

1) UTT/0444/06/FUL & 2) UTT/0446/06/OP - BIRCHANGER

- 1) Demolition of existing building and construction of new detached dwelling with alteration to existing access.
- 2) Outline application for erection of 6 No dwellings all matters reserved except means of access.

Location: 300 Birchanger Lane. GR/TL 512-223.
Applicant: Mr J M Gibb
Agent: Mr I Abrams
Case Officer: Mr M Ovenden 01799 510476
Expiry Date: 08/05/2006
ODPM Classification: MINOR

NOTATION: Site wholly within development limit / adjacent but not within the Metropolitan Greenbelt / TPO trees within and adjacent to the site / listed thatched dwelling opposite.

DESCRIPTION OF SITE: The site is situated on the southern side of an S-bend in Birchanger Lane which is the main village spine road. Opposite the site to the north is a row of interwar semi detached two storey dwellings; a listed thatched cottage is opposite the site on the corner and the Three Willows PH is opposite the site to the east. To the south is a post war two storey detached house. The land to the west of the site is outside development limits/within greenbelt and is under active arable cultivation.

On the site is a pleasant detached non listed dwelling dating from around the turn of the C19th/20th, and its garden which is largely laid to lawn. The dwelling is located near to the western edge of the site. Near to the eastern site boundary is a row of TPO trees that have recently been managed and shaped. Around the north, east and part of the southern boundary is a recently trimmed mature Beech hedge approaching three metres in height. The rest of the southern boundary and the west boundary is delineated by an established shrubbery and hedgerow. There is no pavement on this side of the road adjacent to this site.

DESCRIPTION OF PROPOSAL: Two applications involve the development of this site and have many similarities and links and so this report covers both applications.

The first application UTT/0444/06/FUL proposes the demolition of the existing dwelling and seeks full permission to erect a four bedroom, two storey detached dwelling on a part of the site i.e. 930 m², in the south east corner together with a new access road into the site, reaching the public highway via a modified version of the existing vehicular access. This proposal is effectively a replacement dwelling and would be roughly T-shaped in plan form, have a traditional form with facing brick and a plain tile roof. On the block plan this is identified as Plot 7. The eastward visibility from the access which is currently marginal would be significantly altered with part of the Beech hedge being removed around the corner, some garages/sheds removed and a 2.4 x 50 metre visibility splay and 1.8 metre pavement created on the northern edge of the site. The protected trees would be retained. The dwelling would have a private garden of over 300m² and parking for a number of cars in addition to a double garage.

The second application UTT/0446/06/OP proposes the demolition of the existing dwelling and seeks outline permission with all matters reserved except means of access for an additional 6 dwellings and the same alterations to the means as proposed in the full application referred to above. An indicative plan shows five dwellings with a NE/SW orientation arranged in a line set back from the line of TPO trees, with a sixth house with north/south orientation set next to the house subject to the detailed application. These

dwellings would be a mix of sizes – a pair of 2 bed semis (plots 1 & 2), a detached 4/5 bed two storey dwelling (plot 3) a detached 4/5 bed dwelling (plot 4) a 3 bed bungalow (plot 5) and a 3 bed two storey house (plot 6). The dwellings would be accessed by and face an internal estate road constructed to adoptable standards. Plots 1-5 would be located between and from the TPO trees. The dwellings would have a private garden of over 100 m and parking for cars including a garage.

APPLICANT'S CASE: A 15 page statement has been submitted support both applications. This may be viewed at the offices or on the Council's website. The conclusion is reproduced below:

6.0 CONCLUSIONS.

6.01 The proposals provide for an appropriate density, taking into account the characteristics of the area and the existence of preserved trees on the site. The scheme maintains the green aspect the site currently affords to the street scene, with the houses being set well back and the retention of the important trees.

6.02 The access has been negotiated extensively with the Highways Authority, and the improved visibility splay meets with their requirements, and is acceptable in highway safety terms. The 7 dwellings would be served via an adopted internal estate road.

6.03 It has been demonstrated that the development can be carried out in a manner that complies with parking and amenity space standards. Furthermore, there would be no impact on the residential amenity of surrounding dwellings. The house for which full planning permission is sought is of a high architectural standard.

6.04 The proposals are in accordance with policy and your support is sought.

A further letter has been received to address the points made in representations. This is copied in full at the end of this report.

CONSULTATIONS: County Highways: Recommend condition – subsequently addressed by revised plans

BAA/Stansted: Draw applicant's attention to British standard for use of cranes near aerodromes.

Landscaping: To be reported.

PARISH COUNCIL COMMENTS: Birchanger: Lane would likely to be covered in mud and rubble whilst demolition and construction take place. Width of estate road was also an issue, as it was felt that emergency vehicles would not be able to pass. Concerns about the density and overbearing close proximity of the properties also reaffirmed as a major issue.

REPRESENTATIONS: Nine. These letters refer to both schemes. Notification period expired 4 April 2006. Comments included:

1. Our house is the only property adjacent to the proposed site, we respectfully request that you also include a visit to our property so that you will be able to see for yourself exactly how such proposal will impact upon our own home.
2. Whilst the applicant stands to absolutely enjoy a financial windfall if his plans succeed, the value of our property erodes probably by the same ratio. Churton is one of the character houses of Birchanger. The massive project at Rochfords will be producing houses in response to the presumed demand therefore the reasoning that in some way the Churton development is of some civic service is misplaced. The potential for an accident, especially with an increase of vehicles coming in or out of the proposed estate, will be enhanced

unacceptably. The proposed development clearly shows that the acre of ground available has been maximised out of proportion. With an estate so full of vehicles, the access for emergency vehicles to attend the site would be severely hampered and the potential for a serious incident could be created purely because emergency vehicles were unable to attend the scene. The views from our rear elevation over the gardens and house of Churton have provided us with a great deal of enjoyment. If these houses are allowed to be built as planned, so close to our boundary, our value of amenity will be irretrievably eroded. If the proposed high gabled houses are allowed on site, we shall lose natural sunlight in our garden.

3. A Section 106 Agreement, be required to carry out alterations to the double bend in Birchanger Lane both to improve the site lines for traffic using the road and provide a pavement for the safe use of pedestrians.

4. Although the development includes an additional length of footpath and a set back hedge, this will do nothing to improve pedestrian safety. It will simply take those on foot to the point of a blind bend, where they would have to cross since there is no continuing footpath on that side of the road. Although Government policy in PPG3 advocates higher densities, this is clearly intended to apply to urban land. The village is well served by public transport – the bus service is limited, with none on Sundays. County Structure Plan Policy H2 points out that “some small towns and villages may be approaching the acceptable limits of their long-term development having regard to their internal structure, historic character, and local environmental constraints”. We would urge that Birchanger is such a village.

5. Overly large and a discordant feature. No “true affordable” housing”. Noise Pollution of construction. Wear and tear on village roads by construction vehicles. Additional traffic congestion. Road access and general traffic safety. Parking spaces inadequate for number of houses. Plans should be redrawn for fewer number of higher quality standard of housing.

6. Serious risk to road safety in the village on an already dangerous bend. Over development.

COMMENTS ON REPRESENTATIONS: These comments are addressed in the relevant section of the report.

PLANNING CONSIDERATIONS: The main issues are:

- 1) **Principle of development and density (ULP Policy S3 and PPG3);**
- 2) **Design issues including neighbours (ULP Policies GEN2, GEN8 & H10);**
- 3) **Highways issues (ULP Policy GEN1);**
- 4) **Affect on trees (ULP Policy ENV8) and**
- 5) **other material planning considerations.**

1) The sites are located within the development limit outside the greenbelt and meet the definition of previously developed land in PPG3. The existing dwelling although pleasant is not of listable quality and the village has no Conservation Area. Relevant development plan policies are generally supportive of the principle of replacement dwellings and the development of sites within the development limit. Policies do not require proposals for demolition of dwellings to be specifically justified. Consequently there are no planning objections in principle to the redevelopment of this site. The key issue is whether these particular proposals are acceptable. Government policy encourages the more efficient use of sites such as this.

With reference to efficient use of land, the Government suggests that residential development avoids the historically low densities of the past and aim to have residential developments in the range of 30-50 dwellings per hectare. Applying this measure to this site of just under a third of a hectare, arguably a scheme of 11 or more dwellings would be appropriate. The PPG requires local planning authority to make a judgment about site layout in this context, bearing in mind other planning considerations, such as policies for the

protection of open space and playing fields or development in the countryside, how the site relates to the surrounding area, and requirements for on-site open space, buffer strips, landscaped areas, etc. One of the principal features of the site is its row of protected trees, primarily down the eastern side but there are also individual specimens elsewhere on the site. These reduce the developable area. In addition the revised access arrangements (detailed in section 3 below) while superior to the existing access is satisfactory for the number of dwellings proposed although not ideal for more. Both of these factors, plus the requirement to bear the context of the site in mind leads officers to the judge that seven dwellings over the whole site would be appropriate. Both applications are considered to be acceptable on this issue.

2) The application for the single dwelling is a full application. It relates to a traditional design for a two storey four bedroom house. The dwelling has been designed to have a variety of elements, with the main part of the house at just under 9 metres high, clad with weatherboarding; a cross wing at a lower height clad in brick and a rear wing finished with rendered walls, all with clay plain tile roofs; there is an attached garage clad with weatherboarding with a clay pantile roof. Windows are proposed to be constructed from timber. The design of the dwelling is interesting and reduces its bulk. The proposal would not give rise to amenity problems for existing or proposed neighbours.

The application for the other dwellings is made at outline. An indicative layout is shown with the mix of dwelling types and sizes referred to in DESCRIPTION OF PROPOSAL above. This mix meets the requirement in local plan policy H10. The indicative layout shows houses that are designed in a similar idiom – gable spans, massing and materials - to the house shown in the separate application. They have parking at the front within curtilage which meets the Council's standards. The houses would be set away from the trees by between 9 and 14 metres from the trunks of the protected trees. Plot 5 which has been the subject to comment both pre application when the applicant canvassed views of the neighbours and since the application has been submitted is shown to be a bungalow. Other than the site layout plan no details of this dwelling have been provided. However given the design language of the other dwellings on the site it could be expected that the dwelling would have a steep pitched roof, probably clad in plain tiles and given the gable spans shown on the layout plan it is likely that such a bungalow would measure 6-6.5 metres from ground to the main ridge. Along the adjacent site boundary is an established Beech hedge of approximately 3 metres in height. Based on the submitted plans it is likely that the dwelling would readily apparent from the next door property to the south although at the predicted height and without windows above ground floor level a material loss of amenity would not result. Given the 13 metre length of the side elevation of plot 5 it is likely that there would be some ground floor windows although they should be screened by the Beech hedge. Other than the need to avoid any windows in the flank elevation (east) of plot 6 there are no significant design issues raised.

3) The existing access serves a single dwelling and has very poor visibility to the east. The applicant proposes to improve this access from one to two cars wide, to remove a section of Beech hedge and some inconsequential outbuildings (leaving the protected tree) in order to provide a 2.4m by 50m wide visibility splay. A replacement hedge would be planted to the rear of the splay with a pavement provided adjacent to it. This would significantly improve safety for those entering and leaving the site as well as others using this section of Birchanger Lane. County Highways have suggested some minor alterations that have been incorporated into revised plans. The design provides satisfactory access for emergency vehicles including fire engines. Given the current form of layout it would be appropriate to require the laying out of the access prior to other development including the demolition taking place. County Highways have made no comment on the resultant level of traffic or wear and tear of village roads.

4) The proposal leaves sufficient distance between the protected trees and the proposed development to avoid affecting their future.

5) Various issues have been raised in representations other than those referred to above. The provision of affordable housing is subject to local plan policies and this site falls below the threshold for requiring affordable housing (0.5 hectares or 15 units). The development of Rochford nurseries will not meet the demand for new houses in the District such that sites like this are not required. The other issues relating to the motives of the applicant or the affect on property values are not ones for the involvement of the planning authority. Conditions can be attached to control the hours of construction and require submission of information on how the roads will be kept free of tracked out material during construction.

CONCLUSIONS: The proposals are in accordance with policies at national and local level and subject to conditions are considered to be satisfactory.

RECOMMENDATIONS:

1) UTT/0444/06/FUL: APPROVAL WITH CONDITIONS

1. C.2.1. Standard 3 year time limit for commencement.
2. C.3.1. To be carried out in accordance with approved drawings.
3. C.4.1. Submission of landscaping scheme
4. C.4.1. Implementation of landscaping scheme
5. C.4.6. Retention and protection of trees.
6. C.6.4. Removal of permitted development rights to extend the dwelling.
7. C.7.1. Submission of cross sections.
8. C.11.6. retention of garages and parking.
9. No later than the first occupation of the new dwelling, the existing dwelling shall be demolished and all waste materials removed from the site.
REASON: To protect the appearance of the site.
10. The development hereby permitted including the demolition of the existing dwelling shall not occur outside the hours 0800 to 1800 Monday to Friday.
11. The dwelling hereby permitted shall be constructed using the following external materials, unless approved in writing by the local planning authority :
Roofs – clay plain tiles (main roof), pantiles (garage roof)
Walls – brick, timber weatherboarding and render
Windows – timber
REASON: To comply with the details submitted in the application and in the interests of the appearance of the development.
12. No works on the demolition of the existing dwelling or the construction of the new dwelling shall commence until the access has been constructed as shown on the approved drawings up to base coat.
REASON: In the interests of highway safety.
13. No works on the demolition of the existing dwelling or the construction of the new dwelling shall commence until details of the means by which the public highway will be kept clear of material being tracked out from the site.
14. Construction of the dwelling hereby permitted shall not commence until details of measures to reduce the energy and water consumption of the dwelling have been approved in writing by the local planning authority. The dwelling shall be implemented in accordance with the approved scheme.
15. The dwelling shall be designed/constructed to lifetime houses standard.
REASON: To comply with the requirements of policy GEN2 and the adopted Supplementary Planning Document Accessible Houses and Playspace.

2) UTT/0446/06/OP: APPROVAL WITH CONDITIONS

1. C.1.1. Submission of reserved matters.
2. C.1.2. Submission of reserved matters.
3. C.1.3. Time limit for submission of reserved matters.
4. C.1.4. Time limit for the commencement of development.
5. C.3.2. To be implemented in accordance with revised plans.
6. C.4.1. Submission of landscaping scheme.
7. C.4.1. Implementation of landscaping scheme.
8. C.4.6. Retention and protection of trees.
9. C.6.4. Removal of permitted development rights to extend the dwelling.
10. C.7.1. Submission of cross sections.
11. C.11.6. Retention of garages and parking.
12. No later than the first occupation of any of the new dwellings, the existing dwelling shall be demolished and all waste materials removed from the site.
REASON: To protect the appearance of the site.
13. The development hereby permitted including the demolition of the existing dwelling shall not occur outside the hours 0800 to 1800 Monday to Friday.
14. C.5.2. Submission of details of materials.
15. No works on the demolition of the existing dwelling or the construction of the new dwellings shall commence until the access has been constructed as shown on the approved drawings up to base coat.
REASON: In the interests of highway safety.
16. No works on the demolition of the existing dwelling or the construction of the new dwellings shall commence until details of the means by which the public highway will be kept clear of material being tracked out from the site.
17. The dwelling on Plot 5 shall have no accommodation above ground floor level and shall not exceed a height of 6.5 metres.
18. There shall be no windows inserted above ground floor level to the dwelling on Plot 6.
19. Highway requirements (NB to be reported following receipt of revised plans).
20. Construction of the dwellings hereby permitted shall not commence until details of measures to reduce the energy and water consumption of the dwellings have been approved in writing by the local planning authority. The dwellings shall be implemented in accordance with the approved scheme.
21. The dwellings shall be designed/constructed to lifetime houses standard.
REASON: To comply with the requirements of policy GEN2 and the adopted Supplementary Planning Document Accessible Houses and Playspace.

Background papers: see application file.
