



ADUR DISTRICT COUNCIL

Planning Committee
7 September 2020
Agenda Item 6
Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

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Application Number: AWDM/0947/20

Recommendation – APPROVE

Site: Land East Of Shadwells Road At Mash Barn Estate Mash Barn
Lane Lancing

Proposal: Application to vary condition 1 of previously approved AWDM/0961/17. Amendment: Reconfiguration of 21 residential dwellings located in the north west corner. No increase in the number of dwellings and the number of parking spaces is unaffected.

Confirmation of Adur Tree Preservation Order

2

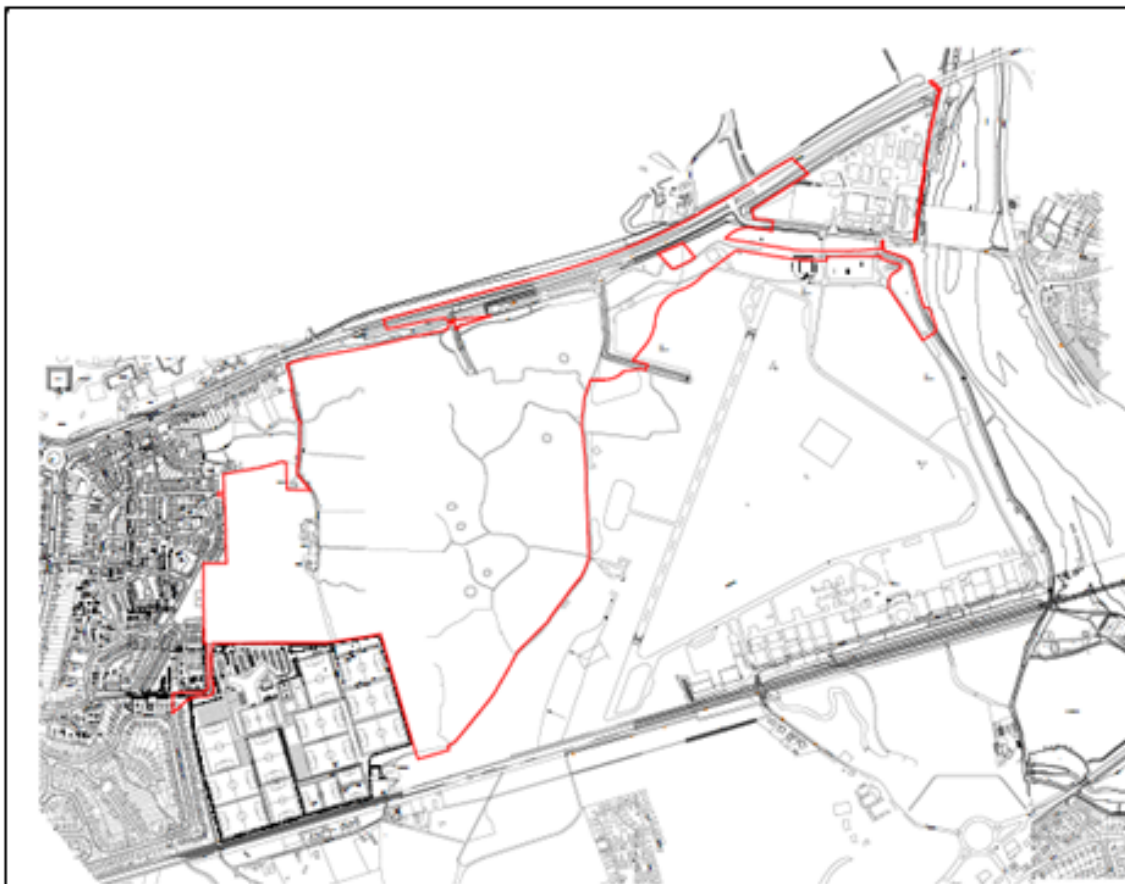
Application Number: TPO 1 of 2020

Recommendation – APPROVE

Site: 61 West Street Shoreham-by-Sea

Proposal: Confirmation of Adur Tree Preservation Order Number 1 of
2020

Application Number: AWDM/0947/20		Recommendation – APPROVE	
Site:	Land East Of Shadwells Road At Mash Barn Estate Mash Barn Lane Lancing West Sussex.		
Proposal:	Application to vary condition 1 of previously approved AWDM/0961/17. Amendment: Reconfiguration of 21 residential dwellings located in the north west corner. No increase in the number of dwellings and the number of parking spaces is unaffected.		
Applicant:	Mr Ian Humble, Carla Homes	Ward:	Mash Barn
Case Officer:	James Appleton		



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Site and Surroundings

This application relates to the strategic housing site approved at New Monks Farm on land to the east of the Mash Barn estate. The red edging identified in the plan above relates to the whole site incorporating the new Ikea Store, housing land and Country Park as well as the access road to serve the new industrial land at Shoreham Airport and the drainage works and pumping station to be built adjacent to the river Adur. However, this application relates to amendments to the approved housing layout closest to the access into the site from Shadwells Road.

Proposal

The planning application relates to the proposed re-arrangement of 21 dwellings which are located to the northern side of the proposed spine road leading off Shadwells Road. The revised layout will not result in any change to the number or size of dwellings already approved.

As approved the scheme proposed 12 parking spaces to the rear of plots 1-6. The developer, Cala Homes has re-considered the need for this car park as it was concerned that this parking area would not be used by new residents and they would be more likely to park in front of their terraced dwellings. This parking was identified as being problematic on the main access road as it could affect the turning and visibility of larger vehicles accessing from the south of the development onto the spine road. In addition, Cala Homes was concerned about potential light and noise disturbance from this car park to existing residents to the west. The following extract shows the approved layout plan and the layout now proposed.



As approved



As Proposed

Applicants Supporting Statement

In addition to the practical issues set out above the applicant considers that there is scope to make improvements to the approved layout and has submitted the following supporting statement.

'In addition to the above and upon further consideration of the site layout and in particular the street scene fronting this northern section, arguably it is not as varied in housing mix as it possibly could be. Currently all of the smaller dwellings in this street scene are located to the west towards the existing development beyond. The Proposal To overcome these concerns we are proposing to make the following changes to the scheme which we feel will address all these issues as identified.

The re-design of the site layout as now proposed will provide a far better cross section of dwellings to the important street scene fronting this small parcel of development. To the east end of this frontage (i.e. the re-numbered plots 12 and 13) these two end dwellings are retained as approved however an attractive terrace of only three dwellings is moved across to this side of the street scene to the west of plot 13. To the western side of the frontage the first pair of semi-detached dwellings are retained, however, there are also detached dwellings re-located in this location which combined provides a more satisfactory arrangement and a better balance to the overall appearance. Furthermore to remove the concerns relating to the large parking court to the rear of plots 1-6 the area has been re-designed to remove this parking area altogether. Plots 1 and 2 both now have their parking within their respective curtilage and the relocated detached dwellings in close proximity have likewise.

Replacing the 12 parking spaces / parking court we now are proposing to have a single detached dwelling. It is sited on an east/west alignment. This means there will be a rear garden now abutting the rear gardens of the existing dwellings which we feel is a much improved arrangement when measured against the large parking court and

the associated noise and headlight glare which will clearly occur from cars manoeuvring in and out of their respective spaces.

The distance measured from the rear of the proposed 2 storey flank wall of plot 4 to the rear of the existing terrace measures just over 32 metres which is 'some way' beyond the desired 21 metres normally required in such locations. It is noted that there is existing planting close to the site boundary within the curtilage of the existing dwellings but in addition it is also proposed to strengthen the planting with a mixture of both native and evergreen tree planting to ensure a green screen is in place across throughout the year.

The architectural flavour of the actual dwellings remains as traditional in accordance with the rest of the development. It is also proposed on a temporary measure to have plot 13 as a Marketing Suite and plots 14-16 as a series of show houses. These will of course revert back to private dwellings at the appropriate time.

Relevant Planning History

AWDM/0961/17 – **APPROVED** - 4th February 2020:

Hybrid planning application seeking (1) Full planning permission for the demolition of existing buildings and erection of 249 dwellings with temporary access via Grinstead Lane, a Country Park, relocation and extension of the Withy Patch Gypsy and Traveller site, permanent access via a new roundabout on the A27, landscaping, two additional football pitches and other associated infrastructure (including pumping facility at the River Adur); (2) Outline planning permission (with only landscaping reserved) for a non-food retail store (Use Class A1); and (3) Outline planning permission (with all matters reserved other than access) for the erection of a further 351 dwellings, community hub, primary school, and landscaping. On land east Of Shadwells Road at Mash Barn Estate, Mash Barn Lane, Lancing West Sussex.

Consultations

WSCC Highways comments that it has no objection is raised to the variation of condition 1.”

Adur & Worthing Councils:

The **Technical Services** Officer comments that,

“The revised proposals impact upon the previously approved drainage scheme. Before this application to vary condition 1 is approved we would like to see the following information provided to demonstrate whether there is adequate provision for surface water drainage.

1. *An impermeable areas plan, with changes in impermeable areas summarised.*

2. *A detailed drainage layout plan showing how the revised layout will be drained and connected into the wider surface water drainage system.*
3. *Calculations supporting the design.*

We therefore wish to raise a holding objection at this time.”

Following the receipt of additional information **Technical Services** has raised no objection to the revised layout.

Southern Water Services comment that,

“Southern Water would have no objections to Variation of condition 01. All comments in our response dated 16/02/2018 remains unchanged and valid.”

Lancing Parish Council comments that it has no objection.

Representations

One letter of concern has been submitted questioning the outcome of the Technical Services objection and as work has already started on this "reconfigured" layout of development the writer assumes that it has been investigated and found to be no adverse effect? There is also concern that as work has started on site is there any point in responding to the consultation letter from the planning department.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies)

‘Interim Supplementary Planning Guidance for Affordable Housing’ (ADC 2004)

West Sussex ‘Guidance for Parking in New Residential Developments’ and ‘Residential Parking Demand Calculator’ (WSCC 2019)

The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 1999)

National Planning Policy Framework (2019)

National Planning Policy Guidance

Circular 11/95 ‘The Use of Conditions in Planning Permissions’ (DoE 1995)

Planning Assessment

The main planning issues are whether the revised layout is acceptable in highway terms, meets the original design objectives for the site and relates sympathetically to existing and proposed dwellings.

The access via Shadwells Road is restricted by the original planning permission to serve only 249 dwellings. Once the new roundabout on the A27 is built the access point will be restricted to pedestrians and cyclists only. Nevertheless, there are benefits of the revised layout in terms of providing more in curtilage parking and restricting the level of parking along the spine road. Although it is only a small parking area, the Mash Barn estate has lots of examples of rear parking areas and garage courts that are not being used for parking and Adur Homes has had to put additional parking as cars have parked on grass verges. The Highway Authority has no objection to the revised layout and in parking layout terms the revised proposal is an improvement on the previously approved plan.

The revised house types are acceptable and follow the approved approach of a traditional, vernacular design for all the proposed housing. The apartment buildings do have a contemporary design approach. The combination of semi-detached and detached dwellings with a combination of brick and vertical tile hanging and contrasting designs will create an attractive and varied streetscene as illustrated below.



Although, Technical Services initially raised an objection to the application it was a holding objection to ensure that the approved drainage details were updated to take into account the revised layout. This has now been done and there are no drainage objections to the revised layout.

It was originally hoped that this application would be dealt with as a delegated matter and the applicant had hoped for a quicker decision. Unfortunately the Scheme of Delegation has not been amended to allow for minor material amendments to major planning applications (under s73 of the Planning Acts) and this is not being considered by Joint Governance Committee until later in September. In view of delays caused by Covid the developer has started work on the revised layout – hence the concerns raised by one of the neighbours. Whilst, this is unfortunate the developer accepts that this is at their own risk and of course the planning application has to be considered on its planning merits as with any retrospective planning application regardless of whether the development has been completed or not.

Recommendation

There are no objections to the approved layout and it is recommended that planning permission be **GRANTED**, subject to the original planning conditions attached to AWDM/0961/1917 (excluding those conditions already discharged).

Application Number: TPO 1 of 2020

Recommendation – Approve

Site: 61 West Street Shoreham-by-Sea

Proposal: Confirmation of Adur Tree Preservation Order Number 1 of 2020

Case Officer: Jeremy Sergeant

Ward: St Mary's Ward



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Proposal, Site and Surroundings

On the 27th April 2020 a provisional Tree Preservation Order was placed on one Oak tree in the rear garden of 61 West Street Shoreham-by-Sea.

The order refers to a single Oak growing in the rear garden of 61 West Street and is being made as the owner had put in an S211 notifications: AWD/0497/20 to fell and replace the tree. The tree is a feature of the Conservation Area, and is considered important to the visual amenity and character of the area.

Relevant Planning History

- 1971: The property is within the Shoreham-by-Sea Conservation Area designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the Adur District Council on 23rd November 1993. ***this charge includes properties within the previously made Shoreham Conservation Area designated May 1971.
- 2016: Section 211 Notice under the Town and Country Planning Act 1990 to reduce radial spread by 1.5 to 2 metres and crown lift up to 5 metres one Oak tree T1 in the Shoreham Conservation Area.
- 2020: Section 211 Notice under the Town and Country Planning Act 1990 to fell and replace one Oak tree in Shoreham Conservation Area.
- 2020: Adur District Council TPO No.1 of 2020 61 West Street Shoreham-by-Sea West Sussex BN43 5WF provisionally made 27/04/2020.

Representations

Two letters of objection have been received, one from the owner, and another from a nearby resident, both attached. The neighbour's objection claims that the tree creates excessive shade, creates problems with squirrels, has excessive leaf drop and other detritus, and is too big for the small rear gardens. The objection also claims the tree is a danger to foundations of neighbouring properties, based on the fact that additional foundations were required for a recent development.

The owner's objections are similar claiming excessive size shade and leaf drop, danger to foundations, and also suggesting that preserving the tree does not encourage the planting of more trees in the area.

Both objections claim that the tree cannot be pruned to a manageable size, although photos of the tree from 2016 clearly show the last points to which the crown was reduced. Although the tree is to be preserved this does not mean that further reduction and / or crown thinning cannot be carried out, following the approval of such works by the Planning Department. With selective pruning it is considered that most of the concerns can be alleviated, such as shade leaf fall and vermin problems. Although tree roots can be a problem, there is no evidence of damage to foundations and given the maturity of the tree, its main and anchoring roots will have been established for many years, without causing damage.

One letter in support was also received from one of the local Members for St Mary's Ward. This representation claims the tree is an established amenity to the area and important in maintaining local air quality.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

National Planning Policy Framework

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

The tree is a good specimen that meets the tests for Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee. The reason for protecting this tree is that it is an established feature of the area, and its removal would be detrimental to character and visual amenities of the street scene.

The tree is a large mature growing near the centre of the rear garden. The tree has a mostly clear single stem to 5 metres, where it then divides into two widely spaced main stems. The southeast stem remains upright whilst the north side stem is more lateral. Both stems divide again at 7 metres forming a wide dense crown. The perimeter of the crown is close to the western wall of 61 West Street and neighbouring properties.

The Tree Prevention Order is to ensure that any future works can be controlled by the Local Planning Authority. This is not possible with trees that are in a Conservation Area, as no modifications or conditions can be made on S211 notifications. Therefore in the interests of local amenity it is recommended that the TPO is confirmed.

Recommendation

That Adur Tree Preservation Order Number 1 of 2020 be confirmed as made.

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

- 9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

- 10.1 As referred to in individual application reports.

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified.

12.0 Partnership Working

- 12.1 Matter considered and no issues identified.

13.0 Legal

- 13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

- 14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.