





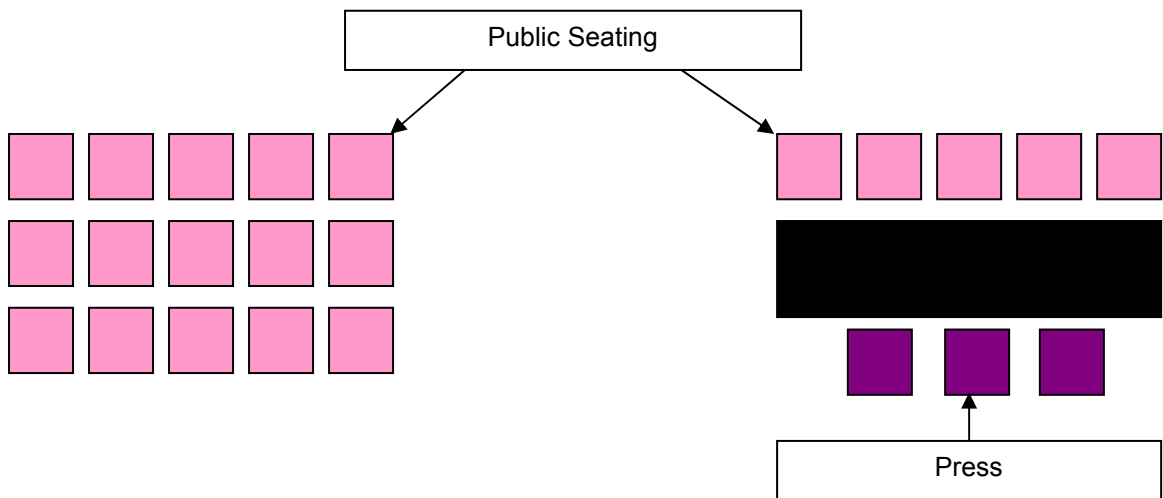
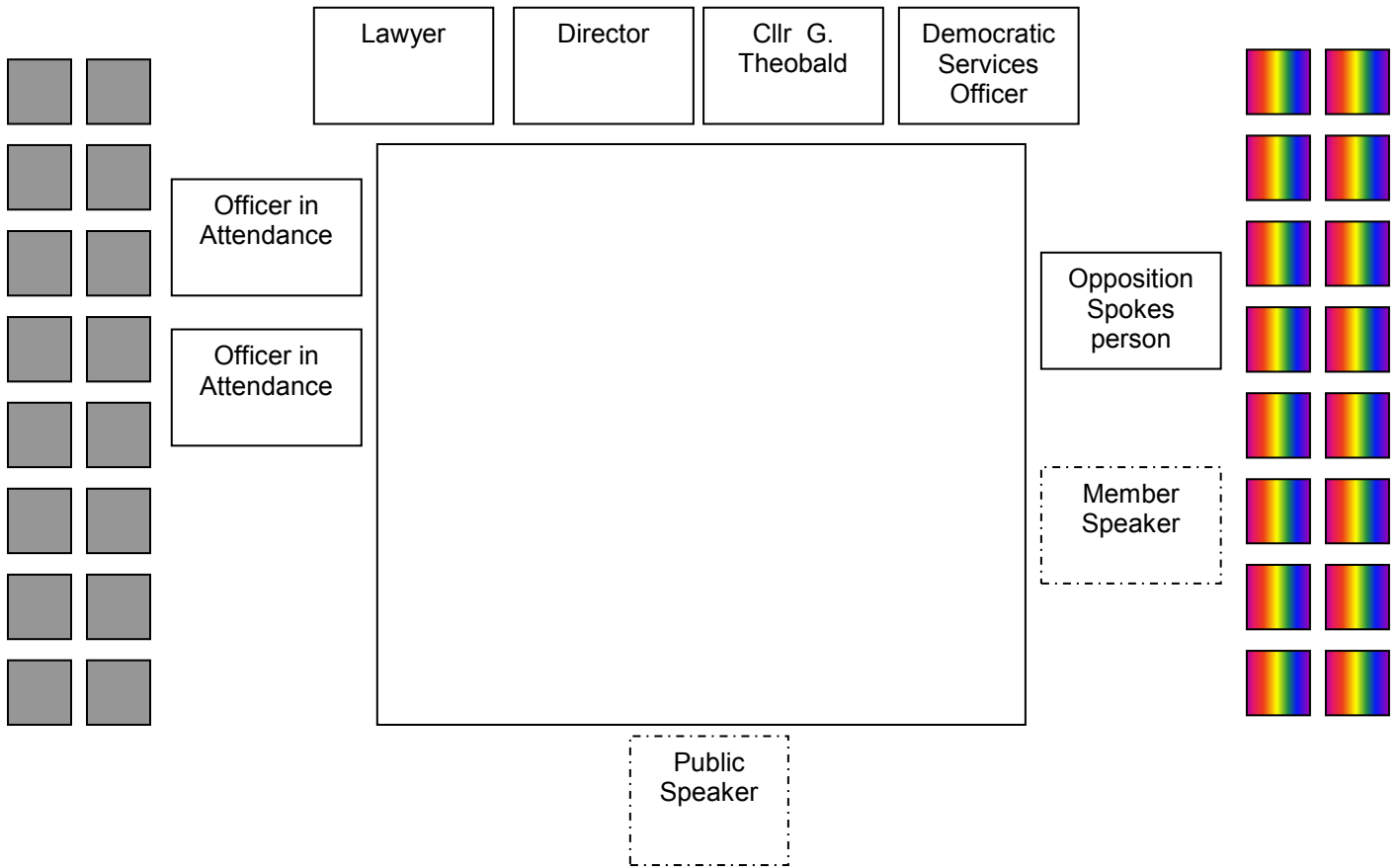
**Brighton & Hove
City Council**

Cabinet Member Meeting

Title:	Environment Cabinet Member Meeting
Date:	4 July 2008
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillor: G Theobald (Cabinet Member)
Contact:	Tanya Massey Democratic Services Officer 01273 291227 tanya.massey@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

17. PROCEDURAL BUSINESS

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

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

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

18. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes if the Meeting held on 5 June 2008 (copy attached).

19. CABINET MEMBER'S COMMUNICATIONS

20. ITEMS RESERVED FOR DISCUSSION

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

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

21. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 27 June 2008)

No public questions received by date of publication.

ENVIRONMENT CABINET MEMBER MEETING

22. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

23. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 27 June 2008)

No deputations received by date of publication.

24. PETITIONS

No petitions received by date of publication.

25. LETTERS FROM COUNCILLORS

No letters have been received.

26. NOTICES OF MOTIONS REFERRED FROM COUNCIL

No Notices of Motion have been received.

27. MATTERS REFERRED FOR RECONSIDERATION

No matters have been referred.

28. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES

No reports have been received.

PUBLIC SAFETY MATTERS

29. Expanding the Remit of Trading Standards South East Ltd 17 - 22

Report of the Director of Environment (copy attached).

Contact Officer: John Peerless Tel: 29-2486

Ward Affected: All Wards

SUSTAINABLE TRANSPORT MATTERS

30. Transport Term Contract 23 - 28

Report of the Director of Environment (copy attached).

Contact Officer: Jim Mayor Tel: 29-4164

Ward Affected: All Wards

31. Pool Valley Enhancement Scheme - Arbitration 29 - 32

Report of the Director of Environment (copy attached).

Contact Officer: Tom Campbell Tel: 29-3328

Ward Affected: Regency

ENVIRONMENT CABINET MEMBER MEETING

32. North Street Mixed Priority Route (MPR) Road Safety Scheme **33 - 48**

Report of the Director of Environment (copy attached).

Contact Officer: Owen McElroy *Tel:* 29-0368

Ward Affected: Regency; St Peter's &
North Laine;

CITY PLANNING

33. Designation of New and Extended Conservation Areas **49 - 90**

Report of the Director of Environment (copy attached).

Contact Officer: Tim Jefferies *Tel:* 29-3152

Ward Affected: Queen's Park; Stanford;
Withdean;

34. Maintenance of Historic Buildings **91 - 110**

Report of the Director of Environment (copy attached).

Contact Officer: Tim Jefferies *Tel:* 29-3152

Ward Affected: All Wards

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

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

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

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

For further details and general enquiries about this meeting contact Tanya Massey, (01273 291227, email tanya.massey@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Thursday, 26 June 2008

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT CABINET MEMBER MEETING

4.00PM, 5 JUNE 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Theobald OBE, Cabinet Member for Environment.

Also in attendance: Councillor Mitchell, Leader of the Opposition and Opposition Spokesperson.

Other Members: Councillors: Allen, Caulfield, Mrs Drake, Fallon-Khan, Hamilton, Janio, Mears, Morgan, Rufus, Steedman, Wakefield-Jarrett, Watkins, Wells, West and Wrighton.

PART ONE

1 PROCEDURAL BUSINESS

1a Declarations of Interests

1a.1 There were none.

1b Exclusion of Press and Public

1b.1 The Cabinet Member considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

1b.2 **RESOLVED** - That the press and public be not excluded from the meeting.

2 TERMS OF REFERENCE

2.1 The Cabinet Member considered a report of the Director of Strategy & Governance concerning the Terms of Reference of the Environment Cabinet Member Meeting (for copy see minute book).

2.2 **RESOLVED** – That the Terms of Reference be noted.

3 MINUTES

- 3.1 **RESOLVED** – That the minutes of the meeting of the Environment Committee held on 20 March 2008 be approved and signed by the Cabinet Member in his capacity as the former Chairman of the Environment Committee.

4 CABINET MEMBER'S COMMUNICATIONS

- 4.1 There were none.

5 ITEMS RESERVED FOR DISCUSSION

- 5.1 **RESOLVED** – All items were reserved for discussion by the Cabinet Member.

6 PUBLIC QUESTIONS

- 6.1 A question was received from Mr. Mark Lane. Mr. Lane's wife, Mrs. Lane, attended the meeting to put the question to the Cabinet Member as Mr. Lane was unwell.

- 6.2 Mrs. Lane asked the following question:

The Cabinet Member for Environment may be aware of the trial of Binvelopes in Lincoln Street, Hanover since the Summer of last year. Could he confirm the level of ongoing support, information and encouragement given to all residents of the street, regarding how the Council would expect residents to use, clean and maintain their Binvelopes and the degree of enforcement of their use throughout that period?

- 6.3 The Cabinet Member stated that residents had been provided with information regarding the use of binvelopes at the start of the trial. The trial did not include enforcement to use the binvelopes. The Cabinet Member stated that he recognised the concerns from Hanover residents about refuse containment, and that there were no easy solutions to this issue. However, officers had met with the ward Councillors and an outline agreement had been reached on rolling out binvelopes on a larger scale in parts of Hanover. The scheme would include enforcement.

- 6.4 Mrs. Lane asked the following supplementary question:

Can the Cabinet Member for Environment confirm the level of ongoing support, information and, if necessary, enforcement that will be provided to the residents of the three streets mentioned throughout the period of the new trial?

- 6.5 The Cabinet Member reiterated that the new scheme would include enforcement.

7 WRITTEN QUESTIONS FROM COUNCILLORS

- 7.1 The Cabinet Member reported that no written questions had been received from Councillors.

8 PETITIONS

- 8.1 The Lawyer to the meeting clarified that when a petition has already been presented at Council, the constitution provided that it should be received without

discussion at the Cabinet Member Meeting. The Member presenting the petition is to be invited to the meeting and informed subsequently of any action taken. Councillors presenting petitions directly to the Cabinet Member Meeting were limited to speaking for not more than three minutes, and were confined to reading out, or summarising, the prayer of the petition and indicating the number and description of the signatories.

8.2 The Lawyer stated that in practice the Cabinet Member could use their discretion to allow Councillors presenting petitions to speak briefly to the petition.

8.(i) Petition - requesting that Stanford Court be included in the Preston Park Avenue parking scheme

8.3 Councillor Allen presented a petition signed by 15 people requesting that Stanford Court be included in the Preston Park Avenue parking scheme.

8.4 The Cabinet Member stated that consultation was ongoing on this scheme. If a resident parking permit scheme is proposed for Preston Park Avenue then Stanford Court would be considered as part of the next consultation process. Any parking scheme would need to be advertised through a traffic regulation order and Ward Councillors would be fully consulted on any proposals.

8.5 **RESOLVED** – That the petition be noted.

8.(ii) Petition - installation of measures to prevent further damage to the forecourts at the Valley Road shops

8.6 Councillor Carden had submitted a petition signed by 363 people concerning the installation of measures to prevent further damage to the forecourts at the Valley Road shops.

8.7 Councillor Carden was unable to attend the meeting.

8.8 **RESOLVED** – That the petition be noted and a written response be provided.

8.(iii) Petition - request for a pelican crossing on the A270 between Barcombe Road shops and Wild Park

8.9 Councillor Caulfield presented a petition signed by 249 people concerning a request for a pelican crossing on the A270 between Barcombe Road shops and Wild Park.

8.10 The Cabinet Member stated that he took all requests for pedestrian crossings extremely seriously, especially if there were concerns about children's safety. The Council was committed to reducing casualties across the city and the fairest way of doing this was to tackle the locations where the highest number of injuries occurred first. This would ensure that the most dangerous roads were made safer. Officers had assessed the request but were not able to recommend that it be prioritised on this occasion, as it had a good safety record. The Cabinet Member stated that the reference to children attending Falmer High School prompted him to encourage the petitioners to participate in the current consultation on the proposals for an Academy on the High School site and put forward their views about the need for a

crossing as part of that process.

8.11 **RESOLVED** – That the petition be noted.

8.(iv) Petition - request for night time barriers at London Road car park

8.12 Councillor Davey had submitted a petition signed by 36 people concerning a request for night time barriers at London Road car park.

8.13 Councillor Davey was unable to attend the meeting.

8.14 The Cabinet Member was pleased to inform the meeting that night time barriers would be installed at the London Road car park as part of planned improvements now that the Council had agreed to bring back in-house the management of Council owned car parks in the city.

8.15 **RESOLVED** – That the petition be noted and a written response be provided.

8.(v) Petition - opposition to the installation of communal bins in Nizells Avenue and the park area

8.16 Councillor Davis had submitted a petition signed by 56 people concerning opposition to the installation of communal bins in Nizells Avenue and the park area.

8.17 Councillor Mitchell presented the petition on behalf of Councillor Davis, who was unable to attend the meeting.

8.18 The Cabinet Member stated that he was considering comments made by residents following the recent consultation process, and a decision on communal bins would be made later in the year.

8.19 **RESOLVED** – That the petition be noted.

8.(vi) Petition - request for traffic calming measures on Montefiore Road

8.20 Councillor Davis had submitted a petition signed by 188 people concerning a request for traffic calming measures on Montefiore Road, to stop dangerous speeding cars cutting through.

8.21 Councillor Mitchell presented the petition on behalf of Councillor Davis, who was unable to attend the meeting.

8.22 The Cabinet Member stated that the Road Safety Engineering Programme was prioritised to reduce casualties against a list of sites with the highest accident rates in the city. Montefiore Road had a relatively low rate of incidents when reviewed over the last 3 year period, so could not be recommended above other sites for any intervention. However, the location would continue to be monitored against the Safety Programme criteria.

8.23 **RESOLVED** – That the petition be noted.

8.(vii) Petition - request for the Council to agree for a plaque to identify the LGBT Suicide Memorial Tree in St Anne's Well Gardens

- 8.24 Councillor Duncan had submitted a petition signed by 111 people concerning a request for the Council to agree for a plaque to identify the LGBT Suicide Memorial Tree in St Anne's Well Gardens.
- 8.25 Councillor Wakefield-Jarrett presented the petition on behalf of Councillor Duncan, who was unable to attend the meeting.
- 8.26 The Cabinet Member stated that this matter had already been raised at Environment Committee. He reiterated that the Council received many kindly donations of trees from differing groups and residents in memoriam and, in particular, St Anne's Well Gardens, for which the Council was very grateful. It was important that all the people in the city could use the parks for quiet contemplation and solace, including the LGBT community. The Council was more than happy to show a map identifying the tree in question at the entrance to St Anne's Well Gardens. This should help people find the tree more easily and address the concerns about the vandalism of plaques. The Cabinet Member stated that he would ask officers to progress this speedily and keep Councillors Duncan and Wakefield-Jarrett updated.
- 8.27 **RESOLVED** – That the petition be noted.
- 8.(viii) Petition - request to resurface Lansdowne Place following work by 4D and Southern Water**
- 8.28 Councillor Elgood had submitted a petition signed by 15 people concerning a request to resurface Lansdowne Place following work by 4D and Southern Water.
- 8.29 Councillor Watkins presented the petition on behalf of Councillor Elgood, who was unable to attend the meeting.
- 8.30 The Cabinet Member stated that he appreciated that the major works across our city had meant trenches dug in many of the roads. The reinstatement of the trench in Lansdowne Place was up to standard and was all that could be reasonably requested following works of this kind. However, he would ask officers to monitor the condition of the surface.
- 8.31 **RESOLVED** – That the petition be noted.
- 8. (ix) Petition - request to urgently repair the Floral Clock following recent vandalism**
- 8.32 Councillor Elgood had submitted a petition signed by 36 people concerning a request to urgently repair the Floral Clock following recent vandalism.
- 8.33 Councillor Watkins presented the petition on behalf of Councillor Elgood, who was unable to attend the meeting.
- 8.34 The Cabinet Member stated that the floral clock had been sent to Edinburgh for repair and was expected to be returned in eight week's time.

- 8.35 **RESOLVED** – That the petition be noted.
8. (x) **Petition - request for traffic calming scheme on Wilbury Avenue, Wilbury Villas (railway bridge) and Wilbury Crescent**
- 8.36 Councillor Fallon-Khan presented a petition signed by 44 people concerning a request for traffic calming scheme on Wilbury Avenue, Wilbury Villas (railway bridge) and Wilbury Crescent to curb the excessive speeds at which motorists travel down these roads and use them as a cut through.
- 8.37 The Cabinet Member stated that the overall approach to road safety was primarily based on identifying and treating those locations where casualty problems were most serious, as the highest priorities. This would ensure that the most dangerous roads were made safer. Officers had investigated this road in accordance with the request and Police data showed that the road had a good record compared to the many other sites across the city where a significant number of casualties had occurred. It was therefore not possible for them to recommend that it be prioritised as part of the Road Safety Engineering programme on this occasion.
- The Cabinet Member pledged to ensure that, as speeding was a traffic offence, residents concerns would be made known to the Police and in liaison with them, consideration could be given to taking some speed measurements.
- This petition would be retained on file for future reference should circumstances change in the local area and it could be considered alongside other requests that were received.
- 8.38 **RESOLVED** – That the petition be noted.
- 8.(xi) **Petition - request to introduce measures to prevent parking difficulties in Nizells Avenue**
- 8.39 Councillor Fallon-Khan presented a petition signed by 185 people concerning a request to introduce measures to prevent parking difficulties in Nizells Avenue.
- 8.40 Councillor Fallon-Khan asked that it be noted that Councillor Davis had also put a lot of work into this issue.
- 8.41 The Cabinet Member stated that the parking restrictions along Nizells Avenue and Somerhill Road would be investigated to address the problems of long term parking around St Anne's Well Gardens. Any changes would need to be advertised through a traffic regulation order and Ward Councillors would be fully consulted on any proposals.
- 8.42 **RESOLVED** – That the petition be noted.
- 8.(xii) **Petition - request to retain the current house-to-house rubbish collection service for Denmark Mews**

- 8.43 Councillor Fallon-Khan presented a petition signed by 16 people concerning a request to retain the current house-to-house rubbish collection service for Denmark Mews.
- 8.44 The Cabinet Member stated that he was considering comments made by residents following the recent consultation process, and a decision on communal bins would be made in the year.
- 8.45 **RESOLVED** – That the petition be noted.
- 8.(xiii) Petition - request for a speed camera and a reduction in the speed limit on the Old Shoreham Road**
- 8.46 Councillor Hamilton presented a petition signed by 382 people concerning a request for a speed camera and a reduction in the speed limit on the Old Shoreham Road between the traffic lights at the Sainsbury's end and the traffic lights at the Southern Cross end.
- 8.47 The Cabinet Member stated that he was aware how strongly Councillors Hamilton and Barnett felt about this issue. Speed cameras were now the responsibility of the Sussex Safer Roads Partnership. The Cabinet Member pledged to ensure that the petition was forwarded to partnership officers and discussed at the next meeting, in his capacity as the representative for this authority. The Government had also set all local authorities the task of reviewing the speed limits on all 'A' and 'B' class roads by 2011. Old Shoreham Road, in its entirety, would be included within this review which may, where appropriate, lead to changes in speed limits.
- 8.48 **RESOLVED** – That the petition be noted.
- 8.(xiv) Petition - opposition to communal bins in Clifton Road**
- 8.49 Councillor Kitcat had submitted a petition signed by 35 people concerning opposition to communal bins in Clifton Road in the Montpelier and Clifton Hill Conservation Area.
- 8.50 Councillor Kitcat was unable to attend the meeting.
- 8.51 **RESOLVED** – That the petition be noted and a written response be provided.
- 8.(xv) Petition - replacement of the statue of Steve Ovett in Preston Park**
- 8.52 Councillor McCaffery had submitted a petition signed by 160 people concerning the replacement of the statue of Steve Ovett in Preston Park.
- 8.53 Councillor Allen presented the petition on behalf of Councillor McCaffery, who was unable to attend the meeting.
- 8.54 The Cabinet Member stated that he was very sympathetic to this matter and that the Council would be very happy to work with any group that raised funds or resources to replace the statue, as it was currently doing with other groups such as the AIDS Memorial Group. However, the Council did not currently have funding identified for commissioning public art.

- 8.55 **RESOLVED** – That the petition be noted.
- 8.(xvi) **Petition - consultation of residents in the streets immediately to the north of Ditchling Rise on a residents' parking scheme**
- 8.56 Councillor McCaffery had submitted a petition signed by 150 people concerning consultation of residents in the streets immediately to the north of Ditchling Rise on a residents' parking scheme as part of the London Road Station area scheme.
- 8.57 Councillor Allen presented the petition on behalf of Councillor McCaffery, who was unable to attend the meeting.
- 8.58 The Cabinet Member stated that the Council would include the area (all roads within the Stanford Avenue/Ditching Road triangle) within the overall consultation for a parking scheme.
- 8.59 **RESOLVED** – That the petition be noted.
- 8.(xvii) **Petition - relocation of the proposed pedestrian refuge in Carden Hill and installation of yellow markings near the school in Carden Avenue**
- 8.60 Councillor Pidgeon had submitted a petition signed by 408 people concerning relocation of the proposed pedestrian refuge in Carden Hill and installation of yellow markings near the school in Carden Avenue.
- 8.61 Councillor Pidgeon was unable to attend the meeting.
- 8.62 **RESOLVED** – That the petition be noted and a written response be provided.
- 8.(xviii) **Petition - request for traffic calming measures for Old London Road, Patcham**
- 8.63 Councillor Pidgeon had submitted a petition signed by 41 people concerning a request for traffic calming measures for Old London Road, Patcham.
- 8.64 Councillor Pidgeon was unable to attend the meeting.
- 8.65 **RESOLVED** – That the petition be noted and a written response be provided.
- 8.(xix) **Petition - request for introduction of single yellow lines on Montpelier Villas**
- 8.66 Councillor Rufus presented a petition signed by 107 people concerning a request to introduce single yellow lines on Montpelier Villas.
- 8.67 The Cabinet Member stated that as part of the Central Brighton parking review, a meeting had taken place with residents from Montpelier Villas, who had not wanted any single yellow lines in this road. This was because of the amount of driveways along both sides that could be blocked by parked cars and because of the additional signage that this would create in an important conservation area. However, if a majority of residents in the area wanted to have single yellow lines between crossovers in Montpelier Villas (and the required signage), then the Council could investigate the issue and advertise the change as part of the next available traffic order.

- 8.68 **RESOLVED** – That the petition be noted.
- 8.(xx) Petition - parking in Hereford Street and Essex Street**
- 8.67 Councillor Steedman presented a petition signed by 36 people concerning parking in Hereford Street and Essex Street.
- 8.68 The Cabinet Member stated that the parking restrictions in Hereford Street and Essex Street would be investigated as part of the Area C parking review which would take place alongside the resident parking scheme review of the Hanover and Elm Grove area. This would be in the Spring of 2009. Any changes would need to be consulted on throughout the whole of the Area C resident parking scheme and advertised through a traffic regulation order. Ward Councillors would be fully consulted on any proposals.
- 8.69 **RESOLVED** – That the petition be noted and a written response be provided regarding the other issues mentioned in the petition.
- 8.(xxi) Petition - installation of a lamp column at the eastern side of Central Park, Woodingdean**
- 8.70 Councillor Wells presented a petition signed by 36 people concerning installation of a lamp column at the eastern side of Central Park, Woodingdean.
- 8.71 The Cabinet Member stated that for this year the budget was fully committed to maintaining and improving the lighting on the city streets. Each new light column was very costly to install and run and so it was not possible to provide something within the park at this time. The Cabinet Member pledged to ask the Director to look at whether there are any other sources of funding and also agreed to look into Councillor Wells' suggestion to install a solar-powered lamp column.
- 8.72 **RESOLVED** – That the petition be noted.
- 8.(xxii) Petition - request for closure of the alleyway between 27 and 28 George Street, Brighton**
- 8.73 Councillor Steedman presented a petition signed by 65 people concerning a request for closure of the alleyway between 27 and 28 George Street, Brighton.
- 8.74 The Cabinet Member stated that he would respond jointly to this petition and the deputation on the same subject.
- 8.75 **RESOLVED** – That the petition be noted.
- 8.(xxiii) Petition - request to reconsider the proposed location of a communal bin halfway along St Nicholas Road**
- 8.76 Councillor West presented a petition signed by 65 people concerning a request to reconsider the proposed location of a communal bin halfway along St Nicholas Road.

- 8.77 The Cabinet Member stated that he was considering comments made by residents following the recent consultation process, and a decision on communal bins would be made later in the year.
- 8.78 **RESOLVED** – That the petition be noted.
- 8.(xxiv) Councillor Wrighton presented a petition signed by 158 people concerning refuse problems in the Hanover area.
- 8.79 The Cabinet Member provided a joint response to the petition and the letter from Councillor Wrighton about the same issue. He stated that clean streets were a priority for the city, which is why things like communal bins and wheelie bins had been rolled out. Binvelopes had been tested in areas where these types of containment had not worked. There were issues with the cost and effectiveness of binvelopes, for example, in the North Laine, where they had been in use for some time. However, officers had been asked to work with Ward Councillors in Hanover and Elm Grove to find ways to overcome these problems. The cabinet Member noted that Councillor Wrighton had met with Council officers the day before this meeting and an agreement had been reached to continue a larger scale trial with close community involvement. The detail of the trial and timescales would be discussed with Ward Councillors. In response to the query on weekly recycling, there were no plans to extend the service at present.
- 8.80 **RESOLVED** – That the petition be noted.

9 DEPUTATIONS

- 9.1 The Cabinet Member reported that one Deputation had been received. It concerned a request to close the alleyway between 27 and 28 George Street, Brighton and the Cabinet Member invited Mr Romany Mark Bruce, as the spokesperson, to come forward and address the meeting.
- 9.2 Mr Bruce stated that:

This was a narrow, partly covered passageway linking George Street with Dorset Street, which in recent years had become a public health hazard and an invitation to vandalism, arson and burglary. It had been used as a public toilet, a place for drug-dealing, street drinking, rough sleeping and fly-tipping. City-Clean had said they did not have the resources to disinfect the alley on a daily basis. The Community Police and the Kingscliffe Conservation Society had said they would support a request for closure.

Sixty-five signatures had been collected so far, of residents and all the businesses in George Street and the immediate vicinity, petitioning for the closure.

The arguments for closure were threefold. Firstly there were safety reasons; items such as broken bottles, syringes and a toy hand-gun had been found on the ground and in the guttering. Two fires had been started which could have had serious consequences. Lighting had been smashed rendering the passage hazardous at night-time. Local residents and people using the alley had met with threatening behaviour and intimidation. Recently vandals in the alley had thrown a bottle through a window of number 30 George Street and had broken the fencing of

number 28.

Secondly, there were health reasons; people passing through the alley regularly had to step over human faeces, vomit and pools of urine. As the alley was partly covered, this was not easily washed away by rain, and the stink remained. The alley was regularly blocked by cartons of waste, old furniture, cans, bottles and rotting food. City Clean said they did not have the resources for regular cleaning and did not clean off graffiti unless it is specifically obscene and would remove only syringes but not bottles or cans. There were photos of cans and bottles that had been there since last October.

Finally there were crime prevention reasons; the door to the garden of number 29, which opens onto the alley, had been smashed down, providing access for a serious robbery to number 30. Drain-pipes had been wrenched from the walls on both sides of the alley, and cabling ripped out. Walls of property facing the alley were regularly defaced with graffiti, which had only been cleaned once in the past six months. The alley was an easy escape route following vandalism or burglary as had been the case when a bottle was thrown through the window of number 30, last month.

The only arguments against closure were that this was a public right of way providing a short cut between George Street and Dorset Street, and that the alley was an historic tway and this year had become part of a Brighton Festival Walk.

The alley was a few metres from Edward Street, at the top end of George Street. A few metres down the street was Little George Street which also provided pedestrian access, through Somerfield's car park, to Dorset Street. Closure of the alley would not inconvenience those seeking to cross between George Street and Dorset Street.

Access through the alley could be arranged for Historic Tours during the period of the Brighton Festival, or on notice from conservation groups.

The benefits of closing the alleyway included: promoting a cleaner, safer environment, especially at night; policing would be easier with the removal of access and escape route for burglary and vandalism; City Clean would not have to clear and disinfect the alley and general upkeep would be negligible, thus easing the burden on Council finance and offering saving to the taxpayer; and an historic alley would be preserved and protected.

The alley's status as a public right of way had been made unsustainable by the incidents described and by the continuing obstruction of cans, bottles, urine and excrement, and that the best and most positive solution would be closure of the alley.

- 9.3 The Cabinet Member stated that he was sympathetic to issues like these and that two gating orders had been achieved during his time as Chairman of the Environment Committee. He agreed to request that the Environment Improvement Team within the Environment directorate investigate the feasibility of obtaining a Gating Order for this particular highway.

- 9.4 **RESOLVED** – That the Deputation be noted and officers be requested to investigate the feasibility obtaining a Gating Order for this particular highway.

10 LETTERS FROM COUNCILLORS

10.(i) Letter - withdrawal of the Metrobus services 87 and 82

- 10.1 A letter was received from Councillor Mitchell regarding withdrawal of the Metrobus services 87 and 82.

- 10.2 The Cabinet Member stated that in April, Metrobus announced that they were to withdraw Service 87, the only bus which ran between Brighton and Haywards Heath on a Sunday. He noted and shared the concerns expressed by Councillor Mitchell and members of the public at the impact this would have for hospital visits. He stated that officers had been liaising with other neighbouring local authorities including West Sussex and the NHS Trust to secure a resolution to the problem. He was pleased to report that a solution to retain this important link between the two hospitals had been negotiated with a new bus operator, jointly funded by the City Council and the NHS Trust.

- 10.3 **RESOLVED** – That the letter be noted.

10.(ii) Letter - refuse and recycling problems in the Hanover area

- 10.4 A letter was received from Councillor Wrighton regarding refuse and recycling problems in the Hanover area.

- 10.5 The Cabinet Member stated that he had already responded to this issue under petitions. He added that weekly recycling collections were something that the Council would like to provide and that it may be investigated as part of the waste strategy.

- 10.6 **RESOLVED** – That the letter be noted.

11 NOTICE OF MOTION REFERRED FROM COUNCIL

- 11.1 There were none.

12 MATTERS REFERRED FOR RECONSIDERATION

- 12.1 There were none.

13 REPORTS FROM OVERVIEW & SCRUTINY COMMITTEE

- 13.1 There were none.

14 PROCUREMENT OF MINOR HIGHWAY WORKS CONTRACT

- 14.1 The Cabinet Member considered a report of the Director of Environment concerning the procurement of a Minor Highway Works Contract for the period 2009-2013 with an anticipated value of £16 million for its duration. (for copy see minute book).

14.2 The Cabinet Member stated that the Council had a statutory duty to maintain the public highway and powers to undertake improvements. The contract facilitated the revenue and capital funded works. The contract would deliver revenue and capital works ranging from very minor highway improvements up to works like the Floral Clock and New Road schemes. The new contract would be for 4 years with a 2-year optional extension.

14.3 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That the procurement of the Minor Highway Works Contract be approved.

15 **SUSTAINABLE BUILDING DESIGN SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

15.1 The Cabinet Member considered a report of the Director of Environment concerning changes made to the Sustainable Building Design SPD as a result of consultation undertaken and in response to new Government guidance (for copy see minute book).

15.2 The Cabinet Member stated that he was pleased to introduce this report which represented the final stages for the Council in providing a supplementary planning document that set out standards for sustainable building design across the city. The document had now been through a statutory period of consultation and changes had been made to the earlier draft version as a result of the many comments received from groups, organisations and individuals. The document would be an essential means of ensuring that future development in the city helped to reduce carbon emissions and make better use of resources.

15.3 Councillor Mitchell stated that the Sustainable Building Design SPD was an excellent document that Members had commented on and added to, and that consultation had also been undertaken. Councillor Mitchell commented on the fact that most respondents had felt that the recommendation for at least 20% of carbon savings from onsite low and zero carbon technologies would be unworkable, and that this recommendation had now been removed. Councillor Mitchell added that she felt that the report seemed to place a lot of hope in the Sustainability Checklist and she hoped the document could become more prescriptive in the future.

15.4 Councillor Steedman welcomed the report, but was disappointed to note that requirements had now been reduced to recommendations and asked whether they would become requirements under the Core Strategy?

15.5 The Cabinet Member responded that this was an issue for a future debate on the Core Strategy.

15.6 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That the results of the public consultation exercise, as detailed in Appendix 1, be noted and the changes made to the draft Sustainable Building Design SPD be endorsed.

- (2) That the Sustainable Building Design SPD be adopted as part of the Local Development Framework, subject to any minor grammatical and non-material text and illustration alterations agreed by the Director of Environment in consultation with the Cabinet Member for Environment.
- (3) That this SPD would be implemented on 1 July 2008 and would then supersede existing Supplementary Guidance Notes 16 (Energy Efficiency & Renewable Energy) and 21 (Sustainability Checklist).
- (4) That the new Brighton & Hove Sustainability Checklist be adopted as part of the Sustainable Building Design SPD, subject to any minor non-material alterations agreed by the Director of Environment in consultation with the Cabinet Member for Environment.

16. REVIEW OF BRIGHTON & HOVE TRAVELLERS STRATEGY

- 16.1 The Cabinet Member considered a report of the Director of Environment concerning the proposed city-wide Traveller Strategy (for copy see minute book).
- 16.2 The Cabinet Member stated that much detailed work had been undertaken to produce the Strategy. This was to make sure it reflected current legislation and the recent significant changes to the local Travellers Service.
- 16.3 Councillor Mitchell stated that this was a good and thorough strategy that pulled in all the relevant legislation. Councillor Mitchell asked whether the links between travellers and health advisors were improving?
- 16.4 The Assistant Director for Public Safety responded that an additional person had been employed to work for this Council and East Sussex County Council and that the situation is improving.
- 16.5 Councillor Mitchell asked whether SEERA's formal consultation period had begun, as detailed in Appendix 2 to the report, which stated that the consultation period would be from May-August 2008?
- 16.6 The Assistant Director for Public Safety responded that the formal consultation had been deferred until September-November 2008.
- 16.7 Councillor Mitchell asked with regard to looking for a permanent site, whether other Local Authorities in the area were also doing this?
- 16.8 The Assistant Director for Public Safety responded that all the relevant Local Authorities were looking for sites and this was regularly reported back.
- 16.9 Councillor Mitchell commented that it was unfortunate that the operational protocol agreed between Sussex Police and Local Authorities was not yet available and added that it was important to ensure that it was possible for people to communicate with the Traveller Liaison Team.
- 16.10 The Assistant Director for Public Safety responded that progress was being made on the operational protocol. She added that it could be difficult to get through to the

Travellers Liaison Team as there were only two officers, but that the Council was currently in the process of employing an administration officer which should help to improve the situation.

16.11 The Cabinet Member added that he regularly reminded other Local Authorities about their obligations to fulfil their role in this process.

16.12 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That the reviewed city-wide Traveller Strategy be agreed and adopted.

The meeting concluded at 5.20 pm

Signed

Chair

Dated this

day of

2008

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 29

Brighton & Hove City Council

Subject:	Expanding the remit of Trading Standards South East Ltd		
Date of Meeting:	4 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	John Peerless	Tel: 29-2486
	E-mail:	John.peerless@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Trading Standards South East (TSSE) is a partnership of 19 local authority Trading Standards services within the South East Region. A limited company was formed by the partnership in October 2004 to act as a vehicle to manage the contract to run a national advice line contact centre on behalf of central government.
- 1.2 This lead to a separation of activities between the TSSE partnership and the company which has been unhelpful, burdensome and has meant there has been duplication of effort. To simplify matters and limit liability, a decision has been taken to move to one organisation, the limited company from 1 April 2008.
- 1.3 The purpose of this report is to seek approval for the continued participation in Trading Standards South East Limited with the expanded remit that includes all regional Trading Standards activity.

2. RECOMMENDATIONS:

- 2.1 Approval is given to allow the Trading Standards Service to continue to contribute fully to company developments and joined-up working and continues to incorporate the Business Plan objectives into the Service's own planning process.
- 2.2 That the nominated Director (currently the Head of Trading Standards is empowered to agree to the development of the role of the company (within the terms of it Memorandum and Articles of Incorporation and the objectives set out in paragraph 3 below) subject to seeking of advice from the Head of Legal Services, and the approval of the relevant Cabinet Member in respect of any contemplated development beyond those activities referred to in paragraph 3 below.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Trading Standards South East Ltd (TSSEL) was originally incorporated in October 2004 for the purpose of managing and delivering the Consumer Direct South East contract. Policy & Resources Committee approved membership of the company in December 2004 and agreed to the Head of Trading Standards becoming a Director.
- 3.2 The Consumer Direct initiative has been successful in engaging local authority trading standards services from across the South East. Eighteen authorities transfer their calls to the centre and all nineteen receive referrals and notifications. The company has proved to be an effective for vehicle for governance acting as the interface between the Office of Fair Trading, local authorities and the sub contractor.
- 3.3 Running alongside TSSEL has been the partnership of the nineteen Local Authority Trading Standards Services. The partnership operates as conduit for the dissemination of best practice, for achieving value for money by pooling resources and knowledge and for accruing greater efficiencies and effectiveness from adopting a co-ordinated approach.
- 3.4 Over the last year options regarding future delivery of regional activity have been considered. The options centred on the retention of the dual system of organisation or incorporation of the management of all matters within the remit of the limited company.
- 3.5 A decision was taken that all partnership activities should come within the remit of the company. This decision provides for a more robust approach to risk management as each authority no longer has unlimited liability as part of an unincorporated partnership.
- 3.6 The fundamental objectives of the partnership will not change. Those objectives are as follows, to provide a regional voice to influence key decisions and national agenda issues, to optimize the effective use of resources to make an improved difference to local service delivery, to support the aims of LACORS in providing national consistency and shared best practice, to ensure the economic well being of local communities. There has never been any intention to supersede the local authority's autonomy to act.
- 3.7 The expansion of the company activity will include:
 - The management of the current Consumer Direct contract and the consideration of bidding for the new contract from 2010.

- The management of the Regional Intelligence Unit currently funded by DBERR.
 - The oversight of the management of the multi regional Scam busters Crime team.
 - The oversight of the Illegal Money lending team run by Birmingham City Council.
 - The coordination of the activities of four local authority financial investigators.
 - The implementation of Tobacco Control project funded by the Department of Health.
 - The coordination and oversight of a number of operational activities such as tackling the sale of alcohol to children, restricting the sale of unsafe products and ensuring compliance with relevant environmental issues.
 - The coordination and management of the Intellectual Property Crime project.
 - The coordination of the Buy with Confidence Approved Trader Scheme and expansion into a national scheme.
 - The management and coordination of the Credit Fitness checks contract with the OFT.
- 3.8 There is a range of other important issues that the Board of Directors will have to give consideration to in the near future. These include the Governance arrangements for all regional projects the above activities, the development of a scrutiny function and ensuring local authority engagement.
- 3.9 A forward plan is being developed to ensure that these and other issues are addressed. A number of these issues will be discussed at a meeting in July. Of particular interest will be the proposals as to how we engage with Member Authorities (and in particular Elected Members) in the future.

4. CONSULTATION

- 4.1 There has been no consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Membership of the organisation has always been by subscription that helps to fund the co-ordination activity. The current subscription fee is approximately £1500. This amount is required to match the funds made available by the Office of Fair Trading and the Local Better Regulation Office.
- 5.2 When making bids for grants from central resources, contributions to regional coordination are built into the bid to minimise the level of match funding required from the local authority and eventually phase out local authority contributions.

- 5.3 The authority will receive additional funding from the FSA for food sampling, the OFT for Credit Fitness checks, Tobacco Control activities funded by DOH and other under age sales activity funded by the Home Office which will help the service achieve it's income target.
- 5.4 Regional activity will only be undertaken when there is sufficient funding available. If grant funding is not available decisions will be made to reduce the overall costs of the coordination activity rather than request further contributions from local authorities.

Finance Officer Consulted: Karen Brookshaw

Date: 16 June 2008

Legal Implications:

- 5.5 Any planned development of the company's activities must be subject to the Memorandum of Association. The objects of the company are quite widely drawn in that 4.2 allow the company "to carry on any other business or activity of any nature whatsoever as may be considered by the Directors to be capable of being conveniently or advantageously carried on in connection or conjunction with the Objects hereinbefore authorised."
- 5.6 The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's human rights would be adversely affected by the recommendations in this report.

Lawyer Consulted: Liz Culbert

Date: 17 June 2008

Equalities Implications:

- 5.7 There are no equalities implications.

Sustainability Implications:

- 5.8 There are no sustainability implications

Crime & Disorder Implications:

- 5.9 Trading Standards crime has become less localised and more regional, national and international in nature. Utilising resources across the region will assist in tackling local issues more effectively.

Risk and Opportunity Management Implications:

- 5.10 Whilst the limited liability rules protect the authority financially, any failure of the venture could impact on its reputation. This potential risk will be minimised by following effective risk management processes.

Corporate / Citywide Implications:

5.11 The main aim of the regional partnership is make effective and efficient use of all the resources available whilst retaining local accountability. This reflects the council's priority 'to provide value for money'.

5.12 Trading Standards aim is to ensure a fair and safe trading environment for everyone. In doing so, they will apply the rules in a fair and consistent manner. This reflects the council's new priority regarding fair enforcement of the law.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Operating as a limited liability partnership has been explored. Independent legal advice advised against this option stating that the limited company route provided a more robust infrastructure for our purposes with proven test case material. The advice indicated that ultimately a LLP would not safeguard us from the current liabilities that we are exposed to within the partnership.

7. REASONS FOR REPORT RECOMMENDATIONS:

7.1 To ensure representation on the regional Trading Standards partnership via the limited company, Trading Standards South East Limited.

7.2 To build capacity, avoid duplication of effort and enhance operational functionality of the partnership to the benefit of the Brighton & Hove City Trading Standards Service.

7.3 To limit the liability carried by the council.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. Indemnity Insurance. (Available if requested)

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 30
Brighton & Hove City Council

Subject:	Transport Term Contract		
Date of Meeting:	4 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Jim Mayor	Tel: 29-4164
	E-mail:	jim.mayor@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In February 2008 Policy & Resources committee agreed that a tender for sustainable transport consultancy support should be advertised. The proposed four year framework arrangement will replace the existing term contract agreement with Peter Brett Associates, which expires in August 2008. Committee approval was sought because works awarded through the commission may ultimately exceed £500K, the threshold at which committee approval is required. Following confirmation of member support, the tender process has progressed.
- 1.2 This report asks that the cabinet member grants the Director of Environment delegated authority to approve appointment of consultants identified through the tender process.

2. RECOMMENDATIONS:

- 2.1 That the cabinet member grants the Director of Environment delegated authority to approve appointment of consultants identified through the Transport Term Consultancy tender process.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In 2005 the council was involved in assessing various locations around the city for potential development as Park & Ride facilities. Due to the specialist skills required to assess all aspects of potential sites, some external consultancy skills were needed to complement council resources.
- 3.2 At the same time a number of other significant developments were evolving in the city, such as Brighton International Arena, Rapid Transport and the King Alfred Centre. These also benefited from a degree of external specialist transport input.

- 3.3 In order to ensure that the council could access these skills within procurement regulations, and also that external advice could be provided consistently over a period of time, a decision was made to tender primarily for the Park & Ride work, whilst also giving the council the opportunity to commission the consultant for other specialist transport services over a period of three years.
- 3.4 Peter Brett Associates (PBA) was successful in winning the tender and became the council's Term Transport Consultant in an agreement that is due to end in August 2008.
- 3.5 As the PBA arrangement has proved beneficial for the council, in February 2008 Policy & Resources committee agreed that a new tender for sustainable transport consultancy support should be advertised to enable the benefit to be extended beyond August 2008.
- 3.6 In order to provide even greater flexibility value for money, the new Term Consultancy will work as a framework contract. This means that the council will appoint four consultants to work with it over the contract period, and maintain a degree of competitive tendering for each individual piece of work whilst continuing to benefit from the consistency a longer term consultancy partnership approach offers.
- 3.7 The commission would also seek a consultant to support the council in plans to take forward the city transport model within procurement regulations. The previous transport model consultancy agreement was with Halcrow.
- 3.8 Committee approval to tender was requested on the basis that works arising through the commission may ultimately exceed £500K, the threshold at which committee approval is required (although the arrangement will not commit the council to commissioning any of the consultants ultimately appointed).
- 3.9 There is no Cabinet Member Meeting in August. Therefore, asking the cabinet member to approve appointment of consultants identified through the tender process would result in a delay between the existing term contract agreement ending and the next starting.
- 3.10 The Cabinet Member is therefore asked to delegate authority for appointment of consultants through the tender process to the Director of Environment, so that appointments can be made at the earliest opportunity

4. CONSULTATION

- 4.1 The approach has been agreed by Policy & Resource Committee. The tender has been advertised through the European OJEU tendering process.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Entering into the proposed framework consultancy will not commit the Council to funding consultancy support. Each individual project will need to be costed and budget identified from the relevant capital or revenue project budget before commissioning takes place. The value of commissions against successful contractors will be monitored over the four year period.

Finance Officer Consulted: Patrick Rice

Date: 23 May 2008

Legal Implications:

The proposed framework contract would be permissible under EU and UK law, which limit the maximum length of such agreements to four years, as proposed. If the Council intends to use such a framework it must be set out clearly in the OJEU notice in order to ensure that it complies with the relevant legislation. The Council must take the Human Rights Act into account when proposing new developments but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Lawyer Consulted: Alison Leitch

Date: 19 May 2008

Equalities Implications:

Consultants are required to demonstrate equitable working practises as part of the tender process.

Sustainability Implications:

Sustainability will play a key role in a decision on which consultants will be invited to join the framework. Consultants will be asked to provide a detailed statement of their sustainability credentials, including examples of innovative ways in which truly sustainable solutions have been implemented into their working practises and solutions.

Crime & Disorder Implications:

5.5 There are no specific implications arising from this report.

Risk and Opportunity Management Implications:

5.6 The term contract enables the council to benefit from best value if and where transport consultancy services are required (see 5.7) but does not commit the council to any financial outlay should services not be required (see 5.1). As such there is no negative risk associated with the contract, other than the small risk that costs associated with the tender process may not result in an appointment, or not result in a contract that is ever called on.

Corporate / Citywide Implications:

- 5.7 Having a term consultancy arrangement enables the council to benefit from consistent skills complementing those already available within the organisation. This helps ensure that all projects across the city are delivered cohesively and to the highest standard. A successful Transport Model ensures council strategies and developments can be tested to better ensure they deliver objectives successfully before they are implemented.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative to a term contract is multiple single commissions as and when consultant support is required. However this approach would not offer value for money offered by consistency of approach. Also more internal resource would be required to manage what could be many individual tender processes.
- 6.2 A framework contract is preferable to an agreement with a single consultant as this retains the benefits associated with a consistent approach whilst offering the council greater choice – and therefore flexibility and assurance of value for money.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Because the value of works awarded through the consultancy agreement has potential to exceed £500,000, Cabinet Member approval is required to appoint the consultants.
- 7.2 The Cabinet Member will not have an opportunity to approve appointment of consultants until after the existing PBA contract has expired. If the Cabinet Member gives the Director of Environment delegated authority to approve the appointments, the new agreement can begin as soon as the existing arrangement ends, offering the council constant access to services it may wish to draw on.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. None

Background Documents

1. Policy & Resources Committee paper from February 2008 'Tender for Sustainable Transport Consultant Support'.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 31

Brighton & Hove City Council

Subject:	Pool Valley Enhancement Scheme - Arbitration		
Date of Meeting:	4 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Tom Campbell	Tel: 29-3328
	E-mail:	tom.campbell@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Cabinet Member is being asked to authorise officers to proceed with arbitration to secure the consent of relevant frontagers under Part VIIA of the Highways Act 1980 to the construction of a ticket office and associated facilities on public highway at Pool Valley Coach Station

2. RECOMMENDATIONS:

- 2.1 To authorise officers to initiate and partake in arbitration proceedings between the council and Imperial Property and the council and Brighton Coaches Limited in order to secure the consent of both parties, as required by Part VIIA of the Highways Act 1980, to the construction of a ticket office and associated facilities at Pool Valley Coach Station.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 13th September 2007 Environment Committee approved the design of the Pool Valley Enhancement Scheme and agreed to its construction. The scheme's objectives were to improve the safety and character of the area.
- 3.2 A key part of the improvements to the area will be a new ticket office building constructed by National Express. The building will be constructed on land designated as public highway. Environment Committee on 13th September 2007 and Policy & Resources Committee on 27th September agreed to approve the principle of the proposed lease of the highway surface and the building to National Express.

- 3.3 The council hoped to secure permission for National Express to construct the ticket office building on highways land by way of traffic orders under section 32 and section 38 of the Road Traffic Regulation Act 1984. However following an objection the council sought expert legal advice, which concluded that the council was unlikely to be able to obtain Orders under those in section 1.

4 CONSULTATION

- 4.1 Consultation not required.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The new ticket office will be funded by National Express and they will lease the surface of the highway and the structure from the council on a long lease at a peppercorn rent. It will cost £500 to appoint an arbitrator, which will be funded from within existing resources allocated to the scheme. Any award of costs against the council from the arbitration would be funded in the same way.

Finance Officer Consulted: Patrick Rice

Date: 16 June 2008

Legal Implications:

- 5.2 The council has power, by virtue of section 115E of the Highways Act 1980, to grant permission for the ticket office to be built on the public highway at Pool Valley Coach Station. However, as this building will be used for the production of income and for the purpose of providing advice or information the consent of relevant frontagers is required before such permission can be given. Consent may be given subject to any reasonable conditions, including a condition giving consent for a specified period of time or for the payment of a reasonable sum. Such consents must not be unreasonably withheld. Section 115J of the 1980 Act provides that any question as to whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator.

Lawyer Consulted: Hilary Woodward

Date: 11 June 2008

Equalities Implications:

- 5.3 There are no equalities implications.

Sustainability Implications:

- 5.4 Delivery of the Pool Valley Enhancement Scheme forms part of the council's Local Transport Plan. The scheme will increase coach travel patronage and reduce the number of journeys made by car.

Crime & Disorder Implications:

- 5.5 A key objective of the Pool Valley Enhancement Scheme is to improve safety in the area. Enabling the ticket office building to be constructed will improve safety through the passive surveillance of staff and customers.

Risk and Opportunity Management Implications:

- 5.6 Officers' analysis of the issue suggests that the council has a good chance of securing a positive decision from the Arbitrator. However the decision of the Arbitrator cannot be predicted with certainty and the extent to which his finding will side with one party or the other is unknown and therefore a risk.

Corporate / Citywide Implications:

- 5.7 Delivery of the Pool Valley Enhancement Scheme forms part of the council's Local Transport Plan.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Pursuing a stopping up Order under Section 257 of the Town and Country Planning Act 1990 was considered instead of using Part VIIA of the Highways Act 1980. However this approach was rejected as considerable delay was likely due to the requirement to hold a public inquiry if an objection was received. Additionally delay was likely as ownership of the subsoil is unknown.
- 6.2 As stated in paragraph 3.4 of the report orders under sections 32 and 38 of the Road Traffic Regulation Act 1984 were considered but not pursued following legal advice.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 As stated above, the consent of the frontagers with an interest is required before consent can be granted under section 115E of the 1980 Act. In this case the frontagers with an interest have been identified as:-
- Brighton & Hove Council
 - Lace House
 - Imperial Property
 - Brighton Coaches Limited
- 7.2 Each party was approached in December 2007 and to date consent has been received from Brighton & Hove Council and Lace House. Discussions have been held with the remaining two parties although to date their consent has not been secured.
- 7.3 Insofar as consent has not been obtained from Brighton Coaches Limited and Imperial Property, and in order to take matters forward, the issue of the withholding of consent will need to go to arbitration for determination.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms:

1. None

Background Documents

1. Environment Committee minutes 13 September 2007.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 32

Brighton & Hove City Council

Subject:	North Street Mixed Priority Route (MPR) Road Safety Scheme – Stage 2		
Date of Meeting:	4 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Owen McElroy	Tel: 29-0368
	E-mail:	owen.mcelroy@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	St Peters & North Laine, Regency		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The MPR project consists of a comprehensive package of engineering and supporting 'softer' measures that include an education and publicity strategy to increase and improve road safety awareness and reduce and prevent future casualties. It will enable the authority to meet its legal duty to promote road safety and to address the Key Performance Indicator of reducing casualties classified as killed or seriously injured (KSI's). It will also improve the public realm of the City centre improving its environment and economic viability

2. RECOMMENDATIONS:

- 2.1. The Cabinet Member for Environment is recommended to:

- 2.1.1 Approve a preferred scheme for stage Two of the North Street Mixed Priority Route (MPR) scheme as detailed in Appendix A which includes:

- a) The creation of a high quality public space at the Clock Tower/Quadrant for pedestrians;
- b) Making Ship Street one way southbound only from its junction with North Street to its junction with Duke Street; and
- c) Retention of the North Street/East Street mini roundabout junction.

- 2.1.2 Authorise the detailed design together with the advertising of orders under the Road Traffic Regulation Act 1984 in respect of elements of the preferred scheme.

- 2.1.3 Authorise that the Director of Environment implements Stage Two of the MPR scheme in the 2008/9 financial year, within the budget available, subject to the satisfactory resolution to any representations received following the advertisement of the Traffic Orders.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The route from the Old Steine through Castle Square and North Street to Churchill Square was identified in the Road Safety Programme 2007/08 – 2009/10 report of 9th November 2006 to Environment Committee of being of high priority and requiring improvements. Funding was obtained for a Mixed Priority Route (MPR) safety scheme in the form of a Road Safety Partnership Grant from the Department for Transport (DfT) for the years 2007/08 and 2008/09, with additional funding from the Local Transport Plan also being agreed for the scheme.
- 3.2 The MPR scheme has been designed to address the high level of bus/pedestrian collisions in this transport corridor and has been undertaken in partnership with Sussex Police, Brighton & Hove Bus Company, and local community and traders groups. A project board has assisted in developing the scheme.
- 3.3 The Stage 2 MPR preferred scheme consists of a mixture of road safety engineering measures and improved street design, such as new pedestrian crossings, wider footways with appropriately located street furniture e.g., benches and cycle parking, and vehicle loading bays. The main elements of the preferred scheme that are proposed following the consultation and the receipt of initial safety audits include:
- The creation of a high quality public space at the Clock Tower/Quadrant for pedestrians
 - making Ship Street one way southbound only from its junction with North Street to its junction with Duke Street
 - Retention of the North Street/East Street mini roundabout junction

4. CONSULTATION

- 4.1 The City Council's work on improvements to North Street and surrounding streets will enhance the safety of pedestrians and road users. As part of the design, a survey was carried out to gather how the public and business felt about proposed changes and invited them to highlight issues and offer solutions of their own. By consulting the public, it is expected that any changes will bring the maximum benefit to all the users of the North Street area.
- 4.2 As part of a fuller public consultation, around 2000 questionnaires were posted to local residents and traders in and adjacent to the North Street area, including the Old Town. In addition a public exhibition was held over two weeks in the Chapel Royal in North Street, with a further four days at Brighton Town Hall and was promoted in the regional press. Those who attended the exhibition were invited

to respond to the survey via an electronic kiosk that was in operation for the duration and alternatively residents could also respond to the survey on the internet or post. A total of 587 questionnaires were completed and returned. A summary of the options presented in the consultation and the responses received appears in Appendix A. This appendix also includes the officer recommendation in the light of those responses.

4.3 In headline terms the response to the consultation indicates that:

- nearly 90% supported improved pedestrian crossings at the Clock Tower/Western Road junction along the corridor;
- 45% supported a pedestrian area only at the Clock Tower and 53% supported a shared space for pedestrians and cyclists;
- 45% supported the option to close the North Street/Ship Street junction, and 22% and 27% respectively supported making Ship Street northbound for a short section and closing a section of Ship Street between Duke Street and Prince Albert Street
- 50% supported the option to retain the existing North Street/East Street mini roundabout and 47% supported a new T-junction priority junction;
- over 90% supported improved pedestrian crossings along the MPR corridor;
- 85% supported pavement widening along the corridor for pedestrians and street furniture;
- nearly 90% supported the provision of level surfaces for pedestrians at road junctions; and
- over 85% supported tree planting in North Street.

4.4 Stakeholders who gave their views included: Regency Ward Councillors, Sussex Police, Brighton & Hove Bus and Coach Company, Bus Users (UK), Bricycles, Sustrans, Living Streets, The Brighton Society, Gehl Consultants, and representatives of local businesses and the taxi trade.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial implications:

5.1 The capital cost of the implementation of stage 2 of this scheme is estimated to be in the order of £875,000. Within 2008/09 £625,000 has been allocated from the Local Transport Plan (£250,000 Road Safety Engineering budget, £375,000 North Street Urban Realm budget) and £250,000 from the DfT Road Safety Partnership Grant

5.2 For 2008/09 total funding of £176,000 has been allocated from the DfT Road Safety Partnership Grant; (£144,000 for the year and an agreed carry forward of £32,000). This will cover staff costs, education, training publicity, monitoring and evaluation of the scheme.

Legal Implications:

- 5.3 Before implementation, all relevant procedural requirements will need to be dealt with. For example, it will be necessary for any proposed Traffic Regulation Orders to be advertised publicly and for any unwithdrawn objections or representations to be considered before a final decision is taken to implement the proposals. There are no human rights implications to draw to Members' attention at this stage.

Lawyer consulted: Liz Culbert

Date: 2 May 2008

Equalities Implications:

- 5.4 The proposed measures will be of benefit to many road users, especially pedestrians, and those with mobility difficulties.

Sustainability Implications:

- 5.5 The proposed improvements will facilitate a safer and more attractive environment for all users through balancing their needs, particularly between pedestrians and vehicles in terms of the space available.

Crime & Disorder Implications:

- 5.6 The implementation of the scheme will result in a more attractive and vibrant environment, which should increase activity levels in the area, and discourage crime and disorder

Risk and Opportunity Management Implications:

- 5.7 Failure to complete the scheme on time would result in the loss of part or the entire DfT element of the funding. Following guidelines from the Institute of Highways and Transportation, independent safety audits will be carried out to ensure that safe designs have been implemented.

Corporate / Citywide Implications:

- 5.8 The mixed priority route scheme will contribute towards the following corporate priorities. Through the reduction of road casualties and enhancement of the public realm it will protect the environment while growing the economy and by improving access for vulnerable pedestrians it will reduce inequality by increasing opportunity.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The primary objective for the North Street MPR corridor is to address the particular road safety problems that have resulted in casualties to people and therefore casualty data have been taken into account in designing appropriate engineering measures. Where possible to do so, options were designed for consideration through the consultation at the three key locations described earlier in the report, taking into account any previous consideration of those locations by officers e.g. the Clock Tower junction.

- 6.2 A summary of the options consulted on for particular locations along the MPR corridor, and the responses received are set out in Appendix A.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek approval of the preferred scheme and for the implementation of Stage Two of the improvements to the North Street Mixed Priority Route road safety scheme, following public consultation.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – summary of consultation and recommendations.
2. Appendix B – summary of representations received
3. Appendix C – indicative plan of preferred scheme

Documents in Members' Rooms

1. Stage 2 North Street MPR consultation questionnaire – February 2008

Background Documents

1. None

Recommendations on questions and options put forward during consultation

Question	Options	Consultation results	Officer's view	Recommendation
1	Proposals for new pedestrian signals at the Clock Tower and Dyke Road/North Street junctions. All the signals, at these junctions, would display the green man at the same time, making it easier and safer to cross.	Total responses – 587 Yes – 510 (87%) No - 46 (8%) No reply – 31 (5%)	Improvements to the crossing layout, desire lines and green man times would be highly beneficial to pedestrian safety and convenience at these junctions.	That the principle be supported. In particular this will include straightening the crossing facility in Western Road and providing a new facility at the south west corner of the Quadrant.
2	Proposals for two options for the paved area at the Quadrant (Clock Tower) Option 1 – Making the Quadrant an inviting and usable public space for pedestrians only. Option 2 - Making the Quadrant an inviting and usable public shared space for pedestrians and cyclists.	Total responses – 587 Option 1 – 261 (44.5%) Option 2 – 308 (52.5%) No reply – 18 (3%)	This is not regarded as an absolutely clear outcome. There was also a division amongst the stakeholders as to their preference. Concern has also been expressed by the principal partners, ie, the Bus Company and Sussex Police about the mixing of pedestrian and cycle movements at this location The Safety Audit identified that option 2 would be	In the light of the consultation responses, the conclusion in the safety audit is considered to be paramount in selecting a preferred option. Therefore it is recommended that the Quadrant is made into a high quality public space as per Option 1 with street furniture paving materials and cycle parking access points to be considered and agreed during detailed design.

Question	Options	Consultation results	Officer's view	Recommendation
3	<p>Proposals for three options for Ship Street. The objective is to make the junction with North Street safer.</p> <p>Option 1 – Closure of Ship Street, to traffic, at its junction with North Street, to traffic except for cyclists.</p> <p>Option 2 – Make Ship Street one way for northbound traffic only at the approach to the junction with North Street.</p> <p>Option 3 – Closure of a section of Ship Street to traffic between Duke Street and Prince Albert Street, except for cyclists.</p>	<p>Total responses – 587 Option 1 – 264 (45%) Option 2 – 131 (22%) Option 3 – 157 (27%) No reply – 35 (6%)</p>	<p>likely to result in a high rate of pedestrian/ cyclist conflict.</p> <p>The survey showed a preference for option 1.</p> <p>Most stakeholders preferred option 1 with some traders preferring option 2. Option 3 was preferred by some traders in and close to Dukes Lane as it would link two areas of the Lanes.</p> <p>Concerns were expressed by the taxi trade, several traders and residents regarding servicing of the Old Town and displacement of traffic along the Seafront and Middle Street school expressed concern about displacement of traffic into Middle Street.</p> <p>The majority of traffic</p>	<p>Given concerns about displacement of traffic to other parts of the road network further consideration has been given to how this junction should be treated. This has included an analysis of more recent collision data which indicate that collisions and casualties have reduced somewhat.</p> <p>However in order to fulfil the road safety objectives of the scheme, some simplification of movements at the junction with Ship Street is still required.</p> <p>It is therefore recommended that the traffic flow in Ship Street is made southbound only from the junction with North Street to the junction</p>

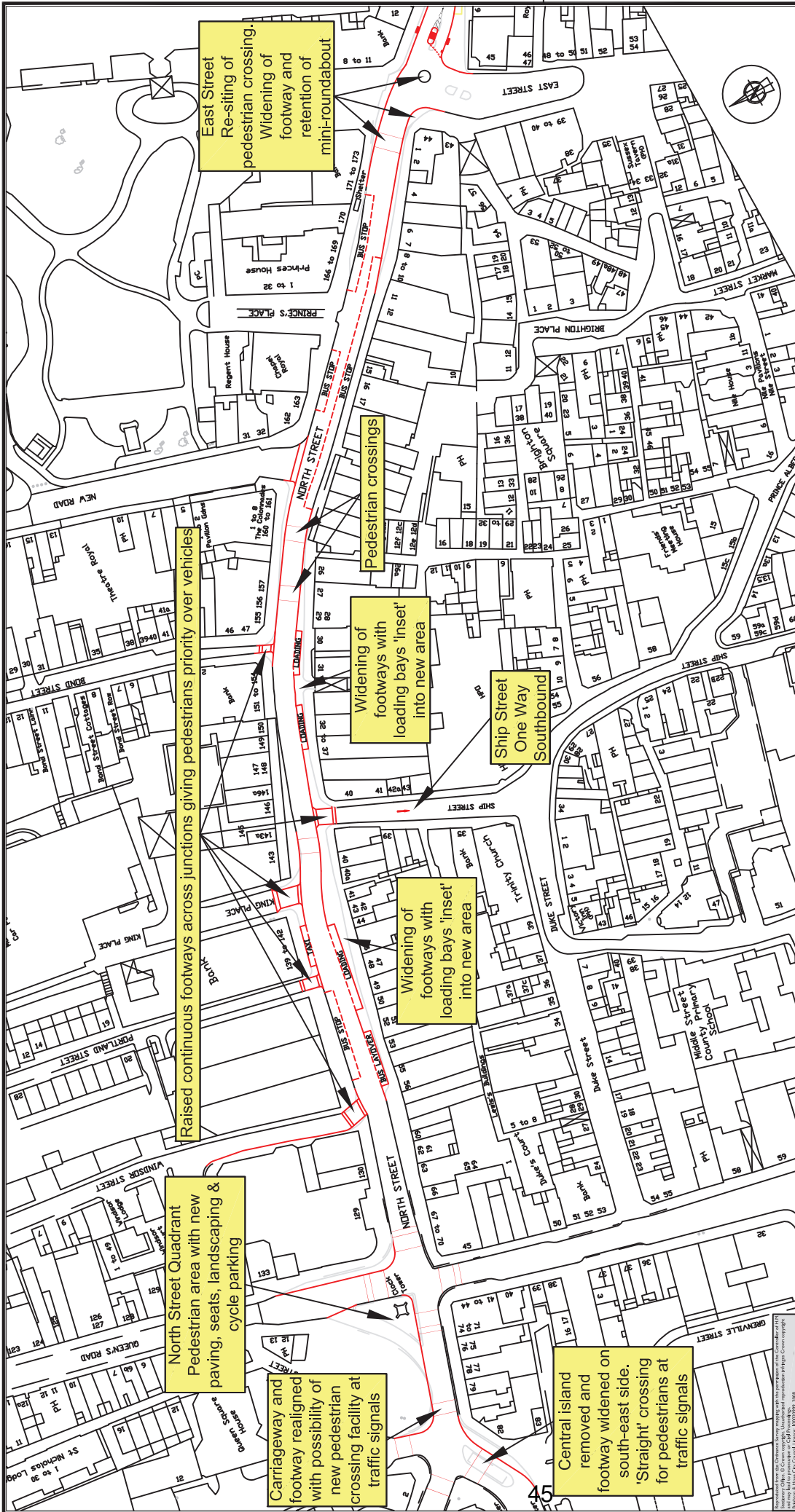
Question	Options	Consultation results	Officer's view	Recommendation
			<p>movements (75%) are southbound from North Street into Ship Street</p>	<p>with Duke Street.</p> <p>Further consideration will also be given to the inclusion of a northbound contra-flow cycle lane between Duke Street and North Street, subject to further detailed design and the satisfactory completion of safety audits</p> <p>There will be a continuity of footway to provide a level access across Ship Street for pedestrians, especially disabled people, using North Street.</p>
4	<p>Proposals for two options for the North Street/East Street junction.</p> <p>Option 1 – To leave the traffic arrangements as they are, keeping the mini roundabout.</p> <p>Option 2 – To remove the mini roundabout and replace it with</p>	<p>Total responses – 587</p> <p>Option 1 – 293 (50%)</p> <p>Option 2 – 275 (47%)</p> <p>No reply – 19 (3%)</p>	<p>This is not regarded as an absolutely clear outcome.</p> <p>All of the stakeholders that expressed an opinion preferred option 1.</p>	<p>It is considered that the mini roundabout acts as a traffic calming feature entering North Street and assists in the smooth operation of the East Street taxi rank.</p> <p>Therefore Option 1 is recommended in this</p>

Question	Options	Consultation results	Officer's view	Recommendation
	a T-junction.			location.
5	Proposal to improve pedestrian crossings along the route. These will be made safer, by reducing crossing distances and by widening the crossing spaces.	Total responses – 587 Yes – 537 (92%) No - 41 (7%) No reply – 9 (2%)	This is essential to improve pedestrian safety, and includes the concept of moving or creating crossings closer to pedestrian desire lines.	That the principle be supported.
6	Proposal to widen the pavements. This will increase the amount of space for pedestrians and give more room for cycle racks, trees and seating etc.	Total responses – 587 Yes – 497 (85%) No - 74 (13%) No reply – 16 (2%)	This is a critical element of the Mixed Priority Route concept and is supported by research carried out on behalf of the council by its consultants User Perspective Ltd.	That the principle be supported.
7	Proposal to provide a level pavement across all the junctions. This will allow for a safer and more convenient route for pedestrians to cross the road, with tactile paving to help visually impaired people.	Total responses – 587 Yes – 520 (89%) No - 53 (9%) No reply – 14 (2%)	This is an important element to give pedestrians priority over vehicles at side roads and accords with legibility principles.	That the principle be supported.
8	Proposal to consider tree planting in North Street to	Total responses – 587 Yes – 506 (87%)	Tree planting can create a more attractive	That the principle be supported but that further

Question	Options	Consultation results	Officer's view	Recommendation
	create a more attractive environment.	No - 68 (12%) No reply - 13 (1%)	<p>environment and create a traffic calming effect.</p> <p>Tree planting is always subject to site conditions and issues of security and potential obstruction.</p> <p>Given the amount of underground services planting may not be practical.</p>	feasibility studies are undertaken to ensure careful and appropriate planting where practical.

Summary of representations received to the North Street MPR Road Safety Scheme Stage Two Exhibition

Who	Object/Supports/Comments	Summary
Gehl - Council's Urban Design consultants	Comments	Supportive but the scheme should include other measures that go further towards legibility principles. Favour option 1 for the Quadrant. Should reduce the number of buses in North Street
Cheval Properties	Comments	Supports Option 3 for Ship Street which involves the pedestrianisation of Ship Street to link Union Street and Dukes Lane
Local Chartered Accountant	Objects	Objects to all Ship Street options will restrict access to business and cause congestion on the seafront
Brighton Society	Supports	Favours option 1 for The Quadrant, Ship St and East St.
CAAG	Support/Comments	Should reverse traffic flows in Ship Street and Prince Albert Street to allow for pick up of communal bins by Dukes Lane car park and better turning for lorries at the Ship Street/Prince Albert corner. Ban left turn for vehicles at the Clock Tower to reduce traffic in Upper North Street
Brighton & Hove Transition Towns	Supports/Comments	Supports full length parallel cycle lane in Church Street
Bus Users UK Ltd	Objects/Comments	North Street should not be narrowed further as this is hazardous to Buses and pedestrians, minimum width 7.5 metres. Supports Option One for Ship Street.
Sustrans	Supports/Comments	Favours option 2 for Quadrant , a two way cycle lane should be marked out along its length. Ship Street favours option 1 with marked cycle track. Requests closure of Boyce's Street. East Street - retain mini roundabout
Bricycles	Supports/Comments	Supports option 2 for the Quadrant. Supports Option 1 for Ship Street and closure of Boyce's Street. Supports retention of mini roundabout at East Street. Reduce the number and size of buses in North Street. Widening footways may put cyclists in danger by reducing road width.
Fire Service	Comments	Ship Street options - emergency access is required, access through Middle Street is very difficult. East Street - favour retention of the mini roundabout. Has concerns regarding footway widening as this may put pedestrians at risk from buses and impede emergency response times due to congestion
Regency Ward (Green Party) Councillors - Sven Rufus and Jason Kitcat	Supports/comments	The Quadrant support option 2, Ship Street/North Street Support Option 1, East Street support option 1 retaining roundabout
Residents from Ship Street Gardens	Objects	Ship Street options will restrict access for residents. Kings Road and Middle Street are unsuitable for taking additional traffic. Will be impossible to redevelop Hippodrome
Local resident	Objects	Ship Street should be southbound only from North Street
P Steedman Cllr Queen's Park ward	Supports/Comments	Same comments as ward councillors
Brighton & Hove Radio Cabs	Objects	Objects to all options regarding Ship Street as they restrict access for taxi drivers - further correspondence has been received dated 6th of May.
Local trader	Objects/comments	None of the options are practical in respect of servicing The Lanes
Trader in The Lanes	Comments	Supports Option 1 for the Quadrant - Ship street options 1 & 3 are impractical for servicing of the Lanes, supports option 2 (northbound only)
Living Streets	Supports	Supports option 2 for the Quadrant. Supports Option 1 for Ship Street and closure of Boyce's Street. Supports retention of mini roundabout at East Street.
Resident	Supports/comments	Supports Option 1 The Quadrant, option 1 Ship street, Option 2 East street, concerns about road narrowing - overtaking buses and tree planting - visibility
Taxi driver	Objects	Objects to closure of Ship Street as it restricts access for taxi drivers

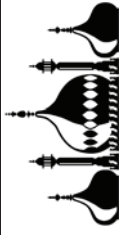


Notes

Revision	Details	By	Date

Project Name
 NORTH STREET MIXED
 PRIORITY ROUTE ROAD SAFETY
 SCHEME – STAGE 2

Drawing Title
 APPENDIX C
 Illustrative Location Plan
 for Preferred Scheme



**Brighton & Hove
 City Council**

Drawn	—	Checked	—	Scale	N.T.S.
Drawing No	—	Rev	—		

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 33
Brighton & Hove City Council

Subject:	Designation of new and extended Conservation Areas		
Date of Meeting:	4 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Tim Jefferies	Tel: 29-3152
	E-mail:	tim.jefferies@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	Queen's Park, Stanford and Withdean		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report seeks approval for the designation of a new conservation area in Carlton Hill and an extension to the existing conservation area in Tongdean. This follows the results of public consultation on the draft proposals. The report further seeks approval of the Character Statement for each area.
- 1.2 The draft proposals were agreed at the Environment Committee on 24 January 2008. The proposed new conservation area in Carlton Hill is in accordance with priorities in the adopted Conservation Strategy (2003).

2. RECOMMENDATIONS:

- 2.1 That the proposed Carlton Hill conservation area, as set out at Appendix 2, is approved and formally designated and the Character Statement for the area is adopted.
- 2.2 That the proposed extension of the Tongdean Avenue/Road conservation area, to include properties in Dyke Road Avenue as set out in Appendix 3, be approved and formally designated.
- 2.3 That the extended Tongdean Avenue/Road conservation area be renamed Tongdean and the revised Character Statement for the area is adopted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Environment Committee, at its meeting of 24 January 2008, approved the new and extended conservation areas for the purposes of public consultation. All ward councilors were consulted together with the Director of Cultural Services and the Assistant Director of Environment (City Clean & City Parks).
- 3.2 Public consultation was carried out between 29 February and 11 April 2008. The proposals were publicised in the March edition of City News and a press release was issued. English Heritage, the Georgian Group and the Victorian Society were all consulted. Locally, the Brighton Society, The Regency Society of Brighton and Hove and the Hove Civic Society were consulted.
- 3.3 Additionally with regard to Carlton Hill, consultation was undertaken with the Turner Area Partnership, the Friends of Turner Park and the Cathedral Group (developers of the nearby Circus Street site). Letters were also sent to the occupiers of the significant community buildings within the area: the Brighton Unemployed Centre (Prior House), the Sussex Deaf Centre, the Turnerland nursery and the Greek Orthodox Church of the Holy Trinity.
- 3.4 With regard to Tongdean, a consultation letter was sent to all owner/occupiers of properties within the proposed extension.

Proposed new Carlton Hill Conservation Area

- 3.5 The proposed new conservation area in Carlton Hill is a small mixed-use urban area situated on the steep slope to the east of Valley Gardens. It is based around the public open space of Turner Park and comprises a cluster of statutorily listed buildings dating from the first half of the 19th century. The area is broadly bounded by Sussex Street to the north, Carlton Hill and Mighell Street to the south, St John's Place to the east and Tilbury Place to the west. (See Appendix 2)
- 3.6 The proposal for the conservation area was supported by ward councillors Ben Duncan, Rachel Fryer and Paul Steedman. It was also supported by the Friends of Turner Park, the Brighton Society, the Regency Society of Brighton and Hove and by a resident of Berriedale Avenue in Brighton
- 3.7 Objections were received from the Turner Area Partnership and from planning consultants acting on behalf of the Cathedral Group (developer of the Circus Street site). Concerns were also raised by the Director of Cultural Services. All these are summarised at Appendix 1 together with the officer response.
- 3.8 The Character Statement has been revised to take into account some of the comments received, particularly with regard to key views out of the conservation area.

- 3.9 In view of the fact that most of the buildings within the area that make a positive contribution to it are already listed, and that much of the proposed area is public open space, it is not considered that the designation will have a significant impact on property owners or have significant resource implications

Proposed extension to Tongdean Conservation Area

- 3.10 It is proposed to extend the Tongdean Avenue/Road conservation area to include a group of large houses on either side of Dyke Road Avenue, north and south of Tongdean Road, together with the remnants of Tongdean Farm in the area of The Spinney. These houses mainly date from the Edwardian period.
- 3.11 The existing conservation area (designated in 1989) consists mainly of large inter-war houses and although the houses in Dyke Road Avenue mostly pre-date the period of the existing conservation area, they are unified by the characteristics of large, individually-designed houses on generously sized plots amidst extensive greenery, with substantial boundary walls providing coherence at street level.
- 3.12 The proposed extension to the conservation area was supported by Councillor Pat Drake as ward councillor and by Hove Civic Society, the Brighton Society and the Regency Society of Brighton and Hove. It was also supported by the owner/occupiers of 44 and 57 Dyke Road Avenue and 2 The Spinney. An objection was received from the owner/occupier of 36a Dyke Road Avenue. Objections were received from numbers 37 and 46 Dyke Road Avenue to the inclusion of their particular properties within the conservation area. All these are summarised at Appendix 1 together with the officer response.
- 3.13 One change has been made to the proposed conservation area boundary as a result of the consultation – 37 Dyke Road Avenue has been deleted from the area.
- 3.14 It is further proposed to rename the conservation area as Tongdean. The revised Character Statement identifies that Dyke Road Avenue and Tongdean Avenue/Road are distinct character areas within the overall conservation area.
- 3.15 The conservation area extension would provide control over the demolition of properties and works to trees within the area. It would also provide some additional controls over extensions to properties within the area and this may result in some additional planning applications. However, given the small number of properties involved, the additional number of applications is not anticipated to be significant.

4. CONSULTATION

- 4.1 Details of public consultation carried out on the draft proposals and the results of that are included in section three above. Details of the responses are set out at Appendix 1. All ward councillors were consulted.
- 4.2 The Director of Cultural Services has been consulted on this report and has made no comment. The Conservation Advisory Group (CAG) has been consulted on the revised Character Statements and has fully endorsed them and supports the proposed designations.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The work undertaken on the designation of the new and extended conservation areas has been absorbed within existing staffing resources. There are no ongoing financial implications for the council relating to the designations.

Finance Officer Consulted: Patrick Rice

Date: 28 May 2008

Legal Implications:

- 5.2 The council has a duty under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 from time to time to review its area to determine whether any parts or further parts should be designated as conservation areas. There is no statutory requirement for public consultation prior to designation but the Government's PPG15 on Planning and the Historic Environment states that it is highly desirable that such consultation take place.

Lawyer Consulted: Alison Gatherer

Date: 16 May 2008

Equalities Implications:

- 5.3 An Equalities Impact Assessment has not been carried out because the report does not concern matters of new policy.

Sustainability Implications:

- 5.4 The proposals in this report have no substantial impact upon the four priorities of the UK's Sustainable Development Strategy. But in terms of Sustainable Consumption and Production, the retention of existing historic buildings reduces construction and demolition waste, whilst the retention of trees and gardens will help to ensure that natural habitats are protected.

Crime & Disorder Implications:

- 5.5 None have been identified

Risk and Opportunity Management Implications:

- 5.6 If the proposed conservation areas are not designated there would be a risk of the loss of historic buildings and walls and the erosion of historic character. This could lead to adverse publicity for the council. Some respondents have identified a potential risk to the redevelopment of the Circus Street site and the Edward Street Quarter (Amex) from the designation of the Carlton Hill conservation area. However, it is the view of officers that the designation presents no conflict with the adopted Supplementary Planning Documents for these sites and that it would not impose any significant additional constraint. The Character Appraisal has been revised to address concerns regarding potential impact on views out of the proposed conservation area.

Corporate / Citywide Implications:

- 5.7 The proposals accord with the priority to protect the environment whilst growing the economy. The Sustainable Community Strategy contains a commitment to implement the Conservation Strategy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 It is considered that the proposed new and extended areas meet the criteria for a conservation area as set out in the council's adopted Conservation Strategy (2003) and accord with Government guidance (Planning Policy Guidance note 15: Planning and the Historic Environment). The results of public consultation were broadly supportive and some amendments have been made to the proposals in response to concerns raised.

SUPPORTING DOCUMENTATION

Appendices:

1. Schedule of responses received
2. Carlton Hill conservation area – character statement
3. Tongdean conservation area – character statement

Documents In Members' Rooms

None

Background Documents

1. The Conservation Strategy (2003)
2. Minutes of the Environment Committee of 24 January 2008
3. Written responses to public consultation.

Schedule of Responses Received

Carlton Hill			
Respondent	Support/Object	Summary of Comments	Officer response
Director of Cultural Services	Object	<p>Officers in Cultural Services are very concerned that the proposed Conservation Area would seriously prejudice both the Edward Street Quarter/Amex development and the Circus Street regeneration. The list below sets out the measurable regeneration outputs and corporate benefits that the proposed conservation area will put at considerable risk:</p> <ul style="list-style-type: none"> • The city potentially losing the opportunity to secure up to 2,000 new jobs in the future. • The economic impact that those jobs would bring. • The physical, economic, social and environmental regeneration benefits linked to the proposed Circus Street development. • The provision of a new University Library and teaching space. • The provision of a state of the art dance studio for South East Dance. • A cash receipt for the Circus Street site. <p>It is therefore suggested that the proposal is withdrawn at this time to allow officers more time to consider alternative approaches that can protecting the area around Carlton Hill,</p>	<p>Regeneration of the surrounding area would be very much welcomed as a means towards helping to enhance the present poor setting of the conservation area (which is acknowledged in the Character Appraisal). Regeneration that builds upon the existing positive qualities of an area, and its historic roots, will be more successfully integrated into the existing community and have more lasting benefit.</p> <p>The adopted Supplementary Planning Document SPD04 Edward Street Quarter allows for the expansion of Amex and it is not considered that this would be incompatible with the proposed conservation area. The indicative proposals in the SPD aim to enhance the setting of the listed buildings and this would similarly enhance the conservation area.</p> <p>With regard to the Circus Street site, the adopted SPD05 Circus Street Municipal Market sets out the principles for redevelopment and any scheme that accords with the SPD would cause no harm to the conservation area. Indeed the existing constraints on that site arising from the listed buildings in Grand Parade are likely to be more challenging than any posed by</p>

<p>Ward Councillors Duncan, Fryer and Steedman</p>	<p>Support</p>	<p>with attention focused on protecting the elements that actually add to the area and support the city's future regeneration plans. It is suggested that the imposition of TPOs on trees and the listing of good quality flint walls that are not already listed would be the most effective way of achieving this.</p>	<p>conservation area designation in Carlton Hill.</p> <p>It is not considered that there is an alternative approach that would recognise and preserve the character of the area as a whole, which derives from a combination of several factors. The listing of buildings is the responsibility of the Government, on the advice of English Heritage, and it is therefore not within the council's remit to list flint walls. Moreover, it is unlikely that the walls in question would be considered worthy of listing in their own right, but they make a significant contribution to the special interest of the area.</p>
		<p>Turner area would receive the recognition and protection it deserves. Wholeheartedly back the idea of a new conservation area here. Refer to the uniqueness of the architecture and open space. Know that residents very much appreciate the value of these buildings and Turner Park. Aware that recent planning applications have been considered for new development on the Thwaites garage site, and are sure that further schemes will come forward for this area. Is crucial that any new development here enhances the setting of the listed buildings - and especially the old farmhouse on Mighell Street which is a hidden gem. Conservation area designation will help to ensure that this is the case. The flint walls, especially those on Carlton Hill, create a unique sense of place (and as a bonus,</p>	<p>Note and welcome. The section on Turner Park in the character appraisal has been updated to reflect the recent environmental improvements.</p>

		significantly reduce traffic speeds on this busy street). Conservation area designation will also provide a well-deserved reward for the Friends of Turner Park group who have worked very hard over the last couple of years to renew the park, and to encourage its use by a much wider section of the community. The park is no longer a tolerated site for graffiti, and much greater recognition is being given to the views from the park and the protection of the 'tower' folly. Further, great strides are being made to recognise, conserve and improve the biodiversity on the site, and as such we believe that its ecological worth is undervalued.	
Brighton Society	Support	Wholehearted support. So much else of this area has been lost.	Note and welcome.
Regency Society of Brighton & Hove	Support	None.	Note and welcome.
Martin Jones, Berriedale Ave	Support	It will both preserve a precious and rare relic of lost Brighton and keep a few delightful fragments in an otherwise dull (and, in parts, grim) area. The surviving buildings will raise the spirits of anyone who pass them, providing visual enjoyment to residents and visitors. Equally, they will provide the quality core to the urban environment of this part of Brighton, and so is important for the whole city.	Note and welcome

Friends of Turner Park	Support	<p>If the park is given conservation area status this will be very positive, and will reinforce and support the many improvements that have happened in the park in recent months. Now that the graffiti has gone, the park, and in particular the tower, look fantastic, and conservation status will surely help to preserve this important green space for the community. Feel that this will help to preserve an interesting and unique area with a history of its own. Slight concern raised whether this proposal could affect the plans for the new ballcourt.</p>	<p>Welcome. Conservation area designation would not have any affect on proposals to replace the ballcourt in the park.</p>
Turner Area Partnership	Object	<ul style="list-style-type: none"> • The potential impact on development of the area, in particular the community buildings such as those within the Turner Park area; • The fact that (quite appropriately) many buildings have already been listed and therefore are well protected; • The fact that Amex may consider withdrawal from the Brighton & Hove area; • The additional level of bureaucracy placed on organisations, businesses and households in the area. 	<p>The designation of the conservation area would not preclude the redevelopment or extension of the existing community buildings but nor would it require any changes to them. The Character Appraisal notes that the existing buildings are of no merit but are not prominent. It further identifies their replacement as a potential enhancement to the area.</p> <p>The listing of individual buildings is separate from the recognition of the special architectural or historic interest of an area. Conservation area designation would ensure that the overall character of an area is preserved and would give protection to flint walls that are not listed and which are a feature of the area.</p> <p>The adopted Supplementary Planning</p>

			<p>Document SPD04 Edward Street Quarter allows for the expansion of Amex and it is not considered that this would be incompatible with the proposed conservation area. The indicative proposals in the SPD aim to enhance the setting of the listed buildings and this would similarly enhance the conservation area.</p> <p>The area in question is small. There are very few organisations, businesses or households within the proposed boundary and several of them are already in listed buildings so are already subject to the highest level of restriction. Of the remaining buildings, there are only two houses which have any permitted development rights at present. No objections have been received from any individual organisations, businesses or households.</p>
The Cathedral Group	Object	<p>The area has substantial parts that are of no particular quality and interest, particularly the northern half of the area. It cannot be reasonably described as special.</p> <p>There is a lack of necessity to designate this conservation area given its make-up, current ownership structure and extent of statutory protection already afforded by the listed buildings. Due to the less favourable condition and limited unspoiled qualities of the area it cannot be said to compare favourably with the city's other conservation areas.</p>	<p>The Character Appraisal sets out what is special about the area. It has been drawn up with regard to English Heritage guidance. The presence of a number of listed buildings of a similar period, an open space of the same period and various flint walls and mature trees are indicative of a distinct character. Not all the positive elements of the area are protected by listed status and the area has fragmented ownership. Many of the city's conservation areas are largely made up of listed buildings, notably Brunswick Town and Kemp Town.</p>

<p>Government guidance on conservation areas in PPG15 notes that “our experience of a historic area depends on much more than the quality of individual buildings”. PPG15 also notes that conservation areas vary greatly. The current condition of an area is a temporary factor that can be overcome through repair, restoration and enhancement work and should not be a barrier to designation as a conservation area.</p> <p>Given the small size of the proposed area and the fact that several of the buildings are already subject to control through listing it is not considered that the designation would lead to any significant additional burden on resources.</p> <p>Regeneration of the surrounding area would be very much welcomed as a means towards helping to enhance the present poor setting of the conservation area (which is acknowledged in the Character Appraisal). Regeneration that builds upon the existing positive qualities of an area, and its historic roots, will be more successfully integrated into the existing community and have more lasting benefit. With specific regard to the Circus Street site, the adopted SPD05 sets out the principles for redevelopment and any scheme that accords with the SPD would cause no harm to the conservation area. Indeed the existing constraints on that site arising from the listed buildings in Grand Parade are likely to be more</p>	<p>Given the duty to continue to preserve and enhance conservation areas and the fact that the Conservation Strategy highlights that there are insufficient resources to cover existing conservation areas, there is a question as to whether this designation draws resources away from other areas. In this context it is difficult to rationalize the proposal in the light of English Heritage guidance on the need for commitment of sufficient resources.</p> <p>The designation could hamper future and current regeneration projects within the surrounding area. It would create an unnecessary burden on those schemes as they would additionally need to demonstrate that there would be no harm to the setting of the conservation area. The identification of the views out of the proposed conservation area, in particular, has a potentially significant wide-ranging impact and one that is not warranted in heritage protection terms. It has the potential to impact on proposals some distance away and needs to be considered in the round when such proposals have the potential to bring much needed regeneration and are consistent with other council objectives. These include the redevelopment of the Circus Street area.</p>	
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			challenging than any posed by conservation area designation in Carlton Hill.
			On the matter of the views out of the area, it is acknowledged that the draft Character Appraisal was unclear about the significance of the views and overly-specific in its reference to the Circus Street site. The views have been re-evaluated and the Appraisal rewritten to make clear what is significant and from where. The revised Appraisal notes that the views have changed dramatically over time, are not sensitive to change and will continue to evolve.
Tongdean			
Councillor Pat Drake	Support	None.	Note and welcome.
Brighton Society	Support	None.	Note and welcome.
Regency Society of Brighton & Hove	Support	None.	Note and welcome.
Hove Civic Society	Support	None.	Note and welcome.
Jill Stean, 2 The Spinney	Support	Proposal is very welcome. Hopes it will stop development such as the new house in the garden of 55 Dyke Road Avenue.	Note and welcome.

Geoffrey Theobald, 44 Dyke Road Ave	Support	Hopefully this will lead to the preservation of the appearance and character of this area and provide some protection from developers and speculators.	Note and welcome.
Mrs Begley, 57 Dyke Road Avenue	Support	Proposed boundary should be extended to include number 59 so that the boundary ends at Hill Brow.	Welcome support. Do not consider that number 59 warrants inclusion in the conservation area – it has been greatly altered and enlarged and is of no architectural merit.
Mr and Mrs Patel, 37 Dyke Road Avenue	Object	Number 37 is a modern house and should not be included in the conservation area.	Number 37 was built in the 1960s and is of no architectural or historic merit. It has been excluded from the final proposed boundary.
Moya Collins, 46 Dyke Road Avenue	Object	Objects to this part of the road being within the conservation area. Number 46 is not Edwardian or Victorian and therefore should not be included in the conservation area.	Number 46 dates from 1923, is of good architectural quality and stylistically typical of the area. There are a substantial number of 1920s properties within the existing conservation area and several more within the proposed extension. It is therefore considered entirely appropriate to include it.
Stephen and Jenn Adamson, 36a Dyke Road Avenue	Object	<ul style="list-style-type: none"> • Number 36a is a 60s/70s building of little interest. • Dyke Road Avenue is a main arterial route with a constant flow of traffic. • The social/commercial use of the area has changed over recent years from totally residential to mixed commercial/residential. This is growing and is not in keeping with a conservation area. 	<p>It is agreed that number 36a itself is of no interest but is stands within the original grounds of one of the Edwardian houses and occupies an important location. It would not be practical to exclude it from the conservation area.</p> <p>There are several conservation areas that contain busy roads and this in itself does not preclude conservation area designation. Indeed</p>

		<ul style="list-style-type: none"> • The area needs to attract young professionals. Large houses restricted to one family seem to defeat the needs of the city. We need more houses or apartments. • The proposal seems to be an attempt to preserve an ethos which is unnecessary and self-defeating for the real needs of the city. • Dyke Road Avenue is a council approved ridge for telephone masts. Is this compatible with conservation status. • The council will collect less Council Tax with these large single occupancy dwellings rather than several dwellings on one plot. 	<p>the Character Appraisal notes that Dyke Road was historically a major route into Brighton & Hove.</p> <p>The proposed extended Tongdean conservation area remains predominantly residential and the other uses are not incompatible with the residential character. Any further loss of residential uses would be contrary to existing Local Plan policy.</p> <p>Conservation area designation in itself does not preclude the subdivision of large houses, where that is appropriate and acceptable in terms of wider planning policy. Appropriate residential density is already a matter of planning policy and a material consideration. Housing need is not a matter for anecdotal views but rather will be judged on up-to-date evidence studies.</p> <p>All telephone mast proposals are judged on their merits and this would not change, except that any proposals would have to have regard to the need to preserve the appearance and character of the area.</p> <p>The issue of Council Tax collection is not a relevant consideration.</p>
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Carlton Hill Conservation Area - Character Statement

1. Location and context

The Carlton Hill conservation area is a small mixed use urban area (just under 1.5 ha) situated on the steep slope to the east of the Valley Gardens in Brighton and north of Edward Street. It is based around the public open space of the Turner Park and comprises a cluster of statutorily listed buildings dating from the first half of the 19th century. The area is broadly bounded by Sussex Street to the north, Carlton Hill and Mighell Street to the south, St John's Place to the east and Tilbury Place to the west.

The setting of the area is very mixed in both appearance and uses, as a result of extensive slum clearance and piecemeal redevelopment from the 1930s onwards that has largely obliterated the historic grain. Although on the steep valley slope, the area is not readily apparent in longer views and contains no strategic landmarks.



2. Summary of the area's special interest

2.1 Character

The special character of the conservation area derives from a combination of its topography on steeply sloping ground, surviving street pattern with flint boundary walls, historic open space and a cluster of distinctive historic buildings. The streets, spaces and buildings within the area were not developed as part of a planned scheme but rather grew organically over a period of around 40 years as the development of Brighton accelerated. It is a unique surviving fragment within a wider area that was extensively redeveloped in a piecemeal manner from the 1930s onwards and is easily missed. The area also provides an extensive coverage of mature trees and greenery in a part of Brighton that is otherwise very exposed and urban and lacks street trees.

The area is not readily apparent in longer views but its elevated location affords impressive long views across Valley Gardens to the sea and the western valley slope. It lies within a recognised socially deprived neighbourhood and the condition of the area merits some improvement. The public open space plays a key role within the local neighbourhood and is widely used.

2.2 Appearance

The appearance of the area is organic rather than cohesive and its special interest derives from the combination of a cluster of distinctive historic buildings in small scale, hilly streets and spaces; high flint and brick walls hard against the pavement; and extensive mature trees and other greenery.

There are no grand spaces within the area but the approach from Carlton Hill presents a brief interesting surprise amidst an otherwise disjointed, redeveloped townscape. The road narrows, the pavement line is irregular, high flint walls dominate the foreground and mature trees soften the background. There is a brief sense of intimacy, heightened by views into the small cul-de-sac of Tilbury Place, with its impressive warm brick terrace and traditional paving surface. The buildings within the area are not a coherent or planned group of buildings. Rather they are a disparate group of individually interesting buildings that present a sharp contrast with the poor architectural quality of much of the surrounding area. The church of St John the Evangelist forms a local landmark.

2.3 Buildings and Archaeology

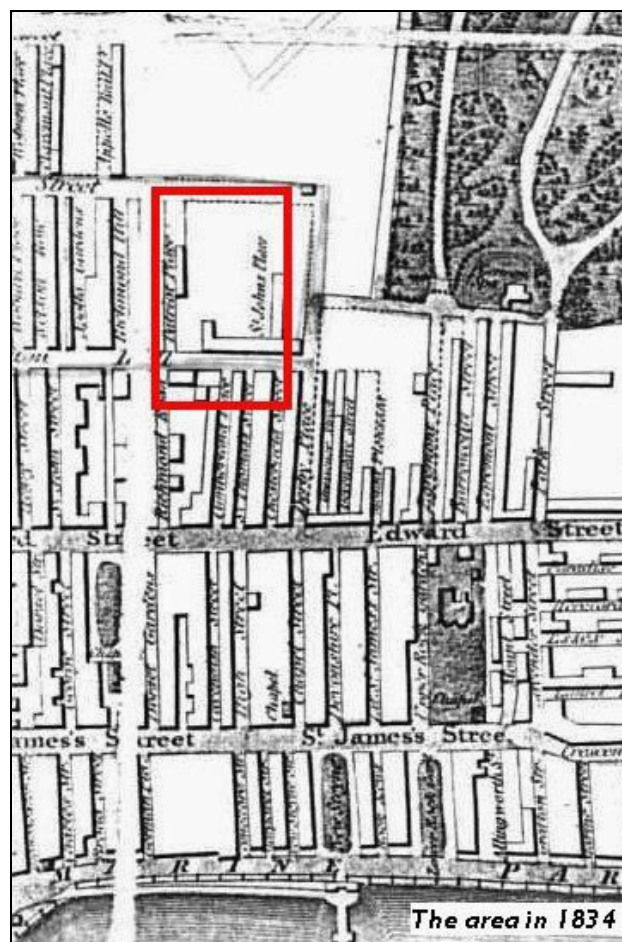
There are no archaeological designations in place within or adjacent to the conservation area but within the boundary there are nine Grade II listed buildings, namely:

- Carlton Hill, Church of St John the Evangelist
- 34 and 35 Mighell Street
- Sussex Street, Tower and attached walls in Turner Recreation Ground
- 1 Tilbury Place (and attached railings, garden wall and garden porch)
- 2 – 5 Tilbury Place

3. Background to the area

3.1 Origins and historic development

Development of the wider Carlton Hill area started from the beginning of the 19th century and progressed rapidly. The area was developed on the second furlong of Hilly Laine, farmland that was sold in sections to developers as Brighton expanded. The boundary paths or leakways that separated the second furlong from those adjacent (east to west) became Sussex Street and Carlton Hill. The first terraces were two and three storey cobble fronted houses, laid out in narrow streets running north to south. By 1840 this mixture of mainly artisan housing, workshops and pubs was identified as one of the poorest and most densely populated parts of Brighton, but north of Sussex Street was still largely undeveloped farmland and remained so until after the 1930s.



A former farmhouse dating from the early 19th century remains as the property known as 34/35 Mighell Street, with its presumed former yard on the corner of Carlton Hill. It is not known exactly when this property was built or how long it functioned as a farmhouse. The former yard area to the north of the farmhouse has evidence of metal rings in the walls for tethering animals. A Philip Mighell owned a significant amount of land in Hilly Laine and was listed in directories of the period, under nobility and gentry, as living in Ship Street. Late 18th century maps show a large area called Mighell's Field to the north of what is now Sussex Street and it is possible that the farmhouse was associated with that land.

Directories from the period 1832 onwards make no reference to any agricultural use in Mighell Street. In 1846 number 35 was recorded as being occupied by George Buckwell, ship owner with Buckwell A. and C.D. timber and slate merchants occupying adjoining land; they had been trading from Mighell Street since at least 1832. However, it is not known whether the street numbering then referred to the same property. By 1866 number 35 was occupied by James Funnell, coal dealer, and by 1899 a furniture depository firm, though again this may relate to the adjoining yard or land to the south. Map evidence from 1870 shows outbuildings to both the north and south of the farmhouse which would have suited commercial uses. A remnant of such structures remains to the north-east. The yard to the north is now numbered 33; in 1899 it was occupied by an Adolphe Legendre, fly proprietor and in 1915 was occupied by William Thwaites, carrier; the garage business that ceased trading on the site in 2006 was Thwaites garage.

Wholly different in character are the elegant brick town houses of 1- 5 Patriot Place built c.1815 (and renamed Tilbury Place in the early 1860s). When built they must have stood out from the cramped artisan housing, workshops and farm buildings to the south and west. Of particular note is number 1 Tilbury Place (also known as St John's Lodge), occupied by the merchant Edward Tarnar and his wife Laetitia (née Tilbury). It was much the largest of the houses and included very substantial gardens, which prevented further development in the vicinity. The house was inherited by their son Edwin Tilbury Tarnar, who is thought to have built the circular flint tower in the gardens in the mid 19th century, as a look-out from which he could sight ships as they came across the channel. Little is known of the occupants of the other Tilbury Place houses but number 5 (which is larger than 2-4) was occupied by a John Farncombe, land surveyor, from at least 1832 until 1858 whilst in 1866 a Henry Sanders Farncombe, drawing master, was the occupant. In 1854 the occupant of number 3 was noted as a tutor. Historic maps suggest that stables were situated to the north end of Tilbury Place, probably to serve these grand houses. It is clear therefore that this small terrace of houses was indeed for the professional classes; it is not clear, though, why the terrace was built at some distance from other such grand houses.

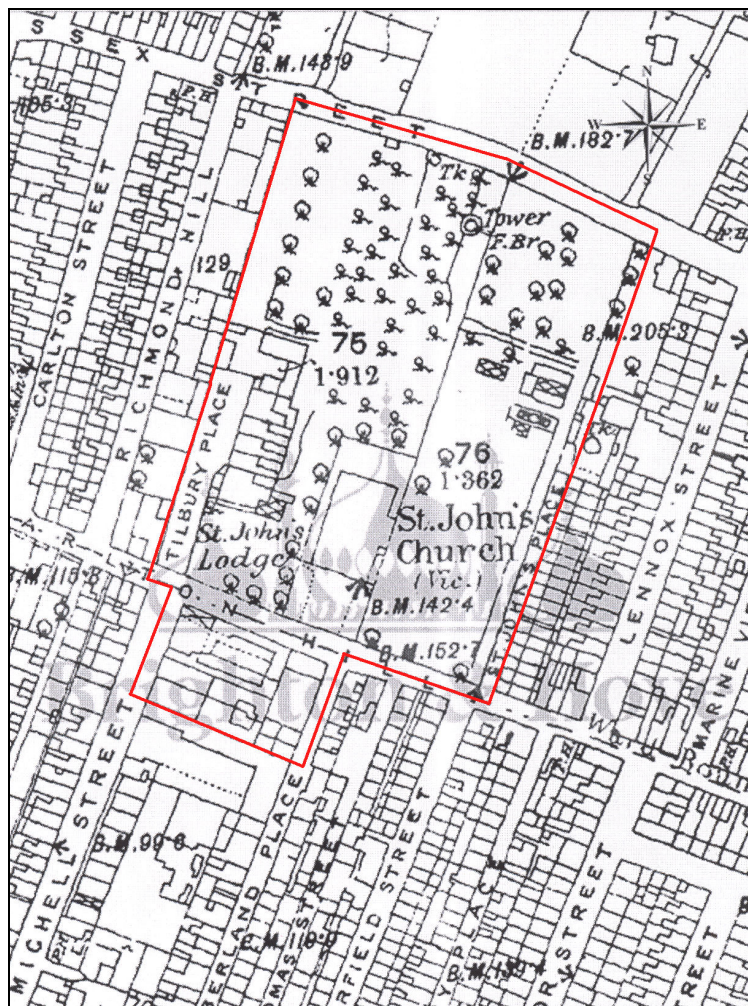
On the eastern side of the gardens the church of St. John the Evangelist was built for the Rev. Henry Wagner from 1838 and consecrated on 28th January 1840. It was designed in Greek revival style by George Cheeseman junior, although the façade was altered in 1957 by L.A. Mackintosh, whose monogram appears to the left of centre. The capacious church struggled to fill its 1,200 seats from the outset – few people in the impoverished Carlton Hill area being able to afford the pew rents. In 1980 the church became redundant but reopened in 1986 as the Greek Orthodox Church of the Holy Trinity.

Even by as early as the 1880s it was recognised that the narrow terraced streets and back-to-back houses that characterised much of the land north of Edward Street were unfit for habitation and early slum clearance resulted in the construction of White Street and Blaker Street just off Carlton Hill and just outside the conservation area boundary. A more extensive programme of slum clearance began in 1928, driven by Government subsidy. The cleared land around Carlton Hill was redeveloped largely as blocks of flats such as Kingswood (1938) and Milner (1936) and later as wider rows of houses, such as those on the Tarnar estate to the north and east. The demolition of these streets also caused roads to be widened. As part

of this St John's Place, which had been a narrow cul-de-sac of small terraced houses, was redeveloped as a wider through road.

The 1930s further saw the bequest of 1 Tilbury Place and its gardens to Brighton Corporation. In addition, a donation from Laetitia Tilbury Turner allowed the Margaret Macmillan open air nursery to be established (later renamed Turnerland). Much of the remaining gardens were laid out as the Turner Recreation Ground in 1934. Number 1 Tilbury Place became the Turner Home, a charitable institution that provided nursing for the sick. Prior House was built as the Brighton Girl's Club in 1936 at the north end of Tilbury Place to replace its former home in Nelson Row (demolished to make way for Kingswood flats). The building probably replaced former stables. To the east of the church, the Edward Riley Memorial Hall was built as a church hall in 1938 on what was originally part of the private garden to number 1 Tilbury Place.

Immediately outside the boundary is largely 20th century development. To the west is the Carlton Hill primary school, dating from the 1960s (replacing a late 19th century school that lay further downhill). To the east, uphill, and to the north is post-war local authority housing. To the south is a mix of late 19th century terraced housing and various 20th century office buildings with car parks, occupied by American Express and including the St John's Elementary School (1914) now used as a social club (much altered).



The area in 1870

4. Assessment of the area's special interest

4.1 General character, layout and setting

The area is a surviving remnant of early 19th century development set amidst piecemeal 20th century redevelopment on a steeply sloping valley side. It is a small mixed use urban area, with the dominant use being public open space, which falls within a socially deprived neighbourhood. The streets, spaces and main buildings within the area were not developed as part of a planned scheme but rather grew organically over a period of around 40 years as the development of Brighton accelerated. The surviving street pattern derives from the medieval arable field system (known as 'laines'); the main east-west streets, Carlton Hill and Sussex Street, slope sharply to the east on the line of the old boundary paths. However, the area largely consists of historic open space and a cluster of distinctive listed buildings that are comparatively unusual in the context of Brighton & Hove. The area also provides an extensive coverage of mature trees and other greenery in a part of Brighton that is otherwise very exposed and urban and lacks street trees.

As part of a larger neighbourhood with a wide mix of uses and substantial population, the area has a busy feel, particularly at peak school times. Carlton Hill itself provides a useful and popular route for both pedestrians and vehicular traffic. The public open space, accessed from Sussex Street, plays an important role within the neighbourhood and the area feels part of a wider but distinct local community.

4.2 Key Views

There are no key views of the conservation area. The area can just be seen in longer views from within the nearby Valley Gardens conservation area, notably in the view up Kingswood Street to Albion Hill from Gloucester Place. However, even this is not a prominent view. It is only upon reaching Carlton Hill, at the junction with John Street, that a local view of the area opens up. From here the high flint walls either side of a narrow road, mature trees and grand façade of 1 Tilbury Place indicate the presence of a distinct historic area. The Church of St John the Evangelist stands out as a local landmark, particularly in winter when the trees are bare.

From within the area its elevated location allows expansive views out over Valley Gardens and central Brighton towards the western side of the valley and the sea. Notable in this respect are the near 180 degree panoramic views from within Turner Park. These views are part of the character of the open space and enhance its quality. The views towards the sea also relate to the historic function of the flint lookout tower. These views are considered to be of strategic importance. However, they are not sensitive views; they have changed dramatically since the park was first formed and it is recognised that they will continue to evolve.

4.3 Historic and current uses and social context

In the early to mid 19th century when this area developed it contained a mix of uses – residential, private gardens, agricultural and religious uses – surrounded by small terraced housing, workshops, corner shops and pubs as well as remaining farmland. Commercial uses soon replaced the agricultural ones however. Today the uses within the area are still mixed. The main change is that from private gardens to public

open space. The Tilbury Place properties remain in residential use, having been converted to flats in the 1990s by a housing association. The former farmhouse has been divided into two separate dwellings. Its former yard was until recently a garage business and is now being used as a car park. The church remains as an active church. Its former vicarage is now in use as offices. In terms of twentieth century development, there is an education centre for the unemployed at the north end of Tilbury Place (Prior House); the Sussex Deaf Centre in the old church hall on Carlton Hill; a nursery school in Sussex Street on the site of the 1930s open air nursery; and four 1960s houses on the west side of St John's Place.

The immediate surrounding area, which was originally small terraced housing, workshops, pubs and farmland, is now in a wide variety of uses. As well as terraced and semi-detached houses and purpose built blocks of flats, Carlton Hill primary school and the office headquarters of American Express (with associated buildings) lie immediately outside the suggested conservation area boundary and significantly affect its setting.

The area falls within the Turner neighbourhood, which was a Neighbourhood Renewal Area between 2001-2008. The neighbourhood has a much higher proportion of single households than the city average and has a particularly high population in the 16-29 age group. The rates of unemployment are significantly higher than the city average. It is also a diverse neighbourhood, with the largest Black and Ethnic Minority population in the city (around 10% in 2001). Interestingly, this ethnic diversity is a historic trait of the neighbourhood. It has been noted that by the 1930s immigrants were already a well established part of the community.

4.4 The quality of buildings and streets

Many of the buildings are listed. They are a disparate group of buildings that together illustrate a brief period in the historical development of the wider area, as it changed from farmland with isolated developments to mass terraced housing for the working trades of the city. There are no grand spaces but the approach to the area from Carlton Hill presents a brief view of history amidst the disjointed, redeveloped townscape; the road narrows, the pavement line is irregular, high flint walls dominate the foreground and mature trees soften the background. There is a brief sense of intimacy, heightened by views into Tilbury Place, a small cul-de-sac that retains its historic feel.

The town houses in Tilbury Place (now flats) are three storeys directly onto the pavement, faced in yellow-brown brick in Flemish bond with gauged headers and rendered string courses. Unusually, only number 1 has a front basement well. The main, south facing elevation to number 1 has had its brickwork painted white and has a rendered extension to the east, built in the 1990s. This elevation is set well back from Carlton Hill behind a high flint wall and large private garden with mature trees. The main roof to number 1 has a steeply pitched attic storey in slate; the roofs to numbers 2, 3 and 4 are hidden behind parapets; whilst number 5 has a mansard addition. Number 1 has a cast iron and barge board porch to the street entrance and a ground floor veranda to the south elevation whilst the others have shallow cast iron balconettes. All properties retain original windows, doors and fanlights to the street.

These town houses are unusual for their period in Brighton, having more in common with Georgian town houses in London in their restrained classicism and yellow-brown brick. They are also unusual in their location, as the grand town houses on Hilly Laine were built on the valley floor facing the gardens whilst the valley sides were largely developed as terraced artisan housing and workshops. It is not known why such an isolated grand development occurred, but these houses remain today as an atypical group in their context.

The setting of these buildings is greatly enhanced by the high flint wall to number 1 which wraps around the street corner, the mature trees to the garden behind and the brick paving, with cobbled gully, to the footway. To the south, trees and greenery form a boundary and largely screen the 1960s school. The end of the cul-de-sac is terminated by Prior House (1936), which is an unprepossessing red brick building that has unfortunately suffered from an over-dominant second floor addition with painted rendered finish and which consequently detracts from the setting of the listed buildings and harms the vista.

The former farmhouse in Mighell Street, now two separate dwellings numbered 34/35, dates from the early 19th century. Set well back from the pavement, it is only really apparent now from immediately to the west. Two storeys faced in cobbles with brown brick dressings and a steep clay tiled roof behind a parapet. The original central entrance (now disused) has a shallow aedicule porch in Tuscan style with a pediment and a six panel door. Later, lower brick wings to each side form the current entrances to each dwelling. The setting of the building has been greatly harmed by the extensive metal roof of the garage building to the north (covering the former yard) but this land includes the imposing flint walls which form the boundary on Carlton Hill. The building's setting has been further harmed by the partial concreting over and sub-division of the front garden to enable car parking (though some York stone paving slabs survive). To the south of the building (outside the suggested boundary) is a car park on cleared land which appears, from map sources, to have once been occupied by shallow buildings on three sides, possibly in agricultural use originally.

Further up Carlton Hill, the Church of St John the Evangelist (now the Greek Orthodox Church of the Holy Trinity) acts as a local landmark. It has an imposing Greek revival style façade divided into three bays by four giant Tuscan pilasters which support a massive entablature. Above the centre is a plain pediment with gable coping, surmounted by a metal cross. The central bay is recessed and the two outer ones have an aediculated entrance with Tuscan pilasters and pediment. The frontage is stucco render, largely unpainted. The side elevations are in brown brick and very plain. The slate roof can be partially seen from lower down Carlton Hill in views into the area. The church is set well back from the pavement and framed by mature trees either side, which largely obscure the side elevations and emphasise the classical frontage. In front of the church is now a bare tarmac car park, which replaced paths and planting some time after 1920 and which harms the setting of the building. A low rendered wall with ornamental metal railings and gates forms a boundary on the same line as the adjoining flint walls. Side and rear boundary walls are largely in flint. The rear elevation is not obvious from the park, being much obscured by trees and greenery.

The other listed building in the area is the Tower and attached walls in the Turner Recreation Ground, visible from Sussex Street in its original garden setting. It is

formed of two cylindrical stages, the top setting back to form a walkway with a buttress to the lower cylinder and is faced in coursed flint cobbles with brown brick dressings and copings. There is a segmental arched opening to each stage. The tower straddles terrace walling of cobbled flint that is included in the listing. A decorative iron pole to the top may be the remains of a weathervane.

Of the non-listed buildings in the conservation area, only one makes a positive contribution to the appearance and character of the area. That is the property at 70 Carlton Hill, a large red brick house built around 1899 as a vicarage for St John the Evangelist opposite (but now used as offices). It is a simple house with steep roof, squared bays, large sash windows and minimal ornamentation, fairly typical of the period. But its materials are sympathetic and it provides a fitting scale and presence on the corner of White Street. Its substantial brick boundary walls continue the characteristic of the area set by the earlier flint walls. The highway in Carlton Hill at this point has granite kerbs and gullies.

Opposite the old vicarage is the Sussex Deaf Centre, formerly the church hall and erected in 1938. This two and a half storey brown brick building with steep clay tiled roof is not unduly prominent and has a neutral presence in the conservation area. However, its boundary to Carlton Hill largely consists of the high flint walls which originally surrounded the Tilbury Place garden and these walls are very much a positive feature of the area. The building also has a frontage onto St John's Place, with a low wall.

Adjacent to it on St John's Place is a terrace of four houses set back from the pavement with garages and car ports, dating from the late 1960s. These two storey houses make no reference to their historic context in their form, design or materials and have no front boundary treatments. They are therefore considered to have a negative impact upon the conservation area.

The grounds of Tarnerland nursery school occupy the remainder of the eastern side of St. John's Place. The grounds are well maintained, with a variety of mature trees and shrubs and make a contribution to the green feel of the area. The grounds can be seen through a modern post and wire fence, which regrettably replaced the original high flint wall as part of the post-war redevelopment. The nursery itself is a post-war building of simple and unremarkable design but is set back from the street and largely obscured from public view by boundary fencing. On the northern side is an extension added around 2003, with timber cladding, which can be seen clearly from Sussex Street above the high flint wall (another remnant of the original enclosure of the garden to 1 Tilbury Place). Above the wall is a metal sign that replicates the original 1930s sign for the open air nursery. The nursery school building has a neutral impact on the special interest of the area but its grounds and flint wall have a positive impact.

The east side of St John's Place, outside the suggested boundary, is occupied by standard post war semi-detached houses, built by the local authority, and overall this street makes no positive contribution to the special interest of the conservation area (apart from the trees and greenery) but does form a natural boundary.

The length of Sussex Street within the conservation area is largely taken up with the boundary to the Tarner Park, which has a rough flint wall surmounted by modern

metal railings and trees behind it. The open space itself is assessed in the next section. This stretch of Sussex Street does not retain its historic character and intimacy in the same way as the equivalent stretch of Carlton Hill; it is wider and straighter with very obvious redevelopment surrounding it. However, it provides good views of the historic green space and listed flint tower and forms an obvious boundary to the conservation area.

4.5 Open space

Tarner Park is an important element of the special interest of the area, both in terms of its history and its appearance as a green lung. A gate at either end of the boundary wall in Sussex Street allows access. The park is set on a sharp west to east incline and meandering paths sweep around and through it. Mature trees line its perimeter. Its original character has been significantly altered where sections have been levelled to create recreation areas. On the lower level is a prominent multi-use ball court, surrounded by a high perimeter wire fence, and beyond that is the young children's play area. Community buildings in the south-west corner are of no architectural or historic merit but are not readily visible except from within the park itself. The unattractive rear elevation of Prior House forms a visually intrusive element here. On the upper level are the listed flint tower and its associated walls, while the eastern boundary is a high flint wall. It is here that the historic layout and character of the park are most intact.

The open space provides a combination of recreational facilities for the neighbourhood and a valuable green space in the midst of high-density urban development. The upper level in particular contains a number and variety of mature trees and shrubs. The combined effect of the ivy covered wall to the east end and the gardens of Tarnerland nursery immediately behind is a pleasantly enclosed green space, though currently one with modest ecological value.

The park serves the needs of the local community but has been dominated by teenagers and young adults in the past. However, the park has recently been cleaned up and refurbished, as a community project, to encourage wider use. This seems to have been successful. Further planting is proposed to increase its ecological value.

4.6 Local details and materials

This area is unusual for the period in Brighton & Hove as there is little use of stucco render, apart from the Church of St John the Evangelist. The predominant materials are yellow-brown and red-brown brick and flint. The historic bricks used are likely to be local Sussex brick. Flint varies from the regularly coursed and evenly sized cobbles at 34/35 Mighell Street and the Tarner tower to the more roughly coursed and irregular flints used for the various boundary walls. Flint also occurs, unusually, as a paving gully material in Tilbury Place, accompanying traditional red brick pavers and limestone kerbs.

The Tilbury Place houses are notable for the decorative fanlights over the doors and the Gothic ogee cast iron balconettes, a pattern not seen elsewhere in Brighton & Hove.

4.7 Condition of the area and the extent of intrusion

The condition of the area varies. However, it falls within a wider area that is acknowledged as a deprived neighbourhood and the overall condition of the area reflects this.

The Tilbury place properties are in a good state of repair following conversion and restoration in the 1990s, including the high flint wall to number 1. However, their setting is harmed by the prominent telegraph pole and wires adjacent to the flint wall. The church also appears in good condition and well maintained, though the bare car park to the front detracts from the setting of the building and the appearance of the area.

The former farmhouse at 34/35 Mighell Street appears neglected and its front area has suffered greatly from modern intrusion through hard surfacing, sub-division and car parking. Its wider setting, and that of the conservation area, is harmed by car parking uses to the north and south of the building. To the north, car parking occupies the run-down buildings of the previous garage business. This includes the high flint wall that faces Carlton Hill. The wall is deteriorating in condition, with missing sections of flint and poor cement repairs.

The flint Turner tower appears largely sound but has some noticeable cracking and missing flints to its east face. The flint wall to Sussex Street boundary also needs some repairs. In an area where boundary walls are an important local feature, the utilitarian post and wire fencing along St John's Place is an unfortunate intrusion.

In terms of the context and setting of the conservation area, the major intrusion is the main American Express building which dominates the skyline from Carlton Hill and beyond, though its scale and architectural boldness offer a sharp contrast with the historic buildings. It is the bland 1960s building on the west side of Mighell Street, sunk below pavement level, which most harms the immediate setting of the area. Carlton Hill Primary School is largely screened from view from within the conservation area but in winter (when the trees are bare) it intrudes in views up Carlton Hill. The high timber boundary fencing on the Carlton Hill side is an uncharacteristic feature that visually intrudes on the approach to the conservation area and harms its setting.

5. Opportunities for enhancement and pressures for change

5.1 Pressures for change

The main pressure for change within and around the conservation area relates to the land and buildings to the south of Carlton Hill around Mighell Street. Much of this land is owned by American Express and forms the subject of an adopted Supplementary Planning Document on the 'Edward Street Quarter' (2006). Redevelopment of this quarter for mixed office and residential use has the potential to significantly enhance the appearance and character of the area and its setting. The historic urban grain and building line could be repaired and the setting of 34/35 Mighell Street greatly enhanced. The former garage site to the north of it, 33 Mighell Street, is in separate ownership and subject to redevelopment pressure in its own right. This site is a key

one for the area and any redevelopment must respect the scale and footprint of 34/35 Mighell Street and should retain and restore the flint wall to Carlton Hill.

5.2 Opportunities for enhancement

The following opportunities for enhancement have been identified within and immediately outside the suggested conservation area boundary:

- Redevelopment of the site at 33 Mighell Street in a manner that respects the scale and footprint of the adjacent listed building, enhancing its setting, and which retains the flint wall to Carlton Hill.
- Repair and restoration of the flint wall to 33 Mighell Street on Carlton Hill.
- Restoration of the front garden and front boundary of 34/35 Mighell Street.
- Reinstatement of brick pavers to the east side of the Mighell Street footway.
- Removal of the telegraph pole in Tilbury Place.
- Restoration of the forecourt of the Church of St John the Evangelist, removing or reducing the impact of car parking.
- Reinstatement of a high flint-faced boundary wall to the Tarnerland nursery in St John's Place.
- Repair and restoration of the Tarner tower and investigation of potential uses.
- Environmental improvements to Tarner Park, including new landscaping and/or planting to increase biodiversity.
- Replacement of the community buildings with community buildings of better design that enhance the park.
- Repair and restoration of the flint wall and metal railings to the Sussex Street boundary of Tarner Park.
- Replacement of the timber fencing to Carlton Hill Primary School with a high flint-faced wall (on Carlton Hill) to enhance the key approach to the area.

5.3 Further research required

A number of issues relating to the history and development of the area warrant further investigation and research, notably:

Tilbury Place

- Details of the date and developer of the houses in Tilbury Place (originally Patriot Place), including a greater understanding of why large town houses were built in this location.
- More information on the occupiers of the Tilbury Place houses in the 19th century.
- Information on what occupied the current site of Prior House at the end of Tilbury Place – was this the mews and stables for the houses?

Mighell Street

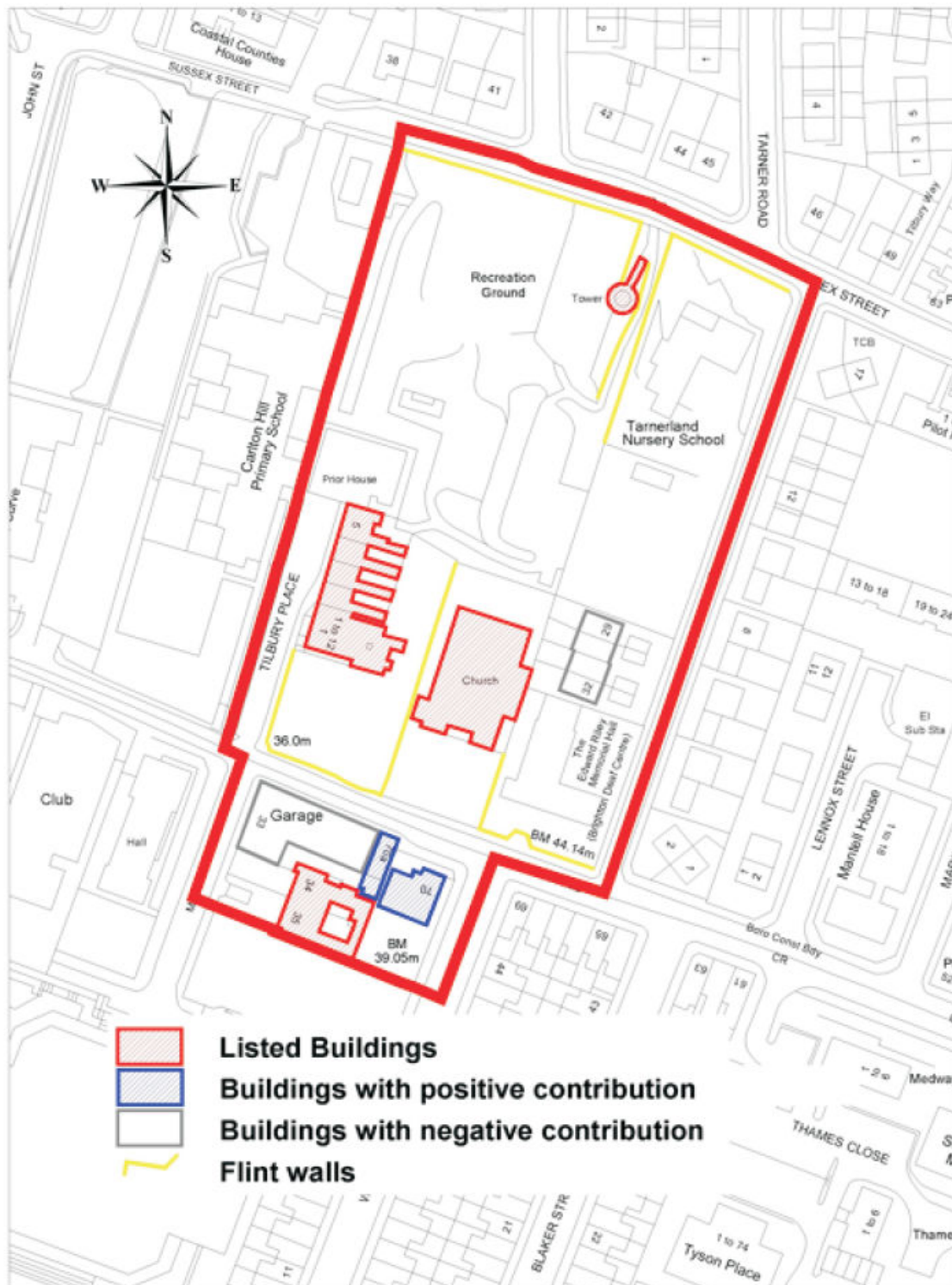
- More information on Philip Mighell and his relationship to the street of that name.

- Details of when the farmhouse at 34/35 Mighell Street was built and who it was built for; how long it functioned as a farmhouse and which farm it related to.
- Details of when the farmhouse was divided into two dwellings and more information on the occupiers in the 19th century.
- More information on the original use of the land and buildings immediately to the north and south of 34/35 Mighell Street, and how these uses changed during the 19th century.

Turner Park

- More information on the Turner tower – why and when it was built.

Appendix A – Carlton Hill Conservation Area Map



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Date: 15/05/08 Scale 1:1250

Appendix B – Schedule of properties within the conservation area

- Carlton Hill – 70, 70a, Church of St John the Evangelist, Edward Riley Memorial Hall (Sussex Deaf Centre)
- Mighell Street – 33, 34/35
- St John's Place – 29-32
- Sussex Street – Tarnerland Nursery School
- Tilbury Place – 1-5 and 6 (Prior House).

Tongdean Conservation Area - Character Statement

1. Location and context

The Tongdean conservation area is an inner suburban area to the north west of the city on rising ground and straddling the old borough boundaries. It is predominantly a residential area and comprises parts of Tongdean Avenue, Tongdean Road, Dyke Road Avenue and The Spinney. Development took place largely between c.1860 and 1939, with the majority of housing being early 20th century. The wider setting of the area is similarly suburban residential but much of it of later date. The conservation area is low rise within a wider low rise context and has no landmarks; consequently the area is not apparent in long views.

2. Summary of the area's special interest

2.1 Character

The character of the area is that of a well-to-do residential suburb with impressive individual large houses, imposing boundary walls and extensive mature greenery. Its special interest derives from the grouping of individually-designed large houses dating mainly from early 20th century on generous plots, with mature street trees and dense garden and boundary planting. This area developed ahead of the suburban spread of Brighton & Hove into the country, as a quasi-rural 'hamlet' for well-to-do Edwardians. The area remains low density in character with many properties still in use as single houses. Dyke Road Avenue is heavily trafficked by vehicles, contrasting with the much quieter Tongdean Avenue and Road, but all are little used by pedestrians. The simple street pattern of Tongdean Road, Tongdean Avenue and Dyke Road Place remains unchanged since the 1900s and follows field patterns and tracks or lanes across open country.

2.2 Appearance

The houses are substantial in footprint and scale, set back behind generous front gardens and driveways. Some are largely hidden from view by mature trees, shrubs and high walls. The majority of houses date from the 1920s and 1930s but there are a substantial number of Edwardian houses on Dyke Road Avenue. There is a variety of architectural styles in a variety of materials, reflecting both the architectural eclecticism of the period and the manner in which they were individually commissioned and built. But the most common style is a form of Tudorbethan or vernacular revival in brick, tile and half-timbering. There are notable common architectural features: prominent pitched roofs, chimneys and gables. Substantial boundary walls help to give the area visual continuity and emphasise the distinction between private grounds and public realm.

Mature street trees, mainly Elm and Sycamore, dominate the public realm in Tongdean Avenue and Road. The area is not apparent in any long views; in oblique views the dominant features are the roofs, trees and boundary walls. An important view from within the area is from the junction of Tongdean Avenue and Road up towards Dyke Road Avenue, in which the street trees frame the distant gable of Dyke Lodge.

2.3 Distinct Character Areas

Paragraphs 2.1 and 2.2 summarise the overall special interest of the area and the unifying features. However, there are two distinct character areas within Tongdean and they are considered in more detail in paragraphs 4.1 and 4.2. The two character areas are (a) Dyke Road Avenue and (b) Tongdean Avenue/Road.

2.4 Buildings and Archaeology

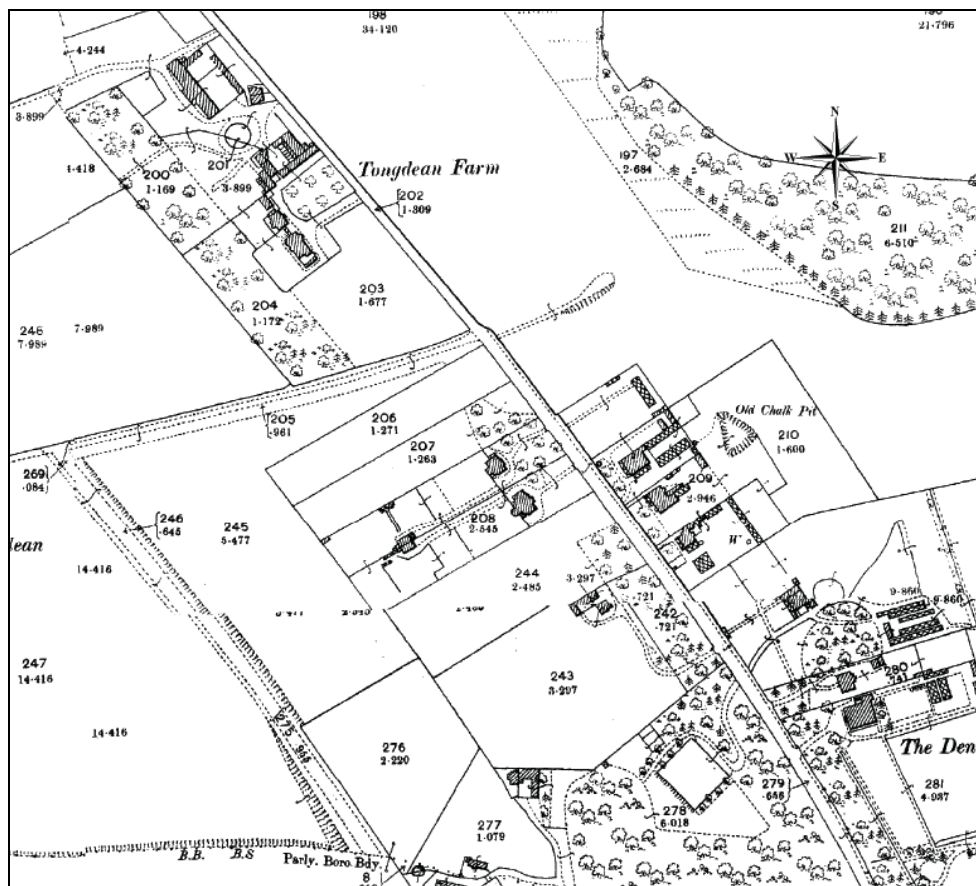
There are no archaeological designations in place within or adjacent to the conservation area and none of the buildings are statutorily listed or locally listed.

3. History

3.1 Origins and historic development

Dyke Road until around 1800 was the main route into Brighton from the north. That section north of Tivoli Crescent North was named Dyke Road Avenue by 1892. From 1928 the area was absorbed into the Brighton Borough and Hove Borough, east and west of Dyke Road Avenue respectively. Tongdean Avenue and Road were developed and named in the 1920s.

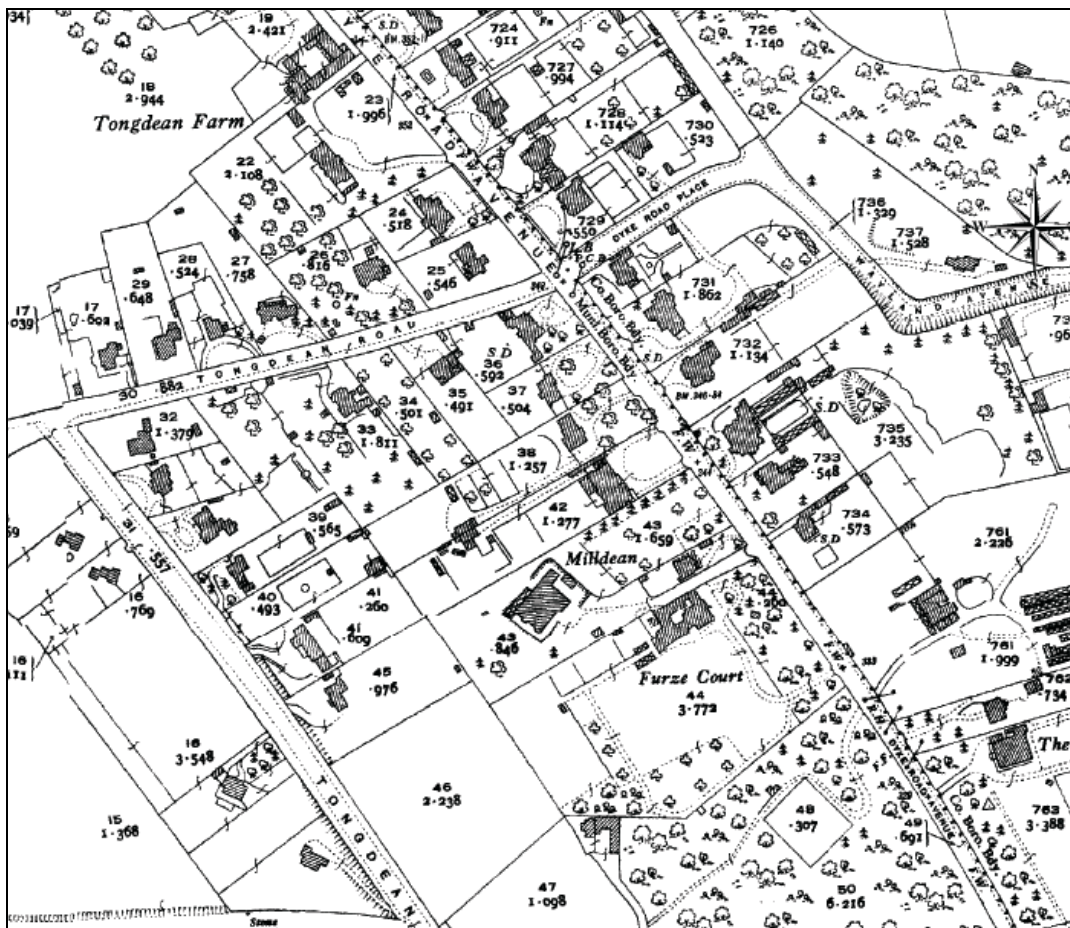
The 1890 Ordnance Survey map (below) shows the area as essentially open country, with Tongdean Farm where The Spinney is today. Some modest buildings and walls on the north side of The Spinney appear to be the remains of cottages or outbuildings associated with the farm and the road itself follows the original entrance to the farmhouse. Two houses existed either side of what is now Tongdean Place. Tracks or lanes that correspond to Tongdean Road and Dyke Road Place are evident, crossing open countryside.



On the east side there were three houses that correspond with existing numbers 24, 26 and 28 now, together with Dyke Road Nursery, all close to a chalk pit. Numbers 26 and 28 remain today, albeit with later extensions and additions. (24 is in the same location but has been rebuilt or so extended and altered as to be unrecognisable as a 19th century building). These houses were already in existence on the 1870 OS map and 26 and 28 were known as Elsinore and The Graperies respectively. Both had large conservatories and/or glasshouses.

By the time of the 1910-1912 Ordnance Survey map, there was a significant cluster of houses either side of Dyke Road Avenue and of those the following remain (though generally altered and extended): 26 (Elsinore); 28 (then known as Avenue Lodge); 30 (then known as Down View); 32 (Cransley Lodge); 34 (Dyke Lodge); 36 (Berea House); 38 (Birchwood); 40 (Highdown); 35 (then known as Stanton Lodge); 39 (Oaklands); 41 (then known as The Pynes); 43 (Wickham House); and 45 (then known as Montpelier). Tongdean Road, Tongdean Avenue and Dyke Road Place by this map date all appear as roads, though as yet unnamed. Numbers 2, 5 and 7 Tongdean Road were built by this date and the original houses survive at the heart of later extensions and alterations.

The OS map of 1930-32 (below) shows how rapidly the area developed over twenty years, with a substantial number of large houses having been developed along both sides of Dyke Road Avenue and Tongdean Road as well as into Tongdean Avenue. Tongdean Farm remained but the area was fast becoming a suburb rather than a separate 'hamlet'. By the time of the 1952 OS map, the suburbanisation of the area was more or less complete and the remaining plots in Tongdean Avenue developed.



3.2 Historic and current uses and social context

The area was developed for residential use, though it developed around (and later incorporated) a farm and a garden nursery. The early houses were built for wealthy individuals as a kind of quasi-rural 'hamlet', but little is known of the early owners/occupants.

The area remains very well-to-do, with properties in largely residential use as single dwelling houses, though some post war housing has been built within the original plots. In addition, some properties in Dyke Road Avenue have been subdivided into flats and three converted to other uses: a private clinic; a nursing home; and a children's nursery school. Some former coach houses within the grounds of the original Edwardian houses have been converted to separate dwellings. In Tongdean Avenue there are two small purpose built blocks of flats, dating from the 1930s.

4. Appraisal

4.1 The quality of buildings and streets – Dyke Road Avenue

The Dyke Road Avenue character area is heavily trafficked. The width and straightness of it means that the houses here are not generally seen as a group but rather seen in passing. This character area is mainly Edwardian and there is a fairly consistent building line. The roofscape is important. Steep pitched roofs and tall chimney stacks are prominent architectural features and gables are very common. Substantial boundary walls on a regular line, mostly in brick, provide visual coherence at street level. The public realm has little of historic interest apart from granite kerbs and some buff stable-block crossovers, but has the virtue of being relatively uncluttered and the pavements are of generous width, appropriate to the scale of the houses. There are no street trees but the large front gardens have a great number and variety of mature trees.

Of the houses, the earliest surviving ones are numbers 26 and 28 which date from before 1870. They are white painted render with canted bays. Both have been considerably extended and altered over time and the original sash windows have been lost. They have high, rendered boundary walls.

Of the surviving Edwardian houses, Cransley Lodge (32) and Dyke Lodge (34) are the most distinctive and distinguished. Both are half-timbered Tudorbethan, executed with conviction in that the timber framing looks convincing. Dyke Lodge was built by 1901 and is very prominent on the corner of Dyke Road Place. It has a particularly distinctive entrance bay with arcaded open porch, balustraded balcony above with half round oriel window and a prominent roof dormer over, suggestive of a long gallery. The roofs are slate. It was designed by W E A Graham, about whom nothing is currently known. The boundary wall to Dyke Road Place is an unusual example of brick headers laid diagonally in courses.

Cransley Lodge, built between 1901-10, is a mixture of red brick, tile hanging and render facing beneath a steep clay tiled roof, with long horizontal dormers, an oriel window to the gable and a tall brick chimney stack centrally placed. This house also has the most impressive boundary treatment of all the houses; tall red brick walls and gate piers with terracotta coping and ball caps.

Still on the east side, Birchwood (38) was built in 1907 with elements of 'arts and crafts' style but also anticipating 1920s suburban housing. A red brick ground floor, rendered first floor and wide bays with leaded light windows beneath a slate roof. Number 40 (Highdown) also has an 'arts and crafts' style, but in its overall form rather than its detailing. It is of roughcast render under a steep clay-tiled roof with windows that cut through the eaves, possibly influenced by the designs of Charles Voysey. Both houses have attractive brick boundary walls.

Numbers 30 and 36 (Berea House) are typical red brick and tile hung Edwardian houses with slate roofs, but on a larger scale than most of the period. Both were built by 1910. Number 30 has a turreted corner. Berea House has rendered bays. An undistinguished late 20th century house has regrettably been built right adjacent to Berea House, within its original grounds, but is largely hidden from view by mature trees. Both houses have attractive high brick walls.

Of the surviving Edwardian houses on the west side, the most notable is number 39, now the Victoria Oaklands nursing home, built by 1901 in a competent Old English vernacular style influenced by Norman Shaw. The elevations are a mixture of red brick, tile hanging and half-timbering, with stone mullions and dressings to some windows. It has an attractive high brick boundary wall. Number 35, originally known as Stanton Lodge, is believed to date from 1906 but was later extended to the south and much altered. It is rendered with timber sash windows beneath a distinctive series of clay tiled roofs with cranked eaves.

Number 43 (Wickham House) was built between 1901 and 1910. Little of the house can be seen from the road, apart from the steep clay tiled, roof due to the extensive trees, but it is of plain roughcast finish with slight reminiscence to the style of Voysey. The tall boundary walls are polychrome brick. Number 45 is a typical Edwardian example of vernacular revival in a mixture of materials but very well detailed, with a rounded turret bay and three tall red brick chimneys. The plain brick number 41 may incorporate an Edwardian house, much altered and extended, or may have been rebuilt in the inter-war period but is undistinguished.

Of the other houses within the proposed boundary, there are some 1920s and 1930s examples which reflect the Tudorbethan style of the best Edwardian houses but in a less convincing manner that is more typical of the suburban style of the inter-war period. Notable examples are number 42 (Earlsmead), number 46 and number 48 (Baronsmead).

There is very little visual reminder of Tongdean Farm at The Spinney except for some remnants of farm cottages or outbuildings, incorporated into number 9 The Spinney (April Cottage), and a length of flint and brick walling along the north side. The houses themselves are late 20th century and make no positive contribution to the special interest of the area. Most are excluded from conservation area.

4.2 The quality of buildings and streets – Tongdean Avenue/Road

Tongdean Avenue and Road have a quiet suburban feel with grass verges and mature Elm and Sycamore trees. Development mainly dates from the 1920s and 1930s. The houses are set well back from the road and some are set at an angle to it. Tongdean Road climbs quite sharply towards Dyke Road Avenue and has an intimate feel, reinforced by high boundary walls and hedges and narrow footway.

Tongdean Avenue is wider and the verges more substantial. The properties are on gently sloping sites with those on the east side set higher than those on the west side. Some houses are completely hidden from view due to the slope, the degree of set back and dense screening by trees and shrubs. Boundary lines and heights are irregular. There is more variety of tree species, with many ornamental flowering types. Both Tongdean Avenue and Road have granite kerbs, buff stable-block crossovers and cast iron electric lighting columns, though extended with modern lanterns.

The architectural styles in this character area are more diverse, particularly in Tongdean Road, and the architectural quality less authentic than the earlier Edwardian development in Dyke Road Avenue, but the overall effect is enhanced by the setting. There are variations on inter-war vernacular revival and Tudorbethan but there are also examples of mock Georgian, Spanish villa and antebellum Southern United States styles. Tongdean Avenue has the only examples of purpose built flats in the conservation area, dating from the 1930s, but they are small scale with pitched roofs and are low key in appearance. The site on the corner with Tongdean Road has been recently redeveloped to form two large and prominent houses of white render, plain gables, slate roofs and pyramidal roof lanterns. These provide a distinct visual contrast to the earlier housing whilst continuing the tradition of large single houses.

Any impression of uncoordinated development is avoided because of the generous spacing of the buildings in relation to each other and the unifying effect of the trees and greenery. The element of surprise resulting from seeing one architectural style after another is part of the character of Tongdean Avenue/Road.

4.3 Local details and materials

There is a wide variety of materials evident within the conservation area, reflecting not only the architectural eclecticism of the period but, more crucially, the trend away from local materials resulting from better transport links and industrial growth. Local materials, in the form of flint and brick, are notable evident in the remnants of the earlier Tongdean Farm, and in the side boundary wall to Dyke Lodge, as well as some boundary walls between houses. Brick and clay roof tiles are the predominant materials generally and will in some cases have been locally sourced. But throughout the area the emphasis is on good quality materials.

Similarly, architectural detailing reflects influences from national revival styles of the period and the work of well known architects of the late 19th century, such as Charles Voysey and Richard Norman Shaw.

4.4 Condition of the area and the extent of intrusion

The condition of the area reflects its well-to-do social status. The houses are generally well maintained and the gardens well kept. The original houses have all been extended and altered to varying degrees. In some cases, the later extensions and alterations are so extensive that the original architectural character has been severely compromised. This is particularly the case with the original Victorian houses and some of the Edwardian ones. Most of the houses retain their original roof coverings (mainly clay tile) and chimney stacks; this is particularly important given the prominence of the roofs. There is some unfortunate intrusion from late 20th

century housing within the original plots, notably where houses have been built to the immediate south and east of 36 Dyke Road Avenue (Berea House).

5. Pressures for Change and Opportunities for Enhancement

5.1 Pressures for change

The main pressure for change is likely to arise from a wish to demolish houses and replace them with higher density residential development. Additional pressure may arise from proposals for the erection of separate dwellings within the rear gardens of houses that retain larger plots. Any loss of historic houses or significant intensification of development arising from sub-division of plots would harm the special appearance and character of the area, as would the loss of boundary walls, gardens and trees.

On a smaller scale, the cumulative further loss of original architectural features and materials would be harmful, particularly in respect of the Victorian and Edwardian properties.

5.2 Opportunities for enhancement

The conservation area does not require significant pro-active intervention but rather needs careful preservation and maintenance. There is some opportunity for enhancement where original architectural features such as windows, roof coverings and high boundary walls have been lost.

5.3 Further research required

A number of issues relating to the history and development of the area warrant further investigation and research, notably:

- The date of construction of the two Victorian houses (26 and 28) and why they were built in such an isolated location at that time and who for.
- The precise date of construction of some of the Edwardian houses and the architects responsible for their design.
- Details on the architect W E A Graham, who designed Dyke Lodge.
- Details of who commissioned and owned the original houses.

Appendix A – Map of Tongdean Conservation Area



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**Brighton & Hove
City Council**

Date: 15/05/08

Scale 1:4000

Appendix B – Schedule of properties within the Conservation Area

- Dyke Road Avenue – East Side: 26, 28, 28a, 30, 32, 32a, 34, 36, 36a, 38, 38a, 40, 40a, 42, 44, 46 and 48.
- Dyke Road Avenue – West Side: 35, 39, 41, 43, 45, 47, 49, 49a, 51, 53, 55, and 57.
- The Conifers – 1 and 2
- The Spinney – 1, 2, 7, 8 and 9.
- Tongdean Avenue – East Side: 49, 51, 53, 55, 57, 59, 61 and 63.
- Tongdean Avenue – West Side: 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52
- Tongdean Road – North Side: 2a, 2, 4, 6, 8, 10, 12, 14 and 16.
- Tongdean Road – South Side: 1, 1a, 5, The Flat 5, 7, 9 and 11.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 34
Brighton & Hove City Council

Subject:	Maintenance of Historic Buildings		
Date of Meeting:	4 July 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Tim Jefferies	Tel: 29-3152
	E-mail:	tim.jefferies@brighton-hove.gov.uk	
Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report sets out current and future priorities for the enforcement of repair works to historic buildings in the city. It includes a register of those listed buildings considered to be 'at risk'. The report further seeks approval of the proposed arrangements for the service of notices under delegated powers.
- 1.2 The report and Appendix 1 are intended to update the council's adopted Conservation Strategy (2003).

2. RECOMMENDATIONS:

- 2.1 That the priorities for current and future action to secure the maintenance and repair of historic buildings in Brighton & Hove are noted and agreed.
- 2.2 That the updated list of historic buildings that are considered to be 'at risk' is endorsed (Appendix 1).
- 2.3 That the proposed arrangements for the service of notices under delegated powers, as set out in paragraphs 6.1 and 6.2 of this report, are agreed.

3. RELEVANT BACKGROUND INFORMATION

- 3.1 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.

- 3.2 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 which a new use has proved difficult to find and/or have suffered unforeseen structural problems.
- 3.3 Government guidance encourages the timely use of urgent works and repairs notice powers but stresses that local authority resources are used to best effect if some are also devoted to identifying buildings at risk as early as possible and providing advice and encouragement to building owners.
- 3.4 The adopted Conservation Strategy includes the council's approach to dealing with the maintenance of historic buildings (see extract at Appendix 2). That approach remains valid but requires updating and prioritising.

Legislation

- 3.5 Various powers are open to the council under the Planning Acts to address historic buildings in poor repair. Each power has particular implications, which must be taken in to account in deciding on an appropriate course of action.
- 3.6 Under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") the council may issue a notice advising that urgent works are to be carried out to preserve an unoccupied listed building. If the owner does not volunteer to do the specified work, the council may carry out the works itself and recover the costs from the owner. This action is generally appropriate for temporary works to stabilise a building and make it weather tight whilst a long term solution is sought.
- 3.7 The Act does not include powers that require owners of listed buildings to keep them in good repair. Section 48 of the Act allows the council to serve a Repairs Notice on any listed building, as a preliminary to compulsory purchase, where it considers that reasonable steps are not being taken to preserve it. However, if that notice is not complied with, the only power open to the council is compulsory acquisition (under Section 47). Consequently such action would be used in exceptional cases only and it would be necessary, before doing so, to enter into agreement with a potential new owner for the building, in order to ensure that the council is not left with long term liability and costs. This therefore requires a corporate approach.
- 3.8 The above powers cannot be used on unlisted buildings in conservation areas, although Urgent Works notices, equivalent to the section 54 power referred to above, can be served on such buildings by the Secretary of State in exceptional circumstances.

3.9 A more general power is available to the council under Section 215 of the Town and Country Planning Act 1990. This allows the service of a Notice if it is considered that the condition of a building or land is adversely affecting the amenity of an area. Failure to comply with a Notice brings liability to prosecution, which may lead to a fine. Alternatively, the council may carry out the works and recover the costs from the owner. As 'amenity' is the key test, the scope of such notices is confined to visible parts of buildings and they cannot be used to require substantial restoration or structural repairs. They can, though, be particularly useful in drawing attention to neglected listed buildings in a bid to halt decay before it falls within the scope of an Urgent Works or Repairs Notice. They are already commonly used in the city to secure redecoration works and localised repairs to stucco, ironwork and joinery on street façades.

Priorities for Action

- 3.10 There are three categories of work for future priority. The first priority is those listed buildings that are considered to be 'at risk'. The second is other historic buildings in need of maintenance. The third priority is for proactive schemes of area improvements.
- 3.11 With regard to listed buildings 'at risk' (the first priority), these are assessed having regard to criteria set down by English Heritage regarding occupation and condition. Buildings that are capable of beneficial use are at risk if they are in very bad or poor condition and vacant or partially occupied. Buildings not capable of beneficial use are at risk if in very bad or poor condition. It is considered that using the English Heritage criteria will ensure a consistent and recognised methodology is applied.
- 3.12 The Conservation Strategy included those listed buildings considered to be at risk. These have been reviewed and a more comprehensive assessment undertaken. The revised list is set out at Appendix 1. In most cases discussions have already taken place with the building owners or their agents and in some cases works are already in progress.
- 3.13 With regard to the second priority, historic buildings in need of maintenance, Appendix 3 sets out the current cases being pursued (listed buildings and unlisted buildings within conservation areas). This area of work is largely reactive and involves responding to concerns raised by local amenity groups and the public. In these cases the most appropriate form of action, where necessary, will normally be a Section 215 Notice.
- 3.14 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.
- 3.15 Such action will focus on works of minor repair and redecoration and is considered inappropriate if it would simply mask more serious problems.

- 3.16 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. A standard schedule of works is set out at Appendix 4. 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.
- 3.17 The third priority category is area improvement schemes, where proactive enforcement will have a role alongside the funding of enhancement works. No such schemes are currently in operation but the two future priorities will be: (a) the Valley Gardens conservation area, as set out in the Conservation Strategy and the LDF Core Strategy; and (b) the Old Town conservation area in order to support enhancements identified in the forthcoming conservation area appraisal document. English Heritage has indicated that it would encourage bids for joint grant schemes in both areas.

Delegation

- 3.18 The existing scheme of delegation allows officers (after consultation with the Head of Law) to take enforcement action, including service of formal Notices, and to authorise the institution of legal proceedings where necessary. It is expected that Section 215 action will be taken under delegated powers having regard to the criteria set out above. But any cases where the council proposes to carry out the works itself will be reported to the relevant cabinet member.
- 3.19 In view of their financial implications, all proposed notices on listed buildings under either Section 48 (full Repairs Notice) or Section 54 (Urgent Works) will be brought before a cabinet member meeting for approval of the appropriate course of action.

4. CONSULTATION

- 4.1 The Assistant Director, Property & Design has been consulted on the report and supports it. She has provided additional information for Appendix 1 in respect of council owned properties. The Environment Improvement Team has also been consulted but has made no comment.
- 4.2 The proposals in this report do not represent matters of new policy or introduce any new schemes. Rather they are intended to clarify future priorities so that resources can be used most effectively. Therefore it is not considered that external consultation would be appropriate in this case.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The enforcement action as set out in the report can usually be covered within existing resources. In cases where additional costs may be incurred due to the

council having to undertake the repair work or compulsory acquire a property, a separate report would be presented to this meeting for approval.

Finance Officer Consulted: Patrick Rice

Date: 28 May 2008

Legal Implications:

- 5.2 The council has a legal duty of stewardship for listed buildings. The relevant legal powers open to the council to secure the maintenance of listed buildings are set out in paragraphs 3.5-3.9 of the report.

Lawyer Consulted: Alison Gatherer

Date: 25 May 2008

Equalities Implications:

- 5.3 An Equalities Impact Assessment has not been carried out because the report does not concern matters of new policy.

Sustainability Implications:

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

Crime & Disorder Implications:

- 5.5 None have been identified.

Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

- 5.7 The proposals accord with the priority to protect the environment whilst growing the economy and also accord with the priority of fair enforcement of the law, by ensuring that any future formal action is based upon open and transparent criteria and priorities. The Sustainable Community Strategy contains a commitment to implement the Conservation Strategy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

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

SUPPORTING DOCUMENTATION

Appendices:

1. Register of Buildings at Risk
2. Extract from the Conservation Strategy
3. Buildings in need of maintenance – current cases
4. Standard Schedule of Works under Section 215

Documents In Members' Rooms

None

Background Documents

1. The Conservation Strategy (2003)
2. Scheme of Delegation to Officers (September 2005)

Register of Listed Buildings at Risk (2008)

Listed Buildings At Risk	
Grade I	
Building/Address	Brunswick Square, 14
Priority	F
Designation	Grade 1, Conservation Area
Condition	Very bad, partially occupied
Ownership	Company
Summary	Terraced house 1825-27 in multiple occupancy. The rear part, known as 38 Brunswick Street East, is at risk. A former coach house, curtilage structure. Repair works in progress.
Building/Address	Kings Road, Brighton, The West Pier
Priority	A
Designation	Grade 1, Conservation Area
Condition	Very bad
Ownership	Trust
Summary	Pier, 1864-66 by Eugenius Birch. Closed in 1975. Offered almost £14 million grant by the Heritage Lottery Fund in March 1998. Stage II grant refused February 2004. English Heritage has declared its view that the combination of recent damage and cost of repair make restoration uneconomic from public funds.
Grade II*	
Building/Address	London Road, Brighton, Patcham Place
Priority	C
Designation	Grade II*, Conservation Area
Condition	Poor, occupied.
Ownership	Local authority
Summary	Originally a mansion, last in use as a youth hostel. Late C17th incorporating an earlier mid C16th house and re-fronted c1814-20. In temporary occupation for security purposes whilst use/ occupier found. Dilapidation negotiations being finalised with previous lessee and future options for the use of the building are being explored with interested parties.
Building/Address	Middle Street, The Synagogue
Priority	C
Designation	Grade II*, Conservation Area
Condition	Fair, partially occupied
Ownership	Religious organization.
Summary	1874-5 by Thomas Lainson. Ornate interior. No longer in use as a synagogue but open for public tours several times a year.
Building/Address	Middle Street, 52-58, Hippodrome
Priority	F
Designation	Grade II*, Conservation Area

Condition	Poor, vacant
Ownership	Company
Summary	Originally an ice rink 1897, enlarged and converted to circus and theatre in 1901, architect Thomas Matcham. Further enlarged 1939. New owner in place. Repair works have commenced. Security presence on site.
Building/Address	Old Steine, 54, Marlborough House
Priority	E
Designation	Grade II*, Conservation Area
Condition	Poor, vacant
Ownership	Private
Summary	Original house 1765 but remodeled 1786 by Robert Adam. Now offices. Repair works partially carried out.
Building/Address	St Peter's Place, Brighton, St Peter's Church,
Priority	C
Designation	Grade II*, Conservation Area
Condition	Poor, partially occupied
Ownership	Religious organisation
Summary	1824-28 by Sir Charles Barry with later additions. Redundancy being considered under the Pastoral Measure 1983.
Building/Address	Stanmer Park, Brighton, Stables at Stanmer House,
Priority	D
Designation	Grade II*, Conservation Area, Registered Historic Park/Garden
Condition	Poor, partially occupied
Ownership	Private
Summary	Stables C18th. Much altered and largely empty for some years. Solution agreed but not yet implemented.
Grade II	
Building/Address	Adelaide Crescent , Retaining walls to south side of gardens,
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor
Ownership	Local authority
Summary	Retaining wall to public gardens c1830, designed by Decimus Burton. Render over brick with vermiculated rustication. A highway structure.
Building/Address	Blatchington Road, Walls to churchyard of Holy Trinity Church,
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor
Ownership	Religious organisation

Summary	Brick and flint. Collapsed section on south side, including entire brick pier. Areas of flint missing elsewhere, mortar eroding. The church itself is under consideration for redundancy under the Pastoral Measure 1983.
Building/Address	Brunswick Street West, 64
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, vacant
Ownership	Company
Summary	Former town hall c1855. Last used as a snooker club. Initial discussions have taken place with a potential new lessee.
Building/Address	Grand Parade, 20/21
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, partially occupied
Ownership	Company
Summary	Terraced houses, early C19 th . Now joined in multiple occupation. Some repair work has commenced.
Building/Address	Hangleton Lane, Hove, Benfield Barn
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, partially occupied
Ownership	Company
Summary	Barn, probably 18 th century. Coursed flint. Lease has changed hands regularly in recent years. No maintenance plan. Barn itself in use as tractor store and in fair condition but three historic outbuildings have collapsed and a fourth is in poor condition.
Building/Address	Kings Road, Brighton, Western Bandstand,
Priority	D
Designation	Grade II, Conservation Area
Condition	Poor
Ownership	Local authority
Summary	Bandstand and public toilets (closed), 1883-87. Planning Application submitted April 2008 for change of use to cafe, refurbishment of building fabric and reinstatement of bridge link. Subject to approval, work due to start summer 2008.
Building/Address	Marine Square, 27
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, partially occupied
Ownership	Private
Summary	Terraced house, c1824. Stucco faced, 4 storeys over basement. Top floor gutted.

Appendix 1

Building/Address	Preston Drove, Brighton, Wellhouse to Preston Manor,
Priority	A
Designation	Grade II, Conservation Area
Condition	Very bad
Ownership	Local authority
Summary	Circa 1735. Ruinous. Collapsed flint walls, no roof, invaded by extensive plant and tree growth. Cast iron winding gear survives largely intact. An appropriate approach for this building is being explored.
Building/Address	St George's Place, 2
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, vacant
Ownership	Company
Summary	Terraced house of c1825. Probably by Wilds and Busby. Last used as a house in multiple occupation. Long-term vacant. Windows and doors boarded up and, in the case of the basement windows, bricked up.
Building/Address	Stanmer Park, Wellhouse
Priority	B
Designation	Grade II, Conservation Area, Registered Historic Park/Garden
Condition	Poor
Ownership	Unknown
Summary	Late 17 th or early 18 th century with 19 th century horsewheel. Roof damaged by falling tree.
Building/Address	Stanmer Village, The Barn,
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, vacant
Ownership	Local authority.
Summary	Probably mid-C18th altered. Temporary remedial repairs have been undertaken to protect the structure and the feasibility of restoring the site in line with the Downland Initiative aims is currently being explored by a steering group.
Building/Address	Steine Lane, 1
Priority	C
Designation	Grade II, Conservation Area
Condition	Poor, partially occupied
Ownership	Company
Summary	Part of rear elevation of the Royal Pavilion Tavern. Late C18th or early C19th, re-fronted in mid C19th. Stucco render. Upper floors vacant and subject to pigeon infestation.
Building/Address	Sussex Street, Tower and walls in Tarnar Recreation Ground,

Priority	C
Designation	Grade II
Condition	Poor
Ownership	Local Authority
Summary	Lookout tower, mid C19th. Knapped flint. No public access to tower itself and no practical use identified. The tower has been cleaned of graffiti and made secure but the need for some specific repairs has been identified.
Building/Address	The Esplanade, Kemp Town, Old Reading Room
Priority	D
Designation	Grade II, Conservation Area, Registered Park/Garden
Condition	Poor
Ownership	Local Authority
Summary	Reading room, 1835, designed by William Kendall. Lease granted for refurbishment as café use and Listed Building Consent granted for conversion to café but works not yet commenced.
Listed Buildings considered Vulnerable	
Grade II*	
Building/Address	University of Sussex, Lewes Road, Gardner Arts Centre
Priority	E
Designation	Grade II*
Condition	Fair, vacant
Ownership	Educational Body
Summary	1967-69. Designed by Sir Basil Spence. No longer in use. New occupier being sought by the University. Basic maintenance carried out.
Grade II	
Building/Address	Longridge Avenue, Saltdean, Ocean Hotel
Priority	F
Designation	Grade II
Condition	Poor, vacant
Ownership	Company
Summary	Built 1938, architect RWH Jones. Planning permission and Listed Building Consent granted for conversion to flats and community space. Works in progress and estimated for completion in 2009.
Building/Address	Mighell Street, 34/35
Priority	C
Designation	Grade II
Condition	Fair, partially occupied
Ownership	Private
Summary	Farmhouse, now divided into two houses, early 19 th century. Cobbles with red brick dressings.

Appendix 1

Building/Address	Ship Street, 51, Post Office
Priority	E
Designation	Grade II, Conservation Area
Condition	Fair, vacant.
Ownership	Company
Summary	Main building of 1925, incorporating parts of an earlier building of c1895, with annexe to the south of 1849. No longer in use.
Building/Address	Stanford Avenue, Brighton, St Augustine's Church
Priority	E
Designation	Grade II, Conservation Area
Condition	Fair, partially occupied
Ownership	Religious organisation
Summary	Nave of 1896, chancel of 1914 by GES Streatfield. Red brick. The church is in partial use but the attached hall is vacant.

Extract from the Conservation Strategy (2003)

Preservation and maintenance of historic buildings

5.9 Owners of listed buildings 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.

5.10 For more than 20 years the council and its predecessor councils have sought to encourage the preservation of the city's historic building stock by offering financial assistance. In the last 5 years alone council historic building grant schemes have assisted the repair of some 160 historic buildings, including 21 that were identified as buildings at risk. They have also provided an effective means to secure, through negotiation, the reinstatement of architectural features important to a street's character and appearance. Partnership grant schemes now focus on area based regeneration, rather than property based restoration and, should this trend continue, investment in the care and maintenance of the historic building stock outside the grant aided areas may decline. Where this becomes evident, the council will use its powers under the Planning, Housing and Building Acts to secure repairs, good long term use for this building stock and its proper preservation.

Action:

The council will act corporately to secure the repair and reuse of historic buildings.

Within the next three years the Council will endeavour through negotiation and / or legal action to facilitate the repair and where appropriate, the reuse of the following buildings at risk:

***West Pier
Bandstand, Kings Road,
Stanmer House, Stables and Barn,
Marlborough House, 54 Old Steine,
Embassy Court, Kings Road,
3 Old Steine,
Dovecote, Church Hill, Patcham,
38 Brunswick Street East,
128 Kings Road.***

5.11 Comprehensive condition surveys of the listed buildings in Brighton & Hove were last completed in the early 1990's. More recently English Heritage has published each year a register of grade 1 and 2* listed buildings at risk, including several of those listed above.

Action:

The Council will assess the resource implications of introducing over time a public 'historic buildings at risk' register, including council owned historic properties, based on national English Heritage criteria. Listed Buildings entered on the register will be treated as live cases requiring regular review and action.

5.12 A comprehensive and systematic re-survey is unrealistic, nor does it necessarily identify major building defects if the survey is simply carried out from the street. Instead the register will be publicised and updated in response to individual reports from council staff and residents. The register will include listed buildings, buildings on local lists and others that make a special contribution to the appearance of a conservation area. It is anticipated that a Register would in this way have identified all buildings at risk within 3 years. Buildings on this register may be in poor to very bad condition, or in fair condition but functionally redundant, making their future uncertain.

5.13 The register will include a record of the condition and appearance of neglected buildings, ownership details and progress towards repair. 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 government agencies etc. It is a working tool, helping to define the scale of the problem and to prioritise action. All buildings on the public register will nevertheless be considered as live cases requiring regular review and action.

5.14 The council is committed to reduce the number of historic buildings at risk in Brighton & Hove and ensure adequate levels of maintenance for all historic buildings, including those in its ownership, as promoted in the Society for the Protection of Ancient Building's recent publication "Stitch in Time".

Action:

The council will continue to make use of its statutory powers, for example, under sections 47, 48 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, under section 215 of the Planning Act 1990 and under sections 189, 190, and 372 of the Housing Act, at an early stage in the process of neglect and decay to secure the future of other historic buildings not on the register, yet vulnerable to more serious and rapid decay.

5.15 Historic buildings are a finite, irreplaceable resource. They are usually very flexible and adaptable over time to a variety of uses. They are more sustainable in the long run, particularly having regard to the environmental capital already invested and the waste that would be generated by their demolition, than most modern replacement buildings. All around us are good examples of old buildings brought back into modern use for the enjoyment of future generations.

Action:

Consideration will be given to the designation of a Historic Buildings at Risk Officer, to increase the number of repair notices served and monitor repair work to buildings on the 'at risk' register. The council will commit to proactive involvement in securing repairs and a viable future for buildings on the list.

Action:

- ***Consideration will be given to creating a corporate working group within the council, with the purpose of***
- ***maintaining a record of council owned heritage assets,***
- ***developing a maintenance strategy for council owned historic buildings & monuments,***
- ***developing conservation management statements,***
- ***advising on alternative use or disposal of heritage assets.***

Historic Buildings in Need of Maintenance - Current cases

10 Arundel Terrace, Brighton

7 Castle Square (The Royal Pavilion Tavern), Brighton

7 Broad Street, Brighton

7 Clifton Road, Brighton

90 Montpelier Road, Brighton

6 Palmeira Square, Hove

17 Palmeira Square, Hove

8 Pool Valley, Brighton

16 Powis Road, Brighton

7 Vernon Terrace, Brighton

11 Vernon Terrace, Brighton

13A Wilbury Grove, Hove

Standard Schedule of Works under Section 215

The schedule below is a model for guidance only and individual clauses will need to be adapted, or additional clauses included, for each building.

A) FRONT ELEVATION

1. REPAIRS

1.1 STRUCTURE

1.1.1 Cracks to rendered facade

Cracks, open fractures, areas of failed render (specify - e.g. running through the parapet, cornice, stringcourse, bay to the upper edge of x window, corners of the bay between x and x windows) should be cleaned back to sound render and repaired to a smooth finish in matching materials flush with adjoining surfaces. See 'General Advice Notes' below.

1.1.2 Bricks/Mathematical Tiles/Flint

The broken or missing bricks / mathematical tiles / flints should be replaced using bricks / mathematical tiles / flints of an exactly matching size/colour/ finish and pointed in exactly the same manner as the existing. See 'General Advice Notes' below.

1.1.3 Moulded features

The (specify - e.g. pilasters, window architraves, dentils, entablature) should be scraped back to sound render, cracks and defective patches repaired and mouldings repaired to the original finish and profiles.

Projecting (specify - e.g. cornice, string course, moulding to parapet) should be cleaned back to the leading edge and repaired to the original profile.

1.1.4 Columns

The (specify - e.g. portico columns) should be cleaned back to sound render/substrate, cracks repaired and render brought back to the original profile.

1.1.5 Roof (Where visible from the street)

The missing slates/tiles to the roof should be replaced to exactly match the existing slates/tiles.

Cracks/failed joints/lifted edges of visible lead roofs should be repaired or replaced in lead to the standards of the Lead Sheet Association.

Areas of cracked/failed render to chimney stacks visible from the street should be cut back to a sound point and repaired to a smooth finish in matching render.

Broken chimney pots should be replaced with matching clay pots of the same pattern, height and colour.

1.2 WINDOWS, DOORS AND OTHER JOINERY

The window joinery to the (specify window) should be repaired. Rotten sections of timber should be removed and repairs carried out to match the existing appearance.

If found to be beyond economic repair replace X windows in their entirety, to exactly match the existing in design, detail and material.

The window pane at X floor level has broken and should be removed and a new pane inserted.

Missing (identify missing section e.g. missing capital heads, rails or cills) should be replaced to match existing joinery detail.

Open joints (specify - e.g. within sash box frame) should be filled and sealed.

Specific areas of decay (identify) should be repaired to match existing joinery detail.

1.3 RAINWATER GOODS AND WASTE PIPES

The rainwater goods, (including hoppers, gutters etc as appropriate) should be cleared of blockages including plant growth, checked for soundness and repaired, or replaced if necessary, to match the existing design and (if listed) material.

Fractured pipe work should be renewed and corroded parts treated against further rusting.

The soil pipe is leaking and causing visible harm to the elevation and should be repaired or replaced if necessary.

1.4 FRONT BOUNDARY

The broken / collapsed section of (wall / railing / fence / pillar) should be repaired to its previous height, detail and appearance using matching materials, including any coping or cap.

1.5 FRONT GARDEN

All debris / rubbish / abandoned goods should be removed from the front garden / area and stored out of public view or disposed of in an authorised manner.

1.6 MISCELLANEOUS

The missing/ broken tiles to the (specify location - e.g. front edge of the front entrance step) should be replaced to match those adjoining.

The broken section(s) of stone step (specify location) should be cut out. New stone of matching type and colour should be pieced in.

The surface layer of concrete to the entrance steps should be renewed where missing.

Areas not visible from street, but problems signified by visible deterioration of adjoining structures (e.g. roof over a bay, balcony deck) - inspect surface and repair in matching material.

Remove rubbish/debris from the basement well/ forecourt.

The loose cables/wires should be fixed neatly and unobtrusively to the building. All redundant cables/wires should be removed.

Redundant items. - burglar alarms; old hoardings; fixing attachments for previous adverts, lights or canopies etc; wires/cables, should all be removed, particularly if they are causing staining to the elevation or have rusted or are otherwise in poor condition.

2. REDECORATION

The joinery (or specify - e.g. windows and front door) should be cleared of loose and flaking paint to a sound base and redecorated in accordance with the paint manufacturers instructions using an external gloss paint to match the existing (or otherwise agreed) colour scheme.

The render should be prepared to a sound base and redecorated in accordance with the paint manufacturers instructions using a smooth masonry paint to match the existing (or otherwise agreed) colour scheme.

The (specify ironwork - e.g. front area railings, rainwater goods, architectural ironwork, metal grills) should be thoroughly cleaned of all rust, grease and salt. Loose, perished or flaking paint should be removed and sound paint surfaces rubbed down. The ironwork should be redecorated in accordance with the paint manufacturer's instructions with a black gloss finish.

B) REAR/SIDE ELEVATIONS

As per front elevation - where the elevations have an impact on the street (specify).

C) GENERAL ADVICE NOTES

1. The repair and reinstatement of stucco mouldings should be carried out by a specialist to ensure that these exactly match the originals. A list of specialists who carry out this type of work is enclosed for your information.

2. All rendering and repointing works should be carried out using a lime based mortar mix compatible with the existing render / mortar.

3. All ironwork (balcony and pavement railings, rainwater goods and soil pipes) should be thoroughly cleaned of all rust, grease and salt. Loose, perished or flaking paint should be removed and sound paint surfaces rubbed down. The ironwork

should be painted with one coating of anti-corrosive primer, one coat of 'High Build' micaceous iron oxide tinted undercoat, one further undercoat and two topcoats in hard gloss oil paint coloured black.

4. All new and exposed woodwork must be properly knotted, primed and undercoated prior to glossing.

5. The facade is showing signs of structural failure. You are therefore strongly advised to take the advice of an architect or building surveyor, who can advise on any strengthening works necessary to the front facade.

6. Any damage or disturbance, including damage to the render and stucco mouldings, caused by the carrying out of these works must be made good upon completion. Any mouldings disturbed during the above repairs should be rerun to a sharp profile.

7. The site must be cleared of all building materials and rubbish arising from the building works.