

**BRIGHTON & HOVE
CITY COUNCIL**

**Appeal in respect of:
LAND AT BRIGHTON
MARINA**

**LANDSCAPE AND
VISUAL PROOF OF
EVIDENCE**

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**VOLUME 3:
SUMMARY**

**Planning Inspectorate Appeal Ref:
APP/Q1445/A/09/2102048/NWF
LPA Ref: BH2007/03454**

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SUMMARY OF LANDSCAPE AND VISUAL PROOF OF EVIDENCE

Witness Qualifications & Experience

- s.1 This summary has been prepared by David Allen. I am a chartered Landscape Architect and have been in professional practice for over twenty-five years.

Landscape Context

- s.2 Brighton Marina is located at an important gateway on the eastern approaches to the City and lies within a transitional area of sharply contrasting landforms where the man-made Marina extends from the shore-line. Within the seawalls are contained a large boat harbour and mixed-use built development. Existing structures are generally 2 to 5 storeys in height and allow uninterrupted panoramic views from the cliff top over the sea and adjacent shoreline.
- s.3 The Marina is hidden in current views from the closest sections of the South Downs AONB but is overlooked from adjacent parts of the urban area and Downland countryside. The appeal scheme will be visible from the statutory designated landscape and the South Downs National Park, which is due to replace the AONB in April 2010. The boundary of the National Park extends to the sea wall on the eastern side of the Marina.
- s.4 The planning authority have granted planning permission for the Brunswick development. Although the 853 flat, mixed-use scheme has yet to be constructed it would be adjacent to the appeal site. The relationship with this scheme, which includes a dramatic 40-storey landmark tower, is a material consideration.
- s.5 The appellant's provide an assessment of the area around the Marina in Chapter 9 of their Environment Statement with 43 typical 'before & after' photomontage views of the proposals. The document contains a detailed analysis of the townscape and urban heritage issues but only a superficial appraisal of the effects on the designated landscape.

- s.6 The Marina contains some important leisure and retail facilities but provides only limited recreational amenity to local residents, particularly children, because of their specific appeal or cost. The Marina Masterplan recognises the absence of any existing play space because of the previous loss of the only children's playground when part of the Marina waterfront was rebuilt. The nearest play facility is in East Brighton Park where access along a tortuous route needs to overcome major level changes and the busy A259 road, which creates a significant barrier for pedestrians, particularly children, the elderly and disabled.
- s.7 The appeal scheme includes a range of new outdoor play activities located around the edge of the appeal site. The positioning and selection of these facilities does not comply with council guidance or give sufficient regard to the safety of potential users and the privacy of adjacent residents.
- s.8 The appeal proposals include as an essential part of the scheme a comprehensive green framework for the public realm and private spaces involving substantial large tree and shrub planting in squares, elevated walkways and roof gardens. The Marina creates a particularly harsh and hostile environment for planting. Few trees and shrubs are able to withstand the extreme seasonal coastal weather conditions and where they do manage to establish growth is invariably retarded. The Council's Arboricultural, Parks and Ecology Officers in the Council have still to be convinced of the viability of the planting proposals.

Reasons for Refusal No 1

- s.9 The appeal proposals consist of six development sites of varying size within the north-west quadrant of the Marina. The main sites (Cliff Site - above a new ASDA supermarket; Sea Wall; Marina Point; and Quayside) contain a collection of closely related or free standing residential blocks which, at their tallest points, range between 23.3m and 87.5m in height. All the proposed main structural blocks in the development fall either in the 'tall' (Cliff Site, Sea Wall) or 'very tall' (Marina Point, Quayside) categories in the 'Tall Buildings' SPG 15. This would create a solid and continuous built entity whose angular block profile and height will dominate the skyline between the cliffs and the proposed Brunswick

development, obstruct long views of the sea from Marina Parade and the cliff top, as well as hiding the reverse views of the cliff from the shoreline and Marina.

- s.10 Chapter 9 of the ES gives a strong architectural bias to its analysis. The assessment fails to recognise the sensitive landscape character and visual appraisal because the appearance of the built form is regarded as being the overriding consideration. The assessment does not provide sufficient landscape baseline detail and consequently fails to identify the potential temporary and residual impacts brought about by the scale and nature of the development, increased urbanisation and night time lighting.
- s.11 I cannot agree with the appellant's assertion that the proposals will consistently have a 'Substantial Beneficial' effect on the majority of the 43 ES viewpoints. I provide a comparative landscape-led assessment in Volume 2 Appendix 9 of my evidence. My analysis shows the appeal scheme would have an 'Adverse' impact on most views because of its dominant design as well as the change to the character of long established and cherished views.

Reasons for Refusal No 4

- s.12 SPG 9 sets out the types of play and sports facilities to be provided. The SPG and Marina Masterplan require the inclusion of appropriate replacement formal and informal children's play space but do accept that space-demanding sports pitches could be provided off-site.
- s.13 The play facilities are located in the more remote, inhospitable places around the perimeter of the appeal site and appear to have been squeezed into the spaces left after the road and building layouts had been finalised. Much of the play space is positioned under low road ramps where there is minimal headroom and minimal overlooking. The equipped play facilities relate poorly to the residential buildings and, at the Cliff site, do not provide adequate privacy buffers to habitable rooms. While the proposals appear to offer a range of activities the functionality and compatibility of these play and learning facilities is not clear.

- s.14 The dense layout and extensive use of tall buildings creates a great deal of shade across much of the appeal site. The ES microclimate analysis only provides details of sunlight in summer months but it is clear that most of the play space and private amenity courtyards will be in shadow for much of the year. The areas beneath the road ramps and flyovers will mostly be in permanent shade.
- s.15 The appellant has taken a great deal of care emphasising the green aspects of the proposed scheme and the integral contribution the planting will make to the success of the public realm and private spaces. The proposed tree, roof terrace and public realm planting is extremely ambitious but the feasibility of this planting, particularly the installation of semi-mature trees, is not proven.

Conclusions

- s.16 The height, form and density of development has been conceived as a piece of 'new city'. The design is contrary to the sensitive approach required in the Council's planning guidance and fails to meet the landscape objectives set out in the 'Tall Buildings' and 'Marina Masterplan' documents.
- s.17 The harmful effects of intrusive additional urban development and night time lighting will be noticed in the more distant AONB landscape. However, the appellant's landscape assessment takes no account of the proposed South Downs National Park. The appeal scheme will create substantial adverse impacts on the character and setting of the National Park.
- s.18 The appellant's visual assessment provides an incomplete analysis of the baseline landscape conditions and an unjustifiably positive appraisal of the impacts of the appeal proposals. The main parts of the appeal scheme consist entirely of closely positioned 'tall' and 'very tall' buildings as defined by BHCC guidance. Insufficient regard has been given to the sensitivity of the Marina setting. The overall effect on most surrounding public vantage points is to create a solid, overly dominant and cluttered built form that destroys the existing relationship between the cliff top area and the Marina as well as compromising the setting of the approved Brunswick landmark development at the harbour entrance.

- s.19 The play spaces and educational spaces are misconceived and will not meet the needs of residents in the appeal scheme. The siting of facilities around the perimeter of the site is poor and appears to be secondary to the layout of the residential buildings. The facilities do not comply with Council planning guidance while the privacy and amenity of future residents is unacceptably compromised by the absence of essential buffers around the main equipped play area activity zones. Failure to provide appropriate and safe play facilities on site would mean that the only alternative equipped space available for children would remain the distant and difficult to access play area in East Brighton Park.
- s.20 The amenity value of most of the major play facilities, communal gardens and the under-cliff walkway is compromised or negated by the high levels of shading that will occur throughout the year because of the overly tall buildings or positioning of activities beneath the road ramps and flyovers.
- s.21 The proposed planting is an essential element in the overall scheme design and should define the quality and attractive appearance of the public realm and private open spaces. The appeal scheme planting proposals fail to recognise the severe potential impact of the extreme seasonal weather conditions on this exposed coastal site and do not no attempt to demonstrate the viability of the proposed tree planting or roof garden treatments. I share the Council Officer's concerns about the ability to establish and grow any large trees on site given the previous failures in the Marina over the past 30 years.
- s.22 The appeal scheme does not comply, in landscape terms, with the BHCC policies set out in the Reasons for Refusal Nos. 1 and 4.