

PLANNING COMMITTEE



Application Address	Land Rear of 26 - 28 Portfield Road Portfield Road Christchurch BH23 2AG
Proposal	Erection of pair of semi-detached dwelling houses. Amended plans received 27/07 & 06/08/2020
Application Number	8/20/0404/FUL
Applicant	Magnacourt Ltd
Agent	Mrs Carol Evans
Date Application Valid	10 June 2020
Decision Due Date	5 August 2020
Extension of Time Date (if applicable)	23 October 2020
Ward	Christchurch Town
Report status	Public
Meeting date	15 th October 2020
Recommendation	Delegate to the Head of Planning to GRANT, subject to completion of a s106 agreement to secure SAMM contributions and the conditions listed.
Reason for Referral to Planning Committee	Cllr Mike Cox requested that the application be considered by Committee in the event that officers recommended approval. Cllr Peter Hall requested that the application be considered by Committee in the public interest. It seems that it may be a cramped development contrary to policies H12, HE1 & HE2
Case Officer	Kevin Chilvers

Description of Development

1. Application is for full planning permission for the erection of a pair of semi-detached 2-storey dwelling houses with associated parking and access from Portfield Road between No's 26 & 28.

Key Issues

2. The key issues to consider are whether the proposal would have a harmful impact on:
 - The principle of development and housing land supply
 - Impact on the character of the area
 - The living conditions of neighbouring properties
 - Highway safety
 - Dorset Heathlands

Planning Policies

3. Development Plan:

Christchurch and East Dorset Local Plan - Core Strategy (2014)

KS1	Presumption in favour of sustainable development
KS2	Settlement Hierarchy
KS4	Housing Provision in Christchurch and East Dorset
KS6	Town Centre Hierarchy
KS12	Parking Provision
KS11	Transport and Development
HE2	Design of new development
HE3	Landscape Quality
LN1	The Size and Type of New Dwellings
LN2	Design, Layout and Density of New Housing Development
ME1	Safeguarding biodiversity and geodiversity
ME2	Protection of the Dorset Heathlands
ME3	Sustainable development standards for new development

Christchurch Borough Council Local Plan (2001) – Saved Policies

H12	Residential Infill
H16	Crime Prevention and Design
T16	Access for those with impaired mobility

Supplementary Planning Documents:

4. Dorset Heathlands Planning Framework SPD 2020 – 2025

Borough Wide Character Assessment 2003
Area 1a – Barrack Road

5. The National Planning Policy Framework (2019)

6. Paragraph 11 Sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be

approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Chapter 11. Making effective use of land

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117)

Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). (para. 123)

Chapter 12 Achieving well-designed places

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

Para 68 of the NPPF states;

‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;

Relevant Planning Applications and Appeals

7. 8/18/3015/PAM

Sever land and erect up to 5 dwellinghouses on land to the rear of 26 & 28 Portfield Road (Pre-application enquiry). Concerns expressed about indicative proposals for five dwellings served off the same access in terms of servicing and disturbance to the amenities of adjacent properties.

Principle of 2 dwellings acceptable subject to:

- easing the dwellings off the rear boundary to improve the separation distances with the properties to the rear
- care in the design style and outlook to ensure the impact on the dwellings to the rear is managed
- blocking up of the side door to the utility room to 26 Portfield Road

- landscaping scheme to show the site accommodating trees and hard and soft landscaping details
- identification of a refuse collection point
- hard surfacing of the frontage to 28 Portfield Road to enable ease of parking
- specific measures to mitigate the impact of disturbance from vehicular movements to two new dwellings need to be incorporated.

8. 26 Portfield Road

8/07/0265

Erection of two storey extension at rear and single storey extensions at side and rear. Approved 2007

9. The applicant has also referred to “similar” developments RO 53 Clarendon Rd and r/o 38-40 Grove Road West.

Representations

10. In addition to letters to neighbouring properties, a site notice was posted at the front of the site. Representations of objection have been received from 13 properties and the issues raised comprise the following:

- Contrary to policies H12 and HE2 doesn't improve surroundings
- Out of character with the surrounding area - Proximity to neighbouring properties and inappropriate overdevelopment of plot
- Loss of privacy due to overlooking of neighbouring properties
- Loss of off-road parking at 26 & 28
- Hazardous access – inadequate for emergency and service access, and additional movements will impact on pedestrian and highway safety - Portfield Rd already congested with on street parking and school traffic.
- Highway officer's refusal reason should be supported, proposal would set undesirable precedent for developers to reduce existing parking provision through creation of development plot
- Impact on tranquillity of area and noise and disturbance from construction and from vehicular movements once residential properties in use
- When exiting site headlights will impact on properties on opposite side of road
- Two-storey backland development is not in keeping with other previously approved back-land single-storey development in the road (no.36)
- Cramped and overbearing impact on neighbouring properties
- Will diminish the quality and quiet enjoyment of the private garden amenity spaces of neighbouring residents
- Loss of soft landscaping/green space and impact on biodiversity
- Existing trees should be retained to protect Sherwood Close properties
- Assessment needed of the impact of COVID on 5 year housing supply
- Inappropriate location for soakaway – too close to trees and properties in

Sherwood Close

- Inadequate provision for refuse collection
- Inadequate parking and private amenity space
- Increased pollution
- Cumulative impact of development on no.5 Sherwood Close
- Development referenced by applicant do not set precedent as they were for more comprehensive development schemes on sites where long gardens set back to back unlike relationship to Sherwood Close

Consultations

11. BCP Highways - Minor Dev

Comments received on 23/07/2020 in response to revised plan.

The agent has demonstrated through their recent submissions that the driveway is in separate control to the two existing houses and therefore the side driveway parking to these properties could be prevented/removed at any time by the driveway owner. In view of this information it cannot be considered that the existing units are losing their side driveway parking spaces, in fact the two existing houses now only control their frontage forecourt parking areas.

In view of this the Highway Authority must consider that the two existing houses would have the same amount of parking as they do now should the development go ahead. Therefore, we are now compelled to remove the refusal reason on loss of parking.

Although the "possible highway revisions plan" attached to the agents email shows a driveway of over 4.5m there are also side gable waste pipes to Nos. 26 & 28 so they take the usable width down to 4.2m. The access is therefore effectively single width for vehicle traffic once drivers shy their vehicle away from these waste pipes. However, this revised plans does show a pedestrian waiting area which will assist with safety along the driveway and it also shows increased vehicle manoeuvres areas for 2 new plots therefore drivers would now have increased space to turn within the site and leave in a forward gear. If this revised plan was formally submitted this plan would overcome our objections on the access as it would be difficult to prove such significant traffic harm from just 2 units, to warrant refusal on highway grounds.

12. BCP Trees & Landscaping

Comments received on 30/09/2020 in response to revised plan.

The Tree and Landscape Officer's request for a landscaping scheme (16/07/20), has now been submitted. The Officer welcomes the proposed tree and hedge planting shown on The Plan entitled 'Site Plan' ref: 2020/02/03 SUDS Proposal, dated 05/08/20.

Given the above comments, should you be minded to approve this application, The Tree and Landscape Officer recommends a condition to secure the soft landscape planting.

13. **BCP Waste and Recycling**

Received 18/06/2020

Presentation:

At the kerbside of the property where it meets the footpath to Portfield Road, this area only to be used on collection the bins being returned to the property after collection. There is room at the kerbside of the property /development for a level container presentation point. The site qualifies for BCP Council collection services with bin presentation

Recommendation:

A bin presentation point should be created to accommodate 2 x 240L bins and 2 x 23L bins it should be at the curtilage of the property but not blocking any pedestrian visibility splay that may be required. The application fails to meet the requirements of the WCA, however if a suitable presentation point is created with presentation and return to the dwelling conditioned in a grant of planning permission:

No objection.

14. **Christchurch Town Council**

Received 29/06/2020

Members raised concerns regarding back building and considered that this application would have a detrimental impact due to overlooking of properties at Grove Road and the close proximity and relationship to properties at Sherwood Close. Members also expressed access concerns and the inability to turn a vehicle safely or pass safely along the narrow access.

OBJECTION raised due to:

1) The loss and disturbance of residential amenity due to overlooking of the neighbouring properties at Grove Road and Sherwood Close contrary to HE2 of the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy, and
2) The proposals creates unsafe and unnecessary vehicular movements due to the narrow accessway proposed contrary to KS11 of the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy.

15. **Natural England** - None received

16. **Constraints**

- SSSI Impact Risk Zone
- Highways Inspected Network
- Heathland 5km Consultation Area

- Airport Safeguarding
- Wessex Water Sewer Flooding

Planning Assessment

17. The site including the proposed vehicular access to the new dwellings is described by the applicant as vacant land that was severed from two semi-detached properties (26 & 28) fronting Portfield Road in November 2018. The plot contains two single storey outbuildings located close to the rear boundary.

18. The following table sets out the characteristics of the proposed development.

	Proposed
Site Area (ha)	0.062
Use	Residential dwellings and curtilages
Approximate Ridge Height (m)	8m
Approximate Eaves Height (m)	4.8m
Approximate Depth (m)	9.2-11.8m
Approximate Width (m)	13.2m (both properties)
Length of vehicular access	33.2m
Width of vehicular access	4.4m
Forecourt parking spaces at 26 & 28	Approx 5.2m x 5m
No. of Storeys	2
Parking Spaces	4
No. of Residential Units	2
No of Bedrooms	6-8
No. affordable housing units	0

Site and Surroundings

19. The area is an established residential setting with a mix of uses including a school. The locality has a tight urban grain characterised by a mixture of properties of varying age and design on plots generally of a linear nature. There is a significant variety in plot sizes and the form, sizes and designs of houses across the surrounding area. Two-storey detached, semi-detached dwellings and terraced houses are all present in Portfield Road. Many properties have hard surfaced frontages to provide parking and there is also significant on street parking. The dwellings generally have small front gardens with low boundary

treatment with the dwellings set relatively close to the road creating a strong sense of enclosure to the street scene and an urban character.

Key Issues

Principle of Development

20. Both paragraph 14 of the NPPF, and KS1 of the Local Plan place a presumption in favour of sustainable development. This site falls within the urban area of Christchurch, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. The site is approximately 175m from Barrack Road, a Prime Transport Corridor in the Local Plan where high density development is to be focussed. There are no policies in the Local Plan that prevent the principle of developing residential gardens.
21. Para 68 of the NPPF states;
22. 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
 - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;
23. There is significant pressure to provide more housing within the Council's area and given the Green Belt constraints surrounding BCP, the provision of a windfall dwelling in the urban locality will contribute to the 5 year housing land supply. The relevant Local Plan area currently does not have a five year housing land supply and as such the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF is applicable. Given the lack of supply, the policies are technically out of date and as the site is not within a designated area (footnote 6 and 7), the NPPF is clear in that applications should be determined without delay.
24. The principle of the development of the site is acceptable.

Impact on character and appearance of surrounding area

25. The proposed new dwellings would be located to the rear of properties fronting Portfield Road, and apart from directly in front of the proposed access will not be generally visible from the Road. As a consequence there will be no significant impact on the street-scene at the front of the site.
26. Due to the length and width of the plot the proposed development can be accommodated without appearing cramped, or the site overdeveloped. Due to the variety of plot sizes in the vicinity the scheme would be compatible with its surroundings in its layout and site coverage, complying with Policy HE2. The design, scale and form (2-storey, semi-detached, 3/4-bedroom) of the proposed development are modest, and as such the building will not be incongruous in this

setting. The hipped roof and use of slate for the roof and brick, render and tile hang for the walling would be compatible with the character of the area.

Impact on residential amenity

27. The rear facing windows of the proposed dwellings measure 19.5m away from the south facing rear elevations of nos.5 and 7 Sherwood Close (a blank outshot element would be slightly nearer). This separation creates a very common back-to-back residential relationship seen across BCP and plainly ensures the development is compatible with the privacy of these neighbours. A greater distance is achieved from the front of the proposed dwellings and the rear of the Portfield Road properties.
28. First floor windows in the side elevations of the proposed dwellings serve en-suites and landings and not primary accommodation and so do not result in a loss of privacy. Concerns with regard to subsequent impact on privacy from the exercise of permitted development proposals such as insertion of dormers of additional windows in the rear elevations would only result in openings at the same distance to the neighbours to the rear as is found to be acceptable in para. 27 above. The Government's National Planning Practice Guidance on conditions advises that;
- “blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.”
29. The development represents a change from the existing and will be visible from the dwellings in Sherwood Close. However due to the separation distance and 2-storey hipped roof form of the new dwellings, a common form of residential relationship is again created and the proposals are compatible with retaining an acceptable outlook from the existing and proposed dwellings and do not result in an overbearing impact.
30. The scheme is considered to comply with the test in Policy HE2 to be compatible in its relationship to nearby properties including minimising general disturbance to amenity.

Highway Safety/Parking Provision

31. There is a mix of on- and off-street parking throughout the area. The existing vehicular entrance is to be retained and used for the development. A single storey element to No.26 has been removed to allow a greater width of the access and ease movement to the new properties as part of the development. The new driveway is approx. 33 metres in length. There will be some noise and disturbance from traffic movements to No.26 & 28 either side of the access,

however due to the limited number of properties served, this is not considered to give grounds for refusal

32. Two parking spaces each will be provided for the new dwellings and this level of provision for 4 bed properties in this urban locality with access to other forms of transport is considered to be acceptable having regard to the Residential Parking Guidelines and the advice of the Highways officer. Frontage parking is retained for No. 26 & 28.
33. The majority of the objections have raised the parking and access as an issue. It was clear from the site visit that this is a busy road with many cars parking on the road. However, this proposal provides adequate onsite parking and cannot be expected to resolve pre-existing parking issues on Portfield Road. There is no allocated visitor parking provision but the Parking Guidelines stipulate that only 0.2 visitor spaces are needed per dwelling. The Local Highway Authority has raised no objection to the scheme.
34. The extent of additional traffic movements associated with the development would be negligible in a street containing around a 100 houses and a primary school and would be compatible with the safety of the highway network. The Highways Authority have raised no objection to the proposed development in terms of road safety, and a condition is proposed to secure the completion and maintenance of the parking area at the new dwellings (Condition 5).
35. The site is located within a sustainable urban area and is within walking distance (10min) of Christchurch railway station and closer to rapid bus services along both Barrack Road and Fairmile. It is also walking distance from Christchurch town centre. The provision of off-road parking for two vehicles for each of the proposed dwellings is considered to be acceptable due to the sustainable location, and as such conforms with Local Plan Policy KS12.

Landscaping & amenity space

36. The proposed dwellings are three/four bedroom properties and have been provided with a reasonable amount of external amenity space at the rear. The proposed gardens provide in excess of 60m² of private amenity space. The development will not result in the loss or damage to any significant tree or other landscape feature and details of the hard and soft landscaping is recommended to be a condition (Condition 4).

Heathlands Mitigation

37. The proposal falls within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely to have a significant effect on the site. It has therefore been necessary for

the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

38. The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD
39. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
40. A Unilateral Undertaking has been submitted agreeing to offset harm to Dorset Heathland by way of a Strategic Access Management and Monitoring (SAMM) payment and is awaiting completion. This contribution does not relate to the provision of infrastructure, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.

Summary

41. The proposal seeks development in an urban sustainable area.
 - The density proposed reflects the surrounding character.
 - The scheme is compatible with neighbouring properties.
 - Adequate outside amenity space has been provided for both the original and proposed dwellings.
 - There will be no loss or damage to significant trees or other landscape features.
 - Adequate parking is proposed and no highway objection is raised
 - Heathland mitigation is to be secured

Planning Balance

42. The relevant Local Plan area does not have a 5-year housing land supply and the current shortfall of delivery is over 400 dwellings. The "tilted balance" in favour of sustainable development therefore applies. The policies in Local Plan do not benefit from their statutory weight and proposals can only be refused where the negative impacts of the scheme significantly and demonstrably outweigh the benefits of addressing the under-supply of housing.

43. The scheme has acceptable environmental impacts as explored above as the scheme is compatible with the character of the area, the living conditions of neighbours and highway safety. Mitigation for the impacts on protected heathlands will be secured. The environmental impacts are therefore neutral.
44. The scheme result in positive economic benefits from the construction stage and bringing in additional population to a sustainable location to support local services and facilities. The scheme also has positive social benefits for this reason and also contributes to the range of housing available in a highly sustainable location close to local services and public transport.
45. The scheme therefore represents sustainable development under Policy KS1 and no substantial harm has been identified in the assessment of the merits above. The application is acceptable.

RECOMMENDATION

Delegate to the Head of Planning to GRANT, subject to completion of a s106 agreement to secure SAMM contributions and the conditions below;

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
2020-02-01 Rev C Plans and Elevations
2020-02-03 SUDS proposal
2020-02-04 Proposed Elevations

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

3. The materials to be used in the external surfaces of the proposed development shall be as specified in the approved application and shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: In the interests of design and amenity

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: To ensure the implementation of the scheme is carried out in accordance with approved plans and provide adequate landscaping on site post development.

5. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 2020-02-01 Rev C must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

6. Details of the arrangements for refuse collection shall be submitted to and agreed in writing by the Local Planning Authority. The collection point shall be completed in accordance with the approved details prior to occupation of the dwellings hereby approved.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

Informatives:

1. This planning consent does not convey the right to enter land or to carry out works affecting or crossing the boundary with land which is not within your control without the land owners consent. This is however, a civil matter and this planning consent is granted without prejudice to this.

This permission is granted under Town and Country Planning Legislation and does not alter or impinge upon the rights of adjoining landowners under common law or under the Party Wall Act 1996. If any part of the development is physically attached to, or relies for support on, the neighbouring property the consent of the relevant landowners/occupiers will need to be obtained under the provisions of the Party Wall Act 1996.

2. This consent is subject to a Unilateral Undertaking dated, to mitigate the impacts of the development on Dorset Heathlands in accordance with Policy ME2 and The Dorset Heathland Planning Framework 2020 - 2025.
3. The applicant is referred to section 4.2 of the Council's waste and recycling services planning guidance document available here <https://www.bournemouth.gov.uk/planningbuilding/PlanningPolicy/PlanningPolicyFiles/SPD-SPG-PGN/waste-and-recycling-services-planning-guidance-note-v10-bcp.pdf>

Regarding bin placement on the highway, the Highways Act 1980 section 130 imposes a duty on the Highway's Authority to assert and protect the rights of the public to use and enjoy the highway. This general duty is reinforced by

s.130 (3) which states that the Highway Authority have a duty to prevent, as far as possible, the obstruction of the highway.

Background Papers

Case File – 8/20/0404/FUL

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case officer: Kevin Chilvers