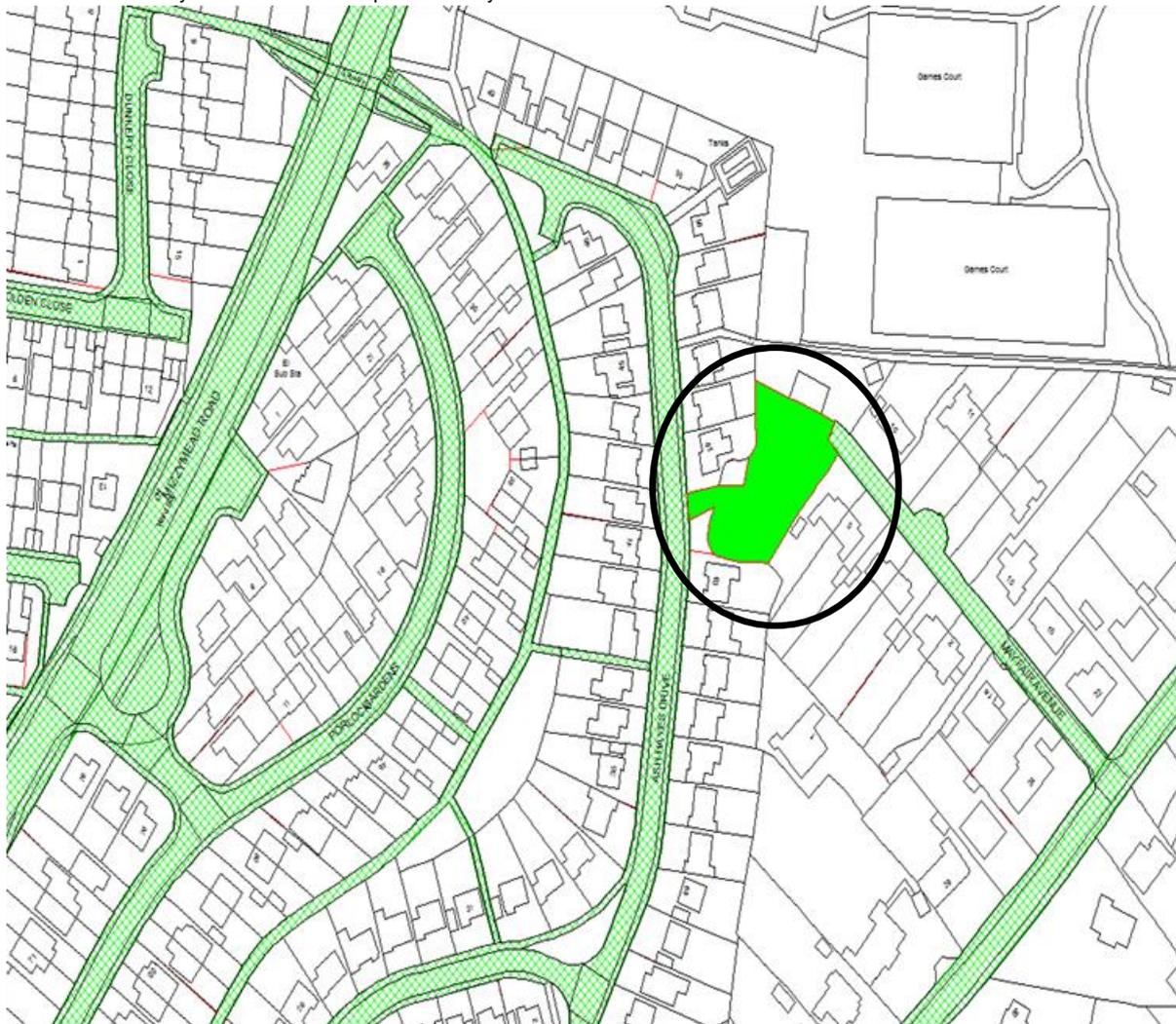


SECTION 2

APPLICATION NO: 16/P/1325/F	CASE OFFICER: Julie Walbridge
APPLICANT: Porthurst Ltd	Extended expiry date:
PARISH/WARD: Nailsea/Nailsea Golden Valley WARD COUNCILLOR(S): Cllr A N Cole	TARGET DATE: 15 July 2016
SITE ADDRESS: 8 Mayfair Avenue, Nailsea, BS48 2LR	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at www.n-somerset.gov.uk. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



SECTION 2

9. **Section 2: 16/P/1325/F Erection of 2no. single storey dwellings and associated works comprising of the widening of the existing access from Ash Hayes Drive, hardsurfaced driveway and turning area and the erection of two car ports at 8 Mayfair Avenue, Nailsea, BS48 2LR**

REFERRED BY COUNCILLOR COLE

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 a residential area of Nailsea and is located at the north west end of a private road known as Mayfair Avenue and on the east side of Ash Hayes Drive.

The site is the side garden area of No 8 Mayfair Avenue and extends to Ash Hayes Drive between Numbers 61 and 63. There is an existing vehicular access from Ash Hayes Drive.

The Application

Full permission is sought for:

- the erection of 2 x 2-bed detached single storey dwellings
- off road parking for four vehicles (two at each new dwelling) with 2 car ports
- a new vehicular access off Ash Hayes Drive with turning area

Relevant Planning History

Year	Reference	Proposal	Decision
2007	07/P/0669/F	Erection of a dwelling	Refused
1986	011/86	Erection of single detached dwelling	Refused
1985	2114/85	Two detached dwellings	Refused

Policy Framework

The site is affected by the following constraints:

- Within the settlement boundary for Nailsea
- Protected trees at south west corner of site TPO440
- Within setting of Grade II Listed Buildings (no. 11-15 Mayfair Avenue)
- Coal Consultation Area Low risk area

SECTION 2

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
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14	Distribution of new housing
CS15	Mixed and balanced communities
CS31	Clevedon, Nailsea and Portishead

* 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 examination of the other remitted policies is currently taking place.

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

The following policies are particularly relevant to this proposal:

H/7	Residential development within settlement boundaries
-----	--

The Sites and Policies Plan Part 1: Development Management Policies – (adopted 19 July 2016).

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM9	Trees

SECTION 2

DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM29	Car parks
DM32	High quality design and place making
DM34	Housing type and mix
DM35	Nailsea housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM38	Extensions to dwellings

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
10	Meeting the challenge of climate change, flooding and coastal change
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

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)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

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

Third Parties: 14 letters of objection have been received. The principal planning points made are as follows:

- Overdevelopment of the site
- Development out of keeping with the character of the surrounding area.
- Lack of garden space for the existing dwelling and the proposed development

SECTION 2

- Lack of parking provision for no. 8 and impact upon the highway within Ash Hayes Road and Mayfield Avenue.
- Impact upon the protected trees
- Pollution caused by the new parking bay
- Detrimental outlook from the first floor bedroom window that serves no. 7
- Loss of privacy
- Impact upon the setting of a listed building.
- Light disturbance caused by vehicles egressing from the site on to Ash Hayes Road

Nailsea Town Council: “Recommend refusal on grounds that it is overdevelopment of the site and out of keeping with the character of the area”.

Principal Planning Issues

The principal planning issues in this case are (1) The principle of development, (2) Impact on the character and appearance of the area, (3) Impact upon the occupiers of the adjoining dwellings, (4) Highways, (5) Setting of the listed building, (6) Protected trees, (7) Biodiversity, and (8) other matters.

Issue 1: Principle of development

The site is within the settlement boundary for Nailsea, where residential development is acceptable in principle in accordance with policy CS31 of the Core Strategy and policy H/7 of the North Somerset Replacement Local Plan. Policy CS31 permits residential development in principle, provided it reflects the character of the local environment and does not cause any adverse impacts. It states that, within Nailsea, proposals which improve the mix and balance of housing types and tenure to encourage a more balanced age structure will be supported.

This proposal is for two single storey dwellings within an existing garden plot within Nailsea. It is considered that in principle the proposal is acceptable and in accordance with policy CS31 of the Core Strategy. The impacts of the development are all considered to be acceptable.

The supporting advice within Policy DM35 is to seek a higher proportion of smaller dwellings to meet the identified needs within Nailsea for younger persons seeking housing and older people wishing to downsize from larger properties. Although this development would only provide two smaller dwellinghouses it is considered that it would provide a greater mix of properties within Nailsea.

In conclusion, the erection of two single dwelling in this location is acceptable in principle in accordance with policy CS31 of the North Somerset Core Strategy and policy H/7 of the North Somerset Replacement Local Plan and Policies DM32, DM35 and DM37 of the Sites and Policies Plan.

Issue 2: Impact upon the character and appearance of the surrounding area

SECTION 2

Policy DM37 states that new dwellings on infill or backland plots, or garden land or other sites within predominately residential areas will only be permitted if they do not adversely affect the character of the area. Proposals will be permitted provided that the siting of the buildings on the new plot and layout respects the existing streetscene; the plot sizes of both the new and existing property are in keeping with the nearby properties, gardens are appropriate size for both the proposed new and existing dwelling; and the design, form, scale and building materials area in keeping with the area.

The new plot sizes are similar to the size of the plots along Ash Hayes Drive and in this respect are in keeping with character of that area. It is considered that the garden sizes of the new dwellinghouses and the existing dwelling (no. 8 Mayfair Avenue) are adequate as the dwellings are relatively modest in size.

The site is accessed from Ash Hayes Drive along a new driveway adjoining which is a row of conifers along the boundary with 63 Ash Hayes Drive. The new dwellings would be located within the site behind the existing trees and hedges that lie along the west boundary of Ash Hayes Drive.

It is considered that the new development due to its scale and location within the site would have a minimal impact upon the appearance of the Ash Hayes Drive and the character of the surrounding area. Unit 1 would be set back from Mayfair Avenue by 9 metres and would be screened by a 1.8m high fence. The fence and the new parking arrangement for no. 8 will provide a clear demarcation between the dwellings along Mayfair Avenue and the new development.

It is considered that the design, scale and height of the proposed single storey dwellings would have a minimal impact upon the appearance of the Mayfair Avenue and Ash Hayes Drive. Although bungalows are not typical of the development in the immediate area it is considered that the proposed bungalows will not appear intrusive and would not harm the character of the surrounding area.

It is concluded that the proposed development for two single storey dwellinghouses would not adversely affect the character of the area and the appearance of Ash Hayes Drive and Mayfair Avenue and is therefore acceptable and in accordance with Policy CS12 of the Core Strategy, Policy H/7 of the North Somerset Replacement Local Plan and Policies DM32, DM35 and DM37 of the Sites and Policies Part 1.

Issue 3: Impact upon the occupiers of the adjoining dwellings

Unit 1 lies approximately 1.5m to the northwest elevation of no. 7 Mayfair Avenue. The new dwelling would not result in an unacceptable loss of light, over shadowing or overbearing impact to the adjoining property. Amended plans have been submitted which show a hipped roof to unit 1 and the revised design of unit 1 would not result in loss of light, or overshadowing or overbearing impact that would adversely affect the living conditions of the occupiers of no. 7 Mayfair Avenue.

The new dwellings will not result in loss of privacy as they are single storey and privacy screens would be provided to protect the privacy of the neighbouring

SECTION 2

dwellings. The amended site plan shows that a 1.8m high fence would be erected along the northwest boundary of no. 7 which would provide adequate privacy to the neighbouring dwelling. Unit 2, due to its height and orientation within the site, would not result in overshadowing, loss of light or overbearing to no 63 Ash Hayes Drive. The proposed parking area for unit 1 lies adjacent to the northwest boundary of no. 7. As stated above, a fence would be erected along the boundary where there is also an existing conifer.

Concern has been raised by the owner of no. 7 that the proposed parking area would cause air pollution. Due to the scale of the development and the number of trips there is no evidence to substantiate this. Whilst the previous application was refused on the basis that the proposed drive would run in close proximity to windows on the side elevation and rear garden area of no. 7, the revised proposals address this by seeking access from Ash Hayes Drive.

It is concluded that the proposal is acceptable and would not have an adverse impact on the occupiers of adjoining properties and it is in accordance with Policies DM32 and DM37 of the Sites and Policies Part 1 and Policy H/7 of the North Somerset Replacement local plan.

Issue 4: Highway impact

The proposal meets the appropriate highway requirements and there are no highway objections to the access from Ash Hayes Drive. The proposal satisfies council's parking standards for the two new dwellinghouses.

The amended parking layout for the existing dwelling of 8 Mayfair Avenue is also considered an improvement allowing better access and visibility entering and egressing. Whilst a turning head would be desirable, there is not one at present and taking into consideration the traffic volumes for Mayfair Avenue, the absence of a turning head is unlikely to be of detriment to highway safety and therefore additional provision cannot be justified.

It is concluded that the parking provision and highway impact is acceptable and in accordance with Policy CS10 of the Core Strategy and Policies DM24 and DM28 of the Sites and Policies Part 1.

Issue 5: Setting of the listed building

The proposal falls within the setting of a Grade II Listed Building (11 – 15 Mayfair Avenue). The proposal is not considered to have an adverse impact on the setting of this Listed Building because the development would be located at the end of the cul de sac and its scale and siting would not be intrusive. It would have a minimal impact upon the setting of these listed buildings.

The proposal is therefore in accordance with policies CS5 and ECH/4 of the North Somerset Replacement Local Plan, policy DM4 of the emerging Sites and Policies Plan (Part 1), section 12 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

SECTION 2

Issue 6: Protected Trees

Within the site are a number of protected trees (TPO 440). The removal of the trees, which are mostly conifers, could be easily mitigated with replacement planting of more attractive tree species that would provide more amenity value and in the longer term enhance the site. Of the 3 trees to be retained two can easily be protected by fencing. However, the Cypress (T6) which is located immediately to the south of the existing concrete footpath would be under significant pressure from the development and is likely to conflict with the proposed access onto Ash Hayes Drive. As a result, it is proposed to allow the removal of this tree in favour of a suitable replacement set further back from the driveway. This replacement would form part of the approved landscape scheme.

It is concluded that provided the landscape scheme and replacement planting is carried out prior to the occupation of the dwellinghouses the proposal is acceptable and in accordance with Policy CS4 of the Core Strategy and DM9 of the Sites and Policies Part 1.

Issue 7: Biodiversity

The ecology report concludes that there is a low potential protected species within the site including bats. The hedgerow and pond are of low local value but do provide limited nesting and foraging habitat for bird species. There is however a ready availability of suitable habitat for nesting birds nearby.

A condition is recommend to ensure that the development is carried out in accordance with the recommendations in part 6 of the Extended Phase One Habitat Survey and carried out prior to the occupation of the dwellings.

It is concluded that the proposal is acceptable in accordance to Policy DM8 of the Sites and Policies Part 1 and Biodiversity and Trees SPD (adopted December 2005).

Issue 8: Other matters

The site lies within an area that has been defined by the Coal Authority as containing potential hazards arising from coal mining. An advice note is recommended warning the applicant of this and the procedures to follow.

In order to minimise flooding, a condition is recommended to secure details of surface water drainage. In this respect, the proposal is in accordance with policy DM1 of the Sites and Policies Plan and section 10 of the NPPF. Foul drainage is dealt with under the Building Regulations.

Other matters raised by residents include loss of a view, disturbance during construction and damage to existing roads and property have been considered and do not amount to reasons for refusal. Such matters have little weight and/or can be dealt with by other legislation.

SECTION 2

The Crime and Disorder Act 1998

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

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

It is concluded that the erection of two single storey dwellings within the settlement of Nailsea is acceptable in that it would have a minimal impact upon the character and appearance of the area. It would not adversely affect the occupiers of adjoining properties and not adversely affect highway safety.

The new development would have an acceptable impact on the trees and would not adversely affect biodiversity or affect the setting of the listed building or other matters and is therefore in accordance with Policies CS4, CS12 and CS31 of the North Somerset Core Strategy and Policy H/7 of the North Somerset Replacement Local Plan and Policies DM8, DM9, DM32, DM37 of the Sites and Policies Part 1.

RECOMMENDATION: the application be **APPROVED** (for the reasons stated in the report above) to the following conditions and any other additional or amended conditions as may be required:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. 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.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order amending or revoking and re-enacting that Order, no extensions to the dwellings shall be carried out.

SECTION 2

Reason: The Local Planning Authority wish to retain control over extensions in order to maintain the integrity and appearance of this development and to maintain the garden area for each dwelling and to protect the living conditions of the occupiers of the neighbouring dwellinghouses and in accordance with Policy H/7 of the North Somerset Replacement Local Plan (saved policies) and policies DM32 and DM37 of the Sites and Policies Part 1.

4. No development shall be commenced until details of a sustainable surface water drainage system together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015) and policy CS/3 of the North Somerset Core Strategy.

5. Prior to the new dwellinghouses hereby permitted being occupied the parking area to serve the new dwellings and no. 8 Mayfair Avenue shall be provided in accordance with layout plan drawing no. SP003 Rev A and shall be surfaced with permeable materials. Thereafter, the parking areas for both the new development hereby permitted and no. 8 Mayfair Avenue shall be retained with a permeable surface and shall not be used except for the parking of vehicles in connection with the use of those dwellings.

Reason: To ensure that the site is served by an adequate off street parking area in the interests of highway safety and to reduce the risk of surface water flooding and in accordance with paragraph 17 and section 10 of the National Planning Policy Framework, the Technical Guidance to the National Planning Policy Framework (March 2012) and policies CS/3 and CS/11 of the North Somerset Core Strategy.

6. Any vegetation or enclosures shown within the visibility splay on amended drawing no. HP500 shall not exceed a height of 900mm as measured from the adjoining carriageway level and shall be kept clear at all times.

Reason: To preserve sight lines and in accordance with policy CS10 of the North Somerset Core Strategy and Policy DM24 of the emerging plan.

SECTION 2

7. The development hereby approved shall be carried out in accordance with section 6 of the recommendations within the Extended Phase One Habitat Survey and shall subsequently be carried out in accordance with the approved details.

Reason: In order to preserve bio-diversity and protected species in accordance with policy CS4 of the North Somerset Core Strategy and paragraph 118 of the National Planning Policy Framework and Policy DM8 of the Sites and Policies part 1.

8. The approved waste and recycling provision as shown in drawing no. SP003 rev A shall be provided before the dwellinghouses hereby permitted are occupied and thereafter 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: To enable convenient use of recycling facilities and in the interest of local amenity and sustainable waste management and in accordance with policies CS1 and CS7 of the North Somerset Core Strategy.

9. The dwellinghouses 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 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.

10. The development works hereby permitted shall be carried out in accordance with the approved tree protection plan and the British Standard BS5837: 2012 - 'Trees in relation to design, demolition and construction - recommendations'.

Reason: To ensure that no excavation, tipping, burning, storing of materials or any other activity takes place within this protective zone and in accordance with policies CS4 and

SECTION 2

CS9 of the adopted North Somerset Core Strategy and the adopted supplementary planning document Biodiversity and Trees.

11. All works comprised in the approved details of landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following occupation of the dwelling 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 DM8 and DM9 of the Sites and Policies Plan Part 1.

12. 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 DM9 of the Sites and Policies Plan Part 1.