

Response to Lewes & Co letter of 11.02.11 (Set out by theme).

Theme	Developer response	Council response
<p>Parking, public transport, vehicular and pedestrian access</p>	<p>Developer purports that the site is in an accessible location in relation to public transport as agreed in both council and appellant statement of common ground for Inquiry Unreasonable and misleading that council believes the site is poorly located in relation to public transport</p>	<p>The brief does not contradict the council's statement of common ground. Whilst the site benefits from a degree of accessibility in that there are bus stops approx. 200m to the east and 115 m to the west of the site on Old Shoreham Road, these are served only by intermittent bus services. The issue of accessibility has been analysed in the preparation of the brief and is discussed more fully in the contents of the document.</p>
	<p>Underground parking: from Goldstone Crescent would cause unacceptable traffic disruption to queuing traffic along Goldstone Crescent and access to underground parking from higher end would be prohibitively expensive.</p>	<p>It is acknowledged that creating vehicular access from either Goldstone Crescent, Old Shoreham Road or Hove Park Gardens will each present their own difficulties. It is anticipated that development proposals explore the feasibility of underground car parking in full from both the eastern and western ends of the site. This is particularly important when set against consultation responses expressing concern about the impact of parking in residential streets outside of the existing restricted zones. This would suggest that adequate parking should be provided on the site to meet the needs of the development. The approach to the location and design of access into the site will not depend solely on one single factor such as queuing traffic and an</p>

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		appropriate location for both vehicular and pedestrian access should not rely on traditional engineering solutions and inflexible standards, but reference useful documents such as Manual for Streets as well as Local Plan policies.
	BHCC current standards are the maximum?	It is confirmed that all the car parking standards as set out in SPGBH4 are maximum standards. The LPA also has the duty to assess applications against recent central government guidance.
	Transport Assessment found that there were 421 unrestricted parking spaces within 5 minutes walk of site. Parking was not a reason for refusal of the planning applications	It is acknowledged that the proposed level of parking was not a reason for refusal. Central government guidance on parking standards, in this case PPG13 Transport, should be applied in the design of a scheme. PPG13 has been revised since the appeal was determined and notes that where schemes conform to local parking standards, this may not necessarily accord with PPG13 which seeks to ensure the level of parking on a development responds positively to local circumstances and context. In this case, the developer has noted that there is unrestricted parking within 5 minutes walk of the site. In practical terms, the impact of parking on residential streets just outside the restricted parking zones will be an undesirable one and it likely to cause harm to residential amenity. Given the infrequent bus service along Old Shoreham Road, adequate levels of car parking to serve the needs of the development taking account of local circumstances should be provided.
Wildlife and badgers	Advice on panel incorrect and advice of Institute of Ecology	The information provided on the exhibition panel is based on a variety of good practice sources and is advisory, not

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	and Environmental Management of no ground works within 20m of sett entrances is at odds with advice on panel of no works within 30m of sett entrances.	mandatory.
Height	Council's Urban Designer and Planning Inspectors didn't have an issue with height and no reason to revisit this issue. Photomontages inaccurate, misleading and contrived.	Comments made in response to previous planning applications relate to the specific details of these individual proposals, whereas the brief is concerned with establishing basic design parameters that would guide any development proposal on the site. Photomontages are commonly used for general illustrative purposes and it is difficult for these to take account of perspective. However, additional work has been undertaken in the brief's preparation to define and clarify the generalised height line in relation to the site and surrounding area.
Density	Principle of density previously proposed was not an issue. Does not think that comparative lower density schemes should influence the proposals.	The brief has taken a local contextual and urban design-led approach to the site, which will effectively determine the density of any new development on the site, but which continues to reflect Local Plan policy QD3 which seeks new development to make the most efficient and effective use of a site by incorporating an intensity of development appropriate to the locality and/or prevailing townscape. Since the developer's planning applications were considered and the publication of the inspector's report on 1 April 2010, the new government has published a revised planning policy statement on housing (PPS3, published 9 June 2010). The new PPS includes a revised approach to the issue of housing

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		densities, including the removal of indicative minimum density provisions, reflecting the new government's move towards an increased focus on local context, which includes the Secretary of State's intention to abolish regional housing targets.
	The developer purports that there are other schemes of higher density which are a success.	Examples of other higher density successful schemes have not been provided by the developer for comparison or examination by the council.
Trees and landscaping	Developer cites tree survey with previous application that 42 of the 56 trees on site are of low quality. Does not agree with information on panel that in general the trees are in reasonable condition.	Developer's own assessment that accompanied planning applications showed only 5 trees that were dead, dying, dangerous and needed removal, with the remainder were in good or adequate condition. As a group, the urban design assessment undertaken for the brief considers that collectively the trees are an important feature in the landscape.
	Regarding position and setbacks, the Inspector found the position of the building to be acceptable and important in redressing the balance of the corner. Inappropriate for the council to revisit this.	In the Inspector's decision for both Appeal A and Appeal B, it was found that in both schemes the treatment of the corner of Goldstone Crescent and Old Shoreham Road were not successful in responding to variations in the local character. In his report he states, "I see no compelling reason for the treatment of the appeal site to be similar to the treatment of either of the adjoining building forms, as such, but there is the need for a new building to mediate between the separate characters and appearances." (paragraph 8).
Process and principle of public consultation	Brief is not reasonable or necessary and contrary to guidance in Planning and	The brief has been prepared in the light of the two previous planning appeals that were dismissed by an inspector on design grounds and a resulting lack of clarity with regard to a

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	Development Briefs: A Guide to Better Practice (1997) produced by CLG	development that would meet the concerns of the local planning authority. It was considered important to prepare a planning brief to clearly establish what is likely to be acceptable and unacceptable on the site, where there is flexibility and where requirements are firm. These factors are cited as sound reasons for preparing a planning brief in the DCLG's good practice guide.
	Information on panels focuses on refusals of planning permission and fails to acknowledge that sole reason was due to design concerns regarding roof treatment.. Failure by LPA to give required weight to Inspectors advice would undermine the appeal process and delay development	The amount of information included on design panels is necessarily limited. The inspector's advice has been considered in the preparation of the brief (see appendix 3 of this CMM report for further information) along with other material considerations, including a revised national planning policy context, a detailed assessment of the site and the local area and the results of the consultation.
	Late and unnecessary preparation of brief likely to lead to additional costs being incurred by Hyde and is unreasonably prescriptive in guiding future applications.	The Inspector's report made clear that both schemes lacked the sufficient design quality that this prominent site deserved. The second scheme did not respond adequately to the reasons for refusal for the first scheme. As such, the production of a planning brief, is considered appropriate to set the development parameters and address the concerns of the Local Authority, residents, the developer and other stakeholders.

