

PLANNING COMMITTEE



Application Address	9 Avenue Road Christchurch BH23 2BU
Proposal	New dwelling on land adjacent of existing house - Existing garage to be demolished.
Application Number	8/20/1046/FUL
Applicant	Red Croft Homes Limited and Bryson (Construction)
Agent	DOT Architecture
Date Application Valid	17 November 2020
Decision Due Date	12 January 2021
Extension of Time Date (if applicable)	TBC
Ward	Christchurch Town
Report status	Public
Meeting date	22 April 2021
Recommendation	Delegate Authority to Head of Planning to Grant planning permission following completion of a s106 Agreement to secure heathland mitigation and subject to conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.
Reason for Referral to Planning Committee	Called in by Cllr Phipps for following reasons; The proposal fails to comply with Policy HE2 of the Core Strategy. The development is not compatible with, or improves its surroundings because of its scale, bulk and height. Nor does it improve the building's relationship with nearby properties by producing dominance, overlook and loss of privacy. The proposal amounts to overdevelopment. The space for the proposed property is vital gapping between No. 9 and its neighbouring property at 9a. This is an attempt to cram another house into an inappropriate area which is too small to accommodate a dwelling and out of keeping with this part of Avenue Road.

	The application is contrary to saved policy H12 of the Christchurch Local Plan being inappropriate in character and scale to the immediate locality, and adversely affecting neighbours by overlook and loss of privacy.
Case Officer	Sophie Mawdsley

Description of Development

1. The application seeks permission for a new dwelling on land adjacent of the existing house. The existing garage is to be demolished. The two-bedroom property would be two storey in height and one parking space would be provided at the front of the site.

Key Issues

2. Principle of development
3. Type and size of dwelling
4. Layout, form and design
5. Residential amenity
6. Parking and access
7. Biodiversity and Heathland

Planning Policies

8. In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

9. Development Plan - Christchurch and East Dorset Local Plan – Part 1 Core Strategy (April 2014)

KS1: Presumption in favour of sustainable development

KS2: Settlement Hierarchy

KS4: Housing Provision

KS11: Transport & Development

KS12: Parking Provision

HE2: Design of New Development

LN1: Size and type of dwellings

LN2: Design, Layout, density of new housing development

ME1: Safeguarding Biodiversity and Geodiversity

ME2: Protection of Dorset Heathlands

ME3: Sustainable development standards for new development

Saved Policies:

H12: Residential Infill development

Supplementary Planning Documents and other material documents

BCP Parking Standards SPD (January 2021)

Dorset Heathlands Planning Framework 2020 – 2025 SPD (November 2020)

Affordable Housing SPD (December 2018)

Five year Housing Land Supply 2019-2024 (May 2020)

Christchurch Borough-wide Character Assessment (2003)

10. National Planning Policy Framework 2019

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. The relevant sections are;

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flood risk and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Section 2 Achieving sustainable development

*For **decision-taking** (Paragraph 11) this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date(7), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 - (7) This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in [paragraph 73](#)); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years. Transitional arrangements for the [Housing Delivery Test](#) are set out in [Annex 1](#).

Relevant Planning Applications and Appeals

11. None

Representations

12. In addition to letters to neighbouring properties, site notices were posted around the site on 21st December 2020. There have been 11 representations objecting to the scheme on the following grounds;

- Traffic congestion
- Area has chronic parking problems
- Reduction of on road parking to front of property
- Loss of privacy
- Knotweed present in rear garden
- Noise and disturbance
- Loss of light
- Highway safety issues
- Cramped and overdeveloped
- Overbearing and imposing built form

Consultations

- **Natural England**

13. No objection subject to mitigation being secured.

- **Christchurch Town Council**

14. None received

- **BCP Highways**

15. The proposal involves demolishing the donor dwelling's garage and replacing with the erection of a new 2 bed dwelling with one car parking space in its front forecourt. Also, 2 car parking spaces are proposed in the front forecourt of the donor dwelling. The applicant has shown the donor dwelling with 2 car parking spaces at the front forecourt of the dwelling, replacing the loss of the 2 existing car parking spaces, and the new dwelling with one car parking space also sited in the front forecourt of the new dwelling. Both the donor and new dwellings parking provision accords with policy KS12.
16. The proposed layout of 2 side by side car parking spaces in front of the donor dwellings entrance is not acceptable, this is because of the constricted width of the forecourt area for pedestrian path/access, and the potential hazard such an arrangement would create for pedestrian egress especially in an emergency. Furthermore, vehicles parked inappropriately in bays could hinder/obstruct pedestrian access, and any overhang/inconsiderate parking by drivers could totally block the entrance thereby preventing pedestrians from egressing in an emergency. Guidance requires that entrances/exits should be kept clear of any (including potential) obstruction by at least 1m to ensure unhindered clearance and path for pedestrians in an emergency. Whilst the parking space dimensions of the new dwelling and its location are acceptable however all vehicle accesses of new developments should have pedestrian visibility splays.
17. For pedestrian safety reasons all new vehicle accesses (including the donor property) should have provision of pedestrian inter-visibility splays, it is necessary to maintain within the site areas measuring 2m by 2m, with no obstruction more than 0.6m high, either side of where the vehicle accesses meet the back edge of the footway, known as pedestrian visibility splays, within which unobstructed visibility is available for drivers to see and be seen by pedestrians on a footway to avoid a potential hazard in time. These splays should be located wholly within the curtilage of the property and physically protected (dwarf wall/ped gate) from being driven over thereby undermining their necessity. The splays should be shown on the deposited plans and annotated with dimensions.

18. Constraints

- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Airport Safeguarding
- Wessex Water Sewer Flooding
- Contaminated Land - High Risk - 92.62m

Planning Assessment

Site and Surroundings

19. The application site lies within the urban area and is considered to be a sustainable location with access to a range of services and facilities in

Christchurch town centre and bus routes and the train station. The site is currently occupied by a detached garage associated with the existing property No 9. There is a low front boundary wall and gates providing vehicular access onto the site.

20. The street scene has a strong and defined settlement pattern and the immediate locality is characterised by detached two storey dwellings with modest frontages, some of which are used for parking and many providing some soft landscaping. Opposite the site lies a 2-storey block of flats and approximately 70m south is Barrack Road, where there is a variety of commercial and community facilities and a retail park.

Key Issues

Principle of development

21. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals. Following the publication of the Housing Delivery Test in February 2019, the Council cannot currently demonstrate a five year land supply with a 20% buffer applied. In high level terms, the Housing Delivery Test compares the net homes delivered over three years to the homes that should have been built over the same period (the housing requirement).
22. The '5 Year Housing Land Supply' document has been updated in 2020 and now only considers the housing supply in the former Christchurch Borough Council area of the adopted Core Strategy (2014). The document confirms that in the next five years of the plan period, the housing supply is 1,668 set against a target of 2,094. This results in a shortfall of 426 dwellings over the Core Strategy target which includes a 20% buffer and the previous shortfall of the Core Strategy target. This equates to a 5 year supply of **3.98 years**.
23. Given this shortfall in housing, the policies are considered to be out of date and as such the titled balance is engaged. This will be discussed at the end of the report.
24. Policy LN1 refers to the type and size of units. The Strategic Housing Assessment (SHMA 2015) states that 2 and 3 bedroom houses are what is mostly required in the Christchurch area (see Appendix C) and this proposal will provide a modest 2 bedroom unit in line with the SHMA. The policy also refers to the Housing Quality Indicators. Whilst these have been overtaken by the National Space Standards, they are still referred to in the adopted Local Plan and therefore part of the policy test. The HQI for Unit Size suggests that for a 3 bedspace (1 double bedroom and 1 single bedroom) the internal space should be 57sqm to 67sqm. This unit would measure approximately 60sqm and with the single bedroom would meet the HQI requirement.

Layout, form and visual amenity

25. Core Strategy (CS) Policy LN2 requires that the design and layout of new housing development should maximise the density of development but this is to be at a level which is acceptable for the locality. CS Policy HE2 complements the design requirements in section 7 of the NPPF by requiring that development be compatible with or improve its surroundings in relation to 11 criteria including layout, site coverage, visual impact and relationship to nearby properties.
26. The proposed development will result in the loss of the existing gap between No 9 and No 9a. However, the resulting relationship is not considered to be overly uncommon in this area. The plot shape is somewhat irregular; however its size is acceptable taking into account the footprint of the dwelling. At the front of the property, there would be space for one car parking space and some soft landscaping along the side boundary. The front of No 9 would have to be utilised for parking so the area for soft landscaping and front boundary wall would be lost with the exception of an area on the side boundary which could be planted up. However, the overall layout is considered to be acceptable and would not harm the character and settlement pattern in the area where many surrounding properties have given over their frontages to hard surfacing and parking.
27. The proposed dwelling has a traditional two storey form but due to the fenestration detailing, design of the porch and use of materials, it would have a contemporary appearance. There is a mix of render, brick and pebbledash found along the street and the proposed use of a red brick, render and clay effect tiles are considered to be appropriate within this setting.

Residential Amenity

28. Policy HE2 'Design of New Development' states; '*Development will be permitted if it is compatible with or improves its surroundings in: relationship to nearby properties including minimising general disturbance to amenity*'
29. The proposed dwelling would be sited forward of No 9a but on a similar building line to No 9, the host dwelling. At the rear, it would not project beyond the rear of No 9a so the built form is unlikely to appear intrusive or dominant from the rear garden. The adjacent property No 9a has a first floor window and two ground floor openings on its southern elevation facing the application site. The proposed property has one ground floor window serving the cloakroom on the elevation facing No 9a. Given the separation distance of 3.6 metres, it is not considered that the new building would have a detrimental impact on the light levels within the rooms these windows serve. Furthermore, this built relationship is not uncommon in this urban area. At the rear, the proposed first floor bathroom window closest to the boundary with No 9a is shown to contain obscure glazing and this can be secured by condition. The bedroom window would be looking towards the rear garden of the site.
30. No 9, the host dwelling has a first floor side window facing the application site. Whilst there is only 1.6 metres between the properties, this window is likely to be

serving the landing or bathroom and therefore it would not be critical for light levels to be as high as for a habitable room. At the rear, the depth is shorter than No 9 so the building would not appear dominant from the rear garden. The rear gardens of No 2 and No 4 Portfield Road are long and the separation distance to them from the new property (around 25m and set at an angle) is sufficient to minimise overlooking. It is considered that the layout and design of the development minimises general disturbance to the amenity of neighbouring occupiers in accordance with policy HE2.

Parking and Access

31. The proposal provides for one car parking space for the new dwelling and two spaces for the existing property. The application was submitted prior to the adoption of the Parking Standards SPD; however the plans have been amended to reflect the change in policy. The site falls within Zone B and therefore one parking space is required for each dwelling and cycle parking provision. The development provides for an additional space for the donor dwelling. This exceeds what is required; however there are no objections to this in this instance.
32. There remains some concerns from BCP Highways about the width of the side access to the cycle store and shared pedestrian access. However, given the donor dwelling lies within the blue line and within the control of the applicant then a condition can be used to secure the shared pedestrian access and it is kept free to protect the visibility and also to provide adequate pedestrian access to the front of the property. With regards to the cycle parking provision, the side access does not meet the required dimensions; however cycle parking is provided within the rear garden and the side path does provide access to the rear garden and cycle store. An electrical charging point can be secured by condition.
33. It is considered that the scheme is acceptable in terms of parking and access and complies with policy KS12 and the Parking Standards SPD 2021.
34. There is space to the side and to the rear for the storage of refuse and recycling bins and space for them to be left adjacent to the kerb side on collection days. This is also true for the existing 9 Avenue Road on its southern boundary.

Biodiversity and Heathland

35. The application site lies 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 a 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.
36. The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. 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.

37. The applicant has confirmed they will be entering into a unilateral undertaking so there will be a mechanism to secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. 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). Without this mitigation secured the development could result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.

Summary and Planning Balance

38. The proposal is considered to be a sustainable form of development in that it would make a modest contribution to the housing supply and provide a two bedroom property in a sustainable location. The built relationships created are acceptable and the impact on neighbouring properties has been minimised by the scale, siting and position of openings. The access and parking arrangements are considered to be acceptable and the biodiversity of the site will be protected and enhanced through the proposal and Heathland Mitigation will be secured through a legal agreement and CIL.
39. In the absence of relevant up to date development plan policies, given the lack of a five year housing land supply, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal.
40. The council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, any potential environmental harm that results from the loss a larger garden and potential impact on residential amenities, and the social benefits derived by the creation of much needed housing. There are not considered to be any adverse impacts of the development and the policies in the NPPF and Local Plan do not provide clear reasons for refusal having regard to the assessment of the development as outlined in the paragraphs above.

RECOMMENDATION

Delegate Authority to Head of Planning to **Grant** planning permission following completion of a s106 Agreement to secure heathland mitigation and subject to

conditions which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision.

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:

1649P/101a Block and Location Plan
1649P/105 Existing Plans and Elevations
1649P/102a Proposed Floor Plans
1649P/104a Suds
1649P/103a Proposed Elevations
1649P/100e Site Plan
1649P/105a Existing Plans and Cycle Store

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

3. The development hereby permitted shall be constructed entirely of the materials details of which are outlined in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing.

4. The development hereby permitted shall not be occupied or utilised until the access, visibility splays, vehicle parking and cycle storage shown on the approved plans have been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for those purposes specified.

Reason: In the interests of highway safety.

5. The shared pedestrian access as hatched green on the approved site plan 1649P/100e shall remain in place for occupiers of No 9 Avenue Road and the property hereby approved and must be kept free from obstruction at all times in perpetuity.

Reason: In the interests of highway safety

6. Before the occupation of the development hereby approved, a bat box and bird box must be provided on the dwelling and retained as such thereafter.

Reason: To provide biodiversity enhancements within the development.

Background Papers