

SECTION 2 – ITEM 7

Application No:	19/P/1371/FUL	Target date:	20.08.2019
Case officer:	Mike Cole	Extended date:	20.09.2019
Parish/Ward:	Portishead Portishead West	Ward Councillors:	Councillor Cato Councillor Holland
Applicant:	Ms Hughes		
Proposal:	Removal of former garages and construction of 8 no. residential units with associated car parking and landscaping.		
Site address:	Former garage site, off West Hill, Channel View Road, Portishead		

REFERRED BY COUNCILLOR HOLLAND

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 Portishead located between West Hill and Channel View Crescent. The site is presently occupied by a garage court and a disused, open car park set at a higher level.

The Application

Full permission is sought for:

- the erection of a three storey block of 8 flats (6No. 2 bedroomed, 2No. 1 bedroomed)
- off road parking for 15 vehicles with separate cycle store
- access to be gained via the two existing access points; one off West Hill and a second access via Channel View Crescent.

Relevant Planning History

Year	Reference	Proposal	Decision
2016	16/P/3020/F	Removal of former garages and construction of 10 no. residential units with associated car parking and landscaping	Refused

Planning application No 16/P/3020/F was refused for the following reasons:

1. The proposed design of the building would result in a structure of substantial height and bulk when viewed in association with existing dwellings in the vicinity, adversely affecting the character of the area. The development would therefore be contrary to policy CS12 of the Core Strategy and policies DM32 and DM38 of the Sites and Policies Plan Part 1.
2. The close proximity of the proposed building to the occupiers of 10 & 12 Channel View Crescent will have an unacceptable and harmful impact on their living conditions resulting from its overbearing impact and from loss of outlook. The development would therefore be contrary to policy CS12 of the Core Strategy, policies DM32 and DM38 of the Site and Policies Plan Part 1 and provisions of the Council's adopted Residential Design Guide SPD Part 1.
3. The development would be served by inadequate off-street parking spaces and vehicle turning in an area where off street parking needs to be provided in accordance with the Council's parking standards. The development would therefore, be contrary to policy DM24 of the Sites and Policies Plan Part 1 and the adopted Parking Standards SPD.

Policy Framework

The site is affected by the following constraints:

- Within Portishead settlement boundary

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

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
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
CS34	Infrastructure delivery and Development Contributions

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

The following policies are particularly relevant to this proposal:

Policy	Policy heading
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DM2	Renewable and low carbon energy
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
DM35	Nailsea housing type and mix
DM36	Residential densities
DM37	Residential development in existing residential areas
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

None of the policies in this Plan are particularly relevant to this proposal:

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No Section heading

1	Introduction
2	Achieving Sustainable Development
4	Decision-taking
5	Delivering a sufficient supply of homes
6	Building a strong, competitive economy
11	Making effective use of land
12	Achieving well designed places

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)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

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

Third Parties: 5 letters of objection have been received. The principal planning points made are as follows:

- Close to adjoining properties
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of parking
- Noise nuisance
- Over development
- Strain on existing community facilities
- Traffic and highways problems

Some of the respondents express the view that whilst the current scheme represents an improvement in terms of its scale and design a further reduction in height should be required to enable the development to have a better relationship with adjoining dwellings,

Portishead Town Council: “Objects to the application due to the various concerns raised by neighbours and the consequential detrimental effect on the area due to the lack in infrastructure...”.

Principal Planning Issues

The principal planning issues in this case are (1) the principle of residential development in this location, (2) impact on character and appearance of the area, (3) impact on neighbours, (4) parking and highway safety and, (5) energy efficiency, (6) setting of listed building and (7) Community infrastructure levy.

Issue 1: The principle of residential development in this location

The site is located within the Portishead settlement boundary and residential development of such sites is therefore acceptable in principle under policies CS31 of the Core Strategy, DM37 of the Sites and Policies Plan Part 1. However, in order to be acceptable proposals must not adversely affect the character of the area, have adverse impacts on the living conditions of neighbours and have sufficient parking. These issues are assessed below.

Issue 2: Impact on character and appearance of the area

Policies CS12 of the Core Strategy and DM32 of the Sites and Policies Plan Part 1 specify that proposals of all scales will be required to demonstrate sensitivity to the existing local character already established in an area and should take the opportunity to enhance the sense of place and local identity through a well thought out design.

This application has sought to address the concerns over the previous application for the re-development of this site. The previous application involved the erection of a three storey block of 10 flats of considerable height and bulk, especially when compared with the size of the adjoining units in West Hill (refusal reason 1). The current application is more appropriate in terms of its scale, height and bulk and would have a much improved, relationship with the existing buildings that surround the site. It also would have a roof design that would be more domestic in character and enable the building to have a better relationship with surrounding dwellings.

On this basis, it is concluded that the proposal would not unacceptably harm the characteristics of the existing site or the character of its surroundings. In this respect, the proposal complies with policy CS12 of the Core Strategy, policies DM32 and DM37 of the Sites and Policies Plan (Part 1).

Issue 3: Impact on neighbours

The reduced height and massing of the current application (when compared with the scheme refused planning permission in 2016) with its roof design being of a more domestic scale, will result in the development having a much-improved relationship with the nearest neighbours. Window openings have been carefully positioned to avoid direct overlooking of neighbours habitable rooms and the required distances between dwellings and habitable room windows set out in the residential design guides have been achieved.

The proposed development has therefore overcome the objections to the previous planning application and its impact on the neighbours (refusal reason 2). The development complies with the relevant tests contained within the Residential Design Guide (Section 1: Protecting living conditions of neighbours) and would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policies DM32 and DM38 of the Sites and Policies Plan (Part 1) and the Residential Design Guide.

Issue 4: Parking and highway safety

Policy DM24 of the Sites and Policies Plan Part 1 allows development provided it will not prejudice highway safety or inhibit access for emergency, public transport, service or waste collection vehicles. Permission will only be refused on transport grounds if it is likely to have a severe impact on traffic congestion and is not accessible by non-car modes. Policy DM28 requires development proposals to meet the Council's parking standards.

The development is likely to generate 16 – 32 daily vehicle movements which will be unlikely to have a significant impact on traffic volumes in the vicinity. The parking standards require the developer to provide 1.5 spaces for each 1 bedroomed flat with 2 space per 2 bed unit. A total of 15 spaces are shown which complies with this standard. Further, secure cycle parking for 15 bikes is to be provided which also meets the standard.

It is noted that the new building will occupy that part of the site presently used as a garage court. It is understood that the garages are too small to be used for any but the smallest modern vehicles. There is concern that the development will lead to a loss of some local parking provision but it is considered that in view of its limited practical use, this would be an insufficient ground to object to the proposals.

The usability and safety of the two access points has been assessed. They are considered to offer a safe means of accessing the development with reasonable levels of visibility. A condition is proposed to control the height of any vegetation to be planted in the visibility splays.

Considering the character of the local highway network and the volume of material to be removed and brought onto site, it is considered proportionate to require a construction management plan be submitted to the Local Planning Authority for approval. This should

include but not be limited to HGV routing (wherever possible routing to avoid Channel View Crescent), provision for staff parking and vehicle wheel washing.

The upper portion of the site was previously used as a car park to which the public had access, allowing users of the nearby shops to park off road. Whilst the loss of this facility has been raised by a number of objectors, this matter was considered with the previous planning application in 2016 and planning permission was not refused on this ground. This part of the site was transferred into Housing Association ownership in 2006 as a result of the stock transfer of Council housing. The Council considered that the land was a private car park for residents and did not need be retained for public parking.

The proposal is considered to be in accordance with policies DM24, DM28 and DM38 of the Sites and Policies Plan (Part 1), subject to the imposition of conditions maintaining visibility at the access points and requiring the submission of a construction management plan and the provision of the car parking.

Issue 5: Energy Efficiency

Policy CS2 of the Core Strategy requires all development to demonstrate a commitment to sustainable design and construction. Development should provide on-site renewable energy source to meet a minimum of 10% of predicted energy use for residential developments in the range of one to nine dwellings.

The application is accompanied by an energy statement that details this being achieved by the provision of a solar panel array on the rear facing roof slope. This will achieve the necessary compliance with the policy.

Issue 6: Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Issue 7: Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. However in the case of a 100% affordable housing scheme relief from such a payment would be granted, resulting in a net liability of £0.

The Charging Schedule and supporting information can be viewed on the website at www.n-somerset.gov.uk/cil.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

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

The site is located within the settlement boundary for Portishead and is therefore considered suitable for the proposed development in principle under policies CS31 and DM37.

The current application has a much-reduced height, mass and scale when compared with the 2016 scheme previously refused planning permission and will have an acceptable relationship with adjoining residential properties, thus complying with policies DM32 and DM38.

The proposal has been carefully designed to respect the domestic scale and character of adjoining development complying with policies CS12 and DM32. The development has been provided with sufficient car and cycle parking to conform with the Council's standards.

The development has been provided with sufficient car and cycle parking to conform with the Council's standards. It would not be reasonable for the LPA to require additional car parking to be provided for public use. The development will therefore comply with policies DM24 and DM28.

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

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. No external walls or roofs shall be constructed until samples of the walling and roofing materials to be used in the development have first 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 policy CS12 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

For advice about providing samples of materials, please refer to www.n-somerset.gov.uk/materialsconditions

4. The flats shall not be occupied until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification to include numbers, size, species and positions of all new trees and shrubs; details of existing and proposed walls, fences, other boundary treatment and surface treatment of the open parts of the site; and a programme of implementation. The hard and soft landscaping scheme shall be carried out in accordance with the approved details, specifications and programme of implementation. 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. All hard landscape works shall be permanently retained in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory landscaping scheme is implemented and maintained in the interests of the character and biodiversity value of the area, and in accordance with policies CS4, CS5, CS9 and CS12 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

For advice on how to discharge this condition, please refer to www.n-somerset.gov.uk/landscapingconditions

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

(a) the parking of vehicles of site operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials used in constructing the development
- (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (e) wheel washing facilities
- (f) measures to control the emission of dust and dirt during construction
- (g) measures to control noise from works on the site
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (i) measures to keep access roads clear of vehicles
- (j) routing restrictions
- (k) construction phasing restrictions

Reason: In order to preserve highway safety, local amenity and the living conditions of nearby residents and in accordance with policy CS3 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

6. The flats hereby permitted shall not be occupied until properly consolidated and surfaced parking areas for 15 vehicles, together with a vehicular turning area and the proposed pedestrian link to the building, have been constructed in accordance with approved plans and specifications. The approved parking and turning areas shall thereafter be permanently retained and kept available for parking and turning at all times.

Reason: In order to ensure that adequate provision is made for the parking and turning of vehicles in the interests of preserving highway safety, and in accordance with policies CS10 and CS11 of the North Somerset Core Strategy, policies DM24 and DM28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

7. No flat shall be occupied until the approved, secure parking facilities for bicycles have been provided for it in accordance with the approved plans and specifications. The approved facilities shall thereafter be permanently retained and kept available for the parking of bicycles at all times.

Reason: To ensure that secure cycle parking facilities are provided in order to encourage the use of more sustainable transport choices and in accordance with policies CS1 and CS11 of the North Somerset Core Strategy, policy DM 28 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Parking Standards SPD.

8. No structure, erection or planting exceeding 600mm in height above the adjoining carriageway level shall be placed within the sight lines shown on the plans to be approved in writing by the Local Planning Authority.

Reason: To preserve sight lines in the interests of road safety and in accordance with policy CS10 of the North Somerset Core Strategy and policy DM24 of the North Somerset Sites and Policies Plan (Part 1).

9. Before the first occupation of the flats hereby permitted the windows on the south east elevation of flats 3 and 6 shall be fitted with obscure glazing. The obscure glazing used shall provide 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). These windows 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), neither the obscure glazing nor the method of opening shall be subsequently altered without the prior written permission of the Local Planning Authority.

Reason: To protect the living conditions of occupiers of adjoining properties and in accordance with policies DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Residential Design Guide SPD (Section 1: Protecting living conditions of neighbours).

10. The flats hereby permitted 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 kilowatt hours - kWh) 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(s) in accordance with policies CS1 and CS2 of the North Somerset Core Strategy.

For further advice on how to discharge this condition please refer to www.n-somerset.gov.uk/energyconditions.

11. No flat shall be occupied until space and facilities for the separate storage and collection of waste and recycling materials have been provided for it in accordance with the approved plans and specifications. The said space and facilities shall thereafter shall be made permanently available for the storage and collection of waste and recycling materials only for the occupiers of the flats.

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, CS3 and CS7 of the North Somerset Core Strategy and policy DM32 of the North Somerset Sites and Policies Plan (Part 1).

12. No above ground work shall be commenced until foul and surface water drainage details, together with a programme of implementation, have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details and programme.

Reason: To reduce the risk of flooding and prevent pollution of the water environment and in accordance with policy CS3 of the North Somerset Core Strategy policy and policy DM1 of the North Somerset Sites and Policies Plan (Part 1- Development Management Policies). For advice about discharging this condition please refer to www.n-somerset.gov.uk/drainageconditions.