
Appeal Decisions

Site visit made on 22 February 2016

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2016

Two Appeals at Sea Life Centre, Madeira Drive, Brighton BN2 1TB

- The appeals are made by Brighton Sea Life Centre against the decisions of Brighton & Hove City Council.
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Appeal A Ref: APP/Q1445/Y/15/3133382

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The application Ref BH2014/02306, dated 10 July 2014, was refused by notice dated 1 July 2015.
 - The works proposed are "An overall signage strategy is proposed, as proposed under previous application to retain the street presentation of the Sea Life Centre".
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Appeal B Ref: APP/Q1445/Z/15/3133380

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The application Ref BH2014/02286, dated 8 July 2014, was refused by notice dated 1 July 2015.
 - The advertisement proposed is "Please see descriptions & photos of signs numbered 1-15 in accompanying documentation, the proposal includes all signs at the Sea Life Centre in order to present a comprehensive layout proposal".
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Appeal A: Decision

1. The appeal is allowed and listed building consent is granted for "An overall signage strategy is proposed, as proposed under previous application to retain the street presentation of the Sea Life Centre" at Sea Life Centre, Madeira Drive, Brighton, BN2 1TB, in accordance with the terms of the application Ref BH2014/02306, dated 10 July 2014, and the plans submitted with it subject to the following condition:
 - 1) The works hereby authorised shall be carried out in accordance with the following approved plans: location plan, SLC'11 block plan, SLC'09/dwg2a, SLC'09/dwg3a, SLC'09/dwg4a, SLC'09/dwg5a, SLC'09/dwg6a, SLC'09/dwg7a, SLC-sk dimensions: sketch 1, SLC'09 detail sign 10, SLC09 detail sign 11, SLC09 detail sign 13, SLC09 detail sign 14, SLC-sk dimensions: sketch-sign 4, SLC-sk dimensions: sketch-sign5, SLC09 detail sign 2, SLC09 details of fixings: signs 4 & 6, and SLC09 general detail sign fixings for signs 2, 4, 6, 10, 11, 12, 13, 14.

Appeal B: Decision

2. The appeal is allowed and express consent is granted for the display of the advertisements as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:
 - 1) The advertisements hereby authorised shall be carried out in accordance **with the following approved plans: location plan, SLC'11 block plan, SLC'09/dwg2a, SLC'09/dwg3a, SLC'09/dwg4a, SLC'09/dwg5a, SLC'09/dwg6a, SLC'09/dwg7a, SLC-sk dimensions: sketch 1, SLC'09 detail sign 10, SLC09 detail sign 11, SLC09 detail sign 13, SLC09 detail sign 14, SLC-sk dimensions: sketch-sign 4, SLC-sk dimensions: sketch-sign5, SLC09 detail sign 2, SLC09 details of fixings: signs 4 & 6, and SLC09 general detail sign fixings for signs 2, 4, 6, 10, 11, 12, 13, 14.**

Appeals A and B:

Preliminary matters

3. Notwithstanding the descriptions of the works and advertisements given on the relevant application forms, the schemes in both appeals are for a comprehensive advertising scheme for the Sea Life Centre. Although some of the advertisements for which listed building consent and advertisement consent are sought are in place, others are not. So I shall refer to the scheme as a **whole as 'the proposal', only making reference to existing advertisements as relevant to my reasons.**
4. **The Sea Life Centre (listed building) is listed in Grade II as 'The Brighton Aquarium and attached walls and piers and railings and lamps', and it is situated in the East Cliff Conservation Area (Conservation Area).**
5. As the appeal building is a listed building, I am required to take account of section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (LBCA) which states that, in considering whether to grant listed building consent for any works, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As the appeal building is in a conservation area, I am also required to take account of section 72(1) of the LBCA which states that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
6. The *Town and Country Planning (Control of Advertisements) (England) Regulations 2007* require that decisions made under the Regulations are made only in the interests of amenity and public safety. The Council has not raised concerns about public safety in its reason for refusal for Appeal B. From my inspection of the site and its surroundings, and from the written representations made, I see no reason to disagree.

Main issue

7. The main issue in Appeals A and B is:
 - Whether the proposal would preserve the special architectural or historic interest of the listed building or its setting or any features of special architectural or historic interest which it possesses,
 - Whether the proposal would preserve or enhance the character or appearance of the Conservation Area, and
 - Whether the proposal would harm amenity.

Reasons

8. The High Victorian Gothic style interior elements of the mid to late C19 purpose-built aquarium and its largely early C20 Regency Revival style exterior contribute positively to the special architectural interest of the listed building and to its significance as a historic entertainment building. Close by, the Conservation Area is characterised by its historic tourist attractions, generous sea views, and wide seafront streets, which are set against the mainly historic architecture of the buildings that provide its backdrop on the north side of Marine Parade. The Conservation Area includes an area of townscape that reflects the growth of Brighton as a Regency and Victorian seaside resort, and this is important to its significance.
9. The main entrance to the listed building is by the busy roundabout where the **A259 King's Road and A259 Madeira Parade** meet Old Steine. Although the listed building is an extensive structure with wide frontages to 2 roughly parallel roads, it has comparatively little presence in the street scene in Marine Parade because much of the listed building takes up the difference in levels between the upper level Marine Parade and the lower level Madeira Drive. Thus, most of the aquarium is below ground level in Marine Parade. Without the existing photorealist advertisements within them, the windowless arched recesses in its southern wall, which face seawards over Madeira Drive, would look like little more than part of an elegant retaining wall. Thus, they would offer little indication of the aquarium they enclose.
10. The only real clue to the existence of the building is the pair of kiosks on either side of the steps down to the main entrance to the listed building in the sunken plaza, and the more recent roof that spans between them. This feature can be made out from the west, looking east along **King's Road**, but it is dominated by the significantly taller seafront development on the north side of the A259, and partly obscured by the abundant street furniture and pedestrian railings by the roundabout in front of it. A secondary entrance, which is below the level of Madeira Drive, offers a rather uninviting tunnel access to the sunken plaza from the beach. So, as a tourist attraction, the listed building is not easy to find, despite its location close to others, including the Palace Pier, Volks Electric Railway, and the beach. Moreover, it is not clear that it is a building dedicated to the display of sea life.
11. The proposal aims for the listed building to be easily identified as an aquarium, for its main and secondary entrances to be easily located by visitors, and for the business to compete commercially with the nearby entertainment uses on and by the seafront.

12. The sensitive design of the signage scheme, which includes cut-out letters on the more recent main entrance roof slopes, flags on poles, photorealist panels, mainly set in existing recesses and openings, and relatively discreet directional signs, would be sympathetic to the historic form and architectural features of the listed building. The scheme as a whole would maintain the sense of order, and where appropriate, the symmetry, that contributes in an important way to the special architectural interest of the listed building. Because the scale and design of the photorealist advertisements make good use of existing forms and recesses in the structure, they advertise its presence in a positive way that allows its historic architecture and function to be appreciated.
13. Due to the poor visibility of the listed building in views from the west, east and north, the existing flags help to herald the attraction in the more distant views. Closer by, the high level signage on the entrance canopy roof would draw attention to the comparatively narrow main entrance feature facing the roundabout, and because of their siting, only one or 2 of the high level roof signs would be seen at the same time in most views. The cut-out letters would harmonise with the curved roofs without disrupting their elegant forms.
14. Because of the large scale of the listed building, the various elements of the fairly low-key advertising scheme would be suitably few and far between, and, thus, not excessive. They would be neatly sited in a range of loose-knit groups around and within the asset. So, for example, although there would be 14 signs in the 5 groups of 3 arched recesses in Madeira Drive, they would be read as a single well-spaced group that would enhance appreciation of the asset's architecture. They would also give the impression of looking into the aquarium tanks, thereby announcing its purpose and presence. Because the slim panel adverts on the balustrades would help visitors to navigate to the main entrance, they would harmonise with its form and function, so the special interest of the building would be sustained. Furthermore, the form and scale of the neatly sited signs on the entrance gate pillars, above the entrance and on the kiosks, would highlight the way into the attraction, which is essentially an open void, in a respectful, well-proportioned, classical manner. The sign to the secondary entrance would better reflect its purpose as an entrance.
15. As the signs would help to keep the aquarium in active use by advertising its offer, they would be appropriate to its purpose as a tourist attraction, and to its context amongst other seaside entertainments. Whilst the listed building has been put to other uses, and it narrowly avoided conversion to a bus station, it was built as an aquarium. It is still in active use as an aquarium, and this is likely to be the best means of preserving its special interest and significance. So, the advertisement scheme, which would help visitors to locate and enjoy it, should help to ensure that the heritage asset is conserved in a manner appropriate to its significance.
16. The lively commercial character and rather bold appearance of the nearby historic and more recent tourist attractions, bars and restaurants, are important to this part of the Conservation Area, so the advertisements would not look out of place. Moreover, because the scheme would sustain the architectural character and significance of the listed building as a historic visitor attraction, its positive contribution to the character and the appearance of this part of the Conservation Area, and to the designated heritage asset as a whole, would be preserved.

17. In reaching my conclusions I have had **regard to my colleague's appeal** decision ref APP/Q1445/E/06/2029634 which was also concerned with advertisements at the listed building. Insofar as my colleague's **appeal** decision is relevant to the proposal before me, my findings are consistent with his. I have also dealt with the proposal before me on its merits, in accordance with its site specific circumstances, and my statutory duties.
18. Because I have found that the listed building and the Conservation Area would be preserved in a manner appropriate to their significance, and as there would be no harm to amenity, the advertisements should be allowed, subject to the imposition of conditions. Other than the 5 standard conditions in the Regulations that are applicable to Appeal B, no conditions have been suggested by the Council in either appeal. Whilst I broadly see no reason to disagree, a condition identifying the plans is necessary for the avoidance of doubt, so that condition has been imposed in both appeals.
19. I consider that the proposal would preserve the special architectural interest of the listed building and its setting and its features of special architectural interest which it possesses; that it would preserve the character and the appearance of the Conservation Area; and that it would not harm amenity. It also satisfies Policy HE1 of the *Brighton & Hove Local Plan* (LP) which reflects the thrust of the statutory duty with regard to listed buildings, LP Policy HE9 which aims to control advertisements in conservation areas in line with the statutory duty, LP Policy QD12 which seeks sensitively designed and located advertisements, and the *National Planning Policy Framework* which aims to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Conclusion

20. For the reasons given above and having regard to all other matters raised, Appeals A and B succeed.

Joanna Reid

INSPECTOR