

<b><u>No:</u></b>	<b>BH2007/03454</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land at Brighton Marina</b>		
<b><u>Proposal:</u></b>	<p><b>Demolition of ASDA superstore to create 3 -10 storey building with enlarged store (3112 sqm increase) and 2,025 sqm of other Class A1-A5 (retail/restaurant/drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building and associated engineering works. Demolition of petrol filling station to create 28 storey building with 182 sqm of Class A uses at ground floor and 148 residential units above. Demolition of McDonalds restaurant to create 5 - 16 storey building with enlarged drive-thru restaurant (285 sqm increase) and 131sqm of other Class A uses and 222 residential units above. Demolition of estates office to create 3-4 storey building of 35 residential units. Demolition of western end of multi-storey car park to create 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from breakwater to Park Square. Demolition of part of the eastern end of multi-storey car park to create single storey petrol filling station, pedestrian footbridge and new lift and stair access. Total: 1301 residential units. Associated car parking spaces (805 residential, 666 commercial), cycle parking (1907 residential, 314 in public realm), servicing, plant, refuse, CHP unit, public and private amenity space, hard &amp; soft landscaping and outdoor recreation areas. Change of use of two A1 retail units (524 sqm) within Octagon to medical use (Class D1). Alterations to vehicular, pedestrian and cyclist access and circulation, including new roundabout and transport interchange behind Waterfront.</b></p>		
<b><u>Officer:</u></b>	<b>Sue Dubberley tel: 292322</b>	<b><u>Received Date:</u></b>	<b>17 Sept 2007</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>12 February 2008</b>
<b><u>Agent:</u></b>	<b>Nathaniel Lichfield &amp; Partners, 14 Regents Wharf, All Saints Street, London N1 9RL</b>		
<b><u>Applicant:</u></b>	<b>Explore Living (No.1) Ltd &amp; X-Leisure (Brighton I) &amp; X-Leisure (Brighton II) Ltd, Bridge Place 2, Anchor Boulevard, Admirals Park, Crossways, Dartford, Kent, DA2 6SN</b>		

## **1 SUMMARY**

This report considers an application for full Planning Permission for a mixed-use development. The application (as amended) proposes a mixed-use development comprising a total of 1301 new residential units and a range of community, retail and commercial uses. Six main sites are proposed for redevelopment.

1. The ASDA superstore (the Cliff Site);
2. The ASDA petrol station (the Marina Point Site);
3. The Estate Office (the Inner Harbour Site);
4. The McDonalds restaurant (the Quayside Site);
5. The Sea Wall alongside the western breakwater and western edge of the multi-storey car park (the Sea Wall Site); and
6. The eastern end of the multi-storey car park (the replacement Petrol Filling Station Site).

The new buildings proposed throughout the site would range from 3 to 28 storeys in height, containing a mix of 1, 2 and 3 bedroom residential units. Of the 1301 units 40% are proposed as affordable housing (i.e. 520 units.) The applicant also seeks permission to make alterations to the transport network, including a new transport interchange behind the Waterfront, changes to the existing vehicular access and giving higher priority to pedestrians and cyclists. A new pedestrian and cycle access is proposed into the Marina via a bridge link off the existing access on the cliffs onto the roof of a new building, which would provide a pedestrian/ cycle link through a dedicated pedestrian space, down some cascading steps into the heart of the Marina. The proposed development also includes a new 'squareabout' in place of the existing roundabout, which would operate as a shared space for pedestrians, vehicles and cyclists. The application also proposes significant public realm improvements to enhance the environment within the Marina, and new outdoor recreation and amenity spaces. An Environmental Statement has been submitted with the application, which outlines all the significant environmental effects of the development and suggests mitigation measures where adverse effects are identified. The Environmental Statement includes a transport assessment, townscape and visual assessment and assessment of cumulative impacts where appropriate.

The Marina has been identified as a site with opportunities for development, enhancement and regeneration.

Concern has been expressed on various grounds by local residents, groups and amenity societies. These concerns include conflict with the 1968 Brighton Marina Act; incompatibility with existing Marina; excessive density and scale of development; unsympathetic design out of character with surroundings; adverse impact on Kemp Town Conservation Area and listed buildings and gardens; adverse impact on the Sussex Downs Area of Outstanding Natural Beauty (AONB); insufficient on-site parking and traffic congestion; insufficient infrastructure; adverse environmental impact to coast and ecology; safety issues; and adverse impact to living conditions of residents. These views have been summarised, and the issues are discussed and considered in detail, within this report.

Representations received also include a significant volume of letters of support on various grounds including; the architectural merits and regeneration benefits of the scheme; the sustainability initiatives in the proposals; socio-economic benefits such as encouraging bigger brand names into Marina, attracting more visitors and improving success of smaller businesses, provision of new employment opportunities, both during construction and after completion; better facilities with green areas and children's play areas; provision of sustainable transport links to connect the Marina to the city; provision of much needed housing for the city and new life and sense of community to the area. The views are summarised and discussed later in this report.

The Environmental Statement is considered to be robust and thoroughly considers the main environmental impacts associated with the development and suggests satisfactory mitigation measures where appropriate. The views of internal and external statutory consultees were sought on the information submitted and are summarised and discussed within this report.

Legal implications, including the Brighton Marina Act, are discussed in this report. It should be noted that planning legislation operates independently of the Act. As such the report concludes that planning permission should not be withheld on the basis of the Brighton Marina Act.

The scheme would make effective and efficient use of land and the density of the scheme is considered acceptable. It is considered that existing infrastructure, together with measures secured as part of the Section 106 agreement process and through the phasing plan, would be sufficient to support the demands of the development.

The development would be well designed, would use good quality materials and the proposal would have acceptable visual impact on the character and appearance of the locality and views of strategic importance including the setting of Conservation Areas, Listed Buildings and Gardens and the Sussex Downs Area of Outstanding Natural Beauty.

The Transport Manager raises no objection to the scheme, which meets the council's transport objectives. The Transport Manager states that the level of car parking proposed is acceptable given the substantial package of measures to encourage the uses of sustainable modes of transport whilst also demonstrating that the development would not cause undue traffic and parking problems elsewhere.

The development would meet a range of housing needs including 40% affordable housing provision in accordance with Local Plan Policy. The amenity of existing and prospective residents would not be compromised by the development. The development has due regard for sites of ecological and archaeological importance and the council's Ecologist and English Nature are now satisfied with the application.

A substantial package of measures would be secured through the Section 106 process and by condition to meet the demands of the development and to mitigate against any potential adverse effects, in accordance with key Local Plan objectives.

This report concludes that the proposed development would provide the much-needed regeneration of the Marina and addresses the current problems with the site identified in the Brighton Marina Supplementary Planning Guidance Note on Brighton Marina (SPG 20) and the Council's planning advice note PAN04, Brighton Marina Masterplan. The development both private and affordable would also provide a significant increase in housing for the city. The development is considered to be in broad accordance with the provisions of central government advice, policies in the Development Plan, SPGs and PAN and would meet their key objectives. The report therefore recommends that, subject to the measures secured by the Section 106 legal agreement and conditions detailed below, planning permission should be granted.

## **2 RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves that it is **Minded to Grant** planning permission subject to:

### **(i) A Section 106 obligation to secure the following:**

- **40%** of the residential units as **affordable housing**;
- a financial contribution of **£544,000** towards sustainable traffic and transport initiatives, which could go towards the Rapid Transport System or support to increased bus provision;
- a financial contribution of **£100,00** for installation of Visual Messaging System (VMS) along A259;
- a financial contribution of **£50,000** for upgrade of pedestrian crossing on the A259;
- a financial contribution of **£250,000** towards bus priority measures to include, Queens Road, North Street, Kings Road, Edward Street and Eastern Road
- a financial contribution of **£550,000** towards local junction improvements at Wilson Avenue/Roedean Road and Black Rock;
- a financial contribution of **£700,000** towards a new emergency access through the western breakwater;
- details of emergency traffic controls at Black Rock interchange and on ramps.
- enhancement of pedestrian and cyclist signage within the site;
- provision of a public transport interchange
- a financial contribution of **£70,000** towards a car club and shopmobility;
- implementation of an on-site car parking management:
- a Travel Plan to promote use of sustainable modes of transport;
- monitoring of displaced parking;
- steering group chaired by the Local Planning Authority to be set up to look

- at transport sustainable traffic and transport initiatives.
- a financial contribution of **£1,045,000** towards off site recreational facilities described in the report and an associated sports co-coordinator.
- provision of a community centre located within the Cliff site building;
- a financial contribution of **£594,000** for enhancement of education facilities in the city;
- provision of surgery/healthy living centre in the Octagon and a phased approach.
- submission and implementation of a Construction and Environmental Management Plan;
- submission and implementation of a Construction Training and Local Employment Agreement;
- implementation of the equivalent of **£600,000** worth of 'artistic influence' across the public realm of the site;
- submission of a radio/TV reception survey before and after development and securing mitigation measures where required;
- submission of fall back scheme for harbour square
- provision of CCTV in the development;
- a contribution of **£40,000** towards a Section 106 and Conditions Co-ordinator within the council;
- a financial contribution **£30,000** towards the provision of geological interpretation and information boards on the cliff geology at these various viewing point
- submission of details of sustainability measures including: achieving Code for sustainable Homes level 4 for residential buildings and bespoke 'excellent' BREEAM rating for the non-residential units;
- submission of detail of upgrades to sea wall defences;
- submission of details of public access which is to be provided and maintained to all viewing platforms of the Brighton-Newhaven SSSI cliffs in perpetuity. Access for the public to Cliff Park and the GeoLearn Space is to be maintained at all times; and
- details of operation of the site-wide Energy Services Company (ESCo) to secure membership and operation by all on-site operators.

**(ii) The following conditions and informatives:**

Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To comply with section 91 (as Amended) of the Town and Country Planning Act 1990.
- 2) Notwithstanding the illustrative Phasing Plan as described in Chapter 6 of the Environmental Statement, no development shall take place until a Phasing Plan identifying the proposed phasing of the enabling works, buildings, bridges and associated structures within the development (which shall include phasing of both the construction and availability of occupation of each building(s)) has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall ensure

the Cliff Site buildings are included within the first phase of development following site preparation and enabling works and shall ensure the pedestrian bridge linking the cliff top to the Cliff Site and community hall are included in the second phase. The Phasing Plan shall also ensure the Cliff Park and Geo-Learn Space is included within a phase before the final phase. The development shall be carried out in accordance with the approved Phasing Plan unless any variation or amendment is agreed in writing with the Local Planning Authority.

**Reason:** To ensure that key objectives in the Brighton & Hove Local Plan are delivered, including the delivery of high quality landmark buildings and bridges, associated infrastructure and affordable housing, in accordance with policies QD1, QD2, QD3, QD4, QD6, HO2, HO3, HO4, TR1, TR8, TR13, TR15, HE3 and HE6 of the Brighton & Hove Local Plan and policies S1, S3, H1, H4, H6, TR1, TR3, TR4, TR5, TR6, EN1, EN26, LT2, LT4, LT15, LT16 of the East Sussex and Brighton & Hove Structure Plan and Q1, Q2, Q3, Q5, H4, H5, T1 and T4 of Regional Planning Guidance for the South East.

- 3) With the exception of the McDonalds restaurant and the ASDA retail unit the premises for Use Class A \*(A1, A2, A3, A4 and A5) hereby permitted shall not be open or in use except between the hours of 7am and midnight on Mondays to Fridays, and between 7am and midnight on Saturdays and between 8am and 3pm hours on Sundays, and public holidays.

**Reason:** To safeguard the amenities of the occupiers of adjoining residential properties and to comply with QD27 of the Brighton & Hove Local Plan.

- 4) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments, any indication of proposed uses on the plans hereby approved the following units shall be used only as follows:

- I. Cliff building, Ground floor (8 units in total), ASDA Use Class A1, 3 units Use Class A1, one unit Use Class B1.
- II. Quayside building, ground floor (2 units) McDonalds Use Class A3.
- III. Marina Point building ground floor (2 units) one unit Use Class A1.

**Reason:** To allow the Local Planning Authority to control the proposed uses in accordance with the objectives of policies QD27 and SR5 of the Brighton & Hove Local Plan.

- 5) Within any units used for purposes within Use Class A3 and exceeding 150 square metres in net internal floor area, alcohol shall only be sold or supplied to persons who are taking meals on the premises and who are seated at tables.

**Reason:** To safeguard the amenities of the locality and the amenities of occupiers of nearby residential properties and in the interests of crime prevention, to comply with policies SR12 and QD27 of the Brighton & Hove Local Plan.

- 6) The offices (Use Class B1) shall not be open except between the hours of 07.00 and 23.00 hours Mondays to Fridays, and between 07.30 and 23.00 hours on Saturdays and between 08.00 hours and 22.30 hours on

Sundays or public Holidays, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of adjoining residential properties and to comply with QD27 of the Brighton & Hove Local Plan.

- 7) The community centre in the Cliff Site shall not be open to the public except between the hours of 07.00 and 21.00 hours Mondays to Fridays, and between 07.30 and 21.00 hours on Saturdays and between 08.00 hours and 19.00 hours on Sundays or public Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** To safeguard the amenities of occupiers of adjacent residential properties, to comply with policy QD27 of the Brighton & Hove Local Plan.
- 8) Loading or unloading of vehicles in connection with the non-residential uses hereby approved shall only take place between the hours of 07.00 and 19.00 hours Monday to Fridays, 07.30 and 19.00 hours on Saturdays and not at anytime on Sundays or public Holidays unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining residential properties and to comply with QD27 of the Brighton & Hove Local Plan.
- 9) Opening hours of the pedestrian bridge to be controlled by a time lock the hours of opening to be agreed by the Local Planning Authority in agreement the Sussex Police.  
**Reason:** In the interests of crime prevention and visual amenity, to comply with policies QD7 and QD1 of the Brighton & Hove Local Plan and PPS1: Delivering Sustainable Development 2005 and S1 of the East Sussex and Brighton & Hove Structure Plan and Q2 of RPG9.
- 10) The development hereby permitted shall incorporate measures to ensure the development meets 'Secure by Design' standards. Each respective phase of the development (as agreed as part of the Phasing Plan under condition 2) shall not be first brought into use until evidence has been submitted to demonstrate compliance with the standard and measures. The development shall be implemented in accordance with the Secure by Design standard.  
**Reason:** In the interests of crime prevention and visual amenity, to comply with policies QD7 and QD1 of the Brighton & Hove Local Plan and PPS1: Delivering Sustainable Development 2005 and S1 of the East Sussex and Brighton & Hove Structure Plan and Q2 of RPG9.
- 11) No plant or machinery associated with the development (not including during construction) shall be first brought into use until a scheme to insulate the plant/machinery against the transmission of sound/or vibration has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority before any buildings within which the plant/machinery are proposed are first occupied. The mechanical plant associated with the development shall not give rise to an increase in noise levels above -5dB LAeq in respect of the

background levels expressed as LA90 measured 1m from the facade of the nearest residential premises. Measurement periods and conditions are to be agreed with the Local Planning Authority.

**Reason:** To safeguard the amenity of occupiers of the development from noise arising within or from the scheme, to comply with policy QD27 and SU10 of the Brighton & Hove Local Plan.

- 12) A scheme for the fitting of odour control equipment to the non-residential buildings shall be submitted to and approved in writing by the Local Planning Authority where commercial kitchen facilities, or similar, are proposed. The agreed odour control works shall be implemented to the satisfaction of the Local Planning Authority before the premises it relates to is brought into use.

**Reason:** To safeguard the amenity of occupiers of the development from odours arising within or from the scheme, to comply with policy QD27 and SU9 of the Brighton & Hove Local Plan.

- 13) A scheme for the sound insulation of the odour control equipment referred to in the condition above (no.10) shall be submitted to and approved in writing by the Local Planning Authority before the premises it relates to are brought into use. The sound insulation works agreed shall be implemented to the satisfaction of the Local Planning Authority before the premises it relates to are brought into use.

**Reason:** To safeguard the amenity of occupiers of the development from noise arising within or from the scheme, to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

- 14) No works pursuant to this permission shall commence until there have been submitted to and approved in writing by the Local Planning Authority:

- A desk top study documenting all the previous and existing land uses of the site and adjacent land;
- A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
- A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

- 15) The development hereby permitted shall not be occupied or brought into use until verification has been submitted to the Local Planning Authority by the agreed competent person that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- As built drawings of the implemented scheme;
- Photographs of the remediation works in progress; and
- Certificates demonstrating that imported and/or material left in situ is free from contamination.



- Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.
- Reason:** Previous activities associated with this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation would not cause pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.
- 16) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.
- Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
- 17) No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
- Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
- 18) All the new dwellings hereby approved shall be constructed to Lifetime Homes standards as referred to in Policy HO13 of the Brighton & Hove Local Plan to the satisfaction of the Local Planning Authority.
- Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 19) A minimum of 65 of the residential units within the overall scheme shall be built to a wheelchair accessible standard. Included within the 65, 10% of the affordable housing units (equating to 52 units) shall be built to wheelchair accessible standard. Details, including plans, of how the units have been built to a wheelchair accessible standard within each phase of the development agreed as part of the Phasing Plan (agreed under condition 2) shall be submitted to and approved in writing by the Local Planning Authority before 50% of the total units within a particular phase have been first occupied.
- Reason:** To ensure satisfactory provision of homes for people with disabilities to comply with policy HO13 of the Brighton & Hove Local Plan which seeks a 5% provision of wheelchair accessible units in schemes overall, including a 10% provision within the affordable element.

- 20) All the non-residential uses hereby permitted shall incorporate measures to ensure they are fully accessible to the disabled, including the provision of flush entrance thresholds, details of which shall be submitted to and approved in writing by the Local Planning Authority before first occupation of those uses.

**Reason:** To satisfactory access for people with disabilities, to comply with policies HO19 and QD10 of the Brighton & Hove Local Plan.

- 21) Notwithstanding the details hereby approved, no development shall commence until details of the green walls and green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a specification for the construction, irrigation, and future maintenance. Thereafter, the development shall be carried out and maintained in accordance with the approved details.

**Reason:** In the interests of nature conservation and to comply with policy QD17 of the Brighton & Hove Local Plan.

- 22) Notwithstanding the details hereby approved, no development shall commence until details of the nesting boxes for birds and bats has been submitted to and approved in writing by the Local Planning Authority. The details shall include the number, location and type of boxes. Thereafter, the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of nature conservation and to comply with policies QD18 and QD17 of the Brighton & Hove Local Plan.

- 23) Notwithstanding the details hereby approved, no development shall commence until the detailed design of the GeoLearn Space have been submitted to and approved in writing by the Local Planning Authority and Natural England. Thereafter, the development shall be constructed in accordance with the approved details.

**Reason:** To ensure public appreciation of and access to sites of national and local nature conservation importance, to comply with policies NC2 and NC4 of the Brighton & Hove Local Plan.

- 24) Notwithstanding the details hereby approved, no development shall commence until the detailed design of the pedestrian bridge have been submitted to and approved in writing by the Local Planning Authority, Natural England and Sussex Police. Thereafter, the development shall be constructed in accordance with the approved details.

**Reason:** To ensure public safety and appreciation of and access to sites of national and local nature conservation importance, to comply with policies, QD7, NC2 and NC4 of the Brighton & Hove Local Plan.

- 25) Notwithstanding the details hereby approved, no development shall commence until a photographic survey of the Brighton-Newhaven SSSI cliffs and a copy of the pre-construction archaeological investigations report, has been submitted to and approved in writing by the Local Planning Authority and Natural England. The photographic survey shall include high resolution digital electronic and hard copies of images of the cliff face.

**Reason:** In the interests of nature conservation and to comply with policies NC2 and NC4 of the Brighton & Hove Local Plan.

- 26) A strategy for the ongoing monitoring of the Brighton-Newhaven SSSI cliffs, shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Natural England. Thereafter, the agreed strategy shall be implemented and maintained in accordance with the agreed details.  
**Reason:** To enhance, protect and manage the Brighton-Newhaven SSSI cliffs, in the interests of nature conservation and to comply with policy NC2 of the Brighton & Hove Local Plan.
- 27) Notwithstanding the details submitted as part of the application, development shall not commence until further details concerning the location and design of seating have been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In the interests of public safety, to comply with policy QD27 of the Brighton & Hove Local Plan.
- 28) Development shall not commence until a detailed habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented in accordance with the agreed details.  
**Reason:** In the interests of nature conservation and to comply with policies NC2 and NC4 of the Brighton & Hove Local Plan.
- 29) No respective phase of the development (in accordance with the agreed Phasing Plan required by condition 2), shall commence until details of the proposed materials to be used within the exterior of all buildings and structures within that phase, have been submitted to and approved in writing by the Local Planning Authority. These details shall include large scale drawings and/or constructional details and samples if required, of the balustrading, roof parapet and eaves design, balcony design, surface cladding systems, windows, entrances, roof plant, and shop fronts. The development shall be carried out in accordance with these details.  
**Reason:** To ensure a very high quality development, to comply with policies QD1, QD4, HE3 and HE6 of the Brighton & Hove Local Plan.
- 30) No respective phase of the development as agreed in the Phasing Plan required by condition 2, shall commence until details and samples of the proposed materials to be used for the hard landscaping, highways, street furniture and amenity and outdoor recreation areas of each respective phase of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details will include the following:
- paving and building materials, including details of colour and texture;
  - boundary walls, gates, seating, fencing, refuse stores, steps, hand rails, raised planters, seating, pergolas and screens;
  - street paving plans, to include size, direction and pattern of paving;
  - siting and design of all external dishes, antennae, flues and utilities cabinets;
  - external lighting.
- Reason:** To ensure the Local Planning Authority has sufficient detail to ensure that the resulting appearance of the development is of a high

- quality and is sustainable to comply with policies QD1, QD4, QD15, SU2, HE3 and HE6 of the Brighton & Hove Local Plan.
- 31) No buildings shall be first occupied until details of a Design Strategy for pedestrian, cycling and general informative signage throughout the site have been submitted to and approved in writing by the Local Planning Authority and have been implemented in accordance with each respective phase of the development (of the Phasing Plan agreed as a requirement of condition 2). Any signage proposed within the site shall be in accordance with the broad principles contained in the agreed Strategy.  
**Reason:** To ensure that the resulting appearance of the development will be acceptable and to ensure a cohesive appearance to the development, to comply with policy QD1 of the Brighton & Hove Local Plan.
- 32) Development shall not commence until a Design Strategy for shop frontages, including shop signage, has been submitted to and approved in writing by the Local Planning Authority. The shopfronts and signage shall be implemented in accordance with the agreed details. Any shopfronts and signage proposed within the site shall be in accordance with the broad principles contained in the agreed Strategy.  
**Reason:** To ensure that the resulting appearance of the development will be of high quality and acceptable, and to ensure a cohesive appearance to the development, to comply with policies QD1 and QD10 of the Brighton & Hove Local Plan.
- 33) Aviation lighting shall be installed on the Marina Point in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority prior to the commencement of building. The agreed lighting shall be installed to the satisfaction of the Local Planning Authority in accordance with advice given by the Civil Aviation Authority. The agreed lighting shall be installed on the buildings as required upon completion of the buildings in question (and during construction if recommended by the Civil Aviation Authority).  
**Reason:** In the interests of safety, to comply with policy QD27 of the Brighton & Hove Local Plan.
- 34) The vehicle parking areas shall not be used otherwise than for the parking of private vehicles and motorcycles belonging to the occupants of and visitors to the residential and commercial development hereby approved. The car parking area shall be clearly laid out and signed for residents, disabled users, visitors and the car club.  
**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 35) The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. Each respective phase of the development (in accordance with the Phasing Plan agreed as a requirement of condition 2) shall not be first occupied until the cycle parking facilities associated with that particular phase have been implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are

provided and to encourage travel by means other than the private car, in accordance with policies TR1 and TR14 of the Brighton & Hove Local Plan.

- 36) Notwithstanding the details hereby approved, no development shall commence until details of the proposed bus shelter located in the Strand have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of public safety, to comply with policy TR5 of the Brighton & Hove Local Plan.

- 37) Development shall not commence until an integrated car park management plan, for all sites within the terms of this permission has been submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented in accordance with the agreed details.

**Reason:** To ensure the development provides for the demand for travel it creates and to comply with policies TR1.

- 38) Notwithstanding the details submitted as part of the application, development shall not commence until further details of the 'squareabout' traffic calming on the ramp and, details of fall back signals have been submitted to and approved in writing by the Local Planning Authority and have been implemented in accordance with the respective phase of the development (of the Phasing Plan agreed as a requirement of condition 2).

**Reason:** To ensure the development provides for the demand for travel it creates and to comply with policies TR1, and TR7 of the Brighton & Hove Local Plan.

- 39) Notwithstanding the details submitted as part of the application, development shall not commence until further details of the cycle routes have been submitted to and approved in writing by the Local Planning Authority and have been implemented in accordance with the respective phase of the development (of the Phasing Plan agreed as a requirement of condition 2).

**Reason:** To ensure the development has adequate provision for cyclists and to comply with policies TR1, and TR15 of the Brighton & Hove Local Plan.

- 40) Each respective building shall not be first occupied until the refuse and recycling storage facilities, dimensions as set out in chapter 14 (waste) of the ES submitted on 15/09/08, serving each building (within the particular phase agreed as part of the Phasing Plan required by condition 2) have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure provision of satisfactory facilities for the storage of refuse and recycling to comply with policy SU2 of the Brighton & Hove Local Plan.

- 41) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or amendments thereto, the two units in the Octagon shall be used as a D1 (a) use Medical or Health facility (excluding animal treatment) only and for no other use within Use Class

D1.

**Reason:** The Local Planning Authority would wish to control future changes of use in the interests of safeguarding the amenities of occupiers of nearby residential properties and the amenities of the locality and to ensure the demand created by the development for health facilities is met, to comply with policies QD27, HO21 and QD28 of the Brighton & Hove Local Plan.

- 42) Prior to the occupation of the Seawall building mitigating measures against adverse wind related affects for the pedestrian cut-throughs and entrance doors shall be submitted to and agreed in writing by the Local Planning Authority, the measures shall be implemented and maintained in accordance with the agreed detail .

**Reason:** To safeguard the amenities of the occupiers of adjoining residential properties and to comply with QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the following drawing nos.: (Note: these shall be attached to the decision notice. However, for the purposes of this report they are contained at the Appendix 1).
2. This decision to grant planning permission has been taken:
  - (i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and Brighton & Hove Local Plan, set out below, and to all relevant material planning considerations, including central government guidance and policy, Regional Planning Policy, the Draft South East Plan, Supplementary Planning Guidance and Supplementary Planning Documents:  
and
  - (ii) for the following reasons:

The development would deliver key Local Plan objectives within a phased scheme. The Environmental Statement submitted with the application is robust and complies with Environmental Impact Assessment Regulations. The development would accord with central government advice and Local Plan Policies and the adopted Supplementary Planning Guidance Note for the Marina SPGBH20 and PAN04; Brighton Marina Masterplan (2008). Elevational treatments, heights and footprints of the buildings have been amended addressing design concerns, preserving the setting of views of strategic importance and helping the development to relate satisfactorily to existing and the approved Brunswick outer harbour development. The development would be well designed, would use good quality materials. The proposal would have acceptable visual impact on the character and appearance of the locality and views of strategic importance including the setting of Conservation Areas, Listed Buildings and Gardens and the Sussex Downs Area of Outstanding Natural Beauty. The development

would incorporate satisfactory private amenity space to serve residents and would meet the demand it creates for infrastructure, including education, transport, health and community facilities and public art. The development would create and enhance existing community/recreation facilities in the Marina. The development would not result in significant traffic generation or compromise highway safety. It would significantly enhance sustainable modes of transport and provide highway improvements and provide enhanced pedestrian and cycle access. The development would make effective and efficient use of land and would be sustainable; being energy efficient, generating renewable energy and incorporating sustainable building practices to a high standard. The development would incorporate a public realm of high quality and would not create an adverse micro-climate. The development would help regenerate the Marina and would provide jobs and training. The development would meet a range of housing needs including 40% affordable housing provision and housing for people with disabilities and would be accessible and would satisfactorily meet the needs of people with disabilities. The development would enhance the role of the Marina as a District Shopping Centre and would not compromise the role of existing shopping centres in the city. The development would not harm sites of ecological importance and would enhance biodiversity and archaeology would not be adversely affected by the development. It would not have an adverse impact on the amenity of existing or prospective occupiers or compromise security for users of the development or the Marina. The development would incorporate refuse and recycling storage. The development would not be at risk of flooding.

3. A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or [www.southernwater.co.uk](http://www.southernwater.co.uk) for further information.
4. The applicant/developer is advised that they should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or [www.southernwater.co.uk](http://www.southernwater.co.uk) for further information.
5. Under the terms of the Water Resources Act 1991, the written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Regulatory Water Quality Team to discuss this matter further.
6. The applicant is advised that this decision relates solely to planning permission. A separate licence, or variation to an existing licence may be

required under the Licensing Act 2003 in respect of the non-residential units. Please contact the Council's Licensing Team for further information. The team's address is:- Environmental Health and Licensing, Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (Telephone: 01273 294429, Email: [ehl.safety@brighton-hove.gov.uk](mailto:ehl.safety@brighton-hove.gov.uk), Website: [www.brighton-hove.gov.uk/licensing](http://www.brighton-hove.gov.uk/licensing)).

7. The applicant is reminded of the requirement to comply with the Section 106 Legal Agreement associated with this permission.

**(iii) the application not being 'called-in' by the Secretary of State under Section 77 of the Town and Country Planning Act 1990, prior to the issue of planning permission**

### **3 THE SITE**

Brighton Marina is located approximately 2.24 km east of Brighton City Centre. The Marina was constructed during the 1970s to provide a working harbour and yacht moorings. The Marina contains a variety of mixed uses. In the mid-1980's retail and leisure facilities were developed, along with housing, and further development has taken place including leisure, retail, restaurant and residential uses and a hotel. The main point of vehicular access to the Marina is at its western end via a network of ramps from the A259.

The application site covers a large area at the western end of the Marina, which includes predominantly retail and commercial uses. The site includes; the ASDA store and its car park, the multi-storey car park, cinema, casino, health and fitness centre (David Lloyd), bowling alley (Bowlplex), Rendezvous Casino, Pizza Hut and Mc Donald's restaurant and drive-thru; Park Square which lies to the south of the cinema/multi-storey car park and includes the service road which runs behind the leisure units and the McDonald's site; 'Merchant's Quay' which includes the Octagon and Village Square; 'The Waterfront' area a development comprising a hotel, (The Seattle) retail and restaurant / bar complex fronting the Outer Harbour; and the Estate office located at the junction of Palm Drive and the Strand.

Immediately to the west of the Marina is Black Rock which is a council-owned site allocated in the Local Plan for recreation and leisure use. The Volks Railway station at Black Rock is located further to the west and there is a Site of Nature Conservation Importance (SNCI, policy NC4) adjacent to the railway. The beach at Black Rock is also designated as a SNCI as are the areas of water within the Marina. The cliffs to the north of the Marina form part of the Brighton-Newhaven Cliff Site of Special Scientific Interest (SSSI). Marine Gate, a 1930s residential development located on the cliff top at a higher level, lies to the immediate north of the ASDA store. The whole Marina lies within the defined Coastal Zone (policy SU7 of the Brighton & Hove Local Plan). To the north-west of the Marina lies the Kemp Town Conservation area, which contains listed buildings (approximately 120), many of which are Grade I, including the seafront squares and historic gardens and Kemp Town



Enclosures. Roedean School to the north-east of the Marina is grade II listed. Further to the north of the Marina lie East Brighton Park and Sheepcote Valley and further to the north-east lie areas that may be included in the future within the South Downs National Park.

Note: Two plans are attached to the report a site location plan and a proposed general layout (Appendix 2 )

#### **4 RELEVANT HISTORY**

(A summary of the relevant planning history is contained at the Appendix 3)

#### **5 THE APPLICATION**

The application (as amended) proposes a mixed-use development comprising a total of 1301 new residential units and a range of community, retail and commercial uses. Six main sites are proposed for redevelopment:–

1. the ASDA superstore (the Cliff Site);
2. the ASDA petrol station (the Marina Point Site);
3. the Estate Office (the Inner Harbour Site);
4. the McDonalds restaurant (the Quayside Site);
5. the Sea Wall alongside the western breakwater and western edge of the multi-storey car park (the Sea Wall Site); and
6. the eastern end of the multi-storey car park (the replacement Petrol Filling Station Site).

It is proposed that the existing ASDA would be demolished and redeveloped to create an enlarged store alongside other retail uses, with residential storeys above. The existing petrol station would be demolished and replaced with a part retail and part residential block. The estates office would be demolished and replaced with a residential block. The McDonalds restaurant would be demolished and replaced within a new block with residential storeys above. The western and eastern parts of the existing multi-storey car park will be demolished to accommodate a new petrol station and a residential block. The development proposal also encompasses the Octagon building where a change of use of two existing retail units to a medical use is proposed.

The new buildings proposed throughout the site range from 3 to 28 storeys in height, containing a mix of 1, 2 and 3 bedroom residential units, of the 1301 units 40% are proposed as affordable housing (i.e. 520 units.) The applicant also seeks permission to make alterations to the transport network, including a new transport interchange behind the Waterfront, changes to the existing vehicular access and giving higher priority to pedestrians and cyclists. A new pedestrian and cycle access is proposed into the Marina via a bridge link off the

existing access on the cliffs onto the roof of a new building, which would provide a pedestrian/ cycle link through a dedicated pedestrian space, down some cascading steps into the heart of the Marina.

The proposed development also includes:

- A new 'squareabout' in place of the existing roundabout, which would operate as a shared space for pedestrians, vehicles and cyclists.
- A total of 1484 car parking spaces and 1653 cycle parking spaces.
- A new community hall within the Cliff Site.
- Significant public realm improvements to enhance the environment within the Marina.
- New outdoor recreation and amenity spaces.
- An energy centre with Combined Heat and Power (CHP) system within the Cliff building, which would provide discounted heat to residents within the development.
- An additional emergency access route at the western end via Madeira Drive.

#### Details of the proposed residential development

A total of 1301 residential units are proposed of which 40% would be affordable units split between 65%: 35% shared ownership and rented. All the affordable units would be located within the Cliff Site. The whole development proposes a mix of unit sizes comprising 2 x studio apartments, 531 x 1-bed units, 682 x 2 – bed units and 86 x 3-bed units.

The breakdown of units through the development is as follows:

Number of bedrooms	Tenure	Studio	1 Bed	2 Bed	3 Bed	TOTAL	
Cliff Site (ASDA Superstore)	Affordable	0	208	257	55	520	779
	Private	0	79	180	0	259	
Sea Wall	Private	0	68	43	6	117	
Marina Point (Petrol Station)	Private	0	52	72	24	148	
Quayside (McDonalds)	Private	2	91	129	0	222	
Inner Harbour (Estates Office)	Private	0	33	1	1	35	
<b>TOTAL</b>		<b>2</b>	<b>531</b>	<b>682</b>	<b>86</b>	<b>1301</b>	

#### Details of the proposed commercial uses

ASDA superstore (cliff site), ASDA 11412 sqm of retail floor space (excludes

plant, parking and service area), 6 other smaller Class A1-A5 (retail/restaurant/drinking) units on the ground floor, total 2,056 sqm, 395 sqm of B1 office space and 342 sqm community hall (Class D1).

ASDA Petrol Station (Marina Point), 182 sqm of Class A1-A5 space and 29 sqm of office space (Class B1).

The McDonalds Restaurant (Quayside), 555 sqm of Drive-Thru restaurant space and 131 sqm of other A1-A5 uses.

The Sea Wall site, 72 sqm Seasonal kiosk.

Eastern end of the multi-storey car park, 739 sqm replacement petrol station.

Octagon 2 retail units, 516 sqm GP/healthy living centre.

### **Detailed description of type and height of buildings**

A total of six new buildings are proposed ranging in height from 3 to 28 storeys.

- The ASDA superstore, a 3-10 storey building with enlarged store (3112 sqm increase) and 2,025 sqm of other Class A1-A5 (retail/restaurant/drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building.
- The ASDA petrol station, a 28 storey building with 182 sqm of Class A uses at ground floor and 148 residential units above.
- The estates office a 3-4-storey building of 35 residential units.
- The McDonalds restaurant; 5 - 16 storey building with enlarged drive-thru restaurant (285 sqm increase) and 131sqm of other Class A uses and 222 residential units above.
- The Sea Wall alongside the western breakwater and western edge of the multi-storey car park, 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from breakwater to Park Square.
- The eastern end of the multi-storey car park, a single storey petrol filling station, pedestrian footbridge and new lift and stair access.

### **Proposed Materials**

Marina Point ; would be constructed with a Lawneer aluminium curtain walling system, and the other four buildings would be clad with reconstituted stone cladding panels with various aggregates, colours proposed are mostly white and textures. Samples of material have submitted with the application.

The cliff building: The majority of the new building is faced in warm cream coloured textured reconstituted stone, with flush white pre-cast concrete inset panels. A variety of different concrete finishes are proposed to reflect specific areas of the facades: the pavilions that articulate the south elevation (white pre-cast concrete, set back from the cream-coloured stone plane), the blocks which cantilever over the Cliff Park on the north façade (white 'ship-lapped' pre-cast panels), and the small freestanding building which contains the community centre overlooking the upper Arrival Space (terracotta coloured reconstituted

stone cladding).

Sea wall building: The façade is constructed of high quality smooth finished white, pre-cast concrete, with flush infill panels of textured reconstructed stone finish. On the east façade, the concrete creates a continuous wall surface punctuated by window openings or inset balconies.

Quayside building: Generally, horizontal bands of white pre-cast concrete are proposed containing areas of full-height glazing itself divided by white pre-cast units with recycled glass fragments within the aggregate. This would create a unique surface to the façade. The base of the balconies is clad in the same white reconstituted stone which is used to form the horizontal bands on the main facades. The facades of the eastern part of the tall element follow this arrangement, but incorporate white opaque glass instead of the glass aggregate reconstituted stone panels to create a similar but visually distinct surface.

Inner harbour building: The materials proposed are fair-faced smooth white pre-cast concrete panels, contrasting with the brick cladding of the other buildings on the inner harbour.

A variety of hard and soft landscaping is proposed for the areas of public realm.

#### **Details of the parking and access**

The total number of car parking spaces is 1,471 spaces. This is summarised in the table below.

<b>Site</b>	<b>Residential</b>	<b>Residential Disabled</b>	<b>Commercial</b>	<b>Commercial Disabled</b>	<b>All Parking</b>
<b>Cliff Site</b>	474	70	599	32	1175
<b>Sea Wall Site</b>	24	8	0	0	32
<b>Marina Point</b>	42	3	0	0	45
<b>Quayside</b>	158	24	33	2	217
<b>Inner Harbour Site</b>	0	2	0	0	2
<b>Total</b>	<b>698</b>	<b>107</b>	<b>632</b>	<b>34</b>	<b>1,471</b>

The main vehicular access would still be via the existing ramps into, and out of, the Marina. The proposed development would also provide an additional emergency access route at the western end via Madeira Drive

#### **Public Realm**

The scheme proposes both new areas of open space and reformulation and

enhancement of existing open space.

### **New open spaces**

The new open space comprises the following: The **Cliff Park**, located to the south of the Undercliff Walk. This would be a grassed area for informal and casual activities i.e. walking, sitting etc. and would also encompass a **Geo-Learn** space which would consist of a play space and education facility to explain the ecology and geology of the cliff.

The proposed development also incorporate a new public **arrival space** accessed via the new pedestrian bridge link or the cascading street within the Cliff Site. This would be a landscaped area with a viewing platform, public art and seating.

The **areas under the flyover** which are currently redundant spaces, would be used for various youth facilities, such as parkour (free running), five-a-side pitches and a climbing wall. The development would also include a recreation office within the Cliff Site and the funding of a sports coordinator to ensure that these spaces, as well as other outdoor recreation facilities within the vicinity of the site, are well used.

### **Existing open spaces**

Existing areas to be reformulated and enhanced include **Park Square**, the space between the multi storey car park and leisure sheds, which would be used for a variety of informal and formal activities, ranging from passive everyday recreation to performance space. Everyday passive activities include interactive fountains and lighting designed to animate a space which is currently lifeless and dreary. The space has also been configured to accommodate organised events throughout the year including concerts and festivals. The proposals for Park Square also include **a new children's playground and an adjacent café bar** (behind the existing Pizza Hut) where parents and carers can sit and observe their children playing.

The existing **Village Square**, at the eastern edge of the Merchants Quay area, would also be enhanced to include informal but tranquil activities such as petanque, outdoor chess and palates.

A **Harbour Square** would be created to replace the existing roundabout. The square would be a shared space throughout in which pedestrians and cyclists have accessibility whilst vehicles move in two designated traffic lanes. The space would be characterised by sensitive planting and landscaping and kerbs that define the existing roundabout. These elements would replace the need for the traditional signage.

### **Environmental statement and supporting documents submitted**

An Environmental Statement (ES) has been submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, which provides a description of the scheme and alternatives, and an

assessment of the likely environmental impacts of the development: planning and land use, visual and landscape, marine and coastal environment, ecology and nature conservation, archaeology, transport, microclimate, noise vibration, air quality, water resources and hydrology, soil contamination, radio and TV interference, socio-economic, sustainability, construction effects, navigation, and a summary of residual and cumulative effects. The ES discusses the potential environmental impacts of the proposals and the means by which these should be mitigated.

## **6 CONSULTATIONS**

### **External Consultees:**

**Neighbours** ( a full list of objectors appears in the Appendix 4.) numbers to add **Objections** raised are as follows:

#### **1968 Brighton Marina Act**

- Parts of the proposal are in contravention to the Act.
- Full Council should meet before the application is considered to waive the height restrictions.

#### **Incompatibility with existing development/Impact on boat use and navigational issues**

- Proposal would result in the loss of the Marina's original purpose - primarily as a leisure facility
- Adverse effect on sailing as access to boats would be difficult
- Change/destruction of the ambience and charm of the Marina which was conceived for sailing
- Proposed development is significant departure from the established scale
- Marina is about a relationship with the sea, not a place to cram in a mass of highly inappropriate unrelated development
- Proposal is ill-conceived and would 'strangle' the Marina, driving away boat owners from moorings and the use of the boatyard facilities and services
- Boat users needs for parking in close proximity to their boats has not been provided for. It is not possible to transport equipment by bus or bike.
- Development should be in keeping with the Marina as a place of recreation not housing
- Existence of boats make a traditional seaside town and holidays. A marina helps to characterise Brighton and attract visitors nationally and internationally. Helps make a distinctive identity and promotes the outdoors suggesting Brighton is a healthy place.

#### **Density of development**

- Over development of a sensitive site.
- Nearby residents would suffer overshadowing, overlooking and loss of privacy.
- Proposals would result in Marina becoming a housing estate.
- Resulting proposal would double the maximum density of the Marina as set

- out in the Widdecombe Inquiry 1974.
- Cannot be anything approaching comfortable living for new residents and affect surrounding residents negatively.
  - Development would result in cramped, charmless, overcrowded and unsafe urban environment.
  - Key workers in affordable housing would struggle to raise families in poor and cramped environment.
  - Number of dwellings proposed is disproportionate to the size of the site.
  - The overdevelopment cannot possibly improve the 'quality of living for existing .... occupiers' as outlined in PAN03 (Accessible housing & lifetime homes).
  - Brighton Marina would be hemmed in by the cliffs, and be worse than the over-development at Eastbourne marina.
  - High rise high density living is not popular in the UK and there is little evidence of its success.
  - Density and style of proposal cannot meet objectives of PAN04 'to secure visual...connections to the sea and harbour areas of the Marina.'
  - Scheme lacks permeability.
  - True that parts of the Marina are in need of development but overdevelopment would cause more problems than it solves.
  - Socio-economic cost of dense accommodation: lack of privacy, noise, small dark rooms, lift maintenance, no community infrastructure, medical, school, leisure requirements.
  - Proposed density not in line with LDF Core Strategy 2008 – “Residential development should be of a density that is appropriate to the identified positive character of the neighbourhood.”
  - Does not conform to the vision in PAN03 - is too dense.
  - SPGBH20 specifies that density should be a product of the design process and not a determinant of it.

### **Unsympathetic design and architecture, out of character with surroundings**

- Height of proposal excessive and not necessary and out of scale with adjacent cliffs.
- All buildings should be below cliff height to preserve views from across the city.
- Spoil appearance of coastline.
- Development out of character with its surroundings and damage views of Brighton seafront and conservation areas.
- Proposal would dominate surroundings and restrict and mar the views from nearby conservation areas and AONB.
- Spoil views along the coast and from Sussex Downs.
- Would result in out-of-place congregation of sterile high-rises of dubious architectural merit.
- Building heights would destroy views from undercliff walkway and cliff top path.
- Proposed high-rise structures out of scale for the area.

- No justification in planning statement of 28 storey tower.
- Proposals in terms of size, scale and design is inappropriate and inelegant and contrary to policies QD1, QD2 and QD4 (of the local plan).
- Existing low-rise development has minimal impact on the backdrop of the cliff and therefore preserves the appreciation of the cliff top development and the new proposals would impact upon this view.
- Proposal runs counter to SPG15 regarding impact on sea views.
- Proposed 'square-about' and egress from the car park at level 3 onto the ramp are ill-conceived and potentially dangerous.
- Proposal seems to copy the mistakes of the 1960's mass housing and would result in slum conditions in 20 years or less.
- Unsophisticated design containing boxy unpunctuated slabs of multi-storey flats with fragmented facades which would weather badly and be a maintenance nightmare
- Proposals visually clash with the "Roaring Forties".
- Proposal alleges poor pedestrian access from the west into heart of Marina, yet development does not address these shortcomings as it remains bisected by the road network.
- Squareabout would create pedestrian access/safety issues and traffic congestion.
- Buildings proposed on western breakwater would serve as a barricade rather than a gateway for the city SPG20 to provide for development which recognises 'the marina's unique ...and distinct coastal location.'
- Proposal for McDonalds site is inappropriate. The building is too high, the footprint too large and has no relationship with the Marina and coastal setting. It would block views from public areas such as the boardwalk.
- Few redeeming architectural features on inner elevation of buildings adjacent to western breakwater would dominate adjacent public areas and prevent distant sea views of the sea from the cliff site development.
- Public realm areas would be overshadowed, narrow, windy, accident and vandal prone
- Proposed square would make access difficult for boats being brought by road requiring access to the eastern end.
- Close proximity of residential and commercial uses harmful to residential peace and quiet and would result in social problems especially at night.
- Whilst urban in character, proposals do not enhance the experience of living in a coastal location as suggested in PAN03.
- Proposals would negate success of boardwalk which relates existing uses to the sea/coastal location.
- Numerous north facing and single aspect apartments, many with internal bathrooms and kitchens without natural light. Low spec housing would create another Brighton ghetto.
- Insufficient understanding of microclimate and coastal ecosystem. Proposed planting scheme is unsuitable for local conditions.
- Proposed Marina Point building insipid and uncreative - a wasted opportunity
- Buildings in proposal lack individuality. They could be anywhere in the world



and do not suit Brighton's distinct character. Would not attract visitors to look at these monstrosities.

- Development would be a visual scar on Brighton.
- 4 x 11 storey western breakwater buildings would overlook the beach and merge with views of Lewes Crescent.
- Quayside building would block views along boardwalk and has no relationship with Marina or coastal setting. Success and attractiveness of boardwalk would be negated.
- Sea Wall site would hem in the whole area to the east. These buildings would be over dominant and would interrupt the open visual flow westward from the boardwalk.
- Inner harbour building would block views of the cliff and masts in the inner harbour
- 28 storey tower bears no relationship to any existing structures or the Outer Harbour development.
- Gaps created in resubmitted Brunswick scheme would be 'plugged' by the proposed development and go against the protection of local views as mentioned in PAN04.
- Rooftop gardens would not be well maintained and therefore become an eyesore.
- Eco-learn park would be dark, isolated and dangerous.
- LEAP is sited under the entrance ramp and is divorced from residential living and is leftover rather than planned space.
- No visual linkages with the sea and cliffs from many parts of the site.

#### **Adverse impact on listed buildings such as Lewes Crescent and Kemp Town Conservation Area**

- Proposal would destroy the historic setting of the unique Kemp Town Estate which should be protected.
- Would tower over and destroy from all perspectives the Regency/early Victorian architecture, especially Lewes Crescent.
- Desecration of Regency seafront.
- High-rise on the edge of Kemptown out of character with this area.
- Proposal contravenes policy QD4 in respect of impairment of view.
- Sea views enjoyed from Sussex Square would be lost forever and unique beauty of the area destroyed.
- Unlike Bath's Royal Crescent, Lewes Crescent and Kemp Town are not world heritage sites, but deserves to be passed on to subsequent generations without damage to their setting.
- The development would forever mar and ruin the area's setting and the town's future tourist potential as well as the well being of the current residents.

#### **Insufficient car parking and increased traffic congestion**

- Further congestion in an already busy road system.
- Parking facilities already overstretched.
- Congestion on proposed roundabout would exacerbate rush hour.

- Inadequate parking for new flats.
- Traffic along seafront would become unmanageable and increase pollution.
- Under provision of car parking considering reduction in capacity of existing multi storey car park.
- Proposed square about would mix pedestrians and traffic, causing gridlock as cars give way to pedestrians, the effects of which would be felt further afield to A259 and traffic lights at the bottom of Wilson Avenue.
- Parking outside Marina would be dominated by residential apartments which do not have allocated parking causing
- Reduction in visitor car parking would result in loss of business for existing and future businesses.
- Residents would lose estates office, visitor car parking and bicycle racks which they pay for through service charges.
- Traffic Assessment purports that proposals to deal with traffic are untenable, particularly in relation to squareabout.
- Arundel Road would be further congested by spill-over from Marina as it is already for parking by those accessing the County Hospital.
- Suggest shuttle bus between Marina and cliff top to reduce need for larger buses to access Marina and to relieve congestion.
- No designated car parking for boat owners/users and their equipment which cannot be transported by bus.
- Precast concrete as shown on application would not weather very well in such an exposed location.
- Proposed bus route using The Strand would dissuade users of the cafes along it, many of which have outdoor seating areas in close proximity to the road.
- Proposal does not make provision for dedicated bus and cycle lane on the ramps as specified in PAN03.
- Transport Assessment document has many criticisms of the proposed transport plans.
- Residents forced to park in the multi-storey on weekends when all the visitors parking is taken beyond gated areas.
- Concern that as pressure is put on parking, charges would be introduced.
- Car parking provision incompatible for those coming to Marina to do heavy shopping.
- Council's attempts to reduce reliance on cars is praiseworthy but would take a long time to change behaviour of car users, wealthy or not.
- Increased bicycle parking and reduced car parking does not correlate with ageing population.
- Loss of parking for disabled berth holders is unacceptable.
- Brighton Marina Development News update 2006 states that Marina would attract up to 200,000 visitors a year. Questions over where they park and competition with future residents over parking.
- Proposed 2,500 cycle parking spaces would not be suitable for older people, shoppers, those with children or be suitable in bad weather which is 9/12 of the year.

### **Insufficient infrastructure**

- Existing access is inadequate. Noise and air pollution at main entry/exit points is currently unacceptable.
- Overloaded infrastructure including local schools, hospitals, medical and emergency services which would be unable to cope with increase in population density.
- Access for emergency services would be inadequate.
- Insufficient space for children to roam and play.
- Concerns over escape in event of disaster if only one access point.
- Proposed access bridge from cliff top path is impractical as bicycles and pedestrians would be in conflict with one another.
- Single access ramps make Marina vulnerable to a terrorist attack.
- With closure of Comart, only secondary school in area is Longhill, already struggling with its intake and there is no surplus capacity in catchment area for schools.
- Proposals fail to take due regard to the contents of SPG20 particularly concerning the scale of the development and the size and configuration of associated amenity space.
- Insufficient regard has been paid to new amenity space and landscaping.
- Inadequate play facilities for children and sports courts are confined to dingy spaces under the ramps.
- People need jobs, community facilities and also pride in their local area - the development provides nothing more than retail opportunities and roofs.
- Overcrowding on buses due to too high a density of both this proposal and permitted schemes.
- Increased infringement on residents' parking spaces as public car parking reaches capacity.
- Monies should be set aside for the repair and upkeep of the ramps to accommodate increased use and construction.
- Transport Assessment - no real contribution to additional transport costs or mitigating adverse effects of increase car usage.
- Public transport such as the redevelopment of the Volk's railway and a tram system would benefit the development.
- Not enough space to play, walk and relax and communal open space inadequate.
- Would become a dormitory suburb with inadequate schools and hospitals.
- Does not comply with policy HO6 as open space is insufficient and would exacerbate deficiencies.

### **Adverse impact on coastal environment including cliff stability and safety**

- Insufficient geological research has been undertaken regarding the effects of the application on an already crumbling shore. Construction would encourage rock fall and make surrounding buildings unsafe.
- Construction methods, including pile driving, would have detrimental effect to already delicate fabric of the cliffs.
- Reclaimed land and subject to major attacks from the elements and the sea.
- Pedestrian bridge would further erode the chalk cliff landmark.

- Proposal needs to ensure that the green roofs should reflect local ecology.
- Microclimate of the cliffs would be altered as a result of overshadowing, therefore endangering their uniqueness.
- Cliff collapse in 2006 caused ASDA to be closed for 10 days. Cliff site building is even closer.

### **Adverse impact on environment and ecology/sustainability**

- Heights of buildings would turn the undercliff walkway into a sunless narrow wind tunnel.
- Water shortages would be exacerbated by climate change. Existing supply insufficient to supply required water to new developments. Increased demand likely to threaten essential water supply throughout the city.
- Green credentials of the proposal tokenistic compared to environmental impact of materials used in the construction.
- 28 storey tower of proposal would create both wind vortex and light issues putting the square into permanent shade.
- Proposal would overshadow cliffs, a source of natural beauty.
- Rise in sea levels in future.
- Construction methods would have adverse effect on sea bird population on the cliff face.
- Recreation of a 'drive-thru' encourages car use and is not sustainable.
- Black Rock beach would lose its secluded appeal as well as its important wildlife interest.
- Pedestrian route between Palace Pier and Marina should be improved if there is to be a reduction in car use.
- Concern over water resources and doubtful that grey water recycling would be adequate.
- Question over whether on-site wind and tidal energy would be provided as the location is ideal for these.
- No mention of water efficiency which should at least be code level 3/4 and unambiguous levels of on site renewable energy generation.
- Doubtful the development can achieve BREEAM very good when many kitchens do not have daylight. Daylighting in some living rooms is poor, surface water is discharged into storm water and not recycled for grey water, no steps to alleviate flood risk, transportation of biomass via long distance road routes.

### **Cumulative impacts**

- Increase in traffic during construction a particular concern.
- Black Rock development proposal should also be determined at the same time.
- Gross over-development when combined with previously approved developments
- Combined with Outer Harbour development, approximately 4000 people crammed into Marina, putting pressure on existing overstretched infrastructure.
- Proposals would compromise the elegant approved scheme for the Outer

Harbour.

- Site compounds for the duration of development for approved and proposed development cannot be seen as temporary solutions due to the 6-8 year construction phase.
- No thought to creating a sense of community amongst the thousands that would live in the Marina.
- The scheme does not address how existing businesses and residents would be able to continue to trade and live throughout the lengthy build programme.
- Current proposal would not lead to a more sustainable community but merely a more crowded one that has consequent in-built pressures.
- Exhaust pollution and noise both within the Marina and nearest tunnel entrance to Marina a major concern due to increases in traffic.
- Building and development traffic would cause damage to ramps for which residents pay a maintenance charge.

### **Other issues**

- Unacceptable for disabled people.
- Unsuitable environment for children, considering close proximity to water.
- Blight housing market in nearby Kemp Town and other communities for decades, evidenced by other nearby developments.
- Ensure decent extraction systems on McDonalds and litter and rodent control.
- Waste facilities would be overstretched with increase in population.
- Increase in population would result in an increase in crime especially in dark area in the undercliff walk.
- Expansion of ASDA would exacerbate the loss of independent retailers.
- Should be a conditions that pedestrian access across the western breakwater should remain open throughout the course of development.
- Council resources for the general maintenance of Brighton would be diverted into the upkeep of the Marina.
- For a location with District Centre status there would be a lack of normal district amenities such as post office, bank, police station and places of worship.
- Fear that should developers fail, Council would be forced to take on an ageing Marina and its inherent maintenance issues.
- If Black Rock development is progressed, the seafront and beach scene which Brighton is best known for would be permanently eroded.
- Concern that new homes would not sell if economic crisis continues leaving the Marina rundown.
- Application would not regenerate Whitehawk shops and would contribute to the area's decline.
- A much less ambitious project would have more chance of success and not be such a drain on finite resources.
- Proposal at current location of estates building would result in residents of Neptune Court and Trafalgar gate losing their privacy.
- Consultation inadequate for such a major development.

- Current provision of community space for residents and their guests inadequate
- Question over why other sites around Brighton have not been explored for such a large development.
- Infringe human rights by having to live on a building site for 7 years.
- Proposals would result in unacceptable loss of light to Neptune Court.
- Building works would force many residents to move elsewhere leaving landlords with empty properties.
- Are many flats within Brighton unoccupied, also brownfield sites that can be developed to supply housing need.

### **Affordable Housing**

- Fails to address increasing problem of lack of affordable housing.
- Affordable housing element only used to support more expensive private residential second homes for wealthy commuter.
- Costly to maintain, especially for affordable housing dwellers.
- Not enough family housing.
- Too much of a concentration of affordable housing which should be scattered throughout the city close to employment centres.
- Maintenance charges, especially for those in affordable housing, would be prohibitive.
- Priority must be given to those needing home, not speculative or 2<sup>nd</sup> home buyers.
- Concern that residential property sizes are below minimum standards but may be given over to affordable housing thereby perpetuating inequalities.
- Too many affordable housing units facing the cliff. Seems like segregation and does not encourage integration of different social status.
- Social housing is not 'pepper potted' so would create an "us and them" attitude.
- Social housing is below minimum size and does not meet family housing aspirations
- North facing flats in Cliff site are deficient in sunlight where affordable housing is located. Would create a recipe for disaster between the haves and the have-nots

### **Noise and pollution**

- Noise and pollution generated by excessive traffic levels as a result of the proposal would be detrimental to health and environment.
- Proposed late night retail uses would cause an increase in noise and disturbance to existing residents.
- Noise from cars using the ramps would be detrimental to the health of users of the play areas underneath.

### **Outdoor facilities and play space**

- Other indoor sports should be included to keep young people occupied and give them skills.
- Not enough open space, green space and public realm. Few facilities for

- residents within the Marina, Rottingdean and East Brighton Park.
- Eco-learn park would be dark, isolated and dangerous.
  - LEAP is sited under the entrance ramp and is divorced from residential living and is leftover rather than planned space.
  - The ball courts are of insufficient height to accommodate basketball and volleyball and would be without sunlight.
- The comments from organised groups are reported separately by group, below:

Letter from **Cllr David Smith** (full letter contained in Appendix 7) Objects for the reason stated in the objector's letter attached.

**Ashurst LLP (on behalf of Brighton Marina Estate Management Company Limited and Brighton Marina Company Limited)** Object Comments relate specifically to the Transport Assessment as part of the application.

- TA refers to ASDA not being increased in size yet application states that store would be increased by 790sqm.
- TA did not assess trip rates associated with use of community hall in cliff site building.
- TA does not assess trip rates as a result of change of use in Octagon from A1 retail to D1 medical use.
- Implications of larger McDonalds drive-thru have not been quantified in TA.
- TA refers to increase in retail units of 2634sqm but application states there would be increase of 3054sqm.
- TA concentrates on weekday peaks and ignores Marina busy periods on weekends
- New junction at base of ramps would create congestion and queues on inbound movements, impacting on bus schedules and possibly deterring visitors.
- Mouchel consider there would be one bus movement every 1.5 minutes if the interchange is located in Merchant Quay, increasing noise and pollution for adjacent businesses. The hotel and taxis would lose their drop-off facilities.
- ASDA car park and multi-storey car park - TA states that ASDA car park runs at 97% capacity; however proposals would reduce capacity for enlarged store by 3%. Similarly multi-storey car park would be reduced in capacity by 11%. Increased demand on multi-storey due to ASDA car park charging. Concern that proposed exit from level 3 would create internal queuing within the development.
- Existing reduced public transport at weekends would increase car travel and therefore increase demands on car parking. TA does not take this into consideration.
- It has not been demonstrated by the applicant that the proposed operation of service vehicles for ASDA would work for all predicted vehicle types e.g. home delivery vehicles.
- Conflict between buses using the eastern roundabout and vehicles using eastern service yard. Similar difficulties would apply to the service bays for

- south-western beach development.
- Pedestrian safety issue at squareabout, especially during peak flows. Signalling has demonstrated that traffic queues would result, but without signalling pedestrians would be unable to take desired route safely.
- TA uses incorrect growth factors for base traffic flows.
- Different trip generation figures used in TA as compared to Outer Harbour development.
- Queue length surveys not undertaken at key junctions.
- TA does not take account of distribution of trips to and from the development.

#### Amended scheme

Objection withdrawn on the basis that concerns will be addressed by the S106 or by condition.

### **Summary of comments received following meeting at Brighton Marina on 30 September 2008 relating to the emerging Supplementary Planning Document (SPD) for Brighton Marina.**

Running alongside the consideration of the proposed development have been a series of consultation events relating to the emerging Supplementary Planning Document (SPD) for Brighton Marina. Sessions held for the benefits of residents raised issues relating to the proposals subject of this application. Although the consultation events concerned the preparation of the SPD, issues concerning height and density of development at the Marina are relevant to the application being determined and are therefore given consideration in this section.

The main issues raised at the consultation event are listed and considered in turn below and are taken from the notes produced following the meeting.

1. Concerns were raised that PAN04 provides insufficient guidance to evaluate the application proposals.
2. The Brunswick scheme and approval of a 40-storey tower above cliff height has set a precedent and the Brighton Marina Act would be ignored.
3. Local people have objected to previous schemes and felt that writing up their objections again is onerous and that objections raised at the meeting should be evidenced. It was noted during the SPD consultation meeting that concerns raised regarding the current application by Explore Living would be recorded.
4. Residents believed that the proposal should be refused on the grounds that the Health Impact Assessment suggests that affordable housing is sub-standard. Residents raised concerns over the length of the build program and construction periods and the effects that this may have on residents.  
**Officers' response:** Whilst it is acknowledged and accepted that any regeneration proposal may create some disruption and inconvenience, it is anticipated that the developer and their contractors would take precautions and plan for the safety and comfort of existing residents whilst building work



takes place. PAN04 requires developers to take a coordinated approach and involve the local community and set up a Marina Community Liaison Group prior to construction taking place, to consider concerns and agree phasing. In addition, the developer has submitted a Construction Environmental Management Plan (CEMP) which proposes measures to ensure that construction does not have adverse effects on the environment and the people within it. Whilst both the CEMP and Phasing Plan submitted as part of the proposal are indicative, it is considered appropriate to secure both documents by way of condition in order to ensure that changing requirements are accommodated.

5. There are concerns that the Explore Living application is too dense and too high and does not sit harmoniously with the prevailing architecture.
6. Concern was raised regarding the implication that the proposed number of units, in conjunction with those approved in the Brunswick Scheme, would have on existing residents.
7. The effects of the proposed development on traffic was a considerable source of anxiety amongst residents, with many being concerned that an increase in traffic frequenting the Marina would cause tailbacks, congestion and pollution. Coupled with this concern is the proposed demolition of the eastern end of the multi storey car park.

**Letters of support** (A list of supporters appears in Appendix 5):

#### **Architecture, design and conservation**

- Would remove existing surface car parking and anonymous supermarket shed.
- Lift the marina as whole which suffers from large areas of pastiche housing and mixture of pseudo-Victorian styles.
- Support and complement new development (Outer Harbour Scheme) designed by Wilkinson Eyre.
- Views of proposed roof terraces would provide preferable views to current supermarket roof.
- Would provide improvement on concrete jungles of car parks, run down supermarkets and eyesores such as McDonalds.
- Proposal would improve ability for residents and visitors to walk without crossing roads and negotiating stairs, making it safer.
- Improve unsightly and inhospitable atmosphere in run down areas and give sense of purpose.
- Marina currently disjointed, soulless and uninspiring. New buildings and public spaces would give it a “sense of flow”.
- Marina looks tired and would benefit from revival created by proposal, establishing a new focal point for city.
- Create higher levels of activity which would make it safer for lone females to cross to car park.
- Benefits for the city outweigh issues such as building heights and views.
- Provide new landmark to replace current focal point - uninspiring Cineworld complex

- Improved access and public spaces.
- Improvements to pedestrian and cycle links as currently access dominated by cars
- Residential apartments located in visually attractive buildings that would not detract from architectural heritage of city.
- Proposal would ensure first impression of Marina is one of attractiveness.
- Marina's dour appearance would be improved to become an attraction not an eyesore.
- Bring Marina into 21st Century with dynamic architecture.

### **Socio-economic**

- Encourage bigger brand names into Marina, attracting more visitors and improving success of smaller businesses.
- Provision of new employment opportunities, both during construction and after completion.
- Existing shops not good enough to entice visitors.
- More housing needed if the economy of the city is to grow and prosper.
- Provides landmark development to encourage further investment in the city.
- New-look Marina would be boost to existing and new local businesses which have struggled so far.
- Assist continued economic growth of the city.
- Attract more tourists and boosts to city's tourist economy.

### **Facilities**

- Replace current site with much needed facilities.
- More green areas and introduction of children's play areas much needed.
- Draw people who otherwise would be attracted to Brighton city centre.
- New facilities would be more attractive and create the sort of impression we want for an international leisure, retail and residential attraction of this size.
- Would give greater selection of leisure facilities.

### **Transport**

- Proposal provides shift in focus from cars and would encourage creation of new bus routes.
- New bicycle routes would reduce traffic congestion.
- Proposed parking would ensure existing residents needs were not impinged upon.
- Provide much needed improvements for transport system to and from Marina.
- RTS proposal should happen concurrently with the proposals.
- Would provide sustainable transport links to and from the Marina to connect it to city.

### **Housing**

- Replace current site with much needed housing for the city.
- Proposal would ensure people from broad sections of the community have opportunity to be properly housed.

- Would help young people - of which there are many in the city - to get on the housing ladder through shared ownership scheme.
- Housing scheme would bring new life and sense of community to ghost-like part of city.
- Addition of residential properties could see this part of Brighton become a desired and vibrant part of the city.
- Affordable housing would provide opportunities for essential workers to have affordable accommodation.
- Much needed accommodation in a city very short of affordable homes.

### **Sustainability**

- Building on a brownfield site the way forward.
- Create jobs, tourist and housing whilst respecting environmental issues.
- Proposal is environmentally friendly.

### **External Consultees**

**Bus Users UK: Original scheme - objects.** The proposed bus stop facilities are far inferior to the existing facilities, so are more likely to discourage bus usage in development where high public transport usage is important. Extremely concerned over the one bus stop shelter provision. The location and height of the roof of the open shelter is such that wind can easily blow under the shelter and blow rain directly onto waiting passengers. Also with one transport interchange, many bus stops would be far from the shelter and even if a passenger were to use it they may miss a bus or get soaked waiting in the open. Real time information at each bus stop is necessary. It would be further away than the existing bus stops for ASDA customers with heavy shopping to carry.

The Marina Way/Wilson Avenue junction would delay buses and risk affecting services. The proposed squareabout may result in buses being withdrawn from the marina if it becomes an accident black spot. Concerned that the design means that pedestrians would be left to walk around the 'outside' pavement, crossing busy roads without the help of pelican crossings. Suggest alternative junction arrangements and high level 'sky' bus stops. Welcome the contribution to the proposed RTS (if it goes ahead) and would also welcome some bus priority on routes towards the Marina, possibly in Woodingdean.

**Amendments - Objects** Welcome the improvement to the squareabout; however as the design is so innovative it is difficult to estimate if it is likely to cause congestion problems. However the pedestrian provision remains poor, the sheer weight of traffic means few pedestrian would want to use it except when traffic is light. The route from ASDA to the bus stop inferior to the present route; pedestrians would either have to cross the busy ASDA road or cross to/from the squareabout twice without the help of signal. Welcome the new pedestrian access from the coast road to ASDA. Still concerned over Marina Way/Wilson Avenue Junction, bus shelter provision and poor pedestrian facilities.

**Brighton & Hove Bus and Coach company:** Concerned that the transport interchange would include arrangements for coach setting down and picking up. Consider that this arrangement would not work and would conflict with the operation of the bus services.

**Brighton & Hove Economic Partnership.** Original scheme - Support the application.

The continued development of the residential element of the Marina would contribute towards the evolution of a vibrant local community with sufficient critical mass to sustain economic activity even in the months when visitor numbers are reduced. The proposed commercial element would go a long way towards making the Marina a destination in its own right. Welcome the emphasis on A1 retail use since the A3 provision is already well catered for. Have no concerns about the effect of the new development on retail in the city centre.

In terms of transport It is unfortunate that, while the applicant has been able to offer a cumulative impact assessment incorporating both their own scheme and the Brunswick development, it was not possible to include the Black Rock Ice Arena. However, this is understandable in the absence of any firm proposals from Brighton International Arena. We note the developer's proposed use of "shared space" to allow traffic and pedestrians to interact. This concept has been employed to great effect in New Road in the city centre and is generally considered to be a success. However, we are uncertain about the effectiveness of this concept in the Marina where the volumes of traffic and pedestrians would be much greater. We would ask the applicant to provide examples of similar schemes where this concept has worked successfully on a larger scale.

Given the challenges of transport in this location we feel that parts of the transport assessment are a little light and would really like to see more detail especially surrounding the role of buses. Both the transport assessment and the planning statement make mention of the proposed Rapid Transport System (RTS). It is unclear how much the transport model relies upon the RTS for its success. It is our understanding that the nature, route and frequency of the RTS are still an unknown.

We welcome the addition of a transport interchange and the real-time bus information displays but note that there is no indication of the capacity of the interchange. Given that it would have to service residents, tourists and shoppers the committee should ensure that it is of sufficient size. Enhancing cycle access to the site is to be applauded since it is currently one of the least accessible locations in the city for cyclists (or pedestrians).

It is disappointing that the applicant has not been able to provide for the requisite percentage of open space in accordance with SPG9. While we accept the reasons and appreciate that this shortfall has been mitigated in planning

terms via contributions to be made to an alternative sites, we feel that some of the open space that is provided on site lacks imagination. While it seems likely that the Marina would not be a location of first choice for residents with children, it may be a destination of choice for many of the young people in the surrounding areas that have limited scope for entertainment on their own estates.

The Planning Statement states there would be a gross increase of 155 direct jobs based on the site. We concur with the applicants' projections for employment figures which would appear to err on the side of caution. Although the numbers are not impressive and the majority are likely to be lower paid, entry-level jobs they are still to be welcomed, especially given the close proximity of the site to one of Brighton's most deprived wards with high levels of unemployment. The construction phase also offers an opportunity to enter into a local apprenticeship training agreement with the developer and we welcome this.

The real value of this development is not necessarily measured in employment terms, but rather the provision of affordable (and other) housing and the opportunity to transform an under-performing piece of real estate into an income generating addition to the city's considerable offer as a leisure destination.

#### Amended scheme - support

The Brighton & Hove Economic Partnership has considered the amended scheme and has reiterated its support.

#### **Brighton Marina Residents' Association: Original scheme -objects:**

Concerns over the results contained in the traffic assessment. Assumptions made by developer about traffic generation raises questions about the viability of the squareabout and the Strand regarding proposed bus traffic, consequences of loss of parking from the multi storey and ASDA and that as a consequence the proposals appear to be untenable.

Concerned about the safety of the exit ramp in relation to the proposed relocation of the petrol station and the new exit on level 3 of the car park onto the ramp. The building of high-rise buildings is out of keeping and removes necessary car parking. Unsatisfactory entrance point does not necessitate reconstruction of the entire area. Large areas dedicated to cars is necessary to make businesses in Marina viable. High-rise would not enable better-connected retail units. Free car parking in Marina is put under strain because of expensive parking on Brighton streets. A centrally located interchange would concentrate masses of people both coming and going at one point. People accessing and servicing their boats are not accommodated and it is unreasonable to expect them to use public transport.

#### Amended Scheme - objects

Emergency access eastern end – Concerned that no improvements being proposed to emergency access at eastern end. Current application exhausts

capacity for further development and existing emergency access is inadequate.

Excessive height – Buildings are visually dominant and overbearing and breach the Brighton Marina Act. Public inquiry when Act was brought sought to preserve sightlines.

Flood risk – Sea defence in jeopardy by breaking through to accommodate Rapid Transport System

Transport – Have used comments from independently commissioned assessor (Mouchel) to provide comment on developer's TA. Reduction in multi-storey car parking is unacceptable. Serious issues with the data used by the developer in that it is out of date, limited or inappropriate. Unacceptable levels of traffic congestion at Harbour Square due to proposed low speed restriction. Use of The Strand and roundabout by existing estates office by buses would cause disruption to residents as they access their properties, in addition to raising issues related to safety and environmental impacts. Inadequate number of taxi points. TA did not assess wider traffic implications outside the Marina.

Planning Statement document – Doubt over whether the Environment Agency have withdrawn objection as stated on p.22. Disagree with claim that development would improve views of cliff. The Cliff Site is impermeable and imposing. Stated that transport issues have been addressed (p.27) although Mouchel find different (e.g. loss of car parking). No evidence that emergency services, especially the fire brigade would withdraw objection. RNLI concerned that issues over access and parking and that future parking is dependent on the Brunswick Scheme.

Loss of light – unacceptable loss of light to Neptune Court and The Octagon residential dwellings.

Strategic views – Excessive height of buildings and Cliff site buildings would lead to loss of strategic views looking from Palace Pier eastwards. Panoramic sea views from the cliff top would be lost. Loss of cliff views facing north. Wind tunnel effect would negate the use of the cliff viewing platform.

Lack of open green space – Not acceptable that open space or outdoor recreation space be provided off site. Reject notion that East Brighton Park is in close proximity to suffice as green space as it is not easily accessible.

Microclimate (Wind related effects) – Eco Park and The Strand identified as producing wind tunnel effects and not suitable for sitting out or entrance doors. Would therefore affect current uses on The Strand and discourage use as bus waiting area. Would have impact on quality of life and ability to use outdoor space for existing residents.

Car park management plan – Reduction on 1353 car parking spaces in the multi storey is unacceptable. Amount proposed for free parking spaces is

insufficient to accommodate all users, especially berth holders. Both Explore's proposal and Brunswick scheme parking measures would increase pressure on surrounding areas.

Housing – unacceptable that all the affordable provision is in the Cliff Site building. 5% of 1 bed flats are 5sqm below the Council's minimum standard. 18% of 2 beds are undersize also and believe that small flats do not make a sustainable and socially cohesive development. 20% of flats in Cliff Site do not receive sunlight according to March testing. Too few 3 beds going against Council's stated housing needs. Split of social rent/buy does not meet Council's requirement of 55/45.

**British Naturism:** Object on the grounds of loss of amenity.

**The Brighton Society** Original scheme - objects

- Density of the scheme is unacceptably high considering the limited access and the height of some buildings close to the cliff.
- Building facing north would be in permanent shadow resulting in unacceptably sunless conditions for the inhabitants. Many kitchens are without windows.
- The flats above ASDA would suffer unacceptable noise levels from early morning deliveries.
- Children's park is located in a sunless position beneath the cliff which is unacceptable.
- Quayside building has long windowless corridors creating unacceptable conditions for residents.
- No attempt to relate development to nearby Kemp Town Conservation Area.

**British Airports Authority:** Original scheme -No objection from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal. If wind turbines were proposed, would draw the applicant's attention to Advice Note 7 'Wind Turbines and Aviation'.

**Brighton Urban Wildlife Group:** Objects. Concerned about the very large nature of the development. This is a sensitive site designed to balance a maritime ecosystem, including people and their activities. On a macro scale the proposal is not sustainable demands on water, waste sewerage etc, would be great. The proposal provides minimum amenity space, which does not mitigate the losses incurred by such a large building project. On a local scale, the quality of life for residents, visitors and wildlife must be taken into the marina. Wildlife needs its habitat, the sea and the 'marina' captures this. Mitigation for wildlife loss into the roof is not acceptable.

The various species of sea birds need the cliff and the beach; the impact of tall buildings ranging from 6 to 28 storeys would have an immense impact on the micro-climate. Wind funnelling would also be problem due to increasing stormy weather, as climate change gets worse.

Nothing in the plans addresses biodiversity, bird boxes and wildlife refuges are not a substitute for the loss of habitat. Biodiversity would be neither maintained nor enhanced as required by Policy QD17. The developers ecology report is long on detail but light on principle;

- The 'Needles' development (Sea wall site) would destroy the wildlife interest of Black Rock beach. The report's two-session summer survey was never going to pick up winter/spring roosting or nesting birds. It is dismissive of the site, which highlights a lack of understanding of Brighton's urban wildlife. The report ignores the impact of a block of flats along the eastern edge of the beach. This is a seasonal summer beach for local people that is currently secluded. Policy SR21 is not addressed (protection and enhancement of the seashore and shingle beach).
- The SSSI chalk cliffs, the marina's most dramatic feature created over millions of years, would be dwarfed by tower blocks and shading alone would have an effect on the cliffs and wildlife. The cliff is still recovering after heavy engineering work and nature recovery would be lost if the new ASDA and flats are built next to the cliffs.

The designated boundary of the South Downs National Park now reaches the Marina where protection and enhancement of natural beauty is paramount. The development does the opposite, building a much more intense environment where a green roof would not mitigate for the erosion of Britain's newest National Park.

Amended Scheme: objects

Nothing in the revised application that changes the earlier objections to the application.

**Civil Aviation Authority:** Confirm that lighting is required to be installed on structures over 300 ft tall.

Amended scheme:

There is a potential need for an aviation warning light. Given the 28-storey building would be one of the tallest in the area, it could be argued that the structure constitutes an air navigation hazard and would recommend the installation of a low intensity red light at the top of the building.

**Conservation Advisory Group (CAG):** Objects. The group felt that no proactive assessment seems to have been taken in evaluating the capacity of the Marina and regretted that the current proposal takes away the rational of a marina for boats. The group echoed the objections of the Kemp Town Society and reiterated the overdevelopment aspect of the proposals and the negative impact it would have in terms of the traffic with a predictable over congestion of roads and people, which in turn would make an emergency service difficult to cater for. The group therefore recommend refusal.



Amended scheme:

The group noted the amendments and agreed to finalise comments after inspecting the model and sample boards. Agreed that the appearance of the tower is an improvement, but remained of the opinion that it is an inelegant building and not of sufficient quality. The group concluded that despite the alterations in design, the tower would significantly harm the setting of the Kemp Town and the East Cliff Conservation Areas. Welcome the regeneration of the marina but consider the density of housing development, in particular the ASDA site, to be excessive and do not agree the case for exceeding the height of the cliff.

**Commission for Architecture and the Built Environment (CABE):** Original scheme comments

Public Realm: Acknowledge challenges associated with creating a unified public realm in the complex marina environment with changes in level, variety of existing buildings and diverse road infrastructure. Welcome decision to replace the roundabout with a public square. However the proposed Harbour Square fails to confront the challenge in a convincing way. The relationship between Harbour Square and those spaces adjacent to the Cliff block, the new petrol station and the bridge link to the boardwalk is particularly ambiguous and is not helped by the north-south route through the square. More analysis is required with the aim of rethinking the design of Harbour Square as part of the wider public space network.

Acknowledge that in the short term the car park and ramp structures would remain and welcome the improvements proposed for the areas underneath the ramps and the facades of the car park.

The roof of the car park is important as it would be visible from Cliff site and Marina Point. Welcome the intention to screen this with a trellis structure. Welcome the replacement petrol station but consider the impact on the public realm in how it relates to the square and how traffic is managed requires close attention.

Cliff block: Potential to be a successful example of residential accommodation combined with a large retail building. Form and scale is appropriate. Welcome the pedestrian route across the building, including the new bridge link with the cliff. However, the top arrival space needs further thought; will need careful landscape signals to resolve a potential conflict between its public and private characters. Should be clear physical and visual boundaries between the apartments and more public spaces. Consideration should also be given to more pronounced gaps between the blocks to further open up views to the sea.

Marina Point: Consider a tower in this location makes sense. Its scale and proportions appear well judged and it has the potential to be an elegant building. Ultimately its success will be dependant on the quality of materials and detailing.

Quayside building: Unconvinced by this proposal, which fails to relate adequately to its context. As proposed its form comes across as a hybrid amalgam of a courtyard block, podium block and tower. Quayside building requires a fundamental rethink to produce a more self-assured block which sits more comfortably in its context.

Sea wall building: Accept and understand reason for the sea wall to have little fenestration on the side facing the marina. Welcome the thought that has gone into enlivening and articulating the eastern end in particular to avoid presenting a blank 'back' to the site.

Inner harbour building: Generally supportive but find the least successful elements are the single aspect apartments directly onto the roundabout.

Finally welcome the CHP plant which, combined with biomass and gas fired boilers, would satisfy most of the site's energy demand. The success of this development would be dependant on high quality materials and detailing to realise the aspirations of the scheme design.

#### Amended Scheme comments

Ultimately, the use, form and appearance of each of the new buildings at ground level would be crucial in determining what it feels like to be a pedestrian in this area. In our view, the proposals for the public realm are not yet as convincing as those for the buildings which, with the exception of the Quayside block, are clear in their individual typologies and are generally successfully resolved.

**County Archaeologist:** The applicant states that there is no archaeological interest as the site sits on made ground. This is superficially understandable but not correct. The Environmental Statement should have included a chapter on Cultural Heritage to provide evidence for the presence or absence of evidence for human activity within the area of the site and the surrounding area. This has not been done. I think that the most appropriate way forward would be for the addition of text to the existing ES in the form of an addendum rather than re-writing a complete Cultural Heritage chapter. At this stage I feel that it is more important to ensure the correct end result than to perfect the ES. Therefore the addendum should acknowledge the archaeological potential and set out proposals to mitigate impacts through a programme of archaeological survey. In addition, any remedial works to the cliff, for example to ensure future stability, must be subject to geo-archaeological monitoring and recording and this should also be covered by a full Written Scheme of Investigation and form part of the same Programme of Works. We recommend a Programme of Archaeological Works condition in this case.

**Defence Estates:** No objection in principle; however if the scheme involves the erection of large industrial buildings which may be necessary, any tall chimney

stacks should be lit with air navigation warning lights. Request a condition requiring further details to be submitted to Defence Geographic and Imagery Agency giving details of highest structure and maximum height of any construction equipment.

**Des Turner – MP**

Comments that:

It is important that the councillors who sit in the planning committee take the views of all objectors into account before they make their decision.

**District Valuer:** A financial assessment was made with regard to the re-development proposals of part of the Marina Village site in accordance with planning application BH2007/03454. This valuation has been carried out by a valuer conforming to the requirements of Practice Statement 1 of the RICS Appraisal and Valuation Standard (6<sup>th</sup> edition) acting as an External Valuer. The conclusion of the report shows that there is a good deal of common ground on both costs and revenues attaching to the submitted scheme. There was initially a marginal adjustment in the finance costs considered justified. However, surplus from this element has been offset by build cost inflation in Quarters 1 & 2 of 2008 and the additional costs associated with Code for Sustainable Homes Level 4 and BREEAM Excellent standards. The applicants have stated that they are in a unique position to mitigate the rises in construction costs through their parent company, Laing O'Rourke, and hence their return figures are better than our market assessment. However, following extensive negotiations on the mix of affordable housing, the tested mix (35%/65%) is required to deliver the scheme with a profit level approaching market norms. This is considered to be fair to the developer in putting significant capital at risk.

**East Sussex Fire and Rescue Service:** Original scheme Objects. The excessive distance expected of fire-fighters has to be significantly reduced to a more acceptable level in line with the regulations or alternatively each domestic dwelling has to be fitted with sprinklers

Amended Scheme: No objection:

Given the measures set out in the fire strategy documents, which include the use of sprinklers, it is now considered appropriate to withdraw the objection.

**EDF Energy:** No objection.

**Emergency services: (joint letter from Police (Road policing), East Sussex Fire and Rescue, South East coast Ambulance service) Original scheme Object.**

While the regeneration plans would enhance the area, concerned that there is currently one single point of access and egress into the marina, which has implications for emergency access and egress. The increase in residential units would add to vehicle movements. The principal access route to the Marina via the A259 is heavily congested at many times of the day, especially at weekends in the holiday period. There is a potential for significant problems in respect of

response to major incidents in particular, unless the issue of a second access/egress route is constructed as part of any further development.

Of similar concern is the possibility of off site parking in the surrounding streets arising from the development that may have an impact for the Ambulance Service accessing the nearby Royal Sussex County Hospital.

Amended scheme – no objection. As a result of the above comments meetings have taken place with council officers and the developers to address our joint concerns. This has resulted in an undertaking that access points would be established for emergency service use, namely:

- the RTS route to Harbour Square going under the existing egress ramp
- access via the existing gate on to the egress ramp
- access to western breakwater. (This route must not be compromised by conflicting development between the Brunswick development and that of Explore Living.)

We are now satisfied that our concerns over a second access/egress route have been realistically responded to in relation to this development application. However, we still retain our united concern that the weak spot of Brighton Marina is the position where the Rapid Transport route goes under the existing ramps. This route remains vulnerable to closure if the main ramps are compromised, either by accident or by a criminal act. In the longer term we would ask that consideration be given to exploring an engineering solution to provide some sort of roof or cover to this route which would enable it to withstand the collapse of the existing ramps and keep the route clear of debris, thus minimising any risk to our ability to respond to incidents within the Marina site.

**English Heritage:** Original scheme- comments. Recognise this is an important regeneration opportunity for the eastern part of the city and for public spaces in particular and that the scheme should endeavour to enhance the setting of the important Kemp Town terraces and the Conservation Area nearby. Welcome improvements that have been made prior to the application being submitted following our informal comments. Nevertheless, two key aspects of the scheme remain of concern.

- For Marina Point Harbour Square – we indicated that the issue of height and massing from inside Sussex Square and within Lewes Crescent had been broadly resolved satisfactorily but that other Kinetic views needed more detailed consideration.
- For Quayside – the building has been reduced and reshaped at the upper level. However, we believe that a further slimming of the building as viewed from both west and east would be beneficial in uniting this block with the seaward side of the scheme: the views from the west indicate that this block and the lower blocks to the north of this appear to cut off the sea horizon and this important visual connection.

Amended scheme comments: Concerns have in part been addressed by the revisions and additional information provided by the applicants. The concerns regarding the height and massing of Marina Point seen from Sussex Square and within Lewes Crescent have been resolved satisfactory. The Quayside building now unites the block to the seaward side and the changes to the north could allow the views and connection to the sea horizon. However; the principal remaining concern lies with the adverse impact of the Marina Point tower on the kinetic views of and from the Kemp Town terraces. While the views are not considered to be those of prime historic significance, the perambulation along the terraces from Chichester to Arundel Terrace is part of how this historic set piece is appreciated. The Marina Point block has some adverse impacts in the way that it challenges the open views east of the terrace perambulation. This amounts to some impact on the setting of the terraces assemblage and thus the conservation area.

English Heritage accepts that the regeneration of the Marina is very important and that your council will need to consider the public benefits deliverable from the scheme and weigh these against remaining impacts on views of the Kemp Town's set piece terraces.

We believe that the revised scheme shows considerable promise for the regeneration the Marina site, but that the Marina Point design has some remaining adverse impact on the setting of the Kemp Town terraces. It should only be accepted if there is a clear and demonstrable overall public benefit.

**Environment Agency:** Original scheme - objects for the following reasons:  
There are two strands to our objection:

i) Sequential Test

Insufficient evidence has been provided that the flood risk sequential test has been adequately demonstrated. In particular, insufficient evidence has been provided to enable your Authority to conclude, as required by PPS25, that the flood risk Sequential Test is met.

PPS25 requires decision makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test' under which suitable sites in areas of lowest flood risk are developed first. In this instance the Sequential Test submitted in the Flood Risk Assessment (FRA) does not meet with the requirements of PPS25.

ii) Flood Risk Issues

The Flood Risk Assessment (FRA) clearly identifies that the existing flood defences do not provide the required level of defences required to protect the proposed development over its lifetime, as required by PPS25.

This could be overcome if the application included new flood defences to the appropriate standard or if there was a firm agreement in place that they would be constructed in the future, at the appropriate time.

iii) Ecological concerns

We agree in general with the conclusions of the Environmental Statement that increased shading is unlikely to have a significant detrimental impact upon the adjacent aquatic (Brighton Marina SNCI) and vegetated shingle habitats (notably the Black Rock SNCI).

However, opportunity should be taken through this large scale and high profile development to enhance these important habitats and conduct further research.

It is stated within the assessment that: Work on enhancing the existing vegetated shingle habitats should be sought.

Vegetated shingle is a nationally rare habitat and listed on Annex 1 of the EC Habitats Directive.

Research into the communities that have developed within the Marina and enhancement should be sought through a Section 106 agreement.

iv) Further Issues

Other concerns relating to groundwater, drainage and pollution can be addressed through relevant planning conditions, which are outlined above.

v) Groundwater

We have reviewed the Environmental Statement and accompanying information submitted, and agree that the best approach to investigate any historic contamination and pollution from this site is to undertake a comprehensive investigation during the decommissioning of the petrol station.

Amended Scheme – no objection

Now satisfied that the Sequential Test submitted in the Flood Risk Assessment (FRA) meets with the requirements of PPS25.

Still concerned that the existing flood defences do not provide the required level of defences required to protect the proposed development over its lifetime, as required by PPS25 but have no objection if the sea wall upgrades are included within the heads of terms of the S106 agreement.

**GIA:** (A specialist independent consultancy, who were commissioned by the Council to assess the robustness of the methodology used in the ES in respect of the microclimate and Sunlight and Daylight assessment. In the case of the microclimate the conclusion of GIA was that they were satisfied with the robustness of the chosen methodology. However GIA conclude from the results that it remains unclear 'that wind conditions will be negligibly altered from the existing situation.' One area at the northern end of the Sea Wall site has been identified as being unsuitable for long-term sitting and most types of pedestrian walking. This area has been identified as open amenity space with use for a small kiosk or cafe and it is acknowledged that some mitigation measures, secured by condition, may be required to make this area comfortable for long-term sitting, especially during the summer months.

Similarly the pedestrian cut-throughs between the buildings on the Sea Wall site have been identified as being unlikely for suitable uses such as entrance doors and mitigation measures are also likely to be needed.

It was also noted that the wind survey assesses only ground conditions in and around the site and not the private residential use of balconies and terraces above ground level. Use of private balconies and terraces is dependent on occupants therefore their intended use can vary. Testing of conditions at the detailed design stage would be necessary and possible mitigation measures where necessary.

#### Sunlight and daylight

The methodology and results have been assessed by GIA, who are satisfied with the robustness of the chosen approach and methodology. The applicant has not assessed the impact of their proposal on commercial properties in terms of loss of daylight, although GIA have confirmed that assessing only residential properties in EIA is standard practice.

#### Solar Dazzle

The ES considers that solar glare is only likely to occur in relation to the Marine Point building, more precisely on the upper levels (seventeenth floor and above) and it is not considered to be an issue at this height, which is confirmed by GIA.

#### Urban Heat Island Effect

The effects of the Urban Heat Island Effect are considered to be negligible. This aspect of the report has also been considered by GIA who conclude that the arguments that have been presented are robust and the outcome drawn from these is reasonable.

#### **GVA Grimley (on behalf of Mc Donald's Restaurants Limited): Original scheme -Objects:**

Objects for the following reasons:

- Proposals do not meet with McDonalds operational requirements.
- Proposals fail to maximize urban design opportunities and do not comply with the Supplementary Planning Guidance note on the redevelopment of the Marina.

McDonalds operational requirements:

- Maintains that locating its car parking and drive-thru entirely within a building is not operationally acceptable. Anticipates large numbers of customers would not use the premises due to uncertainty over the route into and out of the drive-thru lane therefore suggests that an external drive-thru lane be created.
- Vehicles parked in an enclosed space with their engines running would create fumes and noise creating an unpleasant environment therefore discouraging customers from returning.

Urban design objectives:

- All elevations except the eastern elevation of proposed building in which McDonalds would be located are largely blank. The creation of an outside drive-thru would introduce movement, viability and vitality into an area which would benefit from increased activity.
- Covered external seating in the 'park square' face away from the square towards an access road and multi storey car park which is considered a missed opportunity
- Proposed McDonalds restaurant should front public space to attract footfall and contribute towards the vitality of the scheme.

**Highways Agency:** Confirm that the Highways Agency is satisfied that the development would have limited material impact on the strategic Road Network.

**Kemp Town Society:** Original scheme - Objects. Brunswick development set a gross overdevelopment precedent which Explore Living feel entitled to pursue. The density of the development is highly unsustainable for marina residents and visitors. Considers the development to be an overindulgence of uninspired buildings, unavoidable from all angles. Development would increase Marina population by approximately 1.5 times that of Kemp Town in a area a fraction of its size. Density is 3000 per hectare compared with the average for the city which is 30 per hectare. No attempt to integrate building styles into the Marine Drive heritage areas. Aesthetically, mass of proposed buildings would be a disaster and is out of keeping with the dominant architectural style of Kemp Town. Brighton Marina Act is contravened with one tower exceeding cliff height. 90% of the available land would be built on and no place for children and young people. No vistas or meeting places. Building near ASDA site too close together, resulting in loss of privacy for residents. Buildings located closest to western breakwater would look like a wall. Glazing would cause 'mirroring' effect from western reflected sunshine. Close proximity of buildings to the cliff would cause undercliff walk to be in shadow. Traffic in peak periods would cause traffic jams on Marine Parade and Wilson Road. Green roofs and sustainability measures no substitute for real gardens.

Amended scheme: Financial model based on subsidising ASDA and furnishing them with a free store and unsuitable and unsustainable affordable housing allocation. Does not comply with Council's policies. Cliff site development inappropriate on this highly exposed and sensitive site. Model should include cliff top buildings to show the relationship with Marina.

**The Kingscliffe Society** Original scheme - objects

- Indefensible over-development of the Marina.
- Burden on infrastructure.
- Height and design would result in an inappropriate visual outcome.
- Adverse effects on nearby conservation area and on Brighton seafront. The proposal is out of character with its environment.
- Adverse effects on neighbouring properties.
- Traffic implications from the generation of increased traffic movements



contributing to existing traffic conditions. Unacceptable pollution levels would also result from an increase in traffic.

**Lewes District Council:** No comment on the proposals. However, Transport Assessment should include an analysis of the effect of the development on traffic on the A259 in the area of Rottingdean-Peacehaven.

**Marine Gate Holdings Ltd** Original scheme - Objects. Breaches the Act of Parliament restricting development from exceeding cliff height. Further overshadowing of Marine Gate would occur when combined with Brunswick development. Close proximity of high-rise buildings may cause excessive wind speeds resulting in damage to the buildings which would be costly to repair. Cumulative impact would cause intensive loading on the seabed and vibration from piling cause damage to the cliff face resulting in the closure of the undercliff walk. Cumulative impact of all construction would subject Marina and its residents to noise and pollution of a construction site for 7 years, creating a hostile environment. In addition, the ramps would suffer further wear and tear as a result. Substantial increase in residential units, including the Brunswick scheme, would change Marina into a high-density housing estate reminiscent of 1960's estates with large tower blocks. Increase in population would put stress on current infrastructure, including the ramp access which is inadequate in the event of an emergency.

**Marine Gate Action Group:** Original scheme - Objects. Repeated illustrative image in SPG20 clearly shows development within the Marina as being low rise with views from Marine Gate over the cliff top being preserved. SPG20 did not envisage development above cliff height and illustrates development descending progressively from the cliff. The proposals contradict SPG20 in spirit and form and the development proposals have ignored SPG20 in respect of the height of the development and 'crammed-in' excessive development onto their site. Application pays little regard to the distinctive character and atmosphere of the Marina. Proposals pay little regard to the visual impact of development for residential areas to the north of the cliffs and views along the coast are adversely affected. Application also contradicts paragraph 7.3.3 of SPG15 in that it affects the setting of a listed building/conservation areas, in particular The French Apartments, Sussex Square and Lewes Crescent. The development proposals do not deal effectively with climatic conditions and therefore do not comply with paragraph 7.4.11 and 7.4.12 of SPG15 with regards to overshadowing, the diversion of high-speed winds at ground level and neighbourliness.

**Marine Gate Action Group (further comments received on original scheme 30/12/07)**

Comments relate to the Design and Access Statement submitted as part of the application:

- Page 31, 32 and 35 – Photos indicate that the bulky Sea Wall building along western breakwater would obliterate long distance views of Brighton to Newhaven cliffs.

- Page 38 – Area identified as eco-learn space and children’s park is affected by severe south-westerly winds, therefore unsuitable.
- Page 71 – Photo indicates that Sea Wall building and Cliff Building would obliterate views of cliffs.
- Page 85 – Views T30 and 30A show bulky buildings obscure views of boats therefore severing visual connection between town and Marina. Also repeated on page 193.
- Page 86 & 87 – Sea views created within some Marina apartments are result of loss of view from Marine Gate.
- Page 104 – Sea Wall building restricts light and views from David Lloyd’s lounge and gym.
- Page 125 – New petrol filling station would have no attendant office resulting in loss of provision such as motor accessories.
- Page 127 – Cliff building exceeds existing cliff height and is contrary to The Brighton Marina Act of 1968.
- Page 145 – Bus terminus on Palm Drive and associated shelters would reduce pavement width and noise, traffic and fumes would affect restaurants and cafes adjacent to Palm Drive.
- Car Parking – The capacity of the existing multi storey car park would be reduced resulting in the loss of 794 parking spaces leading to significant traffic and parking problems in the Marina and surrounding areas.
- The Energy Centre – Explore claim that 81% of annual energy would be from renewable or sustainable sources but natural gas, which would fire the boilers, is not renewable. Questions the source of the biomass. No indications on plan of a flue or chimney on Cliff Building and concerns that pollution would be carried to Marine Gate.
- The CABE report – 28 storey tower is overly dominant from certain viewpoints and 17 storey McDonalds site bulky. Also criticize blank back wall of Sea Wall building. CABE also advise that the proposals should integrate better with the Outer Harbour Development.

**Marine Gate Action Group (further comments received on original scheme 08/02/07)**

Questions over renewable energy sources

- What is the source of the bio fuels? How would they be transported to the site?
- Concern over co-generation system as there is discrepancy between peak demands in residential use and commercial usage.
- Concern over emissions from combustion. How would boiler emissions be dispelled?
- Overdevelopment of the site and creation of a high-rise high density suburb would destroy the maritime image of the Marina.
- Qualities that attract visitors to the Marina would be lost.
- Not intended to be a District Centre as it lacks the health and social infrastructure
- Marina Point.
- All elevations are the same not taking account of the different climatic

- conditions that each elevation faces.
- The projecting floor slabs do not address solar gain on the east, west and south elevations.
- Dominates the existing residential properties, exceeds cliff height and overshadows public realm.
- Doubts over the structure's sustainable nature and green credentials.

#### The Cliff Building

- Destroys continuity of views along south coast from Brighton to Newhaven.
- Close proximity of building to cliff would result in 'canyon' effect, leaving the eco-park and undercliff walk dank, dark and inhospitable, with few opportunities for vegetative growth.
- Concern for safety of users of eco-park due to objects and debris falling off or being thrown over cliff.
- Questionable whether proposed planting as part of the eco-learn space would survive climatic conditions created by development.
- Many apartments face north towards cliff face and many further still (over 100) would have no daylight to their kitchens and bathroom, requiring mechanical ventilation which casts doubt over sustainability.
- No consideration of external plant on cliff building which if added could affect the appearance of the building when viewed from the cliff top.

#### The Quay Wall Building

- Close proximity to the David Lloyd centre would result in loss of light to lounge area.
- Most apartments in the building are single aspect with views to the west.
- Access to residents' car park, which would be via a cul-de-sac shared with the Brunswick scheme, is unsatisfactory as it would also provide service access for the casino, fitness centre and bowling alley.
- Poor relationship with Sussex Square/Lewes Crescent due to height.
- Forms an impenetrable solid wall when perceived from distant views such as Palace Pier.
- Inappropriate location due to severe weather conditions and overtopping of the sea wall.

#### The Quayside Building

- Many of the apartments are single aspect with bathrooms and kitchens lacking natural light or ventilation.
- Access to apartments via long internalised corridors with no natural light. This is unsustainable.
- Blocks rather than provides link between Marina Point and approved Outer Harbour development.

#### Public Space:

- Proposal to Park Square are deemed to be the same activities as exists in current adjacent buildings and would not activate the edges of the space or contribute to the public realm. Difficult to achieve if public transport ceases

to serve the area.

- Proposals for Palm Drive would effectively make it a bus terminus and is likely to affect existing businesses adjacent to Palm Drive.
- These types of nodes often attract anti-social behaviour, litter and vandalism
- Bus turning circles look difficult in this shared space. Congestion and tailbacks likely in light of other new accesses being created.

#### Townscape and Visual Impact Analysis

- View C4 – development obscures cliff face when looking east from Palace Pier
- View C6 - development obscures distant cliffs, blocks horizon and is bulky. Shows development dominating Lewes Crescent and Arundel Crescent
- View C9 – Development obscures view of Palace Pier when approaching Brighton from the east on the cliff top
- View T25 – Cumulative effect of development is unbalanced with tall buildings obscuring horizon
- View T30 – connection between Sussex Square, Lewes Crescent Conservation Area and the sea is destroyed
- View T41 – Cumulative view from Marine Gate reveals dull roofscape and is unimaginative, congested and bulky.
- View M32 – Obscures horizon and coupled with Brunswick development total exclusion of harbour and English Channel from cliff top. Explore proposal blocks gaps created by Brunswick development.
- ViewC39 shows visual connection from Marine Drive to harbour is eroded.

#### Traffic Problems

- The entrance is grimy and inhospitable. Noise within the tunnel exacerbated at entrances and exits and is heard by residents of Marina Gate.
- Single access into Marina inadequate, especially in the event of an emergency.
- Exit from petrol station appears to lead directly onto ramp, resulting in drivers wanting to access other areas of the Marina to drive out to A259 and re-enter.
- Exit from multi-storey onto ramp is unsafe with inadequate visibility splays.
- Sea Wall building has cut off access to car park for approved Outer Harbour scheme.

#### Cumulative impact

- Positioning of bus terminus to Palm Drive means that walking distance from Brunswick's 40 storey tower is no longer acceptable.
- Parking for non-ASDA customers has been reduced.
- Access to residential areas in the east of Marina would become more difficult as a result of proposed relocation of bus terminus.
- Concerns over protrusion of mechanical and electrical equipment on the roof of each building and their visual impact from above.
- No accessible state schools within walking distance of Marina.

### Climate change

- Sea defences would be inadequate beyond 2060. Concern over inadequate provision to prevent Marina from becoming flooded. Questions whether designs have taken into account rising sea levels.

### Materials

- Use of pre-cast concrete is inappropriate in exposed coastal location and adverse consequences include rusting of steel reinforcements. Would be difficult to clean and remove vandalism.

### Sustainability

- Concern over whether 81% of annual energy demands as proposed can really be met by sustainable or renewable energy sources.
- Marina Point casts shadow over the public realm and is not sustainable in its construction
- Cliff site proposal based on quantity and not quality of life and destroys views of cliffs along coast line. Limited sunlight and daylight to north facing apartments are unsustainable. Ghettoisation of areas based on those on low incomes.
- Sea Wall building shows two storey car parking could result in manoeuvring problems for larger cars. Building has poor relationship with Sussex Square/Lewes Crescent. Increased height since original submission and dominates views from Lewes Crescent and Arundel Terrace. Little assessment of impact of coastal storms/wind speeds on Sea Wall apartments.
- Quayside building unsustainable due to long corridors which would need to be artificially lit.

**Maritime and Coastguard agency:** No objections. It can be noted that the proposed works are unlikely to have an adverse impact with regards to safety of navigation. However, suggest various conditions to ensure protection of the beach and foreshore during construction works and conditions to prevent any interference with Marine frequency bands used by the coastguard and Navtex.

**Mid Sussex District Council:** Original scheme - no objections to the scheme.

### Amended scheme

No objections.

**NATS (en route) Ltd:** No objections.

**Natural England:** Original scheme - Objects The cliffs are part of the Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI) and have been notified for their unique and irreplaceable geological features, consisting of a fossilised raised beach overlain by periglacial coomb deposits. The site attracts major scientific interest and the key to this is the visibility of the notified features, and in particular the transitional fault line which divided two types of significant geological form. Primary concerns are: The impact of the works on

the stability of the cliff; the impact of the development on the visibility of the geological exposure; and the potential for further works given the likelihood of natural mass movement processes to occur in the future. Would review objection following site visit.

#### Amended scheme – no objection

Following discussions with the applicant and the amendment made to the scheme, Natural England can now withdraw our objection subject to adherence with the following conditions regarding access to the viewing platforms and assurances that the conditions can be legally enforced if necessary: As part of the programme of mitigation and enhancement of the site, the sum of £30,000 must be provided by the applicants for provision of geological interpretation and information, which shall include both at consultation, interpretation and implementation strategy. Natural England must be consulted on the design, text and location of any geological interpretation/information. The interpretation may include boards, sculptures, information packs for residents; to be decided as part of the strategy. Ongoing management and maintenance plan for the aforementioned must be submitted and should include a sum for ongoing maintenance/management. Natural England must be consulted on the design of the Geo-Learn Space

However, still maintain that in their view the proposed development is too near to the cliffs. In the event of a future cliff failure, Natural England would object to any subsequent stabilisation measures that could impact on the visibility of the cliffs.

#### **North Laine Community Association** Original scheme - objects

- Extreme overdevelopment of the site and density is excessive.
- Some buildings higher than cliff, therefore contravenes Brighton Marina Act 1968.
- Impact on skyline close to Regency terraces is unacceptable. Proposal would be detrimental to Kemp Town and Kingscliffe Conservation Areas.
- Current access inadequate and would be unable to cope in event of an emergency.
- Insufficient amenity space, therefore concept of Marina would be lost. No views of sea or boats from various perspectives.
- Local infrastructure unable to cope with resulting high population density.

**Primary Care Trust:** Comments. Health Impact Assessment led by the PCT working with the council and Explore Living has been undertaken. Main findings are split into benefits and potential challenges. Benefits include: affordable housing, improved transport access including RTS and improved connectivity with the Marina and the City; opportunities for safer cycling, walking, a jogging track, cycle hire, multi purpose sports pitch. Potential challenges include: construction effects (noise and air quality) particularly on the Asquith nursery; cumulative impact of construction over long periods of time on both residents and workers of the Marina; a significant high-density population increase; the main point of access for all vehicles would continue to be via the single ramp: concentration of all affordable housing on the cliff site. Mitigation and

enhancement measures outlined in the HIA should be implemented, for example in the case of the nursery mitigating measures need to be considered and could include temporary relocation of the nursery

In addition the PCT is considering a number of options for the provision of health services in the Marina. The developers have indicated there is potential for the PCT to utilise space in the Octagon (379sqm) with an option of additional space at a later date. Although the space is currently considered too small by the PCT's Estates team for a large multiple GP Practice (8-9 GPs), there are a range of health services which could be provided. The PCT is hoping to secure premises at the eastern end of Kempton which would enable two existing practices to be relocated and this would be a determining factor to any service development proposals for the Marina.

**Regency Society Original scheme – object**

- Society acknowledges that parts of the Marina are in need of improvements provided they fit well into the landscape.
- No objective pro-active assessment of the capacity of the Marina.
- Combined with permitted Outer Harbour development and proposal at Black Rock, society believe this to be a gross overdevelopment of the site.
- Acknowledge that individual buildings in the scheme are well proportioned but reservations stem from their impact on townscape.
- Regency buildings centred on the first floor and assessment of views in photomontages does not reflect this as they are taken from the road level. Therefore impact of the development would be more obtrusive if taken from first floor level.
- The new building would deprive residents of Kemp Town views of the water and boats in the Marina.
- Some flats only have northern aspect and very close to the cliff.
- One access into and out of Marina makes residents and visitors vulnerable in event of emergency.
- Some of the figures in the Traffic Assessment appear to be very low.
- Unrealistic that patrons to the Black Rock Ice Arena would come by public transport; therefore Marina would feel knock-on impact.

**Roedean Residents Association: Original scheme - Object on the following grounds:**

- Gross overdevelopment on a site that was never intended to be a housing estate.
- It would bring no benefit to the current residents of Brighton Marina as it would bring noise, chaos and pollution.
- Inadequate infrastructure when combined with Brunswick development.
- Building design, particularly the 28 storey tower, is unattractive with no architectural merit,
- Inadequate car parking and scheme offered would not solve transport problems,
- Unattractive ramps remain unchanged as part of proposal. Represents

potential danger as a means of escape in an event of an emergency and structural strength,

- Height of parts of the scheme are in breach of height restrictions,

Amended scheme - object:

- Insufficient consideration has been given to the transport situation. Proposals would result in chaos and Transport Assessment confirms this,
- Emergency services and infrastructure ill-equipped and insufficient to cope with resulting population density.

**Royal National Lifeboat Institution:** Original scheme - objects Main concern is the significant potential problem of deteriorating access due to the impact of this development along with the Outer Harbour development. Already there are occasions when the crew have had to abandon cars by the roadside and run through the marina on foot due to traffic jams in and around the Marina. Once in the Marina the lifeboat crew have six reserved spaces that are vital. Speed of launch for the Lifeboat is vitally important and seconds lost in reaching casualties can literally cost lives. This latest planning application does nothing to solve the existing parking problems, merely seriously compounds it.

Amended scheme - object:

Objection still stands. New proposals for the emergency access is ill conceived. All the emergency vehicles would be approaching from the north and would have to make a detour to the west away from the Marina and still arrive behind the roundabout where the traffic snarls up. Still believe the application is an overdevelopment and would result in an inadequate access system and would from the emergency services viewpoint cost lives

**Save Brighton** Original scheme - object

- The Marina would be overdeveloped and its infrastructure overloaded.
- The concrete ramps into and out of the Marina would be overloaded.
- The resulting population density in the Marina would be excessive.
- Local schools, hospitals and medical services would be unable to cope.
- It would generate excessive road traffic, leading to noise, congestion and disturbance affecting residents in both the Marina and elsewhere.
- The appearance and height of the new buildings is inappropriate.
- Nearby residents would suffer overshadowing, overlooking and loss of privacy.
- The development is out of character with its surroundings.
- It would damage views of the Brighton seafront and conservation area.

**South East England Development Agency:** Support the scheme as well as improvements to the infrastructure of the region. Welcome the creation of both permanent jobs when the development is complete and temporary jobs during the construction phase.



**South East England Regional Assembly:** Original scheme- support. It is considered that the proposed development would not materially conflict with or prejudice the implementation of the Regional Spatial Strategy (RPG9 and Alterations) of the South East Plan (March 2006).

Recommend the City Council secures the following through conditions or legal agreements: an appropriate range of types and sizes of dwellings in line with local needs; an appropriate package of transport and infrastructure, including an agreed travel plan; the phasing and delivery of community and other infrastructure appropriate to the scale of the development; an appropriate level of car and cycle parking to comply with policy T12 of the RPG9 and policy T7 of the draft South East plan; the adoption of key development principles for each phase of the development; the incorporation of water and energy efficiency measures and the promotion of renewable energy and sustainable construction; appropriate mitigation measures in relation to noise and air quality, flood risk, management, impact on water quality and measures to enhance biodiversity of the site.

Amended scheme - Support the amended scheme subject to securing the above recommendations through conditions or legal agreements.

**Southern Gas Networks:** Plans submitted identify location of pipes in the vicinity of the development. Safe digging and excavation in proximity to pipes is required.

**South Downs Joint Committee:** Original scheme - objects. Recognises the existing failures of the urban realm and accepts the benefits of its redevelopment. While the Joint Committee objected to the outer harbour, it considers that while the 28 storey tower would be visible from The AONB, South Downs National Park (in particular Red Hill and Cattle Hill) the proposed development would actually mitigate the impact of the outer harbour development by providing a context for it and reducing its isolation and incongruity. Accordingly the Joint Committee is not opposed to a tower of the height proposed in this location. However, the design of the towers is not acceptable, it has a crude, monolithic form and bulk. Therefore the principle of the development of this part of the marina and the principle of a tall building is considered acceptable but the design of the tower as submitted is not acceptable. If the tower were redesigned to represent a more aesthetically pleasing design then the Joint Committee would reconsider its objection.

Amended Scheme - objects: The Committee considered that the proposed revised elevations to the tower did not overcome its concerns about the form and bulk of the building, and therefore resolved to maintain their objection. Would reiterate that if the tower block could be redesigned so as to represent a more aesthetically pleasing profile and appearance, the Joint Committee would reconsider its objection.

In addition, the Joint Committee does not wish to see a plethora of tall buildings

at the Marina or along the sea front, because of the cumulative impact on the Sussex Downs AONB/South Downs National Park.

**Southern Water:** Original scheme- No objection. Following conditions recommended: occupation of the dwelling should not occur until the Local Planning Authority in consultation with Southern Water is satisfied that the necessary infrastructure capacity is available to adequately service the development; before development commences, details of the proposed means of foul sewerage and surface water disposal to be submitted and approved in consultation with Southern Water; the developer must advise the local authority in consultation with Southern Water of the measures which would be undertaken to protect/divert the public sewers and public water supply prior to the commencement of development.

Amended scheme

No objection to amended scheme and no further comments.

**Sport England:** Original scheme - Objects. New residents would make demands upon a range of sports and recreational facilities over and above their immediate requirements for on-site informal facilities and recommends a contribution to offsite sports facilities. Consider that the proposals at this stage do not adequately cater for the sport and recreational needs of the locality made necessary by the development. Concerned that the Multi Use Games Area is located underneath the access road, whereas Sport England guidance 'Active Design' advocates that sports facilities are located in an attractive location which is accessible and that are located in a location which generates awareness of its existence.

Amended Scheme

Previous objection to this application now withdrawn.

The applicant has also provided further information relating to the off site sport contributions. Discussions have also been held with the Council's leisure officers and subsequently the applicant has proposed a further £200,000 for sport and recreation provision which includes £100,000 of additional funding for the on site sports coordinator and £100,000 for other off site provision. Further to receiving this additional information Sport England is now satisfied that the off site provision is acceptable in relation to the amount of development proposed and reflecting the local need.

**Sussex Enterprise (Chamber of Commerce for Sussex):** Support the proposed development. The future vision of Brighton Marina is stunning. The project would transform the concrete shopping centre and car parks into a thriving residential area with new and affordable homes planned. It would create jobs, attract more business and help invigorate the surrounding economy.

**Sussex Police (Crime Prevention Design):** Original scheme - comments

Firstly, would highlight need for mixed development as far as A3, A4 and A5

uses are concerned. The existing waterfront is a good example of this and it works well in terms of opening hours and management practices. Would encourage strict adherence to Policies SR12 and SR13, which limit the size and uses for 'vertical drinking' establishments, restaurants and café-bars. Secondly, in regard to the residential blocks, a concierge, suitable keys or other form of access control should control entrances at ground floor. Trade buttons should be coded not timed. Accessible doors and windows should have laminate glass and would benefit from hinged bolts. The underground parking would need to have access controlled both to entrances and the internal access points to the flats. Condition recommended ensuring that the affordable units would be assessed and approved under the 'secured by design' scheme.

Commercial units should have a wiring harness for installation of alarm system in the future. Glazing at ground floor to be laminated glass.

Facilities for children: should allow for 'natural surveillance' both static and passing. Play areas such as the five-a-side football and basketball courts should have high mesh fencing to prevent 24/7 access and the potential for noise and disturbance. High fencing would also stop children chasing balls into the adjacent road.

Accept that permeability during the day is fine but that at night would suggest reduced permeability by the use of gates, particularly where semi-private space to dwellings meets semi-public space. Alternatively would suggest good lighting and CCTV. Believe it would be benefit to all if any CCTV were to be linked to the City Centre scheme.

The new bridge access from the cliff is of concern as the cliff top is a 'hotspot' for suicide. Would ask that the bridge be enclosed with weld mesh. Also believe that serious consideration should be given to closing the bridge link at night.

Finally, would ask that a planning gain contribution is sought for the extra police resources that would be required to police such a major development, based on the formula within the draft SPD.

#### Amended scheme - comments

Concerned that there is a shortage of facilities for older teenagers. Need to consider a youth shelter or similar or the result could be that they would use the facilities for younger children and damage them or cause disorderly behaviour.

Now satisfied that the concerns over the pedestrian bridge can be resolved during the detailed designs stage so that a means by which people can commit suicide is not created.

Have now calculated a figure of £508, 691 as a contribution towards extra police resources required to service the development.

**Sustrans:** Welcomes the idea of bike hire scheme based at the marina but saw no mention of this being linked with locations elsewhere in the city. Also

supports the cycle network in the marina but feel the development should be more ambitious in its use of walking and cycling as modes of transport to access the marina from central Brighton. Calling the links to Brighton 'long distance' route is inaccurate the journey from near Brighton station to the marina took me 5 minutes and the distance from the Palace Pier to the Marina is approximately one mile along a pleasant flat route.

**Visit Brighton:** Consider the application would have a positive effect on visitor experience. Specifically the application promises a more pleasurable experience for visitors to the Marina, a public viewing platform, better access to the cliff path, better facilities for cyclists and children, more and easier access points to the marina for pedestrians and cyclists, increased choice of restaurants and cafes, "eco-learn" centre. Negative effects include loss of view of the sea horizon from the cliff top directly above the marina.

**Wildlife Advisory Group:** Original scheme - Object. Concerned regarding the impact of the proposals on views of the 'raised beach' immediately to the north of the development site. The fossil beach is unique, of international value (designated a Site of Special Scientific Interest) and certainly the most valued geological feature in Brighton & Hove. The cliffs are a small surviving fragment of the run of Ice Age cliffs which extended a further mile and a quarter westwards to the Aquarium until the 1830's, when they were cased in by the concrete facings below Marine Parade. The cliffs are a geological feature at a landscape scale. Any geological feature has an optimum viewing distance. Landscape scale features - like architectural features - need to be appreciated within an appropriate contextual space, otherwise their meanings are lost.

The Black Rock Ice Age fossil cliff and raised beach can still – at present - be viewed at a longer distance from the supermarket car park. However, this application includes tall buildings which, in their bulk, location and height make no reference to their environmentally sensitive surroundings. They would hem in the SSSI and cliffs with a broken wall of tall buildings, blocking viewer's ability to adequately understand this important feature. Only close views would remain.

The proposal for a parkland area at the base of the cliff represents some acceptance that the present walkway there is unsympathetic to the public's enjoyment and understanding of this landmark feature. However, the proposed landscaped area does not provide mitigation for the threatened loss of the feature's wider visual context, for it relates to a different aspect of the SSSI's interpretive needs.

We are also mindful of the precedent that this proposal would set for any future proposals along the length of the SSSI cliffs

**Internal Consultees:**

**Aboriculturist:** Original scheme. Up until now tree planting has not been

possible in this exposed, coastal location, hence the plastic palms currently seen on the Marina.

However, it is understood that the current proposals involve high rise development that may afford some protection from the harsh, salt-laden, coastal winds, and some select species may tolerate such conditions. Further investigation would need to be carried out into this by specialised landscaping designers. If a scheme were submitted following assessment, would be happy to advise on it and comment on species.

**Access Consultant:** Original scheme

The layouts for Lifetime Homes are in accordance with the PAN. The layouts for wheelchair accessible housing are not only satisfactory in terms of our requirements but actually meet the more generous standards (the ones that are there as recommendations rather than requirements). Even the corridors serving the wheelchair units have been widened.

All of the affordable wheelchair units would be in the Cliff development but that appears to be more than justified because the nature and layout of the various blocks in that area ensure that each wheelchair unit has access to two lifts. There is also a good mix of aspect and outlook, both in terms of direction and in terms of view squareabout, public space, private courtyard gardens) and a range of different floor levels.

There would be some wheelchair accessible units in other blocks in the 'for sale' sector of the development.

Accepts that car parking in the Inner Harbour block is obviously a problem because there is no car parking associated with that block but are negotiating for a couple of spaces in the adjacent car park. There would also be at least one space per wheelchair unit and, in the Cliff car park, there would be one per unit plus some surplus spaces for disabled visitors (in the residential car park areas).

Developer is introducing a new core with 2 lifts along the south elevation of the Cliff development near Block L to deal with the concern about remoteness of the west end lifts from the rest of the development. These would access the podium and would serve many, though not all, of the blocks, which now would be entered through new entrances, which would be created, from the podium level 'street'.

Concerned over the steepness of the existing ramp at the cliff bridge and feel there should be some explanation as to why it is not possible to modify it.

Have considerable reservations about the squareabout and the idea of mixing partially blind or partially sighted people and relatively high volumes of traffic. Needs to be some method of ensuring that visually impaired people can clearly recognise the limits of the safe area.

**Children Families and Schools:** Contribution sought of £1,549,389 for education infrastructure.

**City Clean:** Original scheme. Some concerns over access to and size of refuse stores.

Cliff site: HGV's have to go through the multi storey car park to collect. The ceilings would not be high enough, turning circles not sufficient. Stores are small and would not suit providing facilities for a range of materials in each store.

Sea Wall: The large bin-store with external access is practical and suitable. Perhaps if possible put all the stores into one large store in one location. As for cliff, we would not be able to get to any of the stores through the car access point. It is unclear how a refuse vehicle would get to the collection point unless driving in from just off the plan from the south without going through the car access point - that would be fine. If this is the plan, there is nowhere to turn-around so would involve a long reversing manoeuvre that we would not sign up to. The collection point appears not to be covered. If this is the case that is OK for height.

Marina Point: bin store needs to be at least twice the size of the containers in plan. There would be issues around usability of the store if only the front-most bins can be reached. Store needs internal doors for users and external outward opening doors for collections. Access for HGV's appears to be good with no reversing necessary.

Quayside: 3 bin stores are inaccessible to our vehicle and too small for the purpose, need to be large and be on the basement / first-floor level (adjacent to parking point) Inner Harbour: Bin store too small for this development and inaccessible to our vehicles. Bin store needs to be next to the vehicle access point. No internal access for residents using the bin store. Doors need to provide for outward opening.

#### Amended scheme

Providing the dimensions for waste and recycling storage capacity, under Chapter 14 Waste of the amended scheme (submitted on 15/09/08) are used, we are comfortable that there is adequate capacity for current waste and recycling levels. The space provided also helps to ensure these stores are future proofed.

Due to the location of the bin stores throughout the development, City Clean would require refuse and recycling containment to be taken to a pre-agreed central point for collection.

#### **Coast Protection Engineer:** Original scheme

The Council, along with its consultant, has examined the risks to pedestrians on the Under-cliff Walk (not within the Marina) and assessed them to be within an acceptable range. This remains under review, hence the need for continued

monitoring as part of the Inform project carried out in partnership with the University of Brighton.

At the western end only the eastern section of the raised beach deposits have been stabilised. The risk to pedestrians is pretty much the same all the way along this section of the Undercliff Walk, and the very western end remains unaltered because it had not exhibited any instability. Continued monitoring of the cliffs would be required.

Effective vibration monitoring needs to be carried out throughout the construction period and the 1 mm/s figure if appropriate needs to be adhered to. As this figure is based on observations of the effects of existing traffic on the cliff top it sounds like an appropriate 'initial threshold limit' to adopt at this stage.

Understand that the Developer is not responsible for flood defence (principally sea defence) at the Marina. It would be useful to have a statement from the third party (Brighton Marina Estate Management Co. Ltd.) responsible for sea defence on how they perceive their role and what their future intentions are. It would seem that without their continuing commitment the development could be at risk in the long term.

There are considerable issues around the removal of the rock catch fencing and the provision of seating on the parapet of the old seawall. The risk assessment that was carried out and formed the basis for the reopening of the Undercliff Walk in 2006 was based on pedestrians walking not sitting down. If the developer wants to have people sitting down within the Marina then that is for him to assess. It is unlikely that we could agree to seating at this point. If the developer wished to press this point he would need to carry out a detailed quantitative risk assessment along the lines of the 2006 assessment. There would also need to be some kind of similar stability assessment of the cliffs in order to judge whether or not the fencing could be removed.

Amended scheme:

Generally the Developer has responded positively to all points made but there are areas that require those assurances to be made firm commitments and obligations by means of conditions and/or appropriately binding agreements

**Conservation & Design:** Original scheme.

Cliff Site: This is currently a grossly underused site of poor appearance. The need for continuous trading of the supermarket has informed the ground floor layout, as has the desire to provide active frontages and to create an appropriate edge to arrival points. The bridge link to the cliff top via the existing ramped walkway would significantly improve access to the marina. Overall this mixed-use block would help achieve many of the urban design objectives within SPG 20.

The height, massing and elevation treatment has been revised to address earlier concerns, and now generally provides a quality overall composition, and

one that provides appropriate frontages. However the courtyards and elevated streets appear introspective, with only limited and tightly framed views to the north, south, west and east. Every opportunity should be taken to maximize opportunities for visual connections with the marina as a whole, the cliffs and the sea, including from the bridge and the street at level 4. In this respect the function of the roof garden at level 7 is unclear, appearing to serve only as a sheltered amenity space for residents. The viewing platform at level 5 should be tested for wind funnelling effects.

This particular development's impact on longer views is modest. Whilst the roof tops in places do exceed the cliff line, the development generally conforms to the height of the cliff. Views from the cliff tops immediately to the north have been thoroughly tested, and the blocks adjusted to provide glimpses of the sea and horizon. Viewed from Palace Pier and Marine Parade, the distant cliffs would be obscured, but in other respects the view would be enhanced. The foreground is greatly improved, and in this respect the green roofs are an essential component. Viewed from Arundel Terrace the reduction in the heights of blocks at the west end is a welcome improvement opening up a modest view of the south eastern sea horizon and providing the desired increased visual separation between the landward and seaward developments. From the access ramp beside the proposed bridge a key local view of the near cliffs would be preserved. Whilst the space at the base of the cliffs is not generous, the blocks are broken up sufficiently to avoid the creation of a 'canyon' effect and do not appear out of scale relative to the cliffs. The greening of the walls is welcome.

The Marina Point tower: Whilst the relocation of the petrol filling station and the redevelopment of this site is to be welcomed, the tower would have a very significant impact on the city skyline. The design of the tower has gone through many revisions. Its articulated and sculptural form does have the potential to be an elegant building, yet reservations remain over its overall scale and proportions. Further refinement of its shape, outline, detailing and proportions is recommended. The applicant is looking again at the design of the tower, with a view to creating a more distinctive silhouette. Viewed from the near east (i.e. east marina breakwater and cliff tops), the tower may be judged to help define the urban edge of the city. It may be seen as a focal point marking the centre of the marina. In distant coastal views from both the east and the west the tower would be seen in association with other developments, and would have only a slight visual impact. From the open downs the tower, if seen at all, would similarly be seen as part of the city and in the context of other existing or approved tall buildings, including the Brunswick tower beside the marina's western breakwater.

In middle distance views, including from Palace Pier, the city's eastern 19<sup>th</sup> Century seafront recedes to a vanishing point along the distant open down land and cliffs. From the end of Palace Pier the tower appears detached from the previously approved clustered 'seaward' development and may duplicate the role of the Brunswick tower in marking the marina. A gentler visual connection



between the approved seaward development, (which would draw the eye in a gentle sweep up to the top of the 40 storey tower), and the horizontality of the 19<sup>th</sup> C seafront terraces, the distant chalk cliff line and the downs beyond would provide a more pleasing overall composition and city skyline. From the sea, the tower would rise above the downland ridges, but in a subsidiary way to the proposed Brunswick tower.

Viewed from Marine Parade and the Kemp Town Esplanade the tower would have a substantial visual impact. From the Esplanade the tower would locate the centre of the marina, a new urban/marine district. From Marine Parade the tower would draw the 'seaward' marina development toward the land, but not so as to conjoin the marina development with the Kemp Town Estate.

From Clarendon Terrace, the Estate's immense size and scale would become apparent. From here its traditional sea front setting may still be appreciated, without later intrusion. This is a significant local street view, and the tower's impact upon this approach into the Kemp Town Estate merits further visual assessment.

In views of the Kemp Town Estate from Lewes Crescent (west side) the tower would intrude upon the roofline of the Lewes Crescent (east side) when viewed across the central garden enclosure, as one walks around the crescent. This intrusion is regrettable but, with the exception of the viewpoint beside the entrance to the garden (View T28), this is to a degree mitigated by the fact that these are not considered prime fixed angles of view. Also the Estate is extensive, the distances involved (350m+) are considerable and the foreground vegetation and mounding breaks up the view into intermittent glimpses.

The tower would be prominent from Arundel Terrace and the near cliff tops. Yet in these views the low lying marina is also visible; a view in need of enhancement and focus.

The tower is sufficiently distant not to intrude upon the detached and isolated downland setting of the two listed buildings, Roedean School and St Dunstons.

From Roedean, the tower would align with the city's urban edge, yet may appear incongruous as a foreground building when seen in the context of this low lying suburb ( e.g. view D20) and the cliff top green open spaces.

The tower has both positive and negative impacts, and merits further review on receipt of the revisions and additional information requested.

Quay side site: CABE have advised that this is the least satisfactory development in terms of its relationship to context and the whole organisation of the marina. The applicant's commitment to remodel and reorientate this block, which might then address the adjoining spaces and developments in a more positive manner, and better relate to the general massing of the adjoining blocks when viewed from the sea front, is therefore welcomed.

The necessary connections with the proposed Brunswick development to the south and future development to the west on the site of the sheds should be indicated in the proposed framework for the future.

Inner harbour site: This block is similar in scale to its neighbouring water front blocks. It would replace an 'estates office' building. Whilst uncompromisingly modern in its appearance, it would create an appropriate urban feel, and an appropriate edge to the inner harbour.

Sea wall site: This 7- 11 storey residential block takes full advantage of the waterside location and provides an appropriate edge to the marina as promoted in the Marina SPD. It successfully screens the car park and the sheds in easterly views from the sea front and would connect effectively with the approved outer harbour development. It offers direct pedestrian access between the marina square and the breakwater, along a key east west axis through the marina. Its impact on the historic seafront would in my view vary from slight in most cases and substantial when viewed from Arundel Terrace. Yet in each case the view should significantly improve upon existing views of the multi storey car park and sheds. The pavilions and set back roof storeys offer a pleasing rhythm and silhouette, and would provide an appropriate foreground for the approved Brunswick development. The pavilions are well proportioned with a good compositional balance. The solid sheer east facade provides for future development opportunities on the site of the sheds and the car park the desired quality.

Alterations to multi storey car park: This development would provide an opportunity to reduce the prominence of the petrol filling station, and provide an improved street frontage. Its success would be heavily dependent upon the detailing of the various screen walls, and the quality of not only the bridge link but also the street crossing from the car park and proposed park square to the boardwalk.

#### Amended scheme

The existing appearance of the Marina is poor. It is dominated by traffic, and existing developments at the western end of the Marina would benefit greatly from replacement. Moreover it lacks the urban scale and quality of public realm that its position and status merits. An opportunity exists to make significant improvements to the Marina as a residential, leisure and commercial quarter, without detriment to its primary function as a harbour and this proposal would go some considerable way to addressing its physical shortfalls and to fund much needed public realm improvements, as promoted as a prime objective in both the Marina SPG 20 and Pan 04. Each of the sites proposed for development has been identified as having development potential. The development proposed provides an appropriate mix of uses, and would fund extensive public realm and other off site works. It would not prejudice future mixed-use development of the piazza, leisure sheds and cinema/ multi-storey car park and the Quayside and Sea wall development sites would sit well beside the approved Brunswick development.

The Quayside and Sea Wall developments are considered to enhance views of the Marina, and cause no demonstrable harm to the setting of the Kemp Town Estate or longer coastal views.

The height and density of the proposed residential developments on the Cliff and Marina Point sites exceeds that which might normally be considered appropriate for these sites, having regard to their impact on the setting of the Kemp Town and East Cliff Conservation Areas, and on views along the coast and sea front. In a number of views the impact of these particular parts of the scheme may be considered to cause some harm despite its architectural quality.

However, despite any perceived harm to landscapes of significance, the positive contribution the development would make to the enhancement of the Marina in my view tips the balance and justifies approval.

Conditions should be attached to any permission to ensure delivery of a development, including public realm improvements, of the highest quality.

**Urban Design:** Original scheme. The extent of the public realm improvements is adjacent to, and serving only, the new developments. A new development of this size would reasonably be expected to provide environmental improvements and benefits to a wider area. These should at least include all the areas within the control of the applicant, and linkages to adjoining developments and public spaces. This is particularly pertinent in an application which is deficient in providing adequate private and recreational space within the development itself.

Connections into, and to other parts of, the marina remain unresolved. Particular areas of concern are all the pedestrian routes passing under the ramps, the routes through the multi-storey car park, the service yard to the Seattle Hotel besides Marina Point, the route from the Inner Harbour building to the Waterfront across the service yards, and the other connections within the proposed Brunswick development where there are level changes.

The Cliff Park Environs: The proposed Cliff Park Environs provide an attractive base to the cliffs and to the setting of the under cliff walk. However, the proposals stop abruptly before the bridge link and should reasonably be extended to the west to include the areas besides and under the ramp, extending to the public subway, north of Black Rock.

The Urban Streets and Piazzas: The urban streets and piazzas have a clear statement of character as 'formal, robust and civic'. However, further details of the proposed materials are required, along with details of lighting fittings and levels to be achieved, the number and type of seats/ seating places and litter bins in order to quantify these. An overall signage strategy, including the type of signing e.g. maps and finger posts, would be required, and should be agreed at this stage. Individual components could be conditioned, based on a more

robust public realm proposal and /or Design and Access Statement.

Further work is needed to satisfy the planning requirements on the extent and quality of the public realm improvements.

#### Amended Scheme:

The Design & Access Statement provides a clear public realm strategy. The applicant has now based the principles of the public realm strategy on the guidance of the Planning advice note, PAN 04: Brighton Marina masterplan. This guidance has been adopted since the initial planning application.

The extent of the public realm improvements has now been amended and increased to include the edges of the buildings and more of the linkages between them.

The Application does now specify the materials and many components within the public realm. The materials for Harbour Square are of high quality and would provide an impressive entrance to the marina. Surface materials specified elsewhere are of differing qualities, and not all samples have been provided. Street furniture components and lighting which are specified are considered to be of good quality, and acceptable. Details of more comprehensive lighting, litter bins and signage are still not included. Conditions would therefore be required.

The lighting proposals are still unclear. The interventions by the chosen artist are imaginative and broadly welcome. It is therefore suggested that clear conditions are placed on the lighting, and that the agreed strategy includes the whole of the development site, and that it considers the effects the art installation and other lighting may have on each other

A signing strategy, including the type of signing e.g. maps and finger posts would be required. This could be conditioned.

Connections into, and within, the marina have improved from the original application. The pedestrian routes passing under the ramps, the routes through the multi-storey car park, the service yard to the Seattle Hotel besides Marina Point, and the connections with the proposed Brunswick development have all been improved both from the existing conditions and the original proposals.

Taking these in turn:

#### The Cliff Park Environs

The proposed Cliff Park Environs provide an attractive base to the cliffs and to the setting of the under cliff walk. The proposals no longer stop abruptly before the bridge link, and have been extended to the north and west to include the small areas besides and under the ramp.

### The Urban Streets and Piazzas

The urban streets and piazzas have a clear statement of character as 'formal, robust and civic'. Samples of some of the paving materials have now been received.

The screening of the Seattle service yard is welcome and would assist, along with other proposed elements, with the feeling of enclosure for Harbour Square. Although improvements to the appearance of the car park are necessary, and to be encouraged, this structure continues to provide a visual and physical barrier to the development. The pedestrian routes through the car park would require major improvements. The art proposals could considerably improve these links. The route through the car park from the Cliff Site passes by the sports facilities under the ramps. The careful positioning of these elements now provide clearer routes.

The Park Square proposals now include the removal of parked cars outside the casino. The link from Palm Drive to the harbour, to the east of the existing waterfront development, remains unimproved by these proposals.

### Other areas

The Village Square is not proposed to be fully improved as part of this application. Three areas with new interventions have been included in the application, which are considered acceptable and would provide more activity within this area.

### Conclusions

The regeneration of this part of the Marina is generally welcomed, and the concerns expressed relate to the completeness of the public realm improvements, rather than the proposed quality and form of these. The plans for the public realm as proposed are considered interesting and innovative, and would enhance an otherwise drab environment.

**Demographer:** General comments on the data: The data presented cover different areas including Brighton & Hove, Lewes, and sub-divisions within these. It is a little confusing in places to assess impacts and arguments made as the data are presented at varying spatial levels. The information is generally unreferenced so it is difficult to assess if the figures used are the most recent ones available. Indices of Deprivation 2004 are referred to. New IMDs became available in 2007.

No reference is made to the recently adopted City Employment and Skills Plan (2007) which offers an important context for employment and job creation in the city. The CESP also contains updated population projections.

Pupil numbers: The most difficult data issue to address is the question of pupil numbers generated by the development. If projections based upon a formula agreed by research and consultation and BHCC education department is used, a maximum pupil yield of 241 pupils of primary/secondary age is estimated.

The developers present their own figure based on a residential population according to what they claim are 2001 census figures. However, it is not possible for us to verify that this is actually the source. Using their method, a pupil yield of 71 children of primary/secondary age is predicted.

Clearly, these two estimates are inconsistent. The formula used to estimate a 241 pupil yield is based on the average number of children per household size in the city. This method provides a reliable but maximum figure. However, some factors which could reduce this figure include; proportionally more second homes than across the city; if more children attend non-state schools than is the case across the city as a whole, the predominance of flats in the development and the fact that BHCC does not house families with children in units above the 5<sup>th</sup> floor.

Nevertheless, the 71 figure is based on the erroneous assumption that residents in the new Marina development would be similar to those in the area as at the 2001 census. This does not take into account social housing, which is a significant proportion of the proposed development. Social Housing contains higher numbers of children on average than other housing sectors. This assumption also fails to allow for children to be born to families at the Marina once located there.

### **Development manager-sport and leisure**

#### **Original scheme**

This proposal would only meet approximately 7% of the demand created for on site outdoor recreation space, based on HO6 policy requirements. The proposed play spaces are currently split over two sites, the play area to the rear of Pizza Hut is less than the recommended 400 square meters to meet the requirements of a LEAP (Local Equipped Area for Play) and the area designated as the 'shipwreck' play space according to the developers information does not allow for any fixed items of play equipment. Officers do have concerns about the quality of the 'shipwreck' area as it is not centrally located, traffic noise is prominent from the adjacent access road into the Marina and its location means that for the majority of the day the area would not benefit from natural sunlight. The eco play area appears to be off the beaten track and more accessible to people using the seafront walkway, and it is not integrated into the overall scheme for the benefit of the residents living on site. We would want to see this made more accessible to local residents.

The location of the proposed basketball court and the multi-use games area under The underpass is considered to be a good location for this type of activity and for newly developing 'street sports' activities. However the developer does need to give careful consideration to the final siting. The current proposal has the basketball area under the lowest part of the over pass which would not provide sufficient head height for the sport to be played safely. Both courts need to be located further west to go some way in providing quality provision in this location and to ensure that they are fit for purpose. The advantages are that the overpass would provide all year round cover so that the space would still be

usable during the winter months. Consideration must be given to good quality lighting for both surveillance in deterring anti social behaviour and to a level that provides enough light for playing sport in the evenings

As the applicant is not providing alternative off-site provision and is therefore seeking to address the deficiency by a commuted payment it is important to give careful consideration as to where the commuted sum should be allocated, this decision should be informed by the City Sports Strategy & Acton Plan and the emerging Parks, Open Space and Playground Strategy.

Offsite contributions to improve fixed play facilities in, or adjacent to the catchment areas of those play areas closest to the Explore Living site. Contribution to or works to improve access to those play facilities nearest to the site i.e. East Brighton Park and Peter Pan.

Revenue funding to employ a full time Active for Life project worker specifically to cover East Brighton including the new Marina development. This workers remit would be to work with all age groups including older people specifically looking at health and well being initiatives. Minimum 3 years funding

Revenue funding to support existing youth work activity in the Deans, (Ovingdean, Rottingdean & Saltdean).

Revenue funding to support work with children and young people in Whitehawk and the Marina to support a range of sport and play activities for the 11 – 18 year olds.

Capital or revenue funding to support Manor Road Gym.

Contributions could also be given to upgrading sports facilities in East Brighton Park to meet NGB National Governing Body standards i.e. football and tennis facilities. Improvements to the access arrangements from the Marina should also be included.

Improve access to seafront sport and play activities through contributions to future Madeira Drive regeneration initiatives.

#### Amended scheme

Following the initial comments made by officers at the pre application stage regarding the allocation for outdoor recreation it is now evident that the requirements of policy HO6 cannot all be met on site given the size and location of this development. However, after sharing these initial comments with the developer and their agents they have made great efforts to improve both the on site and off site sports and recreation offer. Indeed their response has been very positive in making sure that sport and recreation opportunities on site would meet the needs of all residents from children right through to older people. The main children's play area has also been relocated to a larger and more visible location which would allow officers to develop this proposal further to ensure that we can be certain of delivering a dynamic, creative and inspiring

play space that links with the sports offer located under the flyover. However officers still feel that consideration should be given to the inclusion of a kiosk and toilet facilities. From consultation done with residents and children when carrying out refurbishment of other city play areas this is a key issue for parents and carers; even if the play area is located close to where they live. From previous comments consideration has been given to making the play areas much more accessible to all residents.

The proposals for the urban sports area under the flyover are welcomed. The inclusion of the sports coordinator to be included in the sports offer is also welcomed and this follows negotiations with the sports development manager. The city council has had sports coordinators based in various community locations across the city for a number of years. It has been proved that having a worker based in a specific area linking with local residents and setting up organized activities has a positive impact in helping and encouraging participation in locally based activities. In this case, this has the added advantage for residents of being both on site or off site.

The balance of the developer contributions is to be made via a commuted sum to refurbish, develop and support the provision of outdoor sport and recreation in the wider community. Suggestions and recommendations as to the best location and options for off site contributions have been put to the council by the developer and their agent. Although the developer has now put forward a range of proposals which have been welcomed by officers, the off site contributions must still address the council's priorities for improving sport and recreation in the area.

It is encouraging to note that there are also proposals to enhance the links with the nearby coastal location west of the development along Madeira Drive. Here we can see how linking the development with its immediate neighbourhood enhances sport, play and active recreation opportunities in this area, by improving access to walking and cycling as well as creating safe routes to and from existing sports facilities on Madeira Drive.

It has been recommended by officers that off- site contributions should in the first instance fall within the agreed catchment area of the development itself, taking in the areas of Rottingdean, Madeira Drive, East Brighton and Manor Road. However, depending on the length of time the development takes to commence there should be flexibility built into the final agreement to allow for unforeseen changes and changes in priorities, in some instances it has been years before a development commences on site.

**Ecologist:** Original scheme. The application includes some creative proposals for integrating biodiversity into development but further work is needed before their delivery can be guaranteed, specifically:

- An assessment of the long term effects on the SSSI of building close to the cliff base (subject to discussion with Natural England).



- More information on the shading effects of the development and whether the habitats proposed are viable.
- More information on the design and function of the proposed lagoon.
- Clarification of the area, type and location of the urban nature conservation features proposed.

It is also notable that the proposed biodiversity provision falls significantly short of emerging policy guidance.

On 26<sup>th</sup> February the Department of Environment Food and Rural Affairs announced that the short-snouted seahorse and spiny seahorse would be added to Schedule 5 of the Wildlife and Countryside Act 1981. Both these species have been recorded at Brighton Marina in recent years (and these records are acknowledged in the appendix to Chapter 18 of the ES to the above application). The effects of the legal change are that from 6<sup>th</sup> April 2008 it will be a criminal offence to:

- intentionally or recklessly damage or destroy, or obstruct access to any structure or place which short-snouted seahorse or spiny seahorse use for shelter or protection; or
- disturb either of these species while it is occupying a structure or place which it uses for shelter or protection.

For these reasons it is recommended that, if the application is to be determined after 6<sup>th</sup> April, then the ES should be amended to include an assessment of the effects of the development proposal on short-snouted seahorse and spiny seahorse.

Amended scheme:

The officer was concerned about the viability of a proportion of the new habitats proposed for the development, specifically due to shading at Cliff Park, Black Rock SNCI and around the LEAP under the flyover.

The revised ES now provides a comprehensive assessment of the amount of light reaching all important areas of habitat affected (appendix 18:18) and some habitats have been changed. Together these changes to the ES address previous concerns.

The revised ES now provides a clear inventory of the proposed habitats and of their locations which fully meets previous concerns. The methodology for determining the quantity of new habitat required by development in the draft Nature Conservation and Development SPD is under review, pending further consultation and therefore should not carry significant weight in determining this application.

In summary the revised ES has addressed all the issues raised previously. Provided the habitat creation proposals are supported by a comprehensive management plan (secured by condition). The officer has no further comments

to make.

**Economic Development:** Original scheme. The economic development team fully supports the application as it provides the continued regeneration of Brighton Marina with a residentially led mixed use comprehensive redevelopment of the 'inner' area of the Marina complementing the recently approved 'outer' marina application.

In economic development terms there is no pure commercial development proposed (as per the B Use Class Order). However the application does provide additional commercial development in the form of retail space which is welcomed as this would create additional employment opportunities, enhancing the retail employment offer within the Marina. The additional employment opportunities created during the construction period are also welcomed.

With regards to construction training, within the Planning Statement it is stated that the proposal would provide 'up to 3,670 person years of temporary construction work spread over a 7 year period, accompanied by training in construction skills and a policy of local recruitment wherever possible. LOR in conjunction with EB4U and Constructing Futures, are committed to providing local employment and training opportunities to help skill the local labour force'. This is strongly supported by the City Council and further information as to how this would be provided will be required.

#### Amended scheme

The economic development team have reviewed the amended scheme and continue to support the application in line with their original comments.

**Environmental Health:** Original scheme. Noise odour and dust: Satisfied with the methodology on which this is based and the recommendations and conclusions which are made. The ES concludes that the use and operation of the proposed development would not adversely affect the noise-sensitive elements of the proposed development or existing noise-sensitive premises, provided the recommendations and mitigation measures detailed are addressed. This is a mixed residential/commercial (retail) development, satisfied that any potential environmental impacts can be controlled by condition.

There is also a potential for noise/vibration and dust nuisance during the construction phase and the applicant has submitted a Construction Environmental Management Plan (CEMP). Acknowledge that some of the details are not available where specific contractors have yet to be appointed. Generally, the CEMP is satisfactory but I have the following comments to make:

#### Working hours

The hours of work are acceptable (8am-6pm Mon-Fri and 8am-1pm Sat (not Sun or Bank Holiday Mon)). However, I suggest it includes a prior notification protocol for emergency works / works that can not be done at any other time.

Something like:-

'At least 72 hours written notification of works to be agreed with the City Council and where required by the Local Authority copies of correspondence to be sent to neighbouring residents etc'

### Noise and Vibration

Target levels are stated for noise and vibration based on BS 5228. However, there is no reference to monitoring to show that these are being achieved. The following bullet points are suggested paragraphs that would come under "Monitoring."

- As required, monitoring of noise, waste, dust and water shall be carried out by the Project Environmental Manager and results recorded. The Client shall obtain the services of an independent consultant to produce the Method Statements to monitor the site operations and the effects on the surrounding roads, residents and environment.

Monitoring shall include but not be limited too the following;

- A representative programme of noise and dust monitoring shall be agreed with the City Council prior to commencement of works. Monitoring locations and monitoring protocol shall be agreed in writing with the City Council prior any demolition or construction.
- Any asbestos monitoring shall be carried out in accordance with the relevant guidance and legislation, having regard to the type of asbestos to be removed. At all times, best practise shall be adopted and relevant enforcement authorities advised,
- Visual checks by the Site Management on a daily basis,
- Monitoring the project against the CCS scheme rules, including the checking of public complaints and liaison.

All CHP and Biomass flues on both the Brunswick and Explore Living developments have been assessed within the EIA. The derived concentrations have then been added to the road contribution to show the impact at a number of receptors. No breaches of the Air Quality Objectives have been identified within or adjacent to The Marina from the assessment. The methodology presents a worse case scenario with respect to fuel use and emissions and is therefore considered robust.

### Air Quality

Application is considered generally robust. Why has the option of importing materials for Shoreham been discounted, given that this could reduce the impact from construction road vehicles servicing the site?

Given that any increase in traffic generated from the development would result in a slight worsening of local air quality, it is considered that the request for a contribution under Section 106 agreement is relevant to this development and therefore complies with Circular 05/2005. This is in line with the fundamental objectives of the Local Transport Plan and the Air Quality Action Plan, which is

designed to reduce traffic and improve local air quality

All CHP and Biomass flues on both the Brunswick and Explore Living developments have been assessed within the EIA. The derived concentrations have then been added to the road contribution to show the impact at a number of receptors. No breaches of the Air Quality Objectives have been identified within or adjacent to The Marina from the assessment.

#### Land contamination.

Potential contamination from fuel storage and spillages as a petrol filling station. Given the geology of the site and the location, only made ground and the filling station present any potential sources of contamination. Note that further site investigation is proposed on decommissioning of the petrol filling station. A condition to require the site investigation and any subsequent remediation is necessary to ensure that the site is safe and fit for end users.. Any site investigation documentation should be sent to both Environmental Health at Brighton & Hove City Council and also the Environment Agency for comments.

#### Amended Scheme

No significant concerns. Consider the methodology and previous works to be robust and that recommendations made have been implemented into the final plan and that further investigations would take place.

Note that working hours which are deemed acceptable are 8am 6pm Monday to Friday and 8am to 1pm Saturday. However in section 19 the Laing O Rourke construction chapter dated June 2008, page 30 section 19.110 states working hours as 08:00 to 18:30 which it not acceptable for construction and demolition, especially given the seven year timescale. The document does not make reference to emergency works or a 72 hour period. The text does not describe or indicate that no works would be carried out on Sundays, bank or public holidays and should be amended to include this. The applicant has noted and accepted this and it would be incorporated into the CEMP.

**Housing Strategy:** Original scheme. As per Policy HO2 of the adopted Local Plan we welcome the fact that Explore Living is providing 40% affordable housing on this site. The Council seeks a tenure mix of 55% affordable housing units for social rent, 45% for shared ownership. In this case Explore Living is offering a split of 50% for social rent and 50% for shared ownership. Although this does not meet our local requirements we accept this tenure mix subject to demonstration of the viability issues associated with providing the desired mix.

We note that Explore Living are offering 45 x 2 bed and 6 x 3 bed wheelchair user standard homes with the remainder of the units built to Lifetime Homes Standard. Given the timetable for this application we would expect these wheelchair units to fully comply with the Planning Advice Note on Accessible Housing and Lifetime Homes currently in draft and to be agreed by the City Council.

Generally the affordable housing should be distributed evenly across the site or, in this case where all are flats in small clusters, distributed evenly throughout the development. We have not yet received confirmation of where the affordable units would be but understand that all 518 affordable homes would be located on the cliff site. We understand that this is because there would be a higher service charge in the high rise blocks and that this would impact on the affordability of the units. We would not expect all the affordable units to be cliff facing or restricted to ground and first floor.

As per HO5 & HO6 we fully expect the provision of private useable amenity space in the form of balconies and terraces, plus access to outdoor recreation space to be suitably provided. On the basis of the information we have received and without seeing where the affordable housing is located, we fully support the comments made by Policy Team on serious shortfall of outdoor recreation space. We would have major concerns about the safety of children crossing the main road on Marine Drive if expected to play at East Brighton Park located at the bottom of Wilson Avenue.

Generally we ask for an affordable housing mix of 40% one bed units, 50% two bed units and 10% three bed units. Some of the units do not meet our minimum size although we accept they meet Housing Corporation requirements.

Amended scheme: There are 3 areas of concern: 1) a significant number (212 out of 520 i.e. 41%) of the new affordable homes fall below our minimum unit size requirements required to achieve homes of a good standard, flexible and adaptable and fit for purpose (based on English Partnerships' Quality Standards), 2) the uneven distribution of the affordable homes within the Cliff Site, & 3) the tenure split 35% rented, 65% shared ownership is a long way from the 50/50 split previously negotiated and informed by up to date assessments of local housing need.

**Planning Policy: Original scheme.**

The principle of the regeneration of the site is supported by national planning guidance, strategic and local planning policy, and other planning guidance concerning the Marina contained within SPGBH20 and PAN04. The development of this existing brownfield site within the urban area is strongly supported by Structure Plan policy and the city council's emerging Core Strategy. The Marina is one of seven strategic sites within the city where it is possible to make full use of public transport and where identified capacity exists to accommodate future development.

There are obvious benefits which the socio-economic chapter of the applicant's environmental statement summarises. The most significant impacts of the Explore Living proposals are as follows:

- a capital investment of about £300 million;
- a net increase of 312 direct jobs based on the site, all additional to the area,
- a gross increase of 16% over the current number of jobs at Brighton

- Marina, raising employment levels there to 2,160;
- some 360 net additional direct and indirect jobs spread across the local area, and 400 in the South East region (including those in the local area);
- up to 3,670 person-years of temporary construction work spread over a seven year period;
- a gain of 520 dwellings to the affordable housing stock of Brighton & Hove;
- an increase in the resident population at Brighton Marina of approximately 1,950 people; and
- a significantly stronger district centre in terms of retail attraction.

Other positive aspects of the scheme include:

- Provision of high quality open spaces and public realm.
- Protection and enhancement of the existing ecology and increased biodiversity.
- Provision of a significant volume of housing, which would help meet challenging housing targets for the city up until 2026, as proposed in the emerging South East Plan.
- Provision of a significant amount of affordable housing to meet local needs (40% of the total housing proposed for the site).
- Greater vitality and economic health to the western commercial end of the Marina through the substantial increase in the local resident population.
- Provision of more local jobs within the proposed commercial elements of the scheme and throughout the construction process.

However, there were some significant issues associated with the application prior to the submission of the amended scheme in June 2008. The main issues are summarised below:

- The lack of quality open space provided on site, especially outdoor recreation space.
- The lack of a coherent and comprehensive approach to the site, the Marina as a whole and Black Rock, which is critical due to the unique complexities of the area, the need to create an appropriate 'sense of place' and to address the legacy of piecemeal development.
- The significant intensification on this site and its layout could prejudice the full objectives of SPGBH20 for the Marina as a whole "to transform it into an exhilarating sustainable location of international quality and renown."
- The capacity of the site to accommodate the significant intensification in residential units.
- The size and type of the residential units proposed which do not accord with the identified housing needs of the city, including the tenure split within the affordable housing.
- The access to private amenity space does not fulfil the requirements of Local Plan policy.
- The loss of an element of existing employment within the Marina.
- The lack of pedestrian friendly frontage and/or active frontage in some of the key routes (in particular east and west elevations to Cliff and Seawall sites).
- The lack of information to clearly demonstrate waste is being minimised.

- The lack of information to fully apply the Exception Test, the FRA needs to include a detailed analysis of the risk extent, taking into account factors such as velocity and depth of flooding, and also looking at the impact and maintenance of current defences. This additional detail is important in order for the planning authority and the EA to assess whether the development can be made safe.

#### Amended scheme

##### Open space and outdoor recreation space

The need for appropriate and adequate open space in all major developments is a key requirement of local plan policy HO6. The quantum of outdoor recreational space being provided within the amended scheme is equivalent to 5,164 sq. m. or 8% of the total site area. Officers consider that the applicant has maximised the amount of outdoor recreation space, given the unique site constraints. The detail concerning the design and quality of open spaces presented within the Design and Access Statement is also welcomed. The public realm strategy and associated Masterplan now cover the entire western end of the Marina which is a marked improvement on the previous scheme. The applicant has demonstrated a much more comprehensive and holistic approach to the provision of open space and outdoor recreational space. It is also encouraging that the design and use of materials within these spaces draws extensively upon the character areas identified within PAN04.

##### Masterplan approach

The amended scheme now includes a detailed masterplan for the western sector of the Marina (including the multi-storey car park and leisure sheds), which anticipates redevelopment possibilities at a number of sites and provides an option for rationalising levels, particularly adjacent to the approved Brunswick scheme should this proceed. The scheme is considered to be in broad conformity with the aspirations and development objectives contained within the existing SPGBH 20 and PAN04. Importantly, the scheme would not compromise development coming forward within the remainder of the western sector of the Marina which is also in need of regeneration. The applicant has also given much more consideration to those transition areas which mark the boundary of the scheme, to ensure a higher quality of public realm is achieved.

##### Intensification of the site

In general, national, regional and local planning policies are supportive of high density urban development on brownfield sites provided there is sufficient infrastructure to serve the development; the development has good sustainable transport links; the sense of place, character, environment and amenity of the area is not harmed; and flood risk is not increased. Since the site is well served by public transport, including a high frequency bus service, is located within the District Shopping Centre, and is close to local health and social facilities, it has the capacity to be used for a higher density residential scheme.

It is encouraging that the applicant has addressed the criteria contained within section 12.2 of PANO4 which relate to the assessment of higher density

development proposals. Although the scheme is undoubtedly a higher density development than the existing residential area located within the eastern end of the Marina, it is considered that the proposed development is acceptable in terms of its compliance with policy HO4 and the criteria contained within PAN04. It would also provide the necessary critical mass to ensure that key public transport infrastructure can be provided and that pedestrian, community and service improvements can be made. These factors are also pre-requisites for the recovery of the District Centre which is currently ailing as evidenced by the high proportion of vacant units.

#### Housing type and mix

In terms of the residential element of the scheme, a total of 1301 residential units are proposed, of which 40% would be affordable. The scheme complies fully with policy HO2 and would make an important contribution to the city's affordable housing target and to the wider objective of creating mixed and balanced communities. However, all of the affordable units are to be provided within the Cliff site which would be in the first phase of development. The applicant has provided a detailed justification within the Housing Statement why a distribution of affordable housing across the whole scheme is not feasible, which has been carefully assessed and accepted by the city council's Housing Strategy team. Nevertheless, whilst pepper potting the affordable housing units across the whole site is desirable, it is not a requirement of policy HO2 and therefore cannot be insisted upon.

The affordable housing tenure split has recently been amended by the applicant in response to emerging viability issues associated with the scheme and now consists of 65% shared ownership and 35% social rented. Based on the citywide Housing Needs Survey (2005), the tenure balance required by the council on a scheme of this size is a split of 45% shared ownership and 55% social rented. The current proposal represents a departure from the aspirations of policy HO3 but is very similar to the tenure splits achieved by the approved Brighton Marina Outer Harbour (Brunswick Developments) scheme of 62% shared ownership and 38% social rented.

#### Private amenity space

The need for private amenity space is now fully addressed in the amended scheme. All units have access to private balconies (96%) and/or communal terraces (4%), in accordance with policy HO5. This represents a marked improvement on the previous scheme where only 83% of units had access to a private balcony.

#### Employment

The need to protect existing employment uses has resulted in an amendment to the scheme which now incorporates office accommodation as part of the application. The scheme would necessitate the demolition of the existing Estates Office, which would be relocated to the Brunswick site in due course. However, there is provision with lease arrangements to move the Estates Office to other premises within the Marina, if the Brunswick scheme is not



implemented. Office accommodation has been provided within the amended scheme comprising of 423.2 sq m in 5 units (4 units within the Cliff site and one at the base of Marina Point). This amendment is welcomed to ensure that the scheme is genuinely mixed use.

#### Active frontages

The amended scheme has changed the elevations of the building which lines the route from the cliff to Harbour Square in order to provide more active frontages by increasing the number of entrances, windows and front doors along the route. However, concern remains in respect of the frontages on the west and east elevations of the Cliff site. Whilst it is noted that there will be vehicular access, it is considered that the ground floor frontage will appear relatively dead and unattractive to pedestrians. This is a particular concern, given that these routes lead to some of the main outdoor recreational areas.

#### Waste minimisation

In line with Site Waste Management Plan Regulations (2008), the amended scheme now includes a Site Waste Management Plan (SWMP) which has been appended to Chapter 14 on 'Waste' of the Environmental Statement. The SWMP has also taken into consideration the guidance contained within PAN05 'Design Guidance for the Storage and Collection of Recyclable Materials and Waste' and officers are now satisfied that the scheme accords with City Clean's operational requirements.

Private Sector Housing: Some concerns regarding means of escape and room sizes. For instance some of the double bedrooms are too small to be classed as a double room.

Public Art: Welcome the fact that the application contains a strategy for incorporation of public art into the scheme. Suggested level of public art contribution is £1.2 million.

Flood Risk: The amendments to the Flood Risk Assessment and flooding section of the Environmental Statement are satisfactory.

**Head of Sustainability and Environmental Policy:** Original scheme. Both positive and negative aspects to the scheme.

Positives: Site-wide district heating and power system is proposed delivering 40% CO2 savings across the whole scheme, an optimal energy solution for this kind of scheme. Site-wide Energy Services Company (ESCo) proposed for the site which would deliver energy at 5-10% less than indexed market rates. The renewables proposed for the scheme is a biomass boiler to supplement heat in the district heating system, predicted to contribute 7% of energy needs with commitment to source biomass (woodchip?) locally; rainwater catchment system proposed; demonstrates best practice in some areas (biodiversity, management, energy/district heating, transport); significant ecological enhancements and greening of the site at ground and building level, including

green roofs, using 90% local tree and shrub species.

Negatives: This is far from an exemplary scheme in terms of sustainability. The overall scheme presents a development which is compliant with Part L Building Regs (for energy conservation) which then has energy technology applied to it to reduce CO2 emissions. The council's approach is to encourage reduction of energy use as far as possible through energy efficiency and passive design before applying energy technologies – this has not been done. The carbon footprint could still be significantly reduced.

All assessments of energy use and predicted CO2 savings are calculated using benchmarks. Some of these are questionable. These may skew calculations and produce unreliable conclusions.

No full assessment can be made of the retail and ASDA superstore elements due to insufficient information. Current information shows only compliance with Part L Building Regs on energy – whereas improvements are expected.

Despite a site with optimal sun and wind resource, no renewables technologies are proposed to capture these. Renewables feasibility studies poor. For a scheme with huge electricity needs, wind and photovoltaics are dismissed too quickly.

Absent BREEAM assessments for supermarket, healthcare facilities, restaurant/retail and community facilities. 'Excellent' standards are expected on all.

Ecohomes assessments for private housing currently meets only 'very good standard' where 'Excellent' is expected.

Absent Code for Sustainable Homes assessments for affordable housing, where at least Level 4 would be expected.

Lack of specification of sustainable materials: there is substantial use of concrete, which has high environmental impact and emissions during manufacture.

#### Amended Scheme

The applicants have now agreed to aim for Code for Sustainable Homes (CSH) level 4 and BREEAM 'excellent' for the commercial units including ASDA. These amendments to the scheme are welcomed. However, recommend further investigation into the use of other renewable energies and general improvements in the overall sustainability of the development as follows:

- Incorporating photovoltaic (PV) panels into the roofscape.
- Use of responsibly sourced and sustainable materials such as FSE wood, composite windows and concrete with lower embodied energy.
- Incorporation of renewably-powered street lights into the scheme.

- Opportunities to use the excess heat produced by the CHP during summer months and consideration of how to address the significant cooling requirements of ASDA are to be investigated.
- Consider whether the development could benefit from the introduction of solar shading devices on south and west facing elevations.
- Undertake further work to improve energy design/energy efficiency of development;
- Further investigate options for off shore wind energy solutions.

**Transport Planning Manager:** Original scheme. The main issues can be summarised as follows: need for justification of junction calibration; need to assess additional junction; further, clear information regarding the squareabout; need for use of correct data for ASDA; need for further information regarding displacement parking; need for additional and better defined pedestrian/cycle links, including across squareabout and from Inner Harbour building to Waterfront; need for more information regarding the quality of pedestrian and cycle routes (and cycle parking) within and outside the site as currently too schematic and lack detail; need to easy access from west to east for cycles across site as appears to be limited access other than stairs; need to demonstrate that off site sustainable routes e.g. across A259 would be significantly enhanced; more information on Section 106 offer and how it can be controlled through the planning process and presentation needed all in one place; need for more information on cumulative impact with other major developments in the city; need for provision of disabled parking in accordance with SPG4 minimum standards in close proximity to all new buildings (notably Inner Harbour site currently lacking); need for information regarding servicing arrangements; need to demonstrate an emergency strategy and how access to each part of site is achieved; inclusion of Brunswick development data to ensure ES is self-contained document; need to improve and demonstrate how pedestrian movement across service yard areas (particular both Seattle hotel and Waterfront) have been significantly enhanced; need for significant improvement to pedestrian access between quayside building and Brunswick scheme - currently too vehicular dominated and crude level changes, and need for clarification over junction with Brunswick development ramp access; need for further justification for transport interchange location and why supplemental bus stop locations elsewhere in Marina discounted; plans need to show where car club dedicated spaces and motorbike spaces are; need to consider and address shopmobility in accordance with Local Plan policy; need for information on existing coach parking and justification for their loss; need for clarification/amendment of numerous figures and tables within TA; need to address issues raised in letters from relevant consultees including the Highways Agency, Bus Users UK, McDonalds, RNLI and Brighton Marina Company.

#### Amended scheme

No significant objection to the amendments proposed and the quality of provision proposed within the Marina with regard to traffic issues is considered acceptable and the proposed S106 amount is reasonable.

More flexibility is, however, needed in determining the nature of proposed measures and their relative priorities. This is in view of the lead time for implementation of the development and the likelihood of unpredictable change in the meantime. For example, it is not certain whether or not the RTS project, the BIA or Brunswick proposals would proceed or whether an extended CPZ may be required to address displaced parking to the north of the application site. As Planning and Highway Authority the Council should prioritise this expenditure. This should be done by a steering group which the developers and other interested parties attend but which is chaired by the Council. The limits on S106 expenditure should apply only to the overall total rather than individual items as sought by the applicants.

In regard to the harbour square a condition is proposed requiring approval by the Council of the detailed design prior to construction, and this should include the traffic calming to reduce approach speeds on the access ramp. The detail would not be approved until (in particular) the concerns mentioned above have been resolved to the Council's satisfaction. The applicants have also proposed a 'fallback design' under which signals would be installed at the junction if the 'squareabout' did not work acceptably in practice and they would accept a requirement to provide a bond sum enabling the signals installation if required

## **7 PLANNING POLICIES**

### **Central Government Guidance:**

#### **Planning Policy Guidance Notes (PPGs), including:**

**PPG4 (1992)** – Industrial and Commercial Development and Small Firms;

**PPG13 (2001)** – Transport;

**PPG14 (1990 and annexes in 1996 and 2002)** – Development on Unstable Land;

**PPG15 (1994)** – Planning and the Historic Environment;

**PPG16 (1990)** – Archaeology and Planning;

**PPG17 (2002)** – Planning for Open Space, Sport and Recreation;

**PPG20 (1992)** – Coastal Planning;

**PPG21 (1992)** – Tourism;

**PPG24 (1994)** – Planning and Noise;

#### **Planning Policy Statements (PPSs), including:**

**PPS1 (2005)** – Delivering Sustainable Development;

**PPS3 (2006)** – Housing;

**PPS6 (2005)** – Planning for Town Centres;

**PPS9 (2005)** – Biodiversity and Geological Conservation;

**PPS10 (2005)** – Planning for Sustainable Waste Management;

**PPS22 (2004)** – Renewable Energy;

**PPS23 (2004)** – Planning and Pollution Control;

**PPS25 (2006)** – Development and Flood Risk.

### **Regional Planning Guidance for the South East (March 2001):**

Paragraphs 4.15 – 4.19: Priority Areas for Economic Regeneration (PAERs);

**Q1** – Urban areas – prime focus for new development;

**Q2** – Quality of life in urban areas;  
**Q3** – Location and design of development;  
**Q5** – Larger town centres to be focus for major retail, leisure and office developments;  
**Q6** – Health, education and other social considerations and infrastructure;  
**E1** – Nature conservation, landscape quality and cultural importance;  
**E2** – Biodiversity;  
**E4** – Coastal Zone Areas;  
**E7** – Pollution control and air pollution;  
**E8** – Soil and land protection;  
**RE1** – Regional economy;  
**RE2** – Job opportunities;  
**RE3** – Long-term, holistic approach to be taken for economic development activities;  
**RE4** – Business and sustainable development;  
**RE5** – Employment land resources;  
**RE7** – Support for **PAERs** (Priority Areas for Economic Regeneration) of which is Brighton & Hove;  
**RE11** – Tourism, arts and culture;  
**H1** – The Rest of the South East (RoSE) should aim to provide 39,000 net additional dwellings;  
**H2** – East Sussex Development Plans should make provision for 2,290 net additional dwellings;  
**H4** – Dwelling types and sizes and affordable housing;  
**H5** – Increasing housing development in urban areas;  
*T1 – Manage and invest;*  
*T2 – Key management issues;*  
*T4 – Regional hubs;*  
*T5 – Regional Spokes;*  
*T9 – Public transport;*  
*T12 – Parking;*  
*T13 – Travel plans and advice;*  
**INF1** – Flood risk;  
**INF2** – Sustainable provision of water services;  
**INF3** – Re-use, recovery and disposal of waste;  
*INF4 – Energy conservation and renewable energy;*  
*INF5 – Combined heat and power;*  
*TSR4 – Tourism attractions;*  
*W1 – Waste reduction;*  
*W2 – Sustainable design, construction and demolition;*  
*W5 – Targets for diversion from landfill;*  
*M1 – Sustainable destruction;*  
*M3 – Primary aggregates.*

\* amended policies shown in italics.

#### **Draft South East Plan (SoS Proposed Modifications July 2008)**

**CC1** – Sustainable development;

**CC2** – Climate change;  
**CC3** – Resource use;  
**CC4** – Sustainable design and construction;  
**CC5** – Infrastructure and implementation;  
**CC6** – Sustainable communities and character of the environment;  
**CC7** - Infrastructure and implementation;  
**CC8** – Green infrastructure;  
**RE3** – Employment and land provision;  
**RE4** – Human resource development;  
**H1** – Regional housing provision 2006-2026;  
**H2** – Managing the delivery of the regional housing provision;  
**H3** – Affordable housing;  
**H4** – Type and size of new housing;  
**H5** – Housing design and density;  
**T2** – Mobility management;  
**T4** – Parking;  
**T8** – Regional spokes;  
**NRM1** – Sustainable water resources and groundwater;  
**NRM2** – Water quality;  
**NRM4** – Sustainable flood risk management;  
**NRM5** – Conservation and improvement of biodiversity;  
**NRM8** – Coastal management;  
**NRM9** – Air quality;  
**NRM10** – Noise;  
**NRM11** – Development design for energy efficiency and renewable energy;  
**NRM12** - Combined heat and power;  
**NRM15** – Location for renewable energy development;  
**NRM 16** – Development criteria;  
**W1** – Waste reduction;  
**W2** – Sustainable design, construction and demolition;  
**W5** – Targets for diversion from landfill;  
**W6** – Recycling and composting targets;  
**W8** – Waste separation;  
**M1** – Sustainable construction;  
**C2** – The South Downs;  
**C3** – Areas of outstanding natural beauty;  
**BE1**- Management for an urban renaissance;  
**BE2** – Suburban intensification;  
**BE6** – Management of the historic environment;  
**TSR1** – Coastal resorts;  
**TSR4** – Tourism attractions;  
**S1** – Supporting healthy communities;  
**S2** – Promoting sustainable health services;  
**S3** – Education and skills;  
**S5** – Cultural and sporting activity;  
**SCT1** – Core strategy;  
**SCT2** – Enabling economic regeneration;  
**SCT5** – Housing distribution;

**SCT6** – Affordable housing.

**East Sussex and Brighton & Hove Structure Plan 1991-2011 (saved policies):**

**S1** – Twenty One Criteria for the 21<sup>st</sup> Century;  
**S3** – Infrastructure;  
**S4** – Strategic pattern of development;  
**S6** – Development and change within towns;  
**E1** – Economy and employment;  
**E18** – Provision of childcare facilities;  
**H1** – Housing provisions;  
**H4** – Affordable housing;  
**H6** – Other local housing requirements;  
**TR1** – Integrated transport and Environment Strategy;  
**TR3** – Accessibility;  
**TR4** – Walking;  
**TR5-6** – Cycling;  
**TR9** – Public passenger transport;  
**TR16** – Parking standards for development;  
**TR18** – Cycle parking;  
**EN1** – General environment policy;  
**EN2** – Areas of Outstanding Natural Beauty (AONB);  
**EN3** – Areas of Outstanding Natural Beauty (AONB);  
**EN11** – Water quality and conservation  
**EN12** – Water quality and conservation  
**EN13** – Air quality  
**EN14** – Light pollution  
**EN17** – Nature conservation  
**EN18** – Nature conservation  
**EN21** – Nature conservation  
**EN26** – Built environment  
**LT2** – Leisure and tourism  
**LT4** – Leisure and tourism  
**LT15** – Informal recreation  
**LT16** – Informal recreation  
**LT18** – The arts

**East Sussex and Brighton & Hove Waste Local Plan**

**WLP 1** – The plan's strategy;  
**WLP 2** – Transport strategy;  
**WLP 11** – Reduction, re-use and recycling during demolition and design, and construction of new developments;  
**WLP 12** – Recycling as part of major development;

**Brighton & Hove Local Plan:**

**TR1** – Development and the demand for travel  
**TR2** – Public transport accessibility and parking  
**TR3** – Development in areas of low public transport accessibility

**TR4**– Travel Plans  
**TR5** – Sustainable transport corridors and bus priority routes  
**TR7**– Safe development  
**TR8** – Pedestrian routes  
**TR11** – Safe routes to school and school safety zones  
**TR12** – Helping the independent movement of children  
**TR13** – Pedestrian network  
**TR14** – Cycle access and parking  
**TR15** – Cycle network  
**TR17** – Shopmobility  
**TR18** – Parking for people with a mobility related difficulty  
**TR19** – Parking standards  
**SU1** – Environmental Impact Assessment  
**SU2** – Efficiency of development in the use of energy, water and materials  
**SU3** – Water resources and their quality  
**SU4** – Surface water run-off and flood risk  
**SU5** – Surface water and foul sewage disposal infrastructure  
**SU6** – Coastal defences  
**SU7** – Development within the coastal zone  
**SU8** – Unstable land  
**SU9** – Pollution and nuisance control  
**SU10** – Noise nuisance  
**SU12** – Hazardous substances  
**SU13** – Minimisation and re-use of construction industry waste  
**SU14** – Waste management  
**SU15** – Infrastructure  
**SU16** – Production of renewable energy  
**QD1** – Design – quality of development and design statements  
**QD2** – Design – key principles for neighbourhoods  
**QD3** – Design – efficient and effective use of sites  
**QD4** – Design – strategic impact  
**QD5** – Design – street frontages  
**QD6** – Public art  
**QD7** – Crime prevention through environmental design  
**QD10** – Shopfronts  
**QD15** – Landscape design  
**QD16** – Trees and hedgerows  
**QD17** – Protection and integration of nature conservation features  
**QD18** – Species protection  
**QD19** – Greenways  
**QD20** – Urban open space  
**QD25** – External lighting  
**QD26** – Floodlighting  
**QD27** – Protection of amenity  
**QD28** – Planning obligations  
**HO2** – Affordable housing – ‘windfall sites’  
**HO3** – Dwelling type and size  
**HO4** – Dwelling densities



**HO5** – Provision of private amenity space in residential development  
**HO6** – Provision of outdoor recreation space in housing schemes  
**HO7** – Car free housing  
**HO13** – Accessible housing and lifetime homes  
**HO19** – New community facilities  
**HO21** – Provision of community facilities in residential and mixed use schemes  
**EM5** – Release of redundant office floorspace and conversions to other uses  
**EM9** – Mixed uses and key mixed use sites  
**SR1** – New retail development within or on the edge of existing defined shopping centres  
**SR2** – New retail development beyond the edge of existing established shopping centres  
**SR12** – Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)  
**NC2** – Sites of national importance for nature conservation  
**NC4** – Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)  
**NC8** – Setting of the Sussex Downs Area of Outstanding Natural Beauty  
**HE3** – Development affecting the setting of a listed building  
**HE6** – Development within the or affecting the setting of conservation area  
**HE11** – Historic parks and gardens  
**HE12** – Scheduled ancient monuments and other important archaeological sites

**Supplementary Planning Guidance Notes (SPGs):**

**SPGBH4:** Parking Standards (2000)  
**SPGBH5:** Black Rock Development Brief (2001)  
**SPGBH9:** A Guide for Residential Developers on the Provision of Recreational Space (Draft 2002)  
**SPGBH15:** Tall Buildings (2004)  
**SPGBH20:** Brighton Marina "An Urban Design Analysis" Vol.1 of 2 (2004)  
**SPGBH20:** Brighton Marina "Development Brief" Vol.2 of 2 (2004)

**Supplementary Planning Documents (SPDs):**

**SPD02:** Shop Front Design (2005)  
**SPD03:** Construction and Demolition Waste (2006)  
**SPD08:** Sustainable Building Design (2008)  
**SPD:** Nature Conservation and Development (Draft)

**Planning Advice Notes (PANs)**

PAN03: Accessible Housing and Lifetime Homes (2008)  
PAN04: Brighton Marina Masterplan (2008)  
PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste

(Note: See Appendix 6 for a Statement of Conformity with PAN04: Brighton Marina Masterplan).

## 8 CONSIDERATIONS

The main considerations are set out below under the following headings:

1. Context.
2. Principle of development, appropriateness of land use and density considerations
3. Conformity with Brighton Marina Masterplan (PAN04).
4. Regeneration and the economy.
5. Residential Use.
6. Use within class 'A' (retail/professional services/financial/restaurant/drinking establishments).
7. Community tourism, recreation and harbour related facilities.
8. Alternative sites and options.
9. Urban design and the impact on the immediate and wider townscape, including impact on conservation areas and listed buildings in the vicinity, and impact on distant views and the Sussex Downs Area of Outstanding Natural Beauty.
10. Sustainable transport, parking, traffic generation, and highway considerations
11. Impact on the amenity of existing and prospective residents, including standard and layout of accommodation and environmental health issues.
12. Outdoor sports, recreation space and artistic influence within the public realm.
13. Sustainability considerations.
14. Alternative uses, flood risk and sea defences.
15. Education, community and health facilities.
16. Ecology and Nature conservation.
17. Archaeology.
18. Phasing.
19. Brighton Marina- Legal Implications.

### **1. Context**

This section of the report identifies and discusses the issues raised by the proposals and those emerging from the appraisal of the Environmental Statement, in the context of planning policies, government guidance and other material considerations. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 require that environmental information, meaning the Environmental Statement and representations thereon, be taken into consideration prior to planning permission being granted. Accordingly this information is used in assessing the matters identified below:

- Principle of development, appropriateness of land use and density.
- Sustainable transport, parking, traffic generation, and highway considerations.
- Sustainability.
- Urban design and the impact on the immediate and wider townscape, including impact on conservation areas and listed buildings in the vicinity,

and impact on distant views and the Sussex Downs Area of Outstanding Natural Beauty.

- Ecology and nature conservation.
- Archaeology.
- Microclimate.
- Impact on the amenity of existing and prospective residents.
- Phasing.
- Cumulative impact.

In addition to the above, consultations associated with the scheme and the legal implications of the scheme, are discussed at the end of this section, including the relevance of the Marina Act 1968, the Brighton Corporation Act 1970 and the Widdicombe report 1975.

#### Compliance with Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The development plan in respect of this site currently comprises:

- Regional Planning Guidance for the South East (RPG9), adopted 2001;
- East Sussex and Brighton & Hove Structure Plan 1991-2011, adopted 1999;
- East Sussex and Brighton & Hove Waste Local Plan, adopted 2006;
- Brighton & Hove Local Plan, adopted 2005.

The policies and guidance set out in the following documents are also material considerations in the determination of this application:

- Central Government advice including that set out in Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs) and Departmental Circulars;
- Supplementary Planning Guidance Notes (SPGs);
- Supplementary Planning Documents (SPDs);
- Planning Advice Notes (PANs);
- Brighton & Hove Strategic Flood Risk Assessment; and
- the emerging South East Plan (Secretary of State's modifications, July 2008).

The relevant government, regional and local policies and guidance are listed in Planning Policy Section 7 of this report. Key strategic and local policies are identified and discussed in the Planning Policy consultation comments in Section 6 of this report.

## **2. Principle of development, appropriateness of land use and density considerations**

Development plan policies and central government advice emphasise the need to make effective and efficient use of land in urban areas to reduce pressure for

development elsewhere, and greenfield sites in particular. Principles of sustainable development underpin the development plan and government advice contained within PPS1 and PPS3. In accordance with these principles, higher density developments would be allowed where schemes exhibit high standards of design and architecture, the site is well served by public transport and local services, a mix of dwelling types is provided, and the area has the capacity to accommodate additional dwellings. Mixed-use developments are particularly encouraged, provided they avoid 'town cramming'. Special attention should be paid to the design and quality of spaces between buildings and those characteristics of the surrounding area which are considered to be of merit.

The creation of sustainable communities is an overarching objective of PPS1, which promotes more efficient use of land through higher density, mixed use development. Local Plan policies QD3 and HO4 are particularly important in the achievement of this objective, and are reinforced within Supplementary Planning Guidance for the Marina (SPGBH20) and Brighton Marina Masterplan (PAN04). Although PAN04 cannot be given full statutory weight, the consultation it has been the subject of public consultation. The document is intended to act as a supplement to the existing Supplementary Planning Guidance for the Marina (SPGBH20: Brighton Marina Masterplan for Enhancement) and is therefore a material consideration in the assessment of planning applications and proposals in the Marina area. The PAN's contents are consistent with the relevant and up to date parts of the adopted development plan and government advice. The emerging Core Strategy of the Local Development Framework (LDF) also identifies the Marina as one of seven strategic sites across the city suitable for mixed use development including a significant proportion of housing (DA2). The city council's adopted Strategic Flood Risk Assessment (March 2008) and associated sequential test confirms the suitability of Brighton Marina for development, including housing, subject to satisfying the requirements of PPS25.

There is no objection in principle to the development of the site. Detailed consideration of alternative land uses on the site is not considered necessary as the proposal is in accordance with the policies and guidance contained within the adopted Local Plan, SPGBH20 and PAN04 which seek to regenerate the Marina through promoting residential, retail, leisure, office and community uses. The amended scheme comprises of a residential and retail-led mixed use development which also incorporates community and health facilities, an element of office use (423 sq m) and a replacement petrol filling station. The proposed land uses are considered to be acceptable in terms of their conformity with the development objectives contained within SPGBH20 and PAN04. The residential element of both the proposed scheme and the approved Brunswick scheme, would also ensure that there is sufficient population and critical mass to facilitate the economic recovery of the District Centre.

Fundamental to the Masterplan vision contained within SPGBH20 and PAN04, is the provision of mixed use development at a density that helps achieve a vibrant and sustainable place. SPGBH20 and the draft Core Strategy

specifically encourage higher density development in order to reach a scale of development such that key public transport, pedestrian, community and service improvements can be made to the Marina. SPGBH15 also identifies the Marina as a location which may be suitable for tall buildings, subject to meeting a number of detailed criteria.

The amended application seeks planning permission for 1301 residential units. The net density associated with the proposed amended scheme equates to 163 dwellings per hectare (dph). This is calculated on the basis of the red line boundary excluding areas where interventions are not proposed (equivalent to 8ha). This is lower than other higher density schemes within the city such as the approved Brighton Marina Outer Harbour (Brunswick Developments) scheme which has an overall net density of 310 dph. The density of the proposal is even lower than that of the existing residential development within the eastern end of the Marina, which is 135dph. If the scheme were to be approved, then the cumulative impact on density levels for the entire Marina i.e. taking account of the existing residential areas, the approved Brunswick scheme and the current application would be 164dph.

**Concern has been expressed during the consultation on the amended application about the potential for over-development of the site, if the scheme were to be approved.** In order to assist in addressing these concerns, the cumulative impact of the approved Outer Harbour (Brunswick Developments) scheme has been assessed within the applicant's Environmental Impact Assessment (EIA). Cumulative impact with the Black Rock (BIA) scheme (which is at the pre-planning application consultation stage) has also been undertaken by the applicant wherever information has been available.

On 1 September 2008, a proposal for the Eastern Breakwater of Brighton Marina was submitted by Brighton Marina Company Ltd. At this point, the Explore Living application was at an advanced stage, having been submitted to the LPA in September 2007. It has not been possible to test the robustness of the data supplied by Brighton Marina Co Ltd on cumulative impact because the consultation on the scheme is not yet complete. Accordingly, it would be unreasonable to delay the determination of the Explore Living application. The cumulative effects arising from the Eastern Breakwater development will be assessed, especially with regard to the impact of the proposed scheme on the ramps into the Marina and junctions in the vicinity of the site.

The character and architectural style within the Marina is varied and comprises predominantly low density development. Consequently, much of the existing development does not necessarily make efficient use of land within this key urban site for the city. SPGBH20 and PAN04 recognise the shortcomings of existing development within the western, commercial area of the Marina and the need to create a sense of place and identity for it. The quality of the architecture and significant improvements to the public realm proposed as part of the amended application are considered to justify a relatively high density

scheme, in accordance with Local Plan policy HO4. The proposal would make effective and efficient use of the site as required under policy QD3.

It is considered that the surrounding area has the physical and social infrastructure capacity to provide for the 1301 additional dwellings and the non-residential uses proposed. The site is well served by public transport, including a high frequency bus service, includes District Centre and is close to local facilities, which lend support for a high density scheme. In addition, the scheme itself is a mixed-use development and thus adheres to sustainable principles. Southern Water state that adequate water supply, drainage and sewerage provision can be supplied, in principle.

During the consultation on the amended scheme, some people were concerned that the existing infrastructure would be insufficient to support the additional population arising from the proposed development. In recognition of this, the application proposes a substantial enhancement of infrastructure to meet the particular demands created by the development. This has been further supplemented by measures within the Section 106 Legal Agreement process and/ or planning conditions. These include securing a wide range of transport measures and are summarised in Section 10 of this report. This range of measures, together with the proposed expansion of health and social infrastructure, is considered to satisfactorily meet the demands of the proposed development in accordance with key Local Plan objectives, and is discussed in more detail in Section 15. Southern Water states that, in principle, adequate water supply, drainage and sewerage provision can be supplied to support the proposed development.

### **3.Conformity with Brighton Marina Masterplan (PAN04)**

The Brighton Marina Masterplan (PAN04) acts as a supplement to SPGBH20, focusing specifically on those areas not addressed in the SPG such as capacity, density and open space, social infrastructure, environmental sustainability etc. PAN 04 also draws upon the adopted policies in the Brighton & Hove Local Plan which are relevant to the assessment of applications or proposals within the Brighton Marina area. The applicant was asked to submit a 'statement of conformity' with PAN04, which was adopted in March 2008. Chapter 11 of the applicant's Design and Access Statement (DAS) contains the main 'statement of conformity' with PAN04 and also makes reference to chapters of the EIA and other supporting documents which demonstrate compliance with the PAN.

Appendix 6 of this report, provides a detailed assessment of the amended application against the development objectives and policy requirements set out in PAN04. In summary, the applicant has produced a comprehensive statement of conformity which responds well to the planning challenges highlighted within the PAN. The majority of requirements within the PAN were complied with, demonstrating that the applicant has used the PAN as a framework for considering the strengths and weaknesses of the proposed development. Those aspects of the application which have departed from the PAN have been identified and, where appropriate, dealt with through planning

conditions.

PAN04 has enabled the applicant to test the robustness of the proposed scheme against latest planning policy and guidance. This has led to the submission by the applicant of a development framework for the western end of the Marina. The applicant's development framework together with an assessment of the cumulative impact of the development on the Marina, suggests that the amended scheme would not prejudice areas in need of redevelopment coming forward in the future, including the multi-storey car park and adjacent leisure area.

The applicant has responded creatively to PAN04, especially to concerns that the application did not address adequately the level changes across the site. The development framework would allow for the future level raising of Park Square (the area between the leisure 'sheds' and multi-storey car park) to 5.5m, to enable undercroft car parking and a much improved public realm. The site level of the future development would relate much better to its context and to the approved Brunswick scheme. Importantly, views of the sea and internal water areas would be at the level proposed within PAN04.

The applicant has also responded positively to the requirement in PAN04 to create a quality public realm with excellent use of materials. Concern was expressed by officers during the pre-application consultation stage, that the quantity of open/ outdoor recreational space coming forward within the application was deficient and that there was not enough detail concerning the design of the public spaces. The amended scheme has responded to these concerns by:

- increasing the quantum of open/ outdoor recreation space on-site;
- increasing the financial contribution to off-site recreation; and
- providing much more detail concerning the design and use of materials for the public spaces within the red line boundary of the development.

Those areas at the periphery of the red line which abut existing development or are adjacent to the Outer Harbour (Brunswick Developments) scheme have also been tackled much more comprehensively within the amended scheme, as a result of the requirements within PAN04. This has led to some aesthetically unattractive areas of the Marina being addressed by the application which would have otherwise been left out (i.e. the service yard to the west of the Seattle Hotel and the area beside the ramps to the east of the Black Rock site). The public realm proposals within the amended scheme represent a marked improvement on earlier draft applications shared with officers during the pre-planning application consultation stage.

#### **4.Regeneration and the economy**

As noted above, both PAN04 and SPGBH20 acknowledge the existing short comings of the Marina, including poor environment and poor quality architecture, lack of identity and sense of place, poor public transport access and limited land uses. In principle, further development is welcomed to

contribute towards the regeneration of this important district of the city in order to address these shortcomings. The economic credentials of the proposed development are supported by various organisations who seek to promote the economic prosperity of the city, such as the Brighton & Hove Economic Partnership, Sussex Enterprise, South East of England Regional Assembly (SEERA) and South East England Development Agency (SEEDA). These organisations, and a significant number of local businesses, make particular reference to the scheme's sustainability, affordable housing provision, improved transport facilities, tourism provision, construction training programme, regeneration and community involvement as key benefits. The council's Economic Development team have also expressed their support for the scheme, in terms of its contribution to the physical regeneration of this important part of the city as well as its impact on deprivation and the local economy.

### Physical Regeneration

The proposed development would improve the existing fractured townscape and poor public realm that currently characterises the Marina. Pedestrian and vehicular routes both to and within the Marina would be improved. This enhancement of the physical environment would make the Marina a more desirable destination for visitors which, in turn, would increase the viability of the retail/ commercial premises located within the Marina. If the scheme did not seek to improve the retail offer, public realm and accessibility at the Marina, then any claims about economic impacts would have to be questioned as the Marina would remain a marginal location and not a true visitor destination. It is considered that the proposed improvements to the urban realm would mean that the economic benefits should be achievable and sustainable.

### Impact on Deprivation

An important local issue is the high number of people who do not have access to affordable housing. The proposed development would provide 1,301 new housing units, of which 520 would be affordable. This would be a considerable addition to the housing stock in the city and a step towards meeting the city's housing targets. The proposal also includes a new community centre, new GP Healthy Living centre as well as an improved District Shopping Centre and an enlarged replacement food store. The increased permanent population resulting from the proposed development would make it more likely for the District Centre to support a post office, which is not viable at present. This, together with the provision of much needed affordable housing, would help to meet improve the standard level of facilities within this area and would ensure that residents at the Marina (both new and existing) would not suffer deprivation as a result of living in a relatively isolated location.

### Economic Impact

Regional Planning Guidance (RPG9) recognises that the South East does not enjoy a uniformly prosperous economy and that areas of deprivation exist. It identifies Priority Areas for Economic Regeneration (PAERs) which include the Sussex Coastal Towns. The guidance recommends that business and



employment uses in the Coastal Towns are encouraged particularly in the arts, culture and media industry and its associated education and training sector, which are expanding in these areas. This is especially true of Brighton & Hove, where just under 1,600 of the 8,600 businesses are part of the creative economy: which represents nearly one in five of local businesses.

In their original application submitted in October 2007, the scheme comprised purely of retail and residential uses, which would have resulted in the loss of existing office space currently occupied by the Brighton Marina Estates Management Co. Ltd. However, following concerns expressed by the council's Planning Policy team that the proposed mix of uses would represent a departure from Policy EM5 of the Local Plan, the applicants have subsequently amended the scheme to secure office space within the development. The scheme now includes 423.2 sq m of office space, which the applicant anticipates being occupied by either Brighton Marina Estate Management Company Ltd or occupiers of the existing Porta-cabins. The provision of office space within the scheme is welcomed and although it is only a small proportion of the overall development, the scheme is now considered compliant with planning policy.

The Regional Economic Strategy (RES) identifies Brighton & Hove as a Diamond for Investment and Growth which has the potential to use its concentrations of people, employment, knowledge, and built assets to become an economic catalyst for the region. The scheme's provision of affordable housing to meet local needs would be a key factor in ensuring that the Diamond realises its growth potential. Research conducted by Sussex Enterprise has shown that the high cost of housing in Sussex may have prevented between 3,300 and 6,100 jobs being created and between £100M - £180M of economic output being created in the Sussex economy in a year. Both Sussex Enterprise and SEEDA are therefore supportive of the proposed development which they consider to provide much needed affordable housing to stimulate investment and economic growth within the city and wider region.

The Marina currently has limited retail and office floorspace. The expansion in the retail offer and the protection of existing office space as a result of the proposed development, are therefore welcomed and would help to sustain the role of the Marina as a District Shopping Centre. The proposed development would provide opportunities for jobs, both during construction, and within the non-residential uses proposed, and in roles that support the residential uses. The ES estimates that there would be up to 3,670 temporary jobs or the equivalent of 2,800-3,600 person years of construction work spread over 7 years accompanied by training in construction skills and a policy of local recruitment where possible. Once the development is completed there would be an increase of 312 new jobs on the site. The majority of jobs created would be in the retail and hospitality sector. Retail is a key sector for the city economy and is identified within the Community Strategy as a sector which needs boosting. An increase in provision of such jobs, closely located to an area of high deprivation such as East Brighton, is likely to mean that people with lower

level skills would stand more chance of securing employment within the sector, in accordance with the objectives of the City Employment and Skills Plan. Overall, the scheme would result in £300M of investment in the city.

#### Education, Employment and Skills

Following further negotiations with the applicant, the S106 contribution towards education has been increased to £594,000. The applicant also retains their commitment to a construction training programme in the Environmental Statement (ES), which is welcomed. The Section 106 would secure submission and implementation of a Construction Training and Local Employment Agreement based on the principles contained in the ES, and would also secure much needed training in construction skills for local people. This is in keeping with Strategic Priority 3 in the City Employment and Skills Plan, which identifies the need to develop and improve skills for work. Specifically, strategic objective 3b(vi) of the plan seeks to use the construction phase of major projects to develop workplace learning plans.

#### 5. Residential Use

Further residential development on the Marina is promoted within SPGBH20 and the PAN04. PPG3 promotes the development of further housing to address the growing needs of the nation and the region, and advises that windfall sites should not be on greenfield land. The 2000 Housing Needs Survey undertaken on behalf of the council in accordance with government advice (PPG3) concludes that the overall level of housing need in the City is higher than the national average, and affordable housing is in particularly short supply. This need has not significantly altered in the latest 2005 Housing Needs Survey. In this context, it should be noted that the scheme proposes a total of 1301 residential units of which 520 units (40%) would be affordable units in accordance with Local Plan policy HO2. Delivery of the affordable housing would be secured through the Section 106 Agreement.

Based on the Housing Needs Survey 2005, the Council seeks a tenure mix of 55% affordable housing units for rent and 45% for shared ownership. In the original submission the applicant was offering a split of 50% for rent and 50% for shared ownership. Although this did not meet local requirements, Housing Strategy was prepared to accept this tenure mix.

Amended scheme Due to the recent decline in the housing market the amended scheme now proposes a split of 35% social rent and 65% shared ownership. Although Housing Strategy's preference would be for a 50:50 split, the District Valuer's report confirms that the viability of the scheme has been affected by the current economic climate and that the split now proposed is required if it is to be viable. Therefore, in these circumstances and given that there is no policy requirement which sets out the exact split of social rented and share ownership and the fact that the scheme is still providing 40% affordable housing, the split is considered acceptable.

With regard to the concentration of affordable housing within the Cliff site,

Housing Strategy has commented that a more even distribution would be preferred throughout the development, rather than concentrating it all in one block and in what are considered to be poorer locations (lower floors), overlooking the access ramp. The applicants have responded that this concentration is necessary to protect the overall financial viability of the project. They have stressed that the affordable housing component makes a significant contribution to the overall financial viability of the regeneration. The cash flow inputs from the RSL during the early stages of the residential development deliver a major financial benefit to the scheme's viability, by keeping peak debt at manageable levels, thereby reducing development interest at a crucial stage to ensure overall financial viability for the scheme.

The applicant also argues that in terms of the management and maintenance of the affordable units, it is more cost efficient for the units to be in one location. Although Housing Strategy continues to have reservations concerning the poorer locations (lower floors), overlooking the access ramp of the affordable housing, it accepts the applicants' viability arguments in this instance for concentrating the affordable housing within the Cliff site.

Finally, Housing Strategy is also concerned that a significant number (212 out of 520 i.e. 41%) of the new affordable homes fall below the council's minimum unit size requirements required to achieve homes of a good standard, flexible and adaptable and fit for purpose (based on English Partnerships' Quality Standards), although they acknowledge the size of the units would meet the minimum size under the Housing Corporation's standards. The applicants have acknowledged that of the 520 units being proposed 204 of the one bed units (39%) could be increased by an additional 5m<sup>2</sup> to meet the City standards. However the cost of increasing each unit would be in the region of £11,500, which equates to approximately £2.3 million and as such a change, has a significant impact on costs and therefore viability. This is accepted by Housing Strategy.

In conclusion, it is accepted that in this instance the applicants are unable to distribute the affordable housing more evenly through the site, in order to protect the overall financial viability of the project. This is supported by the District Valuer's report. Similarly, increasing the unit sizes to meet the council's local standards would have serious implications for the viability of the scheme. It should be noted that the unit sizes would meet the minimum size under the Housing Corporation Standards and as such would secure funding. These matters have to be weighed up against the overall positive benefits of the scheme to the marina and city as a whole, in providing much needed housing and the regeneration of the marina. Therefore, on balance, the affordable housing element of the scheme is considered acceptable.

#### **6. Uses within Use Class 'A' (retail/ professional services/ financial/ restaurant/ drinking establishments)**

Apart from the main ASDA retail unit and McDonalds restaurant, permission is sought for unrestricted uses within Class A (A1, A2, A3, A4 and A5), which covers a wide variety of uses (as summarised above) for the remainder of the

units within the development. SPGBH20 recognises the retail potential of the Marina and its contribution to creating a vibrant mixed-use environment. It states that there should be a significant amount of additional commercial (retail and leisure) use provided at ground floor level for vitality and to sustain the role of the Marina as a District Shopping Centre. This is consistent with Structure Plan objectives supporting proposals on accessible sites within or on the edge of existing main shopping centres which maintain and enhance their vitality and viability (Policy SH1).

The Local Plan designation of the Marina as a District Shopping Centre is indicated on the associated Proposals Map as consisting of the ASDA Superstore and Village Square area alone. This is, however, a historic designation, as no account is taken of the spread in retail and leisure activity along the Waterfront adjacent to the application site. The relevant Local Plan policy relevant to this application is Policy SR1 relating to new retail development within or on the edge of existing defined shopping centres and policy SR5 which relates to District Shopping centre. This policy reflects central government advice in PPS6. The key aims of policy SR1 are that there is a need for development and to ensure that the development is of an appropriate scale; that there are no more central sites for the development; that there are no unacceptable impacts on existing centres; and that locations are accessible.

It should be noted that this planning application has been advertised as a departure to the development plan for the reason outline above. However, the departure is considered to be insignificant in relation to the overall proposal.

The applicant has provided a satisfactory revised Retail Impact Assessment (RIA) to demonstrate that the level of 'retail' proposed cumulatively would not cause detriment to the vitality or viability of established shopping centres in Brighton & Hove.

Guidance in PPS6 promotes positive planning for the growth and development of existing centres; and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. It is considered that the 'A' uses proposed would support the District Centre, recognizing the unique role of the Marina for leisure and tourism and would not undermine the function of the city's town centres or the Regional Shopping Centre. Further, the Council has recently had undertaken a 'Health Check' (September 2005) for the Marina District Centre and has identified that the Centre has one of the smallest number of units and that the shopping facilities provided are limited compared with alternative District Centres in Brighton & Hove. Therefore, further provision is encouraged.

Policy SR5 of the Local Plan is also relevant which relates to town and district shopping centres and seeks to maintain and enhance the prime frontages within these centres. It is therefore considered that it would be inappropriate to allow all the smaller units proposed unrestricted A1-A5 uses, for two reasons, firstly the implications for residential amenity particularly given that there are 6

units on the cliff site with residential above them and secondly there would be a detrimental impact on the District Shopping centre if for example all of proposed the units were to be used for A3. Therefore a condition is recommended restricting ASDA to A1 retail use, McDonalds to A3 use and some of the remaining units to be used for A1 use only with flexibility for the remaining units as set out under the recommendation section of the report.

Local Plan Policy SR12 is also relevant. This policy seeks to prevent a concentration of large bars and restaurants/bars in one place, which can have an adverse impact on residents causing late night noise and disturbance. The policy requires that where a unit exceeds a floor area of 150sqm, alcohol can only be sold or supplied to persons who are taking meals on the premises and who are seated at tables. The use of this policy is supported by Sussex Police in their comments. A suitable condition is therefore included under the recommendations section of the report.

A number of the letters of objection received have expressed concern that the expansion of ASDA would exacerbate the loss of independent retailers and would contribute to the decline of shops in Whitehawk. However, it is considered that the expansion of ASDA and the introduction of additional retail units on the cliff site in particular, along with the increase in population that the scheme would bring about, would revive the failing district centre and help existing businesses and attract new retailer into the units that are currently empty. The proposal is therefore considered to comply with regional retail policy guidance and Structure Plan policy, as it would ensure the vitality and viability of the District Centre, and would not undermine the role of the sub-regional centre.

## **7. Community, tourism, recreation and harbour-related facilities**

SPGBH20 suggests that space should be set aside at the Marina for community use in the form of an education or interpretative centre and a public building for performance. Local Plan policies also seek provision of community facilities in residential and mixed-use schemes to meet the needs of residents, consistent with the scale and nature of the development proposed (policy HO21). In accordance with this policy and the aims of SPGBH20, the application scheme proposes a number of specific community facilities to benefit Marina residents and those living in, or visiting from, the wider area.

A public viewing gallery at the top of the Marina Point tower would provide the public with an opportunity to use the Tower and experience panoramic views up and down the coast, across to the Downs and out to sea. The provision of the gallery would allow public access to the tower, which is encouraged in SPGBH15: Tall Buildings. Access to the viewing gallery would be by prior appointment.

A community room (D1 use) is proposed within the cliff site. There are no facilities dedicated solely for the use of the community in the Marina at present, although the approved Brunswick scheme does include a community centre. The proposed spaces would, therefore, be potentially of benefit to existing

residents as well as those living in the new development.

The application also proposes a GP/healthy living centre within two units in the Octagon to cater for the existing and future residents of the Marina. A number of pre-planning application consultation discussions have taken place between the applicant and the PCT regarding the potential for the PCT to utilise space in the Octagon (379sqm), with an option of additional space at a later date. Although the space is currently considered too small by the PCT's Estates team for a large multiple GP Practice (8-9 GPs), the accommodation is suitable for the provision of a range of healthy living facilities. The exact nature of these facilities would be decided as part of the S106 Agreement negotiations.

The enhancement of existing recreation facilities is supported in principle by Local Plan policy (SR17 and SR20) and it complies with the aims of the Marina SPG. Policy SR17 in particular states that new sporting and recreation facilities would be allowed in locations close to their catchment, with good pedestrian, cycle and public transport links and where they are compatible with the local environment. The proposal includes both new on site recreational facilities and the improvement and enhancement of existing open spaces, the detail of which are set out under section 12, outdoor space and recreation space. On site recreation facilities these include new open space such as, Cliff Park, located to the south of the Undercliff Walk. This would be a grassed area for informal and casual activities i.e. walking, sitting etc. and would also encompass a Geo-Learn space which would consist of a play space and education facility to explain the ecology and geology of the cliff. The areas under the flyover which are currently redundant spaces, would be used for various youth facilities, such as parkour (free running), five-a-side pitches and the provision of climbing wall. The development also encompasses a recreation office within the Cliff Site and the funding of a sports coordinator to ensure that these spaces, as well as other outdoor recreation facilities within the vicinity of the site, are well used.

Existing areas to be reformulated and enhanced include Park Square, the space between the multi storey car park and leisure sheds, which would be used for a variety of informal and formal activities, ranging from passive everyday recreation to performance space. Everyday passive activities include interactive fountains and lighting designed to animate a space which is currently lifeless and dreary. The space has also been configured to accommodate organised events throughout the year including concerts and festivals. The proposals for Park Square also include a new children's playground and an adjacent café bar (behind the existing Pizza Hut).

The amended scheme also incorporates a trolley system which would be available for residents and visitors to use, contained within the offices of the on site sports co-ordinator for people to transport equipment such as surf boards down to the sea.

Many of the objections received are concerned that the Marina would lose its primary purpose as a leisure facility and the density of the development would

drive boat owners away and that the Marina's relationship with the sea would be lost. Conversely those who have written in support of the application would argue the opposite that the development proposed would enhance the Marina and make it a more lively and interesting place to come to for all visitor and residents, including boat owners. It should also be noted that the development sites are in at the western end of the Marina and the existing moorings are not affected by the development.

It is therefore considered for the reasons stated above that the proposals are in accordance with policy and the aims of SPGBH20 and PAN04, in proposing a number of specific community facilities to benefit Marina residents and those living in, or visiting from, the wider area.

### **8. Alternative site and options**

In accordance with the Environmental Impact Assessment Regulations, the Environmental Statement has considered the alternative locations and design options for the proposed development. A number of alternative sites were identified within the Local Plan as being of an appropriate scale to meet the applicant's requirements for large-scale, mixed-use developments. The sites considered by the applicant were Shoreham Harbour, Preston Barracks and Circus Street. However, all of these sites were rejected for this scheme due to factors such as unavailability, vehicular access problems, unsuitability for housing or planning difficulties relating to retail use. Initial design proposals for some of these sites were prepared but were not pursued by the applicant due to design and environmental impact concerns.

It is considered that the applicant has carried out a comprehensive sequential site analysis. PAN04 identifies the areas proposed for development under the current amended scheme as having either high or medium development potential. The amended scheme is therefore in conformity with the Masterplan and the preferred uses identified for these areas of the Marina. Both SPGBH20 and PAN04 suggest some form of development would be likely in the absence of the present development proposals, while the Structure Plan and RPG9 encourage regeneration and growth. In this context, it is not considered that further assessments of alternative sites would be required.

Alternative design approaches and layouts have been resulting in several iterations in the design of the scheme in terms of bulk, massing, relationship to the cliffs, relationship with the approved Brunswick scheme and with the views from the surrounding area. Ongoing consultations with many different stakeholders have produced further revisions to the scheme, which has increased visual permeability through the Marina and improved building composition in terms of bulk and massing and the relationship of Marina Point with the Brunswick Tower. The conclusion of this iterative process resulted in the submission of the amended scheme in September 2008.

## **9. Urban design and the impact on the immediate and wider townscape, including impact on conservation areas and listed buildings in the vicinity, and impact on distant views and the Sussex Downs Area of Outstanding Natural Beauty**

Brighton Marina has been identified, within SPGBH20, as an area in need of regeneration. Different construction phases within the Marina have occurred without the benefit of a planned approach. Consequently, the Marina has become characterised by piecemeal development and areas of poor public realm. The approved Brighton Marina Outer Harbour (Brunswick Developments) scheme has sought to address these deficiencies through the development of a high quality, landmark scheme which, if built, would transform the Outer Harbour area of the Marina.

Both SPGBH20 and the Brighton Marina Masterplan (PAN04) followed significant developer interest in the area. Their aims are to:

- provide a comprehensive framework for the consideration of planning applications within the Marina area; and
- establish principles to guide future development in a holistic way.

PAN04 goes further to:

- clarify and prioritise those areas within the Marina which will need to be addressed and enhanced to ensure the creation of a successful place.

While PAN04 cannot be given full statutory weight, it is a material consideration in the assessment of planning applications within the Marina and wider area.

Both SPGBH20 and the PAN identify important urban design principles, which need to be taken into account by applicants in the preparation of their application. These include how the scheme contributes to the delivery of:

- Legibility – buildings and spaces should reconnect with the sea and be positioned to take advantage of views of the sea, yacht moorings and the Marina. The layout and form of new development should visually (and functionally) reconnect the activities of the land and water areas of the marina;
- Permeability – there should be good and direct connectivity between buildings and spaces within the Marina, to ensure existing barriers to movement are overcome and by providing a variety of choices in routes between key buildings and spaces.
- Active frontages – all development should, as far as possible, incorporate active frontages at ground floor level to ensure street vitality.
- Land uses – new development should reflect the Marina's unique character as a marine, leisure, recreation and tourist destination.

The Brighton Marina Inner Harbour (Explore Living/ X-Leisure) proposal directly addresses some of those areas within the western part of the Marina, which are considered priority areas for regeneration and redevelopment. The applicant has also provided a detailed masterplan for the remaining parts of the western end of the Marina not covered by the application i.e. the multi-storey car park and leisure sheds. This masterplan is a response to a number of key urban



design concerns articulated through PAN04, including changes in level and the proposal might connect with the approved Brunswick scheme; it also illustrates how those remaining areas of poor public realm might be improved in the future. Having assessed this illustrative masterplan, officers are satisfied that this application, as amended, would not prejudice future developments on other sites within the western part of the Marina, such as the car park and the leisure sheds; sites which SPG20 and PAN 04 have identified as also meriting improvement through redevelopment.

### Policy

The principles underpinning the consideration of this application are that the Marina:

1. Is in need of significant physical regeneration to both buildings and spaces, so as to improve upon the quality of existing developments; and that it
2. Does not currently realise its full potential as an urban maritime quarter and therefore requires clear integration of developments to create an attractive centre for both residents and visitors.

SPG20 (Brighton Marina) sets out design parameters for the western part of the Marina. This guidance encourages a denser urban form and grain of development for the western end of the marina and public realm improvements. It describes the beneficial effect well designed buildings might have on the legibility of the Marina, and in common with the council's Tall buildings SPG15, emphasises the need for impact assessment when determining 'the final form, scale, use and appearance of new buildings'. It recognises the need for a bold, and innovative approach to the design of future buildings if the Marina is to be transformed into a denser urban sustainable neighbourhood with a real sense of place and distinctive identity.

SPG 15 identifies the Marina as a location where tall buildings may be appropriate. It advises (para 8.3.1) that:

*"the cliffs to the north of the area are able to mitigate, up to a certain height, the visual impact of tall development on surrounding areas," and yet identifies particular sensitivities including the "need to have regard to their visual impact on the residential areas to the north of the cliffs and (the tall buildings') overall composition when viewed along the coast.*

This guidance prescribes neither maximum nor minimum heights, advising instead that height should be determined after more detailed urban design analysis and wider visual impact assessment, against criteria contained within PAN 04 (Section 15.2), SPGBH15, and English Heritage and CABE's "Guidance on Tall Buildings" July 2007. This guidance requires tall building proposals to preserve or enhance the setting of listed buildings and conservation areas, and in general not impinge on important views, particularly the backdrops of listed buildings or their visual envelope. The applicant has addressed these criteria in their Tall Buildings Statement.

Policy QD4 of the Local Plan requires any development that impacts on strategic views, important vistas, the skyline, and the setting of existing

landmark buildings to be of high design quality and cause no harm to significant views. It also requires that development should neither obscure nor be out of context with the view. Similarly SPG15 advises that tall buildings should be carefully sited to retain or enhance key strategic views and complement other local views identified as being of importance.

The council is moreover required to have special regard to the desirability of preserving the setting of historic areas, and local plan policies HE3 and HE8 require no harm to the setting of listed buildings or conservation areas.

To test the impact of the tower on city views, e.g. from the seafront and the Downs etc, the applicant has submitted computer visualisations of the development from over 40 vantage points, sufficient for the council to assess the impact of the development against these policies and guidance.

Having regard to this policy context, the urban design principles contained in PAN04 and the wider aspirations for the Marina, the scheme has been assessed by CABI, English Heritage, and the council's Design & Conservation Manager. See the Internal Consultees section of this report.

The opinions expressed are mixed. Nevertheless, whilst there remain some reservations, the applicant has responded to major concerns previously raised and neither CABI nor English Heritage now raise objections.

Turning now to a more detailed assessment of the particular developments against the above design and conservation policies and guidance:

The application covers 6 separate sites and adjoining spaces, each of which have been identified as having development potential in the approved SPG20 and PAN04 for Brighton Marina.

Taking these in turn:

**(i) Cliff Site:**

This is currently a grossly underused site of poor appearance, which is dominated by the ramps and ASDA's surface car park and service yard. PAN04 identifies this area as a high priority area for redevelopment and a suitable location for higher density development. Concealing the car parking and servicing associated with the large replacement food store within the proposed block would provide a more appropriate urban scale; its siting would, moreover, reduce the dominance of the ramps. CABI have advised that the form and scale of the proposed development at the Cliff site is appropriate. They particularly like the 'hill town' quality of the building which they suggest would make for an exciting prospect and contextual development. The Design and Conservation Manager shares this view. Many representations received including those from resident and amenity groups in the Roedean and Kemp Town areas express the view that this block and others would destroy the continuity of views along the coastline from Brighton to Newhaven, and its proximity to the cliff would result in a 'canyon' effect, leaving the eco-park and

undercliff walk dank dark and inhospitable, with few opportunities for vegetative growth. Others express the view that the development would replace surface car parking and a bland supermarket shed, and lift the marina as whole which suffers from large areas of pastiche housing and a mixture of pseudo-victorian styles

**Local context:**

The design of the buildings within the Cliff site has gone through a number of iterations to allow views through the development to the horizon and sea. Whilst the roof tops in places exceed the cliff line, the development generally conforms to the height of the cliff. Views from the cliff tops immediately to the north have been thoroughly tested, and the blocks adjusted to provide glimpses of the sea and horizon. The foreground is moreover greatly improved by the incorporation of green roofs.

From the existing pedestrian access ramp beside the proposed bridge, a key local view of the cliffs to the east would be preserved. Whilst the space at the base of the cliffs is not generous, the blocks are sufficiently broken up to avoid the creation of a 'canyon' effect and do not appear out of scale relative to the cliffs. The greening of the walls is welcome.

The arrival space accessed from the footbridge, connects pedestrians to a lift into the food store and via the Cascading Street to the main square. This arrival space also incorporates a viewing platform within the south west corner, providing views of the beach and Brighton Pier.

Visual connections with the sea and rest of the Marina are also afforded by a series of side glimpses through gaps in buildings to the south of the site. These improvements have addressed concerns previously expressed by the Design and Conservation Manager.

**Design Quality:**

The external materials appear of appropriate quality and durability and appropriate to the immediate surroundings. The height, massing and elevational treatment promises a quality overall composition with the desired active frontages.

**Movement/ Connectivity:**

Cyclists and pedestrians would be able to access the proposed new Geo-Learn Park (to the north of the site) from the Undercliff Walk or the stairs/ public lift to the east of the site. This provides an entirely new link to the Undercliff Walk than exists at present and would be a positive addition.

The proposed bridge link to the cliff top via the existing ramped walkway would also significantly improve access to the Marina for pedestrians, subject to satisfactory constructional details.

The design of the cascading street (long flight of steps) has been improved

from earlier drafts of the application to enhance accessibility further. All residential blocks along the south side of the Cliff site now have entrances directly onto the street, and direct access for residents and visitors into the residential courtyards would be provided at third and fourth floor levels off the street. In addition, a new passenger lift would link residents from the Asda store entrance at ground level to the centre of the cascading street on level 4.

**Strategic Impact:**

Viewed from the Palace Pier and Marine Parade, the distant cliffs would be obscured, but in other respects views would be enhanced or unaffected.

**Setting of Listed Buildings/ Conservation Areas:**

Viewed from Arundel Terrace the reduction in the heights of blocks at the western end is a welcome improvement opening up a modest view of the south eastern sea horizon and providing the desired increased visual separation between the landward and seaward developments. The loss of views from the seafront to the distant chalk cliffs east of the city is regrettable.

**Conclusion:**

CAG welcome the regeneration of the marina but consider the density of housing development, in particular the Asda site, to be excessive and do not agree the case for exceeding the height of the cliff. English Heritage accepts that the regeneration of the Marina is very important and that the committee would need to consider the public benefits deliverable from the scheme and weigh these against remaining impacts on views of the Kemp Town's set piece terraces.

It is considered that on balance the benefits from the improvements to the appearance of this part of the Marina are judged to outweigh any harm caused to the setting of adjoining listed buildings and conservation areas through the loss of long distant views of the cliffs and coastline.

**(ii) the Marina Point site:**

A tall tower is proposed on the existing Petrol Station site, centrally located on the main east/ west vehicular axis through the Marina. The relocation of the petrol filling station from this prominent location is a very positive change, as would be the changes to the adjacent roundabout. The applicant argues the case for the tower, in part, on economic viability grounds but also asserts that the tower responds positively to its position within the Marina.

CABE support the siting of a tower in this location and have advised that its scale and proportions appear well judged. The Conservation Advisory Group (CAG) acknowledge that the appearance of the tower has improved, but remain of the opinion that it is an inelegant building and not of sufficient quality. The group believe the tower would significantly harm the setting of the Kemp Town and the East Cliff Conservation Areas; a view shared by the Kingscliffe and Kemp Town Societies and others.

The tower would without doubt have a very significant impact on the city skyline.

**Local Context:**

The tower would help frame the new square at the foot of the access ramps, and would provide greatly improved street frontages and public realm, including screening and resurfacing of the service yard to the adjacent hotel. The materials for harbour square are of high quality and would provide an impressive entrance to the marina. The screening of the Seattle service yard is welcome and would assist, along with other proposed elements, with the feeling of enclosure for Harbour Square.

**Design Quality:**

In response to concerns expressed by English Heritage, the tower's elevational design has been altered. English Heritage are now satisfied with its appearance, at least when seen from close quarters, but retain reservations over its height and proportions in distant views. CABE in contrast have expressed a preference for the earlier design for the tower. The Conservation and Design Manager considers the tower to be of design quality, with appropriate articulation, sculptural form and silhouette.

Overall it is considered that the tower would mark the centre of the Marina as a new destination of urban significance and contribute positively to the regeneration of the Marina as a new urban/maritime district.

**Movement/ Connectivity:**

The adjacent harbour square would greatly improve pedestrian movement at this gateway.

**Strategic Impact :**

The Design and Conservation Manager has advised that the tower, when viewed from the near east i.e. the eastern Marina breakwater and cliff tops, may help to define the urban edge of the city. In distant coastal views from both the east and the west, the tower would be seen in association with other developments, and would have only a slight visual impact. From the Sussex Downs the tower, if seen at all, would be viewed as part of the wider city and in the context of other existing or approved tall buildings, including the Brunswick tower beside the Marina's western breakwater.

In middle distance views, including from the Brighton Pier, the city's eastern 19th Century seafront recedes to a vanishing point along the distant open downland and cliffs. A gentler visual connection between the approved Brunswick scheme facing out to sea would draw the eye in a gentle sweep up to the top of the 40 storey tower. While the horizontality of the 19th Century seafront terraces, the distant chalk cliff line and the Downs beyond would provide a more pleasing overall composition and city skyline. From the sea, the tower would rise above the downland ridges, but in a subsidiary way to the proposed Brunswick tower.

From Roedean, the tower would align with the city's urban edge, yet might

appear incongruous as a foreground building when seen in the context of this low lying suburb and the cliff top green open spaces.

**Setting of Listed buildings/ Conservation areas:**

Viewed from Marine Parade and the Kemp Town Esplanade, the tower would have a significant visual impact. From the Esplanade, the tower would help to locate the centre of the Marina as a new urban/marine district. From Marine Parade (View C6) the tower would draw the 'seaward' Marina development toward the land, but not enough to conjoin the Marina development with the Kemp Town Estate.

From Clarendon Terrace and Chichester Terrace, the Estate's immense size and scale unfolds. The Design and Conservation manager opines that the tower may be seen as a distraction and an intrusion upon the walk into Kemp Town. The applicant however suggests that the tower is "so distinctly part of another quite separate place and exists at a different level than Kemp Town as to cause no harm to the setting of Kemp Town.

In views of the Kemp Town Estate from Lewes Crescent (west side) the tower would intrude upon the roofline of the Lewes Crescent (east side) when viewed across the central garden enclosure, while walking around the Crescent. This intrusion is regrettable but, with the exception of the viewpoint beside the entrance to the garden (View T28), the Design and Conservation Manager agrees with English Heritage that this is mitigated to a degree by the fact that these are not considered prime fixed angles of view. The visual impact is also reduced by the considerable distances involved (350m+) as well as the foreground vegetation and mounding which breaks up the view into intermittent glimpses.

The tower would be prominent from Arundel Terrace and the near cliff tops. However, in these views the low lying Marina is also visible - a view which the Design and Conservation Manager considers to be in need of enhancement and focus.

The tower is sufficiently distant not to intrude upon the detached and isolated downland setting of the two listed buildings, Roedean School and St Dunstons.

**Conclusion:**

Whilst there would always be an impact on views from any proposed development of this size and prominence, some beneficial, some harmful, it is considered that the scheme has evolved well in response to concerns expressed by English Heritage, CABE and the Design and Conservation Manager.

**The Design and Conservation Manager has advised that there remain adverse impacts but that these may be judged slight when taking into account the distances involved.**

The tower is considered to display the required quality of design, and whilst the impact of its wider townscape contribution is considered to be finely balanced, it

would contribute positively to the Marina's development as a new urban/maritime district and one that would sit satisfactorily beside the Kemp Town Estate.

### **(iii) Quayside site**

Earlier designs of the Quayside Site were considered by CABI and English Heritage as the least satisfactory in design terms, having regard to context and its relationship to the approved Brunswick scheme. In the light of these comments, the applicant has made modifications to the modelling and orientation of this block. The development of this site is required to accommodate a replacement 'drive thru' McDonalds restaurant.

#### **Local Context:**

CABI have advised that this block lacks the design clarity of the other blocks, and would encourage a more self assured less pragmatic block that sits more comfortably in its context. This development has been designed to fit with the approved Brunswick development and to respond to its very mixed surroundings. Possible future connections with the approved Brunswick development to the south and future development to the west i.e. the leisure sheds, have also been taken into account.

The massing has been deliberately designed to increase the visual separation from the tower (Marina Point) and the landward elements, integrating the building more with the seaward Brunswick development.

The existing wall on Quayside Street provides a barrier to the long term movement of pedestrians and particularly affects the connectivity between Park Square (between the leisure sheds and car park) and the approved Brunswick development. Unsightly temporary porta-cabins (for the security office and fishing tackle shop) and guard rails lining the raised quayside breakwater and street below, physically and visually inhibit way finding for visitors to the Marina waterfront. The applicant has made provision for the relocation of some of the existing occupiers of the porta-cabins within the commercial space coming forward as part of their scheme or the approved Brunswick scheme.

Storage facilities and electrical equipment which currently blight the view through this area would be placed out of view under the ramp.

#### **Design Quality:**

The majority of flats have projecting balconies, which respond to the location of each façade and to the pattern of individual apartments. The design of the development has optimised views into the Marina, over the harbour area and out to sea.

The design of the development has iterated in response to the approved Brunswick scheme, to ensure that daylight and sunlight levels are not adversely affected in either development. The applicant has advised that it was not conceived as a 'stand alone' building but one that provides an active street frontage and one that contributes in a coherent way to its emerging context. It

is considered successful in this respect.

**Movement/ Connectivity:**

The development would provide new disabled access ramps and steps to provide access from the street up on to the quayside. A new pedestrian crossing point over the Quayside Street would be located at the base of the ramp, providing a direct pedestrian route from Park Square to the raised walkway leading to the future bridge across the harbour entrance to the outer breakwater. Overall the public realm between this proposal and the proposed outer harbour development has been enhanced to secure better connectivity between these various parts.

**Strategic Impact and setting of listed buildings / Conservation Areas:**

The Quayside development when seen in the context of proposed neighbouring developments would be viewed as part of a larger urban cluster, and in this context it is considered to cause no demonstrable harm to the setting of the Kemp Town Estate or longer coastal views.

**Conclusion:**

Overall, it is now considered that this block responds satisfactorily to the adjoining spaces and developments particularly when viewed from Kemp Town and the seafront, and would not prejudice future development coming forward within the West Quay or leisure shed areas of the Marina.

Moreover it is considered that the measures proposed by the applicant would directly enhance the poor public realm, which currently characterises the West Quay area.

**(iv) Inner Harbour site**

This small residential block is similar in scale to the adjoining residential blocks beside the inner harbour within the eastern end of the Marina. It overlooks both the harbour and the street to the south. It would replace the existing 'estates office' building, owned by Brighton Marina Company Ltd.

**Local Context:**

This development addresses both the inner harbour and the main spine road (Palm Drive). The adjoining commercial and residential blocks are of mixed styles.

Palm Drive currently runs between the shopping and restaurant districts of Village Square and the back of the Waterfront development, terminating at the mini roundabout immediately to the south of this development site. In planning the site, the applicant has prioritised pedestrian access by setting the building back by a minimum of 2m to create a footpath/ boardwalk all the way round. The development would preserve and re-landscape the existing footpath to the restaurant and the Merchants Quay area beyond.

**Design Quality:**

Whilst uncompromisingly modern in its appearance, it is considered that this



development would create an appropriate urban edge to the inner harbour, and an acceptable living environment for residents. Roof terraces and balconies provide external amenity space for the residents of the development.

**Movement/ Connectivity:**

Cycle parking facilities are proposed in front of the entrance to the building. The detailed design of the public realm area in the immediate vicinity of the site incorporates a disabled ramp/ stairs up to the entrance of the block. Trees and other shrubs would be planted outside the south and west façades of the building, providing a neater, soft landscaped edge to the existing mini roundabout. A more obvious pedestrian pathway would also be generated to the southern side of the roundabout, where none exists at present beside the service yard.

**Strategic impact and setting of listed buildings/ conservation areas:**

This development would have no impact on strategic views or on the setting of listed buildings or conservation areas.

**Conclusions:**

This is an appropriate redevelopment that would preserve the character of the inner harbour.

**(v) Sea Wall site**

The PAN04 identifies this site beside the western breakwater as having development potential, if of a quality appropriate for this important gateway into the Marina. The proposed building takes the form of four ten-storey pavilions linked together by a lower (4 storey) building, set back from the main frontage line. The Kemp Town Society suggest this development would look like a wall with the glazing creating a 'mirroring' effect from western reflected sunshine. Others opine that this development would hem in the whole area to the east, dominate and interrupt views westward from the boardwalk

**Local Context:**

The proposed 7-11 storey residential block takes full advantage of the waterside location and provides an appropriate edge to the Marina. The design of the building integrates well with the south-western residential block and tower of the approved Brunswick scheme.

**Design Quality:**

It is considered that the pavilions and set back roof storeys offer a pleasing rhythm and silhouette.

The façade of the proposed building is constructed of high quality smooth-finished white, pre-cast concrete. The treatment of the eastern and western façades is radically different and innovative. On the western façade the concrete appears as a simple frame articulating the grid of the floors and party walls, with flush infill panels of textured reconstituted stone finish. On the east façade, the concrete creates a continuous wall surface punctuated by window openings or inset balconies where appropriate. Whilst Spartan in appearance,

this façade and the street frontage to the breakwater would be enlivened through the proposed programme of lighting and public art.

**Movement / Connectivity:**

This development would offer direct pedestrian access between Park Square and the breakwater, along a key east west axis through the Marina. The building acts as an important gateway to the Marina from the beach, providing a series of new connections between the interior of the Marina and sea wall, all of which substantially enhance accessibility and permeability across the site.

Three new flights of steps, together with an associated lift for disabled users, connect the sea wall to Park Square and to the area outside of the new Asda entrance. It is considered that the scheme, in conjunction with the new footbridge across the raised beach, which forms part of the approved Brunswick development, sets up entirely new possibilities for pedestrian movement in and around the site.

**Strategic Impact and setting of listed buildings / conservation areas:**

The proposed Sea Wall development would also significantly improve upon existing views of the multi storey car park and leisure sheds, including from Kemp Town and the seafront and would visually connect effectively with the approved Outer Harbour (Brunswick Developments).

**Conclusions:**

Subject to the use of quality materials and finishes and a clear commitment to delivering the proposed public art, this would provide a development of the desired quality and innovation.

**vi) Alterations to multi storey car park.**

This development would provide an opportunity to relocate the petrol filling station to a less prominent position, and to provide improved frontages. This would require the demolition of one bay of parking at the eastern end of the multi-storey car park, and the relocation of the existing lift and stair tower internally within the car park. Improvements to the appearance of the car park have generally been welcomed.

The bridge link currently connecting the multi-storey car park with the waterfront would be replaced by a new footbridge as well as a stair link to Park Square, ensuring the continuation of existing pedestrian access to the successful harbour/ waterfront and West Quay areas.

Its success would, however, require careful attention to the detailing of the various screen walls, and on quality finishes to the bridge link.

**Conclusion:**

The applicant is committed to improving significantly the appearance of the car park, and the improvements proposed can be secured by condition.

## **10. Sustainable transport, parking, traffic generation, and highway considerations**

### **Context**

A key aim of the Local Plan is to 'make the link' between land use and transport, reduce the need to travel and contribute toward an integrated transport system. The policies in the Local Plan provide a direct link with, and are informed by, the council's Sustainable Transport Strategy and Local Transport Plan, in accordance with government guidance which seeks an integrated approach to transport and planning (PPG13).

Vehicular access into and out of the Marina remains via the existing ramp into the Marina; however pedestrian access would be increased with a new bridge link proposed from the cliff top. A number of objections have been received relating to insufficient car parking and traffic congestion. The objectors consider that the proposals would lead to further congestion particularly on the ramps and roundabout, the proposed squareabout would not be a solution but cause gridlock.

Part of the proposals include looking at the current parking and prioritising parking for the people legitimately using and living in the Marina. A survey carried out by the applicant's transport consultant led to the conclusion that it appears that the multi-storey car park has a tendency to be used as a park and ride facility for the city centre. The non-enforcement of general parking controls within the Marina has resulted in sporadic parking with no sense of control or order. Therefore the applicants are proposing a parking management plan to rationalise and control demand and supply for both the existing and proposed car parks resulting in a more efficient use of parking spaces. The draft proposals for parking control and parking management are centred on encouraging adequate parking provision for residents, shoppers and visitors, whilst preventing long-stay commuter parking and encouraging the use of more sustainable modes of transport. In this context and with reference to SPG4: Parking Standards, it is considered that the car parking provision for the development provides a rational and practical number of spaces particularly as sustainable modes of transport would be provided and promoted.

The multi-storey car park would operate on a system which would offer a full refund to visitors that have spent money using the retail and entertainment facilities within the Marina. These new charging and controls would maximise short stay parking and discourage long stay parking. Residential visitor parking permits would allow visitors to park for free in the multi-storey car park. Residents would be issued 10 permits with the option to purchase more. The maximum stay for non residential visitors would be 4 hours in the multi-storey car park and 2 hours in the ASDA car park. The Quayside car park is proposed to be 1 hour free parking. Permits for genuine users such as those using the leisure and business facilities within the Marina or berth holders, allowing for overnight or longer duration parking, would be made available via the Harbourmaster, or similar outlet. Strategic Variable Message Signs (VMS) to the City standards would be sited on approaches to Brighton along the A259 and at the entrance to the Marina to forewarn drivers if car parks are full.

On this basis, the Council's Head of Transport Planning and Policy has raised no objection to the level of parking proposed. It is considered on this basis that the measures outlined above, including a car park management plan, monitoring of overspill parking and measures to improve accessibility of the Marina by other modes of transport, are satisfactory.

#### Servicing, access and safety

The Marina has one main point of vehicular access at its Western end, from the South Coast Trunk Road (A259) that runs between Brighton and Rottingdean. Vehicular access to the Marina is via Marina Way. It is proposed to retain this as a primary access. However, in order to minimise non essential traffic flows through the Marina, it is proposed to close off all ground floor entrances to the multi-storey car park with provision remaining to open the temporary western side exit in the event of an emergency. A new permanent exit would be located to the north side to allow vehicles to turn directly onto the outbound Marina Way ramp.

#### Harbour Square

At the bottom of the ramp the proposal is to replace the existing roundabout with a new 'shared space'. The idea is to create a new square to be known as Harbour Square that would consist of a new public square with two lanes of traffic moving around it. However, the space would be shared in the city centre. The concept behind this shared space approach is that issues such as safety and congestion can be effectively tackled in streets if they are integrated with other human activity. A major characteristic of a shared space is the absence of traditional road markings, signs, traffic signals and the distinction between "road" and "pavement". User behaviour becomes influenced and controlled by natural human interaction rather than by artificial regulation.

The applicants transport consultants have carried out a junction capacity assessment, which confirms that this junction has the capacity to accommodate the anticipated levels of pedestrians and vehicles.

It is recognised that the Harbour Square proposal is a very different way of tackling the problem of increased traffic into the Marina and although there is a successful example of shared space in the city, in New Road, this is not a major junction. There are similar examples of the use of shared space at road junctions in countries such as Denmark Sweden and the Netherlands due to the limited knowledge of such systems in this country. Nevertheless, while the council's Head of Transport Planning and Policy is generally supportive of the concept, he considers that there would need to be careful monitoring of the square once it is operational and that there should be mitigation measures in place should the square fail to be successful. Such measures may include the use of traffic signals. The transport assessment includes possible mitigation such as minor amendments to some kerb alignments allowing for the squareabout to be operated by signals. It is also proposed that underground infrastructure (ducting) would be put in place when the initial shared space design solution is installed so that if needed signals could be easily retrofitted. If

queues exceed 145m (on the inbound Marina ramp) on more than 6 occasions per month (to be monitored, and excluding event days and public holidays). Should the new shared space fail under the terms set out above, then a fall back scheme would be implemented to be agreed with the Local Planning Authority Traffic Engineer secured via the S106 and appropriate conditions, which would include pre-completion monitoring.

A further issue is that the speed limit, once traffic is on Harbour Square, would be limited to 20mph. However, traffic on the ramps approaching the Square is currently limited to 30mph which would not change. However, traffic approaching the current roundabout is known to exceed the current 30mph limit. Therefore ways in which to reduce traffic speeds on the ramp have been explored with the Council's Head of Transport Planning and Policy who is satisfied that final approval of these measures can be controlled by an appropriate condition.

#### Amended scheme

In response to the concerns of a number of objectors, including CABE and Bus Users UK, the recent amendments to the scheme included refinements to the design of Harbour Square. Changes include the rounding of the corners of the square, two designated traffic lanes and a wider pavement alongside the west frontage of Marina Point and the removal of the north-south crossing. Bus Users UK have welcomed the improvement to the squareabout, but they are still concerned that as the design is so innovative, it is difficult to estimate if it is likely to cause congestion problems and they also consider that provision for pedestrians remains poor: the sheer weight of traffic means few pedestrian would want to use it except when traffic is light. CABE are generally satisfied with the changes to Harbour Square.

Transport consultants employed by the Brighton Marina Co. Ltd. have criticised aspects of the applicant's TA. The issues raised largely concern car access and modelling methods. On the first point their analysis seems to contain little recognition of the importance of sustainable transport rather than highway improvements in national and local transport policy, the substantial package of measures for the promotion of sustainable modes which the applicants are prepared to fund, and the fact that traffic levels resulting from the development would be expected to be reduced by this package, which the applicants' modelling does not allow for. On the second point the objection recognises that the general approach in the applicants' TA seems valid but there are detailed concerns about the data used (e.g. its age, which refers to 2004 data) and aspects of the modelling, particularly of the squareabout. There are aspects of the modelling which are debateable but this would always be the case particularly in the modelling of an innovative layout. Modelling however is not an end in itself but is to inform decision making. In this case the conditions proposed to control the construction of the squareabout, in particular the fallback scheme, are considered to address the potential problems arising from imperfect model predictions. Overall the Transport Planner considers that

although some valid points are made in the criticism they do not alter the overall value and acceptability of the applicants' TA.

The Traffic Engineer has no objection to the amendments but considers a condition is necessary requiring approval by the Local Planning Authority of the detailed design prior to construction, and that this should include the traffic calming to reduce approach speeds on the access ramp.

#### Loading and unloading

Each of the sites being developed would have an area for loading and unloading, to enable HGV's and servicing vehicles to access the sites without obstructing traffic flow. On the Cliff Site HGVs would service the ASDA store via the rear of the site as is the case currently. Within this space there is sufficient space for a 38 tonne articulated vehicle to turn, and up to three 38 tonne vehicles to park within a secure loading area. Vehicles servicing the Marina Point site would have access to the existing retail service area (adjacent to the Waterfront Shops) accessed via Marina Way. At the Quayside Site the loading area for the McDonalds restaurant, retail and residential units, would be a lay-by to the east side of the site. The lay-by would enable servicing vehicles to pull off the road to load/unload. At the Sea Wall Site Service vehicles would access the development along the road to the South of the multi storey car park. A carefully designed hammerhead would be provided on the improved pedestrianised area, which would enable vehicles to turn around, exiting by the same route. At the Inner Harbour Site, service vehicles would have access to a lay-by off the roundabout to the South of the site. This would allow lorries to pull off the roundabout to load/unload. Finally for access to the replacement Petrol Filling Station Site at the base of the outbound Marina Way ramp service vehicles would need to go around Harbour Square. The Council's Head of Transport Planning and Policy has raised no objections to the access and service arrangements.

#### Public transport and sustainable measures

Despite the increase in car parking provision, it is not considered that this would undermine the sustainability of the scheme or encourage residents to use cars. The ratio is below the equivalent of one space per unit. The Transport Assessment (TA) submitted as part of the ES suggests that a sustainable transport strategy is inherent in the design and proposals of the planning application.

The substantial range of measures in the application is intended to encourage use of sustainable transport modes and reduce reliance on the car. The application also proposes a number of measures as part of the scheme, or by way of commitment through the section 106 process, to enhance public transport provision. These are set out under the recommendation section of the report and would be secured via a S106 agreement or through appropriate conditions.

It is considered that this package of measures would increase the accessibility

of the Marina for non-car users. The council's Head of Transport Planning and Policy considers that the provision of a good quality, high frequency public transport service and associated infrastructure to provide priority for vehicles and information to passengers would be an essential element to ensure that this proposed development fulfilled the forecasted estimates of travel and would be sustainable in transport terms. It would enable residents and visitors to the site to have access to a travel choice that would be convenient and quick, enabling access to key city centre facilities and services. Alongside other measures, it would also assist in contributing towards reduced car use and therefore decrease the effects of any future impacts on highway capacity at key junctions.

The applicant retains commitment to the use of a car club, which is considered a powerful incentive against the need for residents to own a car. The provision of a car club is fully in line with fulfilling the council's policies and aspirations, and this approach has already been adopted elsewhere with developments in the city.

The council's Head of Transport Planning and Policy considers flexibility is needed in determining the nature of proposed measures and their relative priorities. This is in view of the lead time for implementation of the development and given that it is not certain whether or not the RTS project, the BIA or the Brunswick proposals would proceed, or whether an extended CPZ may be required to address displaced parking to the north of the application site. It is considered that as planning and highway authority the council should prioritise this expenditure.

A new transport interchange is also proposed for buses and taxis located along the Strand with a new bus shelter and real time information. The interchange could accommodate six buses at any one time although maximum use is predicted as a maximum of four buses at any one time on Sundays. In addition financial contributions towards or the introduction of bus priority measures at Queens Road, North Street, Kings Road, Eastern Road and Edward Street are proposed as part of the S106 contributions. The new pedestrian footbridge from the A259 down to the Marina would encourage people to use the bus stop on the A259 for routes to/from Rottingdean. The interchange would also be used as a dropping off point only for coaches that would then use the Madeira Drive City Coach park.

Whilst a number of objectors are concerned about the impact of the new public transport interchange, the Brighton & Hove Bus and Coach Company has indicated that it is satisfied with this centrally located facility. In response to representations, it is recommended that the detailed design of shelters could be secured by planning condition.

#### Pedestrians and cyclists

Local Plan policies (TR1 and TR8) seek to encourage walking and cycling. The site has the potential to be, well connected to the national and local cycle network. Cycling and walking accessibility to the city centre via Madeira Drive

are adequate but would be significantly improved as part of the application. Other links are considered adequate, although steep, on account of the site's undercliff location. The A259 acts as a barrier to walking and cycling, and the application makes a commitment to addressing this by proposing to upgrade the existing pelican crossing facilities on the A259 (across Marina Parade) to a Toucan crossing (to accommodate cyclists).

Cycle parking is provided with a total of 1936 cycle parking spaces and 61 spaces for motorcycles. Sustainable transport modes would be encouraged through a Green Travel Plan, a car park management plan and through car and cycle clubs. A system of bicycle hire stations would be located within the Marina. A shop mobility scheme would be introduced at the new ASDA store.

In order to facilitate both walking and cycling, the main access junction (Harbour Square) and at other suitable locations, would be designed as dual use (shared) spaces, with a more balanced hierarchy of priority for pedestrians, cyclists and vehicles. In areas where shared space is not achievable the road network would include footways/ cycle-ways adjacent to the main carriageway. A full set of pedestrian and cycle proposals is included within application drawings. The proposed bridge link to the cliff top via the existing ramped walkway would significantly improve access to the Marina for both pedestrians and cyclists.

The Masterplan for Brighton Marina (PAN04) requires that developers make provision for existing and proposed cycle routes as indicated in Fig. 7 of the PAN. The applicant has detailed the proposed cycle routes within Section 5.2 and Fig 5.2 of the Transport Assessment (TA). These cycle routes are in broad conformity with the PAN, and include a new cycle route to the east of ASDA which provides access to the Geo Park and Undercliff Walk. During the consultation period for the amended scheme, Sustrans were keen to explore the provision of a dedicated cycle route on the access ramps, into the Marina, together with cycle friendly junctions on and off them. The applicant has cited safety issues as the principal reason for not including a cycle lane on the ramps but has not provided any evidence base to support their contention. While planning officers acknowledge that the applicant has provided alternative cycle routes from Madeira Drive and from the A259 through the Cliff site development, it would like to test the proposed cycle routes more fully and an appropriate condition requiring further details of the cycle routes forms part of the recommendation.

In conclusion officers are generally satisfied with the proposals for pedestrian and cycle route within the scheme subject to further details of the new bridge link and further details of the cycle routes which can be covered by appropriate conditions.

#### Traffic generation and safety

The council's Head of Transport Planning and Policy considers that the volume of traffic generated by the development would be acceptable and would not



compromise highway safety, particularly given the predicted trip rates as a result of the range of measures discussed above to increase the accessibility of the Marina via sustainable transport and on the basis that adequate mitigation measures can be implemented. For example, in the case of the new arrangements at the bottom of the ramp where the existing roundabout is to be placed with a new shared space to be known as Harbour Square should the proposed new Harbour Square, be unsuccessful, mitigation measures have been included in the application which could result in signals being installed.

It was proposed that the Emergency Services would continue to access the Marina via the existing ramps from the A259. There was an initial objection from the emergency services, fire brigade, police, and ambulance, who were concerned that there is currently one single point of access and egress into the marina, which has implications for emergency access and egress and that the increase in residential units would add to vehicle movements. The objection stated that the principal access route to the Marina via the A259 is heavily congested at many times of the day, especially at weekends in the holiday period, and there is a potential for significant problems in respect of response to major incidents in particular unless the issue of a second access/egress route is constructed as part of any further development.

Amended scheme However, the proposals include a financial contribution to provide a new emergency access at the western end of the Marina underneath the ramps. This new access would have the same alignment as the proposed second RTS route which is to be designed to normal carriageway/ highway standards. The existing access on the exit ramp would be enhanced, whilst the existing route along the western breakwater would be retained.

The emergency services are now satisfied that their concerns over a second access/egress route have been met by the amendment. However, they are still concerned that the route remains vulnerable to closure if the main ramps are compromised, either by accident or by a criminal act. In the longer term the emergency services would ask that consideration be given to exploring an engineering solution to provide some sort of roof or cover to this route which would enable it to withstand the collapse of the existing ramps and keep the route clear of debris, thus minimising any risk to our ability to respond to incidents within the Marina site. Notwithstanding these comments no particular weakness or concern with the strength of the ramps has been identified and this matter is not a material planning consideration.

The RNLI have also been consulted and were concerned regarding the possible worsening of traffic and parking problems in the area and within the marina at peak times. They were also keen to make sure the six reserved parking spaces they currently have, are not affected by the application. Already there are occasions when the crew have had to abandon cars by the roadside and run through the marina on foot due to traffic jams in and around the Marina. The applicants have stated their commitment to retain the reserved spaces for use by the lifeboat crew.

### Amended scheme

The RNLI objection still stands. The RNLI consider the proposals for the emergency access is ill conceived. All the emergency vehicles would be approaching from the north and would have to make a detour to the west away from the Marina and still arrive behind the roundabout where the traffic snarls up. They still believe that the application is an overdevelopment and would result in inadequate access.

While the views of the RNLI are noted it is considered relevant that the police, fire brigade and ambulance services are now satisfied with the emergency access arrangements. The application proposes a new additional access above that already in place. The applicants also point out that the users of the multi-storey car park, under the new arrangements proposed would not be going down the ramp as the car park would be accessed from the top of the ramp. There would also be the additional facility of traffic controls at the Black Rock interchange and the bottom of the ramps to in effect lock the ramps and this would further facilitate easier access into the Marina for the emergency services. Officers therefore considered that the proposals would not worsen the existing situation and should offer improved access in the case of an emergency.

### Disabled parking

The total number of car parking spaces is 1,471 spaces of which 805 would be for residents of the development, this includes 107 disabled car parking spaces), 666 spaces would be for the commercial elements of the Scheme and this includes 34 disabled parking spaces.

In accordance with SPG4 the parking standards for disabled parking are minimum standards and as such a total of 130 disabled residents parking spaces should be provided, while the development proposes 107. The number of disabled spaces for the retail element of the scheme should be 28 while 34 are proposed. The traffic engineer has commented that the number of residential disabled car parking spaces should be increased in line with the current standards. It is considered that this can be addressed with an appropriate condition.

### Amended scheme

Both the traffic engineer and access officer were concerned that the inner Harbour site originally proposed no disabled parking and the amended scheme now includes 2 disabled parking spaces adjacent to the site which is welcomed although the parking standards set out in SPG4 would require 4 spaces.

### Cumulative Impact

Cumulative impact has been undertaken by the applicant to take into account the approved Brighton Marina Outer Harbour (Brunswick Developments) scheme on the local highway network. The impact has been considered in relation to the junctions that have been agreed and scoped by the city council

and includes data on trip generation and distribution. The Transportation Chapter of the ES and the Transport Assessment include extensive data on the cumulative impact of the proposed scheme assuming that the Outer Harbour (Brunswick Developments) scheme is built.

The results of this cumulative assessment are presented in full in Table 7.3 of the TA which shows the percentage impact of the traffic arising from the Brunswick and Explore Living schemes on each junction, in AM, PM and Saturday peak periods. The junctions most impacted upon as a result of the proposed development are the Harbour Square and the Black Rock interchange junctions. These junctions are likely to see the following increase in the percentage of traffic:

Junction	2014 (EL + Bruns dev)			2024 (EL + Bruns dev)		
	AM	PM	Sat	AM	PM	Sat
ASDA entrance (Harbour Square)	44.5 %	25%	12.1%	37.5%	20%	8.4%
Black Rock Interchange	27.3 %	27.9 %	13.9%	23.7	24.2 %	18.9%

Beyond the confines of the site, the Palace Pier roundabout and Dukes Mound, priority junctions are also affected by the development proposals but to a much lesser extent.

Junction	2014 (EL + Bruns dev)			2024 (EL + Bruns dev)		
	AM	PM	Sat	AM	PM	Sat
Palace Pier	8%	10.5%	12.4%	6.9%	9.2%	7.5%
Dukes Mound	11.5%	15.1%	12.4%	10%	13.1%	10.8%

With the proposed level of investment in sustainable modes of travel by Explore Living (secured through good design, S106 contributions and monitored through a robust Travel Plan), planning officers consider that the local transport infrastructure would be sufficiently enhanced to support the predicted increase in travel from both the Explore Living and Brunswick developments. In addition to the 12 local authority maintained junctions, the applicant has also assessed the nearby junction of the A27, A23 and Falmer Road for increase in traffic flow due to the developments, which is in the jurisdiction of the Highways Agency. This assessment demonstrates that the impact of the Explore Living development has a marginal impact on the trunk road network in most cases,

with the highest impact being 14.5% in the AM peak and 11.1% in the PM peak. The Highways Agency has reviewed the applicant's assessment and has stated that it is satisfied that the proposals do not have any adverse affect on the Strategic Highway Network.

The implementation of effective mitigation measures, for example, the upgrade of the Black Rock Interchange and Wilson Avenue junctions, have been specifically designed by the applicant to facilitate improved bus access to the Marina for residents, workers and visitors. This, together with the introduction of bus priority measures along certain routes as well as the promotion of walking and cycling by the applicant, should encourage a modal shift from private car to more sustainable modes of travel over time. Although it is not possible to predict the impact of the mitigation measures put forward by the applicant on traffic levels in the locality of the Marina, the LPA would be regularly monitoring and reviewing the effectiveness of such mitigation measures on nearby junctions. If the LPA considered that the development was causing unacceptable levels of traffic congestion and queuing then it would utilise the S106 transport contributions to address these capacity issues. The monitoring of displaced parking in the local area would also be required under the terms of the S106.

Due to a lack of information in the run-up period to submission, the applicant was unable to undertake a formal assessment of the Brighton International Arena (BIA) scheme (which is still at the pre-application consultation stage). Nevertheless, the applicant has carried out a brief technical assessment to estimate the likely impact (in Appendix 8.2 of the ES). Appendix 8.2 has made reasonable assumptions about the BIA scheme based on correspondence on this subject between David Pople (Managing Director of BIA) and Polly Farrell (X-Leisure).

Appendix 8.2 draws the following conclusions concerning the impact of the BIA scheme:

- The residential element of the scheme (109 units with 0.42 parking spaces per unit) is considered by the applicant to have a negligible impact on traffic levels, generating a maximum of 33 trips in the PM peak as a result of residential and disabled visitor traffic.
- BIA has indicated that no parking within the Marina would be required for either events or special event days, since the scheme would rely entirely on leasing car parks in the city centre i.e. Regency Square and Russell Road car parks. These would be supplemented by a park and ride strategy on special event days.
- The pick-up and drop-off point for buses would take place in Madeira Drive, outside the Marina.
- BIA expects event arrivals to be 30 minutes after the standard peak hour analysis time period 17:00 – 18:00. Therefore, this traffic would not fall into the scope of the Explore Living AM and PM peak junction capacity assessment periods as previously agreed with the city council.

A careful assessment of the information provided by the applicant on cumulative impact has been undertaken and highways officers are satisfied that the local highway network would have sufficient capacity to accommodate the additional traffic generated if the Explore Living, Brunswick and BIA schemes were to go ahead.

#### **11. Impact on the amenity of existing and prospective residents, including standard and layout of accommodation and environmental health issues**

It is considered that the proposed development has been sensitively designed to provide an appropriate environment for a high density residential scheme and takes into account potential impacts on residential amenity for those living in the development and on nearby sites, in accordance with Local Plan Policy QD27.

##### Microclimate: Wind

The impact of the location of the proposed buildings on microclimatic effects has been fully modelled and tested by the applicant as part of the Environmental Impact Assessment process reported in their Environmental Statement. Within the ES the applicant has commissioned a wind analysis based on wind tunnel investigations carried out at BRE (Building Research Establishment). The testing consisted of placing an accurate scaled model of the Brighton Marina site and its surroundings in a wind tunnel and using simulated wind to blow over the model.

The methodology used and its application were independently analysed by GIA, a specialist independent consultancy, who were commissioned by the Council to assess the robustness of the methodology used in the ES in respect of the microclimate. The conclusion of GIA was that they were satisfied with the robustness of the chosen methodology.

The results of the wind tunnel testing give an indication that the majority of the site with both the proposed development and the consented Brunswick scheme in place would be suitable for most pedestrian activity. This includes the walkway along the western breakwater in front of the Sea Wall site and the bridge link between the cliffs and the Cliff Site. Key areas around the site such as courtyards in the cliff site, the space designated to receiving pedestrians from the cliff bridge link and Park Square have been identified as areas suitable for both walking and long-term sitting, which is defined in the ES as being ten minutes or more. It is important to note that GIA conclude from the results that it remains unclear 'that wind conditions would be negligibly altered from the existing situation.' One area at the northern end of the Sea Wall site has been identified as being unsuitable for long-term sitting and most types of pedestrian walking. This area has been identified as open amenity space with use for a small kiosk or cafe and it is acknowledged that some mitigation measures, secured by condition, may be required to make this area comfortable for long-term sitting, especially during the summer months. Similarly the pedestrian cut-throughs between the buildings on the Sea Wall site have been identified as

being unlikely for suitable uses such as entrance doors and mitigation measures are also likely to be needed.

SPGBH15 identifies Brighton Marina as being suitable for the location of tall buildings. It recognises that the diversion of high-speed winds in relation to tall buildings can have an adverse effect on local climatic conditions. The wind survey as described above assesses only ground conditions in and around the site and not the level of comfort for private residential use of balconies and terraces above ground level. Use of private balconies and terraces is dependent on occupants, therefore their intended use can vary. However, the applicant has acknowledged that testing of conditions can be undertaken at the detailed design stage, implementing mitigation measures where necessary without affecting the external appearance of the building.

#### Cumulative Impact – Wind Environment

The applicant has looked at the potential for cumulative impacts from both the approved Outer Harbour (Brunswick Developments) and Inner Harbour (Explore Living/ X-Leisure) schemes on the wind environment at ground level of the site. Given the proximity of the Brunswick scheme to the proposed development site, the LPA considered that it was likely to have an impact upon the site wind conditions. Wind tunnel testing was undertaken by the applicant in order to evaluate this impact.

The proposed scheme was tested with and without the Brunswick scheme buildings in place by the applicant's consultants, the Building Research Establishment (BRE). The results are shown in Figures 15.3 and 15.4 of Chapter 15 of the ES. The LPA is satisfied that the BRE has conducted a robust wind tunnel test of the whole site, which has demonstrated that the Brunswick scheme has negligible wind impact upon the wind conditions around the site. The wind impact upon the proposed or existing development is therefore not significant.

#### Impact on light, privacy and living conditions of existing residents

To assess the loss of daylight and therefore impacts on residential amenity, the applicant refers to the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. The applicant used the Vertical Sky Component (VSC) tool to measure the loss of daylight to individual residential windows likely to be affected by the proposal. Here, as with the wind tunnel assessment, the methodology and results have been assessed by GIA, who are satisfied with the robustness of the chosen approach and methodology. It is important to note that the applicant has not assessed the impact of their proposal on commercial properties in terms of loss of daylight, although GIA have confirmed that assessing only residential properties in EIA is standard practice.

In relation to daylight, the first residential properties to be assessed were located in the Octagon. The entire ground floor and upper floors on the western side of The Octagon are given over to commercial uses. The remainder of the building is dedicated to residential properties.

It is considered that residential properties within The Octagon currently have good access to daylight and receive more than adequate sunlight throughout the year and would continue to receive adequate levels of both sunlight and daylight for their current uses once the development is built. Within The Octagon, 2 no. windows on the first floor of the south west face and 4 no. on the south face would have daylight levels below the acceptable BRE standard as a result of the proposal, although the levels would be no more than 5.7% below recommended levels. Sunlight levels to these windows would continue to be above the BRE standard therefore the effects of the proposal are considered to be minimal. It is unlikely that privacy would be compromised as existing residential properties within The Octagon face away from the proposed development at the Cliff Site. Overshadowing by tall buildings is a consideration referenced in SPGBH15. Some overshadowing would occur in mornings and afternoons in the winter months as the shadow of Marine Point extends over both Marina Square and the southeast corner of the Cliff site, although this would be short lived and adequate sunlight would be provided throughout the remainder of the day.

Objections have been received concerned that there would be loss of light to Neptune Court. The applicants have submitted a comprehensive assessment of residential properties facing north in Neptune Court, comparing both current daylight/sunlight levels and likely levels once the proposal has been built. The ES considers that loss of light to all windows that have a northerly aspect in Neptune Court would be small but within BRE guidelines bearing in mind the proposed building on the Inner Harbour site is 4 storeys and matches the height of Neptune Court. These findings are not disputed. Sunlight levels to these windows would remain unaffected as they face in a northerly direction and overshadowing by the Inner Harbour building would not occur.

#### Daylight and sunlight provision to new dwellings

In promoting a sustainable approach to energy use, Policy SU2 of the Local Plan makes reference to both daylight/sunlight and orientation. There are a number of flats that face in a northerly direction or are located in such a position that sunlight and daylight levels are restricted by adjacent sections of the building. In acknowledging this, the applicant has assessed flats most likely to have lower levels of daylight in comparison with the rest of the development. For example, those located in a corner of the internal courtyards within the Cliff Site (although the courtyards are large and the lowest flats facing into them are at fourth floor level, so are not heavily obstructed). Of those tested, 6 no. flats have daylight levels lower than is recommended in BS8206 Part 2 'Code of Practice for daylighting'. (Note for reader: There is an inconsistency here as the applicant used VSC tool to measure unacceptable light levels to existing dwellings as a result of the development and then uses Average Daylight Factor [ADF] for new dwellings. ADF has a much lower threshold for what is acceptable). However, the applicant has proposed mitigation measures, such as the removal of balconies above or the use of glazing in opaque cladding panels. Other sites as part of the proposal, such as the Sea Wall site and

Marina Point, are considered to have sufficient and in most cases unobstructed daylight levels. The majority of flats within The Cliff, Marina Point, Sea Wall and Quayside sites have all been positioned so that they would receive some sunlight even if they do not all meet industry sunlight criteria.

Importantly, provision of sunlight and particularly daylight have been assessed in relation to new dwellings for the consented Brunswick scheme. Two main areas, both nearest the Quayside building, have been flagged up as a potential for concern. The west elevation of building F of the Brunswick scheme is likely to receive less daylight as a result of the Quayside building, although loss of daylight is considered to be negligible as the relevant apartments face a northerly direction. Conversely, sunlight and daylight provision in the lower floors of the Quayside building is also likely to be adversely affected by the Brunswick building F.

#### Sunlight and daylight in open spaces

SPGBH15 makes particular reference to the consideration of the need for sun, light and shade in public spaces. BRE guidelines recommends that no more than 40% of an area should be prevented by buildings from receiving sunlight, however 25% is the preferred amount. The applicant has assessed the internal courtyards of the Cliff site and the area between the cliff building and the cliff itself. In the most easterly courtyard of the Cliff site, nearly 30% of the courtyard is prevented by buildings from receiving sunlight on 21<sup>st</sup> March. For all other courtyards, the areas that do not receive sunlight comprise between 5 – 6%.

From assessments of the open space between the cliff and the Cliff site buildings, the area that would not receive sunlight would be just under 20% therefore meeting BRE guidelines for adequate levels of sunlight. In terms of overshadowing regarding the Brunswick scheme, the winter shadow of Block K, which exceeds 40 storeys, extends only across the Casino where its shadow would be overlapped by that of the Casino building and the shadow created by the Quayside building. Park Square would be relatively unaffected by overshadowing throughout the main part of the day.

#### Cumulative Impact – Daylight and Sunlight

The applicant has assessed the cumulative effects of the Inner Harbour (Explore Living/ X-Leisure) and the approved Outer Harbour (Brunswick Developments) schemes on sunlight and daylight levels for existing and proposed development.

The BRE, acting on behalf of the applicant, has carried out an assessment of the loss of daylight to existing dwellings (in Neptune Court and the Octagon) and has determined the impact to be negligible or “minor adverse”. The vast majority of windows would experience a loss of light well within the BRE guidelines, while a handful of windows (six in all over the two buildings) would have a loss of light marginally outside the guidelines. Loss of daylight to dwellings in all other buildings would be within the guidelines. While any loss of daylight to existing dwellings is undesirable, officers acknowledge that some



impact on daylight levels as a direct result of this development, is minimal.

In overall terms loss of sunlight to existing dwellings is considered by the BRE to be negligible. All windows facing within 90° of due south would receive more than enough sun with the new development in place.

The BRE expects there to be a moderate adverse impact i.e. loss of daylight exceeding the BRE guidelines, to a number of lower floor windows on a relatively small area of the Brunswick scheme, assuming this scheme is built. The dwellings most affected are located within the north face of block D and part of the west face of block F of the Brunswick development. This is partly because the Brunswick scheme itself comprises a series of multi storey blocks very close to the road. In order to minimise this impact, the Quayside building has been deliberately designed to be lower than the Brunswick scheme at this point, and to have its top storeys set back from the road opposite block D.

Daylight provision to the new dwellings is expected to be good overall. A selection of rooms in worst case positions has been analysed by the BRE, and the majority of them would have daylight levels above the recommendations in BS8206 Part 2.

The Cliff, Marina Point, Sea Wall and Quayside sites have been laid out so that the majority of rooms face south or close to east or west and would therefore receive some sunlight, even if they do not all meet the BRE/BS sunlight criterion. In the Cliff site, a minority of flats inevitably face north and would therefore suffer from a lack of sunlight. Mitigation measures have been put forward by the applicant to ensure that sunlight/ daylight levels to these properties is improved, such as the removal of balconies above or the use of glazing in opaque cladding panels. The Inner Harbour building has been arranged so that most of the flats (around two thirds) face south. The few north facing flats would have attractive sunlit views over the inner harbour itself.

Officers are reassured that all existing and proposed open spaces within the site including the courtyards on the Cliff site, the open space beside the cliff (Cliff Park), the Geo Learn park next to the Cliff site, Park Square and Harbour Square would all meet the BRE guidelines in terms of daylight and sunlight requirements.

#### Solar Dazzle

Solar dazzle or solar glare occurs when sunlight is reflected from a glazed façade, which has the potential to affect road users and occupants in nearby buildings. The ES considers that solar glare is only likely to occur in relation to the Marine Point building, more precisely on the upper levels (seventeenth floor and above). Furthermore, it is not considered to be an issue at this height, which is confirmed by the independent assessors GIA.

#### Urban Heat Island Effect

The urban heat island effect is the process by which urban development causes

a localised increase in temperature. This may have a positive or negative effect on the environment depending on the circumstances. The ES states that it is possible that there would be a minor increase in the temperature of the local area. This is seen as a beneficial effect as it reduces the requirement for heating and thus lowers carbon emissions. The increase in local temperature would also be minimal due to the coastal location of this development. It is far less than would be experienced by a development located at a significant distance from the coast. Therefore the effects of the Urban Heat Island Effect are considered to be negligible. This aspect of the report has also been considered by GIA who conclude that the arguments that have been presented are robust and the outcome drawn from these is reasonable.

#### Noise, odour and impact to air quality from the development

Potential noise and vibration due to the development proposals are considered in the ES.

The council's Environmental Health Team are generally satisfied with the methodology and conclusions of the ES. The Construction Environmental Management Plan (CEMP), principles of which are contained in the ES, and conditions, are considered to satisfactorily mitigate against any potential adverse effects.

The ES concludes that the use and operation of the proposed development would not adversely affect the noise-sensitive elements of the proposed development or existing noise-sensitive premises, provided the recommendations and mitigation measures detailed are addressed. This is a mixed residential/commercial (retail) development, satisfied that any potential environmental impacts can be controlled by condition.

#### Working hours

The hours of work are generally considered acceptable by Environmental Health (8am-6pm Mon-Fri and 8am-1pm Sat (not Sun or public Holidays)). However, they suggest conditions include a prior notification protocol for emergency works / works that can not be done at any other time. Something like:- 'At least 72 hours written notification of works to be agreed with the City Council and where required by the Local Authority copies of correspondence to be sent to neighbouring residents etc'

#### Noise and Vibration

Target levels are stated for noise and vibration based on BS 5228. However, there is no reference to monitoring to show that these are being achieved. The following bullet points are suggested paragraphs that would come under "Monitoring."

- As required, monitoring of noise, waste, dust and water shall be carried out by the Project Environmental Manager and results recorded. The Client shall obtain the services of an independent consultant to produce the Method Statements to monitor the site operations and the effects on the

surrounding roads, residents and environment.

Monitoring shall include but not be limited too the following;

- A representative programme of noise and dust monitoring shall be agreed with the City Council prior to commencement of works. Monitoring locations and monitoring protocol shall be agreed in writing with the City Council prior any demolition or construction.
- Any asbestos monitoring shall be carried out in accordance with the relevant guidance and legislation, having regard to the type of asbestos to be removed. At all times, best practise shall be adopted and relevant enforcement authorities advised,
- Visual checks by the Site Management on a daily basis,
- Monitoring the project against the CCS scheme rules, including the checking of public complaints and liaison.

All CHP and Biomass flues on both the Brunswick and Explore Living developments have been assessed within the EIA. The derived concentrations have then been added to the road contribution to show the impact at a number of receptors. No breaches of the Air Quality Objectives have been identified within or adjacent to The Marina from the assessment. The methodology presents a worse case scenario with respect to fuel use and emissions and is therefore considered robust.

#### Cumulative Impact – Noise and vibration

The applicant has conducted a cumulative impact assessment in relation to noise and vibration levels within the Brighton Marina and Black Rock area arising from the proposed development, Brunswick and BIA schemes. The study concludes that the noise-sensitive elements of the proposed development would not be affected adversely by noise from existing uses (or programmed development). Nor would the use and operation of the proposed development generate noise levels that would give rise to any significant impacts.

The council's Environmental Health team considers that the construction of the various phases of the Inner Harbour (Explore Living/ X-Leisure) scheme constitutes the most significant risk of noise and vibration disturbance to the local community. Construction is phased over a seven year period. A significant portion of works would take place some distance from existing residential buildings and the Black Rock Cliffs and should not give rise to any significant disturbance. However, in the case of works taking place close to existing residential buildings or sensitive structures such as the Black Rock cliffs, any impact would be mitigated by close monitoring and the adoption of special mitigation measures. In addition, the applicant will need to demonstrate that the Construction Environmental Management Plan would respond to and control the temporary noise emissions and vibrations affecting such dwellings or sensitive structures.

The applicant's assessment of the current noise conditions along roads within

and in the vicinity of Brighton Marina indicates a generally small to modest impact from noise. This would remain the case with or without the proposed development in view of the relatively small proportion of additional traffic that would be attracted by the scheme. The applicant considers that the impact arising from the change in noise level along these roads in the vicinity of Brighton Marina, once the scheme is completed and fully operational, would be negligible and marginal at worst.

Overall, the city council's Environmental Health Team believe that the applicant has conducted a thorough and robust assessment of noise and vibration impact arising from the proposed development. Where the risk of noise and vibration disturbance is considered to be higher, the applicant has put in place appropriate mitigation measures.

#### Air Quality

There have been some objections, which relate to possible noise and pollution generated by the development, particularly from increased traffic levels. The Environmental Health team considers the ES to be satisfactory with regard to air quality. The ES assesses the impact during construction and operationally, and concludes that the air quality impacts would be minimal.

All CHP and Biomass flues on both the Brunswick and Explore Living developments have been assessed within the EIA. The derived concentrations have then been added to the road contribution to show the impact at a number of receptors. No breaches of the Air Quality Objectives have been identified within or adjacent to The Marina from the assessment.

#### Cumulative Impact - air quality

The assessment conducted by the applicant covers the combined impact of traffic from the proposed development with that arising from the Brunswick scheme. The impact of the proposed BIA scheme has not been included in the cumulative impact assessment. This is due to the lack of detailed information from BIA regarding boiler emissions and development-related traffic flows. It has, however, been agreed with the council's Environmental Health team that the impact of the small number of boilers for restaurants etc., involved in the BIA scheme, would be extremely negligible. The heating of the arena itself would be a by-product of the cooling for the ice rink, which would be based on an electrical system, with no on-site emissions.

There are a number of proposed developments in the vicinity of the site. The Brunswick scheme, which would introduce additional emissions and sensitive receptors into the area, has planning permission and therefore the impact of traffic and boiler emissions as a result of this development have been taken into account in the assessment. The proposed Brighton & Hove water treatment works at Black Rock would potentially impact on air quality during the construction phase, and has also been taken into account in the assessment.

The modelled future baseline concentrations have incorporated changes due to committed developments in the area (the Brunswick scheme) and include the effects of both traffic and heating/cooling plant emissions. The results indicate that even with the Brunswick scheme in place, concentrations would be lower in the assessment year than 2006 due to improvements in vehicle emissions. However, the annual mean nitrogen dioxide objective would continue to be exceeded at a few locations.

The applicant has chosen eight receptors to represent potentially sensitive residential units within the proposed development. These receptors have been modelled to show the impacts of the updated traffic flows, together with boiler emissions from the Brunswick scheme and proposed development, on the occupants of the proposed development. Predicted concentrations at each receptor are set out in Table 17.11 of the ES. They show that the air quality objectives for nitrogen dioxide and PM10 would be achieved at relevant locations across the site. The council considers that the assessment which has been conducted by the applicant is comprehensive and supported by good use of data.

#### Land contamination

There is the potential for contamination from fuel storage and spillages associated with the petrol filling station. Given the geology of the site and the location, only made ground and the filling station present any potential sources of contamination. It is noted that further site investigation is proposed on decommissioning of the petrol filling station. A condition to require the site investigation and any subsequent remediation is necessary to ensure that the site is safe and fit for end users.. Any site investigation documentation should be sent to both Environmental Health at Brighton & Hove City Council and also the Environment Agency for comments.

#### Amended Scheme

No significant concerns have been raised by Environmental Health who, consider the methodology and previous works to be robust and that recommendations made have been implemented into the amended scheme.

#### Impact on radio and TV reception

There is the potential with any substantial new development that the radio and TV reception of nearby properties may be interfered with. The ES considers this, and recommends that any potential adverse effects can be satisfactorily addressed. The ES concludes that the impact on radio reception is likely to be negligible given the relatively small number of fixed external antennas employed. Portable and mobile reception of radio services does not rely upon unobstructed signal paths and is unlikely to be noticeably degraded by the Proposed Development. It is recommended that if granted planning permission a condition be included to ensure that on completion of the development a further reception survey be carried out to assess the impact of the development on reception within the marina and the surrounding area. The ES makes a commitment to implementation of mitigation measures such as relocating the

receiving antenna or antenna upgrades, where adverse impact to local radio/TV reception is found. Little planning guidance exists to advise on such matters, and this is considered a reasonable and acceptable approach, and this could be secured through the Section 106 process.

#### Cumulative Impact- ground conditions

An existing 'Environmental Due Diligence Assessment' produced by Symonds in 2002 for a site in the centre of Brighton Marina, has been reviewed by the applicant (see Appendix 11.1) and confirms the made ground to be a clean engineered fill comprising two distinct types:

- A silty sandy clay (0.3-0.8 m below ground level);
- A dense gravel sized material consisting of chalk and flints (0.3-6.0 m below ground level).

The applicant has considered the cumulative impact of both the Inner Harbour (Explore Living/ X-Leisure) and Outer Harbour (Brunswick Developments) schemes on the ground conditions of the site. Given that the site for the Brunswick scheme shares the same made ground as the Explore Living scheme, the applicant has assumed that the ground materials of the site are inert, which seems to be a reasonable assumption. The city council's Coastal Engineer and Environmental Health team have both reviewed the content of this chapter and neither has challenged this assumption.

In relation to the impacts of construction activities, the Brunswick ES states that their "site is currently inter-tidal and has no former historic uses that could give rise to soil contamination" and that "...the sediments of the Outer Harbour are not contaminated and the spending beach has not been subject to past contaminative uses". Furthermore, there are no major land-use activities on the Brunswick site that are likely to result in any additional contamination of the site (e.g. petrol filling stations etc). However, existing activity at the petrol filling station within the Inner Harbour (Explore Living) site, could potentially present a source of petroleum fuels into the soil and groundwater. The applicant would therefore be required to conduct a site investigation to ensure that the land is safe and fit for end users.

Whilst the Southern Water regional sewerage upgrade works were refused planning permission by the Secretary of State on the 27th July 2007, the grounds for refusal related primarily to the visual and landscape aspects of the Peacehaven treatment works. The Inspector did not dispute that it was in the right location. The applicant has therefore concluded that it would be prudent to continue to take into account the potential impact of the Southern Water sewerage upgrade works on the ground conditions.

The applicant has also noted that Brighton & Hove City Council has already granted planning permission for those sections of the Southern Water scheme within its jurisdiction including the works adjacent to the Marina. It is anticipated that under a revised scheme the works adjacent to the Marina would be

unchanged to those previously proposed, albeit that the programme for completion of the works would have significantly altered.

The new Southern Water wastewater system runs parallel to the northern boundary of the Explore Living site and terminates at the new wastewater treatment plant at Peacehaven. The works are due to be undertaken outside the boundary of the proposed development. Natural England have determined that there would be no significant impact on the Black Rock cliffs SSSI, indicating that it is also unlikely that works would have a significant impact on the local ground conditions. The LPA is therefore reassured that there are no cumulative impacts foreseen concerning the quality of ground conditions as a result of realising the Explore Living, Brunswick and Southern Water scheme proposals.

#### Cumulative Impact - geotechnics

The applicant states that care would be taken to ensure that works are scheduled such that the cumulative impact of the noise and vibration emissions arising from several activities being undertaken simultaneously would not exceed the threshold levels established for a particular location at any one time. This would be supported with monitoring throughout the transient demolition and construction phases of the development.

Officers consider that there are unlikely to be cumulative impacts resulting from the Brunswick Scheme, given the distance of the site boundary from the Black Rock Cliffs. However, as a precaution, noise and vibration emission levels arising from geotechnical activities for both the Explore Living and Brunswick schemes, would need to be approved by the LPA prior to construction.

As referenced above, Southern Water's intended works include constructing a new sewer from Marina Drive to the new wastewater treatment plant at Peacehaven. These works entail tunnelling under the Black Rock Cliffs.

Southern Water's ES Technical Chapter states:

"The works associated with the Black Rock penstock chamber are located on a platform at the foot of the cliffs. This platform lies within the designated area of the Brighton and Newhaven Cliffs SSSI, which is designated for its fossil cliff and abrasion platform cut into the Upper Chalk to the north of Brighton Marina. The platform itself is made ground of relatively little geological interest and works would have no direct effect on the cliff face." (Para 12.2.8)

"The Project would require construction activity to be undertaken in close proximity to the cliff face. A stability assessment of the cliffs has been undertaken, which indicates that neither the proposed construction of the Black Rock penstock chamber nor the pipe jacked tunnelling near the cliff would have a significant detrimental effect on the cliff stability. Appropriate working practices and distances would be maintained during construction to ensure that the stability of the cliff face is maintained." (Para 12.2.9)

Southern Water's construction works were likely to coincide with the first

construction phase of Explore Living's proposed development, but due to the recent refusal by the Secretary of State this timetable has slipped. Nevertheless, should construction commence earlier than anticipated, the phasing of this development would need to be carefully reviewed and coordinated by the LPA in relation to other schemes proposed at the Marina through the respective Construction Environmental Management Plans (CEMPs). The LPA will not approve CEMPs that are poorly phased or which have not considered the potential cumulative impact on cliff stability arising from geotechnical related activities.

#### Private amenity space

Policy HO5 of the Local Plan seeks to ensure that adequate private amenity space is provided within residential development. The application proposes that all of the residential units would access to either their own private balcony or access to a shared terrace. The original submission provided 82% of the units with their own private balcony, while the amended scheme has increased the provision of private balconies to 96%. Although 50 units do not have balconies, this is due to issues of security, privacy and design and these units would nevertheless have access to a shared terrace. Following the amendment the provision of private amenity space is now considered acceptable.

#### Safety

Sussex Police have been actively engaged throughout the development process to ensure that the proposals incorporate best practice in crime prevention through design, including 'Secured by Design' and details of this can be found within the design and access statement..

The police are generally supportive of the application and accept that "permeability" (the number of pedestrian access routes through the development) during the day is acceptable but suggest reduced permeability during the night by the use of gates, particularly where semi-private space to dwellings meets semi-public space. Alternatively they suggest the provision of good lighting and CCTV. However the police have commented that the new bridge access from the cliff is of concern as the cliff top is a 'hotspot' for suicide. They also believe that serious consideration should be given to closing the bridge link at night.

The police have also asked that a planning obligation be sought from the developer for the extra police resources that would be required to police such a major development, based on the formula within the draft SPD.

#### Amended Scheme:

The police are now satisfied that the concerns over the pedestrian bridge can be resolved during the detailed designs stage so that a means by which people can commit suicide is not created. They have now calculated a figure of £508,691 as a contribution towards extra police resources required to service the development.



The applicant's response to the police states that the request for a financial contribution fails to recognise the merits of the proposed regeneration and the significant resources that have been invested in both design development and security measures. These measures include concierge, CCTV cameras, access control, video entry, containment and wiring for apartment intruder alarms / networked security systems linking to the Brighton Marina Estates Office for example. The associated cost of the proposed security measure amounts to some £2.1m. Given that the police calculations are based on a draft SPD that has not been approved by the council, coupled with the amount of security measures incorporated in the scheme, it is not considered reasonable in this case to ask for a contribution.

## **12. Outdoor sports, recreation space and artistic influence within the public realm**

### **Outdoor sports and recreation**

National policy guidance in the form of PPG17 (Planning for Open Space, Sport and Recreation) states that "Local authorities will be justified in seeking planning obligations where.....new development increases local needs". (Para 33). Policy QD20 of the adopted Local Plan requires major development proposals to provide accessible open space as part of the proposal. Policy HO6 of the Local Plan seeks to ensure outdoor sports and recreation spaces are provided within housing schemes to meet the demand they create for such use.

Given that the nearest children play areas (Peter Pan playground and East Brighton Park) are not in close proximity to the site, the incorporation of new areas of on-site recreation facilities within the current, revised scheme is welcomed.

The applicants have proposed a series of measures designed to improve the public realm and outdoor sports and recreation offer. They have identified 11 different spaces which would either increase the quantity of public open space or would enhance the quality of existing space in order to make it more attractive and useable. The spaces identified are: Entrance Ramp, Harbour Square, Park Square, Cliff Park, Geo-Learn Space, Under the Flyover, Bridge Link Arrival Space and Cascading Street, Village Square, Residential Courtyards.

The Entrance Ramp – Road markings and surfacing would give the perception that drivers are entering a "shared space". Traffic calming measures would also be applied, effectively reducing speed limits to 20 m.p.h. The only entrance to the multi storey car park would be at top deck level with an exit at level 3, thus reducing the amount of cars needing to drive down the ramp.

Harbour Square – The existing entrance roundabout would be replaced by a square which would enhance the arrival experience and give greater priority to pedestrians. Vehicles would still be able to negotiate the square along the principles of a roundabout. The square itself would be a shared space for pedestrians and cyclists and would be planted with trees around the perimeter.

Park Square – The existing area between the multi storey car park and the leisure units currently features some children’s play facilities and amusements, but is also used for casino car parking and is generally a featureless area. The proposals are to relocate the bus stops and to remove the need for cars to enter the car park at ground level, enabling the area to become a pedestrian, leisure and play area. Car parking in front of the casino would be removed. Tree planting, a series of fountains and a children’s play area and café are proposed. Improvements to the link between this space and the Black Rock site would be implemented. This area would also be used for organised events.

Cliff Park – (The base of the cliff would be opened as a pedestrian route). There would be an improved zig-zag ramp from the top of the cliff. This area is currently a wide hard surfaced area (dominated by the ASDA car park). This area would have low level ecological planting and some lighting to enhance the setting of the cliff. Seating and a children’s play area would be provided. Undulating grassy mounts would be created for visual interest.

Geo-Learn Park – This area is along the Cliff Park in a raised area. It would provide a children’s playground with an education facility to explain the geology of the cliff. Equipment would have a geological theme and seating would be provided. A timber decked promenade would link the Cliff Park and Geo-Park with the Under Cliff Walk and a new lift would provide access from the cliff base walk.

Under the Flyover – This area is currently dark and unattractive and feels unsafe. It would become the focus for more active recreation and provide a 5-a-side football pitch, an informal basketball/kick about area, a “parkour” arena for jumping and climbing, cycle parking and rock climbing facilities. A recreation manager’s office would be provided in the ground floor of the Cliff building.

Bridge Link Arrival and Cascading Street- New public space accessed from a new metal and glass footbridge would form a gateway for pedestrians arriving in the Marina via the new footbridge. A viewing platform would be provided overlooking the beach and the Palace Pier. There would be seating provided and some soft planting and a single tree. The Cascading Street would provide a linear space fronting the residential development.

Village Square – This existing area by the inner harbour is bland and uninteresting. This area is proposed for quiet and informal recreation such as petanque, pilates and outdoor chess. The spaces would be surfaced appropriately for these activities with a raised lawned area in the middle.

Residential Courtyards – Each residential development would have a courtyard with lawns, planting and seating. Some of the blocks with family sized units would include children’s play facilities. The courtyards would be secure and would benefit from natural surveillance from the flats. All flats would have access to private balconies or a shared terrace. Following revisions to the originally submitted scheme, the proportion of flats with private balconies has

increased from 82% to 96%. The omissions are for reasons of privacy or architectural integrity.

The total number of flats proposed (1301) would generate a demand for 6.7 ha (more than half the total area of the application site). This is based upon a total occupancy of 2804 in accordance with SPG 9 - A Guide for Residential Developers on the Provision of Outdoor Recreation Space.

As a result of revisions to the originally submitted scheme, proposed on-site provision has been increased to the following figures:

**Adult/Youth**

Under Flyover - 1859 sq m

Climbing Feature - 745 sq m

**Casual/Informal**

Geo-Learn Space - 430 sq m

Marina Village - 639 sq m

**Children's Equipped**

Park Square - 400 sq m

Cliff Park - 1100 sq m

It is not unusual for a high density scheme to fall short of the full on site provision that would be required by policy. In such instances, a financial contribution is sought in the terms of a Section 106 planning obligation for provision of offsite open space and recreational facilities related to the proposal.

The improvements to the pedestrian linkages and arrival points and other parts of the public realm would increase opportunities for walking by creating attractive routes into and around the Marina. Whilst the applicants have proposed improvements to the public realm, this has not been taken as counting towards the provision of open space since footpaths, walkways etc cannot be used as casual informal open space, for example. In total, the applicants would be providing 10% of the required open space and recreation provision on site but the applicants state that it is not practical to provide anymore.

Amended scheme

The revised scheme now includes the removal of the casino car parking in the Park Square. The sports facilities under the flyover have been provided with more detail and the addition of a sports co-ordinator office would add to security, encourage better use of the facilities and reduce opportunities for vandalism.

Local Plan Policy HO6 states that where it is not practical or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable.

Whilst it is welcomed that additional provision of casual open space and children's play facilities is proposed, improved recreation provision for adult and youth sport is more realistically provided in conjunction with existing parks and larger leisure facilities.

The shortfall of recreation provision would require a commuted sum of £1,871,596 plus maintenance of £467,899 in line with the Council's SPG9, whereby the applicable costs relate to improvements to existing provision and include a sum for maintenance.

The applicants have indicated a willingness to explore opportunities to provide off site open space and recreation, which could be secured through a S.106 agreement. Following discussions with council officers, the applicants are proposing the following:

- Madeira Drive: looking at improving security to the promenade in the evening and night, achieved by introducing new lighting columns.
- Manor Road Gym: assist the gym with their application for funding to the Football Foundation for new pitches. Manor Road Gym is keen to approach the Football Foundation for funding to both improve existing and introduce new football and outdoor sport facilities. To achieve this funding the organization needs to provide their own resources, which would be matched by the Foundation.
- City College Wilson Avenue: refurbishment of existing football pitches.
- East Brighton Park: enhance the tennis court and football pitches to make them a successful venue to be enjoyed by both the Marina and Whitehawk residents. The south section of East Brighton Park currently has a grassed football pitch and a series of tennis courts. They are in a poor condition and have drainage problems. The tennis courts are also in a poor state of repair. The football pitch could be re-laid together with an improved drainage system to cope with the combination of intense use and low lying ground. The tennis courts would be resurfaced, with new perimeter fencing and other landscape improvements would greatly enhance the facility and encourage greater use.
- Rottingdean terraced gardens: enhance the terraces by implementing a new surface treatment and new robust benches to the periphery of the space and planting new shrubs and climbers to the terraces.
- Rottingdean Beach informal sport area: area. Currently there is a shortage of facilities for local youth within Rottingdean. This area has become a popular venue for kick about, without there being any designated area. A fenced off area could be provided including football goals and basketball hoops either end, installed on to the present

surface, allowing for the flexibility of relocating if required. This could then become a popular venue for the local youth of Rottingdean village and would become their own area whilst in full view of the public realm.

- On-site sports co-ordinator.

The applicants initially offered a sum of up to £845,000 to implement the above off site measures. This includes a £100,000 for the on site sports co-ordinator. Following further negotiations the applicant have agreed to increase their contribution by £200,000 giving a total of £1,045,000. The increase would be divided equally between the sports-coordinator and the off site contributions, giving a total of £200,000 for a sports coordinator and £845,000 off site contribution. The contribution now proposed is considered reasonable and acceptable.

The contribution also compares favourably with the financial contribution of £657,000 secured on the Brunswick scheme with regard to off site recreation contribution. (The £657,000 is split between £507,000 for the enhancement of the seafront walkway between banjo groyne and the marina, £25,000 towards enhancement of existing sports/play facilities in East Brighton Park; £25,000 towards adaptation of a an existing Volks Railway carriage for wheelchair access and £100,000 towards a sports co-ordinator).

Sport England initially lodged an objection on the grounds that there is a shortfall of provision to meet the needs of the new development onsite and they required further convincing of their usefulness and attractiveness and whether there would be awareness of the facilities. They were also uncertain that the off-site provision was acceptable in terms of what was being offered financially and the facilities being put forward. The amended scheme provides further information relating to the off site provisions. Further to receiving this additional information Sport England is now satisfied that the off site provision is acceptable in relation to the amount of development proposed and reflecting the local need. They are also aware of the increase in contributions of £200,000, which has recently been negotiated and have now written in withdrawing their objection.

The council's Development Manager (Sport and Leisure Projects) considers that the applicant has significantly improved the on and off site provision of sport and recreation to meet the needs of residents across the different age groups. The Development Manager indicates that the proposal reflects the Sports Strategy objective of promoting access to a range of sport and recreation opportunities.

#### Artistic influence within the public realm

The applicant's public art strategy is outlined within the Public Art Statement Addendum and is based on a series of artistic interventions which respond to the architectural and landscape individuality of each space but also creates a sense of place. This art strategy has been developed in partnership with the city

council's Arts and Creative Industries team, who have worked with the applicant throughout the pre-application planning consultation process. The proposed artistic influence for the public realm incorporates the following initiatives:

- A lighting artist, Jason Bruges, has been selected to analyse the site and propose three main interventions in the public realm.
- A further artist would work with Allies and Morrison to integrate an artistic concept with the architectural design of the building on the Sea Wall site.
- An artist, selected from locally based artists, would work on the Geo-Learn Space, contributing to both the design of equipment and interpretation of ecology and natural history.
- An artist would advise on the design of the “parkour” trail situated under – the-flyover.
- An artist would be selected to be involved with detailed design development of the cliff bridge.
- The improvement of the two car park underpasses would involve an artist.
- The fountains in Harbour Square and Park Square would be designed with an artist's involvement.
- An artist would be involved in the green wall proposed for the eastern elevation of the replacement petrol filling station, fronting onto Harbour Square.

An important design consideration in the formulation of plans for the public realm, was to ensure that there was a complimentary and close integration between the new architecture, public realm and public art. This has led the applicant to pursue a single major art intervention rather than smaller and more dispersed proposals. The theme which was chosen was based around the theme of lighting.

A limited competition was launched from which four short listed artists were asked to propose a lighting concept according to a precise brief. Jason Bruges studio's proposal

finally secured the commission. Jason's proposal was founded on a close analysis of the art brief and the site. Movement of masts, reflected light, wave patterns and movement around the cliff were all sources of inspiration. Four areas of particular interest were highlighted from which three proposals were further developed:

- Cliff: caustic reflection
- Flyover: caustic canopy
- Harbour Square: light masts

Each proposal carefully considers light pollution, energy conservation and vandalism. It is considered that the light installations would not only offer a sense of celebration, better orientation, and strong identity but would also greatly improve the general safety of residents and visitors.

### **13. Sustainability considerations**

Central Government guidance and Local Plan Policy (SU2) encourage

developments to be sustainable, and sustainability is at the heart of planning (PPS1). Applications should include information to demonstrate that this has been satisfactorily considered. Due regard must be had to the council's Sustainability Checklist (SPGBH21), which lists specific topics and areas that should be addressed, and to SPGBH16: Energy Efficiency and Renewable Energy.

The scheme incorporates a number of positive sustainable measures, which are welcomed, and would be secured through the in the S106 agreement these include:

- Substantial carbon emissions savings through a proposed site wide district heating system from 725kW Gas CHP and 300kW biomass boiler. These would contribute to carbon savings of 46% against (2006) Part L Building Regulation requirements. This is an optimal energy solution for this kind of scheme.
- A site wide Energy Services Company (ESCo) for the site which would deliver energy at 5-10% cost below than indexed market rates.
- Provision of renewable energy for the scheme through a biomass (wood) boiler to supplement heat in the district heating system. Contributing an estimated 7% of energy needs with commitment to source biomass (woodchip) locally not exceeding one road delivery per week.
- Achieving 'Code 4' standards of the five primary categories of the Code for Sustainable Homes.
- Going 'beyond best practice on the Considerate Constructors Scheme'.
- Inclusion of a rainwater catchment system (though only for irrigation use only and not for use in buildings)
- Best practice demonstrated in some areas, notably: in aiming for Code for Sustainable Homes (CSH) level 4, site management, district heating system, creation of ESCo).
- Potential for ecological enhancements and greening of the site at ground and building level, including green roofs, using 90% local tree and shrub species.

The scheme scores well against SPG21 Sustainability Checklist (valid at the time of submission but since superseded) and the SEEDA Sustainability Checklist. The scheme does less well against some of the recommended standards in the recently adopted Sustainable Building Design Supplementary Planning Document SPD08, though it meets the recommended standards for CSH in this document.

Notwithstanding the measures outlined above, it is considered that the sustainability of the scheme could, however, be substantially improved in the following areas:

#### Carbon emissions

Energy use could be further reduced through ensuring the building fabric is more energy efficient, well insulated, airtight and maximizes passive solar

design. This would reduce use of energy for heating, cooling and lighting.

The applicants' renewables feasibility studies are considered to be too quick to dismiss the use of renewables technologies to generate electricity (wind and PV), particularly given the substantial electricity needs of the development and the site conditions (optimal access to sun and wind resource).

The Energy Centre, Gas CHP and biomass would supply heating to the entire development, but electricity would be supplied by private wire to only half of the Cliff Site residential development and the retail outlets. Since electricity is twice as carbon intensive as gas, it would have been beneficial to address the substantial electricity demand for the site – particularly in the commercial/retail elements.

#### Buildings standards

Whilst best practice would be achieved in some areas (such as commitment to achieving recommended Code for Sustainable Homes level 4 standards - SPD 08 Sustainable Building Design SPD), only good practice would be achieved in others (such as the case of BREEAM assessment for the supermarket).

A BREEAM assessment for the proposed ASDA superstore predicts a (low) 'very good standard' would be achieved. This has been boosted because electricity is likely to be supplied by Gas CHP through the EScO. The BREEAM assessment demonstrates little attempt to adopt environmental standards beyond this. A 'very good' standard would be a disappointing standard for an outlet of this size and given ASDA's own corporate commitment to sustainability, 'excellent' standard would be expected under SPD08.

There is no discussion of BREEAM assessments for other aspects of the development, e.g. healthcare facilities restaurant/retail and community facilities in which 'excellent' standards are expected.

#### Materials

Limited information regarding the specification of sustainable materials makes a detailed assessment difficult. This encompasses, for instance, substantial use of concrete which has high environmental impact and emissions during manufacture. The BREEAM and CSH assessments demonstrate a very low score in this area. Residential aspects score 2 of 24 credits, ASDA scores 3 of 17 credits.

#### Amended scheme

The applicants have now agreed to achieve Code for Sustainable Homes (CSH) level 4 and BREEAM 'excellent' for the commercial units including ASDA. These amendments to the scheme are welcomed; however the Head of Sustainability and Environmental Policy has recommended further investigation into the use of other renewable energies and general improvements in the overall sustainability of the development. The applicants have therefore also agreed to look further into the following, which would be secured via the S106



agreement as set out under the recommendations section of this report.

- Incorporating photovoltaic (PV) panels into the roofscape and within the green roofs.
- Use of responsibly sourced and sustainable materials such as FSE wood, composite windows and concrete with lower embodied energy
- Incorporation of renewably-powered street lights into the scheme.
- Opportunities to use the excess heat produced by the CHP during summer months and consideration of how to deal with the cooling requirements of in the ASDA store, in particular the use of a heat rejection scheme.
- Whether the development could benefit from the introduction of solar shading devices on south and west facing elevations.
- Undertake further work to improve energy design and efficiency of all of the proposed buildings on site.
- Further investigate options for off shore wind energy solutions, tidal and wave solutions

Some of the letters of representation received have questioned the sustainable nature and green credentials of the original scheme. As part of the amendments to the scheme the applicant has made a commitment to achieve CSH level 4 and BREEAM excellent. The applicant has also expressed a willingness to have these items secured through a s106 agreement together with undertaking further work to improve the energy efficiency of the scheme as outlined above.

It is recognised that the success in terms of operational energy efficiency rests with the successful implementation and operation of the ESCO. As such the applicant has indicated a willingness to accept an obligation to ensure that all relevant stakeholders within the development site are party to the operation and implementation of ESCO.

On this basis subject to the above items being secured through the s106 agreement the scheme is considered to be acceptable in term of sustainability and generally in accordance with the policy objectives.

#### Cumulative Impact - waste

The applicant has not undertaken a cumulative impact assessment of waste resulting from the Inner Harbour (Explore Living/ X-Leisure) or the approved Outer Harbour (Brunswick Developments) schemes. However, the applicant has suggested that any excess excavation and demolition material arising from the Explore Living development could be used in the construction of other developments in the vicinity of the site, subject to agreement from the Environment Agency. More details concerning the applicant's approach to minimising waste during demolition and construction is contained within para 10.8-10.11 of the Construction Environmental Management Plan (CEMP). The applicant also intends to use the waste management tool SMARTStart in order to record volumes and types of waste generated during the construction phase and monitor performance against the targets set. Officers welcome the

applicant's approach to waste and waste management but would recommend reserving the right to review the CEMP and Site Waste Management Plan as part of the S106 obligations and planning conditions if permission is granted for the scheme.

#### **14. Alternative uses, flood risk and sea defences**

In response to central government guidance under Planning Policy Statement 25: Development and Flood Risk (PPS25) and the Strategic Flood Risk Assessment prepared by the Local Planning Authority, the applicant has produced a Flood Risk Assessment. The purpose of this document is to assess the risk of flooding to the Marina and propose mitigating measures and determine residual risks as a result of severe events or unforeseen hazards once mitigating measures are implemented.

During consultation on the amended application, some objectors raised concerns about sea level rises and the vulnerability of the Marina to flooding if the sea wall defences were to be breached. The risk of flooding is likely to come from three main sources; surface water flooding, tidal inundation and residual flooding. The proposed development has been identified by the Environment Agency as being located in Flood Zone 3a. In accordance with PPS25, officers have established through the mechanism of a Sequential Test, that there are no suitable alternative sites available with a lower vulnerability of flooding within Brighton & Hove. SPGBH20 and PAN04 identify the Marina as an area compatible with higher residential densities and seek to make better use of the land which is considered underused currently. Due to the large proportion of residential units incorporated within the scheme, the applicant had to demonstrate that the proposed land uses could be justified by undertaking an Exception Test. As part of this process, the applicant had to demonstrate the following:

1. That the proposed development provides wider sustainability benefits to the community that outweigh flood risk in the context of a Strategic Flood Risk Assessment
2. The development is on developable or previously developed land
3. That the development would be safe without increasing flood risk elsewhere, and, where possible, would reduce overall flood risk

The wider sustainability benefits that the proposal seeks to bring to the Marina have been outlined in the applicants Flood Risk Assessment, which when assessed cumulatively, are considered to outweigh the risk of flooding, by providing substantial economic and social benefits. SPGBH20 in its vision intends development proposals to enhance the Marina 'environmentally, visually, functionally, and commercially'. Similarly, the objectives set out in PAN04 aims 'to create a thriving sustainable community in a unique, high quality, attractive marina for residents, businesses and visitors.' In the context of these documents and the Strategic Flood Risk Assessment, the sustainable benefits that the proposal brings are considered to outweigh the risk of flooding to the Marina. These benefits, for example, the introduction of green roofs, the

provision of housing and the creation of employment opportunities, are considered and tested against Local Plan policies elsewhere in this report.

The application site is located on previously developed land incorporating the existing ASDA store and associated car park, the McDonalds building, the estates office, the petrol filling station and the multi-storey car park. It is therefore considered to meet criteria (2) of the Exception Test.

The third and final criteria of the Exception Test is whether the proposal would be safe without increasing flooding elsewhere and, where possible, reduces flood risk. Policy SU4 of the Local Plan seeks to ensure that development would not increase the risk of flooding by introducing measures which reduce the rate of surface water run-off such as 'green' roofs. With the presence of vulnerable uses such as residential properties, the applicant is required to demonstrate that the proposals would be safe for residential uses, predominantly accounted for through mitigating measures and design strategies.

Proposals should take account of the particular conditions experienced in the area and incorporate, where appropriate, adequate flood protection and mitigation measures in accordance with policy SU7 of the Local Plan. Furthermore, policy SU7 also seeks to ensure that access to the coast is maintained and does not adversely affect existing sea views. The applicant has made a number of iterations to the design of the proposal to ensure sea views are retained from various viewpoints and access to the Marina would be enhanced with the introduction of a pedestrian bridge link from the near the cliff top.

PPS25 also advocates a sustainable approach to flood risk and the applicant has proposed a number of measures to ensure defences against flooding are adequately provided. Brighton Marina is currently defended from tidal flooding and coastal flooding for the design event of a 1 in 200 year tidal flood. Due to climate change, sea levels can no longer be predicted to rise at the assumed constant of 6mm per year therefore mitigating measures regarding sea defences are proposed. However, financial contributions by the applicant towards the raising and maintenance of the sea defences is not considered appropriate or necessary as sea defences are the responsibility of Brighton Marina Company Ltd and would be implemented regardless of whether the proposal is built or not. The current residents of the Marina pay into a fund as part of the maintenance which goes towards the sea defences and the future occupants of the proposed flats would also be required to contribute to this fund. The Environment Agency wishes to see an undertaking in the S106 by both the Applicant and Brighton Marina Company in order to ensure that the required upgrades to the sea defences take place. Both parties are willing to sign the S106 in this respect and this is therefore been included in the heads of terms of the S106 under the recommendation section. The Environment Agency is therefore no longer raising any objections to the application.

Sea defences protecting the Marina have recently been raised to 5.05 m AOD

(Above Ordnance Datum) protecting the Marina from a 1 in 200 year event surge tide level of 4.72m based on current spring tidal estimates. However, based on current Environment Agency estimates for sea level rises as a result of climate change, the current height of the western and eastern breakwaters will be inadequate by the year 2115 and it will therefore be the responsibility of the maintaining authority to ensure sea defences are maintained at an adequate height.

Other mitigating measures against tidal flooding or overtopping of sea defences are proposed by the developer, especially where more vulnerable uses such as residential uses and electrical substations are concerned. These include locating residential properties above ground floor level and locating less vulnerable uses such as retail at ground floor level.

In relation to the Sea Wall site, modifications, if required, are proposed to the breakwater and building design. These would ensure that the building is protected from sea spray and safe from wave overtopping. Further mitigation measures such as the construction of demountable gates or stop logs at entrances and raising entrance thresholds above the surrounding ground level are also proposed. In addition, the developer has worked closely with emergency services to provide information for the creation and implementation of an evacuation plan incorporating both current and future residents.

#### Amended scheme

Both Planning Policy and the Environment Agency are now satisfied that the Sequential Test submitted in the Flood Risk Assessment (FRA) meets with the requirements of PPS25. However the Environment Agency is still concerned that the existing flood defences do not provide the required level of defences required to protect the proposed development over its lifetime, as required by PPS25. As Stated above council officers are satisfied that there are already existing measures in place under the terms of the lease, to ensure works to sea defences are carried out by Brighton Marina Company Limited. While the concerns of the Environment Agency are noted there is already a mechanism in place to ensure that the required changes to the sea defences would take place. Therefore these cannot be considered mitigating measures arising from the development and as such are not considered appropriate for inclusion in the S106.

#### Ground water

The site is located above a major aquifer, but does not lie within a Ground Water Protection Zone and there are currently no drinking water abstractions within 2km of the proposal. It is considered therefore that the proposal does not pose a threat to current drinking water supplies. Controls preventing the contamination of ground and sea water can be implemented through the Construction Environmental Management Plan and suggested conditions.

#### Surface water drainage

The applicant proposes to deal with surface water run-off on a similar basis to

the existing situation whereby surface water run-off is disposed of through a surface water drainage system and out to sea. Policy SU5 of the Local Plan requires new development proposals to aim to reduce the amount of storm water entering into foul sewer systems or ground water. The proposal is considered to have a positive effect on surface water drainage through the inclusion of green roofs and rainwater harvesting systems to intercept rainwater and by reducing the total amount of impermeable surfaces. The applicant has proposed back-up pumps in the event that rainfall is particularly heavy and the surface water flooding being a risk. This is especially significant in the context of climate change and the estimated increase in rainfall intensity. In the event of pump failure, the locked basin has the storage capacity to accommodate predicted rainfall levels and be dispersed into the sea on the next available tide.

#### Foul sewage

Southern Water considers that the proposals would generate discharge that would exceed the capacity of the existing local sewer system, which is likely to require upgrading of the local sewer network. Quantitative estimates of the increase in discharge is currently being calculated by Southern Water. Some of the potential costs associated with upgrading the local network would be borne by the relevant developer. It should be noted that the provision of off-site sewer and water facilities is dealt with under water industry legislation and is separate to the planning process. The works associated with upgrading existing local networks would benefit both existing and future properties in the Marina reliant on the local sewer infrastructure. The impacts of excavation to lay new pipes are likely to cause minimal disruption due to their short-term nature and the shallow depth of trenches required to carry out the works.

It should be noted that Southern Water has permission to construct a new pipeline from Brighton to Peacehaven and for a new wastewater treatment and sludge recycling centre in Peacehaven to accommodate current and proposed capacity demands on the sewer network.

Appropriate conditions relating to the discharge of water and means of foul sewer have been recommended to ensure they are agreed in conjunction with Southern Water prior to the commencement of development.

#### Cumulative impact

As a result of the proposals being considered in this application and the approved Brunswick scheme, demand on the local sewer network would probably exceed its existing capacity. However, the applicant has acknowledged that costs associated with providing adequate foul water disposal infrastructure can be borne by the developer. In addition, Brighton & Hove's wider sewer network running between Black Rock and Peacehaven would undergo imminent upgrades by Southern Water. In assessing any increased risk of flooding in conjunction with the Brunswick scheme, it is considered that there would be no loss of storage volumes within the Marina and that the ratio of paved surfaces to storage volumes would remain unaltered.

## Conclusions

It is considered that the Environmental Statement (ES) adequately assesses and considers the development with particular reference to associated flood risks. Attenuation of surface water flooding at source would have positive benefits on the Marina as a whole and design proposals are considered acceptable to mitigate against tidal inundation in line with the 1 in 200 year design event. Therefore the development is considered to comply with policies SU2, SU3, SU4, SU5, SU6 and SU7 of the Brighton & Hove Local Plan and is considered to be in accordance with guidance contained in PPS25: Development and Flood Risk, and guidance outlined in both SPGBH20 and PAN04.

## **15. Education, community and health facilities**

In drawing together national and local planning objections, the Brighton Marina Masterplan (PAN04) stresses the importance that social infrastructure plays in the creation of strong, healthy and sustainable communities. It states that “the quality of the social infrastructure – the health centres, nurseries, schools, sports centres and community halls – will be vitally important in strengthening local communities both within and in close proximity to the Marina”. The PAN considers the western end of the Marina to be most in need of regeneration and identifies priority areas for future development. The document comments that social infrastructure required within the Marina will be influenced by the population resulting from the approved Brunswick scheme as well as the Explore Living and BIA schemes, if they are approved. This requires applicants to demonstrate a “joined-up” approach to the delivery of infrastructure to support the existing and newly emerging communities. The application has been assessed against this policy background and in its ability to complement existing social facilities and avoid any duplication of resources.

## Education

The scheme would create demand for school places from new residents, and therefore, in accordance with Local Plan policy QD28 it is considered appropriate, in principle, to seek a financial contribution through the section 106 process towards enhancement of existing educational facilities in the city.

Pupil numbers: The most difficult data issue to address is the question of pupil numbers generated by the development. If projections based upon a formula agreed by research and consultation and BHCC education department is used, a pupil yield of 241 pupils of primary/secondary age is estimated.

The developers present their own figure based on a residential population according to what they claim are 2001 census figures. However, it is not possible for us to verify that this is actually the source. Using their method, a pupil yield of 71 children of primary/secondary age is predicted.

Clearly, these two estimates are inconsistent. The formula used to estimate a 241 pupil yield is based on the average number of children per household size

in the city. This method provides a reliable but maximum figure. However, some factors which could reduce this figure include the following considerations: proportionally more second homes in the marina than across the city; if more children attend non-state schools than is the case across the city as a whole, the predominance of flats in the development; and the fact that BHCC does not house families with children in units above the 5<sup>th</sup> floor.

Nevertheless the figure of 71 children of primary/secondary age is based on the erroneous assumption that residents in the new Marina development would be similar to those in the area as at the 2001 census. This does not take into account the tenure mix, with social housing, being a significant proportion of the proposed development. Social Housing contains higher numbers of children on average than other housing sectors. This assumption also fails to allow for children to be born to families at the Marina once located there.

As of July 2007, there was an oversupply of 274 primary school places in the nearest 3 primary schools, 264 of which are in Whitehawk Primary School. However, it needs to be considered that parents may not necessarily choose a primary school in their area and persistently oversubscribed schools may benefit from funding to supply additional resources to counter this.

Availability of secondary school places is geographically uneven across the city. It is accepted that secondary school pupils can travel further distances to school. However, two of the nearest secondary schools to Marina, Longhill High School and Cardinal Newman Catholic School, are also oversubscribed, and Cardinal Newman in addition is a selective school. This would put pressure on high school aged children within the Marina to travel further to school, possibly by unsustainable means. Secondary schools with surplus capacity within the city are more than 7km away which is considered acceptable for pupils of secondary school age but not ideal.

Nursery school places nearest to the Marina are generally oversubscribed. However, the only operating nursery within the Marina has spare capacity, although it is considered that the cost of this option would be prohibitive for most parents. Within the approved Brunswick scheme, a crèche would be provided, although it is considered that this would operate on short-term child minding basis, rather than on full day care typical of nurseries. However, there is no guarantee that the Brunswick scheme will be built and therefore it would be short sighted to rely on the crèche provision within it to provide places for children under school age. Considering that there would likely be a higher proportion of parents on lower incomes within the social housing, this could result in a demand for more affordable child care provision. Therefore it is considered appropriate to meet the cost of funding additional child care places through a developer contribution.

The council's Head of Capital Strategy and Development Planning considers that the numbers of children would be higher and that factors such as transport accessibility and parental choice would influence the schools that were used, which would have a city-wide impact. On this basis, the Head of Capital

Strategy and Development Planning has estimated a S106 contribution of £1,549,389 to meet the costs of providing the necessary education infrastructure for the expected increase in numbers of children. A figure of £394,000 was initially offered by the applicants; however following negotiations this figure has now been increased by £200,000 giving a total of £594,000 towards education. This amount is now considered reasonable having regard to other comparable developments, such as the Brunswick scheme, approved in the outer harbour of the Marina and the contribution is considered proportionate with this scheme. In the case of the Brunswick scheme, an education contribution of £300,000 was agreed, although the estimated S106 contribution was £1.6 million.

The objections received concerning the lack of school places in the area and the pressure on secondary schools in the area following the closure of Comart are noted. However the applicants are now proposing a significant contributing towards education and the lack of school places in the area would not in itself be a reason for refusal, As stated earlier there are places available in the City although it is recognised that it is not ideal if pupils have to travel some distance to school.

#### Health

A Health Impact Assessment (HIA), led by the PCT working with the city council and Explore Living, has been undertaken and submitted as part of the planning application for the scheme. The HIA was one of two pilots of major developments within the city and has been helpful in terms of forging better communication between the city council, the PCT and the applicant regarding health considerations and impacts. The main findings of the HIA report are split into benefits of the development and potential challenges.

The benefits of the scheme include: affordable housing, improved transport access including RTS and improved connectivity between the Marina and the city centre; opportunities for safer cycling and walking, a jogging track, a cycle hire facility, and additional recreational facilities. Potential challenges include: construction effects (noise and air quality) particularly on the Asquith nursery; cumulative impact of construction over long periods of time on both residents and workers of the Marina; a significant high-density population increase; the main point of access for all vehicles would continue to be via the single access ramp, and the concentration of all affordable housing within the Cliff site. Where appropriate, the mitigation and enhancement measures outlined in the HIA, should be implemented either through the CEMP or S106 negotiations. For example, in the case of the nursery, mitigating measures need to be considered and could include temporary relocation of the nursery. This would be covered in the CEMP required as part of the S106.

The applicants, in conjunction with the PCT, are considering several options for the provision of health services in the Marina. A number of pre-planning application consultation discussions have taken place between the applicant and the PCT regarding the potential for the PCT to utilise space in the Octagon



(379sqm), with an option of additional space at a later date. Although the space is currently considered too small by the PCT's Estates team for a large multiple GP Practice (8-9 GPs), the accommodation is suitable for the provision of a range of healthy living facilities. The exact nature of these facilities would be finalised as part of the S106 Agreement negotiations.

#### Cumulative Impact - socio-economic

The applicant has undertaken a basic cumulative impact assessment incorporating the approved Brunswick, BIA (pre-planning application consultation stage) and Explore Living schemes. Together, all three schemes could result in:

- 2,265 additional apartments;
- 8,796 sq m of retail space;
- Over 2,000 sq m of leisure space;
- An increase of 3,400 residents;
- An additional 527 jobs locally; and
- £605M of capital investment.

Some of the socio-economic impacts of all three schemes, such as those affecting the labour and housing markets, are considered by the LPA to be beneficial at the district level. For example, the large increase in affordable housing and the expansion in the permanent population at the Marina are likely to have a positive impact on the affordability of homes within the Marina and the ailing District Centre, which is experiencing difficulties due to insufficient footfall. The generation of direct and indirect jobs as a result of all three schemes could also help to reduce local unemployment, particularly since it would be a requirement of the S106 agreement for the proposed scheme that recruitment is undertaken through local job centres and training providers i.e. through local labour in construction schemes. The applicant has stated that a minimum of 10% of total construction labour on site would be procured in this way.

The applicant acknowledges that the increased local population resulting from the Explore Living, Brunswick and BIA schemes would inevitably increase the demands on health and community facilities. However, in recognition of this, the applicant is proposing the creation of new health and community facilities on-site as referred to above, to provide the necessary social infrastructure to support both existing residents and the new population resulting from the development. Since the approved Brunswick scheme proposals for the adjoining site has put aside sufficient space for a GP Practice (150 sq m), the LPA would ensure that there is no duplication of resources, if both developments were to go ahead.

In relation to impacts on community facilities, there are no community halls or churches located within the Marina. In fact, the nearest community facility is some 1.5km from the application site. Since the proposed scheme is likely to give rise to an additional 1,950 residents, this population would undoubtedly create additional pressure on existing community facilities within the local area. The applicant has therefore proposed the provision of a 299 sq m community centre. This would provide a net community gain for the existing and proposed

resident population of the marina, but would need to complement existing community facilities in the locality of the Marina as well as those proposed by the Brunswick scheme, if it is built. This would be addressed during the S106 negotiations with the applicant.

## **16. Ecology and Nature Conservation**

The Brighton to Newhaven Cliffs are designated under the Local Plan as a Site of Special Scientific Interest (SSSI) which is protected under policy NC2, as a site of national importance for nature conservation. The designation is based primarily on geological considerations, but also the SSSI includes maritime cliff and associated habitats for rare and uncommon plants (hoary stock) and locally important colony for breeding seabirds and beetles. The SSSI is located partially within and adjacent to the northern boundary of the application site.

In line with regional and national planning policies, policy NC2 of the Local Plan seeks to prevent development within or affecting the setting of an SSSI, where it would have an adverse impact on its nature conservation features.

Exceptions may apply where potentially harmful impacts could be minimised through protection, enhancement and management of nature conservation features. Where development proposals are of national importance, the policy also requires the provision of compensatory or equivalent nature conservation features.

The beaches and water areas within the Marina and the Black Rock Beach are designated in the Local Plan as Sites of Nature Conservation Importance (SNCIs). The Black Rock SNCI comprises an area of beach of 1ha to the west of the application site, between the Marina groyne and the western breakwater. The Brighton Marina SNCI comprises the Inner and Outer Harbour. Policy NC4 resists development that would adversely impact on the nature conservation features of such sites unless criteria are met; for example, undertaking appropriate mitigation and provisions for protecting, enhancing and managing the features of nature conservation interest. Policies NC2 and NC4 both seek to ensure that improvements are made to public appreciation of and access to nationally and locally important nature conservation sites.

Policy QD17 seeks to protect and integrate nature conservation features within development schemes outside designated nature conservation sites. Policy QD18 seeks to protect and conserve rare and protected species or habitat through site investigations, analysis, and habitat enhancement where necessary. Proposals that cause demonstrable harm to such species or habitat will not be permitted.

The proposed development takes account of the council's Brighton Marina Master Plan (PAN 04).

In reflecting national and local planning policy considerations in relation to the marina, the PAN specifies four overarching objectives that development proposals should seek to achieve in relation to ecology in the vicinity of the Marina. These are sound up-to-date environmental information; mitigation of

harm to existing sites of biodiversity importance; restoration and enhancement of biodiversity; and new habitat creation and the integration of biodiversity into new developments, for example along existing greenways.

During the consultation on the amended application, concern was expressed about the potential adverse effects of the development on the sea bird population and on the important wildlife interests of Black Rock beach. However, it is considered that the ecological effects of the proposed development have been comprehensively assessed as part of the Environmental Statement, submitted in support of the application. A full review of existing survey data and the collection of new data through site specific surveys has been undertaken by the applicant, to reflect the requirements of the council's Ecologist and Natural England. Site-specific ecological surveys were undertaken initially by the applicant in the summer 2006, including a habitat, botanical and invertebrate survey of the Brighton-Newhaven SSSI, a marine survey of the Brighton Marina SNCI, a bat survey of the entire Marina and environs, and a flora and invertebrate survey of the adjacent Black Rock Beach SNCI. Further survey work was undertaken by the applicant in summer 2008 and submitted with the revised Environmental Statement, to assess the impact on protected species, specifically the short snouted and spiny seahorse. This is as a result of recent legislative changes concerning their status as a protected species.

The ES concludes that the current site is virtually devoid of semi-natural habitat, other than a small area of land supporting a ruderal plant community between the ASDA supermarket and the SSSI, and a 600sq m area of semi-improved grassland under the flyover. The site therefore currently offers little direct ecological amenity, but it does provide visual access through to the geological strata of the Brighton to Newhaven Cliffs SSSI. The area located between the SSSI and the Marina at the north east corner of the application site is identified as a locally important habitat for pipestrelle bats. The airspace above the Marina is also identified as a flight path for migrating birds. In general, the conclusions of the Environmental Statement indicate that the habitats of the SSSI opposite the site are of limited biodiversity value. Surveys of the Black Rock SNCI indicate that it is of limited biodiversity value, owing to its small size and recent disturbance from visitors.

The Environmental Statement discusses the potential effects of the development proposal on existing wildlife sites and species of interest, concluding that there may be residual concern over adverse ecological impacts, relating primarily to potential conflicts between lighting and tall structures on birds. These effects could be mitigated through the detailed design process.. The ES concludes that 'the net ecological effects of the Proposed Development should be strongly positive', due to habitat enhancement measures and creative ideas for the integration of biodiversity proposed as part of the development.

Following initial comments from the Council's Ecologist and Natural England, a

number of specific concerns are raised in respect of the proposed development on the ecological value of the site and Brighton-Newhaven SSSI. These concerns relate to the long term effects of the proximity of buildings on the Cliff Site close to the cliff base of the Brighton-Newhaven SSSI, habitat viability and the potential shading effects of the development to all areas of habitat affected. Additional concerns were raised regarding the design and function of a proposed 30cm deep lagoon at the cliff base.

The Council's Ecologist also requested further investigative surveys and an assessment of the proposed scheme on the short snouted and spiny seahorse, both species of which have been recorded previously at Brighton Marina. This follows an announcement by DEFRA in February 2008 that these species are now legally protected under the Wildlife and Countryside Act 1981.

Natural England raised initial objections relating to the impact of the works on the stability of the cliff face and the impact of the development on the visibility of the geological exposure of the cliff face and the transitional fault line, which divides two types of significant geological form. Concerns were also raised in relation to the long term stability of the cliffs.

#### Amended scheme

The applicant has sought to address these detailed comments with the submission of a revised Environmental Statement.

In response to the recent protected status of seahorses, further surveys were undertaken by the applicant in summer 2008, to establish the occurrence of short snouted and spiny seahorses. The surveys revealed neither species in the Inner nor Outer Marina Harbour. The occurrence of seahorses in Brighton Marina is therefore low. The previously identified locations for seahorses in the Outer Marina would not be impacted upon by the proposed development.

To address the concerns of Natural England regarding the impact of the proposed scheme on views of the SSSI cliff face, the scheme has been amended to provide a series of viewing platforms, in order to enhance views of the cliff face and the ancient cliff line. In summary, these would be located as follows:

- An elevated platform centrally located in the Cliff Park to provide panoramic views of the cliff face and views towards the east and west;
- The proposed pedestrian bridge linking the Cliff Site building to the existing pedestrian walkway;
- Cliff Site building, offering long distance oblique views along the length of Cliff Park;
- *Geo Learn Space*, located directly under the ancient cliff line – a focus for environmental and geological information and education ;
- Marina Point roof, providing a long distance panorama over the rooftops towards the cliff face.

Natural England has now formally withdrawn its previous objection to the

proposed development, based on the amended Environmental Statement. This follows further consultation with the applicant and is subject to the adherence of a series of conditions to ensure that public access is provided and maintained to all viewing platforms of the cliff face in perpetuity. Additionally, Natural England has requested a sum of £30,000 towards the provision of geological interpretation and information boards regarding the cliff geology at these various viewing points, to be secured through the S106 process. Natural England is to be consulted upon the form, design and location of the interpretation boards, and any amendments to viewing platforms. Natural England has requested it is consulted on the detailed design of the bridge to allow full viewing of the cliff face. The detailed design of the bridge would be dealt with by condition.

As part of the ongoing monitoring of the SSSI cliff face, Natural England is to be consulted on a photographic survey of the cliff face and pre-construction archaeological excavations of the cliff face. These details would be dealt with by condition.

To address the concerns of Natural England and the Council's Ecologist regarding cliff stability during construction, the applicant has assessed the environmental impacts of the development on geotechnical activities during demolition and construction phases. Such impacts relate to air quality, traffic congestion, water quality, noise and vibration. Particular regard is had to the potential impact on the stability of the Black Rock cliff face – the western extremity of the Brighton-Newhaven SSSI cliff face. This stretch of cliff face is a rare example of a raised beach formation and is of particular geological importance. The revised Environmental Statement concludes that environmental impacts of geotechnical activities associated with the development on the cliff face would be of minor to negligible significance. The Council's Coastal Engineer concurs with this view.

A series of mitigation measures during demolition and construction phases is proposed in the revised Environmental Statement. These include closure of the Undercliff Walk during the construction period, regular inspections of the cliff face during construction, identification of appropriate thresholds for noise and vibration emissions, and ongoing monitoring of noise and vibration from construction activities in order to mitigate the impact on the cliff face. The mitigation measures outlined would be secured through the Construction and Environmental Management Plan (CEMP) as part of the Section 106 Agreement. Provided the mitigation measures outlined above are secured, the residual impacts relating to geotechnical aspects arising from construction and demolition are considered to be temporary and localised in nature. Natural England is satisfied with this approach and has therefore withdrawn its previous objection. Natural England has formally requested that it is consulted upon the submission of the Construction and Environmental Management Plan prior to the commencement of development. It has requested that demolition and construction contractors are briefed on the nature, importance and sensitivity of the SSSI cliffs.

In response to the initial consultation from the Council's Ecologist, the revised Environmental Statement provides a comprehensive assessment of the amount of light reaching all important areas of habitat affected, notably Cliff Park, Black Rock SNCI and the LEAP under the flyover. The assessment is thorough and some habitats are changed to account for this. The council's Ecologist concludes that the revised Environmental Statement satisfactorily addresses issues of potential shading of habitats and habitat viability.

In accordance with the requirements of Local Plan policies NC2, NC4 and QD17, the scheme proposes habitat creation and biodiversity measures to be integrated throughout the development. The revisions to the application scheme include the provision of bio diverse green roofs, based on a mixture of coastal vegetated shingle, grassland and cliff scree (0.55ha), with an additional 0.1ha of roofspace to support native rich flower rockeries. Greenwalls would be located throughout the development to support native and non-native climbing plants, notably on the northern façade of buildings in Cliff Park and other local areas (1800 sq m). New deciduous woodland/scrub would be planted on the southern edge of the Cliff Park. An additional 0.3ha of ground level amenity planting, of which 0.2ha would be of high biodiversity value.

The Cliff Park at the base of the SSSI Brighton-Newhaven cliffs would contain coastal vegetated shingle at ground level, deciduous native woodland and shrub planting, and a variety of native species of ground flora. Natural England has advised that low level planting of native species should be provided at the base of the SSSI cliff face to prevent vegetation encroaching onto the cliff face. This would be secured via the wider landscape and ecology management plan. In total, 50 new trees would be planted across the site as a whole and 0.2ha of amenity lawn created to provide an additional habitat for invertebrates, songbirds and bats. The green walls and green roofs would be secured by condition. The applicant also commits to the provision of bird and bat boxes at suitable locations within the public realm and built form, to support such species as house martins, swifts, swallows, black redstarts and pipestrelle bats. The details and location of bird and bat boxes would be secured by condition.

The applicant originally sought to create a lagoon at the base of the cliff. However, concerns were raised regarding the design and management of the lagoon. This element of the proposed scheme is therefore omitted, to be replaced with the Cliff Park. It is considered that this would provide a more useable public open space for residents and the wider public. The Cliff Park would incorporate a *Geo Learn Space* - an educational facility to explain the ecology and geology of the SSSI cliff face and the biodiversity value of the wider Marina. Natural England would be formally consulted on the design of the *Geo Learn Space*. These are considered creative solutions for integrating biodiversity into a high density, urban development.

The Coastal Engineer has raised some concerns over the location of the proposed seating within the Cliff Park and Geo Park areas. The applicant has stated that care has been taken to position the benches away from areas at risk

of cliff fall therefore they are located at the base of the north elevation of the Cliff site i.e. furthest from the cliff face. Some benches are also proposed along the pedestrian ramp descending the cliffs and at the Geo Park space where the cliff face has been the subject of cliff stabilisation measures. The location of the proposed benches is only indicative. A condition is recommended requiring further details, including their location to be agreed with the council's Coastal Engineer.

The proposed measures for ecological enhancement and biodiversity outlined above, including the provision of the Geo Learn Space, would form part of a detailed nature conservation and ecology management plan. The applicant remains committed to funding the ecological management plan in perpetuity. Natural England is to be formally consulted on the design of the Geo Learn Space and the ecology management plan for the wider development to incorporate the Cliff Park. These measures would be secured through the Section 106 Agreement.

To summarise, the measures outlined in the revised Environmental Statement are considered to satisfy the requirements of policies NC2, NC4, QD18 and QD17 of the Local Plan, and the wider objectives of the Brighton Marina Masterplan (PAN04) with respect to ecology and nature conservation.

#### Cumulative Impact - ecology

The ecological impacts of the proposed development, together with the approved Outer Harbour (Brunswick Developments) scheme, have been thoroughly assessed on the basis of a full review of existing data and the collection of new data through scheme-specific surveys. It is considered that the surveys have met fully the scoping requirements of both Natural England and Brighton & Hove City Council.

With regard to the BIA scheme, the potential for cumulative effects with the proposed scheme has been addressed separately in Appendix 18.19. This is because the BIA scheme is still at the pre-planning consultation stage and therefore no details are yet available on its final form and massing.

In the case of certain areas of residual concern over adverse ecological impacts, which relate primarily to the potential conflicts between lighting and tall structures on birds, the applicant has put forward a number of additional measures that would reduce any impacts of the proposed development to the minimum feasible level against baseline and possible effects of the Brunswick scheme.

Overall, it is considered that the net ecological effects of the proposed development should be positive in a city context in keeping with national policy on biodiversity in development (PPS9). This prediction is possible due to the promotion by the applicant of on-site ecological enhancement and biodiversity in order to achieve the scheme's wider aspirations of environmental and social amenity.

## **17. Archaeology**

Central government guidance and Local Plan policy HE12 seek to ensure that the impact of development on features of potential archaeological importance is considered as part of development proposals. Development proposals should preserve and enhance potential archaeological heritage and their setting. An assessment of the archaeological potential of the development on the application site is included within the Environmental Statement.

The conclusions of the revised Environmental Statement state that the proposed development would have no archaeological impact, other than a small area to the north-west of the Cliff Site. This part of the application site contains an area of potentially high archaeological and geo-archaeological interest.

The Council's Archaeologist has requested that a programme of archaeological works is undertaken to establish the potential for archaeological remains. Proposals to mitigate impacts on potential archaeological remains should be drawn up through further survey work. It is recommended that a programme of archaeological investigation and recording is therefore undertaken in advance of development commencing on site, and appropriate mitigation measures employed prior to construction within this area of potential archaeological interest. A written scheme of investigation and programme of archaeological works prior to construction would be secured by condition. The findings of the archaeological survey published and disseminated to local schools, libraries and museums. Additionally, an on-site watching brief of archaeological remains during construction works would be secured by condition. Remedial works to the SSSI cliff face would be subject to geo-archaeological monitoring and recording at the request of the County Archaeologist and Natural England. This would also be secured by condition.

The revised Environmental Statement identifies that the proposed development would have no direct or indirect impact on the Brighton Norton beach deposits of national importance, north of and above the proposed development.

## **18. Phasing**

A phasing plan should deliver two important components; protection of residents, the public and infrastructure from noise and adverse air quality, and delivery of important pieces of public infrastructure at each phase of the development. In addition, the Environmental statement identifies the sea wall site as a mitigation in itself. PAN04 sets out to provide guidance on possible approaches to phasing development proposals within the Marina, in particular 'it is essential that a coordinated approach is taken to construction activities within the Marina.' The document advocates that public consultation takes place prior to any works commencing in order to secure the involvement of the community working together to an agreed agenda. In this respect, and also due to complex construction logistics, it is unlikely that a single rigid phasing plan would be



effective, and provision should be made to amend the phasing plan accordingly. Similarly, the Development Brief in SPGBH20 does not intend to be prescriptive. It aims to provide guidance on how the Marina should be developed and produces an indicative but flexible vision for development. The Framework Plan advises that the suggested layout for new buildings is indicative only and the Phasing Program recognises that the boundaries of each phase of development are flexible and the process of development phases interchangeable.

The phasing of the Brunswick Scheme permitted for the Outer Harbour has been agreed between the developer and the Local Planning Authority, although there is provision to make amendments to the phasing plan for this scheme. It is recommended that a similar approach be taken with the proposals that are the subject of this application, to ensure flexibility and provide an ongoing construction program that does not prejudice other development within the Marina. In addition, PAN04 makes provision for community involvement to accommodate the views of stakeholders, and it is anticipated that this process would also inform the coordinated approach required to implement the scheme.

The proposals for the Inner Harbour are considered to comply with the regeneration aspirations of the adopted SPG and PAN04 and the objective identified within PAN04 and regeneration aspirations of central and regional planning policies. The phasing of a large scheme such as the application proposal is very important to ensure key objective are delivered, and a condition would secure this. The application does propose an indicative phasing plan. Notwithstanding this, however it is recommended that a Phasing Plan is submitted and agreed by condition.

The applicant's indicative phasing plan is divided up over a 7-year building program and sets out to deliver The Cliff site building early on. This is considered acceptable as The Cliff building would accommodate the affordable housing within the scheme and ensure the delivery of ASDA and public spaces within The Cliff site. It also follows that once The Cliff site has been completed, public recreation space and infrastructure would be provided in the form of the Cliff Park and Transport Interchange. It should be noted it is intended that the supermarket would remain open throughout the entire construction process. It is important that each phase delivers infrastructure that provides specific public benefits and it is considered appropriate to restrict occupation of the market residential and commercial units until these are delivered. Conditioning a phasing plan, which would allow greater flexibility in bringing forward community and recreation spaces and supporting infrastructure to complement each phase of the development in addition to ensuring that there is no conflict with other developments within the Marina.

It is anticipated that the following elements would be secured by condition:

- Restriction of occupation of open market residential units within the Cliff Site

until the affordable housing units are ready for occupation and transferred to a Registered Social Landlord, the community centre is complete and the pedestrian bridge linking in the cliff to the Cliff Site has been constructed and is ready for use.

- No occupation of residential accommodation within Marina Point until the Transport Interchange has been constructed and appropriate infrastructure has been installed and the interchange is ready for use
- No occupation of Marina Point until the public realm improvements within Marina Village have been completed
- Completion of the Cliff Park and Geo Learn Space within 12 months of first occupation of the Cliff Site.

### **19. Brighton Marina – Legal Implications**

A number of objectors to the application raise legal issues. These can be summarised as follows:

- Status of Brighton Marina Act 1968, in particular in relation to the restrictions it contains against building higher than the cliff top.
- Failure of council to implement the terms of Brighton Corporation Act 1970 in relation to dealing with traffic flows to and from the Marina. It is considered by the objectors that this makes the application non-viable.
- Failure of the Council to meet terms of the 1975 Widdicombe Report following a public inquiry. [The Marina was developed pursuant to planning permission granted following this Inquiry].
- Diminished status of SPG 15 (Tall Buildings) and SPG 20 (Brighton Marina) because of failure to consult Brighton Marina Resident's Association on both and the Kemp Town Society on SPG 15.
- Lack of proper assessment of the proposal's environmental impact as required by European and national legislation.
- Application fails to preserve or enhance the Kemp Town Conservation Area
- Failure to consider alternative sites.
- Proposed development is contrary to the terms of the 1980 Head lease.

The council's solicitor has considered these points and offers the following advice:

#### ***Non-compliance with Brighton Marina Act 1968***

This Act gave the Brighton Marina Company Limited authority to construct the Marina and the recreational, residential and other facilities and road and harbour works described in the Act. Parliamentary authority was needed because the land upon which the various works were to take place involved reclaiming land from the sea.

Section 59(1) of the Act does contain a provision restricting the Brighton Marina Company Limited's ability to "construct or erect...any work, building or structure" above the height of the cliffs. However, this and certain other provisions are "for the protection of the corporation" (i.e. the Council) and do not apply if "otherwise agreed in writing between the Company and the corporation". Section 70 of the Act specifically provides that the "provisions of

the Town and Country Planning Act 1962” (the predecessor of the current Town and Country Planning Act 1990) “shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act”. The current planning regime therefore operates independently of the Act. Height issues are clearly a material consideration but not the specific wording of the Act. That is a matter for the Council acting corporately. It would therefore not be appropriate for officers to put forward a planning reason for refusal based on the 1968 Act.

***Non-compliance with terms of Brighton Corporation Act 1970***

This Act gave the Council the *power* to construct new and improved roads replacing and supplementing those authorised by the Brighton Marina Act 1968. The Council was under no *duty* to do so. The Highway Authority’s (Transport Manager) consultation response to the application appears elsewhere in this report.

***Failure to meet terms of the 1975 Report***

The Public Inquiry was undertaken in relation to a specific application and its findings were pertinent to *that* application. The current application falls to be determined on its own merits in accordance with the development plan and other material planning considerations. Although the findings of public inquiries can be material planning considerations (e.g. when dealing with similar or common issues) the findings of an Inquiry held 30 years ago against a different policy background can be of remote – if any – significance.

***Failure to consult adequately***

Consultation has been carried out in accordance with statutory requirements.

***Lack of proper assessment of environmental impact***

The application, and officers’ consideration of it, complies with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. See section below for more detail.

***Failure of application to preserve or enhance Kemp Town Conservation Area and failure to consider alternative sites***

These considerations are dealt with elsewhere in the report.

***Failure to comply with terms of Head lease***

The Head lease is not a material planning consideration. Compliance is governed by property law.

**Compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999**

The submission is considered to meet the requirements of the EIA Regulations. In accordance with the Regulations the council gave a scoping opinion with regard to the development prior to the formal submission of the planning application. The application is considered to have satisfactorily considered the

topics raised within the scoping opinion.

In accordance with the Regulations, the Environmental Statement contains a thorough description of the development, an outline of alternatives considered, including consideration of phasing, and a description of the aspects of the environment likely to be significantly affected, including population, flora, soil, water, air, climatic factors, architectural and archaeological heritage and landscape and interrelationship between them. The ES provides details of the type and quantity of expected residues and emissions (water, air soil, pollution, noise, vibration, light, heat). The ES describes the likely significant effects of the development on the environment (both short-term and long-term), and the methods used to assess the effects, and includes the relevant data. The ES describes the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment. A non-technical summary has been submitted.

The ES submitted is considered to be a 'self-contained' document and is considered to be robust. All statutory consultations have been carried out in accordance with the Regulations.

## **9 CONCLUSIONS**

The Marina has been identified as a site with opportunities for development, enhancement and regeneration, and it is considered that the development would meet the key aims of the adopted Local Plan, PAN04 and the adopted Supplementary Planning Guidance Note for Brighton Marina (SPGBH20), in that it would 'enhance the Marina environmentally, visually, functionally and commercially and transform it into an exhilarating sustainable location of international quality and renown'.

The proposals would generally have an acceptable visual impact on the character and appearance of the locality and views of strategic importance including the setting of Conservation Areas, Listed Buildings and the Sussex Downs Area of Outstanding Natural Beauty.

The development would help regenerate the Marina, create jobs and training opportunities and would support its role as a District Shopping Centre. This is welcomed by the South East England Development Agency and the Brighton & Hove Economic Partnership, and the proposal would meet regional planning objectives and Local Plan policy. A significant increase in the city's housing stock would arise from the development with a commitment to a 40% affordable housing provision.

The scheme is considered to be of very high quality, and sensitively designed. The public realm is considered to be of good quality. The scheme would address some of the fundamental deficiencies in the Marina and raise its profile. It would create an exciting sense of place for both residents and those visiting the Marina. The sustainability credentials are considered to be acceptable.

A package of measures would be secured through the Section 106 process to meet the demands of the development and to mitigate against any potential adverse effects, in accordance with key local plan objectives. Legal implications, including the Brighton Marina Act, are discussed in this report and it concludes that permission should not be withheld on the basis of it.

## **10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION**

The development would deliver key Local Plan objectives within a phased scheme. The Environmental Statement submitted with the application is robust and complies with Environmental Impact Assessment Regulations. The development would accord with central government advice and Local Plan Policies and the adopted Supplementary Planning Guidance Note for the Marina SPGBH20 and PAN04; Brighton Marina Masterplan (2008). Elevational treatments, heights and footprints of the buildings have been amended addressing design concerns, preserving the setting of views of strategic importance and helping the development to relate satisfactorily to existing and the approved Brunswick outer harbour development. The development would be of a good quality design, would use high quality materials and the proposal would generally have acceptable visual impact on the character and appearance of the locality and views of strategic importance including the setting of Conservation Areas, Listed Buildings and Gardens and the Sussex Downs Area of Outstanding Natural Beauty. It would incorporate satisfactory private amenity space to serve residents and would meet the demand it creates for infrastructure, including education, transport, health and community facilities and public art. It would create and enhance existing community/recreation facilities in the Marina. It would not result in significant traffic generation or compromise highway safety. It would significantly enhance sustainable modes of transport and provide highway improvements and provide enhanced pedestrian and cycle access. It would make effective and efficient use of land and would be sustainable; being energy efficient, generating renewable energy and incorporating sustainable building practices to a high standard. It would incorporate a public realm of high quality and would not create an adverse micro-climate. It would incorporate landmark architecture, including tall buildings. It would help regenerate the Marina and would provide jobs and training. It would meet a range of housing needs including 40% affordable housing provision and housing for people with disabilities and would be accessible and would satisfactorily meet the needs of people with disabilities. It would enhance the role of the Marina as a District Shopping Centre and would not compromise the role of existing shopping centres in the city. The development would not harm sites of ecological importance and would enhance biodiversity and archaeology would not be adversely affected by the development. It would not have an adverse impact on the amenity of existing or prospective occupiers or compromise security for users of the development or the Marina. It would incorporate refuse and recycling storage. The development would not be at risk of flooding.

## **11 EQUALITIES IMPLICATIONS**

All the units would meet a Lifetime Home standard and 5% of the overall development (including 10% of the affordable units) shall meet a Wheelchair Accessible standard, as secured by condition, in accordance with policy HO13.

In accordance with SPG4 the parking standards for disabled parking are minimum standards and as such a total of 130 disabled residents parking spaces should be provided, while the development proposes 107. The number of disabled spaces for the retail element of the scheme should be 28 while 34 are proposed. The traffic engineer has commented that the number of residential disabled car parking spaces should be increased in line with the current standards. It is considered that this can be addressed with an appropriate condition.

A shopmobility scheme forms part of the proposals. Generally the improvements to pedestrian routes within the site would make it easier for wheelchair users to access the site. The new bridge link into the site is accessible to wheelchairs and there is lift access from the viewing platform down to ground level and to ASDA and the rest of the Marina.