

**Reference: Appeal by  
Explore Living (No.1) Ltd & X-Leisure (Brighton I)  
& X-Leisure (Brighton II) Ltd**

**Brighton and Hove City Council Ref: No. BH 2007/03454  
Planning Inspectorate Ref: APP/Q1445/A/09/2102048/NWF**

**Statement of Case**

**by**

**Robert Powell**

**BA Dip Arch M Arch RIBA MRTPI MSIP FRGS**

**On behalf of**

**Marine Gate Action Group and  
Marine Gate Holdings Management Board**

**Supporting the decision by  
Brighton and Hove City Council Planning Committee  
to refuse planning permission for:**

**Demolition of Asda superstore to create 3 -10 storey building with enlarged store (3112 sqm increase) and 2,025 sqm of other Class A1-A5 (retail/restaurant/drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building and associated engineering works. Demolition of petrol filling station to create 28 storey building with 182 sqm of Class A uses at ground floor and 148 residential units above. Demolition of McDonalds restaurant to create 5 - 16 storey building with enlarged drive-thru restaurant (285 sqm increase) and 131sqm of other Class A uses and 222 residential units above. Demolition of estates office to create 3-4 storey building of 35 residential units. Demolition of western end of multi-storey car park to create 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from breakwater to Park Square. Demolition of part of the eastern end of multi-storey car park to create single storey petrol filling station, pedestrian footbridge and new lift and stair access. Total: 1301 residential units. Associated car parking spaces (805 residential, 666 commercial), cycle parking (1907 residential, 314 in public realm), servicing, plant, refuse, CHP unit, public and private amenity space, hard & soft landscaping and outdoor recreation areas. Change of use of two A1 retail units (524 sqm) within Octagon to medical use (Class D1). Alterations to vehicular, pedestrian and cyclist access and circulation, including new roundabout and transport interchange behind Waterfront.**

## **Statement of Case**

**This statement is prepared by Robert Powell who represents the Marine Gate Action Group and also the Management Board of Marine Gate Holdings.**

### **1 Quality of Design**

**1.1 Marine Gate Action Group's case is that the design of the development is unsatisfactory and the applicant fails to comply with the following BHCC Planning Policies:**

**1.2 Policy SU1 in that by virtue of its design, excessive height, bulk and location the development makes an unacceptable impact on East Brighton and the wider context. The 250metre long Cliff Building is a 'superblock' that lacks permeability and blocks views of the harbour from the cliff top and conversely views of the cliffs from within the Marina.**

**1.3 Policy QD1 in that the development is of inappropriate height and scale. It is overdevelopment of a restricted site with too many single aspect apartment and internal corridors.**

**1.4 Policy QD2 in that it is bulky and impacts adversely on the skyline and silhouette particularly when viewed from the seaward approaches to Brighton**

**1.5 Policy QD3 in that the development results in cramming on a restricted site.**

**1.6 Policy QD4 in that the development adversely affects views along the coastline, from the South Downs, from the conservation area, and from the eastern approach into Brighton (See p76 of Local Plan).**

**1.7 Policy NC1 in that the development adversely affects a Site of Special Scientific Interest (SSSI) i.e. the Brighton to Newhaven Cliffs.**

**1.8 Policy NC4 in that the development adversely affects a Site of Nature Conservation Importance (SNCI) i.e. Black Rock and Black Rock Beach.**

**1.9 Policy HE 3 in that the development by reason of its excessive height and bulk adversely affects the setting of listed buildings including the French Hospital Apartments and Roedean School**

**1.10 Policy HE 6 in that the development by reason of its height, bulk and proximity adversely affects the setting of the Kemp Town Conservation Area.**

**1.11 Policy HE11 in that the development adversely affects the views along the historic coastal cliffs that form the de facto border between Britain and Europe.**

**1.12 Policy NC8 in that the development adversely affects views into and out of the South Downs National Park and an Area of Outstanding Natural Beauty (ANOB)**

**1.13 The applicant has failed to make a strong case for exceeding the cliff height. If this proliferate development is permitted to proceed Brighton Marina as a pleasant place to live and as a tourist attraction will die. We will refer to though not rely upon the Brighton Marina Act 1968 in support of our case.**

## **2 Housing Need**

**2.1 Marine Gate Action Group's case is that the proposed development fails to satisfy a number of BHCC Local Plan policies including:**

**2.2 Policy HO3 in that the design of many dwellings is inadequate and smaller than BHCC recommended minimum sizes. There are numerous north-facing apartments with limited views and many dwellings have internal bathrooms and kitchens without natural daylight. Some living rooms and dining rooms do not have an adequate view of the sky. There are too many one and two bed apartments. The mix of housing sizes falls below BHCC requirements in terms of provision of larger family units.**

**2.3 Policy HO4 in that the density of dwellings is excessive in the Marina context.**

**2.4 PPS1, PPS22, SPD08 Policy in that the development fails to comply with Government Guidance, the South East Plan and BHCC policies on sustainable development.**

## **3 Outdoor Recreation Space**

**3.1 Marine Gate Action Group's case is that the proposed development fails to satisfy the following BHCC Local Plan Policies and SPG's:**

**3.2 Policy HO5 in that the development fails to incorporate sufficient private and public amenity space. Much of the allocated space is crammed beneath access ramps or in inhospitable windy and hazardous locations.**

**3.3 Policy HO6 in that outdoor recreation space for children is poorly located in dark, windy, inaccessible places. Children will be at risk.**

**3.4 SPG9 in that the provision of outdoor open space does not meet the requirements of the Guide for Residential Developers on the Provision of Recreational Space (Draft 2002).**

**3.5 PAN 04 in that the proposal manifestly fails to address the current negative image of public space, rather its dense urban form will create harsh, windy and unattractive places that will detract from the Marina's current attractions. The**

location of bus stands and the inadequate parking provision will contribute to a vehicle dominated environment.

#### **4 Educational Facilities**

**4.1 Marine Gate Action Group's Case is that the proposed development fails to meet the requirements of BHCC Local Plan policies namely:**

**4.2 Policy HO18 in that there are inadequate community facilities – there are no schools.**

**4.3 Policy HO21 ... in that there are inadequate community facilities – there are no places of worship, banks, post office or a doctors surgery to Primary Health Care Trust space standards.**

**4.4 PAN 04 in that the proposals fail to solve the need for accessible primary and secondary school.**

#### **5 Planning and Legal Documents**

**Documents upon which the Marine Gate Action Group case will rely:**

**5.1 Brighton and Hove City Council  
Local Development Framework  
Development Plan Document  
Core Strategy – proposed amendments paper – June 2009.**

**5.2 Brighton and Hove City Council  
Planning Advice Note PAN 04  
Brighton Marina Masterplan – March 2008**

**5.3 Brighton and Hove City Council  
Supplementary Planning Guidance SPG 15 January 2004**

**5.4 Brighton and Hove City Council  
Supplementary Planning Guidance SPG 20 Vol 1 and 2 . January 2003**

**5.5 Brighton Marina Act 1968. Copies of Hansard dated 13<sup>th</sup> March 1967, 26<sup>th</sup> June 1967 and 29<sup>th</sup> July 1967**

**5.6 Brighton and Hove City Council Local Plan**

**5.7 Planning Policy Guidance Notes PPG 20 Coastal Planning.**

**5.8 Planning Policy Statement PPS 1 Delivering Sustainable Development**

**5.9 Numerous photographs of the site and a powerpoint presentation on CD.**

**5.10 A plan of the proposed development indicating the bulk of the Cliff Building.**

**Robert Powell**  
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**Chartered Architect and Town Planner**  
**UK and Singapore**  
**for Marine Gate Action Group**

**1<sup>st</sup> September 2009**