



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

**SUMMARY OF
PROOF OF EVIDENCE
OF KEVIN GOODWIN BTP MRTPI**

In respect of

BRIGHTON MARINA

On behalf of

BRIGHTON AND HOVE COUNCIL

CgMs Ref: KG/11130

OCTOBER 2009



1.0 QUALIFICATIONS AND EXPERIENCE

1.1 My name is Kevin Goodwin; I am Head of Planning of CgMs Limited, Planning Consultants who have offices in the City of London, Birmingham, Cheltenham and Newark. The firm acts for and is retained by leading companies throughout the country, for housebuilders, government departments and local authorities.

1.2 I have a Bachelor of Town Planning Degree and I am a Member of the Royal Town Planning Institute. I have 36 years' experience both in the private and public sector of which over fourteen years were spent working for three planning authorities.

1.3 Further details of my experience are set out in my main proof.

Scope of Issues

1.4 I have noted the four main matters that the Inspector identified at the Pre-Inquiry meeting on 18th September 2009. I have had regard to these and to the Council's reasons for refusal. I have identified seven issues that I consider are relevant to the consideration and determination of this appeal and set these out in my proof.

2.0 THE APPEAL PROPOSALS AND RELEVANT PLANNING HISTORY

2.1 The planning history of the development of the Marina and associated buildings is set out in Appendix 3 of the officer's committee report and also within the Statement of Common Ground (SoCG).

2.2 At its meeting on 2nd September the Council agreed to clarify and amplify its reasons for refusal as originally set out in its decision to refuse planning permission in December 2008. These are set out in my proof of evidence.

2.3 In respect of reason for refusal 6 relating to flood risk it was agreed to withdraw this reason subject to appropriate wording within the S106 in respect of the

maintenance of current sea defences and upgrades to sea wall defences. The Inquiry will be updated as to progress on this matter.

3.0 THE APPEAL SITE AND SURROUNDING AREA

3.1 A description of the appeal site and the surrounding area is set out in Section 2.0 of the Statement of Common Ground.

4.0 PLANNING POLICY ANALYSIS

4.1 The development plan comprises the South East Plan and the Brighton and Hove Local Plan 2005. The South East Plan has superseded policies within the Structure Plan referred to in the original refusal reasons of December 2008.

4.2 Other material considerations include national and regional planning guidance and supplementary planning guidance. Those of particular relevance to this appeal area set out in Section 5.0 of the Statement of Common Ground.

5.0 PLANNING ISSUES

5.1 I have indicated in my proof the issues that I consider are relevant to the consideration and determination of this appeal.

Design, Siting, Layout and Height

5.2 Reason for refusal one raises issues in respect of the impact of the appeal proposal on key aspects of the surrounding area.

5.3 In this respect it is necessary to have regard to the policies referred to in the amplified refusal reason in determining the impact of the proposal.

Quality of Housing

- 5.4 Reason for refusal two raises the issue as to whether the proposed development would provide good quality residential accommodation in terms of the size and disposition of the residential units in relation to surrounding features. My evidence details the issues in respect of the quality of the proposed living accommodation within the Cliff Building.
- 5.5 In this respect I have assessed the size of the proposed units, in particular the affordable ones and how they compare to the standards required by the Councils housing department. I have identified that using the Councils standards there are actually a greater number of 'undersize' units than advised in December 2008 and that against current Council standards a further significant increase in unit numbers that are 'undersize'.
- 5.6 I am therefore of the view that the proposal, particularly when coupled with other constraints facing accommodation for residents in the Cliff Building, provides for a poor standard of living contrary to Policies QD1, QD3 and PPS3.
- 5.7 In addition to the internal space standards there is a cumulative impact in relation to the quality and quantum of the outdoor space and the relationship of some of the units to the adjacent natural and physical features.
- 5.8 In terms of the outlook for north flats in the Cliff Building I do not believe that a view of a cliff is a substitute for acceptable levels of sunlight.
- 5.9 Some of the flats that were considered 'undersize' in December 2008 also suffer from being within those areas of the courtyards that will be in permanent shade or prolonged periods of shade. Others that are 'undersize' face onto the access ramps are constrained in terms of outlook and noise. Accordingly there is a cumulative consideration. Overall this will result in poor quality accommodation, with poor internal space standards, poor outlook, shading, all resulting in unsatisfactory living conditions.

Housing Need

- 5.10 Reason for refusal three raises two issues in respect of housing need; firstly in respect of the proportion by tenure of affordable housing and secondly in relation to the type of accommodation being provided.
- 5.11 I consider that the appeal scheme should be contributing more with an increased level of social rental units than it currently proposes. This would enable a more mixed and balanced community to be created at the Marina.
- 5.12 The appeal site must therefore deliver an appropriate mix of social rented and intermediate housing which it does not do with the mix biased heavily towards the intermediate sector.
- 5.13 The second issue is the type of accommodation being provided. The proportion of larger three bedroom units is small at 11% of the affordable units and 7% overall. It would perpetuate a problem in the City in that the existing stock is mainly one and two bedroom units and the majority of new stock is also one and two bedroom units.
- 5.14 The appeal proposal places all the affordable housing in the Cliff Building rather than throughout all the buildings that form the appeal application. It is this building, given its size and relationship with surrounding structures, that is the most constrained.

Outdoor Amenity Space

- 5.15 Reason for refusal four raises the issue as to the adequacy of the design and provision of outdoor and recreational space.
- 5.16 Whilst I accept that in principle full provision cannot be made on site, I still consider that more provision should be made on site than currently proposed. The proposal only makes provision for 8% of the total amount sought. Accordingly there is a substantial shortfall in on site provision.

- 5.17 Where there is an on-site shortfall, Appendix 1 of the draft SPG provides a calculation based upon April 2005 figures as to the level of financial contribution that should be made. This is £1,871,596 plus a maintenance sum of £467,899.
- 5.18 The appellants have offered a total contribution of £1,045,000, divided between physical works and the provision of a sports coordinator.
- 5.19 I consider that the City Council is justified in seeking a greater provision of open space and recreational facilities on the appeal site given the nature of access to locations beyond the Marina. The proposal fails to do so.
- 5.20 The proposal also fails to make adequate provision to off site facilities. The proposal therefore fails to comply specifically with Policy HO6 of the saved local plan, draft SPG9 and PAN04

Educational Facilities

- 5.21 Reason for refusal five raises the issue of the adequacy of the contribution to meeting the educational needs of residents of the proposed development.
- 5.22 I have considered the methodology used by the appellants and that used by the Council to arrive at a child yield for the appeal scheme. I consider that, having regard to the expected child yield of the appeal scheme using the Council's methodology, there is a significant shortfall in the contribution offered.
- 5.23 The Council's contribution is based upon the actual costs of providing child spaces in school from a recognised source. The appellants' figure appears arbitrary. The contribution that they have offered does not enable adequate provision to be made off site to meet the needs of children likely to be living in the development.
- 5.24 I therefore conclude that the proposal fails the requirements of Policy HO21.

6.0 CONCLUSIONS

6.1 Having regard to my analysis and consideration of the appeal scheme I conclude that the appeal should be dismissed and planning permission refused.

7.0 DECLARATION OF TRUTH

7.1 I confirm that the evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.



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