

Appendix 7: Assessment of Scheme Conformity with PAN04

PAN04 Policy Requirements	Applicant's response	Conformity / departure	Comments
<p>Strategic Vision and Masterplan Objectives – Section 3, p3 The PAN puts forward a vision statement which is supported by a number of Masterplan objectives critical to the realisation of this vision.</p>	<p>The applicant has provided details of how the proposals support the delivery of the vision within the DAS, Planning Statement and other documents comprising the planning application submission. Sections 4.2, 6.1 and 6.2 of the DAS also provide a comprehensive response to how the scheme meets the Masterplan objectives (see p5-6, PAN04).</p>	<p>Conformity</p>	<p>The LPA is satisfied that the Masterplan vision and objectives have been adhered to in the design of the scheme.</p>
<p>Site Constraints - Section 8, p9 The PAN requires that developers demonstrate their understanding of site constraints in the design and development of their schemes.</p>	<p>The applicant has demonstrated a very thorough understanding of the site constraints within Section 3 of the DAS, which analyses existing land use and activity, circulation and permeability, topography, views, density, structure and grain, micro-climate and local environment and site opportunities. This analysis has been used by the applicant to inform the design</p>	<p>Conformity</p>	<p>The applicant has demonstrated a comprehensive approach to site constraints. Analysis and assessment of site constraints and opportunities contained within the Masterplan have underpinned the development of the scheme.</p>

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	principles for the proposed development.		
<p>Flood Risk - Section 8.1, p9 The PAN requires that developers undertake early consultation with the Environment Agency and ensure that their proposals have due regard to the Strategic Flood Risk Assessment (SFRA).</p>	<p>The applicant has liaised extensively with the city council and the Environment Agency in relation to flooding matters and has considered the latest policy requirements set out in PPS25 "Development and Flood Risk". Chapter 13 of the ES on "Flood Risk and Drainage" contains a thorough flood risk and drainage assessment of the proposed development, including the sequential test and exception test.</p>	Conformity	<p>The chapter does not refer to the recently adopted SFRA (June 2008). However, the Environment Agency and Southern Water have indicated that they are satisfied with the proposed development subject to appropriate planning conditions and obligations being satisfied.</p>
<p>Geology – Section 8.1, p9 The PAN requires developers to be aware of the geological context, especially the potential impact of the deposits that occur in the ground below the reclaimed Marina and how these might impact on any foundation design.</p>	<p>The applicant has amended their scheme to take into account feedback from Natural England and the city council concerning the impact of the development on the geology of the Marina and SSSI cliffs. These matters are addressed within Chapter 12 'Geotechnics', Chapter 16 'Noise and Vibration' and Chapter 22 'Archaeology'. A</p>	Conformity	<p>Consistent and thorough approach to some very technical policy requirements within the PAN. The revised ES now includes a new document within Chapter 22 'Enhancing the Cliff Experience' (Outerspace, June 2008) which addresses BHCC and Natural England's concerns about the visibility of the cliffs and establishes a longer</p>

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Proposed development must also demonstrate that it will not have an adverse impact on either the visibility or stability of the SSSI cliffs.	visual assessment of the impact of the development on views of the cliffs can also be found within the DAS Section 7.5.4, Appendix 6 and Chapter 9 of the ES 'Townscape and Visual Impact'.		term cliff management programme.
<p>Conservation Constraints – Section 8.2, p10</p> <p>The PAN requires developers to ensure the preservation and/or enhancement of the setting of historic buildings and nearby conservation areas, as well as the wider historic landscape and city skyline including views from the existing South Downs Area of Outstanding Natural Beauty (AONB) and the proposed National Park.</p>	The applicant has undertaken extensive consultation with English Heritage and BHCC's Design and Conservation Team Manager throughout the 20 month pre-application consultation process as well as post-submission. This has led to numerous iterations in the design of the scheme, particularly in relation to the Quayside building (McDonald's site) and Marina Point (the tower on the Asda Petrol Station site). Details of these discussions and resultant design development can be found within Section 5.1 of the DAS.	Departure	Whilst the majority of matters raised by English Heritage have now been addressed by the applicant, EH still have a concern with the Marina Point site which they consider to have an impact on the kinetic views of and from the Kemp Town terraces. Even though EH's concern does not amount to an objection to the scheme, it does mean that the PAN's requirement to ensure the preservation of the setting of conservation areas, cannot be fully met.
<p>Transport Constraints – Access Ramps - Section 8.3, p10</p>	The applicant explores the removal of the vehicular ramps in some detail in Section 5.1.1 of the DAS	Conformity	A coherent exploration of the alternative options to the ramps has been conducted by the applicant.

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<p>The PAN recognises that the vehicular ramps into the Marina are a constraint to future development, given that they are a substantial barrier to movement across the Marina. It therefore recommends that developers give the removal of the ramps due consideration within their proposals.</p>	<p>and para 6.18 of the Planning Statement. These sections put forward various alternatives to the ramps but these options are all discounted in favour of the retention of the ramps. The applicant concludes that the "associated phasing, costs and environmental viability are all questionable".</p>		<p>However, it would have been useful to see some estimate of costs associated with the removal of the ramps in support of their argument vis a vis phasing, costs and viability.</p>
<p>Rapid Transport System (RTS), p10 The PAN states that it is necessary that the identified primary and secondary RTS routes are safeguarded within development proposals which come forward in the Masterplan area.</p>	<p>The applicant has safeguarded both the primary and secondary RTS routes within the proposed development following early consultation with BHCC's transport planners during the pre-application consultation process. Detail of the design process can be found within Sections 6.1 and 7.5.7 of the DAS, Sections 4 and 6 of the Planning Statement, Section 4.9 of the Transport Assessment and Chapter 8 of the ES.</p>	<p>Conformity</p>	<p>The primary and secondary RTS routes are not only safeguarded for the foreseeable future but are intrinsic to the design of the transport infrastructure within the proposed scheme. The applicant obviously perceives the RTS as playing an important role in the delivery of fast, accessible and affordable public transport both to and from the Marina.</p>

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<p>Emergency Vehicle Access, p10 The PAN states that emergency access to the Marina will need to be improved, given the growth predicted, and confirms that a route from Madeira Drive to the Marina should be safeguarded and enhanced for emergency vehicles and the proposed secondary route of the RTS.</p>	<p>Details concerning emergency vehicle access can be found within section 4.9 of the Transport Assessment, section 7.5.7 of the DAS sections 4 and 6 of the Planning Statement.</p>	<p>Conformity</p>	<p>The applicant is committed to creating a second emergency access route into the Marina via Madeira Drive, should the scheme get implemented. Conformity with Masterplan principles demonstrated within relevant sections of the Transport Assessment, DAS and Planning Statement.</p>
<p>Roundabout, p10 The PAN stipulates that development proposals must address the capacity issues on those arms of the roundabout and other nearby junctions which predict congestion during peak hours within their Transport Assessments. Where congestion is predicted, officers would like to see what</p>	<p>The applicant's Transport Assessment addresses the impact of the proposed development on the capacity of the local highway network. It also takes into account the cumulative impact of the scheme on the road network together with other approved schemes within the Masterplan area.</p>	<p>Conformity</p>	<p>The applicant has demonstrated in their TA that they have assessed the cumulative impact of the proposed development on 11 junctions within the vicinity of the Marina. Their analysis reveals that 5 junctions are either approaching capacity or are operating over capacity during PM peaks when development traffic is introduced. The applicant has, however, summarised the mitigation measures in Appendix 13 which they</p>

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mitigation measures will be put into place to reduce the likelihood of congestion.			would put in place to reduce the likelihood of congestion. Officers are therefore satisfied that they have complied with the requirements of PAN04.
<p>Physical/ ecological constraints – Section 8.4, p11 The PAN states that developers must ensure that their scheme does not have a detrimental impact on the SSSI cliffs.</p> <p>Development proposals should also seek to maximise the amount of open space on-site and should pay attention to the quality of design of these spaces.</p>	<p>The impact of the proposed development on the SSSI cliffs is considered by the applicant within Chapters 12 'Geotechnics', 15 'Micro-climate', 16 'Noise and Vibration', 19 'Construction' and 22 'Archaeology' of the ES.</p> <p>Details of the quantity and quality of outdoor recreation/ open spaces are presented within the Planning Statement, Section 6.2 of the DAS and Appendix 6.</p>	<p>Conformity</p> <p>Partially met</p>	<p>The applicant has liaised extensively with BHCC officers, Natural England and Environment Agency concerning the potential impact of the proposed development on the SSSI cliffs. This is reflected in a very thorough assessment of impact within the relevant chapters of the ES.</p> <p>The applicant has increased the quantum of on-site outdoor recreation and open space since the application was originally submitted in October 2007. The quality and design of recreation/ open spaces has also been improved, following feedback from BHCC officers. However, the amount of open space/ outdoor recreation on-site is still deficient in</p>

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			terms of Policy HO6 of the Local Plan.
<p>Levels – Section 8.5, p11 The PAN states that developers will need to demonstrate that they have considered the levels that currently exist in the Marina and within their schemes seek to minimise abrupt changes where possible.</p>	<p>Sections 3.4, 6.1 and 6.2 of the DAS provide details of the applicant's response to BHCC officers' concerns expressed during the pre-application consultation stage, that the scheme did not respond well to the level changes across the site. The applicant presents a Masterplan for the future redevelopment of the western end of the Marina, including the area encompassing the leisure sheds and multi-storey car park.</p>	Conformity	<p>The Masterplan is welcomed and provides reassurance to the city council that the proposed development will not compromise the future redevelopment of the core area of the Marina i.e. the leisure sheds and multi-storey car park. The applicant has indicated the potential raising of Park Square to approximately 5.5m to match the level of the Boardwalk and the western breakwater. This would provide level east-west access across the Marina and views of the water from Park Square. Two levels of parking below the Square would replace the parking lost from the removal of the existing multi-storey car park.</p>
<p>Transport Opportunities Vehicle Access - Section 10.1, p14 The PAN states that there are</p>	<p>The applicant has made an error in the reference point which they have supplied. Nonetheless, the visual attractiveness of the ramps is</p>	Partially met.	<p>The commissioning of a lighting strategy for the ramps and the introduction of green walls for the multi-storey car park is welcomed but</p>

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<p>many opportunities in the short to medium term for improvements to be made to the visual appearance of the ramps. Developers must therefore demonstrate that they have addressed this issue by thinking creatively and exploring physical (e.g. re-cladding) environmental (e.g. green walls, roofs etc.) or public art (e.g. lighting, murals etc.) solutions to reduce the visual ugliness and dominance of the ramps.</p>	<p>dealt with in Section ?? of the DAS, which suggests that the ramps could benefit from a lighting strategy commissioned as part of a Public Art strategy for the Marina.</p>		<p>the council would also like to see other measures such as cladding, texcoating etc. explored as possible medium term solutions to the visual appearance of the ramps and car park.</p>
<p>Private Vehicles – Section 10.2, p14 In the medium to longer term, the PAN requires the removal of all surface car parking from within the commercial areas of the Marina and the redevelopment of the multi-storey car park.</p>	<p>The applicant has demonstrated a commitment to the removal of surface car parking, wherever possible, from the commercial areas of the Marina. Sections 6.1, 7.4 and 8.2.3 of the DAS, provide details concerning the removal of surface car parking from in front of the Casino and street parking to</p>	<p>Conformity</p>	<p>Generally, a proactive response from the applicant to remove surface car parking e.g. residential parking to the rear of the Octagon building will be covered over to create a landscaped pedestrian route at the same level as the Undercliff Walk. However, surface parking appears to have been retained in front of the</p>

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<p>In the short term, the PAN will seek innovative solutions to improve the aesthetic and visual appearance of the multi-storey car park and will also encourage modal shift by requiring less than allowed maximum parking standards.</p>	<p>the east of ASDA. The future redevelopment plans for the multi-storey car park are also presented in some detail within Section 6.1 of the DAS.</p> <p>The applicant proposes metal screen cladding to the eastern elevation of the car park and at roof level. The grillage will be perforated so that daylight can enter and planting can take place to create green screens. Section 4.6 of the TA and the Planning Statement restate the applicant's commitment to encourage greater use of sustainable modes of transport.</p>	<p>Conformity</p>	<p>commercial premises on the northern side of Palm Drive which is disappointing.</p> <p>The materials proposed for the metal grillage will need to be of a sufficient quality to withstand the micro-climate and pollutants emanating from the multi-storey car park. Nevertheless, the council welcomes the principle of screening and greening the existing car park to disguise its visual ugliness.</p> <p>The applicant has applied sustainable principles in the provision of parking spaces. A ratio of 0.58 parking spaces per dwelling for residential development is currently proposed. Commercial parking provision i.e. Asda and the multi-storey will also be significantly below the maximum parking standards within SPG4.</p>

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<p>Car Clubs – Section 10.3, p14 The PAN states that proposals must incorporate the provision of a car club vehicle/s and that the use of car clubs should be encouraged by offering incentives for membership.</p>	<p>The applicant provides details of the potential Car Club arrangements within Section 5.5 and Appendix 1 of the TA. They favour a coordinated approach to Car Club provision and are keen to join forces with BIA and Brunswick Developments to select the preferred Car Club for the Marina. Up to 30 vehicles will be provided and membership will be free to all new residents.</p>	<p>Conformity</p>	<p>It is pleasing to see that the applicant is considering a joined up approach to Car Club provision for the Marina but the council will insist that the development delivers a Car Club irrespective of whether the Brunswick Developments or BIA schemes go ahead.</p>
<p>Public Transport – Section 10.4, p15 Bus Services, p15 The PAN states that exploration should be given to opportunities to implement bus priority measures on the ramps.</p> <p>The PAN also supports the provision of subsidised bus travel for residents by developers.</p>	<p>The applicant simply states in Section 11.2.4 of the DAS, that bus priority measures on the ramps have not been implemented because of safety issues.</p> <p>Section 5.3.13-14 of the TA summarise the package of measures which the applicant has agreed with Brighton & Hove Bus</p>	<p>Departure</p> <p>Conformity</p>	<p>It is disappointing that the applicant has not included any reference or details concerning the safety issues associated with bus priority measures on the ramps. The statement is unsubstantiated and detracts from a generally comprehensive response to the PAN.</p> <p>It is obviously the applicant's intention to encourage residents to develop sustainable travel habits through</p>

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<p>Transport Interchange, p15 The PAN's preferred option for the location of the new transport/ bus interchange is Palm Drive.</p>	<p>The applicant has presented detailed designs and plans for a transport/ bus interchange in Palm Drive within Sections 7.6.6 of the DAS and 7.11 of the TA.</p>	<p>Conformity</p>	<p>It is pleasing to see that the applicant has explored a number of alternative locations and layouts for the transport/ bus interchange. The results of this analysis are contained in Appendix 6 of the DAS and lend support for the PAN's preferred option (Palm Drive) which is considered the optimal location for an interchange.</p>
<p>Cycling – Section 10.5, p16 The PAN requires that developers make provision for existing and proposed cycle routes as indicated in Fig. 7 of the PAN.</p> <p>The PAN recommends that improvements to the ramps should incorporate a cycle route in conjunction with traffic calming measures to reduce the speed of vehicles on the ramps.</p>	<p>The applicant has detailed the proposed cycle routes within Section 5.2 and Fig 5.2 of the TA. These are presented slightly differently in Fig. 7.3.1 of the DAS, suggesting that the TA has not been updated since amendments to the DAS.</p> <p>The applicant states “that this has not been implemented due to safety reasons”.</p>	<p>Conformity</p> <p>Departure</p>	<p>The proposed cycle routes are in broad conformity with the PAN, and include the addition of a new proposed route to the east of Asda which provides access to the Geo Park and Undercliff Walk.</p> <p>It is disappointing that the applicant has not included any reference or details concerning the safety issues associated with a cycle route on the ramps. The statement is unsubstantiated and detracts from a generally comprehensive response to</p>

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<p>The PAN encourages the provision of cycle facilities and particularly cites the provision of a dedicated cycle hire interchange point.</p>	<p>The applicant has provided details of the proposed provision of cycle facilities in Section 5.2 of the TA as well as Sections 6.2, 8.1 and Appendix 6 of the DAS. These proposals incorporate a Hire-A-Bike station and Bike Doctor facility underneath the ramps.</p>	<p>Conformity</p>	<p>the PAN.</p> <p>The proposed cycle facilities are considered innovative and could kick-start a city-wide initiative, encompassing other new developments within the city.</p>
<p>Walking – Section 10.6, p16 The PAN advocates schemes coming forward which improve legibility and permeability to encourage greater pedestrian movement. Proposals should also encourage active frontages to improve orientation, legibility, safety and activity along key pedestrian corridors.</p> <p>Developers should take</p>	<p>The applicant has provided a comprehensive analysis of the existing public realm and pedestrian environment, through a site analysis in Chapter 5 of the DAS. These are used to inform the development of proposals for the public realm in Section 7.3 and Fig. 7.3.1 of the DAS.</p> <p>The applicant has ensured that key pedestrian routes connect to the</p>	<p>Conformity</p> <p>Conformity</p>	<p>The proposed improvements to the legibility and permeability of the public realm within the western quarter of the Marina demonstrate a real understanding of the existing barriers to movement. Fig. 7.3.1 of the DAS is particularly impressive since it shows the proposed pedestrian routes connecting different places within the Marina and the location of active frontages.</p> <p>A thorough approach to enhancing</p>

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<p>account of pedestrian bridges proposed as part of the approved Brighton Marina Outer Harbour (Brunswick Developments) scheme.</p> <p>The PAN states that proposals should demonstrate high quality public realm including pedestrian crossings, amenities such as resting opportunities, greenery, lighting etc. and that the implementation of shared space should be encouraged.</p>	<p>footbridges proposed under the Brunswick scheme. References to these connections with the Brunswick scheme are made in Sections 7.6.4 and 8.1 of the DAS.</p> <p>The quality of the public realm being proposed is tackled comprehensively in Chapters 7, 8 and Appendix 6 of the DAS. The principle of providing shared space has also been embraced by the applicant. Details of the location of proposed shared spaces are provided in Sections 6.2 and 8.1 of the DAS and Sections 4.4 and 7.8 of the TA. The main shared space will be within Harbour Square.</p>	Conformity	<p>connectivity with the approved scheme has been demonstrated by the applicant.</p> <p>The applicant has demonstrated a commitment to providing a high quality public realm, as evidenced by the design of pedestrian routes and open/ recreational space within the Marina. The DAS consistently applies the principle of giving priority to pedestrians over vehicles which is intrinsic to safe pedestrian movement and permeability.</p>
<p>Disabled Access – Section 10.7, p16</p> <p>The PAN seeks excellence in design with the emphasis on inclusion rather than the selective and divisive</p>	<p>The DAS includes chapter 8 on 'Access and Transportation' which gives priority to pedestrians over vehicles, improves access to public transport and promotes inclusive design. The principles enshrined</p>	Conformity	<p>The applicant has demonstrated an excellent understanding of access issues and has responded appropriately through the promotion of inclusive design for the public realm, car parking, homes and retail</p>

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<p>provision of facilities specifically for disabled people.</p> <p>Developers must incorporate best practice in disabled access and have regard to BS8300, Codes of Practice, the Department of Transport's Guide to Inclusive Design, shopmobility etc.</p>	<p>within Chapter 8 can be applied to the population generally to ensure that the environment is fully accessible to all, irrespective of whether an individual has a disability or not.</p> <p>The applicant has incorporated latest guidance and best practice concerning disabled access within their Access Statement, which is detailed within Appendix 2 of the DAS.</p>	Conformity	<p>i.e. through the provision of shopmobility and Lifetime Homes.</p> <p>Comprehensive approach to disabled access and good translation of access standards into design of development.</p>
<p>Volks Railway – Section 10.8, p 17</p> <p>The PAN is keen to see an extension of the operational hours of the Volks Railway beyond the Summer months in recognition of the Marina's function as a tourist/ visitor attraction.</p>	<p>Section 5 of the Planning Statement and Appendix 6 of the DAS confirm that the applicant is committed to extending the operational hours of the Volks Railway throughout the year.</p>	Conformity	<p>The commitment to securing an extension of the hours of the Volks Railway is welcomed.</p>
Future Emergency Vehicle	The applicant has undertaken	Conformity	The applicant has made direct

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<p>Access – Section 11.2, p17 The PAN requires:</p> <ul style="list-style-type: none"> - an additional access point at the western end of the Marina, from Madeira Drive under the outbound ramp into the Marina; - additional and/ or enhanced pedestrian/ cycle linkage to the A259 and Madeira Drive; - an improvement of the existing vehicular access point at the eastern end of the Marina to enable fully constructed emergency vehicle access from Marina Parade to this end of the Marina. 	<p>early consultation with the emergency services and the council concerning the development and emergency access provision. The minutes and correspondence arising from this consultation are contained within Appendix 6 of the TA. More details of the access provision are provided within Section 8.2.4 of the DAS.</p>		<p>reference to the provision of an additional access point at the western end, from Madeira Drive under the outbound ramp into the Marina. They have also enhanced the pedestrian/ cycle linkages to the A259 and Madeira Drive. The proposed pedestrian/ cycle routes are presented in Fig.6.2.5 and Fig.6.2.8. However, improvements to the existing vehicular access point at the eastern end of the Marina (near the boatyard) is not referred to, probably because it lies outside of the redline.</p>
<p>Health and Safety – Section 11.4, p18 The PAN advises that developers will be expected</p>	<p>Throughout the pre-application consultation stage, the applicant has liaised extensively with the emergency services concerning</p>	<p>Conformity</p>	<p>The developer has not made any references to this issue specifically within their application but they have indicated a willingness to secure</p>

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to consult the Estate Management Company and the emergency service to ensure that their proposals confirm to the latest Health and Safety regulations governing the Marina.	access, health and safety, crime prevention and security.		compliance with this objective through a planning condition, if this is deemed necessary.
<p>Crime prevention through design – Section 11.5, p18</p> <p>The PAN states that developers will be expected to address the seven principles of good design and crime prevention (identified within Section 11.5) in their DAS.</p>	The applicant has provided full details of crime prevention and community safety measures incorporated into the design of the scheme in Section 9 and Appendix 5 of the DAS.	Conformity	The feedback from emergency services, especially Sussex Police, has been very complementary about the applicant's approach to securing crime prevention and community safety through good design. Section 9 and Appendix 5 of the DAS are extremely comprehensive and incorporate Secure by Design, Park Mark Safer Parking Award and many other security/ safety measures.
<p>Capacity, Density and Open Space – Section 12.0, p18</p> <p>The PAN confirms that developers will need to address within their development proposals, the</p>	The applicant has assessed the impact of the proposed development on the existing infrastructure of the Marina in Chapters 8 'Transportation', 10 'Socio-Economic', 13 'Flood Risk	Conformity	The applicant has made direct reference to PAN04 in many of the relevant chapters of the ES and assessed the impact of the proposed development on the existing infrastructure. They have also

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<p>existing capacity and provision of services for education, health, leisure and open space, emergency services, social services, community, transport and utilities. They will also need to assess what infrastructure may be required in order to serve the proposed development on site.</p>	<p>and Drainage', and 21 'Sustainability' of the ES. The infrastructure needed in order to serve the development is also dealt with within the ES, TA and Planning Statement.</p>		<p>provided details of the mitigation measures which they are prepared to make contributions towards to lessen the negative effects of their scheme.</p>
<p>Density – Section 12.2, p19 The PAN requires that developers demonstrate that the density of development proposed supports a vibrant and sustainable place. Higher density developments will also need to be assessed against the criteria on p19 of the PAN.</p>	<p>Consideration of the proposed development can be found within Section 6.2-6.3 of the DAS and Sections 5 and 6 of the Planning Statement.</p>	<p>Conformity</p>	<p>The applicant has comprehensively tackled all of the criteria for higher density schemes listed on p9 of the PAN, as evidenced by the references to supporting documentation. Appendix 1 of the DAS which contains a tall buildings statement, is particularly good at setting out an assessment of the four taller buildings within the development against the criteria.</p>
<p>Open Space and Outdoor</p>	<p>The applicant has amended the</p>	<p>Partially</p>	<p>The applicant has responded well to</p>

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<p>Recreation Space – Section 12.3, p20 The PAN requires developers to aim to provide on-site open space within their schemes in line with Policy HO6 and to specify the type and amount of open space they intend to provide on-site. Where a lack of on-site provision can be justified, off-site contributions/ works should be specified.</p>	<p>scheme to take into account officers' concerns about the quantum and quality of open space and outdoor recreation space coming forward within the overall scheme. Details of both on-site and off-site recreational provision are outlined in Section 5 of the Planning Statement, Section 7 and Appendix 6 of the DAS.</p>	<p>met</p>	<p>concerns expressed by officers about the original scheme. Their approach is thorough and provides a detailed account of how the amended scheme has evolved. Illustrations of the design of open spaces/ outdoor recreational spaces are clearly presented and help to provide an indication of the quality of spaces coming forward. However, the applicant cannot meet the quantum of open space and outdoor recreation space on-site required under H06 and therefore the scheme does not fully meet the aspirations of PAN04.</p>
<p>Land Uses – Section 13.0, p21-22 • Marine-related uses and recreation leisure uses The PAN recommends that marina related uses and leisure and recreation uses are particularly encouraged, in recognition that the site is</p>	<p>While the amended application does not expand the existing marina related, leisure and recreation uses, it will provide the funding and accommodation for a Recreation Coordinator who can raise awareness of different recreational activities/ training courses available and facilitate the</p>	<p>Conformity</p>	<p>Officers consider that the current proposals within the amended application, to increase the use of existing marina related activities/ facilities, is acceptable. The proposed development will not compromise existing marina related uses. In fact, the promotion of recreational activities within the</p>

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<p>first and foremost a marina as well as an important leisure and recreation destination. Future development at the Marina should encourage the expansion and/or enhancement of the existing marina related, leisure and recreation uses, and these must not be compromised by future development proposals.</p> <ul style="list-style-type: none"> Residential and community uses The PAN states that all proposed new residential development will need to have the corresponding infrastructure in place to support the residential population e.g. open space, transport, health, education, community uses etc. 	<p>use of existing facilities within the Marina. Trolleys will be available for hire from the Cliff building office accommodating the Recreation Coordinator, to help people move equipment (i.e. surfboards, fishing tackle, canoes etc.).</p> <p>Chapter 10 'Socio-economic' of the ES and Section 5 of the Planning Statement provide a summary of impacts resulting from the level of development currently proposed by the applicant. Chapter 10 of the ES also examines the cumulative impact of the amended scheme, together with the approved Brunswick scheme and the BIA scheme (pre-planning application consultation stage).</p>	<p>Conformity</p>	<p>Marina and wider area could result in the expansion of existing marina, recreation and leisure related uses in the longer term.</p> <p>The applicant has quantified the impact of the proposed development on the local infrastructure and has concluded that overall, the proposals, individually and cumulatively, are considered to have very few adverse impacts. Where impacts are deemed to be minor to moderately adverse, the applicant has included mitigation measures to ensure that the necessary infrastructure is put in place to support the proposed increase in population. Officers have reviewed</p>

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<p>• 'A' uses (Retail, restaurants etc.) The PAN encourages 'A' uses within the Marina to enhance its role as a District Centre and to support the existing leisure uses and residential population.</p> <p>• Office, industrial and hotel uses The PAN encourages employment generating uses within the Marina and resists the loss of existing leisure, retail, office and commercial uses.</p>	<p>The applicant refers to Section 5 of the Planning Statement and the Retail Impact Assessment, as helping to achieve the objective of the PAN. Specifically, the proposed development delivers an enlarged ASDA store, a new McDonald's restaurant with other units for 'A' use classes identified.</p> <p>The applicant provides details concerning land uses in Sections 5.7-5.17 of the Planning Statement. The proposed development is a mixed-use development, which comprises commercial (A1-A5), office (Class B1), residential (Class C3), Community Hall and GP Surgery/ Healthy Living Centre (Class D1) and petrol station (sui-generis). The new expanded ASDA</p>	<p>Conformity</p> <p>Conformity</p>	<p>this information and are satisfied that the proposed development is supported by the appropriate level of infrastructure.</p> <p>The proposed development is considered to be an expansion and enhancement of the existing retail offer within the Marina. As such, officers are content that the scheme will enhance the role of the Marina as a District Centre and major leisure destination.</p> <p>The applicant has addressed officers' concerns that the scheme did not include an office element, despite the loss of the Brighton Marina Estate Management Co. Ltd offices. The amended scheme now includes 423 sq m of office accommodation which the applicant suggests might be</p>

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<p>• Balance and mix of uses Major schemes will be expected to be genuinely "mixed-use".</p> <p>• Active frontages A key priority of the PAN is to secure active frontages at ground/ pedestrian level within any redevelopment</p>	<p>store will create an additional 152 jobs (61 F/T, 91 P/T), other new retail facilities will create 50 jobs (20 F/T, 30 P/T), cafes/ restaurants 65 jobs (26 F/T, 39 P/T) and offices 13 jobs (12 F/T, 1 P/T). This information is supplied within Chapter 10 of the ES.</p> <p>The applicant provides details of the mix of uses within Section 5 of the Planning Statement and Section 6 of the DAS.</p> <p>The amended application provides details of the location and rationale for active frontages within Section 6 of the DAS. Details of</p>	<p>Conformity</p> <p>Partially met</p>	<p>occupied by the existing security office and other occupiers of the temporary accommodation within the Marina. The existing car wash operation will be relocated to the car park of the Cliff building, with no job losses. Overall, the amended scheme will result in an additional 318 jobs with no loss of existing leisure, retail, office and commercial uses or their associated employment.</p> <p>The proposed development involves a mix of uses including Class A1, A3-A5, B1, C3, D1 and sui generis but is a predominantly residential and retail led scheme. The Marina is one of seven strategic sites within the city suitable for mixed use development including a significant proportion of housing (DA2). Officers therefore consider the proposed development to be acceptable.</p>

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<p>scheme which comes forward. The creation of memorable gateways and the introduction of buildings and activities at key transitional areas is also encouraged.</p>	<p>how the proposed Sea Wall development contributes to the delivery of a western gateway to the Marina can also be found within Section 6.5 of the DAS.</p>		<p>The applicant cites the results of a micro-climatic assessment as the main reason why active uses have not been incorporated within the design of the western breakwater. While this is considered acceptable, officers are still concerned about the lack of active frontages at ground floor along the eastern and western edges of the Cliff development which are the main pedestrian routes to proposed open spaces/ outdoor recreation space.</p>
<p>Public realm – Section 14.0 The PAN recognises that the quality of the public realm at the Marina is poor and seeks, through development proposals, to ensure that this is improved. Developers are required to give consideration to the SWOT analysis contained within the PAN and best practice recommended within the</p>	<p>Since the submission of the original application in September 2007, the applicant has reviewed the public realm strategy in the light of the advice and good practice contained within PAN 04 and the Legibility Study. Details of the qualitative and quantitative improvements in the on-site public realm and recreation spaces proposed are outlined in Section 7 and Appendix 6 of the DAS.</p>	<p>Conformity</p>	<p>The applicant has responded well to feedback from officers on their public realm proposals. The amended application has taken on board best practice and guidance contained within the council's Legibility Study and PAN04. This has led to a substantial improvement in the quality and quantity of public realm and outdoor recreation space coming forward as part of the proposed development. However, it should be</p>

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council's Legibility Study in development proposals coming forward for the Marina.			pointed out that not all public realm areas within the redline will be resurfaced and/ or improved by the developer. This is particularly disappointing in terms of Park Square, which abuts the proposed Quayside development and is central to the longer term regeneration of the western quarter of the Marina.
<p>Character Areas – Section 14.1</p> <p>The PAN identifies three character areas which developers should use to guide their design proposals for the public realm.</p>	Details of the proposals for the public realm within the different character areas are contained within Section 7.5 and Appendix 6 of the DAS. Paras 7.5.1-7.5.3 specifically refer to how the proposals relate to the cliff park character area and urban character area within PAN 04.	Conformity	The applicant has demonstrated a good understanding of urban design principles and has used the PAN04 character areas to inform the design of the public realm coming forward within the development proposals.
<p>Public Art – Section 14.3, p27</p> <p>The PAN advocates an imaginative approach to public art to help promote a sense of arrival and give the Marina its local distinctiveness.</p>	The applicant has worked closely with Public Art officers within BHCC as well as Brighton Arts Commission and has undertaken consultation with community groups, youth clubs and local schools concerning its public art proposals. Details of	Conformity	The applicant's approach to public art has been refreshingly inclusive and creative, as evidenced through their Public Art Statement (Sept 2007) and Addendum (June 2008). The Addendum expands on the Public Art Statement to reflect the

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	<p>their proposals are contained within the Public Art Statement and Public Art Statement Addendum, as well as Section 7 and Appendix 6 of the DAS.</p>		<p>developments which have taken place over the last year and describes the future Public Art commissions planned at Brighton Marina as a result of the amended application. The scheme also takes into account the approved Brunswick scheme and the phasing/ coordination of public art across the entire western end of the Marina.</p>
<p>Opportunities for Future Development – Section 15.0, p28 The PAN recognises that there are a number of sites at the Marina that are inefficiently used. Eleven key sites are identified as possessing development potential of varying degrees. Proposals should demonstrate how they address the four principal design requirements i.e. improve legibility, permeability, encourage</p>	<p>The applicant has provided details of how the proposed development satisfies the PAN's design criteria within Section 6.1 of the DAS and Section 5 of the Planning Statement. The proposed development falls within the Leisure, Superstore and Merchant's Quay areas of the Development Opportunities map (Fig 17 of PAN04, p31)</p>	<p>Conformity</p>	<p>The proposed development falls within three of the development opportunity sites identified in the PAN as being medium to high priority areas for future development. The Leisure and Superstore areas are particularly in need of regeneration. The applicant's specific proposals for these areas are in conformity with Sections 15.4, 15.5 and 15.6 of the PAN.</p>

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active frontages and a mix of uses.			
<p>Priority Areas for Development – Section 15.1, p28</p> <p>The PAN identifies aspirations for the redevelopment of a number of sites within the Marina and recommends that developers provide a rationale where identified sites have not come forward for redevelopment.</p>	<p>The applicant has provided an explanation for the choice of sites and phasing of redevelopment proposed as part of the planning application within the Planning Statement and DAS. Section 6.1 provides a development framework for the western quarter of the Marina and explains how the planning application has evolved to ensure it will compliment future phases of redevelopment at the Marina.</p>	<p>Conformity</p>	<p>Although the proposed development does not bring forward the leisure sheds and multi-storey car park for redevelopment, the amended application now indicates that the future redevelopment of this area will secure:</p> <ul style="list-style-type: none"> - a raised level for the Leisure area with undercroft parking - the continuation of the boardwalk linking the Eastern end of the Marina with the western breakwater at an elevated level; and - resolution of the level changes between the Spending Beach and the Leisure site. <p>All of these measures are in conformity with the council's preferred aspirations for these areas.</p>
<p>Height Constraints on Development – Section 15.2, p28</p>	<p>Detailed consideration of the criteria listed on p29 of the PAN, is presented by the applicant in</p>	<p>Conformity</p>	<p>The applicant has comprehensively addressed each of the nine criteria identified on p29 of the PAN within the</p>

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<p>The PAN recognises Brighton Marina as one of the few locations where taller buildings (i.e. 6 storeys or more) may be acceptable, subject to meeting a number of detailed criteria (see p29). Developers are also required to assess the impact of their proposed development on local views, prospects and panoramas which connect the Marina to its wider setting.</p>	<p>Sections 6.2, 6.3 and Appendix 1 of the DAS. The visual impact assessment of the proposed development is considered in Chapter 9 of the ES 'Townscape and Visual Impact'.</p>		<p>DAS. Officers consider that the applicant has paid considerable attention to the local context and natural topography and that the resulting scheme is an enhancement of the existing built environment.</p> <p>Details concerning the visual impact of the proposed development on strategic views are presented in the DAS and the Townscape and Visual Impact assessment (Chapter 9 of the ES). Whilst the visual impact of the scheme on two out of 45 strategic viewpoints is considered adverse, officers believe that the applicant has tried to mitigate the impact through iterating the design of the Quayside and Marina Point buildings. Overall, the benefits of the scheme, in terms of the regeneration of the Marina and the substantial improvements to the public realm, are deemed to outweigh the negative impact of the scheme on the two strategic views.</p>

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<p>Housing and Social Infrastructure – Section 16, p39</p> <p>The PAN identifies the Marina as a possible site for the creation of a growing, more sustainable community which is supported by an appropriate level of social infrastructure. Developers must have regard to Table 1 of Section 12.1 of the PAN, which provides a Social Infrastructure Checklist to assess development proposals against.</p>	<p>The applicant's consideration of the Social Infrastructure Checklist in relation to the proposed development is set out within Chapter 10 of the ES (Socio-Economic). The DAS, Sections 5 and 6 of the Planning Statement and the Health Impact Assessment also address aspects of the Checklist and the key priorities for the provision of future social infrastructure identified on p39-40 of the PAN.</p>	<p>Conformity</p>	<p>The applicant has assessed the impact of the proposed development on the existing social infrastructure. Where the impact of the scheme is deemed to put pressure on existing infrastructure, the applicant has recommended mitigation measures, either through service expansion or financial contributions. These measures include the following:</p> <ul style="list-style-type: none"> • substantial financial contributions directed towards primary schools; • the provision of a playgroup; • a new GP Practice/ Healthy Living Centre; • a new community hall; • additional open spaces/ outdoor recreation spaces for all age groups; • a new secondary emergency access into the Marina from Madeira Drive; and • an upgraded Sustainable Urban Drainage System (SUDS). <p>Overall, officers are satisfied that the</p>

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			proposed expansion in social infrastructure is sufficient to meet the needs of the existing and new population. This will be further secured through planning conditions and S106 obligations.
<p>Environmental Sustainability – Section 17.0, p40 The PAN advocates that all new development coming forward at the Marina should be exemplary in terms of sustainability. Developers must also have regard to the Sustainable Building Design SPD and the associated Sustainability Checklist.</p>	<p>Details of the sustainability performance of the proposed development can be found within Chapter 21 of the ES (Sustainability). Matters relating to water efficiency and drainage are presented in Chapter 13 of the ES (Flood Risk and Drainage). Finally, the management of waste during construction and operational phases of development is explained within the Planning Statement and Chapter 14 of the ES (Waste).</p>	Partially met	<p>The proposed development incorporates a number of design features and measures which improve its performance in terms of sustainability. In summary, these include:</p> <ul style="list-style-type: none"> • A CHP unit using a combination of biomass and gas fired boilers, reducing the site's CO2 emissions by 46% compared to the target emission rate; • The provision of the infrastructure for grey water recycling and harvesting of rain water for irrigation of the new public spaces; • The introduction of ecological planting to create habitats, increase biodiversity and minimise surface run-off; • The composting of waste

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			<p>generated from communal gardens and recycled within the new landscaped spaces;</p> <ul style="list-style-type: none"> • The achievement of Level 4 of the Code for Sustainable Homes; and • A Site Waste Management Plan which commits to minimising and recycling generated waste both during construction and operational phases of development. <p>However, given that the site is one of two sites which the PAN considers suitable for implementing large-scale zero or low-carbon technologies, it is a little disappointing that other energy saving technologies such as solar, wave and wind power have not been deployed to further reduce carbon emissions. Nevertheless, recent submissions from the applicant have now confirmed that the scheme will achieve BREEAM Excellent on all the commercial elements, as well as the Healthy Living Centre and Community</p>

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			Centre. This increased sustainability offer follows negotiations with Asda and is welcomed.
<p>Ecology – Section 18.0, p41 The PAN requires that all development proposals have regard to the draft SPD on Nature Conservation and Development and must contribute to the delivery of the five objectives outlined on p41-42 of the PAN.</p>	<p>The applicant has considered the implications of all five objectives in relation to the proposed development within Section 7 and Appendix 6 of the DAS and Chapter 18 of the ES (Ecology).</p>	<p>Conformity</p>	<p>The applicant has provided a comprehensive assessment of ecological impacts of the proposed development in Chapter 18 of the ES, including a full review of existing data and the collection of new data through scheme specific surveys in line with the requirements of the city council and Natural England. Overall, the net ecological impact of the scheme is positive due to the promotion of on-site and nearby native biodiversity as an integral driver for the scheme's design. The only area of residual concern relates primarily to the potential conflict between lighting and tall structures on birds. However, the developer has committed to delivering additional mitigation measures to reduce these impacts to the minimum.</p>

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<p>The Masterplan – Section 19.0, p43 The PAN identifies the weaknesses of the existing context at the Marina and puts forward desired frameworks for future development (see Fig.18) and the public realm/ amenity space (see Fig. 19).</p>	<p>The way in which the proposed development meets the objectives contained within the desired frameworks is considered fully within the DAS and Planning Statement.</p>	<p>Conformity</p>	<p>On the whole, the applicant has sought to address the fundamental aspirations articulated within the desired frameworks for development and the public realm. In some areas e.g. ecology, legibility, shared spaces, transport, emergency access etc. the scheme has performed better than in others e.g. sustainability, promotion of Marina-related uses etc. However, officers consider that the overall benefits to the regeneration of the Marina far outweigh those areas where the scheme under-performs.</p>
<p>Construction and Implementation Plan – Section 20.0, p47 The PAN states that it is essential that a coordinated approach to construction activities is adopted to minimise adverse environmental impacts. It identifies four measures that should be considered by</p>	<p>The applicant outlines their approach to the coordination of construction activities and their mitigation within the CEMP.</p>	<p>Conformity</p>	<p>The applicant has examined the impact of the proposed construction programme on the Marina's local environment, including traffic management, noise and vibration, air quality, water quality, waste management and disposal, as well as the control of hazardous substances. Officers welcome the consideration which the applicant has given to the design of the scheme in order to</p>

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<p>developers within their Construction Environmental Management Plan (CEMP) (see p47).</p>			<p>minimise the impact of construction activities on local businesses and communities. Where this has not been possible, the applicant has suggested sensible mitigation measures.</p>

