

**Ref: APP/Q1445/A/09/2102048/NWF**

**SUMMARY of**

**PROOF of EVIDENCE**

**of**

**ADAM ROAKE MA DipArch Architect RIBA FRSA**

**On behalf of**

**BRIGHTON AND HOVE CITY COUNCIL**

**The site address being**

**Land At Brighton Marina,**

**Brighton, BN2 5UT**

## **1 INTRODUCTION**

- 1.1 My name is Adam Roake. I hold the degree of Master of Arts and a Diploma in Architecture, both awarded by the University of Cambridge; I am a Corporate Member of the Royal Institute of British Architects and I am an architect registered with the Architects Registration Board. I achieved these later two qualifications in January 1984 and I have been a practising architect since that time. Since September 2005, I have been a fellow of the Royal Society for the Arts.
- 1.2 I give a brief synopsis of my working career in my evidence.
- 1.3 In addition to my work in the private sector, I am a member of the CABI Enabling Panel and I have also been trained by CABI as an accredited Building For Life assessor.
- 1.4 I am an independent member of the Whitstable Harbour Board. Whitstable Harbour is a municipal harbour owned by Canterbury City Council and directed by the Harbour Board.
- 1.5 My evidence addresses the first and fourth issues Mr Goodwin has identified in his evidence. Firstly I focus on the quality of the design for the proposal and assess its acceptability using the Building For Life (BFL) assessment methodology. In relation to the fourth issue, I show how the accommodation proposed would not provide satisfactory living conditions as stated in the second reason for refusal. Finally I summarise my evidence and conclude upon it.
- 1.6 I have prepared a text commentary on the two 'walk-throughs' included at appendix 3 to my evidence.

## **2 BUILDING FOR LIFE ASSESSMENT**

- 2.1 I have attached (Appendix 4) the Summary Assessment using the standard BFL assessment template. Broadly the proposal fails outright in respect of criteria 3, 9, 10, 11, 13, 16 and 18 for the following reasons. In my evidence I show in detail why the appeal proposal fails each of these criteria.
- 2.2 In addition to the outright failures listed above, there are significant concerns regarding specific elements of the proposal in respect of criteria 7, 8, 15 and 20, each of which score 0.5. In my evidence I explain in detail why there are significant concerns regarding the proposal in respect of each of these criteria so that the proposal would only score 0.5 for each of them.

- 3 ISSUE 1 - Whether the design, siting, layout and height of the proposed development, including the public realm, would be acceptable.**
- 3.1 This issue arises from that part of the first Reason for Refusal which states that the design is unacceptable. The BFL score of 11 puts the proposal's design quality at the lower end of the "average" category as described in the Annual Monitoring Report Core Output Indicators (appendix 2). The appeal proposal misses the minimum score for "very good" design by five points, a substantial shortfall. Therefore we can conclude that the proposal would be neither high nor even good quality design as required by PPS1 (paragraphs 33-39), PPS3 (paragraph 12) and Local Plan policies QD1 and HO4. Fundamental design changes to the proposal would be required to address any of criteria 8, 9, 10, 11, 13, 15 and 18.
- 3.2 It is clear that the existing townscape within the appeal site area is of poor quality. The appeal proposal would offer some improvement to the existing, principally in terms of the architectural quality of the buildings and the quality of hard landscaping materials proposed. However the design overall is fundamentally flawed in that it does not address the basic urban design objectives of enclosure and continuity of frontage to the public spaces. In addition it would retain two key elements of the transport infrastructure, which would continue to blight the area and the public spaces in particular. The appeal proposal, whilst well designed in parts, has simply not been well enough designed to overcome the challenges of the appeal site and would not function as successful urban space.
- 3.3 It is also worth noting that the BFL score is below the minimum core performance standard for the HCA Design and Quality Standards in respect of external environment (CD5/7, page 5). The proposal would therefore be ineligible for social housing grant.
- 3.4 The CABE Design Review procedure highlighted similar deficiencies through the pre-application period (DAS Appendix 3) and in their final published Design Review (appendix 5). The design deficiencies CABE raised are reflected in the BFL Assessment I have carried out and result in the low score the proposal achieves. The "average" design quality of the proposal is not of an appropriate standard required in policy and therefore is not acceptable.

**4 ISSUE 4 - Whether the proposed development would provide good quality accommodation in terms of the size and disposition of the residential units and their relation to surrounding features.**

4.1 This issue arises from the second Reason for Refusal. There are three areas where the proposal would not provide good quality accommodation: firstly in terms of the size of affordable units proposed, which Mr Goodwin deals with; secondly in terms of the single aspect rooms, which face south and would be affected by road noise; and thirdly in terms of the single aspect apartments which face north directly toward the cliff face.

4.2 It is agreed that the single aspect, south facing rooms within the Cliff Building and the Inner Harbour Building would be adversely affected by road noise and mitigation would be required to ensure a satisfactory internal environment. From a basic understanding of acoustics, one can conclude that windows will need to be kept shut both day and night for these mitigation measures to work and to maintain an acceptable internal acoustic environment. However, when the sun is shining, those rooms would be subject to significant solar thermal gain through the glazing in the closed windows. It is therefore inevitable that occupiers of apartments with south facing, single aspect rooms would either have to endure an unacceptable acoustic environment, or else would have to endure an unacceptable thermal environment with the windows closed. The affected rooms would therefore suffer from unsatisfactory living conditions and this is exacerbated in the sixty one flats which only have single aspect, south facing rooms.

4.3 It is also agreed that the single aspect apartments within the Cliff Building which face north directly towards the cliffs would not receive any direct sunlight at any time of the year. It is not considered best practice to incorporate such apartments within a proposal (see appendix 9) but it is generally accepted that in certain circumstances, there may be no alternative. In the appeal proposal, I can see no such mitigating circumstance and I believe that a well designed scheme for the Cliff Building could have ensured that no apartments had a single northerly aspect. It is particularly unfortunate in this case, because not only do these apartments have no prospect of any sunlight but their view is limited to a blank cliff face. These apartments would therefore unnecessarily have unsatisfactory living conditions by reason of the lack of sunlight entering them.

## 5 CONCLUSION

- 5.1 In conclusion, my evidence demonstrates how the proposal would score only 11 out of 20 using the BFL criteria, which places design quality of the proposal at the lower end of the “average” category. I analyse the scheme in detail against each of the BFL criteria, which the proposal fails, and explain why it fails. I have then considered the implications that this low score has in terms of the issues identified by Mr Goodwin and set out in the Reasons for Refusal. I also consider the quality of living conditions in some of the proposed apartments.
- 5.2 Most of the criticisms I have made of the proposal’s design were identified by CABE throughout the application process and in particular in their published Design Review dated 2<sup>nd</sup> October 2008 (appendix 5). These criticisms highlight the poor quality of the public realm proposed.
- 5.3 The building footprints would appear to have been determined on the basis that the public realm between existing developed areas must remain as public realm. In consequence the vehicle access ramps and multi-storey car park would be retained and they would continue to blight the areas around and beneath them in exactly the same way that they do currently. Little attention is paid within the appeal proposal to the urban design objectives of Enclosure and Continuity of Frontage to public space. The inevitable result of these fundamental decisions to avoid addressing weaknesses within the existing public realm is that the proposed public realm would continue to exhibit the same weaknesses. The BFL assessment confirms the “average” quality design of the resultant proposal, which is also highlighted by CABE in their Design Review. The proposal would not exhibit high quality design required by policy and the first reason for refusal is therefore supported.
- 5.4 I have also demonstrated that the living conditions in the south facing, single aspect rooms within the Cliff Building and the Inner Harbour Building would inevitably be unacceptable either through poor acoustic conditions or else through poor thermal conditions. In addition, the single aspect north facing flats in the Cliff Building would not receive any direct sunlight and they are unnecessarily blighted as a result. The second reason for refusal is also supported.
- 5.5 The proposal would exhibit an unacceptable quality of design and would result in apartments with unsatisfactory living conditions and I therefore request that the Secretary of State dismiss this appeal.