

Report to: PLANNING COMMITTEE

Date: 24 August 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 26 Beauharrow Road, St Leonards-on-sea, TN37 7BL

Proposal: Variation of conditions 7 (approved plans), 12 (access plans), 13 (turning space plans) and removal of condition 21 (plans) of planning permission HS/FA/15/00071 - amendments to positioning of dwelling and additional information

Application No: HS/FA/15/00993

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN

File No: BE28026

Applicant: Beauharrow Developments Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Freeholder

Existing Use: Previous garden land

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 5

Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Summary

Planning permission was granted for the erection of 3 x 5 bedroom houses with detached garages within the garden area of 26 Beauharrow Road under reference HS/FA/15/00071 on 02 July 2015. Since that permission was granted the applicant has reviewed their proposals and now wishes to slightly alter the development as follows:

- Plot 1 - Changes to internal layout with associated fenestration changes only. The size, footprint and position of the dwelling remain unchanged from the original consent.
- Plot 1 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remains unchanged from the original consent.
- Plot 2 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 14° clockwise and is in a slightly different position (to the west of its approved position).
- Plot 2 garage - Slight change to rear elevation details showing window separated from door. The size and footprint of the garage remain unchanged from the original consent but the garage has been slightly rotated and moved 2m to the west.
- Plot 3 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 28° clockwise and is in a slightly different position (to the north of its approved position).
- Plot 3 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.

The applicant has applied for these changes as a minor material amendment, which means they have applied to vary condition 7 of the existing planning permission listing the approved drawings. Effectively they are applying to change the current list of approved drawings for those showing the proposed changes. The applicant has also applied to amend conditions 12 and 13, to make sure they refer to the correct amended drawings, and to remove condition 21 as they no longer consider it relevant.

The main considerations with regard to these changes are whether the proposals will result in any material difference to the impact on the character and appearance of the area and to neighbouring residential amenities.

As explained below, given that the changes are very slight and do not significantly change the appearance or position of the buildings, the previous assessment about the impact upon the character and appearance of the area remains valid. The proposed development is still considered acceptable and will provide attractive homes that will relate well to the layout, scale and design of houses in this section of Beauharrow Road.

The relationship with neighbouring amenities also remains mostly the same, particularly for plots 1 and 2 which have changed very little. Plot 3 has been rotated such that it is orientated more towards the existing house, 26 Beauharrow Road. However, plot 3 is not directly orientated towards no.26 (facing on to the front garden/driveway), it will be set lower given the change in levels across the site, and it is separated from the existing house by at least approximately 15m. Taking this all into account it is not considered that the proposed changes will cause any harm to neighbouring amenities.

The proposed amendments do not increase the size of the units nor will they alter the existing description of the development. As such they are considered to comply with guidance on amendments in the Council's Planning Improvement Implementation Plan (PIIP) and therefore can be considered as minor material amendments.

Given that the changes are acceptable in terms of neighbouring amenities and the character of the area the application is recommended for approval.

The Site and its Location

The site consists of the garden area of 26 Beauharrow Road which is accessed via a private drive leading southwards from Beauharrow Road. Following the original grant of planning permission last year, and the subsequent discharge of pre-commencement conditions (HS/CD/16/00116), some earthworks have been carried out on the site.

The site adjoins 28 Beauharrow Road to the north-west which has recently been developed with 7 houses now known as The Russets. The area to the rear is designated as ancient woodland and the area to the south-east is designated as a Local Wildlife Site. The area opposite the site is currently vacant but has planning permission for a single dwelling (HS/FA/14/00590). The land opposite also forms part of a wider site and an appeal for the refusal of a scheme of 4 houses on that site has recently been dismissed (HS/FA/14/01026). Another application (HS/FA/15/01038) for three houses on the same land is currently also being dealt with at the appeal stage.

The area is predominantly residential and consists of a variety of detached houses, bungalows and some semi detached dwellings. Relatively large levels of trees and other vegetation can also be found in the area which gives it a semi rural type character and appearance.

Details of the Proposal and Other Background Information

Planning permission was granted for the erection of 3 x 5 bedroom houses with detached garages within the garden area of 26 Beauharrow Road under reference HS/FA/15/00071 on 02 July 2015. Since that permission was granted the applicant has reviewed their proposals and now wishes to slightly alter the development as follows:

- Plot 1 - Changes to internal layout with associated fenestration changes only. The size, footprint and position of the dwelling remain unchanged from the original consent.
- Plot 1 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remains unchanged from the original consent.
- Plot 2 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 14° clockwise and is in a slightly different position (to the west of its approved position).
- Plot 2 garage - Slight change to rear elevation details showing window separated from door. The size and footprint of the garage remain unchanged from the original consent but the garage has been slightly rotated and moved 2m to the west.
- Plot 3 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 28° clockwise and is in a slightly different position (to the north of its approved position).
- Plot 3 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.

The applicant has applied for these changes as a minor material amendment, which means they have applied to vary condition 7 of the existing planning permission listing the approved drawings. Effectively they are applying to change the current list of approved drawings for those showing the proposed changes. The applicant has also applied to amend conditions 12 and 13 to make sure they refer to the correct amended drawings and to remove condition 21 as they no longer consider it relevant.

The proposed amendments do not increase the size of the units nor will they alter the existing description of the development. There is no statutory definition of a 'minor material amendment' but according to National Planning Practice Guidance (Paragraph: 017 Reference ID: 17a-017-20140306) an amendment is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Given the discussion below, these amendments are considered to fall within that context and, as they comply with guidance on amendments in the Council's Planning Improvement Implementation Plan (PIIP), it is considered that they can be dealt with as minor material amendments.

Previous Site History

HS/FA/15/00071 Erection of three detached houses and garages

Development Plan Policies and Proposals

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering Planning Applications

DM1 - Design Principles

DM3 - General Amenity

Hastings Local Plan – Planning Strategy (2014)

SC1 - Overall Strategy for Managing Change in a Sustainable Way

National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

NPPG guidance 'flexible options for planning permissions' (ID: 17a) is also relevant as this explains the procedures for dealing with minor material amendments which is discussed above

Details of Consultations

The **Borough Arboriculturalist** has not raised at an objection.

5 letters of objection have been received. Concerns include:

- whether the proposal is a minor material amendment;
- the safety and sufficiency of the access;
- increased traffic and parking pressures; and
- problems will manoeuvring vehicles.

As explained above, it is considered that the proposed changes are considered to be minor material amendments given their scale and compliance with the Council's PIIP.

The other objections relate to highway and access related matters which were assessed as part of the original application. In this instance, the applicant has applied to amend the position of the houses and garages only with no changes to the access, parking or turning areas. Section 73 (including minor amendment) applications should only consider the conditions subject of the application. In this instance the changes to condition 7, 12, 13 and 21 relate to the design and layout of the houses only and therefore the reassessment of highway related matters is not considered appropriate. These objections are not considered relevant in this instance.

The applicant submitted a response to these objections addressing them in a similar manner to that outlined above.

Planning Considerations

As explained above, the acceptability of the development of the site for three detached houses was considered as part of planning permission HS/FA/15/00071. The principal of developing the site, the acceptability of the detailed design and the impact upon the local area (i.e. impact on local character, neighbouring amenities, ecology, trees, etc.) have all been dealt with and are not being considered again as part of this application. This is an application for a minor material amendment and therefore, the main consideration is with regard to the changes proposed only. In this instance the changes relate to the repositioning of dwellings, as well as some changes to their internal layout and appearance. Based on the type and scale of the proposed changes the only material considerations relevant are the impact of the changes on the character and the appearance of the area and the impact on neighbouring residential amenities.

Impact upon the character and appearance of the area

The changes are slight and do not significantly change the appearance or position of the buildings. For clarity the changes include:

- Plot 1 - Changes to internal layout with associated fenestration changes only. The size, footprint and position of the dwelling remain unchanged from the original consent.
- Plot 1 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.
- Plot 2 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 14° clockwise and is in a slightly different position (to the west of its approved position).

- Plot 2 garage - Slight change to rear elevation details showing window separated from door. The size and footprint of the garage remain unchanged from the original consent but the garage has been slightly rotated and moved 2m to the west.
- Plot 3 - Changes to internal layout with associated fenestration changes. Size and footprint of building remain the same but building has been rotated 28° clockwise and is in a slightly different position (to the north of its approved position).
- Plot 3 garage - Slight change to rear elevation details showing window separated from door. The size, footprint and position of the garage remain unchanged from the original consent.

With regard to the fenestration changes to the buildings, these mostly affect the side and rear elevations where the internal layout changes have resulted in changes to the position of the windows. Comparing the current approved drawings with the proposed amendments the changes make the rear elevations look more rationalised, as the applicant has reduced the number of windows, and the applicant has maintained obscure glazed windows in the side elevations.

Although some have suggested that the changes are very significant and more than 'minor', it must be reiterated that there is no definition of a minor amendment in planning terms and it is considered that the changes proposed in this instance will result in a very similar development to that originally approved. The proposal maintains three dwellings along a curved cul-de-sac road and the dwellings are the same size and scale as that previously approved. The previous assessment about the impact upon the character and appearance of the area remains valid and , therefore, the proposed development is still considered acceptable. It will provide attractive homes that will relate well to the layout, scale and design of houses in this section of Beauharrow Road.

Impact upon neighbouring residential amenities

The relationship with neighbouring amenities remains mostly the same, particularly for plots 1 and 2 which have changed very little in their relationship with existing houses. Plot 3 has been rotated such that it is orientated more towards the existing house, 26 Beauharrow Road. However, plot 3 is not directly orientated towards no.26 (facing on to the front garden/driveway area), it will be set lower given the change in levels across the site, and it is separated from the existing house by at least approximately 14-15m. Taking this all into account it is not considered that the proposed changes will cause any harm to neighbouring amenities and the previous assessment in relation to impact on neighbours remains valid and relevant.

Other

Conditions 12 and 13 make reference to the approved plans and require the access and turning spaces within the development to be approved. The amendments maintain the access and maintain turning spaces within the scheme but conditions 12 and 13 should also be amended to ensure they now refer to the most up-to-date drawing.

The applicant has also applied for the removal condition 21. This condition was imposed as the dwelling drawings submitted with the previous application did not match with layout drawing. As individual drawings have now been provided for all dwellings and these dwelling match the footprint details on the layout drawings condition 21 is no longer relevant and can be removed.

As the result of issuing a decision involving minor material amendment is that a new planning permission is issued, all other conditions have also been reviewed and updated as necessary. The revised conditions are shown recommended below.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The amendments are therefore recommended for approval.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission HS/FA/15/00071.
2. Construction traffic must not damage the through routes to the site. Any reinstatement works required must be approved in writing and carried out to the satisfaction of the Local Planning Authority.
3. No development shall take place until the recommended measures outlined in the ecological and arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree protection Plan Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014 and Ecological Appraisal Land at 26 Beauharrow Road St Leonards on Sea TN37 7BL by The Mayhew Consultancy Ltd Dated June 2014) submitted with planning permission HS/FA/15/00071 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the time scales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological and arboricultural statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

4. All planting seeding or turfing comprised in the soft landscaping scheme approved under application HS/CD/16/00116 shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. 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.
5. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current "BS 5837:2012 - Trees in relation to design, demolition and construction. - Recommendations" standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: 14.582/02E, 14.582/03, 14.582/10, 14.582/11 and 14.582/12
7. Development shall be carried out in accordance with the materials approved under application HS/CD/16/00116.
8. All hard landscape works shall be carried out in accordance with the details approved under application HS/CD/16/00116. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
9.
 - (i) Development shall be carried out in accordance with the foul and surface water drainage details approved under application HS/CD/16/00116 and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
10. The reconstructed access road shall be in the position shown on the submitted plan (drawing no. 14.582/02E) and all works undertaken shall be executed and completed to the satisfaction of the Local Planning Authority prior to any occupation of the development.
11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 14.582/02E) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

12. The development shall be carried out in accordance with the Traffic Management Scheme approved under application HS/CD/16/00116.
13. The development shall be carried out in accordance with the climate change mitigation and adaptation measures details approved under application HS/CD/16/00116.
14. Before the development hereby approved is occupied provision shall be made in each property for connection to fibre-based broadband infrastructure.
15. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
16. The windows in the first floor side elevations of the proposed dwellings shown serving bathrooms or an en suite shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building works within the rear garden areas (for example outbuildings) shall take place without the grant of an additional planning permission.
18. All boundary treatments (including any fencing, walls or enclosures) shall be erected in accordance with the details approved under application HS/CD/16/00116 before the building to which it relates is occupied.
19. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, in accordance with details approved under application HS/CD/16/00116, to prevent contamination and damage to the adjacent roads.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
3. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)

4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To protect features of recognised nature conservation importance and the character and appearance of the area.
6. For the avoidance of doubt and in the interests of proper planning.
7. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
8. In the interests of the visual amenity and to protect neighbouring residential amenities.
9. To prevent increased risk of flooding.
10. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. In the interests of highway safety and for the benefit and convenience of the public at large.
13. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
14. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
15. To safeguard the amenity of adjoining residents.
16. In the interests of the amenity of the neighbouring residential occupiers.
17. To protect the wildlife corridor.
18. To safeguard the amenity of adjoining residents.
19. In the interests of highway safety and for the benefit and convenience of the public at large.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00993 including all letters and documents