

**Statement Of Case – Brighton Marina Residents’ Association**  
**Planning Inspectorate Ref APP/Q1445/A/09/2102148**  
**Local Planning Authority Ref BH2007/03454**

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In Respect of Land at Brighton Marina

Appeal by Explore Living (No1) Ltd & X-Leisure (Brighton I) & X-Leisure (Brighton II) Ltd

**Introduction**

- This Statement of Case sets out the case that the Brighton Marina Residents’ Association intends to present at the public inquiry to be held regarding the application of development of Land at Brighton Marina (BH2007/3454) which was refused by the Planning Committee of the Brighton & Hove City Council on 12 December 2008.
  
- The Brighton Marina Residents’ Association fully supports the Brighton & Hove City Council’s (BHCC) decision to refuse this application and we are AGAINST this development.
  
- The Brighton Marina Residents’ Association (BMRA) represents the interests of the residential property owners of Brighton Marina. There are over 800 residential properties at Brighton Marina and we are collectively the largest private stakeholders in Brighton Marina by virtue of the purchase of our properties at Brighton Marina. We are an active voluntary organisation but receive no funding from other sources. We have received no professional advice in forming this statement.
  
- It should be stressed that the residents of Brighton Marina are not against development of the Marina per se, recognise that the western end of the Marina needs some development and would welcome development which enhances, is appropriate and is sympathetic.
  
- However we fundamentally believe that this application is a missed opportunity, is inappropriate and the appeal should fail.

**Peter Martin BSc FIA**  
**Chairman – Brighton Marina Residents’ Association**

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**8 September 2009**

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**Issues**

1. **Housing:** Fails to provide adequate affordable housing, of appropriate mix, size, location & ‘pepper-potting’. Does not meet the needs of the Brighton & Hove City Council. Fails to provide a cohesive and sustainable community.
  
2. **Strategic Views :** Unacceptable loss of strategic views both within and without the Marina.
  
3. **Extent of development exceeds SPG20.**
  
4. **Excessive Height:** The buildings proposed are of excessive height and overdominant. Do not take account of height, scale, bulk and design of existing buildings. Will cause severe and irreversible damage to the character and appearance of the local area.
  
5. **Overdevelopment of a restricted site.**
  
6. **Excessive Density.** Concern of ‘cramming’ which will lead to a deterioration in the quality of life.
  
7. **Lack of Open Space and Lack of Green Space :** Not sufficient open and green space within the Marina provided by the proposed development. What limited open and green space is provided by the applicant is wholly inadequate and of poor design. Not enough private amenity space.
  
8. **Inadequate Community Facilities** - no primary schools proposed within the Marina nor GP surgery which would meet Primary Care Trust requirements.
  
9. Important areas of the Marina will suffer wind tunnel effects which will result in material **nuisance and loss of amenity.**
  
10. **Loss of Car Parking:** The reduction in the provision of parking in the multi-storey car park proposed is unacceptable and the proposed development does not comply with car park standard policy.

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11. **Loss of Light:** 6 Flats for existing residents suffer a loss of light which exceeds the guidelines for Loss of Light causing material loss of amenity and nuisance.
  
12. If this development were to proceed **Transport** infrastructure is not adequate to allow further future development within the Marina which is required by BHCC Masterplan **PAN04** to address the issue of the inadequate emergency access and egress at the Eastern End of the Marina.
  
13. There will be **loss of amenity** as a result of inadequate parking. The reduction in the car parking in the Multi-Storey Car Park is unacceptable. Under-provision of parking will result in a loss of amenity to existing Marina residents. Location of the Bus Station is inappropriate and will result in a loss of amenity for residents of the Marina and cause nuisance.

#### **History of Brighton Marina, Height Restriction and 1974 Public Inquiry**

BMRA will seek to explain the history of the development of the Marina and the context of the cliff height restriction, the reasons as to how this arose and why this should be considered by the Public Inquiry.

We will bring to the Inspector’s attention The Brighton Marina Act 1968 and the Cliff Height Restriction. We note that in the opinion of Clive Newberry QC given to Kemp Town Society, on which we make reliance, that this is “clearly a material planning consideration.”

In addition we will examine the Statement of Case made by the Brighton Marina Company in 1974 and also the publications they produced at the time. These will show that the Marina Act was a planning consideration and also gave categorical and unequivocal statements regarding the cliff height restriction. Also the importance of design given to not impinging upon the natural features of the coast and to maintain a coastline without development.

We will also refer to the Statement of Case made by the East Sussex County Council in 1974. The issues they raise regarding the extent of residential development and other matters discussed are still relevant. We also note their concerns about a housing development with ancillary moorings rather than a Marina with ancillary residential accommodation.

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We will also consider the results of the 1974 public inquiry as per the Secretary of State’s determination and the conditions and the reasons proposed. These include for example the height restriction of 15 metres imposed for visual reasons, excessive nature of residential proposed having regard to the restricted nature of the site and that development should be located away from the cliffs.

**Brighton & Hove City Council : Core Strategy DA2**

We also contend that material weight should be given to the emerging Brighton & Hove City Council’s Core Strategy Document : Brighton Marina (DA2) with respect to cliff height restriction and proposed reduction in housing for Brighton Marina.

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**List of Documents**

- Planning Application BN2007/03454 : all documents submitted by Applicant for this application
  
- PAN04
- SPG15 SPG20 SPG4 SPG9
- BHCC Draft Core Strategy Document – DA2 Brighton Marina
- Policy QD1. QD2. QD3. QD4. QD15. QD27.
- Policy HO3. HO4. HO5. HO6. HO21.
  
- PPS1 PPS3
- PPG15
  
- Transport Assessment Review 19 August 2008 : Mouchel.
- Brighton Marina Act 1968 and associated documents.
- Hansard dated 13th March 1967, 26th June 1967 and 29th July 1967
- Ministerial Planning Permission 1966.
- Statement of Case made by Brighton Marina Co dated 30 August 1974
- Statement of Case made by East Sussex County Council 1974
- Letter from Department of Environment dated 30 May 1975 to Louis De Soissons Partnership.
- Clive Newbury QC Opinion to Kemp Town Society on Brighton Marina Act 1968.
- Primary Care Trust Correspondence with Roedean Residents Association dated 20 February 2008
- Various photographic images of Brighton Marina (Cliffs, The Strand, Ramp, Vistas....)
- Newsletters produced by Brighton Marina Co including Marina 74.
- Press Clippings – including Brighton & Hove Gazette, The Argus and “21 Years of Brighton Marina : Argus 24 May 2000 Special Supplement”.

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- BMRA Letter of Comment and Attachments to Inspectorate 21 July 2009

BMRA wishes to reserve the right to add or amend this list of documents to be referred to at the inquiry. This is a provisional list of exhibits to be produced at this stage.

We also reserve the right to amend, alter or extend the scope of our contentions in light of any issues arising which may be disclosed on any pre-inquiry statement of other parties to the inquiry or which may arise at the inquiry.