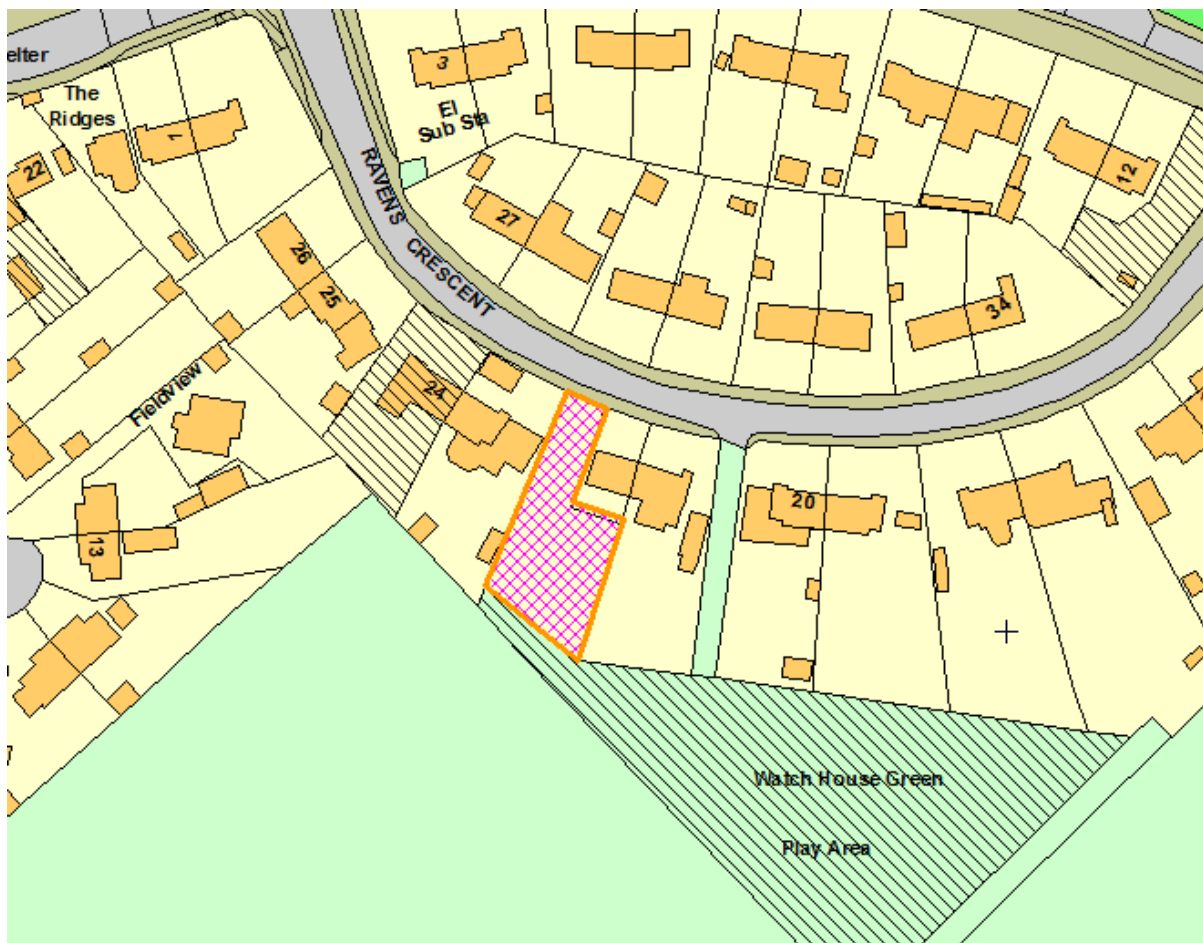


Agenda Item Number:

**REFERENCE NUMBER: UTT/21/1853/OP**

**LOCATION: 22 RAVENS CRESCENT FELSTED  
CM6 3EH**

**SITE LOCATION PLAN:**



**PROPOSAL:** Outline application with all matters reserved for the erection of 1 no. bungalow together with new access including replacement vehicular parking for no. 22 and associated external works

**LOCATION:** 22 Ravens Crescent Felsted CM6 3EH

**APPLICANT:** Mr P Lock

**AGENT:** The Design Partnership (Ely) Ltd

**EXPIRY DATE:** 17th December 2021 (Extension of Time Agreed)

**CASE OFFICER:** William Allwood

**1 RECOMMENDATION: APPROVE, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) Approval of the details of layout, scale, appearance, and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4) Prior to occupation of the development, the existing dwelling (22 Ravens Crescent) shall be provided with an appropriate dropped kerb vehicle crossover

of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 5) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and always retained.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 6) The proposed development shall not be occupied until such time as the vehicle parking area, for the existing dwelling (22 Ravens Crescent) and the proposed dwelling, as indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be always retained in this form.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

- 7) No unbound material shall be used in the surface treatment of the vehicular accesses 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 (adopted 2005).

- 8) Prior to dwelling occupation, the dwelling shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the National Planning Policy Framework 2021, and Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

- 9) If contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

REASON: In the interests of safety, residential amenity, and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

## **2. DESCRIPTION OF SITE:**

- 2.1 The site comprises a tiled and red brick two storey three bedroomed semi-detached dwelling and rear garden plot which lies within a 1960's residential crescent off Braintree Road. The dwelling has not been previously extended, but a single storey building exists on site.

## **3. PROPOSAL**

- 3.1 An indicative site layout has been submitted with the application which shows how the proposed bungalow could be accommodated on the site, with vehicular access and car parking. No elevations are shown but a floor plan has been provided which shows that the dwelling would be a 2 bed, 4 person dwelling which will have 80m<sup>2</sup> floor area.

## **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 applicants have submitted the following:
- Biodiversity Checklist
  - SUDS
  - Transport Statement

## **6. RELEVANT SITE HISTORY:**

- 6.1 None

## **7. PARISH COUNCIL COMMENTS**

- 7.1 Felsted Parish Council have made the following observations:
- Impact upon neighbouring properties
  - Not in accordance with Felsted Neighbourhood Plan or Uttlesford Local Plan
  - Overdevelopment

## **8. CONSULTATIONS**

### **Local Highway Authority**

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

### **Environmental Health**

- 8.2 The application site is outside aircraft and outside other transportation noise significance contours. The site is also outside the Air Quality Management Zone. It is considered that due to the limited scope of the development it will not negatively impact neighbouring properties. It is considered that the land contamination risk is low, a watching brief condition is recommended to ensure any discovered land contamination is reported to the LPA.
- 8.3 I therefore have no in principal objections to the development subject to the following condition being attached to any consent that maybe granted.

## **9. REPRESENTATIONS:**

The comments raise the following issues:

- Out of keeping
- Loss of garden space
- Loss of outlook and privacy
- Noise and disturbance
- Highway safety

## **10. POLICIES:**

### **Uttlesford Local Plan (2005)**

ULP Policy S3 - Other Development Limits  
ULP Policy H3 – New Houses within Development Limits  
ULP Policy H4 – Backland Development  
ULP Policy ENV14 – Contaminated Land  
ULP Policy GEN1 – Access  
ULP Policy GEN2 – Design  
ULP Policy GEN3 – Flood Risk  
ULP Policy GEN4 - Good neighbourliness  
ULP Policy GEN7 – Nature Conservation  
ULP Policy GEN8 – Vehicle Parking Standards

S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application,

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

A full list of policies taken into account whilst reviewing this application are listed above.

### **Other Material Considerations:**

#### **Supplementary Planning Documents/Guidance**

SPD – Accessible Homes and Playspace (2005)

The Essex Design Guide

Parking Standards: Design and Good Practice (2009)

Uttlesford Local Residential Parking Standards (2013)

Interim Climate Change Policy (2021)

### **National Policies:**

National Planning Policy Framework (NPPF) (2021)

PPG – Design

### **Felsted Neighbourhood Plan (2018 - 2033):**

FEL/HN1 Meeting Housing Needs

FEL/HN4 Residential Development within Development Limits

FEL/HN7 – Housing Mix

FEL/ICH 1 – High Quality Design

FEL/INF1 – Flood Risk

## **11. APPRAISAL:**

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

1. **Principle of Development (S1, H3, H4, NPPF);**
2. **Character and Design (indicative scheme) (ULP Policies GEN2, GEN8 and ENV10);**
3. **Access (ULP Policy GEN1);**
4. **Contaminated Land (ULP Policy ENV14).**

### **Principle of Development (S1, H3, H4, NPPF)**

- 11.2 The NPPF encourages sustainable development in Paragraph 11 of the NPPF. This presumption is increased where there is no 5-year land supply for housing. In this regard, the most recent housing trajectory, 'Housing Trajectory and 5-Year Land Supply Statement (January 2021)', identifies that the Council as a 3.11-year land supply. Therefore, contributions towards housing land supply must be regarded as a positive effect.
- 11.3 Policy S3 of the adopted Local Plan states that the boundaries of Felsted is defined on the Proposals Map. Development compatible with the settlement's character and countryside setting will be permitted within these boundaries. Policy H3 states that infilling with new houses will be permitted on land in each of the following settlements if the development would be compatible with the character of the settlement and, depending on the location of the site, its countryside setting. This will be in addition to the sites specifically allocated as urban extensions and settlement expansions. Windfall sites will be permitted if they meet all the following relevant criteria:
- a) The site comprises previously developed land.
  - b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility.
  - c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary.
  - d) Development would support local services and facilities; and
  - e) The site is not a key employment site.
  - f) Avoid development which makes inefficient use of land.
- 11.4 As the site is located within the development limits of Felsted, the principal of further housing development is considered acceptable . The site location is to the rear and would be considered garden land. Although this would not be considered previously developed land the proposal would also be within residential use and subject to final reserved matters would be considered acceptable and compatibility with policy H4. The site is accessible to jobs, services and shops as there are amenities such as shops and schools be within a settlement of Felstead. The proposal is for a single dwelling house and therefore will have limited impact upon infrastructure and discussed further below. By adding a new dwelling, it would be envisaged that the future occupiers would utilise the facilities in the local area and therefore provide some limited support to the local services. The proposal is for a single dwelling and considering the plot of land and its size it can accommodate a new dwelling, subject to all other material considerations, specifically those relating to design and residential amenity. The proposal therefore complies with Policies S3 and

H3 of the adopted Uttlesford Local Plan 2005, and the National Planning Policy Framework 2019.

- 11.5 Policy H4– Backland Development - states that development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:
- a) There is significant under-use of land and development would make more effective use of it.
  - b) There would be no material overlooking or overshadowing of nearby properties.
  - c) Development would not have an overbearing effect on neighbouring properties.
  - d) Access would not cause disturbance to nearby properties.
- 11.6 The site is within the development limits of Felsted. The proposal is an outline application to provide a single dwelling. The Local Plan encourages development to be within existing development boundaries.
- 11.7 It is considered that the benefits of the development outweigh the harm and subject to other criteria, discussed below that proposal is considered acceptable in principle.

**Character and Design (indicative scheme) (ULP Policies S3, H3, H4, GEN2, GEN8 and ENV14).**

- 11.8 Matters concerning design are reserved matters and do not fall to be considered for the current renewal outline application. Furthermore, it should be noted that the application proposal is submitted for a single dwelling. As such, any assessment at this outline stage would be to show whether the site in indicative form can accommodate one dwelling against adopted parking standards and advisory garden amenity standards where the indicative site layout shows this maximum number for consideration.
- 11.9 In addition to this policy H4 states that:
- Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:
  - a) There is significant under-use of land and development would make more effective use of it.
  - b) There would be no material overlooking or overshadowing of nearby properties.
  - c) Development would not have an overbearing effect on neighbouring properties.
  - d) Access would not cause disturbance to nearby properties.
- 11.10 The Felsted Neighbourhood Plan policy FEL/HN4 is also relevant. This policy seeks those developments within development limits seek to have developments that respect the character of the area.



- 11.12 The site is to the rear of the site and therefore considered to be backland development. This is garden land and therefore not considered to be previously developed land as per the definition in the NPPF. The design of the building will be single storey in form, as provided by the indicative plans. There is room to the side and to the rear of the site. The plot size is larger than other adjoining properties and therefore it is considered that there is an underutilisation of the land.
- 11.13 Comments have been received regarding the character of the area. However, this is an outline application, and the proposal is seeking whether a single storey dwelling house can be accommodated on site and policy H4 does not require backland developments to have a frontage to the street.
- 11.14 The proposal is for a single storey dwelling. There is an indicative plan showing a layout of the dwelling. These windows will be at ground floor level. The site is bounded by boundary treatment and due to the intervening boundary treatment and the proposed bungalow, it is not considered that the proposal will have any significant overlooking to the neighbouring properties.
- 11.15 The dwelling is positioned to the rear of the site. There are no elevational details as this is an outline application. The proposal will come close to the adjoining neighbours and therefore the design and height of the dwelling will need to be carefully considered at reserved matters stage as the neighbouring occupiers are positioned to the north, east and west of the development site. It is noted that the proposal being towards the rear would mitigate some impact of overshadowing to the neighbours, but this will need to be considered fully in the design stage at the reserved matters stage of the development.
- 11.16 The proposed development would be towards the rear part of the plot. Being single storey in form it is considered that a single storey building would not have an overbearing impact upon the adjoining neighbours.
- 11.17 The new access would be to the side of the plot and near the neighbouring occupier of 23. The proposal is for an indicative 2 bed unit for a single family. Although there would be an increase in comings and goings, this would be minimal compared to other uses and therefore the slight increase in movements would not create noise and disturbance to a level that would be harmful to the neighbouring occupier. In addition to this Environmental Health have raised no objection on regards to noise. However, they have requested a condition regarding contaminated land watching brief.
- 11.18 From the plans it should be noted that a 2-bed unit will require to provide 50sqm of amenity space and the existing dwelling will require 100sqm of amenity space. The indicative plans show that the existing house would have a reduced garden to around 60sq.m., with the proposed bungalow being policy compliant. Whilst the reduction in useable garden space for the host dwelling at 22 Ravens Crescent is less than ideal, this in itself is not considered a reason for refusal.
- 11.19 In balancing the need for housing, pushing development to existing urban areas and the lack of smaller housing, it is considered that the two-bedroom bungalow

would be acceptable subject to final design and size, but it is considered that at this outline stage the site can accommodate a new dwelling.

#### **Access (ULP Policy GEN1)**

- 11.20 Comments have been received locally regarding the proposal will have a detrimental impact upon the highway. The submitted outline scheme shows the new access for the bungalow and new car parking spaces for the existing dwelling. Essex County Council as Local Highway Authority have been consulted and have raised no objections, subject to conditions. It is considered that the proposal is acceptable regarding Policy GEN1 of the adopted Uttlesford Local Plan 2005.

#### **Contaminated Land (ULP Policy ENV14).**

- 11.21 The Environmental Health have raised no objection to the proposal but have recommended a condition. Subject to condition the proposal is acceptable in terms of Policy ENV14 of the Local Plan.

#### **Equality Act 2010**

- 11.22 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy, and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.