

Topic – Design & Heritage

DM18 High quality design and places

Development proposals must demonstrate a high standard of design and make a positive contribution to a sense of place and the visual quality of the environment. The council will require an integrated approach to the design process from project inception where place making and sustainable development, including the principles of the circular economy, are considered as one.

Proposals for development will be expected to consider the following key design aspects:

- a) the local context; including responding positively to the urban grain;**
- b) the scale and shape of buildings;**
- c) the building materials and architectural detailing; and**
- d) the spaces between and around buildings taking into account:**
 - (i) purpose and function;**
 - (ii) access and linkages;**
 - (iii) uses and activities; and**
 - (iv) comfort, image and sociability.**

Major development proposals will be required to demonstrate how the criteria listed above have been considered and addressed in their plans.

In addition to the above, major development proposals on strategic and/or prominent sites should also consider the incorporation of an artistic element.

Supporting Text

2.146 Where attractive buildings and spaces are created within and around a development, their contribution to the local environment can be far greater than the sum of their parts. The layout of buildings and spaces within a development is critical to the creation of a sense of identity. Place-making focuses on ways to deliver attractive, successful places by improving the city's buildings and public spaces so that they invite greater interaction between people and promote better connected healthier, more social and more economically viable communities.

2.147 More detailed design guidance for developers, including area- and site-specific design principles, will form part of the Urban Design Framework Supplementary Planning Document which will support City Plan Part 1 Policies CP12 Urban Design and City Plan Part 2 Policy DM18 High Quality Design and Places. Guidance on identified strategic views and how new strategic and local views can be identified will be included.

Local context

2.148 The successful integration of new development into the local context is dependent upon an understanding of and positive response to existing development patterns of the local area – its ‘urban grain’. Given the diverse character and urban grain of the city’s neighbourhoods, appropriate design responses can range from repeating or reinterpreting local building patterns through to considered contrast. The urban grain can provide a good starting point when considering the layout of new buildings and spaces. Important elements include local patterns of roads and streets; building lines and set-backs; building types and densities; plot sizes and patterns; open spaces; and orientation. The scale of consideration of local context should be commensurate with the scale and impact of the proposals. For example, from the street scale in the case of a single dwelling proposal to a neighbourhood and/or city-wide scale in the case of larger and/or strategic development.

2.149 A detailed Tall Buildings Statement will be required to support proposals for buildings of 18 meters or taller (approximately 6 storeys) as set out City Plan Part One Policy CP12 Urban Design and local guidance on tall buildings. Criteria for assessing proposals for tall buildings, including cumulative impact will be set out in the Urban Design Framework SPD.

Scale and shape of new buildings

2.150 This is a major factor in determining the visual character of an area. Generally the aim should be to create a sense of harmony and visual continuity between existing and new. The basic proportions of a building, including its height, width and depth, the shape of its gables and the pitch of the roof, can be varied to suit the local context. What matters is not so much the absolute size of a new building or development, but its size relative to its surroundings, and how apparent the scale of a building or development will be. Elements of any building that are visible from a highway are of particular importance.

Building materials and architectural detailing

2.151 The selection of external materials and finishes is often a critical factor in determining how well a new development relates visually to its surroundings. Adopting the local palette of materials, and the ways in which these are combined and detailed, is one way in which new development can reinforce local distinctiveness. The detailing and finishing of exterior surfaces (for example metal cladding, timber cladding, glazed curtain walling, concrete or rendered/painted surfaces) needs to be carefully considered to avoid requiring onerous maintenance requirements or poor weathering properties. Where appropriate, a funded maintenance plan will be required to demonstrate how the quality of materials used will be secured over time. Other important aspects of local building design include the pattern and proportions of the windows in nearby buildings, and the ways that elevations are divided horizontally and vertically. Development proposals should aim

for high sustainability standards (City Plan Part One Policy CP8 Sustainable Buildings and Policy DM43) and take into account the principles of the circular economy⁴⁸ to minimise the use of new materials, avoid waste and support high recycling rates through consideration of innovative building design, designing for adaptability, flexibility and re-use (see Policy CP8 Sustainable Buildings and Policy WMP3d of the East Sussex, Brighton & Hove and South Downs Waste and Minerals Plan).

Spaces between buildings

2.152 Too often attention is focused on buildings and their architectural detail at the expense of proper consideration of the design of the spaces between buildings. In many instances it is the quality of these spaces rather than the appearance of the buildings that makes places memorable. Poorly conceived places can sometimes undermine high quality architecture, with street clutter and infrastructure obscuring views. The sensitive application of certain well-proven design principles can help to ensure that a sense of identity is created in new development.

2.153 Buildings within a development should be arranged to create well defined spaces, each with a clear **purpose and function**. The spaces within a development should not consist simply of the land left over once the footprints of buildings and the positions of roads and accesses have been established. Defining the nature and use of the spaces early in the design process can help inform the siting and design of buildings, hard and soft landscape and, if applicable, distribution of uses that will enclose these spaces.

2.154 A successful place is easy to get to, visible and easy to move through. Physical elements can enhance **access and links** such as a clearly marked street-crossing or a shopping parade leading to the space. These can add interest and help create a safer environment. The ability to see a public space from a distance, parking arrangements and convenient public transport can also contribute to better access.

2.155 Successful public places typically offer a variety of **uses and activities** in and/or around it that suits its users. The right mix and spatial clustering of uses can be critical to attracting a range of people and animating a space. In Brighton & Hove where availability of open public space is limited, opportunities should be taken to optimise the use of open spaces. Streets and spaces should be flexibly designed to accommodate a range of activities. New development should present an interesting and attractive frontage and open spaces particularly at street level for pedestrians.

⁴⁸ The Circular Economy principles encourage materials and resources to be kept in use for as long as possible by re-using, recycling, remanufacturing and sharing resources. Using the principle of the circular economy leads to fewer materials being thrown away and better use of local resources, reducing carbon emissions and impact on the environment as well as reducing costs.

2.156 In general, **comfort, image and sociability** relate to people's sense of safety, cleanliness and overall character of a place. In design terms, this can range from the provision of and/or arrangements to enable the use of public toilet facilities to a choice of places to sit along with shade, shelter or other protection from the elements. The presence and quality of hard and soft landscaping and the nature of vehicular traffic will also influence these perceptions. Substantial traffic and associated perceptions about danger, noise and air quality may make movement through spaces difficult and deter people from lingering in them.

2.157 The **incorporation of art into the design of buildings and spaces** can be a useful and effective way of creating and/or enhancing local distinctiveness and developing a desirable sense of place. It can provide important opportunities to involve the local community and offer work opportunities to artists, many of whom will be local, and to promote and strengthen the city's appeal as a tourist attraction.

2.158 Proposals for major applications on strategic or prominent sites or development that is likely to have an impact on public realm will need to demonstrate how an artistic element has been incorporated into development design and how proposals meet the objectives of relevant art- and public realm-related strategies and guidance.

2.159 Applicants proposing major development and/or development in a sensitive location should engage with the council's **design review** service at an early stage in the design process. In addition, such applicants are encouraged to make use of the council's pre-application service.

DM19 Maximising Development Potential

To avoid underdevelopment of sites proposals should seek to maximise opportunities for the development and use of land to ensure the efficient and effective use of available sites.

Planning applications will be expected to demonstrate that development proposals meet all of the following requirements:

- a) maximise opportunities for an appropriate mix of uses across the site;**
- b) residential development should seek to optimise densities taking account of Policies CP14 Housing Density, SA4 Urban Fringe and SA5 The Setting of the SDNP in City Plan Part One;**
- c) achieve efficient use of the site in terms of building layouts and design; and**
- d) make efficient use of land to provide for effective open space, amenity space, access and car parking.**

Supporting Text

2.160 Development opportunities in Brighton & Hove are constrained by the South Downs and the sea leaving only a limited supply of land suitable for development within the City Plan area. Underdevelopment of sites can compromise the ability of the city to meet land use targets set out across the City Plan. It is important that new development proposals make efficient use of land and maximise the potential of available sites, whilst avoiding promoting over-crowding, congestion, excessive densities and negative amenity/infrastructure impacts on surrounding areas. This requires consideration of the efficient and effective use of sites, not only in terms of the design and layout of buildings, but also considering open space, access, car parking and other uses where relevant.

2.161 Policy CP14 Housing Density in the City Plan Part One sets general policy parameters for the density of residential development setting a general expectation for a minimum net density of 50 dwellings per hectare (dph) with a minimum of 100 dph within Development Areas DA1-6 and DA8. Policy CP14 also sets out circumstances where a residential density below 50 dph may be appropriate, for example to reflect a neighbourhood's characteristics, meet the housing needs of a particular group or contribute towards creating a sustainable neighbourhood. However, even where a lower density of development may be appropriate, it is still important to ensure that an efficient use of the site is achieved in terms of mix of uses, layouts and design, etc. Proposals that are inconsistent with the density levels in Policy CP14 will need to demonstrate that a satisfactory balance has been achieved between respecting local context and maximising site potential to meet the city's needs, in particular in relation to housing provision.

2.162 When considering the density and design of development, proposals will also need to take account of other policies in this Plan, in particular the impact on amenities and the design and quality of spaces between buildings (see City Plan Part One Policies CP8 Sustainable Buildings, CP12 Urban Design and CP13 Public Streets and Spaces, and DM18 High Quality Design and Places and DM20 Protection of Amenity policies).

DM20 Protection of Amenity

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

Supporting Text

2.163 In a dense city like Brighton & Hove proposals for new development need to give full consideration to their impact upon neighbours as well as future users, residents and occupiers. Most potential negative impact can be addressed through design and mitigation measures if these are considered early in the design stage of a development. When designing new development, applicants will be required to consider the effect of their proposal upon:

- visual privacy and overlooking;
- outlook and overshadowing; and
- sunlight and daylight.

2.164 Applicants will be encouraged to engage and consult with neighbours and/or community groups in accordance with the adopted Statement of Community Involvement. In addition, they should seek advice from the Local Planning Authority as early as possible to identify and address sensitive amenity issues for example relating to extensions and alterations (see Policy DM21 Extensions and Alterations) and minimum internal residential space standards (see Policy DM1 Housing Quality, Choice and Mix).

Spaces that are overlooked lack visual privacy.

2.165 New buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The most sensitive areas are: living rooms; bedrooms; kitchens; and the part of a garden nearest to the house. Public spaces and communal areas will benefit from a degree of overlooking due to the increased level of surveillance it can provide. For information about the impact of material nuisance interfering with the comfort, convenience, or health of new, existing and neighbouring occupants such as foul odours, noxious gases, smoke, dust, loud noises, excessive light or high temperatures please refer to Policy DM40 Protection of the Environment and Health – Pollution and Nuisance.

Outlook

2.166 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. New development should ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. Particular care should be given to development that adjoins properties

with a single aspect. However the protection of specific views from a property is not a material planning consideration.

Overshadowing

2.167 New development should take reasonable steps to avoid overshadowing windows to habitable rooms or open spaces and gardens. This may be particularly difficult in the denser areas of the city. However, it is important in these areas to prevent overshadowing of amenity space and open spaces given the limited amount of open spaces and the existing amount of overshadowing.

Sunlight and daylight

2.168 Sunlight and daylight will be affected by the location of the proposed development and its proximity to, and position in relation to, nearby windows. The council will use existing, well-established guidance on these issues to assess whether acceptable levels of daylight and sunlight are available to habitable spaces. Reports may be required for both minor and major applications depending on whether a proposal has the potential to reduce daylight and sunlight levels.

2.169 Further guidance will be provided in the Urban Design Framework Supplementary Planning Document (UDF SPD⁴⁹).

⁴⁹ A draft version of the Urban Design Framework is currently being prepared and adoption is anticipated in 2020.

DM21 Extensions and alterations

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

- a) is well designed and scaled, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;**
- b) takes account the existing character of the area; and**
- c) uses materials that complement the parent building.**

Supporting Text

2.170 Brighton & Hove is a densely built-up city where development often involves the extension or alterations of existing buildings. High quality designed extensions and alterations that respond creatively to the site and its context will be supported where they meet the policy.

2.171 The main design elements which should be considered include:

- the materials, design and detailing used for the original property;
- scale, form, mass and height;
- vertical and horizontal rhythm;
- proportion;
- principles of accessible and inclusive design; and
- the relationship with adjoining properties and streetscape, including the building line, roofscape, orientation, and the slope of the site (see Policy DM18 High Quality Design and Places).

2.172 As a general rule, extensions are expected to play a subordinate role that respects the design, scale and proportions of the host building and the streetscape and not lead to unacceptable impacts on amenity of neighbouring properties (see Policy DM20 Protection of Amenity).

2.173 Where possible, development proposals should maximise opportunities to improve the energy performance of existing buildings beyond Building Regulations. Minimum standards may apply to large extensions (see City Plan Part One Policy CP8 Sustainable Buildings and Policy DM44 Energy Efficiency and Renewables).

2.174 Further guidance on design is set out in SPD 12 Design Guide for Extensions and Alterations⁵⁰.

⁵⁰ Adopted January 2020.

DM22 Landscape Design and Trees

Development proposals will be required to retain, improve and wherever possible provide, appropriate landscape elements/ landscaping, trees and planting as part of the development taking into account the need for:

- a) the inclusion of landscape design from the outset so that it informs the overall design of development and is fit for purpose⁵¹ having regard to: suitable microclimates, amenity, sense of place, natural capital⁵² and ecosystem services – including the provision of nature based solutions⁵³, SuDs, green roofs/walls, plants for pollinators, climate control and climate change adaptation measures;
- b) clear, legible landscape plans and material details;
- c) accurate identification of all existing trees, shrubs, hedgerows and landscape features;
- d) the retention of existing trees and hedgerows with details of appropriate protection during construction. Where removal is unavoidable, the provision of plans that clearly identify the location and species of all those to be lost and all those to be retained;
- e) replacement trees along with appropriate associated planting space and works of a type, size and location to the satisfaction of the council for any tree felled; for example, by reason of it being severely diseased or dangerous;
- f) the planting and maintenance of street trees of appropriate species and intervals should be provided where appropriate by major development proposals with significant street frontage;
- g) effective use of existing landscape features or levelling to facilitate greater flexible and multi-functional use including, where practicable, informal/formal sports, children’s play and food growing;
- h) high quality planting and landscape materials appropriate to the site and its proposed use including the planting of native and wildlife/pollinator-friendly non-native species, new trees⁵⁴, hedges and the use of permeable hard landscape materials wherever practicable;

⁵¹ Fit for purpose includes the need to have regard to minimum required activity areas and relevant standards including British Standards, for example, playgrounds: BS EN 1176, BS EN 1177

⁵² Natural Capital is defined as the elements of nature that directly or indirectly produce value to people, including ecosystems, species, freshwater, land, minerals, the air and oceans, as well as natural processes and functions.

⁵³ Nature based solutions are solutions to ‘problems’ using natural measures such as water, vegetation and green roofs/walls to: help cool, help irrigate, reduce noise, provide shade, slow rainwater run-off and provide a visual and/or wind screen. Also appropriate planting can help ameliorate air quality issues.

⁵⁴ Regard should be given to the provision of native trees and Sussex fruit trees whilst providing a wide diversity of species and range of tree ages fundamental to avoid threats from disease and climatic extremes such as hurricanes in line with the council’s emerging Tree Strategy.

- i) viable long-term maintenance and durable materials, including the submission of a funded maintenance plan to be approved by the council, so as to secure a high quality attractive environment;**
- j) meeting the generated open space requirements (see City Plan Part One Policies CP16 Open Space and CP17 Sports Provision); and**
- k) capitalising on opportunities to facilitate social integration, improve public health and safety, accessibility, connectivity, leading to net gains to biodiversity and enhancements to Green Infrastructure and/or create green links for wildlife and public access.**

Works to a protected tree⁵⁵ will be permitted only where they do not damage the amenity value and health of the tree and/or are the minimum consistent with good arboricultural practice⁵⁶.

The felling of a protected tree will only be permitted where it is severely diseased or dangerous, or, it is necessary to accommodate development of national importance which cannot be located elsewhere; and, a replacement tree is provided of a type, size and location to the satisfaction of the council.

On major and public realm schemes a Green Infrastructure plan and details of structural landscaping⁵⁷, which contribute to the existing overall landscape quality of an area, will need to be agreed with the council prior to the determination of a planning application. It may be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing (See Policy DM37 Green Infrastructure and Nature Conservation).

Supporting Text

2.175 The spaces between and around buildings are just as important as the buildings themselves. They provide an important visual setting for the building(s). It is essential that careful attention is given to these spaces within the overall design of a scheme, including schemes for change of use, in order to achieve good design and multi-functionality. Through appropriate placement and orientation these spaces should provide usable outdoor amenity space appropriate to the scale and character of the development. Indeed, good design involves consideration of the landscape as an integral part of the design process helping to optimise its ability to fulfil several functions. Early consideration ensures advantage of the 'additional' opportunities landscape provides can be taken, such as, climate change mitigation and resilience,

⁵⁵ Protected trees include those covered by a Tree Preservation Order and/or lies within a conservation area.

⁵⁶ Regard must be given to British Standard 5837 (Trees in Relation to Design, Demolition and Construction) and any subsequent revisions.

⁵⁷ Structural landscaping includes features such as changes in ground levels, retaining walls, fences, ornamental structures, street furniture and other types of hard landscaping.

water purification, air pollution mitigation⁵⁸, habitat creation, accessibility and connectivity to the city's green infrastructure network, sustainable drainage, secure drying space as well as visual amenity and recreation.

2.176 An objective of any proposal should be to integrate development into its surroundings with minimal impact on the environment, whilst at the same time creating an attractive setting in the immediate vicinity. All development should incorporate green infrastructure measures that are appropriate to the type and context of the proposal as part of an overall landscape design. Major development schemes should seek to demonstrate how landscape has informed the overall design by the submission of a Green Infrastructure masterplan/strategy (see Policy DM37 Green Infrastructure and Nature Conservation). Temporary functions, events and structures will need to ensure the integrity of green infrastructure is not compromised.

2.177 A high standard of design is expected. New developments are encouraged to express individuality and a legible sense of identity whilst retaining the character of the local area. Landscape schemes will be sought which are attractive and distinctive and make a positive contribution to the site, its surroundings and biodiversity. It is important in terms of 'quality of life' for people to have easy access to natural open space. Materials should be carefully selected to suit and work with the function of the space. Native species will be encouraged in particular those of local origin subject to climate change adaptability. High pollinator value trees, shrubs and trees will be encouraged. Landscape design should consider opportunities to protect vulnerable wildlife such as wildflower/flower rich grass and 'hedgehog highways'. Personal and community safety should be carefully considered in all schemes.

2.178 Effective landscaping will also be required where proposals involve changes of use. A change of use to a building may require an alteration to the materials in the landscaped area so that the new function of the building, and consequently its character, is reflected in its surroundings. The landscape and external space can play an important role in determining access into areas, use of spaces and the hierarchy of public / private outdoor spaces with differing levels of privacy and security. Careful consideration should also be given to ensure that the role of the landscaping does not conflict with the requirements of the Building Regulations, for example, landscape schemes should not hinder emergency access points.

2.179 As far as practicable existing trees and hedgerows should be retained and new ones planted where appropriate. They help to add maturity to schemes; provide essential habitat for a wide range of wildlife; integrate developments into the existing environment; contribute to the character of the city; are valuable in softening the

⁵⁸ Through appropriate siting, choice of species and pruning regime landscaped features such as trees and vegetation can help mitigate air pollution (see NICE Guidance 70 Air Quality and Health June 2017).

appearance of the built-up area; help emphasise highway and pedestrian routes; help to identify site boundaries; provide shelter; and can help to reduce noise and atmospheric pollution.

2.180 Planning applications for any development that affects trees will be expected to be accompanied by an appropriately detailed arboricultural report and plan. The plan should be accurately plotted to scale and should indicate tree species, trunk diameter at breast height and crown spread. Hedgerows should also be plotted with species height and spread indicated. The footprint of the development, underground services, driveways, hardstanding areas and ground level changes should also be indicated. Plans should clearly set out which trees and hedgerows will be retained, removed and where new will be provided. Where development is permitted in the vicinity of trees or hedgerows, details about protective fencing will also be required in accordance with British Standard 5837 (Trees in Relation to Design, Demolition and Construction) and any subsequent revisions.

2.181 Brighton has been an Area of (Elm) Disease Management since the 1970s and has the only significant population of Elms in England making it home to the National Elm collection. Particular regard will therefore be given to the need to maintain and expand the presence of a range of different varieties and ages of Elm trees in different locations within the city.

2.182 Works to a tree covered by a Tree Preservation Order or within a conservation area will be permitted only where the works do not damage the amenity value or health of the tree. Any work carried out will be done using good arboricultural practice, such as that detailed in British Standard 3998 'Recommendations for tree work'. Where trees are removed, replacement trees of an agreed species, size and location will be required. Developers will be expected to protect trees covered by Tree Preservation Orders. It should be noted that it is a criminal offence to do works to a tree in contravention of a Tree Preservation Order.

2.183 Larger trees provide the eco-system services at much greater levels than smaller ones. Consequently, where large trees are felled they should be replaced with trees that are proportionate to the size and value of the trees to be lost delivering at least similar levels of ecosystem services. The number of replacement trees should be sufficient to compensate the lost stem/trunk diameter from all those felled. The compensation provided by each replacement trees shall be as measured at planting out based on the stock size. This will be calculated in accordance with the Capital Asset Value for Amenity Trees (CAVAT) methodology. Reasonable deductions will be permitted based on the value of any replacement planting works. The council encourages species and genetic diversity amongst the tree population within its future planting programme⁵⁹.

⁵⁹ A list of suitable tree species will be included in the council's emerging Trees Strategy.

2.184 New trees including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure. With major development proposals with a significant street frontage the provision and maintenance of street trees will be expected. Where the provision and maintenance of street trees are not feasible consideration will be given to overhanging planting within development sites at the highway edge. If trees are (or will become) owned or maintained by the council then, alongside maintenance plans, applicants will be expected to provide adequate funding to manage additional maintenance that is foreseeable as a result of development. Further guidance will be provided in the council's emerging Trees Strategy.

DM23 Shop Fronts

Permission will be granted for a new, replacement or altered shop front provided that the shop front:

- a) Respects the scale, style, proportions, detailing, materials and finish of the parent building and surrounding buildings;**
- b) Retains a visible means of support to the building above and does not interrupt or obscure any architectural details;**
- c) Has a fascia that is proportionate in depth to the scale of the shop front and which retains or reinstates vertical breaks between buildings;**
- d) Integrates all elements of the shop front, including provision for security measures, blinds and advertisements where required;**
- e) Incorporates all reasonable measures to make the shop front accessible to all.**

In conservation areas and in listed buildings shop front proposals must preserve or enhance the special architectural and historic interest of the area or building. Good quality traditional shop fronts or surviving elements must be retained and where necessary restored. New or replacement shop fronts in traditional buildings should be based upon historic evidence or nearby historic examples wherever possible. Subtle artificial lighting can highlight architectural features but should be low impact and avoid wider light spill.

Security measures will be permitted where they are well designed, integrated into the shop front and maintain a window display. Solid shutters will only be permitted where at least one of the following criteria is met:

- a) In isolated locations or in special circumstances where supporting evidence demonstrates that security poses a special problem and all other appropriate security measures have been explored; or**
- b) Where the shop front is of an open type such as a traditional greengrocers and where no alternative solution would be possible; or**
- c) Where there is no acknowledged need to retain a visible display outside opening hours.**

Where temporary security measures are necessary, such as when a property is vacant, any boarding up should be decorated in a single colour to match the shop front or should be in the form of a public art commission.

Blinds or awnings will be permitted where they are sensitively designed and located. They should relate to a shop window and cover the full width of the fascia but not obscure any architectural features. On a listed building or a historic building in a conservation area a traditional retractable canvas blind will be permitted where this would not adversely affect the building's

**proportions or harm a historic shop front or other important feature.
Permission will not be granted for blinds above fascia level.**

This policy will apply to all town centre uses that have a ground floor commercial frontage with public access.

Supporting Text

2.185 A well designed shop front should form an integral part of the building. Each frontage may be separate with its own individual style, but respecting the form of the building above and frontages to each side. This gives the shopping street rhythm and harmony without monotony. In the case of uniform parades or distinct architectural groups, however, the council will seek to ensure that the shop fronts achieve a visual coherence.

2.186 The key to achieving a good shop front design is proportion. It should make full use of the original ground floor height and have a vertical or horizontal emphasis consistent with the building as a whole. A vertical emphasis will normally be the appropriate approach where the building is Regency or Victorian in period. Good proportion will be achieved by careful consideration of the inter-relationship between the five principal elements of a shop front: pilasters; fascia; stall riser; shop window; and entrances(s).

2.187 Many local shop fronts incorporate traditional features such as a recessed doorway, a timber frame and fascia with mouldings, and a rendered or brick stall riser. These features make a valuable contribution and their retention will be expected. Where two or more adjacent units are being combined to form one unit, the shop front should be designed so as to retain the appearance of separate units, especially within a conservation area or on a listed building.

2.188 The prevalence of solid shutters in a street can transform it into a more threatening environment that increases the fear of crime to pedestrians in particular. For the avoidance of doubt, shutters with a 'pin hole' design are considered to be 'solid' for the purposes of this policy. In considering whether there is a need to maintain a visible display outside opening hours the council will take into account whether the shop unit falls within a defined retail centre or local parade (see Policies DM12 Changes of Use within Regional, Town, District and Local Shopping Centres and DM13 Important Local Parades, Neighbourhood Parades and Individual Shop Units). Light pollution should be avoided in accordance with policy DM40.

2.189 Blinds and awnings can add interest and vitality to a shopping street and provide protection from sunlight but should be carefully considered as an integral element of a shop front design. Blinds which can retract into a recessed box are usually more appropriate, especially on listed buildings or within conservation areas.

2.190 Further detailed policy guidance is set out in SPD02 on Shop Front Design.

DM24 Advertisements

Consent will be granted for advertisements and/or signs where they are sensitively designed and located so that they do not harm the visual amenity of the site or wider area and do not adversely affect public safety.

Consideration will be given to:

- a) The character of the area
- b) The siting of advertisements
- c) Size and proportion
- d) Design
- e) Materials
- f) Lettering and colour
- g) Means of fixture
- h) Method and extent of illumination
- i) Cumulative impacts

Advertisements affecting a heritage asset or its setting must cause no harm to the identified significance of the asset. Particular regard will be had to the impact on any important architectural or historic features of the site and to the chosen materials and finish of the advertisement(s). Any illumination should be by means of individual halo or internally illuminated letters on an unlit background or by means of discreet external trough lights or spot lights.

Advertisements outside the built up area must be discreetly sited and sensitively designed to be in keeping with the rural area and landscape character. Illumination should be strictly limited and must respect the setting of the South Downs National Park.

Where advertisements are viewable from the Strategic Road Network they must not distract roads users.

Applications for advertisement hoardings or scaffold shrouds will be subject to particular scrutiny due to their scale and potential impact on amenity and public safety. Any consent granted will be for a strictly limited period only.

Supporting Text

2.191 The definition of an advertisement is set out in national legislation. The council has control over advertising in the interests of 'amenity' and 'public safety'. The term 'amenity' covers the effect of advertising on the appearance of a building or group of buildings and on visual or aural amenity in the locality where the advertisement is to

be displayed. Relevant considerations are those scenic, historic, architectural or cultural features that contribute to the distinctive character of the locality. The term 'public safety' refers to the potential impact on road-users (including pedestrians) and on crime prevention and protection.

2.192 Advertising is important to the viability of commercial enterprises and to the health of the local economy. It can be informative and, when well designed and sited, can add interest and vitality to the street scene. Careful local area / geographical signage can also help to promote the local distinctiveness and legibility of particular areas or neighbourhoods of the city. However, a proliferation of signs can create a cluttered appearance with no visual cohesion which may be damaging to the appearance of buildings, streets or areas. Moreover, because advertising only works where it can be clearly seen, a clutter of signs may simply cause confusion, defeating its object and potentially impacting on public safety. A proliferation of A boards on streets can have particularly negative impacts on public safety.

2.193 The council will seek to ensure that advertisements are kept to a minimum and that they relate well to the function and use of the building or structure on which they are displayed. Any sign should be proportionate to the scale of the building or structure to which it is fixed and should not extend over any window or other architectural feature. The presence in an area of some existing poorly located or designed advertisements will not be considered to set a precedent for others.

2.194 Advertisement hoardings can be particularly intrusive in a locality because of their size and positioning. Permanent advertisement hoardings will be considered inappropriate where they would harmfully affect heritage assets or their settings or would be within the seafront area or within the countryside. Large LED screens will only be acceptable in commercial areas where they would not impact on heritage assets or their settings. Temporary advertisement hoardings or shrouds may be acceptable around building sites where their display would enhance a street scene during the course of the works. Hoardings or shrouds will not be considered acceptable in wholly residential streets or areas.

2.195 Where necessary the council will take proactive action to secure the removal of advertisements that are harmful to amenity or public safety, having regard to this policy, particularly to reduce a clutter of signage.

2.196 Further detailed policy guidance is set out in SPD07 on Advertisements, which includes the statutory definition of an advertisement.

DM25 Communications Infrastructure

Planning applications for communications infrastructure and associated ancillary development will be permitted where all of the following criteria have been met:

- a) There will be no unacceptable impact on the character or appearance of the building on which, or space within which, the equipment is located, including contributing to an over accumulation of street clutter, (see also Policy DM18 High Quality Design and Places);**
- b) The significance, appearance, character and setting of heritage assets are conserved or enhanced, in accordance with City Plan Part One Policy CP15 Heritage;**
- c) The proposal is appropriately designed, minimising size and scale, and camouflaging appearance wherever possible;**
- d) There is no unacceptable impact on important wildlife sites, areas of landscape importance and their setting including the setting of the South Downs National Park;**
- e) All options have been thoroughly assessed for sharing of existing equipment and/or erecting masts on existing tall buildings or other structures;**
- f) All masts and additions to existing masts are self-certified to meet International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards;**
- g) It has been demonstrated that the communications infrastructure will not cause significant and irremediable interference with respect to other electrical equipment, air traffic services or instrumentation operated in the national interest.**

Criteria a) to d) apply to satellite antenna (dish or aerial).

New development or major renovation works to existing buildings should ensure that sufficient ducting space for future digital full fibre connectivity infrastructure is provided as part of the development.

Where possible, the council will encourage the removal of older communication equipment that is no longer required in order to minimise visual impact.

Supporting Text

2.197 The council supports the provision and maintenance of efficient and reliable digital/electronic and telecommunication infrastructure across the city (City Plan Part One Policy CP2.4). There are a range of technologies that can provide next

generation connectivity, from fixed line broadband, to mobile, wireless, and satellite connections. The council will seek to ensure that acceptable provision is made, whilst ensuring that the impact on the environment, visual and residential amenity is minimised.

2.198 The provision and maintenance of new infrastructure, including masts and road side cabinets, has the potential to contribute to street clutter and impact on visual amenity. The aim is to keep the amount of communication infrastructure and the sites for such installations to the minimum necessary for the efficient operation of the network. Any new equipment should only be considered after fully exploring all opportunities for the use of existing infrastructure, provided that the visual impact is less than the installation of additional equipment. There may be occasions when two smaller masts are considered to be more appropriate than one larger mast. Where mast sharing is not possible siting on tall structures and buildings should be prioritised, and all new equipment should be suitably designed minimising size and scale wherever possible and taking opportunities to camouflage equipment. The council will expect applicants to show clear documentary evidence that these options have been fully explored.

2.199 Whilst recognising that there may be potential for the siting of communications infrastructure and associated structures in conservation areas and on/around statutory and locally listed buildings, the council is concerned to ensure that the amenity, character and quality of its conservation areas and listed buildings and their settings are protected. Similarly the council is concerned to ensure that there is no unacceptable effect on important wildlife sites (see Policy DM37 Green Infrastructure and Nature Conservation), areas of landscape importance and their setting, including the setting of South Downs National Park. Proposals will be required to avoid environmental harm, where this is not possible, it should be minimised and adequate mitigation measures delivered.

2.200 In accordance with Government guidance, applications for new telecommunications masts and additions to existing masts must include a statement that self-certifies the equipment meeting International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards. Subject to this the council may not determine health safeguards different from the International Commission guidelines when assessing applications for telecommunications equipment. Neither should local planning authorities set health safeguards different from the International Commission guidelines for public exposure⁶⁰. However, all applications should include the outcome of pre-submission consultations with residents and other organisations with an interest in the development, including a visual interest; in particular where a mast is to be installed near a school or college.

⁶⁰ National Planning Policy Framework (NPPF), paragraph 116.

2.201 This policy applies to satellite equipment for individual buildings at a domestic or business level which require planning permission and or listed building consent.

2.202 New development allows for the opportunity of installing new digital and communications infrastructure. From 1 January 2017 all new developments are required to meet the digital connectivity speed thresholds set out in Building Regulations. Ensuring the city's digital infrastructure is future ready, by requiring higher grade infrastructure which could deliver greater connectivity speeds, will allow the city to maintain its role as a leading digital tech hub at a time of rapid technological change. The council will seek the effective provision and maintenance of digital connectivity that supports innovation and choice. Sufficient ducting space should be provided throughout the site that is useable by any supplier and available to all end users within new developments. Developers should engage early with a range of network operators, and development proposals need to be appropriately designed to be capable of providing sufficient connectivity to all end users. Mechanisms should also be put in place to enable further future infrastructure upgrades.

2.203 It will also be important to ensure that as well as the provision of in-building and site physical infrastructure that, where the opportunity exists (for example through s278 works on the adjacent highways), sufficient connections to the site are also provided. Developers are encouraged to consider how their proposals may contribute to and integrate with active digital hubs within the city. To support the council's smart city⁶¹ aspirations, major developments, streetworks and improvements to the public realm will be encouraged to consider wired and wireless connectivity, open access communication networks and smart technology.

⁶¹ Smart city has been defined as the 'effective integration of physical, digital and human systems in the built environment to deliver a sustainable, prosperous and inclusive future for its citizens' [SOURCE: PAS 180:2014, 3.1.62]

DM26 Conservation Areas

Development proposals within conservation areas, including alterations, change of use, demolition and new buildings, will be permitted where they preserve or enhance the distinctive character and appearance of that conservation area, taking full account of the appraisal set out in the relevant character statement. Particular regard will be had to:

- a) The urban grain and/or historic development pattern of the area, including plot sizes, topography, open space and landscape.**
- b) The typical building forms and building lines of the area, including scale, rhythm and proportion.**
- c) The cohesiveness or diversity of an area.**
- d) The retention of buildings, structures and architectural features that contribute positively to the identified character and appearance of the area.**
- e) The preservation or enhancement of key views.**
- f) The primary importance of street elevations (or other publicly visible elevations) and the roofscape.**
- g) The importance of hard boundary treatments and the distinction between public and private realm.**
- h) The retention of trees and gardens where these are integral to the significance of the area.**
- i) The use of building materials and finishes that respect the area.**
- j) The retention of historic street furniture.**

The council will give particular consideration to the retention of a mix of uses in areas where such a mix contributes positively to the character and appearance of the area, including any cumulative impacts.

New development within a conservation area should be of the highest design quality and should take the opportunity to enhance the special interest of the area wherever possible, having regard to any adopted management plan.

Supporting Text

2.204 Opportunities for enhancement of a conservation area, including beneficial change, may be set out in a character statement or management plan for the area. The council will have regard to management plans when instigating proactive programmes of action to secure the repair and redecoration of buildings, through enforcement where necessary.

2.205 The demolition of a building which makes a positive contribution to a conservation area will only be permitted if it has been satisfactorily demonstrated that the building does not have a viable use, having regard to its significance and

underlying condition. It is important that a use is viable for the long term future conservation of the building, as well as for the current owner.

2.206 In addition, to prevent the possibility of vacant gap sites, demolition will only be permitted where there are acceptable plans for the site's development. Conditions will be imposed to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition. Exceptions may be made where the demolition would not result in an unsightly gap in the street frontage.

2.207 The council will support the removal or improvement of buildings that have been identified in a character statement as harming a conservation area.

2.208 Contemporary and innovative design approaches in conservation areas will be supported where they meet the policy. Such approaches may be most appropriate in those conservation areas that are diverse in character and appearance. In all cases applications should demonstrate that they have been subject to careful design and heritage analysis.

2.209 New development in back gardens or other backland plots will be acceptable where the size of the plot is sufficient to accommodate development without detriment to the historic development pattern of the area and where a satisfactory means of access is available. In such cases any new building should be clearly subservient in scale and form to the main building(s). Extensions to existing buildings will also be expected to avoid excessive plot coverage so that gardens and courtyards remain of appropriate size for the area.

2.210 Matters of detailed design will be carefully considered to avoid the gradual erosion of historic character. The retention of architectural features and materials that positively contribute to conservation areas is vital. The planning authority will seek the restoration or reinstatement of such features when considering planning applications, subject to clear evidence.

2.211 A more flexible approach will be taken in respect of rear elevations that are not publicly visible, particularly where the rear of a terrace or group has been subject to past incremental alteration that has eroded its significance, but important traditional and/or original features should nevertheless be conserved and will be strongly encouraged.

2.212 Further detailed policy guidance on alterations to buildings in conservation areas is set out in Supplementary Planning Documents (SPDs): SPD02 on Shop Front Design and SPD09 on Architectural Features. Information on future conservation area designation and management is set out in the council's Conservation Strategy (2015).

DM27 Listed Buildings

A listed building should be retained in viable use and good repair. Proposals involving the alteration, extension, or change of use of a listed building will be permitted where they would not harm the special architectural or historic interest of the building, having particular regard to:

- a) The exterior of the building, its design, construction, fabric, finishes and architectural features.**
- b) The interior of the building, its plan form, internal hierarchy, construction, fabric, finishes, features and fixtures.**
- c) Any curtilage structures or hard surfaces.**
- d) Any boundary wall, railings, gates or fences etc.**
- e) Any group value the building possesses.**
- f) The significance of any past additions to the building or later phases of its development.**
- g) Any historical associations that the building has.**
- h) The design quality of any proposed additions.**
- i) The use of materials which are appropriate historically, functionally and aesthetically.**
- j) The impact of any excavation works on the building's structural integrity and archaeological interest.**
- k) The potential reversibility of any alterations.**

Where vacancy is an on-going concern, consent will be granted for a new viable use that is consistent with the conservation of the building's special interest, provided that this would not unacceptably conflict with other policies or material considerations. In applying other policies the council will have special regard to the benefits of bringing the listed building back into use.

Supporting Text

2.213 There is a general presumption in favour of the preservation of listed buildings. Where substantial harm is identified the council will expect the applicant to fully meet the requirements set out in the NPPF. Any substantial public benefits put forward must directly relate to the development itself, must benefit the local community in the long term and must not otherwise be achievable.

2.214 In addition, demolition or major alteration will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure that a contract exists for the construction of the new building(s) and / or for the landscaping of the site prior to the commencement of any demolition works.

2.215 The council will give particular consideration to benefits arising from the reuse of a listed building or associated structure(s), or removing risks to its long term

future. Consideration will also be given to any proposed enhancements or mitigating measures, such as carefully researched restoration or reinstatement works. Speculative or conjectural restoration proposals will not be regarded as beneficial works.

2.216 Where excavations are proposed, the main elements of listed buildings which contribute to their significance and which may be affected include: structural integrity, historic architectural features, plan form, hierarchy of spaces and (in the case of residential buildings) domestic scale.

2.217 This policy does not preclude sensitive and imaginative contemporary additions to listed buildings where shown to be appropriate.

2.218 Recording of a building may be required where historic fabric or features are to be lost or irreversibly altered. In such cases the council will expect the recording to be proportionate to the scale of the loss and to be carried out in accordance with the appropriate recording level set out in Historic England's guidance.

2.219 Where necessary, the council will use the powers available to it under the Planning Acts to secure the repair of listed buildings, particularly where a building is identified as being 'at risk'.

2.220 Further detailed policy guidance on alterations to listed buildings will be set out in a Supplementary Planning Document (SPD), which will complement existing SPDs such as SPD09 on Architectural Features. Further information on the council's approach to buildings at risk is set out in the council's Conservation Strategy (2015).

DM28 Locally Listed Heritage Assets

The council will strongly encourage the retention of locally listed heritage assets and their continued use. Applications for demolition or substantial alteration (including any loss of key components) should demonstrate that the potential for retention and reuse of the asset has been explored, in order to enable an informed and balanced judgement to be made.

Alterations and extensions to a locally listed heritage asset, or new development within its curtilage, should be of a high standard of design that respects the special interest of the asset as set out in the Local List (or, where not included, within a submitted heritage statement).

Other potential non-designated heritage assets may on occasion be identified as part of the pre-application process, particularly where they occupy sites or locations that are not readily visible from a public viewpoint. Where they possess a sufficient degree of significance they will be subject to this policy. In all such cases that significance will be assessed against the selection criteria set out in The Local List of Heritage Assets (PAN07).

Supporting Text

2.221 A locally listed heritage asset is defined as a non-designated heritage asset under the terms of the NPPF; it has been identified as having a degree of significance meriting consideration in planning decisions. This policy recognises the desirability of sustaining and enhancing the significance of heritage assets. It is important that any new use is viable for the long term future conservation of the asset, as well as for the current owner.

2.222 The council has adopted and published a Local List of Heritage Assets (2015), which will be periodically reviewed. The list covers buildings, other structures and parks and gardens, which were selected following public consultation and according to consistent criteria. The special interest of each asset is set out in an individual summary entry. Given the very different heritage values of a building and a park or garden, this policy will be applied appropriately dependent on the nature of the asset.

2.223 A Planning Advice Note on the Local List of Heritage Assets (PAN07) provides further information on what local listing means, the implications of inclusion, the selection criteria and process for review.

2.224 This policy does not include non-designated heritage assets of archaeological interest. Such assets take the form of Archaeological Notification Areas (ANAs) and are covered by policy DM31 Archaeological Interest.

2.225 Locally listed buildings are covered by the detailed policy guidance set out in Supplementary Planning Document SPD09 on Architectural Features.

DM29 The Setting of Heritage Assets

Development within the setting of a heritage asset will be permitted where its impact would not harm the contribution that setting makes to the asset's significance, by virtue of the development's siting, footprint, density, scale, massing, design, materials, landscaping or use.

In assessing the contribution that setting makes to significance, and the impact of a development on that setting, the council will have particular regard to the following considerations:

- a) The physical surroundings of the asset, including topography and townscape;**
- b) The asset's relationship with the Downland landscape, the sea or seafront and with other heritage assets;**
- c) The asset's historic or cultural associations with its surroundings, including patterns of development and use;**
- d) The importance of any sense of enclosure, seclusion, remoteness or tranquillity;**
- e) The way in which views from, towards, through and across the asset allow its significance to be appreciated;**
- f) Whether the asset is visually dominant and any role it plays as a focal point or landmark; and**
- g) Whether the setting was designed or has informally occurred over time, including the degree of change to the setting that has taken place.**

Opportunities should be taken to enhance the setting of a heritage asset through new development. Where a major development impacts on the setting of multiple heritage assets, priority should be given to enhancing the setting of the asset(s) of greatest significance.

Supporting Text

2.226 Setting is defined in the glossary of the NPPF whilst the NPPG explains that all heritage assets have a setting. However, the extent to which the setting makes a contribution to an asset's significance will vary and therefore the degree to which a setting can accommodate change will also vary. The considerations set out in this policy are not intended to be exhaustive but to best reflect the context of Brighton & Hove.

2.227 Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, will often overlap with considerations both of townscape/urban design and of the character and appearance of conservation areas. This policy does not therefore preclude a bold architectural approach where appropriate.

2.228 For smaller developments that are not likely to be prominent or intrusive, the assessment of effects on setting may often be limited to the immediate surroundings; the degree of physical separation between the development and an asset may be relevant. Proposals affecting very significant assets or multiple assets and/or changes likely to have a major effect on significance will require a detailed approach to analysis and assessment.

2.229 Assessment of the contribution of setting to the significance of heritage assets will almost always include the consideration of views, which can be static or dynamic, long or short. Early identification of key views will be essential and in more complex cases a formal views analysis will be required. However, views and visual considerations will generally only form part of an assessment of impact on settings.

2.230 In Brighton & Hove the influence of the Downland topography and landscape on the development of the city, as seen in different ways in both the urban townscape and semi-rural fringes, will often be a contributory element of an asset's setting, as will any relationship with the sea in general and seafront in particular. The inter-relationship of the major historic set piece developments (such as squares and crescents) and the relationship of the grand terraces with the smaller service streets are other notable contributory elements.

2.231 Where enabling development is proposed within the setting of a heritage asset it must not materially harm the heritage values of the asset or its setting. Further detailed guidance on the setting of heritage assets can be found in the Historic England Good Practice Advice Note 3: 'Setting and Views'; further guidance on enabling development can be found in the Historic England publication 'Enabling Development and the Conservation of Significant Places'.

DM30 Registered Parks and Gardens

Permission will be granted for development proposals that would preserve or enhance the historic layout, character, designed features and principal components of a registered park and garden of special historic interest. In assessing this, the council will have particular regard to the impact of development on any notable view of, within or across the park or garden.

As an exception to the above, and where permission is required, temporary uses or events (including associated structures) may be permitted where any harm caused would be strictly temporary, minor and easily reversible, having regard to the significance of the site within the park and garden, the scale of impact, timing and any public benefits arising from the use or event. The council will expect any applicant to demonstrate that alternative, non-registered sites have been considered and assessed.

The production of management plans for registered parks and gardens and the implementation of identified enhancement works will be positively encouraged.

Supporting Text

2.232 Parks and gardens are key components of the historic environment. Registered parks and gardens are designed landscapes of national importance, including: public parks; communal gardens of historic groups of houses; and cemeteries.

2.233 Historic designed landscapes invariably include buildings and structures. They can be the reason that it was designated or may predate it. These buildings and structures may follow particular architectural styles. The degree of ornamentation and quality of materials usually reflects a building's intended status within a designed landscape.

2.234 Where feasible the council will seek the removal of structures and uses that detract from the special historic interest of the park and garden. New landscaping and other works within these parks and gardens should be based upon a clear understanding of the significance of the park and garden.

2.235 In assessing temporary uses and events, particular consideration will be given to: the duration of the use; the numbers of people expected to attend; the time of year when the use is to occur; the scale, form and fixing of any physical structures; and the impacts on public views and access. The cumulative impact of uses or events on a specific park or garden, including recurrent events, will be subject to additional scrutiny in assessing potential harm. Any application will also be expected to include details of necessary measures to be carried out on cessation of the use/event in order to restore the park and garden to its prior condition.

2.236 Further detailed policy guidance on alterations to historic buildings within registered parks and gardens is set out in Supplementary Planning Document SPD09 on Architectural Features. Information on the future management of registered parks and gardens is set out in the council's Conservation Strategy (2015) and the Open Spaces Strategy (2017).

DM31 Archaeological Interest

Development proposals affecting heritage assets with archaeological interest will be permitted where it can be demonstrated that development will not be harmful to the archaeological interest of the heritage assets or their settings, having regard to their significance. This will include: direct impacts on designated sites (e.g. developments requiring Scheduled Monument Consent); indirect impacts on the settings of designated sites; and impacts on sites that have the potential to include heritage assets with archaeological interest, (having consulted the Historic Environment Record).

In all such cases the applicant will be expected to consult with the Historic Environment Record (HER) in order to provide for one of three outcomes:

- i) No significant impact considered likely and no further consultation with the HER considered necessary;**
- ii) A Historic Environment Consultation Report**
- iii) A desk-based assessment.**

The results of any report or assessment should be included within a Heritage Statement, which must accompany the planning application.

Where the council has reason to believe, either from the archaeological assessment or from other evidence sources, that significant archaeological remains may exist, a suitable field evaluation and/or survey (e.g. for standing buildings and structures) will be required.

In some cases permission may be granted subject to a requirement that no development shall take place until the developer has secured the implementation of a programme of archaeological work (including field work, post excavation analysis, reporting and archiving), in accordance with a Written Scheme of Investigation approved by the council.

Preservation in situ of archaeological sites or remains is the preferred option. Wherever practical, opportunities should be taken for the enhancement and interpretation of remains left in situ.

Where the assessment shows that preservation in situ is not justified, developers will be required to:

- a) Record any heritage assets to be lost (wholly or in part) in a manner proportionate to their significance and to make this record publicly accessible; and**
- b) Make provision for the conservation and storage of artefacts.**

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

Supporting Text

2.237 Archaeological remains are finite and irreplaceable resources which are particularly vulnerable to the effects of new development. Archaeological interest is defined in the NPPF.

2.238 Designated sites of archaeological interest are Scheduled Monuments. The NPPF identifies two categories of non-designated sites of archaeological interest: those that are demonstrably of equivalent significance to Scheduled Monuments and so considered subject to the same policies as those for designated heritage assets; and other non-designated sites.

2.239 The known areas of archaeological interest within Brighton & Hove are included within the Historic Environment Record (HER) as Archaeological Notification Areas (ANAs). The identification of ANAs is a dynamic process that changes over time as new evidence comes to light and it is therefore important to check the HER for the latest areas. Some heritage assets within ANAs, or even outside, might on further detailed investigation merit designation as a Scheduled Monument.

2.240 Archaeology does not relate to below ground remains only. Buildings and other standing structures may also have archaeological interest as they hold evidence of past human activity and are a primary source of evidence about the substance and evolution of places and the people and cultures that made them. Archaeological recording of standing buildings will therefore be required where necessary in order to properly understand significance.

2.241 In applying this policy the council will expect that field evaluation includes trial trenching, topographical surveying and geophysical surveying.

2.242 Where important archaeological features or remains are uncovered during an approved programme of archaeological works, it is essential that these are subject to recording, storage and interpretation. There is currently no museum or archive space available within Brighton & Hove for the storage of archives arising from archaeological investigations. Therefore where an application is subject to a programme of archaeological works the developer will be expected to make a financial contribution towards the costs of the storage facility, as set out in the council's Infrastructure Delivery Plan, and to ensure that the archive is prepared to accepted standards and made available for deposition.

2.243 Where structures or land uses exist on Scheduled Monuments or other important archaeological sites that are damaging or potentially damaging to their archaeological interest, the council will seek their removal where practicable. Where

appropriate, the council will also consider making Article 4 Directions to control developments that are considered to be harmful.

DM32 The Royal Pavilion Estate

1. Proposals that seek to re-establish the Royal Pavilion estate as a single historic estate will be encouraged and supported. Such proposals should be informed by the adopted Conservation Plan⁶². It is expected that a successful scheme should achieve the following:

- a) Provide a more legible and coherent perimeter treatment;**
- b) Enhance entrances and create a sense of arrival;**
- c) Improve security within the estate and design out anti-social behaviour;**
- d) Transform the quality and infrastructure of the gardens and enable the management of activities within them;**
- e) Provide better management of vehicular traffic into and within the estate;**
- f) Ensure more effective and attractive pedestrian circulation through the estate;**
- g) Provide a clutter-free environment with better signage and appropriate interpretation;**
- h) Enhance key views into and across the estate; and**
- i) Encourage conservation of heritage planting and seek net biodiversity gains within the gardens.**

2. With regard to the Royal Pavilion itself proposals will be supported where they seek to contribute to at least one of the following objectives:

- a) Improve the visitor welcome;**
- b) Increase accessibility;**
- c) Restore additional areas of the building and open them up for public access; and/or**
- d) Improve catering facilities for functions and events.**

3. Proposals for temporary uses or events within the gardens will be assessed against the policy on Registered Parks and Gardens with particular regard to all of the following:

- a) The role of the gardens as a setting for the listed buildings;**
- b) The protection of key views;**
- c) Potential impacts on historic fabric and any protective measures;**

⁶² The Royal Pavilion Gardens Conservation Plan adopted at the Tourism, Development & Culture Committee on 17 January 2019.

- d) Potential impacts on planting and biodiversity; and**
- e) The importance of the formal and quieter character of the east lawn.**

Supporting Text

2.244 The Royal Pavilion estate is a unique collection of multiple heritage assets and cultural facilities clustered around the intimate historic gardens, which are intrinsically linked by their history as a 'Royal estate'. The estate forms the heart of the city centre's 'cultural quarter'. However these links have been eroded and undermined by past changes and fragmented management and through poor presentation. This has resulted in an unsatisfactory visitor experience and a lack of understanding of, and respect for, the heritage significance of the estate. At its worst this results in anti-social behaviour and damage to historic fabric.

2.245 In order to reunify the Royal Pavilion estate it will be essential to re-awaken the potential of the gardens as the means to mediate and connect the complex relationships between the historic buildings, so restoring the character of a 'Royal estate'. This should include improving the infrastructure within the gardens, such as protective fencing, better paths and lighting levels, improved irrigation and waste disposal and better facilities for the gardening staff. The gardens and buildings should not be cluttered by unnecessary or inappropriate additions. Permanent statues, commemorative objects or public art will generally be considered inappropriate in the gardens unless a convincing case can be made based upon strong historic associations of national interest and that no other, more appropriate site is available.

2.246 Operational and commercial pressures of the cultural venues must be balanced with conservation of the heritage assets. Where it has been demonstrated that no suitable alternative site exists, temporary cultural events and uses within the gardens must give careful consideration to potential impacts on the fabric and significance of the heritage assets and their settings. The impact on public views and access will form part of this consideration. The more formal east lawn is particularly sensitive to such events; large structures should be avoided there, particularly during the summer months. The cumulative impact of uses or events, including recurrent events, will be subject to additional scrutiny in assessing potential harm. This will include the impact of vehicular movements into and through the gardens. The William IV Gate (North Gate) has been identified as especially vulnerable to vehicular traffic impacts.

2.247 The first phase of works to re-establish a single historic estate is already underway, focusing on the Corn Exchange and Studio Theatre. This will modernise the performance spaces and ticket office and provide a new artist creation space, as well as a new café that will connect both visually and physically with the gardens.

The adopted Conservation Plan should inform future phases and ensure that all phases are considered as part of a wider, integrated scheme.

2.248 Future proposals should also demonstrate co-ordination with public realm works and public facilities on the approaches to the Royal Pavilion estate. This should include works to rejuvenate the Valley Gardens and improvements to the operation and appearance of the public toilets at Princes Place and the adjacent commercial refuse storage area, as well as enhancing the approach from Palace Place.