

<u>No:</u>	BH2023/00183	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land East Of 24-30 Manor Hall Close Gardener Street Portslade		
<u>Proposal:</u>	Erection of 4no three bedroom two storey detached houses including new access road from Gardner Street and alterations to public footpath.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	19.01.2023
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.03.2023
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Hutchinson Design Associates Victoria Chambers 170-174 South Coast Road Peacehaven BN10 8JH		
<u>Applicant:</u>	Mr Lee Bailey Sagsuri The Street Albourne BN6 9DJ		

RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

- The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	1298/25		19 January 2023
Block Plan	1298/26		19 January 2023
Proposed Drawing	1298/27		19 January 2023
Proposed Drawing	1298/28		19 January 2023
Proposed Drawing	1298/29		19 January 2023
Proposed Drawing	1298/30		19 January 2023
Proposed Drawing	1298/31		19 January 2023
Report/Statement		Design & Access	19 January 2023
Other		Cover Letter	19 January 2023

- The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 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, as well as a program of

maintenance. The agreed scheme shall be implemented in full prior to commencement of development.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

SITE LOCATION

The application site straddles the administrative boundary of Brighton and Hove City Council and Adur District Council for the purpose of the determination of planning applications.

The eastern boundary of the site is marked by a pedestrian pathway which runs the length of the site and can be accessed a short distance from the end of the built highway of Gardener Street. It is this pathway which marks the boundary with Adur District Council and, other than a short section of access road, the majority of the site falls within this neighbouring authority.

Whilst the application as a whole relates to the erection of 4no houses, BHCC as Local Planning Authority (LPA) can only consider the impact of the proposals on the land within its jurisdiction. In this case, therefore, only the acceptability of the access road to the wider site can be taken into account. The existing access is only suitable for pedestrians as it features steps. The proposed development would include excavations to form a built access-road with speed-bumps suitable for motor vehicles.

The proposed development is a resubmission of the development approved under reference AWD/0756/18 which has lapsed.

RELEVANT HISTORY

A duplicate application has been submitted to Adur and Worthing LPA under reference **AWDM/1859/22** for 4no. three bedroom two storey detached houses including new access from Gardener Street and alterations to public footpath. This application was approved on 12/06/2023.

AWDM/0756/18 for proposed 4no. three bedroom two storey detached dwellings including new access from Gardener Street and alterations to public footpath (Former Manor Hall Nursery). was approved by Adur and Worthing LPA on 14/01/2019

APPLICATION DESCRIPTION

The application description includes all the works within the site boundary (red line). The Brighton & Hove City Council as Local Planning Authority (LPA) can, however, only

consider the works within the area of land within their jurisdiction. In this case that is the provision of an access to the proposed residential site from Gardener Street to replace an existing stepped pedestrian footway. The site is some 1.6m higher than Gardener Street so it is proposed to re-profile the site downwards to meet the levels at the access point where a level highway access would be provided, with speed bumps. A turning head would be provided within the site.

In situations where there is a cross boundary application the respective planning authorities consider the development and impacts within their boundaries. Therefore, what is not considered under this application falls for consideration by Adur and Worthing Councils.

REPRESENTATIONS

Ten (10) letters have been received objecting to the proposed development for the following reasons:

- Impact on parking for local residents
- Works lorries could damage parked vehicles
- Noise and disturbance from additional traffic
- Noise from the new houses
- Access road would be a hazard for pedestrians using the existing boundary path
- Concern that boundary path would be closed during construction
- Light pollution from new houses
- Gardener Street would become a through-road
- The site should remain as green space
- New buildings would be imposing

One (1) letter has been received supporting the proposed development for the following reasons:

- The development would improve a run-down area
- The improvement to the area would outweigh minor concerns about changes to parking during construction
- Construction noise would only be temporary

Councillor Hamilton has objected to the application. A copy of their objection is added to the report.

CONSULTATIONS

Internal:

Sustainable Transport:

First Comment:

- The proposed access to the site would be an improvement on current stepped access from Gardener Street. The proposed changes would need to be implemented via the S278 process prior to the commencement of works, within which a Road Safety Audit would be required.

- Under the proposed layout, cyclist access is shared with vehicular access. The constraints of the site do not afford room for a segregated cyclist access, so this arrangement is acceptable.
- The site has good access to buses within a 3-minute walk. Fishersgate Train station a 2-minute walk away.
- Access appears acceptable. Although the local streets are tight, and movement is restricted by parked cars, the arrangements for the proposal site would be an improvement on these roads with a turning head included on the plans.
- Emergency vehicles should be able to access site and turn in the space provided and assessed for refuse vehicles.
- Access by HGVs for construction would be difficult along Gardener Street. Should permission be granted for this scheme, a Construction Environment Management Plan (CEMP) should be secured by condition. The CEMP should include measures to protect pedestrians during construction
- Details of measures to protect pedestrians and control HGVs coming to site during construction should be included within the CEMP.
- Given the scale of this development we would anticipate only a negligible impact on local road network.
- There is sufficient parking proposed on the development site itself to cater for residents' use, but this does not account for visitors. For a development of 4 houses, this impact would be acceptable.
- To secure the access to this development a new scheme of double yellow lines at the end of Gardener Street is required. This would restrict cars parking on that portion of the road.

Second Comment

- The Adur/Worthing consent secures details of hedge/fence alterations on the boundary with 36 Gardener Street to improve visibility. Hedge heights should be maintained to ensure adequate visibility.
- Despite the tight access of local streets and the weight restrictions in place, the highway authority could not in principle object to the construction activity that will be carried out. Such activity will be from time to time necessary for the existing neighbouring properties and the TRO exemptions for deliveries and construction activities is reflective of this need.
- In our first response it is concluded that the impact on highway safety and the residual local highway network would not be severe, based on a wider view of the local streets and highway network. If there were localised concerns a parking survey could have been requested.
- We do not consider that the highway safety impacts could be considered severe. Access arrangements from Gardener Street will require a S278 agreement which would include a road safety audit of design, construction, and post construction performance of the changes proposed.

External:

West Sussex County Council (as Minerals and Waste Planning Authority)

No objection to the proposed development as the application site is not considered to be within close proximity to any operational minerals or waste infrastructure.

MATERIAL CONSIDERATIONS

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Joint Area Action Plan (October 2019)

Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable Transport

CP10 Biodiversity

Brighton & Hove City Plan Part Two

DM20 Protection of Amenity

DM33 Safe, Sustainable and Active Travel

CONSIDERATIONS & ASSESSMENT

The main considerations of this application relate to the highways and neighbouring amenity impacts arising from the alterations to and increased use of the access road.

Impact on Neighbouring Amenity:

Policy DM20 of the City Plan Part Two states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

The impact of the proposal relates to the provision of vehicle access to the site from Gardener Street. The development is for 4no new houses, with parking provided for each house on the site. The proposals would, therefore, introduce a limited amount of additional vehicle movements along Gardener Street. Given the relatively modest scale of the proposed development, it is not considered that vehicle movements would be significantly more frequent on Gardener Street than is the existing arrangement.

Whilst construction traffic may be more disruptive during the build-time, this would be a temporary impact, the significance of which could be mitigated against through management of construction. Adur and Worthing LPA have imposed a condition

requiring a Construction Environment Management Plan (CEMP) for their duplicate application which was approved on 12 June 2023, which includes considerations relating to construction vehicle movements.

The proposal to extend Gardener Street to provide access into the site is not therefore considered to represent significant harm to occupiers of Gardener Street. The impacts of the wider development fell to be considered by Adur and Worthing LPA and they have approved their duplicate application.

Impact on the Highway:

The application proposes alterations to the existing stepped pedestrian footpath to allow vehicle access into the site. It is noted that a previous application for redevelopment of the site with 4no houses which included similarly positioned vehicle access was approved in 2019, although that consent has now expired. It is understood that there is a challenge in introducing new vehicle access due to steep gradient. A fully detailed access design is under development with ongoing negotiations between the applicant and the Highway Authority. Final design would be subject to a separate s278 agreement, and failure to secure an acceptable design would prevent the development from progressing. Under such a circumstance, it would not be considered reasonable to withhold consent on the basis that the final access design has not yet been agreed.

In terms of pedestrian access, this would be included as part of the proposals. It is understood that the pedestrian access would not meet the standards set out within the Department for Transport's Inclusive Design guidance by reason of the gradient. Nevertheless, the existing pedestrian access is stepped, and the proposals would be an improvement over the existing arrangement.

Cyclists using the new access would share the main vehicle access. Site constraints mean that there is not sufficient room for segregated cycle access, so in this case the proposal for cycle access is acceptable in principle.

The approach to the new access along Gardener Street is fairly narrow, and easy movement for larger vehicles, such as refuse lorries or emergency vehicles, would be further restricted by parked cars. This is similar to the existing arrangement, and it is noted that the development includes the provision of a turning head which would be an improvement over the existing arrangement. Emergency vehicles should be able to access the site and turn in the space provided. Access to the site along Gardener Street by larger vehicles would be possible without introducing any new hazard for other road users.

Prior to construction commencing, vehicular access into the site would need to be constructed. To date, the council's Transport officers have not agreed on a detailed scheme of highway works with the applicant, although it is understood that there has been recent progress towards an agreeable scheme. Full details of this, as well as general construction management, such as routes into site and timings for construction and vehicle movements can be secured by requiring a Construction Environment Management Plan (CEMP) by condition. A CEMP has been secured by Adur and Worthing LPA through condition for their duplicate application which was approved on 12th June 2023. Given that the wider development is within their jurisdiction, it is considered appropriate for the requirement to sit with them. Adur and Worthing LPA have

also conditioned details of the alterations to the existing footpath, including full design details for the lowering of fences and hedges required to provide sufficient visibility between the access road and users of the footpath.

There is sufficient parking proposed on the site itself to cater for residents' use, but this does not account for visitors. For a development of 4 houses, the impact of overspill parking onto surrounding streets due to visitors to the site would be limited.

To secure the access to this development a new scheme of double yellow lines at the end of Gardener Street is required. This would restrict cars parking on that portion of the road, and lead to a small amount of overspill on to surrounding roads. Implementation of a scheme of yellow lines has been secured by Adur and Worthing LPA by condition for their recently approved duplicate application. The amount of overspill is not considered of a magnitude which would justify withholding consent. Had there been concerns a parking survey could have been secured by condition, but given the limited impact on the local highway network this is not considered necessary in this instance.

To achieve satisfactory visibility between the new entrance road and the public footpath, some alterations to boundary fences/hedges would be required. Adur and Worthing LPA have secured details of these changes by condition for the recent consent. Given that the part of the boundary in question would cross into Brighton and Hove, a similar scheme of boundary alterations shall be secured by condition for this application.

Overall, subject to the agreement of further details as secured by condition or which would be subject to a S278 agreement, the Local Highway Authority are satisfied that the application in regard to highways safety and the development is in accordance with highway policies CP9 and DM33.

Other matters:

A corresponding application was submitted to and approved by the Adur and Worthing Councils as LPA on 12th June 2023. This application considered the impacts of the proposal and the physical works indicated on the plans which fall outside of the Brighton and Hove area. It remains the applicant/developer's responsibility to ensure that both Local Planning Authorities are supportive of proposals where they cross administrative boundaries.

CONCLUSION

The proposed access onto the site to facilitate the construction of 4no new houses would not result in any significant impact on parking provision within the surrounding area. The small uplift in vehicle trips would not place the highway network under undue strain. The detailed design of the access road, specifically in terms of how the gradient would be best mitigated, would be secured separately by a S278 agreement with the Highway Authority, and it is not considered appropriate to withhold consent on the basis that the final detailed design has not yet been agreed.

The proposal is in accordance with policy CP9 of the City Plan Part One and policies DM33 and DM20 of the City Plan Part Two.

EQUALITIES

The access to the site is currently stepped, so pedestrian access to the site and the adjacent public right of way is likely to be improved. The gradient of the access to the site, however, is likely to make access for wheelchair users or those with mobility difficulties challenging. Given site constraints and existing ground levels it is unlikely that ramped access could be provided in accordance with the relevant British Standard.

BIODIVERSITY AND CLIMATE CHANGE

The provision of access to the wider site does not present an opportunity for biodiversity gains. The sustainability of the wider development falls for consideration by Adur and Worthing LPA.