

UTT/19/2452/FUL - STEBBING

(Referred to Committee by Cllr Evans. Reason: inadequacy of parking and garaging provision (1 x 4 bed and 1 x 3 bed dwelling))

PROPOSAL: Demolition of shed and erection of 2 no. residential dwellings with vehicular accesses and associated parking.

LOCATION: Land Adj 5 Pound Gate, Stebbing

APPLICANT: Mr Rich-Jones

AGENT: Mr Chris Wragg, Arcady Architects Ltd

EXPIRY DATE: 23rd December 2019

CASE OFFICER: Rachel Beale

1. NOTATION

1.1 Within development limits. Within 250m of Local Wildlife Site.

2. DESCRIPTION OF SITE

2.1 The site is located along the northern edge of Pound Gate between the residential dwelling houses of Daisy Cottage (to the east) and no 5. Pound Gate (to the west). The application is predominantly square in shape with a slight cross fall from west to east. The site is accessed directly off 'Pound Gate' through an existing vehicular access point central to the southern boundary. The site is overgrown and in the centre is a small unused green house, shed and garage. The northern boundary is defined by a mature hedgerow that extends along the rear of the properties and divides the dwellings from the agricultural fields to the north.

3. PROPOSAL

3.1 Full planning permission is sought for the erection of two detached dwelling houses. Plot 1 would have four bedrooms. Plot 2 would have three bedrooms. Each dwelling would be provided with an attached garage and driveway parking to the front.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Covering Letter
- Transport Statement

- Sustainable Construction Checklist
- Design & Access Statement
- Biodiversity Checklist

6. RELEVANT SITE HISTORY

- 6.1 UTT/0263/95/FUL - Change of use of builder's yard to residential, erection of garage, greenhouse and shed. Approved.

7. POLICIES

Uttlesford Local Plan (2005)

- 7.4 Uttlesford District Local Plan 2005
- S3 Other Development limits
 - GEN1 Access
 - GEN2 Design
 - GEN6 Infrastructure
 - GEN7 Nature Conservation
 - GEN8 Vehicle Parking Standards
 - H3 New Houses within Development Limits
 - H9 Affordable Housing
 - H10 Housing Mix
 - SPD Lifetime Homes
 - SPD Parking

Supplementary Planning Documents/Guidance

- 7.5 Uttlesford District Regulation 19 Local Plan
- SP9 Development within Development Limits
 - D3
 - TA3

National Policies

- 7.6 National Policies
- National Planning Policy Framework
 - Planning Practice Guidance

Other Material Considerations

Essex Parking Standards – Sept 2009

8. PARISH COUNCIL COMMENTS

- 8.1 Whilst we do not object to this application, we are very concerned at its being directly opposite the T-junction with Gardenfields, and so are asking our District Councillor to request it be called in and a site visit carried out, if it is likely to be approved by officers.

There appears to be inadequate provision for parking within the house boundaries and any vehicles parked on the access road would cause severe inconvenience to other residents.

We suggest the garages be replaced with open sided cart sheds as the shown garages appear to be too small to accommodate many modern style cars.

9. CONSULTATIONS

Essex County Council Highways

- 9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

Essex County Council Ecology

- 9.2 No objection subject to securing biodiversity mitigation and enhancements.

The proposals are limited in scale/scope and are unlikely to impact designated sites, and protected & Priority species & habitats although the new access requires removal of two trees.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a reasonable likelihood of biodiversity being impacted. Given the low ecological value of the site, ecological surveys are not required as we are satisfied that there is sufficient information to support determination of this application.

We recommend however that precautionary mitigation measures should be undertaken for this application for birds and mobile mammals, which has been outlined via the informative below. These should therefore be appended to any consent issued.

The planning system should aim to deliver overall net gains for biodiversity (enhancements), as laid out in the National Planning Policy Framework and other planning policy documents. Therefore, it is recommended that biodiversity enhancements are included with this application. This could include installation of boxes for bats or birds (such as swift brick/nest boxes), and an insect/bee house. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. This should be secured by a condition of any consent via a Biodiversity Enhancement Layout.

10. REPRESENTATIONS

- 10.1 Three representations have been received neither objecting to nor supporting the proposed development. The summary of the representations are as follows:

1. Concerns about an existing fence being removed
2. Concerns that not enough parking is proposed
3. Concerns over disruption caused by construction vehicles

The Officer comments on these representations are as follows:

1. This is not a material planning consideration
2. This is addressed in the following report

3. This is not a material planning consideration

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (S3, H3, NPPF)
- B Character and appearance (S3, H3, GEN2, NPPF)
- C Transport (GEN1, GEN8, NPPF)
- D Accessibility (GEN2)
- E Amenity (GEN2, NPPF)
- F Biodiversity (GEN7, NPPF)
- G Affordable housing (H9)

A Principle of development (S3, H3, NPPF)

- 11.1 The Local Plan identifies the site to be within Stebbing's settlement limits and so Local Plan Policy S3 applies. The principle of development on the site will be established if the development's design and scale respects the immediate character and setting.
- 11.2 The proposal will develop a piece of land situated between existing residential dwellings, meaning Local Plan Policy H3 applies. This policy permits infilling on land within Stebbing if the development would be compatible with the settlement.
- 11.3 Paragraph 118 of the NPPF encourages the effective use of land and requires decisions to "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". It also gives substantial weight to the use of value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- 11.4 Paragraphs 11 and 73 of the NPPF describe the importance of maintaining a five year supply of deliverable housing sites. As identified in the most recent housing trajectory document '5-Year Land Supply Statement October 2019', the Council's housing land supply is currently 2.68 years. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.5 Therefore, on balance, the proposed scheme is seen to accord with the NPPF and comply with Local Plan Policies S3 and H3 of the Uttlesford Local Plan 2005.

B Character and appearance (S3, H3, GEN2, NPPF)

- 11.6 The scale of the proposed dwelling houses respect the scale of the surrounding dwellings and be sympathetic to the street scene. The architectural features and materials will reference existing dwellings within the settlement and protect the local character. In addition, taking into account The Essex Design Guide, a non-adopted but useful guidance document, the design of the buildings are considered to reflect the Essex vernacular. It is therefore considered that the proposed development

accords with the above policies in so much as they relate to character and design.

C Transport and Parking (GEN1, GEN8, NPPF)

11.7 The site's location within the village of Stebbing ensures that the occupants of the proposed dwellings would have access to a small range of services and facilities without the need of a car and so it is therefore considered that the proposal meets the sustainable transport objectives of Policy GEN1 and paragraph 103 of the NPPF

11.8 The Highway Authority have stated that “the impact of the proposal is acceptable”, subject to conditions. The garages provided would meet the required sizes of the adopted Essex Parking Standards, as would the hardstanding bays to the front of the dwellings, therefore ensuring that the total parking provision would be compliant. It is therefore concluded that the proposal accords with the above policies and guidance insofar as they relate to parking.

D Accessibility (GEN2)

11.9 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements could be secured using a condition.

E Amenity (GEN2, NPPF)

11.10 Taking into account The Essex Design Guide, which constitutes non-adopted but useful guidance, it is considered that the proposed rear gardens would be of a suitable size, and that there would be no significant adverse effects on the amenity of neighbouring premises with respect to daylight, privacy or overbearing impacts. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

F Biodiversity (GEN7, NPPF)

11.11 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

G Affordable housing (H9)

11.12 Local Plan Policy H9 seeks an element of affordable housing on a site by site basis. This has been effectively superseded by paragraph 63 of the NPPF which states that the provision of affordable housing should not be sought for residential developments which are not major developments. The proposal qualifies as a small scale (minor) development of 10-units or less and there are no other material circumstances that indicate that it would be justifiable to seek a contribution for affordable housing.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The principle of the development is deemed to be appropriate in that it would be and sustainable development and acceptable in terms of design, layout, amenity, access and parking arrangements, in accordance with local and national planning policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The dwellings hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 of the Uttlesford Local Plan 2005 and the SPD on Accessible Homes and Playspace.

3. The external finishing materials shall be as specified on the submitted plans and application form. Where alternative materials be sought the details of such materials shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The works approved shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to secure a high quality of design and appearance in accordance with Policy GEN2 of the Uttlesford Local Plan 2005.

4. Prior to slab level a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy GEN7 of the Uttlesford Local Plan 2005.

5. Prior to the occupation of the development the access arrangements and vehicle parking areas as indicated on the approved plans shall be provided. The access, and parking area shall be retained at all times for their intended purpose.

Reason: To ensure that appropriate access and parking is provided, in accordance with Policy GEN1 and GEN8 of the Uttlesford Local Plan 2005.

6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan 2005.

7. Any redundant access width shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, in consultation with the Highway Authority, incorporating the reinstatement to full height of the highway verge / footway / kerbing within one month of the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety, in accordance with Policy GEN1 of the Uttlesford Local Plan 2005.

