

APPLICATION NUMBER: WP/18/00302/FUL

APPLICATION SITE: 35 Easton Street, Portland, DT5 1BA

PROPOSAL: Erection of 3 dwellings

APPLICANT: Mr and Mrs Cullum

CASE OFFICER: Jo Riley

WARD MEMBER(S): Cllr Garcia, Cllr Kimber.

RECOMMENDATION SUMMARY: Grant permission.

1. DESCRIPTION OF SITE:

1.1 The site is to the rear of the former New Inn (now guest house) Easton Square, Portland. It is within the defined development boundary. It sits within the Easton Conservation Area. Access to the site is via dropped kerb and gates off Easton Square. To the south of the site are residential properties. Along Easton Street there is mixed use.

2. DESCRIPTION OF DEVELOPMENT:

2.1 The proposal is for a terrace of three houses. These would be two storey with dormers in the roof. The proposed materials are slate, stone render and UPVC. They would have pitched roof front porches. They would all be three bed roomed. Amenity space for the houses is provided through patio areas and grassed rear gardens. Eight parking spaces are provided between the rear of the guest house and the front of the proposed houses.

3. RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
WP/18/00300/FUL	Change of use of Public House to Guest House	Approved	27.6.18

4. RELEVANT PLANNING POLICIES:

4.1 National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes

12. Achieving well-designed places

16 Conserving the Historic Environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.2 **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

- INT1 - Presumption In Favour Of Sustainable Development
- SUS2 – Distribution of Development
- ENV2 Wildlife and habitats
- ENV4 – Heritage Assets
- ENV10 - The landscape and townscape setting
- ENV11.- The Pattern Of Streets And Spaces
- ENV12 – Design and positioning of buildings
- ENV15. - Efficient And Appropriate Use Of Land
- ENV16 – Amenity
- COM7 - Creating a Safe and Efficient Transport Network
- COM9 - Parking Standards in New Development
- Com10. The Provision of Utilities Service Infrastructure
- HOUS1 – Affordable Housing
- HOUS 3 – Open market housing mix

5. **OTHER MATERIAL PLANNING CONSIDERATIONS:**

- 5.1 Urban Design (2002)
- Easton Conservation Area: Easton Square and Easton Street The north and west elevations of All Saints Parish Church (built to serve Tophill during WWI) are only seen from Foundry Close, its entrance on Straits is obscured. The west end of All Saints can be glimpsed from the north side of Easton Square through the gap between shops Nos 2 & 4 (Co-operative and Weldmar). From Grove Rd there is a direct line of sight towards the Salvation Army Hall, formerly Portland Corps, which has now moved to the Methodist Church in Easton Square. A key view is of the group, unchanged since 1899, comprising 3 & 4 Easton Square, Jubilee Hall and South Portland Working Men's Conservation Club.
- Dwellings – generally of two and three storeys, some with attics with three storey terraces to the lower ends of Reforne, Easton Street, Easton Square and the top end of Wakeham and Straits. The majority date from the late C18

and the first half of the C19. Many incorporate earlier details evident in chimney stacks and gable kneelers. Very few houses were built with three storeys before 1850, but some have had a third storey added. Almost all dwellings are constructed of stone. Houses, cottages and gentry houses often have outbuildings which comprise ancillary long extensions of the main roof sometimes under a cat-slide roof. The majority of the houses are single fronted, having a plain doorway and one small window to each floor; and where built in pairs chimney stacks are usually back to back on gable walls with doorways expressed at one end with a simple stone porch. In a few cases this arrangement is reversed with a chimney stack in the centre on the party wall and doorways at opposite ends.

- Easton represents the Tophill tradition of a cluster of dwellings around ponds and wells situated along the spine of the island and essential to agriculture. By 1810, a settlement pattern recognisable today is established with buildings following a linear arrangement, closely aligned to the edge of pavement. The houses occupy narrow frontages with long gardens for growing food. The buildings tend to be of varying heights with only one exceeding three storey in any of the three sub-areas, this being Moorfield Veterinary Surgery at 38 Easton Street.
- Supplementary Planning Guidance 2: Listed Buildings and Conservation Areas - Para 3.6 - The Borough Council when considering planning applications will pay special attention to the preservation or enhancement of the character or appearance of a Conservation Area.

6. HUMAN RIGHTS:

6.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

7. PUBLIC SECTOR EQUALITIES DUTY:

7.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED

8. CONSULTATIONS:

8.1 Natural England – *no comments*

8.2 DCC Highways – *No objection, subject to conditions.*

8.4 Portland Town Council – Objection. The proposal would not preserve the conservation area, the design and scale of rear terraced houses would be unduly dominating, the highway provision is not a satisfactory standard.

9. REPRESENTATIONS:

9.1 There are 7 representations received. One comment and 6 objections. These raise the following objections:

- These are not cottages. Three storey houses are too high.
- It is too large for the site
- It is backland development
- It is too close to houses at No. 29 Easton Street
- There would be too many cars
- There is enough housing on Portland already
- It is within the conservation area and does not enhance it.
- There will be loss of light and outlook to front windows
- Windows will overlook the garden of No. 29 Easton Street.
- There is a lack of landscaping with the proposal.

10. PLANNING ISSUES:

- Principle of development
- Residential amenity
- Visual amenity/Conservation Area impact adjacent
- Access and parking
- Affordable Housing
- Community Infrastructure Levy

11. PLANNING ASSESSMENT:

11.1 Principle of development

The sites lies within the defined development boundary for Weymouth. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. Given the location of the site inside the DDB with good access to amenities the principle of the application is acceptable. The development will also further assist in the lack of five year housing supply, subject to compliance with other policies in the local plan.

11.2 The Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Councils have 4.88 years of supply across the local plan area. This means that para 11, footnote 7 of the NPPF is 'engaged' and relevant policies for the supply of housing, including Policy SUS 2, may no longer be considered to be up-to-date. Where a 'relevant policy' such as SUS 2 is considered to be 'out-of-date', Para 11 of the NPPF are also engaged, indicating that in such cases planning permission should be granted unless:

- i) the application of policies in the 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 the framework taken as a whole

11.3 The lack of a 5 year supply, even if the supply is only marginally below 5 years, means that less weight has to be given to policies such as Policy SUS 2 in decision-making. The local plan inspector's comments, which raised concerns about the marginal nature of the council's housing land supply, remain just as relevant to decision-making, now the supply has slipped below 5 years. This application site is located within the defined development boundary (DDB) of Portland in the adopted local plan and would be seen in the wider context of the surrounding buildings. Based on the requirement to assist in the lack of five year housing supply, and subject to compliance with other policies in the local plan, the proposal in principle is considered acceptable.

11.4 The land was formerly used as pub garden. The use of the land within the development boundary makes efficient and appropriate use of land as per policy ENV15.

11.4 Residential amenity

11.5 Each plot has its own private garden area, and it is considered that, whilst small, these are adequately sized to serve the two and three-bedroom dwellings proposed. There are no set external amenity space standards in the local plan dictating what is a reasonable sized garden. In Portland there are a number of properties with only small rear courtyard gardens. The large garden of No. 29 Easton Street is an exception.

11.6 The nearest residential property is No. 29 Easton Street which is one of a pair of dwellings to the south of the site. It has a modest garden closest to the house and an extended garden used for vegetable growing to the north. The north elevation of the dwelling at no.29 contains no side windows. The proposed houses would have bedroom windows overlooking the extended and larger part of the garden at no.29 and would not have any direct overlooking to neighbouring windows. This

relationship to neighbours is not out of character in this tight knit location where there are terraced houses which have windows that overlook gardens of neighbours i.e. bedrooms. In this respect the proposal is not considered significantly harmful to refuse permission on amenity impact grounds.

11.7 There are concerns from the neighbour with the loss of outlook from the front windows of No. 29 Easton Street. The submitted plans do not show that there is an existing garage immediately to the front of No. 29 which can be seen from the living room window of that property. However the proposed dwelling would be built in front of the main front wall of no.29 but would be to the north of that property. This means that the outlook from the ground floor windows of no.29 would not be made significantly worse to a degree to refuse permission. The proposed dwellings would sit forward of the houses to the south so that views from upper first floor bedrooms of no.29 would not be hindered to the east towards the rear of properties along Easton Street. The oblique views from no.29 to the north would be reduced but the impact of their being space around No. 29 which is currently the case would be lost but given that there would be no direct loss of privacy to windows or loss of light to windows at no.29 this is considered to be acceptable.

11.8 Visual amenity and impact on the conservation area:

11.9 The site is located within the Easton Conservation Area – the boundary of which ends at the rear of the proposed dwellings. There is no mention in the Appraisal of the Conservation Areas of Portland regarding the rear space behind the former pub. The main aspect of the conservation area is Easton Square and the linear development running along Easton Street which contains a mix of terraced houses of two storey and two storey houses with dormers. The use of stone and slate is a regular occurrence. The proposed houses are no higher than those to the south which are two storey but without the use of dormers. It is noted that often backland development is of a lower character such as bungalows but this is not always the case and is not prescribed as such in Easton. Furthermore the dwellings would not be visible outside of the site in Easton Street given the narrow access.

11.10 Given the above it is considered that the Conservation Area would be at least preserved as per the statutory test as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.11 Comments have been received about the loss of landscaping with the scheme. There is limited space for replacement tree planting given the design of the plots. There is no planning history relating to removal of trees prior to the application being submitted.

11.12 Access and parking

The Highway Authority raised no objections to the proposal. There would be 8 spaces for three dwellings in this most sustainable location in Portland. Amended plans were received to address some original highway concerns regarding the

quality of plans. These have now been corrected (Drawing No. 2904:005/006 REV B). The Highways officer does not have concerns with the visibility of cars pulling out of the site onto Easton Street and there being any conflict with pedestrians. The parking and turning areas are equally acceptable.

11.13 Affordable housing

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. However, in May 2016 National Planning Practice Guidance was updated to reflect the re-instatement of a Written Ministerial Statement from 28 November 2014. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought.

11.14 In the light of changes to national policy and guidance, affordable housing contributions will not normally be sought on sites of 10 units or fewer (or with a maximum gross combined floor space of 10,000 square metres or less), outside designated rural areas. As this site falls below these thresholds an affordable housing contribution is not required.

11.15 Community Infrastructure Levy

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate. The development proposal is CIL liable. The rate at which CIL is charged is £80 per sqm plus new index linking will be £27,912. Confirmation of the final CIL charge will be provided to the applicant in a CIL liability notice issued prior to the commencement of the development. Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

12. CONCLUSION/SUMMARY:

12.1 The application involves the erection of 3 dwellings within the defined development boundary for Portland. It is also considered acceptable in terms of the issues as set out above and would assist with the delivery of housing given the Council's housing land supply position.

13. RECOMMENDATION:

Approve, subject to 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 (as amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 1:1250
Site Plan 2904:065/006 REV B
Elevations 2904:065/005 REV A

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

3. No works shall commence above damp proof course level unless details and samples of all facing and roofing materials have been provided on site for the inspection by, and the written approval of, the Local Planning Authority and the development shall be completed in accordance with these details.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

4. Before the development hereby approved is occupied or utilised, the turning and parking shown on the submitted plans must have been constructed. Thereafter these areas must be permanently kept free from obstruction and available for the purposes specified.

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

5. Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent highway.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway.

Informative Notes
NPPF approval statement;
CIL,
Section 184.