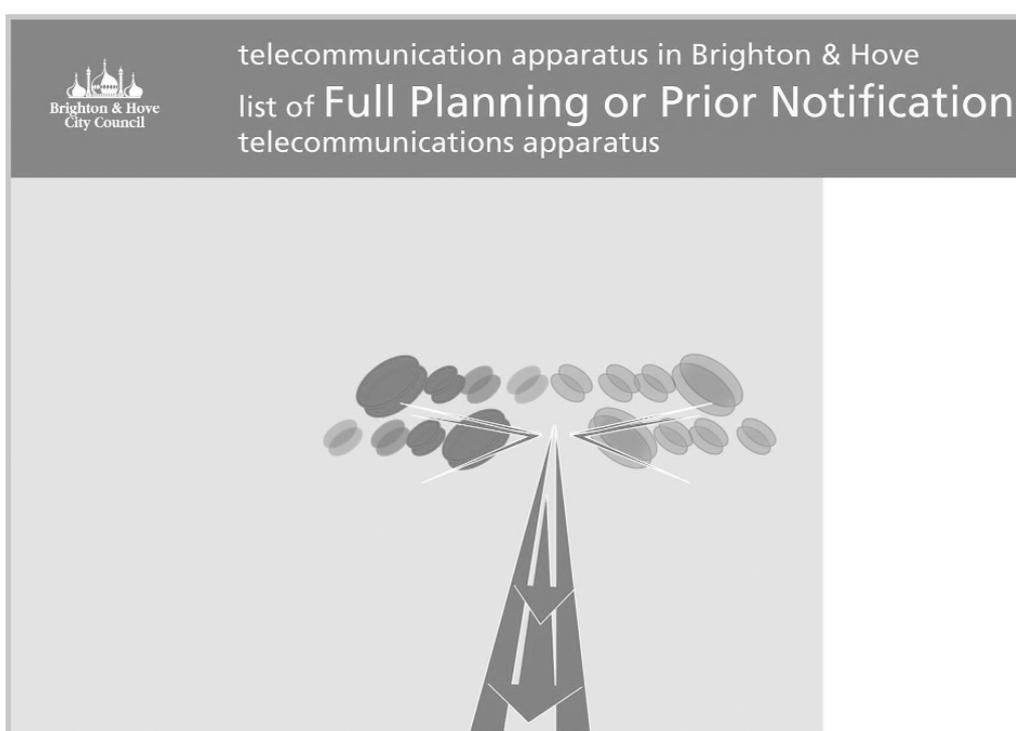
- a. subject to technical and operation considerations, the development is sited, designed, landscaped (where relevant) and in the most appropriate materials and colours, so as to minimise its visual impact;
- b. it can be demonstrated that existing masts, nearby buildings or structures cannot reasonably 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 are 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.



## 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 dramatise 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.

## QD28 Planning Obligations

**Matters related to the achievement of one or more of the various aims listed below will be sought by means of planning obligations when planning permission is granted. In all cases, the obligations sought will be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.**

The aims include:

- a. community or other infrastructure facilities, including educational, cultural, health, social and fire service facilities;
- b. the provision of shopmobility, parking and other facilities for people with mobility problems;
- c. public transport infrastructure including the provision or enhancement of public transport services;
- d. provision of cycle parking facilities / contributions towards pedestrian and cycle route infrastructure;
- e. off-site highway improvements / traffic-calming schemes;
- f. affordable housing and / or housing for elderly / people with mobility problems;
- g. integrated public art;
- h. environmental improvements and their maintenance, including the provision of open space and nature conservation features;
- i. leisure, sport and recreation facilities including the provision and maintenance of outdoor recreation space;
- j. the preservation of a building which is particularly important from an architectural or historic point of view;
- k. off-site land stability measures, soil erosion and water run-off prevention and reduction measures;
- l. off-site coastal defence / protection measures;

- m. enhancements to retail facilities in conjunction with shopping developments;**
- n. recycling facilities for domestic and commercial waste; and**
- o. a contribution to fund the regeneration of a brownfield site in the city to meet local employment, housing, or other local needs as agreed by the planning authority.**

**Reference should also be made to other policies in this Plan detailing more specific provisions that will be sought under a planning obligation.**

- 3.119 The planning authority will seek planning obligations wherever they fall within the consideration of acceptability as set out in government legislation, policy or guidance. In order to secure the appropriate elements, a legal agreement made under Section 106 of the Town and Country Planning Act 1990 (as substituted by section 12 of the Planning and Compensation Act 1991) will be sought. The legal agreement will be in accordance with the guidance given in of the DOE Circular 5 / 05 or subsequent revisions.
- 3.120 Large retail developments should relate well to existing shopping centres and contribute to the objective of enhancing the vitality and attractiveness of the centre as a whole.
- 3.121 Respondents to the consultation leaflet identified public transport and recycling as two key methods of encouraging greater energy efficiency as part of new development. Participants in community visioning workshops identified a number of priorities including: improved accessibility for all (with minimum car use); clean streets; child friendly places; and widespread recycling from all premises in the town centre.
- 3.122 Recycling facilities in relation to residential developments may include kerbside collection schemes. The recycling facilities to be provided in association with major new shopping developments should be for recycling / composting by shoppers as well as for the source separation and storage of waste produced by the occupiers for collection. This would accord with policies for recycling in the 'East Sussex and Brighton & Hove Waste Local Plan.'
- 3.123 This council attaches the highest priority to the protection of previously undeveloped (greenfield) land. Previously built-on (brownfield) land must therefore be developed in preference to previously undeveloped (greenfield) land. If an applicant seeks to develop a greenfield site they will be expected to demonstrate that there are no alternative brownfield sites that could meet their requirements. A brownfield site costs more to develop than a greenfield one because of factors such as site clearance and survey costs. The 'East Sussex and Brighton & Hove Structure Plan,' Policy E9 states that local authorities, in particular Brighton & Hove, will seek appropriate contributions towards achieving the re-use and redevelopment of unused or under-used urban land. In order to help bring forward brownfield sites for redevelopment, a contribution will be sought.



## 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 HO7 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 2011<sup>1</sup> (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%.

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<sup>1</sup> 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.

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- 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 were 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 was estimated that 86% could not afford to resolve their housing problems within the existing Brighton & Hove housing market;
  - 13,430 households were living in unsuitable housing and cannot afford to resolve this situation;
  - In addition there were 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);

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\* *The most up to date assessment the 'East Sussex and Brighton & Hove Housing Needs Survey, 2005'*

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- Overall, around 11.8% of all households in Brighton & Hove were 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
		<b>Total 565</b>	

**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
		<b>Total 1,061</b>	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	
<b>Total unimplemented large windfall sites</b>		<b>650</b>	
<b>Total identified HO1 Sites</b>		<b>1,626</b>	
<b>Total identified supply</b>		<b>2,276</b>	

## Affordable housing - a definition

### A definition of 'affordable housing' for Brighton & Hove -

*'Residential accommodation that is provided with a subsidy to ensure that rents / prices remain at a level that is genuinely affordable to local people whose income means that they are unable to meet their housing needs through the housing market (i). In Brighton & Hove, affordable housing will typically be for rent and will be managed by a Registered Social Landlord (ii).'*

- i. *those people eligible for affordable housing will include tenants in council or housing association accommodation and those on waiting lists for such accommodation.*
  - ii. *where it is not proposed that a Registered Social Landlord should be involved in the management of affordable housing, the council will secure the provision of affordable housing for successive occupants through the use of planning obligations restricting occupancy to households who cannot compete in the housing market.*
- 4.24 Government planning guidance (PPS3 'Housing') recognises that the community's need for affordable housing is a material planning consideration and should be taken into account in formulating development plan policy. The guidance states that local plan policies for affordable housing should define what the authority considers to be affordable in the plan area in terms of the relationship between income levels and house prices and rents for affordable housing needed by different households.
- 4.25 The definition of affordable housing set out above emphasises that affordable housing will be accompanied by a subsidy. Indication is also given that provision of such housing will typically be for rent. In Brighton & Hove average income falls significantly below the national average whilst unemployment remains above regional and the national average. Due to the very high housing costs in the city, the substantial majority of households in housing need rely on the provision of subsidised rented accommodation. Low cost home ownership (e.g. shared ownership) is beyond the reach of many households. However, such initiatives have a part to play in helping some households (eg. key workers) get on the housing ladder. There may be circumstances where the policy is used to secure a proportion of shared ownership housing to help meet these needs.
- 4.26 The definition's reference to the involvement of a Registered Social Landlord reflects the view that this is an effective way of securing occupancy and thereby ensuring that affordable housing remains genuinely affordable over the longer term.
- 4.27 The reference to, 'local people whose income means that they are unable to compete in the housing market' and the clarification set out in (i) and (ii) is intended to ensure that, when it is not proposed that a Registered Social Landlord is involved in the management of affordable housing, there is no ambiguity around securing occupancy controls via planning obligations.

## HO2 Affordable housing - 'windfall' sites

**Where a proposal is made for residential development, capable of producing 10 or more dwellings, the local planning authority will negotiate with developers to secure a 40% element of affordable housing (in accordance with the definition of affordable housing set out above).**

**The policy will apply to all proposed residential development, including conversions and changes of use.**

**In assessing the appropriate level and type of provision, consideration will be given to:**

- i. local need in respect of the mix of dwelling types and sizes, assessed in the context of policy HO3 - 'Dwelling type and size';**
- ii. the accessibility of the sites to local services and facilities and public transport;**
- iii. the particular costs associated with the development of the site;**
- iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and**
- v. the need to achieve a successful housing development**

4.28 In the light of an overriding level of housing need, it is an imperative that the Local Plan adopts an approach based upon maximising the amount of new housing that is genuinely affordable. This approach is consistent with government advice.

4.29 The council's affordable housing policy is based on substantial evidence regarding housing need, a lack of medium to large development sites coming forward for development, the relatively small stock of existing social housing in the City and the high price commanded for dwellings on residential/mixed use sites within the City. The policy is also supported by independent research on development viability (June 2004). All these factors will be subject to ongoing monitoring, which will be used to elaborate and clarify policies during the life of the Local Plan.

4.30 Fundamental to the policy approach is an overall shortage of land free from other policy constraints and which is available to meet local housing needs. The council does not have a significant land 'bank' with which to enable housing association development and the majority of development opportunities are on privately owned sites.

4.31 Policy HO2 will apply to all suitable residential sites coming forward for development as set out in the policy. A target proportion of 40% affordable housing will be sought on all residential development proposals of 10 or more dwelling units. These thresholds are supported by independent research on development viability. Negotiations will take place on each site and developers will be asked to justify any proposals which do not meet the policy requirements.

### HO3 Dwelling type and size

**The planning authority will seek to ensure that proposals for new residential development and residential conversions (including changes of use) incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs.**

**Exceptions will only apply when a scheme is designed to meet the needs of people with special needs, or a mix of dwellings would be inappropriate due to the location of the site or limitations of the site itself.**

**To complement this policy up to date assessments of Brighton & Hove's Housing Needs will be published.**

- 4.32 Policy HO3 is closely allied to other policies of the Plan concerned with residential density, affordable housing, car free development and mixed uses. In common with these policies, it represents a positive response to the need to 'plan for communities' and a move away from the uniformity of traditional housing estates in favour of a 'design-led' approach.
- 4.33 Providing dwellings of different types and sizes will help to counter social exclusion by meeting the needs of people with a variety of different lifestyles and incomes. A variety of dwelling types (and tenures) will provide greater choice for people seeking to live and work in Brighton & Hove and will contribute to meeting the council's regeneration objectives. These objectives accord with government planning guidance in PPS3 'Housing' which actively encourages local planning authorities to provide wider housing opportunity and choice and a better mix in the size, type and location of housing, seeking to create mixed communities.
- 4.34 The Brighton & Hove 'Housing Needs Survey 2000' demonstrated, in overall numerical terms, that the greatest category of need will be for smaller sized affordable accommodation (one and two bedrooms). However, analysis of housing needs demonstrates a significant 'mismatch' in the demand and supply of affordable larger family accommodation (three and four plus bedrooms) that has emerged in recent years. Therefore, it is particularly important, that wherever possible, three and 'four plus' bedroom dwellings form an element of the affordable housing mix.
- 4.35 Planning for a mix of dwelling types and sizes underlines the Plan's new emphasis on design, see Chapter 3, 'Design, safety and the quality of development'. Proposals which include a mix of dwellings will be expected to demonstrate a design-led approach with an emphasis on creating a high-quality living environment which respects its surroundings and takes full account of considerations such as community safety and crime prevention.
- 4.36 This policy is consistent with the council's Housing Strategy and Economic Development Strategy. Policy HO3 has strong links with other policies throughout the Plan, including those concerned with residential densities, affordable housing; mixed uses; live-work units, public transport accessibility and design.

## HO4 Dwelling densities

**To make full and effective use of the land available (in accordance with Policy QD3), residential development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal:**

- a. exhibits high standards of design and architecture;
- b. includes a mix of dwelling types and sizes which reflect local needs;
- c. is well served by public transport, walking and cycling routes, local services and community facilities; and
- d. respects the capacity of the local area to accommodate additional dwellings.

**Implementation of this policy will be informed by the results of the 'Urban Capacity Study' and assessments of public transport accessibility.**

- 4.37 Policy HO4 is a positive planning response to the need to make the best use of the limited amount of land that is available for housing in Brighton & Hove. Higher density housing in suitable locations can make a real contribution toward viable and sustainable neighbourhoods, whilst at the same time reducing pressure for the release of land for housing elsewhere, such as on greenfield sites.
- 4.38 Consultees involved in the preparation of the Plan felt that higher housing densities would be most appropriate close to existing shopping areas and transport interchanges. This accords with government guidance and policy which encourages a greater intensity of development at places with good public transport accessibility such as city, town, district and local centres, see also Policy QD3.
- 4.39 It is important to remember however, that in many parts of Brighton & Hove people are already living at high densities and in some areas additional high density housing would place an undue burden on local services and community facilities. Consultees involved in the preparation of this Plan recognised the importance of respecting the 'capacity' of different areas to accommodate higher density living. The council is undertaking an 'urban characterisation study' which will help inform planning decisions regarding how different residential densities can be most suitably accommodated in different parts of the city.
- 4.40 Design will be a fundamental consideration in achieving higher density housing in suitable locations. Proposals will be expected to demonstrate a design-led approach with an emphasis on creating a high quality living environment which respects its surroundings and takes full account of considerations such as community safety and crime prevention, see Chapter 3, 'Design, safety and the quality of development'.

- 4.41 Placing less emphasis on the amount of land needed for off-street parking and associated 'road space' will help to achieve higher densities in accordance with the concept of sustainable development, see Policy TR2. However, care should be taken to ensure that such a reduction is integral to the design of any proposal. It should not result in parking being deflected onto neighbouring streets and roads.
- 4.42 Policy HO4 has strong links with a number of other Local Plan policies, in particular those concerned with the provision of affordable housing and an appropriate dwelling mix in proposals for residential development. Policy HO4 is closely allied to the emphasis the Plan places on design (Policy QD3) and community safety; planning for the demand for travel (Policy TR1); and, public transport accessibility (Policy TR2).

## **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.

## **HO6 Provision of outdoor recreation space in housing schemes**

**New residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided in accordance with:**

- a. **the standard of 2.4 hectares per 1,000 population (or part thereof), or**
- b. **any subsequent standard adopted by the council following a local assessment of needs and audits of open space and sports and recreational facilities. This provision must be split appropriately between children's equipped play space, casual / informal play space and adult / youth outdoor sports facilities.**

**Where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site, may be acceptable.**

**The provision of outdoor recreation space and its long term maintenance will be secured by the use of conditions or by legal agreement, as appropriate. The provision of outdoor recreation space will be in addition to incidental amenity and landscaped areas.**

- 4.44 Most residential development, with the exception of some specialist housing, creates demand for open space for play and recreation. The cumulative effect of a series of developments without such open space provision on site, would be to fail to provide for these new demands and would exacerbate any existing deficiencies. It is important, therefore, for the amenity of residents and for the general wellbeing of the community and quality of life that an appropriate amount of open space for play and recreation is provided in conjunction with new residential development. It is imperative that such provision is taken into account at the initial design stages of a scheme so that it is suitable i.e. appropriately located, accessed, drained, adequately buffered and designed.
- 4.45 New residential development will be required therefore, to provide outdoor recreation space in accordance with the standard set out in this Policy, the draft SPGBH 9 'Provision of Outdoor Recreation Space' and in the SPD 'Developer Contributions.' Policy HO6 seeks to reflect the National Playing Fields Association (NPFA ) standards<sup>4</sup> and guidance from Sport England, which is a statutory consultee in respect of playing fields and has produced a national planning policy statement on the future of playing fields. Proposals will be expected, to accord with the NPFA standards and guidance and to take into account Sport England guidance. In assessing proposals for development, regard will also be given to the council's sports strategies, as appropriate and any subsequent standards adopted by the council following further assessments of local need for open space and sports and recreational facilities.
- 4.46 Further guidance on the provision of outdoor recreation space in housing schemes and the respective breakdown of the standard is given in draft supplementary planning guidance (SPGBH 9) and will be given in supplementary planning documents (SPD Developer Contributions). The application of this Policy is so interlinked with the draft SPGBH 9, that its content will inevitably need to be taken into account in conjunction with Policy HO6.
- 4.47 The council will only expect an applicant to make provision for the outdoor recreation space required to meet the needs of the proposed development. Applicants will not therefore, be expected to provide recreation facilities over and above those that can actually be justified by the development.
- 4.48 Where an applicant can satisfy the planning authority that this requirement can be suitably provided by way of an existing outdoor recreation space, the planning authority will not require the developer to make further provision. In such circumstances, the applicant must demonstrate that the existing outdoor recreation space has the necessary capacity to serve the development appropriately and safely, in accordance with draft SPGBH 9 and the standard referred to in this policy.

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<sup>4</sup> The NPFA has set out recommended minimum standards for outdoor recreation space in a document entitled

'The Six Acre Standard - Minimum Standards For Outdoor Playing Space' (1992).

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## HO7 Car free housing

**Planning permission will be granted for car-free housing:**

- a. in locations with good access to public transport and local services where there are complementary on-street parking controls; and
- b. where it can be demonstrated that the proposed development will remain genuinely car-free over the long term.

**In those locations which do not benefit from good access to public transport, or are not reasonably accessible by walking or cycling, planning permission will be granted for proposals for car free housing which incorporate public transport improvements and / or improvements to the walking and cycling network appropriate to the scale of the development.**

**Where it is not practicable to provide public transport improvements, a contribution from the developer will be sought to improve public transport facilities and / or infrastructure in the locality. Contributions will be calculated with reference to the travel generating impact of the proposal and measures of public transport accessibility which will be published and regularly updated by the council.**

- 4.49 Policy HO7 seeks to put into practice government guidance and policy aimed at reducing reliance on the car in the pursuit of sustainable development. Provision for the car can add significantly to the amount of land needed for a development which, in turn, can inflate the price of housing. Conversely, reducing the land needed for roads and parking can help in achieving higher densities and the provision of amenity space.
- 4.50 Consultation carried out in preparation for this Plan yielded widespread support for car free development. For example, people responding to a consultation leaflet identified car free housing as one of the principal ways in which new development might contribute to reducing congestion. However, consultees have also highlighted the importance of ensuring that car free development does not result in additional parking in neighbouring streets. Securing genuinely car free development may require the developer to enter into a legal agreement with the council, or alternatively could form part of a lease or tenancy agreement. Where a car-free development is located in a residents' parking zone, or where a residents' parking zone is introduced, the council's parking regulations, as defined in the appropriate Traffic Regulation Order, will ensure that residents in car-free housing will not qualify for a resident parking permit.
- 4.51 Policy HO7 is consistent with the council's Sustainable Transport Strategy and Local Transport Plan and other policies of the Plan concerned with planning for the demand for travel; residential density; dwelling mix and type; public transport accessibility and parking.

## 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.

## 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 area<sup>1</sup> 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 115m<sup>2</sup>).

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<sup>1</sup> 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.

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- 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 25m<sup>2</sup> 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 Advice 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'.

## HO16 Safeguarding existing Gypsy and / or Travellers sites

**Existing Gypsy<sup>1</sup> / Travellers' sites will be safeguarded. Proposals that would result in the loss of all or part of an existing site will be refused unless:**

- a. **the local planning authority is satisfied that the need for the provision of the site no longer exists; or**
- b. **the proposal complies with the policies in the development plan and a replacement Gypsy / Traveller site is to be provided in a suitable location.**

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*<sup>1</sup> Note: 'Gypsies', defined as, "persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen or persons engaged in travelling circuses travelling together as such."*

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## HO17 Sites for Gypsies and / or Travellers

Proposals for new Gypsy<sup>1</sup> and / or Travellers' sites or extensions to existing sites, will be permitted provided they comply with the other policies in the development plan and that all of the following criteria can be satisfied:

- a. they would not significantly detract from the character and appearance of the surrounding area;
- b. they would not result in uses which would adversely affect the residential amenity of nearby properties, in particular by reason of noise, fumes and dust arising from vehicular movements and the storage of machinery and materials;
- c. a convenient and safe means of access can be provided to serve the site and the surrounding highway network is adequate to serve the use; and
- d. the site is readily capable of being serviced, and is within a reasonable distance of local services and facilities e.g. shops and schools.

Where necessary conditions will be imposed or a planning obligation sought in order to control the future use of the site e.g. the type of site<sup>2</sup> and / or number of days a caravan can stay, plus to regulate the proportion of the site which may be used for commercial operations and / or hours of work, as appropriate.

- 4.77 It is important that development plans make adequate site provision for Gypsy / Traveller and Travelling Show people through appropriate use of locational and / or criteria based policies. Existing sites should be identified which have planning permission, whether occupied or not and a quantitative assessment of the amount of accommodation required should be made. The demand for sites was assessed by the council in 1998 and a traveller site at Horsdean was identified and permitted in order to meet the assessed needs. Policies HO16, HO17 and HO18 therefore seek to retain the identified site at Horsdean and to provide the criteria that new Gypsy / Traveller and Travelling Show people sites will need to address. The demand and need for sites will be monitored and kept under review.
- 4.78 It is important to address the needs of gypsies and travellers in order to ensure there are equal opportunities for all and to avoid discrimination against a minority group. Such an approach is consistent with the principles of Agenda 21 which seek equality.

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<sup>2</sup> 'Type of site' refers to one of the following a. A site for settled occupation;  
b. A temporary stopping place; or,  
c. Transit site

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## HO18 Sites for Travelling Show-people

Proposals for sites for Travelling Show-people, who are members of the Showmen's Guild of Great Britain, will be permitted in accordance with the other policies in the Development Plan, provided that all of the following criteria can be satisfied:

- a. the development would not significantly detract from the character and appearance of the surrounding area;
- b. the development would not result in uses which would adversely affect the residential amenity of nearby properties, in particular by reason of noise, fumes and dust arising from vehicular movements and the storage of machinery and materials and the testing of equipment;
- c. a convenient and safe means of access can be provided to serve the site and the surrounding highway network is adequate to serve the use;
- d. the site is readily capable of being serviced, and is within a reasonable distance of local services and facilities e.g. shops and schools; and
- e. the development is sited on reasonably flat land and does not visually encroach into the open countryside.

**Where necessary, conditions will be imposed or a planning obligation sought in order to control the future use of the site and to regulate the proportion of the site that may be used for commercial operations and / or hours of work / testing equipment, as appropriate.**

- 4.79 Show-people are self-employed business people who travel the country holding fairs. Whilst they travel from place to place with their work, they nevertheless require secure, permanent bases for the storage of their equipment and more particularly, for residential purposes. Whilst these sites will be most intensively occupied during the winter, some members of a family may need to occupy the site permanently, for example, older family members and children. Normally, it is only the permanent sites that will require planning permission as members of the Showmens' Guild of Great Britain enjoy permitted development rights when travelling for the purpose of their business. Thus planning permission is not normally required for fairs etc.

## 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.

## HO22 Community centre at Coldean

**A community centre is proposed at Coldean (Selham Place) as an extension to the existing library.**

- 4.92 Community centres act as recognisable meeting places and a centre of activity for residential neighbourhoods. Opportunities for the provision of new community centres are limited because of the shortage of available and suitable sites and premises. It is therefore felt that should the opportunity arise, a community centre should be provided at Coldean as an extension to the existing library in order to address in such facilities in the area.

## 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.

## HO24 Community Centre at St Andrews Church, Portslade

**A community centre is proposed at St. Andrews Church, Church Road, Portslade.**

- 4.94 A new community centre at St. Andrews will help to meet an identified shortfall in community facilities in the locality. Community Action Portslade South (CAPS) have been working in partnership with the Parochial Church Council since an initial survey of local people attracted considerable support for this scheme. Sources of funding have been identified and work has commenced on a design.

## 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 Children's 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.

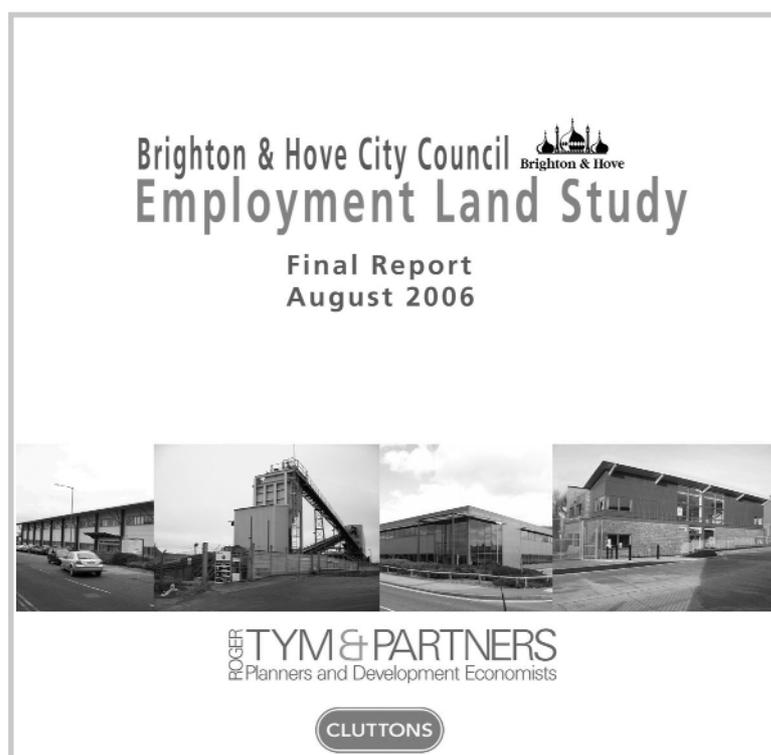
- 5.3 The European Union has granted Assisted Area status to 16 selected wards in Brighton & Hove. Brighton & Hove also lies within the Priority Area for Economic Regeneration (PAER), which has been designated along the coast from Hastings to Shoreham in the Regional Planning Guidance for the South East, 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 extremes<sup>1</sup>.
- 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.



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

## EM1 Identified employment sites (industry and business)

**The sites listed overleaf are identified primarily for industrial and business use under (Use Classes B1(b) (c) and B2 but not excluding B1a). Warehousing (Use Class B8) will not be permitted on these sites unless it is ancillary to the main use(s) or in accordance with the criteria in policy EM7. B8 uses would be acceptable in any small starter units on the identified industrial sites.**

**Trade counters will not be acceptable in the B8 units.**

- 5.17 To help meet the council's strategic priority of getting people into work, a range of sites and premises is identified both to support home-grown businesses and to attract new businesses to Brighton & Hove. In line with national planning policy, the emphasis is firmly directed toward making the best use of the land available and re-using brownfield sites.
- 5.18 The list of 'indicative uses' for each site (see table EM1) is intended to help provide clear guidance to developers. Modern businesses often carry out a range of different activities on a site and evidence from the consultation process carried out to inform the Local Plan shows that such businesses require greater flexibility. Accordingly, in a significant break from the planning policies of the past, many of the sites listed above are considered to be suitable for a variety of employment generating uses. This approach provides a supportive policy framework for the local economy, including those sectors where the economy is already strong, such as research and development, technology and multimedia.
- 5.19 Some sites are identified as particularly suitable to meet the needs of small and start up businesses. These sites may be appropriate for the development of 'incubator' units where some facilities are shared or managed starter units where rentals include the building overhead costs such as insurance and maintenance. Other sites are identified as suitable for small workshops providing for a range of uses, including vehicle servicing and repair. Uses such as these would assist local people to set up small businesses near to where they live and should be flexible enough to include small office uses as well as general industrial uses.

<b>EM1 Sites</b>		
<b>Site name</b>	<b>Area in ha</b>	<b>Indicative uses</b>
Hollingbury Industrial Estate	9.9	General business uses, including managed industrial starter units
South Portslade Industrial Estate	5.38	Industrial / business uses and light industrial uses
Hove Technology Park, St Joseph's Close Old Shoreham Road	4.6	High-tech, managed starter units and civic amenity site
The Hyde Business Park, Bevendean	4.3	Industrial and light industrial and business uses
Woodingdean Industrial Estate	3.9	Industrial / business uses and managed starter units, high technology uses
Hollingdean Industrial Estate	3.4	Materials Recovery Facility (MRF), general B2 uses, small car repair workshops and managed starter units
Moulsecoomb and Fairways Industrial Estate	3.46	Industrial / business uses and managed starter units
Victoria Road Industrial Area	3.3	Industrial / business uses
Brighton General Hospital Site (part)	3.16	Mixed uses - general industrial uses and / or medical uses including veterinary hospital, some housing
Freshfield Road Business Park	3.1	Industrial / business uses and managed starter units
Conway Street Industrial Area	2.8	Industrial / business uses and managed units, automotive industry and bus depot
Portland Road Business Park	2.75	Industrial / business uses and limited warehousing
Home Farm Industrial Estate	2.5	Industrial / business uses
Newtown Road Industrial Area	2.4	Industrial / business uses
English Close Industrial Area, Old Shoreham Road	1.7	Industrial / business uses
Bell Tower and Roedean Road (former gasworks site)	1.5	Starter and growth units, including vehicle workshops
Centenary Industrial Estate	1.3	Industrial / business
School Road Industrial Area	1.2	Managed starter units, general industrial / business units
Sussex House Industrial Area (includes BT Depot)	1.0	Small managed starter units and workshops
New England Street Business Area	0.9	Industrial / business uses, managed media / starter units
Melbourne Street Industrial Area	0.55	General industrial uses, starter units
Franklin Street Industrial Area	0.54	Industrial / business uses
Shoreham Harbour (mixed use site)	27 (part)	Industrial / business uses, see also policies EM9 and EM12
Brighton Station Site (mixed use site)	6.9 (part)	Mixed use site including business/industrial use, workshops, starter units and live work units (amounting to 19,843- 26,941m <sup>2</sup> ). See also policies EM2, EM9 and EM13

## EM2 Sites identified for high-tech and office uses

Planning permission will be granted for high-tech business uses or general office uses, Use Classes B1 (a) and (b), as indicated, on the following sites:

Site name	Area in ha	Indicative uses
Falmer Business Park	6.5	High-tech and office business uses
Village Way North	3.6	University and related employment use if not required for Community Stadium, see Policies EM20 and SR23
Alliance House, Orchard Road	3.29	Offices or high-tech business uses
Preston Road (125-163)	1.96	Offices and/or high tech business uses
Preston Barracks (part site)	1.8	High-tech, innovations centre/high-tech starter units, university related uses, starter business units. See also Policies EM17, EM9 and EM18
Amex House and adjacent land (Mighell Street/Carlton Hill/ John Street)	1.74	Office uses
Patcham Court Farm	1.4	High-tech business uses and offices
University of Brighton, Watts site	0.89	High-tech, innovations centre and university uses, see policy EM18
Preston Road (87)	0.46	Office uses
Portland Street / Church Road	0.32	Office uses (mixed use site, see policy EM9)
Blackman Street	0.13	Office uses
Air Street	0.08	Office uses, (mixed use site)
Brighton Station Site (mixed use)	6.9 (part)	Mixed use site including business / industrial use, workshops, starter units and live work units (amounting to 19,843- 26,941sq.m). See also policies EM1, EM9 and EM13
Circus Street (part)		Office uses - (mixed use site, see policy EM9)

**Small-scale B1 (c) and B2 uses will be acceptable in appropriately designed starter units on the identified sites.**

**Any development on the sites within the Area of Outstanding Natural Beauty/countryside must be imaginatively designed in a manner that integrates the development with the natural landscape.**

**Development of the site at Village Way North will be permitted for high tech university related employment use or for university purposes, provided that applicants can demonstrate that suitable brownfield sites within the campuses have been developed.**

- 5.20 Until recently there has been an oversupply of vacant, poor quality office floorspace that depressed the rental level locally for all offices. This, in turn, limited the rental that could be charged for new offices and meant that there was no financial incentive for developers to refurbish or replace out of date and run down old buildings with well designed modern offices.
- 5.21 It was estimated in the 1995 'Employment Land Study' that there was sufficient land available for office and high-tech developments at the beginning of the plan period in 2001 but there was a potential for a shortfall in office floorspace by 2011. Sites have been identified to meet the identified short fall in employment land for offices and high tech businesses. The take up of land and premises will be monitored closely to ensure there is an adequate supply throughout the Local Plan period.
- 5.22 The Plan identifies sites close to the universities, or readily accessible from them, for high-tech offices and business incubator units to support the concept of the 'Academic Corridor.' It is intended that they will provide accommodation for new businesses to establish themselves and grow, as well as attract new high-tech business from further afield with links to the universities or using graduate expertise.



## EM3 Retaining the best sites for industry

**Land in industrial use (Use Classes B1, B2 and B8) or allocated for industrial purposes will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.**

**Sites will be assessed to determine whether they are suitable for modern industrial purposes. Reference will be made to the:**

- a. location of the site;
- b. quality of buildings;
- c. site layout;
- d. accessibility;
- e. proximity to trunk routes;
- f. other uses in the neighbourhood;
- g. cost of demolition or refurbishment set against its future value for employment uses; and
- h. length of time the site has been vacant and the efforts made to market the site in ways to attract different types of employment uses.

**After assessment, sites that are genuinely redundant and do not have potential for industrial re-development will be released for re-use.**

**Preference will be given to alternative industrial or business uses, followed by uses that meet the council's key priorities as set out in the Local Plan; that is, live work units or affordable housing. Any alternative use should not unacceptably prejudice the amenity or viability of other business uses in the vicinity.**

- 5.23 New land for development of all types in Brighton & Hove is strictly limited, not least by the sea to the south and the Downs to the north. The result is that there is often pressure to redevelop land in industrial uses for other purposes offering higher financial returns.
- 5.24 To help achieve the council's strategic priority of getting people into work, it is necessary to offer a range of sites and premises for industrial uses. This Policy complements other policies in the Local Plan, especially those designed to protect a range of small sites and to serve and encourage 'home grown' business in North Laine and the mews. Local businesses involved in the consultation process carried out to inform the preparation of this Plan, identified a shortage of modern premises suitable for industrial uses and expressed support for retaining a supply of small sites offering cheaper rents. The businesses agreed, however, that where sites were no longer suitable to meet the needs of modern industrial users, other uses should be sought.
- 5.25 Policy EM3 allows an important distinction to be made between those sites that are well located, even though current buildings are in a poor state of repair and those sites that are genuinely redundant. Where genuinely redundant sites are suitable for reuse, the planning authority will seek the inclusion of employment uses in any new scheme. This could be achieved by conversion to live-work units or other mixed uses.

## 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.

## EM5 Release of redundant office floorspace and conversions to other uses

Planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

Redundancy will be determined by considering the following factors:

- a. the length of time the premises have been vacant; together with
- b. the marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
- c. the prevailing vacancy rate for the size and type of office in Brighton & Hove;
- d. the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
- e. links to public transport; and
- f. the quality of the building.

If following consideration of the above criteria, the offices and / or the sites are regarded as genuinely redundant, preference will be given to:

- alternative employment generating uses; followed by
- affordable housing.

- 5.29 The limited amount of land available for new development means that it is important that the best use is made of all sites and premises. Well located sites will be retained even where the buildings need renewal. A balance has to be struck between having a reasonable supply of attractive buildings and sites for home grown or incoming business use and allowing genuinely redundant sites and premises to be used to meet other identified needs.
- 5.30 It is important to distinguish between offices with complex internal layouts in central locations which have a distinctive character and role in the street scene and may incorporate other uses at ground floor levels; and nondescript speculative free-standing offices built during the 1960 and 1970s. Many of the latter are well sited and the Plan seeks to retain the sites even if the buildings currently occupying them need to be redeveloped.

- 5.31 It is also necessary to retain office sites because the Structure Plan identifies a short fall of office and high-tech office space by the end of the Structure Plan period in 2011, (see 'predicting future employment land requirements', paragraphs 5.10 - 5.16). It is particularly important to retain sites in Brighton & Hove because it has been designated as a 'Priority Area for Economic Regeneration' (PAER) and the loss of floorspace could reduce its ability to meet employment needs locally. The loss of sites would also increase unemployment for those unable to travel out of Brighton & Hove to work each day as well as increase the need to commute elsewhere, especially by private cars, which is less sustainable. The loss of land for business use would bring greater pressure for the outward expansion of Brighton & Hove.

## EM6 Small industrial, business and warehouse units

**Small industrial, business and warehouse premises (Use Classes B1, B2 and B8 of 235 sq m or less) will be retained for employment purposes unless:**

- a. **specialty built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental;**
  - b. **the premises have been assessed and are genuinely redundant i.e. they are vacant and have been marketed locally at price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;**
  - c. **continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or**
  - d. **access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.**
  - e. **a change of use is the only practicable way of preserving a building of architectural or historic interest.**
- 5.32 Brighton & Hove has a densely developed built up area with limited opportunities for introducing new workshop premises but it still retains many small workshops within the urban fabric. It is very important that these sites are retained for starting up new employment enterprises. This is shown by a strong demand for small and inexpensive industrial or business premises, preferably within easy reach of residential neighbourhoods. In areas where specialist starter units can be provided or are readily available, then older premises or sites, which are genuinely redundant, can be released for other purposes. (Preference will be given for the reuse of the premises for purposes that meet other key land use needs identified in the Plan).
- 5.33 No period of time for marketing is stipulated in the policy but a year to eighteen months would be a reasonable marketing period for the smallest workshops. The whole plan period may be reasonable for marketing the largest sites.

## 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)	18,600 (part)	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.



## EM12 Shoreham Harbour - mixed uses

Planning permission<sup>1</sup> will be granted for Port related activities prior to the construction of a transport link, provided they do not add to the environmental disadvantages suffered as a result of HGV traffic passing along the roads used for port access and provided they do not generate unreasonable levels of noise dust, fumes and other forms of pollution.

Planning permission for redevelopment of the site for employment, housing, leisure, specialist marine and small scale retail uses, hotel accommodation and public open space will be granted in accordance with a future development brief<sup>2</sup> for the area, provided the proposals do not add to the environmental disadvantages suffered as a result of HGV traffic along the existing roads used for Port access and provided they do not generate unreasonable levels of noise, dust, fumes and other forms of pollution.

The proposed mix of uses: location details; design; landscaping and access arrangements; will be expected to comply with a future development brief. Planning permission will not be granted for permanent extensions to existing Port related activities, industrial buildings or new industrial development within the area.

Planning permission will be granted for temporary<sup>3</sup> Port related development and temporary buildings for existing industrial users prior to the construction of a transport link provided they do not add to the environmental disadvantages suffered as a result of HGV traffic passing along the roads used for Port access and provided they do not generate unreasonable levels of noise, dust, fumes and other forms of pollution.

Redevelopment of the site will be phased to allow for the completion of transport infra structure improvements and the relocation of the existing industrial and commercial uses to land proposed for reclamation in Adur District.

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*1 Shoreham Port Authority has extensive permitted development rights and planning permission is not required for port related activities within land in its ownership, planning permission is only required for non port related activities and for port related activities on privately owned land, which is primarily located along the northern arm of the harbour, outside the Shoreham Port Authority area.*

*2 Redevelopment of the north side of the harbour cannot proceed until programmed and funded measures are in place for the relocation of the wharfs and the port related activities from the northern arm, to new land to be reclaimed from the sea. Any planning brief for new development proposals would have to take into account the need for the relocation of port activities and port related activities before development for other purposes could proceed.*

*3 'Temporary' in this policy reflects the uncertainty over the planned timescale for future redevelopment given the prior need for land reclamation and relocation. The land reclamation is now considered unlikely to occur within the shortened three year 'saved' life of this Local Plan.*

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- 5.45 A major study was undertaken in 1999 to revitalise the Shoreham Maritime area in conjunction with West Sussex and Adur District Council. The consultants proposed that Port activities should be relocated to a new land reclaimed from the sea in Adur District and that the Brighton & Hove part of the harbour should be redeveloped as a 'media village'. It was intended that a new dedicated transport link to the port should be provided.
- 5.46 This proposal has been reassessed by new consultants and the resulting study, in 2003, showed that it was economically unfeasible, without substantial central government funding, to create either a tunnel or a surface road link to the Harbour area from the A27 to remove HGV and other through traffic from the primarily residential streets in South Portslade being used to access the Port and harbour area. In consequence, the council decided that the existing 'vision' for Shoreham Harbour is undeliverable from an economic and sustainable transport perspective, although the city fully recognises the importance of the Shoreham Maritime area for the development in the future for employment, leisure and limited housing development.
- 5.47 Small-scale retail uses or specialist marine retail uses are acceptable in any future development because they will add vitality and activity. The site is not appropriate for bulky goods or large-scale retail because of the adverse effect on existing retail areas.
- 5.48 It is known that the level of HGV traffic using the access roads to the port can harm the environment of the access roads. They are not specially designed link roads but ordinary streets that include general residential and employment uses and are used by children and other pedestrians especially vulnerable to the damaging effect of diesel fumes, particulate emissions and dust.
- 5.49 Until further proposals are brought forward through the Local Development Framework, all development in the Shoreham Port area will be expected to be in accordance with the Minerals Local Plan together with the Local Plan Policies on Coastal Defence and Development within the Coastal Zone. The importance of Shoreham Port for receiving and processing sea-borne imported aggregates is recognised in the 'East Sussex and Brighton & Hove Minerals Local Plan', which was adopted in November 1999. Policy 8 of the Minerals Local Plan supports new or improved facilities, at the Port of Shoreham, where it can be shown that the effects of the traffic generated would be acceptable and would not give rise to significant environmental problems in Hove.
- 5.50 In order to retain employment within Brighton & Hove pending the drafting of new development proposals for the harbour area, it is proposed that permission will be granted for temporary or mobile buildings for existing industrial and commercial concerns within the Harbour area provided there is no adverse impact of traffic on the residential areas to the north of the harbour area.

## EM13 Brighton Station - mixed uses

Permission will be granted for a fully integrated mixed-use development incorporating housing; employment; retail, community uses, including public open space; and an hotel in accordance with the development brief.

- The minimum requirement for affordable housing on the site is 30% of the total or a minimum of 90 units.
- A mixture of large scale B1 Uses to retain existing employment and to attract inward investment is required, together with a proportion of workshop space.
- Retail uses will only be permitted where they serve the needs of the development and / or function as an integral part of the adjacent London Road shopping area. Planning applicants will be required to demonstrate that any retail proposal would not prejudice the viability of other existing established retail areas or create unacceptable traffic conditions. The maximum size of any foodstore that meets the above criteria would be 3,715 sq.m gross floor area.
- The development will be expected to fund community facilities, in particular, the extra primary school places and public open space, arising from the residential development on the site.
- Leisure uses, including a hotel and conference facility will also be considered where they accord with the overall objectives of the development brief.

5.51 The site is adjacent to Brighton's main railway station and covers approximately 4.8 hectares (nearly 12 acres). It was formerly used as a goods yard and locomotive works. The locomotive works closed in 1958 and the goods yard was finally closed in 1980. The upper level currently serves as a commuter car park for the station and the lower levels comprises a variety of mixed-uses and derelict / vacant land.

5.52 The site was the subject of various speculative proposals, which prompted Brighton Borough Council to prepare a brief for the site in 1993. The brief was adopted by the council but not published. The next significant proposal on the site concerned a planning application for a superstore of 5,740 sq.m (gross) floor space, together with 50 residential units, offices and workshops. The planning authority refused the application. A subsequent appeal was dismissed in September 1998.

5.53 Following this, the council decided that a clear vision was required for the site and set up a process involving the local community, local traders, landowners and potential developers to produced a new development brief for the site. This brief will guide the future development of the site.

5.54 The council's vision for this site is:

'To develop a vibrant mixed use urban quarter that meets both its strategic and local role whilst acting as an exemplar of 21st Century sustainable urban development'.

- 5.55 A design approach will be expected which maximises the potential of this site for a high density development which respects the historic and adjoining patterns of development. Housing units should involve the latest technologies to incorporate energy saving measures. The employment space provided on the site is expected to be in the form of offices, small workshops and a training centre. The development should also improve accessibility throughout the area and provide improved interchange facilities to the east of the station. Through the implementation of the council's % for art policy and the creation of small-scale employment opportunities (workshops and live-work units), the site will establish itself as a centre for artistic excellence and a stimulus for creative design.
- 5.56 Potential developers will be expected to work closely with both the council and the community to provide a range of community benefits, which are properly integrated with the scheme. The site includes a site of Nature Conservation Interest (SNCI) which acts as an important green corridor and which will need protecting and enhancing. Further open / amenity space should be provided as part of the development. Consideration could also be given to providing such space within easy reach of the site, possibly on the disused land to the north of the site.
- 5.57 Retail is seen as an essential part of any mixed-use development on this site. The size and quantity of any retail use would need to be related to the scale of activity on the site and applicants should be able to demonstrate that it would not be prejudicial to existing retail areas, especially London Road.
- 5.58 A hotel with facilities for conference use would be an acceptable use on the site. Any such use should be well related to the railway station.
- 5.59 Due to the previous industrial use of the site, contamination is a possibility. The full extent of contamination should be determined before any development can commence and appropriate remedial measures undertaken.
- 5.60 Proposals on adjoining sites that contribute to the aims of the brief will also be encouraged.



## EM14 Air Street / North Street Quadrant Site- mixed uses

**Planning permission will be granted for the partial redevelopment of the Air Street / North Street Quadrant site for a mixed use development comprising retail with employment and/or residential accommodation.**

- 5.61 This prominent site is currently underused but it commands an important position in the street scene. The site also provides an important link between Western Road and North Street shopping frontages. Its partial redevelopment would enable more efficient use of the space to occur in order to accommodate additional retail and other floorspace and thus enhance the vitality of the shopping centre, particularly leading into North Street. A mixed development scheme would also contribute to the objectives of enhancing the vitality of the town centre and improving safety during the daytime and evening. It should be noted that the Quadrant Public House that forms part of the site is a listed building. Proposals should conform to the site brief published in 1999 or any subsequently amended versions.
- 5.62 Participants in a focus group on 'Retail and Town Centres' agreed that retail in the town centres should be consolidated whilst the 'Mixed-use and Higher Density Development' group agreed the importance of mixed development in town centres. Proposals should conform to other retail, employment, residential and community safety policies elsewhere in this Plan.



## EM15 Jubilee Street Site - mixed uses

**Planning permission will be granted for a new Central Library for Brighton on the Jubilee Street site together with a mixed use development comprising housing with employment, retail and arts / cultural facilities and public open space.**

- 5.63 The provision of a new central library is one of the council's strategic priorities. This is a prime site in Brighton's cultural quarter close to the Dome, Theatre Royal, Pavilion Museum and Art Gallery and the vibrant shopping and residential North Laine area. New development should both strengthen the North Laine area and add vitality to the town's cultural quarter as well as achieving a significant addition to housing in the town centre. It would also add vitality to the town centre through provision of a mixed use development. Proposals should conform to the 1998 site brief or any subsequently amended versions.
- 5.64 Respondents to the Local Plan consultation leaflet identified this site as one that should be developed to 'improve' Brighton & Hove and participants in community visioning workshops identified the need for a new library as part of arts and cultural facilities to be accessible to all of the community. Participants in a focus group on 'Mixed-use and Higher Density Development' highlighted the importance of mixed development in town centres.



## EM16 West Street / Boyces Street / Middle Street - mixed uses

**Planning permission will be granted for a well balanced fully integrated, mixed use scheme to include residential and business uses with complementary retail and / or leisure uses.**

- 5.65 The council wants to see this site make a significant contribution to achieving a well balanced mix of land uses particularly on West Street in a manner which complements the urban grain of the Old Town Conservation Area.
- 5.66 At present the lower (southern) end of West Street is dominated by the 'evening leisure economy' mainly in the form of bars and nightclubs. Policy EM16 aims to redress this imbalance of uses and to encourage a broader section of the community to visit and live in the area. Government policy (PPS6 Planning for Town Centres) encourages the development of mixed use schemes in town centres as a sustainable form of development which encourages a diversity of different but complementary uses. Adopting this approach will help to promote a centre that is attractive to a variety of visitors and ensure that particular areas or streets are busy during the daytime as well as in the evening. The 1998 Brighton & Hove Employment Land Study indicates that this site could yield 2000 sq.m of Class B1 office floorspace. In addition to that, it would be possible to satisfactorily accommodate 35-40 dwelling units as well as some A3/D2 leisure floorspace on the West Street frontage in the form of cafes / bars or other late night venues.
- 5.67 Participants in a focus group on 'Mixed-use and Higher Density Development' agreed that mixed-use developments could help in the promotion of safety and security and cited examples such as the natural surveillance provided by residential uses above shops. The focus group referred to significant problems of crime where there is a dominance of single uses, such as bars, in confined areas. Mainly young people are attracted to such areas, predominantly in the evening, and their presence in large numbers can deter the general public due as much to a perception of crime as actual problems of public disorder. A key theme of the council's Community Safety and Crime Reduction Strategy' 2002-2005, is the 'fear of crime' and this policy would help to address this.
- 5.68 Proposals should take account of policies elsewhere in this Plan related to mixed use development and community safety.

## EM17 Preston Barracks

**Planning permission will be granted for a mixed use development incorporating a minimum of 9300sq.m of B1(a)(b) (office / high tech floorspace), retail uses and / or commercial sport / recreation uses, subject to traffic generation levels and the visual and practical integration of the uses within the development.**

**Access to any retail and / or commercial sport / recreation uses will be separated from access to the offices.**

**Planning permission will be granted for live-work units as part of the redevelopment, provided residential access is from Saunders Park View and subject to the protection of the residential amenity of the existing housing. There should be no vehicle link between Saunders Park View and the commercial and business activity, in order to protect residential amenity.**

**Pedestrian and cycle links will be provided between the retail parade, the mixed use site, the office site, the housing and the University access road as part of the redevelopment**

- 5.69 It is proposed that part of the former Preston Barracks site, adjacent to the Pavilion Retail Park, is developed for a high density mixed use development of offices, retail and commercial sport / recreation use. It is proposed that the amount of office / high tech floorspace will be as high as if it were to be the only use. A design brief for the site has been prepared and published as Supplementary Planning Guidance (SPGBH:14 Preston Barracks).
- 5.70 The mixed use development should enhance the street scene by introducing evening activity and a retail frontage at street level. No further retail sheds are proposed but blocks of office development along the frontage of the site, with parking to the rear and other uses on the ground floor.
- 5.71 Access to the site is not straight forward. To give left and right turning movements to the proposed offices on the Preston Barracks site and to improve access to the Watts site of Brighton University, traffic lights will be needed at the Natal Road junction. In order to protect the high tech office environment, a separate access and parking area will be required to serve the retail and / or commercial sports and recreation uses, although pedestrian and cycle access should link the sites, to encourage more sustainable travel choices.
- 5.72 To protect residential amenity and exclude commuter traffic from using Saunders Park View as a short cut, there should be only pedestrian and cycle access between Saunders Park View and the proposed business and commercial developments.

## EM18 University of Brighton

Planning permission will be granted for university uses including:

- At the Moulsecoomb Campus, Watts site: an innovations centre for high tech business use, teaching accommodation and student housing
- at Falmer the redevelopment of the campus for a Medical School, enhanced sports facilities and student accommodation

Any development should take into account the cumulative effect of the other development proposals in the area, in particular the cumulative effect on transport and the natural environment of development proposals set out in the following policies: SR23 The community stadium; EM2 - Falmer Business Park; EM19 Sussex University and EM20 Village Way North.

- 5.73 The faculty of science and engineering, the faculty of information technology and the Brighton Business School are concentrated adjacent to the A270, Lewes Road, on the Moulsecoomb campus. The University intends to provide accommodation for an innovations centre within or adjacent to the Moulsecoomb site. An innovations centre would offer managed and supervised business space for both staff and graduate students to begin the process of turning their innovationary ideas into commercial ventures. Such units can offer business accommodation, advice, management help and core services in a sheltered environment. Successful ventures then move on to commercial premises, freeing space for new fledgling businesses.
- 5.74 The University of Brighton is continuing to attract greater numbers of students and promises to provide accommodation for all first year students and overseas students. Currently there are 163 units of accommodation on the Moulsecoomb campus. This encourages students resident at Varley Halls and elsewhere in the town, to use cars to travel to Moulsecoomb. In order to reduce the need for them to travel by car, up to 400 units of accommodation are proposed for the Moulsecoomb campus.

## EM19 University of Sussex

Planning permission will be granted for university uses including student housing, teaching and research accommodation.

Any development should take into account the cumulative effect of the other development proposals in the area, in particular the cumulative effect on transport and the natural environment of development proposals set out in the following policies:

**SR23 The Community stadium; EM2 - Falmer Business Park; EM18 University of Brighton**

- 5.75 The University of Sussex has not developed its full extent within the land allocated in the 1995 'Brighton Borough Local Plan' for the University. The University's site lies within the AONB, part of which was designated an Historic Park and Garden in 2000 (See policy HE11). It is considered that the smaller area now defined for development in the floor of the dry valley at North Field will not harm the setting of Stanmer House. The larger allocation of land for the University at the entrance to Stanmer Park has been excluded from the built up area boundary because built development there could harm the setting of Stanmer House and views from it.



## EM20 Village Way North

Planning permission will be granted for Class B1 research and development use or D1 university use (non residential uses) provided it is:

- a. part of a planned expansion of either of the Universities;
- b. there are no brownfield sites within the campuses that have not been developed;
- c. the development cannot be accommodated satisfactorily on sites within the existing campuses;
- d. the design, massing, layout and landscaping of any such development respects and enhances the sensitive downland location and setting of Falmer Conservation Area.

**Development will not be permitted that would generate traffic which could materially damage the amenities of the location (including Falmer Village) unless remedial measures are proposed.**

- 5.76 In the event that the Community Stadium is not developed at Village Way North, the site will be allocated for High tech business or research related to the universities or for university related uses, except for student housing. Given the sensitivity of the site and its proximity to the adjacent Falmer conservation area, provided there are no suitable sites available within the existing university campuses, development for University purposes will be permitted.





## 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.



## SR1 New retail development within or on the edge of existing defined shopping centres

Applications for new retail development within the built-up area and within or on the edge of an existing defined shopping centre\* will be permitted where the proposal:

- a. itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality or viability of existing established shopping centres and parades in Brighton & Hove;
- b. is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;
- c. is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
- e. provides adequate attendant space and facilities for servicing and deliveries;
- f. provides facilities for parent and child, the elderly and people with disabilities; and
- g. provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.

**In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate, firstly, that there is a need for the development and, secondly, that no suitable site can be identified within the existing centre. The development should also be appropriate in scale with the centre, whether regional, town, district or local, to which it is intended to serve.**

\*(For defined shopping centres, see the definitions in the Local Plan for the regional, town, district and local centres in Policies SR4, SR5 and SR6.)

- 6.7 The purpose of the policy is to ensure that new retail development supports and enhances existing shopping centres. Town centres and to a lesser extent, district and local centres, provide a range of services and facilities as well as shops. This enables different needs to be met in a single trip and offers greater accessibility by a choice of means of transport. Shopping activity often underpins the wider service role of existing centres and helps provide a focal point for the local community. For these reasons, existing centres provide for a more sustainable pattern of retail activity. It is this rationale that underlies the government's plan-led and sequential approach to new retail development whereby sites in town or other centres are preferred, followed by edge of centre sites and only then, other sites which are well served by a choice of means of transport. Policy SR1 therefore accords with government policy (PPS6 'Planning for Town Centres' and PPG13 'Transport')

- 6.8 The 'Drivers Jonas Brighton & Hove Retail Study' (1999) demonstrated that, during the Plan period, there is capacity for further non-food (comparison<sup>1</sup> goods) retail floorspace in Brighton & Hove's shopping centres. The Study found no capacity for further foodstore (convenience<sup>2</sup> goods) floorspace until 2011. However, there may still be a need to improve the quality and range of provision either overall or spatially of food shopping which could improve the attractiveness of existing centres, provided that new developments are located either within, or on the edge of centres with good linkages to them. It is essential that any new retail floorspace strengthens the centre as a whole, and that a new unit does not effectively operate as a self contained out of centre store.
- 6.9 There was strong support from a focus group on 'Retail and Town Centres' and from respondents to the Local Plan consultation leaflet for protecting and enhancing the role of existing retail centres.
- 6.10 The policy will be implemented by seeking planning obligations in order to meet the criteria linking it with other town centre initiatives where appropriate. Development proposals should also conform to other retail policies in this Plan.

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<sup>1</sup> 'Comparison Goods' includes non-food purchased goods, including clothing and footwear, DIY and household goods, electrical goods, pharmaceutical products, etc.

<sup>2</sup> 'Convenience Goods' includes food and drink and other day-to-day purchases such as tobacco, newspapers and magazines, and cleaning materials.

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## SR2 New retail development beyond the edge of existing established shopping centres

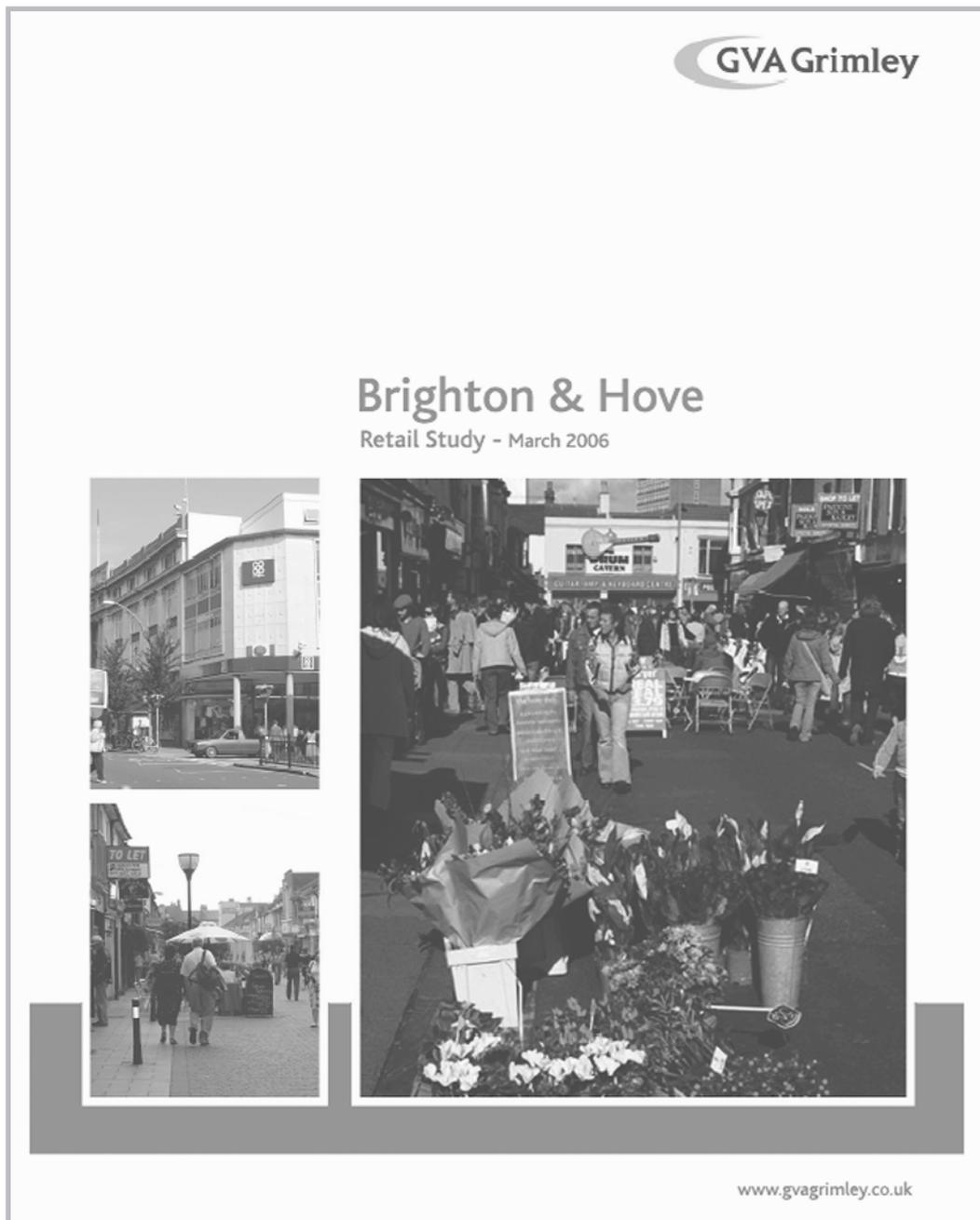
Applications for new retail development on sites away from the edge of existing defined shopping centres will only be permitted where:

- a. they meet the requirements of Policy SR1 (with the exception of clause (b)); and where;
- b. the site has been identified in the local plan for retail development and a more suitable site cannot be found firstly, within an existing defined shopping centre; or secondly, on the edge of an existing defined shopping centre; or
- c. the development is intended to provide an outlying neighbourhood or a new housing development with a local retail outlet for which a need can be identified.

**Unless the site has been identified in the Local Plan, applications for new retail development away from the edge of existing established shopping centres will be required to demonstrate that there is a need for the development.**

- 6.11 The growth of retail facilities outside existing centres was largely facilitated by a relaxation of planning controls at the national level during the 1980's. However, this approach was reversed in more recent years, originally by government guidance in PPG6 'Town Centres and Retail Developments' now replaced by PPS6 'Planning for Town Centres' and PPG13 'Transport' which identify town centres as the favoured location for new retail development.
- 6.12 It is important to ensure that all proposed shopping developments and particularly those associated with 'out-of-centre' locations such as large food superstores and retail warehouses, have an acceptable impact on the vitality and viability of existing centres. Proposed shopping developments also need to conform to the principles of sustainability and it is important to ensure that they do not lead to serious transport and accessibility problems. All proposals for new retail developments outside existing centres, which do not conform with an up-to-date development plan are now required by government policy (PPS6 'Planning for Town Centres') to demonstrate that there is both a need for the development and that a sequential approach has been applied in selecting the location for development.
- 6.13 Respondents to a consultation leaflet and a focus group on 'Retail and Town Centres' strongly supported resisting further out of centre retail development which was seen as a threat to the vitality and viability of defined centres and not considered to be a sustainable form of development.
- 6.14 Policy SR2 sets out criteria that will allow for the provision of shops where they meet a local need, which cannot be provided within or on the edge of existing main shopping centres. Small scale retail developments of an appropriate size and character may be acceptable on the edge of an existing district or local centre, or near areas of new housing development where there are unsatisfied local needs. A cautious approach to larger scale proposals is required which could only be supported where: there is clearly a demonstrable need for the development; there is a lack of suitable alternative sites; sites are accessible by a choice of means of transport; and where the impact on existing centres is acceptable.

- 6.15 Developers will need to demonstrate that the proposal meets the strict criteria of Policy SR2 in most cases by way of a retail impact assessment. The 'Drivers Jonas Brighton & Hove Retail Study' 1999 (and/or its subsequent update\*) will be a material consideration in determining applications. Reference should be made to other retail policies in this Plan together with policies on transport.



\* The most recent study is the Brighton & Hove Retail Study March 2006, GVA Grimley

### 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'<sup>3</sup> (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.

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<sup>3</sup> '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.

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## 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.

## SR14 New hotel and guest accommodation

**The development of new hotel and tourism (including self-catering) accommodation will be permitted within the identified core area provided that:**

- a. it would not result in a reduction in the numbers of residential units;**
- b. it would not result in a loss of industrial / business land or floorspace for which a need has been identified;**
- c. it would not have a harmful effect on the amenity or character of the area;**
- d. it would not result in a serious increase in traffic congestion; and**
- e. it would provide facilities for recycling trade waste proportionate to the size of premises.**

**Unless it has been identified in this Plan, outside the core area planning permission will not be granted for new accommodation unless it has been demonstrated that no suitable site can be identified firstly, within the town centre; or secondly on the edge of the town centre and it has good public transport access to the town centres and tourist attractions.**

- 6.60 It is vital that Brighton & Hove is able to support its tourism economy by providing a sufficient and wide ranging type and cost of accommodation to cater for all visitors. The boundary of the core area has been identified to ensure that accommodation is close to main public transport links and the main visitor attractions in the interests of promoting sustainable tourism in line with the Local Transport Plan. The core area boundary has been expanded to help avoid concentrations of accommodation that can have an adverse impact on residential amenity due to, for example, parking, noise and disturbance.
- 6.61 Participants in a 'Recreation, Leisure, Tourism and Arts' focus group suggested a vision for sustainable tourism which took account of its environmental costs and its impact on residents. The vision for Brighton & Hove should be to provide an attractive environment that is stimulating for visitors regardless of their reason for visiting. The focus group participants particularly wanted to see tourist accommodation located close to public transport to be more sustainable and attractive for visitors and as an example, they did not wish to see motel accommodation located on the edge of town. A significant number of respondents to the Local Plan consultation leaflet cited 'hotel/ visitor accommodation' as a means of improving facilities and attractions for visitors.
- 6.62 Significant new developments will be required to demonstrate that they will be located such that guests will have a sufficient choice of transport so that they will not be reliant on their cars to either reach their accommodation or to access the visitor attractions.
- 6.63 Account should be taken of other policies in this Plan related to transport and design as well as policies in the East Sussex and Brighton & Hove Waste Local Plan.

## SR15 Protection of hotels / guest houses

**The change of use of hotels, guest houses and self catering holiday accommodation in the 'core area' of Brighton & Hove will not be permitted unless clear evidence is provided to demonstrate that:**

- a. **a hotel / guesthouse or self catering accommodation is no longer viable for use as such; and**
- b. **alternative types of holiday accommodation suitable for the property (including dual uses for out of season times) are not viable.**

- 6.64 It is vital in order to support the important role tourism plays in the local economy, that a flexible range of accommodation is available to meet the current needs and demands of all visitors and which caters for all income groups. In order to demonstrate non-viability, proof will be required to show that a hotel or guest house has been marketed extensively for at least a year and at a competitive price. Evidence will also be required of occupancy rates for the previous 3 years at least, and any other relevant factors such as previous marketing or business plans, locational factors and ease of access for visitors by a variety of modes of transport. In assessing whether the accommodation is not viable, the planning authority will seek the independent views of the South East England Tourist Board.
- 6.65 During periods of economic downturn, an area dominated by tourist accommodation may start to display characteristics of economic and social malaise. This is another reason why the core area boundary has been expanded compared to previous local plans. The core area boundary will now include areas around Brighton & Hove railway stations and main bus routes e.g. North Laine, Seven Dials, Queens Road, Western Road / North Street corridor and the seafront.

## 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.**

## SR17 Smaller scale sporting and recreational facilities

**Planning permission will be granted for smaller scale new sporting and recreation facilities provided that:**

- a. it involved either the expansion of existing facilities or the provision of new facilities located close to the communities that they are intended to serve;**
- b. they have good pedestrian and cycle links and are well served by public transport; and**
- c. intensification of facilities would not have a harmful impact on the local environment either visually (including artificial lighting), through additional noise and disturbance or impact on the natural environment.**

- 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.

## SR19 Black Rock site

Planning permission will be granted for the development of the Black Rock site which will be centred around a recreation and leisure scheme which may include wet and dry sports, multi-purpose / special events space and hotel accommodation. The following requirements for any development should be taken into account:

- a. the development should provide an all-year-round attraction for all residents (particularly families) as well as being a tourist attraction;
  - b. it should complement and not duplicate facilities already available at the adjacent Marina;
  - c. passive leisure uses such as casinos, cinemas and nightclubs will not be permitted;
  - d. provision of a significant area for children's recreation;
  - e. the development should be energy efficient and utilise sustainable building techniques;
  - f. provision for sustainable means of transport (including walking and cycling) to and from the site will be expected including links with the Marina and the Palace Pier;
  - g. protection and enhancement of the seashore and shingle beach as an area of nature conservation importance;
  - h. protection and enhancement of the adjacent conservation areas;
  - i. expansion of coastal wildlife sites adjacent to the site; and
  - j. any development should conform to the coastal zone management policy
- 6.74 This is a key vacant site that provides an opportunity for a significant new development. The council wishes to see a development that provides active recreation as an attraction for both visitors and residents. The development should not duplicate facilities in the town centre nor the Marina but there should be functional and transport links between them. The Volks Railway and the South Coast Cycle Route provides opportunities for this. The physical constraints of the site dictate that opportunities for car travel to the site will be very limited and would also be contrary to the council's Sustainable Transport Strategy. The purpose of this policy is to expand the variety of Brighton & Hove's facilities on offer and to avoid any harmful impact on the vitality of the town centre. To maximise the economic benefits and to ensure that facilities are aimed at residents as well as visitors, the development should provide recreation facilities capable of use out of season as well as during peak visitor times.
- 6.75 The 'Recreation, Leisure, Tourism and Arts' focus group discussed a vision for Brighton & Hove that developed a tourist industry in a sustainable manner and which took account of the way that tourism may actively impact on residents.
- 6.76 Community visioning participants identified access to leisure for all as a priority and in particular, children's facilities, an open-air swimming pool adjacent to the sea and a skateboard ramp on the seafront. Many of those who responded to a Local Plan consultation leaflet identified the Black Rock site for development.

- 6.77 The importance of the seafront as open space and in landscape terms was identified by participants in urban design visioning workshops. Development on the seafront was seen as a threat to views along the seafront and out to sea. The site also adjoins the Kemp Town Conservation Area which centres on the Grade 1 Listed terraces of Sussex Square and Lewes Crescent and as such is sensitive in conservation terms. The Black Rock beach is a Site of Nature Conservation Importance (SNCI).
- 6.78 The development should accord with the planning and development brief for the site published in 1999.



## SR20 Protection of public and private outdoor recreation space

**Planning permission will not be granted for development on areas of outdoor recreation space, other than that which is incidental and appropriate to the respective recreation uses, unless, it can be demonstrated that the land is not an important open space under the terms set out in the Urban Open Space Policy (QD20); and**

- a. **there is not an existing deficiency in accessible outdoor recreation space in the respective locality and it will not create a deficiency in outdoor recreation space;**
- b. **the land physically cannot be made accessible to the public;**
- c. **the sports, recreation and amenity facilities can best be retained and enhanced, including, where appropriate, the creation of suitable access to the public, through the redevelopment of a small part of the site; or**
- d. **the proposal is of benefit to the local community and includes the provision of an appropriate alternative site, which is accessible to the public, provides similar community and amenity facilities, and, is in a suitable location so as to serve the original catchment area.**

**Particular attention will be paid to the need to retain playing fields.**

**With regard to criteria 'c' and 'd', where planning permission is granted for development on an area of outdoor recreation space, conditions will be imposed or a planning obligation will be sought in order to ensure that the onsite facilities are retained and enhanced or similar facilities are provided on an appropriate alternative site.**

- 6.79 It is considered that the retention of existing areas of recreational open space is vital to the quality of life in Brighton & Hove. Whatever their size or function they provide an important recreational amenity for those who live and work in the area. They also contribute to the visual character and appearance of their surroundings. Their loss would therefore have a detrimental impact on the area. Unless there are exceptional circumstances that would justify a change of use or development, the planning authority will resist proposals, which would result in the loss of public or private recreational or sporting facilities. When applying this policy, regard will be given to guidance provided by Sport England, which is a statutory consultee on issues relating to playing fields. Regard will also be given to this council's 'Sports Strategy and Action Plan 2006-2012', as appropriate.
- 6.80 For the purposes of Policy SR20, the areas that make-up 'outdoor recreation space' are the same as those that make up 'outdoor playing space' as detailed in the National Playing Fields Association (NPFA) guidance document entitled 'The Six Acre Standard - Minimum Standards for Outdoor Playing Space'. Further details on the standard to be applied in Brighton & Hove can be found in the reasoned justification to Policy HO6 'Provision of outdoor recreation space in housing schemes' and the draft supplementary planning guidance SPGBH9 'A Guide for Residential Developers on the Provision of Outdoor Recreations Space'.

- 6.81 Outdoor recreation space, comprises both children's play space and adult / youth outdoor sport. Included within children's play space are both children's equipped play areas and casual / informal play spaces. The NPFA guidance will be used when assessing whether there is a deficiency in outdoor recreation space in a particular locality. For example, all dwellings (with the exception of some specialist housing) should be within a suitable, (e.g. residents not expected to cross a main road, railway or waterway) 5 minutes walk away from a Local Equipped Area of Play and a 15 minutes walk away from a Neighbourhood Area for Play. If one or both of these requirements are not met then there is a respective deficiency. Where the NPFA offers a range, the mid-point will be used in order to provide consistency throughout Brighton & Hove.
- 6.82 Within the urban area this Policy should be read in conjunction with the 'Urban Open Space' Policy (QD20). These policies together help to ensure that all aspects of the benefit/contribution that areas of outdoor recreation space provide are taken into account. For example, a playing field often provides a valuable visual 'green' break in an urban environment, a 'kick about' area, a space to walk, relax and to meet friends particularly for children and they may be important to the greenways network which benefits both people and nature conservation.



## SR21 Loss of indoor recreation facilities

**Planning permission for development proposals resulting in a reduction or loss of indoor recreation or sporting facilities will not be permitted except where all of the following conditions are met:**

- a. it can be demonstrated that there is an excess of provision within the catchment area of the facility;**
- b. the facilities are to be replaced by improved facilities that meet the aims of the City Council's sport and recreation strategy; and**
- c. replacement facilities are in a location as close as is practicable to existing and potential users, and readily accessible by a choice of transport modes.**

- 6.83 There is a considerable shortage in terms of quantity and quality of sports facilities and playing fields in Brighton & Hove. The council will seek to ensure that the National Playing Fields Association minimum standards of recreational or playing fields provision are applied except where local circumstances differ significantly with reference to the location and the sport itself.
- 6.84 Planning applications should take into account the council's current sports and recreation strategy and reflect its priorities, when seeking to provide new sporting facilities or seeking to change the use of existing facilities. Sport England ('Planning Policies for Sport' 1999) seeks to encourage the development and enhancement of sports facilities in a sustainable manner by ensuring adequate provision at a local level, accessible by public transport, walking or cycling in line with government policy (PPS6 'Planning for Town Centres') and government guidance set out in PPG13 'Transport'). It is important that future provision is sited in central locations that are accessible by a choice of transport modes, in order to serve the whole community.
- 6.85 A 'Recreation, Leisure, Tourism and Arts' focus group identified a shortage of sports halls and indoor facilities and swimming pools. A significant proportion of all respondents to the consultation leaflet referred to the need to improve sports facilities as a means of attracting more visitors and tourists. Community visioning workshop participants placed affordable access to leisure facilities for all as a key priority particularly, for younger people, older people and people with disabilities.

## 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.

## SR23 Community stadium

**A new football / community stadium and multi-purpose sports hall is proposed on land adjoining Village Way North, together with sports science / sports medicine facilities linked to the Universities of Brighton and Sussex.**

**Any development proposals must be accompanied by:**

- a. environmental impact assessment;**
- b. transport assessment; and**
- c. business plan.**

**In the event that the site proves to be unsuitable for a stadium, the site will be allocated for Class B1 research and development use.**

(See policy EM20 Village Way North).

- 6.90 Brighton & Hove Albion Football Club is currently occupying Withdean Stadium on a temporary basis. This venue is not regarded as an adequate, permanent venue due to its limited size and location. A site at Falmer is proposed but this location was recommended for rejection by the Local Plan Inspector. A planning application Inquiry into a proposal by Brighton & Hove Albion Football Club for a community stadium incorporating the site identified by policy SR23 at Falmer, was called in by the First Secretary of State. The Inquiry was reopened in February 2005. The re-opened inquiry examined the availability or otherwise of alternative sites within the Brighton & Hove conurbation for the proposed development. If the First Secretary of State decides that the allocated site at Falmer is not the most appropriate site, then policy SR23 will be superseded.
- 6.91 Pending the examination of alternative sites, it is proposed to retain the site allocation at Village Way North. Policy SR16 sets out a framework for dealing with proposals for major sporting and recreational facilities on sites that are not allocated in the Plan and would be applied in respect of any proposal for a community stadium on a site other than Village Way North.
- 6.92 There is a need to provide a high standard of sport and recreation participation and spectator opportunities to provide for the vibrant and diverse community of Brighton & Hove and which will attract visitors to the city.
- 6.93 The council wants to expand the provision of accessible and affordable community sports facilities by improving sporting and recreational links with schools and universities. It should be demonstrated that the proposed stadium will operate as a community stadium and any planning application for a Stadium should include accompanying details of the community uses to be provided. The council also wishes to provide high quality sports facilities and services to meet the needs of top Brighton & Hove sportswomen and men in order to realise its potential as a key sporting city.

- 6.94 Government guidance in PPG17 'Sport and Recreation' asks local authorities to give favourable consideration to development proposals designed to achieve the aim of all-seated accommodation of football league grounds. The adequacy of existing football stadium and the need for improvement should be taken into account in preparing and reviewing local plans.
- 6.95 Any planning application for a Community Stadium should be accompanied by an Environmental Impact Assessment, which considers the visual and physical impact of the proposals on the surrounding area. In addition to providing measures to ameliorate any adverse traffic and environmental impact, radical and innovative proposals are required to ensure that car usage is kept to a minimum and a genuine modal shift is achieved away from car trips, to other modes of transport.
- 6.96 Any application must be accompanied by a business plan which must clearly demonstrate the fundability and the viability of the proposals, to ensure that the scheme is completed, and adequately funded, to ensure that it continues to operate successfully and provide a full range of community activities and facilities.
- 6.97 Participants in a 'Recreation, Leisure, Tourism and Arts' focus group expressed concern about the lack of indoor sporting facilities, in particular sports halls. A need was also identified for quality arenas since most of the current facilities are inadequate to stage international events.



## SR24 King Alfred Site/ RNR Site

Planning permission will be granted on the King Alfred/RNR site for its redevelopment to provide a new sports centre together with a housing development. A mixed-use scheme to include some or all of the following:

Commercial, leisure, individual retail and A3 units, hotel and community health facilities would be acceptable.

Development proposals will be expected to make a significant contribution to renewal and enhancement of the provision of sport and recreation facilities in Brighton & Hove. The development should:

- a. provide sports and recreational facilities to meet the needs of residents;
- b. provide buildings of high quality design that are energy efficient and utilise sustainable building techniques;
- c. provide for sustainable means of transport to and from the site and demonstrate good linkages particularly for cyclists and pedestrians between the site and Hove town centre;
- d. conform to the Coastal Zone Management Policy;
- e. provide facilities that complement Hove town centre and so would not have a detrimental impact on its vitality and viability;

In addition:

- the following leisure uses will not be acceptable: casino, multiscreen cinema, amusement arcade or nightclub;
- the development should accord with the council's sports and development briefs for this site and any subsequent amendments.

- 6.98 Community Visioning participants identified the need for sporting facilities for younger and older people and people with disabilities as part of a vision for healthy people enjoying their city. A focus group on Recreation, Leisure, Tourism and Arts identified the need for a sustainable approach to tourism that also took account of the potential environmental costs particularly its impact on residents. The group expressed concern over the lack of indoor sporting facilities and in particular, sports halls.
- 6.99 Following consultation with city wide sports groups and members of the King Alfred sports centre, the council had published a Sports Brief which sets out its requirements for new sporting facilities which should be provided as part of the redevelopment of this site. A city wide public consultation exercise was carried out in 2002 seeking views on the three options for the future of the sports centre. The overwhelming majority of 2000 respondents favoured redevelopment of the whole site on the understanding that this would be likely to require a housing development with an indicative number of 300-400 units (N.B The City Council has since agreed that the Plan should show a revised indicative figure of 200-400 units). A development brief (SPGBH 10 King Alfred/RNR Site Planning Brief) was produced which sets out the requirements for providing a comprehensive redevelopment of the site with housing identified as the most likely means of funding the sports centre.

- 6.100 The design of the development should accord with the design policies of this Plan which reflect the views of participants in the urban design visioning workshops. Emphasis was placed on the importance of views along the seafront to be taken into account in the siting and scale of bulky new buildings.

## 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.

- 7.7 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.
- 7.8 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.
- 7.9 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.

- 7.10 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.
- 7.11 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'.
- 7.12 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.
- 7.13 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'.
- 7.14 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.

## NC1 Sites of international and / or European 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 International and / or European importance for nature conservation where it cannot be established that the proposal would not have an adverse effect, directly or indirectly, on the nature conservation value of the site. Exceptions will only be made where:

- a. there is no alternative solution; and there are imperative reasons of overriding public interest for the proposal e.g. the proposal is essential for reasons of human health and public safety 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 International and / or European importance for nature conservation.**

- 7.15 There are several international site designations for nature conservation in the UK. One area, Castle Hill is designated as a Special Area of Conservation (SAC) in Brighton & Hove (see Proposals Map). SACs are designated under the EC Directive on the conservation of habitats and wild flora and fauna (The Habitats and Species Directive 1992). The Habitats Regulations 1994 translate the Directive into UK legislation. SACs are outstanding examples of selected habitat types important for the continuing wellbeing and survival of selected non-bird species (birds are protected under their own European legislation). The Directive states that SACs are to be afforded absolute protection subject to 'imperative reasons of overriding public interest'.

## 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 (SNCIs) 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 (SNCI) 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 (SNCIs) are designated by local authorities because of their local importance for nature conservation. In addition to the more 'scientific' reasons for designation, the SNCIs 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

## NC5 Urban fringe

**Proposals within the urban fringe that comply with Policy NC6 and other respective policies in the development plan will only be granted where they:**

- a. make a positive contribution to the overall enjoyment of the countryside;**
- b. integrate and enhance nature conservation features;**
- c. secure environmental improvements;**
- d. provide a sense of being in the countryside, improve the landscape character and use materials in keeping with the special character of the area; and**
- e. facilitate, where practicable appropriate leisure and recreational use and public access to the countryside, without increasing private motor vehicle traffic.**

7.22 The urban fringe (that is, usually areas within 2km of the built up area) tends to suffer more from urban pressures than the wider countryside purely because it lies adjacent to the urban area and is thus more readily accessible. These pressures include fly-tipping, vandalism, farm fragmentation leading to abandonment and inappropriate recreational activity such as illegal motorbiking and unauthorised expansion of gardens. These areas are also prone to pressure from the urbanising effects associated with horse-related uses. For example, shelters, stables and small fenced areas such as training paddocks and sand schools. Often these pressures significantly affect the appearance and character of the urban fringe and can result in degradation in the landscape and lead to a breaking up of the definitive edge. This all contributes to a continuing diminution of the countryside, in terms of both its extent and its character and quality, which is clearly not sustainable.

7.23 Proposals will be promoted that take into account the 'urban fringe pressures' and seek to address these problems. All proposals within the urban fringe should secure environmental improvements and beneficial use of land, reduce conflicts between neighbouring land uses, improve public access, and cater for appropriate leisure and recreation uses so as to reduce pressure on the wider countryside and reduce the need to travel. In October 2000 the England Rural Development Programme (ERDP) was launched. This is a 7 year £1.6 billion programme. Two main priority areas for funding are schemes to conserve and enhance the environment and schemes to enable farming, forestry and other rural business and communities to adapt to changing circumstances and to develop. Proposals in the urban fringe may therefore be able to seek ERDP funding. For example, funding may be available for opportunities on the urban fringe for new activities and/or types of development which may benefit a neighbouring farm holding while at the same time being of benefit to the local community. Further information on ERDP can be obtained from DEFRA.

- 7.24 Proposals that involve new development will only be granted in exceptional circumstances. For example, where a proposal will provide significant appropriate improvements to the area and surrounding countryside; the new development is small in scale, designed to reflect its countryside location; replaces existing incongruous buildings; and is an essential part of the proposal. Proposals within the urban fringe should enhance the existing surrounding landscape rather than merely screen existing (and proposed) development. They should enable the existing (and proposed) development and the adjacent undeveloped land to sit comfortably together and avoid the creation of unmaintained areas. Proposals within the urban fringe must pay particular attention to, and seek to minimise, adverse impacts from soil erosion, potential changes in the water table, surface water run-off, potential risks of flooding and the seasonal appearance of streams in 'dry' valleys. An applicant will be expected to have regard to Policy SU4 'surface water run-off and flood risk', SU8 'unstable land' and to ensure the site's land management regime will not increase the potential of soil erosion and run-off to surrounding areas. Similarly an applicant will be expected to liaise with the surrounding land managers/ owners to ensure the proposal will not be adversely affected by the surrounding land management regimes e.g. by potential run-off /soil erosion. Details of the land management should be submitted with a planning proposal and a 'landscape buffer' may be required where management issues cannot be addressed.
- 7.25 Positive contributions to the general enjoyment of the countryside can be achieved in various ways. For example, where it can be demonstrated that a proposal can reduce overall negative impacts on the wider countryside by providing a specific site for a particular activity. Such proposals will need to demonstrate that controls can be enforced and mitigating / compensatory measures provided to overcome the harmful impacts likely to be caused by a concentration in the respective activity. Urban fringe proposals should provide the opportunity to enjoy open space adjacent to urban areas and value the countryside as a resource in its own right. Schemes should safeguard these areas by allowing users to permeate the countryside in a controlled way at specific sites. Measures should be incorporated to help prevent illegal uses taking place within the countryside. Providing and maintaining facilities for the 'users' of the countryside, such as, route maps and interpretation boards, can in some instances also make a positive contribution.
- 7.26 In applying this Policy, particular care will be taken to ensure consistency with other strategies. For example, the Wildlife Strategy, the Local Agenda 21 Strategy, the (emerging) Open Spaces Strategy, the East Sussex County Council's South Downs Transport Strategy, Biodiversity Action Plans and reports / strategies from other organisations such as the Countryside Agency and the Sussex Downs Conservation Board (e.g. The Shoreham-Hove-Brighton Urban Fringe Landscape Study and the Brighton-Newhaven Urban Fringe Landscape study).
- 7.27 This Policy has particular links with the following in this Plan : the policies relating to the countryside / downland; AONB, design; surface water run-off and flood risk; unstable land; landscaping; trees and hedgerows; nature conservation; allotments; geology; advertisements; greenways; archaeology; and external lighting.

## NC6 Development in the countryside / downland

Development will not be permitted outside the built up area boundary as defined on the Proposals Map. Exceptions will only be made where there will be no significant adverse impact on the countryside / downland and at least one of the following criteria apply:

- a. the proposal is specifically identified as a site allocation elsewhere in this Plan, the siting of which is shown and complies with the Proposals Map;
- b. a countryside location can be justified, - for example, proposals are reasonably necessary for the efficient operation of farms, horticulture or forestry including the diversification of activities on existing farm units which do not prejudice the agricultural use;
- c. in appropriate cases and where enhancements to the countryside / downland will result, proposals for quiet informal recreation e.g. walking, horse riding and cycling; or
- d. proposals for the change of use of existing buildings which are in keeping with their surroundings and are of a sound and permanent construction.

Where development is permitted, it will be required to be unobtrusive and must respect the form, scale and character of the landscape. For example, through careful siting, design and use of materials. New buildings should be sited adjacent to existing buildings or building groups, rather than isolated in the landscape.

Proposals should have no adverse effects on, and where appropriate enhance and expand, nature conservation features. Proposals will not be permitted if they result in a level of light pollution, noise, traffic or activity which is out of keeping with its countryside location.

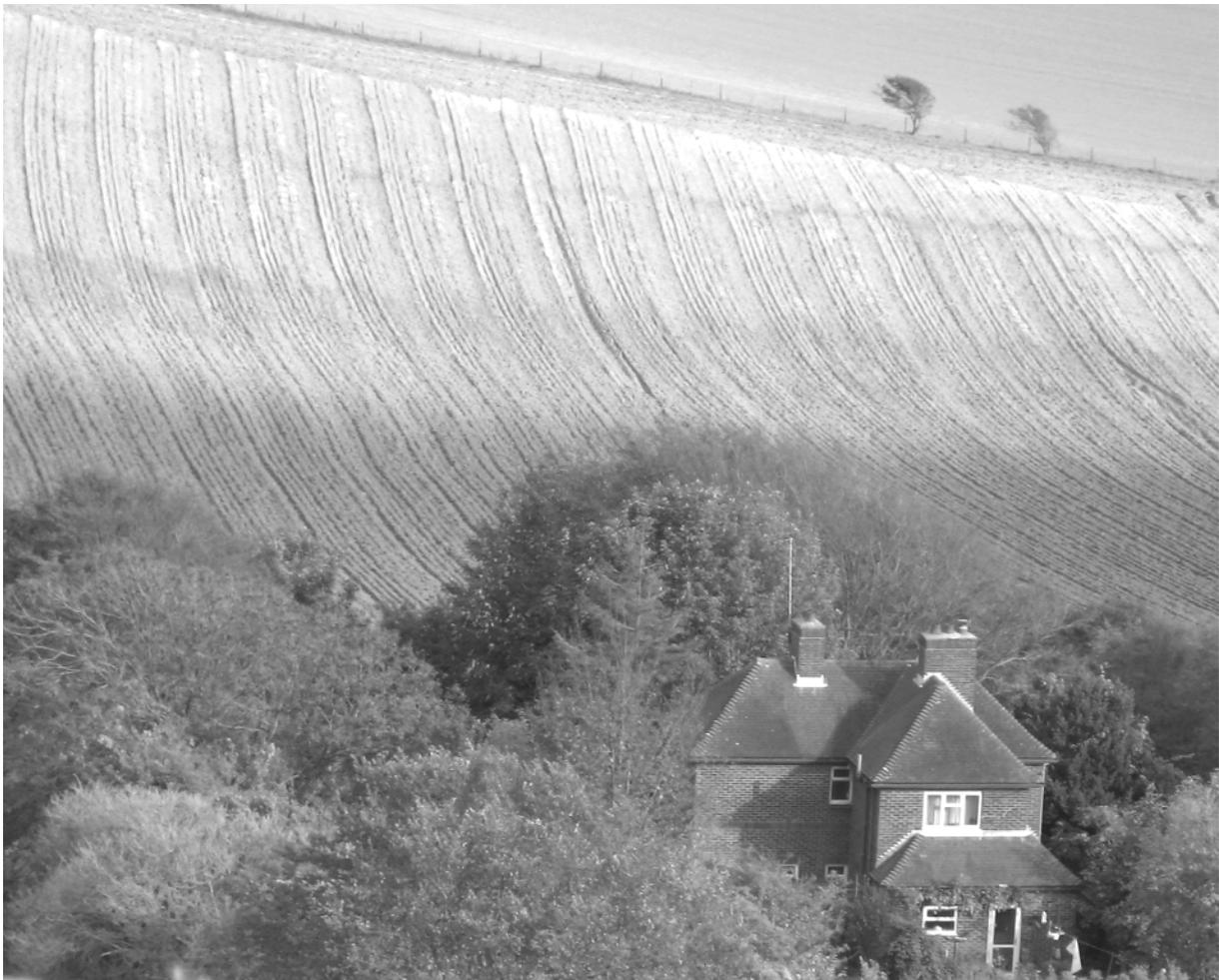
The conversion of existing farm buildings to residential use will only be permitted where it is demonstrated that every attempt has been made to secure a suitable business re-use with no success or where it is to provide social rented accommodation to meet an essential housing need within the locality.

Planning permission for development in the countryside may, if appropriate, be subject to a condition restricting development which would otherwise be permitted under the Town and Country Planning (General Permitted Development) Order, 1995.

All planning applications for sites outside the built up area should be accompanied by a detailed written design statement which takes into account how the proposal integrates with the surrounding area and nature conservation. Where opportunities arise through development, the planning authority will seek the enhancement of the landscape and the removal of inappropriate development.

- 7.28 The countryside needs to be safeguarded for its own sake. It is a non-renewable natural resource which should be afforded protection. Indeed, many consultees involved in the preparation of this Plan felt the countryside was of significant importance and should be protected from development. Whilst the Area of Outstanding Natural Beauty (AONB) has a defined boundary, the landscape cannot be compartmentalised so easily. In most places landscape change is relatively subtle rather than abrupt. In Brighton & Hove, there is little difference to be seen between the downland countryside within the AONB and that which falls outside. During the lifetime of this Local Plan, the South Downs is likely to be designated a National Park. Following its designation and the associated dedesignation of the AONB outside the Park boundaries, any of the AONB that has not been identified for development, or is depicted as falling within the built up area in the Local Plan, will be deemed to be countryside/downland and will therefore continue to fall within the definition of policy NC6 but outside the definition of NC7.
- 7.29 The planning authority is concerned that the AONB and thus the protection it affords, does not cover all areas of exceptional landscape beauty. The concern does not just relate to the narrow gaps of countryside adjacent to the AONB but also to the larger areas, for example, the landscape quality of the coastal area of downland countryside at Ovingdean Valley and Roedean Bottom is felt to be equal to that defined as AONB. Indeed it is included within the National Park proposed Designation Order. Countryside areas outside the AONB in Brighton & Hove are felt to be of exceptional quality. It is therefore felt that such areas should be afforded similar protection to other areas of exceptional landscape value which are included in the formally designated AONB. These areas have already enjoyed similar protection for many years by virtue of the policies in previous local plans.
- 7.30 There is some development already in the countryside / downland area. It is recognised that there will probably be further development requirements e.g. extensions or alterations to existing dwellings, new farm buildings to help farmers maintain the countryside and alterations to existing farm buildings to enable farm diversification. The principle of this type of development is accepted provided it complements and does not dominate the existing development. Proposals will be expected not just to be in keeping with the area but also to provide enhancements to the area.
- 7.31 In addition to this, the diversification of the rural economy to supplement farm incomes in order to maintain the countryside sympathetically and encourage traditional, ecologically beneficial farming methods is also felt to be acceptable. Assistance towards farm diversification schemes and other suitable proposals within the countryside/downland, may be available via the ERDP, as detailed in paragraph 7.23.
- 7.32 It is important that any development within the countryside is done sensitively and without any significant impact on the countryside. The siting, design and use of materials will therefore be carefully considered. It should be noted that the 'use of materials' includes the type and colour of the materials and the way they are used together in the development.

- 7.33 In applying Policy NC6 and the AONB policies, particular care will be taken to ensure consistency with other strategies, such as, the Wildlife Strategy, the Local Agenda 21 Strategy, the (emerging) Open Spaces Strategy, the East Sussex County Council's South Downs Transport Strategy, Biodiversity Action Plans and strategies from other organisations such as the Sussex Downs Conservation Board and the Countryside Agency. This policy and the policies relating to the AONB have particular links with the following in this Plan: the policies relating to the urban fringe design; landscaping; trees and hedgerows; nature conservation; geology; advertisements; greenways; archaeology; and external lighting.



## NC7 Sussex Downs Area of Outstanding Natural Beauty

Development will not be permitted within or adjacent to the Sussex Downs Area of Outstanding Natural Beauty (AONB). Exceptions will only be made where:

- a. the proposal conserves and enhances the visual and landscape quality and character of the AONB and complies with Policy NC6 'Development in the countryside / downland' and other policies in the Development Plan; or
- b. it can be demonstrated that the development is in the national interest and that there are no alternative sites available elsewhere.

Where exception 'b' applies, development will be required to keep the adverse effects on the AONB to a minimum and to demonstrate positive environmental enhancements.

In considering development proposals within the AONB, particular attention will be paid to the:

- i. siting;
- ii. scale;
- iii. design;
- iv. landscaping;
- v. colour and type of external materials;
- vi. screening;
- vii. avoidance of noise disturbance and light pollution;
- viii. integration of nature conservation features;
- ix. improvement of public access where it is appropriate to the area and where it does not increase the need to use private motor vehicles; and
- x. opportunities to enhance or reinstate the natural beauty and distinctive character of the area and wider landscape.

Special consideration will be given to advertisements and signs in the AONB to ensure that where they are needed, adverts and signs are in sympathy with the natural beauty of the landscape.

Environmental Impact Assessments (EIAs) will be required to accompany planning applications for development that would be likely to have a significant effect on the AONB.

- 7.34 The South Downs is important for the fine quality of its landscape, as a recreational asset and an ecological resource. The importance of the South Downs as a fine landscape is recognised by its designation as an 'Area of Outstanding Natural Beauty'. Situated in the most populated corner of the country, the South Downs has a very public face and is arguably one of the most pressurised of our protected landscapes. The image of sheep on open rolling downland is for many a classic scene of the AONB and is very much part of the landscape around Brighton & Hove. The primary objective of the 'Area of Outstanding Natural Beauty' designation is the conservation of the natural beauty of the landscape. Natural England acknowledges that natural beauty and scenic quality cannot simply be defined as the visual appearance of the countryside alone - they need to include features, aesthetics and historical and cultural associations. A sense of history is very much part of this landscape.
- 7.35 The rich wildlife heritage of the AONB represents a living record of natural processes and the complex history of human intervention. These habitats are vulnerable to change and tend to rely on particular forms of traditional management to maintain their diversity. They are a scarce national resource, increasingly valued as 'species reservoirs' for maintaining biodiversity in a future, more sustainable landscape.
- 7.36 It is important, therefore, to ensure that those features that contribute to the character of the AONB are protected. Individual landscape elements such as chalk pits, earthworks and often clumps of trees are prominent landmarks within the landscape typically found around Brighton & Hove. The environmental effects of all proposals within the AONB will be a major consideration. As noted previously, landscape change is relatively subtle rather than abrupt. Thus, whilst the AONB has a defined boundary, no boundary is actually obvious when looking across the downland.
- 7.37 In addition to this, the elevated nature of the Downs provides extensive views over areas beyond the defined boundary. Care therefore needs to be taken to ensure that development outside the designated AONB boundary does not adversely affect the character of the AONB.
- 7.38 In applying this Policy, particular regard will be given to the strategies and policies detailed earlier in this chapter in Policy NC6 'Development in the countryside / downland'. Particular regard will also be given to 'The Landscape of the Sussex Downs Area of Outstanding Natural Beauty' and 'A Landscape Assessment of the Sussex Downs Area of Outstanding Natural Beauty' published by the South Downs Joint Committee Board and Natural England and subsequent revisions.
- 7.39 The South Downs is in the process of being designated a National Park. This has involved defining the boundary of the National Park, which is likely to differ from the current boundary of the AONB. Following the designation of the South Downs National Park, the area of AONB outside the Park will be dedesignated. Any former AONB land which has not been identified for development or depicted as falling within the built up area in the Local Plan, will no longer be protected by Policy NC7 but will continue to be treated as countryside/downland as defined in policy NC6.

- 7.40 National Park designation confers the highest status of protection as far as landscape and scenic beauty are concerned. The statutory purposes of National Parks are (a) to conserve and enhance their natural beauty, wildlife and cultural heritage, and (b) to promote opportunities for public understanding and enjoyment of their special qualities. Where there appears that there is a conflict between these purposes, greater weight should be attached to the first. Conservation of the natural beauty of the countryside, and of its wildlife and cultural heritage, should be given great weight in planning policies and development control decisions in the National Parks. There is a duty to have due regard to the economic and social well-being of the local communities within the Park area. The South Downs are likely to be formally designated as a National Park during the lifetime of this Plan. Accordingly, it is felt this Policy will still apply, depending on the administrative arrangements, by the replacement of 'AONB' with 'National Park'. When applying the Policy, particular regard would be given to the purpose and duties of a National Park.

## **NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty**

**Development within the setting of the AONB will not be permitted if it would be unduly prominent in, or detract from views into, or out of the AONB (particularly from roads, rights of way or other public places), or would otherwise threaten public enjoyment of the AONB.**

- 7.41 The natural beauty of the AONB landscape can be significantly harmed by inappropriate development within the AONB's setting. The setting can be extensive by virtue of the impact on views from the AONB. This is particularly important in respect to the Downs where part of the beauty lies in the extensive views obtained 'from the top', which includes views of areas beyond the boundary. Particular care is needed to ensure there is no sharp contrast between the land within the AONB and that outside because there is no clear visible boundary to the AONB in Brighton & Hove since the land outside the built up area, is primarily downland. The beauty of the smoothly rounded hills of the Downs is often accentuated at different times of the year and day by virtue of the effects of light and shade. Care needs to be taken to ensure that development and lighting schemes within the setting of the AONB are sympathetic to the particular beauty of the Sussex Downs.
- 7.42 In applying Policy NC8, particular regard will be given to the strategies and policies detailed earlier in this chapter in Policy NC6 'Development in the countryside / downland'.
- 7.43 The South Downs are likely to be formally designated as a National Park during the lifetime of this Plan. Accordingly, this Policy will apply, depending on the administrative arrangements for the National Park, by the replacement of 'AONB' with 'National Park'. When applying Policy NC8, particular regard would be given to the purpose and duties of a National Park.

## 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.

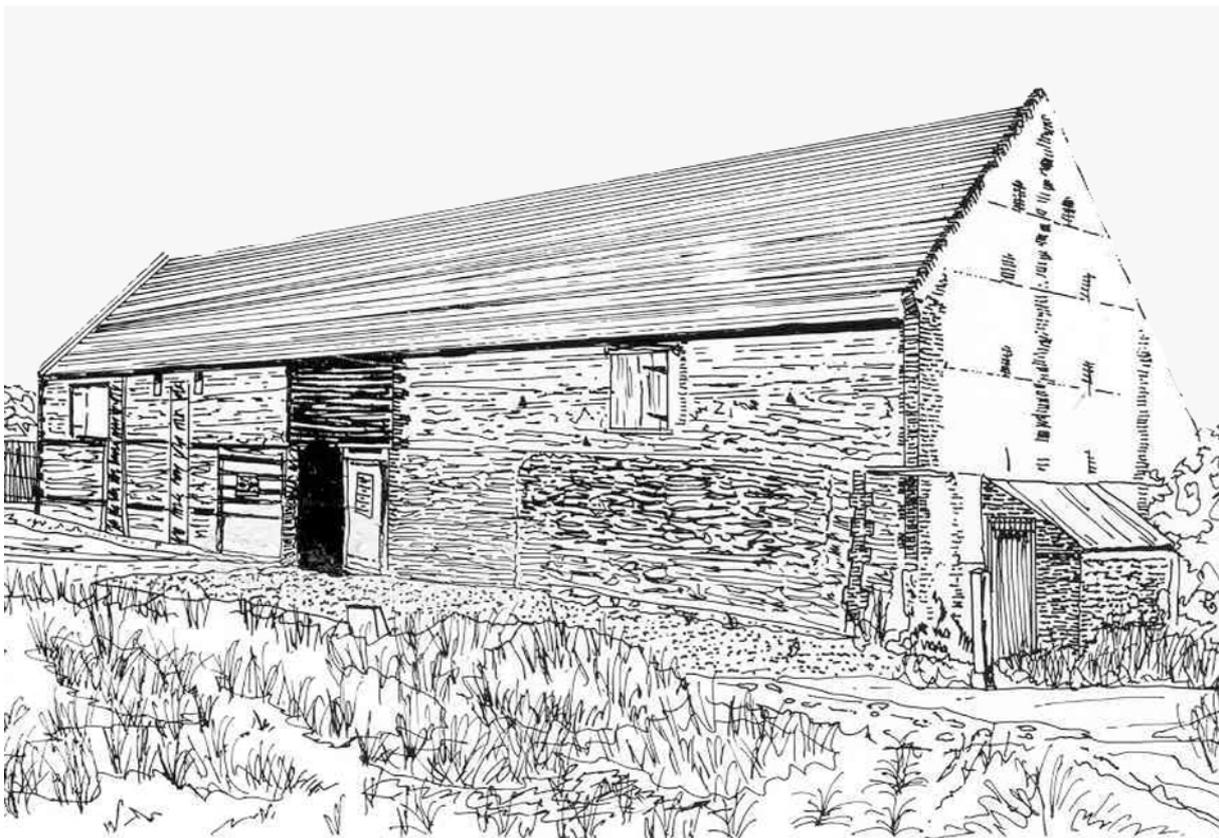
## NC10 Benfield Barn

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.

## NC12 High grade agricultural land

**Development will not be permitted if it would result in the loss of best and most versatile agricultural land (grades 1, 2 and 3a of the Agricultural Land Classification [ALC] system) unless it can meet all of the following criteria:**

- a. **there is an overriding need for the development;**
- b. **there is a lack of development opportunities in already developed areas; and**
- c. **there is little land in grades below 3a, or little lower-grade land which does not have environmental value recognised by a statutory and / or local designation.**

**Where there is an overriding need for the development of land in ALC grades 1, 2 or 3a, and there is a choice between sites of different grades, development should be proposed on land of the lowest grade.**

- 7.51 High grade agricultural land is a finite natural resource, which, for reasons of sustainability should be protected. Once agricultural land is developed, even for 'soft' uses such as golf courses, its return to best quality agricultural use is seldom practicable. It is therefore important to protect it from any type of development unless exceptional circumstances arise. It is recognised, however, that a balance may need to be struck between the protection of the best and most versatile agricultural land and that which is important for nature conservation, as wildlife sites are often more akin to poor quality rather than good quality agricultural land.
- 7.52 Regard should be given to the Wildlife Strategy, Local Agenda 21 Strategy, the (emerging) Open Spaces Strategy, Biodiversity Action Plans and strategies from other organisations such as the South Downs Joint Committee and Natural England. It is felt this Policy has particular links with the following policies in this Plan: the policies relating to the Sussex Downs Area of Outstanding Natural Beauty; countryside / downland; nature conservation; geology; greenways; archaeology; design; landscape design; trees and hedgerows; park and ride; and, the community stadium.

## Remote and tranquil areas

- 7.53 It is hard to measure the importance of remote and tranquil areas to human health and wellbeing but it is felt fair to say that such areas are greatly valued by many for a variety of reasons. For example, such areas can help with stress relief, they can offer a place for quiet reflection, and, are important in sustaining diversity in the environment. Usually these areas are unspoiled landscapes where the traditional, and distinctive, local landscape survives largely intact and urban-related activity is at a minimum. However, there may also be areas within the built up area greatly valued for their tranquillity.
- 7.54 Remote and tranquil areas form a valuable resource and will therefore be protected against damage. Proposals that threaten their remoteness and / or tranquillity will not be granted.





# 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.

## HE5 West Pier

**The restoration and re-use of the West Pier must preserve its architectural integrity. New uses which exclude public access to the Pier will not be acceptable.**

**New development on land beside the West Pier will be acceptable provided it forms part of a proposal for the restoration and re-use of the Pier. This enabling development must not materially detract from the architectural and historic interest of the Pier or harm its setting. It must be demonstrated to be the minimum amount necessary to secure the viable future of the West Pier and that its form minimises disbenefits. A legal agreement will be sought in order to link this development to the restoration and long term future of the Pier.**

- 8
- 8.18 Brighton & Hove City Council accepts that the Pier itself is unlikely to be able to generate sufficient income to secure its future and that some form of enabling development is therefore required. Land side development will have to be of a scale and height that causes no harm to the Regency Square Conservation Area and will preserve the setting of the West Pier.
- 8.19 There are a wide range of possible appropriate uses both on the Pier itself and in an enabling development. Uses in both locations must take account of the location of the Pier site in the wider residential context. On the Pier, appropriate uses are those that preserve its architectural integrity. Appropriate uses in the enabling development are likely to be 'leisure' uses, which complement the Pier and other adjoining seafront uses, including those proposed within the Seafront Development Initiative (SDI). They should have activity over an extended season and must ensure the continued maintenance of the Pier. External works to the enabling development should have regard to the landscape themes established under the SDI.
- 8.20 The council strongly supports the principle of a competitive architectural selection process to ensure that any development is of the very highest architectural quality. The planning authority will pay particular note to the English Heritage guidance note on 'Enabling Development and the Conservation of Heritage Assets' in considering any application for enabling development. Policy HE5 has particular links with the following in this Plan: the policies relating to design; listed buildings; conservation areas; seafront recreation; coastal defences; and development within the coastal zone.

## 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 forms<sup>1</sup>;
- 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 area<sup>2</sup>;
- 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 area<sup>3</sup>.

**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.

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<sup>1</sup> 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.

<sup>2</sup> 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.

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

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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 & Montpelier	February 1973	January 1977, November 2005 (name change only)
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, November 2005
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.

## HE7 Land adjoining Pavilion Street, Princes Street and 3-4 Old Steine

**Infill development of the highest architectural quality, will be permitted on the open land and surface car parking north and west of 3-4 Old Steine. This should include the council owned landscaped strip beside Pavilion Parade.**

**The site must be developed imaginatively and comprehensively with all new building of a size and scale appropriate to its location within the Valley Gardens Conservation area and adjoining the Royal Pavilion.**

- 8.30 Historic building frontages to Pavilion Street and Pavilion Parade including 1 and 2 Old Steine were demolished many years ago in part to accommodate road widening proposals. The frontage to Pavilion Parade opposite the Royal Pavilion has been opened up to expose the flank wall to 3 Old Steine, and create a gap in the area's traditional and characteristic terraced form.
- 8.31 This is a challenging site, requiring careful attention to detail and imaginative design if the site's development opportunities to improve the appearance of the street scene are to be realised. The site is both prominent and visually sensitive. Policy HE7 has particular links with the following in this Plan: the policies relating to design; conservation areas; and development within the setting of a listed building.



## 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 quality 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.

8.43 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.