

AGENDA ITEM NO: 7 (a)

Report to: PLANNING COMMITTEE

Date: 20 October 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 42 Beauharrow Road, St Leonards-on-sea, TN37 7BL

Proposal: Erection of 8 no. semi detached dwellings. (outline application)

Application No: HS/OA/14/00901

Recommendation: Grant Outline Planning Permission

Ward: ASHDOWN
File No: BE28042V
Applicant: Mr & Mrs Dean per Pump House Designs
Pump House Yard The Green
SEDLSCOMBE, East Sussex. TN33 0QA

Interest: Owner
Existing Use: Dwellinghouse

Policies

Conservation Area: No
National Planning Policy Framework: Sections 6, 7, 10 and 11
Hastings Local Plan -
The Hastings Planning Strategy: DS1, FA1, SC1, SC3, SC4, SC7, EN2, EN3, EN4, EN6, H1, H2, H3 and T3
Hastings Local Plan -
Development Management Plan: LP1, DM1, DM3, DM4, HN7 and HN8

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 8
Petitions Received: 0

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

Summary

The application site relates to 42 Beauharrow Road, which is a large, detached, two-storey single dwellinghouse. The site is in an area of town with relatively low density and it has many constraints including levels changes, streams, trees and wildlife areas.

The applicant has applied for outline planning permission to demolish the existing house and erect 8 semidetached dwellings. The applicant is only seeking approval of the access of the development so the main considerations are the suitability of the access and whether the proposal is acceptable in principle. In order to assess these matters consideration has been given to the impact on the character of the area, the impact upon neighbouring residential amenities, parking and highway matters, impact on protected species and ecological designations, impact on trees and flood risk.

Taking all of the above matters into account the proposed development is considered acceptable and I recommend that planning permission is granted subject to conditions and the completion of a legal agreement.

The Site and its Location

The application site relates to 42 Beauharrow Road, which is a large, detached, two-storey single dwellinghouse. The existing house sits within a very large plot and is set much lower than the unadopted road from which it is served. There is a sloped access from Beauharrow Road into the site and a stream runs along the southwestern boundary which leads into the Hollington Stream to the east of the site. Because of the Hollington Stream, part of the application site falls within an identified Flood Risk Zone.

Aside from the house, access and large turning area, the site remains mostly undeveloped as a mixture of formal private garden space and unkempt natural space. The eastern end of the site transgresses over into a designated Local Wildlife Site and preserved woodland. The site also adjoins a designated Ancient Woodland.

Given the lower level of the site compared with its surroundings and its relatively natural secluded character the site is well screened.

Details of the Proposal and Other Background Information

This is an outline planning application for the demolition of the existing property and the erection of 8 houses (as four semidetached pairs). As the application is for outline planning permission the applicant has chosen to seek approval of the access only with appearance, landscaping, layout and scale all reserved matters. The information submitted in respect of these reserved matters is therefore indicative only but it is useful in establishing whether the principle of the development is acceptable.

There have been no recent planning permissions for the site with the last application being submitted in 1980s.

Previous Site History

HS/OA/87/00178 Erection of house and garage
Refused 12 June 1987 and Appeal Dismissed 10 June 1988

Details of Consultations

The **Local Highway Authority** has raised no objection.

The **Borough Arboriculturalist** has raised no objection as important trees can be retained and the applicant has shown an appropriate buffer with the ancient woodland. He recommends a condition for a landscaping scheme (conditions 1 & 2) and states that tree protection must be carried out in accordance with the relevant British Standard.

The **Waste & Streetscene Services Officer** has raised no objection.

The **Environment Agency** has raised no objection following the submission of a flood risk assessment.

Southern Water has raised no objection but informs that there is a public sewer crossing the site. The sewer may be able to be diverted and they recommend conditions to ensure an adequate drainage system is installed and that the sewer is protected during construction (conditions 10 & 12).

The **Lead Local Flood Authority** has raised no objection but initially flagged up the risk from surface water flooding to the development and the proximity of the development to the watercourse through the site. They have been unable to comment further on the application given that the proposed development is not major development but sufficient information on flooding has been covered in the flood risk assessment and the comments from the Environment Agency.

There have been 8 letters of objection to the development. Concerns include:

- highway safety;
- the condition of the unadopted road;
- noise and disturbance;
- drainage and flooding;
- access for emergency vehicles;
- construction issues;
- loss of wildlife habitat;
- development out of character;
- standard of the proposed accommodation;
- impact on privacy;
- loss of garden space;
- impact on trees;
- quality of the proposed access; and
- inadequate bin storage.

Other concerns raised that cannot be taken into account include:

- the effect on the value of existing properties.

Lastly, one objector raised the lack of consultation with neighbouring properties at The Russets. At the time of the consultation these properties were not completed and as such were not addressable. The consultation exercise has been carried out correctly.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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 main policies/guidance that apply are policies SC1, SC3, SC4, SC7, EN2, EN3, EN4, EN6, H1, H2, H3 and T3 of the Hastings Local Plan - The Hastings Planning Strategy (HPS) and policies DM1, DM3, DM4, HN7 and HN8 of the Hastings Local Plan - Development Management Plan (DMP). Others apply and listed above.

As explained above this is an application for outline planning permission with some matters reserved. The main considerations are the principle of the development and the suitability of the access. In determining the principle of the development it will be necessary to consider the impact on the character of the area, the impact upon neighbouring residential amenities, parking and highway matters, impact on protected species and ecological designations, impact on trees and flood risk.

Impact on the character of the area

The applicant has indicated that the appearance, layout and scale of the development are reserved matters. The submitted information is therefore indicative but in reality I do not consider that there are many other ways to arrange the proposed quantum of development on site. This is especially true when ensuring sufficient access, parking, amenity space and a buffer with trees and wildlife also have to be provided whilst protecting neighbouring amenities. In this respect the submitted information is useful in assessing the potential impact on the character and appearance of the area.

As explained above the proposed development site sits lower than Beauharrow Road and is lower than neighbouring properties no.38 and those at The Russets. The site has a more comparable land level with the properties to the north but given the change in levels from the road and the fact the site is relatively well screened any development at the site is unlikely to be prominent. Therefore, there is more flexibility when it comes to using this site efficiently and effectively. That being said the proposed density in this instance is approximately 20 dwellings per hectare. Compare this with the new development at The Russets, which is approximately 19 dwellings per hectare, and the fact that new development should try to achieve at least 30 dwellings per hectare (in accordance with policy H1 of the HPS), the proposed development is not an intensive use of the site.

Despite concerns about the density of the development being out of character with the otherwise quite low density of the surrounding area, the above shows this is simply not the case. The development is more dense but I believe a good balance has been struck between maintaining the very low density of the in the area with the Boroughs new planning policy aspirations to ensure that proposals make full and effective use of the land.

Properties in the area are a mixture of two-storey dwellings, bungalows and chalet bungalows. Properties are predominantly detached but there are a couple of semidetached pairs. The proposed development will add to the types of dwellings on offer by introducing more semidetached pairs. This will help in diversifying the neighbourhood and creating a mixture of property types.

The indicative design of the proposed houses follows a pattern similar to that seen in some new developments elsewhere in town - i.e. Seacrest View and the new development at Pennine Rise. The design is unambitious and I believe that more effort should be made to create distinctive semidetached pairs which reflect the relative suburban and well secluded natural surroundings. As the appearance of the buildings is indicative at this stage they are not being approved and there is an opportunity for the appearance to be revised and submitted as part of any reserved matters application.

Other concerns have otherwise related to the general increase in activity in the area including increased vehicular movements. There have been worries that such increases in activity would change local character for the worse. It is true that Beauharrow Road is a quiet area of town but nonetheless it is part of the Borough's urban area and a certain level of activity is to be expected. Although the development will increase the local population very slightly and result in a small increase in traffic movements I cannot accept that this would be to the detriment of local character. Whilst the proposal will certainly change the relationship of the site with existing surrounding development, the proposed development has a low density, and I do not consider that an increase in development at the site of this small scale warrants a refusal.

The applicant has provided sufficient information to show that 8 houses can be provided on site without causing harm to local character. The proposal would comply with policies SC1, H1 and H2 of the HPS and policy DM1 of the DMP.

Impact on neighbouring residential amenities

The proposed development is suitably distanced from surrounding properties to cause no harm from loss of light, overshadowing or from being overly dominant. The main concerns from local residents relate to noise and disturbance and the impacts of overlooking.

With regard to noise and disturbance, as described above I do not consider that the development is of a sufficient size to have a significant change in relationship with the surrounding area. Development would be well spaced from existing properties and the existing topography and natural screening should provide some protection to any increase in day-to-day household noise.

It is accepted that the number of vehicle trips along the boundary with 44 Beauharrow Road will increase but a section of acoustic fencing will help alleviate this. This can be secured by condition but will need to be discussed to ensure the provision of the fencing doesn't result in the loss of any natural screening.

In terms of overlooking the indicative layout can be split into two sections - plots 1-4 and plots 5-8.

Plots 1-4 run perpendicular to the existing houses on Beauharrow Road. However, there is a minimum of 20m from plots 1-4 to 44 Beauharrow Road and a minimum of 36m to 38 Beauharrow Road. These distances will ensure that there is no harm from overlooking in planning terms but the boundary screening and changes in levels will add to the level of protection from overlooking.

Plots 5-8 have caused concern to the residents at 44 Beauharrow Road. Although the layout is indicative I believe it is unlikely to change so a decent assessment of the impact on the neighbouring property can be made. The new plots are intended to be set further back into the site when compared with the existing house to be demolished. That being said none of the houses in plots 5-8 are orientated towards the neighbouring property and any side elevation windows that would cause any overlooking could be conditioned to be obscure glazed and fixed shut. Given this and the level of additional protection that would be afforded by existing natural screening I do not consider that there will be any overlooking.

Some noise and disturbance during construction is inevitable but this can be minimised by restricting working hours and with the submission of a construction management plan which should be followed during construction. Both can be secured by condition.

I consider that the proposed development will not result in any harm to neighbouring residential amenities. It complies with policy SC1 of the HPS and policy DM3 of the DMP.

Access, parking and highway safety matters

The highways impacts of the development are possibly the most contentious. Beauharrow Road is an unadopted road with some poorly constructed sections and issues relating to drainage. Any new development can cause worry.

In this particular instance the Local Highway Authority (LHA) have raised no objection. They state that this is a private road with highway rights and as such vehicles are allowed to access the site. The main considerations would be whether adequate parking is being provided so that the access roads (in this instance Beauharrow Road and the access into the site) are not blocked and whether the public highway (Battle Road) can be accessed safely. In this particular instance the quantum of development - an additional 7 units over the existing 1 - is likely to generate up to 50 daily trips, which would be approximately 3-4 additional vehicles movements during peak times. The LHA do not consider this to be severe in terms of highway impact. Cars will still be able to pass safely on Beauharrow Road and the junction with Battle Road is acceptable.

Given the comments of the LHA the access is not considered to cause any harm to highway safety and the parking provision proposed on site is acceptable.

I do share concerns with local residents about the quality of the access' construction. Indeed, applications for development in this area have been refused in the past because the access was not suitably constructed. Fortunately for the applicant, the default position is not to refuse applications on unadopted roads outright as the roads themselves can be improved. Therefore in this instance I recommend a condition is added to any consent requesting that Beauharrow Road is upgraded - between the access to the site and Battle Road - to an appropriate standard, including appropriate drainage.

Subject to appropriate conditions the proposed development would comply with policy DM4 of the DMP.

Ecology and trees

The application site transgresses into a Local Wildlife Area on its southeastern boundary which adjoins an area of Ancient Woodland. The site also includes a number of mature trees. It is important to reiterate that the submitted application is in outline form, so matters such as the layout of the development are subject to change. Notwithstanding this the applicant has demonstrated that a development can be compatible with these existing constraints.

Firstly, the applicant has shown that trees within the site will be retained. This is good for maintaining the site's natural screening and woodland character.

In terms of the Ancient Woodland the applicant has followed standing advice from Natural England and a 15m boundary would be maintained between any development and the woodland itself. This will ensure protection of the woodland. I recommend a condition ensuring that no development can take place within the identified buffer zone to ensure protection in perpetuity, especially from permitted development rights. This buffer will also ensure protection of the Local Wildlife Area.

The applicant has identified that the site has ecological potential and that it is adjacent to an important wildlife area. Unfortunately, they have not identified the adjacent area as a Local Wildlife Site but I do not consider this changes anything. An appropriate survey of the site has been carried out and its conclusions remain valid.

The ecology report has investigated many types of protected species and concluded that no protected species will be harmed by the development. There was an absence of most species but the report identifies that there is potential for reptiles to be present. Recommendations on how to avoid reptiles inhabiting the site are referenced in the report as well as mitigation measures to avoid harm to protected species during construction. The submitted report also makes a number of recommendations in terms of biodiversity enhancements. These recommendations should be incorporated into the final design and this can be secured by condition.

The proposed development is considered to comply with policies EN2, EN3, EN4 and EN6 of the HPS and HN7 and HN8 of the DMP.

Flood Risk

During the application process it was identified that part of the site is within Flood Risk Zones 2 and 3 - this relates to the Hollington Stream which runs along the southeast boundary. There is also a stream running along the southern boundary of the site. These constraints prompted a requirement for the a flood risk assessment which was duly submitted by the applicant.

The report ultimately identifies that the proposed development will not be at risk of flooding but states that appropriate drainage will need to be put in place to control surface water run-off from the site as water impermeability will increase by 90%. It also suggests that finished floor levels are set higher than surrounding floor levels and that flow paths are created to control surface water flows during extreme rainfall event. These matters can be addressed by condition or in the reserved matter details.

Other

The applicant has identified that the access into the site will be at least 4.5m wide. The car parking area for the development also will act as an appropriate turning head. I see no problem with refuse collection but the proposed communal refuse storage spaces need to be reconsidered. I see no reason why bins cannot be stored at each property. Such details can be secured by condition.

The proposed development makes no reference to policies SC3 and SC4 of the HPS and the requirement for new development to be sustainably designed. Although the lack of detail is disappointing green and sustainable design measures can be secured by condition and shown in the reserved matter details.

The proposed development is subject to policy H3 of the HPS which requires all new housing developments to provide an element of affordable housing. In this particular instance the requirement is for on-site provision (although the applicant's agent initially thought a financial contribution would be appropriate) and the requirement is for 20% of the net increase. In this instance that equates to 1.4 units (20% of 7 units). The expectation being that one unit will be provided on site and the fraction being provided as a financial contribution. The affordable housing can be secured by legal agreement and the applicant has agreed to this requirement.

Conclusion

Taking into account the above discussion and with the use of appropriate conditions and a legal agreement these proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

Recommendation

A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution unless it has been conclusively shown that the development would not be viable if a contribution were made. In the event that the Agreement is not completed, or the viability issue not resolved, by 20 January 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2018.

B) Subject to A) above:

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall, in terms of the access only, be carried out in accordance with the following approved plans:

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the improvement of Beauharrow Road between the Battle Road junction and the proposed access to the site. Such scheme shall include details of the construction of the road to an acceptable standard, details of the drainage of the road and it will provide for the timing of the improvement works in relation to the implementing of the development. The development shall be implemented in accordance with such timing before any of the dwellings are occupied.
7. No development shall take place until the measures outlined in the submitted arboricultural statements and reports (Arboricultural Report by The Mayhew Consultancy Ltd, dated December 2014, ref AR/34014), have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the arboricultural statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
8. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no development shall take place without the grant of an additional planning permission within the areas identified as 'construction exclusions zones' in the drawing attached at appendix B of the submitted Arboricultural Report by The Mayhew Consultancy Ltd (dated December 2014 and ref AR/34014).
9. No dwelling hereby approved shall be occupied until details of external storage space for refuse bins has been submitted to and approved in writing by the Local Planning Authority. The refuse storage space shall be provided prior to any occupation of the dwellings.
10.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management (that have taken into account the recommendations of the Flood Risk Assessment by Hemsley Orrell Partnership dated June 2015 and referenced 14633/1/500) have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats 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.

11. The details submitted with condition 10 above shall include details of 'flow paths' to direct surface water flows away from the buildings towards the existing stream channels at lower elevations.
12. The details submitted with condition 10 above shall included details of the measures which will be undertaken to divert the public sewers crossing the site.
13. The reserved matters details submitted in accordance with conditions 1 & 2 above shall include details of the proposed finished floor levels of the dwellings hereby approved taking into account the recommendations of the Flood Risk Assessment by Hemsley Orrell Partnership (dated June 2015 and referenced 14633/1/500).
14. The reserved matters details submitted for conditions 1 & 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.
15. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

17. The reserved matters details submitted in accordance with conditions 1 & 2 above shall included details of biodiversity enhancements in accordance with the recommendations of the Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd (dated December 2014 and referenced EA/34014).

18. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. The development shall be carried out in accordance with the approved scheme.
19. 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.
20. The reserved matters details submitted with conditions 1 & 2 above shall include measures for the installation of an acoustic fence along the boundary with 44 Beaurharrow Road taking into account the need to retain trees and hedging where appropriate.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
- 7.
8. To protect trees and features of recognised nature conservation importance.
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
10. To prevent increased risk of flooding.
11. To prevent increased risk of flooding.
12. To prevent increased risk of flooding.
13. To prevent increased risk of flooding.
14. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.

15. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
16. To protect features of recognised nature conservation importance.
17. To enhance features of recognised nature conservation importance.
18. In the interests of vehicular and pedestrian safety.
19. To safeguard the amenity of adjoining residents.
20. To safeguard the amenity of adjoining residents.

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.
 3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
 4. The developer is advised to contact the matters of diverting the public sewer further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
 5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
 6. All works to trees should be carried out by a competent tree surgeon.
 7. This permission does not override the rights of the owners of trees whose consent must also be obtained to carry out works to those trees.
 8. Nothing in this permission, aside from the access, shall be construed as giving approval to the details shown on the plans accompanying the application hereby approved. Such plans have been treated as being indicative only.
 9. Consideration should be given to the provision of a domestic sprinkler system.
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Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/OA/14/00901 including all letters and documents