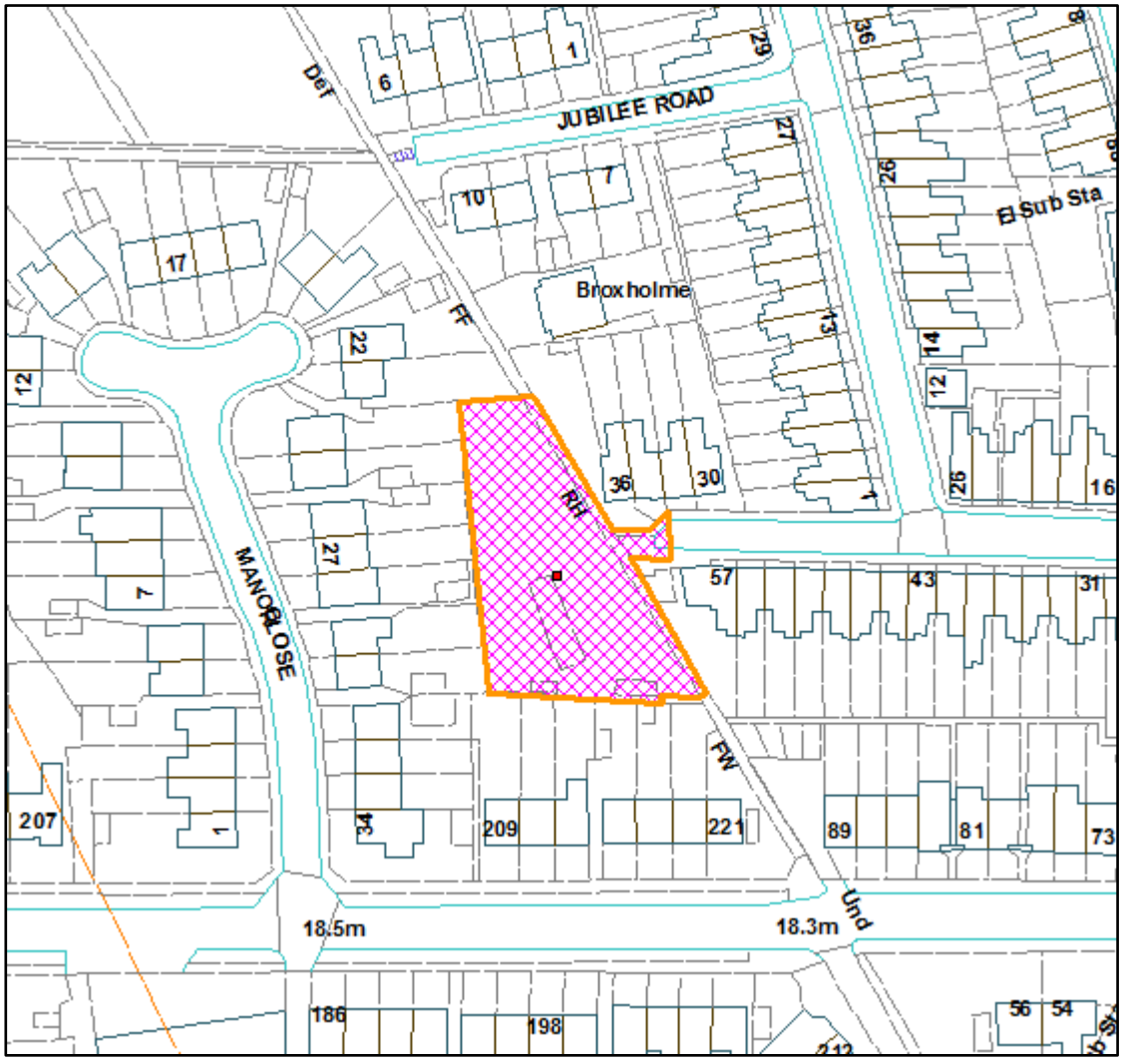
Application Number: AWDM/1859/22		Recommendation – APPROVE	
Site:	**Land East Of 24 To 30 Manor Close, Gardener Street, Portslade**		
Proposal:	**4 No. three bedroom two storey detached houses including new access road from Gardener Street and alterations to public footpath**		
Applicant:	Bailey Brothers Ltd	Ward:	Eastbrook
Case Officer:	Peter Barnett		



Not to Scale

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Proposal, Site and Surroundings

The site is a triangular shaped parcel of land which is a former nursery (now overgrown and disused) to the rear of houses located at Manor Hall Road to the south, Manor Close to the west and north and adjacent to a public footpath which runs along the boundary with Brighton and Hove to the east. The surrounding area is predominantly residential and there is currently no vehicular access to the site.

The application proposes to erect 4no. detached two storey houses, each with three bedrooms. Three of the houses will be at the southern end of the site, which is wider than the northern end, and they will be in a staggered line. The fourth dwelling will be located at the northern end of the site. Each house will have two parking spaces.

Vehicular access is proposed to be created from Gardener Street to the east of the site, within Brighton and Hove. Gardener Street is at a significantly lower level than the site and is currently a cul de sac. There are steps leading up to the footpath and the proposal will involve re-grading the existing footpath and extending the road up and across the footpath into the site.

Planning permission was granted for the same development in January 2019 (AWDM/0756/18) but that permission has now lapsed. An identical application has also been submitted to Brighton and Hove City Council which is due to be reported to their Planning Committee later this month.

Relevant Planning History

AWDM/0756/18 - Proposed 4no. three bedroom two storey detached dwellings including new access from Gardener Street and alterations to public footpath (Former Manor Hall Nursery) - approved

AWDM/0640/19 - Approval of Details Reserved by condition 3 (Ecology - Reptile Translocation) of planning application no. AWDM/0756/18.

AWDM/1789/19 - Approval of Details Reserved by condition 3 (Ecology - Reptile Translocation Completion Report) of planning application no. AWDM/0756/18.

AWDM/1778/21 - Approval of Details Reserved by Conditions: Condition 4 (pedestrian visibility on footpath); Condition 5 (highway works); Condition 7 (footpath works); Condition 8 (drainage): Condition 9 (CMS) and 11 (materials) of Application AWDM/0756/18 - partially approved (conditions 9 and 11 only)

Consultations

West Sussex County Council: The ***Highways*** Officer has made the following comments:

Summary

This proposal is of similar nature to AWDM/0756/18 and seeks an approval for construction of 4No. three bedroom two storey detached houses including new access road from Gardner Street and alterations to public footpath. The site itself including the proposed dwelling, parking and the existing public footpath are situated within West Sussex County Boundary, however vehicular access onto Gardner Street is situated within Brighton & Hove Council, therefore comment regarding the access arrangements and capacity should be sought from them.

Vehicular Access General Comments

With regards to the vehicular access, the proposed speed hump would seemingly serve little purpose (it would also potential constitute a traffic calming feature and require advertising under the Road Hump Regulations) given the likely flow and speed of traffic. It's considered that this feature would be altered so as to create more of a ramp onto the shared surface rather than simply an isolated, singular feature.

Public Footpath Alterations

Vehicular access to the site would be gained utilising part of the public footpath no. 14 Inter-visibility between vehicles exiting the site and pedestrians using the public right of way would also need to be considered. This could simply involve the removal of the close board fence on the immediate approaches to the access.

The public footpath is proposed to be sloped down on each side and onto Gardener Street to better accessibility for the users of the public footpath. Currently, the public footpath can only be accessed via Gardener Street by a flight of steps. The applicant must seek formal approval from WSCC PROW to carry out the proposed works onto the public footpath.

Car Parking and Turning

The proposed site plan demonstrates parking layout of 2 parking spaces per dwelling and this is in line with WSCC Car Parking Demand Calculator (PDC). Each bay accords with the minimum requirement of 2.4 x 4.8m as outlined in Manual for Streets (MfS) guidance. The proposed layout demonstrates turning head for the proposed parking, however it is unclear if the turning head would be offered for adoption or retained privately. If the layout is kept private (which is assumed to be the case based upon the design of the proposed scheme), then turning head would have limited public benefit.

Fire Appliance

Building Regulations state that fire appliances need to be able to get within 45m of a dwelling and any access way required to get within this distance can only be reduced to 2.75m as a minimum. The actual space required to operate at the scene of a fire is 3.7m. While these matters are strictly not planning matters it is in the interests of the applicant to ensure the approved scheme will also be building regulation compliant. The applicant is advised to provide additional plans and demonstrate that fire appliance can manoeuvre in/out of the site without obstruction through swept path analysis.

I have consulted with WSCC Fire Services for additional advice on this matter as they may have additional suggestions / mitigation measures which can be implemented, however confirmation should be sought from B&H that this reflects the vehicle actually used.

Sustainability

The site is situated within a residential area in Fishersgate. The closest train station is approximately 3 min walk from the site providing services to Brighton, London Victoria, Worthing and other. Each of the dwellings will be provided with a cycle parking shed. These details are acceptable and can be secured via planning condition.

The ***Public Rights of Way*** Officer has made the following comments:
This development will create a new vehicular access route which will cross public footpath 15So. This is an urban, surfaced path which currently connects Old Shoreham Road to the North with Manor Hall Road to the South, a distance of approximately 450m along which there is currently no access to motorised vehicles.
It will be important to ensure the ongoing safety and rights of the public who use this path, for example by ensuring vehicles accessing the site during and after construction are aware of the path, of the likelihood that pedestrians will be using the path and of the need to drive safely and respect the rights of the public (see points below for detailed advice).
It also seems very likely that the surface of the path will be disturbed due to the development (for example to enable the construction of the proposed ramps on path 15So - and also potentially, additional ramps on the access road either side of the path as suggested by my colleague Anastasia Toleva as a traffic calming measure). It may be necessary to temporarily close or divert the path.
The development site is currently above the level of Gardener St and construction of the access road and the ramps on path 15So may serve to channel rain water onto the path (& down hill into Gardener St). It will be important to mitigate for this by providing adequate drainage solutions.

West Sussex Fire and Rescue: Although the access to this site is via a road within Brighton and Hove boundary, we do have access to cross border fire hydrants that do also appear on our operational mapping. The nearest fire hydrant is within the required distance. There also looks to be a suitable turning facility provided to enable a fire appliance to turn and make their exit. Therefore I believe the requirements of AD-B volume 1 B5 section 13 have been met.

Adur & Worthing Councils: The ***Environmental Health*** Officer has no objection subject to a construction management plan to cover, among other things, dust control, noise, deliveries, material storage, waste removal etc; during the construction phase of the development.

Private Sector Housing Team has no objections.

The ***Engineer*** has no objection. Comments:

Flood risk- The application is within flood zone 1, and is not shown as being at risk from surface water flooding. I therefore have no objections to the proposed development on flood risk grounds.

Surface water Drainage - Recommended condition: Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity

Brighton and Hove City Council (Highway Authority): No objection. We have received communications from the applicant regarding significant progress made gaining necessary approvals for the S278 works necessary for this application. In acknowledgement of that progress, we would not withhold continued co-operation towards an acceptable scheme of S278 works. We now find this application acceptable subject to submission of a Construction Environment Management Plan, a scheme to lower the fence and planting to the northeast of the site and bounding number 36/36A Gardener Street, a scheme to reprofile the boundary of the public footpath to the south and bounding number 57 Gardener Street, and to the north-east of the site and bounding number 36/36A Gardener Street, completion of proposed highway works to provide access to the site including provision of double yellow line restrictions at the end of the existing cul-de-sac on Gardener Street, to allow refuse vehicles to access the site unimpeded and provision of cycle parking.

S278 Agreement (to be secured in turn via a section 106 agreement) required to secure a scheme of highway works relating to access to the site from the end of Gardener Street covering - Highway design, Footway design, including areas marked for adoption if any, Ensuring visibility to and from the public right of way

Southern Water: Requests informatives relating to sewer connections

Representations

19 objections received from residents in Manor Hall Road and Gardener Street, Wolseley Road and Jubilee Road, Portslade, plus a petition received with 11 signatures:

- Impact will be largely and predominantly on Brighton and Hove residents

- Access via Gardener Street is unsuitable for HGVs and emergency vehicles as road is a narrow cul de sac
- Risk of parked cars being damaged
- Increased traffic
- Increased parking congestion
- Impact on boundary footpath - risk to safety of users
- Overdevelopment
- Increased noise
- Loss of privacy
- Increased light pollution
- Land would be better used as a small park for residents
- Proposed double yellow lines will worsen parking situation for existing residents
- Loss of wildlife
- Increased pressure on already stretched local amenities

1 letter of support received from the occupier of 36 Gardener Street:

- The development will improve the look of the area which is currently unused and untidy
- Will provide much needed housing
- Sufficient parking per dwelling should mean that there will not be increased parking in Gardener Street

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 2, 3, 12, 15, 18, 20, 22, 28, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Eastbrook Allotments Development Brief (Oct 2015)
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)
Brighton & Hove City Plan Part One (2016) Policy CP9
Brighton and Hove City Plan Part Two Policy DM20, DM33 and DM40

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The application is proposing new housing within the built up area boundary and can be supported in principle. There have been no policy changes affecting the site since permission was granted for the same development in 2019.

The main considerations are the impact on visual and residential amenities, vehicular access and the impact on the Public Right of Way.

The site is identified within the Eastbrook Allotments Development Brief for open space or small-scale community use. The Brief states:

"It is a former nursery (now overgrown and disused) to the rear of houses located at Manor Close and adjacent to a public footpath. The surrounding area is predominantly residential. There are structural remains of a greenhouse on site and there is evidence of fly tipping on the site, which has had a detrimental impact on the aesthetics of the surrounding area. There is no vehicular access to the site and its size will limit appropriate uses. However, there is an opportunity here to provide a small-scale community use which could serve development at both Site 1 and Site 2 and has therefore been included as part of the development brief. The site is privately owned and has been actively promoted by the owner.

A planning application was submitted in 2005 for six flats and one house (seven dwellings in total), but was refused at planning committee (reference: SW/85/05/TP/). Furthermore, the site has been considered as part of the Adur Strategic Housing Land Availability Assessment (SHLAA), however, it was rejected because the gross potential yield of the site was assessed to be below the study threshold of six dwellings (Reference ADC/071/13 – Manor Hall Nursery, Gardener Street, Portslade)."

The Brief did not consider that the site was suitable for housing primarily because it was not envisaged that vehicular access could be achieved. However, the site has come forward now because the applicant owns 57 Gardner Street and is therefore able to provide the land necessary to enable vehicular access.

The Planning Policy Officer has previously confirmed that, subject to the provision of a suitable vehicular access, the site is considered suitable for residential development and there is no objection to this application in principle.

Density, character and appearance

The site is irregularly shaped and the proposed layout would differ from that in the surrounding area, which predominantly consists of semi-detached or terraced houses. The site has an area of 1.1ha and the construction of 4 houses would be a low density development which arguably does not represent the most efficient use of land. However, because of the constrained nature of the site, narrowing in width at its northern end and

being surrounded by existing housing, a higher density is not considered to be appropriate here.

The proposed houses have a simple design with pitched tiled roofs, gable ends and porch canopies. Plots 2 and 4 have two storey gable projections at the front while Plots 1 and 3 have Juliet balconies at the front. They are to be rendered with brickwork elements, such as on the front projections and above windows.

The existing housing in Manor Close and Manor Hall Road has hipped roofs and the roof form will differ therefore. However, it is considered that the houses could be viewed as a stand-alone development or more associated as an extension to Gardener Street, and will not necessarily be seen in context with those houses behind.

Residential amenity – for proposed dwellings

The houses have a floor area of 96-99sqm which meets the national minimum standard for a 3 bed 5 person 2 storey house. Externally, Plots 1-3 have rear garden depths in excess of 11m (between 11.2m and 12.6m) and areas of between 77 and 91sqm. Plot 4 has a shorter rear garden of 7.4m but an overall area of over 100sqm. The Council's Standard for 3 bedroom dwellings is 85sqm and it is considered that the slight shortfall for Plots 1 and 2 is not sufficiently serious to warrant refusal.

The dwellings will enjoy reasonable garden areas and a good standard of internal accommodation. However, in view of the garden depths and areas it is considered reasonable to remove permitted development rights for future extensions as a large ground floor extension or outbuilding would significantly reduce the size of the gardens and bring the development closer to neighbours.

Residential amenity – effect on existing dwellings

The proposed dwellings have been laid out to minimise the impact on neighbouring occupiers. Plots 1-3 run along the southern end of the site and have a staggered layout reflecting the angle of the boundary with the rear of houses in Manor Hall Road. Distances from the rear of the proposed houses to the southern boundary vary from 11.26m to 12.62m with the distances to the rear of the houses in Manor Hall Road exceeding 22m, which is the usual minimum back-to-back distance sought between two storey houses. One of the dwellings in Manor Hall Road (213) has a rear dormer and separation distances will fall slightly short of the 28m specified in the Council's DM Standard for separation between 2 and 3 storey dwellings. However, the proposed houses will not directly face the rear of the houses in Manor Hall Road and the oblique angle of view will help to further mitigate any potential for overlooking.

To the west, dwellings in Manor Close will face onto the side of the development, specifically Plots 3 and 4. Plot 4 will be a distance of 23m from the rear of 25 Manor Close and 20m from the rear of No.26. These distances comfortably exceed the 14m rear to side measurement required by the DM Standard. The front of Plot 3 is angled to face across the rear gardens of the Manor Close properties but will not face directly towards

the rear of those dwellings. There are no first floor windows in the west side elevation of Plot 3 and Plot 4 has two obscure glazed windows only.

The rear of Plot 4 will face across the rear garden of 23 Manor Close and will be only 7.4m from the boundary. To avoid an intrusive impact on neighbours, there will be only one first floor window on the rear elevation which is an obscure glazed bathroom window.

The site is on higher ground than the houses in Gardener Street to the east but the site is separated by a public footpath and approximately 6m will separate Plot 1 from the side of the new dwelling under construction at the side of 57 Gardener Street. Plot 1 will not affect light or outlook from the new dwelling to the east, which will enjoy a southern aspect, and there are no side windows proposed for Plot 1.

Overall, the layout and design of the houses is considered to be acceptable in terms of the impact on existing residential occupiers.

Accessibility and parking

The application is supported by a Transport Report which sets out the access proposals. It states that the site is located at the end of Gardener Street, a Victorian terraced street which ends in a cul de sac. Gardener Street is at a lower level than the site (1.6m lower) and there is a public right of way (PROW) between the road and the site which forms the boundary between Brighton & Hove and Adur & Worthing Councils.

It is proposed to form a vehicular access by excavating material from the site and connecting it to the existing level of Gardener Street. The access will cut across the PROW which will itself be re-profiled. A speed bump is proposed to slow vehicle speeds. A new footway will be formed across the front of 59 Gardener Street (which is within the applicant's ownership) to connect with the PROW and which will replace the existing steps currently used to access the PROW. The access will have a gradient of 7% while the PROW will have gradients of 3% and 5% dropping down to the new crossover.

There will be a turning space at the side of Plot 4 to enable refuse vehicles and emergency services vehicles to enter and turn within the site without having to reverse along Gardener Street.

Two parking spaces are to be provided for each dwelling which is considered to be acceptable. The site is in a sustainable location, being close to Fishersgate Railway Station. A secure bicycle store is proposed for each dwelling.

As the access will be from Brighton and Hove the highways/transport comments of that local authority were required. Following initial objections, discussions with the applicant have led to a removal of their objection as significant progress has been made towards gaining approval for the necessary s278 highway works. Required measures include double yellow lines protecting access to the site. Brighton & Hove Council is satisfied that their concerns have been addressed and they have recommended conditions to secure full details of the highway design.

For users of the footpath, a condition is to be imposed requiring full design details for the proposed lowering of the fence and hedge adjoining the lowered PROW to provide sufficient visibility. This will require the agreement of the adjoining landowner (36/36A Gardener Street).

West Sussex Rights of Way team also has no objection to the footpath works subject to details.

Ecology and biodiversity

The site previously consisted of unmaintained grassland but has been cleared. An Ecology Technical Note has been submitted with the application which confirms that reptile translocation (slow worms) took place prior to the clearance works, in compliance with Condition 3 of the previous planning permission.

The Note also recommends biodiversity enhancements in the form of wildflower planting and nest boxes and this can be secured by condition.

Sustainability

PV panels, air source heat pumps and EV charging spaces are proposed for each dwelling. These measures will help reduce carbon emissions and result in a more sustainable development.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Prior to the commencement of development or any preparatory works, an ecological and biodiversity enhancement scheme shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Ecology Technical Note. All approved details shall then be implemented in full and in accordance with the agreed timings and details.
4. Prior to commencement of the development hereby permitted, a scheme to lower the fence and planting to the northeast of the site and bounding number 36/36A Gardener Street shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans, elevations, visibility splays and evidence of the agreement with landowners. The agreed scheme shall be implemented in full prior to commencement of development

5. Prior to commencement of the development hereby permitted, a scheme to reprofile the boundary of the public footpath to the south and bounding number 59 Gardener Street, and to the north-east of the site and bounding number 36/36A Gardener Street shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans, elevations, visibility splays and evidence of the agreement with landowners. The agreed scheme shall be implemented in full prior to commencement of development.

6. Prior to first occupation of the development hereby permitted, the proposed highway works to provide access to the site shall have been implemented. In addition, double yellow line restrictions at the end of the existing cul-de-sac on Gardener Street, to allow refuse vehicles to access the site unimpeded, shall have been installed.

7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

8. Prior to commencement of the development hereby permitted, details of all works intended to be undertaken on the footpath, including a specification of materials, shall be submitted and approved in writing by West Sussex County Council (WSCC) as the highway authority. The development shall be carried out in accordance with the approved details.

9. Surface water drainage details to be submitted and approved, including details of drainage to prevent flooding of public right of way

10. Construction Management Plan to be submitted and approved

11. No demolition or construction work (including deliveries) shall take place on the site except between the hours of 8am-6pm Monday to Friday and 8.30am -1pm on Saturdays only. There shall be no working on Sundays or Public Holidays.

12. Materials as approved

13. Hard and soft landscaping to be approved

14. Boundary treatment to be approved

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered by means of any development as set out within Classes A, B, C, D and E of Part 1 of the Schedule to that Order.

16. No additional windows in west elevation of Plot 4

17. Refuse storage to be provided in accordance with approved plans

18. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day.

19. Parking spaces (with EV charging) to be provided in accordance with approved plan

20. Sustainability measures to be included as per approved plans

<u>Informatives:</u>

1. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 290729) for necessary highway approval

from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition XX. The applicant will be responsible for all costs including the cost of preparing and advertising the Traffic Regulation Order for the double yellow lines.

2. Safe and convenient public access shall be made available at all times across the full width of the PROW. Where it is necessary to undertake works within the legal width of the PROW, e.g. install utilities, the applicant must apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved and that a minimum of 8 weeks' is needed to consider an application.

3. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

4. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

5. Southern Water

6. Southern Water