

BRIGHTON MARINA REGENERATION PROJECT

proof of evidence
Richard Coleman

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I.0 Qualifications and Experience

- 1.1 I am Richard Coleman Dip Arch (Cant), RIBA Chartered Architect and Independent Architectural Consultant.
- 1.2 I give advice on architecture, urban design and matters concerning development in historic environments. My consultancy was set up in 1997, after I had been Deputy Secretary at the Royal Fine Art Commission for nearly 13 years. As principal of Richard Coleman Citydesigner (RCC) and previously of the Richard Coleman Consultancy (up to 2007), I have contributed to a great number of high profile projects, including the Swiss Re Building (the Gherkin) in the City of London, concerning development which affects conservation areas and listed buildings. I have endeavoured in my work to encourage the highest level of design thinking to ensure an appropriate level of harmony between the old and the new. A clear assessment of existing environments and their history, and of imagined environments and their future, lies at the heart of understanding these matters.
- 1.3 I was appointed by the Deputy Prime Minister's Office in 2002 to be part of a working group tasked with rewriting PPG15 and PPG16.
- 1.4 I was also appointed in 2005 by the then Mayor of London to draft the 2005 (first draft) version of the Supplementary Planning Guidance for consultation on the London View Management Framework (LVMF), for the management of views across London as outlined in Section 4 of the London Plan. The published draft was subsequently completed by others. More recently I was appointed by the present Mayor to review the current LVMF on his behalf, the consultation document for which was issued in early June this year.
- 1.5 Relevant examples of recent studies which have received approval

include: the recasting of the post-war centre of historic Winchester with Allies and Morrison; the historic and visual analysis of the proposal to extend the Grade I listed Holburne Museum in Bath (World Heritage Site) with architect Eric Parry; a regeneration project at Victoria, London consisting of buildings up to 87m in height and affecting the setting of the Grade I listed Buckingham Palace and Grade I listed Royal Parks with architects KPF; high buildings proposals for Blackfriars(38 storeys), London affecting the setting of views from Westminster World Heritage Site and Grade I listed St James's Park with architects Wilkinson Eyre; and the Brunswick Scheme at Brighton Marina also with Wilkinson Eyre.

1.6 Further prominent schemes are listed below:

- Assisting Merrill Lynch and their architects, Swanke Hayden Connell, in the planning of their new London HQ alongside two scheduled monuments, Grade I, Grade II* and Grade II listed buildings and three conservation areas just north of St. Paul's Cathedral – (built).
- Assisting Foster and Partners' design team in developing the urban analysis for a new residential development on the south bank of the River Thames at Albion Wharf, Wandsworth- (built).
- Assisting Foster and Partners' design team in developing the rationale for the Millennium Bridge between St. Paul's Cathedral and the new Bankside Tate Museum of Modern Art, at a time when the City Corporation was against it – (built).

- Assisting Dixon Jones in the design development of Kings Place in Kings Cross – (built).
- Collaborating with Lord Rogers of Riverside and Sir Richard MacCormac CBE RA PPRIBA in requesting amendments to PPG15 through the publication of the 'Revised PPG15' and making a personal presentation to the Minister of Planning Mr Richard Caborn (mid October 1998).
- Providing conservation guidance to the London Institute and their architects, Allies and Morrison, on development at the former Royal Army Medical College Buildings, Millbank London, to form the new Chelsea Art School – (built).
- Advising Shell on the development of their South Bank site in collaboration with Arup Associates – (approved).
- Advising client Scottish Widows, and architect Eric Parry on the redevelopment of 30 Finsbury Circus- (built and runner-up in 2006 Stirling Prize).
- Assisting David Chipperfield and Candy and Candy to achieve planning permission for a new building at Victoria Road/Kensington Road opposite Kensington Palace-(approved).
- Advising Scottish Widows, and Eric Parry, architect on the restoration, to rebuild and redevelop a

major site between George Street, Maddox Street and New Bond Street- (under construction).

- Assisting Ken Shuttleworth of MAKE Architects to achieve planning permission for the Brompton Crystal on Brompton Road, Knightsbridge in the Royal Borough of Kensington & Chelsea – (approved).
- Assisting Sir Terry Farrell in British Land's project near Regent's Park at Osnaburgh Street – (under construction).
- Assisting Wilkinson Eyre on a major project at Brighton Marina (the Brunswick scheme), incorporating a 40 storey residential tower adjacent to several Grade I listed buildings and an Area of Outstanding Natural Beauty, now a National Park – (approved).

1.7 For the record: I have been a resident of the city of Brighton and Hove since 2004. I studied the proposals for the Brighton Marina while a student in Hastings in 1968 and was previously a resident during its construction in 1971, before leaving to study architecture at Canterbury School of Art.

2.0 Introduction and Appointment

2.1 I give evidence in support of the appeal scheme in respect of its architectural and urban design quality and its acceptable effects on the settings of listed buildings, conservation areas, views of and from them and the Sussex Downs and Coastal Views. In particular, I show why the planning policies, referred to in the first reason for refusal as originally cast, and then clarified and amplified by the City Council on 2nd September 2009, are in fact fully complied with, and why the appeal scheme does not dominate designated assets but instead relates satisfactorily to its context, the setting of nearby heritage assets and views of them. Moreover, I show why the appeal development will be a beneficial addition to the city and an enhancement to the surrounding local environments.

2.2 The specific policies I deal with, which are listed in the first reason for refusal are:

Brighton and Hove Local Plan-

- i. QD1
- ii. QD2
- iii. QD3
- iv. QD4
- v. HE3
- vi. HE6
- vii. HE11
- viii. NC8

South-East Plan-

- ix. C2
- x. C3
- xi. BE1

I also deal with the now superseded East Sussex and Brighton and Hove Structure Plan policies originally cited in the first Reason for Refusal, at

Appendix C. I also cover policy SU7 of the Brighton and Hove Local Plan (CD8/1) which is pertinent to my evidence; and BE6, TC2 of the South-East Plan (CD7/1).

- 2.3 I am known and respected for my independence of view and while I am obviously paid by the client, I am not prepared to damage my integrity by supporting designs in which I do not believe. I believe my record of completed projects is testimony to that. For example, in the early days of planning the Heron Tower in the City of London and following the approval of the Gherkin, I made clear to my client that I could not support a 40 storey tower on the site owing to its adverse effects on views of St Paul's Cathedral from Waterloo Bridge. I offered to resign but my clients continued to fund my further involvement despite my lack of support, in order to fully understand the risks involved. I took no part in preparing either the planning application or the subsequent public inquiry.
- 2.4 My first involvement in the appeal scheme began in August 2006, when Explore Living were pursuing a draft masterplan for the site. Since I had carried out the visual assessment for the Brunswick Scheme at the Marina, it was felt that my assistance and advice on the form and height of the appeal scheme, in relation to sensitive designated nearby assets, would be helpful. When I first saw the scheme at that time, it approximated to the scheme illustration in the Design and Access Statement at page 52. I provided a critique which questioned the proposed massing and its potential adverse effect on views from Kemp Town. I was pleased that Explore Living agreed to have the scheme redesigned to rearrange the mass according to my advice. Following this I provided advice at regular stages throughout the design development. This was done in the first instance by using the accurately constructed view surveys based on those prepared for the Brunswick scheme. These were used as an initial test.

- 2.5 Essentially my role has been to provide continued design assessment in order that the designs submitted for planning approval would fulfil the requirements of quantitative and qualitative assessment, as required within the scope of an Environmental Statement and satisfy national, regional and local policy, including townscape good practice. I have, therefore, been intimate with the design process undertaken by the architects. I have attended regular meetings with them and other advisors throughout the appeal scheme's development. I have also met regularly with the individual architects to discuss many aspects of design and to provide advice on the effect of the appeal scheme on heritage, urban design, townscape and landscape views. In consultation with Brighton and Hove City Council and with the help of visualisation specialists, Miller Hare, I carried out the field work necessary to choose a more specific set of townscape views for the scheme which best represented the appeal scheme in its various contexts. These were subsequently agreed by officers with the further inclusion of views specifically requested following a site visit with Mr Roger Dowty. All the views were then included in my Townscape and Visual Impact Assessment (TVIA) (CD2/10.3), which comprises Chapter 9 of the Environmental Statement as part of the planning application. I have also provided support to the design team at each of the presentations made to key consultees, such as: Brighton and Hove City Council, English Heritage (EH) and the Commission for Architecture and the Built Environment (CABE).
- 2.6 I believe the SPG15 on Tall Buildings (CD8/8), the SPG20 on The Marina (CD8/9) and the approval of the Brunswick scheme endorse the principle of high density and high buildings for the west end of the Marina. They should be given due weight. The Gillespie Report (CD9/1) on high buildings in Brighton, which provided the basis for SPG15 (CD8/8) studied very thoroughly, through view analysis, the potential for tall buildings at the Marina. This can be found at section 15.0 page 58 of the report (CD9/1). It concluded that it was a suitable nodal point for tall buildings and informed

the drafting of SPG15 which confirmed the Marina as an appropriate site (section 15.6.1, page 59). CABE's overall support (letter of 3rd October 2008, Appendix D, page 60), English Heritage's decision not to object to the proposal (letter of 24th October, Appendix D, page 63), and Brighton and Hove City Council planning officers' balanced recommendation for approval contained within the committee report dated 12th December 2008 (CD3/1.1), together represent a recognition of the efforts by Explore Living to develop a suitable and viable proposition for the Marina, which arises directly out of local planning policy, and is sensitive to the various designated environments around it.

- 2.7 In the life of this commission I have provided continual assessment of the developing scheme, collaborated with Bob Allies in design sessions, debated the design and its effects with city planners, English Heritage, CABE and local interest groups, and worked creatively with a client who I believe has the honest intention of providing a high quality product. This has been an extremely pleasurable process and I am proud of the final scheme.

3.0 Scope of the Evidence

- 3.1 My evidence stands alongside that of Bob Allies, the architect, Iain Reid, the landscape witness and David Gavin, the planning advisor. It deals with townscape, visual assessment and heritage.
- 3.2 It is helpful if my evidence is read in conjunction with my Townscape and Visual Impact Assessment (TVIA) (CD2/10.3) which was submitted with the planning application and forms section 9 of the Environmental Statement and which concludes in support of the scheme. Much of my evidence is drawn from this document and is expanded upon in the light of consultation responses together with the reasons for refusal (CD3/2) given by Brighton and Hove City Council. A resume of the TVIA document is found in the next section, and references are made to it throughout my evidence.
- 3.3 After a general statement about the challenge this site presents, I continue with a review of the history of the area, which shows the way in which it has benefited from strong urban initiatives, which in each case have transformed the townscape, in the best tradition of the historic urban structure of east Brighton. In the case of the appeal scheme this transformation goes further, through comprehensive regeneration and through a range of contributions, towards community facilities in the immediate area.
- 3.4 After describing the six elements of the scheme in my own terms, I consider the validity of the reason for refusal 1 and refute it through the various policies listed by the Council, showing how in each case, the policies actually support the scheme. A short section considers the view assessments. I devote one section to the effect and impact of the scheme on the Grade I listed Kemp Town townscape group and a further section on views from the AONB and the Coastal Zone. My penultimate section comments on relevant third party submissions received before the issue of this proof and the final section forms a summary and conclusions.

- 3.5 The appendices are in a separately bound A3 document. I point out some minor errors within my TVIA document in Errata at Appendix A. Appendix B outlines my CV and Appendix C is a commentary on policies within the superseded East Sussex and Brighton and Hove Structure Plan. Appendix D contains illustrative figures and relevant correspondence from CABE and English Heritage.

4.0 The Townscape and Visual Impact Assessment

- 4.1 The TVIA (CD2/10.3) is an important document which should be read in conjunction with this proof. As its author I believe it portrays a fair and accurate assessment of the existing environment, together with its history, the planning policy background and appropriate designations and a fair assessment, in accordance with an agreed methodology, of a comprehensive set of 43 accurate visual representations (AVRs) consisting of: coastal; downland; marina; and townscape conditions, which show the appeal scheme in relation to all the known sensitive environments. It concludes with a strongly positive endorsement of the scheme.
- 4.2 The assessment methodology is explained in detail. It is important that the results of the assessments are judged in terms of the methodology. The assessment has an overall flavour of positivity because both the idea and the design have considerable merit. The appeal scheme is well designed and demonstrates good contemporary architecture appropriate to its context and is designed to be seen from a number of contexts. Its high level of design quality has been an essential factor because of this, and in ensuring that its appearance from various places is positive and furthermore, complements the skyline which will be created once the development scheme is constructed.
- 4.3 The methodology for constructing the AVRs is also explained. It is important to note that the written assessments are not assessments of the photographs in the document but are of the view as experienced from the actual viewpoint in a 'real-life' sense. There have been comments from individuals that the images have been manipulated. One example is the e-mail from Kate Stevens dated 31st July 2009 (Appendix D, page 73), and another is the Statement of Case provided by Save Brighton (SB/1). This is not the case and is not an accusation which has ever been made

by the planning authority. While no photomontage can replicate what the eye can see, the AVR methodology is clearly stated and carried out by Miller Hare, a highly reputed practitioner in the field and a consultant with whom I have recently worked for the Mayor of London in reviewing the London View Management Framework. It should also be noted that the AVRs are an accurate 'tool' to enable the viewer to stand at the viewpoint and interpret the effect the appeal scheme will have. This is the method of assessment used in the TVIA (section 2.2.2, page 4), (CD2/10.3).

- 4.4 Following a review of the history of the area, the six site developments are described and assessed in terms of design quality. The various designations are explained such as the AONB, conservation area and listed buildings, and the effect on them by the scheme. Particular emphasis is given to the physical and visual relationship with the Kemp Town townscape group, both on account of their status as a conservation area, and as a contiguous group of Grade I listed buildings.
- 4.5 The scheme is reviewed in the light of national, regional and local planning policy and guidance.
- 4.6 The bulk of the document is given over to the comprehensive illustration and assessment of the scheme in 43 accurate visual representations superimposed onto surveyed photographs. These are categorised into the four sections mentioned in paragraph 4.1 above. After an explanation of the choice of views, which was supported by planning officers, an explanation about the written assessments is given. In particular, the role of the assessment is to demonstrate the effects through visual means, interpret these effects as they impact upon environments and people's perceptions of them, through illustration and the written word. Necessarily, an effort is made to categorise the quantum of the effect and whether or not it is beneficial, but the reader is advised not to rely on them as absolute, or to regard them as a substitute for making a

balanced judgement overall. It is necessary to read the impact statement rather than to rely on the categorisation; while the latter is required by ES guidance it is capable of being misleading without explanation.

- 4.7 Maps showing the overall positions of views are complemented by detailed maps for each view. The photographs are produced at a very high resolution and are only adequate in this respect when printed by my consultancy. Properly printed documents can be identified by the applied hologram found on page 1 of the document.
- 4.8 My methodology is essential reading for understanding my assessments. This is set out in section 2.0 of the document and reflected at the beginning of section 12.0. The methodology has been developed from my experience of assessing urban environments. It assesses quality and where it is found to be of a high standard a beneficial effect can be expected in each of the view studies.
- 4.9 The conclusions of my TVIA (CD2/10.3) in its section 13 acknowledged the scheme's overt prominence, high design quality and potential to add to Brighton's famous buildings. They established that the quality of the design would ensure an enhancement to the environments it affects, while improving perceptions of the Marina in townscape terms. No harm was considered to be done to specific designated assets while accepting the loss of some coastal and sea views. The scheme was also considered to be in harmony with national and local policy as set out in section 11 of my TVIA. The TVIA recorded the care with which tall buildings have been introduced both in relation to the Marina and in relation to the neighbouring environments. It further concluded that in relation to the Grade I listed group known as Kemp Town, the scheme interacted well by virtue of design. The loss of some coastal views were believed to be adequately replaced by the fine urban planning, high quality architecture and the regeneration credentials of the scheme (see 11.6 of this proof).

The TVIA also concluded that the effect of the Brighton International Arena proposal, to the west of the Marina would adversely block good views of Kemp Town from the Marina's western breakwater and contrasted this direct effect with the more subtle and indirect interventions of the appeal scheme. The existing view from the breakwater is at Fig. 33, page 46 of my appendix D and the proposed Brighton International Arena is superimposed on it at viewpoint M43, page 215 of my TVIA. The TVIA concluded that the appeal scheme is acceptable, and beneficial and deserves to be approved.

5.0 Appeal context and the challenge of the Site

- 5.1 The western end of the Marina provides the highly desirable potential for the best kind of holistic regeneration. I believe the appeal scheme can and will achieve this while being sensitive to environments of acknowledged importance.
- 5.2 There is an imperative to develop the west end of the Marina for the following reasons. Currently it is devoid of any townscape quality. It is attracting anti-social activity especially at night and businesses there are under strain. It is one of very few sites which can assist the city to grow sustainably. It also represents one of very few opportunities for Brighton to generate some of the housing the city needs to provide, (Mr David Gavin's proof, paras 4.23-4.25). The constraining geography of Brighton and Hove, between the sea and the South Downs, illustrates just how valuable under-used urban land within Brighton is for this purpose and why. SPG15 Tall Buildings (CD8/8) notes this constraining geography and lists the small number of 'brownfield' sites available for high density development incorporating high buildings. It includes the Marina as one of five 'nodes' suitable for this approach. SPG20 Brighton Marina (CD8/9) promotes a high density development which includes high buildings. The Marina is also part of a lineage of development initiatives in east Brighton, each of which represent their own particular era through the strength of their form and the expression of their architecture, i.e. Kemp Town, Marine Gate, Roedean School and the Marina.
- 5.3 Explore Living have taken the first steps towards achieving an urban transformation by taking hold of the six sites which are underdeveloped and which provide the potential for enhancing the townscape and public realm. They assessed their capability for development, use and quantum. They have succeeded in, ensuring the highest level of design quality,

while taking account of national, regional, local and site specific policy and guidance.

5.4 It has been my role to assess the visual impact on the neighbouring designated environments.

5.5 I believe that development of this kind need not be subdued. Well designed buildings are a pleasure to see from the majority of contexts. Today's historic architecture need not be kept isolated from the new; indeed it is strengthened in its own character by the juxtaposition with the new and worthy. To give examples, I cite two London World Heritage Sites. The first is Greenwich, a formal complex of Grade I listed buildings. In the image shown at Fig. 7, page 21 of my Appendix D, the view from the Wolfe Statue within the park has a substantial backdrop of recent development at Canary Wharf. The decision to balance the effect on the World Heritage Site against the need for regeneration in east London was carefully and consciously made. The second is the Tower of London, Fig. 8, page 22 of my Appendix D, where, since the 1960's, the relationship between tall buildings and the Tower has had to be reconciled through the needs of the financial centre of the United Kingdom. In both cases, the Environmental Statement methodology would categorise the impacts as 'adverse' in relation to the heritage assets. I mention this to make the point that some 'adverse' impacts are not unacceptable.

5.6 It has been important throughout the design process, however, to ensure that the essence of designated assets is not compromised by the proposed development.

5.7 The Marina forms a unique area which does not currently relate to the wider city from a visual point of view. It has its own specifically defined environment which combines the marine use of harbouring boats, with the land-based activities of housing, leisure and retail. The land-based

western end, however, is currently an urban desert which places the car at the centre and which lacks an approach to urban design worthy of the city. In some ways this does not affect the city itself. It only affects the visitor when actually there.

- 5.8 Within the confines of the Marina breakwaters and the cliff, the nature of a new townscape must inevitably build on but also transform the existing urban order. Thereafter, there is a certain freedom which its separation from the city allows. This separation and firm perimeter delineation, established in the late 1960s, brings with it both a privilege and a responsibility. The privilege is the freedom the architect has in designing the urban grain and layout; the responsibility is an imperative to make best and maximum use of previously developed scarce land within the urban limits of Brighton. This must be done within the parameters of good urban design and architecture, respect for the proximity of the designated natural and historic built environment, and properties and local people, which and who will be affected by a significant increase in development.
- 5.9 The principal designations to which attention must be given in the present case are (i) the new/proposed South Downs National Park, the majority of which is already an AONB, (ii) the Kemp Town group of Grade I listed buildings, the Kemp Town Conservation Area and registered gardens, (iii) the natural Cliff SSSI (Site of Special Scientific Interest) within the confines of the Marina and (iv) the Coastal Zone (SU7 BH Local Plan).
- 5.10 The appeal scheme was conceived and developed to consciously raise the townscape profile of the Marina, to make it visible, to make it aesthetically attractive and to ensure that its impact on all aspects of the visual environment would be beneficial and would be guided by the relevant principles of planning policy and planning guidance parameters.

I believe it fully achieves these aims. I am privileged to have been able to collaborate with Bob Allies, whose work I have followed for many years and whose skills as an architect and urban designer are, in my opinion, of the highest order. I have, therefore, been personally involved in and influenced this scheme helping it to develop, sometimes in radical ways, in order to satisfy those principles. In providing a continual series of assessments which have been fed back on a regular basis to the design team, I have been able to monitor carefully its visual performance. This process identified where the proposals needed to address relevant policy and guidance but also, more tangibly, the physical and visual context to which it needed to respond. This feedback developed into a close collaboration with the design team. The regular consultation which took place with the city planners and English Heritage was of significant help in setting and adjusting the parameters of the proposals. Officers from both offered their constructive comments and responses by the design team established a trust between the parties to help resolve the design and townscape issues to their satisfaction. CABI was also consulted and remained positive about the scheme throughout.

- 5.11 In bringing all these consultations together with the comments made by the general public and amenity societies, the BHCC planning officers resolved to recommend approval to their committee. The planning committee recommendation (CD 3/1.1) states: (in section 9, Conclusions, page 164).

"The proposals would generally have an acceptable visual impact on the character and appearance of the locality and views of strategic importance including the setting of Conservation Areas, Listed Buildings and the Sussex Downs Area of Outstanding Natural Beauty."

It goes on to say that: "The scheme is considered to be of very high quality and sensitively designed. The public realm is considered to be of good quality". The officers confirmed, that the appeal scheme fulfils the relevant policy criteria.

5.12 The townscape benefits of the appeal scheme fall into four categories:

- i. The development will be a worthy addition to East Brighton following historical precedent.
- ii. The development will transform and regenerate an underused site thus achieving the aims of SPG20, raising the profile of the Marina.
- iii. The development will introduce the highest quality of urban design and architecture contributing to landmarking and urban legibility.
- iv. The development will preserve the character and enhance the appearance of the historic townscape including the special interest of the conservation area and of the listed buildings, the nearby proposed National Park and the existing AONB.

6.0 History of the area and its townscape development

- 6.1 The following short history resume is an abridged version of the history set out in my TVIA report (CD2/10.3). It is set out here to illustrate how the appeal scheme is one in a line of substantial initiatives in east Brighton.
- 6.2 In the early 19th century, Brighton saw a number of residential developments set apart from the existing town - Royal Crescent (1798-1807) on the east side of the town; Bedford Square (1810-18); and Regency Square (1818-28) on the west side of the town. These developments were subsequently linked to the Old Town as building development in a variety of Regency styles took place in between. Then came Kemp Town which was started in 1823 by Thomas Read Kemp and designed by the architectural partnership of Wilds and Busby. It comprised Lewes Crescent and Sussex Square surrounding private landscaped gardens with tunnel access, under what is now Marine Parade, leading through green slopes to the sea. Chichester and Arundel Terrace, fronting the coast road on either side, formed wings that completed the composition. This development was a courageous urban concept, huge in scale, visionary and speculatively risky. It was planned well to the east of the then town centre on green fields. It was therefore quite separate from the town as is illustrated in the map at Fig: 3, page 17 of my Appendix D. Kemp had the principal elevations constructed and left plot purchasers to construct buildings behind them. It turned out to be over ambitious commercially and Kemp was nearly made bankrupt in the process.
- 6.3 By the mid 19th century, Brighton had become a fashionable resort which extended along the coast for two and a half miles from Brunswick Town in Hove to Kemp Town and inland for one mile from the sea to where Park Crescent now stands fronting a boulevard formed by the Old

Steine, the North Steine (now Valley Gardens) and The Level. Another key development was the construction of a continuous road along the seafront which was achieved by extending out over the low cliff between the Hove boundary and the Old Steine, the road being supported by a series of brick arches. This was later extended to the full length of Marine Drive, in a more pragmatic manner where the rising cliff was faced and a cast-iron structure appended. The much later map of 1928 (Fig. 4, page 18) of my Appendix D) shows this.

6.4 Between the wars, a considerable level of optimism for the seaside town was expressed through the modernist style. Wells Coates' Embassy Court building (see Figs. 35 and 36, page no. 48, Appendix D) was erected on the seafront at the centre of Hove immediately east of Brunswick Town, between 1934-36, and Marine Gate (See Figs 42 and 43, page no. 51, Appendix D) a rather brutal and crude building, was erected at Black Rock in 1937. This can be seen included on the 1965 map at Fig. 5, page 19 of my Appendix D. Further along the coast, the Saltdean Lido and Ocean Hotel in Saltdean also exemplify this period of optimism.

6.5 The post-war period saw the gradual restoration of the Brighton and Hove seafront. Henry Cohen, a local businessman, came up with the idea of a harbour. In 1963, he put forward a scheme called the Brighton Marina, comprising a harbour, entertainment, residential and conference complex. Following some alterations to the original proposal, consent was granted to allow the construction of a harbour within the setting of the cliffs on the east side of Black Rock, with access roads, including a tunnel and ramps, to begin in 1971. Its partial construction can be seen on the 1975 map at Fig 6 of my Appendix D. The Queen formally opened Brighton Marina as a working harbour on 31 May 1979. The Marina now comprises – besides its harbour and boatyard – the Marina Village with quayside shops, an hotel, restaurants and pubs; a multiplex cinema; a leisure centre; a bowling centre; a superstore; car parks; a petrol filling

stations; and extensive residential accommodation. The latter mainly takes the form of three or four storey apartment blocks arranged on promontories in the inner harbour.

- 6.6 The Marina was designed by the Louis de Soissons Partnership and was hailed as a heroic achievement, winning engineering and concrete awards. Difficulties were then experienced with taking the project further in the manner of large apartment blocks, as was intended. (See Mr Allies' Proof of Evidence, page 28) And it was only in the 1980s that substantial residential buildings were built to an unfortunate 'groan' in the design professions. This modern environment was to be compromised by unscholarly sub neo-classical town houses. This was followed by industrial architecture of a low quality with the Asda store and the 'big box' leisure buildings. Only the boats offer a redeeming design feature. Access to the Marina was also criticized. It focused, and still does, on access by car, the main footway from the west being 'forced' beneath the access viaducts and the route from the top of the cliff being a steep set of stairs. The principal car park structure, on five levels, and the four lane access ramps are in a prime position and represent a considerable challenge to establishing a fully coherent townscape grain. The viaduct ramps cannot practically be amended as SPG20 (CD8/9) and PAN04 (CD8/12) had hoped. The rest of the road layout, surface car parks and petrol filling station all conspire against an environment fit for people.
- 6.7 Recent retail and restaurant developments along the north-west edge of the main water body have taken a first step towards a better built environment, bringing forward a hotel and a variety of food outlets, facing the water along the 'boardwalk'.
- 6.8 In March 2008, Brighton and Hove City Council adopted a Planning Advice Note 'Brighton Marina Masterplan'(PAN 04) (CD8/12) to guide the regeneration of the Marina. It was intended to act as a supplement to the

existing Supplementary Planning Guidance Note No. 20 for the Marina 'SPG20: Brighton Marina, A Masterplan for Enhancement (adopted in 2003)'(CD8/9). PAN04 also draws upon SPG15 'Tall Buildings' (CD8/8), where Brighton Marina is identified as a 'node' suitable for the location of tall buildings. This set a number of projects in train, illustrated within SPG20, including those by architects CZWG (Piers Gough) and Hopkins and Partners (Sir Michael Hopkins).

- 6.9 Permission was granted in 2006 for a substantial residential development designed by Wilkinson Eyre, known as the Brunswick Scheme, just north of the harbour entrance, to be built on a new structure over the water and the spending beach. It consists of 853 units in 10 buildings which are built on a platform at two storeys higher than the appeal scheme and which range from six storeys to fifteen storeys with a single forty storey elegant tower. This development, though of high quality design and affording new urban avenues and well designed landscape, will not be able to effect urban and public realm change within the body of the Marina site, by virtue of its position and higher foundation levels, leaving it for later phases of development to resolve the central urban problems. The appeal scheme, however, can resolve these problems and together with the Brunswick scheme, represents a significant step in transforming the Marina for the better.

7.0 The Appeal Scheme

7.1 This project, from the beginning, has as one of its principal aims, the fundamental urban reordering of the western Marina through the highest quality of townscape and architecture. I believe this aim has been achieved within the appeal scheme. The aim reflects the advice by CABI in 'By Design' (CD5/2) and by CABI and English Heritage in their Guidance on Tall Buildings (CD5/1), the latter being reflected in the City Council's own Tall Buildings policy at section 3.4 of SPG15 (CD8/8). It is also a reflection of the planning policy QD4: Design- Strategic Impact within the Brighton and Hove Local Plan (adopted 2005) (CD8/1) through the way its design quality enhances views of strategic importance. The appellant has demonstrated its commitment to a high quality of design in choosing Allies and Morrison as the architects, one of the country's leading practices, which has won many awards including '*Architectural practice of the year*' award and '*Urban regeneration architect of the year*' award, both in 2004. Equally, a development comprised of proposals of such significant size, so prominently sited and in relation to natural and man-made assets of visual and historic importance, cannot begin to achieve an acceptable assessment unless it is of high architectural quality. The fact that it will appear in a number of established and valued contexts is a virtue in view of the fact that the proposed buildings and spaces have been designed to a high quality (Inspector's Report, Shard of Glass, London (CD11/3), see 9.7 of this evidence). These factors require any assessment of the scheme, therefore, to take the quality of the design fully into account. Such an assessment exists within my TVIA document (CD2/10.3) at section 5.0, page 12.

7.2 This project is complex but in essence aims to fundamentally improve the urban context and public realm of the Marina. It does so by redeveloping six sites which help to fund improvements to the public realm; in particular, to reorder the entrance roundabout to enable safer and better pedestrian

movement, but also to densify development and introduce a stronger urban grain. The six proposals are illustrated in section 5.0 of my TVIA document (CD2/10.3) at page 12.

7.3 The Cliff Site: The Cliff Site is the present Asda site, an open windswept car park with an industrial shed standing as an object in space. The replacement building incorporates the ASDA Store, the requisite servicing facilities and the surface car park at lower levels. The upper levels incorporate market and affordable housing, together with a pedestrian route from the cliff via a new bridge onto the building, across a public space and down via a lift or grand stair to the central square. The building is set away from the cliff, the space between being fully landscaped. It consists of a number of 'spines' of accommodation set at right angles to the cliff and forming courtyards with less prominent east/west wings. It relates to the differing heights of the cliff, though some parts of it are higher and some parts of it are lower than the chalk element of the cliff. A clear analysis of its height is found at plan accompanying section 7.11.1, captioned, 'Site-wide survey plan with roof levels of all proposed and existing buildings' of Bob Allies' Proof of Evidence. This is a multi-faceted building with an 'interior' as well as 'exterior' character. The latter expresses a firm grain both through its form and spatial quality, bringing a welcome and articulated order into the townscape, helping to form the new Harbour Square, redeeming the prominence of the access ramps, and bringing a spatial quality to the cliff setting. The interior character consists of public, semi-public and private spaces, which give it a sense of intimacy, a sense of place and a sense of community. The structural planning and design of this building is of a very high quality. Its elevational compositions have a firmness and rigour, together with a rhythmic quality, which is appropriate to its function as a background building.

7.4 The Sea Wall site: The Sea Wall site is where the raw concrete multi-storey car park and the industrial leisure 'sheds' meet the heroic engineering

qualities of the western breakwater. By modifying the west end of the multi-storey car park, a slither of land, within the western breakwater, can be developed for market housing, in a series of articulated pavilions sitting immediately east of the western breakwater, which forms a new 'face' to the Marina. It is as though the promenade buildings fronting the city turn by 90° to form a completion, their roof levels equating with those of the Kemp Town group. The large openings at breakwater level announce new ways into the Marina from the beach level, via a pedestrian bridge which forms part of the approved Brunswick scheme. Formed of a series of pavilions, linked by a lower spine, they are a contemporary interpretation of the Regency seafront and honour that role in their high design quality. The Sea Wall site provides a strong sense of enclosure on its eastern side to what is, at present, a much exposed space, but which is eventually envisaged as Park Square.

7.5 The Marina Point site: The Marina Point site is currently a petrol filling station with no urban quality and constitutes a principal and central site which holds a more civic townscape potential. It stands near the north-west corner of the main water body and is virtually opposite the end of the main access ramps and, therefore, has the potential to form the focus for the new urban plan. A 28 storey residential tower will form such a focus and will signal the centre of the Marina from distant views. Its height and design have been derived from where and how it will be seen; its landward position; and its relationship with the seaward focussed Brunswick tower. Its strongly sculpted balconies give it a calm though characterful image, in contrast to the soaring height and seaward directional quality of the Brunswick tower. Its rectilinear plan is given a high quality sculptural form by the articulated curved corners and the expressive parabolic curved balconies set at alternating levels. It has a memorable character of landmark quality.

7.6 Quayside: The Quayside site is a McDonald's fast food outlet which, like the Asda site, constitutes essentially a single-storey shed embellished

with pitched roofs and standing in open space. This site is in a prime position commanding views of the city, the downs, the boat moorings and the sea. The proposed design is an articulated form but one of robust waterside qualities. Its height has been determined by the wish to relate to the Brunswick lower blocks, and to be a complementary form to the Marina Point tower. It is formed of a series of elements and private spaces, and provides a changing profile to each orientation. It is a skilfully designed building which elegantly addresses each of the spaces it faces.

7.7 Inner Harbour: The Inner Harbour site is a single storey building of inadequate architectural quality on a fairly prominent site adjacent to the second roundabout on the spine road. It has greater potential. The proposal is to replace it with a three and four storey politely and elegantly designed apartment block.

7.8 Petrol filling station: The replacement petrol filling station site comprises the eastern end of the multi-storey car park and includes the space currently occupied by the stair and lift tower and the car park exit lane onto the flyover exit ramp to the north. These will be reprovided and the largely open filling station will be screened from view.

7.9 All six sites, as they currently exist, typify the poor urban layout at the west end of the Marina which followed its construction. Unlike the visionless and haphazard accretion of piecemeal development currently there, the appeal scheme offers the potential for transformation into an authentic and high quality cityscape. This is proposed by appropriate high density developments on each site, constituting a step-change in the perception of the Marina and a step-change in its visibility from other parts of the city.

7.10 The revisions to the scheme since the September 2007 version, in response to comments received during consultations with the City Council, English

Heritage and local people, have resulted in a variety of changes which are described in detail in paragraph 5.1.8 of the June 2008 Design and Access Statement (CD2/7.1) at page 65. At each point of change the architect skilfully refined the designs.

- 7.11 It should be noted that the appeal scheme was conceived following the approval of the Brunswick project. While its form is designed to harmonize with the Brunswick development, it nevertheless would be able to stand alone without it. This is largely because the Brunswick scheme sets itself apart from the land elements of the Marina. It has been described as an 'island village' or a 'city in the sea'. In contrast the appeal scheme is well and truly based in the heart of the Marina on already established terra firma. It is, therefore, not dependent on the Brunswick development. The prospects of both schemes going ahead offers Brighton more than the sum of the two, and a sufficiently transformed Marina so as to leave inevitable the redevelopment of the leisure buildings and the recasting of what will become Park Square.
- 7.12 Having been involved, as townscape advisor to the Brunswick Scheme, I was and remain firmly supportive of its strong form and expression towards the sea. It was important to me that tall elements of the appeal scheme were not set in 'competition' with the Brunswick tower. In particular, the form of the Marina Point tower has benefited in its design development from consciously achieving a contrast with it and through doing so, recognizing its different role, its marking of a particularly relevant civic space within the Marina and, exhibiting a much stronger sense of horizontality than the Brunswick tower. This gives Marina Point a strong visual role as an anchor to the site.

8.0 Reason for Refusal I and Related Policies

8.1 The reason for refusal 1 states:

The proposed development, by reason of siting, layout and height, would be overly dominant and would not relate satisfactorily to existing development within the Marina and would fail to preserve the setting of strategic importance, in particular views into and out of Kemp Town Conservation Area, the Sussex Downs Area of Outstanding Natural Beauty and the Cliff which is a Site of Special Scientific Interest. The proposal would therefore fail to comply with policies QD1, QD2, QD3, QD4, HE3, HE6, HE11 and NC8 of the Brighton and Hove Local Plan and policies S1, S6, EN1, EN3 and EN26 of the East Sussex and Brighton and Hove Structure Plan.

8.2 The purported clarification and amplification amounts to the addition of the word “design” as a further reason for the scheme’s dominance and failure to meet certain requirements; the addition of policy HO4 of the local plan and; more pertinent, the recognition that the South-East Plan now supersedes the East Sussex and Brighton and Hove Structure Plan. Policies from the former now apply as follows: CC1, CC6, CC8, C2, C3 and BE1. I deal with all policies listed, except HO4, from the Brighton and Hove Local plan and specifically with C2, C3 and BE1 of the South-East Plan at section 8.9. I have also considered policies BE6 and TC2 of the South-East Plan, SPG15 and SPG20, PPG15 and the draft PPS15.

8.3 In the following passages, I set out my considered view on how the appeal scheme more than adequately relates to the policies listed, and further policies of the South-East Plan which are not listed, and why they support the scheme.

8.4 Within the first reason for refusal the concern over the appeal scheme’s

dominance is not specific. On the one hand, there is no indication about which part is alleged to be dominant. On the other hand, there is no indication about what is being dominated, other than a generalised list of the locally designated buildings and areas of special interest. The Council apparently believes the appeal scheme is too great in size, whereas I believe that it is appropriate. In my view the appeal scheme represents proportionate change in relation to the local scene and its special features, without dominance over any object or group of objects, and in relation to its regeneration credentials.

8.5 My evidence should be seen in the context of Brighton's history as it expanded eastward in significant development steps, and how this current step should efficiently utilise what is underdeveloped land, in the context of a severely restrained urban boundary. It naturally must also be seen in the context of local plan policy, which seeks to develop the western Marina comprehensively; its high buildings policy, which allocates the site; and the precedent set by the approval of the Brunswick scheme.

8.6 In section 5 above, which sets out a brief history of the grand initiatives developed in the east of Brighton, I demonstrate that the Marina and its ultimate realisation is part of that theme. While I do not agree that any part of the development unduly or adversely dominates anything, I agree that it is visible and provides urban legibility by signalling part of a new quarter of the city, and that this is wholly appropriate. Like Kemp Town itself, and to a lesser extent the Marine Gate building, the Marina was a major initiative for Brighton. It has given the city valuable land of which the best use should now be made.

8.7 The following sections outline the planning policies relevant to my scope of evidence, and in the reasons for refusal.

The East Sussex and Brighton and Hove Structure Plan which has been superseded by the South-East Plan is to be given little weight. My comments on relevant policy within it can nonetheless be found at Appendix C on page 89.

8.8 Brighton and Hove Local Plan (adopted 2005)

8.8.1 Policy QD1 *Design Quality*

8.8.2 The policy requires all new development to be of the highest quality. Schemes outside distinctive historic areas should not be pastiche but the result of creative design. In areas of drab and uninteresting character, such as the west end of the Marina, the opportunity should be taken to create buildings and areas of distinction. Architects and developers will be given much more creative freedom in the belief that it is possible to integrate the old with the new. Five design aspects are referred to in the policy: scale and height; detail; materials; street level interest and; landscape.

8.8.3 The aims of the appeal scheme matches those of the policy. Allies and Morrison are innovators and the architecture for the appeal scheme exemplifies their work. It is of a high quality, making its own distinctive contribution to the Marina in its layout and appearance. It has also been designed to achieve an appropriate layout and relate to scale, height and design to the surrounding area in order to avoid domination or incongruence. My townscape assessment (TVIA) (CD2/10.3) illustrates the achievement of these aims and the success of this approach, within section 5.7, Design Quality Overview.

8.8.4 Policy QD2 *Design- Key Principles for Neighbourhoods*

8.8.5 *The policy requires the consideration of local characteristics of the*

neighbourhood such as height, topography and impact on skyline, natural and developed background, landmarks, streets and spaces, linkages, movement patterns, natural landscaping through the integration of design.

8.8.6 The present west end of the Marina has few positive qualities worth emphasising or enhancing. Instead, a quite new and distinctive local character is intended through the high quality design of the appeal scheme. Throughout its design, however, account has been taken of the character of neighbouring environments in determining height, bulk, skyline and linkages with them. The concept of the proposals, its scale and positive contribution to the skyline, will emphasise and enhance the positive qualities of the Marina neighbourhood. The concept takes design quality further than recent developments within the Marina, to restore the heroic qualities of the original Marina landmark construction. Developed from the Council's adopted masterplan for the Marina, streets, spaces, linkages, security, access and permeability have all been given considerable thought. Mr. Allies' evidence (in section 6 of his proof headed, 'Making Places Work'), in conjunction with the Design and Access Statement at section 6, goes into detail about the layout of streets and spaces, patterns of movement and other urban design concerns. The appeal scheme represents a high quality exemplar of its type, balancing the need for radical change with the correct response to designated local environments.

8.8.7 Policy QD3 *Design- Efficient and Effective Use of the Site*

8.8.8 *The policy requires the most efficient use of sites, in particular derelict or vacant land, incorporating an appropriate intensity of development to fit the location. When applying this policy, in order to avoid 'town cramming', the planning authority will seek to secure the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban*

area. Special attention will be paid to the design and quality of spaces between buildings.

8.8.9 There is also a requirement for development to be appropriate to the prevailing townscape. This needs to be applied realistically in this case. The opportunity presented here is one which the appeal scheme has successfully taken- to achieve a significant gain to the existing urban environment in this part of the city, bearing in mind the unacceptability of the existing layout and townscape in the west end of the Marina. In relation to this and other policies (namely SPGs 15 and 20) the Marina site has been allocated for higher densities. The wellbeing of the 'nature conservation feature' of the Cliff SSSI is acknowledged and the space between it and the appeal scheme is enhanced with a comprehensive landscape design. The design of the overall scheme has been about creating a quality of life and vitality that makes urban living desirable, as the policy requires. Its development at the density proposed helps to reduce pressure on greenfield sites. Considerable care has been applied to the way the scheme affects the Kemp Town Conservation Area and its listed buildings following many discussions with English Heritage and the city's planners.

8.8.10 Policy QD4 *Design Strategic Impact*

8.8.11 *The policy requires the proposal to demonstrate a high quality of design in order to preserve or enhance strategic views, important vistas, the skyline and landmark buildings. Development that has a detrimental impact on any of these factors will not be permitted.*

8.8.12 The appeal scheme has been prepared to a very high standard of design in recognition of it being prominent in many views of the kind listed in this policy. This ensures that the overall impact on views is highly beneficial. As a high quality addition, the visual experience will be a delight when seen from view points of a strategic nature. In one case,

the development obscures views of seascape. In another it obscures part of the cliff face. However, its regeneration credentials and design quality more than mitigate this loss. Where it is juxtaposed with coastal views, downland views and townscape views, particularly in relation to Kemp Town Conservation Area and its listed buildings, the height and design ensures that the impact is minimised and beneficial. This owes to the high quality of the design, the particular decisions on heights, the plan position of the different parts of the development and their individual massing. This is explained more fully in section 5.0 of my TVIA (CD2/10.3) and in section 6 of the Design and Access Statement (CD2/7.1).

8.8.13 Policy HE3 *Development Affecting the Setting of a Listed Building*

8.8.14 *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.*

8.8.15 Development of the Marina site will not affect the immediate settings of any listed buildings. The height of the appeal scheme, however, will affect the setting of some views of and from listed buildings but the effect will not be significant. This concerns views from the west side of Lewes Crescent towards the listed quadrant to the east. The effect is covered in detail in the TVIA (CD2/10.3) report at pages 155 to 169 of the TVIA, viewpoints T26, 27, 28 and 29; and at section 9.2 and 10.5-10.7 below. The definition of setting is considered in section 8.13 below in reference to PPG15 and the draft PPS15). Where a building has been designed to a high quality with particular reference to the environment it will be seen from, the impact can be beneficial. It will be so in this case, in particular by virtue of the carefully chosen height and the quality of the design, including its highly sculptural shape. The setting of the listed French Apartments will not be affected as was established in the Brunswick scheme (see Fig. 34, page 47 of my Appendix D).

8.8.16 Policy *HE6* *Development within or affecting the Setting of a Conservation Area*

8.8.17 *The policy requires the development to preserve or enhance the setting of the conservation area within which it lies or affects the setting of.*

8.8.18 The appeal site is not within a conservation area nor part of the immediate setting of a conservation area, but is visible from within the Kemp Town Conservation Area. Neither the character nor appearance of the area, which is described in the TVIA (CD2/10.3), at page 27 paras 7.2.11-12 and page 30, paras 8.7.1-8.7.4 will be other than preserved. There is a marginal effect on the skyline of Lewes Crescent and in certain views out of the area, where the development is seen alongside a listed building, but in neither case is the effect significant. The viewpoints in the TVIA at pages 159-165 i.e. views T28 and 29 refer. It is also covered in more detail at section 10.5 of this proof.

8.8.19 Policy *HE11* *Historic Parks and Gardens*

8.8.20 *The policy only deals with the fabric and the setting of gardens, and not with views out of them.*

8.8.21 In this case it is only the views out of gardens which are relevant since the site is well away from the immediate setting. Certain parts of the appeal scheme, therefore, will be visible from the Kemp Town enclosures, which are registered Grade I gardens. The effect on the character and appearance of the gardens, and their setting, however, is beneficial. The gardens relate formally to the axial architecture of Kemp Town and address the sea along that axis. This relationship is not affected. A secondary aspect consists of views to the east and west, towards the appeal scheme and towards the centre of Brighton respectively. The Marina development will be visible in the east, and tall buildings, including Sussex Heights, are visible in the west. (See image, page 36 of my TVIA). The integrity

and visual interest of the registered gardens are not affected. A detailed assessment of the effects and impacts can be found in section 8.7 and in views C6, C7, C39, C40 and T26, 27, 28, 29, 30, 39 and 42 of my TVIA document.

8.8.22 *Policy NC8 Setting of the Sussex Downs Area of Outstanding Natural Beauty*

8.8.23 *Development within the setting of the AONB will not be permitted if it would be unduly prominent in, or detract from views into or out of, the AONB (particularly from roads, rights of way or other public places), or would otherwise threaten public enjoyment of the AONB.*

8.8.24 The city is part of the setting of the AONB and the AONB is part of the setting of the city. The development will be within the confines of the Marina, which is an existing man-made feature within the broad setting of the AONB. The AONB does not, however, rely on it for its setting. The development will be visible, indeed prominent in certain views from the AONB, in the same way as the whole of Brighton and Hove is prominent. The tall building element will act as a landmark to the Marina and the eastern limits of the city. The quality of the design and elegance of the tower will enhance the public enjoyment of seeing the city from the AONB and therefore enhance views out of it. I find the addition of such a feature not only to be of no harm to the AONB, but also beneficial.

8.9 The South-East plan

8.9.1 This plan supersedes the 'East Sussex and Brighton and Hove Structure Plan 1991-2011'. It deals in general with aspects of planning regarding urban design and its effect on sensitive environments. Specific policies have been referred to in the revised reasons for refusal by BHCC. I deal with a number of subject headings which are relevant to this appeal scheme, under Chapter II – Countryside & Landscape Management.

- 8.9.2 *Policy C2: The South Downs* (Page 146) – states that regarding the new National Park the purpose of its designation should be a material consideration in the making of decisions which may significantly affect the Park.
- 8.9.3 The development will be visible from the National Park as part of the city. Visibility of the city from the Downs is an acceptable and delightful phenomenon made more special because of some of the higher buildings. The development will, in this way, beneficially animate the city and afford its interpretation from distant view points within the National Park.
- 8.9.4 *Policy C3: Areas of Outstanding National Beauty* (Page 146) states that AONBs need to be conserved and enhanced and planning decisions should have regard to their setting.
- 8.9.5 First, the setting of the nearest part of the AONB to the appeal site is the city fringe and the Coastal Zone. The Marina is part of both and therefore is part of the setting. The appeal scheme intensifies the city fringe and provides a worthy landmark for the eastern limit of the city and for the Marina itself. This is not only acceptable within the setting of the AONB, but will enhance the relationship between the city and the countryside.
- 8.9.6 *Policy BE1: Management for an Urban Renaissance*: This policy aims to use opportunities for development to provide significant improvements to the built environment. In particular parts (v) and (vi) support solutions relevant to context and building upon local character, distinctiveness and sense of place, while, in contrast, also supporting higher density and mixed use schemes on appropriate sites.
- 8.9.7 I believe the Marina is an appropriate site for high density mixed use development including tall buildings. It is identified in policy at SPG20 Marina Masterplan and SPG15 Tall Buildings as a node suitable for high

buildings. The appeal scheme creates a character of its own within the clearly defined confines of the east and west breakwaters. Its design, form and height has been influenced by the way it will be seen from distant and nearby views. In particular its height has been determined by the views from the Kemp Town group.

8.9.8 The policy sets out five pillars of urban renaissance, the relevant one here being 'Achieving Design Excellence'. This is to be done with a design-led approach.

8.9.9 While the Marina is a unique context within the setting for achieving this, I believe Allies and Morrison have both sought actively, and achieved, design excellence through a design-led approach.

8.10 Other Policies not Listed in the Reason for Refusal but Relevant

8.10.1 Brighton and Hove Local Plan (adopted 2005)

8.10.1.1 Policy SU7 *Development within the Coastal Zone*

8.10.1.2 *This is a restrictive policy to protect the amenity of the coast. It requires development to respect the existing circumstances, respect or enhance the character and appearance of the seafront, not to adversely affect existing sea views and maintain public access.*

8.10.1.3 The appeal scheme design has been guided by SPG20 which specifically promotes a high density development for the site. It does so while enhancing the current poor townscape and complementing the established seafront architecture and sea views. It also improves public access.

8.10.2 The South-East plan

8.10.2.1 *Policy BE6: Management of the Historic Environment.* Essentially the

relevant part is the distinctiveness of Brighton's Regency heritage and the need to protect it.

8.10.2.2 The appeal scheme does not directly affect Brighton's Regency heritage assets. The development will be seen from the west side of Lewes Crescent and in conjunction with the east side of Lewes Crescent. This is dealt with in more detail in section 10.0 below and specifically at paragraph 10.5. It is not dominant over them nor does it affect the immediate setting of the heritage assets.

8.10.2.3 *Policy TC2: New Development and Redevelopment in Town Centres.* The policy provides the context for allocations of significant change across the region. Such change to have regard to seven "needs" of which No (iii) is the need to respect historic character, environment and cultural value of existing town centres.

8.10.2.4 The appeal scheme adds a new and distinct context which will complement and enhance the rest of the existing townscape in this part of the city while remaining distinct from it and creating, as it should, its own identifiable sense of place. It is separate from the rest of the established townscape. The separateness arises because of the contained nature of the Marina which limits its extent and influence. Its design quality in any case makes it worthy of being visually apparent from adjacent areas of historic and cultural value. In doing so it does not harm them or the appreciation of them.

8.11 SPG15- Tall Buildings

8.11.1 *Brighton and Hove's tall building policy is proactive in suggesting the right sites for tall buildings, the Marina being such a site. The guiding principle, adopted from the March 2003 English Heritage and CABA 'Guidance on Tall Buildings', is that "any new tall building should be in an appropriate*

location, should be of first class design quality in its own right and should enhance the qualities of its immediate location and setting” (para 3.4). This comprehensive supplementary planning guidance concludes that the envisaged Marina development entirely satisfies the principles.

- 8.11.2 As set out in 11.5 of my TVIA (CD2/10.3), the SPG provides a policy context for the tall buildings within the scheme. The guiding principles are based on the EH/CABE Guidance on Tall buildings (2007) (CD5/1) and are reviewed at paragraph 11.2 of my TVIA. The requirements set out at section 7.3 in the SPG for analysis and assessment are met by my TVIA based on 43 AVRs of urban, coastal and downland views. More specifically the Marina is listed at section 8.3 of the guidance as one of a number of locations for tall buildings in the city. I believe the guidance has been heeded in the development of the design and find the appeal scheme wholly in accordance with it.

8.12 **SPG20- A Masterplan for Enhancement**

- 8.12.1 This planning guidance was adopted in 2003. It should be afforded considerable weight. It consists of two parts. The first reviews the history of the Marina, cites relevant policy and national guidance on design. It then explores the potential of the Marina through a series of objectives based on the DETR/CABE 'By Design' Objectives of Urban Design. The second part is a Development Brief of which section 5, Development Form, is relevant here. I note those matters which are additional to other policies and which illustrate its fundamental support for a scheme such as the appeal scheme.
- 8.12.2 Sub-section 5.1 Layout- Urban Structure makes the point that the Marina "is remote visually and makes no attempt to acknowledge the genius loci". It wishes development to address the fact, by "enhancing the inter-visibility between the city and the Marina".

- 8.12.3 Sub-section 5.2 Layout- Urban Grain recognises the need for substantial investment for environmental improvement. Well designed landmark and gateway buildings are envisaged. Their form should arise from an iterative process of design and impact assessment. Buildings are envisaged adjacent to the cliff with a bridge link at cliff level. Their form is discussed and diagrams shown. These indicate that views of the cliff from the west would be diminished.
- 8.12.4 Sub-section 5.3 Public Realm is predicated on a transformation of the current urban form which should be 'jettisoned' (Introduction, page 45) and instead a 'vital new seafront quarter of Brighton' (point 1, page 46) should be created.
- 8.12.5 Sub-section 5.3- Density and Land Use explains the need for a form of development capable of funding, *"the associated visual and functional improvements necessary to deliver the genuinely high quality scheme merited by the site"* (Introduction, page 53).
- 8.12.6 Under 'density', it is stated that the development should "take advantage of the Marina's unique urban yet functionally separate and distinct coastal location". It should be developed to a "high density" as "a product of the design process", making the "most efficient use of previously used and under used land" reaching "a scale of development" big enough to support "public transport, pedestrian, community and service improvements" (point 1, page 54).
- 8.12.7 Sub-section 5.5 Scale- Height and Massing states, "The Marina is the third largest in Europe and yet, as a destination, it has no visual stature beyond the suburban and mundane. It demands an identity which can raise its profile to a level and quality which will achieve an international reputation and status" (Introduction, page 57). It goes on to discuss concepts such as "cliffs and stacks", forming horizontal and vertical elements, district landmarks; inspiring clusters, a necessary critical mass

and improve the “legibility of the site to inform visitors of the Marina as an identifiable destination”; “the conception of which should deliberately include tall structures” (page 58).

- 8.12.8 These extracts are highlighted to show the origins of the ideas within the appeal scheme. It is clear that the nature of the scheme is in harmony with the SPG, and with the later Master Plan document, PAN04.

8.13 **PPG15 and the Draft PPS15**

- 8.13.1 PPG15 is the extant national guidance on planning in the historic environment. Draft PPS15 will replace it following the present consultation period. It also includes draft guidance on archaeology, presently contained within PPG16. The new PPS is more concise and refers to an English Heritage practice guide which is also undergoing consultation. I cite both documents below, in regard to ‘setting’.

- 8.13.2 The setting of the Kemp Town Group of listed buildings comprises the tight urban townscape to the north and west; the spatial relationship with its landscape areas and Marine Parade; the coast and sea; and the more open grain of Black Rock leading to countryside to the east (see diagram at Fig. 44, at page 52, Appendix D). While the appeal site relates to the latter area, by virtue of its location, the individual buildings within it are not themselves essential to its setting. They consist principally of object buildings and any one of them could be taken away and replaced without affecting the setting of the listed buildings. The Brighton and Hove Urban Characterisation Study from 2009 (CD9/12) considers Black Rock to have its own neighbourhood character, separated from that of Kemp Town, which is part of the ‘Central Conservation Areas’ neighbourhood character area, by the southern tip of the ‘East Brighton’ neighbourhood character area. I have overlaid the character areas on to my Kemp Town setting diagram at Fig.44, page 52 of Appendix D.

- 8.13.3 PPG15 states in paragraph 2.16 that the setting, "is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function" and "should not be interpreted too narrowly: the setting of a building may be limited to obviously ancillary land, but may often include land some distance from it. Even where a building has no ancillary land- for example in a crowded urban street- the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them."
- 8.13.4 Draft PPS15- EH Practice Guide, (24th July 2009) states that "The setting of a heritage asset includes any part of the asset's surroundings that have a relationship with it capable of affecting either its significance or people's ability to appreciate its significance" (para 51, page 17).
- 8.13.5 The proposed development will have no effect on those aspects of Kemp Town's surroundings that have a relationship with it capable of affecting either its significance or people's ability to appreciate its significance. The ability to appreciate significance is therefore left unaffected. There is no loss or impairment of particular impressions designed to be seen from specific viewpoints.
- 8.13.6 Since the listed buildings form a coherent group, the issues regarding the setting of the conservation area are the same as for the group of listed buildings.
- 8.13.7 What is significant in regard to the conservation area are the views out of it towards the appeal scheme.

8.14 **Conclusion on Policy**

- 8.14.1 I have reviewed the relevant policy basis, listed by the Council in its original reason for refusal 1 and the clarified and amplified version, as well as further relevant policy in the South-East plan, national policy on the historic environment i.e. PPG15 on setting and the local SPGs 15 and 20. I believe I have illustrated why the appeal scheme fully embraces and satisfies the policies. The development will, in fact, further the principal objectives of the SPG20 (CD8/9) and is fully in accordance with the development plan policies and the guidance covered in my evidence.
- 8.14.2 The quality of design is dealt with in policies QD1, QD2, QD3 and QD4 of the Brighton and Hove Local Plan; the protection of historic assets in policies HE3, HE6 and HE11 of the Brighton and Hove Local Plan; the management of development in relation to the AONB in policy NC8 of the Brighton and Hove Local Plan and policies C2 and C3 of the South-East Plan and the opportunities to improve the use of sites in policy BE1 of the Brighton and Hove Local Plan. I also cite policies not listed in the reason for refusal 1 concerning the coastal zone, the Regency heritage and change in town centres, in particular policy SU7 of the Brighton and Hove Local Plan and policies BE6 and TC2 of the South-East Plan. In my judgment the appeal scheme complies with all these policies through the careful sizing and high quality design of the buildings and their layout.

9.0 View Assessments relevant to the Reason for Refusal I

- 9.1 The visual assessments are based on an intimate understanding of the area of townscape and open space concerned, using accurate visual representations (AVRs) as a tool. The AVRs are based on fully surveyed photographs, which have a representation of the appeal scheme placed accurately onto them as either a 'wire' outline or a fully rendered image. The limitations of photography and its display at a relatively small scale mean that it can only be used as a tool to interpret the likely outcome, while the assessment is made by the assessor while standing at each actual viewpoint. The visual assessments, therefore, are not assessments of the AVRs themselves but of the experience of the view itself using the AVR as a basis for judging the likely effects. The methodology for creating the AVRs, upon which the Visual Impact Assessment is based, is endorsed by the Landscape Institute and represents best practice in industry standards. This has been agreed with the City Council in the Statement of Common Ground (SOCG, section 6.51).
- 9.2 Though the early testing of the scheme used the viewpoints already set up for the Brunswick scheme, they were later reviewed to suit the particular position and level of visibility of the appeal scheme. Important decisions were made on the form of the development based on the preliminary AVRs. For instance, the single point was found, within the west quadrant of Lewes Crescent, from which the Marina Point tower had the potential to be seen above the roof tops of the east quadrant. This exercise determined the maximum height of the building such that it would not be harmful to the ability to see, appreciate and not distract from the listed crescent and that its skyline would not be significantly affected. This is illustrated on page 168 of the TVIA, viewpoint No. 28. The fact that it is rated in ES terms as being of 'slight' impact and of 'adverse' character, is more a reflection of the rather mechanical guidelines given for this

process, than the professional judgement given in written form under the title 'impact' in the assessment. The acceptability of the decision on the height of the tower was agreed with English Heritage and the Council's conservation officer. (See EH Letter dated 9th June 2008, Appendix D of my proof).

9.3 The same method was used in views from the Kemp Town terraces to modify the form of the proposed buildings to achieve a clear view, through the centre of the scheme, to the harbour beyond. This is illustrated on pages 197 and 201 of the TVIA at viewpoint nos. C39, C40. This effectively divided the development into a landward group, consisting of the Cliff Building and Marina Point and a seaward group, consisting of the Quayside building and the Sea Wall site. The latter group would then relate, in cumulative terms, to the Brunswick scheme. This achievement of visual separation was welcomed by English Heritage and the Council's Conservation Officer (See EH letter of 9th June 2008, 3rd page, 2nd para, Appendix D of my proof).

9.4 A combination of AVRs and computer model views were used to explore a concern from English Heritage that the Marina Point tower might compromise the view out of the Kemp Town Conservation Area from the area in front of Chichester and Arundel Terraces as the viewer perambulates from the west to the east. I am satisfied that the qualities of the Marina Point tower justify its position in these views and that at no point in the perambulations does it dominate either Chichester or Arundel Terrace (Fig. 45 to 51, page 53 and 54, Appendix D). In any event, the concern did not amount to an objection. English Heritage was in fact keen to make the point to the City Council that their concern should be taken into account in deliberating the balance between that concern and the advantages of regeneration which the scheme brings. (See EH letter of 9th June 2008 at fourth page under 'Recommendation').

- 9.5 The full set of AVRs provides a comprehensive survey of how the appeal scheme will be seen in relation to different environments. It is shown as a prominent urban group, marking specific features within the Marina and marking the Marina as a whole. I believe its height and its high quality design are accurately illustrated in these views, enabling it to become a further 'ornament' to the city and marking its eastern limits.
- 9.6 It is important to say that the 43 accurate visual representations (AVRs), which have been constructed for the appeal scheme, are the tools which enable assessments to be made when the assessor is standing at each of the viewpoint sites. They are not the subject of assessment in themselves. Their accuracy is based on good practice and the methodology is accepted by the City Council. The scheme had the benefit of the already surveyed Brunswick scheme viewpoints so that early versions of the appeal scheme could be studied accurately and within context. Their positions were refined for the purposes of this assessment and for specific positions which conditioned the heights of some buildings. More were added at the request of the city's conservation officer and an English Heritage officer, whereupon the full set of views had their agreement. During consultation further alterations were made based on the outcome of the AVRs such as widening the view between buildings to open up a vista from Lewes Crescent to the far side of the Marina.
- 9.7 Further computer projections (AVRs) have been constructed (Figs. 13-18, pages 27-32, Appendix D), during the preparation of the appeal inquiry, to illustrate the effect of a development of the Cliff site with buildings restricted to the height of the cliff. The first is View C40 from Marine Parade, opposite Lewes Crescent looking east, where the development will replace current views of the cliff. It is illustrated in these images, the first, Fig. 13, is the view as existing. The second, Fig. 14, is with the appeal scheme and Brunswick photomontaged onto the photograph with a blue line representing a scheme outline that does not breach the cliff. The third, Fig. 15, shows just the blue line and indicates the relationship

of cliffs behind the development. The second is View C10 from the A259, where the development will replace the current distant view of the Palace Pier with the Worthing Coast in its background. The computer projections, illustrated again with three images, Fig. 16, 17 and 18, show that the lower buildings still stand in front of these views. It is inevitable, therefore, that any substantial development on the Marina site will have this effect. The fact that these effects are discussed as adverse in my TVIA does not prevent a balanced view of 'loss against gain' being made. Nor does it intimate any violation of policy or guidance. These issues are a matter of degree where, a professional judgement is to be made and in as much there are 'losses', they are more than justified by the regenerative importance of the development and, further justified by the high quality design of what is introduced into the views. The blue line on the images represents a scheme which is at the height of the cliffs. Figs. 19-22 illustrate the methodology used for this exercise.

9.8 The principle of contemporary buildings appearing as a backdrop to historic contexts was established in the public inquiry for the Shard of Glass Tower at London Bridge Station, where it was visible as a backdrop to the Tower of London World Heritage Site. The relationship between the two elements is illustrated at Fig. 9, page 23 of my Appendix D. In his conclusions (CD11/3), the inspector made a number of comments that are relevant to this appeal:

- i. that, "it must be possible.....that a potentially harmful effect can be mitigated by good design", (para 16.70).
- ii. that, "the effect of distance itself would be sufficient to avoid eroding the sense of place", (para 16.70).
- iii. that, "the vibrant 21st century nature of the city adds to, rather than detracts from, an appreciation of the historic character", (para 16.71).
- iv. that it "would be but another indicator, and an architecturally pleasing one, of the successful city around", (para 16.71).

- v. that "the effects of distance and of the form and materials of the proposed building must mitigate against any harm done by its appearance on the skyline", (para 16.76).
- vi. "that the evolution of the modern city cannot be ignored. I find that the juxtaposition adds to rather than diminishes the historic character", (para 16.78).
- vii. "concluded that no material harm to the setting would arise", (para 16.86).
- viii. that "criticism of the Appellant's case was that the original Environmental Statement conceived some harm to the setting.....but the Addendum did not. I see nothing sinister in the changes. I consider the conclusions in the original statement compatible with an approach that places greater importance on preserving, reverting to, a visual affirmation of the historical supremacy..... those in the Addendum are compatible with accepting that the city has already evolved out of all recognition and at the same time acknowledging that this adds to "the ability to appreciate the historic importance.....". "English Heritage acknowledge that, where modern building has broken the silhouette of the Tower, the effect has, on balance been a neutral one." (para 16.86).

9.9 A more recent decision (CD11/4) is where the Secretary of State and the High Court resolved to approve the Doon Street Tower which rises above the Classical skyline of Somerset House southern range when viewed from the courtyard. It was the benefit of the scheme set against the effect on the Grade I listed building which allowed the approval to be given. This view represents a much more sensitive heritage condition than the appeal case. It is illustrated at Fig 10, page 24 of my Appendix D. I believe that these decisions are of relevance to the Secretary of State's decision in the present case.

- 9.10 The decision of the Secretary of State in January 2006, following an inquiry held in February and April 2005, regarding the tall buildings proposed for Lots Roads Power Station, Chelsea Creek, London (CD11/5) is also relevant, this time in regard to the registered landscape. The tall buildings would be visible above the treescape and in relation to the listed mausoleum when viewed from the northern part of the Brompton Cemetery a registered garden. An image of the effect is at Fig. 11 of my Appendix D. I quote below the inspector's conclusion on this condition, set out at paragraph 19.79 entitled 'Views from Brompton Cemetery (RT12-RT15)', and also the Secretary of State's view on this matter set out in the decision letter at paragraph 38:

Paragraph 19.79, Inspector's Report:

'The Belvedere Tower is visible in some views but does not seem to me to distract attention from the immediate surroundings within the cemetery. When one looks in other directions (not shown in any of the photographs), there are other much more obvious and distracting buildings (and not just the Chelsea FC stadium at Stamford Bridge). The proposed towers, particularly the taller one, would be clearly visible in views south, beyond the colonnade and the domed chapel. In my opinion, however, rather than diminishing or diluting the architectural, historic and scenic qualities of the cemetery, the elevational treatment of the towers and the effect of distance would combine to render them incidents rather than distractions on the skyline beyond. In my opinion, it is important remember that the cemetery, for all its inherent value, is nowadays an oasis of open space in a heavily built-up city. I think it is in some ways undesirable to pretend otherwise- while close scrutiny should certainly be given to development proposals for nearby sites, it is in part the contrast of character and atmosphere with the city around that gives the cemetery its value.'

Paragraph 38, Secretary of State's Decision Letter:

'The Secretary of State agrees with the Inspector at IR19.79 that the

elevational treatment of the towers and the effect of distance would combine to render them incidents rather than distractions on the skyline beyond.'

- 9.11 Though a different context than the appeal scheme, the effect of a high quality designed high building, seen across an urban landscape, which is registered and in relates to an important group of listed buildings is very similar. In this case the setting is even more distinctly urban than a cemetery and the high building, Marine Point, is some distance away. The way it is glimpsed, in the back ground of the Kemp Town group, is through movement. It is an equally kinetic experience perambulating in front of the two grand terraces, either in an easterly direction towards the appeal development or in a westerly direction towards the existing high buildings in the centre of Brighton.
- 9.12 In a similar way to the inspector, for the Lots Road scheme, who found the conjunction between the registered cemetery and the high buildings in the back ground, acceptable, I find the relationship between the appeal development and The Kemp Town landscape not only acceptable but also an overall enhancement.

10.0 Kemp Town Conservation Area, its Listed Buildings and their settings

10.0 Kemp Town Conservation Area and its Listed Buildings

10.1 I believe the Kemp Town listed building group to be one of the UK's most important Regency townscapes, equal even to the Royal Crescent in Bath, which is part of a World Heritage Site. Studies carried out to understand the geometric relationship between Kemp Town and the Marina have acknowledged, from the start, the high status of this Regency set-piece.

10.2 The individual houses which make up Lewes Crescent and Sussex Square are all listed at Grade I. They are also of group value because each one relies on all of the others for its setting. If any one of the listed buildings were removed, it would have a detrimental effect on the setting of all the others. I mention this to emphasize the true sense of the concept of 'setting' in this context. The immediate setting of the individual listed buildings is, therefore, the group itself. The wider setting is the group's relationship with its surrounding townscape and seascape. This relationship is wholly coherent in all but the easterly direction, where the continuity of the townscape in general changes character to one of individual or 'object' buildings. It is this context as part of the wider setting into which the appeal scheme is to be set. I have produced a diagram to illustrate this at Fig. 44, page 52 of my Appendix D. This interpretation of the setting is expanded upon in my Reasons for Refusal policy section 8.13 at pages 47-48.

10.3 No significant views of the Kemp Town group will be obscured by the appeal development. It is more relevant to consider views out of it. The development's height, overall form and the spaces between the elements have been carefully considered in relation to views out of Kemp Town.

- 10.4 An important point is the fact that there are few instances when a full view of the group is possible. It is only seen in small sections at a time, owing partly to the richness of its gardens, which obscure wider views, and partly because the coastline prevents the viewer from standing back far enough to take it all into view. Historic etchings, such as that at Fig.7.3 on page 22 of the TVIA, show a false view high above water level. In fact the only such view, without taking to the air, is from the View M43 of the TVIA shown at page 212. This fine view from the western breakwater of the Marina would be obliterated if the proposed Brighton International Arena project were to go ahead, as is shown in View M43 at page 213. The level of effect on the Kemp Town group by the appeal scheme will, in contrast, be less direct and more benign in its nature.
- 10.5 Kemp Town and in particular Lewes Crescent is, therefore, only seen section by section. The view studies took this into account and led to the discovery of two viewpoints from which the appeal scheme would be seen as a background to certain elements of the crescent. These are, (i) view T27 (page 159)- from Nos. 7 and 8 Lewes Crescent, where Marina Point comes into relationship with the south-eastern extremity of the crescent, and (ii) View T28 (page 163)- from Cubitt's former home where elements of the roof of Marina Point can just be seen among the varied roof line of the crescent. Two similar conditions already exist though they are haphazard and poorly designed. For instance the view looking north-east of Arundel Terrace includes a background building known as 'Courcels' (ref Figs. 37-39, page 49, Appendix D). Also the Kemp Town hospital tower rises above the roof tops of the west quadrant of Lewes Crescent and in particular above Cubitt's House (Figs. 40-41, page 50, Appendix D). In both cases the conjunction is detrimental owing to poor design quality and likely to have been something of an accident. In contrast the appeal scheme has been designed consciously with these conditions much in mind, analysed and accurately tested.

- 10.6 Viewpoint T27 (Fig. 31, page 44 of Appendix D) is a momentary one; only a very short element of the eastern quadrant of the crescent being visible. The view is not from a particularly significant place to stand and stare in the west quadrant; rather it is part of a kinetic experience in movement and time. Distinguishing between the crescent and the appeal scheme is not difficult, and the high quality of the design of the proposed development makes this juxtaposition one of some visual interest. This condition was acceptable to English Heritage and the City Council's Conservation Officer. (See EH Letter of 9th June 2008, page 2, third para re: 'Views from within Kemp Town terraces').
- 10.7 Viewpoint T28 (Fig. 32, page 45 of Appendix D) is from a rare moment where the viewer may stand and stare. It is at the position from where the maximum amount of the east quadrant is visible. Moving either north or south causes the landscape elements to obscure more of the crescent. It is therefore from here that the design team were tasked with deciding a height for the building which would not have a harmful effect on the crescent. For a more coherent crescent, with a continuous parapet or regular chimney arrangement, the solution might have been a different one. Here, however, where the individual buildings vary in height, roof form and chimney arrangement, it is acceptable to see a further complex, though discrete, form as part of the silhouette. I note here that in the categorised language of the Environmental Statement, my TVIA rates the impact in this view as both 'slight' in quantum and 'adverse' in character. The restriction in categories given in the guidelines for this necessary but, in my view, over mechanical 'box ticking' exercise, should not be allowed to override or dictate professional judgment on whether such a condition is, in fact, harmful. In my judgement it is not harmful. This condition, the assessment for which can be seen on page 163 of the TVIA at viewpoint No. T28, was acceptable to both English Heritage and the City Council Conservation Officer (EH letter dated 9th June 2008 Appendix D of my evidence).

- 10.8 A further consideration is the effect of the appeal scheme on the moving sequence of views passing from west to east across the south face of the Chichester and Arundel Terraces. Two issues arise: first, will the Marina Point building be too dominant and second, would the architecture of the Marina Point building be sufficiently sculptural to be worthy of the visual conjunction? Considerable care has been applied to this and moving computer models were employed in meetings with English Heritage and the Council's conservation officer. A selection of still photography extracts from the moving views can be found at pages 34 and 35 of the TVIA and a more comprehensive set of stills for the moving views can be found at Figs. 45-51 at page 53 to 54 of Appendix D. The very fact that in these perambulations the view position remains close to the listed buildings means that the appeal scheme is never dominant. Views T42 (page 209) and T30 (page 173) show the extreme west and east viewpoint positions respectively and in each case, the appeal scheme does not dominate the listed buildings either individually or in their particular groups. The fact that new and historic fabric will be visually juxtaposed will serve, in my view, to intensify the experience of the Regency elements. Contrast without competition between confident architecture of different periods can add to one's enjoyment of the historic environment. This will be the case here.
- 10.9 English Heritage ventured the view that the Marina Point design was not of sufficient sculptural form to be worthy of its place in this perambulating view. They felt that its rectilinear plan form was not sufficiently enriched by the deep, parabolic balconies and that these would not be visible in the more distant views. I disagree with English Heritage on this point. The depth of sculptural form represented in the design for Marina Point, is far in excess of that found in Brighton's Regency architecture. The latter is discernible from distant views, so it must be the case that the Marina Point sculptural form will also be discernible. This is manifest in the accurate visual representations and will be more so in reality, when

the human eye is able to focus on any aspect of the view. Moreover it is significant that in English Heritage's final analysis this point of concern does not amount to an objection (See EH letter, 9th June 2008, page 71, Appendix D). Their analysis is provided for the benefit of the decision maker to weigh the balance with all the benefits of the scheme. English Heritage was clearly aware and supportive of the benefits.

10.10 **Conclusion- Effect on heritage**

10.10.1 Compliance with policy in regard to the effect on setting is a matter of judgment and accepted practice. This section illustrates why I believe the appeal scheme meets the requirements stated in policy. In particular, policies HE3, 6, and 11 of the Brighton and Hove Local Plan, dealing with listed buildings, conservation areas and historic parks and gardens respectively, are satisfied. This is based on definitions from PPG15 and the draft PPS15(see section 8.13), and the precedent set by other public inquiry decisions such as the Shard of Glass at London Bridge (see paragraph 9.7 above). The Secretary of State, through the Inspector, can be reassured that the effects of this scheme on the heritage assets are acceptable.

11.0 The AONB and the Coastal Zone

11.0 AONB (National Park) and Coastal Zone

- 11.1 The creation of a South Downs National Park was agreed early in 2009, after the Council's refusal notice. Suffice to say, however, that all matters concerning the physical and visual relationships between the appeal scheme within the Marina and the countryside have been considered in the knowledge that the status of the latter is of the highest order. The fact that the proposed National Park takes in a wider area than the Area of Outstanding Natural Beauty, in closer proximity to the Marina, is also acknowledged. A map at Fig. 12, page 26 of my Appendix D shows the difference in boundary between the National Park and the AONB.
- 11.2 The Marina is a distinct place with clear, physical boundaries. It is outside the AONB and the proposed National Park. The appeal site is in fact, separated from both by existing built form. Development within the confines of the Marina will not have a direct effect on the designated countryside, any more than the whole of the city has. The relationship between the city and the agreed National Park is an already acknowledged fact and one of considerable delight. It is enjoyed from within the city looking out and from the countryside looking towards the city. Both provide each with an immediate setting. Well considered development in the Marina and the appeal scheme in particular, will enhance this enjoyable relationship.
- 11.3 The effect of the appeal scheme will generally be experienced in views from the countryside looking towards the city. These are illustrated in the Townscape and Visual Impact Assessment using seven accurately projected montages, from the Downs (Views D15, 16, 17, 18, 19, 20 and 21) and a further five coastal views from the east (Views C10, 11, 12, 13 and 14). In each of the views, the appeal scheme enhances the visibility of the city and in some also indicates the city's eastern limit. I find this

to be a wholly acceptable effect.

- 11.4 There are only three positions from where views of the designated countryside or green space will be affected by the appeal scheme. The first is from the sea and the second from the end of Brighton Pier. In these cases the limited degree of interruption is such that much of the downland and cliff face remains visible. In the third case, from positions west of the Marina, only glimpse views of the countryside are currently possible, the general views being of townscape and seascape. Views of the cliff face which are currently available would, in some cases, be no longer available as the appeal scheme stands in front of them. This would be so, even with a scheme limited to the height of the cliff top. This is illustrated in the set of images at Figs. 13, 14 and 15 (pages 27-29) in my Appendix D. In any event there will be no harmful effect upon any view of the AONB or National Park. It is worthy of note that in expanding the boundary of the National Park beyond that of the AONB, the cliff has been included, but not that part of the cliff within the Marina.
- 11.5 I consider the effect on the designated countryside to be at an entirely acceptable and inevitable level, given the need and desire to redevelop the Marina. It is the very fact that the city is constrained by the sea to the south and the designated countryside to the north and east that makes the development of the Marina both desirable and therefore acceptable. It is a site with recognized potential for development and, as is illustrated by the visual assessments carried out for the appeal scheme, the effects are not in any way damaging. Marina Point tower would be seen in the context of existing built development; it would provide a context for the Brunswick development; and its height is acceptable.
- 11.6 In regard to the Coastal Zone, policy SU7 of the Brighton and Hove Local Plan seeks to control the development under five conditions. These are set out on page 45 of my TVIA. The relevant condition here is that

development should not adversely affect sea views. I believe the quality of the appeal scheme design, ensures that the effect on views will be beneficial wherever it is visible. In particular the view from the east where the development will momentarily interrupt the existing view above and beyond the Marina to the Palace Pier and; the view from west of the Marina where the development reduces the visibility of the cliff. These views are represented by view C9 and C40 in my TVIA, and illustrated more fully in Figs. 13-29 of my Appendix D. In particular Figs. 24-29 show the views of the pier available from the cliff-top before the appeal development affects this appeal. The Marina, while within the Coastal Zone, is already a unique case; development being firmly delineated physically and being the subject of two SPGs which support a high density and the deliberate inclusion of high buildings.

11.7 Conclusion on AONB and Coastal Zone

- 11.7.1 Compliance with policy on the way a scheme affects designated countryside and the coast, is a matter of judgement and in particular should be based on existing conditions and phenomena. This section illustrates why I believe the appeal scheme meets the requirements stated in policy at NC8 and SU7 of the Brighton and Hove Local Plan and C2 and C3 of the South-east plan.

12.0 Third party submissions

12.1 The following submissions have been made to the Inspectorate by non-rule six parties prior to the submission of my proof.

12.2 **Regency Society**

12.2.1 The society's letter of 30th July 2009 raises a number of brief points. I deal here with the first two, which are relevant to my evidence.

12.2.2 Their first point is the assertion that the appeal scheme makes an adverse impact on the appearance of the city when viewed from the coastline, from off shore and from the Downs. No evidence is provided to support this assertion. The society does not say which aspect of the city the impact falls upon. I accept that the scheme is seen in conjunction with the city, the Downs, the sea and the coastline and that it makes an impact. Change of this nature will make an impact. This was clear from the outset of the design process and was kept to an appropriate level throughout the design development. Knowing the likely level of prominence resulting from the development's impact, set the self imposed requirement for the developer to commission a design of a very high quality, and I believe that has been achieved. I was personally involved in ensuring that this was the case and collaborated with Mr Allies who is sufficiently well qualified and experienced to provide designs of the highest level of quality. Both the carefully judged level of impact and the achievement of a very high quality of design mean that the impact overall is not adverse. Instead I believe it will be a delight to see, wherever it is visible.

12.2.3 Their second point concerns a belief that the appeal scheme causes a 'damaging impact' on the historic seafront and the Kemp Town Conservation Area. To begin with, the appeal scheme has no direct impact on views of the conservation area. The size and appearance of the Marina

Point tower have in fact been carefully judged to ensure a beneficial impact. The appeal scheme does not interrupt the historic Regency part of the seafront, which essentially ends at the east of Arundel Terrace. It is therefore an addition to the group of individual object buildings east of the Regency elements. It does not compete with the historic seafront. It is not a natural continuation of it. It is unique in its position and ground level. It is far enough from both conservation areas not to affect their immediate settings. It is also of high quality design. The views out of the conservation areas are affected. In my view, the views out are enhanced by the addition of elements which articulate and mark a new city area in the Marina. The precise effects are explained in greater detail in section 9 above.

12.3 **South Downs Joint Committee**

12.3.1 When the Joint Committee commented at the planning application stage they felt that the scheme would not detract from the AONB and therefore raised no objection. However, by the time of the planning committee meeting the Joint Committee modified its view. While it was not against a 28 storey tower on the site, it apparently felt the design was not good enough.

12.3.2 In my Townscape and Visual Impact Assessment section 5.0, I describe the design and explain why I believe it is of exceptional quality. Its sculptural, form resulting from the generous parabolic balconies positioned in a rhythmic spatial sequence and crowned with a corresponding and uplifting roof form, are all attributes which add to its quality and enhance its appearance. While it is often argued that judgements on design quality are subjective, my 25 years of professional work making such judgements has enabled me to bring objective criteria to bear on the subject. The very fact that one can see that a deep level of thinking has given rise to the design, is an indication of the quality of the design. Other

indicators are the level of visual harmony embodied in the design and whether it displays the sense of balance in its composition. The degree of authenticity is another indicator wherein the design displays visually and constructionally what it is and what use it has. The balance between creating object buildings and also creating good spaces between them is another. I have personally experienced all these matters being worked over with skill and commitment by the design team, with the specific goal of attaining the highest level of design quality. The Marina Point tower in particular is a likely contender, in my view, for becoming a listed building in the future. I cite the high grade listing of the 1930s Embassy Court as being supportive of this view, whereas I believe attempts to list Marine Gate have failed and probably because it fulfils the description that the Joint Committee wrongly attribute to the appeal scheme, i.e. 'crude and monolithic'. The visual comparisons are made in my Appendix D at Figs. 35 and 36, page 48 and Fig. 42 and 43, page 51.

12.4 **Conclusion on submissions**

- 12.4.1 The submission to the Inspectorate by the Regency Society makes two assertions which are not supported by evidence. I have dealt with them in my section 10 and conclude that the assertions are unfounded.
- 12.4.2 The submission by the South Downs Joint Committee is accepting of the general arrangement and size of the development but objects to the design of the Marina Point Tower. I refute their criticisms of its design. My substantive evidence on design quality is found in my TVIA in paragraph 5.7 and within this evidence at section 7.0, in particular in paragraph 7.5 in regard to the Marina Point site.

13.0 Conclusions

13.1 My evidence shows that the appeal scheme represents an appropriate response to the site which accords with development plan policies and the city's aspirations for the Marina through SPG20. I set out its key townscape benefits under six headings:

- i. It brings a degree of completion to the heroic initiative that the Marina represents, and thereby takes a worthy place in a direct lineage of historic projects at the east end of Brighton as well as a direct lineage of local policies proposing such a development at the Marina.
- ii. It takes a number of sites in order to develop buildings and the spaces between them, resulting in the transformation and regeneration of an urban wasteland to a significant and sustainable city quarter which raises the profile of the Marina and follows the aims of SPG20.
- iii. The design is of the highest quality. It will contribute positively to the general composition of the city by way of landmarking important townscape spaces and features within the Marina.
- iv. Its effect and impact on nearby important and sensitive urban and rural environments has been carefully measured, judged and justified and its effects on these townscape assets will be positive.

Concerns that have been expressed by some people about its visual impact and design quality are answered by my evidence and I submit to the Secretary of State, through the inspector, that the appeal is worthy of being allowed.

14.0 Summary and conclusions

- 14.1 The following is a summary of my foregoing evidence, which begins with my qualifications and experience.
- 14.2 My evidence shows why the proposed development will relate extremely well to its townscape context. My opinion is from a professional and independent view which is illustrated by my first involvement when I questioned the then scheme for its form and height. The agreement to change enabled me to join the team whereupon my role was to carry out a continual assessment and design collaboration as the designs developed.
- 14.3 When read in conjunction with my TVIA report, my evidence provides a comprehensive justification of the appeal scheme. The evidence in particular covers the challenges of the site, the quality of the design, and a challenge to the reasons for refusal on a policy basis. I also emphasise the way the views assist in proving that there is no harm, indeed there is enhancement to the surrounding environment.
- 14.4 My TVIA assessment document which formed part of the Environmental Statement and the planning application highlights the importance of the methodology used and the efficacy of the Accurate Visual Images (AVRs). It concludes with the acknowledgement of the scheme's predicted prominence, high design quality and potential to add worthily to Brighton's famous buildings.
- 14.5 There is a clear and widely accepted recognition that the Marina needs regeneration, as the guidance in SPGs 15 and 20 and PAN04 makes plain. That this uniquely defined and confined site can take substantial buildings which will be visible from surrounding contexts is therefore an accepted fact. I believe high quality design seen in conjunction with

the historic environment is not only inevitable but also desirable. The Downs, Kemp Town, the Cliff and the Coastline all provided a context for the designers. Their task has been to ensure that the appeal scheme is attractive when seen from these special places. I believe they have been successful.

- 14.6 It is important to acknowledge the history of the town and its massive expansion in the first half of the 19th century. In particular, opportunities were boldly taken like Kemp's new town built out in the fields above the cliff a long way east of the established urban edge. Marine Gate and the Marina both have that same spirit of enterprise. So too has the appeal scheme. The failed attempts in the past to properly develop the Marina, as was originally planned, are a legacy which the appeal scheme puts behind it. The approved Brunswick scheme has broken that mould and the appeal scheme takes regeneration of the townscape of this part of the city forward to the wider advantage of the whole site and its surroundings.
- 14.7 The approach to fundamentally reorder the western end of the Marina with a very high quality of design. It has been guided by established local policy and national guidance and designed by architects of exceptional ability. Account has been taken of the sensitive set of contexts surrounding the site and the affects have been studied and articulated in my TVIA. All the six sites need transformation and all can contribute to the wider transformation of the spaces between. While the appeal scheme takes full account of the approved Brunswick scheme, it nevertheless can stand alone and still achieve all that it sets out to achieve.
- 14.8 Reason for refusal 1 makes a general comment, unattributed to a particular building, about dominance, unsatisfactory relationship to the existing Marina development and failure to preserve settings and views of strategic importance. The latter concerns Kemp Town Conservation Area, the Downs AONB, and the Cliff SSSI. It then lists policies with which the

appeal scheme is claimed not to comply. Since the refusal notice was issued the South-East Plan has superseded the East Sussex and Brighton and Hove Structure Plan. The policies listed are to do with design: in the visual sense; in what makes a good neighbourhood; in the best way to utilise the poorly developed site; and in both the measurement of impact and the quality of the impact. They also cover effects on the setting of heritage assets, on the attractiveness of urban and rural areas with distinctive local character and on the designated countryside. I take these policies one by one and show how they do in fact fully support the appeal scheme.

- 14.9 It is important to note that the 43 accurate visual representations (AVRs), which have been constructed for the appeal scheme, are the tools which enable assessments to be made when the assessor is standing at each of the viewpoint sites. They are not the subject of assessment in themselves. Their accuracy is based on good practice and the methodology is accepted by the City Council. More were added at the request of the city's conservation officer and an English Heritage officer whereupon the full set of views had their agreement. During consultation further alterations were made based on the outcome of the AVRs such as widening the view between buildings to open up a vista from Lewes Crescent to the far side of the Marina. Further work still has been commissioned to consider views from the two locations, from which the proposed development will be seen to stand in front of other elements of the city. The exercises show that even if all proposed buildings were kept at the cliff height, these obscurations would still occur.
- 14.10 The Kemp Town Conservation Area is an outstanding Regency conservation area consisting of 106 townhouses and their ancillary buildings, the majority of which are listed at Grade I. These heritage assets require the highest level of protection and preservation. The appeal scheme does nothing to prevent either. Not the immediate setting but the wider setting is affected by the appeal scheme. Some views out of the area

will change but no views of the Regency group will be interrupted in any way. Even the effect on views out is limited in its level of impact owing to the fact that the group is only experienced in parts at any one time because of the richness of the planted areas within. One of these views is classed as 'slight' and 'adverse', in the categorised language of the Environmental Statement, but the actual effect is much more subtle and not harmful. Such impacts are not new to Kemp Town and English Heritage has found these acceptable. Its concern about the views east, as the viewer perambulates through and alongside the registered landscape in front of Chichester and Arundel Terraces, was not that Marina Point should not be visible, but that its design was not sculptural enough. The English Heritage officer believed that the curved balconies would only be visible at close quarters. I disagree. The parabolic form of the balconies and extent of cantilever, together with their visually rhythmic positions, will ensure the provision of a rich visual experience from a considerable distance.

- 14.11 The AONB and Coastal Zone embrace the city and each has a direct relation to it. The city forms a setting for them and they for it. The Marina is part of the city though distinct by virtue of its strong enclosing elements. There is development between the Marina and the countryside. Seeing the city from the Downs is both inevitable and good. When new and prominent elements of the city appear in views, they need to be of high quality design. The appeal scheme fits the latter category and will, in my view, enhance the appearance of the city. Seen from the south, i.e. the Pier and the sea, and from the west, though only marginally, the proposed development will obscure small parts of the AONB and the National Park. This is no different to any part of the city. Whilst the development will stand in front of that part of the cliff face which is outside both designations, any substantial development will do this. In my view, therefore, the effect on the designated countryside is entirely acceptable. In terms of the coastal zone policy, development is acceptable but may

be opposed if it adversely effects sea views. The proposed development will not adversely affect sea views.

14.12 **Conclusion**

The appeal scheme follows a direct lineage of historic projects at the east end of Brighton and a direct lineage of local policies proposing such a development at the Marina. It takes a number of sites in order to develop buildings and the spaces between them. The result is the transformation from an urban wasteland to a significant and sustainable city quarter where the human being has been considered first. The design is of high quality. The development will contribute to the general composition of the city. It raises the profile of the Marina and thereby connects it visually to the rest of the city. Its effect on nearby important and sensitive environments has been carefully measured, judged and justified. There is no harm to such environments. Indeed, there is benefit.