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

LPA REF: BH2007/03454

**SUMMARY OF PROOF OF EVIDENCE
OF IGNATIUS FRONEMAN, BAS,
AIFA**

In respect of

**PROPOSED DEVELOPMENT AT
BRIGHTON MARINA**

On behalf of

BRIGHTON & HOVE CITY COUNCIL

CgMs Ref: IF/TB/11130

Date: September 2009

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1.0 INTRODUCTION

- 1.1 My name is Ignatius Froneman. Details of my background and experience are contained in my main Proof of Evidence.

- 1.2 My proof of evidence deals with reason for refusal 1. That is, issues relating to the appeal scheme's impacts on the setting of the Kemp Town Conservation Area in views into and out of the conservation area. I also refer to private views from within some of the Grade I listed buildings.

2.0 SIGNIFICANCE OF THE KEMP TOWN CONSERVATION AREA AND POLICY BACKGROUND

- 2.1 The unusually high number of Grade I listed buildings, together with the presence of the English Heritage Registered Park/Garden, indicate that the Kemp Town Conservation Area is highly significant.
- 2.2 English Heritage commented by letter (by Graham Steaggles, dated 15 January 2008) on the conservation area's importance, and noted some significant attributes. In summary, English Heritage describes the Kemp Town Conservation Area as '*one of the best [...] in Brighton*', noting that Brighton and Hove's terraces are '*among the best of the Regency period in Britain.*' Of the esplanades, it is noted that they were viewing places and they acted as a formalised perambulation. The eastern views out of Kemp Town were to the cliffs and sea, with oblique views of the terraces. It is noted that the corresponding existing views are similar to when the terraces were built.
- 2.3 The appellant's CD2/4.2 (at paragraph 7.2.11) and the Council's 'Kemp Town Conservation Area Study and Enhancement Plan' lists (at Appendix 4) '*Visual and physical links with the sea and beaches*' amongst number of key features. My evidence relates largely this. I also note the relevance of paragraph 4.14 of PPG15.
- 2.4 I make reference to national guidance in the July 2009 consultation paper on a new PPS 15 and the accompanying 'English Heritage Practice Guide Living Draft 24 July 2009'.
- 2.5 I note that, despite an absence of colourful illustrations or striking graphic presentation, 'The Kemp Town Conservation Area Study and Enhancement Plan' was subject to extensive public consultation before adoption by the Council as Supplementary Planning Guidance. It is an expression of the Council's assessment of the character and appearance of the Conservation Area and aspirations for its future. As such it remains directly relevant.

3.0 THE CONSERVATION ISSUES

3.1 Some of the key features and characteristic elements of the Kemp Town Conservation Area, that I believe are relevant to this inquiry, are as follows:

i) Four distinct characteristic elements of the Kemp Town Conservation Area, as set out below:

a) Its built form.

b) The 'internal' layout and street scenes.

c) The elevated seafront esplanades and the extensive views from here (including views from the sea fronting buildings).

The far reaching views of the sea and the coastline to the west and the east is a key characteristic of this part of the conservation area.

The easterly views take in the marina, with the chalk cliffs and the seemingly undeveloped costal hinterland beyond. They contain the only remaining part of the conservation area's once undeveloped setting. These views are important to one's understanding and interpretation of the conservation area. As the only views left to show the conservation area within this (apparently) undeveloped context, their significance is accentuated.

d) The open nature of the esplanades, the gardens and the slopes below, leading to the beach. This area is perhaps most strongly characterised by a sense of openness.

ii) Despite some development to the east, the largely undeveloped costal hinterland of the conservation area is still evident in easterly views. Internal conservation area views have been discussed above, but the cliffs and hinterland is also apparent in views of Kemp Town from the west.

3.2 I have taken into account the presence of the marina, which has significantly altered the area to the south-east of the conservation area. I have also considered the approved Brunswick proposal, and PAN04 guidance.

3.3 My objection is not to the principle of development on the marina, or to tall buildings *per se*. Rather, it is the impacts of the appeal scheme on the Kemp Town Conservation Area and its setting in certain views, and its non-conformance with PAN04.

- 3.4 PAN04 defines a tall building as one of six storeys or more, or a building which is *'significantly higher than [...] any existing adjacent buildings'*. PAN04 sets out criteria for buildings, amongst which are *'visual permeability [...] out to sea, the harbour area and views of the protected Black Rock Cliffs'* (point iii) and that such development should *'avoid harm to important views and [...] not detract from [...] the setting of the Kemp Town Conservation Area ...'*
- 3.5 My concern is not with the appearance of the Sea Wall buildings from the conservation area; I accept that they would screen some bland existing buildings from view. However, the Sea Wall buildings, together with the Cliff Site and the Marina Point tower, would effectively introduce a continuous development from the cliffs. In terms of cumulative effects, this development would stretch up to the Brunswick tower. As a result the visual link between the Kemp Town Conservation Area and the harbour, the open sea beyond - but perhaps most importantly the hinterland to the east - would be lost.
- 3.6 The Brunswick scheme would allow uninterrupted easterly views of the cliffs, and views of the sea in the gap between the cliffs and the new development. This gap is of critical importance to the Brunswick scheme's acceptability in easterly views of the Kemp Town Conservation Area, and from it. The sea, the cliffs and the downs would still be appreciable; the gap also distinguishes the new development as separate from the cliffs and part of the modern marina.
- 3.7 The Sea Wall site's role in amalgamating the Brunswick scheme, Marina Point and the Cliff Site of the appeal scheme into an apparently single mass of development is illustrated in images C4, C5, C6, C39 and C40, T30 and T42 of CD2/4.2. My other concern with the Sea Wall site is the diminution of Kemp Town's maritime context in easterly views. This is not wholly attributable to the Sea Wall site, but together with the Cliff site and the Marina Point tower (and cumulatively with the Brunswick scheme), the effect is clear. It is also illustrated in the aforementioned images, but it becomes even more apparent when looking towards the appeal site from the first-floor windows and balconies of several of the houses in the conservation area.
- 3.8 I note the 'kinetic' nature of these easterly views along Marine Parade. That is, one's experience and perception of 'place' when taking in the views. The photomontages, although useful, are inherently limited as static points with a

fixed arc of view. One's actual experience of the views cannot be captured in this way.

- 3.9 For instance, in a printed view the cliffs might not appear striking. However, my own experience is that in reality one becomes acutely aware of the cliffs and the downs beyond. One's perception is of effectively being at the edge of the city, but the appeal scheme would significantly alter, or wholly prevent, this perception. Instead the perception will be of being hemmed in by new development as part of a modern extension of the city. In effect that would represent destruction of the last remnants of the conservation area's original undeveloped setting.
- 3.10 The Cliff Site would contribute to a similar impact, again compounded by the Sea Wall, Marina Point and the Brunswick scheme. Here, the issue is principally that the Cliff Site development will obscure the cliffs beyond, but also it contributes to the continuous development from the cliff edge up to the Brunswick tower. Again, I note the kinetic nature of the Marine Parade views. Views of the cliff and the downland beyond will be severed and one's perception of being at 'the edge' of the city lost. This is illustrated in images C4, C5, C6, T30, C39 and 40. On its own the Brunswick scheme would not have this effect.
- 3.11 The Marina Point tower's impact derives from its visual relationship with the Cliff buildings. It appears to rise out of the Cliff buildings, further emphasizing the landward extension of building mass from the Brunswick scheme. That would result in spite of any landmark claims, or claims of the appeal scheme's architectural merit.
- 3.12 I note the views over the appeal site and its environs from the Grade I buildings in Kemp Town. Given their contribution to the conservation area, and given that views from their first floor principal rooms are integral to their design, these conservation area views, although private, are important in their own right.
- 3.13 Some of these views from elevated positions take in much more than views in the same direction at ground level. Appendix 2 of my proof contains photos of some of these first views, and I urge the Inspector to see for himself these views.

3.14 In my opinion the appeal scheme would undoubtedly cause harm to the last appreciable remaining part of the Kemp Town Conservation Area's original setting in easterly views. Given the significance of this conservation area, I urge the Inspector to dismiss the appeals.