

BRIGHTON MARINA REGENERATION PROJECT

proof of evidence
Iain Reid

**TOWN AND COUNTRY PLANNING ACT 1990
Section 78**

**APPEAL BY EXPLORE LIVING and X LEISURE
LAND AT BRIGHTON MARINA, BRIGHTON**

PROOF OF EVIDENCE OF IAIN REID

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1.0 INTRODUCTION

- 1.1 I am Iain McDonald Reid. I hold a Diploma in Town and Regional Planning and a Diploma in Landscape Design. I am a Member of the Royal Town Planning Institute and a Member of the Landscape Institute. I am a Director in the London office of Capita Lovejoy, Town Planners and Landscape Architects, with offices in Birmingham and London. I have over 30 years experience in planning and landscape work in the United Kingdom, in both private and public sectors. Prior to becoming a consultant in the private sector in 1985, I was employed in local government in Leicestershire for some 10 years, latterly in charge of forward planning for one of the District Councils.
- 1.2 Much of my work in the private sector has involved the planning, environmental assessment and landscape design of a wide range of development proposals, including freight termini, waste disposal and management facilities, mineral extraction, and large scale employment, residential and mixed use development proposals. I have given evidence relating both to planning matters and to landscape and visual matters at some 200 public inquiries - both development plan inquiries/ and examinations and at planning appeals – throughout England, Wales, Scotland, the Isle of Man and the Republic of Ireland.
- 1.3 Capita Lovejoy is a practice of Town Planners and Landscape Architects, and is a trading division of Capita Symonds Ltd, a multi-disciplinary engineering and environmental design consultancy, in turn part of the Capita plc group. Lovejoy became part of Capita Symonds in March 2008. Originally established in 1958 as Derek Lovejoy and Associates, and subsequently practising as The Derek Lovejoy Partnership and Lovejoy, and now as Capita Lovejoy, the practice has been commissioned by central and local government authorities, nationalised industries, public companies and private clients. It has provided professional advice in respect of the assessment of environmental impact and detailed landscape design in a wide variety of developments. These include public open spaces, residential and industrial areas, shopping centres, roads, hospitals, quarries, mineral workings and reclamation schemes. In the past 20 years the firm has received more than 50 Civic Trust or similar design awards for its work, plus several prizes in national and international landscape competitions.
- 1.4 I was invited in September 2009 by Explore Living (EL) to prepare evidence in relation to the matters raised in reason for refusal 4 (RfR4) as clarified and amplified

by the Planning Committee of Brighton and Hove City Council (BHCC) at its meeting on 2 September 2009. In particular, I was invited to review the relevant parts of the Design and Access Statement (in particular Volume III Appendix 6 (CD2/7.3) which deals with the public realm, and to consider whether, in view of the proposals set out therein relating to the public realm and open space provision, there was any reasonable basis for the objection set out in RfR4 as now clarified and amplified. In the course of preparation of this evidence, I have reviewed the submitted planning application, and the relevant parts of development plan policy and supplementary planning guidance (both SPG and emerging SPD) that relate to RfR 4. I have considered the terms of RfR4 as resolved upon by BHCC on 12 December 2008 and the subsequent expansion of the allegations in it, including those set out in BHCC's pre inquiry statement (BHCC/1).

1.5 Derek Lovejoy Partnership have been involved with Brighton Marina previously, and acted as one of the consultants in the preparation, on behalf of Parkridge Ltd, of the Brighton Marina Masterplan, subsequently adopted as Supplementary Planning Guidance BH 20 – Brighton Marina Development Brief - by BHCC. I was not involved in that work at that time.

1.6 My evidence deals with the issues relating to the public realm aspects of the appeal proposal. Relevant planning policy is covered in the evidence of Mr Gavin. Mr Coleman deals with the townscape and visual effects of the proposed development, and Mr Allies with architectural design and urban design matters. In the preparation of this evidence I have familiarised myself with both the appeal site and its surroundings; I have visited the marina site and the immediate area on a number of occasions.

1.7 My proof of evidence is structured in the following way:

- (a) In section 2 I note those aspects of planning policy that relate to matters of public realm design and open space provision.
- (b) In section 3 I set out a summary of the development proposals with particular reference to the public realm and open space elements.
- (c) In section 4 I identify what I consider to be the main issues in respect of my area of evidence to this inquiry.
- (d) In section 5 I consider the overall development structure and form.
- (e) In section 6 I consider the overall design approach to the public realm.
- (f) In section 7 I deal with the detail design approach to the areas of active

and passive open space.

- (g) In section 8 I consider the provision of off-site outdoor recreation space to meet the needs of the proposed development.
- (h) In section 9 I set out an overall summary of my evidence and my conclusions.

2. PLANNING POLICY CONTEXT

- 2.1 As I have indicated above, planning policy is dealt with in the evidence of Mr. Gavin. I deal here with those elements of development plan policy and supplementary guidance that relate to RfR4. When the appeal application was determined by BHCC on 12 December 2008, RfR4 referred solely to policy HO6 of the adopted Brighton and Hove Local Plan (BHLP). That policy, as I discuss further below, relates primarily to the quantitative provision of recreational open space.
- 2.2 When the application was originally considered in December 2008, the recommendation of the officers (CD13/1.1) was for approval (subject to conditions and a legal agreement). In so far as the report covers the design treatment of the public realm or the provision of recreational open space, I can see no suggestion of express concerns – certainly none to suggest a credible basis for objection – to the appeal proposals. Subsequently, when the Planning Committee of BHCC considered the appeal application on 2 September 2009, it was determined, ostensibly for “*clarification and amplification*” to add certain elements to the objections raised in several of the reasons for refusal, including RfR4.
- 2.3 Specifically it is now the City Council's case now that the objection raised in RfR4 should also refer to BHLP policies QD1, QD2, QD3, and HO4, in addition to the originally cited policy HO6. In addition, a number of specific references are made to passages in PANO4 - the Brighton Marina masterplan Planning Advice Note (CD8/12). In general terms, the “*clarification and amplification*” of RfR4 introduces, beyond the original contention of inadequacy in outdoor recreation space provision, issues relating to the quality of recreational open space provision, and to the general treatment of the public realm design of the appeal proposals. That said, BHCC's statement of case (BHCC/1) provides only limited explanation of the basis of BHCC's objections to the appeal proposals in respect of the issue of quality. It is of course incumbent on a local planning authority to articulate clearly the basis of its objections to development proposals it seeks to resist; I therefore anticipate that BHCC's written evidence for the inquiry may explain more clearly its specific concerns, but until that is available, I reserve my position to comment further. I consider the individual elements of the planning policies and emerging supplementary guidance now referred to in RfR 4 below.
- 2.4 Of the BHLP policies which deal with matters of ‘Design, safety and the quality of development’, policy QD1 deals with ‘Design – quality of development and design

statements'. It is fair to say that policy QD1 is an aspirational policy in the sense that it seeks primarily to promote good quality development. It identifies specific aspects of proposals that go to the issue of quality, including the quality of materials, visual interest particularly at street level, and appropriate levels and type of landscaping. The supporting text to the policy expands upon the context of the policy and explains in paragraph 3.4 that the policy, and those that follow "*...do not seek to restrict creative design provided that new development can be integrated successfully into its context*", and, in paragraph 3.5, that "*The planning authority will not accept 'off the shelf' or corporate design solutions which have taken little or no account of local characteristics.*" Specifically in relation to the public realm paragraph 3.6 notes that "*At street level there should be variety in the elements of the design such as the entrances and fenestration and materials. Landscaping should be an integral and functional component of the development and not used to treat left over spaces.*"

- 2.5 Policy QD2 deals with 'Design – key principles for neighbourhoods'. It seeks to expand upon the general ambition of policy of QD1, and includes a number of criteria to which attention should be paid in the design of new development to "*...emphasise and enhance the positive qualities of the local neighbourhood...*". Of particular relevance to the public realm are criteria (e), (f), (g), and (h). As the supporting text makes clear urban design considerations are of particular importance. Paragraph 3.8 indicates that "*...spaces created around buildings should be satisfactorily enclosed and should be functional and attractive to the intended users. The site layout should be influenced by pedestrian circulation and cycle routes and should either maintain or improve existing routes*". Paragraph 3.9 explains how urban design distinguishes, and at the same time integrates, different parts of the city with one another and notes that "*Design can have ...a significant impact on the quality and character of an area and good design is an important factor in promoting sustainable development which attracts investments and reinforces civic pride*".
- 2.6 Policy QD3 deals with 'Design - efficient and effective use of sites'. In the main it is directed to the issue of maximising the use of urban land, although the third element of the policy text indicates specifically that "*...in order to avoid town cramming, the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area*".
- 2.7 Within the group of policies that deal with 'Access to a decent home and community facilities' policy HO4 relates to Dwelling densities. The extent to which this policy

applies to the public realm is in my view limited, and in so far as it is relevant to my evidence primarily relates to criterion (a) – relating to high standards of design and architecture - and to criterion (c) – which concerns a development’s relationship to public transport, walking and cycling routes, local services and community facilities.

- 2.8 Policy HO6 deals with the ‘Provision of outdoor recreation space in housing schemes’. It is primarily a policy that deals with quantitative provision, although, as I acknowledge and discuss below, there is also a qualitative aspect to the policy. The policy indicates that new residential development will not be permitted unless outdoor recreation space derived from the proposed development is provided in accordance with either (a) the standard of 2.4 hectares per 1000 population (this is derived directly from historic NPFA standards (which have now been superseded by the Fields in Trust (FiT) guidance)) or (b) any subsequent standard adopted by the Council. The policy further notes that the recreation space provision should be split appropriately between different forms of play and sports facilities. Importantly, however, the policy makes it plain that “*Where it is not practicable or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable or alternative site may be acceptable.*” (my emphasis).
- 2.9 The supporting text of the policy highlights certain aspects of design, for example paragraph 4.44. where it is noted that “*It is imperative that such (open space) provision is taken into the account that the initial design stages of the scheme so it is suitable i.e. appropriately located, accessed, drained, adequately buffered and designed*”. Paragraph 4.45 refers to the draft guidance (SPG9) - Provision of Outdoor Recreation Space (CD8/7) and also indicates that proposals will be expected to accord with NPFA standards and guidance, and to take into account Sport England guidance. I note, in passing, that there is no reference to SPG9 in RfR4. I see that in paragraph 6.13 of BHCC/1, draft SPG9 is referred to, but solely in relation to the level of contribution that is offered in respect to the offsite provision of recreation space. The issue of the adequacy of the contribution, in financial terms, to off-site provision is considered by other witnesses.
- 2.10 The “*clarification and amplification*” of RfR4 includes a number of specific paragraph references to PAN04 (CD8/12). As paragraph 1.0 of the document indicates, it is intended that the PAN will, in due course, form part of SPD. The introduction also notes, correctly, that the preparation of PAN04 was informed through public consultation, and as a consequence, I acknowledge it is a material consideration with

some, but not full weight, as it has not been adopted formally as SPD. By contrast, greater weight should be attached to the provisions of SPG20 Development Brief (CD8/9.2), formally adopted as SPG in early 2003. I note there is no reference to SPG20 in RfR4, or in the BHCC's statement of case, and thus no suggestion on the part of BHCC that the appeal proposals are in conflict with any of the provisions of that SPG. It is also relevant to note, in relation to PAN04, that the appellant and its consultants were active participants in the process of public and stakeholder consultation in the preparation of the PAN and thus, unsurprisingly, there is a high degree of correlation between the provisions of the PAN and the appeal proposals.

- 2.11 Turning to those specific elements of PAN04 that are referred to in the expanded RfR4, my observations are as follows. Paragraph 3.2 sets out an extensive list of objectives for the Masterplan as a whole, and for the necessary development that is required to achieve that master plan. The Masterplan objectives are broken down by subject; those relating to 'Ecological' matters and 'Linkages' are of particular relevance to the public realm. In relation to 'Development Objectives', I consider that the first four and last bullet points (page 5, second column) are relevant to the public realm. Paragraph 8.4 and constituent sub-paragraphs relate to physical and ecological constraints. The fourth sub-paragraph is of particular importance and indicates that:

"The lack of open space within the marina is another significant constraint. There is only so much development the marina can take to meet the open space requirement of residents and visitors. The LPA would therefore encourage developers to maximise the open space provided on-site and to pay attention to the quality of design of these spaces."

- 2.12 In one sense, this is a statement of the obvious. But I would also suggest that the section I have quoted needs to be considered in the light of the extremely unusual circumstances of the Brighton Marina site. Policy HO6 – which covers the whole of the city – reasonably seeks the commensurate provision of public open space in association with development. However, the marina site (as a whole) is a very unusual, indeed unique, artificial construct. It is unlike any other part of the city and thus, whilst it is reasonable to expect that its development should be congruent with the same overall approach in respect of recreational open space provision – it must be recognised that whatever the form of development proposed at the marina, it could never, conceivably, meet its open space requirements on-site and would thus

have to rely, to some degree, on the provision of off-site facilities to meet the requirements and objectives of policy HO6.

- 2.13 In section 12.0 of PAN04, which deals with Capacity, Density and Open Space, section 12.1 considers capacity, and within Table 1 (page 19), identifies, under the heading of 'Leisure and Open space' open space, playgrounds, sports grounds and leisure centres as '*key areas* for social infrastructure provision. The text in the last sub-paragraph of 12.1 acknowledges that there are certain challenges to be faced at the Marina that must be addressed through development proposals, including the provision of open space, which is regarded as one critical capacity indicator for the site. Paragraph 12.2 deals with density and identifies certain urban design considerations which are relevant to the public realm including '*a sense of enclosure in public spaces*' (thus reflecting, in part, one of the ambitions of policy QD2) and community benefits, including the provision of open space. This section also includes reference to the promotion of the high standard local amenity in close proximity to the development, including play areas, parks and open spaces.
- 2.14 Paragraph 12.3 deals with open space and outdoor recreation space, and sets out, with reference to Local Plan policy HO6 and SPG9, the need to provide on-site open space supported by appropriate maintenance contributions. It too acknowledges, consistently with policy HO6, that if the proposed level of on-site open space provision can be justified, specific contributions to off-site recreational open space provision may be appropriate. Elsewhere in this section, reference is made to the importance of outdoor recreation and informal space as being central to the design of proposals, and not to be considered as just an afterthought. Further encouragement is given to the wider linkage of open spaces within the marina development to the local network of open space which lies primarily to the north and east of the marina. Paragraph 13.3 deals with residential and community uses and acknowledges that higher density development is appropriate in this location providing the corresponding infrastructure (including recreational open space) can be provided.
- 2.15 In summary, it appears to me that in relation to those matters covered in RfR4, the planning policy context emerging from the cited development plan policies, and SPG and emerging SPD, as they apply to the appeal site and proposals, is essentially as follows:
- the design of the public realm and open spaces should be of high quality;

- the arrangement and design of the public realm and recreational open spaces should be appropriate to the unique local context of the marina;
- the public realm and open space structure should inform the overall form of the proposals and thus be a determinant, rather than a consequence of these proposals;
- whilst development should make appropriate quantitative provision for recreation space, in principle it is acceptable, and in practice it is necessary, for an element of that provision to be secured off-site; and
- the development should make adequate provision for the long term maintenance of open space – whether on or off-site – through the provision of a commuted sum financial contribution.

3.0 SUMMARY OF DEVELOPMENT PROPOSALS

- 3.1 Full details of the proposed development are set out in the Statement of Common Ground (SOCG), and in the proofs of evidence of others, particularly those of Mr. Gavin and Mr. Allies. .
- 3.2 A considerable level of detailed information relating to the public realm and open space proposals is set out in the Design and Access Statement (DAS) Volume III Appendix 6 which deals with public realm proposals (CD2/7.3). The document sets out an analysis of site context, summarizes the regeneration and development objectives, outlines the approach to the scheme design, and considers in detail, by topic and by location, the proposed design treatment. It is a detailed and considered document, extremely well produced, which explains cogently and lucidly the genesis of the development proposals, and illustrates the evident high quality of the development proposals in relation to the public realm and open space. In short, it is an extremely impressive statement of intent. I do not reiterate here all elements of the DAS but I do consider two specific aspects: the process of design development, and the particular elements that go together to form the overall public realm and recreational open space and proposals that are constituent parts of, and guiding principles for, the overall proposals.
- 3.3 Section 5 of the DAS Volume III App 6 deals with design evolution at pages 64 to 69. It explains how the process of design development started with public consultation in the spring of 2006, and extended through to July 2008 when the development proposals crystallised. As the document explains, Allies and Morrison Architects worked in conjunction with Outerspace landscape architects on the design of the public realm, and in addition to the early public consultations and design workshops held in spring of 2006, a public exhibition was held in the summer of 2006 on the site. That was followed by a process of detailed site analysis and assessment, and a series of regular workshops were held with officers of BHCC, and other stakeholders in late 2006, extending into early 2007. In the latter part of 2007 and into early 2008 there were detailed discussions with officers of BHCC in relation to certain specific elements of the development proposals, including Harbour Square, the space under the existing flyover and ramps, and Cliff Park (as is explained on page 69 of the DAS). The key point about this part of the DAS is that, consistent with the preparation of PAN04, the appeal proposals were the subject of an extended and intensive process of consultation and design development. The proposals have thus been considered and prepared from a full and proper understanding of the relevant

policy context, and the constructive and other comments expressed in the course of the extensive public consultation.

3.4 Section 6 of the DAS sets out the application proposals, and explains the overall framework of development in sub-section 6.1, the urban environment in sub-section 6.2, including urban pattern, routes and linkages, public realm, streetscape, open space and microclimate. The detail proposals for the public realm area set in Section 7.0. The overall masterplan strategy is set out sub-section 7.1. The overall proposals are shown on figure 7.4.1. Sub-section 7.4 considers each of the public realm spaces, which I summarise below) and explains, for each element of the public realm, the existing site conditions, the proposed design strategy, the role of each part of the site in relation to other parts of the public realm, the activities it will promote its physical appearance/ form, a summary of its biodiversity value, and the opportunities for public art. This section of the DAS thus provides a very clear exposition and understanding of the individual elements of the public realm elements, how they relate one to another, and how they will function.

3.5 The succeeding sub-sections of 7.4 (sub-sections 7.4.2 to 7.4.16) consider each element separately. Taken in turn:

- The existing **Entrance Ramp** into the marina is a muscular feature of functional engineering design. The design intention, whilst retaining the ramps, is to reduce its hard and engineered quality, by the use of a more appropriate surface treatment, particularly on the approach to Harbour Square.
- **Harbour Square** is the initial point for orientation for those entering the marine a site in vehicles. At present it is a disappointingly suburban roundabout, but the formation of a calmed shared space between pedestrians and traffic will change its character to an important arrival space which establishes, immediately, an impression of high urban quality.
- **Park Square** lies between the existing free standing leisure uses to the south, and the existing multi-storey car park and cinema at ground floor level to the north. This is at present a bleak and uninspiring space, marked by a clutter of various elements of street furniture and temporary structures and facilities. It is the largest single open area of public space within the existing marina, but appears unrelated in functional and connectivity terms to the wider marina site. The design proposals entail

the refurbishment of this space, to change it into an upgraded public square, with limited tree planting to break up the visual extent of the space – it is some 150 metres long – but also to provide new forecourt areas to the casino and other leisure uses, and to incorporate an area for children’s play at its western end. The improvement of routes through and under the multi-storey car park to the north, and the linkages to the wider marina development at West Breakwater as well as the development of the Quayside site will introduce greater levels of activity and hence usage of this space.

- **Cliff Park** is located between the northern side of the proposed Cliff Building and the existing cliff face and the elevated under-cliff walk. At present, the covered service yard to the rear of the Asda supermarket adjoins the undercliff walk, and compromises the appreciation and understanding of the relationship of the cliff face to the developed marina site. By opening up a significant swathe of public open space along the north side of the Cliff Building and the upgrading of the under-cliff walk and other routes, the development will create a series of attractive linked open spaces, where at present there is none.
- Associated with Cliff Park at its eastern end, is the proposed **Geo- Learn Space** (which is in practice designed as a Neighbourhood Equipped Area for Play (NEAP)) at deck level over the service entrance to the relocated supermarket within the Cliff Building. Within Cliff Park and the Geo Learn Space, there will be greater opportunity than exists at present to view the cliff face, a matter which is set out in more detail at paragraph 7.4.7 of the DAS.
- The proposals provide for a **Transport Interchange** and refurbishment of Palm Drive, between the existing roundabout at the foot of the site entrance ramps, and the roundabout entrance to the eastern marina residential area. This area which at present has one of the higher levels of pedestrian movement in the marina is marked by a plethora of signage and street furniture. The design proposals provide for a simplification and rationalisation of the structure of the public realm, with greater emphasis on areas for pedestrian movement, and areas for sitting and relaxation, as well as providing for necessary vehicle movement along Palm Drive for vehicles, including the relocation of the transport interchange from its

current location adjacent to Quayside, accommodating both taxi and bus drop-off and pick-up points.

- The area **Under the Flyover** and access ramps to the marina are at present largely forgotten spaces, used for a range of activities, car parking, building and maintenance compounds and storage. In these areas, a five-a-side football court, an urban sports area, a 'Parkour' area for urban free running and jumping, skateboarding and bmx biking, and climbing structures and walls are proposed adjacent to a main pedestrian and cycle route into the site from the seafront and the Black Rock site to the west. The uses proposed are normally difficult to incorporate satisfactorily into development, but this is an inspired example of making an asset out of adversity – by finding a location for such uses, and by making effective use of a difficult site which, if not developed positively, would continue to be problematic. The appeal proposal will thus provide the opportunity to accommodate uses that are normally difficult to accommodate, but at the same time will introduce elements of interest and vitality into what otherwise would be a space of very limited practical utility.
- As part of the **Cliff Building**, it is proposed to construct a new high level bridge link from the existing cliff top access network into the upper level of the Cliff Building at its north western end, and through the 'cascading street' would create a route through to the main development level at Harbour Square. The creation of a new element of urban structure within the Cliff Building, with an elevated public square and an associated viewing platform at its south-western corner in the topmost level, will introduce features that are unusual, singular, distinctive, yet wholly functional. A new entrance to the marina will be created, taking pedestrians from the existing cliff top to the main development site by an elegant and attractive route. From the 'cascading street' one will also be able to obtain oblique views into the shared courtyard spaces within the Cliff Building complex.
- At **West Quay Wall & Quayside Street**, an area at present marked by a collection of unsightly temporary cabins and the bus stop shelters and guardrails, a new access ramp and steps are proposed effecting a link between street level, and the quay level and boardwalk overlooking the marina area to the south.

- **Village Square**, which lies between the Octagon building and the Inner Harbour, is at present an unloved and tired space, characterised by uniform hard landscaping with limited visual relief through planting. Whilst it is intended that it will to remain, in the main, as a hard surfaced area (albeit with new materials) it is intended to create three separate zones within the square. The central one will be laid out as a lawn for casual sitting and relaxation; the one to the north will be laid out for use as a petanque court, framed and shaded by trees; and the one to the south, similarly framed and shaded by trees, will be used for giant outdoor chess and draughts. Seats and lighting will be provided.

3.6 Section 8 of the DAS sets out the proposed detailed treatment of landscape elements, including paving material, street furniture, typical soft landscape planting proposals, and details of proposed play facilities. Section 9 of the DAS deals with the provision of off-site recreation facilities, and identifies a range of locations where off-site provision can be made, and indicates for certain of these possibilities how either new facilities can be provided or existing features/ facilities can be improved. As I have indicated above, the possible locations for off-site recreation facility provision were identified in conjunction with officers of BHCC.

3.7 Section 10 of the DAS summarises the overall intent and effects of the public realm proposals and indicates that the development will deliver:

- improved legibility and permeability;
- a rationalised transport network;
- a new link from the cliff top to and through the Cliff Building to the Marina;
- a major contribution to the quantum and quality of the public realm through Cliff Park;
- increased bio-diversity;
- best practice in sustainable design and construction;
- investment in public art; and
- substantial areas of new on and off-site recreation space provision.

3.8 The DAS sends out a very clear message. The development proposals it describes have evolved through considered design and extensive public consultation. The proposals demonstrate a clear intent to effect significant and beneficial improvement to major parts of the public realm within the Brighton Marina site, which at present is

unprepossessing, difficult to access and negotiate within and through, and in places decidedly down at heel.

4.0 MAIN ISSUES

4.1 RfR 4, as “clarified and amplified” by BHCC’s Planning Committee on 2 September 2009, and as expanded upon in BHCC/1, now contends that there is a sustainable objection to the public realm proposals that form part of the appeal application on the basis of quality, in addition to the allegation in RfR itself, which related solely to the issue of the quantitative provision of outdoor recreation space.

4.2 In view of this position, it appears to me that the main issues that I need to consider in the remainder of my evidence relate to specific elements or aspects of the public realm design. I identify those aspects below, but I have sought to use a common approach in considering each of them. For each element in the succeeding sections of my proof of evidence I examine

- the policy requirements and objectives;
- a description of the development proposals;
- my judgement on how the proposals perform against the particular policy requirement or ambition; and
- by reference to the report submitted to BHCC’s Planning Committee on 12 December 2008, the relevant parts of individual consultee responses.

4.3 The aspects of public realm design and open space provision that I consider are:

- the overall development structure and form;
- the design approach to the public realm areas embraced within the overall proposals for the development of the site, as described by Mr Allies;
- the specific design approach adopted to individual areas of active and passive open space / public realm within the development proposals; and
- the off - site provision of recreational open space.

4.4 I now turn to consider each of these in turn.

5.0 OVERALL DEVELOPMENT STRUCTURE AND FORM

- 5.1 Mr. Allies deals with the majority of points that need to be considered in relation to the proposed development form. I restrict my comments to the matters that relate to the public realm elements of the development proposal. The importance of the public realm as an ordering principle for the overall form of the development is clear from both development plan policy and adopted and draft supplementary guidance. Policies QD1 and QD2 make particular reference to the importance of streets and spaces, whilst policy QD3 notes the importance of new open spaces. The supporting text for each of these policies draws attention to the importance of the public realm in achieving good quality design.
- 5.2 SPG20 deals with the issue of urban structure and urban grain in sub-sections 5.1 and 5.2 respectively. Sub-section 5.1 focuses, in the main, on matters relating to movement, whilst sub-section 5.2 highlights a number of general characteristics, a number of which (see page 40) relate to public space. PAN04 presents a revised version of the analysis contained in SPG20 in section 14.0, and Figures 10, 11, and 12 provide a clear exposition of how BHCC envisages the overall marina site should be structured. In particular, Figure 12, at page 25 of PAN04 identifies three distinct character areas – Cliff Park Character area, an Urban Character Area, and the Seafront Character Area.
- 5.3 The DAS (in sub-section 6.2) provides a detailed analysis and assessment of how the ambitions (set out particularly in the supplementary guidance) might be realised on the appeal site. By considering the interrelated aspects of urban pattern, routes and linkages, public realm, streetscape, and open space, the DAS explains how each of the considered elements will be treated. For each element, full detail is provided, for example in paragraph 6.2.4 in respect of public spaces, in paragraph 6.2.5 on public streets and frontages, and in paragraph 6.2.6 relating to amenity space (which includes outdoor recreation space, as well as public and private squares).
- 5.4 It is my view that the development proposals as a whole respond directly and positively to the guidance set out particularly in PAN04 and SPG20, relating to the principles for the overall ordering of the site. It is, for example, evident that the general form and structure of the appeal proposals is consistent with figure 18 – the desired urban design framework – in a number of key respects. Specifically in respect of the public realm, Figure 19 – Desired Public Realm / Amenity Space Framework – and the bullet points set out on page 44 identify a series of elements,

which will effectively be secured through the proposed development. It is therefore my view that in relation to the overall development structure and form, the appeal proposals are consistent with the relevant provisions of development plan policy, and with the objectives of supplementary guidance.

- 5.5 This conclusion is also reflected in the positive comments offered in the clear and thorough committee report prepared for the Planning Committee's meeting on 12 December 2008. In particular, the comments of BHCC's Conservation and Design officer (related on page 66 onwards) and the Urban Design officer (page 68 onwards), both dealing with the amended scheme, do not suggest to me any basis of objection to the appeal proposals. On the contrary, both express support for the proposals. For example;:

"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... PAN 04" (page 68)

"The extent of the public realm improvements has now been amended and increased through to includes the edges of building and more of the linkages between them" (p68)

"The plans for the public realm as proposed are considered interesting and innovative and would enhance another wise drab environment" (page 69)

In the overall planning policy assessment at page 79 of the report, it is noted that:

"The scheme is considered to be in broad conformity with the aspirations and development objectives contained within the existing SPGBH20 and PAN04"

and

"The applicant has also given much more consideration to those transition areas which mark the boundary of the scheme, to ensure that a higher quality of public realm is achieved"

- 5.5 Against the background of the policy framework, and the site-specific guidance produced by BHCC, it is my conclusion that the overall development structure and form, and, specifically, the public realm elements within that structure and form, are consistent with both policy and supplementary guidance.

6.0 DESIGN APPROACH TO THE PUBLIC REALM

- 6.1 BHLF polices QD1, QD2 and QD3 all draw attention to the importance of quality in the design of public realm areas within development. SPG 20 sets out, in sub-section 5.3, a clear statement of intent in respect of the public realm, and identifies – through a series of points relating to the potential for a vibrant public realm, the key elements of the public realm, hard and soft materials, signage and lighting, and street furniture and art – the specific objective that individually and together these elements can help secure the quality of the public realm. PAN04 shows clear objectives to secure a high quality public realm (in paragraph 3.2), and sets out, at Figures 10, 11 and 12, in the principles expressed on page 44, and in the Desired Public Realm/ Amenity Space Framework at Figure 19, an indication of how those objects could be realised in the overall marina site.
- 6.2 In the DAS, paragraph 6.2.4 outlines the key elements of the design approach of the public realm, including the relationship to natural features, the development of the hierarchy of spaces, the unity of spaces and building scale, the use of robust materials, and the incorporation of public art. Paragraph 6.2.5 deals with public streets and frontages, and considers (inter alia) the different typologies of development, the encouragement of active uses on ground floors, and different street scales within the development. Paragraph 6.2.6 deals with amenity space, and describes each of the separate components – urban squares, residents’ amenity spaces, outdoor recreation space and Cliff Park- that together comprise the overall amenity space within the development. The overall Masterplan strategy is outlined in sub-section 7.1, with general statements of intent in paragraphs 7.1.1 to 7.1.4. How the strategy deals with specific elements is then considered in the succeeding passages in paragraphs 7.1.5 (Connectivity and Active Frontages), 7.1.6 (Individual spaces), 7.1.7 (materials), 7.1.8 (planting) and 7.1.9 (Public Art). These are expanded on, in considerable detail, both in text and in illustrations in sub-sections 7.3 and 7.4.
- 6.3 It is my view that the appeal proposals have responded directly and imaginatively to the challenge set by the existing marina site, and the ambition of planning policy and planning guidance. The specific elements of the public realm, described in sub-section 7.3 and in greater detail in sections 7.4 of the DAS display exemplary and innovative design, of the highest quality, which is appropriate, both to its local

context, and to the wider ambition to effect the physical, environmental and social regeneration to the marina as a whole.

- 6.4 I consider that the views of BHCC's officers, as recorded in the committee report of 12 December 2008 accord with my own view. For example, the Conservation and Design officer in commenting on the amended scheme, on page 66 of the report, notes that:

"...this proposal will go some considerable way to addressing it's (the Marina) physical shortfalls and to fund much needed public realm improvements, as promoted as a prime objective in both the Marina SPG20 and PAN 04."

- 6.5 It is my conclusion that the appeal proposals will provide a public realm of exceptional high quality, both in terms of its design and also in terms of its ultimate utility I also consider that the design approach reflects fully the guidance set out in planning policy and in the supplementary guidance that applies specifically to Brighton Marina.

7.0 THE SPECIFIC DESIGN APPROACH TO AREAS OF ACTIVE AND PASSIVE OPEN SPACE

7.1 Beyond the general ambitions of quality of design there is limited guidance in the development plan as to the design approach to be adopted in relation of areas of active and passive open space. Fuller guidance is provided in the supplementary guidance material. In SPG20, in sub-section 5.3, one of the ambitions in relation to the key elements of public realm strategy is to:

“Establish a sequence and variety of outdoor spaces, with well designed public places forming part of a network of wider pedestrian routes ensuring a sequence and variety scales and characters”

PAN04 identifies, in Figure 12, the separate character areas, as I have noted above, and in section 14.1 explains the different nature of those respective character areas. In the passage dealing with Urban Character Area, which relates to the principal extent of the development proposal subject to this appeal, the intent is that the area should be *“...more enclosed with new buildings interspersed with public spaces...”*. This is illustrated with examples in Figure 14, with the further comment that these images represent the types of uses and design features that BHCC would like to see, including high quality spaces and street furniture, the introduction of shared spaces, performance areas, active frontages, sitting-out areas etc. As I have noted above, in Part 3 of PAN04, Figure 19 sets out the Desired Public Realm/ Amenity Space Framework, and the preceding page (page 44) sets out a number of aims that are relevant to the appeal proposals, including:

- *‘Creation of a high quality public realm through sensitive use of materials to reflect the different character areas; urban, sea front and Cliff park*
- *Generation of ecological greenways with public viewing points for the cliffs, marina and seascape*
- *Creation of a green infrastructure network, connecting the cliffs with sites of ecological importance ...as well as other green space just outside of the Masterplan area*
- *Generation of public square and play areas at key points along movement corridors*
- *Introduction of a park along the cliff edge i.e. Undercliff walk, through soft and hard landscaping*

- *Greater use of green roofs and roof gardens to enhance views from the cliff top down onto the Masterplan area i.e. the fifth elevation.'*

7.2 I do not seek to repeat here in detail the provisions of the DAS but I would draw particular attention to sub-section 7.4 of the document, which describes in considerable detail the public realm spaces for the following areas:

- Entrance Ramp
- Harbour Square
- Park Square
- Cliff Park
- Geo – Learn Space
- Transport Interchange
- Under the Flyover'
- Bridge link Arrival space & Cascading Street
- West Quay Wall & Street Improvement
- Village Square
- Residential courtyards

Each of these spaces is described in text (covering the matters highlighted in paragraph 7.4.1), plans and visualisations and is supported by photographs showing existing comparable example schemes and or specific design elements that form part of the proposed treatment for individual spaces.

7.3 The level of information provided in respect of each of the areas identified above is, in my view, more than sufficient to demonstrate the appellant's commitment to achieving a high level of design quality and variety within the scheme, consistent with the ambition of BHCC, as set out in supplementary guidance. The proposals comprise a series of separate spaces (albeit spaces which have been treated separately and individually in design terms), which relate one to another through the overall development structure proposed as part of the appeal proposals. I consider that the appeal proposals meet the key ambition of supplementary guidance to realise, within the Urban Character Area, a series of related urban enclosed public spaces that will create an atmosphere of interest, excitement and vitality at pedestrian level. These proposals are, in my view, of a very high quality and their implementation will effect a significant and tangible visual improvement to a major

part of the Brighton Marina, and will transform what is at present an uninspiring environment into one of particular and distinctive quality.

- 7.4 My reading of the report prepared for the Planning Committee meeting on 12 December 2008 is that BHCC's officers also consider the development proposals would be of a high quality. For example, in dealing with specific elements of the public realm proposals, the Urban Design officer commented that:

"The proposed Cliff Park Environs provide an attractive base to the cliffs and to the setting of the under cliff walk". (page 68)

and

"The urban streets and piazzas have a clear statement of character as "formal robust and civic" (page 69).

As to the active open space elements, it is important to recognise, as is indicated in the committee report of 12 December 2008, that there is no remaining rejection to the recreation elements to the scheme from Sport England (page 58 of the committee report), and neither is there any objection from the Development Manager - Sport and Leisure (committee report, page 70 et seq). Indeed, the latter noted, rightly, that:

"...the developer and their agents have made great efforts to improve both the on and off sites sports and recreation offer"

and

"...we can be certain of delivering a dynamic, creative and inspiring play space that links with the sports offer located under the flyover. "

and

"The proposals for the urban sports area under the flyover are welcomed".

- 7.5 The detailed design treatment of the areas of active and passive open space within the development proposal has been carefully considered and developed in the light of full consultation with officers of BHCC. It is clear that the proposals enjoy the support of the officers. It is further clear from the submitted DAS, that the proposals, individually and collectively, will provide for a range of amenity and active open space, including play space, which will be far superior to any public space on the marina site at present, and designed and constructed to the highest quality. These proposals represent, in a form consistent with best practice, both in the United

Kingdom and mainland Europe, a comprehensive set of innovative and design proposals for a unique and distinctive site that has been subject to piecemeal and poor quality development for far too long. In framing the planning guidance for development in the marina site BHCC clearly recognised that development proposals on the marina site should seek to attain an overall development of exceptionally high design quality. I consider that in respect of the public realm elements of this scheme, the appeal proposals have met that challenge.

8.0 OFF-SITE PROVISION OF OUTDOOR RECREATION SPACE

- 8.1 BHLIP policy HO6 sets out the requirement of the provision of outdoor recreation space. As I have noted above, the policy recognises that where it is not practicable or not appropriate to provide all of the outdoor recreation space on-site, contributions to the provision on an alternative site may be accepted. The method for calculating how that may be done, and the appropriate sums entailed, is set out in draft SPG9. Whilst the appeal proposals do not provide, on the appeal site itself, for all of the outdoor recreation space required by virtue of policy HO6, as I have indicated above, the particular circumstances of the marina development make this neither practicable nor, indeed, appropriate.. It has thus been recognised from the outset that in order to meet the relevant requirements, some provision of off-site facilities will be required. Indeed, as is acknowledged on page 139 of the committee report of 12 December 2008 *“It is not unusual for a high density scheme to fall short of the full on site provision that would be required by policy”*.
- 8.2 Section 9 of the DAS deals in considerable detail with off-site recreation provision. It identifies several sites close to the marina, as well as two sites at Rottingdean which are somewhat furtheraway, where additional recreation provision can be secured either through repairs or improvements to existing sub-standard or under-used facilities (for example at East Brighton Park) or through the provision of completely new facilities (for example at Rottingdean terraces and beach). It is important to bear in mind that these possible off-site benefits have not been identified independently by the appellant, but have emerged from the process of consultation with the officers of BHCC.
- 8.3 That the proposed development cannot provide the full requirement in terms of adult recreation space within the application site is itself scarcely a matter for surprise. It is clear from the officers' comments in the committee report that such a circumstance is certainly not unusual. In a situation such as that which obtains at the appeal site, it is a sensible and pragmatic approach to allow for the provision of an element of outdoor recreation space to be provided off-site. I note that in BHCC's's statement of case, it is contended at paragraph 6.14 that the appeal scheme does not make adequate provision on site in terms of its quantitative and qualitative provision. I do not accept that contention – in either respect. As I infer from the last sentence in paragraph 6.14 of BHCC's statement of case, the issue in relation to off-site works is the level of contribution, rather than the matter of principle that provision for outdoor recreation is to be made off-site per se.

- 8.4 It is relevant to note from the officers' report to BHCC's Planning Committee for its meeting on 12 December 2008 that there is no objection to the amended scheme from Sport England; indeed the report notes that *"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"* (at page 58). Similarly, there is no objection from the Development Manager - Sport and Leisure to the amended scheme in the Committee Report. This is dealt with at pages 71 and 72. The manager refers to the potential for provision off-site, and for BHCC to retain a discretion as to where that contribution would be spent off-site. It should be noted that the suggestions set out in section 9 of the DAS are an indication of potential, but are not necessarily fixed. The identification of specific projects and the manner in which the agreed contribution will be spent will thus be a matter for the discretion of the City Council. The conclusion set out at page 141 of the committee report is of particular relevance on this matter; it indicates that; *"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 the proposals reflect the Sports Strategy objective of promoting access to a range of sport and recreation opportunities"*.
- 8.5 In overall terms, it is my conclusion that within the context of policy HO6, and given the particular circumstances of the Brighton Marina site, it is necessary, practical, and sensible for a proportion of the open space requirement derived from the development to be provided off-site, in the manner and in the proportion proposed. I note further that in the summary of reasons to grant planning permission set out at page 165 of that committee report it is acknowledged that the proposals would *"create and enhance existing community/ recreation facilities in the Marina"*. There is no suggestion in the committee report that there is any deficiency in either quantitative or qualitative provision of outdoor recreation space. I consider that the officers were right. Both in quantity and quality the outdoor recreation spaces proposed reflects a uniformly high standard of design, as one would expect from architects and urban designers of the reputation and proven calibre of Mr Allies' practice.

9.0 SUMMARY AND CONCLUSIONS

9.1 My evidence deals with the issues relating to the design of the public realm and the provision and design of recreational open space as parts of the appeal proposal and responds to the matters set out in RfR4 as “clarified and amplified” by BHCC’s Planning Committee at its meeting on 2 September 2009. The matters that I consider are:

- relevant development plan policy and supplementary planning guidance;
- the development proposals;
- the overall development structure and form;
- the design approach to the public realm areas set within the overall proposals for the development of the site, as described by Mr Allies;
- the specific design approach adopted to individual areas of active and passive open space and public realm within the development proposals; and
- the off - site provision of recreational open space.

9.2 In summary, in relation to the public realm and recreational open space treatment of development at Brighton Marina, the following considerations bear on the application of the relevant provisions of the development plan (Brighton and Hove Local Plan) and supplementary guidance (SPG 20 and PAN04):

- the design of the public realm and open spaces should be of high quality;
- the arrangement and design of the public realm and recreational open spaces should be appropriate to the unique local context of the marina;
- the public realm and open space structure should inform the overall form and structure of the proposals and thus be a determinant, rather than a consequence of these proposals;
- development should meet the quantitative provision for recreation space - although an element of that provision may in principle, and will in practice, need to be secured off-site; and
- the development should make adequate provision for the long term maintenance of open space – whether on or off site – through the provision of a commuted sum financial contribution.

- 9.3 The appeal proposals were the subject of an extended and intensive process of consultation and design development. They have been considered and prepared from a full and proper understanding of the relevant policy context, and the constructive and other comments expressed in the course of the extensive public consultation.
- 9.4 Section 10 of the DAS Volume III, Appendix 6 summarises the overall intent and effects of the public realm proposals and indicates that the development will deliver:
- improved legibility and permeability;
 - a rationalised transport network;
 - a new link from the cliff top to and through the Cliff Building to the marina;
 - a major contribution to the quantum and quality of the public realm through Cliff Park;
 - increased bio-diversity;
 - best practice in sustainable design and construction ;
 - investment in public art; and
 - substantial areas of new on and off site recreation space provision.
- 9.5 The proposals demonstrate a clear intent to effect significant and beneficial improvement to major parts of the public realm within the Brighton Marina site, which at present is unprepossessing, difficult to access and negotiate, and in places decidedly down at heel.
- 9.6 Against the background of the policy framework, and the site-specific guidance produced by the City Council, it is my overall conclusion that the overall development structure and form, and within that structure and form the public realm elements, are consistent with both policy and supplementary guidance. The appeal proposals will provide a public realm of exceptionally high quality, both in terms of its design, but also in terms of its utility I also consider that the design approach reflects fully the guidance set out in planning policy and supplementary guidance that applies specifically to Brighton Marina.
- 9.7 The detailed design treatment of the areas of active and passive open space within the proposed development have been carefully considered and designed in the light of full consultation with officers of the City Council. It is clear that the proposals enjoy the support of the officers. It is also clear from the submitted DAS that the proposals will provide a range of amenity and active open space, including play space, which will not only be far superior to any public space on the marina site at present, but also

has been designed and will be constructed to the highest quality. These proposals represent, consistent with best practice elsewhere, in the United Kingdom and mainland Europe, a comprehensive set of innovative and design proposals for a unique and distinctive site that has been subject to piecemeal and poor quality development for far too long. In framing the planning guidance for development in the marina site BHCC clearly recognised that development proposals on the marina site should seek to attain an overall development of exceptionally high design quality. I consider that in respect of the public realm elements of this scheme, the appeal proposals have met that challenge.

9.8 Within the context of policy HO6, and given the particular and unusual circumstances of the Brighton Marina site, it is necessary, practical, and sensible for part of the open space requirement derived from the development to be provided off-site. And the proportion of the requirement which is proposed to be secured in that way and the manner in which it is to be secured are both in my judgment entirely appropriate and consistent with the relevant policy and guidance. There is no suggestion in the committee report that there is any deficiency in either quantitative or qualitative provision of outdoor recreation space. I consider that the officers were right. Both in quantity and quality the outdoor recreation spaces proposed reflect a uniformly high standard of design.

9.9 When the appeal application was considered by Planning Committee on 12 December 2008, both the public realm proposals and the outdoor recreation proposals (subject to the provision of a financial contribution towards off-site facilities) were supported explicitly and cogently in the officers' report. In the formal determination of refusal of planning permission set out in RfR4, reference is made solely to BHLP policy HO6, which deals primarily with the quantitative provision of outdoor recreational space. The subsequent '*clarification and amplification*' of that reason at the Planning Committee meeting on 2 September 2009 includes matters relating to the qualitative provision of both the public realm and outdoor recreation space, and reference to supplementary guidance. In the light of the considered and detailed proposals set out the planning application, as explained in the DAS, I consider that neither RfR4 nor the subsequent clarification and amplification of it are well founded. I invite the Inspector to conclude likewise, and to recommend to that Secretary of State that there is no basis for objection to the appeal proposals in respect of the public realm design or in respect of the provision of outdoor

recreational space. On the contrary, the proposals are entirely acceptable and beneficial in both of those respects.