

BRIGHTON MARINA REGENERATION PROJECT

proof of evidence - appendices
David Gavin



Nathaniel Lichfield and Partners

Planning Design Economics

BRIGHTON MARINA REGENERATION PROJECT

APPENDICES TO PROOF OF EVIDENCE OF DAVID GAVIN MRTPI

EXPLORE LIVING AND X LEISURE: APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING

LPA REF: BH2007/03454

PINS REF:
APP/Q1445/A/09/2102048/NWF

6 October 2009

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Appendix 1 Plan 1: Site Context Plan

- Key**
-  Boundary of Appeal Site
 -  Sussex Downs AONB (Approx)
 -  Countryside (Approx)
 -  SSSI
 -  SNCI
 -  Historic Gardens
 -  Conservation Areas
 -  Railway
 -  Proposed South Downs National Park (Approx)



Nathaniel Lichfield
and Partners

Project	Brighton Marina Regeneration Project
Title	Plan 1 Site Context
Client	Explore Living
Date	September 2009
Scale	1:25,000 @ A3
Drawn by	SW
Dwg. No	CL10578/02-002



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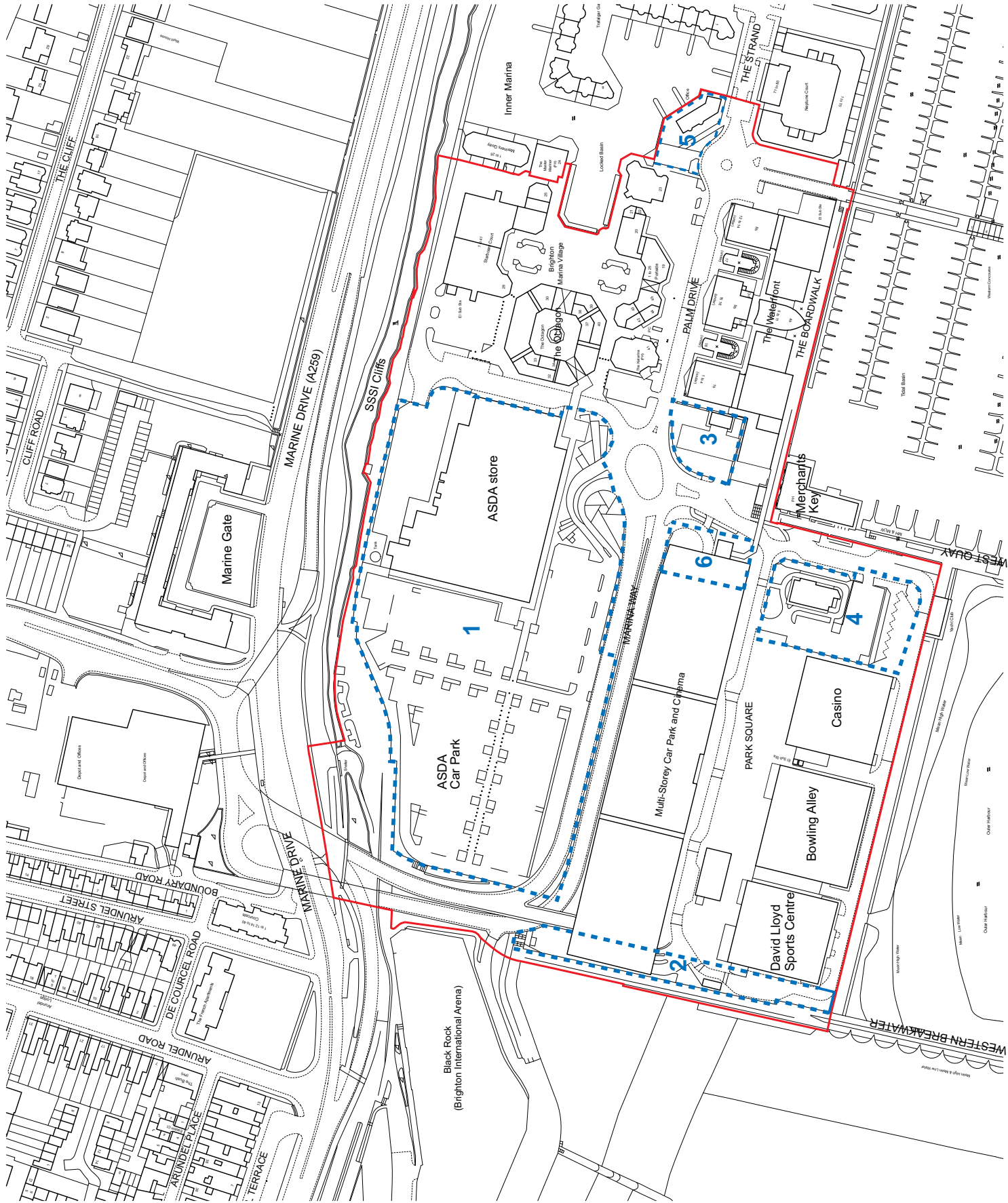


Appendix 2

Plan 2: Location of the Appeal site

KEY

-  Boundary of Appeal Site
-  Boundary of Six Sites within the Appeal Boundary
- 1. Cliff Site
- 2. Sea Wall Site
- 3. Marina Point Site
- 4. Quayside
- 5. Inner Harbour Site
- 6. Replacement Petrol Filling Station



Nathaniel Lichfield and Partners

Project	Brighton Marina Regeneration Project
Title	Plan 2 The Appeal Site
Client	Explore Living
Date	September 2009
Scale	1:2000 @ A3
Drawn by	SW
Dwg. No	CL10578/02-001



TL10578/02-001

Appendix 3

**Letter dated 8 September 2008
from Brighton and Hove City
Council confirming that a
material start has been made
on the Brunswick scheme.**

Ms Ruth Waistell

DP9 Planning Consultants
100 Pall Mall
London
SW1Y 5NQ

Date: 8th September 2008

Our Ref: BH2006/01124

Your Ref:

Phone: (01273) + 292361

Fax: (01273) + 292350

e-mail: katie.haffenden@brighton-hove.gov.uk

Dear Ms Waistell,

RE: Implementation of planning permission BH2006/01124
Location: Brighton Marina, Outer Harbour development

I write in response to your letter sent to Martin Randall dated 7th August regarding the implementation of permission BH2006/01124.

I can confirm that the Council has discharged all of the pre-commencement conditions attached to the permission. I have inspected the works and it is my opinion that the enabling work, which formed part of the grant of planning permission, involving the construction of a new access route along the Western Breakwater is complete and is accepted as comprising a 'material operation' as defined in the Town and Country Planning Act 1990.

Furthermore, I concur that the preliminary works (i.e. infill of decking over the Western Breakwater and construction of temporary access bridge) do not comprise a 'material operation' as described in the S106 agreement.

The Deed of Variation (dated 17th January 2007) to the Section 106 agreement required the submission of a Construction Environmental Management Plan for the enabling works and it has been confirmed to me that a CEMP for these preliminary works has been submitted and is considered satisfactory. As such this obligation has been complied with.

I am therefore able to confirm that development has commenced under the terms of planning permission BH2006/01124.

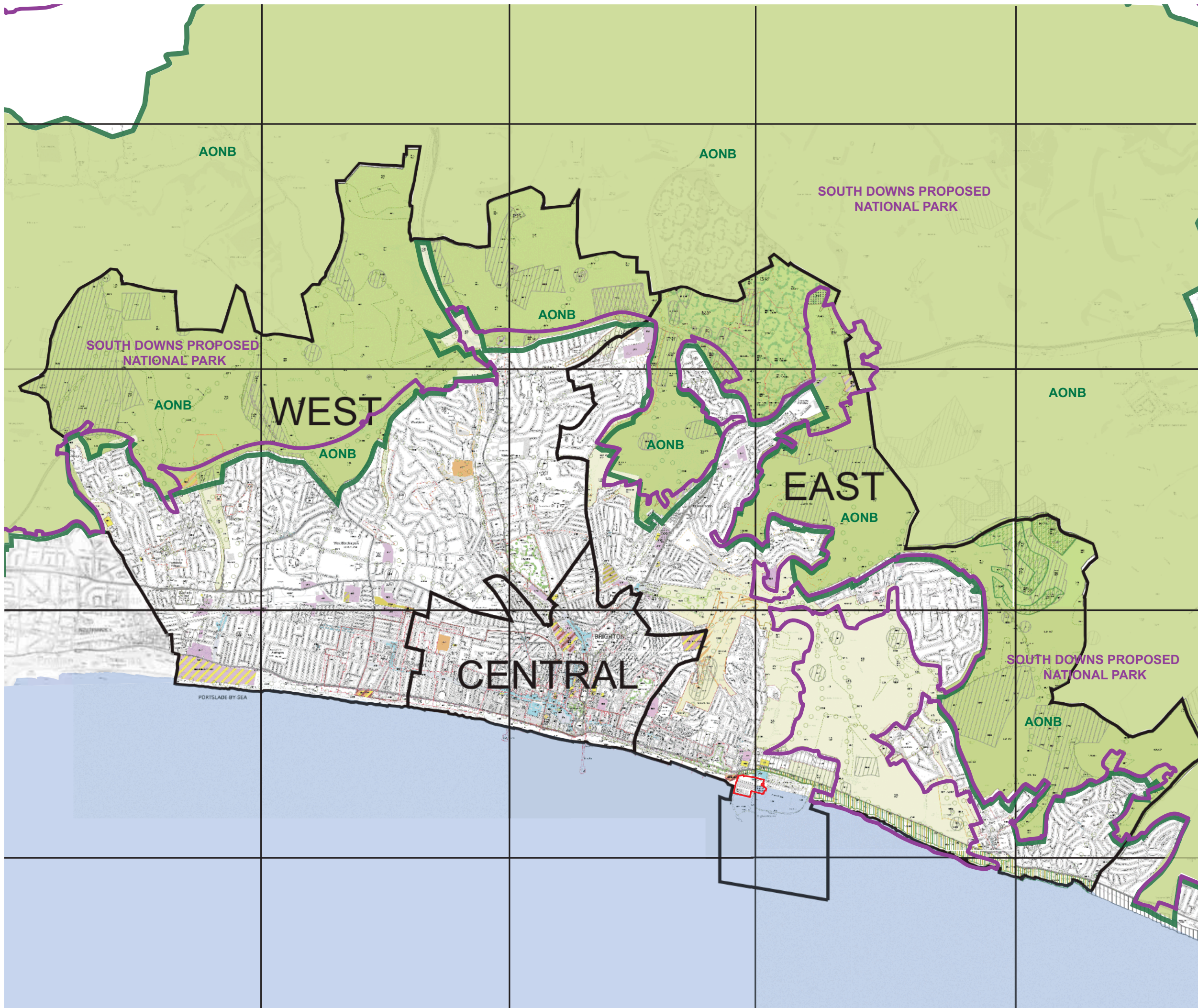
However, clause 3.1 of the S106 Agreement dated 4th July 2006, requires £40,000 to be paid upon the completion of the S106 Agreement. The remainder, which for the avoidance of doubt is £20 000 has not been paid and a letter was sent on 4th July 2008 by Debra May requesting this amount be paid. The Local Planning Authority still requires this amount and I would be grateful if the request for the balance of the Employee Contribution could be acknowledged and a time scale be given for the payment of this sum.

Yours sincerely,






Katie Haffenden
Planning Officer
Planning Projects

Cc: Debra May (B&HCC)

Appendix 4 **Plan 3: Plan showing the
constrained urban context of
Brighton**



KEY

- Boundary of Application 
- Local Authority Boundary 
- South Downs Proposed National Park 
- Area of Outstanding Natural Beauty 
- Countryside 



Nathaniel Lichfield
and Partners

Project Brighton Marina Regeneration
Project

Title **Plan 3
Constrained Urban Context
of Brighton**

Client Explore Living

Date September 2009

Scale NTS @ A3

Drawn by FP

Drg. No CL10578-02-005



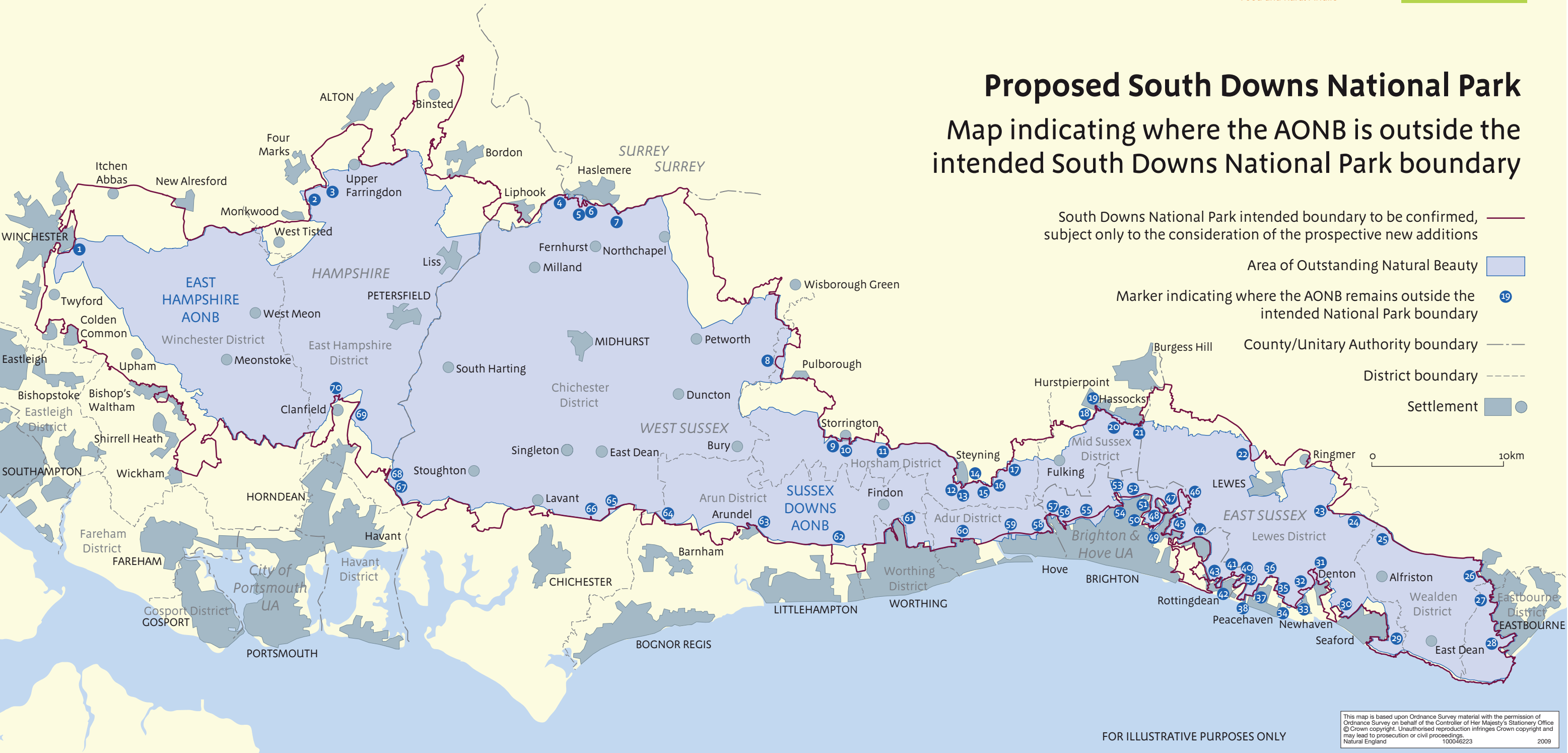
IL10578/02-005

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Appendix 5 Boundary of the proposed South Downs National Park

Proposed South Downs National Park

Map indicating where the AONB is outside the intended South Downs National Park boundary



South Downs National Park intended boundary to be confirmed, subject only to the consideration of the prospective new additions ———

Area of Outstanding Natural Beauty ———

Marker indicating where the AONB remains outside the intended National Park boundary 19

County/Unitary Authority boundary - - - -

District boundary

Settlement ●

0 10km

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**Appendix 6 Letter from SEEDA dated
29 September 2009**

Sian Evans

Planning Inspectorate, Registry/Scanning
Room 3/05 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN

29th September 2009

Dear Miss Evans

Planning Appeal Reference: APP/Q1455/A/09/2102048/NWF
Residential Led Mixed Use Development: Brighton Marina

I understand that this appeal is to be determined in the fairly near future.

SEEDA is a statutory consultee on planning applications that exceed the criteria issued to all local authorities in April 2007ⁱ. The Brighton Marina application (LPA reference: BH2007/03454) satisfied these criteria, and SEEDA were therefore consulted on the planning application by Brighton and Hove City Council.

We supported the application because we considered that the proposed development complemented the aims and aspirations of the Regional Economic Strategy. A copy of our response is attached.

Since the submission of the planning application and its refusal by the City Council's Planning Committee in December 2008, the credit crunch and the subsequent recession have had a significant impact on economies at the national, regional and local level.

Economic and Employment Benefit

The weakening economic conditions have had a significant impact on the construction industry, and especially on the viability of regeneration projects. This is reflected by research commissioned by SEEDA showing that *'commercial, mixed use and housing development schemes, both large and small, are being deferred across the South East, including projects worth more than £1 billion in Brighton and Hove'*ⁱⁱ.



As a result, construction has been one of the worst affected sectors in the current recession to date, with output and employment levels falling substantially over the past year. The unemployment rate in the industry increased significantly during 2008, rising from 11 per 1,000 employees in the first quarter to 31 per 1,000 in the fourth quarterⁱⁱⁱ. In addition, the Office for National Statistics predicts that the sector will contract by up to nine per cent in 2009^{iv}.

The construction sector is likely to be at the forefront of the upturn and we are concerned that the recession could leave the sector ill-equipped to meet skills needs required for the upturn.

Regional Economic Strategy and The South East Plan

In addition, since the refusal of planning permission by the City Council's Planning Committee in December 2008, the South East Plan (2009) has been adopted as the Regional Spatial Strategy and part of the statutory Development Plan. Brighton is identified as key regional hub and, in accordance with Regional Economic Strategy, as a Diamond for Investment and Growth. The South East Plan identifies that the role of regional hubs should be supported and developed including encouraging higher density land uses and/or mixed land uses. Brighton is identified as part of the Sussex Coast sub-region where the priority is to proactively pursue and promote sustainable economic growth and regeneration. As part of growth in the Sussex Coast sub-region The South East Plan identifies that in particular, care will be taken to optimise the use of previously developed land, particularly in Brighton & Hove.

We consider the proposals will comply with The South East Plan and the scheme will support the role of Brighton as a regional hub and particularly a Diamond for Investment and Growth, by contributing significantly to the City's economy through direct and indirect benefits. The scheme will also deliver development that will support regeneration and sustainable economic growth whilst maximising the use of previously developed land.

SEEDA supports new housing provision, which is an important component in achieving economic competitiveness, including within the Diamond area. In the context of significant housing affordability issues, the South East Plan defines a housing requirement for the Region and for Brighton, towards which the appeal proposals' 1301 dwellings will make a significant and very welcome contribution. The mix of housing proposed, including the 40% that will be affordable, is in line with the South East Plan, and will help create sustainable communities, reflecting the evidence in Brighton's Strategic Housing Market Assessment, and therefore meeting the requirements of the Development Plan

Economic Benefits of World Class Places

In May 2009 the Government published its strategy on improving the quality of place, entitled 'World Class Places'. It outlines that whilst the Government's Regeneration Framework^v shows regeneration needs to be focused on economic outcomes and worklessness, to improve these there needs to be the creation of places where people want to live and work. The strategy identifies that quality of life factors, including quality of place, appear increasingly important in attracting private sector investment and skilled workers and that vibrant cities with striking new or rehabilitated buildings are important factors in attracting tourists and contributing to local and regional economies.

The improvements the proposed scheme will bring to Brighton Marina as a place of work, place of residence and as a destination will bring further economic benefits to Brighton as a City and to the Region as a whole.

Summary

In light of the above, we would like to emphasise the economic importance of the proposed development to the Brighton area, and that we think these are material considerations to be taken into account, alongside the proposal's full compliance with the policies of the statutory Development Plan, including The South East Plan which has been adopted since the planning application was considered by the Local Planning Authority. The development is set to generate approximately 420 temporary jobs during the construction phase and an additional 185 permanent jobs in the operation phase. The development, via an appropriate s106 agreement, will also release funding for a local skills and training initiative.

In summary, we think the advantages of the proposal are that it will:

- provide significant employment opportunities in the construction industry
- retain and develop capacity in the construction industry
- provide significant levels of market and affordable housing, which are critical to the delivery of sustainable prosperity in the Brighton Diamond for Investment and Growth, and in line with the South East Plan.

Yours sincerely

David Stewart
Head of Planning

ⁱ SEEDA Advice Note (August 2008): 'Responding to Consultations on Planning Applications'.

ⁱⁱ SEEDA (2009). 'Beyond the Crunch: Building a Stronger South East'.

ⁱⁱⁱ Alliance of Sector Skills Councils (May 2009). 'The impact of the economic downturn on business and skills in England'.

^{iv} Institute for Employment Studies (July 2009). 'Impact of the Recession on the Labour Market in the South East'.

^v CLG (2009) 'Transforming Places; Changing Lives – Delivering the Regeneration Framework'

Appendix 7 Policy Matrix

Table 1a: Assessment of the Proposed Development Against the Development Plan (South East Plan)

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
Spatial Planning at Sub-Regional Level SP1, SP2, SP3			
SP1 Sub-Regions in the South East	This policy identifies the sub regions which will be the focus for growth and regeneration. Sussex Coast is defined as one of nine sub-regions in the South East.	Brighton lies within the Sussex Coast sub-region, which is identified within the South East Plan as a focus for growth and regeneration.	✓
SP2 Regional Hubs	This policy sets out how relevant regional strategies, local development documents and transport plans will include policies and proposals that support and develop the role of regional hubs including priority measures for increasing accessibility by public transport, walking and cycling; encouraging higher density land uses and/or mixed uses that require a high level of accessibility; prioritising high quality interchange facilities between all modes of transport; focusing new housing development and economic activity in locations close to or accessible by public transport and delivering long term development in strategic development areas where identified around hubs. Brighton is identified as a hub, where accessibility and transport interchange facilities will be prioritised, high density and / or mixed land uses will be encouraged.	The proposed development complies with the requirements of this policy as it: a) provides a new transport interchange, which includes new bus stops, taxi bays and Real Time Information. Reconfigures the highway layout to introduce a new central area of shared space and a new secondary emergency access route. Explore Living is committed to financially supporting the introduction of the Rapid Transport System or equivalent bus services, which would utilise the new emergency access route, which connects the marina to Marine Drive. Also refer to the evidence of David Frisby at section 6.3. b) makes effective use of a brownfield site by introducing high density mixed use development, which includes much needed housing of which, 40% is affordable, in a location that is highly accessible by public transport. Also refer to the evidence of David Gavin at para. 4.13 to 4.25 and the evidence of David Frisby at para. 4.8.2.	✓
SP3 Urban Focus and Urban Renaissance	The policy seeks to primarily locate development in urban areas to promote accessibility to employment, housing, retail and other services to avoid unnecessary travel. This includes promoting at least 60% of all new development on previously developed land.	The proposed development makes effective use of a previously developed site, within the constrained urban limits of Brighton and Hove. See the evidence of David Gavin at para. 4.13 – 4.25. As a designated District Centre, the marina has a suitable range of mixed uses, including retail, residential and leisure. The proposed development will increase the mix of uses at the site, increase the level of employment, retail and housing provision overall. See the evidence of David Gavin at para. 5.57 to 5.61.	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
Cross Cutting Themes – CC1, CC2, CC3, CC4, CC6, CC7, CC8, CC9			
CC1 Sustainable Development	This policy seeks to help achieve and maintain sustainable development in the region.	<p>The proposed development seeks to introduce mixed use development at an underutilised brownfield site. This will see the regeneration of the marina and encourage the development of a sustainable community. See the evidence of David Gavin at section 5.0.</p> <p>Sustainability has been integral to the design of the proposed development and incorporates a wide range of innovative measures. These measures are summarised at paragraphs 21.185 – 21.186, pages 49 - 51 of ES section 21 'Sustainability' [CD2/10.1].</p>	✓
CC2 Climate Change	<p>This policy seeks to encourage local policies and strategies to promote mitigation measures and adapt to forecast effects of climate change. Mitigation includes improving the energy efficiency of buildings, reducing the need to travel, promoting land use that acts as carbon sinks, encourage development and the use of renewable energy and reduce amount of biodegradable waste being land-filled.</p> <p>Carbon dioxide emissions reduction targets of at least 25% below 1990 levels by 2015.</p>	<p>The proposed development seeks to respond to the forecast effects of climate change by introducing buildings at the marina, which have been designed to accord with best practice in sustainable building design. Overall, through a combination of gas-fired Combined Heat and Power and biomass boilers and other measures, the carbon dioxide emissions rate will result in savings against the Target Emission Rate (see ES section 21 'Sustainability', para. 21.55 – 21.63 [CD2/10.1]).</p> <p>The introduction of a mix of uses at the marina will help to contribute towards a sustainable community and will help to create a more vibrant and viable District Centre. Combined with a range of transport measures will help the marina to become more accessible thus encouraging the use of more sustainable modes of transport, and helping reduce CO₂ emissions as a result. See the evidence of David Frisby at section 6.</p> <p>A comprehensive assessment of the development in relation to waste management can be found at ES section 14 'Waste' [CD2/10.1]. This demonstrates that the waste arising from the site will be managed in line with national waste management legislation and local plan policies SU13 and SU14 below) and seeks, wherever possible, to encourage the reuse and recycling of all waste streams.</p> <p>As Above.</p>	✓
CC3 Resource Use	This policy seeks to encourage more sustainable resource use to stabilise the region's ecological footprint including increased efficiency / resource use in new development.		✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
CC4 Sustainable Design and Construction	Construction will be expected to adopt sustainable building techniques and standards to include energy efficiency, designing increased use of natural resources and renewable energy, reduction in waste, flexible building adaptation and encouraging 'whole life costing'.	Sustainable building techniques will be used where possible including the use of prefabrication, minimising waste, encouraging the use of natural resources and renewable energy. A range of measures incorporated in the passive design of the buildings and other energy efficient measures are set out at ES section 21 Sustainability, paragraph 21.58 pages 13 – 14 and paragraph 21.61, page 15 [CD2/10.1]. The proposed residential units, affordable and private, are designed to be flexible and easily adapted as residents' needs change over their lifetime. This is explained further within the Design and Access Statement at Volume 2, Appendix 2, page 23 [CD2/7.2].	✓
CC6 Sustainable Communities and Character of the Environment	This policy seeks to promote sustainable and distinctive communities through a shared local vision. This includes respecting and appropriate enhancement of character distinctiveness of settlements and landscape, high quality built environment promoting a sense of place and consideration of accessibility, social inclusion, environmentally sensitive development and crime reduction.	The proposed development makes effective and efficient use of an underutilised brownfield site. The appeal scheme is in accordance with the guidance contained within SPG20 which identifies the marina for mixed-use regeneration. See the evidence of David Gavin at section 4.0 and the evidence of Bob Allies at sections 6, 7 and 8. The evolution of the design is set out within the Design and Access Statement (Volume 1, section 4 and 5) [CD2/7.1] and explains how the development seeks to create a high quality scheme which integrates into the existing marina, to create a new urban quarter for the city. Matthew Spry's evidence demonstrates that the form and location of the development (including mix of uses), the range of housing types proposed, the 1,301 residential units of which 40% or 520 are affordable, will all help to contribute towards achieving a mixed sustainable community (para. 5.50). Also see the evidence of David Bean at Section 5 para. 5.37 – 5.38.	✓
CC7 Infrastructure and Implementation	Sufficient infrastructure should be implemented to meet the scale and pace of development. Funding will be provided by a combination of local government and private sector partners and substantial contributions from central government. Infrastructure includes transport; housing; education;	The proposed development seeks to meet the demand for infrastructure which is generated by the proposed development. The evidence of David Frisby (sections 6.3 and 6.4) and the Transport SOCG (para. 3.7.1 and para. 4.1.5) shows the appellant's agreed contributions towards transport infrastructure.	

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
<p>The South East Plan, May 2009</p>	<p>health; social infrastructure; green infrastructure; public services; utility services and flood defences.</p>	<p>Matthew Spry's evidence demonstrates that the form and location of the development (including mix of uses), the range of housing types proposed, the 1301 residential units of which 40% or 520 are affordable, will all help to contribute towards achieving a mixed sustainable community (para. 5.42 to 5.45). Also see the evidence of David Bean at Section 5 para. 5.37 – 5.38.</p> <p>The evidence of David Gavin at section 8.0 (para. 8.17) demonstrates that a financial contribution to support local education provision is committed to by the appellant.</p> <p>The evidence of David Gavin at section 5.0 (para. 5.65) demonstrates that the development will provide a Healthy Living Centre, which can include a GP surgery, and a community hall on-site to meet the needs of the development. It is noteworthy that whilst one of the Council's reasons for refusal relates to the scheme's alleged non-compliance with policy HO21, only education provision is cited in the reason for refusal.</p> <p>The evidence of Iain Reid at sections 6, 7 and 8 demonstrates that the proposed development will positively contribute towards the local Green Infrastructure network in the vicinity of the appeal site.</p> <p>The appellant will apply at the appropriate time to Southern Water to upgrade the local sewage infrastructure. This is explained within the Flood Risk Assessment at para. 8.5 – 8.7 [CD2/8].</p> <p>The evidence of David Gavin at section 5.0 (para. 5.87 to 5.92) demonstrates that with appropriate and legally binding mitigation measures agreed with the Environment Agency (see Appendix 12) the development is acceptable in terms of PPS25. BHCC have abandoned the original reason for refusal number 6.</p>	<p>✓</p>
<p>CC8 Green Infrastructure</p>	<p>The policy seeks to promote the provision of a network of accessible multi-functional green space.</p>	<p>The proposed development will result in a net increase in biodiversity through the creation of a park at the base of the cliff, the Cliff Park, and a range of green walls and green roofs. Through improvements to the pedestrian ramp which descends from the top of the cliff into the marina,</p>	<p>✓</p>

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
		and through the introduction of a Cliff Park at the base of the cliff, access along the undercliff walk will be enhanced as will access from the Marina to the cliff top, via the new pedestrian bridge from the Cliff Site (see Design and Access Statement, Volume 3, Appendix 6, section 7.4, page 103) [CD2/7.3]. Also see the evidence of Iain Reid at section 7.	
Sustainable Economic Development – RE2, RE5			
RE5 Smart Growth	This policy seeks to promote and achieve smart economic growth to increase the regions prosperity whilst reducing its ecological footprint.	The proposed development will see the regeneration of the marina through the introduction of high quality environments and a mix of uses, including residential uses, which will help to create a vibrant and viable District Centre. This development will generate a significant number of job opportunities both for the marina and the wider region, and investment of over £300million will encourage investor confidence in Brighton and in the sub-region. See the evidence of David Gavin at section 4.0 (para. 4.27) and Appendix 6. This is identified within ES section 10 ‘Socio-Economic and Community Impact’ at pages 31 – 37, paragraphs 10.123 – 10.145 [CD2/10.1].	✓
Housing – H1, H2, H3, H4, H5			
H1 Regional Housing Provision 2006 - 2026	This policy sets out local planning authority housing provision 2006 – 2026. Table H1a allocated Sussex Coast 3,465 net dwelling completions – average annual provision and 69,300 net dwellings completion – total provision. Table H1b allocates Brighton & Hove an annual average target of 570 dwellings (net) and total of 11,400 dwellings (net) over the Plan period.	The proposed development at Brighton marina will introduce 1,301 residential units, 40% of which will be affordable, which will help the local planning authority to meet its housing targets. This is particularly significant given a number of major schemes in the local authority where housing delivery has not materialised. See evidence of David Gavin at para. 4.23 – 4.25. Matthew Spry’s evidence demonstrates that the form and location of the development (including mix of uses), the range of housing types proposed, the 1,301 residential units of which 40% or 520 are affordable, will contribute towards achieving the BHCC housing targets and provide a mixed sustainable community (para. 5.50 to 5.56). Also see evidence of David Bean at Section 5 para. 5.37 – 5.38.	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
H2 Managing the Delivery of the Regional Housing Provision	This policy sets out the management and delivery of each regions housing provision and the considerations local planning authorities will need to take into account in planning for the delivery of their housing provision.	<p>The local planning authority has identified Brighton Marina within their emerging Core Strategy as one of the City’s seven Development Areas, suitable for the delivery high density mixed use development, including a significant quantum of housing. The proposed development is consistent with the local planning authority’s strategic vision for housing provision in the district. See the evidence of David Gavin at section 4 para. 4.23 – 4.25 and section 5, para.5.42 – 5.45.</p> <p>Matthew Spry’s evidence demonstrates that the form and location of the development (including mix of uses), the range of housing types proposed, the 1301 residential units of which 40% or 520 are affordable, will all help to contribute towards achieving a mixed sustainable community (para. 5.50 to 5.56).</p>	✓
H3 Affordable Housing	This policy seeks to establish the basis for the delivery of affordable housing. The policy sets the overall regional target that 25% of all new housing should be social rented accommodation and 10% intermediate affordable housing. However, sub-regional indicative targets should take precedence over the regional target.	<p>The proposed development delivers 1,301 residential units, 40% of which are affordable i.e. 520 affordable housing units. This level of affordable housing provision is significant for the district. Of this affordable housing, 35% is social rented, whilst 65% is shared equity housing. As such, the proposed development exceeds the target levels set by policy H3. See the evidence of David Bean at section 5.0 (para. 5.18 – 5.23 and 5.30 – 5.35).</p> <p>Matthew Spry’s evidence demonstrates that the form and location of the development (including mix of uses), the range of housing types proposed, the 1301 residential units of which 40% or 520 are affordable, will all help to contribute towards achieving a mixed sustainable community. The delivery of housing proposed will benefit the objectives of sustainable communities by securing much needed residential accommodation, including affordable housing provision. See Matthew Spry’s evidence at section 5 (including para. 5.50 to 5.56) and the evidence of David Bean at section 5.</p>	✓
H4 Type and Size of New Housing	This policy seeks to ensure that LPAs identify the full range of existing and future housing needs. Through LDDs LPAs should identify an appropriate range and mix of housing opportunities by identifying the likely profile of household types requiring market housing and the size and type of affordable housing required. A mix of site allocation in each five year period should be identified.	<p>Matthew Spry’s evidence demonstrates that the form and location of the development (including mix of uses), the range of housing types proposed, the 1301 residential units of which 40% or 520 are affordable, will all help to contribute towards achieving a mixed sustainable community. The delivery of housing proposed will benefit the objectives of sustainable communities by securing much needed residential accommodation, including affordable housing provision. See Matthew Spry’s evidence at section 5 (including para. 5.50 to 5.56) and the evidence of David Bean at section 5.</p>	✓

Key: ✓ Compliance
 • Part-Compliance
 ✘ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
H5 Housing Design and Density	This policy sets out guidance on the design and density of new housing development. It seeks to encourage sustainable construction methods and higher densities with an overall regional target of 40 dwellings per hectare.	The proposed development seeks to create a sustainable community at Brighton marina. The introduction of a mix of uses, including residential, on a brownfield site and the creation of a range of high quality environments demonstrates how high density schemes can be successfully designed. This is explained further within the Design and Access Statement (Volume 1, Section 3.1, 3.6, Section 6.0, 6.1 and 6.2 and Appendix 1) [CD2/7.1] and within the evidence of David Gavin at section 4 (para. 4.1.3 to 4.2.2) and section 5 (para. 5.46 to 5.56 and 5.68 to 5.71).	✓
Transport – T1, T2, T4, T6			
T1 Manage and Invest	This policy seeks to ensure management and investment in transport systems which favour sustainable modes as a means of access to services and facilities.	The proposed development incorporates a range of transport measures into the scheme i.e. the introduction of a shared space at Harbour Square, the transport interchange, introduction of a new emergency access route, the introduction of a site wide management and financial contribution towards the introduction of an RTS. The appellant proposes a generous package of transport funding and measures such as a Travel Plan and a Car Park Management Plan which will serve the proposed development and wider community. This is set out in more detail at section 6.3 and 6.4 of David Frisby’s Proof of Evidence and Transport Assessment (section 4.4 and section 5 and section 7.10) [CD2/13].	✓
T2 Mobility Management	This policy outlines a series of measures for a transport system which favours sustainable modes. This includes provision and management of car parking both off and on street; public transport services; travel planning; improving the extent and quality of pedestrian and cycle routes; charging initiatives; intelligent transport systems to convey travel information; car sharing and car clubs; and, local services and e-services to reduce the need to travel.	As above. The proposed development introduces a range of transport measures secured through the application proposals and through the s.106 Agreement (see the evidence of David Frisby at sections 6.3 and 6.4, TA section 7.10, TSOCC section 3.7 and SOCG section 8.1). There is also a Travel Plan and a Car Park Management Plan as well as taxi bays, cycle and walking facilities and contributions to the RTS. These are set out within the Transport Assessment [CD2/13] and within the evidence of David Frisby at sections 6.3 and 6.4.	✓
T4 Parking	This policy outlines parking standards in accordance with PPG13 and PPS3.	Within the proposed development the level of parking proposed is in line with standards set by the local planning authority see SPG4 ‘Parking Standards’ below. See the evidence of David Frisby at section 10.1 and TSOCC.	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
T5 Travel Plans and Advice	This policy outlines the requirement for Local Authorities to identify in their local development documents major developments for which Travel Plans should be developed.	A Travel Plan was developed as part of the application and has been approved by BHCC, see the TSO CG para. 3.2.5, 3.2.6 & 3.3.3.	✓
T6 Communications Technology	This policy suggests that Communications Technology should be used to help reduce the need to travel. Communications technology should be taken into consideration in identifying future transport needs.	The scheme will include provision for real time information at key locations throughout the marina. Refer to the TA para. 5.3.14 and Travel Plan [CD2/13].	✓
Natural Resource Management – NRM4, NRM5, NRM8, NRM9, NRM10, NRM11, NRM12			
NRM4 Sustainable Flood Risk Management	This policy sets out the approach towards sustainable flood risk management in accordance with the sequential approach to development in flood risk areas in PPS25.	The application was accompanied by a detailed Flood Risk Assessment [CD2/8], which was prepared in line with PPG25. The Environment Agency has accepted that both the sequential and exception test has been satisfactorily demonstrated by the applicant. Subject to a legal agreement to secure sea defence upgrades, the Environment Agency raised no objection to the proposed development on flood grounds. Also see Appendix 12.	✓
NRM5 Conservation and Improvement in Biodiversity	This policy seeks to avoid a net loss of biodiversity and actively pursue opportunities to achieve a net gain.	The site at present is devoid of biodiversity and habitats. The proposed development seeks to remedy this by introducing a range of biodiversity and habitats to the site. This is documented within section 18 of the ES 'Ecology' [CD2/10.1] and includes the Cliff Park, green roofs, green walls and landscaping throughout the site. ES section 18 concludes that the net ecological effects of the proposed development should be positive in a city context, in keeping with national policy PPS9 and that this is as a consequence of the promotion of on-site and nearby native biodiversity being an integral aim of the scheme for multiple reasons of environmental and social amenity (para 18.180).	✓
NRM8 Coastal Management	This policy outlines an integrated approach to the management and planning in coastal areas which should take social, economic and environmental objectives into consideration. This includes planning for climate change and forecast effects on the coastal zone; the conservation and enhancement of the most valuable habitats and environments; and, the development and management of public access, recreation and tourism potential.	The proposed development lies at Brighton marina along the Sussex coast. Application documentation demonstrates that the development has full regard to PPS25, which has been endorsed by the Environment Agency (see Appendix 12); the development will result in a net increase in biodiversity on-site and nearby (see ES section 18 'Ecology' page 53 [CD2/10.1]); the development has been designed to have full regard to the significance of the SSSI cliffs; Natural England have not objected subject to a number of conditions and obligations (see Appendix 9); the development will enhance public access to and from the marina and through the investment and the	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
NRM9 Air Quality	This policy seeks to achieve improvements in air quality so that there is a significant reduction in the number of days of medium and high air pollution by 2026.	creation of high quality environments (see Design and Access Statement Volume 1 Section 4.2.3 [CD2/7.1]), will help to identify the marina as a vibrant destination and District Centre along the Brighton Coastline. The proposed development seeks to minimise the impact upon air quality where possible. Section 17 of the ES 'Air Quality' identifies that there are a number of measures introduced within the scheme to reduce pollutant emissions from road traffic and these are set out at paragraph 17.50 page 24. Overall the assessment concludes that concentrations at the receptors remain below the air quality objectives (see para. 17.52 page 24 of ES section 17 and para. 21.114 – 21.119 pages 29 – 31 of ES section 21 'Sustainability' [CD2/10.1]).	✓
NRM10 Noise	This policy seeks to reduce noise pollution through locating new residential and other sensitive development away from existing or planned sources of noise, traffic management and encouraging high levels of sound proofing and screening as part of sustainable housing design and construction.	The proposed development seeks to minimise the level of noise generated. Addendum to section 16 of the ES (June 2008) concludes at para. 16.65 page 14 that noise-sensitive elements of the proposed development will not be affected adversely by noise from existing uses (or programmed development) and nor will the use and operation of the proposed development generate noise levels that will give rise to any significant impacts.	✓
NRM11 Development Design for Energy Efficiency and Renewable Energy	This policy seeks to promote greater use of decentralised and renewable or low-carbon energy in new development. Development of more than 10 dwellings or 1000sqm of non-residential floorspace should secure at least 10% of their energy from these sources.	Sustainability has been integral to the design of the proposed development and includes a number of measures to minimise energy demand and carbon emissions. These measures are identified at para. 21.58 page 13 – 14 of section 21 of the ES 'Sustainability'. The proposed development incorporates a Combined Heat and Power unit, biomass and gas fired boilers with a view to creating the greatest carbon dioxide savings (see para. 21.61 of ES section 21 'Sustainability' [CD2/10.1]).	✓
NRM12 Combined Heat and Power	This policy promotes the integration of combined heat and power (CHP) in all developments and district heating infrastructure in large scale developments in mixed use.	The proposed development incorporates a Combined Heat and Power unit, biomass and gas fired boilers with a view to maximising carbon dioxide savings (also see para 21.61 – 21.62 page 15 of ES section 21 'Sustainability' [CD2/10.1]).	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
Waste and Minerals – W2			
W2 Sustainable Design, Construction and Demolition	This policy seeks to promote sustainable design, construction and demolition to minimise waste production and associated impacts through re-use of construction and demolition materials and adequate layout and designs of spaces for storage, re-use, recycling and composting.	The proposed development has sought to minimise waste arisings both throughout the demolition, construction and operational phases of the development. The implementation of a number of identified mitigation measures, which will be secured by the Construction Environmental Management Plan (to be agreed via planning condition no. 45), during the demolition, construction and operational phases of the proposed development will enable the effective minimisation, segregation, recycling and diversion of waste from landfill and thus reduce the quality of wastes disposed of to landfill (see ES section 14 'Waste' para. 14.122 page 31 [CD2/10.1]). During the operational phases of development measures will be implemented to improve waste treatment and recycling to reduce the quantity of waste disposed to landfill (see para. 14.123 page 31 [CD2/10.1]). A range of measures for mitigation and enhancement are identified at para 14.98 to 14.119 pages 25 – 31 of ES section 14 'Waste' [CD2/10.1].	✓
Countryside and Landscape Management – C2, C3			
C2 The South Downs	This policy states that the pending final approval of the proposed South Downs National Park designation is a material consideration in the making of any planning decision that may significantly affect the Park.	Richard Coleman in his evidence at para 8.9.3 advises that the development will be visible from the National Park as part of the city and that this will be both an acceptable and delightful phenomenon. See also in the evidence of Richard Coleman at para 11.1 and Section 6.0 of ES section 9 'Revised Townscape and Visual Impact' (June 2008) [CD2/10.3] and commentary provided alongside Local Plan policy NC7 below).	✓
C3 Areas of Outstanding Natural Beauty	This policy seeks to give high priority to conservation and enhancement of the regions Areas of Outstanding Natural Beauty.	Richard Coleman considers in his evidence that the appeal scheme provides a worthy landmark for the eastern limit of the city and for the marina itself. He advises that the development is acceptable within the setting of the AONB and that it will enhance the relationship between the city and the countryside (para. 8.9.5).	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
Management of the Built Environment – BE1, BE2, BE3, BE6			
BE1 Management for the Urban Renaissance	This policy seeks to ensure opportunities for significant improvements to the built environment from new development. This includes provision for green infrastructure, public realm and open space strategies and opportunities for higher density and mixed use development schemes.	Within the evidence of Bob Allies and supported by the Design and Access Statement, it is demonstrated that the proposed development will introduce a built environment at the marina, which is of the highest quality. The development successfully integrates biodiversity and public realm, sufficient to support a high density mixed use scheme. (See the evidence of Bob Allies at sections 6, 7 and 8 and the evidence of Iain Reid at sections 5, 6 and 7).	✓
BE2 Suburban Intensification	LDFs should identify locations for intensification including areas of high accessibility immediately around public transport nodes in predominately residential neighbourhoods, underutilised industrial estates and low density retail parks.	The proposals respond to Local Plan Policies and guidance contained in local SPG15 and SPG20 both of which consider Brighton marina as a suitable environment for high density, mixed-use development. Furthermore, the emerging Core Strategy (CD8/2.1) identifies Brighton Marina as one of the city's seven development areas (Policy DA2) the policy aim of which is to "facilitate the creation of Brighton Marina and the wider area as a sustainable mixed use district of the city".	✓
BE3 Suburban Renewal	Local authorities should identify neighbourhoods, especially in suburban areas, in need of renewal, which would benefit from a proactive and integrated approach to area management.	As identified above (see Policy's SP2 and SP3), Brighton Marina is identified as a location in need of regeneration and suitable for high density mixed use development as contained within SPG15 and SPG20.	✓
BE6 Management of the Historic Environment	This policy provides support for proposals which protect, conserve and where appropriate enhance the history environment and the contribution it makes to local and regional distinctiveness and sense of place. The region's internationally and nationally designated historic assets should receive the highest level of protection. Proposals that make sensitive use of historic assess through regeneration particularly where these bring redundant or under-utilised buildings and areas into appropriate use should be encouraged.	The evidence of Richard Coleman explains (para. 8.10.2.2) that the appeal scheme does not directly affect Brighton's Regency heritage assets. Whilst the development will be seen in conjunction with the east side of Lewes Crescent, it does not dominate the view or affect the immediate setting of the historic assets.	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
Tourism and Related Sports and Recreation – TSR1, TSR4			
TSR1 Coastal Resorts	This policy seeks opportunities to diversify the economic base of the regions coastal resorts whilst upgrading tourism facilities to promote higher value activity, reduce seasonality and support urban regeneration.	Brighton Marina is a valuable recreation and tourism resource for Brighton and for the Sussex sub-region. It is currently underutilised and disappointing as a destination due to its poor quality environment. The regeneration project will help to commercially support the District Centre, and the introduction of high quality environments will help the marina to become an attractive and vibrant destination for the city. Also see Policy SP2 above which in the wider context identifies Brighton as a Regional Hub and hence a location for development.	✓
TSR4 Tourism Attractions	This policy seeks to promote tourism attractions to meet changing consumer demands and higher standards in terms of design and access.	The proposed development will introduce a range of accessible and high quality environments to Brighton Marina. The mixed use regeneration project will help the Marina to become a vibrant destination supported by a range of recreational facilities. In particular, the Marina itself is a valuable recreational resource for the city and its visitors and for this to be supported by a vibrant District Centre will enhance the wider function of the Marina. Also see para. 10.174 page 45 and 10.193 page 50 ES section 10 'Socio-Economic and Community Impacts' [CD2/10.1].	✓
Social and Community Infrastructure – S1, S2, S3			
S1 Supporting Healthy Communities	This policy promotes the role of the planning system through promotion of measures that address the causes of ill health and can play a role shaping healthy sustainable communities. This includes access to parks, open spaces, physical recreation and cultural facilities, mixed and cohesive communities and healthier forms of transport such as cycle lanes and footpaths.	The proposed development seeks to create a sustainable community with a range of high quality environments with access to recreational opportunities and open space (See the Design and Access Statement, particularly Volume 3 Appendix 6 and para 10.194 – 10.195 pages 50-51 of ES section 10 'Socio-Economic and Community Impacts' [CD2/10.1]). This will be supported by a range of transport measures secured as part of the application and via the S.106 agreement. See the evidence of David Frisby's at sections 6.3 and 6.4, TA at section 7.10, TSOCG at section 3.7 and SOCG at section 8.1.	✓
S2 Promoting Sustainable Health Services	This policy seeks to promote sustainable health services through working with the NHS to ensure that anticipated primary care and capacity needs of communities are met. This includes provision for Health Impact Assessments.	The appellant has worked with the PCT throughout the application process and as a consequence of this engagement it is intended that a GP Surgery / Healthy Living Centre within the scheme proposals. Also see the evidence of David Gavin, para 5.65 and para 10.165 – 10.168 pages 43 – 44 of ES section 10 'Socio-Economic and Community Impacts' [CD2/10.1].	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
The South East Plan, May 2009			
S3 Education and Skills	This policy seeks to ensure adequate provision of pre-school, school and community learning facilities.	Sufficient pre-school, primary and secondary school provisions exist to support the needs arising from the development. A financial contribution will be made towards local education facilities. This is discussed further within David Gavin's Proof of Evidence at section 8, para. 8.17 and within ES section 10 'Socio-Economic and Community Impacts' (page 40 – 43) [CD2/10.1].	✓
Sussex Coast – SCT1, STC2, STC5, SCT6, SCT7			
SCT1 Core Strategy	Local authorities and other agencies should, as a priority, pro-actively pursue and promote sustainable economic growth along the Sussex Coast. This will: <ul style="list-style-type: none"> • reduce regional disparities • respond to needs, opportunities and characteristics of each Town • LPAs should build upon and help deliver major improvements to the strategic transport infrastructure where possible • respond to local needs to deliver affordable housing • protect the sub-regions high environmental quality and enhance its cultural and historic assets 	The proposed development seeks to deliver a mixed use regeneration project in an underutilised, brownfield site. It will result in investment of over £300 million and create a significant number of jobs for the marina (312 direct jobs based on site), the city (360 net additional direct and indirect jobs spread across the local area) and the wider region (400 including those in the local area) and up to 3,670 person-years of temporary construction (see ES section 10 'Socio-economic and Community Impacts para. 10.212, page 57 [CD2/10.1]). The development will deliver 1,301 housing units, 40% of which will be affordable (520). The proposed development has regard to the marina's high quality landscapes and will enhance the marina's cultural offer and create a vibrant District Centre.	✓
SCT5 Housing Distribution	Sets targets for the provision of net additional housing for the period 2006 - 2026. For Brighton this target is set at 11,400 (570 per year average).	The proposed development will be supported by a range of transport measures secured as part of the application and via the S.106 Agreement, this includes a significant contribution towards the implementation of the Rapid Transport System (RTS) including the delivery of a secondary means of access which will be used by the RTS and comprises the dedication of land in the marina to further facilitate this route. See the evidence of David Frisby at section 6.3 and 6.4, TA at section 7.10 and SOCG at section 3.7]. See South East Plan Policies H1 – H5.	✓
Refer to the Housing Statement, September 2009 and the evidence of Matthew Spry (para. 7.4).			

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

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POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
<p>The South East Plan, May 2009</p> <p>SCT6 Affordable Housing</p>	<p>This policy sets out the affordable housing requirements for Sussex Coastal. It considers that as a general guideline 40% of new housing development should be affordable, although subject to local authorities seeking a higher or lower proportion where justified by local circumstances.</p>	<p>See South East Plan Policies H1 – H5.</p> <p>The proposed development will delivery 1,301 residential units of which 40%, 520 are affordable.</p> <p>Refer to the Housing Statement, September 2009, the evidence of Matthew Spry (para. 6.2) and the evidence of David Bean at section 5.0.</p>	<p>✓</p>

Key:

- ✓ Compliance
- Part-Compliance
- ✘ Non-Compliance

14

Table 1b: Assessment of the Proposed Development Against the Development Plan (Brighton and Hove Local Plan)

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
Transport and Parking – TR1, TR2, TR4, TR5, TR7, TR8, TR13, TR14, TR15, TR17, TR18, TR19			
TR1 Development and the demand for travel	Transport policies seek to promote sustainable modes of transport and proposals should seek to provide for the demand for travel that they create and where development proposals are above government advisory thresholds a Transport Assessment will be required.	The Transport Assessment, September 2008 [CD2/13] at pages 72 – 82 sets out the Sustainable Transport Strategy associated with the proposed development. See the evidence of David Frisby (see section 6.3). Both the Travel Plan and the Car Parking Management Plan measures promote sustainable transport. A Transport Assessment [CD2/13] was produced in line with this policy. Also see the evidence of David Frisby at sections 6.3 and 6.4 and TSOCG at section 3.2.	✓
TR2 Public transport accessibility and parking	Policy TR2 aims to ensure that proposals are adequately provided for in terms of public accessibility and appropriate parking. Where a development is highly accessible by public transport, the Local Plan states that “the developer can maximise build development at the expense of parking spaces and reduce commuter parking, by promoting alternative ways of travelling to the site.”	The proposed development introduces a range of transport measures and initiatives to support the Sustainable Transport Strategy referred to above (See Transport Assessment, September 2008, Pages 72 – 82 [CD2/13]). This includes reducing private car parking as far as possible to encourage a shift towards more sustainable modes of transport and the provision of a new transport interchange. Financial contributions to support the RTS are included in the S106. Provision of cycle parking and improved pedestrian accessibility are also included in the sustainable transport measures. Also see the evidence of David Frisby at Section 6.3 and 6.4 and TSOCG at sections 3.2 and 3.7.	✓
TR4 Travel Plans	Travel Plans will be required where a proposal include major developments for employment, shopping, leisure and recreation, new or expanded educational proposals and smaller proposals in addition to smaller developments, where a Travel Plan would alleviate local traffic or air quality problems, associated with the traffic generated by the proposed development.	The appellant is committed to a detailed Travel Plan set out at Appendix 1 of the Transport Assessment (September 2008) [CD2/13], which incorporates a range of transport measures to help alleviate local traffic and/or air quality. These include hard and soft measures such as marketing of sustainable mode choices, an appointed Sustainable Travel Manager and car and cycle hire. Also, investment in the RTS and provision of cycle parking are all within the Travel Plan. It has been agreed that the Travel Plan will reduce the traffic generated by the development (see TSOCG para. 3.4.4).	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
TR5 Sustainable transport corridors and bus priority route	This policy is concerned with establishing sustainable transport corridors and bus priority routes. In particular, the Saltdean to Shoreham Harbour A259 is identified as a sustainable transport corridor.	The appellant is committed to a Sustainable Transport Strategy which introduces a range of transport measures and seeks to encourage pedestrian and cycle links to/from and through the site. In particular, the enhanced pedestrian / cycle bridge link from the Cliff Site to the cliff top promotes sustainable transport along the A259 by improving linkages to it. Additionally, a financial contribution to the RTS and bus priority measures has been made (see the evidence of David Frisby at section 6.4).	✓
TR7 Safe development	This policy seeks to ensure that permission is only granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads.	The applicant will undertake a "Safety Audit" to demonstrate that proposed transport improvements will not endanger cyclists or pedestrians. Research on "Shared Spaces" to date suggests that such spaces are often safer environments than traditional highway approaches. The principle of this space and a review of the aforementioned audit is considered further within the Transport Assessment (September 2008) at Section 7.8, page 116 [CD2/13].	✓
TR8 Pedestrian routes	This policy refers to pedestrian routes and states that "all new development must take account of pedestrian links within and outside site boundaries and improve links to and between pedestrian routes and public transport facilities, where reasonably related to the development."	The proposed development introduces "Shared Spaces" (detailed in Section 12.0 pages 76 – 80 of David Frisby's evidence), a new transport interchange and enhanced pedestrian and cycle linkages. The improvement pedestrian access which will result from the proposed development is set out within the Transport Assessment (September 2008) at Section 5.2, page 72 [CD2/13] and within the Design and Access Statement at Section 8, page 210 and the evidence of David Frisby at section 12.0 pages 76 – 80.	✓
TR13 Pedestrian network	Measures which affect pedestrian routes should promote or enhance them and where they reasonably relate to the development, developers should contribute towards implementation, improvement and maintenance of the network. Of particular note is the pedestrian network known as the Seafront Walkway.	As above, the proposed development will enhance the pedestrian network to/from and through the marina and will remove existing barriers to pedestrian movement. Also see the evidence of David Frisby at para. 9.2.6. This is set out within the Transport Assessment (September 2008) at Section 5.2, page 72 [CD2/13], and within the Design and Access Statement at Section 8, page 210.	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
TR14 Cycle access and parking	Cycle access and parking will be required for new developments and should be provided in accordance with parking guidelines.	Section 8 'Transportation' of the ES [CD2/10.1] and the Transport Assessment [CD2/13] considers the proposed development against BHCC cycle parking standards (SPG4). The proposed development exceeds the level of cycle parking provision required by SPG4 and in line with car parking standards, provides an appropriate supply of car parking at a rate of 0.62 car parking spaces per residential dwelling. This is discussed further within the Transport Assessment (September 2008) at Section 4.6, page 58 [CD2/13].	✓
TR15 Cycle network	This policy seeks to protect alignments of proposed cycle routes and enhance them. Key routes identified include the South Coast Cycle Route (A259) – National Cycle Route 2.	A cycle and pedestrian bridge link from the Cliff Site to the cliff top will make the marina more accessible and enable the National Cycle Route to become more accessible by local residents in the marina. (See TA para. 5.3.14 and Design and Access Statement at para. 8.1.2) Information on cycle routes and cycling organisations are promoted and provided via a Travel Plan.	✓
TR17 Shopmobility	This policy supports the implementation of shopmobility schemes.	Shopmobility to serve the District Centre is included as part of the ASDA store proposals. Shopmobility is considered further at Design and Access Statement Volume 2 Appendix 2 Section 2.20 [CD2/7.2].	✓
TR18 Parking for people with a mobility related disability	Proposed developments must provide a level of car parking for those with a mobility related disability. This should be calculated in accordance with parking standards set out in Supplementary Planning Guidance.	The proposed development includes parking provision for those with disabilities. On the commercial element of the proposed development the parking standards (SPG4) for those with disabilities are met. See Transport Assessment (September 2008), Section 4.6, page 58 [CD2/13]. Adequate parking for those with disabilities is provided throughout the site. See DAS, Volume 2, Appendix 2 [CD2/7.2]. This has been agreed with BHCC in para. 3.1.4 of TSOCG.	✓
TR19 Parking standards	Planning permission will only be granted for new developments where they meet the parking standards set out in Supplementary Planning Guidance No. 4 'Parking Standards'.	The level of car parking proposed has been reviewed by BHCC through pre-application consultation. In line with PPG13, the proposed development seeks to reduce private car usage and encourage sustainable modes of transport. See Transport Assessment (September 2008), Section 4.6, page 58 [CD2/13] and the evidence of David Frisby at sections 6.3 and 6.4.	●

Key: ✓ Compliance
● Part-Compliance
✘ Non-Compliance

POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
Natural Resources (Energy, Water, Pollution and Waste) – SU2, SU3, SU4, SU5, SU6, SU7, SU9, SU10, SU11, SU12, SU13, SU14, SU15, SU16			
<p>SU2 Efficiency of development in the use of energy, water and materials</p>	<p>This policy seeks to ensure that proposals efficiently use energy, water and materials.</p>	<p>Consideration of construction and operational activities associated with natural resources were considered in the development of the scheme.</p> <p>The proposed strategy incorporates a combination of CHP, biomass boilers and gas fired boilers. The Energy Strategy identifies this as the option that would produce the greatest CO₂ saving and best contributes to meeting the proposed development's annual energy demand. See ES section 21 'Sustainability' para. 21.185, page 49 – 51 [CD2/10.1].</p> <p>The proposed development has sought to minimise waste arisings both throughout the demolition, construction and operational phases of the development. The implementation of a number of identified mitigation measures, which will be secured by the Construction Environmental Management Plan (to be agreed via planning condition no. 45), during the demolition, construction and operational phases of the proposed development will enable the effective minimisation, segregation, recycling and diversion of waste from landfill and thus reduce the quantity of waste disposed of to landfill (see ES section 14 'Waste' para. 14.122 page 31 [CD2/10.1]). During the operational phases of development measures will be implemented to continually improve waste treatment and recycling (see para.14.123). A range of measures for mitigation and enhancement are identified para. 14.98-14.119 of ES section 14 'Waste' [CD2/10.1].</p> <p>The existing surface water management strategy would be improved by the proposed use of green roof and rainwater harvesting technology: attenuation at source would reduce storm runoff. This is detailed within ES section 13 'Flood Risk and Drainage', (para. 13.76 – 13.85, page 27 – 28 [CD2/10.1]), which concludes that there are no significant adverse impacts upon drainage arising from the proposed development and that some minor to moderate benefits will be afforded.</p>	<p>✓</p>

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
SU3 Water resources and their quality	Proposals which result in an unacceptable risk of pollution of existing and/or proposed water resources, including surface and groundwater resources and the sea, will not be granted.	The proposals do not lead to an unacceptable risk of water pollution. This is detailed within ES section 13 'Flood Risk and Drainage', which concludes that there are no significant adverse impacts upon flood risk or drainage arising from the proposed development and that some minor to moderate benefits will be afforded (para. 13.140 page 39) [CD2/10.1].	✓
SU4 Surface water run-off and flood risk	Developments will not be permitted if the increase in the risk of flooding, located in an area at risk from flooding and/or the additional surface run-off would be liable to harm people, property or the environment.	The application was accompanied by a detailed Flood Risk Assessment [CD2/8], prepared in line with PPG25. The Environment Agency has accepted that both the sequential and exception test has been satisfactorily demonstrated by the applicant. Subject to a legal agreement to secure sea defence upgrades, the Environment Agency raised no objection to the proposed development on flood grounds (see Appendix 12).	✓
SU5 Surface water and foul sewage disposal infrastructure	This policy is concerned with surface water and foul sewage disposal infrastructure.	The proposals have considered the infrastructure associated with both surface water and foul sewage disposal and section 13 of the ES 'Flood Risk and Drainage' concludes that upgrading of the existing sewerage system will be required. The appellant will discuss this with Southern Water at the appropriate time. This is explained at paragraph 13.95 – 13.100 pages 30 - 31. Southern Water did not object to the proposed development.	✓
SU6 Coastal defences	<p>Planning permission will not be granted for development which would:</p> <ul style="list-style-type: none"> a. "Require enhanced coastal defences; unless adequate coastal defences, of a design and appearance in keeping with their surrounding, are provided and maintained as part of the development; b. Be detrimental to existing and proposed coastal defences; c. Inhibit the maintenance of existing coastal protection works; and / or d. Run contrary to the findings and recommendations of the shoreline management plan." 	The application was accompanied by a detailed Flood Risk Assessment, which was prepared in line with PPG25. The Environment Agency has accepted that both the sequential and exception test has been satisfactorily demonstrated by the applicant. Subject to a legal agreement to secure sea defence upgrades, the Environment Agency raised no objection to the proposed development on flood grounds (see Appendix 12).	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
<p>Brighton and Hove City Council, Local Plan 2005</p> <p>SU7 Development within the coastal zone</p>	<p>Developments within the coastal zone will only be granted planning permission where the proposal takes account of the following:</p> <ul style="list-style-type: none"> a. "particular conditions experienced within this area, for example, in the layout, design, landscaping and materials proposed; b. incorporates, where appropriate, adequate flood protection and mitigation measures; c. respects or enhances the appearance and character of the seafront environment; d. does not adversely affect existing sea views; and e. does not reduce public access to the coast." 	<p>In relation to the criteria of policy SU7, the proposed development demonstrates:</p> <ul style="list-style-type: none"> (a) that the orientation, layout and use of materials associated with the proposed development was considered in terms of sustainability and energy efficiency. Further details of this can be found in ES section 21 'Sustainability' and the accompanying Energy Strategy at Volume 2, section 21 'Sustainability', Appendix 21.1.1. [CD2/10.2] (Design and Access Statement Volume 1 Section 10 pg 225 [CD2/7.1]). (b) the proposed development has full regard to national planning policy guidance on flood risk and development (PPS25). See analysis associated with Local Plan Policy SU6 above. (c) the development respects the character of the seafront and seeks to regenerate the marina to create a high quality environment (Design and Access Statement Volume 1, Section 3.6 pg 37 and Section 6.2 pg 88 [CD2/7.1]). (d) the proposed development seeks to identify the marina as a new urban quarter along the Brighton coastline (Design and Access Statement Volume 1 Section 7.1 pg 161 [CD2/7.1] and the evidence of Richard Coleman at para. 8.8.24. (e) the proposed development enhances public access to the coast by creating a new bridge link from the Cliff building to the cliff top, enhances access to and from the Western Breakwater and beyond, and improves the environment along the undercliff walk, which will improve access along this path. Consideration of how the proposals improve access to and from the marina can be found at Section 8 of the DAS (Volume 1), page 210. 	<p style="text-align: center;">✓</p>

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 ✗ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
SU9 Pollution and nuisance control	Proposals which are liable to cause pollution and/or nuisance to land, air or water, will only be permitted where they are adequately monitored and mitigated against.	<p>ES section 17 'Air Quality' concludes that the proposals shows that the impacts of both traffic and boiler plant at the receptors within Brighton Marina shows that concentrations all remain below, and mostly well below, the air quality objectives (see section 17, paragraph 17.52, page 24 [CD2/10.1]).</p> <p>Proposed condition no. 14 and 15 (see SOCG) seek to ensure that land at the marina is not polluted or if contamination is identified, that a remediation strategy is implemented.</p> <p>A proposed Construction Environmental Management Plan will be approved via condition (see proposed condition no. 45) will ensure that suitable construction methods are deployed to prevent the pollution of the marine environment.</p>	✓
SU10 Noise nuisance	Proposals for new developments will be required to minimise the impact of noise on the occupiers of proposed buildings, neighbouring properties and the surrounding area.	<p>ES section 16 'Noise and Vibration' concludes at paragraph 16.65 page 14 [CD2/10.1] that noise-sensitive elements will not be affected adversely by noise from existing uses (or programmed development) and nor will the use and operation of the proposed development generate noise levels that will give rise to any significant impacts. Construction is planned away from existing residential buildings and the cliffs and should not give rise to disturbance. For those works that are closer, a CEMP will be deployed (proposed condition 45) to ensure that temporary noise emissions are controlled.</p>	✓
SU11 Polluted land and buildings	Proposals for the development of known or suspected polluted land and/or premises will help to ensure effective and productive use is made of brownfield sites.	<p>The proposed development is located on brownfield land and includes the redevelopment of an existing petrol filling station site. This has been fully considered within the ES section 11 'Ground Conditions' [CD2/10.1]. A condition will be introduced (proposed conditions no. 14 and 15) will ensure that decommissioning of the petrol filling station will not result in contamination. Furthermore approval of a CEMP, required by proposed condition 45, will ensure that standard best practice methods of pollution prevention will be adopted, including a watching brief of excavations /construction, to reduce risk of impacts.</p>	✓

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
<p>SU12 Hazardous substances</p>	<p>Proposals which involve the storage or use of hazardous substances will only be permitted where (a) the location is appropriately distanced from uses which may be adversely affected by the potential hazard/pollution; and (b) the design and layout of the site make adequate provision for necessary or appropriate measures designed to minimise the potential for, and impact of, fire and pollution.</p>	<p>The proposed development includes a replacement petrol filling station (PFS). The replacement PFS is suitably located adjoining a multi-storey car park and next to the main entrance/exit ramp to the marina. Given the latest standards for the construction and maintenance of fuel stations it is unlikely that the PFS will lead to any contamination. However, conditions 14 and 15 seek to ensure that ground investigations are undertaken to ensure that there is no ground contamination and that details of a CEMP are approved prior to the commencement of development.</p>	<p>✓</p>
<p>SU13 Minimisation and re-use of construction industry waste</p>	<p>Permission will be granted for schemes which reduce the amount of construction waste where regard is to be given to the minimisation and reuse of construction waste in respect of a number of criteria.</p>	<p>Section 14 of the ES considers the impact of the proposed development in the context of waste and concludes that waste arising from the development will be managed in line with national waste management legislation and applicable policies within the Local Plan.</p> <p>A Site Waste Management Plan also accompanied the application to minimise waste through principles of reduce, re-use and recycle, both during the construction and operation phases of development. This was prepared in line with Defra's guidance (see ES section 14 'Waste', paragraph 14.107, page 27 [CD2/10.1] and comments on Policy W2 of the South East Plan above).</p> <p>As Above.</p>	<p>✓</p>
<p>SU14 Waste management</p>	<p>A Waste Management Strategy is likely to be necessary to demonstrate how the criteria set out by this policy can be met. Proposals should help to facilitate the reduction, re-use and recovery of waste.</p>	<p>The proposed development meets the infrastructure needs generated by the development either through the scheme itself and/or via financial contributions secured via a S.106 agreement in line with policy SU15 (see the SOCG at para 8.1). (Also see comments on Policy CC7 and CC8 of the South East Plan, May 2009 above)</p> <p>Provision of a Healthy Living Centre is to be provided within the Octagon (see the evidence of David Gavin at para 5.65) and secured via a proposed planning condition (no. 41 see SOCG). A financial contribution towards the provision of education facilities was agreed with the local planning authority</p>	<p>✓</p>
<p>SU15 Infrastructure</p>	<p>Planning permission will only be granted for development where adequate services and infrastructure already exist or will be provided in time to serve the development without detriment to existing users or the environment. Where appropriate it states that the local planning authority may impose conditions or seek a legal agreement to phase the development or seek appropriate contributions toward the direct provision of necessary</p>	<p>The proposed development meets the infrastructure needs generated by the development either through the scheme itself and/or via financial contributions secured via a S.106 agreement in line with policy SU15 (see the SOCG at para 8.1). (Also see comments on Policy CC7 and CC8 of the South East Plan, May 2009 above)</p> <p>Provision of a Healthy Living Centre is to be provided within the Octagon (see the evidence of David Gavin at para 5.65) and secured via a proposed planning condition (no. 41 see SOCG). A financial contribution towards the provision of education facilities was agreed with the local planning authority</p>	<p>✓</p>

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
	infrastructure.	as set out within the SOCG at paragraph 8.1.	
SU16 Production of renewable energy	Permission will be granted for power generation installations based on energy from renewable sources provided that proposals will not have a detrimental impact on the environment; amenities of nearby occupiers; the general character of the area; and the aims of other policies in the Development Plan.	The proposed development accords with best practice in sustainable building design and energy conservation (see ES section 21 'Sustainability', page 12 – 15, paragraphs 21.55 – 21.63 [CD2/10.1]). Reference to Local Plan policies SU3, SU10 and SU11.	✓
Design Safety and the Quality of the Environment – QD1, QD2, SQ3, QD4, QD5, QD6, QD7, QD15, QD16, QD17, QD18, QD19, QD20, QD25, QD27, QD28			
QD1 Design – quality of development and design statements	The design associated with a development proposal are afforded significant weight and polices within the Local Plan seek to ensure that minimum design quality is met by a proposal. Policy QD1 relates to the design of developments and states that all proposals for new buildings “must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” In the design respect should be afforded to the scale and height of the development, architectural detailing, quality of materials, visual interest particularly at street level and appropriate levels/types of landscaping.	The Design and Access Statement fully explains and demonstrates the design rationale (see Design and Access Statement Volume 1, Section 5 page 49 [CD2/7.1]). This is also fully considered in the evidence of Bob Allies at sections 6, 7 and 8 and that of Iain Reid at sections 5, 6 and 7). The development represents a scheme of the highest quality, designed by award winning architect Allies and Morrison. Section 5.8 of the TVIA further considers the design quality of the scheme [CD2/10.3]. Also refer to Richard Coleman’s proof of evidence at para. 8.8.3.	✓
QD2 Design principles for neighbourhoods	In considering the design merits of a proposal, key principles, as set out in Policy QD2, should be taken account of. These include the following: • Height, scale, bulk and design of existing	The Design and Access Statement [CD2/7.1] and TVIA [CD2/10.3] considers the proposed development in terms of the criteria identified in this policy. (Design and Access Statement Volume 1, Section 6, page 73.) Bob Allies’ proof further demonstrates how the proposed development takes account of the principles identified in this policy (see Section 7).	✓

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POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
	<p>buildings;</p> <ul style="list-style-type: none"> • Topography and impact on skyline • Natural and developed background or framework against which the development will be set; • Natural and build landmarks; • Layout of streets and spaces; • Linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces; • Patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users cyclists and users of public transport; and • Natural landscaping. 	<p>Through the design of the scheme full regard has been afforded to the character of the surrounding environments, which have informed bulk, height, skyline and linkages (see Richard Coleman’s evidence at para. 8.8.6)). The proposals will make a positive contribution to the skyline and enhance the qualities of the marina as a sustainable community.</p> <p>Bob Allies’ proof at section 6 ‘Making Places Work’ in conjunction with the Design and Access Statement, Volume 1, section 6 [CD2/7.1], considers in detail the layout of streets and spaces, patterns of movement and other urban design considerations.</p>	
QD3 Design – efficient and effective use of sites	<p>New developments should make efficient and effective use of sites, including those comprising derelict or vacant land/buildings. Proposals will be expected to incorporate an appropriate intensity of development in respect of the locality and/or prevailing townscape, needs of the community, nature of the development and proposed uses. Policy QD3 further states: <i>“Higher development densities will be particularly appropriate where the site has good public transport accessibility, pedestrian and cycle networks and is close to a range of services and facilities.”</i></p>	<p>The proposed development makes effective use of an under utilised brownfield site, which also responds to the parameters identified in SPG20 ‘Brighton Marina: A Masterplan for Enhancement’ and SPG15 ‘Tall Buildings’. This is considered with the evidence of David Gavin at para. 5.34 to 5.41.</p> <p>Also see the evidence of Richard Coleman at para. 8.8.9.</p>	✓
QD4 Design – strategic impact	<p>This policy states that strategic views, important vistas, the skyline and the setting of landmark buildings are to be preserved or enhanced. Of relevance to this proposal are views along the seafront and coastline, and views into and</p>	<p>The impact of the proposed development on views and on the setting of the Kemp Town Conservation Area and listed buildings in the vicinity of the site are considered within ES section 9 ‘Townscape and Visual Impact Assessment’ [CD2/10.3] and also within the evidence of Richard Colman para. 8.8.12. Richard Coleman concludes that the overall impact on views is</p>	✓

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
QD5 Design – street frontages	<p>from within conservation areas, which are recognised by this policy as being of strategic importance.</p> <p>Developments should have interesting and attractive frontages, particularly at street level for pedestrians.</p>	<p>beneficial stating that: “As a high quality addition, the visual experience will be a delight when seen from view points of a strategic nature”.</p> <p>The proposed development, in order to maximise security, create attractive and vibrant environments and enhance the District Centre has sought to encourage active frontages where appropriate.</p> <p>The design of the shopfronts will be secured via a planning condition (no. 32) at the appropriate time.</p>	✓
QD6 Public art	<p>In major development schemes, provision will be sought for new public art.</p>	<p>A Public Art Statement [CD2/3.1 and CD2/3.2] has been produced to identify the public art opportunities at the marina. Subsequently, a public art commission was held and an artist engaged (Jason Bruges) to take forward a public art lighting strategy at the marina.</p> <p>The proposed development has sought to integrate artistic influences into the design, such as on the façade of the Sea Wall Building which was designed in collaboration with artist Lars Wolter.</p> <p>This is discussed further in the Design and Access Statement at section 7.0, 7.3.8 and 7.4</p> <p>The detail of the public art will be secured via a planning condition (no. 46). See SOCG at para. 8.1.</p>	✓
QD7 Crime prevention through environmental design	<p>This policy promotes environmental design to prevent crime.</p>	<p>Sussex Police have been consulted as part of the pre-application consultation process and Secured-by-Design measures incorporated where appropriate to create secure environments by both day and night. The response to ‘Secured by Design’ and to the advice of the Police Architectural Liaison officer were applauded by Sussex Police.</p> <p>This is considered further within the Design and Access Statement at Volume 1 Section 9.0 [CD2/7.1] and Volume 2 Appendix 5 [CD2/7.2] and it is intended that this will be secured via planning condition (no. 10).</p>	✓

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POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
QD15 Landscape design	Proposals must submit details demonstrating that adequate consideration has been given to the landscape design, that the proposals include suitable open space provision, that the proposals are of a high quality including the use of high quality materials and that effective use of the existing landscape and nature conservation features has been sought. For major schemes details of structural landscaping that contributes to the existing overall landscape quality of an area will need to be agreed with the local planning authority.	An integrated and site wide landscaping strategy is proposed and is explained in detail within the Design and Access Statement, Volume 3, Appendix 6 [CD2/7.3]. The landscape strategy proposed is also considered within the evidence of Bob Allies at Section 8.1, who explains the design intent, that they include suitable open space provision, and that the proposals are of a high quality using high quality materials. The detailed design of the landscaping, including species, and materials to be used in the public realm will be secured via a planning condition (no. 30). The proposed development will introduce natural planting and new biodiversity into the marina, secured as part of the landscaping strategy referred to above. Also refer to comments on Policy CC8 and NRM5 above.	✓
QD16 Trees and hedgerows	Applications for new developments should identify and seek to retain existing trees and where feasible include new tree and hedge planting.	ES section 18 Ecology [CD2/7.1] assesses the proposed development and its impact on natural species and habitats. This document sets out mitigation to minimise impacts where appropriate. It is considered that the impact of the proposed development will be positive and increase biodiversity on-site overall (para 18.180).	✓
QD17 Protection and integration of nature conservation features	Development proposals which affect nature conservation features outside protected sites should ensure that damaging impacts can be prevented through conditions and that adverse impact are minimised as far possible.	As Above.	✓
QD18 Species protection	This policy seeks to protect animal or plant species and introduce measures which will minimise harmful impact of a proposed development on such species and their habitats.	The proposed development will increase the biodiversity at the marina. In particular, a Greenway which runs along the line of the cliff, will in effect be enlarged by the introduction of the Cliff Park which lies at the base of the cliff. A bridge link from the Cliff Site to the cliff top will also enhance access to the Greenway.	✓
QD19 Greenways	Policy relates to Greenways and states that developments within such a setting will be required to contribute to the provision and/or enhancement of the network, proportional to the development and its potential impact upon the Greenway.		✓

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POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
QD20 Urban open space	Major developments will be required to provide accessible open space.	<p>The regeneration proposals include public realm improvements comprising the Cliff Park, arrival courtyard at the Cliff Site, Park Square, Harbour Square, landscaped areas under the ramp and a new street to the south of the proposed ASDA store.</p> <p>The public realm is integral to the design of the proposed development and is considered further within the evidence of Bob Allies at section 6 and 8 and the evidence of Iain Reid at sections 6 and 7.</p>	✓
QD25 External lighting	Proposals for external lighting will be required to form part of an overall design strategy which demonstrates how they work with existing and surrounding lighting.	Details of external lighting will be submitted to the Council for approval prior to installation, secured via a planning condition no. 30, which deals with general lighting, and condition no. 46, which is concerned with public art.	✓
QD27 Protection of amenity	Planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.	The proposed development was designed to ensure that the amenity of existing and future occupiers is not harmed. This is demonstrated in the Proofs of Evidence of Bob Allies at section 8.3. Also refer to para 10.194 – 10.195 pages 50-51 of ES section 10 ‘Socio-Economic and Community Impacts’ [CD2/10.1].	✓
QD28 Planning obligations	This policy is concerned with planning obligations where it states that they must be necessary, relevant and directly related to the proposed development. A number of aims are included as part of this policy for consideration as potential planning obligations.	The Council raise no objection to the impacts on existing and future occupiers. Heads of terms and appropriate financial contributions were (largely) agreed with the Local Planning Authority as set out within the Statement of Common Ground at Section 8. A unilateral agreement is to be provided to the inquiry.	✓
Housing and Community Facilities – H01, H02, H03, H04, H05, H06, H07, H013, H017, H021			
H01 Housing sites and mixed use sites with an element of housing	Policy H01 reflects a ‘sequential approach’ to the release of housing sites where high priority is afforded to previously developed sites. Affordable housing stock within the city is significantly lower than that of many urban authorities and significantly lower than the national average; therefore the promotion of affordable housing	The form and location of the development (including mix of uses), the range of housing types proposed, and overall housing provision 1,301 residential units, of which 40% or 520 units of which are affordable, will all contribute towards achieving a mixed sustainable community (see Matthew Spy’s evidence (para. 5.63) and the evidence of David Bean at Section 5.	✓

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
	<p>provision is favoured by the Local Plan. In Brighton and Hove it is stated that affordable housing will typically be for rent and will be managed by a Registered Social Landlord. The Local Planning Authority will “negotiate with developers to secure a 40% element of affordable housing”, on proposals of 10 or more dwelling units (para. 4.35).</p>		
<p>H02 Affordable housing – ‘windfall sites’</p>	<p>In assessing housing proposals the following should be considered: (a) local need in respect of the mix, type and size of dwellings; (b) the accessibility to sites and local services and transportation nodes; (c) costs associated with the development of the site; (d) the extent to which the provision of affordable housing would prejudice the realisation of other planning objective; and (e) the need to achieve a successful housing development.</p>	<p>Housing within the proposed development was developed in consultation with BHCC and in response to local housing need as set out in a site specific housing brief, which identified mix, type and size.</p> <p>Matthew Spry’s evidence demonstrates that the form and location of the development (including mix of uses) the range of housing types and tenure will all contribute towards achieving a mixed sustainable community (para. 5.50 – 5.56) and the evidence of David Bean at section 5).</p>	<p>✓</p>
<p>H03 Dwelling type and size</p>	<p>This policy requires that new residential development proposals incorporate a mix of dwelling types and sizes that reflect and respond to BHCC’s Housing Needs Survey.</p>	<p>Matthew Spry’s evidence suggests that although there is a need for a range of property types and sizes, the overwhelming need in absolute terms is for 1 and 2 bed properties to meet the needs of the population, which in Brighton is for smaller households (para. 5.22, 5.27, 5.50 and 5.63). Also see the evidence of David Bean at section 5.</p>	<p>✓</p>
<p>H04 Dwelling densities</p>	<p>This policy seeks to ensure that developments make full and effective use of the land available and residential developments will be permitted at higher densities than those typically found in the locality, where it can be demonstrated that the proposals is of a high design and architectural quality, includes a mix of dwellings, is served well by public transport and respects the capacity of the locality.</p>	<p>The density proposed at the western end of Brighton marina exceeds the minimum requirements set out within PPS3 and responds to BHCC’s SPG15 ‘Tall Buildings’ and SPG20 ‘Brighton Marina: A Masterplan for Enhancement’, which identifies the marina as a suitable location for tall buildings and high density development.</p> <p>In particular, SPG20 specifically explains the need for a form of development capable of funding the “associated visual and functional improvements necessary to deliver a genuinely high quality scheme merited by the site” (Introduction page 53) [CD8/9.2]. Under ‘density’ it is stated that development at the marina should “take advantage of the marina’s unique urban yet functionally separate and distinct coastal location” and that it should be developed to a “high density” as a “product of the design</p>	<p>✓</p>

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POLICY MATRIX

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Brighton and Hove City Council, Local Plan 2005			
H05 Provision of private amenity space in residential development	Residential developments will be required to provide private, usable amenity space where appropriate to the scale and character of the development. This will include both front and back gardens and balconies (para. 4.43).	<p>process", making the "most efficient use of previously used and under used land" reaching a "scale of development" big enough to support "public transport, pedestrian, community and service improvements" (point 1, page 54).</p> <p>This is considered in more detail in the proof of Bob Allies at section 7.3.</p> <p>All residential units within the proposed development have access to private amenity space either by a private balcony/terrace and/or a semi-private shared courtyards. 1251 out of 1301 units (or 96%) have access to their own private balcony or terrace.</p> <p>This is considered further within the evidence of Bob Allies at section 8.</p>	✓
H06 Provision of outdoor recreation space in housing schemes	Adequate outdoor recreation space is required by residential developments and must be in accordance with the standard of 2.4 hectares per 1,000 of the population or any subsequent standard adopted by the Council. Where such provision is not practicable or appropriate, the policy also states that contributions towards their provision on an alternative site may be acceptable.	<p>It is not possible to satisfy the full recreational open space standard on-site. In such circumstances, where it is not practical or appropriate, contributions towards off-site provision may be acceptable.</p> <p>The proposed development includes on-site provision designed to meet the needs of children, youths and adults, and is well served by conveniently accessible off-site recreational facilities in the vicinity of the site.</p> <p>A financial contribution is made toward off-site recreation facilities.</p>	✓
H07 Car free housing	Carfree housing is permissible by BHCC where public transport provision is good and where there are complementary on-street parking controls; and where it can be demonstrated that the scheme will remain car-free in the longer term. Where car-free development is located within a residents' parking zone or where such a zone is introduced, BHCC will ensure that residents occupying the car-free housing will not qualify for a residents parking permit (par. 4.54).	<p>Whilst the development is not car free, it does provide parking at a reduced rate within the SPG4 guidelines. Also refer to the evidence of David Frisby at section 10.0.</p>	✓
H013 Accessible housing	Housing must also be designed in accordance with	All residential units will be adaptable to the changing needs of the	✓

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POLICY MATRIX

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DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
and lifetime homes	Lifetime Homes Standards where they can be adapted to meet the needs of people with disabilities. Furthermore, a proportion of all new dwellings on larger sites should be developed with this, and wheelchair accessibility in mind.	inhabitants, with all apartments designed to meet Lifetime Homes Standards. The provision of wheelchair accessible homes will be provided in accord with standard, whereby 5% of all housing will be built to wheelchair accessible standards, with 10% on the affordable units. Planning condition 18 and 19 will ensure that Lifetime Homes and wheelchair accessible housing is delivered.	
HO19 New community facilities	The provision of community facilities (including places of worship, day care, health centres, libraries and archives, schools, churches and community halls) will be encouraged where a number of criteria can be met.	The proposed development will see the change of use of two retail units (Use Class A3) to a Health Living Centre which could include accommodation for a GP. A community centre is also proposed as part of the development to serve the community needs of the future population. See the evidence of David Gavin at para. 5.65.	✓
HO21 Provision of community facilities in residential and mixed use schemes	Residential proposals, or those which include an element of residential housing, will be required to demonstrate that a suitable range of community facilities will be provided to meet the realistic and assessed needs of the residents. The Local Planning Authority will seek, through a legal agreement, the provision of community facilities. Where it is not practicable to integrate community uses into the scheme, the planning authority will seek, through a legal agreement, land for community uses within the development site and where appropriate, a financial contribution towards the construction of these facilities. If such facilities cannot be accommodated on site, the authority will seek a contribution to provide such facilities off site.	As Above.	✓
Shopping, Recreation and Leisure – SR1, SR2, SR5, SR12, SR18, SR19			
SR1 New retail development within or on the edge of	Retail policies in the Local Plan seek to enhance the vitality and viability of the shopping centres and to maintain their attractiveness (para. 6.1). Policy SR1 relates to new retail development within or on the edge of	The proposed development seeks to enhance the existing District Centre through a variety of uses, predominantly Use Class A3, comprising a replacement ASDA store and petrol filling station. A Retail Impact Statement has been undertaken which confirms no harm to any other centres [CD2/9].	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

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POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
existing defined shopping centres	<p>existing defined shopping centres, it states that applications will be permitted where the proposal:</p> <ul style="list-style-type: none"> a. itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality or viability of existing established shopping centres and parades in Brighton and Hove; b. is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages; c. is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car; d. will not result in highway danger, unacceptable traffic congestion or environmental disturbance; e. provides adequate attendant space and facilities for servicing and deliveries; f. provides facilities for parent and child, the elderly and people with disabilities; and, g. provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan." 		
SR2 New retail development beyond the edge of existing established shopping centres	<p>Beyond existing established shopping centres, applications will only be permitted where they meet policy SR1, and where the site has been developed for retail development, or where the development is intended to provide for an outlying neighbourhood or new housing development. The need for such retail development must be demonstrated.</p>	<p>The application site seeks to enhance the district centre through a range of uses. Refer to Local Planning Policy SR1.</p>	✓
SR5 Town and district	<p>Brighton marina is identified as a district shopping centre in Policy SR5 and BHCC aim is to maintain and enhance</p>	<p>As Above.</p>	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
shopping centres	<p>the prime retail frontages. Changes of use to existing A1, A2 and A3 uses will be permitted where a number of identified criteria are met.</p> <p>Paragraph 6.25 relating to policy SR5 indicates that a more flexible approach is needed to ensure that the vitality and viability of town and district centres are enhanced and maintained. Proposed uses which encourage pedestrian activity are further encouraged (para. 6.26).</p>		
SR12 Large use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)	<p>In relation to large Class A3 and A4 uses in excess of 150sq.m, such proposals will be permitted providing they comply with four set criteria. An exception to this policy states that where proposals providing floorspace in excess of 150sq.m restaurant or a café service to seated customers only (Class A3), permission will be granted, subject to the imposition of planning conditions.</p>	<p>It is intended that commercial units (Class A3 and A4) larger than 150 sq.m will serve seated customers only, secured via planning condition no. 5.</p>	✓
SR18 Seafront recreation	<p>This policy relates to seafront recreation and states that new recreational facilities relating to seafront and coastal activities will be permitted on the seafront provide that a number of criteria are met.</p>	<p>It is intended that the marina will integrate with the existing seafront recreational activities, provide enhanced pedestrian and cycle linkages and district centre.</p>	✓
SR19 Black Rock site	<p>This policy relates specifically to the Black Rock site which lies immediately to the north-west of the Site. This policy identifies that this site will be developed centred around a recreation and leisure scheme which may include wet and dry sports, multi-purpose / special events space and hotel accommodation. A number of criteria are set out which should be considered in a development proposal for this site, of relevance are the following: “b. it should complement and not duplicate facilities</p>	<p>The Black Rock site lies to the west of the appeal site. The proposed development will enable any future proposals at the Black Rock site to be accommodated. See TA at section 4.9 [CD2/13].</p>	✓

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
	<p>already available at the adjacent Marina;" and</p> <p>"f. provision for sustainable means of transport (including walking and cycling) to and from the site will be expected including links with the Marina and Palace Pier."</p>		
Nature Conservation and the Countryside – NC2, NC4, NC7, NC8			
<p>NC2 Site of national importance for nature conservation</p>	<p>This policy seeks to protect nationally important sites for nature conservation. Planning permission will not be granted for a proposal within, or in the setting of, and existing or proposed site of national importance for nature conservation where it is likely to have an adverse impact, directly or indirectly, on the nature conservation features of the site. A number of criteria setting out where exceptions apply are listed in this policy.</p>	<p>Refer to Local Plan Policy QD17.</p>	<p>✓</p>
<p>NC4 Sites of Nature Conservation Importance (SNCI(s) and Regionally Important Geological Sites (RIGS)</p>	<p>Planning permission will not be granted for a proposal within, or in the setting of, an existing or proposed Site of Nature Conservation Importance (SNCI) or a Regionally Important Geological Site (RIGS) where it is likely to have an adverse impact, on the nature conservation feature of the site. Exceptions will only be made where a number of criteria are met.</p>	<p>As Above.</p>	<p>✓</p>
<p>NC7 Sussex Downs Area of Outstanding Natural Beauty</p>	<p>Exceptions to developments adjacent to a AONB can be made under the following circumstances: "a. the proposal conserves and enhances the visual and</p>	<p>ES section 9 'Townscape and Visual Impact Assessment' considers the impact of the development from a number of identified views, which includes views from the AONB [CD2/10.3]. It concludes that 'the development causes no damage to nor has any material effect on the natural beauty,</p>	<p>✓</p>

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
	<p>landscape quality and character of the AONB and complies with Policy NC6 'Development in the countryside / downland' and other policies in the Development Plan; or</p> <p>b. it can be demonstrated that the development is in the national interest and that there are no alternative sites available elsewhere.</p> <p>Where exception 'b' applies development will be required to keep the adverse effects on the AONB to a minimum and to demonstrate positive environmental enhancements."</p>	<p>amenity or community life, being neither within nor adjacent to the AONB. It is, however, close to the AONB and will be seen from it, in the same way that existing elements of Brighton and Hove are visible. It does not have a significant effect on established particular view corridors but does appear in some general panoramas, which already include elements of the city, from the north, north-east and east. It concludes that the development 'will be seen from the South Downs AONB and the proposed National Park but will invariably only be experienced at points where the city or part of it are already visible' (para 12.4). Also see the evidence of Richard Coleman at para. 8.8.24 and 8.9.5.</p>	
NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty	<p>Proposal within the setting of an AONB "will not be permitted if it would be unduly prominent in, or detract from views into, or out of the AONB, (particularly from roads, rights of way or other public places), or would otherwise threaten public enjoyment of the AONB".</p>	<p>Richard Coleman in his evidence at para. 8.8.24 concludes that the addition of the development at the marina will not harm the AONB and will be beneficial.</p>	✓
Employment – EM9			
EM9 Mixed uses and key mixed use sites	<p>This policy relates to mixed use sites and notes that planning permission will be granted for the conversion or redevelopment of redundant or vacant sites not identified in the plan for any other purpose, for mixed uses (including employment generation, affordable housing, amenity space, community facilities and commercial development amongst other uses). Such mixed developments should be accessible by public transport and be both vertically and horizontally mixed.</p>	<p>The proposed development has evolved in response to SPG20 Brighton Marina a Masterplan for Enhancement. This document identifies the Marina as a suitable location for mixed-use development, well served by public transport.</p> <p>The LPA in their Planning Committee Report (CD3/1.1) identify that the proposed mix of uses proposed is suitable and consistent with the objectives of SPG20 (page 92).</p>	✓
Historic Environment – HE1, HE3, HE6, HE11, HE12			
HE1 Listed buildings	<p>Seeks to protect listed buildings and their setting.</p>	<p>The impact of the proposed development on the setting of a number of listed buildings and their setting was assessed within section 9 of the ES 'Townscape and Visual Impact Assessment'. This concludes that 'the</p>	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
HE3 Development affecting the setting of a listed building	Seeks to protect the setting of a listed building.	<p>development will not harm the setting of any listed buildings or any conservation area' para. 12.4 page 216 [CD2/7.3].</p> <p>Richard Coleman's evidence confirms that the marina site will not affect the immediate setting of listed buildings (para. 8.8.15). The height of the appeal scheme, however, will affect the setting of some views of and from listed building but the effect will not be significant.</p> <p>This policy is also considered further within the evidence of Richard Coleman at section 10.</p> <p>The appeal site is not within a conservation area nor part of the immediate setting of a conservation area although it is visible from the Kemp Town Conservation Area. Richard Coleman advises that neither the character nor appearance of the area will be other than preserved. Whilst there is a marginal effect on the skyline from Lewes Crescent and certain views out of the area where the development is seen alongside a listed building but in neither case is the effect significant (see Richard Coleman's evidence at para. 8.8.18).</p>	✓
HE6 Development within or affecting the setting of conservation areas	Seeks to preserve or enhance the character or appearance of a conservation area from proposals either within or affecting their setting.	<p>The impact of the proposed development on the conservation Area was assessed within section 9 of the ES 'Townscape and Visual Impact Assessment' [CD2/7.3]. Which concludes that 'the development will not harm the setting of any listed buildings or any conservation area. Neither will it harm established strategic views, vistas or parks and open spaces' [Para 12.4 page 216]</p> <p>This policy is also considered further within the evidence of Richard Coleman at para. 8.8.18.</p>	✓
HE11 Historic parks and gardens	Seeks to protect recognised historic parks and gardens are all relevant policy considerations.	<p>The impact of the proposed development on recognised historic parks and gardens was assessed within section 9 of the ES 'Townscape and Visual Impact Assessment' [CD2/7.3], which concludes the development 'neither will it harm established strategic views, vistas or parks and open spaces' (para 12.4 page 216). Also see the evidence of Richard Coleman at para. 8.8.21.</p>	✓
HE12 Scheduled ancient monuments and other	This policy seeks to preserve and enhance sites of scheduled ancient monuments and other important	<p>The cliffs at Black Rock (behind the marina) are important Palaeolithic sites on the south coast of England. The raised beach and the interglacial deposits are a Site of Special Scientific Interest (SSSI), a Regionally</p>	✓

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

DEVELOPMENT PLAN	PURPOSE / OBJECTIVES	ASSESSMENT OF POLICY COMPLIANCE	COMPLIANCE
Brighton and Hove City Council, Local Plan 2005			
important archaeological sites	archaeological sites including their setting. In respect of archaeological sites and their setting the planning authority, in considering the relative importance of the site against the need for the proposal, it must be satisfied that the adverse impacts are to be minimised and the need for the proposal outweighs the likely harm to be done.	Important Geological Site (RIGS) and a Geological Conservation and Review Site (GCR). The important SSSI Brighton to Newhaven Cliffs was considered as part of the EIA process. Natural England was consulted on the proposed development and they do not object subject to a number of conditions which are reflected within the conditions list contained within the SOCG (condition numbers 25 and 26).	

Key: ✓ Compliance
• Part-Compliance
✘ Non-Compliance

Table 2: Assessment of the Proposed Development Against BHCC's Supplementary Planning Guidance (SPG's) and Documents (SPD's)

SPG'S/SPD'S	PURPOSE / OBJECTIVES	ASSESSMENT OF COMPLIANCE	COMPLIANCE															
Brighton and Hove Supplementary Planning Guidance																		
SPG4 Parking Standards	<p>This document sets out BHCC's parking standards. Car parking standards are set at a maximum whilst cycle parking standards are set at a minimum.</p> <p>For residential development 1 car parking space is required per dwelling plus 1 space per 2 dwellings for visitors. Cycle parking is required at 1 space per dwelling plus 1 secure space per 3 dwellings for visitors.</p> <p>Commercial car parking standards are as follows:</p> <table border="1" data-bbox="735 1178 938 1778"> <thead> <tr> <th>Land Use</th> <th>Standard</th> <th>Disabled</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>1 space per dwelling</td> <td>1 space per 10 dwellings</td> </tr> <tr> <td>A1 shops</td> <td>1 space per 30m²</td> <td>1 space per unit (or commuted payment for shop mobility)</td> </tr> <tr> <td>A1 Food superstore</td> <td>12 spaces per 100m²</td> <td>1 space plus 1 space per 1000m²</td> </tr> <tr> <td>Restaurant</td> <td>1 space per 5m² (public space)</td> <td>1 space per 60m²</td> </tr> </tbody> </table>	Land Use	Standard	Disabled	Residential	1 space per dwelling	1 space per 10 dwellings	A1 shops	1 space per 30m ²	1 space per unit (or commuted payment for shop mobility)	A1 Food superstore	12 spaces per 100m ²	1 space plus 1 space per 1000m ²	Restaurant	1 space per 5m ² (public space)	1 space per 60m ²	<p>The proposed development provides 1483 car parking spaces and 1653 cycle parking facilities. This provision is in line with policy and has been agreed with BHCC, (see SOCG at para 3.1.4).</p> <p>The Transport Assessment sets out the proposed car and cycle parking at the marina at Table 4.5 page 62 [CD2/13].</p> <p>Also see the evidence of David Frisby at section 10.0.</p>	<p>✓</p>
Land Use	Standard	Disabled																
Residential	1 space per dwelling	1 space per 10 dwellings																
A1 shops	1 space per 30m ²	1 space per unit (or commuted payment for shop mobility)																
A1 Food superstore	12 spaces per 100m ²	1 space plus 1 space per 1000m ²																
Restaurant	1 space per 5m ² (public space)	1 space per 60m ²																
SPG5 Black Rock Development Brief	<p>This document sets out the development brief for the adjacent Black Rock Site.</p>	<p>The proposed development seeks to enhance connections between the marina and Madeira Drive via the Brunswick bridge link to the Western Breakwater and via the new proposed emergency access route, which lies beneath the ramps. The proposed new emergency access route and its relationship to the Black Rock site is discussed at Section 4.9 of the Transport Assessment [CD2/13].</p>	<p>✓</p>															
Draft SPG9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space	<p>This document sets out BHCC's draft Outdoor Recreation Space standard which is based on the National Playing Field Association (NPFSA) standard of 2.4ha per 1000 of the population.</p>	<p>This draft document recognises that exception to the identified standard applies and that this includes areas where there is existing suitable outdoor recreation space with sufficient capacity to serve the proposed development (page 8). It also allows for alternative provision to be considered, for example within areas of high density areas on sites with no means to provide outdoor recreation space but where the site is ideally situated in all other respects (page 9). This guidance accepts the principle of commuted payments for off-site provision (page 10). Also refer to para. 10.194 –</p>	<p>✓</p>															

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

SPG'S/SPD'S	PURPOSE / OBJECTIVES	ASSESSMENT OF COMPLIANCE	COMPLIANCE
Brighton and Hove Supplementary Planning Guidance			
SPG15 Tall Buildings	<p>This document is based on a Tall Buildings Study which was undertaken independently by Gillespies, urban design consultants.</p> <p>This SPG identifies a number of 'nodes' where the location of tall buildings (approximately 6 storeys) would be suitable, the marina is identified as one such node. In particular, the existence of a district shopping centre within the marina, and the opportunity to 'bookend' the edge of the city contributes to the tall building opportunity within this area.</p> <p>Tall buildings within this node will need to have regard to their visual impact on the residential areas to the north of the cliffs and their 'overall composition' when viewed along the coast.</p> <p>The guidance also sets out a number of criteria which should be addressed within a Tall Buildings Statement.</p>	<p>10.195 of ES section 10 'Socio-Economic and Community Impacts [CD2/10.1] and s106 Contributions in SOCG at para 8.1)</p> <p>Consideration of this draft guidance document can be found within David Gavin's Evidence at Section 7.0 and also within the evidence of Bob Allies at section 8</p> <p>A Tall Building Statement is provided within the Design and Access Statement, Volume 2, Appendix 1 (page 3 – 21) [CD2/7.2] along with a detailed assessment of the scheme against the requirements of PAN04.</p> <p>Section 9 of the Environmental Statement considers the townscape and visual impact of the proposed development and concludes that the development should proceed, recognising that there is a fine balance to be struck between compromised views and the overriding advantages of the proposals, particularly in urban planning and architecture terms [CD2/10.3].</p> <p>Also refer to the evidence of Bob Allies at section 7 and the evidence of Richard Coleman at section 8.11.2.</p>	✓
SPG20 Brighton Marina: A Masterplan for Enhancement	<p>This document sets out an urban design analysis and development brief for Brighton marina. Within this document a number of opportunities for future development at the marina are identified.</p> <p>The key aim of SPG20 is to "enhance the marina environmentally, visually, functionally and commercially and to transform it into an exhilarating sustainable location of international quality and renown."</p>	<p>To deliver the key objective for the marina, i.e. to enhance the marina environmentally, functionally and commercially and transform it into an exhilarating sustainable location of international quality and renown, it is necessary to take a comprehensive approach to regeneration and introduce high quality environments. It was envisaged that to deliver this step change at the marina, the marina should (generally) be developed to a high density (page 54 (SPG20 [CD8/9.2]) and that this will only be achieved by the introduction of "well designed, high quality buildings, the conception of which should deliberately include tall structures".</p>	✓

Key: ✓ Compliance
 • Part-Compliance
 ✘ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

SPG'S/SPD'S	PURPOSE / OBJECTIVES	ASSESSMENT OF COMPLIANCE	COMPLIANCE
<p>Brighton and Hove Supplementary Planning Guidance</p>	<p>Key design objectives are the creation of a sustainable place which has its own identity, where public and private spaces are clearly distinguished, with attractive and successful outdoor areas, that is easy to get to and move through, that has a clear image and is easy to understand, that can change easily with variety and choice.</p> <p>The Brief states that to take advantage of the marina's unique urban yet functionally separate and distinct coastal location, the marina should (generally) be developed to a high density, developed through the design process. The brief states that importantly development at the marina should be designed to:</p> <ul style="list-style-type: none"> • make the most efficient use of previously used and underused land • achieve a truly mixed use location with a critical mass of residents to ensure that there is a comprehensive range of viable services and facilities • reach a scale of development such that key public transport, pedestrian, community, and service improvements can be made • ensure a highly sustainable location can be created enabling the number and length of car journeys to be minimised, and • that the opportunity to utilise the space above the spending beach should be explored. <p>The Brief states that there should be a significant amount of additional commercial (retail and leisure) use provided at ground level for vitality and to sustain the role of the marina as a District Shopping Centre. Basement and underground car parking should be provided in locations which do not conflict with the aims of creating life and vitality at street level and pedestrian use of the seafront.</p>	<p>The proposed development introduces a mix of uses, including residential, which will help to introduce a critical mass of residents to ensure that there is a comprehensive range of viable services and facilities. The architecture and urban environments are designed to a high quality with full consideration to the best practice in urban design.</p> <p>As identified, basement and concealed car parking has been integrated into the development to ensure they do not visually dominate or conflict with the aspiration of creating vibrant public spaces and provided to reduce the need to travel by private car, (see SOCG 3.1.4 & 3.2.5).</p> <p>The proposed development was designed to have full regard to the objectives identified within SPG20.</p> <p>Also refer to the evidence of Richard Coleman at section 8.12.</p>	

Key: ✓ Compliance
 • Part-Compliance
 ✗ Non-Compliance

POLICY MATRIX

Appeal Ref. APP/Q1445/A/09/2102048

SPG'S/SPD'S	PURPOSE / OBJECTIVES	ASSESSMENT OF COMPLIANCE	COMPLIANCE
Brighton and Hove Supplementary Planning Guidance			
	<p>The space above commercial uses should be residential in order to make effective use of land. The brief goes on to state that a substantial proportion of new homes should be affordable to meet local needs. An extension to the cinema should be accommodated in any redevelopment and additional office and hotel space. Space should be set aside for community use, including a public building for display, meeting and performance. Space for workshops for artists should be considered and space for a new harbour control centre incorporated.</p> <p>The Brief gives a commitment to achieving sustainable development by: promoting a reduced need to travel, providing a mix of uses and sustainable building design, protecting the quality of air, soil and water, maximising the efficient use of resources, minimising waste and the impact on the local environment, conserving the diversity of species and habitats and ensuring long term economic and social sustainability.</p>		
Brighton and Hove Supplementary Planning Document			
SPD8 Sustainable Building Design	This document sets out BHCC's approach to achieving sustainable buildings. This includes resource efficiency in particular in relation to CO ₂ emissions and reduction of water use, reduction in the amount of waste being disposed of at landfill.	Refer to local plan policy SU2 above.	✓

Key: ✓ Compliance
 • Part-Compliance
 ✘ Non-Compliance

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Appendix 8 Plan 4: Planning Policy designations



- KEY**
- Identified Housing sites**
Policy No.: HO1
 - Prime Retail Frontage**
Policy Nos.: SR4 or SR5
 - Recreation**
Policy Nos.: SR19, SR22, SR23, SR24, SR25, SR26
 - Leisure (incl. hotels)**
Policy Nos.: EM13, SR19, SR24
 - Industrial and business**
Policy Nos.: EM1, EM2, EM9
 - Boundary of the Built-up Area**
 - Coastal Zone**
Policy No.: SU7
 - SNCI (Sites of Nature Conservation Importance)** Policy No.: NC4
 - RIGS - (Regionally Important Geological Sites)**
Policy No.: NC4
 - Conservation Areas**
Policy Nos.: HE6, HE8, HE9
 - Countryside**
Policy No.: NC6
 - Historic Parks & Gardens**
Policy No.: HE11
 - Archaeologically Sensitive Areas**
Policy No.: HE12
 - Greenway (Indicative)**
Policy No.: QD19

nlp Nathaniel Lichfield and Partners

Project	Brighton Marina Regeneration Project
Title	Plan 4 Brighton & Hove City Council Planning Policy Designations (Local Plan Proposals Map 2005)
Client	Explore Living
Date	September 2009
Scale	1:5000 @ A3
Drawn by	FP
Drg. No	CL10578/02-006



**Appendix 9 Letter from Natural England
dated 14 October 2008**

Your ref: BH2007/03454
Our ref: SD/BRI/08-09/SE4168
Date 14 October 2008



Sue Dubberley
Development Control
City Planning
Brighton & Hove City Council
Via email

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East Sussex
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Dear Ms Dubberley

BRIGHTON TO NEWHAVEN CLIFFS SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI)

Thank you for your letter consulting Natural England over the above, revised planning application.

As you are aware Natural England lodged an objection to the proposed development because we were concerned about adverse impacts on the special interest features of Brighton to Newhaven Cliffs Site of Special Scientific Interest (SSSI) (letter dated 21 December 2007).

Brighton to Newhaven Cliffs has been afforded statutory protection via its designation as a Site of Special Scientific Interest (SSSI). PPS9: Biodiversity and Geological Conservation and its accompanying Circular (ODPM Circular 06/2005)¹ provides information on the protection of SSSIs through the planning system.

Natural England's primary concerns relate to:

- the impact of the works on the stability of the cliff,
- the impact of the development on the visibility of the geological exposure, and
- the potential for requests for further work given the likelihood for natural mass movement processes to occur in the future.

Natural England has since had meetings with the applicants and the Council to voice our concerns, namely that the ES did not adequately address the impact of the proposed development on the SSSI, nor offer adequate mitigation. Since then we have worked closely with the applicants to ensure that these concerns were addressed through the revised ES. **To this end Natural England can now withdraw our objection subject to adherence with the following conditions and assurances that the conditions can be legally enforced if necessary:**

1. Public access is provided and maintained to all viewing platforms in perpetuity, namely Cliff Site building, and Marina Point. We expect these areas to accommodate up to 50 people at a time. Access to Cliff Park and the Geolearn Space is maintained at all times.

2. If there are any amendments to viewing areas access, Natural England must be consulted prior to any amendments taking effect.
 3. Notice to access the viewing points at Marina Point and the Cliff Site building should not exceed 48 hours outside normal business hours. Within normal business hours (Mon-Fri 9-5) a mechanism should be in place to allow public access to the viewing points on the day of the request, (i.e. within a few hours notice).
 4. As part of the programme of mitigation and enhancement of the site, the sum of £30,000 must be provided by the applicants for provision of geological interpretation and information, which shall include both an consultation, interpretation and implementation strategy. Natural England must be consulted on the design, text and location of any geological interpretation/information. The interpretation may include boards, sculptures, information packs for residents; to be decided as part of the strategy. Ongoing management and maintenance plan for the aforementioned must be submitted, and should include a sum for ongoing maintenance/management.
 5. Natural England must be consulted on the design of the Geo-Learn Space.
 6. Financial contribution towards monitoring of the cliffs, with the strategy to be agreed with the Council. Natural England must be consulted on the strategy.
 7. Glass bridge: the design must allow for full viewing of the cliff, namely the sides should be transparent. The design/detail should be approved by the Council, and Natural England must be consulted.
 8. Natural England to be provided with a full photographic survey of the cliffs (high resolution, digital images, hard copy and electronic) prior to the commencement of construction.
 9. Natural England to be provided with a copy of the pre-construction archaeological investigations report which the applicants are undertaking.
 10. Any planting adjacent to the cliff must be low level and of native provenance (i.e. herbs and low level shrubs < 60cm in height) with planting away from the base of the cliff to allow access for study. We would strongly encourage the use of native plants suited to local conditions, ie vegetated shingle species. A management plan must be drawn up, with the objective of preventing vegetation encroaching onto the cliff and preventing vegetation growing beyond the specified height. Please find enclosed the Conservation Objectives for the SSSI.
 11. Natural England must be consulted on the lighting strategy.
 12. Natural England must be consulted on the Construction Environment Management Plan (CEMP), prior to any commencement of works. The CEMP must include full details of the monitoring mechanism that will be in place to assess impact of any construction works on the stability of the cliffs. A robust action plan must be in place in the event that the agreed noise vibration levels are exceeded. Demolition and construction contractors and their staff must be briefed on the nature, importance and sensitivity of the SSSI cliffs.
-

¹ Office of the Deputy Prime Minister Circular 06/2005 *Government circular: Biodiversity and geological conservation- statutory obligations and their impact with the planning system.*

Office of the Deputy Prime Minister 2005 *Planning Policy Statement 9: Biodiversity and geological conservation*

The Council need to be fully satisfied with the following:

1. That the Construction Environment Management Plan (CEMP) gives robust protection to the cliffs. In particular provision for monitoring the construction of the Explore Living development and the cumulative impact of other developments in the vicinity. The implementation of the proposed Action Plan for managing any noise/vibration exceeding the agreed baseline levels must be monitored to ensure it is fit for purpose.
2. That the proposed development does not adversely effect the stability of the cliffs. Natural England wishes to make it clear to the Council that in our view the proposed development is too near to the cliffs. In the event of a future cliff failure, Natural England will object to any subsequent stabilisation measures that could impact on the visibility of the cliffs. We wish to remind the Council of their duties under Section 28G of the Wildlife And Countryside 1981 (as amended by CRoW Act 2000): ‘ *take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological features by reason of which the site is of special scientific interest*’.

Summary

This letter constitutes Natural England’s formal advice under S28I of the Wildlife and Countryside Act (as amended). Natural England **withdraws its objection** to the proposals subject to agreement to planning conditions (listed above).

Yours sincerely



Jayne Field
Environmental Planning Adviser

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Enc: Conservation Objectives for Brighton to Newhaven Cliffs SSSI



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CONSERVATION OBJECTIVES and DEFINITIONS OF FAVOURABLE CONDITION for DESIGNATED FEATURES OF INTEREST:

These Conservation Objectives relate to all designated features on the SSSI, whether designated as SSSI, SPA, cSAC or Ramsar features.

Name of Site of Special Scientific Interest (SSSI)	
Brighton to Newhaven Cliffs	
Names of designated international sites	
Candidate Special Area for Conservation (cSAC)	<u>N/A</u>
Special Protection Area (SPA)	<u>N/A</u>
Ramsar :	<u>N/A</u>
Relationship between site designations	
<u>N/A</u>	

Version Control information		
Status of this Version (Draft, Consultation Draft, Final)	Site Specific Draft	
Prepared by:	Jon Curson	
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Other notes/version history :		
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Checked by	Name:	Date:
	Signature	

Conservation Objectives and definitions of Favourable Condition: notes for users

Conservation Objectives

SSSIs are notified because of specific biological or geological features. Conservation Objectives define the desired state for each site in terms of the features for which they have been designated. When these features are being managed in a way which maintains their nature conservation value, then they are said to be in 'favourable condition'. It is a Government target that 95% of the total area of SSSIs should be in favourable condition by 2010.

Definitions of Favourable Condition

The Conservation Objectives are accompanied by one or more habitat extent and quality definitions for the special interest features at this site. These are subject to periodic reassessment and may be updated to reflect new information or knowledge; they will be used by English Nature and other relevant authorities to determine if a site is in favourable condition. The standards for favourable condition have been developed and are applied throughout the UK.

Use under the Habitats Regulations

The Conservation Objectives and definitions of favourable condition for features on the SSSI may inform the scope and nature of any 'appropriate assessment' under the Habitats Regulations. An appropriate assessment will also require consideration of issues specific to the individual plan or project. The habitat quality definitions do not by themselves provide a comprehensive basis on which to assess plans and projects as required under Regulations 20-21, 24, 48-50 and 54 - 85. The scope and content of an appropriate assessment will depend upon the location, size and significance of the proposed project. English Nature will advise on a case by case basis.

Following an appropriate assessment, competent authorities are required to ascertain the effect on the integrity of the site. The integrity of the site is defined in para C10 of PPG9 as the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. The determination of favourable condition is separate from the judgement of effect upon integrity. For example, there may be a time-lag between a plan or project being initiated and a consequent adverse effect upon integrity becoming manifest in the condition assessment. In such cases, a plan or project may have an adverse effect upon integrity even though the site remains in favourable condition.

The formal Conservation Objectives for European Sites under the Habitats Regulations are in accordance with para. C10 of PPG 9, the reasons for which the European Site was classified or designated. The entry on the Register of European Sites gives the reasons for which a European Site was classified or designated.

Explanatory text for Tables 2 and 3

Tables 2 and 3 set out the measures of condition which we will use to provide evidence to support our assessment of whether features are in favourable condition. They are derived from a set of generic guidance on favourable condition prepared by EN specialists, and have been tailored by local staff to reflect the particular characteristics and site-specific circumstances of individual sites. Quality Assurance has ensured that such site-specific tailoring remains within a nationally consistent set of standards. The tables include an audit trail to provide a summary of the reasoning behind any site-specific targets etc. In some cases the requirements of features or designations may conflict; the detailed basis for any reconciliation of conflicts on this site may be recorded elsewhere.

Conservation Objectives

The Conservation Objectives for this site are, subject to natural change, to maintain the following habitats and geological features in favourable condition (*), with particular reference to any dependent component special interest features (habitats, vegetation types, species, species assemblages etc.) for which the land is designated (SSSI, cSAC, SPA, Ramsar) as individually listed in Table 1.

Habitat Types represented (Biodiversity Action Plan categories)

Chalk grassland

Geological features (Geological SiteTypes)

Coastal Cliffs and Foreshore (EC)

Static (Fossil) Geomorphological Sites (IS)

(*) or restored to favourable condition if features are judged to be unfavourable.

Standards for favourable condition are defined with particular reference to the specific designated features listed in Table 1, and are based on a selected set of attributes for features which most economically define favourable condition as set out in Table 2 and Table 3:

Table 1 Individual designated Special Interest Features

BAP Broad Habitat type / Geological Site Type	Specific designated features	Explanatory description of the feature for clarification	SSSI designated interest features	CSAC designated interest features	SPA bird populations dependency on specific habitats				Ramsar criteria applicable to specific habitats				
					Annex I species	Migratory species	Waterfowl assemblage	1a Wetland characteristics	2a Hosting rare species &c	3a 20000 waterfowl	3c 1% of population		
Calcareous Grassland	<i>Festuca ovina-Avenula pratensis</i> (CG2)	Sheep's fescue-Meadow oat grass grassland but with maritime influence and containing species such as thrift, sea beet and bucks-horn plantain.	*										
	Outstanding invertebrate assemblage: F100 early successional	Outstanding invertebrate community associated with early successional habitat (particularly beetles)	*										
	Outstanding invertebrate assemblage: F210 calcareous grassland	Outstanding invertebrate community associated with chalk grassland (particularly beetles)	*										
Coastal Cliffs and Foreshore (EC)	Chalk cliff and wave cut platform Rissa tridactyla		*										
Static (Fossil) Geomorphological Sites (IS)	Quaternary deposits and fossilised raised beach at Black Rock	Kittiwake colony (one of only two in SE England)	*										

NB. 1). Features where asterisks are in brackets (*) indicate habitats which are not notified for specific habitat interest (under the relevant designation) but because they support notified species. 2) The requirements of species (including SPA bird species) are reflected in the Conservation Objectives for habitat features on which they depend. In some specific situations, direct population measures for species may also be used to provide supporting information to confirm habitat quality measures.

Table 2 Habitat Features - Extent Objectives

Conservation Objective for habitat extent	To maintain the designated habitats in favourable condition, which is defined in part in relation to a balance of habitat extent (extent attribute). Favourable condition is defined at this site in terms of the following site-specific standards:
Extent - Dynamic balance	On this site favourable condition requires the maintenance of the extent of each designated habitat type. Maintenance implies restoration if evidence from condition assessment suggests a reduction in extent.

Habitat Feature (BAP Broad Habitat level, or more detailed level if applicable)	Estimated extent (ha) and date of data source/estimate	Measure	Site Specific Targets	Comments
CG2 Festuca ovina-Avenula pratensis lowland calcareous grassland	Extent	Total area (ha), mapped in relation to baseline (ie first available map of interest feature when/after notified), in period May-July.	No reduction in area and any consequent fragmentation without prior consent	Recoverable reduction = unfavourable; non-recoverable reduction = partially destroyed. Excludes bare ground associated with rabbit warrens (see below).

Table 2b - Species - Presence/Absence/Population Objectives

Conservation Objective for species populations	To maintain the designated species in favourable condition, which is defined in part in relation to their population attributes. Favourable condition is defined at this site in terms of the following site-specific standards:
Population balance	On this site favourable condition requires the maintenance of the population of each designated species or assemblage. Maintenance implies restoration if evidence from condition assessment suggests a reduction in size of population or assemblage.

Species Feature (species or assemblage)	List supporting BAP Broad Habitats	Population Attribute (e.g. presence/absence, population size or assemblage score)	Site Specific Target Range and Measures (specify geographical range over which target applies: i.e. site, BAP broad habitat or more specific)	Comments
<i>Rissa tridactyla</i> (kittiwake)	Chalk cliff	972 nests (1987 survey)	Maintain population within acceptable limits: Maintain the population above 75% (729 nests) of that at designation. Loss of 25% (243 nests) or more unacceptable (but see notes below). Use counts or estimates of numbers of breeding individuals, pairs or calling males, occupied breeding sites or occupied territories.	Standard monitoring methods are widely published and recommended species-specific surveys are listed in Part 2 (available on JNCC website). N.B. The colony is normally monitored annually and the results published in the Sussex Bird Report.
Outstanding invertebrate assemblage: F100 early successional	Grassland/ scrub	Specialist direct monitoring of assemblage score based on presence/absence of specified proportion of species typical of habitat listed in ISIS	Monitor assemblage once in every 6 year monitoring cycle. Using defined invertebrate sampling protocols thresholds to be met: ISIS score: Not yet set	This attribute is to be assessed through specialist survey Note the CSM guidance is under review and for the first round of monitoring the F210 target should be used.

Outstanding invertebrate assemblage: F210 neutral/calcareous grassland	Calcareous grassland	Specialist direct monitoring of assemblage score based on presence/absence of specified proportion of species typical of habitat listed in ISIS	Monitor assemblage once in every 6 year monitoring cycle. Using defined invertebrate sampling protocols thresholds to be met: ISIS score: Not yet set	This attribute is to be assessed through specialist survey Note the CSM guidance is under review and for the first round of monitoring the F210 target should be used.
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Audit Trail

Rationale for habitat extent attribute

(Include methods of estimation (measures), and the approximate degree of change which these are capable of detecting).

Rationale for site-specific targets (including any variations from generic guidance)

Other Notes

The CG grassland here is quite specialised and very restricted, having a maritime influence and containing species such as thrift, sea beet and bucks-horn plantain (and also containing fewer CG indicator species than inland sites); it occurs on the slumped cliffs at Castle Hill (Newhaven), and Telsecombe Tye (where it is more typical CG but still with mesotrophic influence) and in a few other places on the cliff edge and in slumped areas. Elsewhere the grassland is mesotrophic with little or no CG interest. The invertebrate interest mainly involves terrestrial beetles. The Kittiwake colony is in decline but the birds appear to be moving to the recently-established colony at Seaford (within Seaford to Beachy Head SSSI). Therefore it may be better to monitor both colonies together and aim to maintain 75% of the population at both sites as a minimum for favourable condition at both sites (the colonies are only about two miles apart).

Table 3a Site-Specific definitions of Favourable Condition – coastal cliffs, foreshore and geomorphology

CONSERVATION OBJECTIVE FOR THIS HABITAT / GEOLOGICAL SITE-TYPE	To maintain the coastal cliffs/ wave cut platform and fossil geomorphology habitat at this site in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition is defined at this site in terms of the following site-specific standards:
	Site-specific details of any geographical variation or limitations (where the favourable condition standards apply)
	Site-specific standards defining favourable condition

IS and EC need to be separated as they are 2 entirely different geological interests with different conservation objectives – there will be some overlap. The conservation objectives need to be specific to the interest at this site – at present they are generic.

The unitisation of the site needs to be checked to ensure that it reflects the different earth science conservation codes. IS must apply to a specific unit.

A check of the OLDS should be done to see if any further conservation objectives would be appropriate.

Criteria feature	Attribute	Measure	Site-specific Targets	Comments	Use for CA?
Static (Fossil) Geomorphological Sites (IS)	Exposure and visibility of features of interest	Visual / fixed-point photography	The features of interest are XX metres high and YY metres long and are exposed and visible. N.B. To be measure as soon as is practical. The individual units/features are	A patchwork of exposures at this site is not suitable. Rock bolts present are consented. Mesh placed on this unit would be unacceptable.	Yes

			<p>1) Supermarket Member (crudely bedded chalk debris) 2) Black Rock Member (raised beach) 3) Wave cut platform 4) Ancient cliff line The individual sedimentary units (1 and 2) and their relationship to the bedrock (3) and the ancient cliff line to 10m beyond the boundary into the chalk cliffs (4) are undisturbed and can be seen both individually and as a whole. The exposure is physically accessible (subject to access rights or obtaining the relevant permissions) with the ability to view the whole sequence.</p>		
	Vegetation growth and planting	Visual / fixed-point photography	<p>Vegetation growth or unconsented planting is not obscuring or damaging the features of interest as described above. No shrubs or trees are growing or are planted without consent on or in front of the interest (impact on exposure and visibility and damage to the interest). A limited amount of herbaceous vegetation only (covering less than 5% of the exposure of any individual unit) can be tolerated. Trees and shrubs damaging the interest must be</p>	<p>Tree planting is not likely to be an issue (but a fig tree has established itself at Black Rock). This could be removed but is not considered to be causing a significant visual obstruction to the interest features.</p>	Yes

		removed above ground and the stumps treated to prevent re-growth.			
Scree and sediment build-up	Visual / fixed-point photography	Build-up of scree and sediment from weathering and collapse of faces is not obscuring the features of interest as described above. Scree or talus obscuring less than 5% of the exposure of any individual unit can be tolerated.	The owners have recently removed the talus from the base of the cliff at Black Rock, exposing more of the raised beach. Such periodic clearances will be undertaken, as deemed necessary, as part of future management of the site.	Yes	
Tipping or landfill	Visual / fixed-point photography	There is no unconsented tipping or landfill obscuring or damaging the features of interest as described above.	Landfill is not an issue here but illegal fly-tipping could potentially be.	Yes	
Engineering works	Visual / fixed-point photography	There are no unconsented engineering works on or adjacent to the features of interest as described above, which are directly or indirectly damaging the interest or causing loss of visibility and exposure (see above).	E.g impact on stability, leading to further works to remedy.	Yes	
Quarrying	Visual / fixed-point photography	The features of interest have not been damaged or removed by quarrying.	Quarrying at this site is not likely to be an issue.		
Removal of material	Visual / fixed-point photography	Unconsented removal of material is not damaging the features of interest.	Impact on visibility and stability of interest, promotion of erosion.	Yes	

Coastal Cliffs and Foreshore (EC)	Exposure and visibility of features of interest	Visual / fixed-point photography	The features of interest are XX metres high and YY metres long and are exposed and visible. N.B. To be measure as soon as is practical.	The sea wall along the bottom of the cliff along much of the cliffs was present when the site was notified and is not causing significant obscuring of the features. Some limited meshing immediately adjacent to Black Rock has been consented; Refer to local authority consents for cleaning and maintaining rock mesh.	Yes
	Coastal processes	Visual / fixed-point photography	Coastal processes, which cause erosion, are not constrained by human activities or structures, within or adjacent to the site.	Much of the site has protection in the form of a sea wall, but the Coastal Defence Strategy allows for the undefended stretches (at Telscombe/ Telscombe Cliffs, except for the Portobello works, and east Peacehaven east to Newhaven) to remain undefended.	Yes
	Vegetation growth and planting	Visual / fixed-point photography	Vegetation growth or unconsented planting is not obscuring or damaging the features of interest as described above. No shrubs or trees are growing or are planted without consent on or in front of the interest (impact on exposure and visibility and damage to the interest). A limited amount of herbaceous vegetation only (covering less than 5% of the exposure of any individual unit) can be tolerated. Trees and shrubs damaging the interest must be removed above ground and the stumps treated to prevent re-growth.	Tree planting is not likely to be an issue on this site, but maritime-influenced chalk grassland is also an interest feature; there are a few areas (making up less than 5% of any one unit) where maritime-influenced grassland has established in fissures and on ledges, and this should be encouraged.	Yes

Scree and sediment build-up	Visual / fixed-point photography	Build-up of scree and sediment from weathering and collapse of faces is not obscuring the features of interest as described above. Scree or talus obscuring less than 5% of the exposure of any individual unit can be tolerated.	The relevant owners carry out regular maintenance of the Undercliff Walk which prevents any build up of scree/ talus.	Yes
Tipping or landfill	Visual / fixed-point photography	There is no unconsented tipping or landfill obscuring or damaging the features of interest as described above.	Landfill is not an issue here but illegal fly-tipping could potentially be. However, the regular maintenance of the Undercliff Walk would prevent this becoming a major issue at the cliff base (but not the wave cut platform).	Yes
Engineering works	Visual / fixed-point photography	There are no unconsented engineering works on or adjacent to the features of interest as described above, which are directly or indirectly damaging the interest or causing loss of visibility and exposure (see above).	E.g impact on stability, leading to further works to remedy.	Yes
Quarrying	Visual / fixed-point photography	The features of interest have not been damaged or removed by quarrying.	Quarrying at this site is not likely to be an issue.	
Removal of material	Visual / fixed-point photography	Unconsented removal of material is not damaging the features of interest.	Impact on visibility and stability of interest, promotion of erosion.	Yes

Audit Trail
Rationale for limiting standards to specified parts of the site
Rationale for site-specific targets (including any variations from generic guidance)
Rationale for selection of measures of condition (features and attributes for use in condition assessment) (The selected vegetation attributes are those considered to most economically define favourable condition at this site for the broad habitat type and any dependent designated species).
Other Notes

Table 3b Site-Specific definitions of Favourable Condition – chalk/ maritime grassland

CONSERVATION OBJECTIVE FOR THIS HABITAT / GEOLOGICAL SITE-TYPE	To maintain the chalk/ maritime grassland habitat at this site in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition is defined at this site in terms of the following site-specific standards:
Site-specific details of any geographical variation or limitations (where the favourable condition standards apply)	Much of the chalk grassland is maritime-influenced on the cliff edge and has mesotrophic influence elsewhere (eg at Castle Hill – where there is also some acid influence due to the deep Tertiary glacial deposits) and Telsecombe Tye. Therefore these areas will not fail on the lack of indicator species of CG2, provided that at least three indicator species are occasional and other species of maritime grassland (eg thrift, sea beet and bucks-horn plantain) are present.
Site-specific standards defining favourable condition	

Criteria feature	Attribute	Measure	Site-specific Targets	Comments	Use for CA?
CG2 Festuca ovina-Avenula pratensis; Lowland calcareous grassland	Sward composition: grass/herb ratio	Proportion of non-Graminae (“herbs”), in period May -July.	40-90%	Low proportion outside target indicates eutrophication, usually from fertilisers, or insufficient removal of biomass, leading to dominance by grasses.	Yes
	Sward composition: positive indicator species	Record the frequency of positive indicator species in period May- July. Anthyllis vulneraria, Asperula cynanchica, Campanula glomerata, Cirsium acaule, Filipendula vulgaris, Genista tinctoria, Gentianella spp., Helianthemum nummularium, Hippocrepis comosa, Leontodon hispidus/L. saxatilis, Leucanthemum vulgare, Linum catharticum, Lotus corniculatus, Pilosella officinarum (Hieracium pilosella), Plantago media,	At least three species occasional throughout the sward.	Choice of species related to NVC type and restriction to unimproved grassland, considered satisfactory when inside target. Among possible species that could be used, choice further restricted by ease of identification, visibility in recording period.	Yes

		Polygala spp., Primula veris, Sanguisorba minor, Scabiosa columbaria, Serratula tinctoria, Succisa pratensis, Thymus spp. N.B. Armeria maritime, Beta vulgaris and Plantago coronopus should also be at least occasional on the cliff top grassland (in addition to three of the species listed above).	Neither species at more than 10% cover	Outside target indicates insufficient removal of biomass eg under-grazing.	Yes
Sward composition: negative indicator species	Record % cover of Brachypodium pinnatum and Bromopsis erecta, in period May-July.				
Sward structure: average height	Record sward height in period May-July.		Sward 2-10 cms.	Outside target indicates insufficient grazing or over-grazing.	Yes
Sward structure: litter	Record cover of litter where in a more or less continuous layer, distributed either in patches or in one larger area.		Total extent no more than 25% of the sward	Outside target indicates biomass removal is insufficient eg under-grazed.	Yes
Sward structure: bare ground	Record extent of bare ground (not rock) distributed through the sward, noticeable without disturbing the vegetation, in period May-July. Measure annually if possible.		5 - 20%	Outside target indicates management problems eg over-grazing.	Yes
Sward structure: localized bare ground	Record extent of localized bare ground around rabbit warrens. Measure annually if possible.		No more than 0.05 ha ie approx 20x20 metres	Outside target indicates rabbit grazing and disturbance levels are too high.	Yes

Audit Trail	
Rationale for limiting standards to specified parts of the site	
	Most of the notified cliff top grassland is mesotrophic with little or no chalk grassland interest; therefore favourable condition standards are only applied to those small areas (mapped) where there is CG interest. Even here the CG interest is modified by maritime and mesotrophic/ acidic influences (see below).
Rationale for site-specific targets (including any variations from generic guidance)	
	Much of the chalk grassland is maritime-influenced on the cliff edge and has mesotrophic influence elsewhere (e.g. at Telsecombe Tye). At Castle Hill (Newhaven), there is also some acidic influence due to the deep tertiary deposits that have formed on top of the cliffs (these are an important and unique grassland habitat in a county context but result in the grassland being not typical CG2 and with less indicator species than would normally be expected. Therefore these areas will not fail on the lack of indicator species of CG2, provided that at least three indicator species are occasional and other species of maritime grassland (eg thrift and sea beet) are present on the cliff edge.
Rationale for selection of measures of condition (features and attributes for use in condition assessment)	
	(The selected vegetation attributes are those considered to most economically define favourable condition at this site for the broad habitat type and any dependent designated species).
Other Notes	
	The cliff-top grassland on this site is not grazed (except by rabbits), but the maritime influence helps in keeping the sward short.

Table 3c Site-Specific definitions of Favourable Condition – invertebrate assemblages

CONSERVATION OBJECTIVE FOR THIS HABITAT / GEOLOGICAL SITE-TYPE	To maintain the outstanding invertebrate assemblage of calcareous grassland and early successional habitats, habitat at this site in favourable condition, with particular reference to relevant specific designated interest features. Favourable condition is defined at this site in terms of the following site-specific standards:
	Site-specific details of any geographical variation or limitations (where the favourable condition standards apply)
Site-specific standards defining favourable condition	

Criteria feature	Attribute	Measure	Site-specific Targets	Comments	Use for CA?
Outstanding invertebrate assemblage: neutral/calcareous grassland	Sample Based: Vegetation heterogeneity Diverse surface topography of vegetation types	Record Structural Recording Surveys (SRS) of 6m radius at sample stops to determine number of structural surfaces and representation of preferred surfaces within the assessed unit.	Favourable condition: A single surface present in no more than 50% of SRSs More than 3 different surfaces present in at least 20% of SRSs Preferred surfaces for this site are: Surface 1: bare ground or sparse ruderals/ lichens/ bryophytes -- present in 10% of SRS. Surface 2: tightly grazed short sward: <i>Festuca ovina</i> , <i>Thymus</i> , <i>Armeria</i> , <i>Plantago coronopus</i> etc. Surface 3: longer grasses/ forbs: <i>Festuca rubra</i> , <i>Helianthemum</i> , <i>Filipendula globularis</i> etc. Surface 4: coarser and tussocky grasses, larger forbs: <i>Brachypodium</i>	Grassland should be ideally surveyed from May onwards.	Yes
Outstanding invertebrate assemblage: early successional habitats					

			<p><i>pinnatum, Holcus lanatus, Dactylis glomerata Scabiosa arvensis, Centaurea nigra</i> etc. Important for <i>Dactylis</i> – see below.</p> <p>Surface 5: young scrub: <i>Crataegus, Prunus spinosa</i>, etc – present in 5-10% of SRS.</p>	
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Audit Trail	
	Rationale for limiting standards to specified parts of the site
	Rationale for site-specific targets (including any variations from generic guidance)
Rationale for selection of measures of condition (features and attributes for use in condition assessment)	
<p>(The selected vegetation attributes are those considered to most economically define favourable condition at this site for the broad habitat type and any dependent designated species).</p>	
Other Notes	
<p>Much of the invertebrate interest is terrestrial beetles (Coleoptera) associated with the tertiary deposits and cliff top grassland at Castle Hill and Friar's Bay, between Newhaven and Peacehaven.</p>	

Appendix 10 **Technical report on sunlight
and daylight, Paul Littlefair,
BRE.**

BRIGHTON MARINA
TECHNICAL REPORT
SUNLIGHT AND DAYLIGHT

by Paul J Littlefair MA PhD CEng MCIBSE MSL

Principal Lighting Consultant

2 October 2009

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**BRIGHTON MARINA
TECHNICAL REPORT
SUNLIGHT AND DAYLIGHT**

**by Paul J Littlefair MA PhD CEng MCIBSE MSLL
Building Research Establishment
2 October 2009**

SUMMARY

- S1. My name is Paul Jeffrey Littlefair and I have 30 years experience in daylighting. In 1984 I was awarded a PhD for a thesis 'Daylighting design and energy conservation'. I have published over 100 papers on daylight and related issues, and in 1991 wrote the BRE Report 'Site layout planning for daylight and sunlight', for the Department of the Environment.
- S2. This report addresses potential loss of daylight and sunlight to dwellings near the appellant's proposed development at Brighton Marina, daylight and sunlight provision to the proposed new flats, sunlight provision in open spaces around the new development, and the possibility of solar glare or dazzle reflected from the proposed buildings.
- S3. There is no national planning policy guidance on daylight and sunlight, and BHCC's own policies refer to it in general qualitative terms only. Therefore my assessment has been carried out against the recommendations in the BRE report 'Site layout planning for daylight and sunlight: a guide to good practice' and the British Standard Code of Practice for daylighting, BS8206 Part 2.
- S4. Loss of daylight to existing dwellings (in Neptune Court and the Octagon) is evaluated as negligible or minor adverse. The vast majority of windows will experience a loss of light well within the guidelines. A handful of windows (six in all, in the Octagon) will have a calculated loss of light marginally outside the guidelines. However, because the new buildings are all light in colour, the effect of reflection will enable these six windows to receive more daylight in total than with a standard obstruction that met the BRE guidelines. Accordingly the loss of daylight to these windows would be small and not significant, once reflected light was taken into account, and in no respect unacceptable. Loss of daylight to dwellings in all other buildings will be within the guidelines.
- S5. Loss of sunlight to existing dwellings will be negligible. All windows facing within 90° of due south will receive more than enough sun with the new development in place.
- S6. Daylight provision to the new dwellings themselves will be good. A selection of rooms in worst case positions on the Cliff site has been analysed, and they will all have daylight levels meeting the recommendations in BS8206 Part 2.

- S7. The layout of the flats has been set out to ensure that as many dwellings as possible have a living room facing within 90° of due south, or at least close to this direction, and hence could receive reasonable levels of sunlight. The Cliff, Marina Point, Sea Wall and Quayside sites have been set out so that the majority of rooms face south or close to east or west. In the Cliff site a relatively small minority of flats (under 8% of a typical floor) inevitably face north, but will benefit from interesting views towards the sunlit cliff face and the open area below it. The Inner Harbour building has been arranged so that most of the flats (around two thirds) face south. The few north facing flats will have attractive sunlit views over the inner harbour itself. This proportion of north facing flats is considered acceptable given the constraints of the site.
- S8. Open spaces within the site including the courtyards on the Cliff site, the open space by the cliff, the Geo Learn park next to the cliff site, the Village Square and Harbour Square will all meet the BRE recommendations and will therefore receive adequate sunlight. The recreational areas under the flyover are not intended to be sunlit spaces, and will be provided with artificial lighting to supplement the daylight which they will receive.

1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Paul Jeffrey Littlefair and I have been working on daylighting and related issues at the Building Research Establishment, Garston, Watford WD25 9XX, since 1979. BRE is the UK's foremost construction research organisation. It was formerly part of the Department of the Environment and is now owned by the BRE Trust, a registered charity. In 1984 I was awarded a PhD for work carried out at BRE. The title of my thesis was 'Daylighting design and energy conservation'. In 1988 I became a member of the Chartered Institution of Building Services Engineers (the professional institution responsible for interior lighting) and am a Chartered Engineer. I was a founder member of the Society of Light and Lighting.
- 1.2 I have published over 100 papers on daylight and related issues and wrote part of the British Standard Code of Practice on daylight and the CIBSE Lighting Guide 'Daylighting and window design'. The effect of building layout on interior daylight, particularly in existing buildings, is one of my specialised subjects. In 1991 I wrote the BRE Report 'Site layout planning for daylight and sunlight', for the Department of the Environment, which is widely used by developers and planning authorities to help determine the loss of light to existing buildings. Section 3 below describes some of the guidance in the Report.
- 1.3 I am BRE's specialist on Rights to Light issues, and have carried out over 200 studies of the loss of light to existing buildings. These have included a number of buildings in Brighton and Hove. I acted as an expert witness for Brighton Council for the Brighton Station site (New England Quarter) inquiry, and also advised them on the development of the King Alfred site.

2. INTRODUCTION

- 2.1 This report addresses potential loss of daylight and sunlight to dwellings near the proposed development at Brighton Marina, daylight and sunlight provision to the proposed new flats, sunlight provision in open spaces around the new development, and the possibility of solar glare or dazzle reflected from the proposed buildings.
- 2.2 Because any microclimate impacts are likely to be at their most significant once all the buildings have been completed, I have focused on the effects of the final scheme. Impacts during the construction phase are expected to be intermediate between those for the final scheme and the initial baseline conditions.
- 2.3 Figure 1 shows the existing site, with the proposed future Brunswick development added. Residential buildings are shown in dark green, and residential above a commercial ground floor as purple. The new buildings are shown in figure 2.
- 2.4 I was appointed to work on the project in June 2006. I carried out a detailed site survey on 12 July 2006, and an additional visit to collect further information on 22

November 2006. During the design process I have given input on daylight and sunlight impacts to the architects and the rest of the team, and this has resulted in changes to the design to improve daylighting and sunlighting, outlined in the mitigating measures in section 9 of this report below. I wrote section 15.2 ('Daylight and sunlight') of the Environmental Statement for the planning application for this development.

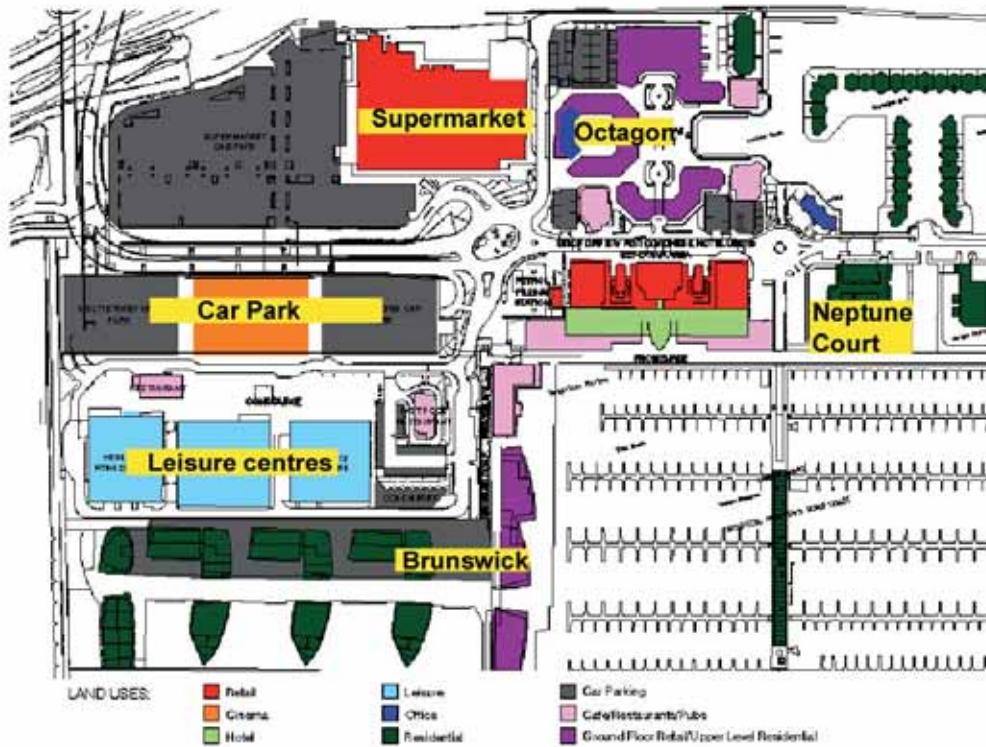


Figure 1. Site plan showing the existing buildings and Brunswick development.

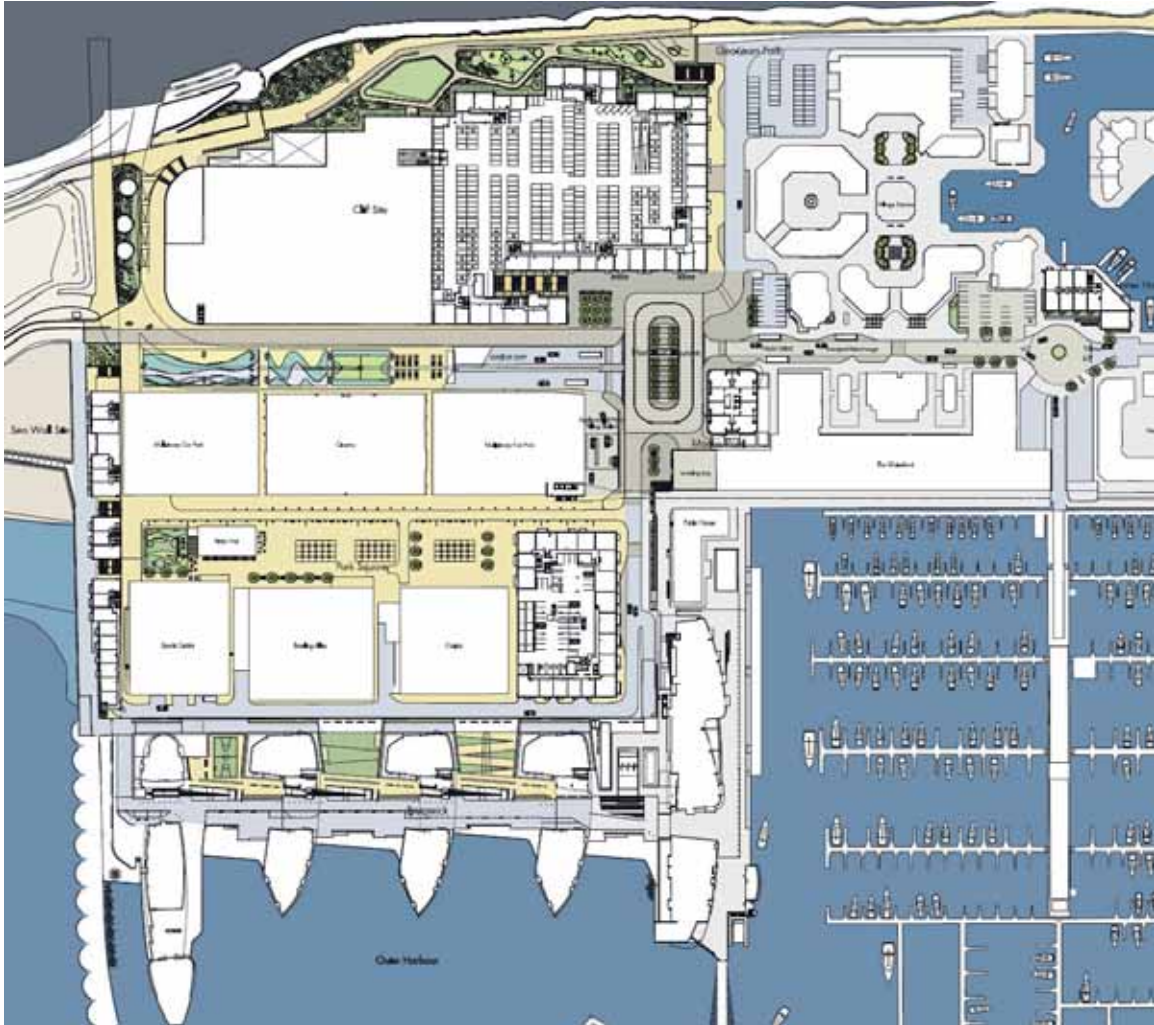


Figure 2. Site plan showing the new buildings.

3. POLICY CONTEXT

Reasons for refusal

3.1 On 2 September 2009 Brighton and Hove City Council 'clarified and amplified' its reasons for refusal. The only reason that suggests a concern about daylight or sunlight is reason 2 which states "The proposed dwellings within the Cliff building would not provide good quality accommodation by reason of a preponderance of single aspect dwellings and shaded courtyards".

3.2 BHCC appear to have resolved not to pursue the possibly implicit references to daylight and sunlight in the original reason for refusal, which had originally stated '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 of the Cliff Building’.

3.3 Although BHCC are no longer objecting on the grounds of loss of amenity to residents living opposite and within the Marina (as was confirmed at the pre-inquiry meeting on 18 September 2009), these issues have been addressed within this report because they have been raised by third parties, notably the Brighton Marina Residents’ Association. The issue of daylight within the new dwellings has also been addressed because it has been raised by the Marine Gate Action Group.

3.4 Reason for refusal 4 now states ‘The applicant has failed to demonstrate that the proposed development would result in a scheme with adequate design and provision of outdoor amenity and recreational space’. In case the provision of sunlight in these outdoor spaces is a design aspect that the council is concerned about, this report also addresses this issue.

Local and national policy and guidance

3.5 There is no national planning policy guidance on daylight and sunlight. The 1985 Housing Act stipulates that a dwelling in England and Wales should have “adequate provision for lighting”, which can include daylighting, although no guidance is given on particular levels of daylight required.

3.6 Policy QD27 of the Brighton and Hove Development Plan states that “Planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and / or adjacent users, residents, occupiers or where it is liable to be detrimental to human health. When determining planning applications the planning authority will endeavour to protect the amenity of an area, its users, residents and occupiers, including a development’s future users, residents and occupiers.” Changes in daylight and sunlight are among the potential effects cited, but no quantitative guidance is given.

3.7 The Brighton and Hove Supplementary Planning Guidance Note on Tall Buildings SPG15 also contains some qualitative guidance on daylight and sunlight. This is contained in guidance on the public realm (paragraph 7.4.7), climatic impact on surroundings (paragraph 7.4.11), and impact on neighbours (paragraph 7.4.12). These are described below. SPG15 does not contain any guidance on daylight and sunlight within the new development itself.

3.8 Guidance on the daylight and sunlight impact of a new development is given in the BRE Report ‘Site layout planning for daylight and sunlight: a guide to good practice’. This report was approved by the Department of the Environment and is widely used by local authorities to help determine planning applications. However the Report’s foreword states that ‘The advice given here is not mandatory and this document should not be seen as an instrument of planning policy’.

3.9 Non-mandatory guidance on daylighting design is also given the British Standard Code of Practice for daylighting, BS8206 Part 2. The BRE Report and British Standard are intended to be complementary, and each refers to the other. The BRE Report is intended to deal with the planning of the external environment and its effects on daylight, sunlight and overshadowing, while the British Standard gives detailed window design guidance.

Daylight to existing dwellings

3.10 The Brighton and Hove Supplementary Planning Guidance Note on Tall Buildings SPG15 (in paragraph 7.4.12) lists daylight to neighbouring residential properties as a planning consideration that will require careful assessment, and this issue is also raised in local plan policy QD27. To assess the loss of daylight to existing buildings nearby, the guidance in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' has been used.

3.11 To assess the impact on the amount of diffuse daylighting entering existing buildings, the BRE Report (section 2.2) uses the vertical sky component (VSC) on the window wall. The Report sets out two guidelines for vertical sky component:

- If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window.
- If the vertical sky component with the new development is both less than 27% and less than 0.8 times its former value, then the area lit by the window is likely to appear more gloomy, and electric lighting will be needed for more of the time.

3.12 The BRE Report (section 2.2) also gives guidance on the distribution of light in existing buildings, based on the areas of the working plane which can receive direct skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This guideline is often difficult to assess where access cannot be gained to the existing dwellings, as it depends on room layout.

Daylight to new dwellings

3.13 Non-mandatory guidance on daylighting is given in BS 8206 Part 2, the Code of Practice for daylighting. BS 8206 Part 2 uses the average daylight factor as a criterion. The average daylight factor is a measure of the amount of daylight within an interior. It depends on the room and window dimensions, the reflectances of interior surfaces and the type of glass, as well as the obstructions outside. By comparison, the vertical sky component (VSC) depends only on obstruction.

3.14 To assess loss of light to existing buildings the VSC is the more appropriate measure as it depends only on obstruction. If an assessment of daylight

provision in new dwellings is required, the ADF can be used, as a high degree of obstruction can be compensated for by having larger windows or different room layouts.

3.15 For dwellings, BS8206 Part 2 recommends minimum values of average daylight factor of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

Sunlight to dwellings

3.16 The Brighton and Hove Supplementary Planning Guidance Note on Tall Buildings SPG15 (in paragraph 7.4.12) also lists sunlight to neighbouring residential properties as a planning consideration that will require careful assessment. Policy QD27 of the local plan mentions changes in sunlight to existing and future residents as an aspect of amenity. For sunlight, the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' (section 3.2) recommends that for existing buildings checks are carried out for all main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. Access to sunlight should be calculated for the main window of each of the above rooms which faces within 90° of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the room should still receive enough sunlight.

3.17 This latter guideline can also be used for sunlight in new dwellings, if required.

Sunlight in open spaces

3.18 Sunlight can make outdoor spaces more pleasant, particularly where there are activities like sitting out and children's play. The Brighton and Hove Supplementary Planning Guidance Note on Tall Buildings SPG15 (in paragraph 7.4.7) states that particular consideration should be given to the need for light, sun and shade in public spaces. Paragraph 7.4.11 states that climatic effects of the proposal on its surroundings to be considered will include overshadowing.

3.19 Guidance on sunlight in outdoor spaces is given in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. It gives a recommendation for outdoor spaces where sunlight is 'required'; this is stated to include gardens, parks and playing fields, and 'sitting out areas such as those between non domestic buildings and in public squares'.

3.20 The Report recommends, in its section 3.3, that no more than 40%, and preferably no more than 25%, of such an area should be prevented by buildings from receiving any sunlight at all on 21 March. Sunlight at an altitude of 10 degrees or less does not count. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can

receive some sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

4. LOSS OF DAYLIGHT AND SUNLIGHT TO EXISTING DWELLINGS

4.1 Most of the existing residential buildings on or around the Marina are a substantial distance away from the proposed new buildings. The nearest residential building is the Octagon, so called because of its shape on plan. It faces the ASDA store which is proposed to be replaced by the Cliff site development. However only part of the Octagon building is occupied by dwellings. The ground floor over the whole building has commercial use, while the part immediately opposite ASDA is occupied by offices on the upper floors. Figure 3 shows which parts are offices.



Figure 3 Plan of the Octagon building. The facades highlighted in brown only light offices.

4.2 In total, 29 residential windows have been analysed in the Octagon building. These face north west, towards the cliff site and the cliff, south west with a view of four of the new buildings, and south towards Marina Point. Most of the Octagon building currently has good access to daylight (vertical sky components above 27%). An exception is the lower part of the south side of the building which is obstructed by the existing pub/restaurant opposite. Some of the windows on the first floor are obstructed by box shaped projections above them on the top floor (these are shown in figures A2 to A4 in Appendix 1).

- 4.3 23 of the 29 residential windows will meet the BRE guidelines with the new development in place (see Appendix 1 table A2). The vertical sky components are either greater than 27% or greater than 0.8 times their current values, or both. These comprise all the residential windows on the north west face, and the majority of those on the south and south west faces.
- 4.4 For the remaining six windows (all first floor ones) loss of light is only marginally outside the BRE guidelines. Because the new buildings are all light in colour, this will increase the light received by the windows in practice. A calculation in Appendix 1 (table A3 and the accompanying text) has shown that the effect of reflection would enable these six windows to receive more daylight in total than with a standard obstruction that met the BRE guidelines. Accordingly the loss of daylight to these windows would be small and not significant, once reflected light is taken into account.
- 4.5 The south and south west faces of the Octagon building have been analysed for loss of sunlight (they currently receive adequate sun, with more than 25% annual probable sunlight hours year round). The west face is oriented within 90 degrees of due north and therefore, according to the BRE guidance need not be analysed. This part of the building is occupied by offices.
- 4.6 The sunlight to these residential windows will be well within the BRE guidelines. With the new development in place, these windows will receive much more sunlight than the recommended values (typically over double the recommendations), both all year round and in the winter months.
- 4.7 Accordingly the impact of the development on the residential parts of the Octagon building will be negligible or minor, and in no respects unacceptable. Loss of light to the office windows (see Appendix 1, table A3), particularly on the west side which faces the cliff site directly, is greater. However a site investigation has shown that none of these windows light residential accommodation.
- 4.8 The other existing residential building that could be affected is Neptune Court. Its north side faces the estate office, which is proposed to be replaced by the Inner Harbour building. Currently this face of the building receives good levels of daylight (vertical sky components over 27%) apart from those windows which have large balconies above them, which cut out light from the sky. These are windows A, B, E and F in figure A1 in Appendix 1.
- 4.9 In Neptune Court, loss of light to all the windows will be small and within the BRE guidelines (see Appendix 1 table A1). Accordingly the new development will have a negligible impact on Neptune Court.
- 4.10 Because this side of Neptune Court faces north, loss of sunlight is not an issue.
- 4.11 Other existing buildings in the Inner Harbour area will experience less impact. They are all further away from the proposed building, and either do not face it

directly or face the end of the building which will provide less obstruction to light. Loss of daylight to dwellings in all other existing buildings is expected to be small and well within the BRE guidelines.

4.12 The existing dwellings analysed above would not experience significant cumulative impacts from the Brunswick development. The relevant windows to Neptune Court face away from the Brunswick development and hence are not affected by it. Some of the windows to the Octagon building would have a view of the Brunswick development, but it is around 200 metres or more away so will not have a significant additional impact. Therefore cumulative impacts to existing dwellings can be discounted.

5. DAYLIGHT PROVISION TO NEW DWELLINGS

5.1 Daylight provision has been analysed for a sample of the new dwellings. The analysis has concentrated on those windows which are most obstructed and hence where daylight could be an issue.

5.2 The dwellings analysed are on the Cliff site where there are internal courtyards (although the courtyards are large and the lowest flats facing into them are at fourth floor level, so are not heavily obstructed). Typically flats near the internal corners of courtyards will be most obstructed, so a selection of these flats has been identified. Other flats analysed include some of those facing the pedestrian access way on the south side of this development, and some on the north side facing the cliff. In each case 'worst case' flat positions have been chosen, on the lowest floors and closest to any potential obstructions. Similar flats elsewhere would receive more light.

5.3 The average daylight factors in all twenty nine of the rooms analysed will meet the BS recommendations of 1.5% for living rooms and 1% for bedrooms. These rooms will therefore receive sufficient daylight. Because these have been selected to be worst case examples, it is expected that all rooms on the Cliff site would also receive sufficient daylight, assessed against the BS recommendations.

5.4 The other sites are less obstructed and therefore daylight provision will be good. Dwellings on the Sea Wall site all have uninterrupted daylight from the west. Dwellings in the Marina Point building are unobstructed, or only lightly obstructed. Dwellings in the Inner Harbour building have only low rise obstructions nearby. Some of the dwellings on the Quayside site will be obstructed by the proposed Brunswick development. Additional window area has been provided to these dwellings, see drawings XB005_AM_S4_-0_A_07_201 and 202. Other dwellings on the Quayside site will have open views and good daylight access.

6. SUNLIGHT TO NEW DWELLINGS

- 6.1 The amount of sunlight received will depend on room orientation. The BRE Report states that 'A dwelling with no main window wall within 90° of due south is likely to be perceived as insufficiently sunlit...Sensitive layout design of flats will ensure that each dwelling has at least one main living room which can receive a reasonable amount of sunlight'.
- 6.2 The layout of the flats has been set out to ensure that as many dwellings as possible have a living room facing within 90° of due south, or at least close to this direction. To be appropriately integrated with the existing Brighton Marina layout, the development is oriented roughly 13° off due north and south. The east windows will face 13° south of due east, and the west facing windows will face 13° north of due west.
- 6.3 The BRE Report also recommends, in its section 3.1, the use of the BS sunlight guideline that if the centre of the window can receive more than 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours between 21 September and 21 March, the room should still receive enough sunlight.
- 6.4 The unobstructed west facing windows will still meet the BS sunlight guideline. They will receive 34% of annual probable sunlight hours with 8% in the winter. Even with a standard open balcony above them, the windows will still meet the guideline (26% of annual probable sunlight hours, 8% in winter). The unobstructed east and south facing windows will receive more sun (see Appendix 1, table A7). These range from 37% of annual probable sunlight hours (16% in winter) for unobstructed east facing windows with a balcony above, to 75% of annual probable sunlight hours, 29% in winter, for south facing windows with no balcony. Many of the windows in the development (those in the Sea Wall and Marina Point sites, and on the upper floors of the other buildings) will be largely unobstructed and will therefore meet the BS sunlight criteria. Other living room windows will all receive some sun, the amount of which will depend on the orientation and level of obstruction. For example, nearly all the south facing living rooms, which comprise around a third of the remainder, will also meet the BS sunlight criteria, even in obstructed situations.
- 6.5 The analysis in Appendix 1 shows that for a typical floor of the whole development, only 10% of the living rooms are solely north or north west facing. 90% of the rooms face east, south or west and will therefore have the potential to receive adequate sunlight. This compares with 75% for a random arrangement of orientations, which would be expected to have 25% of windows facing north. By way of comparison, in the nearby Octagon building 31% of the flats are either north, north east or north west facing, and 13% are solely north facing.
- 6.6 The Cliff, Marina Point, Sea Wall and Quayside sites have been set out so that the majority of rooms face south or close to east or west and will receive some sunlight even if they do not all meet the BRE/BS sunlight criterion. In the Cliff site

a small minority of flats (just under 8% of a typical floor) inevitably face north, but will benefit from interesting views towards the sunlit cliff face and the open area below it.

- 6.7 The Inner Harbour building has been arranged so that most of the flats (around two thirds) face south. The few north facing flats will have attractive sunlit views over the inner harbour itself.
- 6.8 On a constrained site such as this one, this proportion of north facing flats is considered acceptable. For example in a recent publication 'Daylighting in urban areas: A guide for designers', produced by BRE for the Energy Saving Trust, one of the good practice examples (Figure 18 in the publication) has one in five flats facing north. The British Standard Code of Practice for daylighting, BS8206 Part 2 states (in paragraph 5.3) 'The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seems arbitrary'.

7. SUNLIGHT TO OPEN SPACES WITHIN THE PROPOSED DEVELOPMENT

- 7.1 The areas which have been analysed here comprise the internal courtyards in the cliff site, and the open area between the Cliff site buildings and the cliff itself.
- 7.2 The BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' recommends in its section 3.3 that no more than two fifths, and preferably no more than a quarter, of an area requiring sun should be prevented by buildings from receiving any sunlight at all on 21 March. Sunlight at an altitude of 10 degrees or less does not count. The open spaces have been assessed against this recommendation.
- 7.3 Figure 4 shows the internal courtyards in the Cliff site. The yellow areas all receive some sun on March 21. Only the red areas will not receive sunlight on that date. For the easternmost courtyard this area will comprise just under 30% of the total, comfortably meeting the two fifths (40%) guideline. For the other courtyards the areas that do not receive sun on March 21 comprise around 5-6% of each open space. The BRE recommendations are therefore easily met for these spaces, which will receive adequate sunlight.



Figure 4 Internal courtyards of the Cliff site building showing areas (in red) which cannot receive any sunlight on March 21.

7.4 Figure 5 shows the cliff open space, marked up in the same way. This is based on an earlier layout of the open space which had a lower ground level. Since then the proposed ground level has been raised, which would result in reduced areas of shadow because the buildings to the south will appear less tall.



Figure 5 Cliff open space showing areas (in red) which cannot receive any sunlight on March 21.

- 7.5 The area which cannot receive direct sunlight on March 21st is just under 20% of the total area of the open space. Thus this space also meets the BRE recommendation and will receive adequate sunlight.
- 7.6 Other open spaces within and around the proposed development, will receive good levels of sunlight. This includes the Geo Learn park next to the cliff site, 100% of which will receive some sun on March 21, thereby easily meeting the BRE guidelines. The Village Square and Harbour Square will also easily meet the BRE guidelines, with the vast majority of each space receiving sunlight on March 21. Thus there will be no significant impact on these spaces.
- 7.7 The recreational areas under the flyover are not intended to be sunlit spaces, but will be provided with artificial lighting to supplement the daylight which they will receive.
- 7.8 To illustrate sunlight provision to open spaces in the development as a whole, shadow plots for 0800, 1200 and 1600 on March 21st and June 21st have been prepared and are given as Appendix 2. Shadows on September 21st are the same as those on March 21st. The plots are given for the existing site as well as for the site with the proposed development in place.

8. SOLAR DAZZLE

- 8.1 Glare or dazzle can occur when sunlight is reflected from a glazed façade. This can affect road users outside and the occupants of adjoining buildings. The Brighton and Hove Supplementary Planning Guidance Note on Tall Buildings SPG15 (in paragraph 7.4.11) deals with the climatic effects of the proposal on its surroundings, and states that issues to be considered will include glare reduction.
- 8.2 This issue was dealt with in section 15.2 of the Environmental Statement which concluded that the proposed buildings would not cause significant glare or dazzle to motorists or people in nearby buildings. Materials, including glazing, are to have a low specular reflectance. All glazing to be used will be of a clear type (typically clear low emissivity double glazing).
- 8.3 Paragraph 6.63 of the Statement of Common Ground confirms this conclusion, stating 'The proposed building would not cause glare/dazzle to motorists or people in nearby buildings'.

9. MITIGATING MEASURES: DAYLIGHT AND SUNLIGHT

- 9.1 A number of mitigating measures have already been undertaken to reduce the impact of the proposed buildings on daylight and sunlight. These are described below. The calculated impacts in Appendix 1 include these measures.

- 9.2 Any loss of daylight to Neptune Court has been reduced by changing the height of the Inner Harbour building from nine storeys down to the current three to four storeys. This has enabled it to meet the BRE guidelines for all windows.
- 9.3 Any loss of daylight to the Octagon building has been reduced by lowering the height of the nearest part of the Cliff site development to seven storeys. This part of the building had previously been nine storeys in height.
- 9.4 Any reduction in daylight to blocks D and F of the Brunswick site has been mitigated by lowering the height of the Quayside building on the sides facing these blocks, and by setting back the upper storeys of the Quayside building on the side facing block D.
- 9.5 Daylight provision to new flats in the more obstructed locations has been improved by choosing larger glazed areas for these locations. Daylight provision to a small number of the rooms in new flats with low daylight levels has been improved by increasing window size, changing floor layouts or removing balconies above windows.
- 9.6 Sunlight provision to the open spaces in the Cliff site courtyards has been improved by opening out gaps in the façade to the south of this development

10. CONCLUSIONS

- 10.1 This report has analysed the daylight and sunlight impact of the proposed Brighton Marina Regeneration Project. The results have been compared with the guidance in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. The guidance in the BRE document is not mandatory and the Report itself states in its introduction 'although it gives numerical guidelines these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.'
- 10.2 Loss of daylight to existing dwellings (in Neptune Court and the Octagon) is evaluated as negligible or minor. The vast majority of windows will experience a loss of light well within the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'. A handful of windows (six in all, in the Octagon) will have a loss of light marginally outside the guidelines. However, because the new buildings are all light in colour, the effect of reflection will enable these six windows to receive more daylight in total than with a standard obstruction that met the BRE guidelines. Accordingly the loss of daylight to these windows would be small and not significant, once reflected light was taken into account, and in no respects unacceptable. Loss of daylight to dwellings in all other buildings will be within the guidelines.

- 10.3 Loss of sunlight to existing dwellings will be negligible. All windows facing within 90° of due south will receive more than enough sun, according to the BRE guidelines, with the new development in place.
- 10.4 The proposed buildings will not cause significant glare or dazzle to motorists or people in nearby buildings. Materials, including glazing, are to have a low specular reflectance. All glazing to be used will be of a clear type (typically clear low emissivity double glazing).
- 10.5 Daylight provision to the new dwellings themselves will be good. The layout of the flats has been set out to ensure that as many dwellings as possible have a living room facing within 90° of due south, or at least close to this direction, and hence will receive reasonable levels of sunlight.
- 10.6 Sunlight to the Cliff, Geo Learn park, Harbour Square and Village Square open spaces within and around the proposed development will be within the guidelines in the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice'.

This report is made on behalf of BRE. By receiving the report and acting on it, the client - or any third party relying on it - accepts that no individual is personally liable in contract, tort or breach of statutory duty (including negligence).

APPENDIX 1 DAYLIGHT AND SUNLIGHT DATA

Daylight and sunlight to existing dwellings

Neptune Court

A1.1 Table A1 gives vertical sky components in Neptune Court with and without the new development in place. The 'before' values include the current Estate Office as well as other obstructions nearby. Figure A1 shows the north face of Neptune Court with the windows analysed.



Figure A1 The north side of Neptune Court facing the Inner Harbour site. Letters refer to window locations in table A1.

Table A1 Vertical sky components in Neptune Court.

Floor	Window	VSC after	VSC before	Ratio after/before
G	A	21.2	22.5	0.94
G	B	21.0	22.5	0.93
G	C	32.8	34.7	0.94
G	D	32.4	34.8	0.93
G	E	19.1	22.7	0.84
G	F	18.8	22.3	0.84
G	G	31.2	34.7	0.90
G	H	31.1	35.1	0.89
G	J	30.7	35.0	0.88
1	A	22.5	23.4	0.96
1	B	22.4	23.4	0.96
1	C	34.3	35.6	0.96
1	D	34.0	35.6	0.96

Floor	Window	VSC after	VSC before	Ratio after/before
1	E	20.5	23.5	0.87
1	F	20.9	23.1	0.90
1	G	33.3	35.6	0.93
1	H	33.3	35.8	0.93
1	J	33.2	35.9	0.93
2	A	23.7	24.2	0.98
2	B	23.6	24.2	0.98
2	C	35.6	36.3	0.98
2	D	35.5	36.4	0.98
2	E	23.2	24.3	0.96
2	F	22.8	24.0	0.95
2	G	35.2	36.4	0.97
2	H	35.2	36.5	0.97
2	J	35.1	36.5	0.96

A1.2 Windows on the top floor have not been analysed as they will all have vertical sky components well over the recommended 27% with the new development in place.

A1.3 All the windows on the other floors will have vertical sky components over 27% with the new development in place and therefore meet the guidelines, except for those with large balconies above (windows A, B, E and F). This is because the balcony cuts out a lot of the sky light. For these windows the vertical sky component is already below 27% even without the new development in place.

A1.4 In these circumstances the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' recommends that if the vertical sky component is at least 0.8 times its previous value, the loss of light is small. All the windows meet this guideline.

A1.5 Accordingly the new development will not cause any significant impact on Neptune Court.

Octagon

A1.6 Figures A2 to A4 show the Octagon building. Windows at first and second floor levels have been analysed. Ground floor windows light the rear of commercial premises, and a driving test centre.



Figure A2. North west and west (to right of picture) faces of the Octagon building. The west side faces the current Asda (proposed Cliff site) directly. Window letters correspond to those in tables A2-A4. The capital letters denote residential windows; windows labelled with small letters (including the whole of the west face) light offices.



Figure A3 South west face of the Octagon building. The Asda (Cliff site) is to the left. It has been assumed that the canopy over the road, to the far left of the picture, will be removed during redevelopment, but that the entrance canopy (labelled 'Reebok') to the Octagon will stay. As in the previous figure, capital letters denote windows to dwellings, while small letters denote office windows.



Figure A4. South face of the Octagon building (to the right of the picture). At first and second floor levels, this comprises residential accommodation.

A1.7 Table A2 gives the daylight reaching the residential windows, as measured by the vertical sky component.

Table A2. Vertical sky components to residential windows in the Octagon building. Window locations correspond to those in figures A2-A4.

Floor	Window	VSC after	VSC before	Ratio after/before
NW face				
1	A	27.0	31.6	0.85
1	B	26.4	31.4	0.84
1	C	26.0	31.3	0.83
2	A	29.0	33.4	0.87
2	B	28.5	33.2	0.86
2	C	28.1	33.2	0.85

Floor	Window	VSC after	VSC before	Ratio after/before
SW face				
1	E	26.0	36.0	0.72
1	F	26.3	36.6	0.72
2	D	27.1	37.9	0.71
2	E	27.3	37.9	0.72
2	F	27.7	38.0	0.73
S face				
1	G	26.8	34.2	0.78
1	H	26.3	33.6	0.78
1	J	24.7	31.8	0.78
1	K	21.3	27.9	0.76
1	L	23.8	28.8	0.82
1	M	24.2	28.2	0.86
1	N	25.1	28.6	0.88
1	P	25.3	28.8	0.88
1	Q	20.9	24.8	0.84
2	G	29.1	36.5	0.80
2	H	29.0	36.3	0.80
2	J	28.6	35.7	0.80
2	K	28.2	31.8	0.88
2	L	28.5	34.7	0.82
2	M	28.7	34.2	0.84
2	N	29.2	34.2	0.86
2	P	29.5	34.3	0.86
2	Q	28.6	33.5	0.85

A1.8 Out of the 29 residential windows analysed, 23 will meet the BRE guidelines with the new development in place. The vertical sky components are either greater than 27% or greater than 0.8 times their current values, or both. These comprise all the residential windows on the north west face, and the majority of those on the south and south west faces.

A1.9 For the remaining six windows (all first floor ones) loss of light is only marginally outside the BRE guidelines. For two windows on the south west face, the vertical sky component will be reduced to only just under 27% (26% and 26.3%). For four windows on the south face, the vertical sky component will be reduced to only just below 0.8 times its current value.

A1.10 Because the proposed buildings will all be light in colour, the vertical sky component approach is likely to overestimate the impact of the proposed development. The vertical sky component only includes direct light from the sky and takes no account of reflected light from external obstructions. It is possible to assess the impact of reflected light by using a quantity called the vertical daylight factor. This is ratio of the total sky illuminance falling on the outside of a window, either directly or indirectly by reflection, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE Overcast Sky is used and the ratio is usually expressed as a percentage. The vertical

daylight factor includes light reflected from the ground as well as the external obstructions (see figure 1).

A1.11 The vertical daylight factor, unlike the vertical sky component, will depend on the reflectance (R) of the external obstructions. The reflectance is the proportion of incoming light that is reflected by a surface. For new white paint, a value of 0.85 is given in the British Standard Code of Practice for daylighting, BS8206 Part 2. However in practice a white façade would have a lower reflectance than this. This is partly because the reflectance of the white materials is likely to decrease over time, and partly because of glazing and other features which would have a lower reflectance. Accordingly a very conservative estimate of 0.45 has been made for the reflectance of the new buildings. This is based on them being half white or light coloured material whose reflectance has been reduced by weathering (R=0.7), and half glazing or darker materials (R=0.2).

A1.12 The results of the analysis can be compared with those for a standard obstruction of typical reflectance. A typical external obstruction would have a wall reflectance of around 0.2, which approximates to the reflectance for ordinary brickwork or double glazing. The existing obstructions were assumed to have this reflectance. Calculations of reflected light from the ground usually assume a reflectance of 0.1, which is typical for grass or tarmac, so this reflectance was used for the ground in all cases.

A1.13 Table A3 gives the vertical daylight factors, with the new development in place, for the six windows with vertical sky components marginally below the BRE guidelines.

Floor	Window	VDF after (R=0.22)	VDF after (R=0.45)	Equivalent VSC (R=0.45)	Ratio equivalent VSC after/VSC before
	SW face				
1	E	31.8	33.6	27.9	0.77
1	F	32.1	33.9	28.2	0.77
	S face				
1	G	32.7	34.0	28.2	0.82
1	H	32.2	33.6	27.7	0.82
1	J	31.0	32.2	26.1	0.82
1	K	27.9	29.3	22.7	0.81

A1.14 To further illustrate the impact of increasing the reflectance of the building, a series of 'equivalent vertical sky components' has been derived and presented in table A3. The equivalent vertical sky component is the vertical sky component for a standard obstruction (reflectance 0.2), that gives the same vertical daylight factor as the reflecting obstruction.

A1.15 The results show that the equivalent vertical sky component is in all cases greater than 27%, or greater than 0.8 times the current value, or both. Thus,

provided the reflectance of the new buildings is 0.45 or greater, the resulting daylight to all the residential windows in the Octagon building would be greater than that for an equivalent building meeting the BRE guidelines, once reflected light has been taken into account. The loss of light would be acceptable.

A1.16 Loss of light to the office windows, particularly on the west side which faces the Cliff site directly, is greater, as Table A4 shows. However a site investigation has shown that none of these windows light residential accommodation.

Table A4. Vertical sky components to office windows in the Octagon building. Window locations correspond to those in figures A2-A4.

Floor	Window	VSC after	VSC before	Ratio after/before
NW face				
1	a	25.4	31.1	0.82
1	b	24.6	30.7	0.80
1	c	21.6	28.4	0.76
2	a	27.7	33.2	0.83
2	b	27.2	32.9	0.82
2	c	26.1	33.0	0.79
W face				
1	d	17.6	30.1	0.59
1	e	16.0	28.5	0.56
1	f	18.1	30.8	0.59
1	g	18.3	31.0	0.59
1	h	17.8	30.5	0.58
1	j	16.1	29.1	0.55
1	l	17.7	31.0	0.57
1	m	18.9	32.0	0.59
1	n	19.1	32.2	0.59
1	p	17.5	30.6	0.57
1	q	19.6	32.5	0.60
2	d	20.0	32.3	0.62
2	e	20.5	33.8	0.61
2	f	20.9	34.0	0.61
2	g	21.1	34.2	0.62
2	j	20.1	32.8	0.61
2	h	20.6	34.5	0.60
2	l	19.5	33.6	0.58
2	m	21.5	35.2	0.61
2	n	21.7	35.3	0.61
2	p	22.0	36.0	0.61
2	q	21.8	35.1	0.62
SW face				
1	r	23.8	35.0	0.68
1	s	24.1	35.2	0.69
2	r	26.1	37.7	0.69
2	s	26.4	37.7	0.70
2	t	26.6	37.8	0.70

Sunlight to existing dwellings

A1.17 Table A5 gives the sunlight reaching the residential windows in the Octagon building, as measured by the annual probable sunlight hours. Windows to Neptune Court, and the north west and west faces of the Octagon building, have not been analysed because they do not face within 90° of due south.

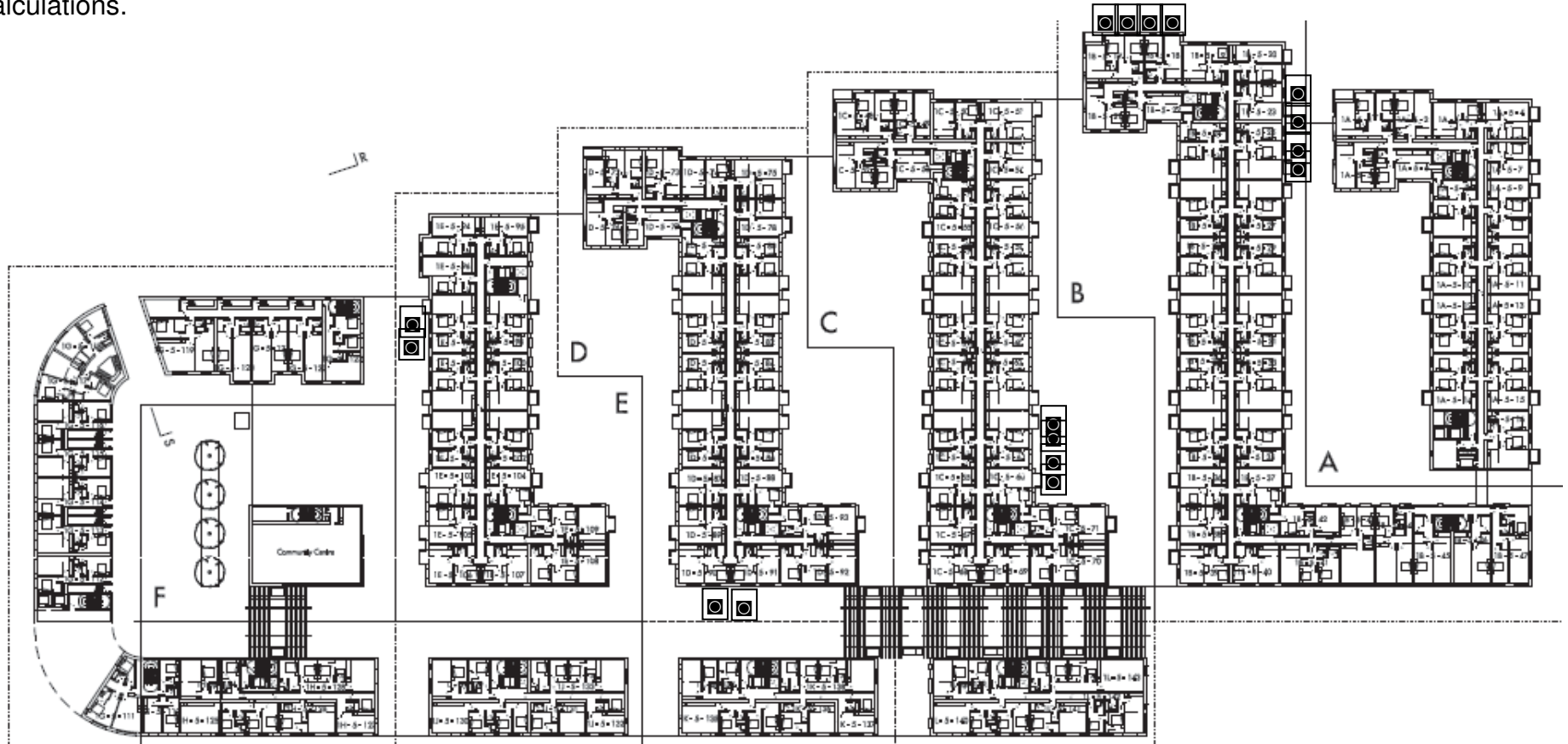
Table A5. Annual probable sunlight hours (APSH) to residential windows in the Octagon building, with the new development in place. Window locations correspond to those in figures A2-A4.

Floor	Window	APSH all year	APSH winter
SW face			
1	E	46	15
1	F	46	15
2	D	48	17
2	E	49	17
2	F	49	17
S face			
1	G	64	18
1	H	62	17
1	J	57	15
1	K	59	13
1	L	60	14
1	M	61	14
1	N	61	14
1	P	59	16
1	Q	60	12
2	G	70	22
2	H	70	22
2	J	69	22
2	K	71	22
2	L	70	22
2	M	71	21
2	N	71	22
2	P	71	21
2	Q	71	21

A1.18 All the windows will receive much more than the BRE recommendations of 25% of annual probable sunlight hours year round, with 5% in the winter months. They will therefore receive good sunlight with the new development in place.

Daylight and sunlight in new dwellings in worst case locations

Figure A5. Plan of Cliff site showing locations, marked with square and circle symbols for daylight and sunlight calculations.



A1.19 Table A6 gives daylight provision to the windows of a sample of new flats on the Cliff site, as measured by the vertical sky component (VSC), daylight inside the new rooms (measured by the average daylight factor), and annual probable sunlight hours to each room. A selection of 'worst case' rooms has been chosen. These are on the lower floors, so similar flats on the floors above would receive more light. Of those flats facing the cliff itself, the ones nearest the cliff itself have been chosen. Similar flats further away from the cliff would receive more light. Of the flats in the courtyards, those near the corners have been chosen. Similar flats elsewhere in the courtyards would receive more light.

Table A6. Daylight and sunlight provision in sample rooms in the new development.

Room	Floor	Flat	Room type	Balcony above?	VSC	Av Daylight Factor, for room, %	% sun hours	
							All year	Winter
1	4	1E - 4 - 88	Living Room	N	24.8	2.3	20	5
2	4	1E - 4 - 88	Bedroom	N	25.1	3.1	19	4
3	4	1D - 4 - 82	Living Room	Y	5.3	1.5	20	2
4	4	1D - 4 - 82	Bedroom	N	11.5	2.0	27	1
4a	4	1D - 4 - 82	Bedroom	N	12.3	1.7	29	2
5	4	1D - 4 - 81	Bedroom	N	13.1	1.7	30	2
7u	4	1C - 3 - 81	BedroomL	N	15.2	1.7	13	0
7	4	1C - 4 - 61	BedroomL	N	18.1	1.9	18	0
8u	3	1C - 3 - 81	BedroomS	N	14.9	2.0	17	0
8	4	1C - 4 - 61	BedroomS	N	18.0	2.3	22	0
8a	3	1C - 3 - 81	Living Room	Y	7.2	2.1	5	0
15	5	1C - 5 - 66	Living Room	Y	11.4	1.6	9	0
15u	4	1C - 4 - 124	Living Room	Y	10.9	1.5	7	0
14	5	1E - 5 - 97	Living Room	Y	22.6	2.2	16	4

Room	Floor	Flat	Room type	Balcony above?	VSC	Av Daylight Factor, for room, %	% sun hours	
							All year	Winter
10u	3	1B - 3 - 25	Living Room	N	12.8	1.7	15	4
10	4	1B - 4 - 25	Living Room	N	15.6	1.6	17	5
10l	4	1B - 4 - 27	Living Room	Y	9.4	1.6	8	7
11u	3	1B - 3 - 25	Bedroom	N	13.6	1.9	16	4
11	4	1B - 4 - 25	Bedroom	N	16.4	1.1	14	2
12	4	1B - 4 - 23	Living Room	Y	12.6	1.6	17	4
13	4	1B - 4 - 23	Bedroom	N	22.0	1.1	23	1
16	2	1P - 2 - 9	Living Room	N	12.1	2.0	10	0
17	2	1P - 2 - 9	Bedroom	N	19.3	1.2	13	0
18	3	1B - 3 - 23	Living Room	Y	7.8	1.6	8	4
19	3	1B - 3 - 23	Bedroom	N	18.4	1.2	11	0
20	2	1P - 2 - 6	Living Room	N	18.4	1.7	0	0
20	2	1P - 2 - 6	Living Room	N	15.2		9	0
21	2	1P - 2 - 6	Bedroom	N	17.2	2.1	2	0
22	2	1P - 2 - 5	Bedroom	Y	9.8	1.2	2	0
23	2	1P - 2 - 5	Bedroom	N	16.1	1.4	0	0

A1.20 The flat locations have been deliberately chosen to be heavily obstructed, so all the vertical sky components are below 27%. Where this is the case, the BRE Report 'Site layout planning for daylight and sunlight: a guide to good practice' recommends measures such as increasing glazing area to ensure sufficient daylight is provided. This can be assessed using the average daylight factor recommendations in BS8206 Part 2 'Code of practice for daylighting'.

A1.21 The average daylight factors in all 29 rooms analysed will meet the BS recommendations of 1.5% for living rooms and 1% for bedrooms. These rooms will therefore receive sufficient daylight.

A1.22 All but one of the south facing rooms will also meet the BS sunlight recommendations of 25% of annual probable sunlight hours, though not the 5% in winter. For the heavily obstructed east and west facing rooms chosen, the sunlight provision will be below these values, but all the living rooms will receive some sun. The British Standard

Code of Practice for daylighting, BS8206 Part 2 addresses this issue in its paragraph 5.3 ‘The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seems arbitrary’.

Sunlight provision

A1.23 Sunlight provision to the whole site has been evaluated by noting the orientation of main living rooms. Table A7 gives the numbers of main living rooms with a window facing different orientations, on a typical floor of each building. In the minority of cases where a room has windows on two different faces, the most advantageous orientation for sunlight has been taken.

Table A7 Living room orientations on a typical floor of each building

Site	Floor number	N/N W	E	S	W	Total
Cliff	5	11	42	49	42	144
Inner Harbour	2	2	1	6	1	10
Marina Point	10	0	3	2	3	8
Sea Wall	4	0	0	0	20	20
Quayside	6	9	10	7	4	30
Total development (one floor)		22	56	64	70	212
% of total		10%	27%	30%	33%	100%

A1.24 For a randomly oriented development of single sided flats one will expect 25% to face each orientation. In fact only 10%, less than half this figure have a northerly orientation.

A1.25 Table A8 shows that in an unobstructed situation flats facing east, west and north will all receive the BS recommended sunlight levels of 25% of annual probable sunlight hours with 5% in the winter months, even if the

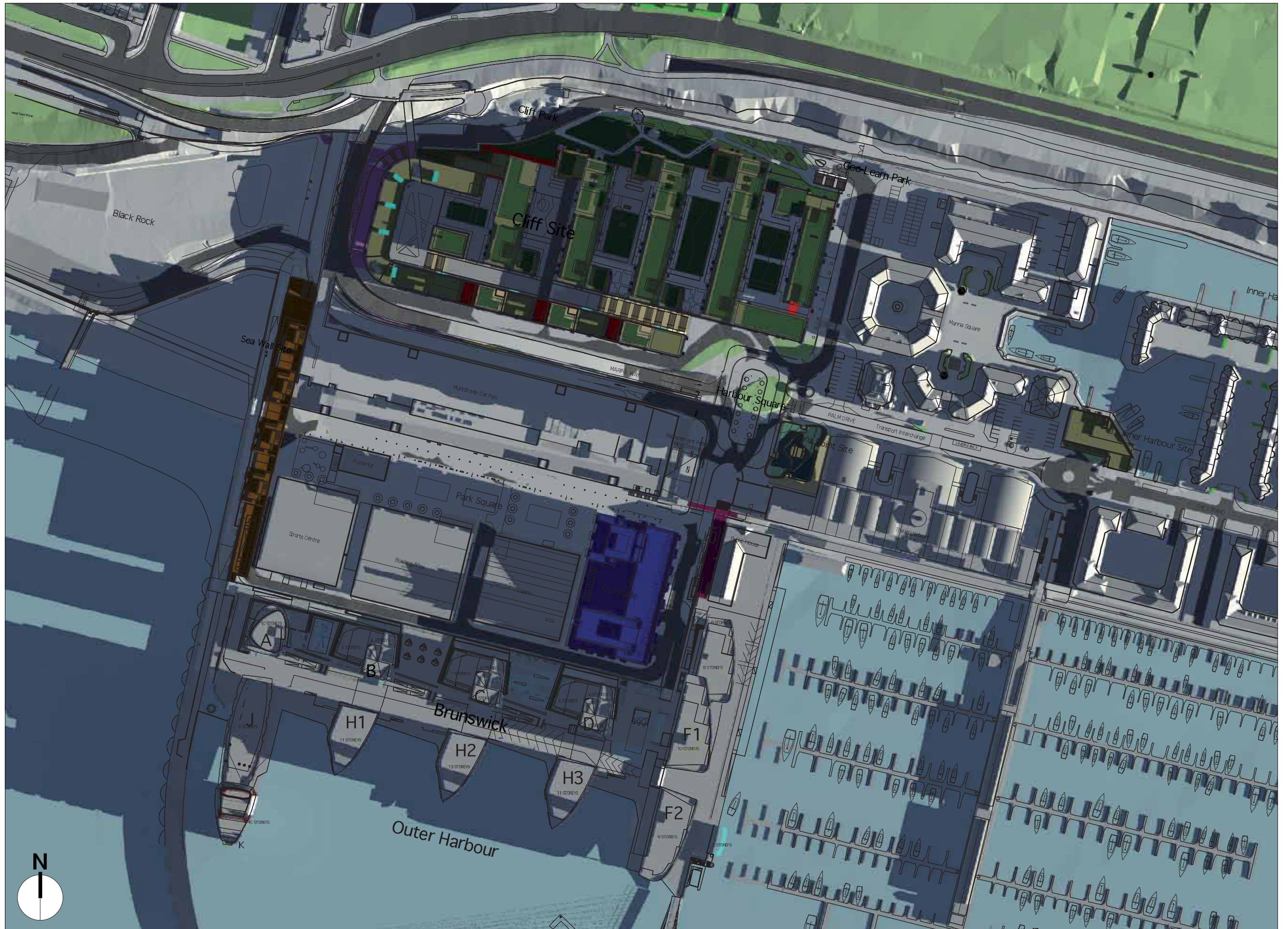
windows have a standard sized balcony above them. Many of the windows on the development are largely unobstructed, including all those on the Sea Wall and Marina Point sites and those on the upper floors of the other sites. Other living room windows will all receive some sun, the amount of which will depend on the orientation and level of obstruction. For example, nearly all the south facing living rooms, which comprise around a third of the remainder, will also meet the BS sunlight criteria, even in obstructed situations.

Table A8 Annual probable sunlight hours for unobstructed windows facing the four principal site orientations.

	No balcony		With balcony	
	APSH	Winter %	APSH	Winter %
North	6	0	6	0
East	52	16	37	16
South	75	29	47	29
West	34	8	26	8

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APPENDIX 2. SHADOW PLOTS FOR PROPOSED DEVELOPMENT AND EXISTING SITE



March 21st 8am

Proposed Sun Shadow Study 1:2000@A3