

REPORT SUMMARY

REFERENCE NO.	8/19/0387/FUL		
APPLICATION PROPOSAL	Replacement single storey dwelling with attached carport and raised deck to south (Amended scheme to 8/16/2786/FUL)		
ADDRESS	2 Watermead, 23 Willow Way, Christchurch, BH23 1JJ		
RECOMMENDATION	GRANT subject to conditions and the completion of a satisfactory planning obligation for the owner to undertake or covenant “not to carry out, or cause or permit the carrying out of, any further works of development permitted by planning permission 8/16/2786/FUL, save insofar as any such works are permitted by a planning permission granted by the local planning authority after the date of this deed”. (See section 9 for full recommendation).		
REASON FOR REFERRAL TO COMMITTEE	The application has been called to the Planning Committee by Head of Planning due to the planning history of the site and in the wider public interests of transparency.		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> • The proposal comprises new residential development within the urban area which is acceptable in principle. The principle of the replacement dwelling has already been established under planning permission 8/16/2786. • Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise; • The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact. • The development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity is capable of being provided for occupiers of the proposed dwelling. • Adequate parking provision will be provided to serve the proposed dwelling. • The scale, layout, design and landscaping of the development would respect the context of the site and preserve the visual amenities of the locality. • Flood risk to the site and surface water drainage has been considered and the finished floor levels and drainage arrangements are acceptable. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL	N/A		
APPLICANT	Mr Kim Slater	AGENT	David James Architects & Associates
WARD	Town centre	PARISH/TOWN COUNCIL	N/A

PUBLICITY EXPIRY DATE	6 March 2019	OFFICER SITE VISIT DATE	27 February 2019
DECISION DUE DATE	5 April 2019	EXT. OF TIME	N/A
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
8/16/2786	Demolition of existing dwelling and construction of replacement single storey bungalow.	Granted	08/05/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site is a rectangular shaped plot on the north side of the River Stour on the southern side of Willow Way. Watermead is a circular residential unmade road between Willow Way and the river. The properties in Watermead consist of a mixture of detached bungalows fronting the river, detached two storey houses and terraced houses fronting Willow Way. The bungalows addressing the River Stour have a shared open aspect to their rear elevations facing the river. The dwellings to the east of the application site are single storey and to the west there are 2-storey properties of varied design.
- 1.02 The pattern of development is relatively uniform with comparatively narrow but lengthy plots. This results in a comparatively compact built form with limited spacing between the dwellings. This riverside residential area is visible from the opposite side of the river from the recreation area off Wick Lane and given the open character at the rear of the properties in Watermead, the rear elevations form a prominent edge to the river at this point.
- 1.03 The replacement property is currently under construction and the ground levels of the application site have been altered in accordance with the planning permission granted in 2017, raising the levels above those on the neighbouring sites. The external ground floor area at the front of the site is +1.640 (above ordnance datum) compared to the ground level at No 5, to the north of the site at +1.000 AOD. At the rear the external ground level is +0.980 AOD at No 2 and the adjacent sites. The proposed floor levels of the new dwelling and car port are discussed in section 2 below.

2.0 PROPOSAL

2.01 The application seeks permission for a replacement single storey contemporary property with access and parking. During the application process revisions have been made to the submitted plans and these changes include:

- Insertion of 1.6m obscure glazed screen along eastern edge of terrace at the rear of property
- Removal of proposed green roof
- Revisions to the proposed boundary treatments

2.03 The proposal seeks to amend the development approved under planning permission 8/16/2786 with changes to the scale of the car port at the front of the site and an extension to the raised terrace at the rear of the property. The principle of a replacement contemporary dwelling has already been established on the site. The main changes to the development compared to the previously approved development are set out in the table below.

	Approved	Proposed
Car port	4.2m high 1.95m between edge of structure to boundary with No 5	3m high 4.8m between edge of structure to boundary with No 5
Rear raised terrace area	Terraced area outside dining room and living room	Additional terrace alongside eastern boundary with access from bedroom. Proposed 1.6m obscured glazed privacy screen alongside part of terrace and new hedge to be planted on eastern boundary.
Surface water drainage	No details	Aco drains and soakaway in front parking area. New drain leading to the river.

2.04 It came to the Council's attention in the summer 2018 that the car port element of the approved development being built on site was having a significantly harmful impact on the visual character of the area by virtue of its height and scale which was also having an unacceptable impact on the residential amenities of the occupier of No 5 Watermead, specifically the outlook from the lounge of the property and a first floor balcony accessed from this room. No 5, a two storey dwelling lies directly to the north of the application site. Following investigation by Officers, it became apparent that the differences in the new ground levels between the application site and neighbouring sites and the loss of vegetation, the resulting scale of the car port had not been fully realised by Officers at the time the previous application

was determined. To clarify, the development was being carried out in accordance with the approved plans.

2.05 This application provides the opportunity for the development to be altered to benefit the visual impact of the scheme and especially, significantly reduce the impact on the occupier of No 5 Watermead. The applicant has agreed to enter into a Unilateral Undertaking to stop further work progressing on the extant permission if planning permission is forthcoming on this current scheme. The recommendation in Section 9 provides further detail on the wording of the planning obligation.

3.0 SUMMARY OF INFORMATION –

	Previous approved plans	Proposed	Change/net gain: From Previous scheme
Site Area (ha)	0.06	0.06	0.06
Use	Residential	Residential	No change
Approximate Ridge Height (m)	Front 4.2m Rear 5.3m	Front 4.2m Rear 45.3m	0m 0m
Approximate Eaves Height (m)	5.1m (max height towards rear)	5.1m (max height taken towards rear)	0m
Approximate Depth (m)	11.8m (excluding terrace)	11.8m (excluding terrace)	0m
Approximate Width (m)	5m Terrace – 4.25m	5m Terrace – 4.8m	0m 0.5
Distance from north boundary	Main house - 6m Car port – 1.95m	Main house – 6.1m Car port – 4.8m	0.1m 2.85m
Distance from west boundary	0.4m	0.4m	0m
Distance from east boundary	0.35m Rear terrace – 0.95m	0.35m Rear terrace – 0.35m	0m Minus 0.4m
No. of Storeys	1	1	0

Parking Spaces	3	3	0
No. of Residential Units	1	1	0
No of Bedrooms	3	3	0

3.01 To understand the ground levels on the application site and the neighbouring sites please refer to the table below which sets out the differences.

Location	Ground level AOD
Entrance gates	1.00
Front parking area	1.640
Front of No 5 Watermead	1.00
Rear boundary of No 5 Watermead	1.10
No beyond west boundary	1.15
Path down western side of dwelling	1.040
Rear garden	0.980

4.0 RELEVANT PLANNING CONSTRAINTS

Urban area

Heathland 5km Consultation Area

Flood Zones 2 and 3

Zones 2 and 3a Year 2086

Zone 2 and 3a -Year 2126

Adjacent to Green Belt

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Core Strategy 2014

- KS1: Presumption in favour of sustainable development
- KS2: Settlement hierarchy
- KS11: Transport and development
- KS12: Parking provision

- HE2: Design of new development
- 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
- ME6: Flood Management, Mitigation and Defence

Supplementary Planning Documents:

- Dorset Heathlands Planning Framework SPD 2015

The 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 or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 2 Achieving sustainable development
- Section 12 Achieving well-designed places
- Section 14 Meeting the challenge of climate change, flooding and coastal change

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).

6.0 LOCAL REPRESENTATIONS

- 6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 13 February 2019 with an expiry date for consultation of 06 March 2019.
- 6.02 2 representations have been received, commenting on the proposal and raising issues on the following grounds:

- Drainage of site and impact of additional surface water into adjacent sites and Watermead
- Stability of house walls from foundations of retaining wall

7.0 CONSULTATIONS

7.01 Environment Agency (received 04/02/2019)

Recommend the application is not determined until the applicant submits further information to demonstrate why the Finished Floor Levels cannot be higher than proposed. This is because of the flood risk to the site. Do not have an in principle objection because the proposal seems to achieve a betterment.

In order to deliver a safe development, strongly advise the ground floor levels be set no lower than 3.6 metres AOD. Setting the ground floor level at this level equates to approximately 600mm above the design flood level - the 1 in 200 year tidal still water level in 2119 (100 years lifetime of development). Setting the ground floor level at 3.6 metres AOD affords a much better standard of protection than is proposed. The Flood Risk Assessment confirms that setting the ground floor level at only 2.24m AOD will mean the proposed dwelling will be at risk of flooding from the sea around the mid- 2050's, hence in only around 35-40 years.

7.02 Natural England (received 25/02/2019)

- No objection

7.03 County Highways (received 19/02/2019)

- No objection subject to condition ensuring the development is not occupied until the turning and parking have been constructed.

8.0 APPRAISAL

8.01 The main considerations involved with this application are:

- the principle of the development
- the design and form of the proposal and its impact upon the character of the area
- the impact upon neighbouring amenity
- access and parking
- flood risk and surface water drainage

These points will be discussed as well as other material considerations under the headings below

Principle of Development

- 8.02 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. A previous proposal for residential development on this site was approved under application ref 8/16/2786 and the development has commenced on site.
- 8.03 The proposal seeks to amend the approved scheme, with changes to the scale of the car port and raised terrace at the rear of the property so the principle of a replacement contemporary dwelling has already been established on the site.

Design and Form

- 8.04 The proposal introduces a unique contemporary building into the street scape and it was established with the previous permission that the style and appearance of the dwelling within the riverside locality was acceptable. The flat roofed design with large elements of glazing is considered to be acceptable in this setting and there are other examples of contemporary replacement properties along Willow Way.
- 8.05 The scale of the building including the overall height has been established as part of the earlier consent and the main ridge height of the building is not changing from that previously approved (see table at 3.0). The main difference is the car port at the front of the site. There is a 1.4m reduction in the height of this structure (from ground levels on the site at 1.640m AOD). Furthermore, it has been bought away from the boundary with No 5 by 2.85m. The north and western sides of the car port continue to have timber screen infill panels within a metal frame. This structure now appears far less intrusive from within the site and as you enter Watermead off Willow Way.
- 8.06 The ground levels on the front of the site facing the river have been raised and due to the flood risk constraints the finished floor levels within the dwelling had to be raised to a higher level (2.240AOD). the ground levels where the proposed amended car port is to be located have not been altered. The finished floor levels of the dwelling have not been changed from the extant permission. Whilst this constraint has meant that the dwelling is higher than the adjacent bungalow, given the flat roof design and open setting to the rear of the properties, it is not considered that the building appears too overpowering or dominant in its immediate context. It is noted that the Environment Agency have advised that the finished floor levels should be raised to 3.6m AOD. However, it is considered that raising the finished floor level to this extent would substantially increase the visual impact and this needs to be balanced against the extant permission and the potential flood

risk to occupiers. This degree of raising above the current ground level was noted in the EA response for the previous application but plans showing this demonstrated that it would not be acceptable. The compromise agreed as acceptable was the 2.240AOD

- 8.07 The proposed boundary treatment has also been revised and further details provided. It is proposed to use a mixture of treatments (as shown on Ground floor plan in context – 1622/011D) including low level rendered brick walls with fencing above or metal rails (front of site between points B and C). Horizontal slatted fencing will be along part of the northern and western boundary (points A – H) above a low level rendered wall on part of the western boundary and a slatted fence along the eastern boundary but the rear shared space will remain open. It is considered these boundary treatments and their heights of no more than 1.8m from adjacent properties are appropriate for the site and wider area of Watermead.

Neighbour's living conditions

- 8.08 The approved carport does currently have an adverse impact on the living conditions of the occupier of No 5 Watermead, which lies immediately adjacent to the site to the north by reason of an overbearing impact and loss of outlook, particularly from their lounge and south-facing balcony. The revisions under this current application bring the car port away from this first floor balcony by 2.85 metres and the reduction in height mean that the outlook from this external space and living room are no longer significantly compromised. The replacement dwelling and the revised carport is not considered to be overly intrusive to the occupier of this dwelling and given the single storey nature of the development, and the southerly orientation of No 5, a sufficient amount of sunlight would still reach the balcony and lounge at first floor level.
- 8.09 Furthermore, along the western and north boundary to No 5, a low level rendered block wall with Irko hardwood horizontal slatted fence at no more than 1.8m high (when measured from adjacent ground levels) is now proposed. This will protect the modest amenity area for No 5 and ensure an acceptable level of privacy within this external space. The car port would no longer appear so substantially intrusive from within this area given the reduction in size.
- 8.10 With regards to the bungalow to the east of the site, the raised terrace area has been extended beyond that on the approved plans for the previous permission. The submitted plans (and already carried out on site) show the terrace extending down the side of the property with access from the master bedroom. It is proposed to include a 1.6m obscured glazed screen along this side boundary to prevent direct overlooking into the adjacent bungalow and its

conservatory. The applicant has also agreed to plant a new hedgerow along the eastern boundary between points D and E on the submitted plans to soften this additional built form. The ground levels on the adjacent site are the same as the rear of No 2. However, the terrace area has the same finished floor level as the house and is therefore elevated above ground level. Therefore the privacy screen at 1.6m above the terraced area at 2.24AOD will appear higher from the adjacent site (2.8m from ground level). However, it is considered that the additional amount of terrace is not so significantly different from that approved to sustain refusal of the application. The screening will minimise direct views into the adjacent conservatory from the terrace and given the open nature of the rear of the properties there is already a degree of mutual overlooking between the sites along the river.

Access and Parking

- 8.11 Local Plan policy KS12 requires new developments to provide adequate vehicle and cycle parking facilities, in accordance with the Local Transport Plan parking guidance. The Local Transport Plan parking guidance suggests standards based on the location of potential developments and their distance from town centres.
- 8.12 The plans show the car port and sufficient space for further parking and space for manoeuvring. Gates are proposed at the entrance but they are not considered to impinge on Watermead and as such do not affect highway safety. Overall, the proposed access and parking arrangements are considered acceptable and the Highway Authority has raised no objection to the revised scheme.

Flood risk and surface water drainage

- 8.13 The site lies within Flood Zones 2 and 3 and as such it is at high risk from flooding. This constraint was considered during the previous application and the Environment Agency were consulted at the time. It was determined that the proposed finished floor levels of 2.240m (AOD) were considered to be acceptable as the proposal was for a replacement dwelling and not for a complete new residential use on the site. The Environment Agency considered that a finished floor level of 3.6m AOD would be more appropriate given the level of risk. However, this would have had significant visual and residential amenity implications.
- 8.14 The scheme before Committee now does not include any revisions to the finished floor level of 2.24m AOD. The Environment Agency have again not objected but strongly suggested that the finished floor levels be raised in order to provide a better standard of protection. Given the extant permission and for the same reasons as before, it is not appropriate at this point to request any changes to the levels. The applicant is fully aware of the flood risk to the site

and the Flood Risk Assessment has identified that future occupiers should adopt an Emergency Flood Evacuation Plan.

- 8.15 With regards to surface water drainage, it is proposed to use Aco drains around the perimeter of the parking area and these would drain into a new soakaway within the front of the site. In addition new pipes would be installed along the western side of the site that would discharge surface water into the river. The Council's Building Control department have deemed this arrangement acceptable. Officers consider that there should be minimal, if any, surface water from the application site draining onto the adjacent sites or the Watermead road.

CONCLUSION

- 8.16 The applicant currently has a potential fallback position to complete the extant consent. The current proposal secures notable improvements in the impacts of the proposed development on neighbours' living conditions, particularly with respect to the previously approved carport and its relationship to the property to the north at 5 Watermead. Bearing in mind the material benefits the current scheme brings, it is recommended for approval to Members subject to a legal agreement to ensure the extant consent will no longer continue to be implemented.
- 8.17 Having assessed the material considerations as outlined within the report above, there are not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions and the completion of a satisfactory planning obligation is therefore recommended.

9.0 RECOMMENDATION

A) GRANT, SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE LEGAL SERVICES MANAGER TO SECURE THE FOLLOWING:

- The owner to undertake or covenant "not to carry out, or cause or permit the carrying out of, any further works of development permitted by planning permission 8/16/2786/FUL, save insofar as any such works are permitted by a planning permission granted by the local planning authority after the date of this deed".

AND TO DELEGATE AUTHORITY TO THE HEAD OF PLANNING TO ISSUE THE DECISION ONCE THE LEGAL AGREEMENT IS COMPLETED

IF THE SECTION 106 LEGAL AGREEMENT IN RECOMMENDATION A) ABOVE IS NOT COMPLETED BY 30 APRIL 2019, THE APPLICATION BE

RETURNED TO THE NEXT AVAILABLE PLANNING COMMITTEE WITH A RECOMMENDATION TO REFUSE

And the following 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:

Location and block plans 1622/001 B
Ground floor plan in context 1622/002 G
Ground floor plan (car port) 1622/003 D
Section A-A (Car port & neighbouring properties) 1622/004 C
Section B-B (Car port & neighbouring properties) 1622/005 B
Section C-C (Car port & neighbouring properties) 1622/006 B
Roof plan 1622/007 E
North & South elevations 1622/008 C
East elevation 1622/009 E
West elevation 1622/010 C
Ground floor plan in context 1622/011 D
Ground floor plan (car port) 1622/012 B
Section A-A (Car port & neighbouring properties) 1622/013 A
Section B-B (Car port & neighbouring properties) 1622/014 A
Section C-C (Car port & neighbouring properties) 1622/015 A
Roof plan 1622/016 D
North & South elevations 1622/017 D
East elevation 1622/018 D
West elevation 1622/019 A
Drainage plan dated 26th February 2019

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

3. The development hereby approved must be constructed with the materials as shown on the approved elevation plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the locality

4. Before the development hereby approved is occupied all the windows shown to contain obscure glazing on the approved plans must be in place and retained as such thereafter.

Reason: to safeguard the amenities of neighbouring occupiers

5. Before the development hereby approved is occupied, details of a native species hedge along the eastern boundary must be submitted to and approved in writing by the Local Planning Authority. The planting shall be undertaken in the first available planting season following completion of the development, or its first occupation, whichever is the sooner and any plant found dying or damaged within the first five years of planting must be replaced with a similar species.

Reason: To safeguard neighbour's living conditions and in the interests of the visual amenities of the site and the wider area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no windows, doors, or other openings other than those shown on the approved plans shall be inserted in the dwelling without express planning permission having first being obtained. Furthermore, no extension to the dwelling, outbuilding or other works permitted by Class A, B, C, D, E, F, G and H shall be constructed or erected without express planning permission having first being obtained.

Reason: In the interests of the visual amenity of the area, protecting residential amenity and the balance of private amenity space provision.

7. Before the development hereby approved is utilised or occupied the turning and parking shown on Drawing Number 1622/002G 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.

8. The flat roofs on the development hereby approved must not be used for any purposes other than maintenance of such roofs.

Reason: To protect residential amenity

9. The surface water drainage shall be carried out in accordance with the details as shown on approved plan Drainage plan dated 26th February 2019 prior to the first occupation of the dwelling and thereafter retained. Any variation must first be agreed in writing by the Local Planning Authority.

Reason: In order to ensure surface water is adequately dealt with and does not affect the site or neighbouring sites.

Informatives:

1. This approval shall be read in conjunction with the Unilateral Undertaking

Background Documents:

Case Officers: Sophie Mawdsley

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.