



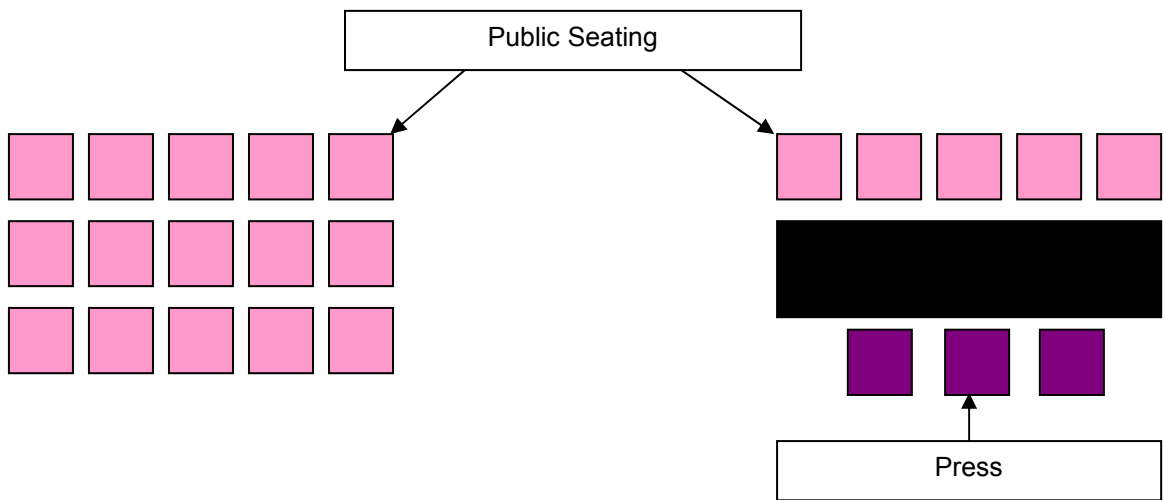
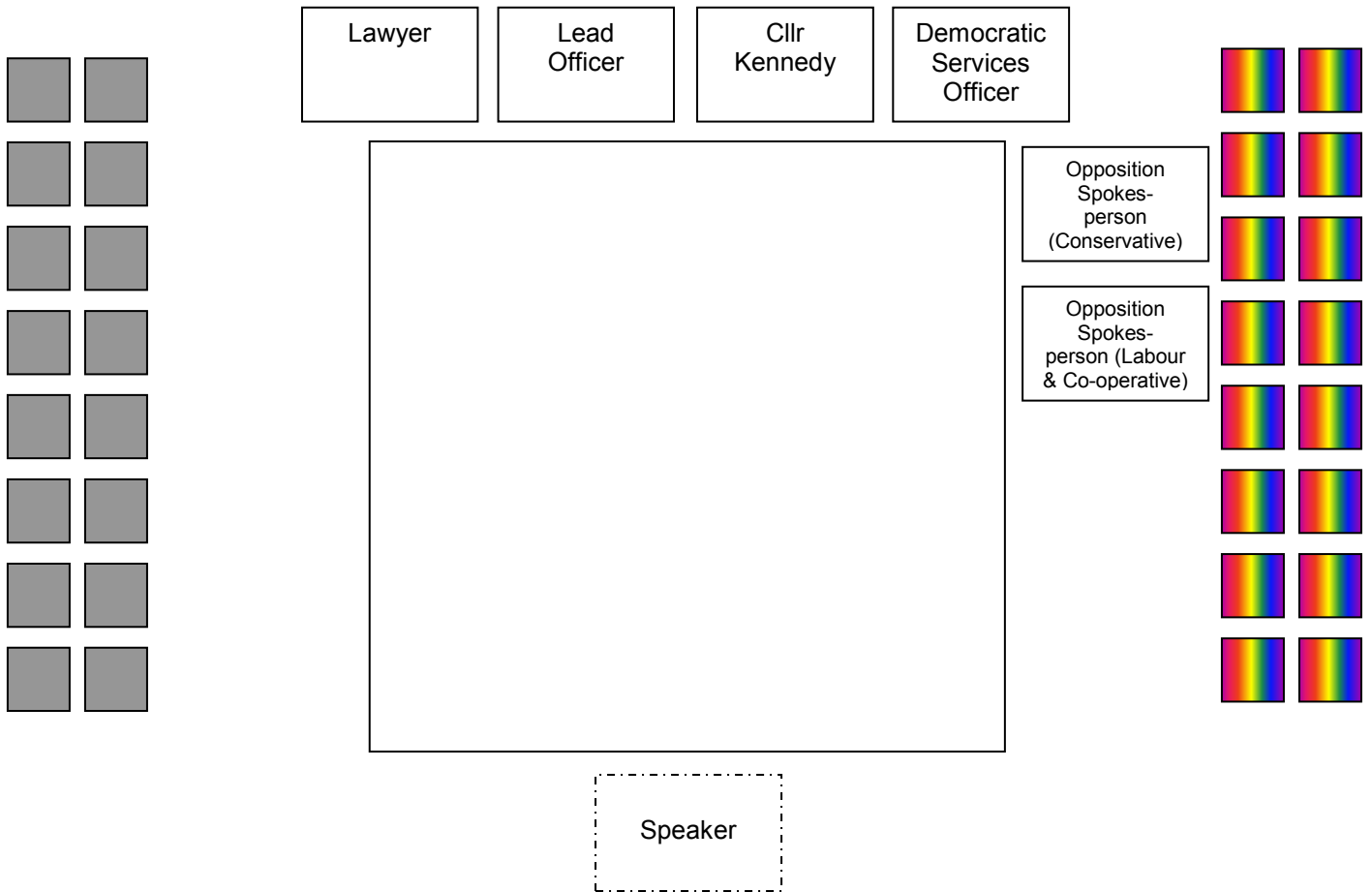
Brighton & Hove
City Council

Cabinet Member Meeting

Title:	Planning, Employment, Economy & Regeneration Cabinet Member Meeting
Date:	2 February 2012
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillor: Kennedy (Cabinet Member)
Contact:	Ross Keatley Democratic Services Officer 01273 29-1064 ross.keatley@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

Part One

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Minutes of the meeting held on 3 November 2011 (copy attached).

63. CABINET MEMBER'S COMMUNICATIONS

64. ITEMS RESERVED FOR DISCUSSION

65. PETITIONS

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

66. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 26 January 2012)

No public questions were received by the date of publication.

67. DEPUTATIONS

(The closing date for receipt of public questions is 12 noon on 26 January 2012)

No deputations were received by the date of publication.

68. LETTERS FROM COUNCILLORS

No letters from Councillors were received by the date of publication.

69. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received by the date of publication.

70. NOTICES OF MOTION

No Notices of Motion have been received as of 3 January 2012.

EMPLOYMENT

71. EMPLOYMENT UPDATE

**To
Follow**

Verbal update from the Economic Development Team.

PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER MEETING

Contact Officer: Cheryl Finella Tel: 29-1095

72. ECONOMIC DEVELOPMENT WORK PROGRAMME

Presentation from the Economic Development Team.

PLANNING

73. LOCALISM ACT - PLANNING IMPLICATIONS 15 - 22

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

Contact Officer: Helen Gregory Tel: 29-2293

74. GOVERNMENT CONSULTATION : NEIGHBOURHOOD PLANNING REGULATIONS 23 - 52

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

Contact Officer: Rebecca Fry Tel: 29-3773

75. COMMUNITY INFRASTRUCTURE LEVY: DETAILED PROPOSALS AND DRAFT REGULATIONS FOR REFORM - CONSULTATION 53 - 66

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

Contact Officer: Mike Holford Tel: 29-2501

76. DEVELOPER CONTRIBUTIONS - TEMPORARY RECESSION MEASURES AND UPDATED TECHNICAL GUIDANCE 67 - 108

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

Contact Officer: Debra May Tel: 29-2295

77. MAINTENANCE OF HISTORIC BUILDINGS 109 - 124

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

Contact Officer: Tim Jefferies Tel: 29-3152

78. UPDATE ON PROPOSED ARTICLE 4 DIRECTIONS FOR PATCHAM, ROTTINGDEAN AND OIVINGDEAN CONSERVATION AREAS 125 - 134

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

Contact Officer: Sanne Roberts Tel: 29-2261

79. OIVINGDEAN CONSERVATION AREA REVIEW 135 - 178

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

Contact Officer: Sanne Roberts Tel: 29-2261

80. BACKGROUND STUDIES FOR THE CITY PLAN 179 - 186

PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER MEETING

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

Contact Officer: Liz Hobden

Tel: 29-2504

81. PLANNING BRIEF: FORMER FALMER HIGH SCHOOL SURPLUS LAND 187 - 200

Contact Officer: Alan Buck

Tel: 29-2287

Ward Affected: Moulsecoomb & Bevendean

ECONOMY & REGENERATION

82. CREATIVE INDUSTRIES

Presentation from Managing Director of Wired Sussex.

PART TWO

83. PART TWO MINUTES OF THE PREVIOUS MEETING 201 - 202

Part Two Minutes of the meeting held on 3 November 2011 (copy attached).

84. 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.

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For further details and general enquiries about this meeting contact Ross Keatley, (01273 29-1064, email ross.keatley@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 25 January 2012

BRIGHTON & HOVE CITY COUNCIL**PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER
MEETING****4.00PM 3 NOVEMBER 2011****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES****Present:** Councillor Kennedy (Cabinet Member)**Also in attendance:** Councillors Morgan (Opposition Spokesperson) and C Theobald (Opposition Spokesperson)**Other Members present:** Councillors MacCafferty**PART ONE****41. PROCEDURAL BUSINESS****41(a) Declarations of Interests**

41a.1 Councillor C Theobald declared a personal, but non-prejudicial, interest in Item 56, a report of the Strategic Director, Place concerning updated background studies for the Local Development Framework City Wide Plan, as her son was an Associate Director at CBRE who had conducted the retail study.

41(b) Exclusion of Press and Public

41b.1 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

41b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of Item 59 onwards.

42. MINUTES OF THE PREVIOUS MEETING

42.1 **RESOLVED** – That the minutes of meeting held on 15 September 2011 were approved as a correct record, subject to the following amendments:

- (i) the insertion of the words '**reports predicting**' before 'changes' at paragraph 30.2;
- (ii) the insertion of a reference to the successful Local Sustainable Transport Fund bid being submitted under the previous Administration at Item 35.

43. CABINET MEMBER'S COMMUNICATIONS

43.1 The Cabinet Member reported that the South East Royal Town Planning Institute Awards would take place in the city on 23 November 2011 and that the council had been nominated in one of the categories.

43.2 The Cabinet Member advised that a council initiative called 'Dressed for Success' had been launched to support around 40 independent retailers during the difficult trading conditions, providing companies with access to 121 advice in their premises on how to dress their shop windows to increase custom. There would be a campaign to highlight the shop front transformations and the public would be encouraged to vote for their favourite displays, culminating in an award ceremony in January. The initiative had already proved very popular; there was a waiting list and more training sessions were being negotiated. More information would be available on the council's website later in the month.

43.3 The Chair provided an update on the new City Plan, which was being drafted to take forward the work on the City's Core Strategy and provide the framework for future development in Brighton and Hove up to the year 2030. Consultation on a full version of the Plan would take place in early 2012 and consultation on policy options papers for the following four key areas was already underway: (1) housing targets/ delivery, (2) Park and Ride, (3) Employment, and (4) Student Housing. Stakeholder events had also been arranged as part of the consultation and those that had already taken place were well attended and presentations by officers well received, provoking encouragement to comment.

43.4 The Chair provided an update on the Draft East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Core Strategy), which was currently out for consultation. A stakeholder workshop would take place as part of the consultation to discuss the approach to providing for new built waste recovery facilities. Consultation responses would be considered and a final version of the Plan would be considered by Members in January, followed by a six-week consultation on the soundness of the Plan prior to submission to the Government. The intention was to adopt the final Plan in late 2012 or early 2013.

44. ITEMS RESERVED FOR DISCUSSION

44.1 **RESOLVED** – That all items be reserved for discussion.

45. PETITIONS

45.1 There were none.

46. PUBLIC QUESTIONS

46.1 There were none.

47. DEPUTATIONS

47.1 There were none.

48. LETTERS FROM COUNCILLORS

48.1 There were none.

49. WRITTEN QUESTIONS FROM COUNCILLORS

49.1 There were none.

50. NOTICES OF MOTIONS

50.1 There were none.

51. CITY EMPLOYMENT & SKILLS PLAN & ACTION PLAN 2011-14

51.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the City Employment & Skills Plan (CESP) & Action Plan 2011-14.

51.2 The Cabinet Member welcomed Phil Frier, Principal of City College and Chair of the City Employment & Skills Steering Group (CESSG) to the meeting to give a presentation on the CESP (Appendix 1).

51.3 Mr Frier explained that the purpose of the CESP was about enabling people to obtain the skills to be successful in the labour market and providing employers with the skills they required to develop their workforce. He highlighted key priorities focused upon job creation and better preparing local residents to apply for and secure the jobs that were created, as well as the importance of promoting the city's employment and skills needs to internal and external partners. He explained the three priorities for action: (1) apprenticeships/internships, including the launch of a one-stop-shop for employers and jobseekers; (2) Eco Tech Industries Development, making use of the Wired Sussex Model; (3) supporting the creation of graduate jobs to ensure jobs created were at the right level for jobseekers.

Mr Frier thanked the council for its support for the CESP. He stated that it was an ambitious plan that would take time, but that the joined up approach it provided was offered the necessary framework for moving forward.

51.4 Councillor Morgan welcomed the CESP and advised that he had attended the successful launch at the Amex Stadium. He agreed with the focus on creating

graduate jobs and advised of reports predicting that public sector cuts would have a significant impact of small and medium-sized enterprises (SMEs). He noted that the announcement from the Government about reduced Feed In Tariffs (FIT) was bad news for Eco Tech industries.

51.5 Councillor C Theobald also welcomed the CESP and stated that limited progress on the city's major projects had prevented jobs being created. She requested more information on the role of the Local Enterprise Partnership (LEP) in the CESP.

51.6 Mr Frier agreed that SMEs would experience specific problems and that the focus would be on helping them to access subsidised training and supported apprenticeships. He advised that the link between the CESP and the LEP was very important; work of the CESSG would operate within schemes set up by the LEP and the joined up approach would promote entrepreneurialism.

51.7 The Cabinet Member explained that Section 106 provisions required large developments to use a significant number of local workers and that this would be seen on upcoming developments. She welcomed the launch of the one-stop shop for apprenticeships and thanked Mr Frier for attending and giving the presentation.

51.8 The Lawyer to the meeting explained that the recommendations would be amended to reflect the fact the CESP was part of the council's Policy Framework and therefore required Overview & Scrutiny input and full Council endorsement (see 51.9(2) below).

51.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:

(1) That the Cabinet Member for Planning, Employment, Economy & Regeneration notes the content of the report and endorses the City Employment & Skills Plan 2011-14 and its priorities and action plan.

(2) **That the City Employment & Skills Plan 2011-14, as a component of the council's Policy Framework, be reported to the Culture, Tourism & Enterprise Overview & Scrutiny Committee for information, and referred to full Council for endorsement.**

52. APPLICATION FOR THE INTERREG IVA CALLED 'SUPPORTING YOUNG AND UNEMPLOYED PEOPLE IN PORT CITIES'

52.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the council's Interreg 1Va 'Supporting Young and Unemployed people in Port Cities' cross-border funded project application.

52.2 The Cabinet Member advised that the project aimed to encourage closer working between employers and young people through work experience and facilitated information sessions and with learning institutions such as City College and Northbrook College who would be developing a customised curriculum offer. If successful the three-year project would go live in January and work on the dedicated training centre on Shoreham Port would commence.

- 52.3 The Economic Development Manager explained that the purpose of the project was to learn more about the jobs available in ports and raise awareness amongst young people of the opportunities. The council was working jointly with West Sussex County Council (WSSC) on the bid and, as the funding was oversubscribed, discussions were taking place to determine priorities for action should the bid not be successful.
- 52.4 The Cabinet Member stated that it was encouraging to know that steps would be taken to take the work forward if the bid was not successful. She welcomed the focus on an employment-led approach to the Shoreham Harbour area.
- 52.5 In response to a question from Councillor Morgan, the Economic Development Manager advised that using references to 'port-related' would give the project scope to use the Shoreham Harbour Regeneration area, which was a wider area than just the Harbour on its own.
- 52.6 In response to a question from Councillor C Theobald regarding the council's financial contribution to the project, the Economic Development Manager explained that there was no direct cost and that staff time to oversee it was valued at €43,960.50 over the life of the project, and that the council would get this money back. She advised that WSSC had agreed to provide a €50,000 in addition to staff time.
- 52.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That the Cabinet Member for Planning, Employment, Economy & Regeneration endorses the proposed city councils continuing participation in the Interreg 1Va 'Supporting Young and Unemployed people in Port Cities' application.
 - (2) That the Strategic Director, Place be given delegated authority to sign the final project agreement, should the application be successful.

53. EMPLOYMENT UPDATE

- 53.1 The Cabinet Member considered an update from the Economic Development Manager concerning employment in Brighton & Hove.
- 53.2 The Economic Development Manager gave a presentation concerning structural changes in the labour market (Appendix 2) to accompany a paper that had been circulated entitled 'The Hourglass and the Escalator' (Appendix 3). She explained that Brighton & Hove had weathered the recession relatively well, but that the city had experienced a decline in middle income occupations, which needed to be addressed to enable career progression and encourage social mobility.
- 53.3 Councillor Morgan urged for the focus to shift to social enterprises and co-operative model organisations in order to fill the labour gap in the city because they would not be susceptible to the same issues as other private employers.
- 53.4 The Cabinet Member agreed that alternative business models should be encouraged. She noted that the number of women in high income occupations had increased in the city, and this did not reflect the national trend.

53.5 Councillor C Theobald welcomed the increased number of women in high earning jobs and noted that those in middle income occupations were often the first to lose out when the labour market was under pressure.

53.6 The Cabinet Member stated that the CESP would help to create jobs to fill in the gap in middle income occupations.

53.7 **RESOLVED** – That the update be noted.

54. LOCALISM BILL UPDATE

54.1 The Cabinet Member considered an update from the Head of Planning Strategy concerning the latest position with regard to the Localism Bill.

54.2 The Head of Planning Strategy reported that the Bill had been returned to the House of Commons for consideration of amendments from the House of Lords and that Royal Assent in November remained the intention. He advised that the general power to trigger a referendum had been withdrawn, but that referendums on Neighbourhood Plans (NPs) remained, and that both residents and business-led Neighbourhood Forums would have the same rights. However NPs would not be able to focus solely on promoting business.

He also advised that amendments to the proposed National Planning Policy Framework (NPPF) were expected as the Government had received around 14,000 responses to the consultation identifying three key areas of concern: (1) the definition of “sustainable development”, (2) the government’s stance on the “brownfield first” policy, and (3) the transitional arrangements. He stated that the Government intended the NPPF to come into force on the 31 March 2012, but there remained significant uncertainty around what the final version would look like.

54.3 The Cabinet Member noted the twin-track progress of the Localism Bill and NPPF and stated that the House of Lords had made some sensible amendments. She was sceptical about the possibility of businesses leading on neighbourhood planning.

54.4 Councillor Morgan requested more information on the timetable for implementation of the NPPF. He asked whether areas had been identified for Neighbourhood Councils (NCs) and what impact there would be on equalities for areas that would not have an NC.

54.5 The Cabinet Member advised that work on NCs was underway, but that and that the city would be mapped to prevent groups from being excluded. She advised that she would ask the Cabinet Member for Communities, Equalities & Public Protection to provide a more detailed written response.

54.6 The Lawyer to the meeting explained that the message from Government in relation to the weight of the NPPF was not entirely aligned to the position in law; it was lawful to consider the NPPF as a material planning consideration, but that existing Planning Policy Statements (PPSs) held more weight and a current Local Plan would also take precedence prior to enactment.

- 54.7 In response to a question from Councillor Morgan regarding the council's position in light of the withdrawal of the Core Strategy, the Head of Planning & Public Protection confirmed that the council was covered due to the saved Local Plan and emerging policies.
- 54.8 The Cabinet Member acknowledged the confusion regarding the NPPF and stated that every effort was being made to move forward on the City Plan with pace in order to provide some much-needed certainty.
- 54.9 **RESOLVED** – That the update be noted.
- 55. GOVERNMENT CONSULTATION ON PROPOSED REPLACEMENT PLANNING GUIDANCE FOR PLANNING FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE**
- 55.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the council's response to the Government consultation to replace current national planning policy guidance for Gypsies and Travellers and Travelling Showpeople with a new Planning Policy Statement (PPS).
- 55.2 The Cabinet Member advised that, in principle, she welcomed a single PPS for Traveller sites and noted that, in due course, it would be incorporated into the NPPF with all other national planning guidance. She was supportive of the key policy objective set out in the consultation guidance, which was the fair and effective provision of authorised sites for Gypsies and Travellers - to facilitate their way of life whilst respecting the interests of the settled community. She also agreed that 'a robust 'evidence base' was essential to the assessment of the need for sites and stated that the guidance should therefore clarify, through best practice guidance, what was meant by 'robust' so that all Local Authorities (LAs) undertook realistic and comparable assessments. She welcomed the fact that LAs would be able to set their own targets for site provision and stated that it was important for such targets to be realistic and deliverable.
- 55.3 Councillor Morgan agreed that realistic and comparable assessment were important, particularly if the Government removed the requirement for LAs to provide sites. He asked how far the LAs were compelled to provide sites.
- 55.4 The Head of Planning Strategy explained that the council was still required to work under the existing legislation, which meant that provision was to be determined jointly with adjoining LAs. Under the new guidance, LAs would have to agree on the evidence base, which could prove challenging as there was no consistency across the relevant LAs.
- 55.5 Councillor C Theobald welcomed the proposed PPS and advised that the Conservative Group had submitted its own response to the consultation. She stated that provision of a permanent site would make it easier to move people on from unauthorised encampments and that it was important to treat all people equally in terms of accommodation and not be seen to be prioritising the needs of gypsies and travellers.

55.6 The Cabinet Member urged Members to encourage community cohesion and avoid making comments that could be construed as discriminatory.

55.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:

- (1) That the Cabinet Member for Planning, Employment, Economy & Regeneration approves and endorses the council's response to the Government's consultation on Proposed Replacement Planning Guidance 'Planning for Traveller Sites' (see Appendix A).

56. LOCAL DEVELOPMENT FRAMEWORK CITY WIDE PLAN - UPDATED BACKGROUND STUDIES

56.1 The Cabinet Member considered a report of the Strategic Director, Place seeking approval for two studies providing background and supporting evidence for the City Plan (Core Strategy) and future Local Development Framework documents.

56.2 The Cabinet Member explained that the report provided an update on two background studies providing robust evidence for the City Plan. The first was the Brighton & Hove Retail Study Update – September 2011 and the second was the Housing Requirements Study – June 2011. She welcomed the completion of the studies as a step towards adopting the new City Plan for the city.

56.3 The Strategic Planning & Monitoring Manager advised that the Housing Requirement study made suggestions and provided an evidence base to the council.

56.4 The Senior Planning Officer, Local Development explained that the Retail Study was relatively positive about the city's performance; vacancy rates were low and there was no need to plan for additional convenience retail floor space. In response to a comment from Councillor C Theobald regarding convenience goods outlets, she explained that such outlets were finding a way in because planning permission was not required for a change of use in such cases.

56.5 Councillor Morgan noted that Brighton Marina was under-used for retail and that opening up the Black Rock site would be key to achieving progress at the Marina.

56.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:

- (1) That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the Brighton and Hove Retail Study Update – September 2011 and the Housing Requirements Study – June 2011 as supporting evidence for the City Plan and other Local Development Framework documents.

57. COMMUNITY INFRASTRUCTURE LEVY

57.1 The Cabinet Member considered a report of the Strategic Director, Place concerning proposals for a Community Infrastructure Levy charging schedule to raise funds from

developers undertaking new building projects in their area to fund a wide range of infrastructure that is needed as a result of development.

- 57.2 The Cabinet Member explained that there would still be an important role for site specific planning obligations (section 106 agreements) with developers to deal with specific site impacts. She advised that the CIL would be prepared in parallel with the City Plan.
- 57.3 In response to a question from Councillor Morgan regarding appeals against the CIL, the Strategic Planning & Monitoring Manager confirmed that once set the CIL would be mandatory, with no right of appeal.
- 57.4 Councillor C Theobald questioned whether the CIL would bring in more funding than the section 106 regime and advised that the council had to be careful not to deter developers.
- 57.5 The Strategic Planning & Monitoring Manager explained that section 106 contributions would be rolled back to some extent, but would still play a significant role. The CIL would raise more money than the section 106 regime, but would be set with development viability across the whole city in mind.
- 57.6 The Head of Planning & Public Protection advised that the purpose of the CIL was to unlock development potential by providing the necessary infrastructure. He added that the council would consult widely before setting finalising the charging schedule.
- 57.7 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the production of a Community infrastructure Levy charging schedule and that this be brought forward for consultation alongside the production of the City Plan with a view to adopting the charging schedule as council policy.
- 58. DRAFT SUPPLEMENTARY PLANNING DOCUMENT DESIGN GUIDE FOR ALTERATIONS AND EXTENSION**
- 58.1 The Cabinet Member considered a report of the Strategic Director, Place seeking endorsement of the draft Supplementary Planning Document (SPD) 'Design Guide for Extensions and Alterations' for the purpose of formal public consultation.
- 58.2 The Cabinet Member explained that the purpose of the draft SPD was to provide prospective applicants and members of the public with an interest in an application with user friendly guidance on the design issues when considering extending or altering a residential property. It detailed the key design considerations the Local Planning Authority would use when assessing applications or pre-application inquiries.
- 58.3 The Area Planning Manager gave a presentation highlighting the purpose, structure and overall aim on the SPD (Appendix 2), which was to ensure well-designed extensions and alterations to residential properties, and improve the quality of the local environment as well as reducing unnecessary refusals and appeals by increasing

awareness of interpretation of Local Plan Policies and helping members of the public to understand how householder applications were assessed.

- 58.4 The Cabinet Member advised that the SPD was designed to help applicants, not dictate to them.
- 58.5 Councillor C Theobald asked how many schemes the SPD would apply to given that some extensions did not require planning permission. She welcomed the SPD, but noted that it would be difficult to prevent residents from thinking they could copy bad extensions on other properties.
- 58.6 The Area Planning Manager explained that the SPD, once adopted, would apply to all householder applications in order to raise awareness and understanding of good design principals.
- 58.7 In response to a question from Councillor Morgan, the Head of City Planning & Public Protection explained that the SPD brought together existing guidance from different places into one guide and reflected work with local agents. The SPD would encourage applicants to be clearer and agents to work closely with the council on applications.
- 58.8 **RESOLVED** - That, having considered the information and the reasons set out in the report, the following recommendations be accepted:
- (1) That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the draft 'Design Guide for Extensions and Alterations' as a Supplementary Planning Document for the purposes of formal public consultation.

PART TWO SUMMARY

59. MAJOR PROJECTS UPDATE

59.1 The Cabinet Member considered an update from the Major Projects & Regeneration Team on a number of the city's major projects.

59.2 **RESOLVED** – That the update be noted.

60. PART TWO ITEMS

60.1 The Cabinet Member considered whether or not the above item should remain exempt from disclosure to the press and public.

60.2 **RESOLVED** – That item 59, contained in Part Two of the agenda, remains exempt from disclosure to the press and public.

The meeting concluded at 5.55pm

Signed

Cabinet Member

Dated this

day of

Subject: Petitions
Date of Meeting: 2 February 2012
Report of: Strategic Director, Resources
Contact Officer: Name: Ross Keatley Tel: 29-1064
E-mail: ross.keatley@brighton-hove.gov.uk
Key Decision: No
Wards Affected: Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive any petitions presented at Council, any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

2.2 That the Cabinet Member/Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Overview and Scrutiny Committee
- calling a referendum

3. PETITIONS

3. (i) Royal Sussex County Hospital Transport Petition

To receive the following e-Petition submitted via the council's website by Alison Walters B&H Friends of the Earth:

Give us a choice! - Royal Sussex County Hospital Transport Petition - We, the undersigned, welcome the redevelopment of the Royal Sussex County Hospital but believe that it should not be approved until the proposals are modified to reduce the traffic impact. The hospital trust should be required to invest at least the same amount of money as it is spending on the new underground car park, on walking, cycling and public transport measures.

Only by doing this will visitors and staff be given a real choice of travel, and congestion and air pollution will be minimised

3. (ii) Improving Transport - Royal Sussex County Hospital development

To receive the following e-Petition submitted via the council's website by Gillian MacKenzie:

Improving transport at Royal Sussex development - Make visiting and parking easier for the elderly

Subject:	Localism Act – Planning Implications		
Date of Meeting:	2 February 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Helen Gregory	Tel: 29-2293
	Email:	Helen.gregory@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Localism Bill was introduced to Parliament on 13 December 2010, and was given Royal Assent on 15 November 2011. Different parts of the Act will come into effect at different times. In many cases, the Government will need to set out further details. The government has indicated that the Planning reforms including the changes to planning enforcement rules will come into effect April 2012.
- 1.2 This report updates the Cabinet Member for Planning, Employment, Economy & Regeneration on how planning aspects of the Localism Act are beginning to be implemented and the relationship of the draft National Planning Policy Framework to the Localism Act. A regular update has been presented on the Localism Bill at previous PEER CMM meetings.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration notes the update in relation to the planning aspects of the Localism Act, how aspects of the Act are being implemented and areas of particular interest for future reports.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Much of the planning provisions in the Localism Act require secondary legislation and guidance. The Budget Reforms published in March 2011 set out further reforms to the planning system outside those set out in the Act. The government whilst still maintaining its commitment to local communities having a greater say in planning, expects:
- All bodies involved in planning to prioritise growth and jobs.
 - The default answer to development to be 'yes' – through new presumption in favour of sustainable development.
- 3.2 Over the last six months a considerable number of consultation documents have been published by the government which provide further detail on planning aspects of the Localism Act. The government also published the draft National

Planning Policy Framework (NPPF) which seeks to consolidate and streamline existing government planning policy statements.

- 3.3 The government received 14,000 replies to the consultation on the draft NPPF. There were three main areas of concern over the draft NPPF:
- the need to redefine sustainable development;
 - the need to clarify the government's stance on the established "brownfield first" principle; and
 - the need to put in place transitional arrangements for councils to adapt to the reforms.

The Government is committed to the publication of a final version of the NPPF framework by 31 March 2012, but intends to do so well ahead of that time. The government has indicated that it will put in place transitional arrangements to cover the period between the NPPF coming into force and new local plans being adopted. It is understood that a 'fast-track' process for local authorities to prove that their local plans are in line with the provisions in the NPPF is being considered. For Brighton & Hove these transitional arrangements will need to clarify whether the fast track process would apply to the 2005 adopted Local Plan or if the Council publishes a draft of its new City Plan in March 2012, in conformity with the final NPPF, whether this document could be given significant weight in assessing planning proposals even though it has not as a whole been tested for soundness.

- 3.4 Consultation has also taken place on allowing certain land use class changes to be exempt from the need for planning permission (such as the conversion of commercial premises to residential) as well as changes to the Use Class Order. Reports setting out the council's response to these consultations were taken to the 7 July and 15 September PEER CMM. There are concerns that some of the potential changes proposed could undermine a local authority's ability to plan positively for economic growth, jobs, housing and better social equality. The Employment Policy Option Paper for the City Plan which was recently out for consultation has looked at the potential impact these changes could have on employment land and the proposed approach to identify Central Brighton as the city's prime office area would enable the council to put back controls on changes of use through the use of other planning tools such as an Article 4 Direction if necessary. The government is still considering the responses to the consultations but there is a suggestion that any proposals are now likely to come forward through the NPPF, rather than secondary legislation, and be less ambitious.
- 3.5 These reforms place a greater emphasis on the need for an up to date Plan to be in place to guide development decisions. They highlight a potential tension likely to arise between local people having their say in how their area should change and develop and the need to accord with the government's pro-growth agenda.

Plans and Strategies

- 3.6 **The system of Regional Strategies is to be abolished.** With regard to the revocation of the South East Plan, a 12-week consultation on the eight strategic environmental assessments into the decision to revoke the eight regional

strategies must be completed before orders can be laid in Parliament to revoke the plan. Brighton & Hove City Council is now required to set local housing targets within the City Plan. A new local housing target will still need to be 'evidence based' and meet the requirements of the draft NPPF. This requires local authorities to meet their development needs in full. Various key parts of evidence have been commissioned and completed to inform the Housing Targets and Housing Delivery Policy Option Paper which was recently out for consultation. This includes the 2010 Strategic Housing Land Availability Assessment update and the 2011 Housing Requirements Study.

3.7 **A new duty to co-operate between councils and other key partners in relation to the planning of sustainable development is introduced.** This duty requires constructive engagement by prescribed bodies, or individuals, in the preparation of development plan and other local development documents and in relation to other activities that support the planning of development. This duty extends to bodies beyond local authorities and will be subject to government guidance. The draft National Planning Policy Framework has provided some further clarity on the form this could take. An initial meeting with neighbouring planning authorities has occurred to discuss the implications of the duty to cooperate. However it is considered that there will need to be a more formalised and strategic arrangement to ensure that potentially difficult issues such as unmet housing needs can be discussed and resolved. This may be resolved by publishing joint Local Strategy Statements covering jointly agreed approaches by a number of adjoining authorities.

3.8 **The binding nature of Inspector's Reports on development plan documents is removed.** The proposed changes allow greater flexibility for councils to react to statutory examination of their development plans such as being able to suggest changes during the examination and withdraw development plan documents before their adoption, without seeking clearance from central Government. However a plan document is still required to meet the prescribed test of soundness in order to be adopted.

3.9 There are some minor changes in the role of the Secretary of State in directing changes to local development schemes (the work programming document for the Local Development Framework) and removal of the need to submit the Annual Monitoring Report to the Secretary of State. These provisions will come into effect 15 January 2011 so the council's Annual Monitoring Report for financial year 2010/11 will need to be sent to the Secretary of State by 31 December 2011.

Neighbourhood planning

3.10 **The Act incorporates a system of planning policy and development orders at "neighbourhood area" level.** Amendments to the Bill have increased the minimum membership of forums from 3 to 21 members and allow business-led neighbourhood forums to be set up. Further amendments ensure that both resident and business-led neighbourhood fora will have the same powers and same overall purposes. The amendment stated that a neighbourhood forum can be set up on the condition that it is for "the express purpose of promoting or improving the social, economic and environmental well-being of an area ...

whether or not it is also established for the express purpose of promoting the carrying on of trades, professions or other businesses".

- 3.11 A Neighbourhood Development Plan can set proposals for the development and use of land within the designated neighbourhood area but it does not give planning permission. The Act does not prescribe the content of the Neighbourhood Development Plan but it must be compatible with national planning policy and guidance, the adopted local development plan and EU directives (eg Habitats Directives) and the European Convention on Human Rights obligations. A Neighbourhood Development Plan can promote more but not less development than the adopted local development plan
- 3.12 The Council, as a pilot project, has been providing advice and guidance to Rottingdean Parish Council regarding its intention to prepare a neighbourhood plan. Experience so far indicates that whilst there is the desire for neighbourhoods to collectively set out their aspirations for their area they require significant technical support and guidance to produce a robust planning document.
- 3.13 The government has recently published 'Neighbourhood planning regulations: Consultation' which seeks to add more clarity to the process of preparing neighbourhood plans and a report setting out the council's proposed response is on the agenda of this PEER CMM. There are concerns with the lack of government resources being made available for neighbourhood forums to undertake the necessary work to prepare their plan; the cost for local authorities to undertake its duties in relation to forum designation, the draft neighbourhood plan (providing expertise and advice to neighbourhood planning groups); and organising examination and referenda to test support for the neighbourhood plan. However, the government has recently indicated that it is considering providing direct funding for communities to undertake neighbourhood planning.
- 3.14 The Local Development Team has also been involved in discussions with the Communities Team regarding the role neighbourhood planning and fora will play with regard to the issues of Neighbourhood Councils in the local context.

Community right to build

- 3.15 **As part of neighbourhood planning, the Act gives groups of local people the power to deliver the development that their local community want.** A community organisation, formed by members of the local community, will be able to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, will be able to go ahead without requiring a separate traditional planning application. The Government has indicated it will also fund sources of help and advice for communities who want to bring forward development under the community right to build.

Community Infrastructure Levy (CIL)

- 3.16 **The Act provides greater flexibility for local authorities to adopt the Community Infrastructure Levy (CIL).** At the 3 November 2011 meeting the Cabinet Member for Planning, Employment, Economy & Regeneration approved the production of a Community infrastructure Levy charging schedule for Brighton

& Hove and that this be brought forward for consultation alongside the production of the City Plan with a view to adopting the charging schedule as council policy. The Government considers there is still a legitimate role for development specific Section 106 agreements either to enable a local planning authority to be confident that the specific consequences of development can be mitigated or where small scale infrastructure requirements have arisen after the CIL charging schedule was adopted.

- 3.17 Recently published government consultation (Community Infrastructure Levy: Detailed proposals and draft regulations for reform - Consultation) has provided further clarification on CIL and how it can be spent such as a proportion can be spent by authorities (on behalf of neighbourhoods) on infrastructure and/ or anything else to address demands that development places on their area. The consultation is also seeking views on implementing 'Neighbourhood Funds' and allowing CIL to be used for affordable housing. A report setting out the council's proposed response is due to be considered by this PEER CMM.
- 3.18 However there are concerns that if a 'meaningful proportion' of CIL revenues are to be directed locally that this will reduce funds available for 'strategic infrastructure'. In Brighton & Hove, the general need for affordable housing is such that it could in reality absorb all CIL receipts and therefore seriously reduce options to deliver other provision such as sports, recreation and other local community needs.

Other provisions in the Act

- 3.19 **Pre-application consultation** - the Act introduces a duty on developers to consult on development proposals with specified people before they make a planning application. This formalises a requirement that the council has been seeking with major planning applications and is welcomed, particularly the need for applicants to be clear with their supporting documentation how the results of the consultation have been taken into account. The description of which developments the requirement will apply to will be set in secondary legislation although the government was indicating in a consultation document in February 2011 a potential threshold of 200 residential units or site areas of 4 ha or more or other developments which would provide 10,000 square metres or more of new floorspace, or with a site area of two hectares or more.
- 3.20 **Enforcement** – the Act strengthens enforcement powers through creating a "**planning enforcement order**" (PEO), new rights for local authorities to decline to determine retrospective applications when a corresponding enforcement notice appeal is outstanding and increased penalties for non-compliance with Breach of Condition Notice and an extension of time limit for prosecuting advertisement and certain tree offences as well as increasing powers for the removal of illegal advertisements and graffiti and prevention of fly-posting. However serious concerns were raised in the council's response to the draft NPPF to the absence in the draft document of any explicit reference to enforcement as an important part of implementing the plan and decisions and maintaining the quality of the environment.
- 3.21 **Local Finance Considerations**- The Act allows financial considerations, such as the New Homes Bonus and the Community Infrastructure Levy, as

considerations which may be taken into account in relation to planning applications but only where they are material to the particular application being considered. This was considered a controversial amendment to the Localism Bill and raised concerns that this would lead to questions around the probity of decision making. A subsequent amendment sought to ensure that the local finance clause would not alter "whether under subsection (2) of section 70 of the Town and Country Planning Act 1990 regard is to be had to any particular consideration", or "the weight to be given to any consideration to which regard is had under that subsection". However concerns have still been expressed by the RTPI and planning lawyers nationally over this amended clause.

- 3.22 **National significant Infrastructure Projects** - The Bill abolishes the Infrastructure Planning Commission (IPC) and transfers decision-making on nationally significant infrastructure projects to the Secretary of State. A new Major Infrastructure Planning Unit within the planning inspectorate will be established to examine applications and report and make recommendations to Ministers. Transitional arrangements were announced by the government in March 2011.

4. CONSULTATION

- 4.1 A regular update has been presented on the Bill at previous PEER CMM meetings.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The costs of preparation and examination of development plans (the City Plan) will be met from within the existing Planning Strategy and Projects revenue budget. The issue of neighbourhood planning introduces a number of new costs and savings on local authorities, not all of which have been quantified yet. In the Impact Assessment accompanying the Localism Bill, the Government indicated that the quantified cost of each neighbourhood plan was at least £17,000 (holding an examination and referendum). However, there are still the unquantified costs relating to the Officer time needed in respect of geographically defining neighbourhoods in their area, and providing expertise and advice to neighbourhood planning groups.

Finance Officer Consulted: Karen Brookshaw Date: 25/11/11

Legal Implications:

- 5.2 The report describes the main planning provisions contained in the Localism Act and comments thereon. The majority of the Act is yet to come into force and, as the report points out, it is expected that the planning provisions will come into effect in April 2012. In addition, secondary legislation will be required to give further detail to a number of the Act's provisions, for example, those concerning neighbourhood planning.

Lawyer Consulted: Hilary Woodward Date: 24/11/11

Equalities Implications:

- 5.3 The Localism Bill was accompanied by various Impact Assessments. The Localism Bill: local plan reform Impact Assessment indicated that an equalities impact assessment initial screening had been completed and there was considered to be no adverse equalities impact. An equalities impact assessment was been prepared alongside the Localism Bill; neighbourhood plans and community right to buy Impact Assessment and identified a number of potential equalities impacts. The Impact Assessment suggested that safeguards are in place to minimise the adverse equalities impacts. These include the independent examination (which will assess compliance with legal requirements), the need for plans to be in conformity with strategic elements of local plans, and the requirement for popular support to be demonstrated through a referendum.

Sustainability Implications:

- 5.4 Contributing to the delivery of sustainable development remains a duty placed on local authorities by planning legislation. However the definition of sustainable development to be set out in the National Planning Policy Framework may well be altered to reflect the significant concerns raised during consultation on the draft framework. The environmental sustainability implications of the introduction of neighbourhood plans will be those resulting from the potential increased amount of development that is considered by the government to be the outcome of neighbourhood plans/ community right to buy. The government's impact assessment suggests that the scale of these impacts will be directly related to the extent to which the policy is successful in promoting housing and economic growth. But in practice, such impacts will still be the subject of national guidance which seeks to minimise their scale, such as Environmental Impact Assessments and Strategic Environmental Assessments as well as the need for neighbourhood plans to be in conformity with local plans.

Crime & Disorder Implications:

- 5.5 There are no direct crime and disorder implications considered to arise through the enactment of the Localism Bill. These matters will be addressed through the development plan for the city and where relevant neighbourhood plans seek to address crime and disorder issues.

Risk and Opportunity Management Implications:

- 5.6 None identified.

Public Health Implications:

- 5.7 There are no direct public health implications considered to arise through the enactment of the Localism Bill. The City Plan will address the healthy planning agenda through a city wide healthy city policy. A previous version of the Core Strategy was subject to an Equality and Health Impact Assessment.

Corporate / Citywide Implications:

5.8 The City Plan will be a significant factor in steering development in the city for the next 20 years. It will contribute to delivering plans and strategies across the city council directorates, along with the Sustainable Community Strategy. It will also help to deliver city-wide strategies of public and voluntary sector partners. The City Plan will set the policy context for neighbourhood plans.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 There are no alternative options. Once the planning provisions of the Localism Act come into effect the council is required to prepare plans in accordance with the provisions in the Act.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 This report updates the Cabinet Member for Planning, Employment, Economy & Regeneration on how planning aspects of the Localism Act are beginning to be implemented.

SUPPORTING DOCUMENTATION

Appendices

None

Documents in Members' Rooms

None

Background Documents

None

Subject:	Government Consultation: Neighbourhood Planning Regulations		
Date of Meeting:	2 February 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Rebecca Fry	Tel: 293773-
	Email:	Rebecca.fry@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report seeks endorsement of the officers' response to the Government consultation relating to the draft Neighbourhood Planning Regulations.
- 1.2 The response was to be reported to the 22 December 2011 meeting for approval prior to submission. Unfortunately that meeting needed to be cancelled. The response has therefore been sent in order to meet the consultation deadline of 5 January 2012. It was sent as an officers' response and formal Cabinet Member endorsement is now sought at this meeting.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration endorses the council's officers' response to the Government's consultation, as set out at Appendix 1, to the Government's consultation relating to the draft Neighbourhood Planning Regulations.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 DCLG has published a number of consultation documents relating to planning over the past year. A key objective for the Government is to reform the planning system in order to simplify it and to promote sustainable development placing emphasis on housing and economic growth. It also seeks to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live giving them more reason to say 'yes' to sustainable development. This report relates to the recent consultation on the draft Neighbourhood Planning Regulations. The deadline for consultation responses was **5 January 2012**.
- 3.2 The consultation set out how the Government proposes to take up the regulation making powers in the Localism Act 2011 for Neighbourhood Planning and Community Right to Build. The consultation asked for comments on whether the regulations as proposed are workable and proportionate.

- 3.3 Neighbourhood Planning is central to the Government's localism and 'Big Society' agenda. The neighbourhood planning proposals are intended to enable the devolution of planning responsibilities to a more local level than ever before. A fundamental principle is that Neighbourhood Planning should be community-led with the community being in control of the process and with the local planning authority making necessary decisions at key stages. A referendum in the neighbourhood at the end of the process ensures the community has the final say on whether a Neighbourhood Plan, Neighbourhood Development Order or a Community Right to Build Order comes into force.
- 3.4 The consultation covered:
- The designation of a neighbourhood area
 - The designation of a neighbourhood forum
 - Community right to build organisations
 - Neighbourhood development plans
 - Neighbourhood development orders
 - Community right to build orders
 - Examinations by an independent examiner
 - Revocation and modification of a neighbourhood development plan, neighbourhood development order and a community right to build order
 - Parish Councils' powers to determine an application for approval (in relation to a condition or limitation subject to which planning permission is granted by a neighbourhood development order).
- 3.5 The consultation did not cover the following:
- The regulation making powers on charges that local planning authorities can levy on development allowed under a neighbourhood development order, to enable them to recoup some of the costs of neighbourhood planning
 - Any provisions in respect of the requirements that are needed to ensure compatibility with EU obligations (eg Strategic Environment Assessment, Environmental Impact Assessment, Habitat Directives)
 - The provisions in respect of referendums
- 3.6 Whilst local authorities are required to take a decision as to whether to validate applications for neighbourhood areas, neighbourhood plans and designate forums it has not been prescribed how this should be done. It is therefore for each local authority to decide how such decisions are to be made for example by officers through delegated powers by the Council's Executive or through a meeting of Full Council.
- 3.7 The following is a brief summary of the key points in the response:
- There is support for processes that increase neighbourhood engagement and help to ensure weight is given to the collective view of a neighbourhood on the future land use and changes in their area. The council is supporting the setting up of Neighbourhood Councils in order to help give neighbourhoods greater control in their areas. There is a concern raised over the introduction of new duties upon local authorities at a time of significant public sector savings.
 - Greater clarity is sought in relation to the minimum requirements for proposals, e.g. publicity.

- There is insufficient detail and clarity provided in the draft Regulations on how a local community will produce a robust planning document. This is a particular concern in relation to the links between the neighbourhood forums and local authorities and the need for equalities.
- Concerns are raised that the Regulations for Neighbourhood Planning are being published in two to three parts. It is stated that the draft Regulations do not include powers on charges that local planning authorities can levy on development to support neighbourhood planning nor do they cover requirements that ensure compatibility with the EU Regulations. This will lead to unnecessary complexity in understanding of the Regulations and is counter to the stated aim of the government to simplify and consolidate national planning policy and Regulations.

3.8 A copy of the full response to the consultation on the draft Neighbourhood Planning Regulations is set out in Appendix 1.

3.9 References in the consultation paper to the Localism Bill should now be read as the Localism Act 2011 following Royal Assent on the 15 November 2011. After considering consultation responses, the Government aims to bring the definitive version of the neighbourhood planning regulations into effect in April 2012.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 Internal consultation has been undertaken with officers via an officers working group set up to facilitate the setting up of Neighbourhood Councils.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The only direct financial implications associated with this report are in relation to officer time spent preparing the response to the consultation. Depending on the Neighbourhood Planning Regulations which are subsequently issued, there will then be implications for the council in relation to the available resources.

Finance Officer Consulted: Name Karen Brookshaw Date: 19/12/11

Legal Implications:

5.2 The Cabinet Member for Planning, Employment, Economy & Regeneration is asked to endorse the consultative response set out in the appendix.. As and when draft regulations are issued in their definitive form, further legal advice will be offered as to the implications of those Regulations for the council.

Lawyer Consulted: Name Bob Bruce Date: 03/01/12

Equalities Implications:

5.3 The council's proposed response to the draft Regulations seeks more clarity on how Neighbourhood Plans will be representative of the views and concerns of all of the community.

Sustainability Implications:

- 5.4 Sustainability considerations are central to the planning system and form part of the consultation document and proposed response respectively. By giving communities a greater opportunity to shape and influence the places where they live and work it is envisaged this will facilitate the creation of sustainable communities. There are concerns that EU obligations in relation to sustainability are not covered by these draft Regulations.

Crime & Disorder Implications:

- 5.5 No direct crime and disorder implications have therefore been identified in respect of this consultation document or council's proposed response. Where crime and disorder is considered a key issue in an area this can be addressed through Neighbourhood Plan. The proposed response suggests the inclusion of the Police as a statutory consultee.

Risk and Opportunity Management Implications:

- 5.6 No direct risk and opportunity management implications have been identified in respect of this consultation document or council's proposed response.

Public Health Implications:

- 5.7 No public health implications have been directly identified in relation to the draft Regulations however where public health is considered a key issue in an area this can be addressed through Neighbourhood Plan

Corporate / Citywide Implications:

- 5.8 The draft Neighbourhood Planning Regulations relate to amendments to the current planning system which enable neighbourhoods to take on newly proposed planning powers. The draft Regulations propose a number of duties upon the local authority and will have corporate and citywide implications. The main impacts of these draft Regulations have been indicated within this report or the council's proposed response, particularly in relation to Neighbourhood Councils.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None identified. A do nothing approach (not responding to the consultation document) is not considered appropriate in view of the importance of this document within the planning system.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To gain formal approval and endorsement of the council's draft response to the Government consultation on the draft Neighbourhood Planning Regulations. Whilst the response has been sent in order to meet the consultation deadline of 5 January 2012 this was on the understanding it was to be subject to approval and endorsement at Cabinet Members Meeting.

SUPPORTING DOCUMENTATION

Appendices:

1. Brighton & Hove City Council's proposed response to the Government consultation on the draft Neighbourhood Planning Regulations.

Documents in Members' Rooms

None

Background Documents

1. Department for Communities and Local Government consultation on the [Neighbourhood Planning Regulations](#)
2. Department for Communities and Local Government document entitled "[An Introduction to Neighbourhood Planning](#)"
3. Department for Communities and Local Government document entitled "[Neighbourhood Planning : e-flyer](#)"



Response form

Proposals for new neighbourhood planning regulations Consultation

We are seeking your views on the following questions on the Government's proposed approach to new regulations on neighbourhood planning. **If possible, we would be grateful if you could please respond by email.**

Email responses to: neighbourhoodplanning@communities.gsi.gov.uk

Alternatively, we would be happy to receive responses by post.

Written responses to:

Neighbourhood Planning Regulations Consultation
Communities and Local Government
Zone 1/J1
Eland House
Bressenden Place
London
SW1E 5DU

(a) About you**(i) Your details**

Name:	Rebecca Fry
Position (if applicable):	Senior Planning Officer
Name of organisation (if applicable):	Brighton & Hove City Council
Address:	Town Hall, Norton Road, Hove, BN3 3BQ
Email Address:	rebecca.fry@brighton-hove.gov.uk
Telephone number:	01273 293773

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

Personal views (officers' response. Please note however, formal Cabinet Member endorsement is to be sought at the 2 February 2012 Cabinet Member Meeting [CMM]. Formal approval was to be sought at the CMM scheduled for 22 December 2011, however, the meeting needed to be cancelled so formal approval prior to submission has not been possible. Respective notification will be submitted accordingly)

(iii) Please tick the one box which best describes you or your organisation:Private developer or house builder Housing association Land owner Voluntary sector or charitable organisation Business Community organisation Parish council Local government (i.e. district, borough, county, unitary, etc.) National Park

Other public body (please state)

Other (please state)

(iv) Please tick the one box which best describes which viewpoint you are representing:

Rural

Urban

(b) Consultation questions

General Response Comments:

Key issues:

- Brighton & Hove City Council welcomes any process which increases neighbourhood engagement and helps to ensure weight is given to the collective view of a neighbourhood on the future land use /changes in their area. Indeed this council is supporting the setting up of Neighbourhood Councils (which could serve as forums) in order to help give neighbourhoods greater control in their areas. The general principle behind these new procedures is therefore welcome, however, there is significant concern over the introduction of new duties upon local authorities at a time of significant public sector austerity measures.
- In respect of local authorities : greater clarity is sought in respect of the minimum requirements that these proposals place on local authorities in order to help manage expectations and to enable appropriate consideration to the resourcing of these duties and proposals. The full resource implications of these duties should be thoroughly assessed and a clear indication of how this will be funded should be provided as soon as possible so that this can be taken into account by local authorities when considering how they are to make the necessary unprecedented cuts over the next two years. It is important that the extra costs incurred by local authorities are fully met eg printing, publicising, administering and reporting responses, holding examinations, referendums etc. The success of these proposals depend fundamentally on what resources are to be made available to facilitate these procedures and appropriate regard given to the need for trained knowledgeable staff to carry out the core work rather than assuming this can be undertaken by non professional/unskilled staff employed or volunteering on a temporary basis as and when needed. Indeed additional staff may need to be employed within local plan teams to be able to handle neighbourhood planning responsibilities.
- In respect of neighbourhoods : there is insufficient detail and clarity provided in the Regulations on how a local community will produce a robust planning document. This is a particular concern in relation to the links between the neighbourhood forums and local authorities and the need for equalities. The 'workability' of these proposals depends on how they are managed and supported by Government in order to ensure they provide the benefits envisaged. The expectations placed on neighbourhoods by the requirements

set out in the Localism Act are high if they are to be genuinely community-led. The new system does not just facilitate neighbourhoods to set out their collective vision and aspirations for their area it requires this to be done in a manner that meets planning legislation and requirements. Neighbourhood forums and/or community right to build organisations therefore have to have ready access to sufficient support to appropriately guide them on the necessary planning procedures to ensure plans and orders can be validated by local authorities. Without appropriate planning support validation will not be forthcoming which introduces the potential to damage relations between local authorities and the communities they serve and also lead to neighbourhoods disengaging with the planning system.

- A concern is raised that the Regulations for Neighbourhood Planning are being published in two to three parts (eg separated from these regulations are the powers on charges that local planning authorities can levy on development and the requirements necessary to ensure compatibility with the EU Regulations). This will lead to unnecessary complexity in understanding the Regulations covering Neighbourhood Planning and is counter to the stated aim of the government to consolidate national planning policy and Regulations.

Other issues:

- In view that this consultation relates to a process which seeks to give greater powers to local communities and neighbourhood engagement it is disappointing not all the necessary information has been presented or presented in a manner to provide clarity to the general public except those with a legal/planning background. The full proposals are unclear indeed some are contained in the Localism Act (the full content of which only became clear midway through this consultation), some are confusingly amended sections of previous Acts, some are to be contained in the emerging National Planning Policy Guidance and some are yet to be addressed/ consulted upon. The ability to consider the implications and provide a comprehensive response is considered to be compromised by the current lack of certainty the full extent of the emerging planning reforms and public sector resources. It would therefore be inappropriate to fast track these regulations until the full implications are understood.
- Whilst supported, it is considered the measures to increase Neighbourhood's to have more control over what happens in their area and to have delegated budgets should not in general replace but compliment and add to Local Authority services which benefit from economies of scale and are provided by a range of relevant professional and skilled staff who have to have regard to key strategic infrastructure requirements.

Question 1:

Do you agree that the proposed approach is workable and proportionate, and strikes the right balance between standardising the approach for neighbourhood planning and providing for local flexibility on:

a) designating neighbourhood areas

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree nor disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

- Processes that help people come together and to identify with an area and promotes a sense of place and ownership of an area are welcomed and supported. Such processes can help social integration and help to maintain and build communities.
- Whilst not explicit within these Regulations the proposal that neighbourhood areas should not overlap is supported because this should avoid differing proposals coming forward on the same piece of land. The allowance for neighbourhood planning areas to cross two or more local planning authority boundaries is also supported, indeed, there are a number of potential neighbourhood areas which lie within Brighton & Hove City Council administrative boundary and also, in part, within the planning remit of the South Downs National Park Authority.
- To avoid disputes and legal challenges it is felt Part 2 ‘Neighbourhood Areas’, 7 (1) should set very clear minimum requirements ie as a minimum the local planning authority should place on their website and put up at least one ‘site/area’ notice (see bullet point below). An onus should also be placed on the submitting body to advertise and raise awareness in the respective area that an application is with the local planning authority for a decision including all the other respective details eg name of area, how to make representation, deadline for responses.
- In view of the Code of Practice on Consultation issued by the Department of Business Enterprise and Regulatory Reform it is suggested Part 2 ‘Neighbourhood Areas’, 7 (2) c should apply a 12 weeks period in which representations are to be made.
- In view that there is currently no requirement for a ‘relevant’ body to include a planning lawyer and/or planner, the Government is strongly urged to ensure there is clear ‘plain English’ guidance notes provided which are downloadable and easily accessible from the DCLG website.
- For clarity it would be useful if it could be made clear if notifications relating to the designation of a neighbourhood area etc could be put up on lamp-posts etc by the relevant body and/or Local Authority within the area by way of publicizing such applications or whether this would be classed as flyposting. It should be made clear that if this method were to be adopted that both the relevant body and local planning authority respectively should not remove before the end of the consultation deadline and then post the deadline all should endeavour to take responsibility for removal.
- As raised above it is important that the extra costs incurred by Local Authorities are fully met in view of the current cuts in public sector resources eg publicising,

administering and reporting responses etc. In view of the changing public sector resources the lack of a specified timeframe within which applications should be decided is welcomed.

b) designating neighbourhood forums

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Processes which increase neighbourhood engagement and provide the ability to ensure regard and weight is given to a collective view in respect of future land use /changes in their area is welcomed. However there is a significant difference between a process which enables neighbourhoods to set out their vision and aspirations for their area (eg Parish Plan, Village Design Statements) which could hold significant planning weight depending on the process taken, engagement etc versus a process that is required to result in a robust planning policy document to which significant planning weight is to be given.

If the Localism Act had simply introduced measures to facilitate and enable people within a neighbourhood to engage in land use considerations and to collectively set out their aspirations for their area then it would have been appropriate to keep the requirements simple and easy to meet. Whilst any plan formed by such a body could form a material planning consideration the weight to be applied would vary depending on the community engagement and the regard given to all normal planning considerations etc. The proposed arrangements for designating a Neighbourhood Forum are considered appropriate for an aspirational plan to help ensure the aspirations are based on a collective view. Such an approach provides greater flexibility in the type of plan produced and could help to keep Forum members and the neighbourhood engaged as it gives them greater freedom over what is produced. Indeed not everyone wishes to fully understand or is willing to be confined by planning legislation and regulations. It will therefore enable a voice to be given to neighbourhoods which can be interpreted as appropriate by developers and planning professionals.

However the Localism Act does not just enable neighbourhoods the ability to write a collective plan but requires such plans to be robust planning documents so that they warrant significant planning weight to be given to them. Realistically for this to be achieved the Neighbourhood Forum will need to

1. understand and address the complexities of all the various planning issues, legislation and regulations (eg wider versus local needs, pollution, traffic

- impacts, balance between population and employment, planning history of sites etc);
2. take into account the background evidence produced to support the Local Authority Local Plan and understand the respective implications for their neighbourhood;
 3. fully evidence their plan to demonstrate need, deliverability and engagement with landowners and developers etc;
 4. meet Government and European requirements in respect of equalities, sustainable appraisals, Habitat Regulations Assessments, sequential flood risk assessments etc.

On this basis further requirements should be imposed in respect of designating a Neighbourhood Forum. For example a requirement for trained planning professionals including community engagement facilitators to be part of the forum (or sufficient funding to employ on a substantial basis), legally binding code of conduct for members (to avoid discrimination, to ensure it acts in the public's interest etc), an understanding and access to GIS mapping, an understanding of both physical and demographic characteristics of their area etc. It is therefore considered either the planning weight to be attached to the Neighbourhood Plan should be made flexible or tighter controls and requirements be imposed in respect of the Neighbourhood Forum.

The regulations (or further guidance notes provided which) should set out clear guidance on what should be included in a Neighbourhood Forums written constitution. The Localism Act's requirement for the Forum to have at least 21 members is supported and could be clearer within the regulations. It is considered the regulations should require the Forum to submit the full contact details of all Forum members so that membership can be checked if necessary. There should be a requirement that the Forum must notify the local planning authority if any changes in membership arise. The Regulations should make it clear what action should be taken at the respective stages of plan preparation should membership drop below 21 members. It is also felt the regulations should set a requirement that at least 51% of the members should be resident within the respective Neighbourhood Area even for business-led forums. There should be a duty placed on the Neighbourhood Forum to engage with residents, landowners and businesses within the respective Neighbourhood Area.

The set up of Forums also need to take account of the legal issues surrounding how funding is to be provided and thus budgets managed. There are certain requirements in respect of local authorities being able to delegate budgets for example often budgets can only be delegated to elected members or specified officers rather than unelected and/or non registered charitable groups. If Neighbourhood Forums are to be directly funded by the public sector then the Forum will need a treasurer to maintain accounts etc. It should be clear what measures are in place to investigate claims of misconduct.

There should be a requirement placed on any Forum or organisation formed to notify and invite involvement from the local Councillors at an early stage and at subsequent key stages. This is considered important because Councillors are the people elected to represent their community and they play a vital role in this Country's democratic system. Indeed such a requirement should help to add to the democratic system by opening up additional avenues of communication between Councillors and the communities they represent.

In order to avoid confusion and in view of the need for continued commitment and full neighbourhood engagement etc it is considered a Neighbourhood Forum and a Community right to build organisation should be one and the same or at least sufficiently similar so that they can be one and the same. Indeed many of the requirements for a community right to build organisation would be appropriate for a Neighbourhood Forum. Brighton & Hove City Council would welcome a clause that ensures membership must be open to anyone living or working in the area however this should be subject to a specified code of conduct. This is considered necessary in the event someone should join with the intent to disrupt the process or seeks extreme discriminatory options that are not in the public interest etc so there needs to be a process for discharging members. It is unclear who will vet/audit members of a forum.

The regulations should address the method by which all complaints are to be handled (eg local planning authorities are subject to a complaints system and can be investigated by the ombudsman, officers working in a professional capacity can also be investigated by the respective professional body). Local plans are subject to High Court challenges, if this is also to be the case for Neighbourhood Plans the Regulations should require Forums to take out insurance to cover any such costs.

In view of the changing public sector resources, the lack of a specified timeframe within which applications should be decided is welcomed because it would be inappropriate for resources to be deflected from producing a Local Plan which could result in a delay in its adoption.

c) Community Right to Build organisations

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

Welcome the clause that ensures membership must be open to anyone living or working in the area however this should be subject to specified code of conduct. This is considered necessary in the event someone should join with the intent to disrupt the process or seeks extreme discriminatory options that are not in the public interest etc so there needs to be a process for discharging members. It is not clear who will vet/audit such organizations.

As raised above, in order to avoid confusion and in view of the need for continued commitment and full neighbourhood engagement etc it is considered a Neighbourhood Forum and a 'community right to build organization' should be sufficiently similar so that they can be one and the same.

There should be a requirement placed on any Forum or organisation formed to notify and invite involvement from the local Councillors at an early stage and at subsequent key stages. This is considered important because Councillors are the people elected to represent their community and they play a vital role in this Country's democratic system. Indeed such a requirement should help to add to the democratic system by opening up additional avenues of communication between Councillors and the communities they represent.

The Regulations should make it clear if the 'community right to build organisation' is to be separate to the Neighbourhood Forum whether they have to apply to and seek approval from the local planning authority in a similar manner or whether they are to be self approving.

d) preparing the neighbourhood plan

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

A neither agree or disagree response has been given because the main requirements in respect of neighbourhood planning is placed within the Localism Act 2011 and do not therefore form part of this consultation.

In view of the Code of Practice on Consultation issued by the Department of Business

Enterprise and Regulatory Reform it is suggested Part 5 'Neighbourhood development plan', 15 (a) (iii) should apply a 12 weeks period in which representations are to be made.

Whilst the Localism Act and the draft National Planning Policy Framework indicate a Neighbourhood Plan is to form a development plan document, different requirements and procedures are being proposed. It is suggested they should be similar (unless amendments are made allowing a Neighbourhood Plan to be a collective vision and aspirational plan, the planning weight of which would then depend upon the preparation process undertaken, community support etc). It is essential a Neighbourhood Plan includes a proposals map or similar to avoid confusion and disputes over site allocations and references.

In view that a neighbourhood plan is to be prepared by a Forum which may not hold any detailed knowledge about planning and yet the plan is to hold significant planning weight it is considered important for the Regulations to require the submission of a document which details all the background evidence and supporting documents that must have been taken into account when preparing the plan. The Regulations or guidance notes should help indicate what sort of background evidence and supporting documents would be relevant (this should include Government guidance, evidence compiled by the local planning authority for its local plan such as Employment Studies, Housing Needs Studies, Retail Studies etc and necessary updates etc).

It is unfortunate this consultation did not include the provisions to be proposed in respect of ensuring Neighbourhood Plans meet EU obligations. Indeed a need for a Sustainability Appraisal would dictate how a plan is prepared because it requires different options to be tested and the chosen option justified. Where a Neighbourhood Plan is seeking additional development to that included in an adopted Local Plan or where a Local Plan is considered to be out of date then the Regulations or subsequent guidance should make it clear that relevant assessments must be undertaken and submitted with the application in order to support the development allocations (or lack of them if requirements are high) eg Transport Assessment, Sustainability Appraisal, Appropriate Assessment etc because the higher level assessments undertaken to support a Local Plan are unlikely to have taken into account this additional development.

It is understood Neighbourhood Plans can be adopted in advance of a Local Plan, the Regulations should therefore make it clear whether it is for the local planning authority to decide what takes priority in respect of resourcing preparation and adoption or the Regulations should clearly set what takes priority. For example would it be appropriate for Local Planning Authorities to focus on Neighbourhood Plans rather than on preparing a Local Plan. If the production of a Neighbourhood Plan is to be less onerous, not required to follow the same processes as a Local Plan, not required to be supported with detailed background evidence etc (including housing requirements assessments) and not subject to the same test of soundness which may result in being a faster process than a Local Plan - then what is to stop Local Planning Authorities leading on Neighbourhood Plans and/or officers becoming members of Neighbourhood Forums in order to obtain authority development plan coverage

instead of preparing a Local Plan? If this is not considered acceptable then the Regulations or guidance should make clear what is acceptable. For example before any Neighbourhood Plan can be adopted should a Local Authority have an up to date Local Plan setting out, as a minimum, its strategic policies.

To assist in managing expectations it is important the regulations very clearly detail what the minimum requirements are for a local authority to fulfill the new duties. Greater clarity is required over who is responsible for the writing and printing of the proposed plan and then the printing of amendments and distribution etc of a Neighbourhood Plan (eg do the requirements on local authorities in respect of publish/publicising a proposal include printing the neighbourhood plan and are these costs to fall to local authorities. It needs to be clear whether the duty on local authorities to help draw up neighbourhood plans mean neighbourhoods can require local authorities to write a neighbourhood plan for them). The Localism Act as detailed in the guidance note issued at the same time as this consultation expects the planning authority to consider the (independent) examiner's views and decide whether to make those changes. If the decision to amend and how to proceed is taken away from the Neighbourhood it is likely to undermine the intentions of these new procedures. Indeed it appears the neighbourhood is to play no part in such amendments which they may not support leading to a waste of resources on a required subsequent referendum.

Whilst most local planning authorities are interested and keen to increase community involvement, in respect of neighbourhood planning too much appears to rest with local authorities, which undermines the suggested objective of these procedures and cannot practicably be achieved at a time when public sector resources are being cut (reducing staff numbers and thus man hours necessary for existing statutory duties). As detailed below it is likely five neighbourhood forums may wish to progress plans and orders at any one time. The resource implications for the planning authority could be significant, it is therefore essential the regulations clearly set a limit on the requirements placed upon local planning authorities.

Due to the legal planning weight to be placed on Neighbourhood Plans, neighbourhoods will need support from planners and/or planning lawyers. Without this their plans are unlikely to appropriately address all the necessary planning issues and will not therefore gain approval (eg need to assess impact of proposed development on transport, schools, historic environment, nature conservation, pollution/contamination matters etc). If a plan is not made the impact on a neighbourhood that has worked hard to bring forward a plan that they feel sets out their collective vision could therefore be significant and lead to disenchantment with the process and disengagement (eg all that effort for nothing which could lead to a 'why bother' attitude in future). It is therefore essential Neighbourhoods are given appropriate support by Government to ensure the Neighbourhood Plans are fit for purpose so that they can be considered acceptable by an independent examiner and subsequently the local planning authority. Otherwise this will place local planning authorities in an untenable position (eg having a duty to assist but having to resist offering all but the minimum required provision of professional planning support because they do not have sufficient/spare resources and yet then having to administer and staff an independent examination even if the neighbourhood plan does not form a robust appropriate planning document unlikely to be considered acceptable by an independent examiner. Indeed, unless it is explicit a Parish Council or Neighbourhood Forum is reasonable for writing and producing a neighbourhood plan action is likely to be taken against a local planning authority for failing in its duty to support when a neighbourhood plan is not made because it does not address all necessary elements.).

Indeed the current development plan/Local Plan procedures and draft National Planning Policy Framework seek to ensure neighbourhoods are engaged in the Local Plan making process thus in theory there should be little need for a Neighbourhood to produce their own plan. The main uptake of these new procedures will therefore be by Neighbourhoods who already feel a certain frustration with local authorities for failing to appropriately include their views in a Local Plan. This in part can arise due to a lack of understanding by a neighbourhood of the planning procedures and requirements and an unwillingness to accept legislation and national guidance. Instead of helping to build communication and relations between local authorities and the communities they seek to serve it could set them apart and thus harm beneficial appropriate engagement in the planning system. It is therefore important the Regulations are clear and make clear what a neighbourhood can expect from a local authority (based on what a local authority can realistically provide in view of the current public sector austerity measures where staffing levels and budgets are significantly reducing).

Whilst the draft National Planning Policy Framework states the plan must be assessed by an independent examiner before it can go to a local referendum, the current consultation does not make it clear what the responsibilities are for the neighbourhood versus local planning authority in respect of submitting a Neighbourhood Plan to an independent examiner and during an examination (eg the printing of the plan and supporting documents, the management of a hearing timetable and notification of alterations, the preparation and distribution of supporting technical papers in response to queries raised during the examination etc). Similarly it is not clear who can be an examiner and whether they can only suggest

amendments or impose amendments. The Localism Act indicates it is for the local planning authority to amend the plan following an examination and it can even decide to extend the area. However it is not clear if this is to be subject to approval from the neighbourhood forum/parish council, neither is it clear who amends, publishes and prints the plan following examination so that its contents are clear prior to a referendum and also the procedures required in order to initiate a referendum. Nor is the adoption process clear eg is a Neighbourhood Plan to be considered adopted once the results of the referendum prove it has appropriate support or does it have to be taken before Local Authority members in order to accord with current local democratic processes, are there requirements to notify of adoption and a time period for legal challenges to be brought etc (eg as required for Local Plans/Local Development Documents).

Whilst Ministers have indicated a Local Planning Authority could adopt a Neighbourhood Plan without undertaking a referendum it is unclear how this could happen unless the Neighbourhood Plan follows the same procedures as a Local Plan. The Localism Act, Schedule 10 (to be inserted as schedule 4B to the town and country Planning Act 1990) paragraphs 12 (4) and 14 (1) clearly states a referendum must be held on the making of a neighbourhood development plan [by virtue of Schedule 9 38C (5)]. A neighbourhood plan is to be 'brought into force' by a Local Planning Authority if more than 50 per cent of people voting in the referendum support the plan (or order). It is therefore felt a Local Planning Authority would be open to challenge if a referendum is not undertaken unless this alternative method of adoption is made explicit in the regulations or guidance and the weight to be given to such plans if they have not followed Development Plan procedures (ie could this enable 'unsound' aspirational neighbourhood plans to be adopted as planning advice notes or similar and respective planning weight applied). Indeed it would be useful if such an alternative approach could be addressed in the Regulations and clear indication that local planning authorities have the ability to advise neighbourhoods that this could be an appropriate way forward at any stage of the neighbourhood planning process (eg if it becomes clear there are insufficient resources, a lack of compliance with EU obligations and national and strategic plans etc and yet the document is considered to form the communities aspirations).

The Regulations should provide clarity between the links between Part 5 and Part 9. It is not clear if a local planning authority can seek modifications where appropriate prior to submitting a plan (or order) to independent examination (eg where a plan is in general acceptable but there are sections which are not and where amendments could be undertaken to make it acceptable).

As evident even in some of the Vanguard schemes and which could be greater in future proposals, a number of neighbourhoods will wish to prepare a plan that seeks to conserve their area and potentially apply restrictions on development by way of additional design criteria and/or does not really add anything more than what the Local Plan, Conservation Appraisals, Supplementary Planning Documents already provide. Whilst the Government have indicated this is not the intent it is not explicit (the Impact Assessment indicates this is addressed by the need for neighbourhood plans to be in general conformity with strategic policies however it does not reference emerging policies and the draft National Planning Policy Framework indicated

neighbourhood plan policies take precedence over existing local plan policies). In view of the duty to support placed on local planning authorities the Regulations must make it clear neighbourhood plans cannot seek less development than an emerging or adopted local plan. The Regulations must detail how 'restrictive' plans are to be handled and considered. Otherwise it will be unclear how resources are to be managed in such cases leading to unforeseen consequences (eg challenges if support withheld or ill afforded resourcing of restrictive plans at a time of austerity).

There must be the inclusion of a clause that enables a local authority to delay consideration of a neighbourhood plan until after the adoption of its Local Plan where it is felt to be in the public's interest. For example where a neighbourhood plan focuses on conserving current land uses and/or does not add much more to the emerging Local Plan and where by focusing on the local plan will serve the neighbourhood and wider public as effectively if not more effectively. There should also be a clause to enable a local authority the ability to delay the holding of a referendum until another is being held and/or when it can be undertaken most effectively and efficiently. It could include a suggested maximum postponement period for example up to three years (in order to take account of the costs involved in holding referendums).

There is a concern that the neighbourhood forums would be able to decide that they wanted a school for their area regardless of how this fitted with the strategic planning that local authorities already undertake to ensure that there is an adequate supply of school places for all children who want one. An over supply of school places is just as much of a problem as an under supply since it can destabilise established schools and because funding follows pupils, undersubscribed schools find it very difficult to set balanced budgets. This raises a further concern that there are likely to be other strategic planning issues which could be undermined in a similar way.

The comments raised in response to (j) below are also considered to be relevant to this section.

e) preparing the neighbourhood development order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

A neither agree nor disagree response has been provided because this element has

not been fully considered in detailed by Brighton & Hove City Council. However the following two comments are made:

- In view of the Code of Practice on Consultation issued by the Department of Business Enterprise and Regulatory Reform it is suggested Part 6 'Neighbourhood development orders and community right to build orders', 21 (a) (iii) should apply a 12 weeks period in which representations are to be made.
- Depending on the extent to which the Freedom of Information Act applies to these bodies it may be necessary for the consultation statement to include the full response from the consultees in order to check the presented summary is appropriate.

f) preparing the Community Right to Build order

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

A neither agree nor disagree response has been provided because this element has not been considered in detail by Brighton & Hove City Council.

g) Community Right to Build disapplication of enfranchisement

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

A neither agree nor disagree response has been provided because this element has not been considered in detailed by Brighton & Hove City Council.

h) independent examination

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

A neither agree or disagree response has been given because the main requirements in respect of neighbourhood planning is placed within the Localism Act 2011 and do not therefore form part of this consultation.

There is unnecessary confusion over the role local planning authorities are to play in respect of a 'decision on a proposal' and that of an independent examiner. The Localism Act indicates plans are to be submitted to local planning authorities for it to check the submitting body is a parish council or a neighbourhood forum approved by the local planning authority and it is not a repeat application subject to caveats. The administration and hosting of an independent examination then falls to the local planning authority. It is for the independent examiner to consider if the neighbourhood plan conforms with national and strategic policy, takes into account historical factors and does not breach EU obligations. The examiners report does not appear to be binding and the Localism Act enables a local planning authority to amend the plan and even refuse it subject to caveats. A local planning authority then has to hold a referendum prior to adopting a neighbourhood plan. A local planning authority has to 'make' a neighbourhood plan following a referendum (subject to caveats) unless it considers it to breach EU obligations (even though this is to be taken into account by the independent examiner). The requirements on local planning authorities in respect of the independent examination takes control away from the neighbourhood and diverts significant local planning authority resources away from other statutory duties (ie producing and reviewing local development plans). In addition to this if a neighbourhood does not need to have any regard to the costs of such examinations there is less onus on them to ensure it is a robust, fit for purpose, planning document.

As raised above it is unclear who the independent examiner will be eg a Planning Inspector or other? It is also unclear as to who will pay for the venue, examiners etc. The regulations indicate the Local Authority is to be the administrator and organiser of

the independent examination which is a process that normally requires significant resources. It is therefore unclear how this is to be undertaken in practice at a time when the public sector is facing significant cuts in resources (financial leading to staffing and assets including meeting venues etc). It is important the regulations are clear on this and the Government provides sufficient readily accessible funds to facilitate the process.

It is unclear the procedures for the independent examination and who will have the right to be heard/speak or whether it will be for the examiner to decide. It is unclear if a programme officer is to be required and who should employ or whether this could be a willing member of the Forum/community. Neither is it clear who will be responsible for printing and storing core documents that are likely to be necessary.

i) referendum

- | | |
|----------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree nor disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Explanation/Comment:

A neither agree or disagree response has been given because the main requirements in respect of neighbourhood planning is placed within the Localism Act 2011 and do not therefore form part of this consultation.

Whilst the principle of holding a referendum on Neighbourhood Plans and orders is supported, in practice they may not prove to be workable and proportionate unless the Government makes the necessary resources available at the time they are to be held. In respect of whether they prove to be proportionate it depends on whether they not only compliment but also add to the Local Plan process and whether the resultant costs are considered acceptable to the public even if a plan or order is found to have insufficient support. It is also uncertain how realistic it is to expect majority support for plans and orders because in general many people do not like change particularly if it is proposed near them.

It is hard to assess in detail until the full measures the Government are proposing are made clear, for example, some indication has been given that some or all costs could be recouped from the applicant/developer when Neighbourhood Development Order sites are built. However it is unclear how this will be achieved in practice and the impact it will have on S106/CIL contributions and thus the 'added' value is unclear.

The cost of holding a referendum is significant particularly at a time of public sector cuts. The costs of running a referendum would be reduced if it could be combined with another election, although not necessarily by half. For example, based on an initial rough assessment a referendum held in Brighton & Hove in May 2011 cost about £200,000 which is estimated would have cost about £320,000 if it had been a standalone referendum.

As raised below it is not unreasonable to assume that up to five Neighbourhood Forums could come forward at the same time wishing to progress a Plan and/or order. Due to the location of the respective referendums there would be little if any cost reductions if they are held at the same time (eg the potential cost reductions come about if held with a local or general election).

j) making the plan or order

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

Strongly disagree



Explanation/Comment:

A neither agree or disagree response has been given because the main requirements in respect of neighbourhood planning is placed within the Localism Act 2011 and do not therefore form part of this consultation.

The comments provided in relation to 'd' and 'e' above are felt to be relevant to this issue.

The general principle behind these new procedures is welcomed however there is concern over the introduction of new duties upon Local Authorities at a time of significant public sector austerity measures. Brighton & Hove has over thirty three neighbourhood characterisation areas within which local communities are likely to wish to identify smaller thus many more 'neighbourhood areas' It is not unreasonable therefore to assume that up to five neighbourhoods could come forward at the same time wishing to identify their area, set up a Forum, write a Neighbourhood Plan and investigate Neighbourhood Development Orders etc. Due to the requirement for neighbourhood plans to hold significant planning weight and to form a development plan document a high understanding of planning will be required. In practice, in order to maintain good relations, the involvement from the Local Planning Authority would have to be significant unless the Neighbourhood Forum is required to include a professional planner or funding is made available and is sufficient for it to employ a planner. This therefore needs additional resources which may not be available in view of the current public sector austerity measures.

To assist in managing expectations it is important the regulations very clearly detail what the minimum requirements are for a local authority to fulfill the new duties and that local authorities are provided with sufficient resources in order to meet these requirements. It needs to be clear who is responsible for printing hard copies of a Neighbourhood Plan and 'proposals map', who is to be given copies free of charge (eg Forum members, Ward and Parish Councillors, Local Authority planning officers and lawyers, charities and voluntary groups operating in the area upon request) and the mechanisms by which this is to be resourced.

The regulations should make it clear at what point a neighbourhood plan is to be considered made and the weight to be given to a plan that has been supported by a referendum. In addition to this it should be made clear who should prepare the case in support of a plan should a high court challenge be made. Provision for the resourcing of such matters should also be made.

The means by which a neighbourhood can appeal against a decision not to make a plan should be provided.

k) revoking or modifying the plan

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

A neither agree nor disagree response has been provided because this element has not been considered in detailed by Brighton & Hove City Council. However an ability to revoke or modify a plan or order is supported.

l) parish councils deciding conditions

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Explanation/Comment:

A neither agree nor disagree response has been provided because this element has not been considered in detailed by Brighton & Hove City Council. Indeed it is felt there is insufficient clarity provided in the consultation for many to properly understand this proposal and thus appropriately consider a response (it would appear the reference to section 61K in the draft regulations is incorrect it is not clear if it should read 61L in Schedule 9 of the Localism Act 2011).

There is concern however that there is no duty for a Parish Council to employ a planner so their knowledge of planning legislation, regulations and guidance could be limited. In addition to this a potential lack of knowledge of the planning system and local policies/strategies etc could result in issues being overlooked which could be critical to a decision. For example regard to contaminated or polluted land, pollution and nuisance control, impacts of some uses on other uses (B2 uses on C2 or C3 uses), transport considerations, school places etc.

Question 2:

Our proposition is that where possible referendums should be combined with other elections that are within three months (before or after) of the date the referendum could be held. We would welcome your views on whether this should be a longer period, for example six months.

- Three months
- Six months
- A different period

Explanation/Comment:

Please see the comments provided to 'd' and 'i' above.

It fundamentally depends on what resources are to be made available to facilitate these procedures and the regard given to the need for trained knowledgeable staff for the core work rather than assuming this can be undertaken by staff employed on a temporary basis as and when needed.

Based on current public sector austerity measures it is considered the ability to delay the holding of a referendum should be longer than 3 months (indeed it will take time to set up and put in place). In view of the current public sector austerity measures which are leading to unprecedented reductions in resources (financial, staffing and venues) it is considered Local Authorities should have the ability to delay the holding of a referendum until another is being held and/or when it can be undertaken most effectively and efficiently. It could include a suggested maximum postponement period for example up to three years (in order to take account of the costs involved in holding referendums).

It is unclear how a referendum can be held 3 or more months before a Plan or order is complete.

Question 3:

The Bill is introducing a range of new community rights alongside neighbourhood planning – for example the Community Right to Buy and the Right to Challenge. To help communities make the most of this opportunity, we are considering what support measures could be made available. We are looking at how we could support people in communities, as well as local authorities, other public bodies, and private businesses to understand what each right can and cannot do, how they can be used together, and what further support could be made available for groups wanting to use them.

We would welcome your views on what support could usefully be provided and what form that support should take.

Explanation/Comment:

This element has not been considered in detailed by Brighton & Hove City Council. These are exciting and interesting proposals and something Local Planning Authorities are keen to support and/or explore. Indeed many of the proposals could effectively or best be supported by the Local Authority however it depends on the impact on already challenging workloads and the public sector austerity measures.

It is important that all key parties have access to clear 'plain english' guidance and have access to free appropriate legal advice. It is unclear what lending mechanisms will be available, how the handling of any funds directly made to neighbourhoods will be controlled/audited and how deprived neighbourhoods can be facilitated to use these measures.

Question 4:

Do you have any other comments on the proposals?

(Please begin with relevant regulation number and continue on a separate page if necessary)

Explanation/Comment:

In the initial years at least, if not long term, it is considered the Department for Communities and Local Government (DCLG) should provide planning legal advice to Neighbourhoods and Local Authorities.

It is considered the Police should be included as a statutory consultee.

The reference to Primary Care Trust within the statutory consultee schedule will need to be amended as appropriate to take into account their abolition.

Subject:	Community Infrastructure Levy - Detailed proposals and draft regulations for reform: Consultation		
Date of Meeting:	2 February 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Mike Holford	Tel: 29-2501
	Email:	mike.holford@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Community Infrastructure Levy (CIL) allows local authorities to choose to charge a levy on new development in their area in order to raise funds to meet the associated demands placed on the area and to enable growth. The money raised must be used to provide infrastructure to support the development of the area. There will still be a role for site specific planning obligations (section 106 agreements) in order to deal with specific site impacts. The November meeting of this CMM agreed to produce a CIL for the City.
- 1.2 A Government consultation sought views on a number of detail matters. Of relevance to the City Council are proposals to hand a proportion of CIL receipts to neighbourhoods and to allow receipts to be used to provide affordable housing. The response was to be reported to the 22 December 2011 meeting for approval prior to submission. Unfortunately that meeting needed to be cancelled. The response has therefore, been sent in order to meet the consultation deadline of 30 December 2011. It was sent as an officer's response and formal Cabinet member endorsement is now sought at this meeting.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Environment, Economy and Regeneration endorses the Council officer's response to the Government's consultation on the Community Infrastructure Levy - Detailed Proposals and Draft Regulations for Reform (as set out in this report and appendix).

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Community Infrastructure Levy came into force in April 2010. CIL allows local authorities to raise funds from developers undertaking new building projects in their area. The money raised must be used to fund a wide range of infrastructure that is needed as a result of development.

- 3.2 The Government consulted on a number of detailed proposals affecting CIL with a closing date for comments of 30th December 2011. The most important proposals are on implementing neighbourhood funds and whether CIL receipts should be used to provide affordable housing. The consultation questionnaire with the proposed detailed response from the council is set out in the appendix to this report.
- 3.3 **Neighbourhood Funds:** The Government is proposing to use powers contained in the Localism Bill to require charging authorities (e.g. the City Council) to allocate a meaningful proportion of the revenue generated from CIL to the local elected council (parish/town council) for the area where the development takes place. The Government states that these neighbourhood funds form an important part of their objective to strengthen the role and autonomy of neighbourhoods. Where no parish council exists the Government proposes that the charging authority will retain the funds and should engage with their communities in determining how to spend those receipts. The consultation notes that passing a meaningful proportion of the funds to neighbourhoods.
- 3.4 **Comment:** The City Council agrees in principle that the maximum amount should be passed on/spent within local communities. However, the City Council is concerned that if there is an expectation that a specified amount has to be passed on annually this might seriously limit the amount of funding that is required to fund strategic infrastructure that is critical for development. Alternatively, on some occasions where no critical strategic infrastructure is required there might be more CIL receipts that can be passed to the local level. The City Council therefore, believes that no percentage should be set. In the spirit of localism the amount to be passed to neighbourhoods should be a matter for consultation between the charging authority and parish council/neighbourhoods. The Government could usefully emphasis that the priority must be on delivering critical infrastructure be that strategic or at the local level to enable development and growth to take place.
- 3.5 **Affordable Housing:** Currently, the CIL regulations provide that CIL receipts may not be spent on affordable housing. Affordable housing may still be provided through planning obligations as it will normally be expected to be provided on site. The consultation comments that there are circumstances where on-site provision may not be the most effective or efficient means to deliver local policies for affordable housing. The consultation is asking for view on providing local authorities with an option to use CIL to deliver affordable housing where there is robust evidence that doing so would demonstrably better support its provision and offer better value for money.
- 3.6 **Comment:** The City Council does not support the ability of using CIL receipts for affordable housing as the Council believes that this would further dilute the ability of CIL receipts to be used for critical infrastructure. Furthermore, if this ability is introduced the Council believes that this maybe used as an argument for not providing affordable housing on site, contrary to the aim of providing balanced sustainable communities. The City Council believes that in Brighton & Hove where housing sites are in short supply, on the rare occasions that it is more efficient and effective to provide affordable housing off-site this is better achieved by planning obligations.

3.7 Further more detailed responses to the questions raised in the consultation are set out in the appendix.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 The City Council is responding as a consultee to this Government consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 Any costs associated with preparing the response to the Government's consultation relates to officer time and has been met from within existing Planning revenue budgets.

Finance Officer Consulted: Name Karen Brookshaw Date: 18/11/11

Legal Implications:

5.2 None arising from the report. However if there may be implications for the way in which affordable housing is secured or provided if the affordable housing proposals are implemented.

Lawyer Consulted: Name Alison Gatherer Date: 9/12/11

Equalities Implications:

5.3 The Government consultation documents and the council's responses seek to take into account equalities issues.

Sustainability Implications:

5.4 Sustainability considerations are central to the planning system.

Crime & Disorder Implications:

5.5 None arising specifically from this report. However, CIL receipts could be used to fund measures to increase community safety.

Risk and Opportunity Management Implications:

5.6 None arising from the report, but if the consultation proposals are implemented this could affect the provision of infrastructure to support development in the City.

Public Health Implications:

5.7 None identified

Corporate / Citywide Implications:

- 5.8 None arising specifically from the report, but if the consultation proposals are implemented this could affect the provision of infrastructure to support development in the City.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None required. Not responding to the consultation documents is not considered appropriate in view of the importance to future development in the City.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To gain formal approval of the Council's response to the Government consultation on the Community Infrastructure Levy - Detailed proposals and draft Regulations for Reform previously sent as an officer response to meet the closing date of 30th December 2011.

SUPPORTING DOCUMENTATION

Appendices:

1. Community Infrastructure Levy - Detailed Proposals and draft Regulations for Reform - Questionnaire

Documents in Members' Rooms

None

Background Documents

1. Community Infrastructure Levy Detailed Proposals and draft Regulations for Reform Consultation - Department for Communities and Local Government October 2011

Questionnaire

About you

i) Your details:

Name:	Michael Holford
Position:	Strategic Planning and Monitoring Manager
Name of organisation (if applicable):	Brighton & Hove City Council
Address:	Hove Town Hall Norton Road Hove BN3 3BQ
Email:	Mike.holford@brighton-hove.gov.uk
Telephone number:	01273 292501

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

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority/county council/county borough council

National Park Authority

The Broads Authority

The Mayor of London

Parish council

Community council

Welsh Authority

- Non-Departmental Public Body (NDPB)
- Planner
- Professional trade association
- Land owner
- Housing association/RSL
- Private developer/house builder
- Developer association
- Voluntary sector/charity
- Community Land Trust
- Rural housing enabler
- Other

(please comment):	
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iv) What is your main area of expertise or interest in this work (please tick one box)?

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Housing provision
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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v) Do your views/experiences mainly relate to one or more specific regions within England and Wales, to one or both countries?

- South West
- South East
- East
- East Midlands
- West Midlands
- North West
- Yorkshire & Humberside
- North East
- London
- All of England
- Wales
- Other

(please comment):	
Specific local area (please comment):	

Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Chapter 1: Neighbourhood funds

Question 1:

Should the duty to pass on a meaningful proportion of levy receipts only apply where there is a parish or community council for the area where those receipts were raised?

Yes No

Comments

Should apply in all areas. However, the precise percentage should be as a result of discussions between the charging authority and local communities rather than being set nationally. It is very important that the Government should put the emphasis on CIL being put towards infrastructure that is critical to enable development to go ahead rather than who spends it. If a specific amount has to be handed down annually this could undermine the provision of infrastructure that is critical for development to go ahead.

Question 2:

Do you agree that, for areas not covered by a parish or community council, statutory guidance should set out that charging authorities should engage with their residents and businesses in determining how to spend a meaningful proportion of the funds?

Yes No

Comments

Agree, however, the City Council does not agree that it would be appropriate to specify a minimum percentage for the reasons set out in answer to question 1.

Question 3:

What proportion of receipts should be passed to parish or community councils?

Comments

Inappropriate to specify a percentage for the reasons set out in answer to Question 1.

Question 4:

At what level should the cap be set, per council tax dwelling?

Comments

See answer to Question 1.

Question 5:

Do you agree that the proposed reporting requirements on parish or community councils strike the right balance between transparency and administrative burden?

Yes No

Comments

No further comments

Question 6:

Draft regulation 19 (new regulation 62A(3)(a)) requires that the report is to be published on the councils website, however we recognise that not all parish or community councils will have a website and we would welcome views on appropriate alternatives.

Comments

Suggest that information could be published on the Charging Authorities website and in its Annual Monitoring Report where a local planning authority.

Question 7:

Do you agree with our proposals to exclude parish or community councils' expenditure from limiting the matters that may be funded through planning obligations?

Yes No

Comments

Yes, this would unduly constrain/complicate matters for parish or community councils.

Question 8:

Do you agree with our proposals to remove the cap on the amount of levy funding that charging authorities may apply to administrative expenses?

Yes No

Comments

No further comments

Chapter 2: Affordable housing

Question 9:

Do you consider that local authorities should be given the choice to be able if they wish to use levy receipts for affordable housing?

Yes No

Comments

The City Council does not support the ability of using CIL receipts for affordable housing as the Council believes that this will further dilute the ability of CIL receipts to be used for critical infrastructure. Furthermore, if this ability is introduced the Council believes that this might be used as an argument for not providing affordable housing on site, contrary to the aims to provide balanced sustainable communities. The City Council believes that in Brighton & Hove where housing sites are in short supply on the rare occasion that it is more efficient and effective to provide affordable housing off-site this is better achieved by planning obligations.

Question 10:

Do you consider that local authorities should be given the choice to be able if they wish to use both the levy and planning obligations to deliver local affordable housing priorities?

Yes No

Comments

See answer to Question 9

Question 11:

If local authorities are to be permitted to use both instruments, what should they be required to do to ensure that the choices being made are transparent and fair?

Comments

If these changes are implemented, where affordable housing is being provided via a planning obligation the use of CIL receipts for affordable housing on the same site could be excluded.

Question 12:

If the levy can be used for affordable housing, should affordable housing be excluded from the regulation that limits pooling of planning obligations, or should the same limits apply?

Yes No

Comments

It is assumed that should both planning obligations and CIL be able to be used for delivering affordable housing, planning obligations would be used for on-site delivery and CIL for off-site. In this instance the issue of pooling planning obligations doesn't apply. However, for clarification, affordable housing should be excluded from the regulation that limits pooling of planning obligations otherwise this could severely limit the ability to secure on-site affordable housing.

N.B. It is not possible to answer this question yes/no as there are two options in the question.

Chapter 3: Mayoral Development Corporations

Question 13:

Do the proposed changes represent fair operation of the levy in Mayoral Development Corporation areas?

Yes No

Comments

No comment

Subject:	Developer Contributions - Temporary Recession Measures and updated Technical Guidance		
Date of Meeting:	22 December 2011		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Debra May	Tel: 29-2295
	Email:	debra.may@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To meet planning policy requirements to enable the granting of planning permission for development proposals it may be necessary for developers to mitigate potential negative impacts. This may be achieved by requiring developer contributions that are used to provide or upgrade infrastructure. In recognition of the need to enable appropriate development during the current economic climate the Council introduced a range of temporary 'recession' measures in early 2010 that prioritised and allowed for reductions in certain types of developer contributions. These temporary measures provide a flexible approach without compromising on the provision of necessary infrastructure in order to enable development to be acceptable and proceed. These measures have been updated to reflect current priorities for developer contributions.
- 1.2 Revised Technical Guidance has been produced which has been updated to inform on the main policy areas where developer contributions are commonly sought with additional advice based on the existing planning policies in the adopted Brighton & Hove Local Plan. The current priorities when seeking developer contributions and the updated guidance will provide officers and developers with greater certainty and understanding on the main types of developer contributions and how these are calculated.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration (PEER) approves the revised Developer Contributions Temporary Recession Relief Measures and agrees changes to reflect revised Council priorities in the nature and type of developer contributions that will be sought when considering issues of viability on development sites.
- 2.2 That the Cabinet Member for PEER approves the updated Technical Guidance on Developer Contributions attached at Appendix 1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Developer contributions are secured at the time of granting planning permission to mitigate negative impacts of development and provide for appropriate contributions towards such necessary physical, environmental and social infrastructure that if not met may mean development proposals might otherwise be refused.
- 3.2 The contributions are secured through Planning Obligations drafted under section 106 of the Town and Country Planning Act 1990 and in accordance with the statutory criteria set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which provide that Obligations must meet the tests of being:
 - (a) **necessary to make the development acceptable in planning terms;**
 - (b) **directly related to the development; and**
 - (c) **fairly and reasonably related in scale and kind to the development.**
- 3.3 Contributions are sought in relation to scale and impact of development in accordance with the current planning policies in the adopted Brighton & Hove Local Plan 2005 and the policies within the emerging City Plan. The overall aim is to achieve sustainable development and to ensure development makes a positive contribution by addressing negative impacts on the community and surrounding area. This is an approach also supported by the Localism Act 2011.

Priorities for Developer Contributions Temporary Recession Relief Measures

- 3.4 The economic recession has had a significant impact on the development market and the Council has been responsive to the need for understanding and flexibility in the short term to reflect current market conditions. In certain circumstances planning obligation requirements may impact on the viability of a development either by combined levels of requirements or abnormal site costs.
- 3.5 Temporary recession measures were introduced in April 2010 and were renewed in February 2011. These measures allowed for a more balanced and flexible approach to contributions in recognition of the current economic climate. This approach needs to be renewed without compromising on the need to meet policy expectations for providing towards delivery of necessary infrastructure. With a continued recognition of this need the Council can consider where it is appropriate to be flexible with respect to developer contributions or through a flexible approach to the implementation of policy.
- 3.6 Where the Council considers that viability of development is affected the priorities when seeking developer contributions will be:

1. Sustainable Buildings

Requirements for appropriate sustainable development and contributions will be sought, for major applications only, in accordance with existing planning policy, additional guidance in the Sustainable Building Design Supplementary Planning Document (SPD) 08 (adopted by the Council on 5th June 2008) and pertinent Planning Inspectorate decisions.

2. Affordable Housing

Affordable Housing will be sought in accordance with existing planning policy and the thresholds therein with a requirement for direct on-site provision through approved Registered Providers or in exceptional circumstances a commuted sum towards off site provision may be considered. A methodology for calculating contributions towards off-site provision in exceptional circumstances is included in the Developer Contributions Technical Guidance. The Guidance has also been further amended and now includes reference to 'Affordable Rented' tenure.

3. Local Employment & Training

Obligations will be sought for major applications only, to support providing a skilled workforce. This will be achieved through targeted on site construction training requirements providing local employment and for financial contributions towards a skills development partnership programme as part of a training project supporting apprenticeship and local employment needs. The financial contributions to support the programme will be calculated in accordance with approved methodology detailed in the Developer Contributions Technical Guidance.

Other Temporary Relief Measures

3.7 Sustainable Transport

The threshold on which sustainable transport contributions are sought will remain as a net gain of 5 or more residential units. Where the Council seeks to secure Car Free Housing in accordance with policy H07, financial contributions for amendments to Traffic Regulation Orders (TRO's) are no longer sought. The Council will however, continue to attach a condition whereby occupiers within the Controlled Parking Zone (CPZ) will be ineligible for parking permits. The approach to allow developers to carry out, where appropriate, highways works under s278 agreements rather than through financial contributions will be continued.

3.8 Nature Conservation & Development

Securing requirements towards on-site nature conservation and biodiversity measures in accordance with adopted SPD 011 will be continued. The requirement for additional financial contributions as identified in Annex 6 of SPD 011 will not be applied and will remain suspended.

Other Measures

3.9 Where a scheme is acceptable and a s106 is considered to be necessary to mitigate impact the following relief measures will continue:

3.10 Waiving of 'indexation' on financial contributions.

Currently the RPI (Retail Prices Index) is applied to contributions from the date the s106 is signed to date of payment. This clause will be omitted from s.106 agreements.

3.11 Deferral of contributions

The payment of contributions or provision of infrastructure on the date of commencement of the development may be deferred to a later date, for example on the occupation of the development. The payment of contributions on 'commencement of development', was previously commonly sought.

3.12 Review of temporary recession measures

It is intended for the recession relief measures to be regularly reviewed. It is proposed that the current measures to be next reviewed in December 2012.

3.13 Development viability

Developers will be advised that where the Council considers that development viability would be compromised by developer contributions these issues should be raised as soon as possible and detailed cost information should be submitted to the Council at the earliest opportunity. This may help reduce delay where a dispute arises and so that the outcome of negotiations, are clearly understood by all parties before agreeing to enter into and finalising a planning obligation. The Council may require a full financial appraisal of the proposal signed by an appropriately qualified and independent financial professional to be made available to substantiate the claim. In all cases, the onus of proving the non-viability of a development is on the developer.

3.14 Other developer contributions

There will be no changes to other contributions and these will continue to be sought where necessary in accordance with existing planning policy as set out in the Brighton & Hove Local Plan and further detailed advice in the Developer Contributions – Technical Guidance.

Revised Developer Contributions - Technical Guidance

3.15 The technical advice in the attached appendices is an amplification of the existing planning policies in the adopted Brighton & Hove Local Plan. The guidance (previously titled Interim Guidance and approved by Cabinet 17th February 2011) has been updated for the main topic areas where the Council may seek developer contributions and sets out the thresholds, and how payments are calculated and what those contributions will provide. It is important to note that the Technical Guidance covers the main types of contributions that are sought but that there are many potential areas where developer contributions may also be required as set out in the adopted Brighton & Hove Local Plan. Where the viability of development may be affected then contributions should be sought in the Priority areas as identified above.

3.16 Affordable Housing

Affordable Housing will be sought through direct on site provision through approved Registered Providers or in exceptional circumstances a commuted sum towards off site provision may be considered. A methodology for calculating contributions for such exceptional circumstances towards off site provision has been prepared and is included in the Technical Guidance.

3.17 Local Employment & Training

Contributions currently support providing a skilled workforce through targeted on site construction training requirements and for financial contributions towards a skills development partnership programme. The methodology for calculating the financial contributions to support the programme are included in this Technical Guidance.

3.18 Education

The Technical Guidance provides clarification and the methodology for calculating contributions for local schools. The contributions may contribute towards additional class room provision (in relation to key major schemes) or upgrade to resources, such as classroom equipment or on site play facilities.

3.19 Sport, Recreation & Play Space

The Guidance includes a breakdown of the standards for open space provision and methodology for assessing contributions that will be spent towards upgrading parks and other amenity space for sports, play provision or other community facilities with health, leisure and social benefits.

3.20 Transport and Travel

The Technical Guidance clarifies how payments towards mitigating the impact of increased travel are calculated. It should be noted that as a temporary recession relief measure the development threshold on which sustainable transport contributions are sought will be a net gain of 5 residential units and above. This approach will be further reviewed in December 2012.

3.21 Sustainable Building Design

Requirements for appropriate sustainable development and contributions will be sought in accordance with requirements identified in the Sustainable Building Design Supplementary Planning Document (SPD) 08 adopted by the Council 5th June 2008

3.22 Nature Conservation and Development

Contributions should usually be sought in accordance with requirements identified in the Nature Conservation and Design Supplementary Planning Document (SPD) 011 adopted 25th March 2010. However, it should be noted that as a temporary recession relief measure Annex 6 (Calculating Developer Contributions) is suspended and financial contributions will not be sought. This approach will be further reviewed in December 2012.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation with the wider community will be undertaken as part of a formal process when consulting on the emerging City Plan in 2012 and will follow the recommendation set out in the Statement of Community Involvement.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of producing the revised Developer Contributions Temporary Recession Relief Measures has been met from within existing revenue budgets. Developer financial contributions (through Section 106 obligations) are commonly used to secure infrastructure and services created by the demand from new development including highway infrastructure, transport improvements and travel initiatives, education, health, community or recreation facilities.

Finance Officer Consulted: Name: Karen Brookshaw Date: 18/11/11

Legal Implications:

- 5.2 As noted in paragraph 3.2 of this report developer contributions are secured under planning obligations agreed or offered under s106 of the Town and Country Planning Act 1990. Any obligation must meet the statutory tests set out in Regulation 122 of the Community Infrastructure Regulations 2010. The viability of a proposed development is capable of being a material planning consideration and is therefore something that the local planning authority is able to take into account in considering the amount and nature of s106 obligations sought.

Lawyer Consulted: Name: Hilary Woodward Date: 21/11/11

Equalities Implications:

- 5.3 Developer contributions can provide wide community benefits and can be used to provide, for example, local employment, affordable housing, recreation space and education facilities.

Sustainability Implications:

- 5.4 The aim of developer contributions is to assist in enabling development to contribute towards the establishment of sustainable communities. The continuation of seeking contributions will ensure appropriate improvements are secured to the wider infrastructure to help provide long-term sustainable development for the city.

Crime & Disorder Implications:

- 5.5 Developer contributions may be sought towards community safety initiatives such as improved lighting or CCTV.

Risk and Opportunity Management Implications:

- 5.6 Decisions on determining planning applications should take account of all material considerations including the provision of the infrastructure necessary to support the development. If development takes place without adequate contributions to infrastructure provision, a strain is placed on existing facilities to the detriment of the wider community and public resources.

Public Health Implications:

- 5.7 Developer Contributions may be secured towards retention or provision of new health facilities for the City and address inequalities that can impact upon health.

Corporate / Citywide Implications:

- 5.8 Developer Contributions will continue to ensure that the Council's policies on securing contributions towards infrastructure and services will help deliver the Sustainable Community Strategy's priorities to improve housing and affordability, promote sustainable transport and improve health and well being in the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 An alternative option is to secure the full range of developer contributions from all developments in accordance with existing and emerging policy changes. Developers sometimes already experience difficulty in meeting the current full range of developer contributions and in certain circumstances additional pressures of contributions may discourage development or may possibly render it financially unviable. To enable appropriate development to proceed the issue of s106 requirements may be addressed through temporary recession relief measures.
- 6.2 An option is to rely on existing adopted Local Plan policies. The Council currently secures a range of contributions in this manner. However, Local Plan policies are not sufficiently worded to justify securing contributions to a local employment training programme which is now a priority for the Council. In addition a formula for calculating commuted sums in lieu of on site provision of affordable housing is also required.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendation takes into account current priority areas for seeking developer contributions and the need for updated advice.
- 7.2 The Technical Guidance has been updated and provides advice for Council officers and others in negotiating developer contributions.

SUPPORTING DOCUMENTATION

Appendices:

1. Developer Contributions – Revised Technical Guidance

Documents in Members' Rooms

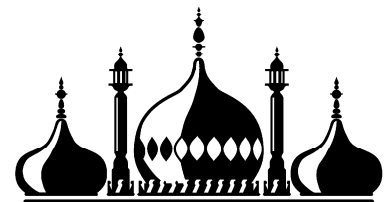
None

Background Documents

None

Developer Contributions
Technical Guidance on the main types of contributions

Affordable Housing
Local Employment and Training
Education
Open Space
Transport and travel
Sustainable Buildings
Nature Conservation



Brighton & Hove

Affordable Housing

The Council is committed to maximising the provision of affordable housing and this document sets out guidance on the requirements for affordable housing within the City. This aims to ensure that the Council achieves mixed, balanced and sustainable communities and to deliver high quality affordable housing for local people in housing need.

This document will be reviewed annually.

Policy Context

National Policy

[Planning Policy Statement 3](#)¹ (CLG June 2011) identifies the role that affordable housing has in contributing to the achievement of mixed and sustainable communities.

PPS 3 states that the Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

- to achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.
- to widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.
- to improve affordability across the housing market, including by increasing the supply of housing.
- to create sustainable, inclusive, mixed communities in all areas, both urban and rural

PPS3 and Delivering Affordable Housing² (CLG Nov 2006) set out the Local Authorities key role in the delivery of affordable housing through the planning system.

Local Policy Guidance

¹ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918430.pdf>

² <http://www.communities.gov.uk/documents/housing/pdf/152897.pdf>

The Brighton & Hove Local Plan³ identifies sites for housing development and mixed use sites where an element of housing will be required. The Local Plan also sets out the policies relating to 'windfall' development sites, dwelling type and size, housing densities and the provision of private amenity and outdoor recreation space. The Local Plan will be incrementally replaced by the Local Development Framework (LDF). Developers should refer to the Council's website to view the policies and proposals in the Brighton & Hove Local Plan and supplementary planning guidance.

Meeting Affordable Housing Needs

Definition of Affordable Housing

As defined in PPS3, Affordable housing includes social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Social Rented Housing

Rented housing owned and managed by local authorities and registered providers for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as Policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes & Communities Agency as a condition of grant.

Intermediate Housing

Housing at prices and rents above those of social rent but below market price or rents and which meet the criteria set out above. These can include equity products (Homebuy) and other low cost homes for sale or intermediate rent.

Affordable Rented Housing

Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime³⁴ but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent

Affordable Housing Delivery

³ <http://www.brighton-hove.gov.uk/index.cfm?request=c1000488>

In Brighton & Hove, affordable housing will be delivered by a registered provider engaged with the City Council through the Brighton and Hove Housing Partnership and signed up to the City Council's Partnership Agreement (see Appendix 1 for current partners).

On suitable housing sites the Council will negotiate with developers to secure a 40% element of affordable housing on proposals for residential development capable of producing 10 or more dwellings. The policy applies to all proposed residential development including conversions and changes of use (Policy HO2 in the adopted Local Plan and Policy CP12 in the submission version of the Core Strategy).

Tenure Mix

Across the City the required tenure split for affordable housing will typically be:

55% social rented;
45% intermediate housing.

For individual sites the exact tenure split will be guided by up to date assessments of local housing need and site/neighbourhood characteristics.

Housing Type

For the City as a whole the preferred affordable housing mix in terms of unit size and type to be achieved is:

30% one bedroom units;
45% two bedroom units;
25% three + bedrooms.

Up to date assessments of housing needs (for example, the Strategic Housing Market Assessment April 2008⁴) show that although the greatest need (numerically) is for smaller, one and two bedroom properties there is significant pressure on larger, family sized homes. For this reason, the Council welcome proposals that include higher proportions of family sized homes.

When the development is completed the City Council will be able to nominate people from the housing register for 100% of the units on initial lets with 75% on subsequent lets.

Design Guide for Affordable Housing

The Council will expect high standards of design, layout and landscaping for all developments which reflect the character of the area and reflect local distinctiveness.

⁴ http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/B_H_Strategic_Housing_Market_Assessment_April_2008.pdf

To ensure the creation of mixed and integrated communities the affordable housing should not be visually distinguishable from the market housing on the site in terms of build quality, materials, details, levels of amenity space and privacy.

The affordable housing should be 'tenure blind' and fully integrated with the market housing. It should be distributed evenly across the site, or in the case of flats, in small clusters distributed evenly throughout the development.

All new schemes within the Homes & Communities Agency's National Affordable Housing Programme must be built to meet or exceed the HCA's current Design & Quality Standards (April 2007)⁵.

All residential units must be built to 100% Lifetime Homes Standard. At least 10% of the affordable homes must be built to the council's wheelchair accessible standard as set out in Planning Advice Note – Lifetime Homes and Accessible Housing (PAN03), adopted Jan 2008.

Alternative Developer Contributions

As a general principle, on site provision of affordable housing is the Council's first priority. Off site provision of affordable housing on an alternative site or by way of a financial payment in lieu (or commuted sum) will only be sought in exceptional circumstances. A methodology for calculating contributions for such exceptional circumstances towards off site provision is included in this Guidance.

Circumstances which might justify offsite provision or payment in lieu are set out below. As a general principle, there will need to be good planning or housing reasons to accept offsite provision or a commuted payment. Such justification will need to be carefully made as the presumption will remain for onsite provision unless circumstances indicate otherwise. This is a matter for the developer to demonstrate and for the planning authority in conjunction with Housing Commissioners to consider and agree.

- Where mixed community objectives/housing priorities could be better met in an alternative location (for example where family sized (3 + bedroom, outdoor space) housing cannot easily be provided for on the development site itself or where there is already a concentration of social housing in an area, then it may be preferable to seek offsite provision or a commuted sum to fund affordable housing elsewhere).
- Where there are high housing costs for occupiers associated with the development (for example, in expensive flatted developments such as conversions of listed buildings leading to high service/maintenance charges and where this cannot be

⁵ SPD08 Sustainable Building Design requires CfSH L4

satisfactorily overcome or avoided by alternative design, massing or separate new build for the affordable housing).

- Where on small sites it is not practical, from a management perspective, to provide and manage a small number of on-site affordable housing units.
- Where the location of the development is less suitable for those on lower incomes (because it is remote from public transport, local facilities, employment, etc).

It is important to note that economic viability is not the key test for whether there should be on- or off-site provision. Viability determines the overall amount of affordable housing contribution – i.e. the appropriate percentage and the type (tenure, size mix) of affordable housing sought - whether provided onsite, offsite or as a commuted payment. Any concerns regarding viability should be reflected in the proportion of affordable housing sought.

The decision of the local authority to accept offsite provision or a commuted payment in lieu will be based on the acceptability or otherwise of on-site provision as a housing and spatial planning solution. This approach accords with the general principle that financial contributions should be of 'broadly equivalent value' – the commuted sum should be equivalent to the developer/landowner contribution if the affordable housing was provided on-site. Neither off-site provision or financial contributions will be a less expensive option than on-site provision, but will be equitable. In such circumstances where the proportion of affordable housing is being negotiated the Council may require the developments financial information be provided on an open book basis which will be required as part of the process.

Offsite provision on an alternative site

Where the case for no on-site provision is agreed, then the council may consider offsite affordable housing provision on an alternative development site. An example may be where a private developer can 'pair' up development sites. Provision of affordable housing on an alternative development site will be in addition to any requirement arising from the alternative site. Where an alternative site is insufficient in area to accommodate all the affordable housing requirement then financial contributions to remedy the shortfall will be sought.

Commuted Payments Formula

The Council will seek a sum equal to the difference between an Open Market Value and Social Housing Value at either commencement or practical completion.

- **Open Market Value (OMV)**

The OMV will be required to be undertaken by an independent valuer, the cost of which would be borne by the developer.

- **Social Housing Value (SHV)**

SHV is calculated on the basis that a tenant has security of tenure. The Council's Housing Stock is valued each year for accounting procedures and the way in which this is done is by using Wilks Head and Eve (independent chartered surveyors and specialists in rating) valuing the OMV and then discounting for the fact that a tenant is in place. The discounting figure is currently set at 50%. This figure will be taken from the latest statement of accounts.

Commutated Payments: Proposed Uses

The use of any commuted sum will be secured via a section 106 legal agreement. Sums will be negotiated for planning sites where affordable housing is required, but where the provision cannot easily be made on site, nor can it be provided on an alternative site within the locality.

For maximum flexibility it is proposed that the Council would use commuted payments to fund affordable housing in the City in the following ways:

- To fund the costs of building new affordable housing on Council owned land where the site is considered to be available, suitable and achievable;
- To fund the costs of area regeneration of Council Housing Revenue Account housing estates that would provide new affordable housing;
- To fund the provision of new affordable housing through Registered Social Landlords (RSL's) and/ or other social housing providers;
- To purchase land for new affordable housing schemes either directly by the Council or through RSL's.

Appendix A

Preferred Partners for the Provision of New Affordable Housing

The Council has established a good relationship through the Brighton & Hove Housing Partnership with a number of Housing Associations and works in partnership with these preferred partners to provide affordable housing which meets local housing needs.

The current preferred Housing Association partners are signed up to the Brighton & Hove Housing Strategy and actively contribute to the Council's strategic housing objectives. As such, the Council requires developers to meet their affordable housing obligations by working in partnership with these preferred partners.

Preferred Partners

Affinity Sutton

www.affinitysutton.com

Over 55,000 homes across England

Contact: Kath Kane, Development Manager

01273 431893

Kath.Kane@affinitysutton.com

Hyde Group (Hyde Martlet Housing Association)

www.hyde-housing.co.uk

The Hyde Group has over 40,000 affordable homes, mainly in the South East of England & in London.

Joanne Maunders; Principle Development Manager

01273 234284

joanne.maunder@hyde-housing.co.uk

Southern Housing Group

www.shgroup.org.uk

The Southern Housing Group has approx. 24,000 affordable homes throughout the south of England and in London.

Jeremy Barkway

Regional Development Manager;

01403 224850

jeremy.barkway@shgroup.org.uk

Liz Hills, Area Development Manager;

01403 224813

Liz.Hills@shgroup.org.uk

Guinness Trust

www.guinnesspartnership.com

The Guinness Trust has over 50,000 affordable homes throughout England.

Michael Gray, Area Development Manager

01293 874203

michael.gray@guinness.org.uk

Moat Housing Group

www.moat.co.uk

Owns and manages over 20,000 homes throughout Kent, Sussex, Essex, Hertfordshire and South London

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Sarah Paxton, Senior Development Manager
0845 3596887
sarah.paxton@moat.co.uk

Local Employment and Training

The Local Plan outlines the need to ensure development through investment and jobs in a way that is consistent with the principles of sustainable development. A key aim of sustainability is to maintain economic growth and employment, and 'Getting People into Work' is one of the Council's strategic priorities.

The key objectives of Chapter 5 of the Local Plan, 'Supporting the local economy and getting people to work' are:

- Improve the competitiveness of the local economy;
- Support and retain existing businesses;
- Promote Brighton and Hove for internal, national and local business investment opportunities;
- Develop a portfolio of high quality premises to meet the needs of expanding local businesses and companies wishing to relocate to Brighton and Hove;
- Improve the skills level of the local workforce; and
- Maintain and strengthen the visitor economy.

The Brighton & Hove Local Employment Scheme (BHLES)

A key aim of sustainability is to maintain economic growth. Employment and training contributes towards this aim. Developments depending on their size may be required to provide direct provision of employment and training initiatives by the developer or a financial contribution towards an agreed and established programme with a local partnership.

Agreements relating to employment matters and specifically the provision of construction and post-construction training can make a measurable contribution to reducing social exclusion within the city and achieving sustainable development. The training would be required to be for people living within the administrative boundary of Brighton and Hove, and directly related to the employment needs of the development.

Contributions may be sought from all major developments to maximise opportunities to develop local skills and business performance. Training contributes to this aim and developer contributions will be sought to expand appropriate training and employment provision.

Development in the city should involve supporting local employment and training for the benefit of the construction industry as a whole, and suitably trained individuals are required for construction services for new development. The Council is keen to ensure ongoing developer support for the provision of local training and employment agreements for all major developments.

Seeking contributions for training co-ordination benefits all parties by providing employment, training, enabling sustainable development and mitigating the potential for delays to the construction process. A local workforce will enable easier recruitment and retention and will reduce the environmental impact of a

commuting workforce. The advertising of all jobs, which relate to the development, should be accessible to local people through local, approved employment agencies such as Job Centre Plus and its partners.

An obligation will ensure contributions towards the city-wide coordination of training and employment schemes to support local people to employment within the construction industry. Development also directly contributing towards a workplace co-ordinator further facilitates easy routes to employment with contributions directly relating to the construction of developments and training for local people benefiting the city's major development sites across the city.

The methodology for securing contributions towards employment and training will enable the Council and delivery organisations to:

- engage in long term planning of the scheme;
- benefits residents and trainees, who are then able to develop their skills and qualifications both on and off site;
- support developers in achieving a commitment to local employment and training;
- support the development industry;
- support long-term monitoring and compliance with obligations.

A planning obligation for employment and training may include a number of elements, such as;

- a contribution by the developer towards pre- and post- construction training;
- a commitment to recruit residents for jobs pre- and post development;
- the provision of waged construction training placements on the development site;
- larger schemes to include the provision of a serviced, on site recruitment and/ or training facility and/or workplace coordinator;
- the provision of information that the Council can use to monitor the success of the scheme;
- the developer to enter into a partnership with a local college or training provider.

Financial Contributions

Financial contributions may also be sought towards a local employment training off-site programme and its running costs, including the provision of an appropriately qualified tutor. These contributions will support capital and revenue costs on the 'Futures' programme for residents and small businesses.

Threshold and provisions

Contributions may be required from development on or above the thresholds detailed below. Provision of contributions on all development will need to be agreed in detail by the Council and the developer and be met prior to the commencement of development.

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Brighton & Hove Local Employment Scheme

All major developments may provide an agreed percentage of local employment on site in negotiation with the Local Employment Scheme Co-ordinator.

Type	Threshold	Contribution Sum	Note
Commercial	500m2	£10.00 per m2	All including office, retail (except light industrial/warehouse)
Light industrial / Warehouse	235m2	£5.00 per m2	
Residential	10 units and above	£500 per unit	
Change of Use			
Office to residential	All	£250 per unit	
Light industrial /warehouse to residential	All	£500 per unit	
Commercial to other uses (excluding residential)	500m2	£10.00 per m2	
Light industrial to other uses (excluding residential)	235m2	£5.00 per m2	

Example of development contribution:-

750 m² commercial space x £10 per m² = £7,500

50 residential units x £500 per dwelling =£25,000

The proposed thresholds and formula applied would be negotiated taking into account wider considerations linked to the development of the scheme.

Education - Provision and Facilities

The Council will ensure that the impact of new residential development does not create additional pressure on local schools that do not have capacity. In stress areas (see below) contributions will be required where new development impacts on primary and secondary school places. Development that generates a need for primary school places will require provision that is very local to the development whereas developments that generate a need for additional secondary school places may require additional places some distance from the development owing to the location of the secondary schools in the City.

To ensure that the impact of new residential development does not create additional demands on schools that do not have the capacity, the Council will seek contributions for education provision:

- where the scale of the development will create a significant impact on existing residents attending local schools;
- or, where there is an identified shortage of school places;
- or, the development is in the vicinity of a school with temporary classrooms.

Education requirements are calculated using standard formulae, as set down by the Department for Education (DfE) in the relevant Building Bulletin. This sets out standards of provision for education facilities, including the size and number of classrooms needed to accommodate a specific number of children and the cost multiplier for building costs per pupil places in schools in the city. The need for development to provide for additional school places will be guided by adjusted pupil forecasts produced by the Council from General Practitioner registration data provided by the Health Authority.

How Contributions are Calculated

The cost multipliers per dwelling used to calculate developer contributions for the expansion of existing schools are derived from the relevant, regionally adjusted DfE Basic Need cost multiplier figures of costs of provision per pupil. These figures are updated annually and are calibrated to take account of the differing costs of building across the country.

The Council has produced a pupil product ratio for different types and tenures of dwelling and this informs the number of additional pupils that residential development is likely to generate. Pupil product ratios are derived from local studies and apply to developments for both market and affordable housing and the number of school age children generated by varying sized properties. The method of calculating contributions is by multiplying the likely pupil product ratio generated by the intended development by the cost per pupil place which for the purpose of this Guidance is also shown as cost per unit.

To accurately reflect the demographic situation and projections within the City the Council's Housing Needs Survey 2005/06 is used to demonstrate that flats and apartments in the City generate up to 80% of the numbers of children as

terraced and semi-detached housing. In calculating requirements, account will be taken of this and the development mix and the size of proposed dwellings.

Thresholds & When Contributions will be Sought

Potentially all residential development creates new demand for education provision and requiring contributions from all development is reasonable and based on the findings of the Housing Needs Survey 2005/06. However, the requirement for development to provide contributions to school places will only be required across specified stress areas on large developments of 10 units net gain and above and where there is insufficient school capacity to support the development.

The current situation is one of varying capacity in different locations, and in specific parts of the city, particularly the central, southern and western areas, there is no additional educational capacity and therefore these areas are highly susceptible to the future demands generated by new development.

The need for contributions towards education requirements applies to all types of residential development, excluding sheltered housing and student accommodation. For major schemes, where there is a specific and identified need, a development should bear the full cost of education facilities needed to support it, including where appropriate, the acquisition and provision of a fully serviced site, the design and construction of buildings, fitting out costs and any necessary transport measures. These requirements will be sought on a case-by-case basis, guided by the relevant DfE guidelines and pupil forecasts.

In areas where predominately small developments occur, this will be the subject of further investigation into the application of a lower threshold for contributions. Contributions in the form of commuted sums, which may be pooled, will enable resources, equipment or improvement works at schools affected by any development, or groups of unrelated developments, in the given area.

Contributions will also take into account the adequacy of existing playing fields and indoor recreational space, communal space (e.g. school hall) and specialist teaching space (e.g. laboratories) and the additional pressures new development places on these. Generally, such facilities should be located with or close to other community facilities and should also be conveniently and safely accessible on foot, by public transport and bicycle and for people with disabilities, as well as by car. Additionally the council will require contributions for special needs and youth facilities, which are also clearly linked with new development.

Site Provision

Nursery Provision

The need for nursery provision will be guided by the Early Years Development and Childcare Plan. Physical requirements will be determined in consultation with nursery school providers/operators and the Children & Young Peoples

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Trust. This will include the provision of land and buildings within a primary school where a new facility is justified.

Primary School Provision (Pupils aged 4-11)

A new one form of entry school providing 210 places has a space requirement of 10,500m², including a minimum of 5,000m² for playing fields. A new two form entry school providing 420 places has a space requirement of 18,500m², including a minimum of 10,000m² for playing fields.

Secondary School Provision (Pupils aged 11-16)

A new six form entry school providing 900 places has a space requirement of 65,000m², including a minimum of 45,000 m² for playing fields. A new eight form entry school providing 1,200 places has a space requirement of 82,000m², including a minimum of 55,000 m² for playing fields.

Thresholds and Cost Multiplier per Pupil

This table illustrates the development thresholds at which contributions will be sought together with the pupil costs per housing unit.

These figures will be applied should contributions be required

<u>Education calculation multiplier</u>	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Nursery provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0.02	0.06	0.14	0.23
Affordable rented or shared ownership	0.03	0.15	0.27	0.28
	£	£	£	£
Houses	£259	£779	£1,818	£2,988
Flats	£207	£623	£1,455	£2,390
Primary provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0.02	0.07	0.16	0.26
Affordable rented or shared ownership	0.05	0.22	0.40	0.41
	£	£	£	£
Houses	£259	£909	£2,078	£3,377
Flats	£207	£727	£1,662	£2,702
Secondary provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0.02	0.06	0.15	0.24
Affordable rented or shared ownership	0.04	0.19	0.35	0.36
	£	£	£	£
Houses	£391	£1,174	£2,936	£4,698
Flats	£313	£939	£2,349	£3,758

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Sixth Form provision	Pupil yield	Pupil yield	Pupil yield	Pupil yield
Private owned / rented	0	0.01	0.03	0.05
Affordable rented or shared ownership	0	0.02	0.03	0.03
	£	£	£	£
Houses	0	£212	£636	£1,061
Flats	0	£169	£509	£849

Open Space, Sport and Recreation

As the population increases in Brighton & Hove this creates a need not just for housing but also for job opportunities, services and community facilities. This includes a need for open space which in view of the physical constraints upon the city, the sea to the south and a National Park to the north and east, is becoming increasingly important to take into account in new developments. The cumulative impact from the incremental loss of existing open space and shortfalls in open space provision within developments can be significant.

A failure to take into account the need for open space can lead to a reduction in quality of life and have negative impacts on health, social integration/inclusion, micro-climate, economic stability and educational attainment. Trees and soft landscaping help reduce air and noise pollution and surface water run off. Physical activity is also important for health, social inclusion and educational attainment. Open space, sport and recreation are therefore something that is very much part of sustainable communities. It is becoming increasingly important to ensure open space is appropriately planned into any new development scheme at an early stage to ensure it is effective and its use optimised.

New residential development will be required to provide open space in accordance with policy requirements of the adopted Local Plan. The policies relevant to open space, sport and recreation are: HO5 Provision of private amenity space in residential development; HO6 Provision of outdoor recreation space in housing schemes; QD15 Landscape design, QD16 Trees and hedgerows, QD17 Protection and integration of nature conservation features, QD20 Urban open space, QD28 Planning Obligations. This Guidance sets out more detailed guidance on what is considered to constitute appropriate provision. Only in exceptional circumstances will alternative provision be considered and in such circumstances alternative facilities must be provided to the satisfaction of the council.

In situations where the provision of open space cannot be provided on site (either in totality or part thereof) a financial contribution will be sought for the shortfall taking into account government guidance and guidelines on costings to help secure the provision elsewhere.

Open Space Sport and Recreation Study 2008/9

The Citywide Open Space, Sport and Recreation Study assesses the quantity, quality, accessibility and demand for open space including existing indoor sport facilities in the City and recommends standards appropriate to Brighton & Hove. It was informed by the findings of public consultation and was prepared by consultants in accordance with PPG17. The Study forms a background study for the Local Development Framework and has been adopted as such by Brighton & Hove City Council (Environment Cabinet Member Meeting of 30 July 2009). The recommended local open space and

indoor sports facilities standards have been included in the submitted Core Strategy.

Breakdown of the Standard

The breakdown of the standards are broadly defined as follows. The full text can be read in the Open Space, Sport and Recreation Study 2008/9 (and erratum2010) or click here:

[Open Space Sport and Recreation Study Final Report Mar 2009](#)

[Open Space Sport and Recreation Study \(erratum\) April 2010](#)

Open Space Standards		
	Quantity Standard* (hectare / 1,000 pop)	Accessibility Standards
Parks and Gardens	0.92	15 minute walk time (720m)
Amenity Greenspace (AGS)	0.582	10 minute walk time (480m)
Natural Semi-Natural (NSN)	2.8	15 minute walk time (720m)
Outdoor Sport	0.47	20 minute walk time (960 metres)
Children & Young People (equipped play)	0.055	15 minute walk time (720m)
Allotments	0.23	15 minute walk time (720m)
Total	5.057 hectares/1,000 pop	

* The 2008 Open Space, Sport and Recreation Study contains detailed information on Quality Standards expected.

Indoor Sports	
Quantity (indoor sport)	
Modelling undertaken in line with Sport England parameters. Standards to comply with national best practice.	The Open Space, Sport and Recreation Study recommends the council should aim to provide a new multi-sports wet/dryside leisure centre (in addition to the replacement of provision currently made at the King Alfred Leisure Centre) and indicates a further potential need for additional pool space and indoor sports halls. The study also indicates a demand for an indoor arena and ice rink.

Accessibility (indoor sport)
Standards to comply with national best practice.
Quality (indoor sport)
All facilities should be built or provided in accordance with national best practice and meet the minimum specifications of the appropriate National Governing Body of sport and meet Equality Act 2010 guidance (formerly Disability Discrimination Act).

Government guidance PPG17: Planning for Open Space, Sport and Recreation (July 2002)

PPG17 states that ‘Planning Obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking Planning Obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs’.

Calculations for contributions for open space provisions are set out below and the table in the Appendix table of Contribution Costs. This Technical Paper and the following calculations have incorporated the provisions set out in the Brighton & Hove Open Space, Sport and Recreation Study 2008/9.

Calculating Commuted Payments for Off-Site Provision

On-site provision will be sought and only in exceptional circumstances will alternative provision be considered acceptable. However there are minimum sizes in respect of achieving effective useable areas of open space. These are detailed below:

Typology	Minimum Size (hectares)
Parks and gardens	0.4
Natural/Semi-Natural	0.05
Amenity Green Space	0.04
Outdoor Sport	0.28
Children and Young People Equipped	0.04 + buffer
Allotments	0.05

In most cases the demands generated by a development proposal will not meet the minimum size. In such cases it is likely provision will be achieved more effectively by an off-site contribution.

Where a development proposal generates demands equal to or greater than these minimum size guidelines for achieving useable space then on-site

provision will be expected. The inability to provide such space on-site could be an indication of over development.

Scope of Contributions

The level of contribution required will depend upon the nature of the facility to be provided. The financial contributions secured will be used to provide new facilities, additions to existing facilities and where the opportunity arises the provision of additional new open space. The types of schemes to be funded include:-

- New playground equipment
- New pitches etc
- Safety surfacing to accommodate / enable the respective increase in usage
- Changing facilities to accommodate / enable the respective increase in usage
- Access enhancements to accommodate / enable the respective increase in usage
- Improvements to existing respective typologies to increase their offer
- New planting
- Enhancements to the green network
- On larger schemes it may also be appropriate to secure part of a contribution for respective open space co-ordinators whose duties will include promotion and the running of activities, information on provision etc.

Threshold

Provision will be sought from all residential developments. Residential proposals for 9 or fewer units will not be required to provide the full extent of open space requirements unless the site is capable of accommodating 10 residential units or forms part of a larger developable site for residential units. Residential proposals of 9 or fewer units will be expected to have regard to the need to provide private amenity space, landscaping and communal areas to enable informal play/social interaction. Developments of 10 or more will be required to provide/contribute to all forms of open space and indoor sport provision. Calculations for contributions are set out on the following page.

When Contributions will be Sought.

Typology					
	Bedsits	Open Market Residential Units (excluding bedsits)	Affordable Housing (excluding Bedsits)	Student accommodation and hostels	Housing for the active elderly (excluding bedsits)

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Parks and gardens	✓	✓	✓	✓	✓
Amenity greenspace (AGS)	✓	✓	✓	✓	✓
Natural semi natural Open space (NSN)	✓	✓	✓	✓	✓
Outdoor sport facilities	✓	✓	✓	✓	✓
Children and Young People (Equipped Playgrounds)	X	✓	✓	X	X
Allotments	✓	✓	✓	✓	✓
Indoor Facilities	✓	✓	✓	✓	✓

Key:

- ✓ Provision or contribution for net additional units provided will be sought.
 X Provision or contribution will not normally be sought.

Housing for the active elderly applies to schemes providing accommodation for the elderly including sheltered housing schemes. In respect of extra care sheltered housing and nursing care accommodation which specifically caters for the less active regard will be given to ensuring appropriate on-site landscaping in order to secure a pleasant outlook and opportunities for activity (e.g. to assist with gardening, food growing etc)

Occupancy levels

The occupancy levels detailed below will therefore be assumed for the purposes of calculating the level of open space and indoor sport contribution required for a development.

Bedsit	= 1 person per unit
1 bedroom dwelling	= 1.5 persons per unit
2 bedroom dwelling	= 2.5 persons per unit
3 bedroom dwelling	= 3.5 persons per unit
4 bedroom dwelling+	= 4 persons per unit

If the proposal is in outline form and only the total number of units is known, the occupancy will be assumed to be 2.2 persons per unit. This is intended to provide an initial guide to the likely open space and sport requirements. This initial figure will in all circumstances be updated by a detailed calculation based on the number of bedrooms; once a reserved matters/detailed application is submitted.

Thresholds and calculation of contributions

Open Space Requirement per person:

Typology	Local quantity standard per person
Parks and gardens	9.2m ² per person (0.00092 ha)
AGS	5.82m ² per person (0.000582 ha)
NSN	28m ² per person (0.0028 ha)
Outdoor sport	4.7m ² per person (0.00047 ha)
Children and young people equipped	0.55m ² per person (0.000055 ha)
Allotments	2.3m ² per person (0.00023 ha)
Total	50.57m² per person (0.005057 ha)

Maintenance

There is no statutory duty on a local authority to provide open space (except cemeteries and ‘statutory’ allotments). In view of the future implications of the current public sector austerity measures it is considered reasonable to include maintenance costs. These will address initial troubleshooting and setting up costs in amending maintenance site specifications etc. Common practice has sought to take into account the cost of maintenance over a period of at least one generation. This will be at least 10 years up to a 25 year period. For the purposes of this document 10 years has been applied.

Contributions per Person and per Dwelling:

The following table details the cost per person. The Open Space, Sport and Recreation Study calculated the cost per person for the provision of assessed future needs for indoor sport. This figure is £196 per person.

Category	Cost per Hectare (£)	Cost per person	Maintenance Per 10 years	Total cost per person
Parks and garden	374,200	£344	£100,000	£436
Amenity Green Space (AGS)	49,600	£29	£10,500	£35
Natural/ Semi Natural areas (NSN)	59,300	£166	£10,500	£195
Outdoor sport	576,200	£271	£58,000*	£298
Children and Young people Equipped space	520,800	£28.60	£52,080*	£32
Allotments	186,000	£43	-	£43
Open space Sub Total		£882		£1,039
Indoor Sport				£196

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TOTAL Open Space Sport and Recreation				£1,235
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* Assumed maintenance cost of 25% of cost per hectare (as applied in draft SGPBH9).

The following table details the contributions per dwelling.

Dwelling size:	Open Space Contribution	Indoor Sport Contribution	Total Contribution Per Dwelling
Studio/bedsit (1person) (n.b) No contribution towards children & young people)	£1,007	£196	£1203
1 bed unit (1.5 persons)	£1,558.50	£294	£1,852.50
2 bed unit (2.5 persons)	£2,597.50	£490	£3,087.50
3 bed unit (3.5 persons)	£3,636.50	£686	£4,322.50
4 + bed unit (4 persons)	£4,156	£784	£4,940

PLEASE NOTE: Base date April 2010 – future contributions will be adjusted to reflect changes in costs.

Click this link to access the full Recreation, play, sport calculator: (to be set up once technical paper adopted)

Further Information:

Sport England Kitbag, advises on standards and calculations for assisting in securing contributions towards sport and recreation facilities. For further information on Sport England kitbag click the link below:

[Sport England planning obligations kitbag](#)

Transport and Travel

Introduction

When considering development proposals, securing developer contributions to improve transport is an important tool for dealing with the total traffic impact that all development has on the city. Issues including the site layout and safety of the access, and changes that are required to make proposals acceptable locally, as well as potentially over a wider area, are addressed during the planning application process. Ensuring both are resolved satisfactorily through appropriate transport measures will support the overall objective of achieving sustainable growth.

Depending on the location, size and type of development, transport measures can include schemes to improve the management of traffic and parking, improvements to access, works to provide for and encourage the use of sustainable forms of travel such as pedestrian, cycle and buses, e.g. bus stop improvements, and measures to raise awareness and provide information such as Travel Plans. In addition, contributions may be sought for measures that improve safety and reduce or prevent casualties caused by collisions. In seeking to minimise the transport impacts of development, contributions will be required towards measures that enable access to sustainable forms of transport and can therefore maximise their use and increase people's choices.

Separate legal agreements may be required for larger developments to secure necessary mitigation measures during construction. For example, construction traffic routing restrictions may be required and included as part of Construction Environmental Management Plans [CEMPs] especially to lessen any impacts in the City's Air Quality Management Area [AQMA] and residential areas.

All new developments are required to bear the full costs of transport infrastructure, initiatives and/or services that are required, including future maintenance requirements, and all associated costs of drafting legal agreements.

The size of contribution is calculated with a simple-to-use formula based on the scale of the development proposal. The contribution sought is based on the net increase [if any] in transport impact. With major development, any required highway works that contribute to achieving the Council's transport and wider policy objectives will be off set against the contribution. Agreement to specific measures and the overall contribution will be subject to negotiations with the developer prior to, or during, the planning application process.

THE FRAMEWORK FOR DELIVERING IMPROVEMENTS

Transport Assessments

The adopted Brighton & Hove Local Plan requires that major planning applications should be submitted with a Transport Assessment [TA]. The TA should be prepared with reference to the Department for Transport [DfT]

document – “Guidelines on Transport Assessment” published March 2007 or any successor document. Where necessary, developers may also be required to provide a Transport Statement [TS], in line with the same DfT guidelines. The DfT thresholds that trigger the requirement for the submission of these documents are reproduced in Appendix B of this Guidance.

Applications for smaller scale development will not usually require a full TA but must still demonstrate that the transport impact complies with Local Plan policies. The Council will confirm the type of assessment required to support a planning application during pre-application discussions with developers. The Council may request a TA or TS if it is considered that the proposal will create a material impact in a location or area, such as a junction that is over or near capacity or where there is an existing safety concern, or within the City’s Air Quality Management Area [AQMA].

Developers will also need to demonstrate consistency with the current Local Transport Plan [LTP] and may be required to contribute to relevant proposals identified in the LTP, such as measures proposed on Sustainable Transport Corridors, walking and cycling networks, and at local railway stations or other transport interchanges.

The current LTP (2006/07-2010/11) can be viewed at City Direct offices, all libraries in Brighton & Hove, and on the Council’s website. A new LTP will be in place by April 2011. For further information on the Councils website, search for citydirect or Local Transport.

The Process for Securing Funding

Legislation and Policy

Planning Policy Statement 1 (PPS1) Delivering Sustainable Development states that in preparing development plans, planning authorities should seek to; *“provide improved access for all ... by ensuring that new development is located where everyone can access services or facilities on foot, bicycle, or public transport rather than having to rely on access by car”*.

Government Policy Note PPG 13 states that planning obligations should be based around securing improved accessibility to sites by all forms of transport with the emphasis on achieving the greatest degree of access by public transport, walking and cycling.

The City’s current transport objectives are set out in the Brighton & Hove LTP (2006/07 – 2010/11), and are as follows:-

- Tackling congestion - To reduce the impact of car journeys and encouraging the use of other means of transport in such a way that the City can grow and improve its economy.
- Improving road safety - To improve levels of safety and reduce casualties for all road users.

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- Improving air quality - To reduce transport-related emissions and therefore, improve the health of residents and the environment of the City, especially within the AQMA.
- Increasing accessibility – To improve access to services and activities within the City by the various forms of sustainable transport available to the community, whilst ensuring that locations that attract large numbers of visitors or employees have adequate facilities for cyclists and pedestrians to encourage healthier lifestyles.
- Maintenance – To improve the condition of roads, footways, streetlights, bridges and street furniture, and improve the street scene and enhance the living environment for the whole community.

A new LTP is currently under development and will be in place by April 2011.

These objectives are aimed at supporting the policies in the adopted Brighton & Hove Local Plan (July 2005), especially those set out in Chapter One *Making the connection between land use and transport* which include :

- TR1 – states that development proposals should provide for the demand for travel they create and maximise the use of public transport;
- TR2 – notes that if a development increases on-street parking a residents' controlled parking zone may need to be funded and implemented by the developer;
- TR4 – notes that travel plans will be required for developments that are likely to have significant transport implications;
- TR14 – notes that where developers are unable to provide cycle parking on-site contributions will be sort for improvements to the infrastructure elsewhere.

Emerging future planning policies are set out in the Council's approved Local Development Framework [LDF] Core Strategy (February 2010).

Together these planning policies provide the Council with the framework to implement the wider strategic goals for the city. There is only limited funding available for the programmes of work included in the LTP and therefore local authorities seek to work in partnership with developers to secure additional funding to ensure that these policy objectives and thus the wider goals of the LTP are achieved.

The vast majority of new development will create additional movement and activity and therefore place additional pressure on the existing transport network. If the City is to achieve the goals set out above it is essential that

appropriate measures are funded or infrastructure enhanced and improved as an integral part of new development proposals.

Development proposals must demonstrate how they can reduce the need to travel and be accessible by all forms of transport. Smaller developments will have a cumulative impact and therefore, it is appropriate that developments of even a single dwelling which would result in a material increase in movement on the transport network, should contribute in some way towards meeting the transport needs they create.

Section 278 Highways Agreements

If the highways works are to be carried out on the public highway, the Council as Highway Authority will enter into a Legal Agreement with a developer under Section 278 of the Highways Act 1980. This allows developers to carry out the works to the public highway at their full expense whilst insuring the Council against poor or in-complete workmanship. A bond covering the full costs of the works is secured and released on completion of the works to the Council's satisfaction. The developer will be required, to pay for maintenance for a 12-month period following completion of the works after which the Council will then be responsible.

Contribution Methodology for Transport/Highways Works

Anyone wishing to submit a planning application should consult the Highway Authority in the first instance to discuss transport requirements and any likely associated measures or contributions. Planning applicants can comply with the policy framework by making financial contributions to enable the City Council to improve and enhance facilities for public transport, walking, cycling and parking, thereby helping to meet the Council's specific transport objectives and policies, as well as those related to wider issues such as the economy and health.

The contribution will be sought to improve transport infrastructure and services in the immediate vicinity of the development site. To maintain transparency, the exact scheme will be identified and referenced in the legal agreement. Locations that are less accessible by sustainable transport will need higher levels of investment than areas that are well served. Levels of accessibility are shown in the current 2006 LTP and indicate that journey times of up to 10 minutes to the City Centre (central zone) would benefit from the existing sustainable transport infrastructure. The intermediate zone benefits from good quality passenger transport services on the primary routes but these services are not well connected to the wider residential areas. The outer zone is where journey times to the City Centre can be up to an hour during peak periods.

The amount of the financial contribution is generally based upon the net increase in movement by all forms of transport which is created by the development. This demand is based on the net change in the number of person trips. Person trips have been used as the most appropriate unit as this indicates the total likely level of demand placed upon the City's entire transport

infrastructure. Table 1.1 summarises average person trip rates for the most common forms of development.

Table 1.1 Development Person Trip Rate

Development Type	Person Trip Rate*
Residential – Houses**	10 per dwelling
Residential – Flats**	5 per dwelling
Office space	18 per 100m ² Gross Floor Area
Industrial space	14 per 100m ² Gross Floor Area

*Based on TRICS version 2007(b)

**Privately owned

The initial level of the contribution per person trip is £200. This figure is consistent with Government Circular 5/05 and Local Plan policy, and has been previously established and accepted as being fair and reasonable. This figure can also be factored to reflect the accessibility of the development location shown in the current 2006 LTP and thereby provide encouragement to deliver sustainable development across the City.

If a development is located in the central zone of Brighton & Hove (defined as having all amenities associated with the city centre within easy walking distance), there will be a 50% reduction on the maximum level of the calculated financial contribution to reflect the higher quality accessibility associated with the City Centre.

In the intermediate zone (where access to more sustainable forms of transport is less available) there will be a 25% reduction on the maximum level of the calculated financial contribution.

In the outer zone (identified as those parts of the City where access to the City Centre is greater than 30mins during the off-peak period) developments will be required to make the full calculated contribution.

Thresholds

Residential

Contributions for sustainable transport measures will be required on a per unit basis for all residential schemes. The incremental impact of smaller development sites in the City is significant and therefore, contributions will be sought from these sites towards sustainable transport initiatives.

The annual completion rates of residential developments of 1-5 dwellings have averaged 40% of the total completions during the period 2001-2006. The Government Circular 5/05 now advises that where the combined impact of a number of developments creates the need for infrastructure, it may be reasonable for the developers' contributions to be pooled.

Commercial

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200m² of business use is considered a sufficient size to justify a contribution towards wider transport improvements. A condition will be applied to any such development proposals to ensure that applications on larger-scale sites are not phased to avoid making contributions.

Contribution Formula

A formula for evaluating the levels of financial contribution has been developed to assist applicants in understanding the contribution required. For clarification a worked example has been set out below. The example is based

Number of residential units * person trip rate * £200.00 * reduction factor
(or GFA/100m² of business space)

on a mixed-use development of two residential flats with 200m² of office use in a city centre location.

Investing Contributions from Development

Table 1.2 Transport Financial Contribution (Worked Example)

Development	Person Trip Rate	Contribution Per Trip	Central Factor	Total Contribution
2 Flats (privately owned)	10	£200.00	50%	
200m² B1c Office space	36	£200.00	50%	£4,600

The contributions secured will be used for/put towards improvements to public transport accessibility and services, new public transport, walking and cycling infrastructure, bus stop facilities, cycle parking, park and ride schemes, on-street parking controls (including all means of management and enforcement such as CCTV and improvements to street lighting) or other suitable measures such as variable message signs. Contributions to these measures are already accepted and justified, and ongoing improvements to the transport network will be required to address the impact of future development in the city.

Contributions will be sought where appropriate for the costs of improving facilities to an appropriate standard (as agreed by the Highway Authority) and, if necessary, for the costs of bringing forward existing proposals from the LTP e.g. to improve priority walking routes and sections of the cycle network in the area. For site-specific contributions, the timing of implementation will be

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specified within the Section 106 agreement. If the funds are not spent within the specified period they will be refunded to the developer where this is defined in the Section 106 agreement. Some larger transport schemes may require contributions from a number of developments.

The transport contributions will usually fund projects that are located on a transport corridor or route serving the development, or within the vicinity of the site. The City Council will keep detailed records of all transport contributions received and where those contributions are used.

The methodology for calculating transport contributions will assist developers and ensure that all contributions are used in an appropriate and relevant way. The programme of LTP or other improvement schemes against which these contributions are considered will be kept under review by the Council and as such could be subject to change over time.

Some examples of schemes/measures where contributions can be sought include:-

- Road safety improvements, walking and cycling network and facilities;
- Public transport services and passenger facilities ;
- Shopmobility;
- Car free housing.

Further general information about transport proposals and schemes in the City can be found on the Council's website.

APPENDIX B

Thresholds for Transport Assessments

The thresholds below are indicative and for guidance purposes only. Brighton & Hove City Council may apply the thresholds in light of local circumstances that affect the highway network. There are several qualitative factors that need to be taken into account that are not addressed by this document. There may also be some site specific issues that affect which banding the development comes under. Discussions with the Highway Authority are therefore essential in considering this matter.

Table 1

	Land use	Band 1	Band 2	Band 3
1	A1 Food retail	<800 sq. m	≥ 800 sq. m to 1199 sq. m	≥ 1200 sq. m
2	A1 Non-food retail	<1500 sq. m	≥ 1500 sq. m to 2249 sq. m	≥ 2250 sq. m
3	A2 Financial and professional services	<2500 sq. m	≥ 2500 sq. m to 3749 sq. m	≥ 3750 sq. m
4	A3 Restaurants and cafés	<2500 sq. m	≥ 2500 sq. m to 3749 sq. m	≥ 3750 sq. m
5	A4 Drinking establishments	<600 sq. m	≥ 600 sq. m to 899 sq. m	≥ 900 sq. m
6	A5 Hot food takeaway	<500 sq. m	≥ 500 sq. m to 749 sq. m	≥ 750 sq. m
7	B1 Business	<2500 sq. m	≥ 2,500 sq. m to 3749 sq. m	≥ 3,750 sq. m
8	B2 General industrial	<4000 sq. m	≥ 4000 sq. m to 5999 sq. m	≥ 6000 sq. m
9	B8 Storage or distribution	<5000 sq. m	≥ 5000 sq. m to 7499 sq. m	≥ 7500 sq. m
10	C1 Hotels, Boarding and Guest Houses	<100 bedrooms	≥ 100 to 149 bedrooms	≥ 150 bedrooms
11	C2 Residential institutions - hospitals, nursing homes	<50 beds	≥ 50 to 74 beds	≥ 75 beds
12	C2 Residential institutions – residential education	<150 students	≥ 150 to 224 students	≥ 225 students
13	C2 Residential institutions – institutional hostels	<400 residents	≥ 400 to 599 residents	≥ 600 residents
14	C3 Dwelling houses	<80 units	≥ 80 to 119 units	≥ 120 units
15	D1 Schools, Colleges and Universities		All developments	

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16	D1 Other Non –residential Institutions	<1000 sq. m	≥ 1000 to 1499 sq. m	≥ 1500 sq. m
17	D2 Assembly and leisure	<1500 sq. m	≥ 1500 to 2249 sq. m	≥ 2250 sq. m

Table 2 - Thresholds for TA/TS/TP(Travel Plan) based on other considerations

- 1 Any development that is not in conformity with the adopted development plan.
- 2 Any development generating 30 or more two-way vehicle movements in any hour.
- 3 Any development generating 100 or more two-way vehicle movements per day.
- 4 Any development proposing 100 or more parking spaces.
- 5 Any development that is likely to increase accidents or conflicts among motorised users and non-motorised users, particularly vulnerable road users such as children, disabled and elderly people.
- 6 Any development generating significant freight or HGV movements per day or significant abnormal loads per year.
- 7 Any development proposed in a location where the local transport infrastructure is inadequate. – for example, substandard roads, poor pedestrian/cyclist facilities and inadequate public transport provisions.
- 8 Any development proposed in a location within or adjacent to an Air Quality Management Area [AQMA].

Sustainable Buildings

Requirements and contributions for ensuring sustainable building design will be sought in accordance with the adopted policies in the Brighton & Hove Local Plan and the Sustainable Building Design Supplementary Planning Document (SPD) 08.

[Click here to view the adopted Sustainable Building Design SPD 08](#)

Nature Conservation and Development

Requirements and contributions for ensuring development provide appropriate nature conservation and ecology measures will be sought in accordance with the adopted policies in the Brighton & Hove Local Plan and the Nature Conservation and Development Supplementary Planning Document (SPD) 011.

[Click here to view the adopted Nature Conservation and Development SPD 011](#)

Subject:	Maintenance of Historic Buildings		
Date of Meeting:	2 February 2012		
Report of:	Strategic Director - Place		
Contact Officer:	Name:	Tim Jefferies	Tel: 29-3152
	Email:	tim.jefferies@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report provides an annual update on the pro-active programme to ensure the re-use, repair and restoration of historic buildings in the city, including the enforcement of works where necessary. It includes an updated register of those listed buildings considered to be 'at risk' (Appendix 1) and an updated list of other historic buildings where action is ongoing to secure repair and redecoration works to improve their appearance (Appendix 2).

2. RECOMMENDATIONS:

- 2.1 That the updated register of listed buildings that are considered to be 'at risk' is endorsed (Appendix 1).

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The adopted Conservation Strategy (2003) describes the council's approach to dealing with the maintenance of historic buildings. That approach and the priorities for future action were updated and approved at the meeting of the Cabinet Member for Environment on 4 July 2008.
- 3.2 Accordingly, the highest priority has been given to maintaining the register of listed buildings at risk, identified in accordance with criteria set down by English Heritage. Officers have worked corporately to seek the repair and/or re-use of these buildings where appropriate.
- 3.3 In October 2011 English Heritage published a new version of 'Stopping the Rot', their guidance to enforcing the repair of historic building, to coincide with their annual update on heritage at risk. Publication of this follows a survey of local authorities (which this council took part in) and the resulting findings show that over the last five years this council is in the top 20% of local authorities nationally in terms of taking pro-active action by serving notices to secure repair works to historic buildings.

- 3.4 Since the last report 3 buildings have been removed from the 'at risk' register, as follows:
- **38 Brunswick Street East (rear of 14 Brunswick Square)** – conversion and repair works are now well advanced and the property is occupied. The building has been fully re-roofed and is weather tight. The street frontage has been substantially repaired and redecorated.
 - **Old Steine, former bus depot at rear of Royal York Hotel** – planning permission and listed building consent were granted for conversion of the upper floor to additional hotel accommodation. These works have been carried out and the building is in use. The building is now weather tight and its appearance has been improved but fuller repairs are planned.
 - **16 Ship Street** – the necessary repair works to the Ship Street frontage have now been largely completed and it has been confirmed that the building is occupied.
- 3.5 Two buildings that were considered as 'vulnerable' in 2010 no longer give cause for concern. These are:
- **27 Marine Square** – the approved conversion and refurbishment works have now been largely completed.
 - **St Peter's Church** – repairs to the roofs to make the church weather tight began in July 2011 and are now well advanced. The church is in full use.
- 3.6 There has also been significant progress in respect of other buildings on the register, notably as follows:
- **19 Brunswick Place** – the building is weather tight and secure following the carrying out of urgent works. Planning permission and listed building consent have been granted for the conversion and restoration of the building to form self-contained flats. The works commenced in January 2012.
 - **2 St George's Place** – the council has been successful on appeal in being allowed to recover nearly 90% of the costs of the urgent works carried out in default. Planning permission and listed building consent have been granted for the conversion and restoration of the building to form self-contained flats. The owners have advised of their intentions to carry out these works.
 - **The Barn, Stanmer Village** – a public exhibition was held in September to generate ideas for the use of the barn and the results of this are being evaluated. The council's Property & Design team is seeking expressions of interest in the building. The Barn now falls within the South Downs National Park Authority area.
- 3.7 Two listed buildings have been added to the register as being 'at risk'. These are Saltdean Lido and 43 Russell Square, Brighton. In the case of Saltdean Lido, Members will be aware that this matter was discussed at Council on 20 October 2011 and was reported to the Culture, Recreation and Tourism Cabinet Member Meeting on 6 December. As a result of that report's agreed recommendations, officers are investigating whether action should be taken under sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.8 Further details of all these properties are given in the updated register of Buildings at Risk at Appendix 1. For existing entries the previous year's priority rating is shown in brackets (where A is the highest priority and F the lowest).

- 3.9 In accordance with the originally agreed report (of 4 July 2008), the second priority for pro-active action is those other historic buildings that are in significant need of maintenance. Action is most typically taken under Section 215 of the Town and Country Planning Act 1990, where buildings are considered to be adversely affecting the amenity of the area by virtue of their poor and deteriorating appearance.
- 3.10 Over the last year the following nine historic buildings in conservation areas have been successfully repaired and/or redecorated following such action, or the threat of such action:
- 1 Adelaide Crescent, Hove
 - 22 Brunswick Street East, Hove
 - 18 Hampton Place, Brighton
 - 102 Marine Parade, Brighton
 - 14 Marine Square, Brighton
 - 90 Montpelier Road, Brighton
 - 12 Royal Crescent, Brighton
 - 47 Sillwood Road, Brighton
 - 48 West Hill Street, Brighton
- 3.11 In another five cases repair and redecoration works are currently in progress. Four properties have been identified where such action may now be necessary and an updated list of current cases is given at Appendix 2, with the new cases shown in bold type.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Head of Property Services has been consulted on the report in respect of council owned properties. The proposals in this report do not represent matters of new policy or introduce any new schemes. Therefore it is not considered that external consultation would be appropriate.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any enforcement action arising from this report can usually be covered within existing revenue budgets. In cases where additional costs may be incurred due to the council having to undertake the repair work in default, and/or to compulsorily acquire a property, a separate report would be presented to the Planning Committee for consideration.

Finance Officer Consulted: Karen Brookshaw Date: 23/11/11

Legal Implications:

- 5.2 In the case of listed buildings at risk, action would usually be taken, where necessary, under sections 47 and 48 or sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the case of necessary repair and redecoration works to other historic buildings, whose condition

adversely affects the amenity of the area, action would usually be taken under section 215 of the Town and Country Planning Act 1990.

Lawyer Consulted:

Alison Gatherer

Date: 23/11/11

Equalities Implications:

- 5.3 An Equalities Impact Assessment (EQIA) of the Conservation service was undertaken in 2010 and covers work on the pro-active enforcement of the maintenance of historic buildings.

Sustainability Implications:

- 5.4 The proposals in this report have no substantial impact upon the four priorities of the UK's Sustainable Development Strategy. But in terms of Sustainable Consumption and Production, the retention and timely repair of existing buildings reduces construction and demolition waste.

Crime & Disorder Implications:

- 5.5 The good repair and maintenance of publicly visible buildings and structures can help to discourage anti-social behaviour and graffiti.

Risk and Opportunity Management Implications:

- 5.6 The failure to retain and maintain listed buildings could lead to significant adverse publicity for the council.

Public Health Implications:

- 5.7 The repair of residential buildings in poor condition can improve the health and well-being of existing and/or future occupants.

Corporate / Citywide Implications:

- 5.8 The Sustainable Community Strategy contains a commitment to implement the Conservation Strategy. The repair and reuse of historic buildings contributes towards the Corporate Plan 2011-15 priority of creating a more sustainable city and particularly the outcome of a healthier and higher quality built environment. The Corporate Plan includes a performance indicator that seeks a reduction in the number of listed buildings at risk.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The report recommendation will allow resources to be directed to those historic buildings that are most in need of repair and to ensure a consistent and transparent approach to any future enforcement action.

SUPPORTING DOCUMENTATION

Appendices:

1. Register of Buildings at Risk 2011.
2. Historic buildings in significant need of maintenance – current cases

Documents in Members' Rooms

None.

Background Documents

1. The Conservation Strategy (2003)

Register of Listed Buildings at Risk (2011)

Listed Buildings At Risk	
Grade I	
Building/Address	Brunswick Square, 53
Priority	C (C)
Designation	Grade 1, Conservation Area
Condition	Poor, partially occupied
Ownership	Private
Summary	Terraced house 1825-27 in multiple occupancy. Rear elevation and outbuildings are in poor condition and parts of the building are not habitable. The building has been made weathertight and secure for the short term. Positive discussions about its long term reuse and restoration are ongoing.
Building/Address	Kings Road, The West Pier
Priority	A (A)
Designation	Grade 1, Conservation Area
Condition	Very bad
Ownership	Trust
Summary	Pier, 1864-66 by Eugenius Birch. Closed in 1975. Offered almost £14 million grant by the Heritage Lottery Fund in March 1998. Stage II grant refused February 2004. English Heritage has declared its view that the combination of recent damage and cost of repair make restoration uneconomic from public funds.
Grade II*	
Building/Address	Middle Street, 52-58, Hippodrome
Priority	C (D)
Designation	Grade II*, Conservation Area
Condition	Poor, vacant
Ownership	Company
Summary	Originally an ice rink 1897, enlarged & converted to circus and theatre in 1901, architect Thomas Matcham. Further enlarged 1939. New owner in place but no firm proposals for re-use at present. Some repair works carried out. Security presence on site. Discussions about its long term reuse are ongoing.
Building/Address	Saltdean Lido
Priority	C
Designation	Grade II*
Condition	Poor, occupied
Ownership	Private
Summary	Lido of 1938 by RWH Jones in Moderne style. Suffering from a maintenance backlog with a particular deterioration of its reinforced concrete. Options for appropriate action under active consideration, including potential service of Repairs Notice.

Building/Address	Stanmer Park, Stables at Stanmer House,
Priority	C (D)
Designation	Grade II*, Conservation Area, Registered Historic Park/Garden
Condition	Poor, partially occupied
Ownership	Private
Summary	Stables C18th. Much altered and largely empty for some years. Roof has temporary weather protection. This property now lies within the South Downs National Park. Planning applications to convert the stables to residential use were withdrawn in 2011 due to concerns expressed by the South Downs National Park authority. The SDNPA are in discussions with the owner.
Grade II	
Building/Address	Adelaide Crescent , Retaining walls to south side of gardens,
Priority	C (C)
Designation	Grade II, Conservation Area
Condition	Poor
Ownership	Local authority
Summary	Retaining wall to public gardens c1830, designed by Decimus Burton. Render over brick with vermiculated rustication. Render in poor condition and mouldings eroded..
Building/Address	Blatchington Road, Walls to churchyard of Holy Trinity Church,
Priority	C (C)
Designation	Grade II, Conservation Area
Condition	Poor
Ownership	Religious organisation
Summary	Brick and flint. Collapsed section on south side, including entire brick pier and gate. Some urgent repairs carried out September 2010 to replace missing flints and fill holes, to ensure short term preservation. Further, fuller repairs awaiting resolution of the future of the church itself.
Building/Address	Brunswick Place, 19
Priority	D (C)
Designation	Grade II, Conservation Area
Condition	Poor, vacant
Ownership	Private
Summary	Terraced house c.1840-1855, 4 storeys plus attic over basement. In very bad condition due to water ingress and squatter occupation. Sold in August 2010 and urgent works to make it secure and weathertight were carried out in late 2010. Planning permission and listed building consent granted in 2011 for restoration and conversion to self-contained flats. Works commenced in January 2012.

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Building/Address	Gloucester Place, 10-14, The Astoria Theatre
Priority	D (C)
Designation	Grade II, Conservation Area
Condition	Poor, vacant
Ownership	Private
Summary	Former cinema, 1933. Vacant since 1997. Ground floor frontage redecorated and secured but building not fully weather tight. Significant structural repairs needed and no viable use found. The council is minded to grant listed building consent for the demolition of the building and planning permission for redevelopment.
Building/Address	Hangleton Lane, Benfield Barn
Priority	C (C)
Designation	Grade II, Conservation Area
Condition	Poor, partially occupied
Ownership	Company
Summary	Barn, probably 18 th century. Coursed flint. Lease has changed hands regularly in recent years. No maintenance plan. Barn itself in use as tractor store and in fair condition but three historic outbuildings have collapsed and a fourth is in poor condition.
Building/Address	Preston Drove, Wellhouse to Preston Manor
Priority	A (A)
Designation	Grade II, Conservation Area
Condition	Very bad
Ownership	Local authority
Summary	Circa 1735. Ruinous. Collapsed flint walls, no roof, invaded by extensive plant and tree growth. Cast iron winding gear survives largely intact. An appropriate method and funding for the stabilisation of this building are being explored.
Building/Address	Russell Square, 43
Priority	C
Designation	Grade II
Condition	Poor, vacant
Ownership	Private.
Summary	Terraced house c1820, probably by Amon Wilds. Subject to regular squatting and resulting damage. Ownership has been uncertain since previous owner died but property is now in the process of passing into new ownership and new owner will take necessary steps to secure the building prior to selling it.
Building/Address	Stanmer Village, The Barn,
Priority	C (C)
Designation	Grade II, Conservation Area
Condition	Poor, vacant
Ownership	Local authority.

Summary	Probably mid-C18th altered. Temporary remedial repairs have been undertaken to protect the structure. The building now falls within the South Downs National Park Authority area. A public exhibition on the future of the barn was held in Stanmer in September 2011. The council's Property and Design team are seeking expressions of interest in the building.
Building/Address	The Esplanade, Kemp Town, Old Reading Room
Priority	D (D)
Designation	Grade II, Conservation Area, Registered Park/Garden
Condition	Poor, vacant
Ownership	Local Authority
Summary	Reading room, 1835, designed by William Kendall. Lease granted for café use and Listed Building Consent granted for conversion to café but no works yet commenced.
Building/Address	Tower Road, Attree Garden Temple and wall
Priority	C (C)
Designation	Grade II, Conservation Area
Condition	Poor
Ownership	Private
Summary	Garden temple to former Attree Villa, 1829-30, designed by Charles Barry. Finial to roof collapsed, areas of render missing and generally suffering from lack of maintenance. Discussions taking place with the owners regarding repairs and it is hoped that agreed works will be carried out in summer 2012.
Listed Buildings considered Vulnerable	
Grade I	
Building/Address	R/O Brunswick Square, 14 (38 Brunswick Street East)
Priority	F (F)
Designation	Grade I, Conservation Area
Condition	Fair, partially occupied
Ownership	Private
Summary	Terraced house 1825-27 in multiple occupancy. The rear part, known as 38 Brunswick Street East, is at risk. Consent granted for conversion to a self-contained dwelling in 2005. Conversion and repair works largely carried out and ground floor occupied, but works to basement are unfinished.
Grade II*	
Building/Address	Old Steine, 54, Marlborough House
Priority	E (E)
Designation	Grade II*, Conservation Area
Condition	Fair, vacant
Ownership	Private
Summary	Original house 1765 but remodeled 1786 by Robert Adam. Now offices. Now considered weather tight and secure but full repair works not completed and no solution in place for its reuse.

	Discussions ongoing with the owner.
Grade II	
Building/Address	Blatchington Road, Holy Trinity Church
Priority	E (E)
Designation	Grade II, Conservation Area
Condition	Fair, vacant
Ownership	Religious organisation
Summary	1863-64, tower 1866, red brick with Bath stone dressings. Declared redundant under the Pastoral Measure 1983. Its long term future is uncertain.
Building/Address	Ship Street, 51, Post Office
Priority	E (E)
Designation	Grade II, Conservation Area
Condition	Fair, vacant.
Ownership	Company
Summary	Main building of 1925, incorporating parts of an earlier building of c1895, with annexe to the south of 1849. Main building no longer in use and being marketed. Some early discussions held with interested parties.
Building/Address	St George's Place, 2
Priority	D (E)
Designation	Grade II, Conservation Area
Condition	Fair, vacant
Ownership	Company
Summary	Terraced house of c1825. Probably by Wilds and Busby. Long-term vacant. Urgent works carried out by default under S54 of the Planning (Listed Buildings & Conservation Areas) Act. Planning permission and listed building consent granted in 2011 for restoration and conversion to flats but works not yet commenced.
Building/Address	Stanford Avenue, St Augustine's Church
Priority	E (E)
Designation	Grade II, Conservation Area
Condition	Fair, partially occupied
Ownership	Religious organisation
Summary	Nave of 1896, chancel of 1914 by GES Streatfield. Red brick. The church is in partial use but the attached hall is vacant. Discussions ongoing regarding an appropriate scheme for the re-use of the church hall and repair of the church.
Building/Address	Stanmer Park, Stanmer Church
Priority	E (E)
Designation	Grade II, Conservation Area
Condition	Fair, vacant
Ownership	Religious organisation

Summary	1838, flint with stone dressings, Early English style. Declared redundant under the Pastoral Measure 1983.
Building/Address	Sussex Street, Tower and walls in Turner Recreation Ground
Priority	E (D)
Designation	Grade II, Conservation Area
Condition	Fair
Ownership	Local Authority
Summary	Lookout tower in public park, 1832. Knapped flint. No public access to tower and no practical use identified. The tower has been cleaned of graffiti and made secure but a need for specific repairs has been identified following a full survey. The Friends of Turner Park made a bid for HLF funding but this was recently turned down so alternative funding options, with a reduced scope of works, are being actively explored.

Footnote

Priority for action follows the criteria set out by English Heritage, which are based on how fast a building is likely to deteriorate without intervention, and may not necessarily be those buildings in the worst condition that are afforded highest priority.

Priority for action is graded as follows:

- A** Immediate risk of further rapid deterioration or loss of fabric; no solution agreed
- B** Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented
- C** Slow decay; no solution agreed
- D** Slow decay; solution agreed but not yet implemented
- E** Under repair or in fair to good repair, but no user identified; or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use)
- F** Repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented.

**Historic Buildings in Significant Need of Maintenance
Current Cases (2011)**

22/23 Atlingworth Street, Brighton - works in progress

24 Atlingworth Street, Brighton – works in progress, largely complete

10 Charles Street, Brighton

47 Holland Mews, Hove

8 Little East Street, Brighton

22 Montague Street, Brighton

70/71 Montpelier Road, Brighton

32 Norfolk Road, Brighton

6 Palmeira Square, Hove – works in progress

21 Powis Square, Brighton

9 & 10 Victoria Road, Brighton – works in progress, largely complete

16 York Place, Brighton – works in progress

NB. (New cases in bold text)

Maintenance of Historic Buildings

The annual register of those listed buildings in the city that are considered to be 'at risk' – through neglect and/or vacancy – has been updated to reflect the work that has been undertaken over the past year to secure the re-use and/or repair of these buildings, as well as noting those buildings that have been added to the register. This is based upon the criteria used by English Heritage but, unlike the English Heritage register, covers all grades of listed building. It should be noted that there has been a welcome net reduction in buildings at risk and positive progress on other buildings. The report further provides an update on the successful action taken to secure the significant repair and redecoration of other historic buildings in the city.

I am also pleased to note that, included in this year's report, is reference to a recent survey undertaken by English Heritage which shows that over the last five years this council is in the top 20% of local authorities nationally in terms of taking pro-active action by serving notices to secure repair works on historic buildings. As an example of this the council has recently been successful on appeal in being permitted to reclaim almost 90% of the cost incurred in carrying out urgent works in default, to preserve a long-vacant listed building.

Subject:	Update on proposed Article 4 Directions for Patcham and Rottingdean Conservation Areas		
Date of Meeting:	02 February 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Sanne Roberts	Tel: 2261
	Email:	sanne.roberts@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	Patcham; Rottingdean Coastal		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report provides an update on the approved Article 4(1) Directions for Patcham Conservation Area (approved 23/12/2010) and Rottingdean Conservation Area (approved 26/05/2011), in light of the establishment of the South Downs National Park.
- 1.2 As the boundaries between the Conservation Areas and National Park overlap, it is proposed that the approved Article 4(1) Directions, which would withdraw certain permitted development rights, should be progressed for those areas that do not lie within the National Park, in order to simplify the process of making the Directions and their later management. The areas which fall within both the National Park and Conservation Areas do not contain any dwellings, nor in fact any buildings that are not protected by designation as a Listed Building. As the Article 4(1) Direction relates specifically to dwellings, the proposal does not alter the resulting levels of protection against incremental change in these areas.
- 1.3 It is proposed that the Article 4(1) Directions for Patcham and Rottingdean Conservation Areas are progressed simultaneously with the proposed Article 4(1) Direction in relation to Ovingdean (separate Agenda Item at this meeting), should each recommendation be approved.

2. RECOMMENDATIONS:

- 2.1 That the approved Town and Country Planning (General Permitted Development) Order 1995 Article 4(1) Directions for Patcham Conservation Area and Rottingdean Conservation Area are progressed for those parts of the Areas that lie outside the South Downs National Park, and as shown in Appendix 1.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 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. Character appraisals were undertaken for Patcham and Rottingdean in 2010 and 2011 respectively. As part of this, a threat of incremental change through permitted development rights was identified. An Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 was therefore proposed for each Area and received public support at consultation. The proposal for an Article 4(1) Direction for Patcham Conservation Area was approved on 23 December 2010 and for Rottingdean Conservation Area on 26 May 2011. The permitted development rights proposed to be removed through each Article 4(1) Direction are contained in Appendix 2.
- 3.2 The South Downs National Park Authority became the Local Planning Authority for those areas of Brighton & Hove which lie within the National Park in April 2011. In Patcham Conservation Area, the recreation ground, Patcham Place and Patcham Place Stables lie within the National Park. In Rottingdean Conservation Area the National Park includes the former playing field to Rottingdean School (situated to the rear of The Rotyngs and Burnes Vale) and two other small pockets of open land.
- 3.3 The power to make Article 4(1) Directions in the South Downs National Park lies with the National Park Authority; it does not form part of the powers delegated to Brighton & Hove City Council. As such, and in order to simplify the process of making the Directions and their later management, it is proposed that the Article 4(1) Directions for both Patcham Conservation Area and Rottingdean Conservation Area are made for dwellings in those parts of the area that lie outside the South Downs National Park, as shown in appendix 1.
- 3.4 No dwellings are situated in those parts of the conservation areas contained within the National Park. As such, the proposed alteration is purely a matter of procedure and will not change the proposed level of control in either area.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation on Article 4(1) Directions for Patcham and Rottingdean was undertaken as part of the recent review of each conservation area. There was a good level of support for introducing such controls in both areas, and the proposed Directions subsequently gained approval at CMM.
- 4.2 As part of the statutory process for making an Article 4(1) Direction stakeholders would have another opportunity to provide representation on the proposal. This period of representation would last 21 days. The proposed Direction would be made available at City Direct Offices. All residents in the area would be notified of the proposal by letter, and public notices would be placed in the area, London Gazette and Brighton & Hove Leader. The results of this period of representation would then be considered ahead of any decision to confirm the Direction.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of making the Article 4(1) Directions will be met from within the existing Planning revenue budgets and will largely consist of officer time and the cost of notices in the London Gazette and Brighton & Hove Leader. By making the Article 4(1) Directions for Patcham, Rottingdean and Ovingdean Conservation Areas simultaneously, the overall costs will be reduced.

Finance Officer Consulted: Karen Brookshaw Date: 23/11/11

Legal Implications:

- 5.2 The Council has a duty to preserve and enhance conservation areas, under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The removal of permitted development rights through an Article 4(1) Direction controls incremental change in the area, helping to preserve and enhance its special character.
- 5.3 Article 4(1) Directions are made under the Town and Country Planning (General Permitted Development) Order 1995. Once made a Direction must be advertised and any representations taken into account by the planning authority in deciding whether to confirm the Direction.
- 5.4 As noted in paragraph 3.3, above, Brighton & Hove City Council does not have delegated powers to make Article 4(1) Directions for land within the South Downs National Park. The report therefore recommends a procedure which will simplify the process by which the Directions will be made, and managed, by restricting the Directions to land in relation to which the City Council is local planning authority. .
- 5.5 No adverse human rights implications are considered to arise from the Report

Lawyer Consulted: Hilary Woodward Date: 24/11/11

Equalities Implications:

- 5.6 An Equalities Impact Assessment (EQIA) of the Conservation service was undertaken in 2010 and covers work on the designation of conservation areas, Article 4 Directions, Regulation 7 Directions and lists of buildings of local interest.

Sustainability Implications:

- 5.7 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:

- 5.8 None have been identified

Risk and Opportunity Management Implications:

- 5.9 The failure to preserve and enhance the character and appearance of the area and its historic buildings, could lead to adverse publicity for the Council.

Public Health Implications:

- 5.10 Preservation and enhancement of the special interest of a conservation area can improve the well-being and sense of place of existing and/or future inhabitants of the area.

Corporate / Citywide Implications:

- 5.11 The proposals accord with the corporate priority of Creating a Sustainable City, as set out in the Corporate Plan 2011-2015. More specifically the proposed Directions are a response to the Council's priority to create a higher quality built environment and to preserve our architectural heritage.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendation to progress Article 4(1) Directions for those parts of Patcham and Rottingdean Conservation Areas that fall outside the South Downs National Park will simplify the process of making the Directions and their later management. It will not alter the level of control proposed for dwellings in these areas.
- 7.2 The making of an Article 4(1) Direction will help preserve the character and appearance of Patcham and Rottingdean Conservation Areas, for which the Council has a duty. There is broad support for these controls and their introduction is in line with the principles set out in the Council's adopted Conservation Strategy (2003) and with national and Government guidance (English Heritage Guidance 2011, Planning Policy Statement 5: Planning for the Historic Environment).

SUPPORTING DOCUMENTATION

Appendices:

1. Plans showing proposed boundaries for Article 4(1) Direction for Patcham Conservation Area and Rottingdean Conservation Area
2. Proposed permitted development rights to be removed through the Article 4(1) Directions

Documents In Members' Rooms

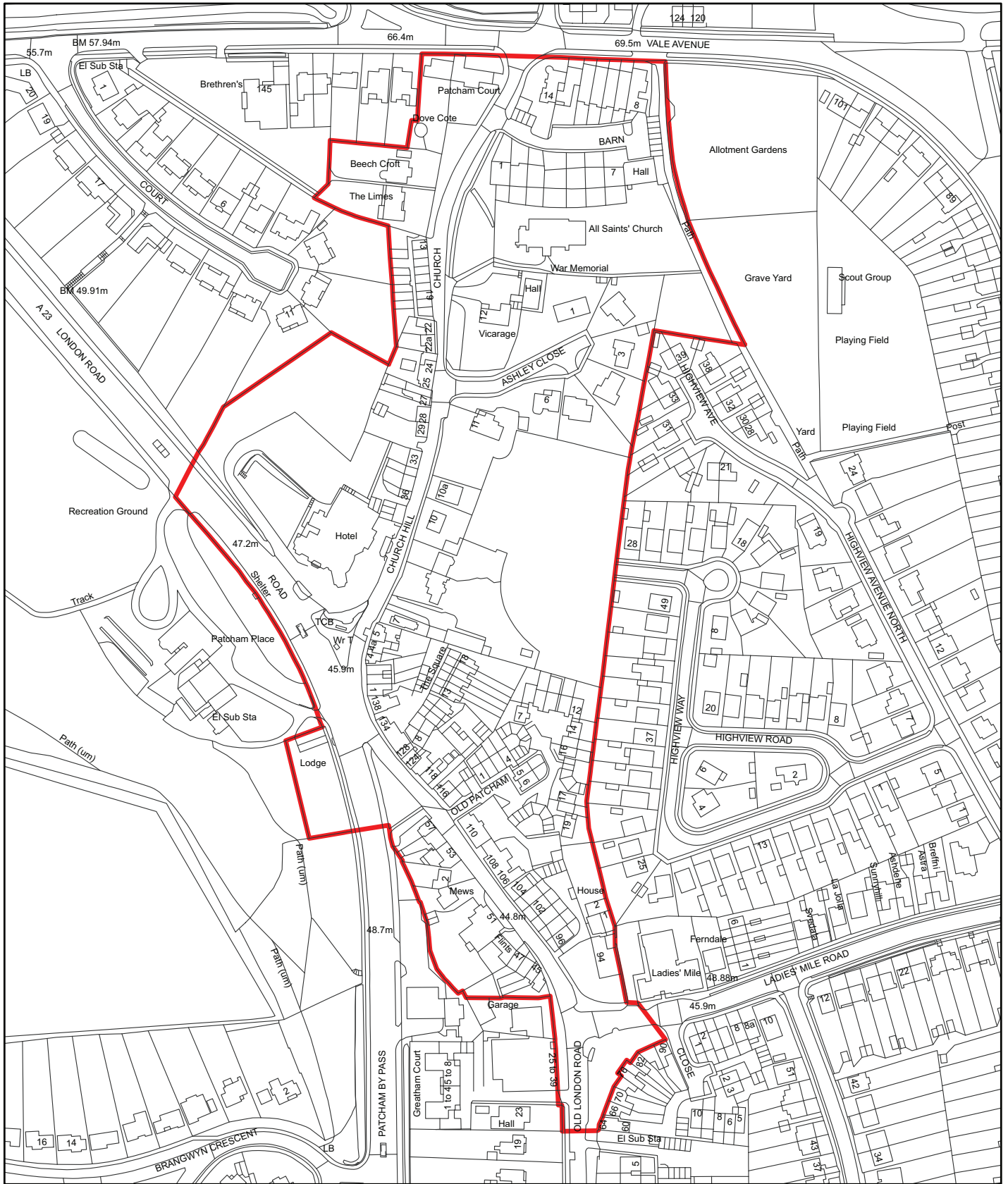
None

Background Documents

1. Conservation Strategy (2003)
2. CMM Decision for approval of Patcham Article 4(1) Direction (23/12/10)
3. CMM Decision for approval of Rottingdean Article 4(1) Direction (26/05/11)

Proposed Patcham Conservation Area Article 4(1) Direction Boundary Plan

Appendix 1



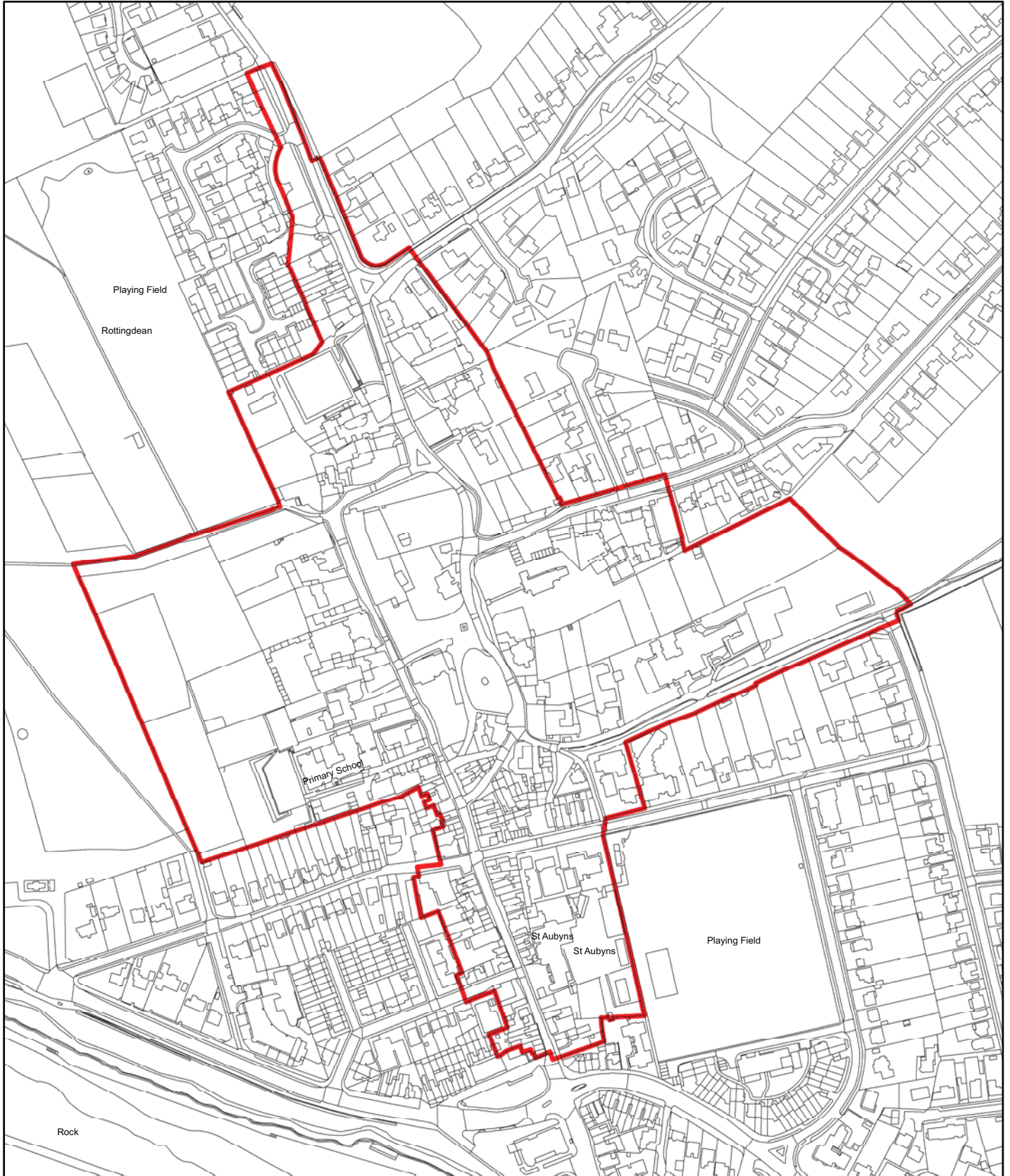
 Article 4(1) Direction Boundary



Scale: 1:2,500

Proposed Rottingdean Conservation Area Article 4(1) Direction Boundary Plan

Appendix 1



 Article 4(1) Direction Boundary



Scale: 1:4,000

The following categories of Permitted Development are proposed for removal:

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

- (a) The enlargement, improvement or other alteration of a dwellinghouse (Class A of Part 1 of Schedule 2 of the Order);
- (b) Any other alteration to the roof of a dwellinghouse (Class C of Part 1 of Schedule 2 of the Order);
- (c) The erection or construction of a porch outside any external door of a dwellinghouse (Class D of Part 1 of Schedule 2 of the Order)
- (d) Development consisting of-
 - (i) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
 - (ii) the replacement in whole or in part of such a surface (Class F of Part 1 of Schedule 2 of the Order);
- (e) The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse (Class G or Part 1 of Schedule 2 of the Order)

MINOR OPERATIONS

- (a) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure (Class A of Part 2 of Schedule 2 of the Order);
- (b) The painting of the exterior of any building or work (Class C of Part 2 of Schedule 2 of the Order);

DEMOLITION OF BUILDINGS

- (a) Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure (Class B of Part 31 of Schedule 2 of the Order);

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

- (a) The installation, alteration or replacement of solar PV or solar thermal equipment on-
 - (i) a dwellinghouse; or
 - (ii) a building situated within the curtilage of a dwellinghouse (Class A of Part 40 of Schedule 2 of the Order);

Subject: Ovingdean Conservation Area Review
Date of Meeting: 02 February 2012
Report of: Strategic Director, Place
Contact Officer: Name: Sanne Roberts Tel: 2261
Email: sanne.roberts@brighton-hove.gov.uk
Key Decision: No
Ward(s) affected: Rottingdean Coastal

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report provides a summary of response to the recent consultation on a review of Ovingdean Conservation Area. The consultation results show a high level of support for preserving and enhancing the special interest of this area. This included support for the making of an Article 4(1) Direction withdrawing permitted development rights to control potentially unsympathetic alterations to dwellings. This report therefore seeks approval to proceed with this Direction.
- 1.2 There was a strong response to the proposed boundary amendment, with the majority of responses requesting that the area be enlarged – rather than reduced - to include the farms area to the north and to align with the boundary to the South Downs National Park. As a result, proposed revisions have been made to the character statement and boundary to reflect the consultation response. This report seeks approval to consult on these amendments.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the revised draft Ovingdean Conservation Area Appraisal character statement and boundary changes for public consultation.
- 2.2 That a Town and Country Planning (General Permitted Development) Order 1995 Article 4(1) Direction relating to those categories of development set out in Appendix 1 be made for dwellings in those parts of the Conservation Area that lie outside the South Downs National Park and as shown on Appendix 1

3. RELEVANT BACKGROUND INFORMATION

- 3.1 The Council has a duty to review its 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 Ovingdean conservation area was designated in 1970. The current review of the area and its boundary is the first since designation. No up-to-date Character Statement therefore exists at present. Its current boundary is appended in Appendix 2. An area of the Ovingdean Conservation Area, unaffected by the boundary change proposals, falls within the South Downs National Park.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 A draft Ovingdean Conservation Area Character Statement was approved for public consultation at the Cabinet Member's meeting on 11 July 2011. Formal public consultation took place between 8 August and 18 September 2011. A meeting was held with members of Ovingdean Residents and Preservation Society on 05 October. Copies of the draft statement were made available on the Council's website, at City Direct Offices and at Rottingdean Library. Local residents, businesses, Ward Councillors, South Downs National Park Authority, Ovingdean Residents and Preservation Society and other local and national amenity societies, English Heritage and other key stakeholders were consulted. Posters were displayed in the area, and an article placed in the Ovingdean Residents and Preservation Society Newsletter. The statement was also reported to the Council's Conservation Advisory Group (CAG).

Summary of Response to Consultation

- 4.2 There were 35 responses to the consultation, as set out in appendix 3. Of these, 24 were from residents and other individuals; 11 were from organisations.
- 4.3 The response has generally been supportive of conserving the special character of the village. Some respondents provided useful extra historic information, minor amendments and corrections. The main topics raised were traffic, the Article 4(1) Direction, the proposed boundary amendment and the allotments:
- 16 responses highlighted the high levels of traffic in the village as a negative feature.
 - 10 responses were received regarding the proposed Article 4(1) Direction; 9 for and 1 against.
 - 24 responses have been received regarding the proposed boundary amendment; 2 for and 22 against.
 - 6 responses suggested the inclusion of the allotments into the conservation area, as these form an important part of the sustainable rural community, or to regulate the boundary to match that of the South Downs National Park.

Traffic

- 4.4 The Character Statement is not the appropriate place for in depth discussion of traffic issues. The Statement highlights that traffic levels do have a harmful impact on the character of the area. This will be further emphasised and the Statement will note that all future traffic management will need to be sensitively handled.

Article 4(1) Direction

- 4.5 The proposal for an Article 4(1) Direction to control incremental change to dwellings received a good level of support and will therefore be recommended for

progression. It is proposed that the Direction is made for those areas outside the National Park and will not need to cover the areas of proposed boundary extension as recommended by this report as those areas do not incorporate any dwellings. It is proposed that this could be taken forward in conjunction with Article 4 Directions for Rottingdean and Patcham Conservation Areas (see Agenda Item 79 of this meeting). The permitted development rights proposed for removal and a plan showing the area proposed to be subject to the same is shown in Appendix 1.

Proposed Boundary Amendment

- 4.6 There is general agreement that farming is important to the historic development and vitality of the area, but that the current farm buildings are of no architectural interest in themselves. The responses reflect concern over the current state and future of the farm area. There is a belief that inclusion in the conservation area will provide greater protection, and avoid areas of 'unprotected land' between the conservation area and National Park. Others agreed that the area was of no special interest, but saw no benefit to its removal.
- 4.7 The responses suggested three main options for the boundary: to remove the farm area as proposed, to leave the boundary as is, or to extend the boundary to abut that of the National Park.
- 4.8 The currently proposed boundary amendment was based on an objective assessment of the special historic and architectural interest of the area. Permitted development rights for farm buildings are not impacted by inclusion within a conservation area, and therefore its inclusion or removal makes little tangible difference to this. Whether the area is included in the conservation area or not, any future development proposals would need to be considered in the light of both Conservation Area Policy (which includes the setting of conservation areas) and Urban Fringe Policy.
- 4.9 The local response however is weighted towards extending the boundary to the north (Area A), northwest (Area B) and south (Area C on the plan in appendix 4) to match that of the South Downs National Park. Justification for this approach can be made in terms of:
- the importance of farming as a historic use, and the retention of agricultural and horticultural uses within the village.
 - the difference in scale between these relatively intimate spaces (formerly small fields as extant on successive historic maps from 1714 onwards) in comparison to the open downland 'setting' beyond.
 - the survival of a number of historic field boundaries.
 - a logical approach to matching the boundaries of the conservation area and national park.
- 4.10 It is therefore suggested that the proposed boundary is amended to match that of the South Downs National Park, as shown in appendix 4. This would require revisions to the Character Statement to include a fourth character area, 'The Farms', as detailed in appendix 5.

- 4.11 Informal consultation has been undertaken with the Historic Buildings Officer for the South Downs National Park, Smiths Gore and the Council's Property & Design team.

Allotments

- 4.12 In line with the above, it is suggested that the allotments are also proposed for inclusion within the conservation area (Area C as shown in appendix 4). Informal consultation has been undertaken with the Council's City Parks team.

Conclusion

- 4.13 This report seeks approval for a second phase of consultation due to revisions to the proposed conservation area boundary. As with the previous 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. 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.
- 4.14 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 revised proposals for the conservation area boundary, as shown in appendix 4, and revised wording of the draft character statement, as shown in appendix 5.
- 4.15 Responses to the consultation and any consequent amendments to the character statement and its recommendations will be reported to a future CMM meeting.
- 4.16 The report also recommends the making of an Article 4 (1) Direction, to control incremental change to dwellings in the area through the removal of specified permitted development rights.

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 existing Planning revenue budgets and will largely consist of officer time and public notices in the Brighton & Hove Leader and London Gazette.

Finance Officer Consulted: Karen Brookshaw

Date: 23/11/11

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 Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) allows local planning authorities to make Directions withdrawing permitted development rights where the authority considers it expedient that development should not be carried out unless express planning permission has been obtained for the same. Government Guidance contained in Circular 9/95 (as amended) advises that article 4 directions should be made only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area. Once made the Article 4 Direction will need to be advertised and, in considering whether to confirm the Direction, the planning authority must take into account any representations made during the consultation period.

5.4 No adverse human rights implications are considered to arise from the Report

Lawyer Consulted: Hilary Woodward Date: 23/11/11

Equalities Implications:

5.5 An Equalities Impact Assessment (EQIA) of the Conservation service was undertaken in 2010 and covers work on the designation of conservation areas, Article 4 Directions, Regulation 7 Directions and lists of buildings of local interest.

Sustainability Implications:

5.4 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:

5.5 None have been identified

Risk and Opportunity Management Implications:

5.6 The failure to consult on the revised 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.

Public Health Implications:

5.7 Preservation and enhancement of the special interest of a conservation area can improve the well-being and sense of place of existing and/or future inhabitants of the area.

Corporate / Citywide Implications:

5.8 The proposals accord with the corporate priority of Creating a Sustainable City, as set out in the Corporate Plan 2011-2015. More specifically the guidance is a response to the Council's priority to create a higher quality built environment and to preserve our architectural heritage.

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 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).

7.2 The responses to public consultation are broadly supportive of preserving and enhancing the character and special interest of the area. There is, however, strong support for revisions to be made to the proposed conservation area boundary. There is also strong local and ward councillor support for further consultation on this. The recommendation to consult on a revised boundary proposal has taken account of the representations received during public consultation. The changes made to the character statement are a result of those comments. The making of an Article 4(1) Direction will help preserve the character and appearance of the dwellings in the village through controlling incremental change.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed Permitted Development Rights to be removed and plan
2. Existing Ovingdean Conservation Area Boundary
3. Consultation responses
4. Plan showing proposed revised boundary amendments
5. Revised draft Ovingdean Conservation Area Character Statement with proposed amendments highlighted

Documents In Members' Rooms

None

Background Documents

1. Letters of representation
2. Minutes of the Conservation Advisory Group – 20 September 2011

The following categories of Permitted Development are proposed for removal:

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

- (a) The enlargement, improvement or other alteration of a dwellinghouse (Class A of Part 1 of Schedule 2 of the Order);
- (b) Any other alteration to the roof of a dwellinghouse (Class C of Part 1 of Schedule 2 of the Order);
- (c) The erection or construction of a porch outside any external door of a dwellinghouse (Class D of Part 1 of Schedule 2 of the Order)
- (d) Development consisting of-
 - (i) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
 - (ii) the replacement in whole or in part of such a surface (Class F of Part 1 of Schedule 2 of the Order);
- (e) The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse (Class G or Part 1 of Schedule 2 of the Order)

MINOR OPERATIONS

- (a) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure (Class A of Part 2 of Schedule 2 of the Order);
- (b) The painting of the exterior of any building or work (Class C of Part 2 of Schedule 2 of the Order);

DEMOLITION OF BUILDINGS

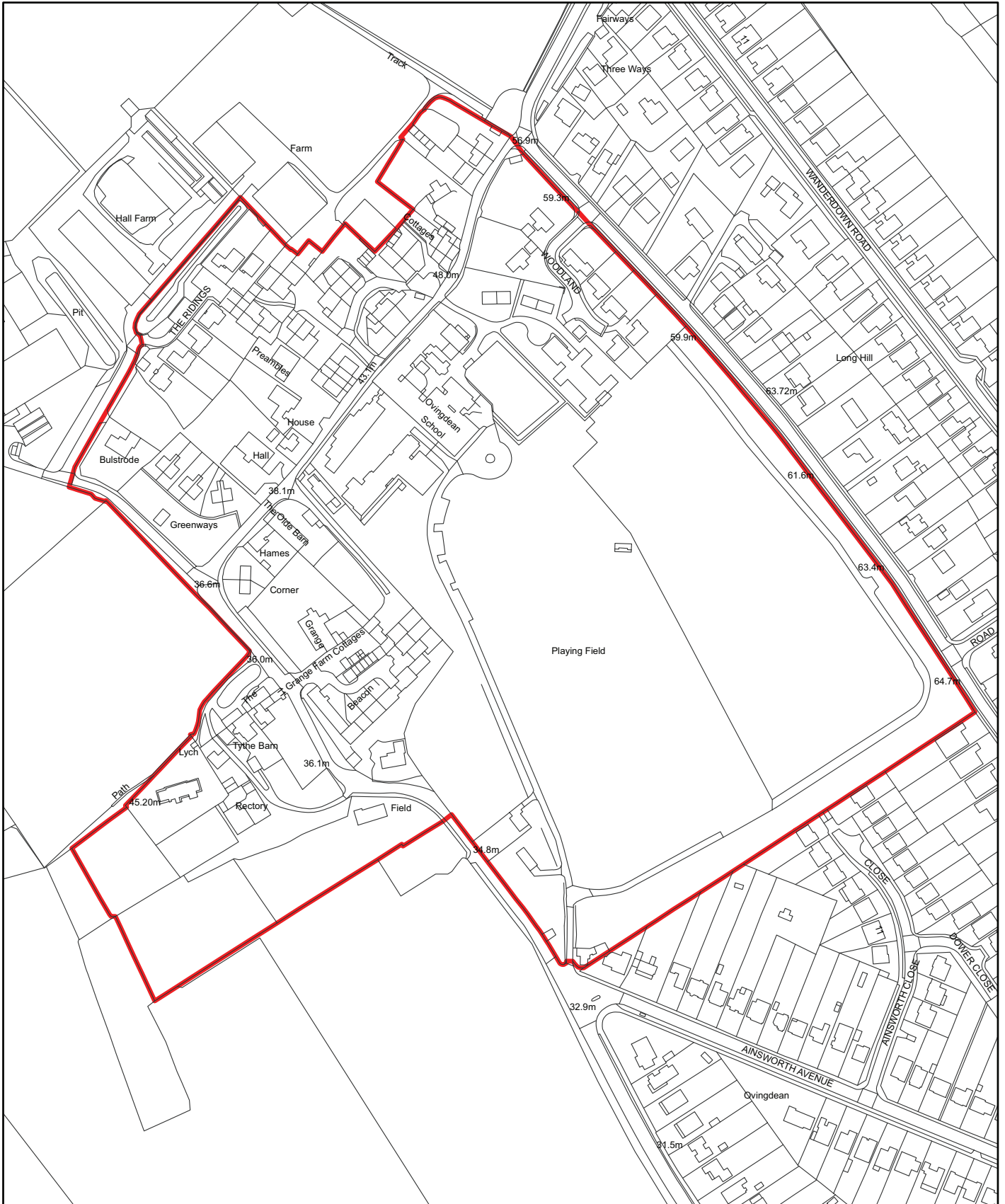
- (a) Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure (Class B of Part 31 of Schedule 2 of the Order);

INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

- (a) The installation, alteration or replacement of solar PV or solar thermal equipment on-
 - (i) a dwellinghouse; or
 - (ii) a building situated within the curtilage of a dwellinghouse (Class A of Part 40 of Schedule 2 of the Order);

Proposed Ovingdean Conservation Area Article 4(1) Direction Boundary Plan

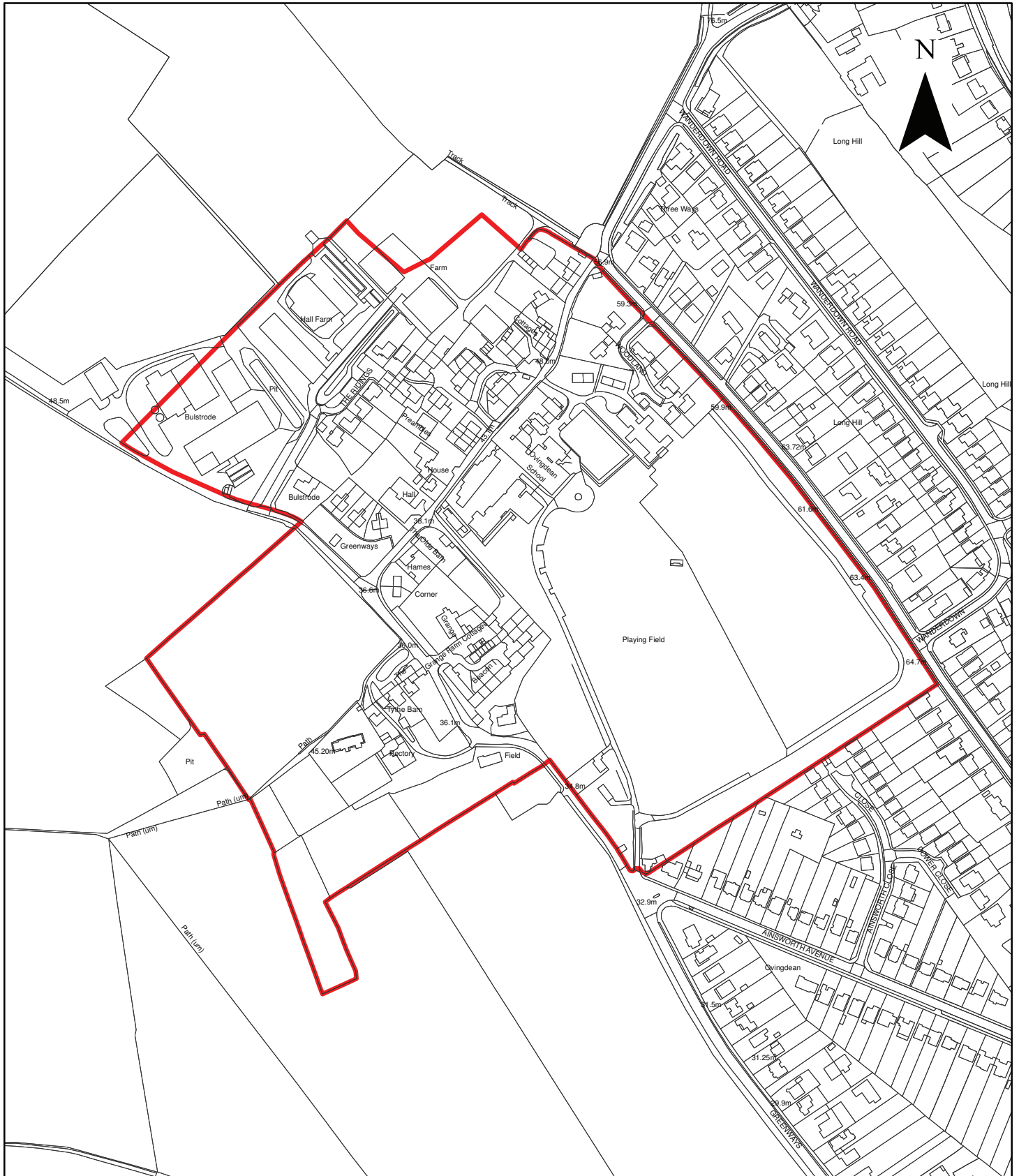
Appendix 1



 **Article 4(1) Direction Boundary**



Scale: 1:3,000



 Conservation Area

Scale: 1:4,000



Number	Group	Content
OCAR001	Individual	<p>1. Copy of document highlighted with following comments: 2. Comment on traffic intensity on page 1. 3. Definition of local listing. 4. Ovingdean Hall Sports Pavilion should be noted as curtilage listed or a positive feature. 5. Error on date (amended on consultation copy). 6. Ovingdean Road should be referred to as a quiet country lane of medieval origin (p8). 7. A number of minor amendments and corrections</p>
OCAR002	Individual	<p>First comment: 1. Information about the Saxon evidence in the Church. 2. Request for map from 1970 designation. Second comment: 3. Historical relevance of farming has continued and advanced during last 40 years. 4. Attempt to detach the farming activities physically and visually is considered ill-founded and illogical. 5. Urban development/sprawl is city related and village spread is not the same thing. 6. Almost all conservation areas contain buildings of no architectural value. 7. Use of 'the village' is confusing. 8. Suburban is an alien term. Many of these area were developed through subdivision of small holdings and still have rights to keep livestock (and do). 9. 'The original buildings' needs to be better defined. 10. Many would define the Grange/green/church as village centre - no contention. 11. Important view from Grange to Church is missing. 12. Greenways corner is an important green space. 13. The architectural interest of Field End is undervalued.</p> <p>14. Description of farm buildings as physically and visually removed from the village gives wrong impression. Farm buildings are an integral part of the village. 15. Must welcome improvements which are more visually pleasing but must remember it is, and will hopefully continue, as a working farm. 16. Comments relating to school particularly welcome. 17. Historic precedent for farming on the area recommended for removal has not changed since designation. 18. Removal of area will sever historical thread that links the past, present and hoped future. 19. Inference that maintaining or enhancing the CA has failed; we should consider how to resolve the situation for the future; how can downgrading the conservation area do this. 20. Recommend including area between CA and SDNP. 21. Welcome Article 4 Direction. 22. A fuller definition of a conservation area, criteria used for evaluation and a fuller explanation as to why the conclusions were made would have been useful.</p>
OCAR003	Individual	<p>1. Traffic passes through the whole of the village and does not stop. This is a negative feature throughout the area and doesn't stop at the boundary. 2. Condition of flint wall of Ovingdean College should be noted. 3. Agree that working buildings are in need of improvement but should retain this area in the conservation area to give some guide to the building materials and finish of new buildings / repairs.</p>

OCAR004	Individual	1. Strongly object to exclusion of farm area. 2. See no benefit. 3. Very much part of the natural beauty and rural environment of the village. 3. Demolition of unsightly buildings or repair would be positive. 4. There should be absolutely no development which is not completely in line with the rural environment and no commercial or residential development. 5. Forms a vital area of the village with horses/sheep/cows and views adding to amenity of Ovingdean
OCAR005	Individual	1. Ask whether taking farm buildings out of area is opening the way for more housing. Not against it but some would be. 2. Questions regarding underpass below coast road
OCAR006	Individual	1. Useful historic research on Ovingdean Hall and St Wulfran's Church
OCAR007	Individual	1. Agree that there is a strong argument for redundant farm buildings to be removed, but alternative uses need to be discussed, proposed and approved before alterations are made. 2. Do not agree that this area should be removed. It is a vital part of the village with the horses/sheep/views and has been a farm since 1863. 3. Concern that removing farm from area will leave it open for redevelopment with few restrictions. Not against development per se but struggle to see benefit of moving boundary when usage of area remains undecided. Retention in the conservation area would encourage a sympathetic use. 4. Wider concern that any future development will not be covered by conservation restrictions. 5. National Park means development already restricted, but possible. Surely new development should be governed by same restrictions as conservation area, so what does removal achieve? 6. Placing general restrictions on issues such as window and door materials is not appropriate. If a building is important enough to be preserved then it should be listed. There is already a range of materials evident in Ovingdean.
OCAR008	Individual	1. Why are the allotments not included? They are an integral part of the village and have been for many years
OCAR009	Individual	1. Broadly in favour of proposals to maintain or enhance the traditional character. 2. Concerns over removing the farm buildings. 3. No further housing development should be allowed. Important boundary between village and National Park. 4. Any new housing would increase road use which is already narrow and busy. 5. Important to the character of village to have a working farm present. 6. Agree that some buildings are not an asset and should be removed if no longer required and grassland reinstated for use by thriving livery

OCAR010	Individual	1. Impressed by the useful historical descriptions and general analyses. 2. Detailed comments on the text. 3. Information sheet with letter provides useful explanation which could be included in Statement. 4. Support the 9 proposals including the boundary amendment and proposed article 4 direction. 5. South Downs National Park should amend boundary to match that of the conservation area. 6. Clarification of which buildings are listed or locally listed
OCAR011	Individual	<p>First Comment: 1. Removal of farm buildings will undermine very purpose of the conservation area which is to 'protect or enhance' the character of the area. 2. Area should be extended to include all farm buildings and the allotments - positive features that denote a sustainable rural and agricultural community. 3. Seek an extension to consultation period.</p> <p>Second Comment: 4. Reiterate concerns regarding period of consultation. 5. Ovingdean is separate from Brighton and is rooted in the downs with a rural setting. 6. Strong amenity value. 7. The farm area is essential to the character as a downland farming village which has evolved over time to meet modern needs. The boundary should be re-drawn to match that of the SDNP. 8. Heavy traffic flows are the single most important negative feature of the CA. Further growth of traffic should be deterred and measures developed and implemented to reduce traffic. 9. Detailed textual comments including: use of 'suburban' is incongruous. Village has changed but this is not a dilution of its character. Important views identified. Tythe Barn is a landmark building. Green functions as a green. Farm is not a negative feature. Buildings no longer necessary should be reverted to green space. School buildings backing on to Ovingdean Road are a negative feature.</p> <p>10. The allotments are a natural extension of the community's farming past and have become an important local feature. Essential that CA continues to be defined by a farming and horticultural presence. Areas between the SDNP and CA are vulnerable, especially in light of planning reform. Given pressures due to proximity to Brighton, amenity value of CA with adjoining downland, importance of retaining essential link between CA and NP. the boundary should be extended to meet that of the SDNP. 11. Article 4 Direction is supported, if applied with common sense. TV reception is poor so satellite dishes are often required. 12. Comments relating to traffic management, road surfaces should be in keeping and signage kept to a minimum.</p>
OCAR012	Individual	1. Would have been more productive to write to residents. 2. Strange to spend public funds on this at a time of cutbacks. 3. Believe historic buildings within the area must be conserved. 4. Hope that removing the farm does not leave this beautiful setting vulnerable to any future developments. 5. Village has already suffered from increased traffic from changes to coast road

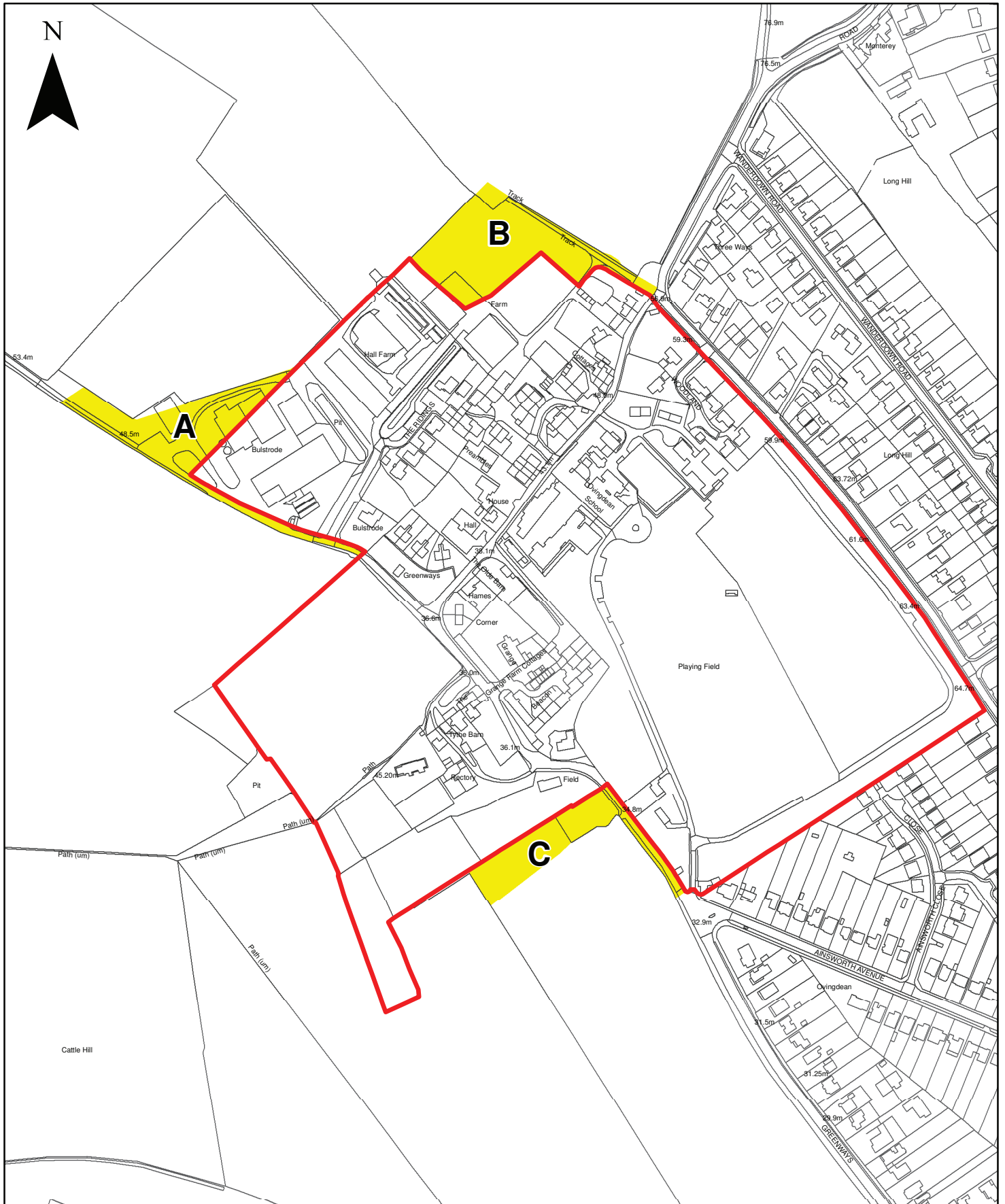
OCAR013	Individual	<p>1. Welcome recognition of special interest. 2. Do not understand benefit of boundary amendment. 3. Can only mean you wish to have the opportunity to sell it off to developers. 4. Further major residential/commercial builds will dilute the character of the village further. 5. If wish to encourage further farm use and these should be considered within the conservation area, not outside it. 6. Agree flint walls, clay tile roofs and windows should be protected (Article 4 Direction). 7. Agree traffic should be discouraged. 8. 'Quiet backwater' is not an accurate description. 9. Vibrations from traffic is detrimental to walls.</p> <p>10. Should be seeking improvement to the farm buildings rather than removal from area. Plan to encourage use would be much preferred. 11. Ovingdean College site - welcome protection and planning developments; need to be careful of development creep. 12. Agree signage and lighting should be minimal. 13. Agree with revision of local list. 14. Agree tree cover should be protected. 15. Agree surrounding open spaces are important and should be protected, including views.</p>
OCAR014	Individual	<p>1. Very good summary of the nature and needs of the conservation area. 2. Cannot agree with the proposed boundary change. Included in area originally for good reason; a working farm forms an integral part of the setting of the village, forming an important part of the village as a whole. 3. Now that farm has moved from the main village there is more rather than less reason to retain the area in the CA. Now that SDNP boundary has been finalised this will leave a gap, enabling unchecked infill development, particularly bearing in mind the Government's asserted planning policy changes. 4. Always regarded as very much part of the village and to remove it would be a retrograde step potentially threatening the historic character. CA designation should be able to encourage appropriate repair where needed. 5. Suggest extending conservation area to abut SDNP. 6. Area has become a rat run especially since construction of bus land on A259. Issue has been picked up for Greenways but not Ovingdean Road. Would like to see positive proposals for the management and reduction of traffic.</p>
OCAR015	Individual	<p>1. Broadly support proposals. 2. p10 there is no mention of minimal road signs to emphasise rural character. An unattractive plastic sign has been erected on the entrance to Byre Cottages regarding people walking through the area. This does not fit in with conservation standards. 3. For sale signs should have more restrictions, especially for The Ridings and Ovingdean Road. 4. p17 4 Orchard Court has flint walls to the front, side and rear. 5. Area has become a rat run which is impacting the flint walls. Only a matter of time before major damage is done. 6. Deeds to The Ridings and Ovingdean Court (attached) refer to open aspect. In last few years this open space directive has been eroded with erection of fences and hedges especially to rear of Ovingdean Court. What is the situation regarding this?</p>

OCAR016	Individual	<p>1. Support view that old Ovingdean was an agricultural settlement and that a farming presence should be encouraged and retained with all the associated sights, smells and sounds. Agricultural land surrounding village is part of character. Agree that green spaces including school grounds should remain. 2. Pleased with inclusion of numbers 50-52 as local listed buildings and importance of flint walls is recognised. 3. Glad mentioned issue of traffic and that further growth in traffic should be deterred. 4. Pleased to hear there are no plans for development in the proposed excluded area and that any future proposals should be sympathetic to needs of continued farming. Chief concern is that the excluded area be protected from commercial development and urban expansion.</p> <p>5. Would like more detailed map showing area proposed to be excluded to clarify in relation to 6 Byre Cottages. 6. If there is future development, will the community be notified at the earliest stages; what sort of protection will the excluded area have? 7. Useful clarification of details in the text. 8. Retain a historic photographic archive which may be of use. 9. The area proposed for removal is particularly rich in wildlife.</p>
OCAR017	Individual	<p>1. The farm is the very basis on which the Ovingdean community is built. Farming is likely to remain as a major activity locally and is a dynamic industry. If this site became housing, the central core of farming will have been lost to Ovingdean</p>
OCAR018	Individual	<p>1. Fully support OCAR011 comments above. 2. Roads have become a race track and it is really dangerous to walk there</p>
OCAR019	Individual	<p>1. Please do not remove the modern farm area's conservation status</p>
OCAR020	Individual	<p>1. Support the key points set out by OCAR011. 2. Agree that there are some minor inaccuracies, as detailed by OCAR011. 3. Agree with proposed amendments of OCAR011, especially that the boundary be extended to meet that of the SDNP. Vital that link between conservation area and surrounding downland is not broken by uncontrolled development. Inclusion would ensure any future development would maintain the existing character of that part of the village. 4. There is a great sense of community in Ovingdean, which feels very separate to Brighton. Significant part of character is rural setting. 5. Most residents of Ovingdean would wish to preserve those areas currently protected, including the farm and agricultural buildings.</p>
OCAR021	Individual	<p>1. Removal of farms area will leave it open to more undesirable development and bring additional traffic to the village. 2. Ovingdean is already overdeveloped and cannot cope with more houses or traffic. 3. Council should reconsider proposal</p>

OCAR022	Individual	1. Taking the farm area out of the conservation area does not seem to serve any useful purpose, unless the council wish to build on this land. 2. It would result in a non-designated area between two protected areas, with a risk of inappropriate development. 3. Existing problem with cars 'rat-running' due to bus lane on A259/ 4. Would not like to see any more buildings which would take away quiet nature and ruin the lovely old Ovingdean Road. 5. The farm itself is part of the personality of Ovingdean. This area needs to remain as farmland.
OCAR023	Individual	1. Opposed to any proposals to develop the area and would like to record our objections
OCAR024	Individual	1. Largely agree with the points made in the report. 2. Some concern over the removal of the farm buildings. May not have architectural significance but do emphasise the farming link to our community. 3. Currently projects a feeling of an unloved soulless farm. 4. Should be careful in presuming any agricultural community is always a beautiful one. Just because not pretty on the eye, does not mean it has no significance to the area. 5. Interested to know if council has looked at alternative agricultural uses for these buildings, perhaps community based projects, producing locally grown crops or workshops for artists. 6. Document states that keen to keep its link to its agricultural roots, but does not state how it intends to do so. 7. It would be reassuring to know what practices will be in place to protect the area from being vulnerable to property development.
OCG001	CityParks	1. Useful information on the council ownership, protected permanent pasture and chalk grassland and local wildlife sites
OCG002	East Sussex County Archaeology	1. No errors in archaeological summaries. 2. In agreement with proposed boundary change
OCG003	ORPS	First Comment: 1. Request extension of consultation period. Further representation to come
		Second Comment: 1. Adopt comments of OCAR002 with the following points emphasised: 2. References to suburban are inappropriate. We would like the report to recommend that Ovingdean's rather unique, semi-rural setting and location, physically separated from Brighton and other nearby areas, be maintained. 3. The designation should drive the quality of buildings within it, rather than let the lesser quality of some buildings define the area. We would like the report to recommend that the Council actively engage with the interest parties, including ourselves, to enhance the character of the area rather than recommend its removal.

		<p>4. Status of area should be strengthened to deter redevelopment, rather than remove the current protection. Potential impact of additional traffic arising from possible redevelopment of farms area should be considered. 5. Rear elevation of the College is an eyesore. Noting the problem and including an appropriate recommendation would assist in convincing the College to address this in forthcoming building works. 6. Opportunity to redefine CA boundary to match SDNP</p>
OCG004	South Downs Society	<p>1. Historic village including conservation area contributes to the National Park, particularly flint walls and clay tile roofs. 2. Retains rural setting, important views that should be added are long views to and from the north west where village can be seen from downland from a considerable distance. 3. Agree that Church and Manor comprise heart of Ovingdean and would generally agree that late 20th century buildings are disappointing additions. 4. Agree that Ovingdean Road area remains distinctive, with majority of buildings unified through traditional materials. 5. Also agree that continued presence of farm is important reminder of significance of farming. We would support proposals for appropriate repair, removal and general tidying up of the area. 6. Agree there are a number of intrusive features to Ovingdean Hall, that later school buildings detract from its setting and that retention of key green space and surrounding tree cover becomes highly significant.</p> <p>7. Acknowledge farm is of no historic or architectural merit and is visually removed from much of village. Its current character dilutes the special interest of the area and no longer meets the tests for inclusion. 8. However it does now abut the national park. We would expect any repairs or indeed new buildings to be constructed to a high standard of design and appropriate materials for both the historic area and national park. We would challenge whether removal of the farm from the CA at this time would be of benefit. 9. We support the proposed Article 4 Direction. 10. Suggest inclusion of the following in a management plan: protect and enhance vistas from and to SDNP; Improve the distinctive gateway from the SDNP; Use traditional materials; Retain existing boundary to ensure future proposed repairs/development are considered in context of historic village and SDNP; Obtain Article 4 Direction.</p>
OCG005	CAG rep for SIAS	<p>1. Ovingdean Rectory - south side is faced with red mathematical tiles in header bond and the rear (west) elevation is faced with red mathematical tiles in Flemish bond above a brick plinth. This suggests to phases of application. 2. Mathematical tiles to the front elevation of Ovingdean Hall have solid brick quoins and dressings. This is the only example I recollect of this feature which is usually carried out using wooden fillets, wooden imitation rusticated quoins or external angle tiles.</p>
OCG006	CAG rep for AMS	<p>1. Interesting information regarding St Wulfran's Church</p>

OCG007	CAG	The group commented that the boundary should be increased as it forms part of the approach to the village, and recommended the boundary be adjusted to abut the National Park boundary on all sides.
OCG008	CAG rep for Stanmer Preservation Society	1. Unusual stile accessing the church path from Hog Croft Field should be mentioned. 2. The unusual and rare wall letterbox on the roadside of the rectory should also be mentioned.
OCG009	CPRE Sussex	1. Concern that proposed boundary amendment would leave an area with weaker protection which could lead to 'domino development' - countryside being developed for agricultural use, converted to commercial development and then replaced by dense residential development. 2. Can lead to agricultural buildings being built anew on greenfield sites and process repeating itself. 3. This would not be a concern if the SDNP boundary was being proposed for extension concurrently. 4. CPRE Sussex objects to the proposed alteration at least until such time as a matching SDNP boundary is proposed concurrently.
OCG010	The Wiggonholt Association	1. Endorse points of principle made by CPRE Sussex and South Downs Society and objection to reduction of Ovingdean Conservation Area boundary. 2. Proposal creates a 'buffer zone' between the CA and SDNP which inevitably becomes hostage to fortune. 3. The farm buildings were built once the CA was designated, and thus were at the time considered acceptable (or were erected without permission and should be enforced against). 4. Alternative would be to require the unloved buildings to be demolished and area reverted to greenfield. 5. In our view it would be a neat and rational solution to harmonise the two boundaries to avoid lollypop development.
OCG011	Member of Parliament	1. Register support for view of OCAR011 regarding the boundary issue and the detrimental effects of traffic on the area. 2. Boundary issue needs to be considered in wider context of relationship with National Park. The area's location is of considerable strategic importance to the National Park and an important gateway to the Downs. 3. Reducing the size of the conservation area would leave pockets with weaker protection against inappropriate development; expanding it would provide a more coherent management framework.



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- Existing Conservation Area Boundary
- Proposed extension

Ovingdean Conservation Area Appraisal

Designated: 1970

Extended: 2011

Area: 19.66 Hectares 48.58 Acres

Article 4 Direction: Proposed

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Introduction

Location and Setting

Ovingdean comprises a small agricultural hamlet, ~~with~~ a rural downland setting 4.2km to the east of Brighton and ~~approximately~~ 1km north of the coastline. The historic ~~part of the~~ village nestles at the base of a valley, ~~surrounded on three sides by open downland~~. ~~20th century residential~~ development ~~extends~~ up the valley side to the south and east; ~~however the surrounding downland remains the dominant feature~~. 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 ~~relatively~~ quiet backwater, ~~although increased levels of traffic travelling through the village has affected this~~.

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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, 2 locally listed buildings and an archaeological notification area (~~Existing designations graphic~~). 3 further archaeological notification areas are located in the immediate surroundings. ~~St Dunstan's – a centre providing support to blind ex-Service men and women – is a grade II listed complex situated at the junction of Greenways and the A259; to the south of the village~~. 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 since designation. This document seeks to define and assess the current 'special interest' of Ovingdean Conservation Area, and make recommendations for its future management.

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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, ~~if not earlier~~. 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 residential developments occurred to the south and east throughout the 20th century. Historic farm buildings within the old village were replaced by purpose-built farm structures to the north in the 1980s, with the original farm buildings converted to residential use. Throughout these changes however, the village has remained a secluded rural village, albeit now predominantly residential in character.

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The old village retains its medieval street layout, which orientates towards the former manorial site at Hog Croft Field. A former village pond straddling the east boundary of this field suggests the possible presence of a spring – although this dried up in c.1934. The presence of a pond is probably an important factor in the origin of the village – which likely formed a watering hole for livestock.

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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 conservation area 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 historic village has altered greatly due to the loss of a farming presence from the physical centre of the village and the conversion of the historic farm buildings to residential use. This has led to a change in its character. Nevertheless, the area remains of interest particularly due to the surviving flint structures, clay tile roofs and picturesque rural lanes. The historic village and surrounding downland are of great amenity value.

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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 'hovingdean', 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 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:

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The western part of Ovingdean was one of five Sussex manors granted to Pierpoint; the others being Portslade, Aldrington, Piddinghoe and East Chilington. 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, cows, hogs and horses. This emphasises the importance of sheep pasture to the village’s economy throughout its history.

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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 involved in organising his return to England.

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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 3 flues, whilst Ovingdean Grange is the most substantial house, with 6 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 called Ovingdean House - was built in 1792 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.

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The associated 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.

The rectory was built in 1804 to replace the former 'mean thatched parsonage house' known to exist in c.1780. The tithe map of 1839 (MAP 1) shows the hamlet at this time. The Church, rectory, Ovingdean Grange, Ovingdean Hall and the two farm complexes are already evident, such that the historic 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.

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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 c.1890. 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 (MAP 2). At this time, the settlement remained small, with a population of 248. However substantial residential growth occurred after 1928, when Ovingdean became part of the Borough of Brighton for administrative purposes. The first piecemeal development is shown on the c.1932-3 OS map (MAP 3), 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 between the eastern and western estates (as described on page 3) remains evident; with residential growth limited to those lands to the east of Greenways.

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Road 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, when a mains water pipe was laid to connect Balsdean reservoir and Kemp Town. Infill development occurred along Ovingdean Road, and a Village Hall was constructed in 1932. This was replaced by the present Village Hall in 1986.

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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, ~~a number of new agricultural enterprises were built to the north, many of the original farm buildings were converted to residential use and infill developments occurred. These included a poultry farm, built to the north of the village in the 1960s.~~ New farm buildings were also constructed beside these in 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.

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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 burial with iron spearhead was found close to Long Hill Road during construction of a house in 1935.

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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 ~~the historic~~ 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 (Graphic). 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 historic village today.

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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 retains the appearance of a quiet, medieval country 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.

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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 west 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 on the east boundary of the field – emphasising still further its function as an original part of the village centre.

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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 historic 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 [insert page number] and Figure 1 below) (Figure 1):

- V1. Views between open downland and the village. These include those to and from (a) Cattle Hill, (b) Greenways, (c) downland to the northwest of the village and (d) Beacon Hill. Within these, views of the Church with woodland backdrop are important.
- V2. Views to Church and the buildings flanking its approach from Ovingdean Grange and across Hog Croft Field.
- V3. Unfolding views along Ovingdean Road
- V4. View of Ovingdean Grange from St Wulfran's Church

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Deleted: Within this, long views from Greenways and surrounding downland of the church with the woodland to its west as a backdrop are important (V1b)

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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. Land at Greenways Corner

S5. Woodland and land to the rear of the church (Cattle Hill)

S6. Surrounding downland dominating the setting and the skyline of the village; particularly Cattle Hill

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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 and Tythe 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, which contributes to the retention of a rural character at night. Lighting to Ovingdean Road is of a modern design whilst a single swan-necked design is evident outside Ovingdean Grange. This informal, low key approach to the public realm contributes to its character.

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The narrow width and irregular pavements in the area contribute greatly to the character of the area, emphasising their origins as 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.

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Character Analysis

The area can be divided into four distinct character areas (Character Area Graphic): 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 later infill development. To the north and northwest of Ovingdean is the *The Farms* Character Area, comprising the late 20th century replacement farm complex, and associated agricultural enterprises. To the southeast is the *Ovingdean Hall* Character Area, comprising an 18th century residence, with associated grounds and later school buildings.

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

Character Area I: The Church and Manor (Graphic)

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.

Important Spaces

Hog Croft Field

Hog Croft Field (Figure 2) comprises a large grassed field, located at the junction of Greenways and Ovingdean Road. It is bounded by a flint wall, with a stile providing access from beside the church. 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'.

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The area is protected through a tenancy arrangement as permanent pasture. This allows both the appearance of the field and the surviving archaeological features to be preserved in situ.

'The Green'

A small green space is situated on the approach to St Wulfran's Church. Although actually forming Church land, this space is often nevertheless referred to as 'The Green', 'The Village Green' or 'The Church Green'; and is used for a variety of community and Church events. 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.

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St Wulfran's Wood

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St Wulfran's Wood comprises a small rectangular-shaped wood located to the immediate west of St Wulfran's Church. The majority of the surrounding landscape comprises open downland; and therefore this small area of woodland is particularly striking, and forms an important backdrop to many views of the church. Designated as a Local Wildlife Site, it mainly contains broad-leaved trees, and is an uncommon habitat in Brighton & Hove.

The Allotments

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The allotments – although their current appearance is not historic – occupy a small field which is already evident on the 1890 Ordnance Survey Map. They are highly visible at the entrance to the historic village. They provide a reminder of Ovingdean's historic links with farming and food production.

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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'. There is a suggestion that the surviving St Wulfran's Church retains Saxon fabric; certainly it is one of only two churches in the country named after this Saxon saint. The nave and chancel date primarily to the early Norman period, whilst the low square tower is a 13th century addition, with 14th century bell chamber. Many of the internal features are the work of Charles Eamer Kempe, including the painted ceiling and five stained glass windows. It is set within its own churchyard, which contains several notable incumbents; including Brighton inventor Magnus Volk, William Willett (inventor of British Summer Time), Helena Normanton (first female Barrister), Sophia Jex-Blake (one of the first female doctors) and the Kemp family tomb.

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Set back from Greenways, 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 St Wulfran's Wood 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.

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, it was built by Rector John Marshall for his son in c.1825. Rectory Lodge is a one storey building built in 1848 as a gardener's cottage, and marking one of its original entrance drives.

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The Rectory 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. The roadside boundary is formed by a flint wall, with mature vegetation behind. A red letter box is set in to the wall, and adds character to the streetscene. The Rectory is more prominent from the churchyard, from where the south (side) and west (rear) elevations are particularly visible. They are faced in red mathematical tiles in header and Flemish bond respectively; highlighting that the building dates to a number of phases. The building has a classical cobbled frontage. A listed coach house survives in association.

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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.

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Tythe Barn 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.

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Ovingdean Grange

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 10 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.

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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. 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 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.

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Infill development at entrance to **historic** 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. Aldingbourne Farm is of a somewhat standard late 20th century architectural style. In contrast, Field End incorporates some more unusual features, with shiplap weatherboarding to its gables. Of no historic precedent, the buildings are of a greater scale and massing than is typical for the **old** village. They nevertheless retain flint boundary walls that are in keeping with the area.

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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 Barn**, 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.

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A number of intrusive features have, however, **had** 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.
- Aldingbourne Farm - at the entrance to the village - is a disappointing addition to the village which **has** a neutral impact on its character.

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Character Area 2: Ovingdean Road (Graphic)

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 associated with the eastern estate and then with

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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 1839 Tithe Map and c.1875 1st edition Ordnance Survey map; when the two yards remained as largely distinct entities.

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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 1792 and comprises a substantial two storey building. The Cot is also of two storeys but is much lower in height. All three properties were present by 1805, and likely were built between 1792 and 1795. They have, however, been extended over time. They are set behind grassed front gardens with flint boundary walls.

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Upper Cottages

Upper Cottages is a short terrace of three cottages (Figure 8). The two end buildings are evident on the 1839 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.

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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.

The Smithy

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/Church Room

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 developed in the late 20th century on the site of Ovingdean Hall farmyard and comprise converted 18th and 19th century agricultural buildings (Figure 10), as well as new buildings. Orchard Court forms a further terrace of modern buildings, located at the entrance to The Ridings and Byre Cottages. The buildings are all constructed in traditional vernacular materials, with knapped flint and brick walls with clay tile roofs. A well house survives (although the original open sides have been boarded) to the side of number 1 Byre Cottages and adds interest to the area. Number 1 Byre Cottages originally held a carriage and 3 or 4 horses. Numbers 2 and 3 formed a granary, whilst numbers 4, 5 and 6 were barns. The addition of modern buildings partly disguises the original farmyard arrangement. Numbers 1 to 6 The Ridings (Figure 11) in particular form large detached dwellings that are somewhat oversized in comparison to the traditional workers' cottages of the area. The use of informal road surfaces nevertheless retains something of the original rural agricultural character.

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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. 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

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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.

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.

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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.

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Important Space

Land at Greenways corner

A large grassed and gravelled area, bounded by a flint wall, is set to the immediate north of Greenways corner. The Smithy is located on this space, and Greenways Cottages front on to it. The space contributes to the rural character of the village. Combined with Hog Croft Field and The Green, it provides an open aspect to the historic village centre.

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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.

A number of negative features nevertheless detract from the character of the area:

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- The rear elevations to Ovingdean Hall School detract from the streetscene, and would benefit from improvement and a more holistic management approach.
- Ovingdean Road is subject to heavy levels of traffic relative to its size and nature. There is direct conflict between the needs of pedestrians and car users due to the lack of pavements.

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Character Area 3: The Farms (Graphic)

The area to the north and northwest of the conservation area comprises a 20th century farm and other rural enterprises. Historically, the area is shown as a series of small fields on the 1714 Grover Plan; associated with the neighbouring farm complex on Ovingdean Road. This situation persisted until the late 20th century, when a series of farms and enterprises were constructed on the site.

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Although set back from the main routes through the village and therefore removed from its physical heart, the area – particularly the farm - is visible from the church and from surrounding downland. It is accessed via a lane set at the main junction in the village. It also marks the entrance to the village from the north; forming a prominent gateway feature in this direction. Although the buildings are of no architectural merit and their location has no precedent; their uses are a strong reminder of Ovingdean’s agricultural past, and continued rural setting. The associated sights, sounds and smells would have always very much been a part of the character of the village.

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The area can now be described as three separate groups of buildings or spaces; the relocated farm to the northwest, the former poultry farm (and now stables) to the centre, and an area of open-sided barns and storage space to the northeast.

Groups of Buildings

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The Farm is located to the northwest of the area (Figure 13). It was constructed in 1981, when – due to the changing requirements of modern farming practices – Ovingdean Grange Farm was relocated from its original location on Greenways. It comprises a series of large – generally open-sided – sheds and barns which are typical of 20th century farming complexes. They indicate the changes in farming practice, with a general trend from function-specific buildings, to multi-functional buildings which take on a more generic size and shape. The continued presence of a farm in Ovingdean is an important reminder of the significance of agriculture to the origin and development of the village.

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The central portion of the area comprises the stables, and the buildings of the former poultry farm (Figure 14). The poultry farm was established in c.1960, and comprised of six large poultry houses. These were demolished in the 1987 hurricane, but some parts of these buildings survive in a dilapidated condition. These remains detract from the area and would merit reuse or removal. A stables has been established on part of the former poultry farm site, contributing to the rural character of the area.

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The field to the northeast of the area (Figure 15) has been cut into to provide both internal and external storage space; including the erection of open-sided sheds. This area is in a somewhat neglected state, and would benefit from improvement and maintenance. A track along its northeastern edge provides access from Ovingdean Road into the surrounding downland.

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Open Space

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Although there are no public open spaces within the area, the space between the buildings forms a network of spaces that contribute to the area's overall green character. The spaces are generally left in a largely 'wild' state, which – although giving a somewhat neglected appearance – provides a haven for many types of wildlife.

Conclusion

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The Farms Area – forming the northern limit of the village and gateway to the Downs – contains groups of functional buildings which are largely of no architectural of historic merit. Some of those buildings remain in use as a farm and stables. These uses contribute greatly to the character of the area, and act as a strong reminder of Ovingdean's agricultural past. Other buildings – particularly those of the former poultry farm - are under-used or dilapidated, and detract from the area.

Character Area 4: Ovingdean Hall (Graphic)

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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 (Woodland Walk) 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 16) 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 6 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.

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The formal façade is the Hall's most important elevation. It fronts on to the driveway 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.

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Ovingdean Hall Lodge

The Lodge (Figure 17) at the entrance to Ovingdean Hall comprises a two storey flint building with red brick dressings and a tiled roof. 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.

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Deleted: Although this is a later 20th century replacement, historic OS maps show that there was historically a lodge in this location.

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, which detracts from its character. 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 an uncharacteristic form and arrangement for this rural location. 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.

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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. An early 20th century cricket pavilion is set at the centre of the ground and is a positive historic feature, despite being in need of repair. The grounds are designated as a Local Wildlife Site, supporting a range of habitats including woodland, scrub and rough grassland.

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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 have been subject to further thinning since. They would merit further strengthening.

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The western boundary to the estate fronts on to Greenways, and is particularly visible when approaching Ovingdean village from the south (Figure 18). Combined with the main entrance, this stretch of tall flint wall and vegetation creates a clear visual break from the neighbouring 20th century residential 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.

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Along Longhill Road, the eastern boundary 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. Some portions of the wall are in poor condition and would benefit from repair and maintenance. A small children's playground has been constructed in the southeast corner of the grounds.

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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 later residential development to the southeast; helping to retain its rural setting.

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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 ~~around the Hall have thinned during the later 20th century;~~ 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 ~~road.~~ Housing in this location has no historic precedent ~~and detracts from the sylvan and prestigious character of the Hall's grounds.~~

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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 ~~old~~ village still orientates towards this space. The Church ~~is~~ 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 ~~historic~~ village seen today.

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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. Later infill developments and farm building 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 ~~is~~ 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.

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

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Article 4(1) Direction

Of the historic buildings in the old 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:

Poor modern windows (eg uPVC replacements) 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.

Traditional forms and materials – particularly flint walls, timber casements and pitched clay tile roofs - should be utilised in extensions and new development.

Roads in the village were not originally designed for vehicular traffic. The narrow width and lack of pavement – especially evident along Ovingdean Road - creates

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Boundary Review (Graphic)¶

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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. ¶

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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. Positive proposals should be formulated for traffic management and reduction.

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 uses of the farm buildings to the north of the village will therefore be encouraged.

The farm area to the north of the village would benefit from enhancement. Redundant modern farm structures should be brought back into use or their structure removed and reinstated as grass. The area forms the interface between the village and the National Park, and links between the village community and with the National Park would be encouraged. Any future proposed developments in this area would need to be considered in light of the character of the conservation area and setting of the National Park.

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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. Improvements to the appearance and condition of the Ovingdean Road frontage would be encouraged.

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

Numbers 50 and 52 Greenways (Figure 12) 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, The Smithy, The Church Room and 1 to 6, Byre Cottages should also be considered for inclusion on the local list.

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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 20th century development and

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highlighting its originally rural setting. These areas should remain predominantly open and green. Views between the village and the South Downs National Park should be protected and enhanced.

Where farm buildings have been converted to residential use, a farmyard setting should be promoted. The curtilage of the buildings should remain uncluttered and an open aspect retained.

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>

Brighton and Hove City Council (2009) *Brighton and Hove Urban Characterisation Study* pp79-82

Carder, T. (1990) *The Encyclopaedia of Brighton*. Lewes: East Sussex County Libraries

Collis, R. (2010) *The New Encyclopaedia of Brighton*. Brighton: Brighton & Hove Libraries pp227-228

Davies, J. G. (1989) *A Historical Gazetteer of Ovingdean Parish*. Ovingdean: By the author (being revised) Available in some local libraries

Davies, J. G. (2004) *The Manorial Dwellings of Ovingdean*. Ovingdean: By the author Available only from the author

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PLANNING, EMPLOYMENT, ECONOMY AND REGENERATION CABINET MEMBER MEETING

Agenda Item 80

Brighton & Hove City
Council

Subject:	City Plan – Background Studies		
Date of Meeting:	2 February 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Liz Hobden	Tel: 29-2504
	Email:	Liz.hobden@brighton-hove.gov.uk	
Key Decision:	No		
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report seeks approval of four studies that provide background and supporting evidence for the City Plan (formerly the Core Strategy) and further Local Development Documents

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Planning, Employment, Economy and Regeneration approves the following studies as supporting evidence for the City Plan and other Local Development Documents – an update of the Strategic Flood Risk Assessment 2011, the Student Housing and Houses in Multiple Occupation Concentration Assessment 2011, the Strategic Housing Land Availability Assessment Schedules Update 2011; and Take-aways Near Schools Study 2011.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The City Plan, part 1 is the main planning policy document within the Local Development Framework that was introduced by the Town and Country Planning and Compulsory Purchase Act 2004. Its role is to provide an overall strategic vision and policy framework for the city to 2030. The City Plan is required to conform to national policy and be supported by a sound evidence base. The five studies that are the subject of this report form part of this evidence base. Although background studies inform the policy approach they do not determine policy.

- 3.2 There are a number of changes proposed to planning legislation in the Localism Act 2011. However the need to have a strategic element to a development plan and the requirement for a sound evidence base remain unchanged.
- 3.3 The four studies subject to this report are technical documents produced in order to comply with national planning guidance and to help ensure therefore that the City Plan is considered to be sound. The Background Studies under consideration here are:
- **Strategic Flood Risk Assessment (SFRA) Update** - This version replaces the previous SFRA produced in March 2008. The primary objective for updating the SFRA is to prepare a document that is compliant with the latest guidance described in the Planning Policy Statement 25 (PPS25) Practice Guide.
 - **Student Housing and Houses in Multiple Occupation Concentration Assessment** - The purpose of the Assessment is to look at the levels of student housing and Houses in Multiple Occupation (HMOs) on a street by street basis in the five wards identified in the Student Housing Strategy 2009 as having the highest concentration of student housing.
 - **Strategic Housing Land Availability Assessment Schedules Update** - The site schedules underpinning the 2010 SHLAA have been updated. Updates include adding the 2010/11 annual residential monitoring results and a review of data to reflect recent technical work linked to the Housing Options Paper.
 - **Take-Aways near Secondary Schools Study** – The Study was undertaken jointly as part of the Brighton and Hove Public Health Strategy. The relationship between secondary schools and hot food takeaway was mapped and the lunch time behaviour of secondary school pupils observed in terms of eating choices. The Study sets out a number of policy recommendations.
- 3.4 See Appendix 1 for a more comprehensive outline of the purpose of the studies and a summary of the key findings.

4. **COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 As technical evidence-based research, the Studies have not been subject to a formal consultation process. The Take-aways Near Secondary Schools Study was prepared with the support of and in consultation with a multi-disciplinary Project Team.
- 4.2 All policies informed by and arising from the findings of these studies will be subject to consultation, a sustainability appraisal and Equalities Impact Assessment.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 The cost of providing the studies consists mainly of officer time, and of consultants fees for the specialist work involved in the Strategic Flood Risk

Assessment. These costs have been met out of Planning revenue budgets in 2011-12.

Finance Officer Consulted: Karen Brookshaw

Date: 12/01/12

Legal Implications:

5.2

5.2 The studies are background papers that will inform policy in development plan documents that local planning authorities are obliged to prepare under the provisions of the Planning and Compensation Act 2004. Section 20 (5)(b) of the 2004 Act requires development plan documents to be tested by planning inspectors for soundness prior to adoption. As part of this test Planning Policy Statement 12:Local Spatial Planning (paragraph 4.37) provides that development plan documents should have a sound evidence base. As pointed out in paragraph 3.1 above the studies the subject of this Report will form part of the evidence base for the relevant policies in the proposed City Plan.

Lawyer Consulted:

Hilary Woodward

Date: 11/1/12

Equalities Implications:

5.3 Though the Studies will be assessed through an Equalities Impact Assessment of the City Plan. A number of equalities issues are relevant to the Studies.

Sustainability Implications:

5.4 Sustainability is a relevant issue in terms of all of the studies that will be assessed through the Sustainability Assessment of the City Plan.

Crime & Disorder Implications:

5.5 There are no direct implications for the prevention of crime and disorder as a result of the proposals set out in this report.

Risk and Opportunity Management Implications:

5.6 The primary risks are that the City Plan be found unsound and these studies minimise those risks. Opportunities for development, especially those for site viability and delivery, student housing, address corporate priorities and city opportunities.

Public Health Implications:

5.7 The Take-Aways near Schools Study has been prepared jointly with the Public Health Team to help identify ways of addressing the need for healthier eating by school children.

Corporate / Citywide Implications:

- 5.8 All the studies will contribute to the timely delivery of a sound and effective City Plan as well as future Local Development Documents. These documents will help to deliver the priorities set out in the Corporate Plan and Sustainable Community Strategy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The Studies are required by Government planning guidance requiring plans to be supported by a sound evidence base. Indeed if the final background studies are not approved the interim versions will remain in the public domain. The latest information may not therefore be taken into consideration in planning matters. Without formal approval of the background studies the evidence base to the City Wide Plan may be considered unsound.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To gain formal approval of the two background studies that form part of the evidence base for the City Plan and other Development Plan Documents and council strategies. It also allows the final documents to go into the public domain to inform planning decisions.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of Studies

Documents in Members' Rooms

1. Strategic Flood Risk Assessment Update
2. Student Housing and Houses in Multiple Occupation Concentration Assessment
3. Strategic Housing Land Availability Assessment Schedule Updates 2011
4. Take-Aways near Secondary Schools Study

Background Documents

1. Submission Version of the Core Strategy – withdrawn
2. Brighton and Hove Public Health Strategy
3. Strategic Flood Risk Assessment 2008
4. Strategic Housing Land Availability Assessment 2010
5. City Plan Policy Options Papers 2011

Appendix 1, City Plan: Background Studies Report

Summary of Background Studies

1. Student Housing and Houses in Multiple Occupation (HMO) Concentration Assessment

The city has the highest number of HMOs in the UK (15,000 in 2007 – Student Housing Strategy 2009). In some areas of Brighton & Hove high concentrations of HMO's have led to neighbourhoods being dominated by the student population. This process has been called 'studentification'. The city council's Student Housing Strategy 2006-2014 aims to address the problems of over-concentration of student lets in established residential areas.

The purpose of the Assessment is to look at the levels of student housing and Houses in Multiple Occupation (HMOs - dwellings containing two or more household spaces where basic amenities such as kitchens and bathrooms are shared) on a street by street basis in five wards. These wards have been identified in the Student Housing Strategy 2009 as having the highest concentration of student housing in Brighton & Hove.

The five wards assessed in the study are:

1. Hanover and Elm Grove
2. Hollingdean and Stanmer
3. Moulsecoomb & Bevendean
4. Queens Park
5. St Peters and North Laine

It will provide background evidence for a proposed student housing policy in the new City Plan and supporting information to underpin an Article 4 Direction to control the change of use of small houses (C3 Use Class) to small HMOs (C4 Use Class). This work is identified as a priority in the adopted Student Housing Strategy in order to address the problem of over-concentration of students in established residential areas; to ensure balanced residential areas, a reduced impact on amenities and to enable better provision of infrastructure and services.

2. Take-aways near Schools Study

As part of the Brighton and Hove Public Health strategy to reduce levels of childhood obesity and to promote healthier built environments, the Local Authority Planning Department and the joint NHS and city council Public Health Directorate commissioned a small study to:

- Map where hot-food takeaways are geographically situated in relation to secondary schools in the city;
- Observe secondary school pupils' movements and behaviours at lunch times in relation to availability of food outside school premises.

Key Findings:

The main finding from the study suggests that large volumes of pupils are leaving school premises at lunchtime and purchasing a variety of 'unhealthy' food types, such as chips, soft drinks and chocolate. However hot-food takeaway premises were only part of the problem, with newsagents and supermarkets equally as influential on the unhealthy choices of pupils

Key recommendations:

The main recommendation of the study is for the adoption of a holistic and co-ordinated approach in future work between Public Health, secondary schools and the Healthy Schools Programme, the City Council's licensing and planning policy departments. This further work could be undertaken as part of the new Public Health Responsibility Deal approach, working with food outlets, supermarkets, schools, licensing and planning.

3. Strategic Flood Risk Assessment Update

This version of the Brighton and Hove City Council Strategic Flood Risk Assessment (SFRA) replaces the previous SFRA produced in March 2008. The primary objective for updating the previous version of the SFRA was to prepare a document that was compliant with the latest guidance described in the Planning Policy Statement 25 (PPS25) Practice Guide. The key areas in need of updating were:

- information on sequential testing was out of date;
- flood modelling needed to be updated to reflect recent changes, and
- flood outlines needed to be updated to reflect the latest proposals and updated information on flooding for Shoreham Harbour.

The updated SFRA contains information on flood zones and an assessment of risks from all sources of flooding and also contains more detailed information on the nature of flood hazards that exist in areas that do flood. In addition, the strategic responses that should be considered to address the effect of proposed development allocations are described to address conditions as they are now and as they will be in the future.

4. Strategic Housing Land Availability Assessment (SHLAA) Schedule Update

The site schedules underpinning the 2010 SHLAA have been updated for a number of reasons:

- a) to incorporate the latest annual residential monitoring results for 2010/2011 (to reflect new planning consents and progress on sites);
- b) to review some of the data and to reflect the technical work that was undertaken for the consultation on Housing Options (October-December 2011);

- c) to adapt the 2010 SHLAA to the City Plan timeframes which now extend to 2030; and
- d) to update and inform the housing trajectory in the latest Annual Monitoring Report.

The update illustrates that housing delivery over the City Plan timeframe to 2030 is anticipated to be approximately 11,300 dwellings which equates to an annual average delivery rate of 565 dwellings per annum. However, the trajectory illustrates that, in reality, delivery is likely to be lower over the first ten years of the Plan reflecting the impacts of ongoing economic recession with a return to higher delivery rates later in the Plan period.

There will be further annual updates of the SHLAA to monitor likely housing delivery within the City.

Subject:	Planning Brief: Former Falmer High School Released Land		
Date of Meeting:	2 February 2011		
Report of:	Strategic Director of Place		
Contact Officer:	Name:	Alan Buck	Tel: 29-2287
	Email:	alan.buck@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 A planning brief has been prepared to help guide future development proposals on land that was part of the former Falmer High School. The site was deemed surplus to requirements and did not form part of the land leased to the Brighton Aldridge Community Academy (which has now replaced the former High School). This report explains the context for the planning brief, summarises its contents and seeks permission for its approval.

2. RECOMMENDATIONS:

- 2.1 That the planning brief be approved as a means of helping guide future development proposals on the former Falmer High School released land.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

Background

- 3.1 The site comprises the remaining (southern) building of the former Falmer High School, together with surrounding land, now deemed surplus to requirements due to the recently completed Brighton Aldridge Community Academy (BACA). The site is currently home to The Bridge Community Education Centre, which is seeking to remain in the area and which has submitted a business case to the council for replacement accommodation.
- 3.2 Through a now lapsed agreement between the council and Brighton & Hove Albion FC (B&HAFC) 1,000 car parking spaces were to have been provided on the High School playing fields for the Amex Community Stadium on event days. The closure of the High School and its replacement by the Academy has meant that parking on the playing fields is no longer an option. However, it is anticipated that in disposing of the site the council (as current landowner) will be seeking a development package that will include replacement facilities for The Bridge Community Education Centre, as well as car parking facilities to service the Amex Community Stadium on event days.

- 3.3 Although a degree of temporary car parking has been provided close to the stadium through agreements between the football club and other landowners, the need for additional local car parking to meet the full requirements of the planning permission remains and is heightened by the current planning application to increase the spectator capacity of the stadium.
- 3.4 Primarily in response to concerns raised with the council's Cabinet Member for Transport & Public Realm by local residents about the effects of event-day parking on streets in the Moulsecomb and Coldean areas, the Leader of the Council and Chief Executive of B&HAFC jointly agreed to the preparation of an independent study of the current and future use, and impacts, of different forms of transport used by supporters to reach the Amex Community Stadium at Falmer.
- 3.5 In considering the wide range of transport issues, parking has been a key issue. The report has considered on-street problems, and the use and availability of parking both on-site (e.g. Bennett's Field) and off-site (e.g. University of Sussex and the Falmer Released Land). Consideration of the released land is important given the original allocation of 1,000 spaces on the former Falmer High School Playing Fields as part of the original planning permission. In its overall conclusions and recommendations, the independent report has indicated that the case for the use of the released land for up to 800 spaces could be supported, and that this could form part of a wider package of proposals that would help to enable effective and efficient transport options for supporters to access the Amex Stadium both now and in the future. Safe access to the released land site on event-days should be a primary consideration in the design of the parking spaces and the management of movement to and from them by club stewards.
- 3.6 The independent study's conclusions will be considered by the stadium's Travel Management Group [TMG], which has been set up as a requirement of the planning permission and considers and addresses event-day transport issues. The views of the TMG will be reported verbally to this CMM meeting.
- 3.7 If agreed and implemented, the provision of these parking spaces could enable further consideration to be given to the potential opportunities that they may offer (outside the times that they would be used on event days and for other outdoor events) in terms of achieving an efficient use of such land within the city and addressing existing and future transport issues.
- 3.8 In the light of the above, a planning brief has been prepared in order to:
- assist the council in its strategic objectives of securing a new home for The Bridge Community Education Centre and additional car parking for the Amex Community Stadium;
 - help guide future development proposals by highlighting and applying the council's planning policies at a site specific level.

The planning brief

- 3.9 The brief takes the form of a 'light touch' advisory document that promotes the following potential uses on the site, whilst highlighting the need for environmental, design and other planning and sustainability concerns to be properly addressed in any development proposals:

- Around 800 tiered car parking spaces to serve the Amex Stadium on event days (and with potential to provide further strategic benefits in respect of sustainable transport issues)
- Provision of community facilities (e.g. to accommodate The Bridge Community Education Centre)
- Buildings linked with Higher Education and the Academic Corridor, including the potential for student accommodation, teaching and learning space, business enterprise and start-up business units.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 External consultation has been undertaken with the Brighton Aldridge Community Academy (immediate neighbours of the site) and Brighton & Hove Albion FC. Comments from these bodies have informed the contents of the brief. Further and wider consultation will be a necessary requirement of any future planning applications.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The cost of preparing the Planning Brief only consists of officer time and this has been met from within existing Planning revenue budgets.

Finance Officer Consulted: Name Karen Brookshaw Date: 09/01/12

Legal Implications:

Although the Planning Brief is a material planning consideration it cannot be afforded full statutory weight as it has not undergone full statutory consultation. However, the Brief complies with relevant Local Plan policies and national planning guidance and is a material planning consideration to which Members should give some weight in the determination of a planning application relating to the site.

- 5.2 A report will be going to the February Cabinet meeting regarding further appropriate decisions to be made by the council as owner of the released land.

*Lawyers Consulted: Hilary Woodward & Bob Bruce
Date: 5 and 16 January 2012*

Equalities Implications:

- 5.3 The brief promotes community uses including a replacement facility for The Bridge Community Education Centre, in line with the corporate objectives of the council to ensure the retention of this facility in this area of the city.

Sustainability Implications:

- 5.4 Any development proposals will need to accord with council planning policies, which seek and promote sustainable developments. This issue is highlighted in the brief.

Crime & Disorder Implications:

- 5.5 Security issues would be examined as a matter of course in any future planning application relating to the site.

Risk and Opportunity Management Implications:

- 5.6 These are issues for the council as landowner and any future developer of the site to assess.

Public Health Implications:

- 5.7 As referred to above, the brief promotes the reprovision of The Bridge Community Education Centre, which provides a valued services in this part of the city.

Corporate / Citywide Implications:

- 5.8 The planning brief reflects the council's corporate and strategic commitment to replace The Bridge Community Education Centre, as well as ensure that the Amex Community Stadium is properly provided for in terms of a wide range of transport options.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 An alternative would be to not provide a planning brief. It is, however, considered helpful in this instance to provide a brief to provide guidance on the council's corporate aspirations regarding future land uses on the site.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations should be approved in order to provide increased weight to the planning brief as a material consideration in the planning process.

SUPPORTING DOCUMENTATION

Appendices:

1. Planning Brief: Former Falmer High School Released Land

Planning Brief: Falmer Released Land

1. Status of this Planning Brief

- 1.1 This planning brief has been prepared as a tool to assist the council in securing its strategic objectives in respect of land that formerly formed part of Falmer High School, now deemed surplus to requirements for secondary education in the area.
- 1.2 Although the Planning Brief is a material planning consideration it cannot be afforded full statutory weight as it has not undergone full statutory consultation. However, the Brief complies with relevant Local Plan policies and national planning guidance and is a material planning consideration to which Members should give some weight in the determination of a planning application relating to the site.

2. Background

- 2.1 The site comprises the remaining (southern) building of the former Falmer High School, together with surrounding land, now deemed surplus to requirements due to the adjacent and recently completed Academy. The site is currently home to The Bridge Community Education Centre, which is seeking to remain in the area and which has submitted a business case to the council for replacement accommodation.
- 2.2 Through a now lapsed agreement between the council and Brighton & Hove Albion FC, 1000 car parking spaces were to have been provided on the High School playing field for the Amex Community Stadium on event days, in order to comply with planning requirements concerning total off site car parking in close proximity to the stadium. The closure of the High School and its replacement by the Academy has meant that parking on the playing fields is no longer an option. However, it is anticipated that in disposing of the site the council (as current landowner) will be seeking a development package that will provide both for replacement facilities for The Bridge, as well as car parking facilities to service the Amex Community Stadium on event days.
- 2.3 Although a degree of temporary car parking has been provided close to the stadium through agreements between the football club and other landowners, the need for additional local car

parking to meet the full requirements of the planning permission remains and is heightened by the submission of a planning application in January 2012 to increase the spectator capacity of the stadium. Primarily in response to concerns raised with the council's Cabinet Member for Transport & Public Realm by local residents about the effects of event-day parking on streets in the Moulsecomb and Coldean areas, the Leader of the Council and Chief Executive of B&HAFC jointly agreed to the preparation of an independent study of the current and future use, and impacts, of different forms of transport used by supporters to reach the Amex Community Stadium at Falmer.

- 2.4 In considering the wide range of transport issues, parking has been a key issue. The report has considered on-street problems, and the use and availability of parking both on-site (e.g. Bennett's Field) and off-site (e.g. University of Sussex and the Falmer Released Land). Consideration of the released land is important, given the original allocation of 1,000 spaces on the former Falmer High School Playing Fields as part of the original planning permission. In its overall conclusions and recommendations, the independent report has indicated that the case for the use of the released land for up to 800 spaces could be supported, and that this could form part of a wider package of proposals that would help to enable effective and efficient transport options for supporters to access the Amex Stadium both now and in the future.
- 2.5 In the light of the above, a planning brief has been prepared in order to:
- assist the council in its strategic objectives of securing a new home for The Bridge Community Education Centre and the recognised need additional car parking for the Amex Community Stadium;
 - help guide future development proposals by highlighting and applying the council's planning policies at a site specific level.

3. Site Context

- 3.1 The site area is on the north-east edge of Brighton close to the junction of the A27 bypass and the A270 Lewes Road. The Brighton to Lewes railway runs through the area and separates the existing school site from Woollards Field and Lewes Road. The area is within the defined 'Built-Up Area' in the Brighton & Hove Local Plan. However, given the site's proximity to the South Downs National Park and Stanmer Conservation Area,

consideration should be given to its environmentally sensitive location.

- 3.2 The site, of approximately 2.25 ha, is owned by Brighton & Hove City Council and is flanked by ancient woodland to the south which is designated a Site of Nature Conservation Interest (SNCI). Woollards Field, on the northern side of the railway line which forms the north boundary of the site, is allocated for employment use under Policy EM2 of the Brighton & Hove Local Plan. Part of the Woollards Field site has received planning permission for a new county records office (The Keep) for East Sussex and Brighton & Hove (under construction at the time of writing – January 2012). The University of Brighton campus and Virgin Active Health Club are located on the eastern boundary of the Academy site.

4. Planning Policy Context

Land Use

- 4.1 A sensitively designed scheme should be capable of accommodating the 800 car parking spaces required for event days at the stadium, in a tiered arrangement below a mixed use development.
- 4.2 The site contains a building that formed part of the former secondary school and is currently partially rented to The Bridge Community Education Centre. School buildings fall within the consideration of Local Plan policy HO20, which resists development proposals that would result in the loss of community facilities (including schools). Exceptions may apply, however, including instances where the community use is incorporated, or replaced within a new development. Whilst in this instance the former Falmer High School has been replaced with the Brighton Aldridge Community Academy, given the established community use of the released land, any proposals for community use will be supported in principle.
- 4.3 Other than the provision of car parking spaces and community uses, the site would be suitable for uses associated with either of the Universities' growth aspirations and the area's Academic Corridor status, such as student accommodation, teaching and learning space, business enterprise and start-up business units. Other educational uses (for example complementary to or in association with the adjacent Academy) would also be acceptable in principle.
- 4.4 Previous studies have identified land in this area of the city as being potentially suitable for Park + Ride, given the close proximity to the A27 Trunk Road. Although the council is currently reviewing its Park + Ride policy-options in the context of consultation to assist in the development of the new City Plan, the potential to make the most efficient use of this level of parking to assist in delivering the city's transport objectives remains a possibility (although clearly it could not fulfil such a role when it was being used in association with the stadium). The use of the site as a car park would be subject to satisfactory access arrangements. Safe access to and from the site on match and event days should be a primary consideration in the design of the parking spaces and the management of movement to and from them by stewards.

Design and Conservation Issues

- 4.5 Any development would need to be designed to take into account its potential visual impact on views from the South Downs National Park and Stanmer Conservation Area. With regard to the latter factor, development proposals should take on board policy HE6 which states that “**proposals within or affecting the setting of a conservation area should preserve or enhance the character and appearance of the area**”. Proposals should pay particular attention to paragraph 8.21 of the adopted Local Plan which refers directly to Conservation Area studies and their relevance to development affecting a Conservation Area.
- 4.6 Likewise, development proposals need to ensure the preservation of the ancient woodland on its southern and eastern periphery (a site of nature conservation importance (SNCI)). In accordance with recent legislation and Policy QD1 of the adopted Local Plan, a design statement will be required and it is likely that a landscape impact assessment will be necessary as a part of a wider Environmental Impact Assessment for the proposed development. The design statement should address the criteria contained in policies QD2 and QD4 of the adopted Local Plan.
- 4.7 Policy QD3 states that “new development will be required to make efficient and effective use of a site, including sites comprising derelict or vacant land and buildings. To secure the efficient and effective use of a site, proposals will be expected to incorporate an intensity of development appropriate to: the locality and/or prevailing townscape; the needs of the community, the nature of the development and proposed uses”. The selection of building materials and screening of the development will also be important considerations in the design of any future scheme for the site.

Other Policy Considerations

4.8 Notwithstanding the likely role the site is likely to play in helping meet the car parking needs of the Amex Community Stadium, it is essential that any development being proposed for the site is carefully managed in terms of the travel and transport demands generated by the scheme. New development should not encourage unnecessary car journeys but should actively promote more sustainable alternatives such as public transport, walking or cycling. At the earliest stage, the following factors should be considered:

- how the occupiers of the site will travel to and from the site;
- how visitors will reach the premises;
- how freight to and from the site will be managed; and
- what the impact of these new activities will be on their neighbours.

These issues will need to be addressed at the planning application stage through the submission of a Transport Assessment and a Travel Plan that aims to minimise the impact of the scheme by reducing traffic generation.

4.9 Redevelopment of the site should not result in any significant increase in traffic through the Stanmer Conservation Area, other residential streets or lead to on-street parking in surrounding streets. Off-site highways works may be required to mitigate any adverse impacts resulting from the development. Such works should be sympathetic to the character of the adjacent Conservation Area.

5. Environmental Sustainability

5.1 Due to the sensitive location of the site, any planning application coming forward is likely to require a formal Environmental Statement under the terms of the Environmental Impact Assessment (EIA) Regulations. The Environmental Statement in particular should seek to minimise impacts on the environment, propose mitigation measures when impacts are unavoidable and consider alternatives including that of doing nothing.

5.2 In line with council planning policy, any proposed development would have to pay regard to the guidance in the council's Sustainable Building Design **SPD 08** which promotes the use of renewable energy and greater energy efficiency within new developments. The SPG should be read in conjunction with

policies SU2, SU13 and SU14, to ensure compliance with Local Plan policies. For further practical ideas on how waste can be reduced, re-used and recycled, the developer should read the council's **SPD03** on **Construction and Demolition Waste**.

6 Useful Contacts

Contact:

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7 List of Relevant Planning Guidance and Other Documents

Planning:

Adopted Local Plan (July 2005)

SPGBH 4: Parking Standards (Adopted September 2000, under review)

SPD 08 Sustainable Building Design

SPD 11 Nature Conservation and Development

SPD 03 Construction and Demolition Waste

Other:

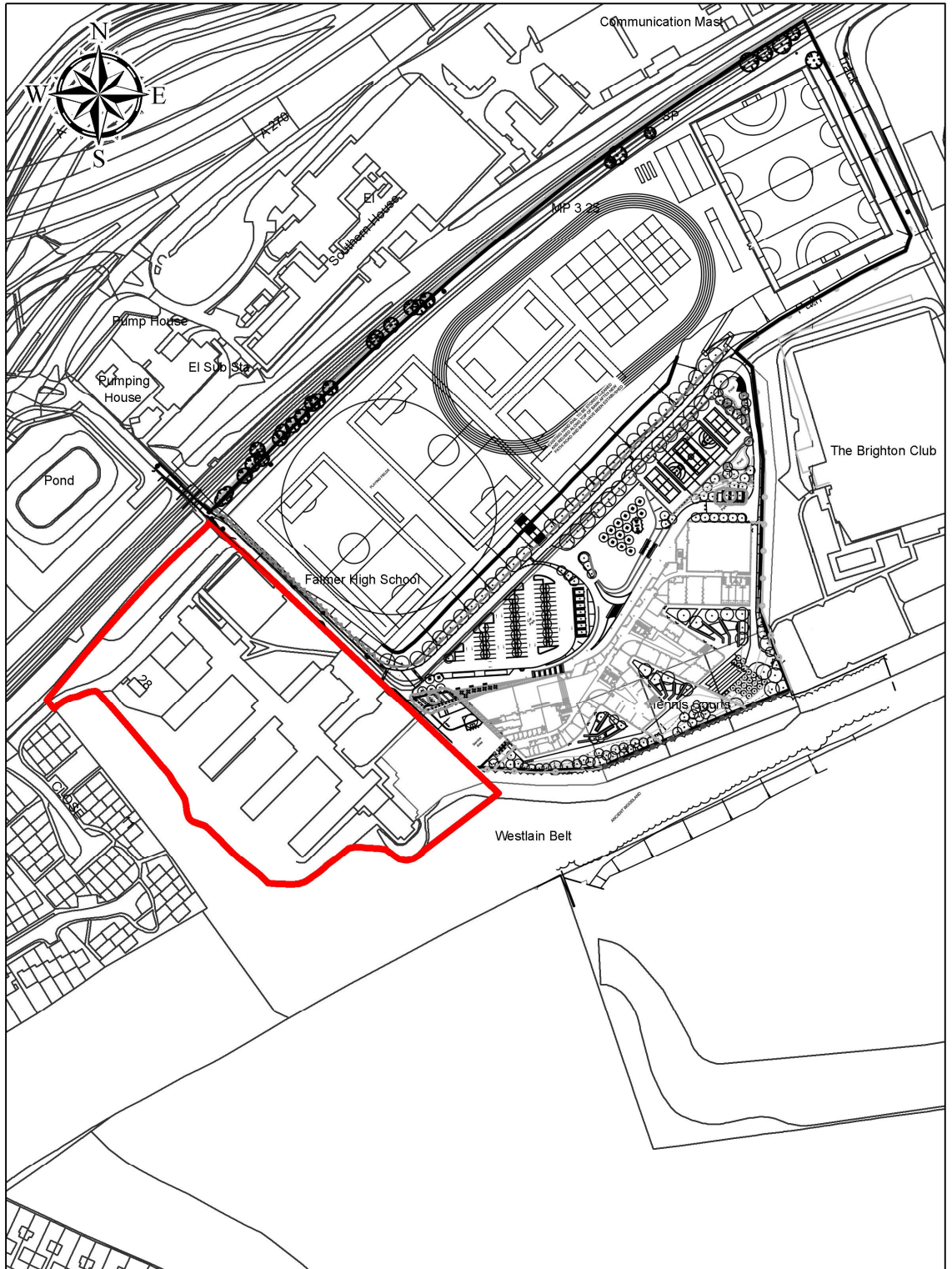
Brighton & Hove Local Transport Plan

Brighton & Hove Sustainable Community Strategy

Brighton & Hove Economic Strategy

Brighton & Hove Community Development Strategy

Site Plan: Former Falmer High School released land



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