



# Design, safety and the quality of development

- 3.1 Design is critical as to whether a new development fits in visually and functionally with its surroundings and blends in with the existing landscape. The nature and use of materials is just one element of design. Good design also takes into account a 'sense of place' in the wider built and natural environment and seeks to integrate all the elements that are essential to the quality of life by providing a healthy, safe and pleasant environment.
- 3.2 To illustrate the above, the integration of elements such as, for example, crime prevention measures, public art and nature conservation into the design of new development helps to create interest, diversity and a more pleasant environment. These are qualities that are widely appreciated by residents and businesses including those seeking to relocate to the City. These qualities contribute to the revitalisation of urban areas and help to encourage economic growth.



## QD1 Design - quality of development and design statements

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

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

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

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

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

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

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



## QD2 Design - key principles for neighbourhoods

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

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

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

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

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



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

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

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

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

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

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

## QD4 Design - strategic impact

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

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

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

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

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



## QD5 Design - street frontages

**All new development should present an interesting and attractive frontage particularly at street level for pedestrians. Commercial developments in the town centres should include ground floor uses that provide visual interest and which encourage people to visit in the daytime and evening.**

- 3.24 Policy QD5 seeks to actively promote a stimulating and visually interesting environment and new investment through good design. Development that presents a sterile or bland appearance can detract from the appearance of an area and discourage people from visiting. Significant expanses of blank facades also reduce those opportunities for casual surveillance and increase the opportunities for crime to occur. With few visitors attracted into a street, the area may become perceived as being unsafe resulting in 'no-go' areas that deter investment (see also Policy QD8 'Shop shutters'). Commercial developments should have ground floors open to the public by providing uses such as shops or cafes in order that pedestrians will be drawn by evening activity or attractive lighting and window displays when the building's main activity has ceased for the day.
- 3.25 Architects who took part in urban design visioning workshops considered that proposals which featured a building at the back of a site with large expanses of parking, loading and storage areas in front were contrary to good design principles.
- 3.26 Respondents to the Local Plan consultation leaflet identified a number of examples of poor development that have taken place in Brighton & Hove such as large bulky developments with no street activity and buildings with no proper street frontage. Participants in community visioning workshops made the benefits of a safe town for all one of their highest priorities and recognised in particular, the need to reduce the 'fear of crime' which is one of the key priorities of the council's 'Community Safety Strategy, 2005 to 2008'.



## QD6 Public art

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

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

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

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

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## QD7 Crime prevention through environmental design

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

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



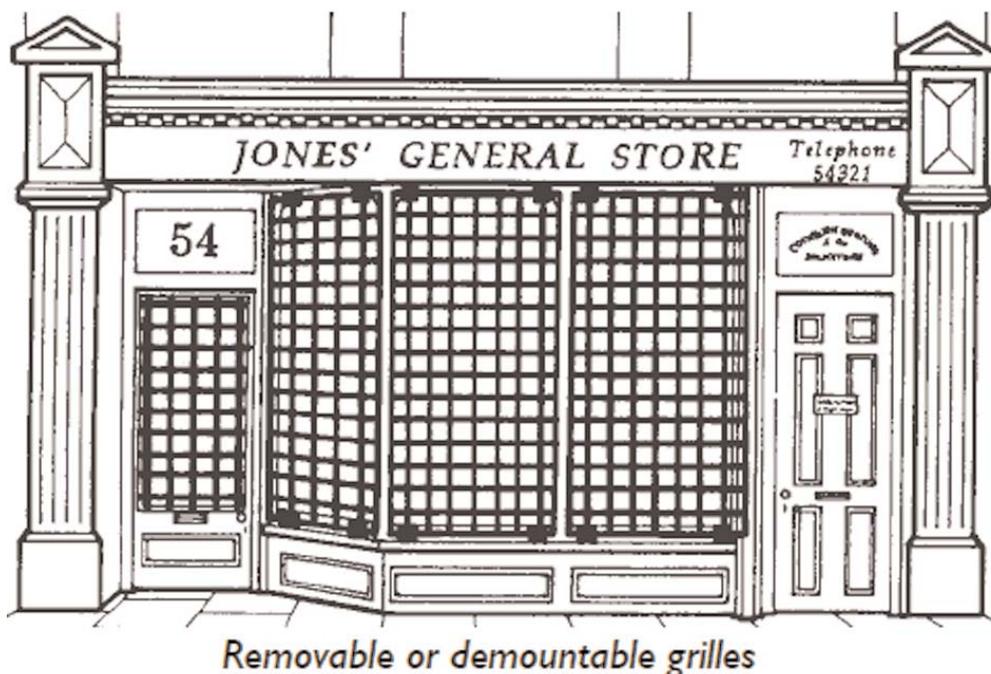
## QD8 Shopshutters

Solid shutters, which obscure the window display at any time, will not be permitted except:

- a. in isolated locations or in special circumstances where evidence, supported by the Police, has shown that security poses a special problem and all other appropriate security measures as advised by the Police have already been taken;
- b. where the shopfront is of an open type such as a traditional fishmongers, butchers and greengrocers, and where no alternative solution would be possible; or
- c. where there is no acknowledged need to retain a visible display outside opening hours, such as King's Road Arches on Brighton Seafront.

**\*For the avoidance of doubt, shutters with the "pin hole" design are considered to be 'solid' for the purposes of this policy.**

- 3.36 Policy QD8 aims to create and maintain a safe and attractive environment that does not deter the public from using particular shopping streets thus losing the benefit of passive surveillance. The spread of solid shutters in a street can transform it in the hours of darkness into a more threatening environment that increases the fear of crime to pedestrians in particular.
- 3.37 Consultees attending a 'Retail and Town Centres' focus group to inform this Plan agreed the need to improve shop frontages and in general, to maintain an attractive environment with input from shop owners with the help of incentives.
- 3.38 All proposals for shopshutters should also take into account the shopfront and design policies of this Plan, particularly in conservation areas and on listed buildings. Proposals should also conform to the Supplementary Planning Guidance published by Hove and Brighton Borough Councils in the form of a leaflet entitled 'Shop Security: Grilles and Alarms' and any subsequent updates.



## QD9 Boarding up of flats, shops and business premises

Planning permission will be granted for the boarding up of flats, shops and business premises provided the proposal:

- a. is for a temporary period;
- b. does not harm amenity and / or the shopping / business environment of the locality; and
- c. the boards are to be decorated with designs appropriate to their location in order to contribute to the surrounding environment.

- 3.39 It is recognised that there will be occasions, when properties become vacant for a temporary period and that windows and doors may need to be boarded up for security reasons. It is important that this is only taken as a temporary measure, for example, six months to a year. The longer-term solutions are to bring the premises back into use or, where appropriate, the redevelopment of the site. Conditions will be imposed on planning permissions limiting the proposal to a specified temporary period. The period of time granted will take into account the time needed to bring the site back into active use. Applicants will therefore be expected to submit details of the action to be taken to bring a property back into use and to provide the predicted timescales for such action.
- 3.40 The boarding up of premises has a significant impact on the building's appearance and on the surrounding area. Clusters of vacant boarded-up premises can result in a run down appearance, which can be detrimental to the visual amenity and vitality of the area respectively. In order to create and maintain a safe and attractive environment, which does not deter the public from using such locations, it is important the boards are appropriately decorated in a way that helps to maintain and if possible, contribute to the vitality and viability of the area. Enforcement action against insensitive boarding may be taken where the necessary consent has not been obtained.
- 3.41 Policy QD9 has particular links with the following in this Plan: the policies relating to design; shopshutters; shopfronts; public art; listed buildings; conservation areas; and, buildings of local interest.

## QD10 Shopfronts

**Replacement shopfronts and alterations to existing shopfronts will be permitted provided that the proposed shopfronts and fascia:**

- a. **respect the style, proportions, detailing, colour and materials of the parent building and surrounding shopfronts / buildings;**
- b. **retain a visible means of support to the buildings above and do not interrupt any architectural details;**
- c. **are part of an overall design strategy which covers all elements of the shopfront, including shop-shutters, blinds, advertisements and signs; and**
- d. **allow access for everyone including wheelchair users, the visually impaired and other people with disabilities.**

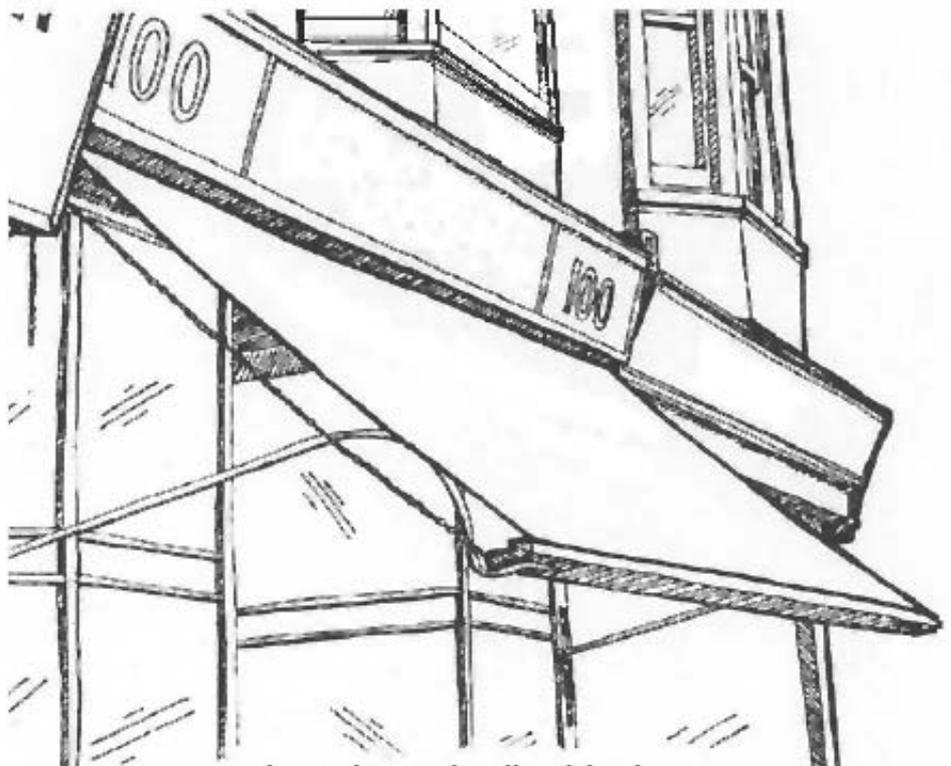
**In respect of conservation areas and listed buildings, shopfront proposals will be required to preserve or enhance the special appearance or character of the area and / or the buildings special architectural or historic interest respectively. Permission will not be given to replace good period shopfronts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

- 3.42 The design of shopfronts has an important role to play in the appearance of an area. The appearance of shops is often an indicator of the quality, success, prosperity, or image of a town, so the design of a shopfront is important.
- 3.43 Shopfronts and their associated signs are intended to attract attention. Unfortunately, they are often designed to promote a corporate image rather than to respect their setting and townscape context. In order to achieve an attractive and pleasant environment it is important that all shopfronts, including their associated signs, are well designed reflecting the characteristics of the building and area concerned. The design of shopfronts is particularly important in the case of listed buildings, conservation areas and buildings of local interest where it is essential that they complement architectural details and historic features.
- 3.44 Many local shopfronts incorporate traditional features such as a recessed doorway, a timber frame and fascia with mouldings and a rendered or brick stall riser. These features make a valuable contribution and their retention will be sought. Where two or more adjacent units are being combined to form one unit, the shopfront should be designed so as to retain the appearance of separate units, especially within a conservation area, on a listed building and within its setting. Further guidance on shopfronts and associated elements such as security, blinds and advertisements is contained in supplementary planning guidance and /or supplementary planning documents.
- 3.45 Policy QD10 has particular links with the following in this Plan: the policies relating to design; advertisements and signs; shopshutters; boarding up of flats, shops and business premises; blinds; public art; listed buildings; conservation areas; and buildings of local interest.

## QD11 Blinds

**Planning applications for the erection of blinds will only be permitted where they are sensitively designed and located with respect for the appearance of the building and / or street. Non-traditional, Dutch, or PVC blinds will not be permitted in conservation areas or on listed buildings.**

- 3.46 If erected with care and consideration, canopies and blinds can add interest and vitality to a shopping street. Blinds which can retract into a recessed box are usually less harmful provided they are an integral part of the shopfront which does not interrupt the unity of the repetitive elements of shop fascias, or obscure or damage architectural detail. Inappropriate blinds can have a significant impact on the character and appearance of a building and its surrounding environment. It is important, therefore, to ensure that blinds are appropriate to the area and building and are of a suitable design. In conservation areas the planning authority will serve discontinuance notices on inappropriate non-traditional Dutch or PVC blinds which have deemed consent by virtue of the Advertisements Regulations. For the purposes of Policy QD11, 'awnings' and 'canopies' are included within the term 'blinds'.
- 3.47 Blinds that incorporate an advertisement are to be treated as an advertisement, in accordance with legislation. Regard must be given to highway legislation, for example, blinds should normally be a minimum of 2.4m above footway surface level and should not contain side panels.
- 3.48 Policy QD9 has particular links with the following in this Plan: the policies relating to design; advertisements and signs; shopfronts; shopshutters; listed buildings; conservation areas; and buildings of local interest.



*A traditional roller blind*

## QD12 Advertisements and signs

**Sensitively designed and located advertisements and / or signs, which contribute to the visual amenity of the area and do not prejudice public safety, will be permitted. Advertisements and signs, which are detrimental to visual amenity and / or would adversely affect public safety, will not be allowed.**

**The criteria used to determine an advertisement's or sign's suitability will include:**

- a. size;
- b. design;
- c. colour;
- d. materials;
- e. lettering;
- f. illumination;
- g. means of fixture;
- h. location; and
- i. overall impact, individually and cumulatively with existing advertisements / signs.

**The planning authority will seek to reduce the number and / or size of existing advertisements and signs where these are considered to be detrimental to public safety and / or amenity. Advertisements and signs outside the built up area must be sensitively designed and be in keeping with the rural area and landscape.**

**Illuminated advertisements and / or signs will not be granted express consent outside the built up area.**

- 3.49 Advertising is important to the vitality of commercial enterprises but a proliferation of advertisements and signs of different sizes, colour, design etc. can create a cluttered appearance with no uniformity or cohesion. This can result in an adverse affect on the amenity of an area and be detrimental to public safety, which, in turn, can harm the vitality of the businesses in the area.
- 3.50 A good building can easily be spoiled by a poorly designed, insensitively placed or oversized sign or advertisement or by a poor choice of advertisement finishes; fixtures; materials; colour; or illumination which is alien to the building's design or fabric. The planning authority will seek to ensure that advertisements and signs are kept to a minimum and carefully designed so that the appearance and character of an area is not harmed. The appropriateness of each sign will therefore depend on the characteristics of the building and the locality within which the advertisement or sign is to be displayed. As a general rule, advertisements or signs above first floor window sill level will normally be considered out of keeping and harmful to the visual integrity of a building and will therefore be resisted.

- 3.51 Whilst many advertisements and signs can be displayed without the need to apply for express consent, care still needs to be taken to ensure they respect their surroundings. The planning authority can take discontinuance action against such signs in order to remedy substantial harm to amenity or danger to members of the public. The planning authority will seek the removal of adverts, signs, boards etc. on private forecourts and pavements in front of business premises by conditions attached to consents, or if an obstruction is created, through highways legislation.
- 3.52 Further guidance can be found in a booklet produced by the Department of the Environment, Transport and the Regions (DETR) entitled 'Outdoor Advertisements and Signs - A guide for advertisers'.
- 3.53 Policy QD12 has particular links with the following in this Plan: the policies relating to design; shopfronts; advertisements and signs within conservation areas and on, or in the vicinity of a listed building; advertisement hoardings; and, protection of amenities.

### QD13 Advertisement hoardings

**Consent will not be given where a hoarding will be detrimental to public safety and amenity, in particular the character and appearance of the surrounding area. Applicants will be expected to submit a written design statement to demonstrate that the proposed hoarding is acceptable in terms of amenity and public safety.**

**Hoardings will not be given consent in the following areas or within their settings: conservation areas; within the vicinity of a listed building; within the seafront area; or outside the built up area. Exceptions will only be made where the hoarding enhances the street scene and would not be detrimental to public safety or have an adverse impact on amenity, including views in and out of the area.**

- 3.54 Advertisement hoardings can be particularly intrusive in a locality because of their size and positioning. It is therefore important that careful attention is given to the impact of proposed hoardings to ensure that they do not harm the appearance of surrounding areas and buildings. A temporary solution for the security and amenity of a derelict / vacant site may be resolvable by the use of hoardings. However, the long term solution is the redevelopment of the site. Consent for hoardings around derelict / vacant sites will normally only be temporary for reasons of amenity.
- 3.55 Where hoardings may be appropriate, the council will seek to ensure that they are sensitively located and make a positive contribution to their locality. In some areas of Brighton & Hove, such as on the Downs, it is unlikely that any hoardings would be given consent. It will also continue to be important to ensure that hoardings do not adversely impact on road safety.
- 3.56 Policy QD13 has strong links with other policies in this Plan concerned with advertisement control; development in the countryside / downland; conservation areas; and listed buildings.

## QD14 Extensions and alterations

**Planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:**

- a. **is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;**
- b. **would not result in significant noise disturbance or loss of privacy, outlook, daylight / sunlight or amenity to neighbouring properties;**
- c. **takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and**
- d. **uses materials sympathetic to the parent building.**

**In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.**

- 3.57 Badly sited extensions can reduce the privacy, block daylight or seriously interfere with the outlook of adjoining properties. When considering orientation and daylighting / sunlighting, regard will be given to the Building Research Establishment (BRE) report entitled 'Site layout planning for daylight and sunlight - a guide to good practice' (1991) and any subsequent revisions. An important guideline when assessing proposals to extend properties is checking whether the extension cuts a 45-degree line (both horizontal and vertical) drawn from the centre of the nearest ground floor window of a kitchen or habitable room on a neighbouring residential property. In the case of two storey extensions the quarter point of the nearest ground floor window is used instead. The BRE report should be referred to, however, for further details and guidance. It is not the length or height per se of an extension that is critical but its effect on adjoining properties and its appearance.
- 3.58 Extensions to residential and commercial buildings should normally be sited at least 1m from a joint (i.e. shared) boundary to prevent undesirable terracing and loss of light to adjacent properties. In less densely developed areas a greater distance will probably be more appropriate and thus required in order to maintain the space around buildings and the character of the area.
- 3.59 Policy QD14 has particular links with the following in this Plan: the policies relating to design; the efficient use of resources; listed buildings; conservation areas; local interest buildings; nature conservation; species protection; greenways; and, external lighting.

## QD15 Landscape design

All proposals for development must submit details to show that:

- a. adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
- b. the proposal includes suitable open space provision;
- c. high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
- d. effective use has been made of existing landscape features;
- e. where appropriate, existing nature conservation features have been retained and new suitable ones created; and
- f. if the location is appropriate, the site contributes to the Brighton and Hove Greenway Network.

Planning conditions may be imposed or a planning obligation sought in order to secure the provision of landscaping and future maintenance.

**On major schemes, details of structural landscaping that contributes to the existing overall landscape quality of an area will need to be agreed with the planning authority prior to the determination of a planning application. It will be a requirement, in appropriate cases, that some landscaping is planted prior to development commencing.**

- 3.60 Consultees involved in the preparation of this Plan placed a lot of importance on open spaces and landscape. The spaces between and around buildings are just as important as the buildings themselves. It is essential that careful attention is given to these spaces within the overall design of a scheme in order to achieve good design. Indeed, good design involves consideration of the landscape as an integral part of the design process. The objective of a scheme should be to integrate a development into its surroundings with minimal impact on the environment, whilst at the same time creating an attractive setting in the immediate vicinity.
- 3.61 The council aims to promote a high standard of design. New developments are encouraged to express individuality and a legible sense of identity whilst retaining the character of the local area. Landscape schemes will be sought which are attractive and distinctive and make a positive contribution to the site and its surroundings. Materials should be carefully selected to suit and work with the function of the space. Personal and community safety should be carefully considered in all schemes. For example, landscape proposals adjacent to railways should ensure trees are located well away from the railway boundary as they could provide a means of illegal access onto the railway line and leaves falling onto the line could cause major problems and train delays.

- 3.62 Landscaping can support and provide new nature conservation features (as defined in Chapter 7 'An integrated approach to nature conservation and the countryside') which contribute to the creation of a stimulating environment and can serve as an educational resource. Landscape features includes trees and hedgerows which are also subject to a separate policy, QD16. It is important in terms of 'quality of life' for people to have easy access to natural open space. This was recognised by English Nature, which produced a research report entitled 'Accessible natural greenspace in towns and cities: A review of appropriate size and distance criteria'. Regard will be given to this document when considering proposals and landscape schemes.
- 3.63 Effective landscaping will also be required where proposals involve changes of use. A change of use to a building may require an alteration to the materials in the landscaped area so that the new function of the building, and consequently its character, is reflected in its surroundings. The landscape and external space can play an important role in determining access into areas, use of spaces and the hierarchy of public / private outdoor spaces with differing levels of privacy and security. Careful consideration should also be given to ensure that the role of the landscaping does not conflict with the requirements of the Building Regulations, for example, landscape schemes should not hinder emergency access points.
- 3.64 Planning applications will be required to submit a design statement. Landscape plans will be required as part of the design statement in order that they can be considered as part of the entire scheme and problems can be raised at an early stage and easily resolved. Proposals must include information about materials to be used and details of all aspects of planting. It should be noted that native species will be encouraged, where appropriate (and where possible, native species of local origin).
- 3.65 Conditions may be imposed in order to secure the provision of landscaping. For example, to secure the completion of a landscape scheme prior to occupation of a site and / or an adequate maintenance programme and the replacement of any plants that fail within the first five years on a 'like for like' basis, unless otherwise agreed with the planning authority. Where landscape plans have not been agreed but are felt to be resolvable, the planning authority may grant planning permission with appropriate landscaping conditions.
- 3.66 Applicants are recommended to seek professional landscape advice at an early stage in the design process. Additional advice and guidance is available from the council's arboriculturists, ecologists and landscape designers. A Street Design Manual will also be published by the council, which should be taken into account.
- 3.67 Policy QD15 has particular links with the following in this Plan: the policies relating to trees and hedgerows; design; development densities; crime prevention; unstable land; surface water runoff and flood risk; conservation areas; listed buildings; historic parks and gardens; urban open space; the retention and integration of nature conservation; species protection; greenways; provision of outdoor recreation space in housing schemes; traffic calming; external lighting; and public art.

## QD16 Trees and hedgerows

### Applications for new development:

- should accurately identify existing trees, shrubs and hedgerows;
- must seek to retain existing trees and hedgerows; and
- wherever feasible include new tree and hedge planting in the proposals.

**This planting will be secured through planning conditions and / or a planning obligation. The planting of native species will be sought, where appropriate. Works to a tree, which is subject to a Tree Preservation Order or lies within a conservation area, will be permitted only where the works do not damage the amenity value and health of the tree and / or are the minimum consistent with good arboricultural practice.**

**Development which would damage or destroy a preserved tree will not be permitted unless the development is of national importance or essential to meet recognised social and / or economic needs which cannot be located elsewhere and there is no practicable way to retain the tree.**

**Where the felling of a preserved tree is permitted: as for example by reason of it being severely diseased, dangerous or unavoidably located on the site of a new development, a replacement tree will be required of an appropriate type and size; and located to the satisfaction of the planning authority.**

**Where development is permitted in the vicinity of trees, adequate provision must be made for the protection of existing trees. Tree protection and all construction work carried out will need to comply with the advice of the current British Standard 5837 'Trees in relation to Construction' and any subsequent revisions.**

- 3.68 Existing trees and hedgerows should be retained and new ones planted as far as practicable. They help to add maturity to schemes; provide essential habitat for a wide range of wildlife; integrate developments into the existing environment; contribute to the character of the town; are valuable in softening the appearance of the built-up area; emphasise highway and pedestrian routes; help to identify site boundaries; provide shelter; and can help to reduce noise and atmospheric pollution. Regard however must also be given to personal and community safety. As detailed in paragraph 3.61, trees should not be planted near to the boundary of railway land or other such sites as they could enable illegal access.
- 3.69 Planning applications for any development that affects trees will be expected to be accompanied by a detailed arboricultural report and plan. The plan should be accurately plotted to scale and should indicate tree species, trunk diameter at breast height and crown spread. Hedgerows should also be plotted with species height and spread indicated. The footprint of the development, underground services, driveways, hardstanding areas and ground level changes should also be indicated. Where development is permitted in the vicinity of trees or hedgerows, details about protective fencing will also be required.

The landscaping and tree planting schemes of development proposals will be subject to the approval of the planning authority. Where it is considered by the planning authority that an existing tree is of little amenity and / or wildlife value or that its location is inappropriate, a suitable replacement may be sought. With regard to new and replacement trees and hedges, the planning authority will normally seek the planting of native species, where appropriate, and where possible, native species of local origin. Account should be taken of the potential impact of fully matured planting on the amenity of adjoining properties.

- 3.70 Brighton has been an Area of (Elm) Disease Management since the 1970s and has the only significant population of Elms in England making it home to the English Elm collection. Particular regard will therefore be given to the need to maintain and expand the presence of Elm trees within the city.
- 3.71 Some hedgerows are given extra protection by virtue of the 'Hedgerow Regulation 1997 - A Guide to the Law and Good Practice'. Applicants must therefore have regard to these regulations. Tree Preservation Orders are applied to trees in the interests of public amenity or where they are known to be under threat from future development pressures. Trees may be preserved for their intrinsic beauty; contribution to the landscape; or because they serve to screen an eyesore or future development. The value of trees may be enhanced by their scarcity and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant an Order.
- 3.72 Works to a tree covered by a Tree Preservation Order or within a conservation area will be permitted only where the works do not damage the amenity value or health of the tree. Any work carried out will be done using good arboricultural practice, such as that detailed in British Standard 3998 'Recommendations for tree work'. Where trees are removed for any reason, replacement trees of an agreed species, size and location will be required and a condition of replacement will be imposed if the tree fails. Developers will be expected to protect trees covered by Tree Preservation Orders. In addition to British Standard documents, sources of information on this subject can be obtained from the Arboricultural Association, International Society for Arboriculture, National House Building Council and government advice and circulars.
- 3.73 It should be noted that it is a criminal offence to do works to a tree in contravention of a Tree Preservation Order. Legal action may be taken, therefore, if any contravention of a Tree Preservation Order occurs. Where works are carried out to a tree without consent, such as, felling or works that adversely affect the long term health of the tree, a replacement tree will be required.
- 3.74 Applicants are advised to contact the council's arboriculturists in order to ascertain what trees and hedgerows are formally protected and to discuss proposed works and planting schemes. Policy QD16 has particular links with the following in this Plan: the policies relating to landscaping; design; development densities; crime prevention; unstable land; polluted land; surface water run-off and flood risk; conservation areas; listed buildings; historic parks and gardens; urban open space; the retention and integration of nature conservation; species protection; and greenways. See also Supplementary Planning Document 6, Trees and Development Sites.

## QD17 Protection and integration of nature conservation features

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

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

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

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

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

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



## QD18 Species protection

Where it is evident that a proposal could directly or indirectly affect a species of animal or plant, or its habitat (including feeding, resting and breeding areas) protected under National legislation, European legislation or categorised as 'a declining breeder', 'endangered', 'extinct', 'rare' or 'vulnerable' in the British 'Red Data' books, the applicant will be required to undertake an appropriate site investigation.

Measures will be required to avoid any harmful impact of a proposed development on such species and their habitats. Where practicable, the developer will be expected to enhance the habitat of the respective species. Where necessary, a condition will be imposed or a planning obligation sought in order to secure these requirements.

Permission will not be granted for any development, including changes of use, that would be liable to cause demonstrable harm to such species and their habitats.

- 3.82 The presence of protected species is a material consideration in planning decisions. Many other species are nationally rare or vulnerable although not currently protected by law. In some cases these species have specialised habitat requirements and survive in a few, localised areas. The council considers that, in the interests of biodiversity and promoting sustainable development, both groups of species should be conserved as part of the development control process.
- 3.83 Development proposals which may affect protected or rare species should be fully informed by expert survey and advice. The Sussex Biodiversity Record Centre, based at the Sussex Wildlife Trust, and the Booth Museum in Dyke Road, can provide survey information for such purposes. When applying Policy QD18, regard will be given to the achievement of Biodiversity Action Plan Targets, as detailed in the introduction to the nature conservation section in this Plan in Chapter 7 'An integrated approach to nature conservation and the countryside'.



## QD19 Greenways

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

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

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

## QD20 Urban open space

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

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

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

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

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

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

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

## QD21 Allotments

**Planning permission will not be granted for proposals that would result in the loss of allotments. Planning permission may be given for alternative open space uses for allotments which are surplus to requirements. Allotments will be considered surplus to requirements where the following criteria are met:**

- a. **plots have remained genuinely available to allotment users;**
- b. **they have been unused for more than five years;**
- c. **they have been offered to all the people on the allotment waiting lists, city wide;**
- d. **they have been advertised to the general public as being available during this time; and**
- e. **the redundant allotment plots form a cohesive unit, that can be separated from other plots without causing disruption to existing allotments, still in active use.**

**Where allotments are surplus to requirements, preference will be given to alternative amenity or leisure uses that retain the open nature of the site and are compatible with allotment gardening.**

- 3.96 Allotment sites owned by the council and in private ownership, are unevenly distributed throughout Brighton & Hove. Some are inner urban plots, others form part of the urban fringe between the built up area and the Downs. In the government's command paper, 'The Future of Allotments', the government considered that allotments form a component part of healthy neighbourhoods and that there was a need for urgent action to protect existing allotment sites. The government welcomed the contribution made by private sites and urged the owners of private sites to adopt a long term and positive approach. The government advised that planning guidance on the role of allotments should be explicit because allotment land is the principal category of urban green space that is being eroded.
- 3.97 During the consultation process carried out to inform this Plan, allotment holders expressed concern that allotment sites should be protected and that any alternative use of vacant plots should not damage the existing allotments. The deliberate development of scrub or overgrown vegetation was considered to be unhelpful to other allotment holders because of possible rabbit infestation.
- 3.98 Allotment sites in Brighton & Hove are currently being surveyed by the council. Until the survey is complete and any vacant plots identified, advertised and promoted, it is not known whether there are any parcels of redundant land that could be put to alternative uses. Some allotments on the downland fringes may be of very poor quality and if not in use over a period of time may be better managed as open downland until they are needed. Small sites publicly or privately owned within the built up area fulfil several roles as amenity open space as well as allotment land and are likely to be valued as open space by the local community.
- 3.99 Proposals affecting allotments will also be expected to comply with the 'Urban Open Space' Policy (QD20) and the 'Protection of public and private outdoor recreation space' Policy SR20.

## QD22 Satellite dish aerials

**When planning permission for satellite dishes is required, applications will be granted where:**

- a. they have due regard to the character, appearance and design of the building and the surrounding area;**
- b. they can be achieved without detriment to the amenities of nearby residents;**
- c. the size of any dish is kept to a minimum;**
- d. due regard has been given, where appropriate, to the installation of a communal aerial;**
- e. the dish is an appropriate colour; and**
- f. the dish / apparatus is sited in an inconspicuous location, for example, concealed in a roof valley.**

**In the case of listed buildings the planning authority will only accept installations that do not adversely affect the architectural or historic character of the building and will require, where possible, that locations within the building such as in the roof space be used.**

**In all cases, in view of the short-lived nature of the equipment and of the likelihood of technological change and to ensure that it does not detract from the character and appearance of an area in the long term, the local authority will grant permission for a maximum period of ten years.**

- 3.100 Many alterations to buildings, including the installation of satellite dishes, can adversely affect their appearance. In turn this can have a harmful affect on the character and appearance of Brighton & Hove. The planning authority will seek to ensure that, where technically possible, satellite dishes are not visible from a highway or public open space.
- 3.101 Permissions granted for satellite dishes will be for a maximum period of ten years. Rapid changes in technology and the growth in cable television are continuing and the use of satellite dishes may be obsolete within 10 years. Policy QD22 will therefore enable the planning authority to ensure the removal of satellite dishes if they are rendered obsolete or if there are alternatives which are less harmful to the appearance of a property.
- 3.102 A general permission currently exists under the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town & Country Planning (General Permitted Development) Order 1998 for satellite dishes in certain circumstances. However in other cases planning permission is required. Further advice on whether planning permission is required can be found in the current government booklet: 'A Householder's Planning Guide for the Installation of Satellite Television Dishes'.

## QD23 Telecommunications apparatus (general)

Proposals for telecommunication developments will only be permitted where the following criteria are met:

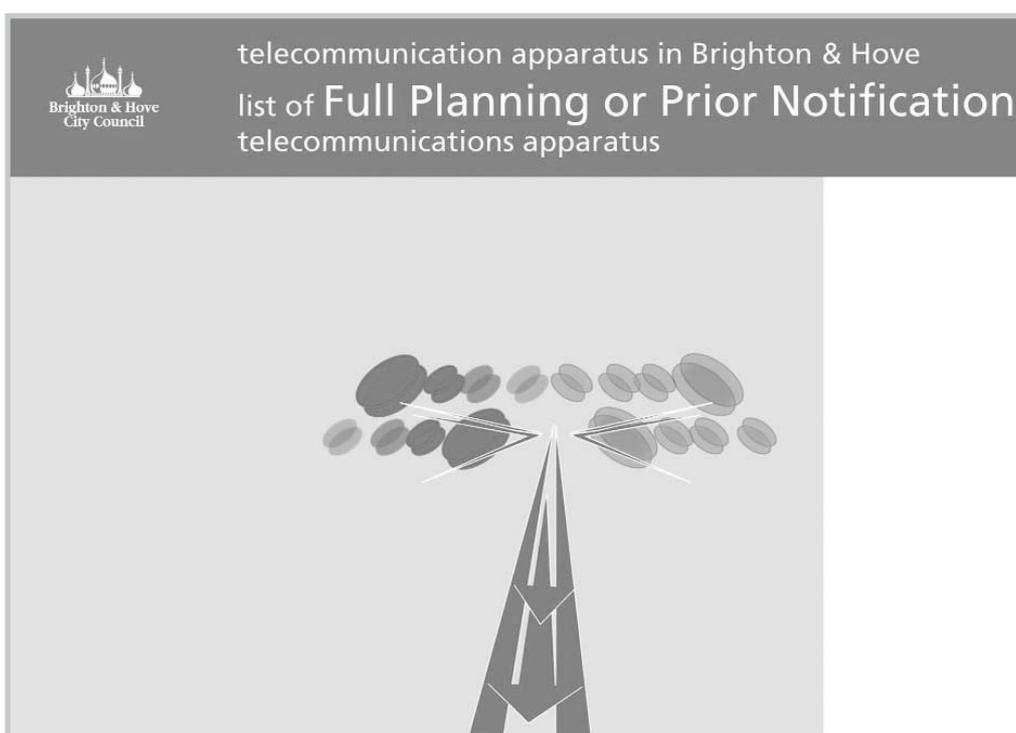
- a. subject to technical and operation considerations, the development is sited, designed, landscaped (where relevant) and in the most appropriate materials and colours, so as to minimise its visual impact;
- b. it can be demonstrated that existing masts, nearby buildings or structures cannot reasonably be used for the purpose;
- c. there will be no serious adverse effect on the character or appearance of the area;
- d. where the proposal determines the location of development elsewhere, details are submitted of the co-ordinated and strategic assessment, including the location of any subsequent apparatus, which demonstrates that the proposal is part of a plan that minimises the overall impact; and
- e. there would be no unacceptable adverse impact on amenity, people, landscape and nature conservation in the locality.

If significant physical or electrical radio interference is likely to result, this will be taken into account. The planning authority will seek to ensure, wherever possible, cables and wires are located underground.

In the event that no controls exist under other legislation, the planning authority will impose on all masts or other telecommunications apparatus, conditions requiring their removal, if at any time in the future they become obsolete and are no longer required for the purpose for which they were erected.

- 3.103 The benefits from telecommunications to the community and economy are recognised and welcomed. Care needs to be taken, however, over the installation of such equipment in order to protect both the urban and rural environment from 'visual damage'. The planning authority will encourage telecommunication providers to co-operate in sharing masts and other structures in order to reduce the need for the proliferation of these installations, provided that the visual impact is less than the installation of a further mast. There may be occasions when two smaller masts are actually considered to be more appropriate than one big mast.
- 3.104 When determining applications for telecommunication apparatus, consideration will be given to the type of mast, radio type and frequency, output and to the potential health considerations and public concern where appropriate. Regard will be given, to the guidelines set out by the International Commission on Non-Ionising Radiation Protection (ICNIRP), the National Radiological Protection Board (NRPB) and the findings of the Stewart Report into Mobile Phones and Health (and any subsequent reports).

- 3.105 It is in an applicant's best interest to ensure all appropriate information is submitted to enable all the relevant factors to be taken into account when their application is considered. Where it is felt there is not sufficient information or there is insufficient justification of the data to enable the impact of a proposal to be appropriately considered, planning permission will be refused.
- 3.106 Where there is the potential for either electrical or physical radio interference the planning authority may require trial transmissions and may grant planning permission subject to a condition that, before development commences, the developer will ensure that the quality of any reception affected by the development will be restored.
- 3.107 Whilst it is generally considered that the impact on the environment is less if cables and wires are located underground, care should still be taken to ensure the impact is minimised. For example, trees should be protected from direct and indirect damage and hard surfaces replaced on a like for like basis.
- 3.108 Policy QD23 has particular links with the following in this Plan: the policies relating to telecommunications apparatus affecting important areas; design; protection of amenity; countryside / downland; landscaping; trees and hedgerows; the retention and integration of nature conservation; and urban open space.



## QD24 Telecommunications apparatus affecting important areas

Proposals for telecommunication developments, such as masts or other structures, will not be permitted in locations where they would have an adverse affect on any of the following important areas or their settings:

- Area of Outstanding Natural Beauty (National Park);
- a conservation area;
- a listed building;
- a registered park or garden of special historic interest;
- an important wildlife site;
- a site of known or potential archaeological interest.

Exceptions will only be made where all the following criteria can be met:

- a. the proposal complies with Policy QD23 'Telecommunications Apparatus (General)' and other respective policies in the Development Plan;
- b. the design of the apparatus is the most suitable for the area / building and takes into account the area's / building's special importance;
- c. it is demonstrated that the proposal provides an essential link in a national and local network for which no alternatives exist and the adverse impacts are minimised; and
- d. a detailed visual impact assessment is provided and in the case of important wildlife sites, an ecological assessment is also provided, even when a formal Environmental Impact Assessment is not required.

3.109 The important areas listed in Policy QD24, are particularly sensitive to the impacts from telecommunication developments. The planning authority will therefore seek to protect such areas from telecommunication proposals. Proposals that would adversely affect these areas will only be permitted in exceptional circumstances. For example, where it can be demonstrated that there are no alternative technically suitable sites that are more acceptable in terms of environmental impact and the apparatus has been specially designed to minimise its impact. When considering whether there are alternatives to the provision of apparatus within an important area, regard will be given to whether they are technically suitable or environmentally preferable. If they are not, they will not be considered to be alternatives.

3.110 Policy QD24 has particular links with the following in this Plan: the policies relating to telecommunications apparatus (general); design; landscaping; trees and hedgerows; AONB, conservation areas, listed buildings, historic parks and gardens, archaeological sites, and nature conservation.

## QD25 External lighting

**Proposals for external lighting will be required to form part of an overall design strategy which demonstrates how they work in harmony with existing and surrounding lighting and create a balance between light and shadow which avoids both over-lighting and under-lighting.**

**Planning permission will not be granted for lighting units which emit over-intense light in the context of the use of the building or space to be illuminated and / or can be seen to cause detriment to amenity, environment, highway safety or cause significant light pollution, especially upward light pollution.**

- 3.111 Lighting in and around buildings and roads is important for crime prevention and community safety - issues which were afforded a high priority by people who participated in the consultation process to inform this Plan. Lighting can also help to improve the quality of the 'night-time environment' and can be used to reveal, enhance and dramatise an area's architecture; in particular unique buildings and spaces.
- 3.112 However, the number of outdoor lights and their relative power has increased considerably over recent years, creating 'skyglow' which affects the ability of astronomers to see the night sky. Any light that fails to illuminate the intended target represents a waste of resources and can be regarded as visual pollution since it often has a detrimental impact on the amenities of the surrounding area.
- 3.113 It is important then to ensure that external lighting schemes do not adversely impact on amenity or create a dangerous distraction for highway users. Applicants submitting proposals for external lighting will be required to submit a written design statement. Where appropriate, planning conditions will be imposed restricting the intensity and hours of illumination.
- 3.114 Policy QD25 is consistent with the council's Lighting Strategy and has strong links with other policies of the Plan concerned with floodlighting; pollution and nuisance control; energy efficiency; protection of amenity; the countryside/ downland; AONB; listed buildings; conservation areas; and local interest buildings.

## QD26 Floodlighting

**Proposals for floodlighting will be required to keep to the minimum necessary level of light intensity and to an appropriate number, height, design and size of structures and fittings necessary to minimise light pollution and harm to amenity. Conditions will be imposed in order to limit the hours of use and frequency.**

**Floodlighting which creates significant illumination beyond those areas requiring illumination or will result in detriment to amenity or to sensitive areas and their settings will not be permitted.**

- 3.115 Whilst floodlighting can help to enable land to be used more effectively, for example, hours of use of a sports field can be significantly increased, care needs to be taken to ensure that this is not to the detriment of the amenity of the surrounding area and that it does not create a dangerous distraction for highway users. The impact of floodlighting can be particularly harmful to sensitive areas and their setting, for example, conservation areas, listed buildings, sites important for nature conservation, the countryside and the Area of Outstanding Natural Beauty (National Park). The planning authority will ensure, therefore, that all floodlighting proposals are sympathetic and appropriate to the area in which they are to be located. Where appropriate, planning conditions will be imposed, restricting the intensity and hours of illumination.
- 3.116 The number of fittings and structures is critical to the overall impact of floodlighting. In general, a greater number of structures enables their overall height to be lower, the direction of the lighting to be controlled more easily and the intensity of the lighting to be lower. However, whilst this will help to minimise light pollution and the visual impact of tall structures, regard will need to be given to the harm to visual amenities from having a greater number of structures. Applicants are advised to discuss this with a lighting engineer and the council at an early stage in the design process. Proposals should meet the approval of the council's Lighting Engineer and where practicable, illuminance calculation plots should be provided for both horizontal and vertical planes to indicate proposed levels and light spill.
- 3.117 Policy QD26 is consistent with the council's sport and recreation strategy and lighting strategy and has strong links with other policies of the Plan concerned with external lighting, pollution and nuisance control; protection of amenity; energy efficiency; new development for sports and recreation; seafront recreation; Black Rock Site; protection of outdoor recreation space; major sporting venues; community stadium; the countryside/ downland and listed buildings and conservation areas.

## QD27 Protection of amenity

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

- 3.118 When determining planning applications the planning authority will endeavour to protect the amenity of an area, its users, residents and occupiers, including a development's future users, residents and occupiers. Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. Disturbance includes factors such as speed, volume and type of traffic, noise, artificial lighting, smell and other pollution, erosion and flooding. The policies in this Plan dealing with these factors will be applied rigorously where new development, including alterations and extensions, unduly affects an area and its users, occupiers and residents.

## QD28 Planning Obligations

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

The aims include:

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

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

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

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