

A strategy for the conservation of Brighton & Hove's historic environment (draft)

2013



Brighton & Hove
City Council

Draft Conservation Strategy (2013)

1. Introduction

1.1 The current Conservation Strategy was adopted in 2003 to clarify the council's responsibilities and reaffirm its commitment toward the conservation of Brighton & Hove's historic built environment. It includes a programme of action for the future management of the city's cultural heritage. This Strategy is now due for review. This review must take account of progress against the aims the Strategy, changes over the past ten years in national planning legislation and policy and revised local policies and priorities. It must also acknowledge the challenges posed by ongoing restrictions on local government finances and the consequent need to explore innovative approaches to service delivery where possible.

1.2 The National Planning Policy Framework (NPPF), published in March 2012, states at paragraph 1.26 that *"local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats"*. The council's Draft City Plan Part One includes, in policy CP15 Heritage, a commitment that *"the Conservation Strategy will be taken forward and reviewed as a framework for future conservation area management proposals; to provide criteria for future conservation area designations and other local designations, controls and priorities; and to set out the council's approach to dealing with heritage at risk"*. The updated Conservation Strategy is intended to meet these requirements and to ensure that the council continues to meet its duties and responsibilities having regard to the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.3 This is a shared commitment; the council cannot work alone. As noted in English Heritage's 'Conservation Principles' document (2008), the historic environment is a shared resource. Conserving the city's heritage assets requires broad public support, understanding and indeed involvement. The Sustainable Community Strategy for Brighton & Hove has *"strengthening communities and involving people"* as one of its priority areas. The Conservation Strategy will provide for such involvement in respect of the historic environment. The council is proud of the city's exuberant cultural heritage, for which the city has international renown. It seeks to make best use of this considerable asset, and through the publication of this updated strategy, to drive forward projects for the continued conservation and enhancement of this heritage.

2. Aims of the Strategy

2.1 This strategy will guide future work programmes, influence investment decisions and ensure that the city's historic built environment is managed in a co-ordinated, structured and corporate way. The strategy will highlight key objectives and targets, help to prioritise action and help to ensure that available resources are directed to best effect. It will assist the making of bids for resources, including partnership funding, to deliver regeneration projects that respect the historic environment. It will be consistent with and help achieve the council's corporate goals and commitments. Above all it will aim to provide a quality conservation service.

2.2 The overarching objective is to:

Adopt a revised Conservation Strategy that will seek to positively manage change within the city's historic environment and to ensure that the available resources are put to best use, having regard to the council's commitments to:

- ***the conservation of the city's listed buildings and their settings;***
- ***the conservation or enhancement of the character and appearance of the city's designated conservation areas and their settings;***
- ***the conservation or enhancement of the city's registered parks and gardens of special historic interest and their settings;***
- ***the conservation of designated archaeological assets;***
- ***identifying and conserving other, non-designated heritage assets;***
- ***maintaining and promoting high quality architecture, streets and open spaces within the historic areas of the city;***
- ***mitigating and adapting to the impacts of climate change on the historic environment;***
- ***investment in the historic environment for the economic well being of the city as a visitor destination and sub-regional commercial and cultural centre;***

2.3 The Strategy will be subject to widespread consultation and involvement in its development and delivery and will be reviewed in five to ten years.

3. Listed Buildings

3.1 The statutory lists for both Brighton and Hove were reviewed in the late 1990s by English Heritage and the Government's Department of Culture, Media and Sport. A number of 'spot listing' additions have been made to the lists since then and the lists are considered comprehensive and up to date. They include nearly 3400 listed buildings and approximately 14% of these are graded 1 and 2*, which is more than double the national average (6%). From time to time the council receives suggestions for buildings to be added to the statutory lists. In such cases we will advise of the likelihood of the building being considered by English Heritage, having regard to the priorities for 'spot listing' set out in the National Heritage Protection Plan¹. We will encourage local amenity societies to take the lead on applications for spot listing of buildings within their areas. The council will only seek to have a building added to the statutory lists in exceptional cases: where new evidence demonstrates clearly the significance of the building; where it is at urgent risk of demolition or major change; and where there is no active local amenity society for the area within which it is situated.

¹ This is English Heritage's overall strategy which aims to identify those parts of the country's heritage that matter to people most and are at greatest risk and then to concentrate efforts on saving them.

3.2 It is vitally important that owners are made aware if their property is listed, and that new purchasers are made aware of their consequential responsibilities, as 'guardians' of this valued heritage.

Actions:

Owners of newly listed buildings will be notified promptly and details of the implications of listing, and the responsibilities of owners, will be made available on the heritage pages of the council's website.

The council will continue to publish an abridged list of listed buildings within the city on the heritage pages of the council's website and will provide a link to the full list entries on the English Heritage website.

3.3 The council will continue to give owners (and potential owners) of historic buildings advice on works requiring listed building consent and on appropriate ways to carry out such works of alteration or repair to their property without harm to its special interest. Wherever possible, owners will be referred to publications that set out council policy and/or technical guidance.

3.4 Many of the city's historic buildings are houses in multiple occupation or in a use other than that for which they were originally designed. The council is aware that owners of such listed properties are faced with reconciling the sometimes conflicting demands of many statutory acts and regulations including for example the Disability Discrimination Act, the Housing Act and Building and Fire Regulations.

Actions:

The council will, as a matter of priority, adopt a Supplementary Planning Document (SPD) to provide detailed policy guidance on Listed Buildings. This will combine and update existing Supplementary Planning Guidance notes.

3.5 In cases where important new or additional evidence on the significance of a listed building comes to light (e.g. as part of research submitted with an application) we will pass this information to English Heritage, for consideration of an amendment to the list entry, and to East Sussex County Council for inclusion in the Heritage Environment Record (HER). Heritage Assessments and Conservation Plans for major listed buildings are very useful for assessing significance and helping to determine applications for alterations. In recent years such Plans have been produced for Brighton Station, the Hippodrome in Middle Street, the Theatre Royal in New Road and St Peter's Church in Brighton.

Action:

The council will encourage owners of major listed buildings to produce a Heritage Assessment and Conservation Plan for the building prior to submitting applications for substantial alterations.

3.6 New legislation will come into force in April 2014² which will introduce new optional powers for listed building control. These will be known as Heritage Partnership Agreements and national and local listed building consent orders.

3.7 It is expected that Heritage Partnership Agreements may be entered into between local planning authorities and owners of large scale listed buildings or major groups of similar listed buildings, setting out works for which listed building consent is granted (excluding demolition). The council considers that it would be appropriate to enter into such an agreement with the University of Sussex and English Heritage in respect of the several listed buildings on the campus (designed by Sir Basil Spence in the 1960s). Such an agreement would replace and review the current non-statutory Listed Building Guidelines that have been in place since 1997 and which were last reviewed in 2002.

3.8 Under the proposed system of national and local listed building consent orders, works of the type described in the national or local consent order would not then require an application for listed building consent. Any such national consent orders would be a matter for the Government. Local consent orders would be for local planning authorities to put in place. At this stage the council does not foresee making any local listed building consent orders for Brighton & Hove.

Action:

Subject to new legislation having been passed, the council will prepare and adopt, together with the University of Sussex and English Heritage, a Heritage Partnership Agreement for the listed buildings at the University of Sussex campus at Falmer.

3.9 Until such time as a Heritage Partnership Agreement is in place the existing Listed Building Guidelines (together with the University's Conservation Plan) will be used to guide listed building control matters on the campus.

4. Conservation Areas

4.1 The Council has responsibility for designating as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'³. These are areas of high townscape quality and historic interest, each with its own distinctive character, which gives cohesion to buildings of intrinsic merit and creates a sense of place. The council has a duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to review its conservation areas from time to time and to consider whether there is merit in amending their boundaries or in designating additional conservation areas.

4.2 There are currently 34⁴ areas of Brighton & Hove that have been designated as Conservation Areas; the first in 1969; the most recent in 2008. Some 18% of the

² Enterprise and Regulatory Reform Act 2013, Part 5, section 60.

³ The Planning (Listed Building and Conservation Areas) Act 1990, s69.

⁴ This figure includes Stanmer conservation area, which falls within the South Downs National Park. Planning applications and enforcement action within this area are the responsibility of the National Park Authority.

city's built up area lies within a conservation area. These areas vary in character and include:

- residential estates from different periods of history, each with its own distinctive uniform character,
- downland villages that have evolved gradually and piecemeal through the centuries, whilst maintaining their own particular distinctiveness, and
- mixed use areas exhibiting rich architectural variety and a strong sense of place and community.

4.3 Details of all existing conservation areas, including boundaries, dates of designation and character statements, are published on the heritage pages of the council's website. Each of these conservation areas is considered very deserving of the designation.

Conservation Area Review

4.4 There is a need to complete the coverage of conservation area character statements. These give justification and credence to conservation area designations and form the groundwork for later enhancement plans, where needed. Whilst there is no statutory requirement to prepare conservation area character statements, local authorities are encouraged by the NPPF to identify and assess the significance of all heritage assets. Character statements carry considerable weight when planning appeals or appeals against enforcement action are considered by the Planning Inspectorate and can offer constructive guidance for owners when preparing their own development proposals. They also help to remove uncertainty because informed decisions can be made more efficiently.

4.5 Reviews of conservation areas also give consideration to the boundaries of conservation areas and whether any additional streets, land or properties should be included and whether any should be removed. The boundaries may be extended where evidence and evaluation demonstrate that the additional streets or land possess similar special interest as the existing area. Streets or land may, on the other hand, be removed where their special interest has been irreparably lost or eroded, for example as a result of inappropriate permitted development or neglect.

4.6 Over the past ten years twelve existing conservation areas have been reviewed and character statements adopted. These are: Montpelier & Clifton Hill; Ovingdean; Patcham; Portslade Old Village; Preston Park; Preston Village; Regency Square; Rottingdean; Round Hill; Stanmer; Tongdean; West Hill.

4.7 There are insufficient resources to complete full character statements and enhancement plans, or reviews where necessary, for all the city's conservation areas within the next 10 years and therefore priorities have been identified.

Actions:

Future priority will be given to the review of those conservation areas where:

- ***there is no current character statement in place;***

After that priority would be given to the review of any conservation areas where it is considered that:

- ***there has been substantial physical change to an area's character or appearance since the current character statement was produced; or***
- ***there is substantial pressure for change within or to the setting of a conservation area, such that it is at risk as a result.***

Such reviews will involve local residents, businesses, ward councillors and amenity societies

4.8 Currently three of the city's existing conservation areas have no conservation area statement. These are College, Old Town and Queen's Park. Others have only brief statements, which would benefit from full review. These are The Avenues; Brunswick Town; Cliftonville; Denmark Villas, The Drive; Pembroke & Princes; and Willett Estate. Only a minority of the conservation areas have an enhancement plan in addition to a character statement.

4.9 Five⁵ of the city's conservation areas are 'at risk' in the English Heritage register of Heritage at Risk for the south east region. These are: Benfield Barn; East Cliff; Queen's Park; Sackville Gardens; and Valley Gardens. This subject is addressed further in section 8 of this Strategy, but it should be noted that a character statement is a prerequisite to any action to address the reasons why an area is at risk.

Actions:

Priority will be given to the adoption of character statements, and where appropriate enhancement plans, for the following conservation areas:

- ***Old Town***
- ***Queen's Park***
- ***College***

After that priority would be given to a review of the character statement for Brunswick Town.

New Conservation Area designations

4.10 The NPPF states that "*when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest*". Designating any part of the city as a conservation area also carries significant resource implications for the council.

4.11 Further designations will therefore be made only if the council is satisfied it can meet its consequential duties and responsibilities, which include producing

⁵ Plus Stanmer, which is the responsibility of the South Downs National Park Authority.

character statements and enhancement plans, and that it is satisfied that there is a strong local commitment. Whilst there are many non-designated areas with townscape quality in the city, the council does not foresee there being justification for many additional conservation areas in Brighton & Hove within the next ten years.

4.12 Over the past ten years one conservation area has been designated: the Carlton Hill conservation area. In addition extensions have been designated to the following conservation areas: Ovingdean; Patcham; Regency Square; Stanmer; and Tongdean. In the same period minor boundary changes have been made to the following conservation areas: Portslade Old Village; Rottingdean

4.13 The following criteria will be used for the selection of new conservation areas, including extensions to existing conservation areas.

Actions:

When considering future designations, areas will be required to satisfy the following criteria:

- (i) the area must have demonstrable townscape quality and interest;***
- (ii) its special architectural or historic character or appearance should be largely intact.***

In addition the area may either:

- (iii) make a positive contribution to the setting of a listed building or existing conservation area or***
- (iv) have made a significant contribution to the social or historic development of the city or***
- (v) be an exemplar of estate planning,***

and there must be a local community commitment to its preservation.

4.14 Areas that may merit further investigation include:

- Parts of the area of Hove between Old Shoreham Road, the west coastway railway line, Dyke Road and Fonthill Road.
- Palmeira Avenue in Hove, south of Lansdowne Road
- The Barrowfield area of Hove
- The Brangwyn Estate in Brighton

Actions:

Priority will be given to any conservation area extensions and modifications recommended in the reviews of the Old Town, Queen's Park and College conservation areas.

No new conservation areas will be considered for designation until all existing conservation areas have a character statement in place.

After that priority will be given to consideration of designating:

- ***Parts of the area of Hove between Old Shoreham Road, the west coastway railway line, Dyke Road and Fonthill Road.***

4.15 In considering new designations, or extensions or modifications to existing areas, the council will have regard to English Heritage guidance contained in 'Understanding Place: Conservation Area Designation, Appraisal and Management' (2011).

5. Registered Park and Gardens

5.1 The Register of Parks and Gardens of Special Historic Interest in England is maintained by English Heritage. These are designed landscapes that are considered to be of national importance.

5.2 In Brighton & Hove, the following parks and gardens are currently listed:

- Kemp Town Enclosures (including Dukes Mound)
- Preston Manor grounds, including Preston Park and The Rookery
- Queens Park
- The Royal Pavilion Estate
- Stanmer Park (including the farmland estate and Coldean Wood)
- Woodvale Cemetery

5.3 They do not enjoy any additional legal protection but are designated heritage assets as set out in the NPPF. Consequently, the effect of any proposed development on the significance of a registered park or garden or its setting is a material consideration in the determination of a planning application.

Action:

The Heritage team will work corporately with other council departments and teams, notably City Parks, and provide specialist advice to ensure that the special interest of these parks and gardens is taken into account in any proposed changes.

5.4 Stanmer Park falls within the South Downs National Park and planning matters are the responsibility of the National Park Authority. The council is landowner of the Park and responsible its upkeep. The Heritage Team will work corporately with City Parks and Property and Design to help to conserve and enhance the special interest of Stanmer Park and the council-owned buildings within it. This will be undertaken in partnership with the South Downs National Park Authority.

6. Local List of Heritage Assets

6.1 Local authorities are empowered to draw up lists of locally important heritage assets. There are currently separate local lists for Hove and for Brighton covering buildings only. Guidance on local listing produced by English Heritage (2012) makes

clear that local lists can cover other heritage assets. These are assets that are valued locally but which do not have sufficient national significance for statutory listing.

6.2 The current Hove list was last updated in 1997 and the current Brighton list is over 20 years old. These local lists are now considered to be out of date and would benefit from a thorough and comprehensive review.

Action:

The council will, as a matter of highest priority, review the Local List and extend this review to include parks and gardens of local interest. The review will be subject to engagement with local community groups and public consultation.

6.3 Inclusion in the Local List does not give any additional protection against loss or alteration of heritage buildings, parks and gardens. However, it is a material consideration when planning applications are determined. Through local plan policy the retention, good repair and continued use of assets on the Local List will be strongly encouraged.

7. Archaeology

7.1 There are 15 nationally designated Scheduled Monuments (SM) within Brighton & Hove (including those that fall within the South Downs National Park). In addition there are 12 SMs on land owned by the council outside of Brighton & Hove. In terms of local designations there are over 80 Archaeological Notification Areas (ANA) in Brighton & Hove. These areas are designated by the East Sussex County Archaeologist on behalf of the City Council.

7.2 The council has a Service Level Agreement in place with East Sussex County council for the provision of archaeological services by the County Archaeologist. This includes: the maintenance and updating of the Historic Environment Record; reviewing ANAs from time to time; updating records of SMs; providing formal advice on archaeological matters in relation to local plan preparation, site allocation, planning applications and land management of archaeological sites; and the licensing of archaeological investigations (including metal detecting) on city council owned land. This arrangement provides the most cost-effective means of ensuring that the council meets its duties under the NPPF and that appropriate specialist advice is available.

7.3 The Council owns many archaeological sites, including two SMs of international importance (Hollingbury Hillfort and Whitehawk Camp) and is responsible for their management. The council's Heritage team acts as a liaison point between the County Archaeologist and other council departments and teams, chiefly the council's Property & Design team and the City Parks service, on this issue.

7.4 From time to time the Heritage Team has managed site restoration and enhancement schemes and made applications for grant funding for these (e.g. Whitehawk Camp SM). The council works closely with local archaeological organisations and in particular Brighton and Hove Archaeological Society and acknowledges their valuable assistance. As part of the National Heritage Protection

Plan the condition of archaeological sites and threats to them will need to be monitored and action taken to prevent or mitigate damage in association with English Heritage. The council as local planning authority is responsible for enforcement action where damage may be being caused to archaeological assets⁶ and in respect of compliance with relevant conditions placed on planning permissions.

Action:

The council will continue to maintain a Service Level Agreement with East Sussex County Council for the provision of specialist archaeological services.

The council will, in consultation with the County Archaeologist, consider whether a full review of Archaeological Notification Areas is required.

The council will review the management of archaeological sites in its ownership and where appropriate produce management plans and, subject to resources, carry out enhancement and restoration works, seeking grant funding for these.

The council will designate Article 4 Directions controlling permitted development on important archaeological sites to protect them where appropriate.

7.5 English Heritage is responsible for enforcing statutory protection of SMs and determining SM Consent applications. However, changes in legislation proposed by government but not yet enacted may result in these responsibilities being devolved to local planning authorities. This would have resource implications.

8. Heritage at Risk

Historic Buildings

8.1 Owners of listed buildings or buildings within conservation areas have no specific duty to keep their buildings in a good state of repair, and may be reluctant to do so when the building is perceived to be of insufficient value to justify its long term up keep. The council is however empowered to take action where a building has deteriorated to such an extent as to put its preservation at risk and / or to cause wider visual harm to the area.

8.2 Over the past 20 - 30 years the appearance of the city's historic areas has steadily improved, as a result of successive historic building grant schemes, enforcement action and an increased public appreciation of, and commitment to, the conservation of the city's historic fabric.

8.3 Because many of the city's historic buildings have a painted finish requiring a regular maintenance cycle and are exposed to an aggressive marine environment, there will at any one time be a proportion of buildings that require redecoration. However, there are now no historic areas that, taken as a whole, are considered to be in especially poor condition. Those problems that remain generally fall into one of two types: certain owners who neglect their properties; and major listed buildings for

⁶ Except where the asset falls within the South Downs National Park.

which a new use has proved difficult to find and/or have suffered unforeseen structural problems.

8.4 The original Conservation Strategy proposed that the council produce a register of listed Buildings at Risk (BAR), based upon national English Heritage criteria. This was produced for the first time in 2008 and has since been updated on an annual basis. A specific post has been identified within the Heritage team to lead on heritage at risk matters. The council is committed to reducing the number of buildings at risk in Brighton & Hove and to ensuring adequate levels of maintenance for all historic buildings, including those in its ownership.

8.5 The BAR register includes a record of the condition and appearance of neglected buildings, ownership details and progress towards repair and or/re-use. This knowledge will enable an assessment to be made of the nature of the threat and the likely cost of securing the long-term preservation of the historic buildings. It will inform any future bids for grant funding from governmental agencies etc. It is a working tool, helping to define the scale of the problem and to prioritise action, including pro-actively seeking new uses for redundant or long term vacant listed buildings. All buildings on the register will nevertheless be considered as live cases requiring regular review and action. The council will support and work with those local groups or organisations who wish to become involved in the restoration and re-use of historic buildings.

8.6 Other historic buildings may simply be suffering from a lack of maintenance that is clearly harming the visual amenity of the area. In such cases the council will, where appropriate take action, to secure the repair and redecoration of buildings. In deciding whether to take action, regard will be had to the council's Planning Enforcement Policy (2011).

Actions:

The council will continue to make use of its statutory powers under sections 47, 48, 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and under section 215 of the Town and Country Planning Act 1990.

The first priority for action will be those listed buildings that have been identified as being 'at risk' or vulnerable to risk through vacancy, neglect, decay or other threats. The second priority will be other historic buildings in substantial need of maintenance.

For the first priority the council will continue to maintain a Register of Buildings at Risk and to produce an annual update report. The council will act corporately to secure the repair and reuse of buildings at risk or vulnerable to risk.

For the second priority the council will respond to concerns raised by local amenity groups and the public and in these cases the most appropriate form of action, where necessary, will normally be a section 215 Notice. In all such cases the following criteria will be applied in judging whether such a notice is appropriate:

- ***The prominence of the building within the street or area;***
- ***The length of time since the property was repaired or decorated; and***
- ***The extent of decay.***

8.7 Action under Section 215 will focus on works of minor repair and redecoration and is considered inappropriate if it would simply mask more serious problems. The scope of works appropriate to a Section 215 Notice will vary in each case. Relevant factors will include whether or not the building is listed and whether or not it forms part of a uniform group or terrace. The extent of restoration works that can be achieved to any architectural features of a building, such as decorative mouldings or iron railings, will depend on their degree of prominence in the street scene.

8.8 The city has a remarkably high number of Anglican churches of rich architectural diversity and these now exceed the number that can be sustained as places of worship. Over the decades some have been demolished, more recently several have been adapted to new uses. Those remaining are of an age incurring ever increasing costs of maintenance. A number of these, including some listed churches, have been formally closed for public worship.

8.9 In 2006 the Diocese of Chichester published the Brighton and Hove Pastoral Strategy Review. This included a total of 47 churches that fall within the boundary of the City Council. Of these, six were recommended for formal closure for public worship, including three listed churches: Holy Trinity, Blatchington Road; St Barnabas, Byron Street; and Stanmer Church. All have since closed except St Barnabas, where a final decision has not yet been made. The 2006 report recommended that a further nine churches should be specifically kept under review and this included six listed churches. All currently remain in use for worship but their longer term future is uncertain.

Action:

The council will continue to assist the church authorities in finding future uses for redundant historic churches, including with conservation statements on the architectural or historic merits of individual churches and their adaptability to change.

Historic Areas

8.10 The city's conservation areas are largely in good condition and well preserved. However, five⁷ of the city's conservation areas are rated as being 'at risk' in the English Heritage register of Heritage at Risk for the south east region. These are: Benfield Barn; East Cliff; Queen's Park; Sackville Gardens; and Valley Gardens. The council is committed to reducing the number of conservation areas at risk in Brighton & Hove.

8.11 In the case of Benfield Barn the reasons for this are related to the 'at risk' status of the barn itself (and associated derelict outbuildings and demolished farm

⁷ Plus Stanmer, which is the responsibility of the South Downs National Park Authority.

cottages) and a long term solution will involve addressing this issue. This may require the preparation of a Planning Brief.

8.12 The East Cliff, Queen's Park and Sackville Gardens conservation areas are at risk primarily due the gradual loss of historic architectural features as a result of 'permitted development' rights, particularly those available to single dwellinghouses. The solution to this issue would be to make these areas subject to Article 4 Directions that remove certain permitted development rights. Such action should be identified as being necessary in a character statement and/or enhancement plan for the area. This has been done in the East Cliff Study. But in the case of Queen's Park and Sackville Gardens, priority would first have to be given to the publication of up-to-date character statements (see section 4 above).

Actions:

Public consultation will be undertaken on proposed Article 4 Directions in the East Cliff, Queen's Park and Sackville Gardens conservation areas and, subject to support, Article 4 Directions will be introduced.

8.13 The Valley Gardens conservation area is at risk for a number of reasons: the poor quality of the public open space and public realm; the adverse impact of vehicular traffic, the conflicting pressures on the area; the presence of several significant vacant buildings; and the number of historic buildings in need of repair. In recognition of this, a specific policy on the Valley Gardens area has been included in the submission version of the City Plan Part 1. The solution will necessitate a comprehensive improvement scheme of the public open space and public realm, including potential traffic measures, together with action to secure the repair and re-use of historic buildings and the appropriate redevelopment of key sites. This may include a bid for area regeneration funding from the Heritage Lottery Fund or funding from other sources. (See section 12 of this Strategy). Public consultation has already begun on potential improvements to the public spaces and road layout.

Parks and Gardens

8.14 The only registered historic park and garden in Brighton & Hove on English Heritage's 'at risk' register is Stanmer and action to address that will be a matter for the South Downs National Park Authority (see section 5 of this Strategy).

Archaeological Sites

8.15 Currently there are no Scheduled Monuments at risk within Brighton & Hove.

9. New Development in Historic Areas and Historic Settings

9.1 In the city's many historic areas there are sites and properties that either make little contribution or cause actual harm to the area's character, and which would benefit from new development. These sites may be identified in the Brighton & Hove City Plan, in a Supplementary Planning Document or planning brief or in a character statement and management plan for a particular area.

9.2 Equally there are historic buildings that make a very positive contribution to an area's character and yet are having a damaging visual effect through neglect or because no new economic use can be found for the building.

9.3 The council is committed to preserving the best from the past, yet it also seeks to meet the city's new development requirements by good quality contemporary architecture, which will be as admired in years to come as the Regency terraces are admired today. This requires design skill, a proper understanding of the historic environment and sensitivity to its quality, urban grain and scale.

9.4 The NPPF makes clear that new development in conservation areas, and within the setting of heritage assets, should take the opportunity to enhance the significance of those areas or settings or better reveal their significance, wherever possible. Some of the city's conservation areas are very cohesive and would often be best enhanced through careful infill buildings that authentically reflect historic precedents. Other areas are more diverse in appearance and are very capable of accepting bold and innovative contemporary designs as long as, for example, rhythm and proportion respect the prevailing historic context.

9.5 The council will base its design assessment of the appropriateness of any building design on the particular quality of the building itself, its contribution to the wider street scene and its impact on strategic and other key views. Objective design statements to accompany new development in historic areas should address the criteria set out in the government sponsored documents - 'Buildings in Context: New Development in Historic Areas' (2001), 'Urban Design Compendium parts 1 and 2' (2000 and 2007), and 'By Design: Better places to live' (2000). Developers of major housing schemes will be encouraged to demonstrate, as part of their Design and Access Statement, how the development would meet the 'Building for Life' criteria.

9.6 The NPPF states that "local authorities should have design review arrangements in place to provide assessment and support to ensure high standards of design". The council receives valued advice from its Conservation Advisory Group when considering planning applications at pre-application stage for both major and minor schemes. A review of the structure and role of this group was completed in 2012.

9.7 Major schemes may, with the applicant's agreement and at the applicant's expense, be considered by the South East Regional Design Panel. The council is exploring the possibility of establishing a more local Design Panel, possibly in conjunction with neighbouring local authorities.

Actions:

For prominent or otherwise visually sensitive development sites the council will encourage pre-application discussions with owners and their architects. The council will support the selection of architects and/or designs by competitive means, and will encourage public involvement, whether directly or through the use of consultative groups, including local representation.

The council will support and work with conservation and amenity groups, individually and collectively under the mantle of the Conservation Advisory Group, to ensure that new development in conservation areas and the settings of listed buildings conserves the special character and appearance of those areas and settings.

The council will explore the potential to establish a local Design Panel, to serve the Planning Committee.

9.8 The Sussex Historic Landscape Characterisation (2010) and the Historic Character Assessment report for Brighton & Hove (2007) published as part of the Sussex Extensive Urban Survey, provide an assessment of the city's rural hinterland and historic core respectively. Appraisals of individual conservation areas are set out in published character statements for those areas.

9.9 To provide guidance for those parts of the city beyond the central conservation areas, the council in 2009 published an Urban Characterisation Study, which provides a comprehensive understanding of the diversity and quality of the city's urban character, its sensitivity to change and the development trends and pressures that affect Brighton & Hove. This will be taken forward into detailed policy form as a Supplementary Planning Document (SPD) to be called an Urban Design Framework, which will support the overarching policies in the City Plan part 1. This SPD will also identify strategic view and landmarks that must be taken into consideration when major new development schemes are determined.

9.10 Since the original Conservation Strategy was published the council has fulfilled its commitment to produce Supplementary Planning Guidance on the appropriateness of tall buildings in Brighton and Hove, including guidance on the design and location of such buildings. This guidance has been incorporated into policy in the City Plan Part 1 and more detail on area boundaries and appropriate heights in each area will be included in the proposed Urban Design Framework SPD.

Action:

The council will publish an Urban Design Framework in the format of an SPD to support the City Plan Part 1.

9.11 The council will also encourage appropriate new development proposals for development sites allocated through the City Plan, by the publication of planning briefs and/or Supplementary Planning Documents. Where these would affect historic areas or historic settings the Heritage team will continue to work closely with other teams and departments to ensure that the new development would conserve or enhance the historic environment.

10. Policy Guidance and Regulatory Planning Controls

10.1 Since the original Conservation Strategy was published the council has adopted a Supplementary Planning Document (SPD) on Architectural Features, which sets out the local planning policy on external alterations to historic buildings,

and a design guide SPD for alterations and extensions to all residential buildings. Separate SPDs have been published on Shop Front Design and Advertisements.

Action:

The existing Supplementary Planning Guidance note on External Paint Finishes and Colours will be reviewed and updated as a Planning Advice Note.

10.2 Quite minor alterations to historic buildings can cumulatively have a very damaging effect upon the quality of the street environment and can undermine the restoration work achieved through other schemes. Such alterations often do not require planning permission or consent under the Advertisement Regulations and can, if left unchecked, lead to the loss of the area's special interest. This could then lead to the de-designation of conservation areas or parts of areas.

10.3 However there are many streets that are subject to additional planning restrictions introduced by the council, to help preserve the quality of the historic environment. For example 'single colour' or 'restricted colour' uniform painting schemes apply to those historic squares and terraces, designed as formal architectural set pieces. Controls known as Article 4 Directions, which remove permitted development rights, are also in place in many conservation areas. These ensure conservation policies can be applied consistently to all properties by bringing under planning control, for example, the demolition of boundary walls and railings and alterations to roofs and facades of single family houses. Since 2003 such Article 4 Directions have been introduced in the North Laine, Ovingdean, Patcham, Portslade Old Village, Rottingdean and Stanmer conservation areas.

10.4 In some cases the existing Article 4 Directions may need to be reviewed to consider whether the controls should be amended or extended in response to changes in permitted development rights or as a result of emerging impacts. In particular consideration should be given to controlling the installation of solar panels on visible street-facing roof slopes in some conservation areas.

10.5 The need for new controls elsewhere will, where applicable, be identified in conservation area character appraisals and all proposals will be subject to public consultation.

Actions:

Priority will be given to reviewing existing Article 4 Directions to ensure that all potentially harmful permitted development rights are included. Particular consideration will be given to controls over front boundary walls and solar panels.

Priority for introducing further Article 4 Directions will be given firstly to those conservation areas on the English Heritage 'at risk' register and after that to those areas where the need for such controls has already been established in a character statement. Areas meeting these criteria are:

- ***East Cliff***
- ***Queen's Park***

- **Sackville Gardens**

And then

- **Montpelier and Clifton Hill**
- **Regency Square**
- **Woodland Drive**

10.6 In the case of Queen's Park and Sackville Gardens, character statements will be required before any Article 4 Direction can be introduced (see section 4 of this Strategy).

10.7 The Hove Borough Council Act 1976 includes a requirement for the fronts of all properties in the original Brunswick Estate to be maintained unaltered and painted every five years. This Act succeeds the Brunswick Town Act of 1830 which was introduced to preserve a unity of appearance following completion of the Estate. The Act applies to 1-58 Brunswick Square, 1-42 Brunswick Terrace and 1-8 Brunswick Place.

10.8 During the ten year period of this Strategy repainting will fall due in 2015 and 2020. As a result of concerns expressed by some property owners and their agents regarding the durability of the current specification (which was introduced in 2000 and reviewed in 2008), the paint specification will be reviewed ahead of the 2015 painting cycle.

Actions;

The council will continue to rigorously enforce the repainting of properties in the Brunswick estate under the terms of the Hove Borough Council Act 1976.

The council will review the Brunswick paint specification ahead of the 2015 painting cycle and this review will be subject to consultation with affected residents and their representatives.

10.9 In 2010 the display of residential for sale and to let boards was brought under planning control within most of the central conservation areas of Brighton & Hove by means of a Regulation 7 Direction. This replaced previous controls which were restricted to a small number of the city's historic squares. The effect of the direction is that no residential sale or letting boards may be displayed on the street frontages of the affected properties without express consent.

10.10 The Regulation 7 Direction applies to the following conservation areas; Cliftonville; Denmark Villas; Willett Estate; The Drive; The Avenues; Brunswick Town; Montpelier and Clifton Hill; West Hill; North Laine; East Cliff; College and Kemp Town conservation area. It also applies to parts of the Regency Square and Valley Gardens conservation areas.

10.11 It is not proposed to introduce any further controls over the display of estate agent boards or any other forms of advertisements during the period of this Strategy.

11. Heritage Assets and Climate Change

11.1 The NPPF requires local planning authorities to actively support energy efficiency improvements to existing buildings but it also makes clear that such improvements should not cause material harm to a designated heritage asset (such as a listed building or conservation area) or its setting.

11.2 Keeping heritage assets in use is inherently sustainable as it avoids the consumption of building materials and energy and the generation of waste from demolition and the construction of replacement buildings. Where proposals that are promoted for their contribution to climate change objectives have a potentially negative effect on a heritage asset, the council will wherever possible help the applicant to identify feasible solutions that deliver similar climate change objectives but with less or no harm to the heritage asset and its setting.

11.3 A significant body of research and guidance is emerging on both the existing energy efficiency of historic buildings and how it can be further and suitably improved. This includes research guidance from national bodies such as English Heritage, the Society for the Protection of Ancient Buildings, Historic Scotland and the Sustainable Traditional Buildings Alliance. It also includes local initiatives and publications with wider implications, such as the Warmer Bath study undertaken by the Bath Preservation Trust and the Centre for Sustainable Energy and the guidance on retrofitting buildings in Soho produced by Westminster City Council in partnership with English Heritage.

11.4 Drawing on existing research and guidance where appropriate the council will explore how best to make suitable guidance available for Brighton & Hove's historic environment, including whether it should focus on policy matters or practical advice.

Actions:

Priority will be given to producing a new council web page on energy efficiency and historic buildings, with basic guidance on the typical types of improvement works and links to other sources of advice and guidance.

The council will consider the adoption of a Supplementary Planning Document (SPD) or Planning Advice Note (PAN) on energy efficiency and retrofitting, with specific reference to the historic environment of Brighton & Hove.

11.5 The council is a member of the UK Green Building Council and through that organisation will contribute to, and share, national guidance specifically aimed at addressing the planning issues of retrofitting existing buildings.

12. Conservation Led Area Regeneration and Enhancing the Street Scene and Public Spaces

12.1 The council has not bid for funding to run area grant schemes since the last Conservation Strategy was published in 2003. In that year the Regency/Brunswick Conservation Area Partnership Scheme and the St James's Street/St George's Road Heritage Economic Regeneration Scheme both came to an end. These schemes concluded many years of substantial investment in the historic areas of Brighton & Hove, in partnership with English Heritage and the Heritage Lottery Fund, which

greatly enhanced a number of the central urban conservation areas in particular. Since 2003 restoration work within Preston Park, a grade II listed urban park on the historic parks and gardens register, has been completed with the assistance of Heritage Lottery funding.

12.2 As a result of this past investment the city's conservation areas are largely in good condition and well preserved. In most cases there should therefore be no need for further public subsidy. Nor would it be an appropriate use of public funds simply to assist with modest repair or routine maintenance costs, which secure the value of a property. However there are some historic structures which provide little or no financial return, but which nevertheless are of considerable public interest and value and which contribute to the cherished local scene. The council will continue to support one-off bids for funding to repair and restore such structures and will work with owners and community or friends groups to identify sources of funding.

12.3 The one conservation area which would benefit from a targeted and comprehensive scheme for conservation-led area regeneration is the Valley Gardens conservation area. As noted in paragraph 8.9 of this Strategy, this area suffers from a lack of investment and is 'at risk' for a number of reasons, which include the presence of several significant vacant buildings and the considerable number of historic buildings in need of some repair.

Action:

The Valley Gardens conservation area will be the priority for any future bids for historic area regeneration funding.

12.4 Such funding is most likely to be in the form of a Townscape Heritage Initiative in partnership with the Heritage Lottery Fund. Any such bid would include funding to cover the appointment of a project officer for the life of the scheme in order to ensure that delivery is properly resourced. Public consultation has already begun on potential improvements to the public spaces and road layout.

12.5 An area grant scheme in Valley Gardens would complement the restoration of public space at The Level, funded in partnership with the Heritage Lottery Fund's 'Parks for People' scheme, which will be completed in late 2013 or early 2014.

12.6 Since the last Conservation Strategy was published in 2003 the council has implemented the award winning re-design of New Road using the approach advocated by the council's Public Space Public Life study (2007). Proposals to improve the Old Town conservation area by reducing the adverse impact of vehicular traffic and creating greater pedestrian priority have been approved and were subject to a Public Inquiry in July 2013.

12.7 The City Plan Part 1 sets out policy on improving public streets and spaces in the city and identifies the priority areas for implementation as Brighton Station Gateway, Lewes Road, London Road, Edward Street/Eastern Road, Old Shoreham, Road, A259 Seafront, Seven Dials, Hove Station, Pool Valley and local shopping areas. A number of these fall wholly or partly within conservation areas and/or affect the setting of listed buildings and the Heritage team will work corporately with the Transport Planning and Policy teams to ensure that these heritage assets are

enhanced by future schemes. Additionally, the City Plan's Seafront policy commits the council to delivering the regeneration of Madeira Drive as a centre for sports and family based activities supported by a landscaping and public art strategy which also provides for an improved public realm and the conservation and enhancement of the historic environment.

12.8 Throughout the city the council's Streetscape Design Guidelines, which were adopted in 2010 will be used to determine the use of appropriate and consistent street furniture and surfaces.

12.9 The city's conservation areas contain a large number of historic, cast iron street lighting columns of various patterns, sometimes with historic lanterns. A number of these are included on the statutory list and consequently benefit from legal protection but the majority do not. The council does not have sufficient resources to guarantee the retention of all historic lighting columns. The Heritage team will therefore work with the Street Lighting team to identify the priorities for future conservation, which may for example be particularly important streets or squares or rare column patterns.

13. Promotion and Community Engagement

13.1 There remains a need to raise awareness of what makes the city's heritage so important, to develop a positive city-wide appreciation of these special qualities and to create a pride in the historic environment and confidence in its future conservation.

13.2 The council will therefore promote better understanding of the extent and significance of all the city's heritage assets and their settings in order to ensure a well informed and proportionate approach to their conservation. The council will also promote the 'stitch in time'⁸ approach to building maintenance in order to prevent future disrepair, and increased costs to the owner, wherever possible.

13.3 The council is very keen to continue to work with the voluntary sector, including local resident groups, amenity societies and 'Friends' groups to deliver the actions within this strategy. Opportunities for joint initiatives will be identified in particular through the Conservation Advisory Group. The council is however also anxious to involve those who in the past may have considered the historic environment to have no relevance to them or even perhaps to be an obstacle to their aspirations.

13.4 The council's website will increasingly form the primary means of promotion and we will explore the use of social media and mobile technology in order to disseminate information and seek feedback. Printed leaflets will play a lesser role in future promotion but the council will be happy work with local amenity societies and conservation groups to support new publications that may provide practical guidance. This may include guidance on the repair and renewal of stucco render.

⁸ 'A Stitch in Time' published by the Society for the protection of Ancient Buildings and the Institute for Historic Building Conservation (2002).

Actions:

The council will continue to support and sustain those groups who volunteer their time to manage and promote local environmental projects and historic areas and properties.

The council will continue to produce and maintain information sheets on technical matters and records of specialist craft skills, contractors, suppliers and other relevant sources/contacts as well as, where necessary, practical guidance on common forms of works and information on the local historic environment and specific heritage sites.

The council will continue to assist, wherever possible, with research for and publication of leaflets / displays / interpretation boards promoting the activities of local amenity societies.

The council will continue to support and advise on commemorative plaques where appropriate.

14. Delivery

14.1 Delivery of the Conservation Strategy is the lead responsibility of the executive director for Environment, Development & Housing. The duty of care runs throughout the council but a front line conservation service exists within Planning and Public Protection, in the form of the Heritage team. This team provides: conservation policy and technical advice; specialist advice for development control; a pro-active enforcement service for historic buildings in disrepair; and support for the promotion of the city's cultural heritage.

14.2 The Heritage team currently has 4.32 full time equivalent staff and, in order to implement this Strategy and provide the most efficient service, the team aims to divide its staff resources as follows:

- Specialist advice to Development Control and other departments: 45%
- Heritage policy, conservation area designation and controls 25%
- Buildings at Risk and enforcement of buildings in disrepair 20%
- Promotion and public advice 10%

14.3 With regard to specialist advice to Development Control, the Heritage team aims to provide formal comments on all applications for Listed Building Consent and on major and significant planning applications within conservation areas or which affect the setting of listed buildings, conservation areas and registered parks and gardens. In the year 2012/2013 the team commented on 800 applications in total. The team also provides pre-application advice to Development Control and, particularly in respect of listed buildings, directly to applicants and agents.

14.4 The delivery of the proposed actions and priorities within this Strategy are based upon the continuation of existing staff resource and support levels in the

Heritage team. It must also be noted that some of the proposed actions will have resource implications for other teams and services. In particular, planning applications that are necessary as a result of an Article 4 Direction do not attract a fee. Therefore there will be unfunded resource implications for the Development Control team in making new any Directions, as well as subsequently enforcing them, and this will need to be carefully considered as part of any detailed proposals and decisions.

14.5 Any future bid for area regeneration funding would need to include for funding for a temporary project officer for the preparation of the detailed bid and the implementation of the scheme.

14.6 In addition other council services have complementary responsibilities, interests and expertise, particularly in regard to the council's own historic buildings. The Royal Pavilion and Museums service is responsible for the ongoing conservation and restoration of a number of important heritage assets. These are opened to the public to provide inspiration, learning and enjoyment to both city visitors and residents alike. Buildings include the internationally important Royal Pavilion and its gardens, listed buildings like Brighton Museum, the Booth Museum of Natural History and Preston Manor & its gardens. Ongoing development and research into restoration techniques and materials will ensure the long term preservation and high quality restoration of these landmark buildings. This service also plays an important role in raising the awareness and appreciation of cultural heritage through exhibitions, displays, publications, talks, lectures, and other educational and promotional events.



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