

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

**Closing Statement**  
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**

1 Over the past six weeks the Rule 6 witnesses have exposed the inaccurate documents and subterfuge employed by the appellants during the 'public participation' process.

2 These range from the categorical statement by the developer in 'Our response to your Questions' Page 22, Paragraph 5.1 that "all our photo montages are genuine and have not been distorted in any way" which has now been shown by Brian Simpson to be inaccurate. (See attachment 1)

to

3 On page 14 of the same document para 2.1a the developer statement that "Marina Point, our tallest building is positioned to the south of the entrance ramps" a statement that is misleading for it is located almost directly to the east of the entrance ramps. Members of the public unfamiliar with reading drawings would take this statement to be true. (See attachment 2)

to

**4 Explore Living document “have your say” dated August 2006, page 3 which states “Overall 50% (of respondents) indicated support for them (tall buildings). This was accompanied by a sketch showing an area (coloured green) where “building height will respect the existing cliff height”. But the appellant then ignored this by locating the 10-storey Cliff Building in the green area. (See attachment 3)**

**5 There are many other examples of erroneous information in the publications by Explore Living, that give the impression that the public have bought into the scheme.**

**6 We have met prevarication at every step in the consultation process.**

**7 When I visited the exhibition in December 2007 I spoke to the Explore Living project leader, and pointed out that the ASDA service entrance was not shown on the model. Furthermore that no flue was indicated above the energy centre. He blustered but eventually admitted that neither was shown – but to most people attending the exhibition this would have gone unnoticed. It was simply deception by the developer.**

**8 The glossy brochures produced periodically by the appellant rarely reflected the frustrated mood or critical comments of those attending the various ‘consultation events’. Instead what we read were sanitized versions intended to sweep aside our objections and proceed regardless.**

**9 This attitude more than anything else has fuelled the massive public backlash and the huge petition for this was not public participation but a high-pressure sales campaign that simply ignored any negative feedback.**

**10 And now we have the suggestion that Marine Gate is a higher density than the Explore Living development. This is utter nonsense!**

**11 Marine Gate consists of 132 dwelling units on a 1.125ha (11,250 sq m) site. The density is 117du/ha.**

12 Marina Point consists of 148 dwelling units on a site area of .12 ha (1,200 sq m). The density is 1,233 du/ha. (10 times the density of Marine Gate)

13 The Quay Building consists of 222 dwelling units (and a McDonalds Outlet) on a site area of .37 ha (3,700 sq m). The density is thus 600 du/ha. (5 times the density of Marine Gate)

14 Even if we were to compare Marine Gate with the 1,301du on the 8ha Explore Living site the density on the latter is 163du/ha which is 25% higher than Marine Gate. But this is hardly a comparison of like with like.

15 It is always possible to distort statistics but the facts speak for themselves.

16 When expressing density I find it easier to compare the Floor Area Ratio (FAR). On a site area of 11,250 sq m Marine Gate has approximately 14,880sq m of floor space i.e. a FAR of 1: 1.32. Marine Gate has extensive south and east facing gardens.

17 On an 80,000 sq m (8ha) site the Explore Living application has 188,208 sq m of residential and commercial floor space giving a floor area ratio of 1: 2.32.

18 Put simply the density of the Explore Living application is almost twice the density of Marine Gate and there is a paucity of sunny open space.

19 The FAR of Marina Point is actually 1: 14.01 and the FAR of the Quay Building is 1: 7.37. These are densities that one would expect to find in a highly urbanised city centre location not a coastal marina.

20 Suffice to say this is a very dense development and the developer is attempting to cram too much on the limited site area.

21 In an article published in the Estates Gazette dated 20 December (attachment 4) Mr Gummer suggested that the democratic system whereby Planning Committees can overturn the officer's recommendations should be ended. He said that applications should be decided on 'facts' not by objectors.

21 Well the FACTS are very clear. As I stated in my Proof of Evidence this application does not comply with Planning Policies No. SU7, QD1, QD2, QD3, QD4, NC8, HE3, HE6, HE11, HO3, HO4, HO6, HO21 and QD 27.

23 QD4 is particularly important for it states, "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 ... 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." The Rule 6 witnesses have convincingly demonstrated that the development does not and cannot comply with this policy.

24 Mr Allies said that he had done his utmost to comply with the developer's excessive brief and I respect his honesty; Mr Coleman blurred the boundary between truth and untruth with manipulated images and declared every aspect of the development 'beneficial'; Mr Bean sheltered behind a wall of statistics but could offer no qualitative judgement on the outcome of the affordable housing; Mr Reid was drafted in just two months before the inquiry to prop up the appellant's case on Public Open Space provision and shows a lack of judgement when he declares the truly miserable outdoor recreation spaces to be "a public realm of exceptional high quality" (Reid: Proof of evidence page 20); while Mr Gavin was not subjected to the cross-examination that would have exposed further planning shortcomings.

25 The crucial question is: If the public cannot be protected by Planning Policy then what, pray, is the purpose of Planning Policy? - we may as well tear up the policies and abandon

Brighton to speculators. And if our objections are to be brushed aside as merely the outcry of a group of NIMBYS then there is little hope for the quality of the built environment and a sustainable future. Much rests on Mr Coleman's aesthetic pronouncements and he has been shown to be less than discriminating in the accolades he heaps on the design. The architecture is not the best that Allies and Morrison can produce – Marina Point is a very 'ordinary' tower, the Cliff Buildings is a massive superblock – a veritable ant hill, The Quay Building similarly stocky, ponderous and unappealing while the Sea Wall development is oppressively high and does not relate well to the Kemp Town Estate. In every location the architect has been required to place too much accommodation on the site to satisfy Explore Living's demands. The outcome, particularly in the case of the Cliff Building and the Quay Building, is ultimately modular, repetitive and boring – adjectives that can be ascribed to much mass housing.

26 The Explore Living application is so dense that it blocks the very gaps that were negotiated in the Brunswick application.

27 The Rule 6 witnesses have spent hundreds of hours and thousands of pounds of our own money because we passionately believe this is overdevelopment of the western end of the Marina. It is simply "a financial diagram expressed architecturally" to quote Hugh Pearman the editor of the Architects Journal when writing of the King Alfred development (See attachment 6 - it is interesting that Frank Gehry privately opined that the perimeter blocks on the King Alfred development were too high as a result of the pressure to meet affordable housing targets and replace a sports centre on site. There are obvious parallels with the Explore Living application at the Marina.)

29 The Explore Living application is a massive overdevelopment that will permanently destroy two of Brighton's greatest assets – the views along the coast towards the South Downs National Park and the setting of the world class Kemp Town Estate.

**30 At the outset of the Inquiry I said I am a BIMBY and I urge you, Sir, to recommend to the Secretary of State that this appeal be refused to ensure we have something Better In My (our) Back Yard.**

**Robert Powell for  
Marine Gate Action Group  
1,450 words.**

5.1h That building costs have been wildly underestimated and the project will be abandoned part-completed if the developers become insolvent.

Laing O'Rourke plc is the largest privately owned construction firm in the UK operating internationally. It commands a unique position in the market place by being able to deliver the planning permissions the company secures through its own internal resources. Having delivered Ascot and very shortly Terminal 5 at London Heathrow on time and on budget, supported by a directly employed labour and manufacturing capability, the Marina, subject to planning, holds no hidden surprises for the business.

5.1i That the photo-montages we use to visualise the project are not realistic and are doctored to make our buildings appear smaller than they will actually be.

All our photo-montages are genuine and have not been distorted in any way. We list below the processes and procedures that sit behind the production of the images in question:

In the early stages of considering how to design the development and as part of our consultation plan, a large number of 'verified views' of the site were identified and agreed with Brighton & Hove City Council's planning officers. The basis of their selection was to test how the emerging and final proposals would be seen in the context of their existing environment and surroundings. These positions were published in our very first exhibition in July 2006 before any of the current proposals were developed.

Miller Hare a specialist company in this field, accredited by the Council, was selected to prepare these visualisations to accurately depict the impact of our proposals in the views selected. To further demonstrate Miller Hare's credentials, John Hare has recently been involved in setting the technical standards for 'Accurate Visual Representation' for all the major planning applications in London.



The methodology used to create these images is based upon carefully taken large format photographs, accurately surveyed camera positions and a range of points visible within the photograph. This information/data is then used to precisely position each of the new buildings proposed relative to their existing context. This allows anyone viewing the images to have a reliable basis for judging the size, location and appearance of the proposals.

The process is intended to be completely auditable by all and anyone with a concern is clearly entitled to challenge our processes through an independent third party providing a second opinion to us and Brighton and Hove. As part of our application we have submitted a full method statement from Miller Hare describing the techniques used to create the images accompanied by the data to allow the content of each image to be independently verified. We would be more than happy to make this available to any interested party to demonstrate how transparent and fair the process is.

5.1j That we don't understand the microclimate at the Marina and the trees we are proposing will not survive.

We have completed a full evaluation of the microclimate at the Marina. Our proposals clearly state that due to the prevalence of salt spray and wind, available tree species for use within the Marina is limited. Native shrub and herbaceous species will be used wherever possible and the layout and form of planting will vary according to the location within the Marina.





## 2 Design and architecture

### 2.1 Building height

#### 2.1a What feedback are you getting about the height of your scheme?

We are getting a mixture of both concern and positive feedback.

The results from our consultation programme indicate a general acceptance that the Marina divides itself into three distinctive character areas:

- To the east is the existing residential sector, the scale of which has to be respected.
- To the west is the western quarter (currently including the ASDA car park) where tall buildings should be situated, providing they are positioned to the south of the existing ramps, integrating and connecting with the scale and form of the Brunswick scheme.
- In between sits the existing District Centre (including The Octagon, Merchants Quay and Alias Seattle), the buffer separating the new from the old.

As a consequence of these findings, all of our buildings have been significantly reduced in height and now present a scheme that proposes a landscape of green roof tops, creating much improved views from the cliff top, and of the cliff from the public areas within the scheme

Marina Point, our tallest building, is positioned to the south of the entrance ramps away from the cliffs linking with the Brunswick development.

#### 2.1b Do your proposals consider the Brighton Marina Act 1968?

While our proposals provide the rationale for a limited amount of development above the cliff height, legally it is for the city's planning committee and full Council to decide whether the benefits of our scheme are sufficient enough to relax the Brighton Marina Act 1968.

Our scheme does respect the Supplementary Planning Advice for the Marina, agreed by Brighton and Hove City Council in 2003.

#### 2.1c Is this the scheme with the forty-storey tower?

No.

The Brighton Marina Regeneration Project is completely independent of the outer harbour scheme by Brunswick Development that was granted planning approval in 2006.

### 2.2 Services

#### 2.2a Isn't this a gross over-development of the Marina?

No.

We sincerely hope that the level of change introduced into the scheme during 20 months of consultation demonstrates that we are fully committed to creating a balanced response, not a purely financial reaction, to the constraints, opportunities and concerns that surround the development of this important area of the city.

All regeneration projects naturally require a certain amount of development to fund the massive investment needed to deliver the site-wide improvements to the existing public realm, the transport and pedestrian links, and the community re-development so characteristically required for schemes of this type. A position that will be checked by the planning department as part of the determination process.

#### 2.2b Won't another development at the Marina only stretch existing services?

No.



# Cliff bridge...

The majority of you said that you are in favour of a cliff-top bridge for pedestrians and cyclists, to assist in accessing the Marina, provided the historic and geologically important cliff face is protected.



Could the cliff-top bridge look like this?



Could the bridge link the Marina...

# Cliff Park...

83% of respondents thought the idea of a park at the foot of the cliff was good and were in favour of opening up the under-cliff park for pedestrians and cyclists.



# Retail...

There was strong support for an improved retail offer which was well designed and could help attract people into the less successful commercial areas of the Marina.

# Public space...

The majority of you expressed a desire for green spaces and some prioritised play areas for children. Others raised a desire for a board-walk in the western area, water features, community facilities such as a post office, doctor's/dentist's surgery, cafés and more leisure uses.

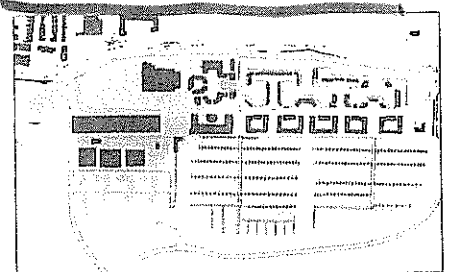


# Tall buildings...

The Masterplan for Enhancement, agreed by the City's planning committee in 2003, sets out planning guidance for developing the western area of the Marina and included principles that accepted tall buildings.

indicated support for them, suggesting suitable positions in the area, with an emphasis on placing them further away from the cliff and avoiding blocking views to the sea.

In view of recent controversy locally about the Brunswick Development's tall buildings, we asked a direct question to establish people's views on whether or not tall buildings would be acceptable in the western area of the Marina. Overall, 50%



In the sketch above the green shading indicates a area where building height will respect the existing cliff level and the orange shading represents where tall buildings could be introduced.



## GUMMER

Undermining the planning system will prevent UK plc from getting off its knees

# Committees must be guided by the facts, not by objectors



John Gummer

In this last column of the old year it seems fitting to give one last blast to the authorities to remind them how best they can serve the regeneration of Britain in the difficult times that we know will continue until well into 2010. I fear there are too many in government at every level who have ceased to believe that what they do really matters. The time everything takes, the inertia in the system and the increasing complexity of the issues tempts politicians and bureaucrats alike just to keep the system ticking over. That is simply not good enough to weather the storm that will be 2009.

We have got to set to and get this economy off its knees, and for that development is crucial. Every single opportunity to grow needs to be seized. That doesn't mean we should do things of which later generations will be ashamed. We can't throw over all the sustainability and design principles that we have built over the decades. Our development must be well designed, energy smart and a credit to the new millennium. That said, we have to make it easier for development to take place. When all the economic factors are conspiring to stop our growth, the system must be tuned to encourage it.

### Plan-led?

So we have to rescue the plan-led planning system. Developers know it isn't working. Delays are growing and results are increasingly random. Yet, when it was introduced more than a decade and a half ago, the whole point was to give certainty and speed of delivery. The plans would set out where and how development could take place. People would know that, if their proposals conformed with the guidance, planning permission would be granted. That certainty was crucial to the integrity of the whole system. However, in councils up and down the country there is no such thing. Planning committees see their role as almost unfettered and members seem to feel able to respond to any local campaigning group, whatever that does to the published plans and guidance.

**We have to make it easier for development to take place. When all the economic factors are conspiring to stop our growth, the system must be tuned to encourage it**

An example, hot off the press, with which I was involved as an expert witness will make the point. For two years, Laing O'Rourke had worked with Brighton & Hove on the much-needed regeneration of Brighton marina. Their plans included 40% affordable housing, which would have provided homes for a quarter of the town's most vulnerable groups. In a time of real economic difficulty it would have put £1m a week into the locality and guaranteed more than 700 jobs as well as real apprenticeships. Objections from the statutory bodies were overcome one by one and the planning officers were able to recommend the scheme as fully compliant with the council's own planning requirements. The committee, however, judged otherwise. At no point was there any real appreciation that the planning system itself was being undermined. Indeed, this is the case up and down the country.

### Restore the integrity

Having agreed the plan and formulated the guidance, local authorities have a duty to uphold a system that gives certainty to developers and investors alike. Refusing to accept a framework that has been adopted is a serious matter. Democracy does not work without the rule of law, and that is what the plan-led system provides. If the implementation is random, development becomes more expensive and more hazardous.

In a downturn, this is particularly damaging. This is the moment for the DCLG to make clear that inspectors are going to insist on the integrity of planning. At a time when development is difficult and regeneration and housebuilding diminished, we need all the encouragement we can get. Nothing makes development more likely than the certainty of the system. Property people must know that they can rely on the rule of law and that randomness will be removed from the equation as far as is humanly possible. If Hazel Blears can deliver that she will make the biggest possible contribution at this very sensitive time.

### Christmas postscript

2009 will mark the 10th anniversary of this column and, from January, in keeping with the spirit of the times, it will appear monthly. In the meantime, despite all the gloom, Happy Christmas. In a year such as this, its wonderful message couldn't be more appropriate. So, Happy Christmas yet again.

*John Gummer is Conservative MP for Suffolk Coastal and a former secretary of state for the environment*



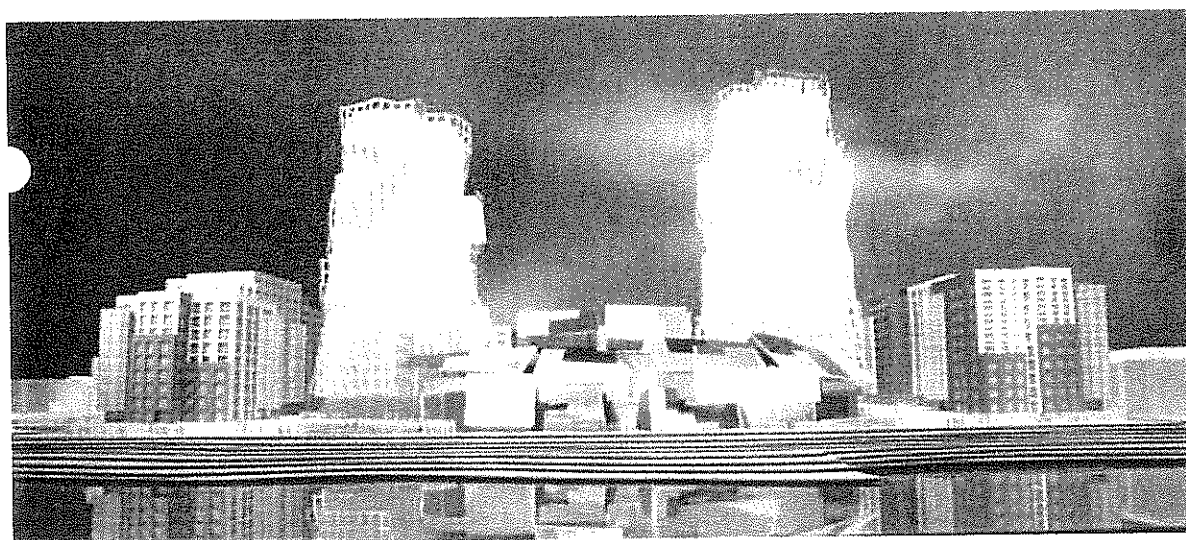
# GABION

HUGH PEARMAN

About Gabion | Articles | Books | Vaults | Contact | Email Alerts | Search | Home

## Frank Gehry and the land of the Prince Regent.

Text © Hugh Pearman, images courtesy of Karis/ING. A fuller version of the news story published in The Sunday Times, 11th September 2005, as: "Brighton's towering makeover". Critical appraisal added at the end.



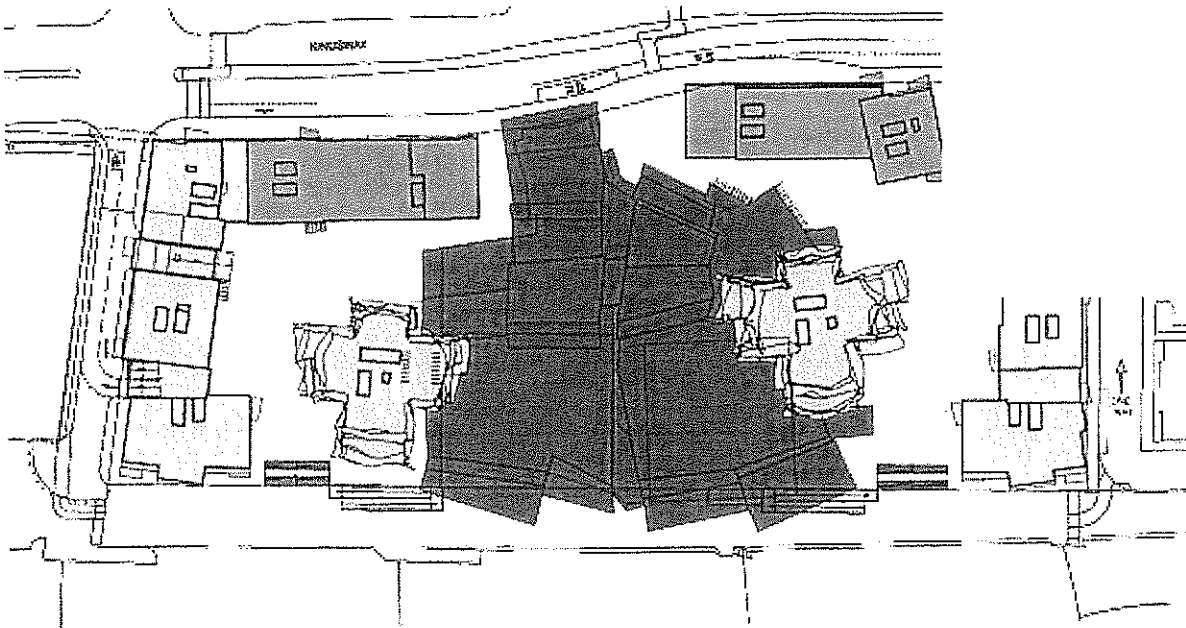
The Regency seafront of Brighton and Hove has seen nothing like this since the mad oriental domes of the Brighton Pavillion in the early 19th century. Now the Sussex seaside city, always torn between gentility and decadence, is about to get a 21st century equivalent. America's world-famous architect Frank Gehry, responsible for Bilbao's Guggenheim Museum, will on Tuesday unveil the final designs for his first big British project - an exotic £290m confection of billowing seaside apartment towers and multi-coloured pleasure dome.

Gehry has been one of the world's most in-demand architects since his startling titanium-clad design for the Guggenheim made industrial Bilbao into a worldwide tourist destination in 1998. The equally daring 2003 Disney concert hall in his adopted Los Angeles confirmed his global reputation. Canadian-born, he has long wanted to build in the mother country but so far has only a small "Maggie's" cancer-care centre in Dundee, opened in 2004, to show here.

If his Brighton scheme gets the nod from the planners - and deputy Prime Minister John Prescott, if it is called in for government scrutiny - then Brighton and Hove, these days a boom city rather than a fading resort, will have its new architectural icon. Built on the site of what is at present the run-down King Alfred Leisure Centre towards the Hove end of the seafront, it will cover more than four acres.







new £46m sports centre beneath an irregularly domed roof of jagged multi-coloured metal panels, will be surrounded by 754 apartments in two typically unorthodox towers and several lower blocks. There will also be shops and cafes around a sequence of small squares and alleys, which will include artworks by Anthony Gormley, sculptor of the "Angel of the North".

Now 76, Gehry can afford to pick and choose his work around the globe. He designed the tiny Dundee Maggie's Centre for free because he was a friend of its founder, the late Maggie Keswick Jencks. He was approached by Brighton-based developer Josh Arghiros from the Karis/ING consortium, helped by British architect Piers Gough, a friend of Gehry's. Arghiros says: "I think Frank has captured the spirit of this city - that was his intent. We are a multi-cultural, energetic, vibrant and liberal city. We are all about freedom of expression and that is what his architecture has so effectively captured."

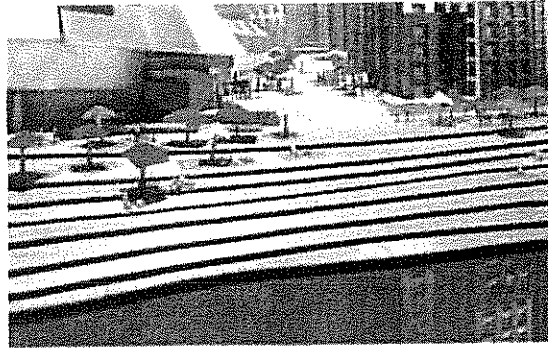
Gough, whose own work includes a former house for U.K. media celebrity Janet Street-Porter, acts as Gehry's UK consultant for the project. The scheme has changed radically since Gehry first beat leading British architects Richard Rogers and Wilkinson Eyre in a competition for the site nearly two years ago. Then he proposed four, taller towers but, according to Gough, he was not happy with that. "Frank has shuffled it all around," says Gough. "There's now a carapace of mid-rise buildings around the perimeter. I really think he's paid attention to the context of Brighton. He doesn't just build his first idea. It's the architecture of the pleasure principle, exuberant like the seaside."

Speaking from Los Angeles, Gehry said that he had never wanted very tall towers, but that he was urged to do so by the Government's architecture watchdog, CABE (Commission for Architecture and the Built Environment). However, he chose to slash the height after winning the competition. "From the beginning, I thought that higher buildings were out of scale with the community," he said. "Then we discovered that there was a price premium on building taller anyway because of ground conditions on the shoreline. So in the end God had the final





say, which is comforting." Now the scheme is only 10 per cent more dense than the city's Regency squares and terraces, he says - "so we're in the ballpark."

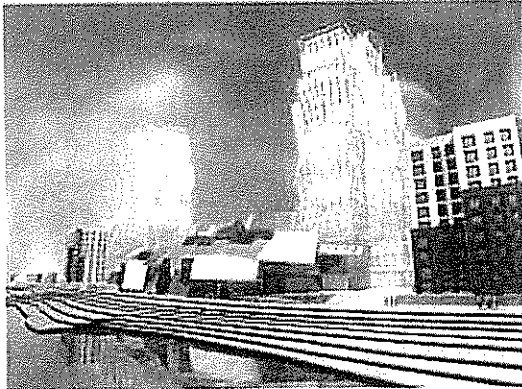


He had also designed a more subdued colour scheme for the central sports centre but again was urged to be more extreme by the government's advisors, he says. Either way, the explosion of colour is intended to reflect the lively, slightly louche nature of the seaside city.

Gentility gets a look-in, though: he has remained true to the idea of Victorian ladies being blown along the seafront with billowing dresses. "One thing that impresses me is the Victorian character of the town," he says. "I've got this picture of the maidens in their floating dresses in Brighton on the wall of my office. It's a kind of inspiration and the towers now do look as if they relate to that." The towers are each 24 storeys and 250 feet high.

However, he does not see this as a platform to launch himself in Blighty. "I have no yearning desire to invade England," he chuckles. "I think you're well taken care of by Richard (Rogers) Norman (Foster) and the boys." If he does another British project, he says, it might be another Maggie's cancer care centre, a cause he feels strongly about.

Gough has another take on this. "I think Frank would love to build something of a good size in Britain," he says. "He's Canadian, there's a bit of Britain in him. I think that he wants to show the British big boys that it is possible to do a different kind of architecture."



Not everyone is a fan, however. The city's two main conservation groups, the Regency Society and the Brighton Society, both objected to the first, taller, scheme. "I think the whole thing is totally crackpot," says Selma Montford of the Brighton Society. "It's marginally better, but its appearance is absolutely wrong on this site. The council wants it to be a tourist draw like Bilbao, but that's ridiculous. We are absolutely overrun with tourists here already."

Montford complains that the sports centre will not have all the facilities that the council wanted, and that the mix of luxury apartments and 40 per cent "affordable" homes will cut out people on average incomes. "We do have a severe housing shortage in Brighton, but these schemes do nothing for these people," she says. "Many of them are likely to go to investors".

Duncan McNeill of the Regency Society welcomes Gehry as an architect, but questions the brief. "I'd love to see Gehry build something," he says. "The developers and Gehry have done nobly. But you have to question why the council has so arranged it that you need to build 700 flats to pay for the leisure centre. It's a political issue."

Brighton City council has a policy of paying for new public buildings through the private sector: its acclaimed new Jubilee Library, built as a Private Finance Initiative project, is on this year's Stirling



Prize shortlist. But objections to Gehry's project are likely to focus both on its high density and the fact that the city has a financial interest because it owns the site - as it also does the Brighton Marina at the other end of town, where a far taller development of skyscraper apartments is planned by Gehry's rival architects Wilkinson Eyre.

"The more they build on these sites, the more the council benefits," says Montford. "How can they be objective? Just because Frank Gehry is a famous architect doesn't mean that this scheme is appropriate to its site."

Gough, however, denies that Gehry is playing the big-name game. "He's uncomfortable with the idea that because he's famous he can impose solutions. He's passionate about context. At first I was encouraging him to do something even more spectacular. To start with he went along with it, but then he said, 'Don't you think we should do something more modest?' You can tell when he's not happy. He prowls around the room. It's only when he finally resolves the problem that he lights up."

Next month (October 5) Gehry will fly over to run through the project for a final time with CABE - a measure of how the Government's advisors see it as being nationally important. If the project overcomes all its planning hurdles, it could start to be built in 2007 and will take four to five years to complete. What would "Prinny", the Prince Regent, later King George IV, make of it all? Well, he commissioned John Nash to build the deeply eccentric Brighton Pavilion as his summer retreat, thus inventing the seaside holiday as we know it in 1820. He'd probably wonder what all the fuss was about.

Footnote: this was a news story, not a critical appraisal. I'll add one here. This is not vintage Gehry because he has been obliged to work to an over-dense brief. The towers are good, the indicated sports centre element works well between them and in front of them. These elements need more elbow-room, however: the conventional blocks crowd too closely around them.

It is a simple financial diagram, expressed architecturally: if all those apartments have to pay for the city's sports centre, and 40 per cent of them are "affordable" which means not terribly profitable, then you really have to stack 'em up to make the equation work.

Interestingly in my conversation with Gehry he casually mentioned that in his view those perimeter blocks could be a couple of storeys lower.

Email this page to a friend

**Eye Catching Domes**

Clear, white & colored domes Ranging from 1-1/2" to 69" diameter

**A Better Brighton?**

New Brighton & Hove Issues Forum Discuss. Read. Connect. All Online.

Ads by Goooooogle

© Copyright 1998-2005 Hugh Pearman  
 For text reproduction rights to Sunday Times articles, contact The Sunday Times Syndication Website  
<http://www.hughpearman.com>  
 Website developed by Archiseek.com.

