





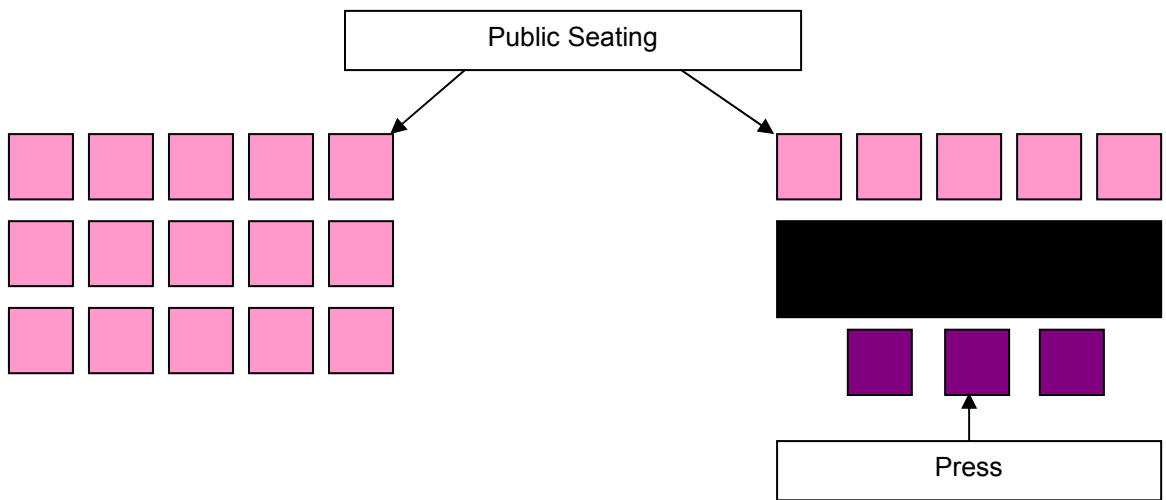
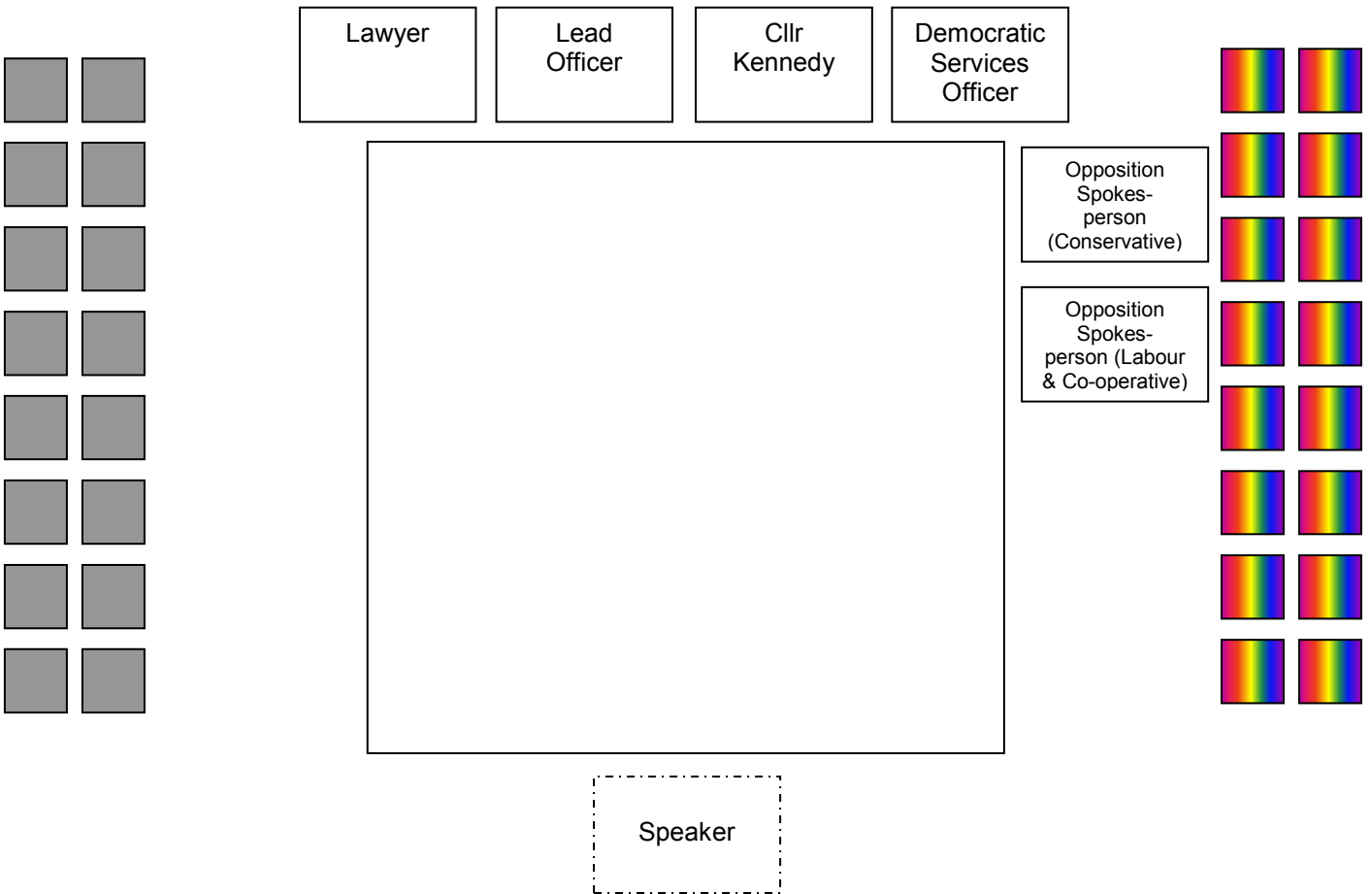
Brighton & Hove  
City Council

# Cabinet Member Meeting

Title:	<b>Planning, Employment, Economy &amp; Regeneration Cabinet Member Meeting</b>
Date:	<b>7 July 2011</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillor:</b> Kennedy (Cabinet Member)
Contact:	<b>Tanya Davies</b> Acting Democratic Services Manager 01273 29-1227 tanya.davies@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout





## AGENDA

### Part One

### Page

#### 1. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

#### 2. TERMS OF REFERENCE

1 - 2

Report of the Strategic Director, Resources (copy attached).

Contact Officer: Tanya Davies Tel: 29-1227

#### 3. CABINET MEMBER'S COMMUNICATIONS

#### 4. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

*NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.*

#### 5. PETITIONS

No petitions have been received.

#### 6. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 30 June 2011)

No public questions received by date of publication.

# PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER MEETING

## 7. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 30 June 2011)

No deputations received by date of publication.

## 8. LETTERS FROM COUNCILLORS

No letters have been received.

## 9. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

## 10. NOTICES OF MOTION

No Notices of Motion have been received.

## PLANNING

### 11. Government Consultation Relaxing Planning Rules for Change of Use from Commercial to Residential 3 - 74

Report of the Strategic Director, Place (copy attached).

Contact Officer: Rebecca Fry Tel: 29-3773

Ward Affected: All Wards

### 12. Localism Bill Update

Verbal update from the Principal Policy Advisor, Local Development.

### 13. Ovingdean Conservation Area Review 75 - 110

Report of the Strategic Director, Place (copy attached).

Contact Officer: Sanne Roberts Tel: 29-2261

Ward Affected: Rottingdean Coastal

### 14. London Road Central Masterplan Update 111 - 116

Report of the Strategic Director, Place (copy attached).

Contact Officer: Alan Buck Tel: 29-2287

Ward Affected: St Peter's & North Laine

## EMPLOYMENT & ECONOMY

### 15. Employment Update

Verbal update from the Economic Development Manager.

### 16. HSBC Supercities Report 117 - 124

Report of the Strategic Director, Place (copy attached).

Contact Officer: Cheryl Finella Tel: 29-1095

Ward Affected: All Wards

**REGENERATION**

**17. Major Projects Update**

Verbal update from the Head of Planning & Public Protection.

[Exempt Category 3]

**18. PART TWO ITEMS**

To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Tanya Davies, (01273 29-1227, email [tanya.davies@brighton-hove.gov.uk](mailto:tanya.davies@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Wednesday, 29 June 2011



**PLANNING, EMPLOYMENT,  
ECONOMY & REGENERATION  
CABINET MEMBER MEETING**

**Agenda Item 2**

Brighton & Hove City Council

<b>Subject:</b>	<b>Terms of Reference</b>		
<b>Date of Meeting:</b>	<b>7 July 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Resources</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tanya Davies</b>	<b>Tel:</b> 29-1227
	<b>E-mail:</b>	<b>tanya.davies@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to inform the Planning, Employment, Economy & Regeneration Cabinet Member Meeting of the delegations to the Cabinet Member for Planning, Employment, Economy & Regeneration.

**2. RECOMMENDATIONS:**

- 2.1 That the Terms of Reference for the Cabinet Member for Planning, Employment, Economy & Regeneration be noted.

**G: PLANNING, EMPLOYMENT, ECONOMY AND REGENERATION**

**Planning**

To exercise the planning functions of the Council to the extent that they are executive functions, including the formulation and development of the Local Area Framework prior to its adoption by Full Council.

**Economic Growth and Regeneration**

- (a) The Council's functions and partnerships regarding the promotion of economic growth and the establishment and development of business.
- (b) Promoting and developing the economic fundamentals of the City (on occasions with other Cabinet Members) in areas such as adult skills, productivity, development sites etc.

**Major Built Environment Projects**

- (a) To oversee the progress of major projects (including major building, infrastructure or other projects involving the erection or significant

alteration of major permanent structures or landmarks) undertaken by the Council, and advise the Leader or the Cabinet as appropriate.

- (b) To review major projects and any project Boards having regard to capacity to deliver, corporate priorities and resources, and advise the Leader or the Cabinet as appropriate.

### **Conservation and Design**

To exercise the Council's functions in relation to Conservation and Design including the Hove Borough Council Act 1976

### **Building Control**

To exercise the Council's functions regarding building control.

### **Council Business Liaison**

To oversee the agenda planning and timetabling of decision-making meetings.

To ensure the efficient dispatch of council business by co-ordinating decision-making and by facilitating liaison between the executive, non-executive members and officers.

To ensure that the Council's business and decision-making is conducted having regard to the principles set out in Article 11 of the Constitution, namely:

- proportionality
- due consultation and taking of professional advice from officers
- respect for human rights
- presumption in favour of openness, and
- clarity of aims and desired outcomes.

**Subject:** Government Consultation Relaxing Planning Rules for Change of use from Commercial to Residential

**Date of Meeting:** 7 July 2011

**Report of:** Strategic Director, Place

**Contact Officer:** Name: Rebecca Fry Tel: 29-3773  
E-mail: rebecca.fry@brighton-hove.gov.uk

**Key Decision:** No

**Wards Affected:** All

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks approval and endorsement of the council's response to the recent Government consultation seeking to relax planning rules for change of use from commercial to residential. A number of concerns have been raised to the proposal from a planning and economic development perspective.
- 1.2 The response was sent on 28 June 2011 in order to meet the consultation deadline but this was subject to the approval and endorsement at this Cabinet Members Meeting.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves and endorses the council's response to the Government's consultation seeking relaxation of planning rules for change of use from commercial to residential (see Appendix A).

**3. RELEVANT BACKGROUND INFORMATION:**

- 3.1 The Government Department for Communities and Local Government has published a consultation paper entitled 'Relaxation of planning rules for change of use from commercial to residential'. The consultation seeks views on the Government's proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) to grant permitted development rights to changes of use from commercial to residential uses.
- 3.2 Current legislation allows change of use without needing planning permission where both the existing and proposed uses fall within the same Use Class. These are formally defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is normally needed for change of use between the defined use classes. However, under the GPDO a number of changes of use are allowed without needing planning permission.

- 3.3 The government is proposing to extend these permitted development rights to allow change of use from commercial uses to residential use without needing planning permission. The stated aim of the proposal is to support economic growth and drive an increase in the supply of housing. The consultation seeks views on a number of options that can be implemented separately or together. The three main options are to:
- allow the change of use from B1 (business, including offices, light industrial and research and development) to C3 (dwellings) without needing express planning permission. Planning permission would still be required for operational development (new build or external alterations to the building);
  - allow the change of use from B2 (general industrial) and B8 (warehousing) to C3 (dwellings) removing the need for express planning permission;
  - Extend the existing permitted development rights allowing change of use from A1 (shop) and A2 (financial and professional services) to mixed use of A1 or A2 to a single flat to allow more than one flat.
- 3.4 The draft response from the city council supports the aims of the government to promote economic growth and additional homes; however, there are serious concerns in relation to the likely impact of these proposals nationally and on Brighton & Hove. The main concerns are:
- The proposals will result in a range of unintended consequences on local economies and undermine their resilience to weather the economic downturn and preparedness for longer term economic recovery and stability. One of these concerns is that the impact of increased hope value of residential uses will lead to the loss of affordable workspace. This is of particular concern in Brighton & Hove which has a high proportion of small and medium sized businesses.
  - The amendment will undermine the planning system and the plan-led approach, which seeks to achieve a sustainable balance between housing and employment in the area and a consideration of 'quality of life' issues, such as, designing out crime, open space, lifetime homes/neighbourhoods, daylight and sunlight etc.
  - It will undermine the government's priorities in relation to localism and neighbourhood planning put forward in the Decentralisation and Localism Bill.
  - It will be contrary to one of the main purposes of the Use Classes Order which is to protect the amenity of sensitive uses by locating residential uses next to noise and nuisance generating uses (general industry and warehousing).

Details of the comments made in response to the proposals are set out in full in Appendix A.

#### **4. CONSULTATION:**

- 4.1 Internal consultation has been undertaken and the response was jointly prepared by Planning and Economic Development. The consultation was also forwarded onto the business community to enable them to submit an independent response.



## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The cost of preparing the council's response consists of officers' time and has been met from existing revenue budgets. However, if the Government's proposals to amend the planning rules are subsequently introduced, it is officers' opinion that Article 4 Directions should be introduced in the City. This would then involve further financial implications, which would become part of a further report.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 20/06/11*

### Legal Implications:

- 5.2 The legislative background to the Report is set out in paragraph 3.2 above. It is not considered that any human rights implications arise from the Report.

*Lawyer Consulted: Hilary Woodward*

*Date: 27/06/11*

### Equalities Implications:

- 5.3 The Government consultation document and the council's response take into account equalities issues. A key concern is that the proposal will lead to loss of jobs, small businesses and skills training in the city and a potential to reduce the opportunities to secure affordable housing.

### Sustainability Implications:

- 5.4 Sustainability considerations are central to the planning system and form part of the response. A key concern is the proposal will lead to the loss of affordable business space in the city thus leading to an imbalance between homes and jobs. A likely outcome of this is increased out-commuting from the city.

### Crime & Disorder Implications:

- 5.5 None identified.

### Risk and Opportunity Management Implications:

- 5.6 None identified.

### Corporate / Citywide Implications:

- 5.7 If the proposed national amendments are introduced there will be corporate and citywide implications. The details of which will depend on what amendments are introduced and the conditions/mitigation measures put in place. The Council's response highlights the main impacts of the proposed amendments.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None required. A do nothing approach is not considered appropriate in view of the potential and unintended consequences of such national amendments as highlighted in the response.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To gain formal approval and endorsement of the council's response to the Government consultation seeking relaxation of planning rules for change of use from commercial to residential. Whilst the response has been sent in order to meet the consultation deadline of 30 June 2011 this was on the understanding it was to be subject to approval and endorsement at Cabinet Members Meeting.

### **SUPPORTING DOCUMENTATION**

#### **Appendices**

- A. Response to Consultation Questionnaire on Relaxation of the planning rules for change of use from business to residential.  
The responses includes:

Appendix 1 : Expanded Response  
Appendix 2 : Economic Development Detailed Response to Consultation Paper  
Appendix 3 : Environmental Health Detailed Response to Consultation Paper  
Appendix 4 : Comparison figures for Change of Use Applications  
Appendix 5 : Number of Permitted and Completed Residential Developments within Existing Residential and Employment Sites  
Appendix 6 : Extract from Argus relating to local business view  
Appendix 7 : The area of South Downs National Park within Brighton & Hove  
Appendix 8 : ONS business data and links

#### **Documents In Members' Rooms**

None

#### **Background Documents**

1. Department of Communities and Local Government consultation on Relaxation of planning rules for change of use from commercial to residential.
2. Town and Country Planning (Use Classes) Order 1987 (as amended)
3. Town and Country Planning (General Permitted Development) Order 1995 (as amended)

## Relaxation of the planning rules for change of use from business to residential: Consultation Questionnaire

The Government welcomes your views on the proposals set out in the consultation document, *Relaxation of planning rules for change of use from commercial to residential*, which is available on our website at: [www.communities.gov.uk/consultations](http://www.communities.gov.uk/consultations).

Our preference is to receive responses electronically and we would be grateful if you could return the completed questionnaire to the following e-mail address:

[C3consultation@communities.gsi.gov.uk](mailto:C3consultation@communities.gsi.gov.uk)

If you wish to post your response, however, please send the completed questionnaire to:

Theresa Donohue  
Consultation Team (Commercial to residential use)  
Planning Development Management Division  
Department for Communities and Local Government  
1/J3, Eland House  
Bressenden Place  
London SW1E 5DU

This consultation will run for 12 weeks from 8 April 2011. **The deadline for submissions is 30 June 2011.**

## Data Protection

This is to inform you that we may, with your consent, quote from your response in a published summary of the response to this consultation. If you are content for your views to be made public in this way, please tick the box.

☐

Otherwise, your views may be set out in the response, but without attribution to you as an individual or organisation.

We shall treat the contact details you provide us with carefully and in accordance with the data protection principles in the Data Protection Act 1998. We shall not make them available to other organisations, apart from any contractor ("data processor") who may be appointed on our behalf to analyse the results of this questionnaire, or for any other purpose than the present survey without your prior consent. We shall inform you in advance if we need to alter this position for any reason.

## About you

### i) Your details

<b>Name:</b>	Rebecca Fry with Andy Glover
<b>Position:</b>	Senior Planning Officer with Senior Economic Development Officer
<b>Name of organisation (if applicable):</b>	Brighton & Hove City Council
<b>Address:</b>	Town Hall, Norton Road, Hove, BN3 3BQ
<b>E-mail:</b>	Rebecca.fry@brighton-hove.gov.uk
<b>Telephone number:</b>	01273 293773

### ii) Are the views expressed on this consultation an official response from the organisation you represent, or your own personal views?

<b>Organisational response</b>	<input checked="" type="checkbox"/>
<b>Personal views</b>	<input type="checkbox"/>

### iii) What category do you consider your organisation falls into?

<b>Local planning authority</b>	<input checked="" type="checkbox"/>
<b>Housing developer</b>	<input type="checkbox"/>
<b>Community group/representative</b>	<input type="checkbox"/>
<b>Parish council</b>	<input type="checkbox"/>
<b>Business</b>	<input type="checkbox"/>
<b>Planning professional</b>	<input type="checkbox"/>
<b>Landowner</b>	<input type="checkbox"/>
<b>Voluntary sector or charitable organisation</b>	<input type="checkbox"/>
<b>Other (please state)</b> _____	<input type="checkbox"/>

## The consultation questions

Question A:

**Do you support the principle of the Government's proposal to grant permitted development rights to change use from B1 (business) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?**

Yes ☐ No ☒

**Please give your reasons:**

Brighton & Hove City Council supports the promotion of economic growth and additional homes that are appropriate to meet the needs of an increasing population. However it is considered the proposed amendment is ill conceived. The following is a summary of this council's response which is expanded upon in [Appendix 1](#):

- The city council strongly urges the government not to adopt such a national amendment because of the range of unintended consequences on local economies and their resilience to weather the economic downturn and preparedness for longer term economic recovery and stability. This in turn may negatively impact upon the national economy.
- The amendment will not lead to the suggested adjustments in land values or deliver the amount and type of housing that is needed particularly in the areas where supply of land is constrained and housing demand high.
- The amendment will undermine the planning system, which seeks to balance the provision of additional housing with jobs.
- It will undermine the plan led approach and introduces a significant move towards a 'market led' approach which should form part of a comprehensive review of the planning system and consulted upon respectively.
- It will undermine the localism approach and neighbourhood planning put forward by the Decentralisation and Localism Bill. It will remove local authority control and the opportunity for local communities to have their say. There will be nothing to stop employment sites turning to housing of a type and mix contrary to that identified by the community in a Neighbourhood Plan.
- It will undermine the ability to monitor because it will be hard to predict when and how many sites will change from employment to housing.
- It will undermine the management of 'quality of life' issues, meeting high levels of sustainability and maintaining green and healthy communities. This includes issues such as sustainable design, flood risk, highway safety, daylight & sunlight, lifetime communities, designing out crime, open space etc.

- It will remove the ability to obtain affordable housing contributions and developer contributions to mitigate the harmful impacts of development.

For the reasons detailed above and in [Appendix 1, 2 and 3](#) this proposed national amendment is not supported. However if the Government is minded to proceed with a national amendment in advance of its indicated review of the planning system then it is urged not to amend the permitted development rights but to consider the following alternatives which are more in keeping with the Localism approach:

- By the promotion of the existing powers that local planning authorities can use which give permitted development rights for change of use through development orders as appropriate to respective local areas. And/Or;
- The inclusion of guidance within the proposed National Planning Policy Framework that promotes the change of use of genuinely redundant B1 sites to alternative employment uses and then residential. The guidance should advise that redundancy can be proven where a site has been vacant for 2 years and the premises and site has been marketed for at least a year (ie where evidence can be submitted to demonstrate the premises and site has been vacant for 2 years and also marketed for at least a year; including dated adverts, the price which should reflect the condition of premises/site and; confirmation from a reputable commercial agent as to why any interest or offers were not progressed and their professional opinion on the viability of not just the premises but also the site for B1 and other employment uses). – An approach already adopted by Brighton & Hove City Council. (In view of the five year provision suggested in question C the Government may wish to adopt 5 years as the vacancy/marketing period to demonstrate redundancy.)
- In addition to this in order to facilitate an economic recovery the Government should support the temporary use of vacant commercial premises by the voluntary sector or creative industries.
- In respect of the stated aim to ‘create the opportunity to bring vacant and underused properties back into economic use and at the same time to contribute to delivering more homes’ the Government should strengthen and increase funding for existing empty property initiatives which already targets unused existing residential units.

Question B:

**Do you support the principle of granting permitted development rights to change use from B2 (general industrial) and B8 (storage & distribution) to C3 (dwelling houses) subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?**

Yes ☐ No ☒

**Please give your reasons:**

This amendment is not supported for the reasons detailed above and in the supporting appendices and also for the following:

- The consultation document (Introduction, paragraph 3, first bullet) suggests that housing is likely to have fewer wider land-use impacts than commercial uses thus implying it is normally harder to find new sites for commercial uses which is particularly true in respect of B2 and B8 uses. Without an ability to protect established commercial sites (essential for local jobs) the future for enhancing/increasing commercial provision becomes uncertain and is likely to have a long term negative impact on the economy.
- There is no evidence to support the documents assumption (paragraph 28) that the market will make sensible decisions about where land classified as B2 and B8 is and is not suitable for residential development. Indeed the majority of B2 premises lie within industrial estates containing other B2 units. B2 use applies to industrial uses that are not appropriate within residential areas (by virtue of noise, vibration, pollution etc). This is not therefore something that can effectively be controlled by environmental health because it is inappropriate/unreasonable to apply respective restrictions on an occupier that in effect requires/forces them to change to a B1 use. The introduction of residential to such areas would not be appropriate due to the impact on resident amenities and would put pressure on the remaining B2 occupiers to leave. Due to the nature of B2 uses these are harder to locate than housing so B2 sites will reduce in number thus reducing the variety of employment.
- The vast majority of B2 and B8 buildings are 'industrial' in form and will not lend themselves easily to a change of use. The conversion of such premises should therefore be considered through the planning application process to avoid the promotion of inappropriate conversions.
- There will not be many instances within Brighton & Hove where this would apply with the caveat of *'effective measures being put in place .....*' as both B2 and B8 uses are not uses, and therefore locations, that accord with residential use.
- Local evidence provided in the Brighton & Hove Employment Land Study indicates the provision of new B2 and B8 is unrealistic in this area due to land values. This highlights that in this area these types of uses are unable to compete with housing and will be driven out. Even if land values between these uses were to equalise the site requirements, social and environmental factors make it unlikely that B2 and B8 uses will be able to return to the area.
- No information has been provided on what 'effective measures' are available to 'put in place to mitigate the risk of homes being built in unsuitable locations'.



- Unplanned residential uses within industrial estates could be without safe, overlooked frontages onto pedestrian routes. This could result in the new residents taking unsafe walking routes or having to rely on private car use outside of working hours.

For the reasons detailed above such a national amendment is not supported. However if the Government is minded to proceed with a national amendment in advance of its indicated review of the planning system then it is urged not to amend the permitted development rights but to consider the following alternatives which are more in keeping with the Localism approach:

- By the promotion of the existing powers that local planning authorities can use which give permitted development rights for change of use through development orders as appropriate to respective local areas. And/Or;
- The inclusion of guidance within the proposed National Planning Policy Framework that promotes the change of use of genuinely redundant B use class sites to alternative employment uses and then residential. The guidance should advise that redundancy can be proven where a site has been vacant for 2 years and the premises and site has been marketed for at least a year (ie where evidence can be submitted to demonstrate the premises and site has been vacant for 2 years and also marketed for at least a year; including dated adverts, the price which should reflect the condition of premises/site and; confirmation from a reputable commercial agent as to why any interest or offers were not progressed and their professional opinion on the viability of not just the premises but also the site for B uses and other employment uses). – An approach already adopted by Brighton & Hove City Council. (In view of the five year provision suggested in question C the Government may wish to adopt 5 years as the marketing period to demonstrate redundancy.)
- In addition to this in order to facilitate an economic recovery the Government should support the temporary use of vacant commercial premises by the voluntary sector or creative industries.
- In respect of the stated aim to ‘create the opportunity to bring vacant and underused properties back into economic use and at the same time to contribute to delivering more homes’ the Government should strengthen and increase funding for existing empty property initiatives which already targets unused existing residential units.

Question C:

**Do you agree that these proposals should also include a provision which allows land to revert to its previous use within five years of a change?**

Yes ☐ No ☐

**Comments:**

Should these proposals be implemented then this subsequent provision raises a response of neutrality.

The ability to plan, monitor and manage would have already been undermined, it is unlikely changes of use to residential would be unsuccessful in this area but if they were this provision would be pointless if the employment use had originally been redundant. However where an active employment use was lost, at least employment could be re-established but this is of little consolation for any previous leasehold commercial occupier who either had to relocate or dissolve. In addition to this such a provision is likely to be unviable where residential land values continue to be higher than commercial land values because significant hope value would be added to commercial sites making it hard for such uses to viably return.

Question D:

**Do you think it would be appropriate to extend the current permitted development rights outlined here to allow for more than one flat?**

Yes ☐ No ☒

**If so, should there be an upper limit?**

Yes ☒ No ☐

**Comments:**

As raised in other sections of this response the assumptions in respect of amenity, services and housing mix etc are too simplistic. Such an amendment would be at odds with the current requirement to apply for planning permission for the conversion of one dwelling into two or more units. To date this is because it has been recognised that the impact on amenities etc could be significant especially in high density areas and from cumulative increases in housing units in this way. This highlights the need for a more holistic approach should such significant amendments to the planning system be felt appropriate.

An upper limit would need to be consistent with any limitations imposed on the above proposals (should they be introduced and other amendments that may be proposed in respect of the planning system). However a significant increase in the upper limit should be subject to a planning application or considered through the plan making process so that they can be included as 'identified' housing sites.

Question E:

**Do you agree that we have identified the full range of possible issues which might emerge as a result of these proposals?**

Yes ☐ No ☒

**Are you aware of any further impacts that may need to be taken into account?**

Yes ☒ No ☐

**Please give details:**

Comments:

The omissions are numerous. The assumptions made are too simplistic. The resolution of the impacts are not fully addressed. This consultation is too generalist for any subsequent findings to be introduced without additional focused consultation.

For example, it is suggested the impact on amenity, services and housing mix could be addressed through other action by the local authority or the developer on a voluntary basis following discussion with the neighborhood. However no details are provided on what other action could realistically be taken and it is made clear that there would be no obligation on a developer to provide for these additional outcomes. This overlooks that these schemes will be exempt from s106 contributions and that the public sector cuts could result in a failure to effectively mitigate any harmful impacts that may result. For example, the provision of infrastructure improvements to address school capacity issues, traffic implications, private garden space and open space requirements such as playgrounds, sports facilities, growing space etc. Indeed there is no statutory duty on local authorities to provide outdoor space except cemeteries and allotments, with public sector cuts any amendments that hinder measures to bring forward private provision are likely to result in significant shortfalls.

The housing market is complex and within Britain there is pressure to purchase in favour of renting. Many people are unable to afford the type of accommodation appropriate to their needs however if there is no other choice it does not stop them purchasing what they can afford or rent. Overtime, if unmanaged, this can increase problems and result in town cramming. Within some of the most wealthy cities throughout the world the residential accommodation of many of the less fortunate residents are not to be promoted (Hong Kong, Singapore etc). It is therefore hard to predict what choices people will take. Should residential accommodation be created within heavy industrial premises without appropriate regard to human health etc the future costs to society becomes an issue (costs to NHS, spread of contamination etc). As highlighted in the detailed comments from Environmental Health the past history of a site may not be readily known and the retrofitting of appropriate remediation measures would be legally difficult if not impossible where the need for express planning permission has been removed.

The section addressing loss of commercial land and property is far too simplistic. As raised above the assumptions in respect of the equalization of land values is over simplistic. There is a lack of justification for assuming the loss of viable and prosperous commercial uses to residential is a more efficient use of land or what is to become of the people who were employed if

the commercial uses dissolve or relocate outside of the area. These markets are very complex. There is no recognition that additional employment land is also required. The impact on farm diversification and rural job opportunities could be significant.

The assumptions in respect of amenity, services and housing mix are too simplistic. Indeed this amendment and assumptions in respect of impact on amenity is totally at odds with the current requirement to apply for planning permission for the conversion of one dwelling into two or more units. To date this is because it has been recognised that the impact on amenities etc could be significant especially the affect of cumulative increases in housing units in this way. This amendment and assumptions also appears at odds with the previous amendment made by this Government removing residential gardens from the definition of previously developed land. This highlights the need for a more holistic approach should significant amendments to the planning system be felt appropriate.

Residential schemes less than 50 units may also be required to assess traffic implications including air quality issues.

No regard is given to construction industry waste, climate change, air quality, daylight and sunlight, biodiversity, refuse and recycling storage space, lifetime homes and lifetime neighborhoods and other factors that can be relevant depending on site location and constraints.

The full extent of the cumulative impact of this amendment has not been considered. Nor the impact on the planning system, the current plan led approach and the emerging localism approach

Question F:

**Do you think that there is a requirement for mitigation of potential adverse impacts arising from these proposals and for which potential mitigations do you think the potential benefits are likely to exceed the potential costs?**

Yes ☒ No ☐

**Comments:**

It is not felt this amendment could be appropriately mitigated for. However if it is to be introduced then mitigation would be appropriate. Given the wide spread nature of this consultation it is considered further consultation should be undertaken on any subsequent details:

Suggest including the following conditions/caveats in respect of question A and B (in addition to those listed in paragraph 55):

- It is only permitted where the premises is not within an identified or allocated employment site where 50% of units are in active use/occupied.

- It is only permitted where the premises has been vacant for 5 years and actively marketed for at least one year (or two years whichever is deemed most appropriate on a national basis). (Reason : to avoid significant losses in viable employment floorspace – five years was suggested in Question C of this consultation in respect of testing viability)
- It is only permitted for changes of use to one residential unit. (If the permitted developments rights relating to retail is amended then this should be consistent with the respective upper limit.)
- It is only permitted where the unit to be created is affordable housing. (Reason : to take into account variations in land values and the most pressing housing needs)
- It is only permitted where residential space standards are met (potentially the latter will need to be set nationally and would need to address internal room sizes and outdoor private amenity space. Consideration to local standards will need to be addressed).
- It is only permitted development if it is designed to life time homes standards.
- Commercial premises operating as part of farm diversification are excluded.
- Premises within a Conservation Area are excluded.
- Premises within high flood risk areas are excluded.
- Premises adjacent existing premises in B2 use are excluded.
- Partial change of use of a premises is excluded.

A prior approval mechanism would be preferable to a developer self certification scheme as this would enable a register to be kept of qualifying proposals which will assist with monitoring. However this will be subject to the Government ensuring there are additional sufficient resources passed to local planning authorities to handle such a system.

Question G:

**Can you identify any further mitigation options that could be used?**

It is not felt this amendment could be appropriately mitigated for. However if it is to be introduced then mitigation would be appropriate. Given the wide spread nature of this consultation it is considered further consultation should be undertaken on any subsequent details. These amendments are not supported however if they are to be introduced then suggest consideration of the following:

Amendments to the building regulations to incorporate planning functions. For example to apply space standards and layout to protect amenity and minimise disturbance (eg bedroom to bedroom, living rooms to living room and also vertical relationships between rooms); improved regard to daylight and sunlight, lifetime homes, sustainability, historic and design issues etc. A mechanism to co-ordinate expert and specialist advice in respect of such

proposals and a requirement for the developer to address all necessary mitigation requirements.

Question H:

**How, if at all, do you think any of the mitigation options could best be deployed?**

No system will be flawless or without those who raise criticism. These amendments are not supported as they will not improve upon the current system. Until the full review of the planning system has been consulted upon it is considered the planning application process is the appropriate mechanism.

Question I:

**What is your view on whether the reduced compensation provisions associated with the use of article 4 directions contained within section 189 of the Planning Act 2008 should or should not be applied? Please give your reasons:**

Any reduction is welcome. Indeed, it is felt compensation provisions should be removed in their entirety if this amendment is to be introduced. The threat for a local authority to have to pay compensation can hinder appropriate planning considerations and decisions. Measures that reduce public sector funding at this time of austerity and cuts are not considered to be in the interest of the wider public. The payment of compensation to an individual land owner/developer will reduce funds which will have implications on the services a local authority is able to provide to the public.

Question J:

**Do you consider there is any justification for considering a national policy to allow change of use from C to certain B use classes?**

Yes ☐ No ☐

**Please give your reasons:**

In view of the statement in paragraph 34 in the consultation document 'that the urgent need for greater housing supply nationally is sufficiently important to justify the extension of permitted development rights in England' in respect of the proposal to allow change of use from B to C3 uses then it is unclear why this is being suggested. If there is an intention to reinvent the planning system with greater reliance on a market led approach then yes there is justification for considering this. However such a review of the planning system should be subject to a comprehensive review of the planning acts, guidance etc, rather than via these amendments to the permitted development rights. Care should be taken because it is considered that in general the planning system in England is effective in what it is able to do and its main professional body is internationally recognised. One of the main problems has been a lack of time for amendments to the planning system to be put in place before further amendments are made therefore changing the

requirements. [The British planning system is generally well regarded internationally. The RTPI is an international organisation. RTPI input is sought for benchmarking exercises; and there is some interest in how it might support or accredit 'international' qualifications.]

Question K:

**Are there any further comments or suggestions you wish to make?**

The following is a link to the latest Annual Monitoring Report (AMR) for Brighton & Hove which helps to provide further information on the current situation within the area:

[http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/AMR\\_2009-10.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/AMR_2009-10.pdf)

It should be noted that if these proposed amendments are introduced then the data within future AMR's or similar monitoring mechanisms are likely to become less reliable.

Local businesses have also expressed concern over the proposed amendment. Please see **Appendix 6** which is an extract from a local newspaper, The Argus, detailing the views from the local business sector.

There is great variance within each Local Authority of the primary businesses within each area. The impact will therefore vary between different Local Authorities. However it is considered B uses form one of the primary business sectors within the vast majority of Authorities. Such an amendment could therefore cause significant harm to economic growth. **Appendix 8** provides ONS business data and links.

Please note this response comprises this questionnaire and 8 Appendices which are as follows:

- Appendix 1 : Expanded response to the consultation on the relaxation of the planning rules for the change of use from business to residential
- Appendix 2 : Economic Development Detailed Response to Consultation Paper
- Appendix 3 : Environmental Health Detailed Response to Consultation Paper
- Appendix 4 : Comparison figures for Change of Use Applications
- Appendix 5 : Number of Permitted and Completed Residential Developments within Existing Residential and Employment Sites
- Appendix 6 : Extract from Argus relating to local business view
- Appendix 7 : The area of South Downs National Park within Brighton & Hove
- Appendix 8 : ONS business data and links

## The impact assessment questions

Question 1:

**Do you think that the impact assessment broadly captures the types and levels of costs and benefits associated with the policy options?**

Yes ☐ No ☒

**If not why?**

**This matter is much more complex than detailed.**

Question 2:

**Are there any significant costs and benefits that we've omitted?**

Yes ☒ No ☐

**If so, please describe including the groups in society affected and your view on the extent of the impact:**

The response to the main document detailed above indicates the majority of these. The impact on the plan led approach, lack of and loss in variety of employment opportunities has significant consequences in terms of costs and benefits not just to the developer and local authority but also the general public and the national economy. Many are hard to quantify. In addition to this other options have not been included and no comprehensive consultation has taken place in respect of all the options that could be adopted to increase housing numbers.



Question 3:

**Are the key assumptions used in the analysis in the impact assessment realistic?**

Yes ☐ No ☐

**If not, what do you think would be more appropriate and do you have any evidence to support your view?**

See main response and appendices

Question 4:

**Are there any significant risks or unintended consequences we have not identified?**

Yes ☒ No ☐

**If so please describe:**

See comments above and appendices.

Question 5:

**Do you agree that the impact assessment reflects the main impacts that particular sectors and groups are likely to experience as a result of the policy options?**

Yes ☐ No ☐

**If not, why not?**

Many of these are hard to fully indentify or quantify.

Question 6:

**Do you think there are any groups disproportionately affected?**

Yes ☒ No ☐

**If so please give details:**

Leasehold businesses/industries. Start up commercial enterprises. Low paid and working carers and other groups who are less able to move or travel greater distances to find work.

Question 7:

**Do you think this proposal will have any impacts, either positive or negative, in relation to any of the following characteristics– Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion or belief, Sex, Sexual Orientation and Age?**

Yes ☒ No ☐

**Please explain what the impact is and provide details of any evidence of the impact:**

Disabled, pregnant and maternity because these groups are more likely to have restrictions on ability to move or travel long distances should the organisation they work for relocate or to find new work if business dissolves.

Question 8:

**Do you have any information on the current level of planning applications for change of use from B use classes to C3 in your local authority area which might be helpful in establishing a baseline against which to measure the impact of this policy?**

**Please see Appendix 5**

**Item 11 Appendix A**

**Appendix 1**

**BRIGHTON & HOVE CITY COUNCIL'S EXPANDED DETAILED RESPONSE  
TO THE CONSULTATION ON THE RELAXATION OF THE PLANNING RULES  
FOR THE CHANGE OF USE FROM BUSINESS TO RESIDENTIAL**

**1.0**

- 1.1 Brighton & Hove City Council supports the promotion of economic growth and the provision of additional homes that are appropriate to meet the needs of an increasing population. However as detailed in the consultation questionnaire it is considered the proposed amendment is ill conceived and is unlikely to assist economic growth or provide the size, type and mix of housing necessary to create sustainable communities. The following expands upon the main points provided in the consultation questionnaire.

**2.0 Unintended consequences on local economies, economic recovery and growth.**

- 2.1 The consultation paper proposes the amendment on the basis it will significantly increase housing numbers. In view of the current planning system which already promotes mixed use and re-use of vacant sites for housing, it is considered this cannot be achieved without significantly reducing existing employment floorspace. This will apply to all B1 premises not just those that are redundant (and if expanded then all B use premises). With this amendment even the schemes that require planning permission due to external works or redevelopment could not consider the general principle of the change of use/loss of employment. Premises could therefore be lost without regard to current and future employment needs which could therefore undermine the employment market and business community (please see below in particular the section relating to land values).
- 2.2 Without an ability to protect established commercial sites (essential for local jobs) the future for enhancing/increasing commercial provision becomes uncertain and is likely to have a long term negative impact on the local economy. In many areas in the South East housing land has such a significantly greater value than for commercial uses, the relaxation in planning rules would go beyond making use of just those buildings no longer needed/unsuitable for its original purpose but see the needed stock of office accommodation converted to residential use for short-term profit hindering longer term economic recovery. It is unsustainable to have too great a reliance on the housing and building industry for the provision of jobs especially when this will be at the expense of other employment enterprises.
- 2.3 The cyclical nature of the property industry means that if developers were to turn offices into residential blocks when times were tough, the ability to

attract and house new firms when the market conditions improved would be seriously diminished.

- 2.4 Residential premises are more sensitive receptors than B1 premises. While it may be possible for B1 users to co-exist with B2/B8 and similar uses, this is less likely to be the case for residential users. Upon conversion of a B1 premises in the vicinity of a B2 use or similar, there is likely to be pressure on the B2 or similar use to move or close down.
- 2.5 This amendment is likely to reduce the variety of employment opportunities and removes the ability to retain/seek to increase the variety of offer. It fails to recognise the importance of planning in securing a mix of both employment and housing types. (Past experiences demonstrate the adverse impacts on areas that relied on a small range of employment eg steel industry and mining towns.)
- 2.6 The provision of a variety of choice of type of employment accommodation and affordability is important for the commercial market to operate and to support business expansion. The loss of smaller and cheaper office accommodation (and B2 and B8 units) would have a significant detrimental impact. Period buildings and older purpose built offices in Brighton & Hove have been able to offer occupiers more choice in terms of smaller sized accommodation at more competitive rental levels. Such units are also important for start up/growth industries such as creative industries whose particular needs are not met on conventional industrial estates. This is shown by a strong demand for small and inexpensive industrial and business premises, preferably within easy reach of residential neighbourhoods. It is important to note that ONS data indicates the vast majority of businesses in England are relatively small (88.6 per cent of businesses in England employ less than 10 people - please see [Appendix 8](#)). The cumulative impact from an unchecked loss of small business premises to residential would therefore have a significant impact.
- 2.7 Many large multi-national companies and banks have offices and headquarters which are iconic and/or lie in areas that could be highly attractive to residential providers/occupiers (eg The Gherkin etc – an advancement to ‘warehouse living’). This could therefore lead to a number of economically important and large employers moving out of the region/country as the financial returns to be gained from releasing office buildings in the area/England to residential make it worthwhile. (American Express is a large employer within Brighton & Hove if they were to leave this would have significant impact on local employment.)
- 2.8 The approach to vacancy rates is too simplistic and there is failure in recognising that markets do not always provide what is sustainable. For example past trends for out of town retail superstores had detrimental

impacts on the vitality and viability of town centres and traffic, the impact of which could have been more significant if it wasn't for the application and strengthening of appropriate planning controls.

- 2.9 The proposed amendment will undermine the mechanisms helping to address an issue that is a key concern for the city of Brighton & Hove and similar urban areas outside of London. The city is not able to meet housing needs and in order for the local community to be able to compete against people moving in from London the city/local planning authority needs to ensure high sector local jobs are retained and additional created. Indeed the proposal if approved will seriously affect Brighton's ability to deliver as a Supercity (please see following link:[http://www.brightonbusiness.co.uk/secure/assets/ni20110603.142230\\_4de8cc161125a.pdf](http://www.brightonbusiness.co.uk/secure/assets/ni20110603.142230_4de8cc161125a.pdf));
- 2.10 Whilst vacancy rates can be used as an indication of surplus or 'no longer fit for purpose' supply it is not uncommon for different vacancy rates to exist between different uses due to the complexities in the various markets. The consultation document fails to address the local situation facing local authorities where the supply of land is limited, below the natural level of stock that is ready and available to occupy. For example, Brighton & Hove Employment Land Study 2006 and update in 2009 indicates that supply of land and buildings, the traditional economy of the past has not left a large stock of industrial buildings available for alternative use and therefore Local Plan policies have allowed the proper consideration of the merits of change of use of commercial land to be undertaken. (The following is a link to Brighton & Hove background studies including the Employment Land Studies : <http://www.brighton-hove.gov.uk/index.cfm?request=c1187994>).
- 2.11 In respect of Brighton & Hove there are currently 81 ground floor units in B1 use within the retail centres. The introduction of residential within these ground floor units would undermine the functioning of the retail centres. This amendment is therefore potentially in conflict with the Department for Business, Innovation and Skills and its current review of town centres which is aimed at halting 'the decline of the High Street' and being lead by Mary Portas.
- 2.12 The City Council's Economic Development function jointly proposes this response to the consultation paper and has provided a detailed paper, attached as **Appendix 2** to this main response. The appendix outlines the reasons why the proposed changes are not accepted in economic development terms and highlights the local issues which are not all unique to Brighton & Hove.

### 3.0 Land values and delivery of the amount and type of housing

- 3.1 The consultation's assumptions in respect of the equalisation of land values between business and housing are felt to be over simplistic. Equalisation is unlikely to occur in reality where a variety of factors come into play and particularly where developable land is scarce. (Please see [Appendix 7](#) which is a plan showing the extent of the authority within the South Downs National Park demonstrating the physical constraints on Brighton & Hove from the sea and National Park – however it is important to note that even though the city does not have a 'verified land supply allocation'/identified supply to meet South East Plan targets, the city has provided significant increases in housing numbers via the effective handling of windfall applications through the planning system often in excess of annual targets). In many places the demand for housing is high. In the South East, outside of London, a large proportion is from people moving out from London where land values are high whilst the demand for business space tends to be more local/small scale (in Brighton & Hove there are not the sites available for new national/international scale businesses). The respective parties financial ability to compete is not therefore equal and may only be addressed when an area is no longer an attractive and desirable place to live and quality of life reduced (which is not considered to be good planning). Indeed even where there is potentially unstrained supply in all the types of development there are few examples if any that have resulted in equal land values amongst all the different uses.
- 3.2 The amendment is likely to have a perverse impact on land values and employment uses rather than a true equalisation of land values between **all** the respective types of employment uses and residential. Commercial space has the lowest commercial value compared to other competing uses. Owners of vacant space could see this proposal as a way of enhancing the value of the vacant space resulting in a loss of commercial space to residential without the need to meet tests currently in place in the city through the Local Plan. This would have the resultant effect of less available commercial space to meet demand, an increase in rental levels being sought (general economic principles of supply v demand), businesses not being able to afford the space on offer and therefore relocating out of the city to more affordable but less attractive areas culminating in further outward migration of the resident workforce making the city a dormitory town.
- 3.3 Affordability is a key component in the effective provision of housing to the people who need it. However it is not in the housing industries interest to flood the market to the extent house prices drop this is one reason why land is banked. Land auctions are unlikely to reduce house prices where demand is high, land is scarce and public sector funds are not available (councils are currently not in a position to take on staff with the ability to manage and

develop housing schemes. Local builders/developers with the ability to effectively project manage development will expect similar yields to that of national house builders). Indeed, a significant drop in house prices would probably have a significant detrimental impact on current home owners, mortgage lending industry and would also give uncertainty to the housing market. Whilst potentially wide scale 'state/not for profit' house provision would be best placed to address the key issue of affordability and housing delivery there are not the funds being made available to enable this (related research : Market failure and the London housing Market [2003, GLA] [http://legacy.london.gov.uk/mayor/economic\\_unit/docs/london\\_housing\\_market.pdf](http://legacy.london.gov.uk/mayor/economic_unit/docs/london_housing_market.pdf))

- 3.4 Whilst the amendment may address one part of the housing requirements 'problem' by increasing the number of new residential units it will undermine the ability to meet the wider housing needs. For example conversions are likely to be one or two bedroom flats rather than family homes, the amendment will remove an ability to seek the inclusion or contribution towards the provision of affordable housing and other appropriate mitigation measures (please see below in particular the sections relating to quality of life and developer contributions).

#### **4.0 Impact on and provision of an effective the planning system**

- 4.1 The proposed amendment fails to recognise the need to balance housing with employment in order to ensure there are sufficient jobs for existing and new residents and to create sustainable communities. Even if caveats are applied the general principle of accepting the loss of B1/employment to residential will be nationally set regardless of employment needs. Job losses in areas with high housing demand could be significant leading to significant traffic implications (due to increased commuting) and other social implications. Overtime dormitory towns and cities are likely to form.
- 4.2 The amendment fails to recognise that the planning system seeks to address not just housing numbers but all the land use needs of a community in a balanced, holistic manner. For example it seeks to maintain and enable opportunities and/or address the commensurate needs for jobs, shops, leisure facilities, schools, open space etc. The proposed amendment will adversely impact upon the ability to balance these, often competing, land use requirements.
- 4.3 The planning system enables detailed consideration of individual site circumstances within particular localities after consulting appropriate bodies and taking into account expert advice. The balance between economic, social and environmental factors cannot be appropriately considered within a standards/tick box system as each site often has individual material



considerations. The need for future development to be considered via such a flexible and responsive planning system is becoming more important as knowledge increases in respect of key factors and European and National legislation eg contamination, air quality, biodiversity, aquifers, climate, flood risks, benefits from a quality environment on health and other social and economic factors etc. In view of the potential long term impacts of development this is not considered an onerous or unnecessary burden on the developer. Indeed the 'administrative cost for a planning application' for a developer is a misleading title because much of these costs would be incurred anyway as a developer will need to collate data to ensure a scheme is viable and to meet European and National obligations.

- 4.4 The consultation analysis and evidence looks at national or regional statistics with few source of data at the local level. The interpretation of the data and assumptions made are hard to check. Indeed the interpretation of statistics and data needs to be carefully assessed – the housing development industry is well organised in comparison with the commercial development industry and each market is very complex. The implied assumption that there are great swaths of vacant employment land being unnecessarily protected and/or allocated is disputed. Indeed if this were the case it would be called into question and carefully considered at the Development Plan examination/individual planning appeals and overruled where appropriate. As illustrated in [Appendix 4](#) the majority of appeals are dismissed, highlighting that the factors around this issue usually need careful consideration through the planning system and that a relaxation would therefore be inappropriate.
- 4.5 As highlighted in the consultation document (Legal Background, paragraphs 9 to 11 and evidence base) 'permitted development' rights allow changes of use where the impact of the proposed is considered to be less than the existing use that to require planning permission would be unnecessarily burdensome. This is not the case in this proposed amendment where housing and employment are two very different uses where a proper assessment of the impacts from housing usually differs to but are not necessarily less than employment.
- 4.6 This consultation takes the stance that planning is an unnecessary barrier. It fails to recognise the benefits of the current planning system which adopts a plan making approach that undergoes extensive public and business consultation and obtains local democratic endorsement. Local authorities employ appropriate mechanisms to test redundancy. Where it is felt employment is redundant or can be lost to residential this is included within local policies and allocations. Any outstanding concerns are addressed at an Inquiry/examination, including appropriate balances in vacancy rates, demands etc. Conversion to residential use does already provide a significant supply of housing. If unidentified employment sites are

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demonstrated to be redundant or no longer fit for purpose within a planning application then this is a material consideration and a change of use or the redevelopment to housing is permitted subject to all other relevant factors. In view of the potential long term impacts of development this is not considered an onerous or unnecessary burden on the developer.

- 4.7 This proposal fails to recognise that the majority of all planning applications are approved ([Appendix 4](#) provides data tables for Brighton & Hove). It should be recognised land owners/developers and architects have immense freedom to produce good schemes, planning only refuses the handful where the impact from a scheme on the public interest is considered to be significantly adversely affected. The flexibility in the planning system to accept appropriate changes of use to housing is even illustrated in the consultation document which states change of use of existing buildings accounts for 10 per cent of total housing supply.
- 4.8 It should be recognised that the planning system (and its practitioners) in Britain is already very flexible and has been very effective in helping to create sustainable communities. It is unfortunate that the praise for great schemes often only goes to the architect/designers whilst planning is blamed for any failures rather than a recognition that planning has an equal hand in both as well as the other schemes that are effective but raise no particular mention / the schemes that were refused due to the harm they would create. Planning will inevitably be viewed as a barrier by some applicants whose primary concern is not the long term wider public interest but instead meeting their individual business plan in a manner that optimises their individual profit/doing what they know with optimum profit. Modern building and demolition techniques enable rapid large scale change, in order to ensure this is undertaken sustainably it is considered essential it is effectively managed and controlled (eg to take account of the historic environment, communities ability to change, supply of aggregates etc). Amendments that effectively replace the planning system by one that gives 'control' to the housing market need to be carefully considered. Individual markets rarely take into account the impact on other markets and wider public interest factors or the impacts on future generations.
- 4.9 The main barriers to housing delivery are not due to an inflexible or unresponsive planning system. Without management via the planning system the development market is unlikely to adapt to take into account increasing knowledge and evolving factors such as climate change, biodiversity, air quality etc. Specific markets focus on what they know the planning system helps to balance this with all other needs and helps to moderate the trends in land use demand and supply. It considers past events/experiences and thus helps to avoid the creation of future slums/ghettos. The localism approach implies a sense of local identity which the planning system assists in maintaining by ensuring provision is

appropriate to the locality and not just a 'one design fits all' approach. It also seeks to ensure appropriate sustainable building designs when national targets are considered within a local context eg when carbon dioxide emissions are considered within an historic environment it is likely new builds need to be more sustainable than current building regulations. Planning assists in improving the quality of schemes and to ensure any adverse impacts are mitigated prior to construction. Indeed by ensuring appropriate measures are taken into account at the design stage can help minimise costs.

- 4.10 The proposed amendment will be at odds with the current requirement to apply for planning permission for the conversion of one dwelling into two or more units. To date this is because it has been recognised that the impact on amenities etc could be significant especially in high density areas and also from cumulative increases in housing units in this way. This relaxation also appears at odds with an earlier amendment removing residential gardens from the definition of 'previously developed land' which potentially introduces additional restrictions on the provision of additional housing within residential curtilages. This highlights the need for a more holistic comprehensive approach should such significant amendments to the planning system be felt appropriate.
- 4.11 A proper holistic approach needs to be considered and consulted upon in respect of housing requirements. The delivery of housing to meet demand is very complex. Whilst the planning system is normally very effective in what it is able to do, the public and Government's expectations of what planning can deliver and manage can sometimes be unrealistic or ill informed. In general the housing demand in the south is significantly higher than in the north this is in part because of higher employment opportunities. It is therefore unsustainable to address the housing demands by removing the management of employment land use sites and thus a large proportion of employment opportunities. Indeed there are empty streets and housing estates in some northern towns and cities it is therefore too simplistic to say a key barrier to increasing housing supply is the lack of land/sites.
- 4.12 The consultation document indicates the Government is committed to reforming the planning system. It is therefore important to ensure the total extent of all the proposed reforms are included in one consultation or in a comprehensive manner taking into account amendments taking place in other Government departments. Regular amendments to the system, especially in a piecemeal manner, do not aid in simplifying and quickening the process. It takes time to understand new requirements and guidance. The Government should take the opportunity to clearly set out its vision and full proposals for the review of the planning system so that all amendments can be considered within the full context of the wider review. It needs to be

clear whether the plan making system is truly endorsed. It is not felt appropriate to bring forward the proposed amendment which is considered to be significant without being clearly set out within a consultation detailing the full set of amendments to be proposed by the coalition Government.

**5.0 Impact on the plan led approach and monitoring**

- 5.1 It is considered the amendment proposes a move away from a locally democratically endorsed plan led system, to which local communities/neighbourhoods are able to input, to one of market led. The consequences of which are not considered to bring about an improvement upon the existing system or support a localism approach.
- 5.2 The amendment would undermine the plan making process because employment land allocations will become meaningless as the general principle of residential within such premises/sites will be accepted (having regard to the existing permitted changes from B2 and B8 uses to B1). Mechanisms already exist to release redundant employment land or premises to other uses. The plan led approach relies upon up-to-date and sound evidence base such as employment land reviews. Where it is demonstrated that employment land is redundant and no longer required, in accordance with national guidance PPS4, its change to residential use is accepted unless there are factors which make such a change inappropriate.
- 5.3 It will not be possible to properly plan for the area if there is no clear idea of how many dwellings are being produced. The amendment will undermine existing Local Plans and Local Development Frameworks because many of the policies relating to employment and economic growth will become meaningless. It will undermine the evidence base to existing and emerging Local Development Frameworks, so respective development plans may be found unsound leaving the development industry without clarity (due to the public sector cuts there are limited resources to fund reviews of current 'up to date' background studies). It will be hard to monitor and predict when and how many sites will change from employment to housing and will affect existing and future housing targets and windfall development. The planning of future services, schools, waste water etc will become difficult to assess and address.
- 5.4 The amendment fails to recognise that whilst a site may be vacant and considered redundant for one particular type of employment use that it maybe more appropriate to consider alternative employment uses before considering residential. If the current system is allowed to proceed key primary employment sites will be reviewed potentially every five to ten years each time a development plan is reviewed/prepared and the loss of secondary employment sites will be considered on a case by case basis via the planning application process and also the plan making process. The

Brighton & Hove Local Plan and the submission Core Strategy enable genuinely redundant employment sites to be lost normally setting out a preference to alternative employment uses followed by live work or affordable housing. (The following are links to the Brighton & Hove Local Plan : <http://www.brightonandhovelocalplan.org.uk/welcome.htm> and Submission Core Strategy : <http://www.brighton-hove.gov.uk/index.cfm?request=c1148443>)

- 5.5 Waste and Minerals planning will be affected by this amendment as there will be a reduction in industrial buildings/land stock for potential future waste and resource processing developments. Local waste and resource processing developments may not be realised due to an increase in land values making such uses uneconomic in many locations. For the reasons touch on above regarding the encroachment by sensitive development (housing) on existing and allocated industrial land based waste management facilities. There will be problems with not being able to resist the continuing conversion of sites near railheads, wharves etc to residential as those sites are already often under threat from regeneration schemes. Even if the site itself is not B1, B2 or B8, adjacent properties often are and this means any potentially noisy process like unloading aggregates or processing waste will quickly be subject to nuisance claims.

## **6.0 Impact on the localism approach and neighbourhood planning**

- 6.1 The amendment would not devolve power from Central Government to local authority. Instead a key element of management within the planning system will be removed resulting in a loss of control at the local level. It will therefore remove local authority control and the opportunity for local communities to have their say. There will be nothing to stop employment sites turning to housing of a type and mix contrary to that identified by the community in a Neighbourhood Plan.
- 6.2 It would severely restrict planning's place-making role and the opportunity to create sustainable mixed-use communities. It would take away an important part of the urban design toolkit. Documents such as Masterplans, Planning Briefs and potentially Neighbourhood Plans would carry little weight if the council cannot in the long term control the use of land and buildings allocated for commercial use as part of mixed-use schemes. This in turn would erode the confidence of local communities in the planning system and local authority if they feel that, having been consulted on appropriate uses, they discover that those uses cannot always be controlled. Mixed use development is specifically promoted as an important contributor to sustainable communities (PPS1).
- 6.3 This proposed national amendment undermines the Localism approach and whilst the consultation document suggests article 4's can be applied. Article

4's take time to prepare and could be pre-empted by developers if 'immediate' directions are not applied. They have significant resource implications for Local Authorities (both in staffing and financial) which are already under pressure due to the public sector cuts. There is no planning fee for an application by virtue of an Article 4 and the local planning authority would be liable to pay compensation should permission be refused. In addition to this the application of an article 4 direction to the whole area of an authority is normally resisted. Individual units (many of which are small scale and start up units) outside primary business areas would therefore be left 'unprotected'. This amendment is not therefore in essence giving power to communities and local council's as heralded by the localism agenda.

## **7.0 Impact on the management of 'quality of life' issues.**

- 7.1 This amendment could result in significant numbers of residential units being created in large light industrial and office complexes without any development management and outside the ability to effectively monitor. Residential units would be provided without proper regard to or mitigation for impacts on school capacity, open space, traffic implications, air quality, biodiversity, impact on historic environment, residential amenity, sustainable design, daylight & sunlight, lifetime homes and wheelchair accessible dwellings, refuse and bicycle storage, ability of utility and other consultees to meet increased demands, flood risk, designing out crime etc. It is not felt the management of 'quality of life' issues, which depend on individual site circumstances and currently the submission of full details, can be appropriately addressed via a prior approval system or self certification or an alternative system such as a minimum standard/tick box system that could be managed by building control.
- 7.2 Redevelopment schemes could also circumvent taking the above detailed issues into account either by initially obtaining a certificate of lawfulness for the requisite number of residential units within an existing building or demonstrating a change of use creating similar housing numbers could be undertaken when applying for redevelopment. Thus the 'increased' impact of a scheme that requires permission for redevelopment versus change of use would potentially only relate to issues of design which will probably offer better layouts than a change of use scheme.
- 7.3 The amendment will also remove the ability to individually assess the social and environmental impacts of significant and/or cumulative increases in housing units on a locality and seek appropriate mitigation. (During these times of public sector restraint it is unrealistic to assume the necessary mitigation measures can be addressed within public sector resources alone.)

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- 7.4 Environmental Health have produce a detailed paper which should be read as part of this response and is attached as **Appendix 3**. It highlights how this amendment will fail to enable key issues to be appropriately taken into account prior to development. A failure to incorporate appropriate measures at the design stage can lead to problems and a significant increase in irresolvable complaints as many of the appropriate measures cannot legally be sought retrospectively. As the consideration of these factors depends on individual circumstances which is currently effectively considered through the planning application process the proposed amendment will undermine this and is therefore opposed.
- 7.5 It is hard to estimate the unintended consequences from this proposal in respect of 'promoting' conversion or encouraging conversion in favour of redevelopment (eg the number of dwellings that are not realised due to conversions taking place in favour of redevelopment; the impact on quality of life through unrealised improvements in amenity, landscape, daylight and sunlight due to conversions in favour of redevelopment etc).
- 7.6 Edge of town and rural business parks and industrial estates could effectively become new settlements, without the provision of existing services and public transport; and with no requirement to provide them. This is of particular concern for disadvantaged members of the community and would force people into car ownership and increase travel distances to shops, schools, jobs and other services.
- 7.7 In respect of the transport/traffic impacts of this amendment insufficient regard has been given. In general the number of trips are higher with residential than commercial uses but with trips less concentrated in peak hours. There would usually be more overnight parking. This amendment could impact upon on-street parking and highway safety. Currently local authorities are able to operate a system that excludes future residents of such flats from buying residents parking permits. All potential purchasers are made aware of this, by virtue of the planning system, enabling them to make the requisite 'life choice' decision prior to purchase. Such a system would not be reasonable if the proposed amendment is introduced.
- 7.8 It could seriously erode, or even completely undermine, the special historic character of some conservation areas. The use of land and buildings is an important element of character. Some conservation areas derive their special interest from a continuing tradition of commercial uses whilst others may derive it from a mix of uses that includes commercial as an integral part. The predominant use or the mix of uses may be a deliberate, planned element reflecting the origins of the area's development or it may have evolved organically over time, reflecting changing social patterns. Either way, an unfettered change of use to residential could cause substantial

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harm to the significance of some heritage assets, contrary to existing policies in PPS5.

- 7.9 Many business parks and industrial estates are located within flood risk areas where residential would not be appropriate on the ground floor or on floors above without suitable means of escape in the event of a flood. Without suitable caveats and conditions the proposed amendment would conflict with such requirements and put lives at risk.
- 7.10 Under the Building Regulations any change from any use type to form a dwelling or dwellings is classified as a material change of use and would require a Building Regulations application. There is no Building Regulations requirement for light to rooms only a requirement for ventilation hence certain industrial units may not have sufficient light. Environmental health could very well have provided feedback during a planning application that may have indicated that the development is unsatisfactory in this regard. As such any consultation that would have taken place would not.
- 7.11 Although access for fire fighting is not an issue for consideration under Planning law currently there is at least the opportunity to comment about this issue. Again this benefit would be lost. It is possible that a change of use could take place to an industrial building that currently has poor access. Building Regulations change of use requires that an existing building complies with current access for fire fighting requirements. With no planning permission required early consideration of a very important and fundamental safety matter would not take place. Building Control providers could find themselves in an untenable position in trying to resolve problems of access to a building that is a greater risk with people sleeping in the new dwellings.
- 7.12 Currently there is no Building Regulations requirement to ensure that new dwellings meet life time home standards. As such lack of a planning application will mean that new dwellings will be built to a lower standard that does not include the long term health of a buildings occupants. If this proposal goes forward it considered one of the caveats should be 'the work would only be permitted development if it was designed to life time homes standards'.
- 7.13 Energy performance levels would be only to that prescribed under the Building Regulations and code for sustainable homes matters would no longer be raised. It is possible that building owners may undertake unauthorised changes of use without seeking Building Regulations consent as the need for various consents may be unclear.
- 7.14 The 'hidden' costs to society from failing to take into account these issues are only just being properly realised. Good quality housing within a green environment can help reduce health problems and aid recovery from illness



which in turn reduces costs on the health system. If homes are designed to meet lifetime home standards this can help to reduce some cases of 'bed blocking' within hospitals. If crime is designed out and social integration designed in the general mental health and well being of society is normally enhanced.

**8.0 Impact on the ability to obtain affordable housing contributions and developer contributions to mitigate the harmful impacts of development.**

- 8.1 The amendment will remove scope for securing affordable housing through s106 or CIL within such sites and therefore these costs and other infrastructure requirements generated by residential development will need to be financed by other means. Imposing a self regulated or prior approval mechanism to a s106 requirement or CIL tariff on developers is considered to be unmanageable – it will not be able to take into account individual site circumstances, on-site mitigation measures and impacts on viability because all the necessary details will no longer be submitted as part of a full planning application.
- 8.2 This amendment undermines the s106 process and the emerging CIL. For example it is likely to become unreasonable for other residential development schemes to make contributions for mitigation measures for the harm caused when units created via this amendment do not. As raised above a prior approval or self certifying mechanism for CIL is likely to be unmanageable and breaches likely to be unenforceable. Developers resist providing s106 contributions few if any will 'voluntarily' enter into s106 agreements if they don't 'have to' in order to make their proposal acceptable by mitigating for the harmful elements. The importance of s106 and CIL in addressing the adverse impacts of development should not be underestimated especially during these times of public sector austerity. Indeed changes in national policies and funding streams over the past two decades has moved Local Authorities away from being 'providers' into 'enablers'. This in turn has given rise to a greater need for individual developments to address their generated demands which has been facilitated by s106 agreements. This amendment is therefore considered to undermine appropriate mechanisms to mitigate for the harmful impacts of 'development' and could therefore lead to significant highway safety issues, shortfalls in school places and open space etc

**9.0 Other considerations**

- 9.1 In response to tackling the key issue behind this proposal (eg failure in the housing market to deliver sufficient dwellings) it is felt other matters need to

be considered prior to and/or in preference to the introduction of this amendment. The following are just a few suggestions:

- At present student housing, care/nursing home bedspaces and hostels are nationally not included within housing targets. This should be reviewed because at present there is market pressure in many authorities for these types of accommodation much of which on sites identified and/or allocated for housing. An increase in provision of these types of accommodation will normally free up existing dwellings to other households (eg some of the existing housing stock is being used as student housing so if formal 'student housing blocks/halls of residence' are built this will free up the dwellings currently occupied by students. In addition to this the provision of care/nursing home accommodation often frees up existing dwellings often 'under occupied' dwellings). The current system fails to count these types of housing towards meeting housing targets which can result in an unnecessary constraint on such market provision when planning approval is sought. This in turn affects the ability to meet all these housing needs within a community.
- A review of the approach that there must be an identified 15 year housing supply without a proper regard to/inclusion of windfall allowances. As highlighted above this can pervert consideration of other types of housing requirements and is debatable in view that individual site delivery is very complex and subject to change from a number of factors.
- This proposed amendment and the approach that where there is not a 5 year identified housing supply more favourable consideration should be given to housing development proposals implies additional housing in effect constitutes sustainable development. If this is the intention the Government should clearly define sustainable development giving greater weight to housing development to avoid confusion and to alter the current approach that sustainable development is an equal balance between social, economic and environmental factors. Should the definition of sustainable development be amended/clarified it should be clear on the weight to be given to affordability and affordable housing.
- One issue that primarily lies outside of planning but which the Government should seek to address is the impact on meeting housing requirements via restrictions on second homes and holiday lets.
- Recent EU policies and immigration also needs to be taken into account and properly planned for and mechanisms put in place to address all issues including the housing implications (this is more than just a town and country planning matter).
- Caution is also needed when considering projected population and household figures and in the interpretation of data and trends.
- The relationship between the planning system and the local and national democratic process needs to be considered because sometimes a communities long term requirements and thus planning

recommendations can be politically sensitive (this can create an anomaly because planning is expected to be unbiased and based upon planning regulations/legislation, national guidance, follow good practice whilst taking into account all other material considerations. It does not explicitly say 'and local democratic decisions').

- The North South variances between demand and prices requires a National based approach.

## **10.0 Conclusion**

10.1 For the reasons set out above and in the response questionnaire the disadvantages and problems this amendment will create in unintended consequences will outweigh the benefits and will undermine the creation of sustainable communities. The amendment will not bring about an improvement upon the current system and other measures would be more appropriate.

10.2 Instead of this amendment and a range of other individual amendments to the planning system the Government is urged to undertake consultation, following research, on **all** the potential mechanisms for increasing housing delivery and meeting housing needs. Any proposals should be clearly set out within the context of all other proposed amendments to the planning system. Thus enabling a holistic and comprehensive consideration of the issues and impacts.





## **Economic Development Detailed Response to Consultation Paper**

### **Background**

The key proposal is to introduce permitted development rights to allow for change of use from B1 (business) to C3 (dwelling houses) without the need for planning consent. It is also the aim of DCLG to provide the broadest scope for this relaxation and believe that there is a strong case for making changes from B2 (general industrial) and B8 (storage and distribution) to C3 permitted development, and there is also the opportunity to convert unused space above a shop into a flat.

The background to these proposals from the DCLG is the urgent need to increase the rate of house building in the country and make housing supply more responsive to changes in demand.

### **Business facts for Brighton & Hove**

- Between 1998 and 2008 the private sector employment base of the city grew by 24.8% .
- There are 13,422 VAT registered/ PAYE businesses in the city. Based on the OECD estimates there are some 20,000 businesses operating within the city
- Brighton & Hove has the third highest business stocks per head in England & Wales.
- In 2008 Brighton & Hove had the 6th highest levels of start-up business activity in the country. (Centre for Cities 2010)
- 86.4% of businesses employ less than 10 people  
11% of businesses employ 11-49 people  
2.1% of businesses employ 50-199 people  
0.5% of businesses employ more than 200 people

Brighton & Hove businesses tend to employ less people per-business. Overall, Brighton & Hove has a larger proportion of small and micro businesses employing less than 10 people, and lower proportions of all other sized businesses. It has 23% less businesses employing over 200 people than the national proportion, and 25% less businesses employing 50-199 people.

Brighton & Hove has a strong entrepreneurial culture, reflected by high levels of start-ups compared with other cities. Its start up rate of 49.6 businesses per 10,000 people in 2008 was above the national (GB)

average of 44.4, but due to higher than average business deaths Brighton & Hove is still growing our business base slower than the national rate (1.6% growth compared with 2.2% nationally).

Between 2008-2009 Brighton & Hove lost 2.8% of total Business stocks, compared to the 2.9% lost nationally. It still has the third highest business stocks per-head of any city in England & Wales (402.6 / 10,000 head of population). This is 16.4% higher than the national level (345.9 / 10,000 head of population).

There are 263,300 people living in Brighton & Hove and current projections suggest that the city's population could increase by 4.8% or 12,000 over the next ten years. 94% of these new residents are expected to be of working age, which is a very high proportion compared to the rest of the country.

If these projections prove accurate, the city may need to find work for an additional 6,000 residents by 2014 just to keep the employment rate at the current level of 75.6%. If we also hope to meet the national aspiration of an 80% employment rate in the next ten years 16,000 more jobs will need to be created. The current downturn in the economy is adding many newly unemployment people to the pool of job seekers and also reducing the number of local jobs.

Furthermore, the population of Brighton & Hove is considered one of the most highly qualified adult populations in the country with nearly half the working age population having the equivalent of a degree or higher. The city has 32,000 students at two universities.

Nevertheless, the qualification structure of the local population has not clearly transferred into a high value added economy. This suggests that it may not be skills alone that drive up productivity. Instead, there is anecdotal evidence that higher qualified local residents commute to other areas for work. Others work in local jobs for which they are overqualified, which tends to inflate the level of qualifications expected from job applicants and makes it more difficult for residents with lower skills to get a foothold in the local labour market.

So the challenge for the city is to create at least 6,000 more jobs by 2014 but to help local residents develop the right skills and to grow the business base as that it is able to employ a larger number of the resident workforce.

### **Economic Development perspective**

The DCLG want to encourage economic growth by encouraging developers to bring back redundant commercial space into use and at the same time help tackle the need for more housing.

The economic development team together with colleagues from Planning at the city council have always encouraged developers to bring redundant commercial space back into operational use and with the aid of SRB/AIF programmes in the late 90's early 2000's there was considerable success in the city in revitalising our industrial estates and buildings on them to bring them up to modern day business requirements. Subsequently once central government funding ceased and alternative funding programmes were not forthcoming; this was placed firmly back in the hands of the businesses/owners to implement any modernisation / upgrading of the commercial stock in the city.

The City's commercial stock is split between 3,000,000ft<sup>2</sup> of industrial / warehousing and circa 5,000,000ft<sup>2</sup> of B1 office accommodation.

Industrial /Warehousing (B1b,c, B2 and B8) is primarily located on the 21 industrial estates / business parks around the city which are all relatively small in size and located closely to residential areas. The vast majority were constructed in the late 50's early 60's when car ownership was low and people travelling to work locally wherever possible. These are now becoming dated with age and some are also not best located for modern business requirements; however they still provide valuable employment for the residents of the city. Together with these industrial estates / business parks there are units throughout the city outside these areas that are protected through their existing use allocation.

B1 office accommodation can be found around the city and out of the current stock level, just over 4,000,000ft<sup>2</sup> (85%) was constructed before 1987.

Vacancy rates for both the industrial /warehousing and the office accommodation are currently running at about 10%. The B1 Grade A office accommodation vacancy rates is currently running at 2%. Which suggests that the demand for Grade 'A' office accommodation is growing as business practises demand higher quality space.

In response to this demand for Grade A space the city has and is continuing to witness refurbishments of existing stock rather than demolition and rebuild. One such scheme in the city centre was completed 6 months ago and out of the available refurbished stock (30,000ft<sup>2</sup>) only 5% is currently available. A number of other B1 office developments within the city have been refurbished or are in the process of being refurbished to help to meet the demand for Grade A space in the city.



With the predominance of businesses in the city employing less than 10 people there is continued demand for smaller floorplate office space and this will continue. If the CoU is accepted and approved, it is our opinion that it will be smaller office spaces that will have the ability to be adapted more easily to residential use and these will be lost to the market making it harder for small businesses to find space, inflating the rental values of the office space that is left making it less affordable to businesses in the city to remain.

A number of studies have been produced in the past 5 years looking at the need for commercial space in the city including the Creative Industries Workspace Study (2008), The Employment Land Study (2006 and revised 2009), the Business Retention and Inward Investment Strategy (2009) and the City Employment and Skills Plan (2011-14). All these studies identified the need for commercial space to meet the needs of the city, businesses currently located here and businesses considering Brighton as a business location.

Together with the above, Brighton & Hove is one of the partner cities in the Centre for Cities programme entitled Unlocking City Potential and Sustaining City Growth working with a small group of cities to inform economic development policy and improve economic performance. In a study produced by the HSBC Future of Business report, Brighton has also been recognised as one of 5 'Supercities' that will lead the country's economic recovery ([http://www.brightonbusiness.co.uk/secure/assets/ni20110603.142230\\_4de8cc161125a.pdf](http://www.brightonbusiness.co.uk/secure/assets/ni20110603.142230_4de8cc161125a.pdf)).

A recent report published by Nathaniel Lichfield & Partners, entitled 'Economic Outlook Stuck in the Slow lane?', May 2011 states that "Looking to the future, consensus forecasts are that all types of commercial property will see some growth in rental levels in the next 3 years. However offices will be the stand-out performers with growth of 14% whereas industrial property is only expected to record 2% growth". This predicted increase in office rental levels, coupled with the potential wholesale loss of office stock in the city through the relaxed planning rules could make the remaining stock unaffordable to many of the businesses in the city.

Brighton is now being considered seriously as a business location building on the business sectors that are located here. The key sectors that have been identified for growth are digital media, creative industries, finance, health and environmental technologies, all of which have a growing presence in the city. The protection of the existing stock and the development of new high grade space is fundamental

to the economic wellbeing of the city to allow these sectors to prosper and grow.

**Response to Consultation document**

In response to the consultation document

**QA:**

**‘Do you support the principle of the Government’s proposal to grant permitted development rights to change of use from B1 to C3 subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations’**

The economic development team **does not support** the principle for the following reasons:

- The proposal if approved will seriously affect Brighton’s ability to deliver as a Supercity;
- The proposal would severely hamper the ability of the city to meet its employment target of 6,000 new jobs by 2014 as the business base will stagnate due to the lack of suitable space;
- Commercial space has the lowest commercial value compared to other competing uses and owners of vacant space could see this proposal as a way of enhancing the value of the vacant space resulting a loss of commercial space to residential without the need to meet tests currently in place in the city through the Local Plan. This would have the resultant effect of less available commercial space to meet demand, an increase in rental levels being sought (general economic principles of supply v demand), businesses not being able to afford the space on offer and therefore relocating out of the city to more affordable but less attractive areas culminating in further outward migration of the resident workforce making the city a dormitory town;
- The studies and reports referred to above all demonstrate the need for more commercial space in suitable locations to allow the city to grow as an economic base for the wider economic area;
- There is a continued need to safeguard the existing businesses (and jobs) that are found in the city and provide space for them to grow and remain in the city;
- There is demand for high quality commercial space in the city which also has to be affordable to businesses to allow them to remain and grow;
- Brighton has become an alternative business location for businesses due to its close proximity and easy access links with London (and Gatwick airport) together with more affordable rental levels for high quality space;

- The strength of the key sector growth and the businesses already located here within the key sectors act a magnet to attract new businesses to the city;

**QB:**

**Do you support the principle of the Government's proposal to grant permitted development rights to change of use from B2 and 8 to C3 subject to effective measures being put in place to mitigate the risk of homes being built in unsuitable locations?'**

The economic development team **does not support** the principle for the following reasons;

- Commercial space has the lowest commercial value compared to other competing uses and owners of vacant space could see this proposal as a way of enhancing the value of the vacant space resulting a loss of commercial space to residential without the need to meet tests currently in place in the city through the Local Plan. This would have the resultant effect of less available commercial space to meet demand, an increase in rental levels being sought (general economic principles of supply v demand), businesses not being able to afford the space on offer and therefore relocating out of the city to more affordable but less attractive areas culminating in further outward migration of the resident workforce making the city a dormitory town;
- The proposal would severely hamper the ability of the city to meet its employment target of 6,000 new jobs by 2014 as the business base will stagnate due to the lack of suitable space;
- The studies and reports referred to above all demonstrate the need for more commercial space in suitable locations to allow the city to grow as an economic base for the wider economic area;
- There is a continued need to safeguard the existing businesses (and jobs) that are found in the city and provide space for them to grow and remain in the city;
- There is demand for high quality commercial space in the city which also has to be affordable to businesses to allow them to remain and grow;
- Brighton has become an alternative business location for businesses due to its close proximity and easy access links with London (and Gatwick airport) together with more affordable rental levels for high quality space;
- The strength of the key sector growth and the businesses already located here within the key sectors act a magnet to attract new businesses to the city;
- The vast majority of B2 and B8 buildings are 'industrial' in form and will not lend themselves easily to a change of use;

- There will not be many instances within Brighton & Hove where this would apply with the caveat of '*effective measures being put in place .....*' as both B2 and B8 uses are not uses, and therefore locations, that accord with residential use.

**Additional Comments:**

Notwithstanding the above, there are locations within the city that are not best suited for business use. The local planning authority through its adopted local plan recognises this and does provide the ability for a change of use through the planning process with tests to be met to demonstrate the space is not economically viable for its existing use.

The city has to continue to provide commercial space to provide jobs for its resident workforce, safeguard the existing businesses and also attract new businesses to the city to increase employment opportunities.

The LDF (Local Development Framework) recognises that there is a need for refurbishment of commercial space in the city to meet modern business needs because of the lack of available sites and land. It has recognised the opportunity for enabling development to come forward in suitable locations to facilitate the provision of modern business space. It is the opinion of the economic development team that the use of enabling development principles is a more appropriate tool to provide modern business accommodation and additional residential accommodation to meet the housing needs for the city.

Article 4 Directions are used in some instances to remove permitted development rights and require planning consent for such developments. It is recognised that where a permitted development right is granted nationally it is not appropriate in a local area. The economic development team consider that if the Government's proposal is approved in order for Brighton to continue as a 'supercity', then Brighton along with the other 4 cities identified as 'supercities' should have an Article 4 Direction in place to safeguard the employment space in the city to realise its potential. (This is subject to the Government either amending the Article 4 compensation requirements or setting up a central fund to address subsequent compensation claims and handling costs).

**Prepared by Andy Glover, Senior Economic Development Officer, June 2011**



## **Environmental Health Detailed Response to Consultation Paper**

The following paper addresses detailed environment health issues in response to the DCLG proposal to relax the requirements for change of use from commercial to residential, and namely B classes to C classes. This is in an attempt to make more housing available and bring into use many vacant premises/properties.

It is understood that B1 to C3 would automatically convert over, however, the B2 and B8 uses would require some specific method of control and this would seem to be via a type of permitted development, potentially with a style of condition attached to it.

On this basis the following are considered to be the key concerns.

### **Noise**

Noise is a large issue which the department invest a lot of effort into the planning regime, ensuring that new developments through the planning regime protect both the residents they seek to introduce, but importantly, that their design does not inadvertently inconvenience nearby by or existing residents. Noise may be broken down into a number of areas which all require careful management.

- Noise from plant and machinery (could be as simple as a condenser unit, a wind turbine or some pumping mechanism)
- Noise from road traffic noise, railways and indeed ports and associated port development
- Noise from construction.
- Noise from other adjacent or sources, ie below, where it is specifically requested that enhanced protection is achieved to protect residents, in excess of the current levels contained within the building regulations. Commercial premises often fall into such categories.
- Noise from sources below or adjacent such as bin stores, lift rooms, commercial units etc.
- Noise from deliveries, servicing, vehicle traffic, reversing alarms, delivery areas etc etc.
- Noise from PA systems, people noise

### **Guidance and documents.**

Various standards and guidance exist which dictate what should afford residents restful sleep or peaceful daytime noise levels, and this is often the starting point in when developers are considering a scheme and protection is built around this.

National guidance also dictates that a process is undertaken to ensure that the site or plot is actually suitable for development and this is through the PPG24 process. In summary, it involves a noise consultant identifying the relevant background levels for both night and day and from this determining the noise exposure category for the build. These range from A to D, with A being that the site is satisfactory and with D being that planning permission should normally be refused as it would be inappropriate.

It is important to note at this stage that the reason that such a survey is undertaken is since Environmental Health and indeed no other professional bodies have any powers to deal with sources of noise such as road traffic noise, railways or even that from aircraft and port related activities. It is for this reason that it is so critically important to ensure that the design protects the end users and residents and does not inadvertently introduce new problems.

Therefore, with regards to noise and the items listed above, it is apparent that the planning regime is critical in the Environmental Health department being able to approximately assess and address noise issues. With a removal or relaxation in the use classes, it is feared that Environmental Health's workload would rise and that there would be an implicit expectation that we would pick up the issues created through our statutory legislation. (Without additional resources this may become unmanageable and some measures are not possible to retrofit)

Other points to consider with regards to noise include as follows:

**Location** : what would happen with units which change to residential and other commercial units remain either above, adjacent or below and by their nature they could be noisy, have extended hours of use, deliveries to or from the site, increased traffic (especially with regards to B8).

Partial developments or those where, some new residential housing exists, and another part of the build after 5 years has converted back to a B class, thus now presenting an issue for residents.

Would all conversions automatically be subject to part E of the building regs?

Noise links nicely onto the matter of air quality.

## **Air Quality**

Some developments, in their assessments at a planning stage deem that the development must have their windows closed to protect residents from high ambient noise levels (often as a result of heavy road traffic noise). This can often have knock on effects on how a property will be ventilated. Whilst most sites can and often do employ a standard trickle ventilation in accordance with Building regs, some more complicated sites, often adjacent to busy roads and arterial routes with poor air quality require more elaborate schemes to ensure that poor ambient air is not drawn into the development. Mitigation measures can take some time to resolve and are often complicated, as they depend heavily on the screening or detailed assessments made by air quality professionals.

With such a removal or relaxation in planning guidance, the opportunity to effect such measures as above are easily lost and if not considered carefully, can have an adverse impact on the end users of the scheme.

### **Potential Land Contamination**

The other matter which could easily impact on such a relaxation was also hinted at in the document and concerned potentially contaminated land. B class sites by their very nature can often have or employ practices or chemicals/uses which could and in some instances do cause localised contamination. Whilst it is appreciated that there are a plethora of work live scenarios in the City, some B classes will inevitably be considered as potentially contaminated land. The end use will ultimately dictate the level of assessment necessary, but this can often be expensive and professional work which requires time and consultants to carry out effectively. The length of time and sometimes historical uses in B classes may even be unknown and without reference to specialist databases, such uses can easily be overlooked. A useful example of how contamination might affect a build might be as follows:

1. Furniture workshop. This process used a lot of glues and solvents in the preparation of upholstery and finishing processes. The use, storage and disposal of such solvents, liquids, paints, varnishes, etc etc, can cause vapour hazards, which if not identified could cause human health issues. Additionally, by their disposal through conventional means, ie mains drainage, the possibility remains of them having contaminated service runs and utilities trenches. This creates the knock on effect of potentially causing contamination of a mains water supply into the premises. Lots of new developments, especially on such sites, use barrier systems and enhanced pipes to protect against such eventualities, but the point is that with the system relaxed, such proposals can easily slip the net.



Additionally, with sites which are likely to be identified as having had uses which may have contributed to localised contamination, one must also consider the scheme of the changes/developments proposed. With basements and changes to services, ie new mains water, mains drainage channels being dug or intrusive changes to floor surfaces, one may also inadvertently mobilise previously historic and dormant contaminants. Currently, when the Environmental Health department assess such sites, these are done on a case by case basis with an assessment of a number of assessments including principally human health, and building fabric including service pipes etc. The Environment Agency consider eco systems and the potential impact on ground water or aquifers.





### **Comparison figures for Change of Use Applications**

Please note that the following figures for the change of use applications do not include applications which have been received where external works are also included in the proposal. They address all types of change of use and not just those relating to 'B' use sites.

<b>2005/2006</b>			
Total no. of applications approved	224 9	Total no. of approved change of use applications	10 4
Total no. of applications refused	771	Total no. of refused change of use applications	42
Total no. of applications withdrawn	229	Total no. of withdrawn change of use applications	20
Total no. of appeals allowed	42	Total no. of appeals allowed for change of use applications	2
Total no. of appeals dismissed	94	Total no. of appeals dismissed for change of use applications	4

<b>2006/2007</b>			
Total no. of applications approved	220 4	Total no. of approved change of use applications	17 2
Total no. of applications refused	848	Total no. of refused change of use applications	35
Total no. of applications withdrawn	202	Total no. of withdrawn change of use applications	7
Total no. of appeals allowed	62	Total no. of appeals allowed for change of use applications	4
Total no. of appeals dismissed	75	Total no. of appeals dismissed for change of use applications	3

<b>2007/2008</b>			
Total no. of applications approved	206 3	Total no. of approved change of use applications	52
Total no. of applications refused	908	Total no. of refused change of use applications	23
Total no. of applications	192	Total no. of withdrawn change of use	10

## Item 11 Appendix A

withdrawn		applications	
Total no. of appeals allowed	33	Total no. of appeals allowed for change of use applications	3
Total no. of appeals dismissed	93	Total no. of appeals dismissed for change of use applications	4

<b>2008/2009</b>			
Total no. of applications approved	177 6	Total no. of approved change of use applications	31
Total no. of applications refused	829	Total no. of refused change of use applications	12
Total no. of applications withdrawn	156	Total no. of withdrawn change of use applications	4
Total no. of appeals allowed	56	Total no. of appeals allowed for change of use applications	3
Total no. of appeals dismissed	122	Total no. of appeals dismissed for change of use applications	7

<b>2009/2010</b>			
Total no. of applications approved	179 6	Total no. of approved change of use applications	42
Total no. of applications refused	580	Total no. of refused change of use applications	12
Total no. of applications withdrawn	89	Total no. of withdrawn change of use applications	2
Total no. of appeals allowed	55	Total no. of appeals allowed for change of use applications	1
Total no. of appeals dismissed	107	Total no. of appeals dismissed for change of use applications	7

<b>2010/2011</b>			
Total no. of applications approved	247 2	Total no. of approved change of use applications	56
Total no. of applications refused	608	Total no. of refused change of use applications	9

**Item 11 Appendix A**

Total no. of applications withdrawn	174	Total no. of withdrawn change of use applications	7
Total no. of appeals allowed	56	Total no. of appeals allowed for change of use applications	3
Total no. of appeals dismissed	94	Total no. of appeals dismissed for change of use applications	3

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**Appendix 5**

### Number of Permitted and Completed Residential Developments within Existing Residential and Employment Sites

Below are the permitted and completed developments to residential and their change from each employment and residential use class.

The data includes all types of application (Conversion, Change of Use, New Build).

Please note it is not an exact science as some of the changes are part of mixed use developments. The data does not represent the total residential permissions and completions for each year because other types of uses may also deliver residential units.

<b>2005/06 New Commitments</b>				
Use Class	Number of Apps	Net No of units		
B1a	10	13		
B1b	0	0		
B1c	2	5		
B2	3	13		
B8	10	14		
C3	148	494		
<b>Completions</b>				
Use Class	Number of Apps	Net No of units		
B1a	18	47		
B1b	0	0		
B1c	0	0		
B2	2	17		
B8	6	25		
C3	111	215		
<b>2006/07 New Commitments</b>				
Use Class	Number of Apps	Net No of units	Area m2	Area ha
B1a	16	51	4074	0.4074
B1b	0	0	0	0
B1c	3	11	761	0.0761
B2	3	24	1930	0.193



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B8	4	32	2202	0.2202
C3	114	277	48201	4.8201

### Completions

Use Class	Number of Apps	Net No of units	Area ha
B1a	10	36	0.4330
B1b	0	0	0.0000
B1c	5	5	0.0300
B2	2	29	0.0900
B8	6	42	0.6060
C3	120	201	126.6300

### 2007/08 New Commitments

Use Class	Number of Apps	Net No of units
B1a	9	13
B1b	0	0
B1c	2	29
B2	3	16
B8	1	4
C3	114	154

### Completions

Use Class	Number of Apps	Net No of units	Area ha
B1a	12	26	0.269
B1b	0	0	0
B1c	1	2	0.013
B2	2	22	0.175
B8	2	7	0.009
C3	75	128	2.2688

### 2008/09 New Commitments

Use Class	Number of Apps	Net No of units	Area ha
B1a	7	16	0.1669
B1b	0	0	0
B1c	0	0	0
B2	1	2	0.03

## Item 11 Appendix A

B8	2	34	0.3516
C3	167	327	10.30872

### Completions

Use Class	Number of Apps	Net No of units	Area ha
B1a	8	20	0.16
B1b	0	0	0
B1c	1	3	0.022
B2	1	2	0.024
B8	2	4	0.021
C3	107	337	315.461

### 2009/10 New Commitments

Use Class	Number of Apps	Net No of units	Area ha
B1a	8	26	1.09
B1b	0	0	0
B1c	2	94	1.915
B2	1	3	0.05
B8	1	1	0.01
C3	85	113	6.5662

### Completions

Use Class	Number of Apps	Net No of units	Area ha
B1a	8	14	0.1084
B1b	0	0	0
B1c	0	0	0
B2	0	0	0
B8	0	0	0
C3	66	101	2.3427

## Appendix 6

# The Argus Business

Tuesday, May 24, 2011

## Bringing Commercial Property

### Curious arrival hits the festival

PICTURE: JUDIA CLAXTON

ICK'S Horseless Carriage of 1895 rolled into Brighton Pier at the weekend. It was the first time since it was bought by Hendrick's Gin, the company which has an office in the city, that it has been open each day between 11am and 3pm.

The carriage is expected to contribute an unusual sight to the city's skyline.

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GIN AND BEER: THE CROWD'S ROCK TO THE HENDRICK'S HORSELESS CARRIAGE OF CURIOSITIES IN JUBILEE SQUARE

## Fears over relaxing of planning laws

by JOHN KEENAN  
Business Editor

**BUSINESS** leaders have expressed fears over controversial new plans to relax planning laws.

The Brighton and Hove Chamber of Commerce says the Government's proposals to loosen the rules governing changes in the use of buildings from commercial to residential will see small shopkeepers and businesses ousted to make way for more profitable housing schemes.

The Department for Communities and Local Government (DCLG) has put the proposal out for consultation. Brighton and Hove City Council has approached the Brighton and

Hove Chamber of Commerce to get the views of businesses in the city.

A Chamber spokesman said its members are anxious about the lack of smaller space for offices and workshops, particularly near the city centre, and the increasing threat to retail since throughout the city.

He said: "On the face of it, people may see the deregulation as a good thing, particularly if they're concerned about some of the city's large, abandoned and increasingly derelict

commercial buildings.

"Our fear is that deregulation in change of use, rules will create a whole new trend for existing small businesses and independent shops.

"The current regulations protect our small business infrastructure and allow council planners to judge what's best for the whole community, rather than what's most profitable for an individual landlord or developer."

At the moment, property owners and developers can frequently turn a quick profit by changing a building or plot of land from commercial to residential use and then throwing up

a rapid-built block of flats, and it's only the present planning regulations that prevent such activity from going on wholesale across the city."

Mark Proust, chief executive at Sussex Enterprise, said the proposals would have unintended consequences for businesses.

He said: "The local authority needs to think very carefully about this relaxation because it could cost jobs. The unintended consequence of this move will see small businesses forced out at the end of a tenancy, as that what this Government wants? I don't think so."

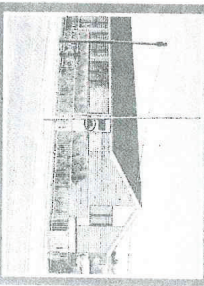
Continued on page 21

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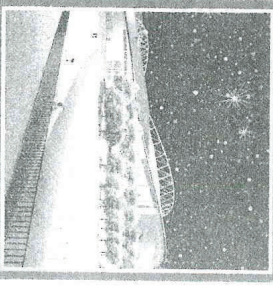
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### INSIDE



**New Land Rover site unveiled**

Page 21



**New stadium is getting festive early**

Page 23



**Pair bedding in with their new business**

Page 24

Do you have news of a successful start up or a new appointment?

Has your business won an award? If so, the Argus Business Editor wants to hear from you.

Email news of your Sussex business life to john.keenan@theargus.co.uk or call John on 01273 544545





## Firms' apprenticeship promise

SCORES of firms have pledged to support an apprenticeship drive.

Up to 80 businesses attended the launch of the National Apprenticeship Services' 100 in 100 campaign at Eastbourne Town Hall in Grove Road.

The campaign is challenging companies in the area to generate 100 apprenticeship places within 100 days and get young people into jobs.

The launch was kicked off by Stephen Lloyd MP, employer, Gavin Smith, employer, services director for the National

Apprenticeship Service, explained the benefits of apprenticeships for both businesses and apprentices.

If you are a business and want to take up the challenge of taking on an apprentice visit [www.apprenticeships.org.uk](http://www.apprenticeships.org.uk) or call 08000 150 600.



SUPPORT: Stephen Lloyd MP with apprenticeship providers and apprentices



LAND AHOY: An artist's impression of the new Caffyns Land Rover dealership in Lewes

# Vision unveiled for new Land Rover facilities

THIS is the first image of a new reception, offices, and vehicle preparation and MOT facilities.

Nine new members of staff will be employed at the Caffyns Land Rover dealership in Lewes.

The new flagship property in Brooks Road will link to the firm's existing building to create a larger vehicle display area.

The firm says it will give customers a greater choice of Land Rover vehicles for sale and improved parking.

There will also be a new service

reception, offices, and vehicle preparation and MOT facilities.

Simon Caffyn, chief executive of Caffyns Plc, said: "Our new facilities in Lewes will reflect perfectly the modern 21st century brand Land Rover has become."

"Part of our plans in Lewes have already seen the creation of a leading Land Rover service centre so that our customers can continue after purchase.

"We are incredibly proud of our long presence in Lewes and are

thrilled to bring this new facility to the town.

"We also see the expansion of our Lewes dealership as another success in our aim to build on our premium volume businesses in bigger, better dealerships."

The plans are the second phase of a major project which began last autumn with the completion of a new Land Rover service centre, also in Brooks Road.

The work is due to be completed by early 2012.

## Fears over relaxing of planning laws

Continued from page 15

Trevor Freeman, chairman of the Brighton and Hove branch of the Federation of Small Businesses, urged the Government to listen to the concerns of business leaders.

He said: "Market forces will always favour residential development over commercial, so the business community looks to Government and the local authority to apply planning regulation sensibly to maintain balance between the availability of affordable homes and the supply of inexpensive, attractive commercial and retail premises."

But Soozie Campbell, Brighton city centre manager, said relaxing planning rules could be good for areas where the current commercial mix isn't working.

She said: "For example, more than 20% of commercial properties in Preston Street are currently vacant. If change of use means the

## Sweet shop set to close

A SHOPKEEPER has blamed soaring costs and a drop in customers for her decision to close.

The Suck It and Sea sweet-shop will finally close its doors on Saturday.

Melissa Drayson, owner of the shop in Vrayalgar Street, Brighton, said she will continue to run sweet stalls at events.

She said: "As has been the case with many shops, this past year has not been kind to us. Costs have increased dramatically and we are seeing fewer customers."

"Christmas sales were hit hard by the snow and at Easter by the heatwave."

The good news is that we are not giving up entirely. People may see us during the summer running our sweet stall at a summer event or two. We are also planning to build on the success of our Sweet Round, running streets to busy local office workers."

## Charity event for autism

A BUSINESSWOMAN is raising funds for an autism charity.

Melanie Ghebreveldt is holding a charity dinner to raise money for children and families from Eritrea.

The special event will take place at Buddha Belly in Fisher Street, Lewes, on June 23.

Ms Ghebreveldt runs Vandin Language Services in St Nicholas Lane, Lewes, an interpreting company that represents clients who do not speak English as a first language.

For more information about the evening call Ms Ghebreveldt on 01273 473986.

## Three Peaks Challenge

A GROUP of telecommunication workers have completed a gruelling challenge.

Walkers Claire and Mel Baker, Julie Thindal, Steve Leonard and Anne Cook, from Hailsham-based Chalfington Communications completed The Three Peaks Challenge within the 36-hour time limit to raise funds for the Meningitis Trust.

So far the Chalfington for Charity Three Peaks Fund has raised about £3,500 with the event as a whole expected to exceed £30,000 for the Trust. Pledges of sponsorship are still being received with a deadline of June 12. If you would like to offer your support please visit <http://uk.virginmoneygiving.com/Team/ChalfingtonComms>.

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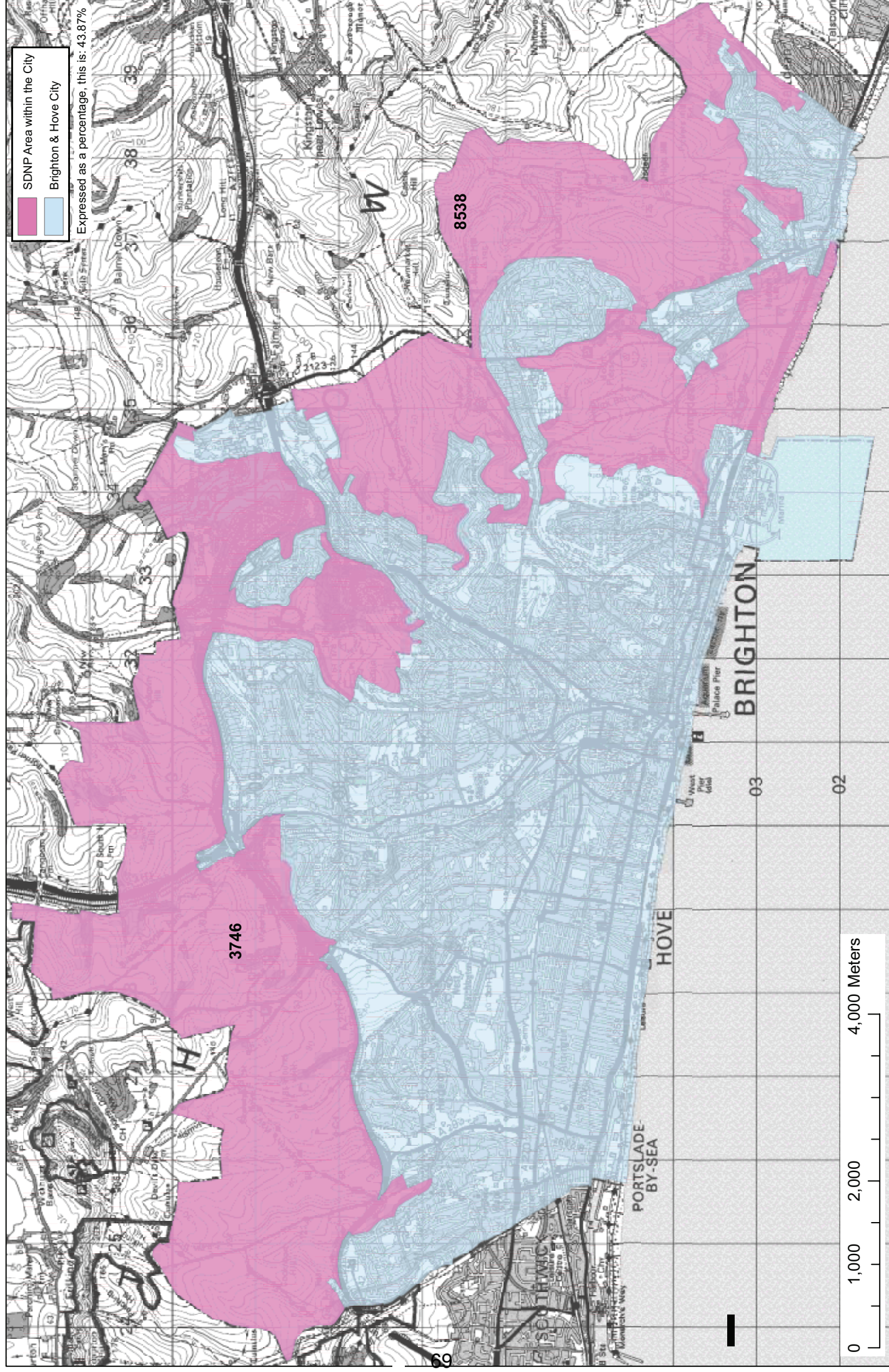
**Item 11 Appendix A**

**Appendix 7**





# The area of South Downs National Park within Brighton & Hove

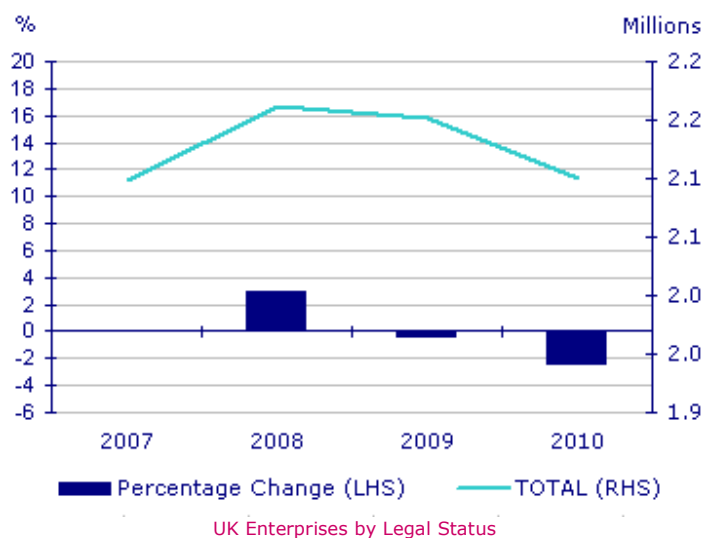




**Item 11 Appendix A**

**Appendix 8**



**Economy****Businesses****Number of UK Businesses down**

There were 2.10 million enterprises registered for VAT and/or PAYE in March 2010, compared to 2.15 million in March 2009, a 2.4 per cent decrease.

Between March 2009 and March 2010 there was a reduction in the number of sole proprietors, partnerships and corporate businesses:

- corporate businesses (companies and public corporations) represent 58.9 per cent of total enterprises, a proportional increase from 58.2 per cent in 2009
- sole proprietors represent 23.8 per cent of total enterprises, a decrease from 24.4 per cent in 2009
- partnerships represent 13.2 per cent of total enterprises, a decrease from 13.5 per cent in 2009
- general government and non-profit making bodies represent 4.1 per cent of total enterprises, an increase from 4.0 per cent in 2009

The professional, scientific and technical sector accounts for the largest number of businesses with 15.4 per cent of all enterprises registered. This is followed by construction with 13.1 per cent of all enterprises registered and retail with 9.0 per cent.

The distribution of enterprises by employment size band shows that 88.6 per cent had an employment of less than 10, and 98.0 per cent had less than 50 employment. Large enterprises, those with 250 or greater employment, accounted for only 0.4 per cent.

Analysis by age shows that 14.3 per cent of businesses were under two years old, and 28.8 per cent were under four years old. A further 43.5 per cent of businesses were 10 or more years old.

All regions experienced a decrease in the number of businesses with the North West and the West

## Item 11 Appendix A

Midlands experiencing the greatest decrease of 3.3 per cent each. Scotland experienced the smallest decrease of 0.8 per cent. London accounts for the largest number of businesses with 15.8 per cent followed by the South East and East regions at 15.7 per cent and 10.2 per cent respectively.

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Source: Inter Departmental Business Register (IDBR), Office for National Statistics

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Published on 27 September 2010 at 9:30 am

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Link to this ONS webpage:

<http://www.statistics.gov.uk/cci/nugget.asp?id=1238>

Link to ONS Business Data:

<http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=933>

Link to ONS Business Tables for 2010:

[http://www.statistics.gov.uk/downloads/theme\\_commerce/PA1003\\_2010/ukbusiness2010.pdf](http://www.statistics.gov.uk/downloads/theme_commerce/PA1003_2010/ukbusiness2010.pdf)



**Subject:** Ovingdean Conservation Area Review  
**Date of Meeting:** 7 July 2011  
**Report of:** Strategic Director, Place  
**Contact Officer:** Name: Sanne Roberts Tel: 29-2261  
E-mail: [sanne.roberts@brighton-hove.gov.uk](mailto:sanne.roberts@brighton-hove.gov.uk)  
**Key Decision:** No  
**Wards Affected:** Rottingdean Coastal

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The report seeks approval to consult on a character statement for the Ovingdean Conservation Area and on changes to its boundary.
- 1.2 The production of Character Statements for conservation areas is strongly encouraged by Government policy and by English Heritage. They are a key way in which the Council can conserve the heritage of the city. Such statements enable the Council to consider planning applications that affect a conservation area in a consistent manner, set against a clear understanding and definition of the area's special interest, and allow local residents and businesses an opportunity to contribute to and agree those characteristics that make the area special. They also enable future improvements to the conservation area to be identified.
- 1.3 In line with the Council's Conservation Strategy (2003), a review is being undertaken of the five 'downland village' conservation areas. Ovingdean is the last of these areas to be reviewed, following the adoption of Character Statements for Rottingdean (26 May 2011), Patcham (23 Dec 2010), Portslade Old Village (16 Sep 2010) and Stanmer (25 March 2010).

**2. RECOMMENDATION:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the draft Ovingdean Conservation Area character statement and boundary changes for public consultation.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Conservation areas were introduced through the Civic Amenities Act (1967). The Government's Planning Policy Statement 5 on Planning for the Historic Environment (PPS5) and policy HE6 of the Brighton & Hove Local Plan 2005 stress the need to define and record the special interest, character and appearance of conservation areas, through regularly updated character appraisals. These provide a basis on which to determine whether any parts or

further parts should be designated. There is no statutory requirement for public consultation prior to designation but it is highly desirable to do so.

- 3.2 The Ovingdean conservation area was designated in 1970 and no up to date character statement for the area exists. Its existing boundary is appended at annex 2. An area of the Ovingdean Conservation Area, unaffected by the proposed boundary changes, falls within the South Downs National Park.
- 3.3 The draft conservation area character statement, appended in annex 1, is in line with current guidance from English Heritage (2006) and informed by historic research and on-site analysis. It describes the overall character of the area and notes three character areas: the Church and Manor, Ovingdean Road and Ovingdean Hall.
- 3.4 The review makes a number of recommendations, including a change to the boundary, as illustrated in annex 3, and an Article 4(1) Direction to control incremental alterations to dwelling houses within the area. This follows on from the identification of a threat to traditional architectural features such as timber sliding sash windows and characteristic plain clay tile roof slopes.

#### **4. CONSULTATION**

- 4.1 The review of the Ovingdean Conservation Area has been welcomed by Ward Councillors and the Ovingdean Residents and Preservation Society. The South Downs National Park Authority (SDNPA) will also be notified of the review in so far as the Conservation Area encompasses open pasture land within the Park area, and therefore for which it has responsibility. The SDNPA's conservation officer will be invited to contribute to the review and to respond to any representations made regarding land within the SDNP area.
- 4.2 This report requests approval to hold formal public consultation. Ward Councillors, the Ovingdean Residents and Preservation Society, Brighton Society, Regency Society, national amenity societies, English Heritage, the South Downs National Park Authority and the Council's conservation advisory group will all be formally consulted. Council managers responsible for managing the area's properties and highways will also be consulted. The format of local consultation and any public meeting will be agreed in advance with Ward Councillors.
- 4.3 The consultation will take place over six weeks. The draft document will be available to view on the Council's website, linked to the Council's consultation portal and hard copies made available at City Direct and Rottingdean Library. Posters will be displayed in the area. The consultation will invite specific comment on the draft character statement, on the making of an Article 4 direction, and on the proposed amendment to the conservation area boundary.
- 4.4 Responses to the consultation and any consequent amendments to the character statement and its recommendations will be reported to a future CMM meeting.



## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The cost of the public consultation on the draft Ovingdean Conservation Area Review will be met from within the Design and Conservation Team's existing revenue budget and will largely consist of officer time.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 22/06/11*

### Legal Implications:

- 5.2 The Council has a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") to review its area, from time to time, to determine whether any parts or further parts should be designated as conservation areas. There is no statutory requirement for public consultation prior to designation but this is considered best practice. The 1990 Act also grants local planning authorities a power to vary or cancel such designations.
- 5.3 Should any change to that part of the Ovingdean Conservation Area falling within the SDNP be proposed the consent of the SDNPA, as the responsible local planning authority, would be required.
- 5.4 No adverse human rights implications are considered to arise from the Report

*Lawyer Consulted: Hilary Woodward*

*Date: 24/06/11*

### Equalities Implications:

- 5.5 None have been identified. An Equalities Impact Assessment has not been carried out because the report does not concern matters of new primary policy.

### Sustainability Implications:

- 5.6 The proposals in this report have no substantial impact upon the four priorities of the UK's Sustainable Development Strategy (2005) (sustainable consumption and production, climate change, natural resource protection and sustainable communities).

### Crime & Disorder Implications:

- 5.7 None have been identified

### Risk and Opportunity Management Implications:

- 5.8 The failure to consult on the draft review, and the failure to maintain the character and appearance of the area and its historic buildings, could lead to adverse publicity for the Council.

Corporate / Citywide Implications:

- 5.9 The proposals accord with the corporate priority to protect the environment whilst growing the economy. More specifically the guidance is a response to the Council's priority to protect the historic built environment.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None considered

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Ovingdean Conservation Area does not have an up-to-date, in depth character appraisal. A review of the Conservation Area and its boundary would accord with the Council's adopted Conservation Strategy (2003), and with national and Government guidance (English Heritage Guidance 2006, Planning Policy Statement 5: Planning for the Historic Environment) and with local plan policy HE6.
- 7.2 Public consultation on such documents is in line with national guidance and with the Council's adopted procedures and strategy.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Draft Ovingdean Conservation Area Review – Black and White Version
2. Existing Conservation Area Boundary
3. Proposed Boundary Changes

**Documents In Members' Rooms**

1. Draft Ovingdean Conservation Area Review – Colour Version

**Background Documents**

1. The Conservation Strategy (Brighton and Hove City Council 2003)
2. Guidance on Conservation Area Appraisals (English Heritage 2006)

# Draft Ovingdean Conservation Area Character Statement

---

**Designated: 1970**

**Area: 19.66 Hectares 48.58 Acres**

**Article 4 Direction: Proposed**



## Introduction

### Location and Setting

Ovingdean comprises a small agricultural hamlet, set in a rural downland setting 4.2km to the east of Brighton and c.1km north of the coastline. The historic village nestles at the base of a valley, with suburban development extending up the valley side to the south and east and surrounding downland dominating the skyline. The topography creates a particularly inward-looking village, much removed from the hustle and bustle of neighbouring Brighton and the A259. Its location away from main routes in the area mean that the historic village is still a quiet backwater.

Ovingdean Conservation Area was designated in 1970 and centres on the historic village. It is bounded by Longhill Road to the northeast, the grounds of Ovingdean Hall to the southeast, the woodland to the rear of St Wulfran's Church to the southwest and Hog Croft Field and the operational farm to the north. Amongst its heritage assets, the area contains 14 listed buildings, two locally listed buildings and an archaeological notification area (See *Existing Designations graphic* - page 2). Three further archaeological notification areas are located in the immediate surroundings. Hog Croft Field and the westernmost portion of the conservation area were designated as part of the South Downs National Park in 2010, along with surrounding downland to the north, south and west.

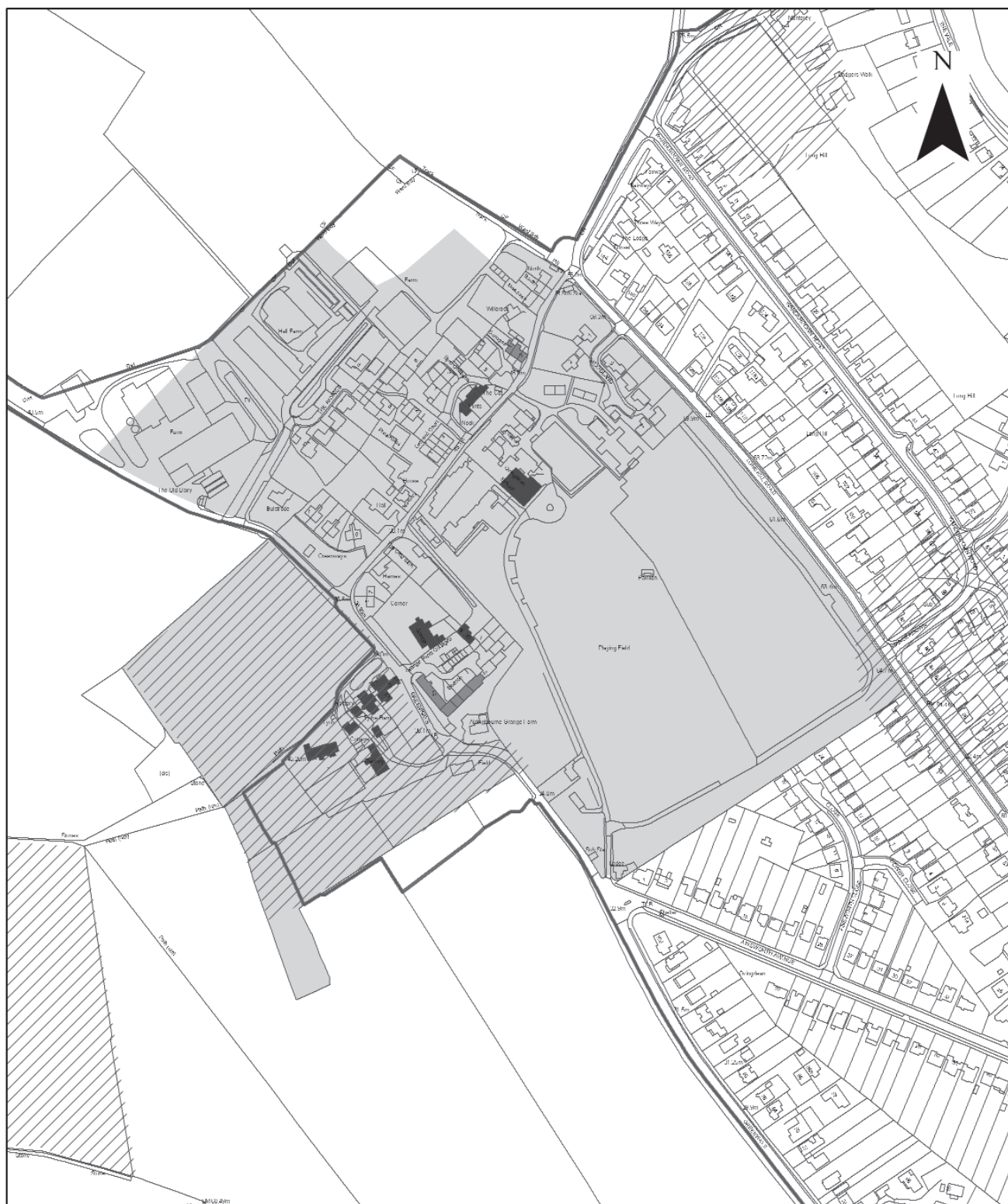
A conservation area is defined as '*an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. The area has changed greatly since designation. This document seeks to define and assess the current 'special interest' of Ovingdean Conservation Area, and make recommendations for its future management.

## Assessment of Special Interest

### General Character






Ovingdean developed as an isolated farming community and manorial estate. The manorial estate was originally located on what is now the open field of Hog Croft, and closely associated with the church. The church itself is particularly historic - dating to at least the Norman period. The Manor was rebuilt as the current Ovingdean Grange in the 16th century, whilst Ovingdean Hall was constructed in the 18th century with its own associated farm. Greenways Corner was reconfigured in the 1930s, and suburban developments occurred to the south and east throughout the 20th century.

## Existing Designations



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-  Archaeologically Sensitive Areas  
 Locally Listed Buildings  
 Listed Buildings  
 National Park Boundary  
 Conservation Area

Historic farm buildings within the village were replaced by purpose-built farm structures to the north in the 1980s, with the original buildings gradually converted to residential use. Throughout these changes however, the village has remained a secluded rural village, albeit now predominantly residential in character.

The village retains its medieval street layout, which orientates towards the former manorial site at Hog Croft Field. A former village pond beside this field suggests the possible presence of a spring - although this dried up in the 1930s following improvements to the road. The presence of a pond is probably an important factor in the origin of the village - which likely formed a watering hole for livestock from the surrounding farms and those being driven across the downs.

The main architectural pieces comprise St Wulfran's Church (and the buildings that flank its approach), Ovingdean Grange, and Ovingdean Hall. Other than these, the village is comprised of farm buildings (of which the majority are converted to residential use), vernacular cottages and 20th century infill development. Although the historic farm buildings and cottages are not high status buildings they are nevertheless of special interest in themselves. Despite variance in form and function, the buildings are united through the use of traditional vernacular materials; predominantly flint elevations and clay tile roofs. The 20th century infill development varies in character and architectural quality. Since designation, the village has altered greatly due to the loss of a farming presence at the heart of the village and the conversion of the original farm buildings to residential use. This has led to a dilution of its character. Nevertheless, the area remains of interest particularly due to the surviving flint structures, clay tile roofs and picturesque rural lanes.

## Historic Background and Archaeology

### The origins and historic development of the area

The name Ovingdean translates as the 'valley of Ofa's people'. The first record for Ovingdean is in the Domesday Survey, where the manor is identified as 'hovingedean', and the settlement comprised a small church and a population of approximately 50 to 100. After the Norman invasion, part of Ovingdean was held by Norman Godfrey de Pierpoint, whilst part remained with its former Saxon owner, Brictrmer. These two parts - described here as the western and eastern estates respectively - have distinct histories:

The western part of Ovingdean was one of five Sussex manors granted to Pierpoint; the others being Portslade, Aldrington, Piddinghoe and East Chiltington. Of these, he made Portslade his main residence and manorial court, and gave Ovingdean (which used the Portslade Court and therefore had no court of its own) to a relative. Ovingdean manor house was located on Hog Croft Field. In the 16th century this building was replaced with a new manor house; which was constructed using material from its predecessor. This manor house was renamed 'Ovingdean Grange' in the 19th century.

The history of the eastern part of Ovingdean is less well documented. About a quarter of Ovingdean Parish - including those parts that originally remained with Brictrmer - had been donated to Lewes Priory by 1252. A Lewes Priory Survey of 1445 and deeds conveying land show that after the dissolution of the monasteries in 1537, the lands consisted of the eastern third of Ovingdean Parish, known as the 'eastern farmlands'. Records show that at this time the manor was well-stocked, with 2000 sheep, as well as oxen, kine, hogs and horses. This emphasises the importance of sheep pasture to the village's economy throughout its history.

Throughout the medieval and post-medieval periods the Lord of the Manor was rarely present in Ovingdean. Rather than being used as the residence for the Lord of the Manor, Ovingdean Grange was primarily a farmhouse to the neighbouring Grange Farm to the south. The Grange was immortalised by Harrison Ainsworth in his book *Ovingdean Grange, A Tale of The South Downs* (1857), which describes Charles II's stay at Ovingdean Grange during his flight to France in 1651. The story is fictional (the Prince stayed in Brighton); however the Geere Family - who occupied the Grange at that time - are reported to have been heavily involved in organising the escape and his return to England.

The 1662 Hearth Tax returns show that there were three sizeable properties in Ovingdean at this time. The rectory and the farmhouse to the eastern estate (occupied by Robert Wildbore) are both recorded as having three flues, whilst Ovingdean Grange is the most substantial house, with six flues.



In the early 18th century, lands in Ovingdean remained divided into two estates. At this time, the eastern part was owned by Richard Beard, whilst the western part was owned by Richard Paine. Upon the death of Richard Beard in 1714, a map was drawn up of the eastern estate (Grover Plan, ESRO BRD 3/4). This shows that the current morphology was already mostly established: Greenways forms an ownership divide along a field boundary; with a track present along the line of Ovingdean Road. Ovingdean Grange and the Church are depicted as being in the western estate. Two further buildings are shown in relation to the church: that to the southeast is likely to be the parsonage. Another to the northeast is situated close to the known location of the Manor House on Hog Croft Field. This suggests that a building remained on the site of the Manor House. This building probably comprised an agricultural building, such as a cattle shelter. Buildings and small fields lining the northern side of Ovingdean Road, are identified as 'The Upper Croft Close and Yards' and 'The Lower Croft and Closes' on the Plan. These form the main farm buildings of the Beard (eastern) estate at this time.

Ovingdean Hall - originally known as Ovingdean House - was built in the late 18th century for Nathaniel Kemp on lands forming part of the eastern estate. His nephew, Thomas Kemp junior, went on to design Kemp Town in 1825. Nathaniel Kemp's son, Charles Eamer Kempe - born at Ovingdean Hall - was a notable stained glass window designer. CE Kempe designed various features of St Wulfran's Church, including windows, the painted chancel ceiling, rood screen and the Kemp family tomb in the graveyard.

Ovingdean House Farm was built along Ovingdean Road, including its own farmhouse (Flints), farmyard and workers' cottages. The farm was constructed on the approximate site of the crofts and farm buildings shown on the 1714 map. It later became known as Upper Farm, before amalgamation with Grange Farm on Greenways.

In the first years of the 19th century, the rectory was built to replace the former 'mean thatched parsonage house' known to exist in c.1780. The tithe map of 1839 (see *Map 1 - page 5*) shows the hamlet at this time. The Church, rectory, Ovingdean Grange, Ovingdean Hall and the two farm complexes are already evident, such that the village has taken on much of its current form. The map highlights how integrated the residential (shown in red) and non-residential buildings (shown in grey) were in the village, with barns and houses set cheek-by-jowl. A small village pond is shown at the corner of Greenways and Ovingdean Road, with the early 19th century 'Peartree Cottages' set opposite.

The 1873 1st edition Ordnance Survey (OS) map shows little change from the tithe map. A smithy is depicted to the northwest of the village, and chalk pits to its east and west. The buildings to the east of the church, and to the rear of the Grange, have been altered.

A small 'National School' was constructed in 1873 on Ovingdean Road, and is shown on the c.1890 OS map. Due to falling numbers, it closed in 1907. It was then used as a 'Church Room', until 1993 when it was leased to Ovingdean Nursery School.

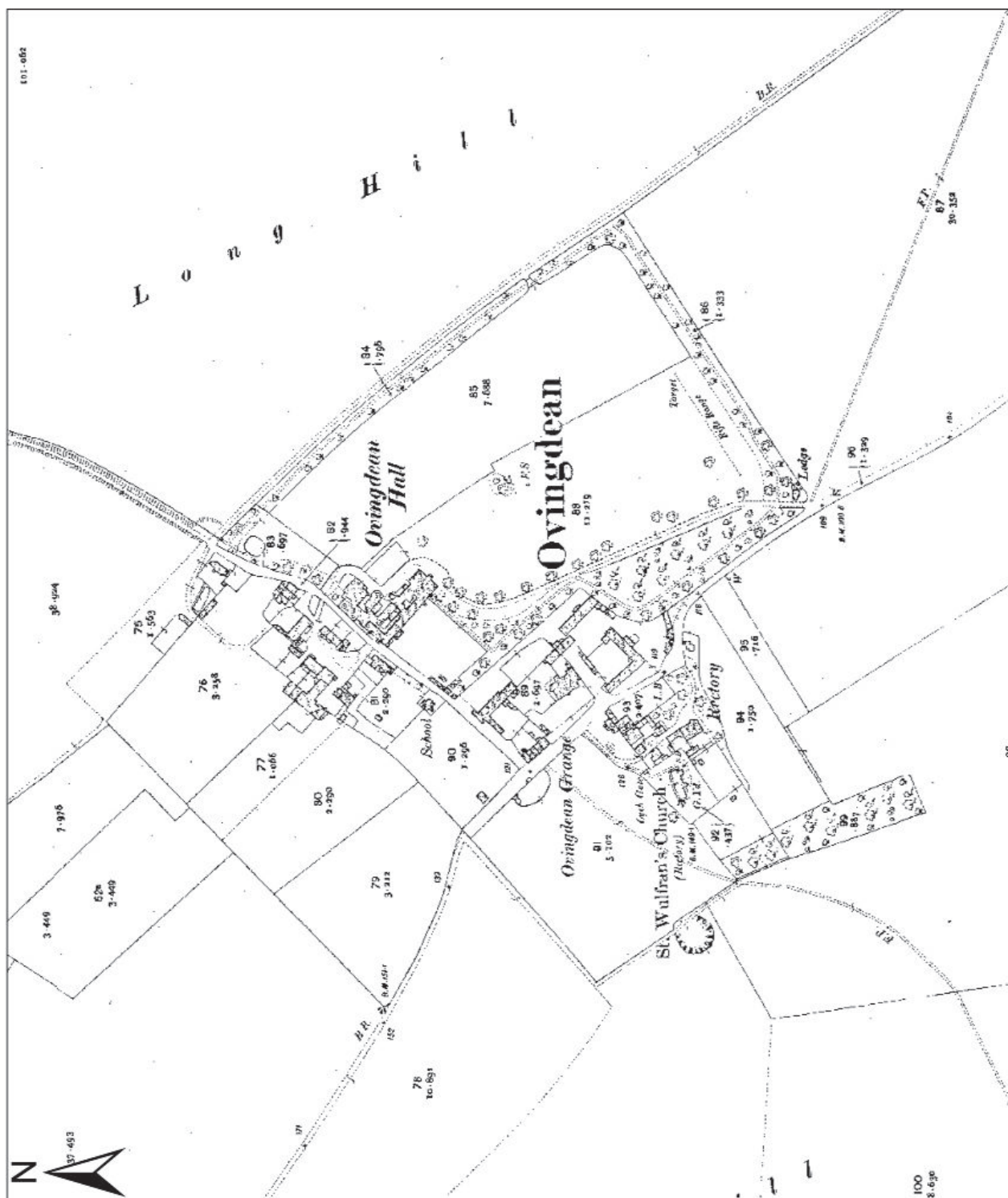
Following the death of Nathaniel Kemp in 1843, Ovingdean Hall continued in residential use until 1891. At that point the Hall was converted to educational use, and opened as a 'Young Gentleman's School'. Numerous extensions were built in 1897, and are shown on the 1910-12 OS map (see *Map 2 - page 6*). At this time, the settlement still remained small, with a population of 248. However substantial residential growth occurred after 1928; triggered by Ovingdean's absorption into the borough of Brighton. The first piecemeal development is shown on the c.1932-3 OS map (see *Map 3 - page 7*), which shows Longhill Road set out on the line of a former track. Ainsworth Avenue is also shown on the line of the footpath depicted on the 1714 Grover Map. The ancient landownership divide remains evident; with suburban growth limited to those lands to the east of Greenways.

Within the village, improvements to the junction at Greenways Corner necessitated the demolition of Peartree Cottages, and a series of semi-detached properties were built at the Corner as replacement farmworkers' cottages. The adjacent pond also dried up at this time. Infill development occurred along Ovingdean Road, and a Village Hall was constructed in 1932. This was replaced by the present Village Hall in 1986.

Map 1 - 1839 Tithe Map



Map 2 - 1910-12 Ordnance  
Survey Map



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Map 3 - 1832-33 Ordnance  
Survey Map



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Ovingdean Hall remained as a Preparatory School until 1941. During World War II it housed troops from the Canadian Army. The Brighton Institution for the Deaf and Dumb School opened in 1947 and remained in operation until 2010. The Hall now houses an international language college.

In the later 20th century, many of the former farm buildings were converted to residential dwellings, and further infill developments occurred. New farm buildings were constructed to the north in the 1981, releasing the Grange Farm complex for redevelopment. However, much of the historic layout of the settlement is still evident, and it retains much of its rural character and downland setting.

### Archaeological Significance

There is evidence for activity in the area since prehistoric times. The earliest evidence includes Iron Age field systems and a number of barrows, set upon the surrounding open downland.

Evidence for Roman field systems survives on Cattle Hill, to the west of the village. Fieldwalking undertaken on this site by Brighton and Hove Archaeological Society identified a scatter of Roman pottery, as well as a scatter of earlier Bronze Age flintwork. It is possible that a Roman villa or trading coastal station were located in the vicinity.

An Anglo-Saxon inhumation burial with iron spearhead was found close to Long Hill Road during construction of a house in 1935.

Geophysical survey and excavations have been undertaken over recent years by Brighton and Hove Archaeological Society on Hog Croft Field. A medieval manorial site has been recorded, dating to late 12th and 13th century, and in use into the 14th century. The complex was closely associated with the church, and included the manor house, barns, a well and timber-framed outbuildings. Walls exposed during excavation were of dressed flint with Caen and chalk quoins, and a number of phases of construction were evident. Evaluation trenches elsewhere in the field exposed a trackway, earthworks and possible dovecote. The area was also used in the filming of *'Oh What a Lovely War'* in 1969, when at least one World War I trench was recreated in the field.

### Spatial Analysis

The existing morphology of Ovingdean village relates to the ancient landownership divide that existed along Greenways. Land within the manor was divided into eastern and western estates; which were variously owned, occupied and farmed as separate entities. This led to the development of two farming nuclei; that on Greenways which was associated with the western estate (operating from the manor/Ovingdean Grange) and that on Ovingdean Road which was associated with the eastern estate (see *Graphic - Farming Nuclei - page 9*). The eastern farm was largely rebuilt in the late 18th century as part of Ovingdean Hall, and operated from Flints. This ancient divide and the resulting binary farming focus remains evident in the morphology of the village today: There is no one clear centre to the village, with settlement instead set along and beyond the main lane of Ovingdean Road/Greenways with little legible structure.

The village retains a rural setting; with downland dominating the surrounding skyline. These ever-present views have a strong presence in the village and contribute to a clear sense of place. Long views to the woodland and open downland on Cattle Hill in particular form the backdrop to views of the Church, which can be viewed in this context along Greenways and from as far away as Beacon Hill.

The roads in the area are generally narrow with irregular or non-existent pavements and grass verges; emphasising the rural character of the village. The narrow, winding and sylvan Ovingdean Road in particular gives the appearance of a rural farming lane; creating an intimate atmosphere. Houses are generally set behind flint walls, at a distance from the road. The flint walls and thick vegetation create a strong boundary to the road. Many of the buildings are set at right angles or are loosely set around former yards - having been converted from farm buildings or originally built to orientate towards the farm rather than the road. Due to later infill and conversion, the overall layout of buildings appears rather ad hoc.

## 2 Farming Nuclei (based on 1873 OS map).



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- Boundary between Eastern & Western Estates
- Farm associated with Eastern Estate/Ovingdean Hall
- Farm associated with Western Estate/ Ovingdean Grange



Hog Croft Field and the grounds to Ovingdean Hall are particularly important green spaces in the conservation area. They are, however, important for very different reasons: Hog Croft Field is located at the main junction in the village, and is of particular archaeological significance as the original location of the manor. It now forms a grassed field bounded by a flint wall, and marking the start of open downland to the east of the village. Its former importance as part of the village's civic centre remains evident in the surviving morphology of the village, which orientates towards the space: Ovingdean Road - the main residential axis of the village - leads directly towards it, whilst Ovingdean Grange, St Wulfran's Church, the buildings flanking the approach to the church and the former Grange Farm all orientate towards the space. The village pond (since dried up) was originally situated beside the field - emphasising still further its function as an original part of the village centre.

In contrast to Hog Croft Field, the grounds to Ovingdean Hall are not visually prominent in the area. They form a secluded space on the edge of the village, bounded by flint walls and mature vegetation. It is these walls, vegetation and the entrance and lodge on Greenways that are most apparent in the conservation area. To the south and west, the space forms a green 'buffer' between the historic village and surrounding 20th century development.

Important views in, and of, the conservation area include (*Spatial Analysis Graphic* - see page 12) (*Figure 1*):

- V1. Views between open downland (particularly from and to Cattle Hill (V1a)) and the village. Within this, long views from Greenways and surrounding downland of the church with the woodland to its west as a backdrop are important (V1b)
- V2. Views across Hog Croft Field such as those towards the church and the buildings flanking its approach
- V3. Unfolding views along Ovingdean Road
- V4. View of Ovingdean Grange from St Wulfran's Church



Fig. 1



# Spatial Analysis



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City Council**

- ◆ S important space
- ☆ Important Landmark
- Important View
- ▨ Tree cover
- ▭ Conservation Area Boundary
- Green space



Important spaces and permeation routes in and around the conservation area include:

- S1. Hog Croft Field
- S2. Grounds to Ovingdean Hall
- S3. 'The Green'
- S4. Woodland and land to the rear of the church (Cattle Hill)
- S5. Surrounding downland dominating the setting and the skyline of the village; particularly Cattle Hill

Local landmarks in the conservation area include:

- L1. St Wulfran's Church
- L2. Ovingdean Grange
- L3. Barns set throughout the area, particularly the Olde Barn

### Public Realm

Road and pavement surfaces in the area are mainly generic. However, gravel surfacing to Byre Cottages and The Ridings emphasises its rural character, as does the use of minimal road markings and soft verges throughout the area as a whole. Sarsen stones and white bollards have been used to deter car parking on the green and outside Ovingdean Grange respectively. There is minimal street lighting in the village; that to Ovingdean Road is of a modern design whilst a single swan-necked design is evident outside Ovingdean Grange. As such, the public realm has a low impact on the character of the area, although the informal approach contributes to its character.

The narrow width and irregular pavements in the area contribute much to the character of the area, highlighting that they were originally rural farming tracks and lanes. This is particularly true of Ovingdean Road. The roads are, however, now subject to heavy traffic levels relative to their size and character. This has a harmful impact on the character of the area. The lack of pavements in some areas also brings the needs of pedestrians and car users into direct conflict.

### Character Analysis

The area can be divided into three distinct character areas (see *Character Area Graphic - page 13*): *The Church and Manor* to the southwest includes the oldest buildings associated with the Church, Manor, western estate and its farm. *Ovingdean Road* Character Area comprises the fine grain of cottages and converted farm buildings associated with the eastern estate and Ovingdean Hall Farm as well as the later 20th century farm and infill development. To the southeast is the 18th century *Ovingdean Hall*, its associated grounds and later school buildings.

These three character areas together make up the historic village of Ovingdean.

### Character Area 1: The Church and Manor (see *Graphic - page 14*)

The Church, Manor and associated farm buildings form a compact cluster of prestigious buildings, and are the surviving part of the village's medieval civic centre. The original Manor was situated on what is now Hog Croft Field; and the surviving buildings still orientate towards this space.

The importance of the buildings in this area is reflected in their individual scale and architectural quality. Relationships between the manor, church and agricultural community are reflected through the proximity of these buildings.

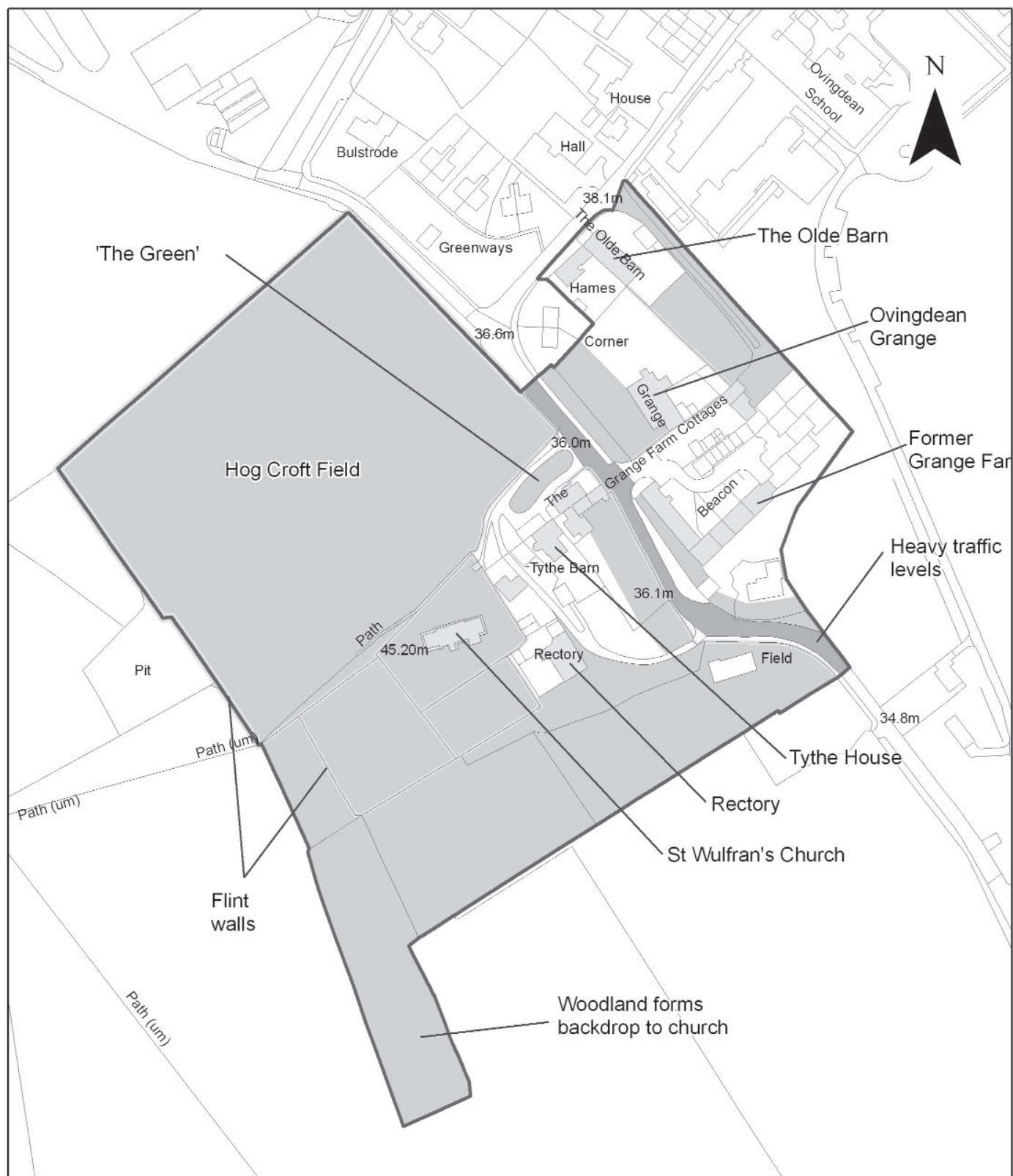
# Character Areas



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## Church & Manor Character Area



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## Important Spaces

### *Hog Croft Field*

Hog Croft Field (*Figure 2*) comprises a large grassed field, located at the junction of Greenways and Ovingdean Road, and bounded by a flint wall. It is of spatial and archaeological importance to the village as it is the site of the early medieval Manor complex. The site has been subject to excavation by the Brighton and Hove Archaeological Society. Earthworks remain noticeable within the field, which is given over to grazing. These relate almost exclusively to the deserted manorial complex, but some are the consequence of later use as part of the film set for 'Oh What a Lovely War'.



Fig. 2

### *'The Green'*

A small green space is situated on the approach to St Wulfran's Church. Although never used as a green, and actually forming Church land, this space is often nevertheless referred to as 'The Green'. The space is an important part of the setting of the Church and the buildings flanking its approach, and helps establish this area as the historic civic heart of the village.

## Important Buildings and Groups of Buildings

### *The Church*

The Church (*Figure 3*) is the oldest building in the village. The earliest reference to a church at Ovingdean is in the Domesday Book, which refers to an 'ecclesiola' or 'little church'. Its replacement - the surviving St Wulfran's Church - was built in the early Norman period; the nave and chancel still date to this period. The low square tower is a 13th century addition, whilst the porch was added in 1805. Many of the internal features are the work of Charles Eamer Kempe. The building was restored in 1867.



Fig. 3

Set back from Greenways within its own churchyard, and bounded by a tall flint wall, lychgate and mature vegetation, it is in fact the lychgate and churchyard boundary that are most prominent in the streetscene. Nevertheless, the church's location on higher ground means that it is clearly visible from many locations in the village and its surroundings, when it is viewed in relation to a small woodland to its west. As such, it forms a prominent landmark in the area, and is of particular community, architectural and historic significance.

### *Buildings flanking approach to church*

'The green' is flanked by a number of individual prestigious buildings of particular architectural quality (*Figure 4*). Set at right angles to Greenways itself; both the front and rear elevations of this group have prominence and contribute to the character of the area; in particular their varied pitched tiled roofs. The buildings can be divided into two groups; those that relate to the Church and its Rectory, and those relating to the Grange Farm.



Fig. 4

The Rectory group comprises the Rectory itself, Rectory Cottage and Rectory Lodge. Rectory Cottage and Rectory Lodge face on to the green. Of these, Rectory Cottage is the most visible; a detached cobbled house of three storeys, dating to the late 18th or early 19th century. Rectory Lodge is a one storey building probably built at the same time as the Rectory (1804-7), and marking one of its original entrance drives.

The Rectory itself is now accessed entirely from Greenways, rather than from the green. It is set back from the road within its own mature, landscaped grounds, such that it has little presence in the streetscene; instead promoting a clear sense of privacy and prestige. It is more prominent from the churchyard. It has a classical cobbled frontage and cobble and red brick secondary elevations. A listed coach house survives in association.

Of the buildings associated with Grange Farm, The Granary and Manor Cottages form a cluster of buildings on the corner of Greenways and the green, and comprise workers' cottages and farm buildings. The buildings display varied clay tiled roofslopes and gable ends to the street front, which make a significant contribution to the character of the area.

Tythe House comprises an 18th century barn also associated with Grange Farm, probably with earlier foundations; converted to residential use over three floors in the early 20th century. It presents a flint gable end to the road. Historic photographs indicate a single hay loft entrance to each floor; these have been replaced with leaded windows when converted to a dwelling; substantially altering the character of the building. The building nevertheless retains much aesthetic appeal and historic character.

### *Ovingdean Grange*



*Fig. 5* The numerous older ranges of Ovingdean Grange (Figure 5) are disguised behind a three storey c.1835 façade - of which the third storey is a dummy. This façade comprises an extensive remodelling of the building to update its appearance in line with modern fashions of the time. Prior to this, the main elevation - including a two storey porch - was that to the north. This alignment matched that of the original manor building on Hog Croft Field.

Set back from the road behind a formal garden, high hedge and grass verge, the building is located directly opposite the green. As such, there is a clear visual relationship between the Manor and the Church, despite the physical distance between them.

The relocation of the Manor from Hog Croft Field to the current site greatly influenced the development and resulting form of the village. The building is of archaeological interest due to the many phases of building evident behind the formal façade. It is, however, the formal façade that retains the greatest presence in the street scene.

### *Ovingdean Grange Farm*

To the immediate south of Ovingdean Grange, numbers 1 to 11 Beacon Court and numbers 9 and 10 Grange Cottages comprise the former manorial farmyard (Figure 6). Numbers 9 and 10 Grange Cottages were the former stables, and were later converted to use as farmworkers' cottages. Their interest is reflected in designation as listed buildings.

Numbers 1 to 10 Beacon Court comprise a mixture of converted former barns and new build development dating from the mid-1980s, and retain a farmyard arrangement.



*Fig. 6*



The two surviving 19th century barns (now comprising numbers 6 to 10 Beacon Court) are designated as locally listed buildings. One of the two barns backs on to the road to create a relatively secluded enclosure. Of one and two storeys, the new dwellings (numbers 1 to 5 Beacon Court) are constructed from traditional vernacular materials, which are in keeping with the character of the area. Although the development retains something of its agricultural character and form, its conversion to residential has diluted this character, through the inevitable introduction of additional openings, small front gardens, purpose-built garages and a generic tarmac surface.

Further buildings associated with the Grange Farm - The Olde Barn and The Hames - are set at the eastern end of Ovingdean Road (*Figure 7*). The Olde Barn is the former Shearing Barn, whilst The Hames constituted another lower barn structure. Both were separately converted to residential use during the mid to late 20th century, but have retained their traditional form and materials. The Hames fronts directly on to Ovingdean Road, whilst The Olde Barn is set at right angles. The form and roofscape of The Olde Barn are prominent in views from Greenways Corner, and act as a reminder of the agricultural history of the area.

*Fig. 7*



### ***Infill development at entrance to village***

Aldingbourne Farm and Field End comprise two later detached dwellings. They are located at bends in the road at the entrance to the village, and are therefore prominent in the streetscene. Of no historic precedent, and little architectural merit, the buildings are of a greater scale and massing than is typical for the village. They nevertheless retain flint boundary walls that are in keeping with the area.

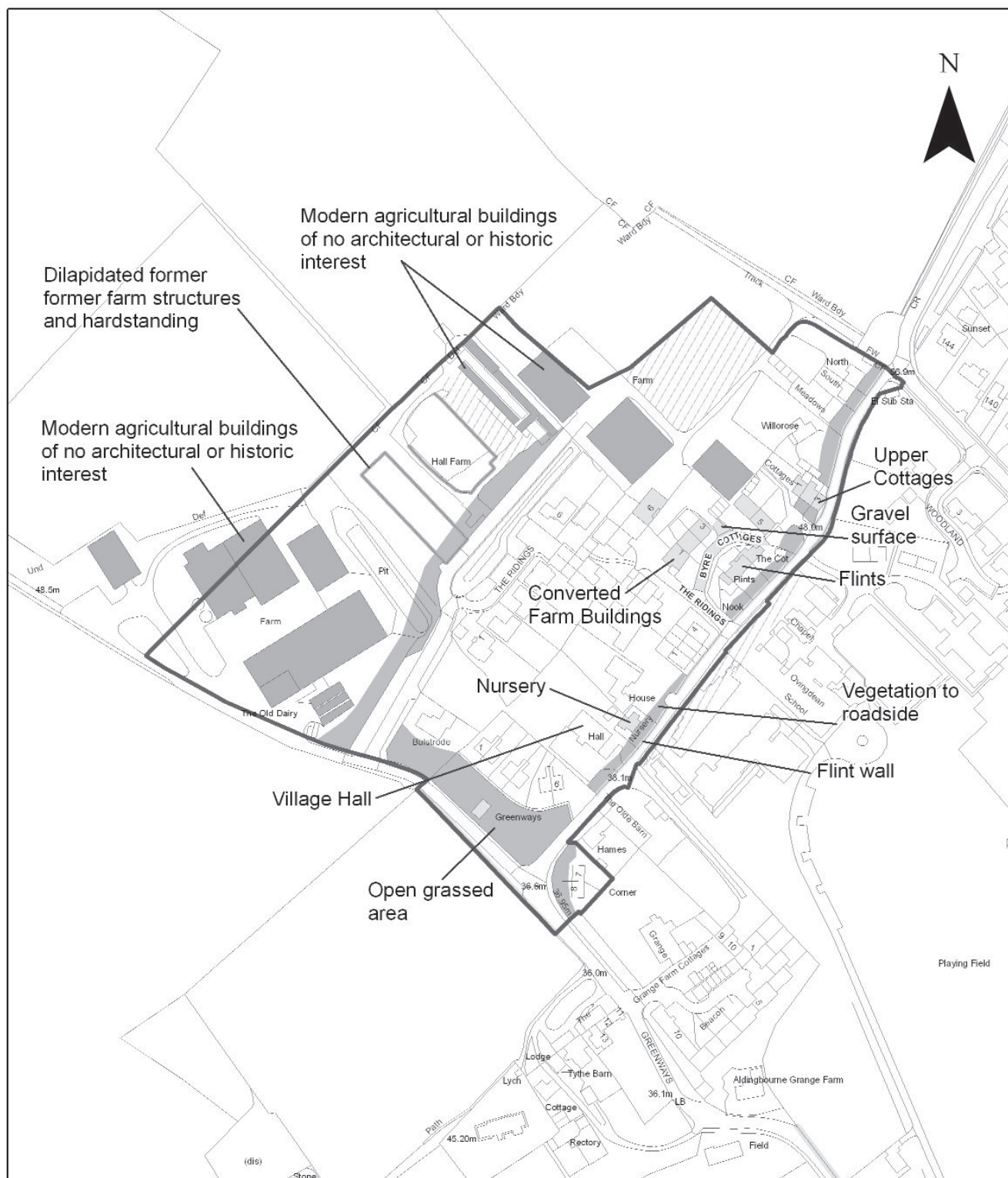
### **Conclusion**

The Church and Manor Character Area comprises the original civic heart of Ovingdean, and includes the most significant historic buildings; including St Wulfran's Church, the Rectory, Tythe House, Ovingdean Grange and the former Grange Farm. The buildings are generally of high architectural quality and individual design; yet they are unified through the use of a limited palette of wall materials - predominantly flint. The variety of steeply pitched clay tile and slate roofs also contributes to the character of the area. The now open space of Hog Croft Field is also of significance to the history, development and current morphology of the village.





A number of intrusive features have, however, an impact on the character of the area:

- Although the former Grange Farm retains some of its original agricultural character, in terms of its form and materials; conversion to residential has diluted this character, such that the former farmyard now retains a somewhat suburban feel.
- Late 20th century buildings at the entrance to the village are disappointing additions to the village which have a neutral impact on its character.

## Ovingdean Road



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-  Character Area
-  Positive Feature
-  Negative Feature
-  Green Space

## Character Area 2: Ovingdean Road (see Graphic - page 18)

Ovingdean Road Character Area comprises vernacular cottages, converted farm buildings and modern infill development, strung out along and to the north of Ovingdean Road in a somewhat irregular arrangement. The character area developed from a second farm yard operating from the village; associated with the eastern estate and then with Ovingdean Hall. From the end of the 18th century it was known as Ovingdean Hall Farm and then Upper Farm, before its amalgamation with Grange Farm. This second farm complex is shown on the 1840 Tithe Map and c.1875 1st edition Ordnance Survey map; when the two yards remained as largely distinct entities.

Ovingdean Road rises steeply to the east, and forms a narrow road with few pavements and overhanging vegetation creating an intimate atmosphere. The southern side of the road is dominated by the large 20th century school buildings of Ovingdean Hall School, which are of variable architectural quality. Although these buildings are situated in Character Area 4 (Ovingdean Hall), they impact greatly on the Ovingdean Road streetscene. The location, large scale and overall design of the buildings mean that they are dominant features which detract from the intimate scale and rural appearance of the street. It is the rear elevations to the buildings that front on to the street, forming a largely inactive frontage which does not address the street.

Small scale buildings are located to the north, including small flint cottages, converted farm buildings and later infill development. These are generally set back from the street behind front gardens with high levels of vegetation and flint boundary walls. The walls and vegetation combine to reaffirm a clear distinction between public and private space.

### Important Buildings or Groups of Buildings

#### *Flints, The Cot and The Nook*

The irregular form and plan of Flints, The Cot and The Nook reveal the piecemeal development of this terraced group over time. They are unified through flint elevations, red brick dressings and pitched clay tile roofs. Originally comprising the farmhouse or 'Bailiff's House' to Ovingdean Hall farm, Flints was constructed in the late 18th century and comprises a substantial two storey building. The Cot is also of two storeys but is much lower in height. The Nook was built in 1805 to the east. All three properties are set behind grassed front gardens with flint boundary walls.

#### *Upper Cottages*

Upper Cottages is a short terrace of three cottages (Figure 8). The two end buildings are evident on the 1840 tithe map; the central building appears to be a later addition that is first evident on the c.1870 Ordnance Survey map. The difference in construction date is reflected in the height of the buildings; with the end cottages substantially lower than that to the centre. Extensive alteration through time means that the buildings (including particularly their roof form) now form a unified group. They retain a rendered front with flint to the roadside.

The buildings are set at right angles to the road; behind small front gardens with flint boundary walls. They face towards the former Ovingdean Hall farmyard - although they do not form part of the yard itself - and therefore likely originally formed farmworkers' cottages.

The terrace is set hard against the roadside, at a kink in the road, which strengthens its presence in the streetscape.



Fig. 8



## The Smithy



Fig. 9

Set upon the grassed area in front of Greenways Corner Cottages, the Smithy is a small, one storey flint structure with a gabled flint roof (*Figure 9*). The structure is first evident on the c.1870 OS map; where it is identified as a smithy. As such, it acts as a reminder of the area prior to redevelopment in the 1930s, and would have performed an important function within this farming community. It is now used as a garage, and is in need of repair.

### National School

The current Nursery School on Ovingdean Road comprises a small flint building with brick dressings and a pitched clay tile roof. It was built in 1873 as a 'National School'. Due to dwindling pupil numbers, it closed in 1907 and was instead used as

a Church Room. It opened as Ovingdean Nursery School in 1993 - returning it to educational use. Set back from the road behind a tall flint wall; its late Victorian architecture contrasts with the remainder of the village (despite matching materials); and provides an indication of developments in the village at this time.

### Later developments

#### The Ridings and Byre Cottages

The Ridings and Byre Cottages were constructed in 1989 on the site of Ovingdean Hall farmyard and comprise new buildings and converted 18th and 19th century agricultural buildings (*Figure 10*). The buildings are all constructed in traditional vernacular materials, with knapped flint and brick walls with clay tile roofs. The well house survives (although the originally open sides have been boarded) to the side of number 1 Byre Cottages and adds interest to the area. The addition of modern buildings disguises the original farmyard arrangement. Numbers 1 to 6 in particular form large detached dwellings that are somewhat oversized in comparison to the traditional workers' cottages of the area (*Figure 11*). The use of informal road surfaces nevertheless retains something of the original rural agricultural character.



Fig. 10



Fig. 11

### *Greenways Corner Cottages*

Four semi-detached pairs of farmworker's cottages (Figure 12) were built at Greenways Corner in the 1930s; in conjunction with the widening of the road. One of these semi-detached properties is set at the bend of the road itself. The other three buildings flank the approach to the farm to the north of the village. They are set back from the farm track behind a wide grassed and gravelled area, bounded by a flint wall. The buildings are each of a similar, symmetrical English Vernacular design. They are of two storeys with brick and tile hanging to the elevations. The roofs are hipped and covered in tile, with a prominent central shared chimney stack. Set at a sensitive central location, their symmetry is particularly important, as is the use of matching traditional materials to provide a uniform architectural unit.



*Fig. 12*

A further detached residence of later date has been constructed to the north of the cottages. Although of less architectural merit, it responds to the materials and design of the cottages, and is thus in keeping with the character of the area.

### *Other infill development*

In addition to the larger residential schemes of The Ridings, Byre Cottages and Greenways Corner, other individual dwellings have been built along Ovingdean Road over the course of the 20th century. In general, these respect the form of the streetscape; being set back from the road behind flint walls and verdant front gardens. The dwellings are generally detached, and vary in form and style. They are generally of limited architectural quality. However, the flint walls and gardens are most prominent in the streetscene, reducing the impact of these houses on the conservation area.

### *Village Hall*

Constructed in 1986 as a replacement to the original 1930s Village Club Room, the current Village Hall is brick-built with a pitched roof. It is of little architectural merit, but preserves the characteristic relationship between the street and buildings in this character area; being set back from the road behind a wall and vegetation. It functions as an important community hub for the village.

### *20th century Farm Complex*

To the north of the village, a number of modern farm buildings comprise the current late 20th century farm and other rural enterprises. The existing buildings are of no architectural or historic merit, and the area remained wholly undeveloped until the late 20th century. The retention of a farm within the village is however an important reminder of its agricultural past. The associated sights, sounds and smells would have always very much been a part of the character of the village.

The farm now forms the northern limit to the village. It is accessed via a track set alongside Hog Croft Field and Greenways Corner, at the very heart of the village where a signpost introduces 'Bulstrode Farm'. This entrance track forms part of the streetscene, and marks the original divide between the eastern and western estates. The actual buildings are however largely removed from the village centre, both physically and visually.



## Conclusion

Ovingdean Road Character Area is characterised by small vernacular cottages, farm buildings and infill development, set along and to the north of Ovingdean Road. The conversion of traditional farm buildings to residential use has largely been executed in a sensitive manner, but it has nevertheless led to a change in character. Despite much infill development, the area remains distinctive, with the majority of buildings unified through use of traditional materials; predominantly flint and clay tile roofs. Most buildings are set back from the road, with the narrow street clearly defined through flint walls, vegetation and the dominant rear elevations to the buildings of Ovingdean Hall School.

The continued presence of a farm in the village is an important reminder of the significance of agriculture to the origin and development of the village. The buildings, however, are of no architectural or historic merit. Many are unused or poorly maintained and thus detract from the character of the area. They would benefit from repair or removal.

## Character Area 3: Ovingdean Hall (See graphic - page 23)

Ovingdean Hall is a grade II listed building set within its own contained grounds which form its primary setting. It fronts on to a large grassed parkland, with the drive entering from the southwest. Its boundary is formed by tree belts and high flint walls. Later use as a school has led to the construction of many 20th century school buildings of little architectural interest, which back on to Ovingdean Road, whilst a small late 20th century housing development has been constructed in the northeast corner of the grounds. The Hall orientates away from the village and the location of woodland belts mean that the Hall and its grounds retain little visual relationship with the village itself. The flint wall, entrance and lodge to Greenways are prominent features that identify the entrance to the Hall within the streetscape, and the predominance of flint in these features emphasise the historic character of the estate.

## Important Buildings

### Ovingdean Hall

Ovingdean Hall (Figure 13) was constructed in the late 18th century for Nathaniel Kemp. The main formal facade orientates south and is faced in yellow mathematical tiles. Of a symmetrical six bay design, the two central bays project forward and are housed beneath a parapet. The building retains a shallow hipped slate roof set behind a parapet.

The formal facade is the Hall's most important elevation. It fronts on to the drive way and a large open green space (former parkland; now playing field) which comprises its primary setting. Later additions to the building extend to the rear, such that they do not interfere with the symmetry of the front elevation.



Fig. 13

### Ovingdean Hall Lodge



Fig. 14

The Lodge (Figure 14) at the entrance to Ovingdean Hall comprises a two storey flint building with red brick dressings and a tiled roof. Although this is a later 20th century replacement, historic OS maps show that there was historically a lodge in this location. It is set in the curtilage to Ovingdean Hall, and is significant due to this association. The use of traditional materials and flint boundary walls is in keeping with the character of the area.






## Ovingdean Hall Character Area



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**Brighton & Hove  
City Council**

-  Character Area  
 Positive Feature  
 Green Space

### ***School Buildings***

20th century school buildings have been built to the northeast and southwest of Ovingdean Hall. The incremental development and expansion of the site is reflected in the different styles and materials apparent in these buildings, which are generally of limited architectural merit. Nevertheless, most of the buildings are set back from the main elevation of Ovingdean Hall, and are of a lower height, such that they appear subordinate to the main building. This limits the harm caused by these buildings on the setting of the listed Hall.

The northernmost buildings on the site back on to Ovingdean Road. Here, the buildings are up to three storeys in height, and are mostly built directly on to the streetfront or immediately behind a flint wall; without room for pavements. Their large scale and massing, and strong building line, mean that they form a dominant feature in this streetscape. Use of traditional vernacular materials such as tile hanging is nevertheless in character with the area.

### ***Woodland Walk***

Woodland Walk comprises a small residential development constructed in c.1990 and located in the northeastern corner of the Ovingdean Hall estate. Accessed from Longhill Road, and comprising a short cul-de-sac of detached two to three storey dwellings, it is of a largely suburban character and arrangement. The buildings are constructed in flint with red brick dressings. They retain a mixture of gabled, hipped and half-hipped roofs; the latter being more typical of agricultural rather than domestic architectural forms. Due to changes in ground level, the neighbouring school buildings are set at a lower level than this development, such that only their roofs are visible from within the cul-de-sac. The development retains a secluded character much removed from Ovingdean Hall and from the village.

The original flint boundary wall to the Ovingdean Hall estate survives to the perimeter of the cul-de-sac. The flint wall and the high levels of mature vegetation are in keeping with the character of the area as part of the historic estate.

### ***Important Space***

#### ***Ovingdean Hall Grounds***

Ovingdean Hall is situated within its own c.9 hectare historic parkland estate. The Hall fronts on to a large open grassed area; with tree belts set to its perimeter. The main drive accesses the grounds from the southwest corner. This design and layout were already evident by the time of the c.1840 tithe plan, and form a generous parkland setting to the Hall. In contrast to the design shown on the tithe plan, however, the grassed area has been divided by a further tree belt, with the area to the east allowed to revert back to its natural state. Such a division is first shown on the c.1898 Ordnance Survey map, and it therefore now forms a historic landscape feature in its own right.

The majority of later school buildings on the site are concentrated to the north of the site such that the parkland estate remains as a cohesive whole. Areas of parking along the northern section of the drive do impact on the parkland and on the setting of the main façade to Ovingdean Hall. Similarly, the tennis courts to the east of the Hall also impact on the parkland and setting of the façade.

Mature vegetation and high flint walls provide a sense of boundary and high level of privacy for the site; screening views between it and the surroundings. As such, it is these boundary treatments which are most visible in the conservation area. The tree belts were severely damaged in the 1987 storm, and would merit further strengthening.

The western boundary to Greenways is particularly visible when approaching Ovingdean village (*Figure 15*). Combined with the main entrance, this stretch of tall flint wall and vegetation creates a clear visual break from the neighbouring suburban development to the south and forms an entrance feature to both Ovingdean Hall and to the village. Two late 20th century houses are discernible within the tree belt. Of no architectural merit, they are partly screened from views by the tall flint wall and vegetation, but still detract from the green, undeveloped character of this space.



*Fig. 15*

The eastern boundary to Longhill Road retains a similar tall flint wall and tree belt. Raised ground level along this boundary, combined with the vegetation, mean that there are few views into the grounds from this location. A small children's playground has been constructed in the southeast corner of the grounds.

In addition to its own intrinsic interest as an historic estate, the grounds to Ovingdean Hall form an important visual separation between the historic village and suburban development to the southeast; helping to retain its rural setting.

## Conclusion

Ovingdean Hall Character Area comprises a large 18th century residence, its associated lodge and parkland setting. Located at the entrance to the village, the estate forms an important gateway feature to the historic village and safeguarding its rural sense of place. The area is predominantly green in character. Tree belts and high flint walls create a strong sense of enclosure and privacy; and a clear definition between public and private space.

A number of intrusive features are however evident, which are damaging to the special historic and architectural interest of the area, and to the setting of the listed Ovingdean Hall:

- Numerous later school buildings on the site detract from the setting of Ovingdean Hall. This impact has been reduced through setting the buildings back from the main elevation of the Hall, and through their subordinate scale and massing.
- Parked cars along the drive and the tennis courts to the east detract from the setting of the Hall.
- Tree belts were damaged in the 1987 storm; reducing their effectiveness in screening views from the surroundings.
- Houses of no architectural or historic interest are located in the tree belt along Greenways, and are visible from the conservation area. Housing in this location has no historic precedent.

## Special Interest of Ovingdean Conservation Area

Ovingdean Conservation Area comprises a downland farming village, set upon an ancient landownership divide. Due to this divide, the village contains two separate farming units; which from the 18th century formed part of the estates of Ovingdean Hall and Ovingdean Grange respectively. The Manor was originally located close to the Church on Hog Croft Field, and the village still orientates towards this space. The Church comprises the most historic building - with parts dating to the 11th century - whilst Ovingdean Grange is also particularly historic. Ovingdean Hall was built in the late 18th century and represents a major change in the morphology and significance of the village. There is much later infill development in the village, which has partly blurred the boundary between the two farming nuclei, to form the village seen today.

Whilst the Church, Ovingdean Grange and Ovingdean Hall are the main prestigious buildings in the area, the majority of the building stock comprises more modest flint cottages, converted farm buildings and later infill developments. The latter developments and conversions have led to a dilution of the agricultural character of the conservation area since designation. Use of traditional materials - predominantly flint walls and clay tile roofs - nevertheless works to unify the character of the area.

The relationship between buildings and roads are not always direct; with many buildings instead set around former farmyards or at right angles to the street and creating an irregular village form. This emphasises the rural, agricultural antecedents of the area. A strong boundary and hard edge to the roads is created by flint walls, belts of vegetation and irregular pavements. These combine with their narrow width to create picturesque rural lanes.

Strong views to surrounding downland emphasise the village's rural setting, whilst the grounds of Ovingdean Hall create a visual distinction with suburban development to the southeast. Overall, the area retains much of its character as an isolated agricultural village.



## Boundary Review *(See graphic - page 27)*

The current boundary to Ovingdean Conservation Area largely reflects the extent of the historic settlement; distinguishing the village from surrounding suburban development and open downland. Although the area has changed greatly over the 20th century, most of this development is integrated within the village. Woodland Walk is most removed from the heart of the village, but still reads as part of the Ovingdean Hall estate due to the retention of flint walls and vegetation which screen views of the development from Ovingdean Road.

The modern farm to the north of the village, however, is of no historic or architectural merit. It is visually removed from much of the village, and there is no precedent for buildings in this location before the 1980s. Its current character and appearance dilutes the special interest of the area. Built since designation of the conservation area, the farm no longer meets the tests for inclusion and therefore is recommended for removal.

The farm area - and especially the retention of farm use in the village - remains an important part of the setting of the conservation area, and also the South Downs National Park; which bounds the area to the north, east and west.

### Article 4(1) Direction

Of the historic buildings in the village, many retain historic features such as original windows, roof coverings and boundary walls. These make a significant contribution to the character and appearance of the area. There are however examples where incremental change has had a harmful impact on the conservation area for example:

- UPVC windows have been installed in properties including The Hames, Ovingdean Road and The Lodge, Greenways. This erodes the historic integrity and appearance of the buildings and the area.
- Clay tile roofs create a characterful skyline. The sweeping roofs of some of the agricultural buildings are particularly characteristic of the area. Alien features inserted into such roofscapes, such as rooflights, solar panels, vents and flues, have an extremely harmful impact on their character and appearance. This is evident in the vents on the Olde Barn, Ovingdean Road and on the rear slopes of numbers 6 to 10 Beacon Court (as visible on Greenways). It is important to preserve and enhance existing plain roofs which form a characteristic part of the skyline.
- Flint walls of varied heights are present throughout the conservation area, creating a clear distinction between public and private space that is important to the area's character. The demolition of boundary walls above a certain height is controlled in the area; however low walls can currently be demolished without consent. The loss of these walls would erode historic building lines and the character of the area.

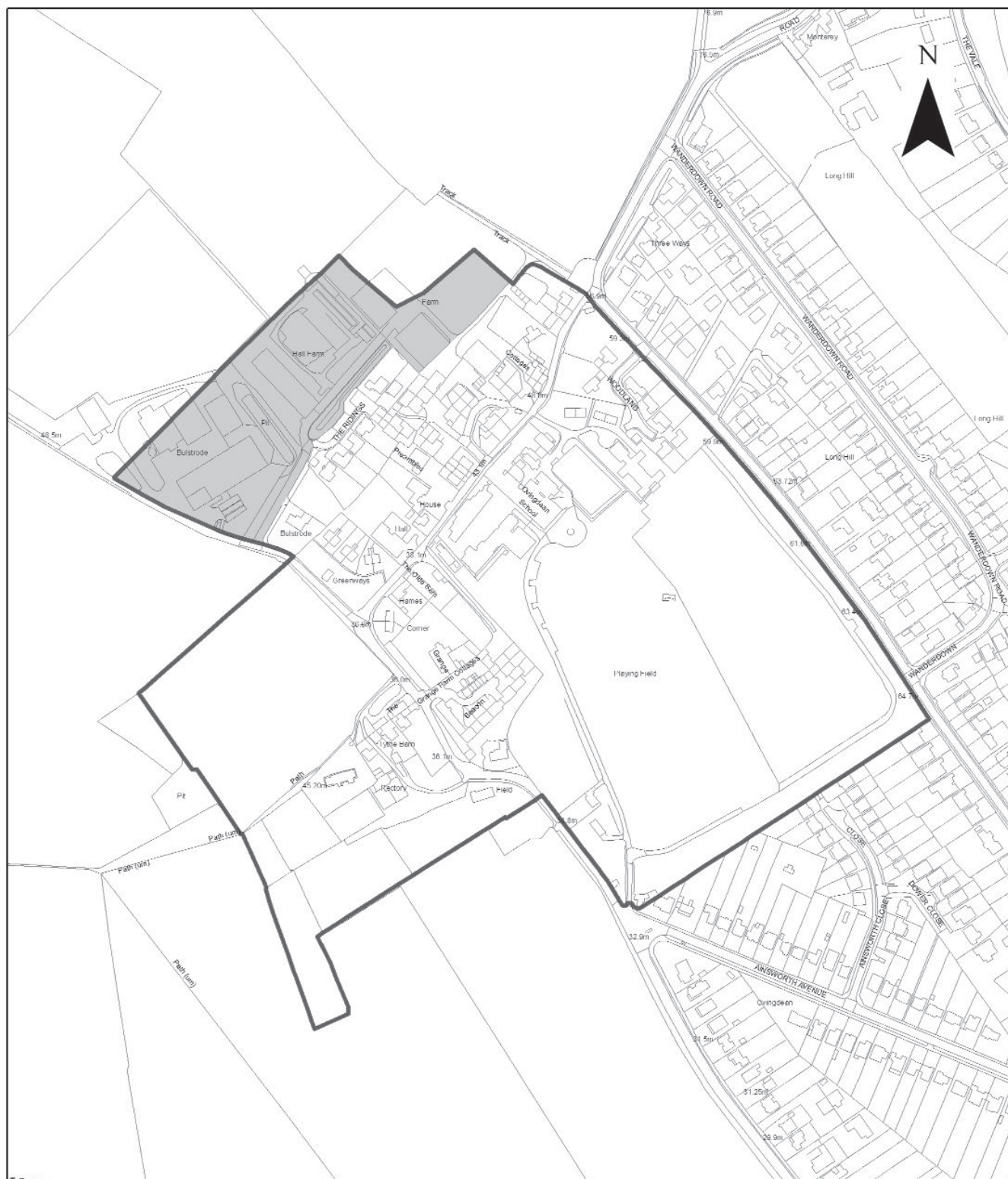
These incremental changes highlight the threat to the area from alterations that are permitted without planning permission. As such, an Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 is recommended. This would remove permitted development rights for the area, in order to retain control over how and where such alterations occur and to minimise the impact this will have on the character and appearance of the area. This will help to prevent the gradual degradation of the special interest of the area as a whole.

### Policy and Proposals

Flint walls make a major contribution to the special character of the conservation area and merit a programme of maintenance, repair and reinstatement, in accordance with best 'traditional' practice.

Roads - especially Ovingdean Road - were not originally designed for vehicular traffic. The narrow width and lack of pavement creates direct conflict between the needs of pedestrians and car users. Further growth in the amount of vehicular traffic on the roads in Ovingdean should be deterred. Any future traffic management will need to be sensitively handled and sympathetic to the historic character of the area. Resurfacing of roads and pavements should be in keeping with the area and signage should be kept to a minimum.

## Proposed Boundary Amendment



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Farming is important to the historic development and character of the village. Retention of a farming presence in the village is important to retaining this character. Agricultural use of the farm buildings to the north of the village will therefore be encouraged. Redundant modern farm structures to the north of the village should be brought back into use or their structure removed. The area occupied by the farm forms an important part of the setting of the conservation area and of the South Downs National Park and any future proposed developments in this area would need to be considered in this light.

The Ovingdean Hall College site occupies a large site and has a strong presence in the area. The piecemeal addition of buildings in various designs and styles impacts on the setting of the listed Hall and on views along Ovingdean Road. The site forms a single historic estate, and should, as such, be considered as a single unit. Production of a holistic management plan is encouraged. The historic parkland should remain predominantly green. Buildings should be set back from the main frontage of Ovingdean Hall; such that it retains its primary setting. Tree belts to its boundaries form an important part of the character of the conservation area and of the setting of the listed Hall. These should be maintained and strengthened where possible. The extension of the tree belt along the drive to the immediate west of the Hall would reinstate the historic planting scheme whilst screening some of the later school buildings in views of the Hall.

Business signage and lighting in the conservation area should be in keeping with its historic and now mainly residential character.

Numbers 50 and 52 Greenways (*Figure 16*) comprise a semi-detached pair of flint cottages. Dated 1892, they incorporate a stone crest. The pair is located outside the conservation area, but is of sufficient special architectural and historic interest to be considered for inclusion on the list of buildings of local interest. The Hames, The Olde Barn and 1 to 5 The Byre are converted agricultural structures that should also be considered for inclusion on the local list.

Existing tree cover contributes positively to the character of the area. Tree cover should be maintained and strengthened where possible; except where this obscures important views to and from surrounding downland.

The open spaces around the village that form part of the 'green buffer' are important in distinguishing the village from the surrounding suburban development and highlighting its originally rural setting. These areas should remain predominantly open and green.



Fig. 16

## Further Reading

Brighton and Hove Archaeological Society Field Unit (n.d.) *Archaeological Field Notebook 2009*. Available online at <http://www.brightonarch.org.uk/17.htm>

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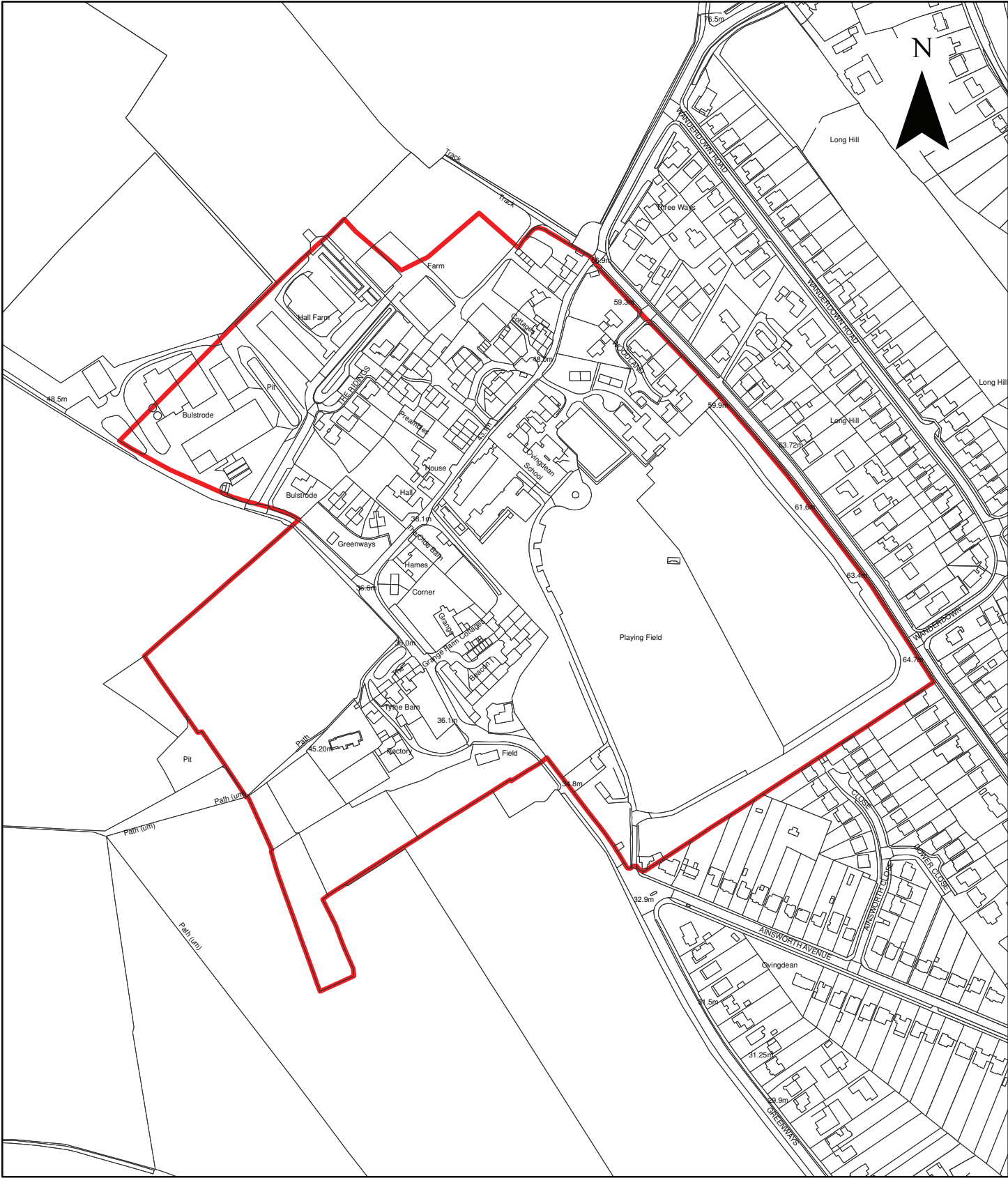
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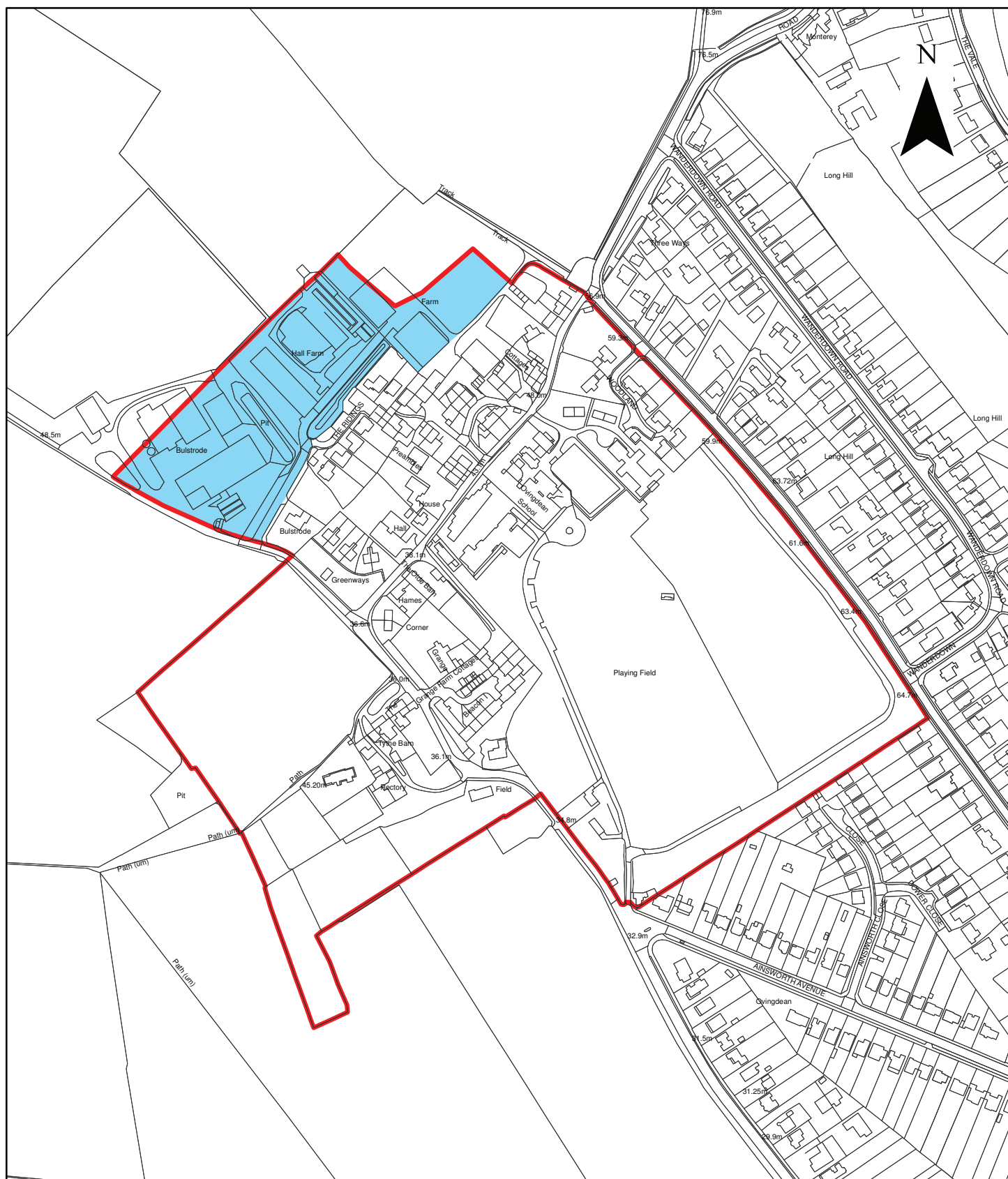
 Conservation Area

Scale: 1:4,000

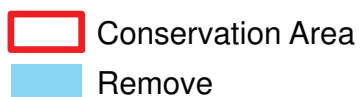








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**Scale: 1:4,000**





<b>Subject:</b>	<b>London Road Central Masterplan Update</b>		
<b>Date of Meeting:</b>	<b>7 July 2011</b>		
<b>Report of:</b>	<b>Strategic Director Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Alan Buck</b>	<b>Tel: 29-2287</b>
	<b>E-mail:</b>	<b>alan.buck@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>St Peter's and North Laine</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 In 2009 the council adopted the London Road Central Masterplan as a supplementary planning document (SPD 10) to guide future development proposals and improvements in the London Road area. The document sets out a wide range of projects which, if realised, will secure considerable improvements in and around London Road for the benefit of all who use the area.
- 1.2 This report provides an update on proposals within and around London Road that will help to realise its objectives of creating an attractive and economically successful shopping centre.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration notes the various emerging proposals.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

**Background**

- 3.1 The adopted Masterplan seeks public realm and other environmental enhancements to encourage users to spend more time in the London Road area, help create a vibrant shopping centre and improve its economic fortunes for the benefit of all. The document was prepared during a time of economic recession and it was recognised at the time that that its objectives of realising significant public realm improvements would be largely dependent on new development in the area.

**LICI**

- 3.2 Since 2009 the weak economy has continued to hinder development investment in the area and the council has therefore been actively seeking funding opportunities. It has recently been successful as a partner in a bid for INTERREG IV B finance to fund an improvement scheme in the London Road

area under the Lively Cities programme which has been recently approved by the EU.

- 3.3 Lively Cities (LICI) is a four year INTERREG IV B project that aims to strengthen communities by reclaiming public space for public use. It is focussed on achieving the transformation of poor quality underused urban spaces into places that are lively, vibrant and successful.
- 3.4 The project seeks to instil and utilise best practice in place-making techniques to achieve a transformation of a defined urban space in each of the partner cities. It involves co-operative working amongst the partners so that they can examine and learn from best practice around the world, pool their skills, advise each other and learn from each others examples.
- 3.5 The lead partner on the project is the AMCV, a Mons-based organisation providing design guidance to local authorities in the Wallonia Region of Belgium. As well as Brighton & Hove City Council, other partner authorities are Aberdeen, Tournai (Belgium), La Louvière and Lille (France) and Eindhoven (the Netherlands). A number of academic institutions are observing the project as part of their research: (Åbo Akademi University in Finland, Univeristé du Luxembourg, Wageningen University in the Netherlands and North West University in South Africa).
- 3.6 For Brighton & Hove, LICI will draw in EU funding to achieve a project within or across an area comprising Elder Place and the bottom of Anne Street. The project will be the result of competition that will invite innovative proposals to create a lively and well used space in an area that is lacking in such amenities. Community and stakeholder consultation and involvement will be integral elements in the project.
- 3.7 As well as providing a project on the ground, the programme provides a valuable opportunity for the council in building and refining its place-making skills as it shares experiences and problem-solving with its partners over the course of the four year project. These skills will be applied to future projects in the city. The total value of the project for the council in terms of learning and project implementation is £250,000, with the council's match funding element being 'payment in kind' through officer time spent on the project.

### **Open Market**

- 3.8 The new Open Market project received planning permission in April and work is expected to commence later this year, once temporary accommodation has been put in place for the existing stallholders.

### **Site J New England Quarter**

- 3.9 In the nearby New England Quarter, Square Bay Properties has a planning application under consideration for a mixed use development that includes residential, offices and hotel. The proposal would also bring forward the majority of the long-awaited New England Quarter southern greenway (the northern element having opened recently) and the completion of the pedestrian route to the rear of the station that connects past Sainsbury's to Anne Street and London Road. Development control negotiations are ongoing at the time of writing.

### **New England House**

- 3.10 The council is seeking a package to upgrade and refurbish New England House. Any scheme would be expected to contribute to the objectives of the London Road Masterplan, including proposals to improve the Elder Place-York Hill area.

### **Brighton Station Gateway**

- 3.11 This emerging project has the potential to assist in the regeneration of the London Road area, particularly the 'northern gateway' element of the scheme which will tie in the east west linkages referred to above.

### **The Level**

- 3.12 A project seeking to improve the Level is being led by City Services, who have a presence on the LICI officer steering group. Opportunities will be sought for the LICI project to tie into and improve east west pedestrian and cycle connections across the NEQ, London Road, the Level and beyond.

### **Former Co-op**

- 3.13 A developer is seeking to replace the existing building with student housing above shops and held a public exhibition in May in respect of their plans.

### **Emerging projects**

- 3.14 A number of officer meetings have taken place in connection with some other significant sites in the Masterplan area. Further information will be released in due course with the agreement of the developers or if and when these proposals enter the public domain.

### **Implementation of projects**

- 3.15 The LICI funding will be used to help to generate interest and stimulate investment in London Road from a variety of sources. The Masterplan SPD will continue to be used as a key planning policy document in guiding projects in the area and as a justification for extracting payments for additional public realm schemes to secure the its objectives.

## **4. CONSULTATION**

- 4.1 With regard to various improvements sought in the Masterplan, a series of officer working groups are being activated as and when appropriate. One such group has already been convened for the LICI project and member and stakeholder involvement will follow shortly. Further information on this programme will be revealed over the next few months.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Any costs associated with the preparation of the update have been met from existing Planning revenue budgets. The new improvement scheme in the London

Road area will be funded by external INTERREG grant with a contribution of council officer time.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 17/06/11*

Legal Implications:

- 5.2 The London Road Central Masterplan is a Supplementary Planning Document, a category of policy document introduced under the provisions of the Planning and Compulsory Purchase Act 2004. The Masterplan SPD, which was subject to statutory consultation, will be a material planning consideration against which those planning applications falling within its remit will be assessed. Any enhancement works will be subject to planning and, where relevant, procurement regulations.
- 5.3 No adverse human rights implications arise from the Report.

*Lawyer Consulted:*

*Hilary Woodward*

*Date: 27/06/11*

Equalities Implications:

- 5.4 The brief seeks an accessible and safe environment that will benefit existing local neighbourhoods.

Sustainability Implications:

- 5.5 Sustainability objectives are set out within and are integral to the masterplan and realising its objectives.

Crime & Disorder Implications:

- 5.6 The brief seeks the creation of a safe and successful neighbourhood.

Risk and Opportunity Management Implications:

- 5.7 These will be assessed where appropriate in relation to the details coming forward in relation to individual projects.

Corporate / Citywide Implications:

- 5.7 As a major gateway to and from the city, London Road is of significant importance to the council.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Assessments of options were undertaken during the SPD consultation process in 2009.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 Report is for information.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

None

### **Documents In Members' Rooms**

None

### **Background Documents**

1. London Road Central Masterplan (SPD 10)





<b>Subject:</b>	<b>HSBC Supercities Report</b>		
<b>Date of Meeting:</b>	<b>7 July 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Cheryl Finella</b>	<b>Tel: 29-1095</b>
	<b>Email:</b>	<b>cheryl.finella@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to inform the Planning, Employment, Economy & Regeneration Cabinet Member Meeting of the findings of the recent HSBC 'Supercities' report and the implications for Brighton & Hove.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration supports the proposal to explore the feasibility of an International Exhibition to showcase Brighton & Hove businesses.

**3. IMPLICATIONS FOR BRIGHTON & HOVE'S INWARD INVESTMENT PROSPECTUS AND FUTURE CITY GROWTH:**

- 3.1 In 2009 HSBC commissioned a primary report, looking at how '*a decade of turbulence and transformation*' had affected the business development landscape in Britain. It drew significant links between a few locations and concentrations of new industry markets and business types which are emergent and forecast to drive future growth
- 3.2 The initial report listed five cities as being particularly significant in the future of the British business landscape and has deemed them 'super cities' – these were, in order of North to South:
- Newcastle – natural sciences
  - Leeds - finance
  - Liverpool – culture and branding
  - London – creative city state; and
  - **Brighton – 'rebellious, alternative economy'.**
- 3.3 The term Super City is used to describe a dynamic urban area that is the pre-eminent centre for a regional economy and a centre of gravity for growth industries and world class research. The HSBC report indicates that these cities have the potential to lead the UK out of recession.

- 3.4 Annex One provides a summary of the report along with further reflections on what is known about these business types within the city and how we might seek to exploit the city's profile as a Supercity.
- 3.5 There is an opportunity to capitalise on the profile created by this report and other similar city analyses such as the recent report by Centre for Cities which compared the economic performance of cities.
- 3.6 The Cabinet Member is asked to support work into the feasibility of an International Exhibition to showcase Brighton & Hove businesses. It will provide an opportunity to profile the best and brightest of the city's existing and emerging businesses; it would also be a useful platform upon which to launch the new City Investment Prospectus and demonstrate the Council's desire to support and grow the indigenous business base as well as attracting those able to harness the talent available within the city.

#### **4. CONSULTATION**

- 4.1 A briefing on the Supercities report was given by Economic Development Officers to the Strategic Director for Place; the recommendations are a result of this consultation.
- 4.2 Should the proposal be approved further consultation with the business community and other stakeholders will take place to inform the business case.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications

- 5.1 There are no direct financial implications arising from the proposal to explore the feasibility of an International Exhibition. Should the decision be taken to hold such an Exhibition, a formal business case and a funding plan will be necessary if the initiative to progress.

*Finance Officer Consulted: Karen Brookshaw Date: 27/06/11*

##### Legal Implications:

- 5.2 There are no direct legal implications arising from this report

*Lawyer Consulted: Bob Bruce Date: 27/06/11*

##### Equalities Implications:

- 5.3 There are no equalities implications arising from this report; however if the exhibition goes ahead it will benefit small businesses in the city, contribute to business growth and help to create more employment opportunities for residents in the medium and long term

Sustainability Implications:

- 5.4 There are no sustainability implications arising from this report; however if the exhibition goes ahead it will contribute to the sustainability of the city's business base and provide a useful platform upon which to highlight the Council's drive to promote Brighton & Hove as a low carbon city.

Crime & Disorder Implications:

- 5.5 There are no crime & disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk & opportunity management implications arising from this report.

Corporate / Citywide Implications:

- 5.7 This report feeds into the work currently underway to develop a citywide Investment Prospectus; the proposed exhibition will be used to launch the prospectus and profile the city's businesses

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative option would be to note the report and take no action regarding the feasibility work for an exhibition. This is not considered appropriate as simply noting the report would be a lost opportunity to showcase the findings, the benefits of which are set out in section 3.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 This report feeds into the work currently underway to develop a citywide Investment Prospectus; the proposed exhibition will be used to launch a prospectus and profile the city's businesses

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. HSBC: The Future of Business 2011 – report summary

**Documents in Members' Rooms**

None

**Background Documents**

None



# HSBC: The Future of Business 2011

## Supercity Brighton?

### Implications for Brighton & Hove's Inward Investment prospectus and future city growth:

In 2009 HSBC commissioned a primary report, looking at how '*a decade of turbulence and transformation*' had affected the business development landscape in Britain.

It drew significant links between a few locations and concentrations of new industry markets and business types which are emergent and forecast to drive future growth.

**The initial report listed five cities** as being particularly significant in the future of the British business landscape and has deemed them 'super cities' – these were, in order of North to South:

- Newcastle – natural sciences
- Leeds - finance
- Liverpool – culture and branding
- London – creative city state; and
- **Brighton – 'rebellious, alternative economy'.**

*'In the big industries of the future, the UK already has a track record, and is incredibly well positioned,' says Dr Lynda Gratton of the London Business School.*

### What is a Super City?

The term Super City is used to describe a dynamic urban area that is the preeminent centre for a regional economy and a centre of gravity for growth industries and world class research. The HSBC report indicates that these cities have the potential to lead the UK out of recession.

### The 2011 update has added two cities to this list:

- Glasgow – renewable energy; and
- Bristol – composites / adv. Manu.

*'There will be a repatriation in some manufacturing, leading to a renaissance in those regions that already have the necessary skills and infrastructure,' believes Tony Greenham, head of finance and business at the New Economics Foundation.*

The emergent sectors that the 2009 report highlighted as being the key to economic renaissance, nationally, are:

- Robotics – articulate and intelligent machines
- Nanotech – tiny technologies
- Biotech – organic technology
- Cybernetics – human and machine interface systems
- Nutraceuticals – food and nutritional
- Stem cell research
- Renewable energies

- **Nine next-generation growth sectors identified**
- **Business, academia and government to work together for success**
- **New industry 'clusters' to grow around UK**

- Gaming

These sector typologies have now been updated to reflect the business cluster development of more applied rather than theoretical types:

- Renewable Energies
- Advanced composites
- Regenerative healthcare
- Creative industries
- Low carbon transport
- Space industries
- Biochemicals
- Plastronics
- Photonics

The 2011 update has surveyed 500 SME business leaders, selected by HSBC as being important. Their approach is primarily qualitative, and based on the expectations of these 500 people. There are statistics, but these reflect the mentality of the SME business leaders, rather than accurately reflecting a sample of any overall business environment. That said, their quotes are well chosen and pertinent. Due to confidentiality, it is unlikely that we may be able to identify any businesses or business leaders interviewed, except those quoted directly.

A key recommendation could be for Brighton & Hove to attempt to identify businesses that fall into the typologies of business models. We may then be able to conduct further in depth consultation and research into the behaviours and requirements of these distinct and emergent business types, and identify better our relative specialism and promote this. (It could also be a mistake to not do this in a targeted way, therefore offering only general rather than bespoke support.)

There are three new business model types added to the initial report's identification of 'micro-multinationals': [see right]

Our 2009 report highlighted a number of new business models that will develop as the UK's economic landscape is transformed. In that report we identified Micro-multinationals to which we now add a new generation of emerging typologies:

#### **Micro-multinationals**

hyper-flexible, hyper-connected companies with a footloose ethos and an international perspective. We are seeing this model pioneered by the creative industries.

#### **Tryotechs**

research-led companies, which will be pushing the boundaries of biomedicine, nanotechnology and materials science to unlock new solutions.

#### **Tradicals**

creative innovators, reapplying traditional skills in radical new ways in order to reach new markets. Craft industries will emerge as key players in redefining the national and international image of British regions.

#### **Freenewables**

pioneers who are harnessing Britain's renewable energy resources will help the UK escape what Energy and Climate Change Secretary Chris Huhne recently described as the 'oil hook'. In an age of rising energy costs, the need for sustainability will fundamentally alter the economic landscape. The vulnerability of global supply chains has been starkly illustrated by civil unrest and natural disasters in a number of countries.

### **City summary for Brighton & Hove:**

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Brighton has at least some specialism [or R&D occurring] in all other super city industries, but no clusters that compare on the scale of the other 'specialist' super-cities. We are not an 'economies of scale' economy, but we have many interacting specialist sectors which re-inforce each other, and this is a key factor in our offer.

Clustering is key, and human capital clustering is behind many successful sectors – but having to be 'small' to some extent also drives industrial innovation. We are a diversified economy and this is important. Our clear financial sector development could lend itself to Brighton being a 'Carbon Finance' hub.

Carbon Finance is the fastest growing Low Carbon Environmental Goods & Services sector (LCEGS), growing at over 8% a year cumulatively, and we are in a prime position to capture this growth market. The effect of this will interact with other emergent green sub-sectors in the city to drive wider interactive cross-sector growth, harnessing the creative potential underlying the business culture of the city.

## **The Future**

### **How can the city exploit and maximise the opportunities highlighted in this report.**

The report describes the characteristics of a range of emergent entrepreneurial types or 'tribes'; appendix three provides an explanation of these (types along with those mentioned in the previous Super Cities report)

Brighton can be said to hold many of these types or 'tribes' and there is a need to ensure that these businesses have the right conditions for growth within the city.

The Economic Development Commission Chaired by Geoff Raw, Strategic Director Place, is revisiting many of the opportunities and challenges faced by the city. The Commission brings together experts from Further and Higher Education, Business representatives, local entrepreneurs and the community sector with the aim of creating a new Inward Investment Prospectus for the city.

The prospectus will set out a clear 'story of place'; building on this and other related research it will identify an investment offer to encourage the private sector investment into the city. The prospectus will provide a framework through which key sectors will be supported and it will help to ensure that the potential opportunities described within the HSBC report are realised.

