

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
7 June 2023

REFERENCE: HW/FUL/23/00023

OFFICER: Mick Gavin

APPLICANT: Mr & Mrs D Butler

LOCATION: 16 Burnett Park
Harlow
Essex
CM19 4SD

PROPOSAL: Construction of a two-storey, 3 bedroom detached dwelling on land adjacent to 16 Burnett Park

LOCATION PLAN



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REASON BROUGHT TO COMMITTEE: Multiple objections have been received which are contrary to the officer recommendation.

Application site and surroundings

No.16 Burnett Park is a detached house of modern design set on the north side of the turning head at the end of Burnett Park. The road is characterised by detached houses of varying designs set in relatively wide plots in a low-density residential area.

The application site is the part of the property's garden to the side of the house, between the house and the boundary to no.17 Burnett Park, the detached house to the south west. This is currently garden land with soft landscaping/grassed area. The rear gardens of residential properties on The Maples are located to the north-west of the site.

Burnett Park is characterised by relatively wide plots and a spacious appearance due to the separation distances between dwellings, although a number of infill developments have been permitted and built over the years. The site is not located within a conservation area and is not listed or in the setting of a listed building.

Proposed development

The proposal is to erect a two-storey detached three-bedroom dwellinghouse, with associated landscaping and one off-street parking space.

The building would be of yellow stock brickwork and part flat roof, part monopitch roof. The monopitch roof would be metal clad with lead seam roof, this element to reference the design of no.16, and the flat roof element would have larch cladding at first floor to front and rear. The proposed layout includes a single parking space and lawn forming an open frontage with bin storage space to the side, and a rear garden with enclosed bicycle parking.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/20/00047	Two storey front and rear extensions	GTD	05.06.2020
HW/HSE/21/00022	Retrospective application for installation of juliette balconies	GTD	19.03.2021
HW/PREA/22/20001	Proposed development of a two storey townhouse	RSP	11.02.2022
96/00278	NEW DWELLING (BUNGALOW AND GARAGE)	REF	
95/00307	ERECTION OF SINGLE FOUR BEDROOM DWELLING	REF	
HW/EQ/15/20030	Proposed 3 Bedroom Dwelling	PRQ	30.03.2015

Pre-application HW/PREA/22/20001, above, sought advice on the present scheme before formal submission. It is relevant to note that in the Council's response it was stated:

The resulting plot would be noticeably smaller than most of its neighbours, with a narrower width frontage. Notwithstanding this, there have been a number of infill developments within Burnett Park which have been possible due to the sub-division of larger plots. Nos. 4 (allowed on appeal), 6 and 15 Burnett Park have all recently had permission granted since 2019 ... Given the incremental alteration to a number of plot widths and the introduction of new

dwelling, the urban grain of Burnett Park has been altered to a degree where it is considered that a new dwelling could be accommodated on this site without unduly harming the character and appearance of the locality

CONSULTATIONS

Internal and External Consultees

Essex County Council - Highways

The Highway Authority has no objections to proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020, and the NPPF 2021.

Informative

- i. Whilst the pre-app advice from HDC is noted regarding the parking provision, the Highway Authority would have expected that a three-bedroom detached house would provide appropriate off-street parking to the standards.
- ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

HDC - Cleansing And Environment

No Comment Received.

Sustainable Drainage Team

No Comment Received.

HDC - Consultant Arborist

Consider that the proposed development has on balance sufficiently considered the impacts to trees and green infrastructure at this stage. Whilst it is evident that trees and shrubs will need to be removed to facilitate the development, it is viewed that the trees and shrubs noted for removal on the site survey plan, offer limited amenity value, and would not be in their own rights considered for further protection under a tree preservation order (TPO).

It is felt that due to low amenity value, they should not be seen as a material constraint to potential development. However the loss of any green infrastructure should be properly mitigated, and therefore it is felt that a landscape condition to improve the amenity of the developed space be conditioned.

Neighbours and Additional Publicity

Number of Letters Sent: 11

Total Number of Representations Received: 8

Date Site Notice Expired: 9 March 2023

Date Press Notice Expired: 9 March 2023

Summary of Representations Received

8 representations received objecting to the proposal on grounds summarised below:

- Out of keeping with area which is low density housing characterised by generous plots with houses well distanced from each other; significant adverse impact on character and appearance; area's sense of space would be lost;
- Would have effect of cramming 3 properties together thus losing ethos of original design; infill development shoehorned into plot; overdevelopment; effect increased by fact that existing property has been significantly extended recently reducing ratio of garden to building;
- Circumstances have not changed since recent refusals; would set a precedent;
- Loss of open space, trees and hedges; inadequate consideration given to wildlife protection, badger sett and fox dens in area, would be within 30m buffer zone of badger sett;
- Car parking absurdly inadequate, residents have multiple vehicles; would result in on-street parking issues and problem for refuse collection vehicles;
- Increased traffic noise, noise during construction at anti-social hours;
- Overlooking and loss of privacy to neighbours to rear particularly during autumn/ winter when foliage lost;
- Loss of light, obtrusive;
- Concern that sewer system at capacity.

PLANNING POLICY

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

Harlow and Gilston Garden Town (HGGT) is a designated 'Garden Community' under the Government's Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for *larger scale (housing) development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles)*.

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

Development Plan

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HLDP. The HLDP is prepared in the context of the National Planning Policy Framework (NPPF) – see 'Planning Standards' below. It is important to note that this is a very recently adopted and therefore 'up to date' plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

Strategic Policies

SD1 – Sustainable development
HS1 – Housing Delivery
HS2 – Housing Allocations
WE3 – biodiversity and geodiversity
WE4 – Heritage
SIR1 – Infrastructure requirements

Development Management Policies

PL1 – Design principles
PL2 - Amenity Principles
PL3 – Sustainable Design, Construction and Energy Usage
PL7 – trees and Hedgerows
PL8 – Green Infrastructure and Landscape
PL9 – Bio and Geo Assets
PL11 – Water Quality, Water management, Flooding and Sustainable Drainage
H1 – Housing Allocations
H2 - Residential Development
H5 – Accessible and Adaptable Housing
IN1 - Sustainable Modes of Travel
IN2 - Impact on Highway Network
IN3 - Parking Standards

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates) (2011)

Several forms of ‘planning standard’ are relevant to the application. These standards complement Development Plan policies.

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

HGGT Guidance

The HGGT Vision elaborates on the HGGT’s interpretation of garden city principles and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a garden city principles sense and draws attention to specific local issues.

The HGGT Sustainability Guidance & Checklist March 2021 is used by developers, design teams, consultants and contractors in shaping development proposals.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

Summary of Main Issues

The main planning issues are considered to be the following:

- Principle of development
- Character and appearance
- Impact on the amenity of future and existing occupiers
- Parking and Highways
- Biodiversity
- Water/ Flooding
- Equalities

Principle of development

The proposal is for a residential development of one detached single-family dwellinghouse. It would represent new development on a site not designated for residential development within the Harlow Local Development Plan (2020) (HLDP), and as such would represent windfall development. Windfall sites are generally sites which are either below the Call for Sites threshold of six dwellings in the SHLAA, or are larger sites which have not been allocated in the Local Plan. Windfall sites can provide a number of additional unexpected dwellings and can be a useful addition to the housing mix in the district in terms of tenure, price and design.

While residential garden land falls outside the definition of previously developed land in the NPPF, policy H2 of the Harlow Local Development Plan (HLDP) 2020 (relevant to infill development) does not preclude development within existing gardens, provided it provides strong protection for the established character of the area and neighbour amenity, and is acceptable in its parking and refuse collection arrangements.

The principle of the proposed development is accepted. Whether the proposal is acceptable in detail is assessed below.

Character and appearance

Policies PL1 and H2 of the HLDP require that proposals should not result in detrimental impacts to the character and appearance of the locality or street scene. Policy PL1 states, inter alia:

A high standard of urban and architectural design is expected for all development.

Development must meet the following criteria:

(a) it is supported by a design rationale based on an understanding and analysis of local context and character, taking into consideration the adopted Harlow Design Guide Supplementary Planning Document (SPD), the Harlow and Gilston Garden Town Vision and Design Guide, the services and access chapter of the Essex Design Guide, and relevant national guidance;

(b) it protects, enhances or improves local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character, Green Infrastructure including trees and landscaping, building typology and the historic environment;

Policy H2 requires that for proposals involving the sub-division of garden plots, certain criteria must be met including that the development does not have an adverse impact on character or on the appearance of the street scene and the wider locality.

Principle DG28 of the Harlow Design Guide SPD 2011 states that infill residential development should positively respond to the prevailing character of the area, and be similar in scale, massing, height and design to the surrounding buildings. It further states that the typical garden sizes of the area should be taken into account when assessing whether a proposal would result in overdevelopment or over intensification.

The character of Burnett Park is this section of Burnett Park between the turning head and the bend to Parsloe Road is marked by two-storey houses in relatively generous plots with wide separation between neighbouring houses. The proposed plot would be narrower than its neighbours, with a smaller garden and frontage width, and the house would be set close to the existing house at no.16, but would retain a good separation distance of 17m to no.17. It is considered that the plot would accommodate the proposed dwelling without causing any significant harm to the appearance of the street scene and character of the area. In terms of building design, the modern form and detailing adopted is in character with this part of the road, where nos.16 and nos.14 and 15 opposite also depart from the generic suburban design of most of the other houses in the road. An open frontage would be retained which accords with the site's surroundings and overall the proposal is considered acceptable in terms of the street scene and townscape setting. It is also noted that there have been a number of infill developments within Burnett Park which have been permitted in the past, including at no.15 (opposite the site) and nos. 4 and 6.

The proposal is considered to accord with policies PL1 and H2 of the HLDP 2020 and with Principle DG28 of the Harlow Design Guide SPD 2011.

Impact on existing and future residents

Policy PL2 Amenity Principles for Development states development which preserves or enhances the level of amenity of existing and future occupants and neighbours in the local area will be supported.

Existing neighbours

The Harlow Design Guide SPD (2011) and the Design Guide Addendum SPD (2021) provide further guidance on the Policy PL2 requirements. In particular in relation to privacy, minimum distances of 18m between directly facing habitable windows are required. Part 2.12-2.14 of the addendum also provides further information on the scaling and massing of the development being required to respect the light of neighbouring properties from adjacent windows and rear gardens.

The distance between the rear of the new dwelling to the rear boundary of the rear gardens of houses in The Maples to the north, would be approximately 18m. The separation distance to the facing rear walls of these houses would therefore be considerably greater than 18m, and overlooking would not be significant for the purposes of design guidance, and no loss of privacy warranting refusal of the application would occur. The separation distances are sufficient to avoid any adverse impacts on these neighbours in terms of loss of light or outlook to gardens or windows.

A ground floor WC window would face no.16 and a first floor en-suite shower room would face no.17. These windows would be obscure glazed, secured by condition, and no overlooking would occur to these existing neighbours.

Future occupiers' standard of accommodation

The proposed 3-bed 5-person two-storey dwelling would have an internal floorspace of 134.66m² which comfortably exceeds the minimum floorspace requirement of the Technical Housing Standards 2015 (93sqm GIA).

Residents would benefit from a good standard of light and outlook, and the proposed rear garden at 166m² would exceed the minimum private external amenity space standard of 70sqm required by the Design Guide Addendum 2020

The proposal is considered acceptable pursuant to policy PL2 of the HLDP 2020.

Parking and Highways

HLDP policy IN2 requires that developments meet the following criteria:

- (a) it would not cause a severe residual cumulative impact on highway congestion and movement;*
- (b) it would not cause a detrimental impact on the safety of all highway users including pedestrians, cyclists and horse-riders;*
- (c) the development provides for adequate, safe and convenient loading and servicing arrangements, access points and drop-off areas and consideration has been given to the movement and turning of emergency vehicles and refuse vehicles*

Policy IN3 states vehicle parking must be provided in accordance with the adopted Essex vehicle Parking Standards, unless otherwise indicated elsewhere in the Local Plan and/or supporting evidence.

One on-site parking space is proposed. While two spaces are required by the ECC parking Standards 2009, the road does not have parking restrictions and there appears to be capacity to accommodate parking on-street. In this instance it is considered one space is acceptable. This also enables provision of some green space at the front of the building which improves its setting and benefits the street scene. The comments of neighbours in this respect have been considered, but any significant impact in terms of parking congestion or obstruction to servicing is unlikely given the low density of development and absence of parking restrictions. The site is close to two bus routes and within walking distance of a small provision of local shops/services, including a public park.

Biodiversity

Policy PL9 of the HLDP 2020 states that development should contribute to and enhance biodiversity or geodiversity assets, to ensure a net gain in biodiversity.

As noted above a large part of the existing garden, including trees and shrubs would be lost. The ecological impact assessment which accompanied the application includes a biodiversity metric 3.1 assessment which finds an overall net loss of 0.14 biodiversity units. A legal agreement to secure a financial contribution towards an off-site net biodiversity gain in lieu is to be submitted. There is also a proposal to provide bat and bird boxes which is secured by condition.

Subject to the above, the [proposal is considered to accord with policy PL9 of the HLDP 2020.

Water / Flooding

The site is within Flood Zone 1, the area at the lowest risk of flooding. All external hardsurface is shown to be permeable paving system.

It is noted that the application includes a water consumption assessment which states that consumption would be below 110 litres per person per day in compliance with policy PL11 of the HLDP 2020.

The proposal thereby complies with policy PL11 of the HDLP 2020.

Energy and sustainability

The NPPF requires the planning system to support the transition to a low carbon future in a changing climate. HLDP policy PL3 requires new development to deliver high standards of sustainable design and construction and efficient energy use, taking account of predicted changes to heating and cooling requirements as a result of climate change. The policy outlines that for development proposals, the Building Regulations minimum requirement for the conservation of fuel and power should preferably be exceeded by at least 19%. Part L of the Building Regulations was recently updated on 15 June 2022, which requires all new homes to produce lower CO2 emissions than the just superseded Part L regulations.

A condition is recommended to ensure that the development would meet the requirements of Policy PL3.

Equalities

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSION

The principle of development is accepted, and it is considered that the plot can accommodate a new detached house of the scale and design specified without resulting in any undue adverse impacts on the appearance of the street scene, the character of the area or the amenities of neighbouring residents. The proposal is considered acceptable in light of the above assessment and, subject to completion of a legal agreement to secure a financial contribution towards an off-site net biodiversity gain, is considered to accord with relevant Development Plan policies.

Conditions are proposed to withdraw certain permitted development rights in order to retain control over future development at the site, to protect the appearance and character of the area and the amenities of neighbouring residents.

RECOMMENDATION

That Committee resolve to GRANT PLANNING PERMISSION subject to the following conditions and subject to completion of a legal agreement to secure a financial contribution towards off-site biodiversity gain:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to construction above damp proof course level commencing, comprehensive details of all the external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, walls, roof, windows, doors, soffits, guttering and mortar mix. The development shall thereafter be carried out in strict accordance with the approved details.
REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.
3. The development to which this permission relates shall be carried out only between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 on Saturdays. For the avoidance of doubt, no development shall take place on Sundays or public holidays.
REASON: In the interests of the living conditions of neighbouring occupiers and to accord with Policy PL2 of the Harlow Local Development Plan 2020.
4. Prior to the commencement of the development to which this permission relates (including site clearance, demolition and groundworks), a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of:
 - a) parking and management of vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials;
 - d) a programme of works (including measures for traffic management);
 - e) boundary hoarding behind any visibility zones; and
 - f) wheel washing facilities.

The development shall then be carried out in accordance with the approved plan.

REASON: In the interests of the safety and operation of the highway network and the living conditions of neighbouring occupiers, and to accord with Policies PL2, PL10 and IN2 of the Harlow Local Development Plan 2020.

5. Prior to occupation of the dwelling hereby permitted the ground floor window in the north east side elevation serving a WC, and the first floor window in the south west side elevation serving a en-suite shower room shall be fitted with obscure glazing to level 3 on the standard scale and fixed shut to a height of 1.7m above finished floor level in the room it serves. The windows shall then be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the living conditions of neighbouring occupiers and to accord with Policy PL2 of the Harlow Local Development Plan 2020.

6. Prior to the occupation of the development to which this permission relates, the car parking space and the cycle parking storage shall be provided as shown on the approved plans, with provision made to direct any surface water run-off away from the public highway. The car parking spaces shall thereafter be permanently kept free from obstruction and available for their intended purpose unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the safety and operation of the highway network and to accord with Policy IN3 of the Harlow Local Development Plan 2020.

7. Prior to the occupation of the development to which this permission relates, details of measures to ensure that the development shall achieve an improvement of at least 19% upon the requirements of Part L of the Building Regulations 2010 in terms of emissions rate and water usage of no more than 110L per person per day shall be submitted to and approved in writing by the local planning authority. The approved measures shall thereafter be permanently retained unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of sustainable design and construction and to accord with Policy PL3 of the Harlow Local Development Plan 2020.

8. Notwithstanding the provisions of Classes A, B, D, E and F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification), no extensions, roof extensions, porches, outbuildings or hard surfaces shall be erected or provided within the curtilage of the dwellinghouse to which this permission relates unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of the character and appearance of the area, the living conditions of neighbouring occupiers and biodiversity, and to accord with Policies PL1, PL2 and PL9 of the Harlow Local Development Plan 2020.

9. Prior to occupation of the dwelling hereby permitted, details of the number, siting, type and design of bird boxes and bat boxes to be installed at the property shall have been submitted to and approved in writing by the local planning authority, and shall have been installed in full accordance with the approved details, and shall thereafter be retained as such as habitat for birds and bats, unless otherwise agreed in writing by the local planning authority.

REASON: To provide wildlife habitat and to generally accord with policy PL9 of the Harlow Local Development Plan 2020.

10. The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

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

<u>Plan and Document Reference</u>	<u>Date Received</u>
1650.01 Existing Site Plan & Location	27.01.2023
1650.02 Proposed Site Plan	27.01.2023
1650.03 Proposed Plans & Elevations	27.01.2023
1650.04 Existing Elevations, Existing Site Plan	27.01.2023
1650.05 Site Sections	27.01.2023
1650.06 Site Survey	27.01.2023

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.