

54 Marmion Road
Hove BN3 5FT

Mr Carl Hearsom
Brighton & Hove City Council
Legal Service
Kings House
Grand Avenue
Hove BN3 2LS

7th January 2013

Dear Sir,

10th January 2013 Brighton & Hove Magistrates' Court Sitting

**Reference:CAH/37610 – Notice of intention to apply to stop up areas of Highway at
Portland Road & School Road, Hove - Application 1 & 2**

I hereby give notice that I wish the following objection letter to be registered and considered as a representation at the above sitting.

Application 2

As a user of the Highway I would strongly object to the proposed Application 2 to stop up Area 1 & 2 on the following grounds:

Area 2

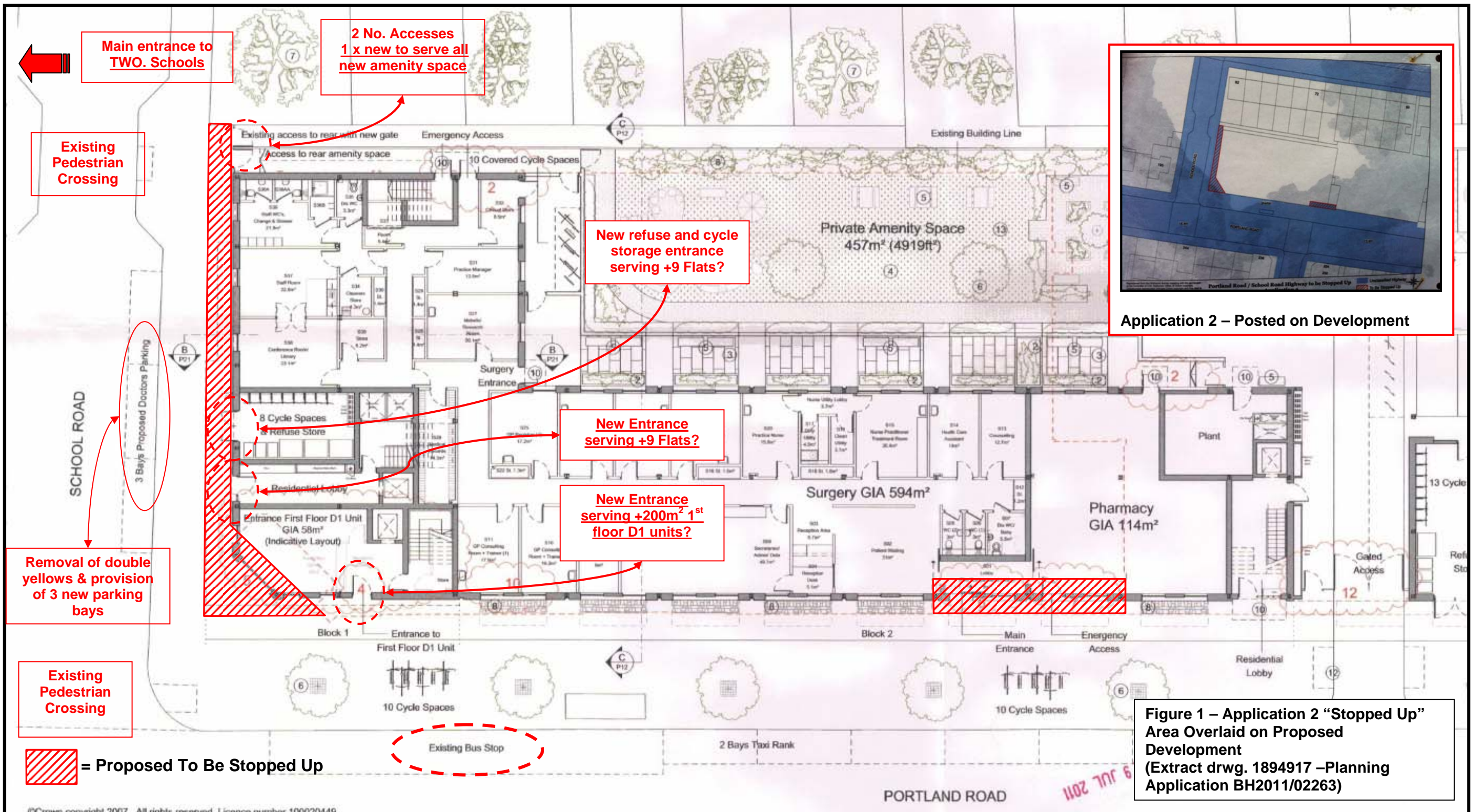
The stopping off of Area 2 would not appear to be consistent with the principles of “Manual for Streets” – DfT (MfS) when considered in the context of the development. The attached Fig 1 highlights the proposed changes to the existing frontage use that includes the addition of four new access points within this frontage. Three of the new access points are between the existing crossing points on School Rd and serve as an access to an amenity area, a refuse and cycle store serving +9 flats and the main entrance to these flats. Both crossing points serve as the main access points from the eastern catchment area to two schools (West Hove Infant & West Hove Primary Schools).

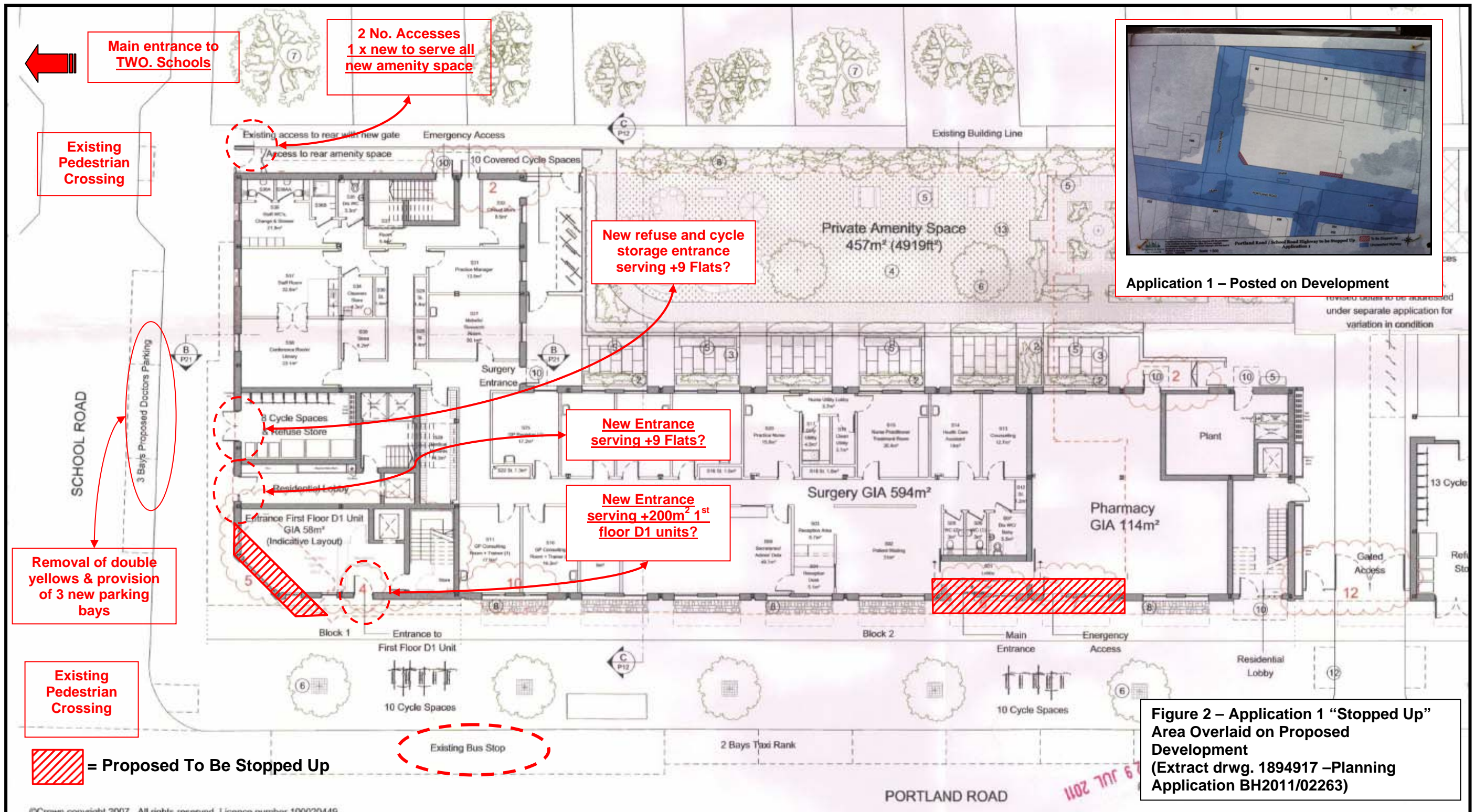
This is further compounded by the developments approach to parking that will remove the double yellow lines and replacement with dedicated parking spaces. It may also be noted that its approach to disabled parking for the proposed doctor's surgery is that none is provided in the gated inner court yard area and all access will be made by dropping of on the remaining adjacent double yellow line areas.

In summary the proposed development would put a significant increase in demand over and above the already high school usage of the pedestrian highway within this area. The proposed 1.6m reduction in pedestrian highway width would not appear to be in line with the MfS user hierarchy that puts pedestrians first (Table 3.2) or take due consideration of the requirements to consider additional width (Section 6.3.22). It should promote equality of opportunity between disabled persons and others (Section 2.7) which given the conflict of usage a reduction of width would not appear to support. Given the proposed change of use that increases the access onto and usage of this section of highway it is unclear as to how the Highway Authority has come to this conclusion. The assessment that Area 2 is “unnecessary” would appear to go against all guidance and the interests of the local community.

A reduction of width would appear to only serve the developer's interests in extinguishing a right of way that has existed unobstructed since the original development of the site (with the exception of the current temporary hoarding for the demolition). This would further enable their proposed development to encroach into public area to the detriment of the local community's safety.

The stopping up notice of Application 2 – Area 2 is therefore strongly objected to.





Area 1

The objection to stopping up of Area 1 is based on a matter of principle.

The developer has pushed through a planning application that extends out over a public right of way that has existed since the sites original development in the 1930's. Having gained planning permission the developer would appear to now be retrospectively attempting to extinguish a public right of way through discussions with the local Highway Authority, who are also the Planning Authority. This would appear to set an interesting precedent for the council in the manner that they conduct their business and future development within the City.

It may be noted that the current location of Area 1 is within the proposed main surgery and pharmacy entrance to the development. It would appear, therefore that it could most probably be accommodated into the design with a recessed feature in the façade without extinguishing a public right of way.

The stopping up notice of Application 2 - Area 1 is objected to.

Application 1

As a user of the Highway I would strongly object to the proposed Application 1 to stop up Area 1 & 2 on the following grounds:

Area 1

The grounds for the objection are as outlined in Application 2 - Area 1.

Area 2

The impact of this is less than that within Application 2 (see Fig 2), however any reduction in the highway width in this area, given the proposed change in use would not appear to be merited, as outlined in Application 2 - Area 2 above.

In this case the existing public right of way could be easily maintained together with the associated safety benefits by simply moving the proposed developments façade back 1.6m to the original building line.

The same matter of principle objection would also apply to this area as outlined in Application 2 – Area 1.

Please note that I would also like to make a personal representation at the sitting on the 10th January 2013, however given the timing of the notice i.e. over the Christmas Holiday break, I have been unable to confirm the time off from work with my employer at the time of writing. I will endeavour to contact you before the 10th January to confirm if I can attend. I would therefore still request that this objection be presented as a representation at the sitting.

Please could you confirm receipt of this letter and confirm that it will be submitted as a representation at the 10th January 2013 Brighton & Hove Magistrates' Court 14-00hrs sitting.

Yours faithfully,

Mike Preston

54 Marmion Rd
Hove

cc. Cllr Anne Pissaridou
Mike Weatherley MP