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6. **Section 2: 15/P/2623/O** Outline application for demolition of existing house, erection of a three storey block of 6no. apartments (including a basement level) and construction of a replacement entrance, erection of a retaining wall to southern boundary, to include, parking and a cycle store. Details of access, layout and scale to be determined, however appearance and landscaping to be reserved for subsequent approval at Silbury, Battery Lane, Portishead, BS20 7JD

REFERRED BY COUNCILLOR KNIGHT

Summary of recommendation

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

The Site

The application site is located within the Portishead settlement boundary and adjoins the Portishead East Wood Conservation Area. The existing house on the site is a large detached, two storey property of a 1970's design which incorporates an access underneath the building to a rear car park and garage.

To the north of the site is an area of public open space which forms part of the Esplanade/Lake Grounds which is within the conservation area. The land in this area slopes downward to the North. Access is via Battery Lane.

The Application

Outline planning permission with only appearance and landscaping reserved is sought for;

- erection of a block of 6 flats with associated parking.
- 3 storey building providing 6 No 3 bedroomed units, partially sunk into the ground on the Battery Lane elevation
- parking area for 13 cars located to the rear and a further 2 visitor spaces to the front.

Illustrative sectional, layout and elevational plans have also been submitted to provide an indication of the siting and scale of the proposed building.

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Relevant Planning History

Year	Reference	Proposal	Decision
2015	15/P/0032/O	Outline application for the erection of a 4 storey block of 7 No. flats and associated infrastructure	Refused

Policy Framework

The site is affected by the following constraints:

- Within the Portishead settlement boundary
- Adjoins Portishead East Wood Conservation Area

The Development Plan

North Somerset Core Strategy (NSCS) (adopted April 2012)*

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS16	Affordable housing
CS31	Clevedon, Nailsea and Portishead
CS34	Infrastructure delivery and Development Contributions

*** Core Strategy - High Court Challenge**

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The

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examination of the other remitted policies took place on 22nd and 23rd June and the Inspector's report is awaited.

North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below.

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
GDP/3	Promoting good design and sustainable construction
ECH/3	Conservation Areas
ECH/11	Protected species and their habitats
ECH/15	Coastal zone
H/7	Residential development within settlement boundaries
T/6	Parking standards
T/10	Highway safety, traffic and the provision of infrastructure associated with development

Other material policy guidance

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

Section No	Section heading
6	Delivering a wide choice of high quality homes
7	Requiring good design
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Emerging Development Plan - Sites and Policies Plan Part 1: Development Management Policies

The Sites and Policies Plan Part 1: Development Management Policies has completed its examination phase with receipt of the Inspector's report on 26 April 2016. Formal adoption by the Council is anticipated on 19 July 2016. The plan has reached an advanced stage in the plan-making process and can be accorded significant weight in decision making in accordance with paragraph 216 of the NPPF.

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The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM3	Conservation Areas
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM42	Accessible and adaptable housing and space standards

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Bio-diversity SPD (adopted December 2005)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 46 letters of objection have been received. The principal planning points made are as follows:

- Additional traffic in the narrow access lane
- Building would be out of character
- Adverse impact on conservation area to the North
- Overbearing, out of scale development
- Car park to the rear would be visually intrusive.
- Substantial excavations would adversely affect users of the Lane
- Outline application unacceptable. Full details required

Portishead Town Council:

Initial Comments: "Object on the grounds of:

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- (i) The development is overbearing, out of scale and out of character with the neighbourhood;
- (ii) The plans show a large study which makes the flats 3 bedroomed rather than 2;
- (iii) The plot adjoins the East Wood conservation area;
- (iv) Approval would create a precedent for further developments in the area;
- (v) Access to the site is difficult, as Battery Lane is narrow, and not conducive to regular use by 15 cars;
- (vi) Some points in the application are inaccurate, e.g. the proposed development is situated on a major bus route. There is no bus route on Esplanade Road or Battery Lane;
- (vii) There are concerns about the changes such a large development will have on the water table, drainage and other services and the effects on the neighbouring properties;
- (viii) The hydraulic lift parking system will be noisy;
- (ix) There will be excessive disruption during the construction phase and Battery Lane is not suitable for large construction vehicles".

Additional comments received: "RESOLVED that object - the initial concerns of the Town Council have not been overcome".

Principal Planning Issues

The principal planning issues in this case are (1) The principle of residential development in this location, (2) Impact on character of the area and on the adjoining conservation area, (3) Impacts on neighbours, (4) Impact on highway safety and (5) Other matters.

Issue 1: The principle of residential development in this location

The site is within the settlement boundary for Portishead. Policy CS31 defines Portishead as one of the three principal towns in the District other than Weston super Mare where residential development will be acceptable in principle provided it reflects the character of the local environment and does not cause adverse impacts. Policy H/7 permits the construction of new dwellings in settlement boundaries provided that other criteria are met (such as design requirements, the need to protect the living conditions of neighbours, and the need to provide adequate amenity space). Policy DM37 of the Sites and Policies Plan Part 1 permits such development provided it does not adversely affect the character of the area

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The proposal involves the demolition of a single dwelling and the erection of 6 No. 3 bedroomed flats. There is no objection to such a re-development in principle as it would result in much needed additional housing within the settlement boundaries of the District. However the acceptability of the development is also dependent on other factors as set out below.

Objectors raise concerns that the plans are insufficiently detailed to allow a full consideration of the impacts of the scheme. The application is an outline planning application and the applicant is not required to submit all of the details. The applicant has however submitted the details of the access, layout and scale and these are not reserved for subsequent approval. As such it is considered that the plans are clear and sufficient to allow the Council to determine the application. A further reserved matters application will need to be submitted before any development can proceed.

It is concluded that there is no objection in principle the development which complies with policies CS31 of the Core Strategy, H/7 of the NSRLP and DM37 of the Sites and Policies Plan Part 1.

Issue 2: Impact on the character of the area and the adjoining conservation area

Policy CS12 of the Core Strategy specifies that proposals of all scales will be required to demonstrate sensitivity to the existing local character already established and should take the opportunity to enhance the sense of place and local identity through a well thought out design. Policy GDP/3 of the NSRLP requires development proposals to incorporate a good design so that development respects the characteristics of the site and its surroundings and avoids adverse effects on adjoining areas. Policy DM32 of the Sites and Policies Plan Part 1 states that development proposals should demonstrate sensitivity to the local character. Design solutions should seek to enhance local distinctiveness and contribute to the creation of a sense of place and identity.

The surrounding area is characterised by large, single dwellings standing in extensive plots. The site of the application comprises one of the larger plots in the area. It is considered that its re-development in the form of a block of 6 flats will not lead to a change in character of the area. The plot is large enough to accommodate the proposed building. In addition, its position on the northern edge of the Battery Lane residential area, enables it to sit in the landscape acting as a visual stop to the area and framing the edge of the conservation area beyond.

It is therefore considered that the development would comply with policies CS12, GDP/3 and DM32 and the Residential Design Guide Part 2 for these reasons.

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Policy CS5 of the Core Strategy specifies that the Council will conserve the historic environment of North Somerset having regard to the significance of heritage assets such as conservation areas. Policy ECH/3 of the NSRLP specifies that development likely to affect the setting of or views into or out of, a conservation area will be permitted provided it preserves or enhances the character or appearance of the area. Policy DM3 of the Sites and Policies Plan Part 1 states that development which would affect the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance.

The proposed building would be sited on rising ground abutting the open space to the south of Esplanade Road. As such it is located in a prominent position in respect of the conservation area. The designs shown on the illustrative plans have been critically assessed. It is considered that they would meet the tests set on in the above policies if changes were undertaken to reduce the prominence of the proposed projecting gable feature on the northern façade which at present would render this façade too dominant in the local townscape. Amended plans have been requested to address this concern and to ensure that the character and appearance of the Conservation Area is preserved. Members will be updated at the meeting.

Therefore it is concluded that the impact of the development on the adjoining East Wood Conservation Area would be acceptable and enable the development to comply with policies CS5, ECH/3 and DM3, subject to the receipt of satisfactory amended illustrative plans reducing the prominence of the gable feature on the Northern elevation.

Issue 3: Impacts on neighbours

Policy CS3 of the Core Strategy specifies that development that harm amenity will only be permitted if the potential adverse effects would be mitigated to an acceptable level. Policy DM37 of the Sites and Policies Plan Part 1 specifies that proposals for new development in residential areas should safeguard the living conditions of the occupiers of adjoining properties. The Residential Design Guide SPD also provides guidance for the protection of neighbours.

The illustrative plans submitted indicate that such a development can be designed to have little impact on the nearest neighbours. The sloping nature of the site is to be utilised to cut the building into the slope on the side nearest to the neighbouring dwelling to the south (Greywaters) and on the Battery Lane frontage, to ensure that the height of the new building would be little different to the existing property or the neighbouring dwellings. The new building would be located between 4.6m and 7.6m from the northern side wall of Greywaters and would be sited at an angle to that dwelling. The drawings indicate that three

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windows serving the kitchen areas of the new flats would be located within the southern façade. It is proposed to add a condition requiring these windows to be obscure glazed and non-opening. A further condition is proposed requiring the balconies on the rear façade to incorporate side screens to eliminate any overlooking of the neighbour's garden to the south.

The new block of flats would be sited some 50m from the rear facades of neighbouring properties to the west (Denny Lodge and Gatehouse) and some 30m from the nearest property to the east which is on the opposite side of Battery Lane (Beechside). At these distances the impacts of the building from overlooking and overbearing effects would be acceptable.

The location of the property adjoining the open space of the East Wood Conservation Area to the North would mean that other dwellings in Battery Lane sited to the south and east would be little affected by such a development. The nearest dwellings other than the Greywaters to the south are located on the opposite side of Battery Lane. Residents of these would view the new development across the lane and would perceive a building that would be little changed in respect of its bulk and mass (when compared with the present dwelling) when viewed from this direction.

It is concluded that the development would not have a significant or unacceptable adverse impact on the living conditions of neighbours and would therefore comply with the relevant causes of policies CS3 and DM37 and the Residential Design Guide Part 1.

Issue 4: Impact on highway safety

Policy CS11 of the Core Strategy requires development proposals to ensure that adequate parking is provided in association with any development proposal. Policies T/6 of the NSRLP and DM28 of the Sites and Policies Plan Part 1 set out the requirements in more detail. Parking standards are set out in full detail on the Council's Parking Standards SPD adopted in November 2013. Policies T/10 of the NSRLP and DM24 of the Sites and Policies Plan Part 1 specify that development will be permitted if it would not prejudice highway safety or inhibit necessary access for emergency, public transport, service and waste collection vehicles.

The application is accompanied by a transport assessment. It estimates that the new development will result in a net increase of 17 daily vehicular trips and up to approximately 2 additional vehicle trips in the AM and PM weekday peak hours. The assessment has been considered and it is considered that the additional traffic arising from the development would not be significant and would not adversely affect traffic levels in Battery Lane.

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The visibility to be provided at the access to Battery Lane is considered to be adequate to constitute a safe means of accessing the site given the average vehicle speeds encountered in the Lane.

The illustrative plans indicate the provision of 15 parking spaces and further provision for cycle parking on site, together with turning facilities to enable vehicles to emerge from the site in forward gear. This level of provision provides 12 parking spaces for residents of the 6 flats plus 3 spaces for visitors. This meets the Council's car parking standards for such development as set out in the Council's Parking SPD.

The development is therefore considered to be acceptable in respect of traffic generation, highway safety and parking, and therefore complies with Policies T/6, T/10 and DM24 as well as the Parking Standards SPD.

Issue 5: Affordable housing

Policy CS16 of the Core Strategy requires the Council to seek to negotiate either on site provision or a financial contribution towards off site provision for affordable housing. However a Court of Appeal judgement has now restored Government policy which restricts the payment of such contributions to the builders of 11 houses or more. As a consequence the developer of this scheme cannot be required to make such a contribution.

Issue 6: Other matters

Other matters have been raised by consultees, namely loss of view, devaluation of property drainage problems noisy lift system, noise during construction phase. However such matters have been considered but carry very little weight in the determination of planning applications or are dealt with by other legislation such as The Control of Pollution Act 1974.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon biodiversity.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

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Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application

Conclusion

The development is considered to be acceptable in principle given that it involves the development of a site located within the settlement boundary for Portishead, thus complying with policies CS31, H/7 and DM37. The plans indicate that a building to accommodate 6 flats could be designed to have a minimal impact on the living conditions of the nearest neighbours complying with policies CS3 and DM37 and the Residential Design Guide SPD. The impact of the development on the adjoining East Wood Conservation Area is considered to be acceptable as it will preserve and enhance the setting of the area complying with policies CS3, ECH/3 and DM3. Highway safety and parking capacity are considered to be in conformity with the Council's policies T/6, T/10 and DM24 and appropriate SPD advice.

RECOMMENDATION: APPROVE (for the reasons stated in the report above) subject to the following conditions:-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission.
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
3. Approval of the details of the 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.

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Reason: The application was submitted as an outline application in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010 and in accordance with Policies GDP/3 of the North Somerset Replacement Local Plan (saved policies) and policies of the North Somerset Core Strategy.

- 4.** The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 5.** No work shall be commenced until samples of the materials to be used in the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in the approved materials unless otherwise agreed in writing.

Reason: To ensure that the materials are acceptable in the interests of the appearance of the area and in accordance with section 7 and paragraph 17 of the National Planning Policy Framework, policy CS12 of the North Somerset Core Strategy and policy GDP/3 of the North Somerset Replacement Local Plan (saved policies).

- 6.** The flats hereby approved shall not be occupied until measures to generate 10% (less if agreed with the local planning authority) of the energy required by the use of the development (measured in carbon) through the use of micro renewable or low-carbon technologies have been installed on site and are fully operational in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved technologies shall be permanently retained unless otherwise first agreed in writing by the local planning authority.

Reason: In order to secure a high level of energy saving by reducing carbon emissions generated by the use of the building in accordance with paragraph 17 and section 10 of the National Planning Policy Framework and policies CS1 and CS2 of the North Somerset Core Strategy.

- 7.** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme providing appropriate space and facilities for the separate storage and collection of waste for re-use and recycling. The approved details shall be provided before the use hereby permitted commences and thereafter

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shall be made permanently available for the use for the storage and collection and waste for re-use and recycling only for the occupiers of the building.

Reason: The Local Planning Authority wishes to encourage sustainable recycling initiatives in the interests of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

8. The flats hereby approved shall not be occupied until a properly consolidated and surfaced turning area for vehicles has been constructed and the parking spaces marked out in accordance with the approved plans. The approved turning area shall thereafter be permanently retained and kept available for turning at all times.

Reason: In the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy T/10 of the North Somerset Replacement Local Plan (saved policies).

9. The building shall not be occupied until the means of vehicular access has been constructed and completed in accordance with drawing number 2580/101 hereby approved.

Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction for the Local Planning Authority and in accordance with policy CS10 of the North Somerset Core Strategy and policy T/10 of the North Somerset Replacement Local Plan (saved policies).

10. Detailed plans to be submitted under condition 1 of this consent shall incorporate full details of the proposed cycle parking facility to be provided on the development. The approved facility shall be made available for use by residents prior to the occupation of the first of the flats hereby approved.

Reason: To encourage the use of sustainable means of transport in accordance with policies CS2 of the Core Strategy, GDP/3 of the North Somerset Replacement Local Plan (saved policy) and DM24 of the Sites and Policies Plan Part 1(as proposed to be modified January 2016).

11. No development shall take place until details of a landscaping scheme for the site have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared

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and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Plan.

12. All works comprised in the approved details of landscaping should be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Plan.

13. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with Policy CS5 of the North Somerset Core Strategy and Policy GDP/3 of the North Somerset Replacement Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking and re-enacting that Order, the windows on the southern elevation shall be glazed permanently with glazing that provides a degree of obscuration no less obscure than that which is provided by privacy level 3 of the Pilkington Group Limited textured glass range as defined in publication "Pilkington Textured Glass Range" (published January 2010). This window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with Policies GDP/3 of the North Somerset Replacement Local Plan (saved policies) and DM37 of the Sites and Policies Plan Part 1 (as proposed to be adopted).

15. Detailed plans to be submitted under condition 1 of this consent shall incorporate privacy screens to the south sides of the balconies to be erected on the west elevation of the building. The approved privacy screens shall be provided prior to the occupation of the first flat and shall be maintained in perpetuity.

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Reason: In the interests of protecting the privacy of neighbouring residents and in accordance with Policies GDP/3 of the North Somerset Replacement Local Plan (saved policies) and DM37 of the Sites and Policies Plan Part 1 (as proposed to be adopted).

