**‘D’ REPORT**

**Application No:** RR/2016/1835/P

**Site Address:** Beech Court House, 
Little Common Road, 
Bexhill

**Development:** Outline: Demolition of existing detached house and garage and erection of 14 no. flats and associated works (landscaping reserved).

**CONSULTEES:**

<p>| Highways England (HE): | Note that the proposed development will result in an intensification of use of the site, which has direct access onto the SRN (A259). The plans provided do not clearly show the information required to be able to determine the acceptability of the proposals. Of particular concern it is noted that the gradient and width of the access are to be altered. Details are requested to compare the existing and proposed accesses and their compliance, including visibility splays, with the requirements of Design Manual for Roads and Bridges and the Manual for Streets; a cross section through the existing and proposed gradients; and swept path analysis showing that refuse vehicles can enter and leave the site in a forward gear (turning clear of all parking areas) and that two cars can pass each other within the site’s entrance to prevent vehicles having to wait on the A259 Truck Road. Concern is expressed that the parking on site could be insufficient for 14 flats + visitors and HE would not be favourable to development that had the potential to increase the likelihood of parking occurring on the A259. The LPA was requested to refrain from approving the application until such time that an agreed access arrangement was forthcoming. In the absence of the information requested conditions would be required in the event that any permission were to be granted. |
| Highway Authority (ESCC): | Comments only on the on-site parking provisions and notes that the level of parking proposed (18 spaces) is in accordance with the ESCC Parking Demand Calculating Tool. 1 covered and secure cycle storage space per residential flat is also required. |
| Lead Local Flood Authority (LLFA): | Raise a holding objection. Insufficient information to advise that the development will not increase flood risk elsewhere |</p>
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| **ESCC):** | or whether it reduces flood risk overall.  

The proposed soakaway tank encroaches into the defined Root Protection Area and therefore could not be constructed as shown. The applicant is requested to reconsider the implications of trees on the proposed surface water drainage network.  

The proposed soakaway tank is shown closer than the required 5m to the proposed building. The applicant is requested to revise to prevent affecting the stability of the building’s foundations, but moving away would further encroach into the Root Protection Zones. |
| **Southern Water (SW):** | Notes that an application for formal consent to connect to the public foul sewer is required and location of any connection would depend upon a sewer capacity check to inform the connection point.  

Supports the use of appropriate SuDS schemes where able. Sewer connection is a last resort and only if capacity exists. Connection to a surface water sewer requires prior approval from SW. |
| **ESCC Archaeologist:** | Notes that although a major application in an area on Tunbridge Wells sand geology and in an elevated position which may have been attractive for past settlement and activity it is unlikely to have any significant archaeology impacts. The proposed development is concentrated in the area of the existing development that will have impacted any below ground archaeological remains. In addition the site has a number of trees that will be retained and therefore it is assumed that below ground disturbance across much of the site will be limited. |
| **Planning Notice:** | Some 63 objections have been received from local residents raising the following issues:  

- Existing issues for highway safety – road is at capacity and cannot take further development in this area  
- A259 is part of the national trunk road network (Folkestone to Honiton) and inappropriate to locate additional dwellings along it here or to encourage development that may result in on-street parking  
- Pedestrians take their life in their hands trying to cross the road here  
- Increased traffic will exacerbate the existing road dangers  
- Lack of parking  
- Overdevelopment of the site  
- Already too many flats in this area need a better |
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<th>Housing Mix</th>
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<td>- Works to or loss of trees will impact noise transition from the constant traffic along the A259 adversely affecting existing properties</td>
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<td>- Increase in building size and numbers will increase noise and give rise to a loss of privacy for surrounding neighbours</td>
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<td>- Access from the site onto the adjacent/rear footpath should be closed off to preclude increasing parking pressures in Pinewoods</td>
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<td>- Size and proximity will be overbearing on surrounding houses with overlooking, loss of light and loss of privacy</td>
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<td>- Design is out of character</td>
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<td>- Impacts on drainage</td>
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<td>- Impacts to and loss of trees and hedges</td>
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<td>- If any permission is given hours of work should be restricted</td>
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<td>- Size and density of development is out of character</td>
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<td>- Harm to surrounding residents from construction noise, dirt etc which will also create highway hazards as experienced with the McCarthy &amp; Stone development nearby</td>
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<td>- Restrictive covenants preclude development of the site</td>
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<td>- Existing house is perfectly good and should be retained or converted to smaller units</td>
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**Comments:**

**Site:**
Beech Court House is a relatively large detached house dating from the early/mid 1900’s. It sits within a clearing on a triangular shaped plot, closely surrounded by a variety of deciduous and evergreen trees which are preserved via a Tree Preservation Order. Highwoods Court, a 2-storey block of flats accessed from Pinewoods, is located to the east side with residential dwellings, predominantly chalet bungalows located to the south in Pinewoods. The south/western boundary adjoins a public footpath backing onto the rear gardens of several properties.

Vehicular access is from the A259 Trunk Road along its northern boundary, which is well treed and the street scene is sylvan in character. Neighbouring larger dwellings to the west are set back from the road, like Beech Court and screened by the trees and changing ground levels. The driveway into the site is narrow and steep.

**Proposal:**
The application is described as ‘outline’ but only has
landscaping reserved. The scheme proposes the demolition of the existing dwelling and its replacement with a larger 3-storey block accommodating 14 flats, (2x1 beds and 12x2 beds), with a central tower of 4-storeys. The top floor is set within a mansard roof covered by a large area of flat roof.

The design is described by the architect as ‘classical and semi-ornate’. It has a European chateau style with Victorian style details to the windows and decorative render.

It is advised that the existing access will be retained and enhanced. Accompanying documents include a ‘Sustainable Drainage and Flood Risk Assessment’ with an ‘Arboricultural Method Statement’ and Arboricultural ‘Impact Assessment’.

Policy:
The following ‘saved’ policies of the adopted Rother District Local Plan 2006 are relevant to the proposal:
DS3 – Proposals within development boundaries

The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:
PC1 – Sustainable development
OSS4 – General development considerations
SRM2 – Water supply and wastewater management
CO6 – Community safety
EN3 – Design quality
EN5 – Biodiversity and green space
EN7 – Flood risk and development
TR3 – Access and new development
TR4 – Car parking

The NPPF and Planning Policy Guidance are also material considerations. Paragraph 17: core planning principles including ‘genuinely plan-led’; ‘to enhance and improve the places in which people live’; ‘to secure high quality design and a good standard of amenity for all’; is of particular relevance. Improving the quality of an area is reiterated on several occasions.

Appraisal:
Main issues:
- Character of area
- Impact on neighbours
- Impact on highway safety
- Impact on trees

Character of area
The area on the south side of the A259 is residential in character and does contain a mixture of dwelling types, including low level flats, chalet bungalows and some larger houses. At this point on the busy trunk road the dwellings are in general partially screened by trees, with trees and open space to the north side of the road, which extends northwards encompassing Little Common Recreation Ground, paddocks, woodland and Highwoods Golf Course.

Beech Court House is constrained within its site by the band of well-established trees that encompass the site and provide its very sylvan setting. Glimpses into and out of the site are afforded through the trees but at present the large house is considered proportionate to its plot. The proposed building however, has a significantly larger mass, which would fill the open area of the site as well as encroaching into the root and canopy areas of the trees. While comparison outlines on the submitted drawings indicate that the roof is not much higher than the ridge of the existing dwelling, this is only achieved by digging out and lowering the ground levels and incorporating the third floor within a mansard roof with a flat roof over. The resultant development would appear cramped within the site.

The proposed development represents a considerably larger building exceeding the height of the neighbouring flats (which have only two floors) and uncharacteristic of the scale of surrounding development.

The design itself has an unusual architectural style for the area but subject to its detail is not objectionable purely in architectural design terms.

**Impact on Neighbours**

The proposed building would be closer to the rear southern boundary than the existing house and has three floors with windows on every elevation. As such overlooking would result where none currently exists. This has implications for those individual dwellings to the south at 7/8 Kewhurst House, 31, 33 and 35 Pinewoods, with particular issues for the dwelling at 35a Pinewoods which will be less than 10m away. The new building will appear imposing and overbearing, looming up among the trees. While overlooking to the majority may be a greater perception than actuality, the sense of overbearing will be a very real one and the size and mass will be accentuated by the white render finish that will starkly contrast with the surrounding vegetation.

**Impact on Highway Safety**

The existing access is only one vehicle wide and of a fairly steep incline with brick retaining walls. The access is tree
lined and while parking and turning is available within the site, it is constrained and vehicles are required to reverse out when parking precludes turning space. Visibility currently appears acceptable at the junction with the A259.

However, the application indicates that improvements are to be made to the access although no details have been provided. The Highways Agency have requested that the access be widened to accommodate two-way traffic but this is not proposed and would not appear feasible without impact on preserved trees.

Parking and turning within the site all have implications for impacts to the root protection zones and the Highway Agency have questioned the sufficiency of space provided, irrespective of the local Highway Authorities Parking Demand Calculator, because of the potential for generating on-street parking on the A259 trunk road. Those concerns are compounded by the proposal with parking spaces extremely tight to the building and the trees, appearing cramped and impacting upon the outlook and amenity of potential occupiers.

In the absence of the requested details, including details of potential traffic increases, it is not possible to conclude that the proposal does not represent any harm to the highway safety and free flow of traffic along the A259 Trunk Road.

**Impact on Trees**
The existing dwelling sits in close proximity to the surrounding trees which are in the main preserved by TPO78. The tree protection order includes all trees within and on the boundaries of the site with a trunk diameter exceeding 4 inches at a height of 4 feet above ground level. The application is accompanied by arboricultural reports which seek to minimise impacts but those reports do not consider the requirements of either highway works or surface water drainage proposals.

There appears to be little analysis of impacts to the crowns of trees and while reference is made to consideration of future implications and pressures to undertake works to the trees or even fell them, this is unconvincing. Such concerns are considered very realistic given the extremely close proximity of the building to the trees, the number of dwelling units, increased movements and the penchant of occupiers and insurance companies to remove trees which are perceived to block light, block guttering (leaf fall) and could give rise to root damage.

**Conclusion**
The proposed development is considered to be an
overdevelopment of the site, out of character with the area and harming the residential amenities of neighbours. There are highway and drainage issues that have yet to be resolved and which raise significant concerns in respect of potential harm to both highway safety and tree protection.

**INTENDED DECISION: REFUSE (OUTLINE PLANNING)**

1. The proposed development by virtue of the size, mass, design and layout would result in a cramped overdevelopment of the site out of character with the locality, failing to reflect the nature, scale, context and proportions of surrounding development and detrimental to the character of the area. As such it would be contrary to paragraph 56 of the NPPF and Policy OSS4(iii) of the Rother Local Plan Core Strategy.

2. The proposed development by reason of its size, mass, design and layout would result in an overbearing form of development with a consequent loss of privacy from overlooking and loss of outlook, detrimental to the residential amenities of neighbouring properties with particularly harmful impacts on the dwelling at 35a Pinewoods and also impacts on those dwellings at 7/8 Kewhurst House, 31, 33 and 35 Pinewoods, contrary to paragraph 56 of the NPPF and Policy OSS4(ii) of the Rother Local Plan Core Strategy.

3. Due to the size of the proposed building and the relationship of the building and associated uses to the protected trees on the site the post development pressure to prune trees would be significant, and would be detrimental to the long term wellbeing of the protected trees and could result in their loss. This would not be in accordance with the advice set out in the BS5837 Trees in relation to design, demolition and construction, Recommendations. The loss of trees would harm the character and appearance of the locality and be contrary to Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

4. In the absence of requested details informing both highway access requirements and an acceptable drainage scheme, it has not been demonstrated that either of these requirements can be undertaken without significant impacts to protected trees. The further loss of or erosion of the trees and the cover that they provide would be detrimental to the character and appearance of the locality as well as eroding the privacy afforded to the occupiers of surrounding and potential new dwellings. As such it would be contrary to Policy OSS4 (ii) & (iii) of the Rother Local Plan Core Strategy.

5. It has not been demonstrated that a safe and acceptable access can be provided in accordance with highway standards or that an intensification of the use of the site would not impact upon the highway safety of the A259 Trunk Road. As such the proposal is currently considered to represent potential highway safety hazards that could impact on the safe and free flow of traffic along the A259 Trunk Road and is therefore contrary to Policies
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CO6(ii), TR3 and TR4 of the Rother Local Plan Core Strategy.

Note
This refusal relates to the following plans and particulars:
Drawing no. 01/P1, 03/P1 and 07/P1, dated June 16
   02/P2, dated Aug 16
   04/P4, 05/P4, 06/P2, 08/P1 and 09/P1, dated Sep 16
Design & Access Statement, dated July 2016
Transport Report dated, July 2016
Sustainable Drainage and Flood Risk Assessment by HOP, dated August 2016
Arboricultural Method Statement by PJC Consultancy, dated 29 July 2016
Arboricultural Impact Assessment by PJC Consultancy, dated 29 July 2016.

NPPF:
In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.