

## **UTT/13/3206/FUL (SAFFRON WALDEN)**

Referred to Committee by Cllr Perry. Reason: Overdevelopment of site / impact on residential amenity)

**PROPOSAL:** Demolition of existing dwelling and erection of 3 No. dwellings with associated garages with new vehicular access and service road.

**LOCATION:** 44 Landscape View, Saffron Walden.

**APPLICANT:** Carr Lillywhite Ltd.

**AGENT:** The Clarke Smith Partnership.

**EXPIRY DATE:** 21 January 2014.

**CASE OFFICER:** Clive Theobald.

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### **1. NOTATION**

1.1 Within Development Limits.

### **2. DESCRIPTION OF SITE**

2.1 The site comprises a rectangular and relatively flat parcel of land of approximately 0.15 ha. lying between Nos.42 and 46 Landscape View close to the turning with Seven Devils Lane at the southern end of the town and contains a 1930s period two storey dwelling designed in the Art Deco style which stands towards the site's rear boundary. The site has a frontage width of 35 metres containing an established hedge line with central vehicular access point and a depth of 45 metres and has been cleared of all vegetation in recent months. The site is bordered on its northern side by a two storey detached dwelling with long rear garden (No.42 Landscape View), on its southern side by a detached bungalow with high ridge line (No.46 Landscape View) and to the rear by a further two storey detached dwelling set at an angle to the rear boundary (Hazelwood - formerly Cachucha).

### **3. PROPOSAL**

3.1 This detailed proposal relates to the demolition of No.44 Landscape View and the erection of 3 No. two and a half storey 5 bedroomed detached dwellings with associated detached car ports / parking spaces, the creation of a new vehicular access and provision of a service road leading to the rear of the site and represents a revised scheme to withdrawn application UTT/13/2526/FUL.

3.2 The dwellings for Plots 1 and 2 would be positioned at the front of the site having ridge heights of 8.5 metres, whilst the dwelling for Plot 3 would be positioned to the rear of the site at the end of the service road and would have a ridge height similarly of 8.5 metres. The dwellings would be externally clad with tiled roofs with rendered finished walls and boarded detailing, whilst the car ports would have slate roofs with timber supports. Rear garden amenity sizes for the dwellings would be as follows.

Plot 1 = 164sqm, Plot 2 = 150sqm, Plot 3 = 237sqm.

## **4. APPLICANT'S CASE**

4.1 The applicant's accompanying Design and Access Statement describes in detail the nature of the development making reference to the following:

- site context
- level of residential accommodation proposed
- site layout and scale
- detailed design and appearance
- impact upon neighbouring residential amenity.

4.2 The following additional information comprises extracts taken from the statement:

*"This present scheme has evolved after recent planning application UTT/13/2526/FUL was withdrawn due to concerns of the planning officer and local residents regarding potential for overdevelopment, overbearing effect on adjacent properties, design of the dwellings, the overall height of the dwellings and the impact of the development on the streetscene. We must point out that the first planning application was supported by the Parish Council and Essex County Council Highways. The revised scheme has been changed to satisfy the concerns expressed by the planning officer and local residents where the applicant and the agent held a post-planning withdrawal meeting at the Council Offices with the planning officer showing the new scheme. The planning officer agreed that the revisions the applicant was willing to make would be acceptable and would be supported if a new application was submitted to the local planning authority. In response to the foregoing concerns, the revised scheme has dramatically reduced the scale of the three dwellings proposed where the dwellings now have reduced footprints and reduced ridge heights and where they have been moved further away from the site boundaries".*

*"This revised proposal represents a well conceived and attractive scheme within a sustainable location close to facilities and amenities where it can be integrated into the existing pattern of residential development and make a positive contribution to the housing stock of Saffron Walden. It is considered that the proposal fully accords with both local and national policy and provides a sustainable form of development".*

## **5. RELEVANT SITE HISTORY**

5.1 Planning permission refused in 1972 for erection of three dwellings on the site – reason: impact on adjacent residential amenity, insufficient parking and insufficient private amenity space. Planning application withdrawn in November 2013 for the demolition of No.44 Landscape View and the erection of 3 No. two storey 5 bed roomed detached dwellings with associated car ports and parking spaces and the creation of a new vehicular access and service road as officers considered that the proposal would lead to overdevelopment of the site by reason of both the size and siting of the dwellings and a consequential unacceptable overbearing effect on adjacent properties, particularly No.42 Landscape View and Hazelwood situated to the rear, and also the impact that the development would have on the streetscene along Landscape View.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework (NPPF).

### **6.2 Uttlesford District Local Plan 2005**

- ULP Policy S1 - Settlement Boundaries for the Main Urban Areas
- ULP Policy H1 – Housing Development
- ULP Policy GEN1 – Access
- ULP Policy GEN2 – Design
- ULP Policy GEN8 – Vehicle Parking Standards
- ULP Policy H3 – Infilling with new houses
- ULP Policy H7 – Replacement Dwellings
- ULP Policy H10 – Housing Mix
- ULP Policy SW2 – Residential Development within Saffron Walden’s Built Up Area
  
- SPD “Accessible Homes and Play Space”
  
- SPD “Energy Efficiency and Renewable Energy”
  
- ECC Parking Standards (Design and Good Practice) September 2009

### **6.3 Uttlesford District DRAFT Local Plan**

- Policy SP1 – Development within Development Limits
- Policy SP5 – Meeting Housing Need
- Policy SP6 – Housing Strategy
- Policy SP11 – Renewable Energy and Energy Efficiency
- Policy SP15 – Accessible Development
- Policy DES1 – Design
- Policy TA1 – Vehicle Parking Standards

## **7. TOWN COUNCIL COMMENTS**

7.1 No objections.

## **8. CONSULTATIONS**

### **Affinity Water Ltd**

8.1 The proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Debden Road Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

### **Access & Equalities Officer**

8.2 A review of the submitted Design and Access Statement and drawings submitted for these three development plots shows compliance with the SPD on Accessible Homes and Playspace.

## **9. REPRESENTATIONS**

9.1 12 received. Representation period expired 17 December 2013.

Summary of objections:

- Illustrative drawing not to scale / Block plan inaccuracies
- Proposed dwellings are of an unaffordable nature and do not address the need for affordable housing in the area

- Scheme represents overdevelopment of the site
- The scale of the development does not fit in with the existing street scene
- The dwellings are still 3 storeys in height
- The dwellings will project out beyond the existing building line
- Significant impact on neighbouring amenity by reason of overbearing effect, overshadowing, loss of natural light and loss of privacy
- Parking not sufficient in practical terms for each dwelling plot
- Private amenity areas are not large enough for such large dwellings
- Bend in road to the immediate south of the site
- Existing drainage and sewerage system are already under considerable strain
- Design and layout revisions made fail to overcome the previous application objections and is essentially the same scheme but cosmetically changed.

## 10. APPRAISAL

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

- A Principle of development / Design / Housing Mix (ULP Policies S1, GEN2, H1, H3, H7 H10 and SW2)
  - B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)
  - C Impact of proposed development on residential amenity (ULP Policy GEN2)
- A Principle of development / Design / Housing Mix (ULP Policies S1, H1, H3, H7, H10, SW2 and GEN2).**

10.1 The site is located within development limits for the town and the residential re-development of this single dwelling site is therefore acceptable in principle under the provisions of the local plan subject to detailed considerations as discussed below. The current dwelling on the site, whilst of 1930s modernist design and therefore of some architectural note is not a listed building and is not considered to be of sufficient architectural or historic value to be preserved where it currently stands empty and somewhat neglected. No objections are therefore raised to its replacement.

10.2 ULP Policy H3 states that infilling with new houses within development limits will be permitted where this would be compatible with the character of the settlement and where it would promote sustainable development. Additionally, ULP Policy GEN2 states that development shall have regard to guidance on design and layout adopted as supplementary planning guidance and shall amongst other design criteria be compatible with the scale, form, layout and appearance and materials of surrounding buildings.

10.3 Landscape View is characterised by a linear form of older style two storey dwellings of reasonably consistent building styles with long garden plots along both of its sides, whilst Seven Devils Lane situated close to the south is characterised by detached dwellings of more substantial size set within more spacious grounds. The site therefore lies close to the juxtaposition of these two established residential building patterns, albeit that it is noted that the linear form of Landscape View extends past the site to the turning with Seven Devils Lane. The site itself, whilst situated at the southern end of the town, is considered to be within a sustainable position readily accessible to the services and amenities of the town centre as well as more local services.

- 10.4 The submitted proposal represents a revised scheme for three detached dwellings at this site where this represents a net gain of two dwellings taking into account the replacement dwelling to be demolished following the withdrawal of a very similar scheme in November 2013 following concerns expressed by officers as highlighted above. Various design revisions have been made by the applicant to address these concerns where these have involved the setting back and setting in of Plot 2 from the frontage and northern flank boundary, roofscape changes to Plots 1 and 2, deletion of first floor front dormers to Plots 1 and 2 and the remodelling/re-siting of Plot 3 with re-siting of its double car port onto the northern boundary. Additionally, the ground levels for Plots 1 and 2 are now reduced by 250mm to enable these dwellings to sit better within the streetscene and to provide consistent ridge heights with those of adjacent dwellings.
- 10.5 The scheme as revised retaining two frontage dwellings and one dwelling to the rear is now considered acceptable in terms of overall design, layout and appearance following the design changes described where the ridge heights of the dwellings, albeit still at 8.5 metres, have been reduced, whilst the reduction in ground level for Plots 1 and 2 by 250mm as proposed would ensure that the ridgeline of these two frontage dwellings would be consistent with the existing streetscene.
- 10.6 The dwellings would be Lifetime Homes compliant, whilst the private amenity sizes for all three dwellings would comply with and exceed the 100sqm minimum standards recommended by the Essex Design Guide. Allocated bin collection areas for Plots 1 and 2 would be immediate to the road frontage, although it is noted that the bin collection area for Plot 3 would exceed the 25 metre maximum bin collection distance. However, the submitted layout shows that bins for Plot 3 could be placed out adjacent to the rear parking space for Plot 2 if necessary on bin collection day. Whilst the comments received in representation that the dwellings proposed are not of an affordable nature, the applicant has agreed to pay a S106 financial contribution to the Council for affordable housing in this respect.

**B Whether access and parking arrangements would be satisfactory (ULP Policies GEN1 and GEN8)**

- 10.7 Means of access to all three dwellings would be via a centrally positioned access drive leading at right angles off of Landscape View within the approximate position of the existing site entrance. ECC Highways did not object to the previously withdrawn scheme which showed the means of access in the same position as now proposed where the site is situated within restricted speed limits and where visibility out of the site along this section of Landscape View is good in each direction, albeit that the road turns into a bend 50 metres to the south. No objections are therefore raised to the proposal on highway grounds under ULP Policy GEN1.
- 10.8 Parking for all three dwellings would be in the form of both 2 No. car port spaces and 2 No. hardstanding spaces where one of the hardstanding spaces for the frontage dwellings would be located immediate to the front door. The dwellings are shown as being five bedroomed and current parking standards require 3 No. parking spaces per dwelling. It is noted that Plot 3 as presently shown does not include provision for a hardstanding parking space, although the submitted layout shows that provision could be made for a third parking space between the rear of the dwelling and the adjacent two bay car port for this plot. The size of the garages and the hardstandings would meet minimum bay sizes. It is therefore considered that the proposal would comply with current parking standards subject to a revised drawing being submitted by way of condition showing the extra hardstanding space for Plot 3.

10.9 The applicant was advised for the withdrawn scheme that the frontage parking turning radii for Plots 1 and 2 appeared to be tight and this has been discussed with ECC Highways. However, as the proposed access is in the form of a private drive where the site is within a restricted speed limit, the highways engineer has advised the Council that it would be difficult to sustain an objection on this ground alone.

### **C Impact of proposed development on residential amenity (ULP Policy GEN2)**

10.10 The Council has received several representations against the proposal where these state that the scheme would give rise to significant neighbouring amenity issues and where these have essentially repeated the representations for the withdrawn scheme, whilst noting that some improvements have been made by the revisions. The changes made include the footprint adjustment of the dwelling for Plot 2 whereby it has been set further in from the flank wall of No.42 Landscape View (now a 2 metre gap) and where the roof of this dwelling would be hipped and therefore moving away, whilst the dwelling for Plot 3 to the rear has been moved further northwards and now no longer retains a long rear wall incorporating the car port block along the rear boundary with Hazelwood as shown before. No first floor windows are proposed for the northern flank elevation facing onto No.42 Landscape View where loss of privacy would not occur on this side or onto Hazelwood to the west with the exception of a first floor skylight window, whilst no significant amenity harm would occur to the bungalow on the southern side of the site (No.46 Landscape View) where this was not previously identified as an issue. The second floor dormer windows originally proposed for the principle elevation of the frontage dwellings have now been removed to reduce overlooking on this side

10.11 It is considered that the changes which have been made to the design of the three dwellings have now sufficiently reduced amenity harm to the adjacent dwellings whereby any harm which may be caused would now be at acceptable levels and not significant and no amenity objections are therefore raised under ULP Policy GEN2 on this basis.

## **11. CONCLUSION**

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

- A The residential redevelopment of this site is acceptable in principle, whilst the revised design and layout of the proposed development as shown would accord with relevant design policies (ULP Policies S1, GEN2, H1, H3, H7 H10 and SW2).
- B Parking and access arrangements shown for the site would be satisfactory (ULP Policies GEN1 and GEN8).
- C The revisions made to the scheme have now reduced potential amenity harm to neighbouring properties to acceptable levels (ULP Policy GEN2).

## **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 by 19th January 2014 the freehold owner enters into a binding obligation 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 obligation to secure the following:**
  - (i) **Affordable Housing Financial Contribution**

**(ii) Pay the Council's reasonable costs**

**(ii) In the event of such an obligation being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below.**

**(iii) If the freehold owner shall fail to enter into such an agreement by 19 January 2014, the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion at any time thereafter for the following reasons:**

**(i) Lack of affordable housing financial contribution.**

Conditions/reasons

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 commencement of development samples of 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. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

3. Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

a) means of enclosure along all site boundaries

b) hard surfacing, other hard landscape features and materials

c) existing trees, hedges or other soft features to be retained, including the established hedgerow running along the frontage of the site where this forms an attractive feature within the streetscene along Landscape View

d) planting plans, including specifications of species, sizes, planting centres, number and percentage mix

e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

f) details of siting and timing of all construction activities to avoid harm to all nature conservation features

g) location of service runs

h) management and maintenance details

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. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005)..

5. Prior to commencement of development section details of earthworks showing the dropped slab levels for Plots 1 and 2 shall be submitted to and approved in writing by the local planning authority.

REASON: In order to minimise the visual impact of the development on the street scene in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with GEN1 of the Uttlesford Local Plan (adopted 2005).

7. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with GEN1 of the Uttlesford Local Plan (adopted 2005).

8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway



REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

9. The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing, to the satisfaction of the Highway Authority immediately the proposed new access is brought into use.

REASON To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. The first floor southern flank window to the dwelling for Plot 1 and first floor western flank window to the dwelling for Plot 3 shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. The development hereby permitted shall reflect the floor plan drawings which accompanied the application for each dwelling with regard to Lifetime Homes.

REASON: To ensure that the dwellings can be readily used by people with physical disabilities in accordance with national and local planning policies in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order (i.e. any extension, outbuilding or enclosure) shall take place without the prior written permission of the local planning authority.

REASON: To prevent the site becoming overdeveloped in the interests of the residential amenity of the occupiers of adjoining dwellings in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the car ports hereby approved shall be retained for the parking of domestic vehicles in connection with the use of the dwellings hereby permitted and shall not be converted to another use including conversion to habitable accommodation, without the prior approval in writing of the local planning authority.

REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway, and to avoid the requirement for further buildings for this purpose in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

14. Prior to commencement of development, a further drawing shall be submitted to the Council for prior approval showing the provision of a third parking space for Plot 3.

REASON: To ensure that all dwellings for the development hereby permitted comply with current parking standards in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

15. The demolition of the existing dwelling on the site shall be designed to enable the maximum possible on-site recycling of resultant materials.

REASON: In the interests of amenity and sustainability in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

