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Planning Design Economics

**BRIGHTON MARINA REGENERATION
PROJECT**

**STATEMENT OF CASE ON BEHALF
OF THE APPELLANT**

APPEAL REF.

APP/Q1445/A/09/2102048/NWF

LPA REF. BH2007/03454

9 September 2009

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1.0 Introduction

Scope

- 1.1 This statement of case relates to the appellant's appeal against the refusal of planning permission for a mixed-use, residential-led development of regeneration at Brighton Marina. It sets out the main elements of the case for the appellant. A full description of the proposed development is provided at Appendix 1.
- 1.2 The evidence presented to the public inquiry for the appellant will demonstrate the compliance of the proposed development with the statutory development plan and with national planning guidance; and will cover the other relevant material considerations, the cumulative effect of which is to reinforce the case for planning permission to be granted.
- 1.3 On 2 September 2009 Brighton and Hove City Council (BHCC) resolved to "clarify and amplify" the reasons for refusal identified in its statutory decision notice dated 19 December 2008. This statement therefore has regard to those matters specifically raised by BHCC in the resolution of 2 September 2009. Reason for refusal 6, which relates to flooding, is no longer being relied upon by BHCC.

Structure

- 1.4 This statement adopts the following structure:
- Section 2 describes the appeal site and its surroundings.
 - Section 3 describes the appeal scheme and its consideration by BHCC.
 - Section 4 outlines the relevant planning policies and guidance.
 - Section 5 sets out the appellant's case.
 - Section 6 considers the draft planning conditions and section 106 planning obligation.

Summary

- 1.5 The following points which will be demonstrated in the appellant's evidence:
- a The proposed development will secure and stimulate physical, social, economic and aesthetic regeneration, adding momentum to the urban renaissance in Brighton.

- b The development will make full and effective use of previously developed urban land, without harm to the effective functioning of infrastructure, services and facilities in this part of the city.
- c The proposed development will in all relevant respects be sustainable. It will bring forward substantial planning benefits without any unacceptable impacts on the locality within which it will be situated, on views of strategic importance (in particular views into and out of the Kemp Town Conservation Area and the Sussex Downs Area of Outstanding Natural Beauty (AONB)), or on any other interest of acknowledged importance.
- d The proposed development has been well designed to provide high quality residential and commercial accommodation.
- e The proposed development, which will include 40% affordable housing, will deliver a large number of new homes and will meet a wide range of urgent housing need through an appropriate tenure mix. The affordable housing proposed will help to foster the creation of a cohesive, sustainable community in this part of the city.
- f The proposed development will provide well designed, attractive and useful outdoor amenity and recreation space.
- g An appropriate financial contribution will be made to enhance education provision in accordance with the relevant authority's requirements.

1.6 It will be demonstrated by the appellant's evidence that the objections persisted in by BHCC and those advanced by third parties are wholly unjustified; that the proposed development is in accordance with the development plan; and that the other material considerations also weigh in favour of it being approved.

2.0 **The appeal site and the surrounding area**

2.1 Brighton Marina is located on the south-coast of England, to the east of Brighton Centre, within the administrative boundary of BHCC, approximately 2.24 km east of Brighton City Centre.

2.2 The site occupies a site of some 12 hectares in the western quarter of Brighton Marina, encompassing a designated district centre, which comprises an Asda superstore and outlet retailing.

2.3 The marina was constructed during the 1970s to provide a working harbour and yacht moorings. It contains a variety of uses. In the mid-1980's retail and leisure facilities were developed, along with housing, and further development has subsequently 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, with a network of ramps from the A259.

- 2.4 The appeal site is composed entirely of previously developed land. It embraces the ASDA store, its car park and associated petrol filling station, a multi-storey car park, a cinema, a casino, a health and fitness centre, a bowling alley, Pizza Hut and McDonald's restaurants; Park Square, which lies to the south of the cinema and multi-storey car park and 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 development, comprising a hotel, a retail and restaurant and bar complex fronting the Outer Harbour; the estate office at the junction of Palm Drive and the Strand; and the Western Breakwater, which bounds the marina to the west.
- 2.5 A full description of the site, including plans and photographs, can be found in section 4 of the appellant's Environmental Statement.

3.0 The appeal proposals

The development proposed

- 3.1 The appellant seeks full planning permission for its proposed mixed-use development in the western sector of Brighton Marina, as described in Appendix 1.

Pre-application consultation

- 3.2 From the outset of the preparation of its proposals in February 2006 the appellant engaged in extensive pre-application consultation with BHCC, with key stakeholders and with the local community. This involved numerous meetings, workshops, public exhibitions, newsletters and the dissemination of information via the appellant's dedicated project website. The appellant's commitment to public consultation continued up to the determination of the application in December 2008.
- 3.3 The appeal scheme reflects this extensive consultation, the scheme having been reviewed and refined to reflect, where it was appropriate to do so, the comments and suggestions received.
- 3.4 A draft planning submission, which included a draft Environmental Statement, was presented to BHCC in May 2007. The planning application was submitted to BHCC on 14 September 2007. Amendments to the scheme resulted in a substitution of documents in June 2008. Further amendments were submitted in September 2008.

- 3.5 By the time that the scheme was considered at committee, with the support of BHCC's officers, there were no objections to the scheme from any statutory consultee.

The committee report of December 2008

- 3.6 The application was presented BHCC's committee on 12 December 2008 with a recommendation to grant planning permission. The committee report included a full list of appropriate conditions and informatives, and the commitments required in a section 106 obligation.

- 3.7 In the report prepared by the planning officers, the following conclusion was stated:

"REASONS FOR RECOMMENDATION TO GRANT PLANNING 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.”

The decision appealed against

- 3.8 Despite the officers’ clear and cogent analysis and recommendation, the planning application was refused by the committee. The decision notice of 19 December 2008 contains six reasons for refusal (see Appendix 2).
- 3.9 On 2 September 2009 the Council resolved to “clarify and amplify” the reasons for refusal, and in so doing abandoned its reliance on reason for refusal 6, which relates to flooding.

The relevant planning policy framework (see Appendix 3)

- 4.1 Section 38(6) of the 2004 Act requires that the appeal be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.2 The statutory development plan comprises the “saved” Brighton and Hove Local Plan (2005) and the South East Plan, May 2009. The South East Plan supersedes both Regional Planning Guidance 9 (RPG9) (2001) and the East Sussex and Hove Structure Plan (1991 – 2011), both of which were extant at the time the application was determined.
- 4.3 The appeal proposals accord fully with the statutory development plan. They are also consistent with relevant national policy and with non-statutory policy and guidance issued by BHCC to supplement the local plan.
- 4.4 Brighton Marina is the subject of “saved” supplementary planning guidance SPG20, Brighton Marina: A Masterplan for Enhancement (comprising two volumes), which was adopted in January 2003. In March 2008, BHCC developed a non-statutory Planning Advice Note (PAN04 – Brighton Marina Masterplan), which is intended to supplement SPG20. It is intended that PAN04 will form the basis of an SPD; this is indicated in BHCC’s Local Development Scheme. In June 2008 BHCC consulted on a draft Issues and Options study “Help shape the future of Brighton Marina”.
- 4.5 In the emerging Local Development Framework, Brighton Marina is identified as a suitable location for tall buildings and a location for a high density,

sustainable mixed use district (see the Core Strategy, Revised Preferred Options, June 2008, Preferred Option DA2 'Brighton Marina', CP2 'Urban Design' and CP15 'Retail Provision'). The Core Strategy Proposed Amendments Paper, which was published for consultation on 29 June 2009, identifies Brighton Marina as one of seven strategic development areas within the city and confirms the status of the marina as a suitable location for high-density mixed-use development, including residential and retail uses (draft policy DA2). In this draft document BHCC is contemplating restrictions on the level of residential development: to 650 units and below the height of the cliff. The appellant has submitted representations objecting to this element of draft policy DA2, whilst supporting the identification of the marina as one of the city's strategic locations for high density, mixed use development.

- 4.6 The appellant is seeking to agree the extent of relevant policies with BHCC in advance of the public inquiry and the agreement reached will be recorded in the Statement of Common Ground. The relevant planning policy and guidance will in any event be comprehensively addressed in the appellant's evidence to the inquiry.

5.0 **The case for the appellant**

The benefits of the proposed development

- 5.1 The appeal scheme will generate a number of important planning benefits, which include the following considerations.
- 5.2 The development will secure the long-term beneficial use of previously developed land within the urban envelope of a settlement that is heavily constrained both physically, by the sea and the cliffs, and by virtue of statutory policy designations, including those relating to its historic environment and to the Sussex Downs AONB.
- 5.3 By making full and effective use of this "brownfield" land, the development will introduce material improvements to the local environment and townscape, in the form of buildings and spaces compatible with the site's surroundings. Its architecture will be of the highest quality. It will much enhance both the function and the recreational and visual amenity of the marina, without harm to the protected historic and natural environment, or to the living conditions of existing and future residents. It will both sustain and be sustained by the physical and social infrastructure, without exacerbating the risk of flooding and without creating pressures on existing services and facilities which they could not sustain. The development will introduce a mix of uses, including residential and commercial uses, all of which are compatible with the site's status as a district centre. It will thus strengthen the economy of the marina and of this

part of the city, introducing a critical mass to ensure that the marina becomes at last, as it should, a thriving sustainable community, with a vibrant and viable district centre, and a destination of international renown.

- 5.4 The development will serve to repair and rejuvenate a part of Brighton which is at present dysfunctional and incoherent. It will regenerate the marina physically, socially, economically and aesthetically. It will stimulate and assist the holistic revival of the area through a scheme which is deliverable. It will inject a step change into the regeneration momentum in this part of the city. It will encourage and set a worthy example for the progress of the urban renaissance, both here and elsewhere.
- 5.5 The proposals support the aims of the South East Plan, not merely by optimizing the effective and efficient use of previously developed land, but also by generating a large number of good quality new homes, which will make an important contribution to the supply of housing in Brighton (the provision of a total of 1,301 new dwellings, of which 40 per cent (520) will be affordable and available to key workers and those in housing need); by improving transport infrastructure through an investment of over £300 million; and by creating new jobs – both temporary (3,670 jobs over a seven year construction period) and permanent (312 jobs on the site, as well as some 400 additional jobs in the wider area) – and construction training opportunities.
- 5.6 The marina already benefits from excellent accessibility by public transport as is acknowledged in PAN04 (in section 9.11) The proposed development will enhance this accessibility by the provision of a new, centrally located transport interchange with dedicated areas for buses; covered waiting areas and real time information systems; new bus priority measures along key routes within the city to and from the marina; and a financial contribution and the dedication of land to facilitate the provision of the city’s Rapid Transport System (RTS). All of this will assist in creating a considerable improvement in the quality of public transport accessibility at the marina.
- 5.7 A new secondary means of access beneath the ramps from Madeira Drive will be provided, overcoming the constraint, for emergency services, of the existing single point of access and egress via the existing concrete ramps. This will also serve to open the site to the proposed RTS; will provide a convenient route for pedestrians and cyclists; and will facilitate the future integration of development at Black Rock.
- 5.8 The construction of a new high level pedestrian bridge link will provide convenient pedestrian and cycle access between the marina and the cliff top in the form of a direct route on to the coastal path and Sustrans cycle route.
- 5.9 Opportunities to view the SSSI cliffs will be increased by the improvement of access to the undercliff walkway; the provision of an “Arrival Space” at the Cliff Site; a Cliff Park viewing area; a new bridge link connecting the cliff top with the

Cliff Building; a public viewing platform at the top of Marina Point; and geological interpretation facilities within the Cliff Park.

- 5.10 At present the appeal site has relatively poor biodiversity. The proposals will secure a significant increase in biodiversity and the creation of new habitat at the marina through new planting, green roofs and green walls.

Consideration of the reasons for refusal

Reason for refusal 1

- 5.11 The appellant will demonstrate that the marina should be, and is, able to accept development which accords with the requirement of Policy QD3 of the local plan; and that the development proposed will preserve and enhance the existing character of the natural coastline as is required by local plan policy EN6, reducing pressure for new development outside the already defined areas. It is of fundamental importance to make full and effective use of previously developed land within the urban limits. The appeal development will do this, compatibly with all relevant interests of importance, materially improving the environment of this part of the city.
- 5.12 The appellant's evidence will demonstrate that there will be no unacceptable changes to views into and out of the conservation area, to the settings of listed buildings or to views from the AONB.
- 5.13 It will also be shown that, through high quality design, the development's efficient use of the site will achieve much needed, and sustainable, regeneration of the site and of a popular seafront visitor area.

Reason for refusal 2

- 5.14 The development will not harm the living conditions of any local residents.
- 5.15 The accommodation within the Cliff Site has been designed to a good standard. An attractive living environment, consistent with all relevant policy and standards, will be created.

Reason for refusal 3

- 5.16 All of the affordable homes proposed exceed standards set by the Housing Corporation (now the Homes and Communities Agency). Every dwelling, including those for market sale, will achieve Lifetime Home standards. The mix and tenure reflect the site specific Affordable Housing Brief provided by BHCC during pre-application discussions. Overall, the affordable housing and the number, mix, tenure and size of the new homes proposed will make an important contribution to meeting housing need in the city. The objectives of

policy for the creation of sustainable communities will be considerably advanced by all of the new housing proposed.

Reason for refusal 4

- 5.17 The proposed development will provide appropriate and well designed outdoor amenity and recreation space on the appeal site.
- 5.18 It is recognized by local plan policy HO6 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”. Here, the proposed financial contribution to the enhancement of off-site sports and recreation facilities has been acknowledged as acceptable by BHCC’s officers and supported by Sport England. Such an approach was also agreed for the adjacent Brunswick development.

Reason for refusal 5

- 5.19 The proposed development will generate a demand for school places, which will be addressed by a financial contribution towards education provision in the local area which has been agreed by BHCC’s officers, just as it was by BHCC on the adjacent Brunswick development. This approach is wholly consistent with local plan policies QD28 and HO21.

Consideration of matters raised by third parties

Transport matters

- 5.20 As is effectively demonstrated in the Transport Statement of Common Ground, now formally agreed with BHCC as highway authority, there is no force in the third party objections on transport grounds. There will be no unsustainable effects on either the local or the wider transport infrastructure.

Policing

- 5.21 It will be demonstrated that the proposed development will improve the level of security at the marina, which will create a safer environment for all who use it. The development will incorporate the principles of “Secured by Design” and a range of other security measures, which are integral to the scheme.

The height, scale and density of development, its relationship to existing development, relationship to the Cliffs, quality of architecture, overshadowing, overlooking, loss of daylight and loss of amenity to existing residents

- 5.22 It will be demonstrated that the proposed development will be entirely acceptable in its height, scale and density, its relationship to existing

development and the cliffs, the general quality of architecture, and in its effects on the living conditions of existing and future residents.

Effects on important views from Kemp Town and the surrounding countryside

- 5.23 It will be demonstrated that the proposed development will not have any unacceptable impact on views from Kemp Town and the surrounding countryside.

The alleged shortage of car parking, loss of free parking, limited access into and out of the Marina, particularly by the emergency services, congestion.

- 5.24 It will be demonstrated that the proposed development will provide an appropriate amount of car parking, safe and efficient access into and out of the marina, including provision for the emergency services; and that it will not cause unacceptable congestion.

The alleged lack of provision of community (educational, medical, crèche) and recreational facilities

- 5.25 It will be demonstrated that the proposed development will provide an acceptable level and disposition of community and recreational facilities.

The alleged impact on the operation of the marina

- 5.26 It will be demonstrated that the proposed development will have a positive impact on the operation of the marina.

Alleged impacts (noise and air quality) during construction

- 5.27 It will be demonstrated that the proposed development will not have any unacceptable impacts during construction. A Construction Environmental Management Plan (CEMP) will be approved and applied.

The alleged increased risk of flooding

- 5.28 It will be demonstrated that the proposed development will not increase the risk of flooding.
- 5.29 The Environment Agency is satisfied that the development is acceptable and, subject to the imposition of appropriate conditions, will not have any harmful effects on flooding in the local area.

6.0 **Planning conditions and the section 106
planning obligation**

- 6.1 The proposed planning conditions identified within in the Statement of Common Ground will be appropriate. A section 106 planning obligation, containing suitable and enforceable commitments consistent with national policy, will be produced at the inquiry.

Appendix 1 Description of the proposed development

- a Demolition of the existing ASDA retail store and redevelopment to create an enlarged retail store (Class A1) of 11,412 sq.m along with 2,056.5 sq.m of other retail uses in Class A1-A5 and 395 sq.m of office accommodation (Class B1), a 342 sq.m community hall (Class D1), with associated plant, refuse and parking facilities. This part of the redevelopment to also include 779 residential units with associated parking, public/private amenity space and a new bridge link for pedestrians/cyclists;
- b Demolition of part of the eastern end of the existing multi-storey car park to create a replacement ASDA petrol filling station and pedestrian footbridge;
- c Demolition of the existing estates management office to create a 3 – 4 storey building comprising 35 residential units with associated private amenity space;
- d Demolition of the western end of the existing multi-storey car park to create a 6 – 11 storey building (Sea Wall) comprising 117 residential units with associated parking, private amenity space and seasonal kiosk 72.5 sq.m;
- e Demolition of the existing petrol filling station to create a 28 storey building comprising 148 residential units and 182.5 sq.m of Class A1-A5 retail space with associated plant, refuse and parking facilities and a 26 sq.m office unit (Class B1);
- f Demolition of the existing McDonald's and redevelopment to create a new 5 – 16 storey development including a Drive-Thru restaurant facility (Class A3) comprising 555 sq.m. This development also includes 131 sq.m of other Class A1-A5 retail space and 222 residential units with associated parking and public/private amenity space;
- g Change of use of two existing retail units (Class A1) within the Octagon development to create a Healthy Living Centre (Class D1) comprising 516 sq.m;
- h Construction of a Combined Heat and Power unit (CHP);
- i Alterations to existing vehicular circulation, pedestrian and cycle access arrangements, areas for cycle parking and the creation of new and enhanced routes for access and servicing;
- j A new bridge link for pedestrians and cyclists between the upper cliff and the north-western part of the Cliff Site (ASDA site), along with associated engineering works;
- k New areas of hard and soft landscape, green roofs and formal and informal areas of amenity space including youth facilities.

Appendix 2 Decision notice

Application No: BH2007/03454

Nathaniel Lichfield & Partners,
14 Regents Wharf
All Saints Street
London N1 9RL

BRIGHTON AND HOVE CITY COUNCIL

Town and Country Planning Act 1990

NOTICE OF REFUSAL OF PERMISSION TO DEVELOP LAND

IN PURSUANCE of their powers under the above-mentioned Act, the Council hereby notifies you that it REFUSES the following development:

Situation: Land at Brighton Marina

Description: 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 & 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.

As shown on the plan(s) and the application submitted to the Council on

The reasons for the Council's decision to refuse to permit the development are:

- 1 The proposed development, by reason of siting, layout and height, would be overly dominant and would not relate satisfactorily to existing development within the Marina and would fail to preserve the setting of views of strategic importance, in particular views into and out of the Kemp Town Conservation Area, the Sussex Downs Area of Outstanding Natural Beauty and the Cliff which is a Site of Special Scientific Interest . The proposal would therefore fail to comply with policies QD1, QD2, QD3, QD4, HE3, HE6, HE11 and NC8 of the Brighton and Hove Local Plan and policies S1, S6, EN1, EN2, EN3, and EN26 of the East Sussex and Brighton and Hove Structure Plan.

- 2 The proposed development would cause material nuisance and loss of amenity to residents living opposite and within the Marina. In addition, by reason of north facing views and overshadowing the proposed development would cause loss of amenity to occupiers of the residential units in the Cliff Building. The proposal would therefore be contrary to the requirements of policy QD27 of the Brighton and Hove Local Plan.
- 3 The applicant has failed to demonstrate that the proposed scheme reflects and responds to the current housing need in the City. In particular, through the provision of the appropriate housing unit mix and size. The proposal is therefore contrary to policy HO3 of the Brighton and Hove Local Plan.
- 4 The applicant has failed to demonstrate that the proposed development would result in a scheme with an adequate provision of outdoor amenity and recreational space. The proposal is therefore contrary to the requirements of policy HO6 of the Brighton and Hove Local Plan.
- 5 The applicant has failed to demonstrate that educational facilities would be provided to meet the needs of the residents of the proposed development. The proposal would therefore be contrary to the objectives of policy HO21 of the Brighton and Hove Local Plan.
- 6 The proposed development would be in a High Probability Flood Zone as defined in PPS25: Development and Flood Risk and does not pass the Exception Test as set out therein.

Informatives:

- 1) This decision is based on drawing nos: (attached)

Dated this 19 December 2008

J. Rawlins

Director - Environment

<u>Drawing No.</u>	<u>Size</u>	<u>Title</u>
CL10578-008	A3	Boundary of Planning Application
CL10578-013	A3	Site Location Plan
(SW) <u>Existing Plan Drawings</u>		
SW_00_A_07_010	A1	Existing Ground Level Plan
(SW) <u>Existing Section/Elevation Drawings</u>		
SW_-0_A_07_030	A1	Existing Sections AA & BB
SW_-0_A_07_031	A1	Existing Sections CC & DD
SW_-0_A_07_032	A1	Existing Sections EE & FF
SW_-0_A_07_033	A1	Existing Sections GG & HH
(SW) <u>Site-Wide Plan Drawings</u>		
SW_00_A_07_100	A1	3.1m AOD Level Plan (<i>formally Ground Level Plan</i>)
SW_01_A_07_101	A1	8.4m AOD Level Plan (<i>formally First Floor Level Plan</i>)
SW_00_A_07_110	A1	Ground Level Red Line Plan GP Surgery / Healthy Living Centre
SW_00_A_07_120	A1	Masterplan Showing Future RTS Route
SW_00_A_07_121	A1	Masterplan plan and section through ramps
SW_00_A_07_131	A1	Future Masterplan Ground Floor Level Plan
SW_00_A_07_132	A1	Future Masterplan 6.6m AOD level plan
SW_00_A_07_135	A1	Future Masterplan Roof Level Plan
SW_RF_A_07_199	A1	Roof Level Plan
(SW) <u>Site-Wide Section/Elevation Drawings</u>		
SW_-0_A_07_300	A1	Sections AA & BB
SW_-0_A_07_301	A1	Section CC & DD
SW_-0_A_07_302	A1	Section EE & FF
SW_-0_A_07_303	A1	Section GG & HH
SW_-0_A_07_330	A1	Future Masterplan Sections 1 and 2 (north-south)
SW_-0_A_07_331	A1	Future Masterplan Sections 3 and 4 (east-west)
(S1) <u>Cliff Site</u>		
<u>General Arrangement Drawings</u>		
S1_00_A_07_010	A1	Existing ASDA ground floor site plan
S1_RF_A_07_012	A1	Existing ASDA roof plan
S1_0_A_07_030	A1	Existing ASDA store elevations east, west and south
S1_0_A_07_031	A1	Existing ASDA store north elevations
S1_00_A_07_040	A1	Existing ASDA ground and first floor internal layouts
S1_00_A_07_100	A1	Ground Floor Plan
S1_01_A_07_101	A1	First Floor Plan
S1_02_A_07_102	A1	Second Floor Plan
S1_03_A_07_103	A1	Third Floor Plan
S1_04_A_07_104	A1	Fourth Floor Plan
S1_05_A_07_105	A1	Fifth Floor Plan
S1_06_A_07_106	A1	Sixth Floor Plan
S1_07_A_07_107	A1	Seventh Floor Plan
S1_08_A_07_108	A1	Eighth Floor Plan
S1_09_A_07_109	A1	Ninth Floor Plan

S1_RF_A_07_110	A1	Roof Plan
S1_-0_A_07_200	A1	South Elevation
S1_-0_A_07_201	A1	West Elevation
S1_-0_A_07_202	A1	North Elevation
S1_-0_A_07_203	A1	East Elevation
S1_-0_A_07_300	A1	Lengthwise Section AA
S1_-0_A_07_301	A1	Lengthwise Section BB
S1_-0_A_07_302	A1	Lengthwise Section CC
S1_-0_A_07_303	A1	Lengthwise Section DD
S1_-0_A_07_304	A1	Cross Section EE
S1_-0_A_07_305	A1	Cross Section FF
S1_-0_A_07_306	A1	Cross Section GG
S1_-0_A_07_307	A1	Cross Section HH
S1_-0_A_07_308	A1	Cross Section JJ
S1_-0_A_07_309	A1	Cross Section KK
S1_-0_A_07_310	A1	Cross Section LL
S1_-0_A_07_311	A1	Cross Section MM
S1_-0_A_07_312	A1	Cross Section NN
S1_-0_A_07_313	A1	Cross Section OO
S1_-0_A_07_314	A1	Cross Section PP
S1_-0_A_07_315	A1	Cross Section QQ
S1_-0_A_07_400	A1	1 bed (smallest)
		1 bed (average) (<i>formally called 1 bed (typical)</i>)
S1_-0_A_07_401	A1	
S1_-0_A_07_402	A1	2 bed (smallest)
		2 bed (average) (<i>formally called 2 bed (typical)</i>)
S1_-0_A_07_403	A1	
		3 bed (average) (<i>formally called 1 bed (smallest)</i>)
S1_-0_A_07_404	A1	
S1_-0_A_07_405	A1	2 bed (largest) (<i>formally 3 bed (largest)</i>)
		3 bed largest (<i>formerly 4 bed</i>)
S1_-0_A_07_406	A1	
S1_-0_A_07_407	A1	1 bed largest (<i>formally Wheelchair Housing unit 1 bed (smallest)</i>)
		2 bed wheelchair (largest) (<i>formally Wheelchair Housing unit 1 bed (largest)</i>)
S1_-0_A_07_408	A1	
		2 bed wheelchair (smallest) (<i>formally Wheelchair Housing unit 2 bed (smallest)</i>)
S1_-0_A_07_409	A1	
		2 bed wheelchair (average) (<i>formerly Wheelchair Housing unit 2 bed (largest)</i>)
S1_-0_A_07_410	A1	
		Flat type - Wheelchair Housing unit 3 bed
S1_-0_A_07_411	A1	
S1_-0_A_07_800	A1	Bay Study: South Elevation
S1_-0_A_07_801	A1	Bay Study: North Elevation
S1_-0_A_07_802	A1	Bay Study: Internal Courtyard Elevation
S1_-0_A_07_900	A1	Footbridge

(S2) Sea Wall Site

S2_00_A_07_100
S2_01_A_07_101
S2_02_A_07_102
S2_03_A_07_103
S2_04_A_07_104
S2_05_A_07_105
S2_06_A_07_106
S2_07_A_07_107

General Arrangement drawings

A1 Lower Ground Floor Level Plan
A1 Upper Ground Floor Level Plan
A1 First Floor Level Plan
A1 2nd Floor Level Plans
A1 3rd - 4th Floor Level Plan
A1 5th Floor Level Plan
A1 6th Floor Level Plan
A1 7th Floor Level Plan

S2_08_A_07_108	A1	8th Floor Level Plan
S2_09_A_07_109	A1	9th Floor Level Plan
S2_RF_A_07_110	A1	Roof Plan
S2_01_A_07_121	A1	Upper Ground Floor Plan + context incl Brunswick
S2_0_A_07_200	A1	West Elevation
S2_0_A_07_202	A1	East Elevation
S2_0_A_07_204	A1	North & South Elevation
S2_0_A_07_300	A1	Cross Sections
S2_0_A_07_301	A1	Cross Sections
S2_0_A_07_400	A1	One bed (Average) (<i>formally 1 bed (smallest)</i>)
S2_0_A_07_401	A1	1 bed (largest) (<i>formally 1 bed (average)</i>)
S2_0_A_07_402	A1	2 bed (largest) (<i>formally 2 bed (smallest)</i>)
S2_0_A_07_403	A1	2 bed flat (<i>formally 2 bed (average)</i>)
S2_0_A_07_404	A1	3 bed flat (penthouse) (<i>formally 3 bed</i>)
S2_00_A_07_800	A1	Bay Study West elevation 1
S2_00_A_07_801	A1	Bay Study West elevation 2
S2_00_A_07_802	A1	Bay Study East elevation 1
S3_00_A_07_010	A1	Existing PFS Ground Plan and North Elevation
S3_00_A_07_100	A1	Ground Floor Plan
S3_01_A_07_101	A1	Floor Plans
S3_04_A_07_104	A1	Floor Plans
S3_18_A_07_109	A1	Floor Plans
S3_26_A_07_127	A1	Floor Plans
S3_RF_A_07_129	A1	Roof Plan
S3_0_A_07_200	A1	Elevation South
S3_0_A_07_201	A1	Elevation North
S3_0_A_07_202	A1	Elevation East
S3_0_A_07_203	A1	Elevation West
S3_0_A_07_300	A1	Sections
S3_0_A_07_400	A1	1 bed
S3_0_A_07_401	A1	2 bed
S3_0_A_07_402	A1	3 bed maisonette - lower
S3_0_A_07_403	A1	2 bed maisonette - upper
S3_0_A_07_404	A1	3 bed maisonette - lower
S3_0_A_07_405	A1	3 bed maisonette - upper
S3_0_A_07_800	A1	Bay Study - East/West Elevation

(S4)

Quayside

General Arrangement drawings

808 - 4	A1	Existing McDonald's Elevations
S4_00_A_07_010	A1	Existing McDonald's Plan and Elevation
S4_00_A_07_100	A1	Ground Floor Plan
S4_01_A_07_101	A1	First Floor Plan
S4_02_A_07_102	A1	2nd Floor Plan
S4_03_A_07_103	A1	3rd Floor Plan
S4_04_A_07_104	A1	Fourth Floor Plan
S4_05_A_07_105	A1	Fifth Floor Plan and roof garden
S4_06_A_07_106	A1	6th and 7th Floor Plans
S4_08_A_07_108	A1	8th and 9th Floor Plans
S4_10_A_07_110	A1	10th to 11th Floor Plans
S4_RF_A_07_112	A1	12th to 13th Floor Plans
S4_RF_A_07_114	A1	14th to 15th Floor Plans
S4_RF_A_07_117	A1	Roof Plan

S4_RF_A_07_120	A1	Quayside roof plan and section showing Brunswick context
S4_-0_A_07_200	A1	North Elevation
S4_-0_A_07_201	A1	South Elevation
S4_-0_A_07_202	A1	East Elevation
S4_-0_A_07_203	A1	West Elevation
S4_-0_A_07_300	A1	Section A
S4_-0_A_07_301	A1	Section B
S4_-0_A_07_302	A1	Section C
S4_-0_A_07_303	A1	Section D
S4_-0_A_07_400	A1	1 bed (smallest)
S4_-0_A_07_401	A1	1 bed (average)
S4_-0_A_07_402	A1	2 bed (smallest)
S4_-0_A_07_403	A1	2 bed (average)
S4_-0_A_07_404	A1	Wheelchair Housing unit
S4_-0_A_07_405	A1	Studio (average)
S4_-0_A_07_800	A1	Bay Study - North elevation
S4_-0_A_07_801	A1	Bay Study - West elevation
S4_-0_A_07_802	A1	Bay Study - East elevation
S4_-0_A_07_803	A1	Bay Study - South courtyard elevation

(S5) Inner Harbour Site General Arrangement Drawings

S5_00_A_07_010	A1	Existing Site and Elevations
S5_00_A_07_100	A1	Ground Floor Plan
S5_01_A_07_101	A1	First to Third Floor
S5_RF_A_07_104	A1	Roof Plan
S5_-0_A_07_200	A1	Elevations North & South
S5_-0_A_07_201	A1	Elevations East & West
S5_-0_A_07_300	A1	Section AA, BB and CC
S5_-0_A_07_400	A1	Flat type - 1 bed (smallest)
S5_-0_A_07_401	A1	Flat type - 1 bed (average)
S5_-0_A_07_402	A1	Flat type - 2 bed
S5_-0_A_07_403	A1	Flat type - 3 bed
S5_-0_A_07_800	A1	Bay Study - South Elevation

(S6) Replacement Filling Station General Arrangement drawings

S6_00_A_07_100	A1	Ground Floor Plan
S6_RF_A_07_101	A1	Roof Plan
S6_-0_A_07_200	A1	South Elevation
S6_-0_A_07_201	A1	East Elevation
S6_-0_A_07_300	A1	Section AA

(S7) Multi Storey Car Park General Arrangement Drawings

XB005_AM_S7_-0_A-07_200	A1	North Elevation
XB005_AM_S7_-0_A-07_202	A1	South Elevation
XB005_HYSW_XXC_01	A1	MSCP – Level 1-2 (Existing) Sheet 1 of 2
XB005_HYSW_XXC_02	A1	MSCP – Level 1-2 (Existing) Sheet 2 of 2
XB005_HYSW_XXC_03	A1	MSCP – Level 3-4 (Existing) Sheet 1 of 2
XB005_HYSW_XXC_04	A1	MSCP – Level 3-4 (Existing) Sheet 2 of 2
XB005_HYSW_XXC_05	A1	MSCP – Level 5-6 (Existing) Sheet 1 of 2
XB005_HYSW_XXC_06	A1	MSCP – Level 5-6 (Existing) Sheet 2 of 2
XB005_HYSW_XXC_07	A1	MSCP – Level 7-8 (Existing) Sheet 1 of 2
XB005_HYSW_XXC_08	A1	MSCP – Level 7-8 (Existing) Sheet 2 of 2
XB005_HYSW_XXC_09	A1	MSCP – Level 9 (Existing) Sheet 1 of 2

XB005_HYSW_XXC_10	A1	MSCP – Level 9 (Existing) Sheet 2 of 2
HG 5384_A-A	A1	Existing Elevation Section A-A
HG 5384_D-D	A1	Existing Elevation Section D-D
HG 5384_K-K_1	A1	Existing Elevation Section K-K 1 of 3
HG 5384_K-K_2	A1	Existing Elevation Section K-K 2 of 3
HG 5384_K-K_3	A1	Existing Elevation Section K-K 3 of 3
HG 5384_L-L_1	A1	Existing Elevation Section L-L 1 of 3
HG 5384_L-L_2	A1	Existing Elevation Section L-L 2 of 3
HG 5384_L-L_3	A1	Existing Elevation Section L-L 3 of 3
XB005_HYSW_XXC_11	A1	MSCP – Level 1-2 (Proposed) Sheet 1 of 2
XB005_HYSW_XXC_12	A1	MSCP – Level 1-2 (Proposed) Sheet 2 of 2
XB005_HYSW_XXC_13	A1	MSCP – Level 3-4 (Proposed) Sheet 1 of 2
XB005_HYSW_XXC_14	A1	MSCP – Level 3-4 (Proposed) Sheet 2 of 2
XB005_HYSW_XXC_15	A1	MSCP – Level 5-6 (Proposed) Sheet 1 of 2
XB005_HYSW_XXC_16	A1	MSCP – Level 5-6 (Proposed) Sheet 2 of 2
XB005_HYSW_XXC_17	A1	MSCP – Level 7-8 (Proposed) Sheet 1 of 2
XB005_HYSW_XXC_18	A1	MSCP – Level 7-8 (Proposed) Sheet 2 of 2
XB005_HYSW_XXC_19	A1	MSCP – Level 9 (Proposed) Sheet 1 of 2
XB005_HYSW_XXC_20	A1	MSCP – Level 9 (Proposed) Sheet 2 of 2

Landscaping Proposals

LN00125_200-001-PL	A1	Composite Landscape Plan
LN00125_200-002-PL	A1	Cliff Park
LN00125_200-003-PL	A2	Geo Learn Space
LN00125_200-004-PL	A1	Harbour Square
LN00125_200-005-PL	A0	Under Flyover
LN00125_200-006-PL	A2	Arrival Space
LN00125_200-007-PL	A0	Cascading Street
LN00125_200-008-PL	A0	Palm Drive and Inner Harbour
LN00125_200-009-PL	A0	Park Square
LN00125_200-0010-PL	A2	Cliff Site Area
LN00125_200-0011-PL	A3	Sea Wall Roof Top
LN00125_200-0012-PL	A2	Quayside Roof Top
LN00125_200-0013-PL	A0	Car Park and Access Ramp
LN00125_200-0015-PL	A1	Quayside Environmental Improvements
LN00125_200-0016-PL	A2	Village Square
LN00125_200-0017-PL	A1	Habitat Creation
LN00125_400-001-PL	A3	Landscape Detail, Harbour Square, paving plan and cross-sections
LN00125_400-002-PL	A3	Section of Cliff Park and Geo-Learn Space
LN00125_400-003-PL	A3	Section through Geo-Learn Space
LN00125_400-004-PL	A3	Section through climbing area underneath the flyover
LN00125_400-005-PL	A3	Section through the RTS and sports courts underneath the flyover
LN00125_400-006-PL	A3	Landscape Detail – Harbour Square – Paving cross-sections
LN00125_400-007-PL	A3	Section through Harbour Square Environs (w-e)
LN00125_400-008-PL	A3	Section through Park Square (s-n)
LN00125_400-009-PL	A3	Section through Parkour under flyover

INFORMATIVE: (i) It will be necessary to provide adequate access of the Fire Brigade to the building or, as the case may be, as extended and (ii) the building or, as the case may be, the extension of the building, shall not render inadequate any existing means of access for the Fire Brigade to a neighbouring building.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BSI 6PN.

Tel. 0117 372 8000. Web site www.planning-inspectorate.gov.uk/pins/index.htm. Alternatively for more information about the appeals process go to www.planningportal.gov.uk.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him/her.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment, refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him/her. These circumstances are set out in Sections 114 and the related provisions of the Town and Country Planning Act 1990.

Note: THIS NOTICE DOES NOT CONVEY ANY CONSENT OR APPROVAL WHICH MAY BE REQUIRED UNDER THE PUBLIC HEALTH ACTS OR BUILDING REGULATIONS.

Appendix 3 Relevant planning policy and guidance

National planning policy and guidance

Planning Policy Statements (PPSs)

- Planning Policy Statement 1: Delivering Sustainable Development (2005) and Planning and Climate Change – Supplement to PPS1 (2007)
- Planning Policy Statement 3: Housing (2006)
- Planning Policy Statement 6: Planning for Town Centres (2005)
- Planning Policy Statement 9: Biodiversity and Nature Conservation (2005)
- Planning Policy Statement 10: Planning for Sustainable Waste Management (2005)
- Planning Policy Statement 22: Renewable Energy (2004)
- Planning Policy Statement 23: Planning for Pollution Control (2004)
- Planning Policy Statement 25: Development and Flood Risk (2006)

- Draft Planning Policy Statement 4: Planning for Prosperous Economies

Planning Policy Guidance notes (PPGs)

- Planning Policy Guidance 13: Transport (2001)
- Planning Policy Guidance 15: Planning and the Historic Environment (1994)
- Planning Policy Guidance 16: Archaeology and Planning (1990)
- Planning Policy Guidance 17: Planning for Open Space, Sport and Outdoor Recreation (2002)
- Planning Policy Guidance 20: Coastal Planning
- Good Practice on Planning for Tourism (2002)

Development plan policy

- Regional Planning Guidance for the South East, March 2001 (superseded by the South East Plan, May 2009)
- East Sussex and Brighton and Hove Structure Plan 1991 – 2011 (superseded by the South East Plan, May 2009)
- South East Plan, May 2009 and preceding versions
- Brighton and Hove Local Plan (as saved) 2005

Supplementary planning guidance and documents

- SPG4: Parking Standards (adopted 1997 and reconfirmed in September 2000)
- SPG5: Black Rock Development Brief
- SPG9: A Guide for Residential Developers on the Provision of Recreation Space (draft)
- SPG15: Tall Buildings (January 2004)

- SPG20: Brighton Marina Volume 1 “An Urban Design Analysis” and Volume 2 “Development Brief”
- SPD08: Sustainable Building Design (June 2008)

Planning Advice Notes

- PAN04 Brighton Marina Masterplan and associated supporting documents

Draft Local Development Framework

- Core Strategy, Revised Preferred Options, June 2008 and associated documents
- Core Strategy, Proposed Amendments, June 2009 and associated documents

Other documents

- Housing needs survey (2005)
- The Brighton & Hove Retail Study (March 2006)
- Brighton & Hove Employment Land Study (August 2006) and update (2009)
- Brighton & Hove Infrastructure Capacity Assessment: 2005 - 2026 (June 2006)
- Urban Characterisation Study (January 2009)
- Affordable Housing Development Viability (May 2008)
- Strategic Housing Market Assessment (April 2008)
- Open Infrastructure Network Study (2009)
- Strategic Flood Risk Assessment (March 2008)
- Open Space Sport and Recreation Study (May 2009)
- Strategic Housing Land Availability Study (2009)
- Updated Employment Land Study 2009
- Brighton and Hove Affordable Housing Scheme Brief for the Inner Harbour
- Brighton and Hove Housing Needs Survey (2005)
- Brunswick (Outer Harbour) Planning Statement
- Brunswick (Outer Harbour) S106 Agreement
- King Alfred Waterfront Planning Statement
- King Alfred Waterfront S106 Agreement
- Ocean Hotel, Saltdean, S106 Agreement
- National Affordable Homes Agency, Housing Quality Indicators (HQI) Version 4 (April 2008)
- Housing Quality Indicators (HQI) prepared by Churchill Hui
- Homes and Communities Agency (formally known as the Housing Corporation) Design and Quality Standards
- Joseph Rowntree Foundation, Lifetime Homes Standards