Expiry Date - 06/05/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0329/24 Recommendation – APPROVE

Site: 2 Lansdowne Road Worthing West Sussex BN11 4LY

Proposal: Detached 4 bedroom dwelling house with new access, parking space, bicycle store and bin area. Variation of Condition Number 4 of previously allowed appeal AWDM/1790/21: Removal of tree T03 Laburnum and planting with replacement tree

Date of site visit: 26.03.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site relates to a former part of the garden of No.2 Lansdowne Road, a large detached Victorian villa extended and converted into flats, located on the corner of Lansdowne Road and Heene Road. There are several mature trees within the grounds, including the application site. Some trees along the perimeter of the garden bordering Heene Road and Lansdowne Road are subject to a TPO (No.16 of 1993), but none within the application site. The boundary with Lansdowne Road comprises a flint and brick-dressed wall (approximately 1m high) with intermittent hedging above.

The site is within the Heene Conservation Area. No.2 is identified as a Local Interest Building.

To the north of the site is a detached mid/late C20 brick-built detached dwelling fronting Manor Road (No.56) within a good-sized plot.

Adjoining to the west, is Heene Rectory, 4 Lansdowne Road, a detached mid-C20 detached dwelling occupying a good-sized plot with mature trees and landscaping. Trees fronting Lansdowne Road are subject to a TPO (No.5 of 2004).

Background

Planning permission was allowed on appeal (with conditions) in April 2023 (AWDM/1790/21) for the development of a detached 4-bedroom house with new access from Lansdowne Road and associated car parking, bin and bike storage on the garden land to the west of the existing converted villa (PINS Ref: APP/M3835/W/22/3299096). Works to implement AWDM/1790/21 have commenced on site.

Condition 4 requires the development to be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement by Lizard Landscape Design and Ecology (ref LLD204-ARB-REP-001 dated Dec 2021) together with LLD2402-ARB-DWG-001 – Tree Constraints Plan, LLD2402-ARB-SCH-001 – Existing Tree Schedule and LLD2402-ARB-DWG-002 –Tree Retention and Protection Plan.

Proposal

The application which is retrospective and has been amended since originally submitted seeks to vary Condition 4 to allow the removal and replacement of T03 Laburnum, fronting Lansdowne Road.

Relevant Planning History:

AWDM/1790/21 Detached 4 bedroom dwelling house with new access, parking space, bicycle store and bin area. Refused 13.01.2022 and allowed on Appeal.

AWDM/0075/24 Approval of Details Reserved by Condition 3 (material and finishes) of Application No AWDM/1790/21. Approved 25.03.2024

AWDM/0289/24 Approval of Details Reserved by Conditions 5 (Landscaping), 8 (Cycle parking), 10 (Refuse and Waste), 12 (EV Charging Spaces) and 14 (Surface Water Drainage) of Application No AWDM/1790/21. Pending consideration.

Consultations:

Adur and Worthing Councils Tree & Landscape Officer: *"I can accept that as a part of retaining the character of the area, the existing tree could be retained, and the other tree replaced. The trees do not have to be TPOd to be retained. Also as they are within a CA any future works would still need an application."*

Representations: One representation has been received from a neighbour objecting to the construction of a 4-bedroom house owing to the potential ramifications on the local community in terms of exacerbating existing on-street parking problems, especially during peak hours and noise and disruption to near neighbours during construction affecting quality of life. The Council is urged to prioritise preserving the conservation area and community wellbeing. At the very least consideration should be given to introducing residents-only parking in Lansdowne Road.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)

DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM19 (Green Infrastructure)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)
DM24 (Historic Environment)

National Planning Policy Framework (DLUHC 2023)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SDP 'A Guide to Residential Development' (WBC 2013)
CIL Charging Schedule (Aug 2021)

Planning Assessment

The principle of the development of a 4-bedroom detached house on the site with parking served by a new access created off Lansdowne Road has been established by AWDM/1790/21, which has commenced.

The key consideration in this case is the effect of the removal of T03 Laburnum on green infrastructure, and the character and appearance of the Heene Conservation Area.

The NPPF (paragraph 140) states that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme.

The Council has a statutory duty to have regard to the desirability of enhancing or preserving the character and appearance of its conservation areas.

Local Plan Policy DM24 requires development within conservation areas to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. Conservation Area Character Appraisals will be used to assess applications within designated Conservation Areas and opportunities will be taken to preserve and enhance these areas.

The Conservation Area is typically characterised by substantial Victorian villas located within generous grounds, a number of which, like No.2, have been extended and altered, and are intermingled with later infill development. The Heene Conservation Area Appraisal notes that trees make a vital contribution to the special character of the conservation area stating that the mature trees in gardens and at the roadside give the skyline much of its interest and the general presence of greenery softens the hard lines of the buildings.

In allowing the Appeal AWDM/1790/21, the Inspector noted there remains a verdant appearance to individual properties which together with the many mature trees contributes to the attractive and leafy appearance of the local area and to the significance of the Conservation Area.

The Applicant has supplied photographic evidence that the removed tree T03 Laburnum was leaning at a significant angle. Although there is nothing to suggest the tree was dangerous its irregular form undoubtedly impacted the practicality of implementing the approved driveway and parking area.

Policy DM19 states that in all new developments there should be no net loss of trees and any trees removed should where practical and appropriate be replaced on a greater than 1:1 basis to support levels of canopy cover and contribute to biodiversity net gain.

Following discussions, amended drawings and an updated arboricultural report have been received showing a replacement Silver birch tree (Betula pendula) to be planted in place of the removed T03 as well as the retention of T02 Beech on the site frontage. Two additional Silver birch trees are proposed to be planted in the rear garden of the new dwelling. On this basis, it is considered that the verdant character of the street scene and conservation area will be satisfactorily maintained.

Recommendation

APPROVE subject to Conditions:-

1. Omit time limit [Development commenced]
2. Approved plans – 1272/03A Site Plan superseded by 1322-10 REV C Landscape Plan
3. Unless otherwise approved in writing by the Local Planning Authority the development hereby permitted shall be carried out in accordance with the agreed materials and finishes to be used for the external walls (including windows, rooflights and doors) and roof of the proposed building approved under AWDM/0075/24.
4. The development hereby permitted shall be undertaken in strict accordance with the Arboricultural Impact Assessment and Method Statement by Lizard Landscape Design and Ecology (reference LLD2402-ARB-REP-001-03-AIA dated May 2024) together with LLD2402- ARB-DWG-001 Rev 02 – Tree Constraints Plan, LLD2402-ARB-SCH-001-04-DTS – Existing Tree Schedule, LLD2402-ARB-DWG-002 Rev 03 – Tree Retention and Protection Plan and LLD2402-ARB-REP-002-02-TWR – Tree Works Application.
5. The development hereby permitted shall not be first occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The soft landscaping scheme shall include planting plans; written specifications; schedules of plants stating species, sizes and numbers/densities; and the implementation programme. Hard landscaping scheme shall

include hard surfacing materials, all boundary treatments including the details of the retained or reconstructed wall to Lansdowne Road, finished levels and location and details of biodiversity measures. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out within the first planting and seeding seasons following the first occupation of the building. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping shall be provided prior to the first occupation of the development hereby permitted.

6. The proposed first floor windows in the rear elevation of the development hereby permitted serving en-suite bathrooms shall be glazed with obscure glass and fixed shut to a height of 1.7 metres above the finished floor level of the room in which the window is installed and thereafter so retained.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order amending, revoking and re- enacting that Order with or without modification), no additional window or any other opening shall be inserted into any side wall of the dwelling hereby permitted (other than as hereby approved).
8. The development hereby permitted shall not be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be first submitted to and approved by the Local Planning Authority.
9. The development hereby permitted shall not be first occupied until such time as the vehicular access has been constructed in accordance with the approved plan.
10. The development hereby permitted shall not be first occupied until facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with plans and details to be first submitted to and approved by the Local Planning Authority. Such facilities as provided shall thereafter be retained and used only for the storage of refuse and re-cycling waste.
11. The development hereby permitted shall not be first occupied until the car parking has been constructed in accordance with the approved plan. These spaces shall thereafter be retained at all times for their designated purpose.
12. The development hereby permitted shall not be first occupied until an electric vehicle charging spaces has been provided in accordance with plans and details to be first submitted to and approved by the Local Planning Authority.
13. No work for the implementation of the development hereby permitted shall be undertaken on the site except between the hours of 08.00 and 18.00 on Monday to Friday and between 08.00 and 13.00 hrs on Saturday. No works shall take place on Sundays or on Bank or Public Holidays.
14. The development hereby permitted shall not be first occupied until surface water drainage works shall have been implemented in

accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non- statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. The drainage system shall be implemented in accordance with the approved details, prior to first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details.

Informative

Pro Active Amendment

CIL Informative

Is recommendation contrary to letter(s) of representation? Y

Case Officer:	Jo Morin	Date: 21.05.2024
Authorised by:	Gary Peck	Date: 22 May 2024