

UTT/13/0692/FUL (LITTLE CANFIELD)

PROPOSAL: Erection of 7 dwellings

LOCATION: Land north of 4 Hamilton Road, Little Canfield

APPLICANT: Shire Hall Homes Ltd

AGENT: Andrew Stevenson Associates

EXPIRY DATE: 3 May 2013

CASE OFFICER: Mrs K. Mathieson

1. NOTATION

1.1 Within Takeley/Little Canfield Local Policy 3

2. DESCRIPTION OF SITE

2.1 The site forms an area of land between nos 4 and 6 Hamilton Road, is broadly square in shape and covers an area of approximately 0.17ha. There is a protected tree located to the southwestern corner of the site.

3. PROPOSAL

3.1 This application relates to the erection of 7 dwellings in the form of 1 x 3 bedroom detached dwelling and a terrace of 6 dwellings comprising 2 x 3 bedroom dwellings and 4 x 2 bedroom dwellings.

3.2 The terrace of dwellings would have a maximum ridge height of 8.2m and the detached dwelling would have a ridge height of 8.3m.

4. APPLICANT'S CASE

4.1 A design and access statement has been submitted with the application. This provides details of the site, its planning history, the proposal, details of specific elements of the proposal such as compliance with lifetime homes standards and parking provision and details of relevant planning policies.

5. RELEVANT SITE HISTORY

5.1 UTT/1988/03/OP

5.2 Outline planning permission was granted for the erection of two dwellings on this site in October 2007. This has now expired.

5.3 UTT/1347/12/FUL

5.4 Application for the erection of 7 no. dwellings refused September 2012 for two reasons:

1. The proposed dwellings would be unacceptably close to the existing properties to the east of the site and would result in a materially adverse loss of privacy to and

overlooking of those properties. This would be contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide.

2. The proposed garden areas to the dwellings would be unacceptably small and would fail to provide adequate amenity space for the occupiers of the dwellings contrary to Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Essex Design Guide.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Takeley/Little Canfield Policy 3
Policy H10 – Housing Mix
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN8 – Vehicle Parking Standards
Policy ENV3 – Open Spaces and Trees

SPD – “Accessible Homes and Playspace”

Parking Standards: Design and Good Practice
Uttlesford Local Residential Parking Standards

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 None received.

8. CONSULTATIONS

ECC Highways

- 8.1 No objection subject to the imposition of conditions

Thames Water

- 8.2 No objection with regard to sewerage infrastructure.

Landscape Officer

- 8.3 No objections to the proposed development. Requests conditions relating to a no dig solution within the root protection zone of the protected tree, protective measures during the construction phase for the retention of the tree and an appropriate hedge to the site frontage to screen the parking provision.

9. REPRESENTATIONS

- 9.1 Six letters of representation have been received. Period expired 11 April.

Main points:

- Concerns regarding additional traffic along Hamilton Road and who will be responsible for its maintenance

- The parking provision indicated is not appropriate or adequate and Hamilton Road is not wide enough to accommodate on street parking
- The house to the front of the would result in overshadowing of the bungalow to the north
- Development will result in overlooking of existing properties
- The access narrow and is dangerous for large vehicles
- Concerns about noise levels during construction
- The number of houses is too large for the plot and road

10. APPRAISAL

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

- A The principle of the development of this site
- B Housing Mix
- C Access
- D Design
- E Vehicle Parking Standards
- F Open Spaces and Trees

A The principle of the development of this site

- 10.1 The site is located within the policy area for Priors Green and planning permission has previously been granted for the erection of two dwellings. Therefore, the principle of the development of this site for residential use is acceptable.
- 10.2 As the site is one of the “Island” sites within the Takeley/Little Canfield Policy area, the development of this site is acceptable subject to the applicant entering into a legal obligation for the payment of financial contributions towards highways and education.

B Housing Mix

- 10.3 The proposal relates solely to two and three bedroom properties and therefore complies with the requirement of Policy H10 that any development of three or more dwellings provides for a mix of market housing comprising small properties.

C Access

- 10.4 The Local Highways Authority has been consulted and has no objections subject to the imposition of conditions. The site is within walking distance of the school and other facilities that are available or will become available on Priors Green and there is a bus stop in the vicinity of the site. As such the access to the site is acceptable.

D Design

- 10.5 The design of the dwellings is not representative of the older properties on Hamilton Road however they do reflect the design, appearance and materials of newer properties within Priors Green. The design is therefore acceptable.
- 10.6 The Essex Design Guide sets out standards for distances between new and existing dwellings in order to prevent overlooking and loss of privacy from occurring. It states that when backing on to existing properties there should be a distance of 15m between the rear elevation and the boundary. In addition there should be a distance of 25m between the rear elevations of the existing and proposed dwellings.

- 10.7 The previous application was refused as a result of insufficient distances between the proposed dwellings and those to the rear of the site. However the layout of the current application has been revised to increase those distances and while the terrace would be 11m from the boundary, and therefore still fail to meet the 15m standard, the overall distance to the dwellings to the rear would exceed the 25m standard. In addition, since the previous refusal, an application to the south of this site for two dwellings has been approved with the dwellings slightly closer to the existing dwellings than this would be. In light of this, it is considered that the distances are now acceptable and it would be unreasonable to refuse this application for impact on the dwellings to the rear.
- 10.8 The garden areas within the previous application were also inadequate however these have been revised and comply with the standards set out in the Essex Design Guide or the reduced standard applied by the Council of 75m² for a three-bedroom property.
- 10.9 The submitted plans indicate that the dwellings have been designed to incorporate the Lifetime Homes Standards as set out in SPD – “Accessible Homes and Playspace”.

E Vehicle Parking Standards

- 10.10 The submitted plans indicate parking provision of two parking spaces per dwelling with dimensions to meet the adopted parking standards. In addition two visitor spaces would also be provided. The parking provision therefore complies with the adopted Essex County Council and Uttlesford Parking Standards.

F Open Spaces and Trees

- 10.11 The Council’s Landscape Officer has considered the proposals and subject to the imposition of conditions relating to the protection of the protected tree during construction and other appropriate landscaping of the site frontage, he has no objections to the proposals. The proposed development would not have a detrimental impact on the protected tree on the site.

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The principle of the development of this site is acceptable
- B The proposed mix of houses has been demonstrated to be appropriate
- C Access to the site is acceptable
- D The design of the development would be appropriate for its location
- E Adequate parking provision would be provided within the development
- F The proposals would not have a detrimental impact on the protected tree

RECOMMENDATION –CONDITIONAL APPROVAL WITH S106 LEGAL OBLIGATION

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless before 6 July 2013 of the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

- (i) Payment of contributions towards Education provision
- (ii) Highways Transportation Enhancements

(iii) Pay Councils reasonable costs

(II) In the event of such an agreement being made, the Divisional Head of Planning and Building Control shall be authorised to grant permission subject to the conditions set out below

(III) If the freehold owner shall fail to enter into such an agreement, the Divisional Head of Planning and Building Control shall be authorised to refuse permission for the following reasons:

The required education and transport enhancement contribution has not been forthcoming and as such the proposal would be contrary to Policies Takeley/Little Canfield Local Policy 3 Priors Green and GEN6 of the Uttlesford Local Plan 2005 which required developer contributions for such schemes.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. proposed and existing functional services above and below ground (e.g. drainage power,
- vii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- viii. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. The landscaping details shall include a scheme for a native deciduous hedge along the frontage with Hamilton Road from the southern boundary up to the proposed access to the site and a no dig solution for the area within the root protection zone of the protected tree.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. The plans and particulars submitted in accordance with condition 3 above shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
 - (b) and in relation to every tree identified a schedule listing:
 - i. information as specified in paragraph 4.2.6 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations*);
 - ii. any proposed pruning, felling or other work;
 - (c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.2.2 of BS5837)
 - ii. all appropriate tree protection measures required before and during the course of development (in accordance with Clause 7 of BS5837)
 - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.
 - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from *the date of the occupation of the building for its permitted use*, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
 - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition (3), at such time as may be specified in writing by the local planning authority,.
 - (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
 - (g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

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

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. Prior to occupation of the development the width of the access at its junction with Hamilton Road shall not be less than 5 metres and shall be retained at that width for 6 metres within the site.

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