



*The Kemp Town
Society*



PROOFS OF EVIDENCE

ISSUED BY

**THE KEMP TOWN SOCIETY
(KTS)**

TO

**The Planning Inspectorate,
Room 321E
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN**

With respect to The Appeal

Application Ref: BH 2007/03454

**Explore Living (No.1) Ltd.,
X-Leisure (Brighton 1) Ltd., and
X-Leisure (Brighton 11) Ltd.
(EL)**

Planning Inspectorate Reference:

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

Dated: October 6th, 2009

Authored by:

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**Paul Phillips, Chairman
c/o11 Caldwell House,
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LONDON, SW13 8EJ**

PREFACE

My name is Paul Phillips and I have been Chairman of the Kemp Town Society since April 2008.

Background and experience of property development.

I owned and operated a Mortgage Brokerage Company for 18 years and involved with aspects of financing residential and commercial properties, which in later years was in conjunction with a leading property sales organisation. I work with small and large developers and consult to large Estate Agencies.

KTS equal to the task of professional representation.

Much time has been spent in the preparation of this document in order to convey to the Inspectorate that we are informed in our positions and rely on facts and interpretation of the law as it appears. Others within our Society have contributed their legal skills, but, it should be said, none are expert in planning law. Our Statement of Case and Proof of Evidence we hope will bare equal weight to those in the planning profession.

Our Case is Material Consideration to the Appeal.

The content of our Proof of Evidence is "material consideration" under the law. We believe the Application has failed for technical legal and planning policy reasons. In crucial areas, it is our assessment that the recommendation of this planning application exposes that areas of planning to meet housing targets have been promoted at the expense of strict planning guidelines in historical settings - and the will of Parliament sidestepped.

Constituents and consultants; not either or.

The evidence throughout the documentation from the Appellant and those involved with the project's recommendation illustrates that there has been a consistent dependence on "consultants" with little regard to the Council's "constituents". However, the law requires those constituents, residents who are local to this large proposed plan, be consulted in the preparation of those plans. KTS' involvement in the planning process has been of frustration and protest, with little or no opportunity to have meaningful participation to impact the outcome of the development. We hope that this Appeal will give us the voice, which has been denied us in the past.

Joined up Local Community

The Rule 6 parties represent the local community, with the exception of RPS and BHEP, and posses differing arguments and points of law to illustrate the flaws of the proposed development. KTS is fully in favour of regenerating the Marina inner harbour. Our differing points return to the same theme: that this development is an over-powering intensification and a distorted interpretation of the planning guidelines and runs contrary to the undertakings and agreements in the body of inquiries prior to the Brighton Marina Act of

Parliament (BMA) and the Widdicombe report prior to construction, which is an agreement enshrined for the people of Brighton to allow the Marina's development in the first place and to protect against the type of development proposed.

Lack of adequate consultation

Furthermore, the rapid processes of change at the Marina, as delivered by PAN 03, PAN04 and the Core Strategy and with improper consultation with its inhabitants and those most affected by the contemplated changes has provided further breakdown in the breach of public trust. This has been partially restored by the Core Strategy Amendments for the Marina and Black Rock Site.

The winds of change

This Appeal is as a result of the winds of change recently blowing through the BHCC, which has realised belatedly and taken heed of the information provided by the local community, realising the proposed development's benefits are outweighed by the overall cost to the City – and the unacceptable price the local neighbourhood might have to pay.

Public Relations versus Consultation

The developer has also contributed to the rejection , by engaging in public relations exercises and naming them consultations. I do not decry public relations, but not to have properly engaged with the Marina residents and the local residents during the pre-application process, as stipulated in guidelines for such large developments, has resulted in this confrontation.

Paul Phillips
Chairman

SUMMARY

of the Proof for Evidence from the **Kemp Town Society**

1) Insufficient Consultation

The proposed development is of a scale and sufficient importance to require the engagement of the local community to a far greater degree and extent than occurred, contrary to

- a) BHCC Local Plan (2005) Sec B 1.4, C 1.5, D 1 and its Strategic Policy on Conservation Areas (Page 14).
- b) SE Plan, Spatial Guidelines, SP4 ii
- c) EH advice to LPAs with respect to Tall Buildings in Conservation Areas, "to consult as widely as possible"

2) Misleading Information

The Design and Access Statement understates the proximity of the Kemp Town Conservation Area from the proposed development. With more accurate information, the EH and other consultees may have revised their reports and made material difference to their outcome.

- a) CD2/17.1 Page 41 suggests the proposed development is 0.5km from the edge of Arundel Terrace. It is approx 180 metres.
- b) The KTCA is approx 110 metres from the Seawall building
- c) CD2/17.1 suggests KTCA is only to Madeira Drive, when it runs to the mean low water mark on the sea along the beach in front of the entire Estate.

3) The significance of the national importance of the Kemp Town Estate and its conservation area.

- a) Grade 1 listing and the only Georgian/Regency architectural "set piece" in England on a seaside location. Thomas Kemp and Thomas Cubitt are nationally important figures in the world of our national built heritage.
- b) Equal to Bath Royal Crescent and environs, the Nash Terraces of Regents Park and Imperial Square, Cheltenham.
- c) Historic Grade 11 listed Garden of the Kemp Town Estate's private "enclosures" **and** Dukes Mound on Marine Parade.

WOULD SUCH A DEVELOPMENT BE CONSIDERED NEXT TO THESE OTHER PRIZED HISTORIC SITES?

4) National, and Local guidelines state it is a requirement to preserve and enhance when building in the setting of historic conservation areas

- a) The scale, height and density of the proposed development will replace the KTE as the dominant architectural feature of eastern Brighton, contrary to planning guidelines of material consideration
- b) "To preserve and enhance". This proposed development does neither. Planning (Listed Buildings and Conservation Areas) 1990 Act
- c) "Enhance character and appearance" when building in Historic in Historic areas. BHCC HE6. The proposed development detracts from the character and appearance of the KTE and Area, so proposals that have "an adverse impact on the character or appearance of a conservation area will not be permitted".
- d) The importance of the setting of the proposed development should be given greater consideration than comparison with the Brunswick Scheme
- e) LPA did not take into proper consideration the representation of KTS as it relates to this application – as required by PPG 15.
- f) Planning in Historic Areas – CD3/10 Sec 67, 2-7 not met.

5) Damage to Sea views into and out of the Marina and strategic views of the sea and cliffs from KTCA. The proposed development;

- a) Adversely affects existing sea views in contravention of BHCC SU 7 (BHCC Local plan P 54)
- b) Contravenes BHCC QD4 3.2,3.21,3.222
- c) Contravenes CD3/10 (PPG 15) not obstructing views of strategic importance.
- a) Contrary to SE PLAN SCT1 vi

6) The Proposed development is inappropriate in scale and height.

- a) Does not meet QD 1 3.6. Is overly dominant with the height of the Seawall buildings exceeding the height of the cliffs by approx 14.1 metres/ 46 feet, the Marina Point exceeding the height of Marina Gate by 2.1 metres/ or nearly 7 feet and the adjacent cliff by 23.1 metres/ or 75 feet – contrary to the Brighton Marina Act 1968.
- b) QD 2. Does not take into account the local characteristics, impact on the skyline and built landmarks. Instead, its intention is to set the scale and height of a new neighbourhood.
- c) QD3. Intensity of development is not appropriate to the locality and prevailing townscape. The density of the proposal is approx 476% greater than its neighbour, based on residential 34 dph for KTE/ 162 dph for ELXL.
- d) THE KTE SHOULD REMAIN THE DOMINANT PREVAILING TOWNSCAPE

- e) The proposed development is based on the Brunswick Development, which in all probability will not be built in its entirety as presently approved, if at all.

7) The Development does not meet the test and guidelines as required by Cabe/English Heritage and SPGBH 15

- a) D and A statement does not include night time views of the tall buildings
- b) The Visual Assessment curtails the appearance of the Tall buildings and therefore are not accurately and realistically represented as to the "human eye".

8) The Protection of Amenity

- a) The Seawall building will cause loss of amenity of the adjacent KTCA beach and beach of SSNI to users, residents and tourists - QD 27 BHCC Local Plan. 3.118

9) Additional concerns of the proposed development and its impact on the KTCA

a) Parking.

Reduced parking by 306 spaces and reducing access to 1 entrance from 3 and egress restrictions of the multi-storey car park for an increased commercial and residential use without internal and external infrastructure changes to the development will add pressures on KTCA and adjacent streets parking with the comparative ease to walk into the Marina.

b) Traffic.

The potential of doubling the population of Kemp Towns population within the Marina with no outside open space will cause an added burden on the KTCA and local traffic attempting to access the Marina. The number of buses required to move the proposed inhabitants cannot be accommodated in the Marina.

10) Housing.

- a) The proposal is heavily influenced by the provision of affordable housing and targets. If approved the development will provide 520 of the affordable homes of the 1,080 p.a. required for the whole of SE England by the Regional Housing Strategy for the SE region for 2006-2011 period or 10%. This is unreasonable provision from a 8 ha. site.
- b) KTS considers the need for so much affordable housing in such a highly sensitive and restricted site to be uncondusive to community cohesion and unsustainable and contrary to SE Plan SCT1 v.

- c) The Preferred option contained in the Core Strategy – CP 13 Housing Density states:

“Residential development should be of a density that is appropriate to the identified positive character of the neighbourhood.” KTS considers the proposal an unacceptable departure from the identified character of the neighbourhood within and outwith the Marina.

- d) The density of approx 162 dph exceeds the regional target of 40 dph by 400%. It exceeds the dph of KTCA of 34 by 476 %. The need to provide such a high density in such a highly sensitive site is excessive and unreasonable.
- e) Due to the overpowering height, bulk and scale of the tall buildings being proposed, the site itself will potentially become highly congested and with very narrow streetscape, which will diminish the quality of life of prospective residents and adversely reduce it for existing residents.
- f) The dominate windy weather conditions of Marina location, will adversely affect acceptable living conditions on the seawall buildings, compensated only by the units dominant views over the KTCA
- g) There is little or insufficient ground level open space within the Marina and the s106 mitigation proposed is no substitute.

11) The Financial Assessment

It is unacceptable that ASDA and McDonalds, two of the world’s largest companies are being rewarded with two new stores at no cost.

- a) It is unreasonable that the financial arrangements entered into to release ASDA from their lease and pay for a replacement stores for ASDA and McDonald’s costing approx £42,000,000 with no apparent contribution from them
- b) This adds an average cost of £32,280 to the cost of each unit or £16,785,000 to affordable housing costs.
- c) The average sale price of 2 bed private units in and around the Marina is approx £265,000 which is below the average price of the proposed private units of £376,000 by approx 30%
- d) If the returns on the development are reduced to a price closer to the market value of these current properties, it would reduce the revenue figure by approx £80-100,000,000, at which point it is unlikely the development will be profitable.

If new figures are produced before the hearing, the KTS options to amend its position contained herein.

The KTS Proof of Evidence highlight the following key issues:

1. Insufficient Consultation

Neglected consultation by BHCC and the developer as stipulated in the BHCC and National pre-planning and planning process:

- 1.1 The Council failed (only belatedly fulfilled) the processes required in past and current legislation to involve the local community in the planning process in such a way that the community can influence the decisions. This last minute proper consultation with the community has in large part been responsible in bringing about the rejection of the application. See Sections B1.4 and C1.5, D 1 of Brighton's Local Plan (2005)
- 1.2 In the recommendation of the proposed development, BHCC underestimated the importance of the historic and cultural Conservation Area setting of this high profile part of their city. Page 3, Para 5 Local Plan.
- 1.3 Consultation failed to adequately conform to the advice provided in the Communities and Local Guideline of March 2007, Section 5, which states that the Local Community and Voluntary Sector be involved in the formation of Local Strategy Partners and Spatial Plans, which include Core Strategies.
- 1.4 They neglected to fully inform parties of the National importance of the Kemp Town Estate and the Kemp Town Conservation Area and its historic gardens. Subsequent statements stating the proposed development does not impact it, is highly blinkered.
- 1.5 The misunderstanding of the importance of Conservation and conservation areas, has allowed consultees to the planning recommendation to fail in their comprehensive duties to protect the very Conservation requirements, which is their remit. No confidence can be placed, therefore, in the proposed plans satisfactorily complying with the Env. Impact Ass. Reg.
- 1.6 The poor transmission of information in the Appellants documentation has resulted in misinformation compounding to the

1.7 extent that decisions have developed on the reliance on misinformed and unreliable facts and assumptions. The English Heritage Representative, was not aware the KTCA extended to include the beach area to the water. The Seawall building cannot therefore meet the guidelines required of a tall building next to public amenity open space, SNCI and CA.

1.8 The Result

a) THE INADEQUATE REPRESENTATION OF INFORMATION AND RESULTING MISUNDERSTANDING HAS ALLOWED STAKEHOLDERS TO MAKE RECOMMENDATIONS WHICH IF FULLY AND PROPERLY INFORMED OF ITS SIGNIFICANCE WOULD IN ALL PROBABILITY HAVE GIVEN GREATER THOUGHT TO THEIR RECOMMENDATIONS AND POTENTIALLY MADE A SIGNIFICANT DIFFERENCE TO THEIR STATEMENTS AND GUIDANCE – EVEN TO WITHHOLD RECOMMENDATION OF THE DEVELOPMENT.

c) THE STRATEGIC AND KINETIC VIEWS HAVE NOT BEEN PRESERVED OR ENHANCED FOR THE GRADE 1 LISTED PROPERTIES.

d) SHOULD THE APPEAL BE SUCCESSFUL, KTS REQUESTS THE INSPECTORATE ORDER THAT THE ESTATE IS COMPENSATED VERY SIGNIFICANTLY UNDER S106 FOR THE LOSS OF AMENITY AND THE HARMING OF ITS NATIONAL SIGNIFICANCE BY MAKING GOOD PUBLIC AREAS AS STATED AS GOALS IN BHCC DOCUMENTS PROVIDED HEREIN.

2. Conservation Area and its proximity to the Proposed Development

The Conservation Area is much closer to the proposed development than represented.

2.1 The proposed development is in fact 110 meters away not “0.5km to the North West” (DandA Stmt 2.1 Pge 7). CD2/17.1/2/3 Page 41, Design and Access Statement 2007 (Townscape Views into and from the Conservation Area). It is in fact 180 Metres.

2.2 The Conservation Area includes the beach area parallel to the western breakwater as far out as the mean LOW tide waterline. (Map 2). The Seawall buildings will be only 110 metres from the KTCA, which is intolerably close for a building in excess of 100 ft.

2.3 The D and A statement suggests by its illustrations that the KTCA runs only to Madeira Drive. CD2/17.1 Page 82 – 85, by referring to what can be seen of the Marina by the Kemp Town Estate. This is misleading.

2.4 A measurement figure for distance of the Kemp Town Estate is taken from the proposed site to the corner of Arundel Terrace P.84/5 , whilst ignoring the distance to the Conservation Area.

3. The Kemp Town Estate Grade Status

The Kemp Town Estate is of national importance as the ONLY Georgian/Regency Estate in ENGLAND facing and incorporating the seafront and sea and therefore requires a very high degree of protection.

- 3.1 The importance of the Kemp Town Grade 1 listed Estate is misrepresented as "multiple listed buildings". In fact, the whole Estate is listed Grade 1, with the exception of the Kemp Town Place Stable cottages as Grade 11. The Conservation Area is listed by English Heritage. It is approx 19.4 ha or 48 acres.
- 3.2 Additionally, the Historic "Enclosures" Gardens of the Kemp Town Conservation Area are recorded in The Register of Parks and Gardens of Special Historic Interest in England – including Dukes Mound adjacent to the pillar entrance to the estate at Lewes Crescent and Chichester Terrace. (Where the 6th Duke of Devonshire had a seat to overlook the sea during the closing years of his life).
- 3.3 Thomas Read Kemp was one of the leading and inspired local dignitaries of historical importance to Brighton. His father and he were the ones who led the Prince Regent to purchase his farmhouse, which led to the construction of the Pavilion. Kemp was one of the first to purchase Thomas Cubitts home in Belgarvia and in turn Cubitt became a major investor in Kemp's Estate when he fell on hard times.
- 3.4 Thomas Cubitt, was Englands most prolific Victorian house builders of London and responsible for much of Islington, Bloomsbury, Belgravia and Pimlico and many part of Clapham. Loved by Queen Victoria, he built the remodelling of Buckingham Palace and built Osborne house in the Isle of Wight.

4 Special Regard as to the nature of Conservation Areas.

Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4.1 Part 11, Sec 69
"...are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance."
- 4.2 General Duties of Planning Authorities
Sec. 72. "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 4.3 Special Considerations affecting planning functions.
Sec. 66. General duty as respects listed buildings in exercise of planning functions

(1) In considering whether to grant planning permission for development which affects a listed building **or its setting**, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building **or its setting** or any features of special architectural **or historic interest which it possesses**.

4.4 Sec. 67.

Publicity for applications affecting setting of listed buildings

"2.5 This section applies where an application for planning permission for any development of land is made to a local planning authority and the development would ***in the opinion of the authority, affect the setting of a listed building.***

(7) In determining any application for planning permission to which this section applies, the local planning authority shall take ***into account any representations relating to the application*** which are received by them before the periods mentioned in subsection (6) have elapsed.

73.

(1) Where an application for planning permission for any Publicity for development of land is made to a local planning authority and the applications development would, in the opinion of the authority, ***affect the character affecting or appearance of a conservation area***, subsections (2) to (7) of section 67 shall apply as they apply in the circumstances mentioned in subsection (1) of that section.

4.5 THE PROPOSED DEVELOPMENT DETRACTS, DEGRADES THE KINETIC AND PERAMBULATORY VIEWS FROM WITHIN THE KTCA.

4.6 FURTHERMORE, THE SEAWALL BUILDING OVERPOWERS THE KTCA AND CREATES LOSS OF AMENITY TO THOUSANDS OF FAMILIES, FROM SHADOWING, LOSS OF PRIVACY AND USE OF THE PUBLIC BEACH. THE BUILDING WILL ALSO OVERLOOK THE NUDIST BEACH.

5. The 1992 Kemp Town Conservation Area Study 1992 *

Kemp Town This magnificent estate is a remarkable example of 19th Century town planning. The striking layout and elegant neo-classical facades of Sussex Square, Lewes Crescent, Arundel and Chichester Terraces comprise Brighton's most grand and important Regency group. The main continuous elevations border a landscaped garden which opens out to the sea. These buildings which are listed in the Statutory List of Buildings as Grade I, have an individual symmetry and clarity of form upon which the graceful and imposing appearance of the estate depends. They contrast with modest pebble and brick mews properties to the rear of part of the estate, which are also Listed and which „complete this largely residential Conservation Area."

- 5.1 "The character of the Kemp Town Conservation Area derives greatly from the uniform nature of the estate and its striking layout in a prominent position overlooking the sea. Its graceful and imposing appearance depends, too, on the individual symmetry and clarity of form of the buildings themselves".

*extract from BHCC doc

5.2 THE GRADE 1 KEMP TOWN ESTATE AND CONSERVATION AREA IS 1 OF ONLY 4 LISTED ESTATES IN ENGLAND WHICH IS UNIQUELY SITUATED ON THE COASTAL BEACH LOCATION. THE OTHER THREE SIMILARLY LISTED ESTATES ARE THE NASH TERRACES OF REGENTS PARK, BATH AND IMPERIAL SQUARE, CHELTENHAM. WOULD THIS DEVELOPMENT EVER BE CONCEIVED NEXT TO THESE IMPORTANT ESTATES?

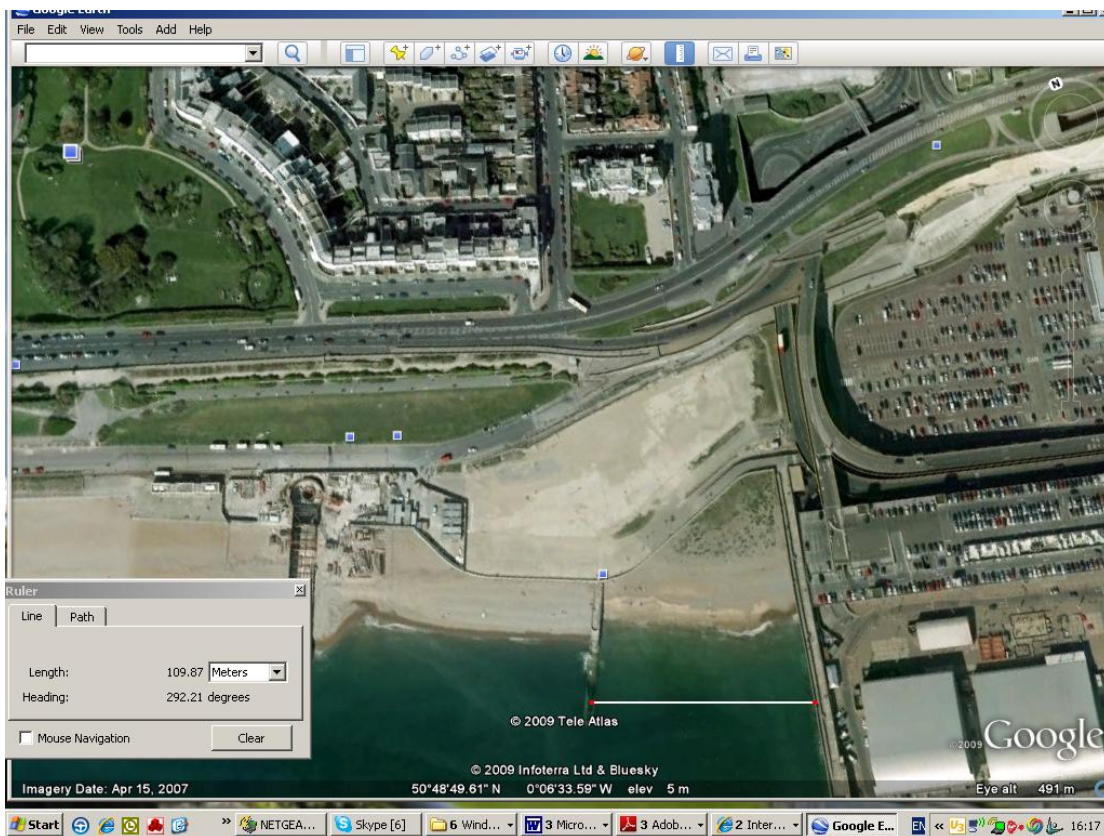
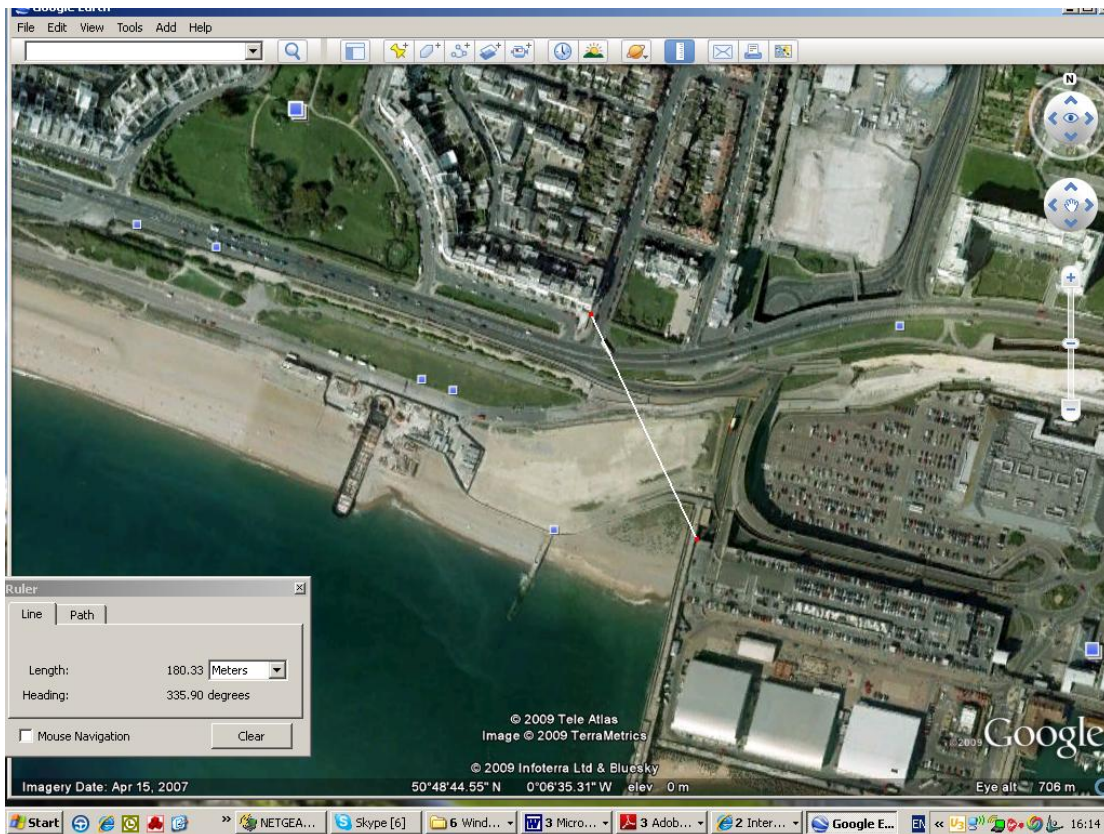
5.3 THE ABIDING CHARACTER OF KEMP TOWN'S HISTORIC ESTATE AND ITS CONSERVATION AREA MUST BE PROTECTED FOR THIS AND FUTURE GENERATIONS FOR THE SOCIAL COHESION OF ITS OCCUPANTS AND THE LONG TERM AMENITY BENEFITS TO BRIGHTON AND ITS SEASIDE

5.4 THE KEMP TOWN SOCIETY ENGAGES WITH BHCC AND OTHER LEADING LOCAL SOCIETIES TO UPHOLD THE STRATEGIC IMPORTANCE OF AND THE IMAGE OF BRIGHTON'S DOMINANT GEORGIAN/REGENCY BUILT HERITAGE TO THE BENEFIT OF IT MEMBERS, RESIDENTS AND AS AN ATTRACTION TO VISITORS. IT HAS BECOME THE CONSCIENCE OF CONSERVATION FOR THE COUNCIL AND COMMUNITY

6 PROXIMITY OF THE PROPOSED DEVELOPMENT TO THE KTCA

The proposed development runs contrary to the stated requirement to “enhance the neighbourhood” and the importance of its “set piece” is its position overlooking the sea, which will be greatly impaired by proximity of the development.

6.1 Distance of approx 110 metres between seawall and KTCA



6.2 The drastic change from a 100 ft high density development building wall abutting to a public open amenity beach space is unacceptable and contrary to HO4

7 SU7 Development within the coastal zone (p 54)

- 7.1 "Planning permission for development will only be granted within the coastal zone, which is otherwise in accordance with the other policies of the development plan, where it:
- a. takes account of the particular conditions experienced within this area, for example, in the layout, design, landscaping and materials proposed;
 - 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.
- 7.2 Where appropriate, planning conditions will be imposed and / or a planning obligation sought in order to secure the necessary requirements.
- 7.3 KTS considers that the proposed development is not in accordance of SU7 with a), c) d) e).

8. QD1 – Design Quality

- 8.1 A 'Design Statement' will be required for all large scale* development proposals; sites in prominent locations; significant smaller sites in conservation areas or sensitive sites within the setting of major or listed buildings. *The statement should address the criteria in policies QD2-QD5.
- 8.2 3.6 The appropriateness of the scale and height of the development should follow from the layout of the scheme and its relationship to adjoining buildings and the surrounding area.
- 8.3 3.7 Architects who took part in urban design visioning workshops to inform this Plan supported the view that architects should develop individual design solutions suited to the locality.....They also expressed concern about the impact of large bulky developments on the character of Brighton & Hove in terms of both the height of a building and how its footprint can intrude into the fine grain of the urban environment. (P. 70)
- 8.4 *The plans have been prepared to accommodate the new residential units substantially on lands leased to Asda and McDonalds. The greatest beneficiary of this regeneration are ASDA and MCDONALDS.***
- 8.5** The proposed specifically excludes a large portion of lands within the western inner harbour under the control of the Appellant, who has failed to provide any commitment as to their intentions for the balance of their lands.

8.6 *The development is building upon underdeveloped locations within a highly restricted area limited by a) the western breakwater b) the Cliff and under-walk c) the access ramps d) the multi storey car park e) existing commercial buildings belonging to the appellant f) and the existing residential properties without attempting much needed reconfiguration of the TOTAL site under their control*

8.7 The circuitous route to the multi-storey carpark and the developers other commercial lands within this area, has governed the proposal. The road access in the proposal will further harm the Marina.

8.8 The replacement of these retail facilities in order to accomplish the proposed housing/retail development has necessitated the adoption of the recently rushed through planning advisory note (PAN 04), reliance on the unsatisfactory approval of the Brunswick Development in the outer harbour and of thwarting of the existing planning policy guidelines.

8.9 IN COMBINATION, KTS CONTENDS THESE ADDITIONAL REASONS HAVE BEEN THE FUNDAMENTAL OR UNDERLYING CAUSE FOR THE OPPOSITION TO THE PROPOSED PLANS FROM THE LOCAL AND OTHER RESIDENTS IN AND AROUND THE MARINA. THE ONLY BASIS OF MAKING THE DEVELOPMENT FINANCIALLY VIABLE IS TO BUILD TALL BUILDINGS, CONTRARY TO THE UNDERTAKING BY THE PREVIOUS COUNCIL MEMBERS AND THE HOUSES OF PARLIAMENT BY THE ENACTMENT OF THE BRIGHTON MARINA 1968 ACT.

9. QD2 Design - key principles for neighbourhoods

9.1 All new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including:

- a. height, scale, bulk and design of existing buildings;
- b. topography and impact on skyline;
- c. natural and developed background or framework against which the development will be set;
- d. natural and built landmarks;
- e. layout of streets and spaces;
- h. natural landscaping.

9.2 THE PROPOSED DEVELOPMENT FAILS TO EMPHASISE OR ENHANCE THE QUALITIES OF THE LOCAL AREA.

10. QD3 Design - efficient and effective use of sites

10.1 To secure the efficient and effective use of a site, proposals will be expected to incorporate an intensity of development appropriate to: the locality and / or prevailing townscape;

10.2 3.17 In respect of the 'locality and prevailing townscape' regard will be neighbourhood, especially if it is a conservation area or within the setting of a listed building.

10.3 THERE IS LITTLE TO SUGGEST THE PROPOSED PLANS HAVE ATTEMPTED TO DESIGN FEATURES OR FORMS WHICH WOULD HARMONISE THE DEVELOPMENT WITH THE DOMINANT KEMP TOWN ESTATE.

11. QD4 Design - Strategic Impact (P75)

“Development that has a detrimental impact on any of these factors and impairs even briefly due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted”

11.1 “In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of context with it, will not be permitted”.

11.2 The following features and buildings are considered to be of strategic importance:

- a. views of the sea from a distance and from within the built up area;
- b. views along the seafront and coastline;
- c. views across, to and from the Downs;
- e. views into and from within conservation areas;
- f. the setting of listed buildings and locally well known landmark buildings of townscape merit;
- h. initial views of Brighton & Hove from access points by all modes of transport.

11.3 3.20 The City of Brighton & Hove has a rich and varied natural and built landscape; its topography enables **spectacular views which are valued by local people and visitors alike**. New development can have a significant wider visual impact and it is vitally important, therefore, that development proposals take account of the natural and built landscape.

11.4 3.21 Participants in urban design visioning workshops carried out to inform this Plan **identified many views and landmarks that they particularly valued and appreciated and wished to see protected**.

11.5 These included views that are available whilst travelling by all modes of transport, particularly walking. The important role views play in influencing peoples' first impressions of Brighton & Hove was also recognised - for example, a number of classic/key views are experienced when approaching Brighton by train.

- 11.6** 3.22 Government guidance (PPG15 'Planning and the Historic Environment') indicates that a proposed high or bulky building might also affect the setting of a listed building some distance away or alter views of a historic skyline. Regard should also be given to 'glimpses' of features and buildings which can be gained particularly in the higher density areas and which contribute to the richness of the streetscape. Special attention should also be paid to strategic development sites that are prominent at the end of a stretch of road such as a wide avenue or at the top of a steep hill. Examples of this are the Avenues in Hove or streets in Hanover and Preston wards in Brighton. **Proposals which have an impact on important views should take into account other policies in the Plan relating to the downland, seafront and conservation areas.**
- 11.7** 3.23 SPG 15 Tall Buildings **gives guidance on the siting of tall buildings to ensure they have** minimal visual impact on sensitive historic environments **and that they** retain and enhance key strategic views. **Strategic views and approaches are identified in the SPG. The SPG also identifies areas which are considered suitable for tall buildings.** (P76)

12. QD27 Protection of amenity (BHCC Local plan P104)

- 12.1 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.
- 12.2 3.118 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. Residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight,
- 12.3 sunlight, disturbance and outlook. Disturbance includes factors such as speed, volume and type of traffic, noise, artificial lighting, smell and other pollution, erosion and flooding.
- 12.4 The policies in this Plan dealing with these factors will be applied rigorously where new development, including alterations and extensions, unduly affects an area and its users, occupiers and residents.

13. QD28 Planning Obligations

- 13.1 Matters related to the achievement of one or more of the various aims listed below will be sought by means of planning obligations when planning permission is granted. In all cases, the obligations sought will be necessary, relevant to planning, directly related to

the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

The aims include:

j. the preservation of a building which is particularly important from an architectural or historic point of view;

14. Advice from English Heritage to Councils/Local Planning Authorities:

(Extracted from English Heritage's website on Conservation Areas)

"Enhancement

English Heritage advises **local authorities to consult as widely as possible** - not only with local residents and amenity societies but also with chambers of commerce, public utilities and the highway authority - over any proposals for a conservation area.

Some of the means by which local authorities can enhance the appearance of conservation areas are:

- preparing special development briefs for sites they identify as detracting from the character or appearance of the area;
- ensuring that new buildings harmonize with or complement their neighbours in scale, style and use of materials; "

14.1 THE CURRENT PROPOSAL REFLECTS THE WORST OF INFILL DEVELOPMENT BY DETRACTING FROM THE CHARACTER AND APPEARANCE OF THE AREA.

14.2 *THE PROPOSED NEW BUILDINGS DO NOT HARMONISE WITH OR COMPLIMENT THEIR NEIGHBOURS IN SCALE, STYLE OR USE OF MATERIALS.*

14.3 *AS SUCH, KTS CANNOT ENDORSE THE PROPOSED DEVELOPMENT AND BELIEVES ACCOMMODATION OF THE REGENERATION OF THE MARINA CAN BE ACCOMPLISHED BY A SIMPLER AND A MORE SENSITIVE PROPOSAL.*

15. BHCC in its own Strategy Policy on Conservation Areas, produced the following:

15.1

"2. Introduction

2.1 The Government urges local authorities to maintain and strengthen their commitment to stewardship of the historic environment and to reflect this commitment in their policies and their allocation of resources.

2.2 This is a shared commitment; the council cannot work alone. Preserving the historic built environment requires broad public support and understanding, and it remains a key element of planning policy for historic building conservation that there should be adequate processes of consultation, evaluation and education to facilitate this. This strategy will provide for such involvement and express the council's commitment to and appreciation of the part the historic built environment plays in developing its vision for a safe, attractive and sustainable city. The council is proud of the city's exuberant cultural heritage, for which the city has increasing international renown. It now seeks to make best use of this considerable asset, and through the publication of this strategy, to drive forward projects for the continued preservation and enhancement of this heritage."

15.2 THE COUNCIL ADMITS IT CANNOT UNDERTAKE PRESERVATION OF HISTORIC ENVIRONMENT WITHOUT BROAD PUBLIC SUPPORT. IT REQUIRES A PROCESS OF CONSULTATION. THE REJECTION BY THE COUNCIL'S PLANNING COMMITTEE WAS AS A RESULT OF THE REALISATION THAT THERE WAS NO REAL LOCAL PUBLIC SUPPORT FOR THE PROPOSAL (AND CONTRAVENTION OF PLANNING POLICY). THE REASON IS THE INITIAL PROCESSES OF CONSULTATION, EVALUATION AND EDUCATION WERE SUFFICIENTLY FLAWED THAT THE PUBLIC WERE WOOED FROM THE INITIAL ENCOURAGEMENT OF THE IMPROVEMENTS PROPOSED TO THE PUBLIC REALM WITHIN THE MARINA, TO REALISING THE DEVELOPMENT WAS FAR TOO INTENSE AND WOULD PROVIDE A LONG TERM NEGATIVE IMPACT ON THE AMENITIES CURRENTLY ENJOYED BY THE CURRENT COMMUNITIES AND THE PROVISION OF VERY UNSATISFACTORY AND UNSUSTAINABLE HOUSING WHICH WOULD BE A DRAIN ON COMMUNITY COHESION.

15.3 *KTS WISHES TO ADVISE THE INSPECTORATE THAT DESPITE THE MUCH VAUNTED CONSULTATION AND DISTRIBUTION OF PAMFLETS OF THE PROPOSED DEVELOPMENT BY THE DEVELOPER, THE PUBLIC MOST AFFECTED, INITIALLY HEARTENED BY THE PROSPECTS OF NEEDED IMPROVEMENTS TO THE DRAB INNER HARBOUR SITE, FAILED TO RECOGNISE THE INTENSITY AND UNSUITABILITY UNTIL LOCAL COMMUNITY LEADERS BEGAN TO DELVE INTO THE APPLICATION IN GREATER DEPTH. THE FULL REALISATION OF THE INTENSE OVER DEVELOPMENT HAS CAUSED THE ULTIMATE REJECTION OF THE PROPOSALS BY THE COUNCIL, WHEN THEY TOO BECAME AWARE OF THE DEGREE OF INTENSIFICATION AND EXPLOITATION OF THE APPROVAL OF THE BRUNSWICK SCHEME AGAINST THE RESTRICTIONS IMPOSED BY THE BRIGHTON MARINA ACT and BHCC POLICIES.*

16. THE SECRETARY OF STATE PPS15 CONSULTATION PAPER (JUNE 2008)

THE GOVERNMENT'S OBJECTIVES

5. The Government's broad aim is that the historic environment, and heritage assets in particular, should be conserved, enhanced and enjoyed for the quality of life they bring to

this and future generations. To help achieve this vision, the Government's objectives for planning for the historic environment are:

- to apply the principles of sustainable development to proposals involving the historic environment, by ensuring that policies and decisions concerning the development and use of land take account of the positive benefits of conserving and, where appropriate, enhancing heritage assets (such as encouraging sustainable tourism to support economic growth or re-using existing heritage assets for example as part of regeneration)
- to conserve and, where appropriate, **enhance England's heritage assets in a manner appropriate to their significance** by ensuring that:
 - decisions are based on an understanding of the nature, **extent and level of that significance**
 - wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation
 - **that the positive contribution of such assets to local character and sense of place is recognised and valued** and
 - that treatment of the historic environment is integrated into general planning policies, promoting place-making *bold added by author
- to contribute to our knowledge and understanding of our past by ensuring that opportunities to capture evidence from the historic environment and make this publicly available are taken, particularly if a heritage asset is to be lost.

16.1 *THE SENSE OF PLACE WILL BE SUBSTANTIALLY AND UNREASONABLY ALTERED BY REPLACING THE REGENCY TERRACES AS THE DOMINANT ARCHITECTURAL SET PIECE BY MODERN CHARACTERLESS TALL BUILDINGS, DUE TO THEIR ISOLATED POSITION ON THE SEA, WHICH BELONG WITHIN HOUSING ESTATES DUE TO THEIR PANEL CONSTRUCTION BASED PURELY ON FUNCTION WITH LITTLE OR NO REGARD TO ARTISTIC MERIT.*

17. STRATEGY FOR THE CONSERVATION OF BHCC'S HISTORIC BUILT ENVIRONMENT

2.3 The overarching objective is to:

Adopt a conservation strategy, that will seek to manage change within the historic environment and to ensure the available resources are put to best use, having regard to the council's commitment to:

- the preservation of the city's listed buildings
- the preservation or enhancement of the character and appearance of its designated conservation areas
- maintaining and introducing high quality architecture, streets and open spaces within the city,
- investment in this environment for the economic well being of the city as a tourist destination, and sub regional commercial and cultural centre,
- provision of an attractive, safe and sustainable place in which to live, work, play and invest,
- leading by example in the management of the council's property portfolio (buildings and spaces)."

2.4 This objective is a response to public concerns regarding:

- a perceived lack of a consistent corporate approach when addressing the many interrelated environmental issues within the city's historic areas,
- the high level of unsympathetic alterations to historic properties and inadequate enforcement against unauthorised developments,
- the poor quality of new developments, and
- the number of neglected and poorly maintained historic buildings and vacant sites, particularly in the central conservation areas.

2.5 The strategy focuses on delivering the conservation and design policies and proposals within the Brighton and Hove Local Plan second deposit draft and on meeting the council's duties and responsibilities having regard to the Planning (Listed Buildings and Conservation Areas) Act 1990.

Environment Review Steering Group in its report

'Power of Place - the future of the historic environment' and by the government in its response statement

'The Historic Environment; a force for our future'.

3. New Developments in Historic Areas

3.3 Either way opportunities exist in historic areas for change and improvement, and these need to be taken. The chairman of English Heritage in his introduction to its 'State of the Historic Environment Report 2002' argues that "The historic environment is always subject to change. This is not a matter for regret, since without change there would be no history. But change needs to be managed intelligently."

3.4 The council is committed to preserving the best from the past, yet it also seeks to meet the city's new building requirements by good quality contemporary architecture, which will be admired in years to come as the regency terraces are admired today. This requires design skill, a proper understanding of the historic environment and a sensitivity to its quality, urban grain and scale.

3.5 In this respect the council welcomes English Heritage's and the Commission for Architecture and the Built Environment's (CABE) joint publication 'Building in context - New developments in historic areas' and its advice. Rarely is there just one architectural solution to the development of any particular site. To quote from the above publication, "the general most important lesson from all the (case) studies is that all successful design solutions depend on allowing time for a thorough site analysis and careful character appraisal of the context. This lesson is of universal application."

Action:

For prominent or otherwise visually sensitive development sites the council will encourage pre-application discussions with owners and their architects. The council will support the selection of architects and /or designs by competitive means, and will encourage public involvement, whether directly or through the use of consultative groups, including local representation."

17.1 WITH COMMITTED LONG TERM ENGAGEMENT WITH THE BHCC COUNCILLORS AND THEIR POLICIES, KTS ENDEAVOURS TO ENCOURAGE THESE STATED POLICIES AND PUBLIC ENGAGEMENT WITH CONSERVATION MATTERS CONTAINED HEREIN. (see KTS PRESENTATION TO BHCC FULL COUNCIL)

17.2 WE CONSIDER THE PROPOSED PLAN FOR THE MARINA REGENERATION HAS DEVELOPED WITHOUT DUE REGARD TO THE ABOVE STATED STRATEGIES AND CONSERVATION POLICIES AND THEREFORE THEIR REJECTION IS SOUND

18. BHCC OWN THE SPATIAL VISION POLICY STATES:

"We intend that new development will exhibit the highest standard of urban design and architectural quality that respects and positively enhances the distinctive urban or suburban townscape of the city's different neighbourhoods"

It is inherent in this statement that the key word is "respect" and "positively enhances" the townscape in the neighbourhood in which the new development proposes.

18.1 KTS VIEWS THE NEW TALL BUILDINGS NEITHER RESPECTS THE NEIGHBOURHOOD OR ENHANCES, DUE TO THEIR MASS, IMPERMEABILITLY, THEIR ARCHITECTURAL FORM BEING INCOHERENT AMONG THEMSELVES AND AGAINST THE DOMINANT BACKDROP OF THE HERITAGE SETTING ON WHICH IT RELIES FOR SOME OF ITS FINANCIAL APPEAL.

19. BHCC PLANNING POLICY

19.1 The Historic Environment Policy HE 3 States:

**"Development affecting the setting of a listed building
Development will not be permitted where it would have an adverse impact on the setting of a listed building, through factors such as its siting, height, bulk, scale, materials, layout, design or use"**

19.2 BHCC local plan, chapter 8 "managing change within an historic environment (page 224) states

8.1 The quality of Brighton & Hove's historic environment is outstanding. When people think of the Brighton & Hove area they often conjure up images of the Royal Pavilion, the piers and promenade, Regency and Victorian terraces and the historic village of Rottingdean. This unique 'sense of place' deserves to be protected and is important in the promotion of tourism and the economy in

general. Many of the local consultees involved in the preparation of this Plan highlighted the importance of the historic environment to them when they identified older buildings as one of the main contributors to the appearance of Brighton & Hove and felt they should be retained and restored.

8.2 The historic environment is a central part of our cultural heritage and contributes to a sense of national identity. It is an irreplaceable record, which helps us to understand both our present and past. The council will therefore continue to operate policies that seek to protect and enhance the buildings and areas that contribute to this fine and valued legacy. This will inevitably present challenges as the city seeks to accommodate changes in economic and technological trends and the way we choose to live. The historic environment has proved itself in the past to be adaptable and flexible to changing needs and can contribute greatly to the need for future sustainable development.

Nevertheless, an integrated approach involving innovative thinking will be required in order to tackle all the various issues surrounding new developments within the historic environment. Such an approach is essential for the prosperity of Brighton & Hove and to promote its image as 'the place to be'.

19.3 HE6 Development within or affecting the setting of conservation areas

“Proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:

- a. a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;
- c. no harmful impact on the townscape and roofscape of the conservation area²;
- d. the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
- e. where appropriate, the removal of unsightly and inappropriate features or details; and
- f. the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area³.

Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.”

19.4 The western seawall buildings are located within 110 metres (Approx 367 feet) of the Conservation area and within feet of the Black Rock Beach, an area of SSNI.

19.5 By rejecting the application, BHCC has recognised belatedly its obligation to protect the dominant regency built heritage setting and natural setting of the cliffs by

1. REQUIRING NEW DEVELOPMENTS DO NOT DETRACT FROM THE CHARACTER OR APPEARANCE OF THE AREA
2. NEW BUILDINGS HARMONIZE WITH OR COMPLIMENT THEIR NEIGHBOURS IN SCALE STYLE AND USE OF MATERIALS

19.6 *The evidence is the Seawall buildings have been squeezed into a narrow strip of land between the multistorey carpark and the western quay in order to add financial muscle to the development. apart from the substantial increase in value gained from the view from these private sale only units, the actual circumstances of living in such a restricted is highly problematic.*

19.7 *IT IS CONSIDERED THAT THESE BUILDINGS DO NOT REFLECT WELL THE REGENCY TOWNSCAPE WHICH THEY FACE, OTHER THAN THE DOMINANT WESTERN SUNSHINE THEY WILL REFLECT FROM THEIR LARGE GLASS AREA INTO THE TERRACES*

19.8 FURTHERMORE

- A) The Seawall building. The quality of construction to withstand the extremes of weather (strong sunshine, wind, wave/spray abatement has not been demonstrated. The construction standards are said to be only 20 years above the Building code minimum of 60 years. KTE is 180 years old.
- B) Expensive units have very limited parking, so are not attractive to those able to purchase them
- C) There is little incentive for creating easterly facing windows in this building due to the obstruction of the multistorey carpark and ramps being the dominant view, a fact criticised by English Heritage. It will create a massive visual barrier to those within the Marina.

19.9 IT IS THE VIEW OF KTS THAT BHCC'S REJECTION OF THE PLANNING APPLICATION IS CONSISTENT WITH THEIR STATED POLICY HE6.

20. TALL BUILDINGS IN MARINA.

20.1 CABE/EH Heritage Guidelines on Tall Buildings

"3.4

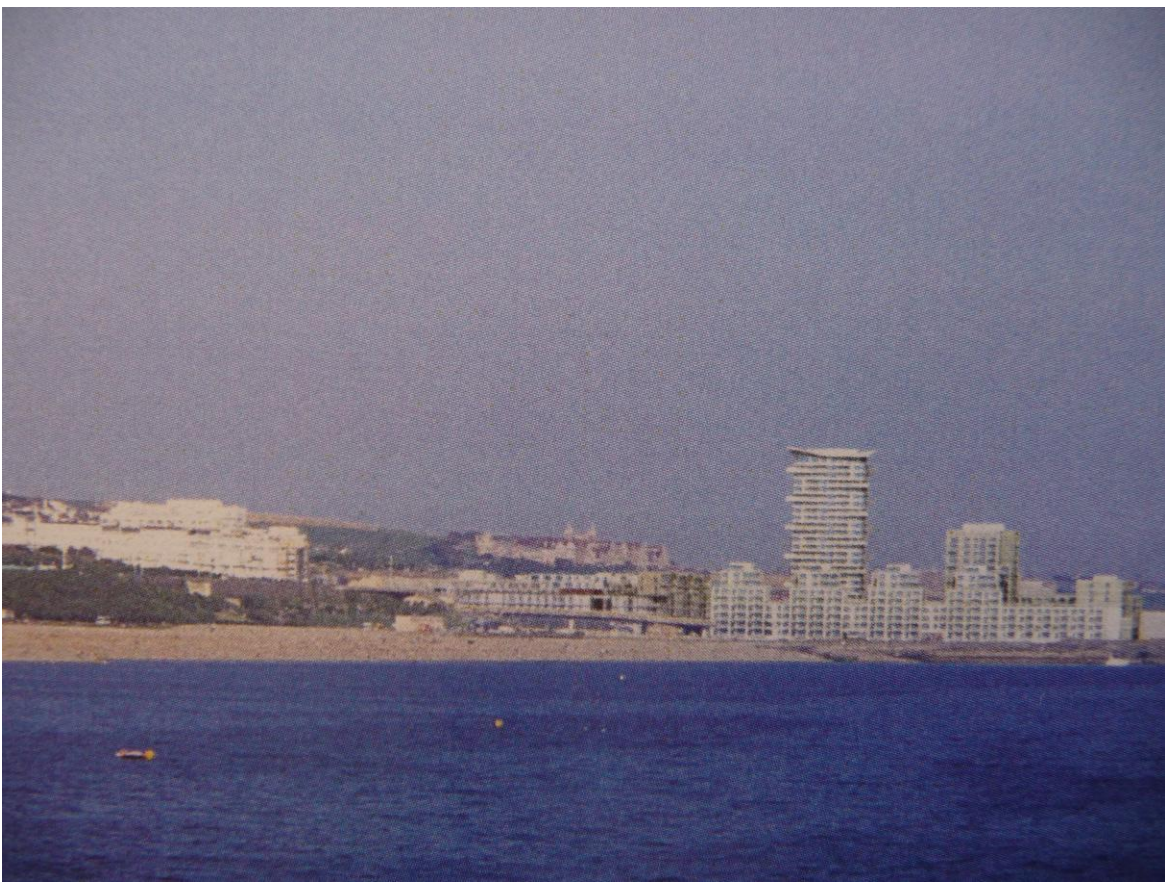
All proposals for tall buildings should be accompanied by accurate and realistic representations of the appearance of the building. These representations should show the proposals in all significant views affected, near, middle and distant, including the public realm and the streets around the base of the building. This will require methodical, verifiable 360 degree view analysis.

Where a tall building is justified by its relationship to a cluster, the proposals should be illustrated in the context of proposed and approved projects where this is known, as well as the existing situation.

The appearance of the building should be accurately rendered in a range of weather and light conditions including night-time views, although applicants and local planning authorities should be aware that **current visualisation techniques will not precisely replicate how the proposals will appear to the human eye.**”

20 .2 KTS considers the Appellant has failed to adequately represent the true height and visual impact of their proposed tall buildings in accordance with the aforesaid guidelines from CABE and English Heritage. KTS further states, that the Visual Assessment and amended assessment provided by them (Chapter 9 of their application), neither meets the standards set out by the Consultees. KTS also believes these Statutory Consultees have not applied proper due diligence to these visual assessments contrary to their own guidelines, as they misrepresent the true scale and impact on the neighbouring cliffs and Conservation area and Heritage buildings.

2.2 Example: There are no night-time views.



2.4 BHCC POLICY

8.3 Marina- Tall buildings

8.3.2 The Marina is a node with particular sensitivities of building due to the relative proximity to Kemp Town and housing on the adjacent hillside which provide challenges for designers. Tall buildings in 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. Proposals for this area should seek to resolve transport issues, as this node has the least developed transport services and infrastructure of all the areas.**

2.5 The reason for the tall buildings is to pay for the replacement of the ASDA and McDonald's retail facilities, compensate them during the change over, which the Financial Assessment cites at a cost of £40,000,000 and the cost of providing 520 (40%) affordable and social housing units.

21. The Brighton Marina (1968) Act.

1.The Act was written in response to the overwhelming desire to “ring fence” the Marina as a special needs development for the yachting community. The setting of limits to the height was to respect the overwhelming resistance to the development of multi-storey buildings again being contemplated. The Council must respect those who allowed the Marina’s construction on the terms provided by the Act in word and deed.

The allowance of tall buildings in the Marina might permit buildings to exceed 49 feet or 6 storeys, but that does not permit buildings to exceed the height of the cliff of between 23 –33m behind the Marina. ALL THE PROPOSED BUILDING EXCEED THE HEIGHT OF THE CLIFF.

1.2 There is no precedent to the Tall buildings exceeding the height of the Cliffs being automatically allowed. The presumption relied on by the Appellant that they can push their way over the local Council and community whose forebears fought so hard to protect the coastline and natural and built heritage on the basis of another’s application being approved hopefully will hit the rocks.

22. Lost Strategic Views from KTCA:





Impact of proposed Development on Conservation Beach

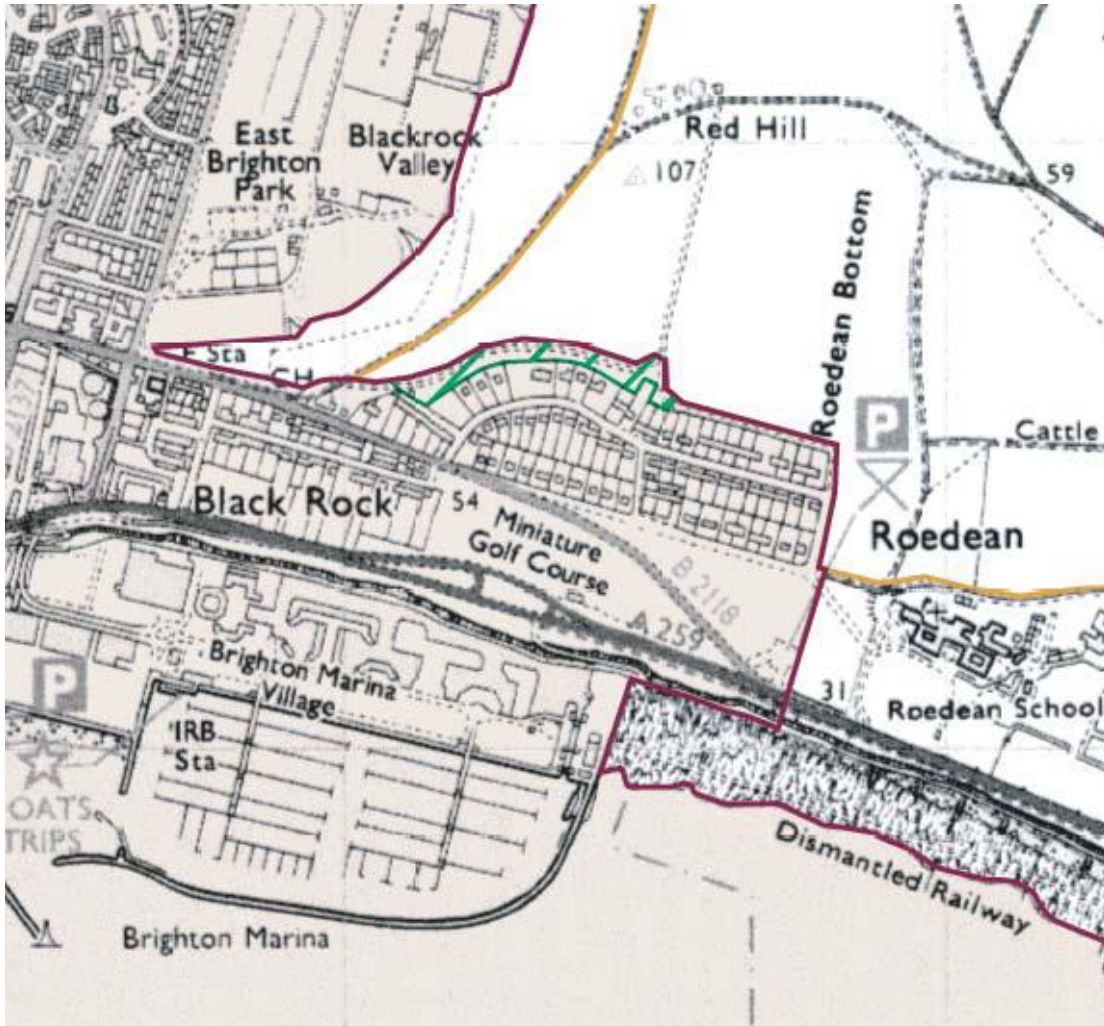


Radical change of view from Historic Fife House.



23 The South Downs National Park.

1. The close proximity of the New National Park means strategic views will be detrimentally affected by the proposed development and potential future developments with the lands controlled by the applicants.



23.1 The tall buildings will impact on the National Park's new strategic views from key positions.



23.2 The Marina is now being sitting between a National Park and Brighton's plan to be a world heritage site with respect to its seafront and Regency Terraces, Squares and Crescents.

The proposed development would visually intrude and compromise these efforts

24. HOUSING

KTS will rely on the information submitted in the Summary Above.

25. FINANCIAL ASSESSMENT

KTS will rely on the District Valuer's report spreadsheet appended hereto.

26. THE CORE STRATEGY AMENDMENT.

KTS FULLY ENDORSES THE AMENDMENT REQUIRING THE RESIDENTIAL HOUSING UNITS ON THE WESTERN MARINA, BLACK ROCK SITE AND THE GAS HOLDERS SITE TO BE LIMITED TO 1650.

KTS AGREES THAT THE THREE AREAS ARE TREATED AS ONE SITE, DUE TO THE ONE ROAD INTERCHANGE CONTROLLING EACH SITE.

CONCLUSION.

1.1 KTS' position is that, given the Appellants ownership of the whole of the western site, the siting of the proposed development is within the grasp of the Appellant to be more imaginative and comprehensive. Owning the whole 11.92 Ha (29.44 ACRES) site allows them to develop a much more successful proposal if they were to use all their lands in a phased development working with their tenants into future years. It is claimed the current development will last 5 years, at which time it has been suggested other key tenancies will be up for renewal.

1.2 The layout of the western portion of the development area under the same owners, requires considerable thought to improve it. Its repeated piecemeal development is compounding an already complex layout.

1.3 The unnecessary burden self-imposed of spending £40 million by replacing Asda's and McDonald's stores, makes the financial costs of the project excessive. The car parks on these sites can be developed without the need to replace the existing buildings with much more conducive properties.

1.4 Affordable housing pressures are being mitigated by the new Core Strategy Amendments for the Marina, which calls for a reduction of total new housing in the Marina, Black Rock and the Gas Holders site to 1650 is welcome. This will permit a manageable population for the Marina.

1.5 Instead, they are relying on the goodwill of their neighbours, on which they and their businesses rely, to bare the brunt of the long term costs.

1.6 Additionally, the inevitable pressure placed on the Council through promised Section 106 payments, provides an unacceptable and largely unnecessary enticement in this financially chasten times.

KTS RECOMMENDATION

1.1 KTS considers the proposed development is premature. The City's Core Strategy Amendment underscores the need to consider the whole area of Black Rock and the Gas Holders site as one site, given its complex traffic management issues among many others, if all areas were to be developed as proposed.

1.2 The General Planning Principals: General Principles, determination of Planning Applications 17 "Prematurity" states: In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is to be prepared or under review....." The Revised Core Strategy Amendment for the Marina meets such a condition and therefore we recommend the Appeal be refused.

