



**Forest Heath**  
District Council

# DEV/FH/18/010

## Development Control Committee 1 August 2018

### Planning Application DC/17/2585/FUL – Garage Areas, Downing Close, Mildenhall

<b>Date Registered:</b>	22.12.2017	<b>Expiry Date:</b>	16.02.2018 (EOT until 22.08.2018)
<b>Case Officer:</b>	Gary Hancox	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Mildenhall	<b>Ward:</b>	Great Heath
<b>Proposal:</b>	Planning Application - 7no. dwellings and 25no. parking spaces (following demolition of 43no. garages)		
<b>Site:</b>	Garage Areas, Downing Close, Mildenhall		
<b>Applicant:</b>	Mr Lee Webster - Flagship Housing Developments Ltd		

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

#### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

#### CONTACT CASE OFFICER:

Gary Hancox

Email: [gary.hancox@westsuffolk.gov.uk](mailto:gary.hancox@westsuffolk.gov.uk)

Telephone: 01638 719258

## **Background:**

**The application comes before the Development Control Committee as it is one of five applications across five sites totalling 41 dwellings raising issues of significant concern to local residents.**

**Mildenhall Parish Council object to the proposal and the application is recommended for REFUSAL.**

1. This application is one of five similar applications submitted concurrently by Flagship Housing Group for the development of 41 affordable dwellings. The sites currently contain lock-up garages and generally, these garages are underused and in a poor state of repair. The applications seek their complete demolition and replacement with new dwellings and additional parking spaces. The applicants comment that;

*'Over the past few years the demand for garages in some locations has fallen and there are now numerous vacant garages across the sites, some in poor condition. Flagship is therefore looking at alternative nearby sites where parking can be provided that is likely to be better used. The proposed redevelopment provides an opportunity to enhance the appearance of the area, and to build more affordable homes for local people.'*

2. The proposed housing at Mildenhall will be 100% affordable, and will be owned and maintained by Flagship Housing Group. The application sites are located within the built-up area of Mildenhall. The combined site area is approximately 1ha.

## **Proposal:**

3. This application proposes 7 new dwellings and 25 parking spaces across 3 closely related sites. The dwellings comprise five 2 bed houses and two 3 bed houses.

## **Application Supporting Material:**

4. The following plans and documents have been submitted with this application:
  - Plans, elevations and layout drawings
  - Parking Surveys and reports
  - Ecology survey
  - Tree survey and AIA's
  - Site Investigation reports
  - Acoustic design statement
  - Design and access statement
  - Planning statement

## **Site Details:**

5. Downing Close is located off College Heath Road and to the east of the A1101 and to the south of Great Heath Primary School. The area comprises ex-local authority 2 storey terrace houses. The application covers 3 small sites containing a total of 43 single storey brick built lock-up garages. All the sites are surrounded by existing development. The site adjacent College Heath Road also contains an electrical sub-station.

## **Planning History:**

6. None recent.

## **Consultations:**

7. Public Health and Housing – no objection.
8. Environment Team – No objection subject to appropriate conditions.
9. Planning Policy - The sites are located inside the settlement boundary on previously developed land. The provision of 41 additional affordable dwellings will contribute to the supply of housing in the area, and if offered by the applicants and appropriately secured this will address a local housing need. Suitable mitigation measures are being put in place to manage the impacts of local noise from RAF Mildenhall on local residents, and also to improve local outdoor spaces, to protect the Breckland SPA and the habitats of proximate protected species from recreational impacts arising from the developments proposed.
10. The fundamental SCC Highway objection should be addressed in order for the applications to comply with policies DM45 and DM46. If additional evidence is supplied that satisfactorily addresses the present strong SCC Highways objection, then an updated policy position may be provided.
11. Strategic Housing - supports the above application for the redevelopment of the garage site at Downing Close, Mildenhall as it will help to satisfy a local housing need, make better use of an underused site and will help create a safer environment.
12. SCC Highways – Refuse. The highway authority has requested the applicant provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. The applicant has not done this and therefore we feel if this application were to be approved it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians.
13. MOD (Noise) – No objection. Recommend appropriate conditions to ensure adequate amenity inside the dwellings.
14. Suffolk Fire and Rescue – No objection.
15. Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed developments, alone and in-combination, are not likely to have significant adverse impacts on Breckland Special Protection Area (SPA), Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Farmland SSSI and therefore has no objection to any of the applications. However we draw your attention to our comments regarding the need for appropriate onsite and strategic green infrastructure to protect the forest elements of Breckland SPA from cumulative recreational impacts.

16. Ecology, Landscape & Tree Officer - No direct effects have been identified, and likely significant effects from disturbance and other urban edge effects from construction and occupation of dwellings can be ruled out for the plan alone and in-combination with other developments. There are unlikely to be recreational effects arising from the developments alone.
17. In relation to in-combination recreational effects, a proportionate contribution to improvements to local greenspace in the vicinity of the sites would be sufficient to avoid and reduce recreation pressure such that there will be no adverse effect on the integrity of the SPA, cumulatively with other projects and plans.
18. SCC Planning Obligations – request contributions towards enhanced Pre-school and Primary provision based on the cumulative impact of development across five application sites.
19. UK Power Networks – Objects to the development as the applicant has neither served notice in accordance with the Party Wall Act 1996 nor satisfied the Company that the works are not notifiable. The applicant should provide details of the proposed works and liaise with the Company to ensure that protective measures and mitigation solutions are agreed in accordance with the Act.

### **Representations:**

20. Mildenhall Parish Council – Object.

- Over development of the area
- Removing of the original parking areas and replacing with less parking bays which will make the parking worse (Members noted that the public were parking on pavements) With the proposed increase in houses it was deemed that parking allowances were insufficient
- Access for Emergency vehicles will still be limited
- No allowance for the elderly to park near to where they live.
- No allowance for extra wide parking bays for disabled with wheel chairs or parents with prams.
- Some garages are too small for some modern cars.

21. Local residents – 20 individual letters of objection received

- Loss of privacy (no. 42 Downing Close)
- Aggravate an existing parking problem
- Garages should be refurbished and kept
- Access for ambulance and fire services is unsafe due to congestion
- Water utilities need updating
- Increased population will promote poor security and criminality
- Garages currently available to rent close to houses, alternative garages will be too far away to use
- Detrimental impact on amenity (no. 40 Downing Close)
- Too much pressure on an already overcrowded parking situation
- GP's not able to easily park near resident's homes
- Application is very unfair, unjust and unsafe.

22. (Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

**Policy:**

23. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

Forest Heath Core Strategy 2010

- CS1 - Spatial Strategy
- CS2 - Natural Environment
- CS4 - Reduce Emissions, Mitigate and adapt to future Climate Change
- CS5 - Design Quality and Local Distinctiveness
- CS9 - Affordable Housing
- CS13 - Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- DM1 - Presumption in favour of sustainable development
- DM2 - Development Principles and Local Distinctiveness
- DM6 - Flooding & Sustainable Drainage
- DM7 - Sustainable Design & Construction
- DM10 - Impact of Development on Sites of Biodiversity and Geodiversity Importance
- DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM14 - Protecting and Enhancing Natural resources, Minimising Pollution and Safeguarding from Hazards
- DM22 - Residential Design
- DM45 - Transport Assessments and Travel Plans
- DM46 - Parking Standards

**Other Planning Policy:**

24. National Planning Policy Framework (2012)

**Emerging Development Plan Policy:**

**Proposed Submission Site Allocations Local Plan (January 2017):**

25. The Proposed Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) are under examination (hearings took place in September and October 2017) and Hearings on the proposed modifications took place in late June 2018.
26. The SALP sets out the council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given significant weight in the decision making process in respect of this application on the basis that there are no outstanding objections which relate to the areas proposed for development.

27. The development plan documents, together with current national planning policy, are material considerations to be taken into account when assessing the above application.
28. The latest FHDC assessment of a five year supply of housing land was published on 24th July 2017. This shows the Council has a five year supply of housing, and policies relating to the supply of housing can therefore be considered up to date. The application sites are not included in the Council's five year housing land supply, and therefore would contribute to windfall housing provision that is within the settlement boundary.

### **Supplementary Planning Documents**

29. Open Space, Sport and Recreation 2011 – Sets out the requirements for the provision of open space, sport and recreation in conjunction with new housing development.
30. Joint Affordable Housing Supplementary Planning Document 2013 – this provides further guidance on how to deal with the provision of Affordable Housing.

### **Officer Comment:**

31. The issues to be considered in the determination of the application are:

- Principle of Development
- Parking and highway impact
- Design and layout
- Residential amenity
- Ecology and open space
- Planning obligations

Principle of Development

32. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
33. The site lies within the settlement boundary of Mildenhall, which is designated as a Market Town in Core Strategy Policy CS1, where the principle of residential development is supported subject to the consideration of other policy criteria. Furthermore, the site is sustainably located having convenient access to local services and facilities and regular bus services connecting to the wider area, including Newmarket, Thetford, Lakenheath and Brandon. This lends further support to the principle of residential development on this site being acceptable.

## Parking and Highway Impact

34. The application proposes to demolish the existing 43 no. lock-up garages across 3 sites within Downing Close, as well as the removal of associated off-street parking spaces. A total of 7 dwellings are proposed to be built in their place. A total of 25 off-street parking spaces are proposed. The applicant has provided information to show that of the 43 existing garages 11 are currently rented. It is likely that a high percentage of the rented garages are not used to park a motor vehicle, although no firm evidence to prove this has been submitted by the applicant. As a consequence, the applicant has had to provide parking surveys and proposed replacement parking based on a worst case scenario assuming that all 11 rented garages are occupied by a motor vehicle. Effectively therefore, the 11 rented garages are treated as existing parking spaces. Existing on-site 'open air' parking (demarked bays) also count towards any lost parking, and in this case there are 11 such parking spaces. Furthermore, a further 4 parking spaces will be lost to create an access.
35. It is clear from site visits and from both the applicant's own parking surveys, and from an alternative parking survey undertaken by the Mildenhall Residents Group, that all the sites being put forward by Flagship for redevelopment have levels of parking that are either at capacity, or close to capacity, resulting in significant levels of on-street parking. As Flagship are proposing new dwellings to replace existing garages, an appropriate level of parking is required that provides spaces for the dwellings themselves in accordance with the Suffolk Guidance for Parking (SGP), as well as appropriate parking spaces to replace the existing leased garages being removed. Although the applicant has relied upon the potential for any dispersed parking to be accommodated on the roadside (on-street), it is the view of the Local Highway Authority that on-street parking should not be relied upon to make up any remaining parking shortfall.
36. The above methodology and approach to considering the existing and proposed parking arrangements has been used consistently across all five application sites.
37. In this case having regard to the SGP, a proposal of 7 dwellings (5 x 2 bed, and 2 x 3 bed) would require 14 parking spaces. This includes a requirement for 2 visitor spaces. Taken together with the requirement to replace the 26 existing parking (garage) spaces, SCC Highways have requested a total of 40 parking spaces to be provided (26+14).
38. This application proposes 23 parking spaces resulting in a parking shortfall of 19 spaces.
39. The applicant takes the view that the parking shortfall can be met within the existing on street parking laybys and states the parking surveys have ascertained existing unused spaces. SCC Highways do not share this view and consider that there is also significant kerb-side parking experienced on this road and it is not accepted that there is sufficient on-street spaces to safely mitigate the loss of off-street parking proposed. They maintain their position that the applicant should provide sufficient off-street parking to serve the proposed development and retain the existing off-street parking provision. In reaching this conclusion they have had regard to the existing

parking situation, the submitted parking surveys and site visits where the existing on-street parking availability was observed.

40. SCC Highways has concluded that were the proposed development be approved, it would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
41. However, consideration should also be given to the fact that the resulting shortfall in parking is based on a worst case scenario where all 32 existing garages are used to park a motor vehicle in. It is known that far fewer garages are actually used for parking a motor vehicle in, however evidence has not been provided by the applicant to demonstrate exactly how many garages are used in this way. Without an accurate indication of how the garages are currently used a worst case scenario has to be considered.
42. The applicant has also indicated that those tenants who currently rent garages will be offered alternative garages located nearby. However, from the information provided showing the capacity and proximity of replacement garages, SCC Highways do not feel they would be suitable for tenants to use for vehicle parking.

#### Design and layout

43. Existing development in Downing Close is characterised by small two-storey terrace houses and town houses on small plots interspersed by small garage courts. Most of the development in this and the immediate surrounding area was built in the 1960/70's when the then Greater London Council was granted permission to build houses to re-home families moving from London. Generally, existing dwellings are constructed of brown brick some of which have tile hanging to the front elevations, with grey roofs. The garage blocks are single storey with flat roofs, again utilising brown brick. All dwellings appear to have rear gardens usually enclosed by brick walls. Several specimen trees are located alongside roads. As well as garage courts there is also a small amount of outside parking in marked parking bays as well as layby parking.
44. The applicants indicate that the design approach to the development is largely determined by setting and relationship with existing properties, orientation on site, access arrangements, the use of modular design in the dwellings, and consideration of neighbouring residential amenity. Consideration must also be given to the existing pattern of development in the area and the need to integrate and contribute positively to the street scene.
45. Dwellings are proposed on 3 small sites following demolition of the existing garages. The scale of the new dwellings would be similar to the existing development, although generally the spans of the dwellings would be larger. An exception to this would be plots 1 and 2 which back on to a row of three terraced bungalows. Appropriate separation distances have been achieved here and the layout of the dwellings in this context is acceptable. It is not proposed to replicate the look of the existing houses, but instead to utilise finishes that will enhance the street scene providing fresh modern housing. Rendered finishes, modern grey roof tiles and simple fenestration is



proposed. Two-storey dwellings also have a small amount of timber cladding echoing the existing cladding in the area. All dwellings address the street. Each site also includes unallocated parking areas to serve both the new dwellings and to replace the original rented garages.

46. Originally, the scheme included two more dwellings, however in order to provide for better separation distances and to minimise overlooking issues, the amended plans were requested. The resulting amended scheme now proposes a layout that is more in-keeping in terms of scale and form.
47. Plots 1 to 4 comprise two pairs of semi-detached houses that are designed to have a dual aspect with a gable and front elevation addressing the street. Garden sizes are sacrificed to allow for provision of off-street parking.
48. Plots 6 and 7 provide for two houses at the entrance to Downing Close adjacent to no. 52. Although it is felt that the introduction of two houses in this location will have a positive contribution to the street scene, the required parking to the rear of the properties results in very small garden areas, one of which shares a boundary with an electrical sub-station. The separation distance to this sub-station would be 4 metres, and UK Power Networks has raised an objection to this, largely as a result of there being no communication with them. At the time of writing this report, the applicants are attempting to address this issue.
49. As currently shown it is felt that the amenity for plot 7 is considered poor, and this counts against the scheme.
50. Clearly the applicants have attempted to make best use of the space available to them to provide additional housing as well as removing unsightly and underused garage blocks. As amended, their proposed plans generally provide the required levels of amenity and will enhance the appearance of the individual garage sites. However, the need to accommodate dwellings, garden areas, and off-street parking within a small site constrained by the presence of an electrical sub-station, has resulted in plot 7 having a cramped appearance with a lack of circulation space and poor levels of amenity. In this respect these plots perform poorly in terms of design and appearance. The loss of 4 street trees (discussed at paragraph 61 below) without replacement also counts against the scheme.

#### Residential amenity

51. Direct impacts on existing residential amenity have been considered as follows:
  - Plots 1 and 2 – no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings
  - Plot 3 - no harmful impact in terms of amenity
  - Plots 4 and 5 – shadow diagrams indicate that the proposed dwelling for plot 4 will have a significant detrimental overshadowing impact in March and September. Plot 5 will not have a harmful impact in terms of amenity
  - Plots 6 and 7 - no significant harm as dwellings respect scale, form and the building line of the neighbouring dwellings

52. Taking into account the above, due to the harmful overshadowing impact to no. 14 Downing Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.

#### Ecology and open space

53. As required by JDM Policy DM10, development proposals must be assessed having regard to their likely impact on sites of biodiversity importance and in consultation with Natural England and other specialist consultees. Proposals that would adversely affect the integrity of areas of international conservation importance (in this case Breckland Special Protection Area (SPA) and Becklund Forest Site of Special Scientific Interest (SSSI)) need to be determined in accordance with the Conservation of Habitats and Species regulations (2010 as amended) (Habitat Regulations).
54. JDM Policy DM12 requires all new development where it is demonstrated that it will contribute towards recreational disturbance and visitor pressure within the Beckland SPA will be required to make appropriate contributions through S106 agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
55. Natural England has commented that the proposals are unlikely to have a direct impact on the nearby SPA and SSSI. However, in accordance with the Habitat Regulations they draw the LPA's attention to the need for appropriate onsite and strategic green infrastructure to protect the forest elements of the Breckland SPA from cumulative recreational impacts. All five applications (and any further residential or parking applications in this location) need to be considered in-combination as they are in close proximity to each other and to the Breckland SPA. Recreational disturbance to nightjar and woodlark, the qualifying species of the Breckland SPA and Breckland Forest Site of Special Scientific Interest (SSSI), needs careful consideration.
56. Developments within a 7.5km radius have potential to cause increased visitor numbers to the Breckland SPA, which can lead to recreational disturbance. Although Natural England is of the opinion that there will not be significant recreational effects to the above sites arising from each proposed development alone, the cumulative impact from 41 new dwellings means that there is a risk within this radius, particularly as the sites are within 1km, of likely cumulative recreational impacts to the SSSI and SPA in the future. It is important therefore to ensure that residential applications within this distance have sufficient green infrastructure to allow recreational activities on site and that there is strategic green infrastructure in settlements to support residents.
57. Core Strategy Policy CS13 and JDM Policy DM42 also has a requirement for new residential development to provide for suitable open space, and ordinarily on major development this is provided on-site, or as a financial contribution in lieu of this towards enhanced or new provision elsewhere.
58. The ecological information submitted with the planning application does not consider the potential for recreational impacts upon the SPA arising from the occupation of the proposed development. The application proposals, if left unmitigated, would in combination with the likely increase in recreational pressure upon the Breckland Special Protection area and add to existing

detrimental effects upon the species of interest (the woodland component of the Special Protection Area in particular).

59. Factoring in the policy required open space and the requirement for consideration of the cumulative impact on the SPA, discussions have taken place with the applicant with a view to providing mitigation in the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close. Improvements to the existing play area, footpaths and signage will help to encourage the use of this area for general recreation and dog walking, and reducing the future pressure on the use of areas within the SPA.
60. Subject to a planning obligation to secure the above mitigation, and following an appropriate assessment in accordance with the Habitat Regulations having been undertaken concluding that there would be no significant impact on the SPA, the proposal accords with Joint Development Management Policies DM10 and DM13. (Note:- The in-combination impacts will reduce where applications are refused, therefore the financial contribution towards providing the above mitigation will be calculated having regard to the number of applications approved.)
61. The proposal does require the removal of 4 street trees. Whilst this level of tree removal is not in itself significant, when other tree removal is taken into account for the proposed development of 41 dwellings, the proposals would result in a number of trees of public amenity value in an area that otherwise has poor canopy cover. No replacement street planting is proposed, and therefore this must weigh against the scheme when having regard to criterion (g) of Joint Development Management Policy DM2.

#### Planning Obligations

62. Following the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014; there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. In this case, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. In this case the total floor space being created across all 8 plots is less than 1000sqm. Therefore on this occasion, there is no policy requirement for developer obligations, including the requirement for affordable housing (Policy CS9).
63. However notwithstanding this, the developer has indicated that all dwellings will be provided as affordable dwellings, and they have agreed to sign up to a Unilateral Undertaking/Section 106 to ensure this. Although the Officers are supportive of this approach, and indeed it accords with the request of the Council's Housing Strategy Officer, the provision of affordable housing is not required by policy and can not be a material consideration in the determination of this planning application. However, the contribution towards general housing supply is a material consideration that members can give weight to in the planning balance.

## Other matters:

64. Noise – The Council has, through a memorandum of understanding, agreed with the MOD that a “brief acoustic design statement” should be submitted with the planning application and that it should demonstrate that the building envelope sound insulation of the proposed dwellings meets the following condition:

*“The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs.”*

65. Officers are satisfied that the above condition ensures that an acceptable internal noise levels can be achieved, negating the need for a further noise assessment at this stage. With respect to external noise levels in gardens, the Council’s memorandum of understanding agrees that an informative be attached to any permission stating that *“The developer and future occupiers of the dwellings approved by this planning permission are informed that they will from time to time see and hear military aircraft operating from RAF Lakenheath & RAF Mildenhall when constructing and occupying their properties.”*

66. Subject to the above condition a satisfactory level of residential amenity can be achieved in accordance with Joint Development Management Policy DM2 in this regard.

67. Energy efficiency - JDM Policy DM7 states that

*“All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.”*

68. The applicant intends to consider sustainability measures through their design approach. The submitted Design & Access Statements describe that the applicant proposes modular, off-site construction in “selected” materials, to be installed using “modern construction methods” in a “sustainable way”. The applicant states within their Design & Access statement that they are seeking to “reduce energy consumption”. However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant’s sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the

energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).

69. Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.
70. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

### **Conclusion:**

71. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area it is felt that this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22.
72. Whilst generally the design and layout of the scheme is acceptable, plot 7 has a garden size that has been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. The presence of an electrical sub-station with a separation distance of only 4 metres from the rear elevation of the proposed dwelling further reduces the amenity levels. This plot performs poorly in terms of design and appearance and is contrary to the requirements of Joint Development Management Policies DM2 and DM22 in this regard.
73. Due to the harmful overshadowing impact to no. 14 Downing Close, the proposal fails to accord with the relevant requirements of Joint Development Management (JDM) Policies DM2 and DM22 with respect to the impact on neighbouring amenity.
74. It is acknowledged that the proposal would provide for benefits in terms of the contribution towards housing supply, potential for job creation during the construction phase and enhanced local expenditure. However, these benefits do not outweigh the harm identified above and the application does not represent sustainable development and is contrary to Joint Development Management Policies DM2, and DM22. The application should therefore be refused.

## **Recommendation:**

75. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The development would lead to a shortfall of parking provision that would have to be accommodated on the highway network. Taking into account the existing parking pressures in the area, this additional on-street parking would lead to a severe impact on the highway due to obstructive and inconsiderate parking which would affect all users including emergency service vehicles and pedestrians. On this basis the application is contrary to Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF.
2. The design and layout of the scheme fails to meet the requirements of good and appropriate design as required by local policy and paragraph 63 of the NPPF. Plot 7 has a garden size that has been sacrificed to allow for the provision of off-street parking, resulting in a cramped appearance with a lack of circulation space. The presence of an electrical sub-station with a separation distance of only 4 metres from the rear elevation of the proposed dwelling further reduces the amenity levels for this dwelling. This plot performs poorly in terms of design and appearance and is contrary to the requirements of Core Strategy Policy CS5, Joint Development Management Policies DM2 and DM22, and paragraph 9 and 17 of the NPPF.
3. Due to the harmful overshadowing impact on no. 14 Downing Close, the proposal fails to accord with the design and layout requirements of Joint Development Management Policies DM2 and DM22 and paragraphs 9 and 17 of the NPPF with respect to the consideration of neighbouring residential amenity.

## **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2585/FUL](https://www.barnet.gov.uk/DC/17/2585/FUL)