

5e 3/13/1331/FP – Erection of two storey detached building comprising of 2no. three bedroom houses, together with private amenity space and car parking at garage site to the north of 38 Gatwick Close, Bishop’s Stortford, CM23 5DL for South Anglia Housing Group

Date of Receipt: 06.08.2013

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – ALL SAINTS

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Approved plans (2E103)(insert:- Site Location Plan, 101 RevC, 200 RevA, 300 RevB, 310, 653/18c, 57509_P)
3. Samples of materials (2E12)
4. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Hard surfacing materials (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a

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reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

6. Obscured glazing (2E18)(insert:- on northern elevation; obscured glass and fixed shut)
7. Construction hours of working (6N05)

Directives:

1. Other legislation (01OL1)
2. Street Naming and Numbering (19SN)
3. Unsuspected contamination (33UC)
4. Highway works (05FC2)
5. Ownership (02OW)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

_____ (133113FP.MP)

1.0 Background:

- 1.1 The site is located to the north of Gatwick Close which is a residential road that branches off Northolt Avenue. The Northolt Avenue Estate is a large estate of around 200 dwellings which are predominantly terraced dwellings set within a grid layout which front onto access roads and streets. The site itself is currently undeveloped and comprises an area of hardstanding with small areas of grass to the north and east. It is fenced off and not available for the parking of vehicles. The site appears to be a communal amenity space, although there appears to

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be no designated use of the land and a sign on the flank elevation of no 38 Gatwick Close states that there should be no ball games, cycling or skateboarding within the space. Officers understand that the area was originally designed for the enjoyment of future residents and to break up the pattern of surrounding development. The site is shown on the attached OS extract.

1.2 Surrounding the site to the north east and west are footways which link the site to the surrounding residential areas. Beyond the footway to the west of the site is a communal parking area. Parking within Gatwick Close is a feature of the street with a number of bays and garages within the street.

1.3 The applicant has also submitted other planning applications on the Northolt Avenue Estate, including the following:

- 3/13/1161/FP – Garage site to east of, 48, Northolt Avenue, Bishop's Stortford, CM23 5DU - Demolition of garages and the erection of 2no 2 bedroomed flats and car parking;
- 3/13/1330/FP – Garage site to the east of, Gatwick Close, CM23 5D - Demolition of the existing garage block and the erection of a two storey detached building comprising of 2no. three bedroom houses, together with private amenity space and car parking.
- 3/13/1336/FP – Garage site to the north of, 26, Northolt Avenue, Bishop's Stortford, CM23 5DU - Demolition of two garage blocks and erection of a two storey detached block comprising 3no. three bedroom houses, together with private amenity space and car parking.

1.4 LPA references 3/13/1330/FP and 3/13/1336/FP have not currently been determined. However, LPA reference 3/13/1161/FP has recently been refused planning permission under delegated powers for the following reasons:

1. The proposed development would result in the loss of existing parking provision and thereby increase the demand for on-street parking in the immediate area. As a result the proposal would be harmful to the amenities of existing residents, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
2. The layout, siting and design of the proposed development will result in a built form which appears dominant and conspicuous in the street scene, out of keeping with the pattern of development

and sense of openness and spaciousness that the site currently provides to the locality. The proposed development is therefore not of a high quality design and layout and does not respect the local distinctiveness of the area, contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review and section 7 of the National Planning Policy Framework.

3. The siting, height and design of the proposed development results in a loss of privacy and overlooking to 20 Alconbury and 50 Northolt Avenue and an overbearing impact to 48 Northolt Avenue, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and section 7 of the National Planning Policy Framework.

2.0 Site History:

- 2.1 There is no planning history relating to this application site.

3.0 Consultation Responses:

- 3.1 Environmental Health advise that planning conditions relating to construction hours of working, soil decontamination and piling works be attached with any permission.
- 3.2 County Highways comment that they do not wish to restrict the grant of permission and that there is no overriding safety reason to raise an objection to the proposal. Any displaced parking that may result would not impact upon the strategic highway network. Gatwick Close is a typical residential estate road where on-street parking already takes place and is not prohibited.

The proposed development assigns only 2 parking spaces which is below the parking standards set out in the SPD but the Planning Authority should ensure that adequate parking is provided for.

The Highways Officers also notes that parking implications clear of the strategic highway network raises other issues – on-street parking does occur and the parking assessment should be reviewed as the Highway Authority would not wish to see parking assigned to turning heads and parking either side of the road where the road width is less than 6.1metres.

The footpaths to the front and rear of the development site are affected and the Highways Officer recommends that further information in respect of the changes to footpaths be submitted through a planning

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condition. The change from footway to garden space will require approval of the Highways Authority and the authority of the owner of the land.

- 3.4 Natural England comment that the application does not fall within the scope of consultations Natural England would normally comment upon. The application is not therefore likely to result in significant impacts on statutory designated sites, landscapes or species.
- 3.5 Herts Biological Records Centre comment that there are no known ecological constraints regarding the proposed development.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council object to the application on the following grounds:

- Loss of sight lines;
- Additional on-street parking could lead to road safety issues;
- The parking survey revealed that the estate roads are operating at capacity in parking terms and the cumulative effect of this development with other similar development will lead to parking problems;
- Will lead to parking disputes;
- Overlooking to neighbours;
- Loss of unofficial play area for children;
- Loss of green space and trees;
- Exacerbate anti-social behaviours;
- Concerns with design.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 A petition with 302 signatures has been submitted covering the various applications on the estate which raises concern with the loss of open spaces within the estate; the style of the new proposed dwellings being out of character with the existing; loss of garages where there is demand for garages; increase in vehicle parking on an already congested estate.

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5.3 114 letters of objection to the planning application have been received (some of which are based upon a standard template) raising concerns with the following matters:

- The development will exacerbate existing chronic parking problems within the street and surrounding streets;
- Insufficient parking for the proposed development;
- The street already gets blocked which would prevent delivery drivers and emergency vehicles access;
- Noise, disruption, dust and dirt will disrupt neighbours;
- Impact on amenity of neighbouring properties;
- Increase anti-social behaviours on the estate;
- The replacement buildings are out of keeping with the character of existing dwellings;
- Loss of an open space which is important to the street scene.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- SD2 Settlement Hierarchy
- HSG4 Affordable Housing Criteria
- HSG6 Lifetime Homes
- HSG7 Replacement Dwellings and Infill Housing Development
- TR7 Car Parking – Standards
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV3 Planning Out Crime – New Development
- ENV4 Access for Disabled People
- ENV11 Protection of Existing Hedgerows and Trees

6.2 The National Planning Policy Framework (NPPF) is also material to the determination of this application.

7.0 Considerations:

7.1 The planning considerations relevant to this application are as follows:

- The principle of residential development;
- The impact of the development on the character and appearance of the surroundings and street scene;

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- The level of amenity and parking for the proposed dwellings;
- The impact on neighbour amenity;
- The impact as a result of the alterations to the levels of parking within the site;
- Other matters.

The principle of development

- 7.2 The site is located within the built up area of Bishop's Stortford where in principle there is no objection to development. The NPPF clearly indicates that there is a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. Officers consider therefore that residential development is appropriate for this site and should be supported in principle. Given that there is a continuing need for housing within the District, the proposed development is considered acceptable in principle and in accordance with the Local Plan and the NPPF and it would provide valuable housing accommodation in a sustainable town location.

Character and appearance

- 7.3 Officers' note the representations received in respect of this application and consider that the main concerns relate to the design of the buildings and in particular their juxtaposition with buildings of older design and the impact on the street scene in terms of the loss of an open space which acts as a visual break within the surrounding built form.
- 7.4 The proposed development involves would provide a pair of semi-detached dwellings. The development would be set slightly forward of the front building line of the existing terrace which replicates the stagger in building line of the two terraces to the south of the site. A small open front garden space is proposed and a larger enclosed rear garden which, in Officer's opinion, appears commensurate with the size of gardens generally in the locality. In Officers opinion the building design is simple, and follows the overall proportions and design of other dwellings in the locality.
- 7.5 As noted above, the site is not currently used for any purpose but does provide a relatively large hardstanding space. Officers understand that the space was originally designed as communal amenity land to break up the pattern of development. Whilst this may be the case, the site does not, in Officers opinion, form a particularly attractive space by

virtue of its hardstanding nature. Whilst the space is acknowledged to provide some relief and spacing to the surrounding development, it does not, in Officers opinion, play a particularly important or positive role in the character of this part of the estate and no objections are therefore raised with development of the site to provide affordable housing.

- 7.6 Dwellings within the immediate locality follow a linear layout, with dwellings generally fronting onto the main access roads. The proposed development would follow this general grain and would provide a reasonable level of amenity to the front and rear, which would appear in keeping with neighbouring properties. In this respect, the proposed development would not, in Officers opinion, represent an overdevelopment of the site nor appear cramped or congested.
- 7.7 The height of the pair of semi-detached dwellings as proposed would be higher than that of the neighbouring properties by around 500mm. The siting of the proposed dwellings forward of the front building line of the neighbouring terrace and the slight increase in ridge height above neighbouring properties would lead to the pair of dwellings appearing more distinct within the street scene. However, the ridge height and overall proportions will not, in Officers opinion, lead to the development appearing unduly obtrusive within the street scene, in accordance with policy HSG7 of the Local Plan.
- 7.8 The materials of construction of the building follow the predominant pattern used in surrounding dwellings, consisting of a mix of render and boarding with brickwork on the end elevation. The proposed development therefore utilises appropriate materials which will help the development assimilate within the surrounding character of dwellings.

Parking/highways

- 7.9 The proposed development comprises the provision of 2no three bed detached dwellings and the provision of 2 off street parking spaces. The level of parking provision is below the maximum standard as is required within policy TR7 of the Local Plan. Given the site's sustainable location Officers consider that such a level of parking provision is acceptable in this case.
- 7.10 The plans submitted indicate that the two parking spaces would be located on land just to the west of the proposed dwellings and within the existing communal parking area. Whilst the proposed plans do not clearly show the layout of the existing communal parking area, Officers understand that there are approximately 9 spaces to the front of the

site, in-between the existing garage buildings to the front of 32-34 Gatwick Close and the pedestrian footway to the north of Gatwick Close. The provision of two additional dwellings on the application site will therefore create some additional pressure within the existing communal parking area. It must be considered, however, whether this would result in any material adverse impact on parking provision in the surrounding area.

- 7.11 The applicant has submitted information in the form of a parking beat survey to demonstrate the levels of parking available within the immediate setting of Northolt Avenue. The parking surveys were undertaken on Wednesday 20th March 2013 commencing at 01:30 hours and Thursday 21st March commencing at 04:30 hours. The applicant states that the surveys were carried out based upon London Borough of Lambeth's parking survey methodology. The applicant sets out that there is capacity for some 199 cars to park on the surrounding road network and that the development of the site and resultant increase in parking could be absorbed into the existing parking levels.
- 7.12 Officers note that the Town Council and a significant number of third parties and neighbouring properties are critical of the findings of the parking beat surveys. Officers would acknowledge those concerns and comment that it is not clear what the 'Lambeth's methodology' might be – third parties are critical of a methodology for a central London area and how applicable this is to the Bishop's Stortford locality. From the information submitted Officers would agree that there is some salience to those concerns. However, the survey was undertaken at night when it is likely that the majority of people would be parked and in their houses. This does not of course take into account every eventuality, such as occupiers of dwellings who work night shifts or who are away on business/holiday/etc. The information as submitted by the applicant is nevertheless a material consideration to be taken into account in the determination of this application, albeit tempered by the concerns raised by third parties in respect of the existing problems with parking on the Northolt Avenue estate.
- 7.13 As noted above, the Council have refused planning permission on parking grounds in relation to the site adjacent to 48 Northolt Avenue (3/13/1661/FP). The siting of that development, which fronts onto the main link road which loops around the site (Northolt Avenue), is however different to the application site being considered in this application which fronts onto a cul-de-sac. Furthermore, it should be noted that this application site is not currently used for parking and therefore, unlike the other development proposals referred to in paragraph 1.3, the current proposal would not result in any cars being

displaced onto the surrounding streets. The Council must determine whether the proposed development will result in harm in parking terms to Gatwick Close and the residents of that street.

- 7.14 Officers consider that the provision of two additional dwellings will be likely to lead to some additional parking pressures within Gatwick Close. However, the parking survey indicates that there is some capacity for additional parking in the area and officers consider that the proposal would not result in a significant impact on parking provision therefore. The site does not front onto the main link road as with the application at 48 Northolt Avenue, and there is therefore less potential for on-street parking onto that main road through the estate. In accordance with those considerations, Officers do not consider that the proposed development will lead to a significant and demonstrable impact on the level of parking within Gatwick Close that would result in harm to amenity nor warrant the refusal of planning permission.
- 7.15 Officers note the comments from the Highways Officer in respect of the alterations to the pedestrian footways around the development site. The alterations to the access would nevertheless appear to be appropriate and will ensure a continuation of access and permeability through and between the housing estate. No objections are therefore raised in respect of alterations to pedestrian footways and the information as submitted with the application provided sufficient detail. No further conditions are therefore necessary in this respect.

Neighbour amenity

- 7.16 The siting of the dwellings is such that the main considerations relate to the impact on numbers 38 Gatwick Close and neighbouring properties to the north (16-24 Northolt Avenue), the east (51-57 Alconbury) and the west (21-27 Gatwick Close).
- 7.17 With regards to the impact on number 38 Gatwick Close, whilst the proposed development is set beyond the rear building line of this neighbouring property by around 2.5 metres, officers consider that the relationship between the two properties would be acceptable and there would be no significant impact on the amenity of this property in terms of overbearing, overlooking, loss of privacy or overshadowing.
- 7.18 With regards to the impact on other neighbouring properties to the east and west, having regard to the distances between the proposed development and those properties, which is approximately 20metres as minimum, Officers do not consider that there will be a significant impact on neighbour amenity.

7.19 The rear elevation of Numbers 16-24 Northolt Avenue are located around 15metres to the north of the site. The distance between the proposed development and those neighbours is such that there will be no significant impact in terms of overbearing, overshadowing or loss of light. The proposed development incorporates the provision of a window to the upper floor flank (north elevation) of plot 1 which serves a bathroom. The plans submitted show that opening to be obscure glazing which can be controlled through a planning condition. Having regard to that consideration and, taking into account the distance and room serving the opening, there will be no significant impact on the amenity of 16-24 Northolt Avenue in terms of overlooking or loss of privacy.

Other matters

7.20 Officers note the comments from Natural England and Herts Biological Records Centre – the proposed development will not result in any impact on protected species or designated sites.

7.21 The comments from Environmental Health are noted. Given the siting of the development and relationship with neighbouring properties it is considered to be necessary and reasonable to attach planning conditions relating to construction hours and working.

8.0 Conclusion:

8.1 The proposed housing development would be located in a sustainable location within the built up area of Bishop's Stortford and is acceptable in principle. Furthermore, weight should be attached to the benefits of the scheme in providing affordable dwellings within the town.

8.2 The proposed development would provide an appropriate layout and design which will ensure the development assimilates well with the surrounding pattern and character of development and would not result in significant harm to neighbour amenity.

8.3 Officers acknowledge the concerns raised in respect of the current parking situation within the Northolt Avenue estate. On balance, however, and having regard to the siting of the proposed development and the information submitted within parking surveys, Officers do not consider that there will be significant harm in terms of the impact on existing parking provision or associated amenity. The level of parking proposed for the development is considered to be acceptable for a town location.

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- 8.4 For the reasons set out above, and given the strong presumption in favour of sustainable development in the NPPF and the benefits of the scheme with regard to housing provision, Officers recommend that planning permission be granted, subject to conditions.