

3/09/1884/RP - Erection of 40 dwellings and associated details of appearance, landscaping, layout and scale at Land east of Millfields and Lawrence Avenue, Sawbridgeworth for Barratt Homes

Date of Receipt: 04.12.2009

Type: Full – Major

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Lighting details (2E272)
4. Construction hours of working (6N072)
5. Prior to the commencement of the development hereby approved, reclamation of the site shall be carried out in accordance with the documents referenced SAW482/S/SI/001 and MS/001. Any amendments to those approved details shall be submitted and approved in writing by the Local Planning Authority. On completion of the works for reclamation, a validation report shall be submitted to the Local Planning Authority.

Reason: To minimise and prevent pollution of the and water environment and in accordance with policy SD5 of the East Herts Local Plan Second Review April 2007.

6. The development hereby approved shall be carried out in accordance with plan reference 09-015-101, to limit the surface water run-off generate by the 100 year critical storm so that it does not exceed 8.2l/s/ha and not increase the risk of flooding off site.

Reason: To prevent flooding by ensuring satisfactory storage and disposal of surface water from the site, in accordance with policy ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007.

7. Tree retention and protection (4P053)
8. Hedge retention and protection (4P063)
9. Notwithstanding the details shown on the approved drawings, no

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development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure (including any gates walls or fences associated with the development); hard surfacing materials; planting plans; schedules of plants noting species, planting sizes and proposed numbers/densities and a timetable for implementation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

10. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 9. The works shall be carried out prior to the first use of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the Local Planning Authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation
2. Outline permission relationship (07OP1) (insert: 06 November 2008 and 3/07/1699/OP)
3. The badger sett should be monitored for activity and, should it become active again, it will need to be closed, under license from Natural England
4. Street Name and Numbering (19SN4)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, SD2, SD4, HSG2, HSG3, HSG4, HSG6, GBC14, TR2, TR7, TR8, ENV1, ENV2, ENV3, ENV16, ENV18, ENV19, BH1,

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BH2, BH3, BH6 and SA1. The balance of the considerations having regard to those policies and the grant of outline planning permission (reference 3/07/1699/OP) in 2008 is that permission should be granted.

_____ (188409RP.MP)

1.0 Background

- 1.1 This is a rectangular parcel of land sited within what may be considered as the northern part of the town of Sawbridgeworth. The River Stort forming the eastern boundary to the plot which features a steep vegetated bank with associated trees and landscaping. To the west of the site is the residential development of Millfields and Lawrence Avenue. The properties within those streets is of a mixture of ages, although generally older in design and formed mainly of terraced properties there is no distinguishable character to those buildings. To the north of the site is an area of scrubland beyond which lies the allotments. To the south of the site is a boundary treatment of hedgerow and fencing that delineates Reedings Junior School.
- 1.2 The site comprises two fields which are dissected by a hedgerow and shallow ditch. There are two accesses onto the site; the northern access being between 15 and 16 Lawrence Avenue via a 3 metre wide access, and to the south, an access to the south of 5 Millfields.
- 1.3 The site is an allocated housing site under policy SA3 of the East Herts Local Plan Second Review April 2007. Members may recall that outline planning permission was granted for residential development of the site under LPA reference 3/07/1699/OP in November 2008. That permission approved the principle of residential development within the site and the access arrangements. This application therefore seeks the Council's approval of the matters reserved within that permission, namely, appearance, layout, scale and landscaping. It is with regard to those planning considerations that this application has been submitted.
- 1.4 The layout of the site is influenced by the two accesses off Lawrence Avenue and Millfields. However, matters relating to these accesses have been approved at outline stage and are not therefore considered within this application.

2.0 Site History

- 2.1 The site has been the subject of a number of planning applications for residential development, most recently in 1987 (application ref. 3/87/0775/OP). This application sought outline planning permission for 12 detached bungalows. The application was refused and dismissed on

appeal in June 1988. At that time, the site was allocated as Green Belt in the Local Plan.

- 2.2 The adoption of the East Herts Local Plan Second Review April 2007 however saw the site designated as a Housing Site Allocation (relevant specific policy SA3). This designation identified that the site could be used for residential purposes, and policy SA1 set an estimated number of dwellings for the site as 40 (24 open market, 16 affordable). In considering the allocation of this site in the Review of the Local Plan the Inspector concluded that:

“In Chapter 3 I draw out my reasons for supporting the Proportional Catchment Based Distribution (PCBD) approach to housing distribution across the District and accept that Green Belt releases are inevitable in some instances. The need to achieve the District’s housing target in accordance with an accepted distribution method is the sort of exceptional circumstance that justifies limited release of Green Belt land around towns, and would accord with SP Policy 7.

A Flood Risk Assessment (FRA) was prepared in relation to this site. The assessment demonstrates that the site lies outside the modelled 1 in 100 year flood level, taking into account the effect of climate change. The Environment Agency confirmed that the FRA meets the requirements of PPG25 and I am satisfied from the Agency’s response that there is no objection on the grounds of flood risk.

There is little doubt that the appeal site would impact on the river landscape. Development on the land would bring the structure of the town closer to the river corridor. I am also conscious of the likely prominence of new development, because of the site topography. However, given that some release of Green Belt at Sawbridgeworth is inevitable, I am content to accept that the land east of Millfields and Lawrence Avenue is the least damaging option, in terms of the impact that development would have on the wider area of Green Belt and its range of functions.

The steeply sloping west bank of the river, combined with a buffer strip, would assist with maintaining openness and protection of biodiversity along the river frontage. The areas of Green Belt to the north of the site will continue to provide an attractive setting to the town. The route of the river would mark the extent of the Green Belt boundary, preventing further encroachment of development into the countryside, while the extensive areas of open land to the east would continue to provide the necessary buffer against coalescence.

I note the Inspectors' decisions on developments on the site during the 1980s. While not disagreeing with the views expressed, it has to be said that those decisions were based on the circumstances of new development on designated Green Belt land, whereas I am considering a change in the status of the land to enable the Council to achieve its wider and long-term objectives.

Evidence provided on behalf of the Sawbridgeworth Town Council demonstrates adequately that vehicular access to and from the site would be acceptable in relation to the existing highway network. Because of the closeness of the site to a range of local facilities and services, there is every reason to feel encouraged that residents would look to non-car modes in carrying out their day to day shopping and other activities, thereby reducing the pressure on the local highway network.

As with other centrally located residential areas, there is likely to be a high level of commuting to higher order centres, such as Harlow and Bishop's Stortford. But again the site is well placed to take advantage of local bus services. The fact that it is some distance from these higher order centres than some of the omission sites does not imply that it is any less acceptable in sustainability terms. The fundamental objectives of PCBD are to direct developments to existing settlements, but also to maintain the viability of services in settlements and to foster a continued sense of community. That would be achieved more effectively through the allocated site, as it would provide opportunities for new residents to take advantage of existing services within Sawbridgeworth than one that is better placed to access Harlow or Bishop's Stortford

An illustrative layout prepared on behalf of Sawbridgeworth Town Council demonstrates that a scheme comprising 40 dwellings (at a density of some 38 dwellings per hectare) could be accommodated on the site, but without a 20m buffer strip on the river frontage on the site, as required by Policy SA3. In my view, there is scope for increasing the capacity on the site and that a scheme of some 40 units could be achieved, together with a buffer strip to enable an effective river corridor to be maintained. While agreeing with the ecological reasons for maintaining a strip of safeguarding land on the site, I question the usefulness and need for a public area of open space on the riverside frontage. There are sufficient opportunities to enjoy the river and its surroundings on its eastern banks, increased access will only serve to diminish its natural qualities and impact on its wildlife interests.

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On the other hand, while accepting that the illustrative scheme is notional, it would require a much more imaginative layout to achieve a scheme worthy of a site of this quality. Great care and attention must be given to design of the layout, to the quality of the space between the river and built development and to the relationship between river landscape and buildings. These qualities are currently lacking in the thinking behind the illustrative scheme.

I accept that a safeguarding strip is necessary. Provided that Policy SA3 includes the need to provide such a strip, and its nature or function are understood, I see no requirement to be specific about its width; the matter should be left to detailed design. I recommend a change to the wording accordingly.

I see no reason to exempt the site from the provisions of Policies HSG7 and HSG8. It would be up to the applicant to demonstrate why a proportion of up to 40% affordable homes should not be provided on the site. In the interest of consistency, the policy wording should reflect the flexibility.”

- 2.3 Following the allocation of the site as a housing site in the Local Plan, and as mentioned earlier in this report, outline planning permission was granted in 2008 for residential development on the site (reference 3/07/1699/OP).

3.0 Consultation Responses

- 3.1 The Environment Agency comment that the proposed development will only be acceptable if the development is in accordance with drawing No 09-15-101. They advise that the development should limit the surface water run-off in order to prevent flooding by ensuring satisfactory storage of and disposal of surface water from the site.
- 3.2 The Historic Environment Unit comment that the site is located within area of Archaeological significance 306 as identified in the East Herts Local Plan Second Review April 2007 and is in close proximity of a possible prehistoric burial mound (a long barrow of neolithic date) that was leveled during the construction of adjacent housing development in the 1960's. The desk top study submitted with the outline planning application concluded that the site has the potential to contain evidence of activity or settlement of prehistoric

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date, of regional or national significance. The desk top study also concluded that the potential that the remains may be present is further increased by the fact that the site has no history of previous development.

With the above in mind the Historic Environment Unit consider that it is reasonable and necessary to provide properly for the wider archaeological implications of the development which can be controlled effectively by an archaeological monitoring condition.

- 3.4 Environmental Health comment that any permission granted by the Council should include the following conditions, a noise assessment, construction hours of working, dust, bonfires, soil and land decontamination, refuse disposal facilities.
- 3.5 County Highways comment that they do not wish to restrict the grant of permission subject to planning conditions and a financial contribution of £44,125 towards sustainable transport measures.

The Highways Officer comments that the main highway issues at pre application stage related to the width of the carriageway within the site and the level of parking provision. However, the Highways Officer advises that with the constant width of 4.8 metres, the applicant has adequately demonstrated that the development can be serviced and any indiscriminate parking can be accommodated without blocking the passage of vehicles. The submission also clarifies that the road will be private and will not therefore be adopted by the County Council Highways Authority. It is assumed that a management company will be appointed to undertake the maintenance of the highway and street furniture.

- 3.6 Natural England comment that they recommend that the LPA consult with the relevant ecological consultee with regards to the results of the ecological survey. They welcome the proposals to retain the existing proposals to retain existing 'scrubland' as wildlife corridors, although recognise that this is not shown in the proposed landscape plans which, they suggest could be addressed through further discussions. Natural England also comment that the developer should be made aware of the relevant licenses that are required to be retained in respect of the relevant protected species that may be on site.
- 3.7 Herts Biological Records Centre (HBRC) comment that in respect of condition 8 of the outline planning permission (3/07/1699/OP) that the written scheme and mitigation strategy for the translocation of reptiles and a badger survey have been carried out to the relevant standard. HBRC comment that the badger sett should be monitored for activity and if it becomes active again a license will be required from Natural England. The

reptile fencing should be retained in place particularly along the boundary with the allotments, during construction works. The 'Stort Corridor' should be managed appropriately as a wildlife corridor and a reptile habitat.

3.8 Herts and Middlesex Wildlife Trust comment that the Ecological and Landscape Management Plan highlights that a once active badger set on the site which, if active at the time of the development will need to be closed under a license from Natural England. The Trust recommend that a condition is attached to any grant of permission which requires that before any development works on the site, a survey is undertaken to assess whether that badger set is active and, if so, the relevant mitigation steps are submitted and approved by the LPA. The Trust also recommends that a number of other conditions or informatives are attached to the permission to cover the following issues:-

- The erection of bat and bird boxes, to increase the opportunities for wildlife in new developments;
- Green roofs should be considered in the construction of any flat roofs to contribute to any on-site biodiversity;
- Water saving measures;
- Code for sustainable homes;
- Sustainable Urban Drainage Systems.

3.9 English Heritage comment that the application should be determined in accordance with national and local policy guidance and on the basis of specialist conservation advice.

3.10 Thames Water comment that the details provided demonstrate that the site can be adequately drained for planning purposes.

3.11 The Landscape Officer recommends that planning permission be granted. The Officer comments that in general terms the layout is acceptable and is well explained within the Design and Access Statement. Concern is however raised with regards to the visual impact of the development in relation to plots 1-5 Millfields, and comments that a landscape strip to soften the gable end to plot 27 when viewed from Millfields would be desirable.

In terms of hard landscaping the Landscape Officer comments that the details and materials should be aimed to assist new developments assimilate with their surroundings. Concern is raised with the use of concrete blocks, which are considered to be too urban given the rural context of the site. Although the Officer suggests that details of this and other matters such as fencing could be addressed via a planning condition.

With regards to the soft landscaping design proposals the Officer comments that the design is elaborate and appears to offer too much ornamentation which undermines the strength of the design by creating restless and spotty appearance. The Officer further comments that the random mixture of plants lacks positive impact because it is without structure or overall theme. The Officer recommends a reduced palette of plants with plants in keeping with a rural/riverside development site.

4.0 Town Council Representations

4.1 Sawbridgeworth Town Council have declared a personal interest in the proposed development and therefore make no comment

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 9 letters of representation have been received which can be summarised as follows:-

- Insufficient access onto site;
- Concern with access/parking space for construction workers vehicles;
- Security problems to adjoining allotment;
- Insufficient parking provision;
- Impact on neighbour amenity;
- Impact on existing landscape features within and adjoining the site;
- Impact on nearby school;
- Impact on local wildlife;
- Loss of outlook;
- Development on a flood plain;
- Within the outline permission granted by the Council within LPA reference 3/07/1699/OP, conditions were attached which related to the presence of protected species. Such conditions acknowledge the presence of protected species but fail to take into account the provisions of the Habitats Directive as implemented by the Conservation (Natural Habitats) Regulations 1994. Case Law is referred to which states that the use of conditions where there is an identified protected species is not an appropriate way to deal with the presence of protected species;
- An FRA was not submitted and approved as part of the outline planning application, as is required in PPS25. The use of a condition in relation to the submission of an FRA is also inappropriate;

- Insufficient information is submitted to demonstrate how the 15% Lifetime Homes standard will be met.
- The development does not relate well to the massing and height of the existing buildings within the locality and the townscape;
- Impact on the loss of open space;
- Overdevelopment of the site;
- An Environmental Impact Study has not been submitted;
- Insufficient information in relation to the provision for disabled people;
- Contrary to policies SA1 and SA3.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

- SD1 Making Development More Sustainable
- SD2 Settlement Hierarchy
- SD4 Sustainable Development and Nature Conservation
- HSG2 Phased Release of Housing Land
- HSG3 Affordable Housing
- HSG4 Affordable Housing Criteria
- HSG6 Lifetime Homes
- GBC14 Landscape Character
- TR2 Access to New Developments
- TR7 Car Parking – Standards
- TR8 Car Parking – Accessibility Contributions
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV3 Planning Out Crime – New Development
- ENV16 Protected Species
- ENV18 Water Environment
- ENV19 Development in Areas Liable to Flood
- BH1 Archaeology & New Development
- BH2 Archaeological Evaluations and Assessments
- BH3 Archaeological Conditions and Agreements
- BH6 New Developments in Conservation Areas
- SA1 Housing Allocations - Sawbridgeworth

7.0 Considerations

7.1 As outlined above, outline planning permission has been granted for the residential development of the site with matters relating to appearance, landscaping, layout and scale reserved. This application must therefore

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focus on those four planning issues. The principle of development combined with access arrangements have been approved at outline stage.

7.2 The proposed development consists of the following:-

- Affordable housing: which is sited to the north of the site consisting of:
 - 2 x 1 bed apartment;
 - 7 x 2 bed houses;
 - 7 x 3 bed houses.

- Private housing consisting of:
 - 16 x 3 bed houses;
 - 6 x 4 bed houses.

Density and Layout

7.3 The proposed development consisting of 40 dwellings on a site area of some 1.1 Ha represents a density of 36 dwellings per Ha. Such a density is in line with the requirements of Policy SA1, which requires the provision of 40 dwellings on the site. In this respect the proposed density is considered to be acceptable.

7.4 Turning then to the compatibility of the development with the surrounding area, it is noted that residential development within Sawbridgeworth is of varying densities and styles. The applicant has demonstrated within the Design and Access Statement that there is an eclectic mix of buildings within the area of Sawbridgeworth of varying forms and layout. The immediate locality of the site however, appears to be characterised generally by late 1960's buildings which are either terraced or semi-detached following a typical 'linear' type layout with a relatively low density and therefore well spaced development, an appearance which is compounded by the generously sized garden spaces. The proposed development is considered to be a departure in some respects to that existing grain of development, however, the appearance of the existing dwellings are characteristic of their time of construction, and having regard to Government guidance on new residential development, it is not considered to be appropriate to replicate it again. Therefore, whilst the grain of development proposed may be different to that of the surrounding area, it is considered that there is no specific character, pattern or layout that the proposed development should respect, and as such the development would not result in unacceptable harm to the character of the local area.

7.5 In considering the layout of the site it is pertinent to note the comments from the Inspector within the review of this parcel of land at the Local Plan Inquiry. The comments made by the Inspector were based on the original

submission as part of the Local Plan Process but are nevertheless an important consideration for Members within the proposals as they now stand. The Inspector noted:

“...Great care and attention must be given to design of the layout, to the quality of the space between the river and built development and to the relationship between river landscape and buildings.”

- 7.6 The comments from the Inspector are, in some respects, reiterated within Policy SA2 which requires that the layout of the new development should include open space along the River Stort frontage to ensure that the river landscape and its biodiversity interests are protected. What is therefore important to consider within this application is whether the proposed layout reflects a good quality relationship between the river frontage and the built form.
- 7.7 The proposed development in many respects makes the most of the river frontage with a significant proportion, 21 of the 40 proposed dwellings, fronting onto the river. The principle rooms of those dwellings benefit from an attractive outlook to the east overlooking the river buffer strip and the river. It is noted that a road dissects the built form and the buffer strip which, although not offering a particularly harmonious relationship with the green landscaping space, does allow for an attractive active frontage, which is also advantageous in terms of crime prevention, providing natural surveillance over the street, combined with allowing the green corridor adjacent to the river to remain protected from development, as required in Policy SA3.
- 7.8 The buildings along that frontage would appear to be well spaced with access roads and small dedicated amenity spaces creating areas of relief within the grain of the development. The garden space of those dwellings generally appears to reflect the size of the property it serves. In this respect this element of the proposed development is not considered to represent a cramped or congested layout.
- 7.9 The above properties fronting the river represent the most significant and striking element of the development, in Officer opinion. That frontage is accessed via the two access points from Millfields and Lawrence Avenue. Off Lawrence Avenue there is a row of terraces which continues the existing row of terraces along the access namely, 13a – 15 Lawrence Avenue. The siting and layout of those dwellings appears to assimilate well and connect successfully with the existing pattern of development at this location.

- 7.10 Similar to this relationship are the dwellings that are proposed off the access from Millfields. The proposed plots flank the access road and are at right angles with the existing rear garden space of numbers 1-5 Millfields and Garden Cottage. The flank elevations of the proposed dwellings are sited at an appropriate distance from the existing dwellings as to respect the outlook from the rear of those properties and their amenity, whilst providing an active frontage to the road which also creates natural surveillance to the road. The layout of the proposed dwellings at this location reflects the existing terraced layout of properties within the immediate locality which, combined with the proposed dwellings proximity to the road, will complement and connect well with the existing layout of dwellings within Millfields.
- 7.11 Within the central part of the site there are two properties set further into the site, behind the properties to the river frontage. Together with those properties are garages and parking. The two dwellings are semi detached and appear well spaced to the boundary with the flats known as April Place. The parking space to the rear is an inevitable compromise between reducing the parking space on the river frontage to plots 17 – 20, and the associated disruption to the rhythm and flow of the street scene, whilst maintaining adequate parking provision. However, the parking space is generous and does not appear to interrupt significantly with the pattern of development proposed. This element also benefits from the natural surveillance from the pair of semi detached properties, (plots 16 and 15) in terms of crime prevention.
- 7.12 It is noted that the affordable housing provision is consolidated within the northern half of the development site, namely plots 1 – 16. The Council's Affordable Housing and Lifetime Homes Supplementary Planning Document states that to achieve mixed, inclusive and sustainable communities affordable housing should on all sites be distributed across the site rather than provided in one single parcel. It is however recognised that this element connects with the existing social housing to the north of the site and has been requested to be sited in this position by the RSL, in order to ensure deliverability of the affordable units. In this respect, whilst Officers can see the benefits of distributing affordable units across the site in terms of providing a sustainable community, this must be balanced against the deliverability of those units and the connectivity with existing similar units within the immediate locality. In this respect, the grouping of affordable units in this way is acceptable.

Scale and Appearance

- 7.13 Plan reference 0906/P/18 D shows a section of the properties which front the river. The proposed design represents a mixture of building forms, predominantly terraced, albeit with a variation of elevational articulation with differing materials of construction, subordinate appendages and variation in the roof ridge profile, all of which add to the high quality design of the development, in relation to the river frontage. The buildings fronting the river are, it is noted, of a significant height which, to a degree, is compounded by the significant roof slopes. Those roof slopes do include second floor living accommodation, mainly consisting of bedroom accommodation. Whilst such a design approach does make an efficient use of the roof space, it does, to some degree result in a slightly 'top heavy' building. However, when balanced against the efficient use of the land, the materials of construction and the overall scale, form and design of the buildings is considered to be acceptable.
- 7.14 The other dwellings set within the access roads and other pockets within the development site follow a very similar trend of materials as those outlined above. Having regard to that consideration, those elements of the development are equally considered to be of a scale, form and design and pallet of materials which would be representative of those found surrounding the application site, and of the local vernacular.
- 7.15 Overall, it is considered therefore that the proposed development would relate well to the massing and height of nearby residential buildings and the surrounding townscape, and would reflect local distinctiveness. In this way, the appearance of the development would appear to assimilate well with the general setting of the adjacent Conservation Area. The proposal would therefore accord with policy ENV1 of the Local Plan.

Parking provision

- 7.16 The parking provision proposed includes a mixture of parking spaces and garages located either directly on each plot or in the immediate vicinity of the plot. The Council's maximum standard in the SPD requires the provision of 88.75 spaces for a development of this scale. The development proposes 66 spaces overall which equates to an average of 1.65 spaces per dwelling. The applicant comments within the Design and Access Statement that the quantum of parking is believed to be appropriate for a site of this nature and location. Members should consider that the Councils policies are based on the maximum level of provision and the advice in PPG13, which states that developers should not be required to provide

more parking than they themselves wish, other than in exceptional circumstances, for example where there are significant implications for road safety. No objections from the Highways Officer are made in respect of the level of parking provision and potential impact on highway safety. Accordingly, the level of parking provision is considered to be acceptable, in this case.

Neighbour Amenity

- 7.17 The existing properties that back onto or flank the development will inevitably be impacted to some degree by the proposed development. However, the site is an allocated housing site where it is inevitable that some form of development on the site will take place and which will affect the amenity of neighbouring properties. Nevertheless, within the considerations of this proposal, the main neighbour amenity issues relate to the relationship of existing dwellings with the layout and siting of the properties proposed within the development.

1-5 Millfields and Garden Lodge

- 7.18 These properties benefit from a modest garden space of approximately 14 metres projection into the rear garden. The rear of those gardens back onto the flank elevation of the proposed dwellings and their associated amenity space. In my opinion, having regard to the distance between the existing rear elevations of those dwellings and the siting of the proposed dwellings, there will not be a significantly detrimental impact on neighbour amenity that would warrant the refusal of the application. It is noted that Garden Cottage and 5 Millfields flank elevation faces onto the access road, however the impacts in relation to neighbour amenity as a result of that access road was considered to be acceptable within the previous approval of outline planning permission (LPA reference 3/07/1699/OP). The comments from the Landscape Officer and third party representatives in respect of the impact on the outlook of those properties are noted. However, having regard to the distance between the flank elevation of plot 27 and the rear of the properties in Millfields (approximately 15 metres) and the change in land levels together with the size, scale and form of that proposed dwelling, and the existing landscape features, the degree of impact is not considered to be to such an extent as to warrant the refusal of the planning application. Whilst the proposed development will impact upon the open views across the site that local residents currently benefit from, it should be remembered that the site is an allocated housing site within the Local Plan and the principle of erecting housing on the site and changing the outlook that the residents currently benefit from has therefore already been established.

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3-13 April Place

- 7.19 The flats back onto the development at a point where there is garden amenity space serving the proposed properties, (plots 15 and 16), and a rear parking space. There is therefore a space to the rear of those properties which will retain a degree of open outlook to those properties. Furthermore, taking into account the distance between the boundary of the rear elevation of those properties within April Place and the built form of the development, Officers do not consider that there will be a significant impact on neighbour amenity that would warrant the refusal of the application.

Westview, Homeside and Riverside

- 7.20 These dwellings benefit from generous garden spaces which are set some 40 metres or so from the boundary. Taking into account that distance, I do not consider that there will be a significantly detrimental impact on the amenity of those properties.

Reedings Junior School

- 7.21 There has been a degree of concern raised by a neighbouring property with regards to the impact of the construction works on the nearby school, in terms of general disruption and noise. Development works inevitably result in a degree of impact on all nearby developments and uses and it is therefore not a factor to which significant weight can be attached. In any event, Officers are of the opinion that, taking into account the distance between the development site and the school, there will not be a significantly detrimental impact on the amenity of the school, once the development is completed.

13a – 16 Lawrence Avenue

- 7.22 The main consideration with regards to the impact on these properties relates to the additional impact that the increase in traffic movements will have on the amenity of these properties, however, that relationship was considered to be acceptable within the approval of outline planning permission (reference 3/07/1699/OP).
- 7.23 In terms of the relationship between plot 1 and 13a Lawrence Avenue, although plot 1 is set slightly further back than the existing rear elevation of No 13a, there is an appropriate distance between the properties which will not result in a significantly detrimental impact on the amenity of that property.

Landscaping

- 7.24 Policy ENV2 of the Local Plan states that development proposals will be expected to retain and enhance existing landscape features. It goes on to state however that where losses are unavoidable, compensatory planting or habitat creation will be sought within or outside the development site.
- 7.25 An arboricultural report has been submitted with the application which outlines that few trees are to be removed from the site in order to implement the development. Those that are proposed to be removed are generally considered within the report to be of a lower quality, and no objections are raised to the removal of those trees by the Landscape Officer. The Arboricultural Statement suggests that the Root Protection Area (RPA) of one tree will be slightly encroached (<4%), although this tree is adjacent to the access road and there is not therefore considered to be any significant impact on this tree which would warrant any special construction methods. Having regard therefore to the submissions within the Arboricultural Report and the comments from the Landscape Officer, there will not, in Officers opinion be a significant impact on existing trees within the site that would warrant the refusal of the application.
- 7.26 In terms of the hard landscape plan submitted as part of the submission, the Landscape Officer has outlined some degree of concern with the use of concrete blocks for the access roads around the site and the lack of 'edge detailing', juxtaposed with the buffer strip adjacent to the river. It is considered that the use of concrete blocks in a site such as this will appear too 'urban' and not assimilate well with the rural appearance of the surrounding locality. Furthermore, it is also not precisely clear what the means of enclosure (fences, walls, etc) are for the whole development. The Landscape Plan lacks detail in respect of this whilst another related site layout drawing (0906/P/02 E), which shows means of enclosure lacks sufficient detail to make a full assessment of the acceptability of the proposals. Some of these detailed matters relating to hard landscaping require clarification whilst, in other situations it is considered that the materials of construction should be reconsidered and the context of the surroundings be taken into account. Such matters can, in this respect, be agreed through a planning condition which, for the reasons outlined above is considered to be necessary.
- 7.27 With regards to soft landscaping and planting proposals, the Landscape Officer essentially outlines that the proposal is too elaborate and that a reduced pallet of species more in keeping with the rural aspect and setting of the site is preferred. As with the hard landscaping proposals, these can be agreed through a condition also.

Other matters

- 7.28 Concern has been raised by a third party representative, in relation to two areas of the grant of the outline planning permission: Habitats Directive and flood risk. Whilst these matters relate to the outline permission and should not be determining factors in relation to the consideration of this current application, it was felt that it may be helpful to clarify matters.

Habitat Directive

- 7.29 The representation makes reference to a recent judicial review judgement, *Wooley V Cheshire East Borough Council and Millenium Estate Ltd (2009)* and alleges that the Council has failed to discharge its legal obligations under the Habitats Directive by failing to apply three derogation tests which have to be applied by Natural England in deciding whether or not to grant a license to a persons carrying out an activity that would cause harm to a European Protected Species.
- 7.30 It should be noted that this recent judgement post dates the grant of outline permission (granted in November 2008), but it is also clear within the Committee report relating to that outline permission, that the impact on protected species was nevertheless fully considered.
- 7.31 That report recognises that the site is allocated as a Housing Site in the Local Plan as no brownfield land has emerged within the built up area of Sawbridgeworth which could provide for the required housing numbers for Sawbridgeworth. Therefore, this site was viewed as the least damaging option, and if not developed would result in a shortfall in the required number of dwellings to be provided for Sawbridgeworth. Having regard to the housing allocation (policies SA1 and SA3) and the need for additional dwellings within the settlement of Sawbridgeworth, it was considered that the need for development on this site should override the nature conservation issues identified. Notwithstanding this allocation, the outline application was accompanied by an Ecological Assessment and a Wildlife Survey, and it was found that the site did not contain any protected or uncommon plant species, and no objection was received from any statutory ecological consultees on the application. Policy ENV16 of the Local Plan was referred to in the decision on the outline application and the wording of policy ENV16 clearly makes reference to the Nature Conservation Regulations 1994. Officers were of the opinion that adequate mitigation measures could be put in place, which were recommended in consultation responses from the Councils ecological Consultees, to mitigate against the impact of the development on nature conservation. Members concurred with such a position and outline planning permission was granted with conditions relating to mitigation measures for protected species.

7.32 Having regard therefore to those considerations, Officers are satisfied that the correct process has been applied and that the Council is not in breach of its legal obligations in respect of the Habitats Directive.

Flood Risk

7.33 A view has also been expressed that under PPS25 Development and Flood Risk, that the Council is similarly in breach in that it did not obtain a fully compliant Flood Risk Assessment prior to granting outline consent. In relation to the outline application, the Environment Agency initially commented that insufficient information had been provided to demonstrate that the risk of pollution to controlled waters is acceptable. Following the submission of additional information, however, the Environment Agency commented that they had no objection in principle to the development. It should be noted that the allocation of this site for housing has been through the vigorous Local Plan process, and if the Inspector had felt that such a development was not appropriate for this site for whatever reason, the Inspector would not have allocated it in the Local Plan.

7.34 The Environment Agency have again been consulted on this application, and have raised no objections. Furthermore, it should also be noted that until the condition on the outline permission requiring the submission of a revised FRA has been discharged the development cannot commence. This condition will not be discharged until the Environment Agency have confirmed that they are satisfied with the revised FRA. Having regard to those considerations, Officers are satisfied that proper consideration has been given to the impact of the development on flood risk and the water environment.

Conditions

7.35 As this application is a reserved matters application, the Council must ensure that conditions are not unnecessarily replicated from the previous outline planning permission. With this in mind and, having regard to the advice in Circular 11/95, the conditions recommended at the commencement of this report are considered to be necessary for the reasons explained below.

7.36 The proposed plans indicate a pallet of materials which would appear to be appropriate to the context of the site and its surroundings. However, to ensure that materials of construction are of a high quality, the recommended samples of materials condition is considered to be necessary.

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- 7.37 The Design and Access Statement outlines proposals for external lighting, particularly within the grouped parking spaces. However, the proposed plans do not show any details of this. Taking into account the requirements of policies ENV1 and ENV3, a condition requiring additional information in respect of this is considered to be necessary.
- 7.38 A number of conditions are recommended by the Environmental Health Officer, some of which are conditioned within the previous outline planning permission and are not therefore considered to be necessary. The Environmental Health Officer also recommends that the details as shown in the documents submitted as part of this application, namely the contaminated land surveys, are carried out and, should any amendments be made, that these are agreed in writing with the LPA. Having regard therefore to those comments and, in the interests of human health and the requirements of policy ENV20 of the Local Plan, the recommended condition relating to this issue is considered to be necessary. The Environmental Health Officer also recommends a condition relating to a noise survey. This is a matter which Officers consider should have been raised at outline planning permission stage. Furthermore, the development site is not considered to be in close proximity to any noise generating sources and the recommended condition is therefore not considered to be necessary.
- 7.39 In the interests of protecting against future flooding and, having regard to the advice from the Environment Agency, it is considered necessary to require that the details relating to surface water flooding are implemented via the recommended condition.
- 7.40 In terms of arboricultural conditions there is currently no level of protection in planning terms for the existing trees, they are not protected by a Tree Preservation Order and they are not sited within the Conservation Area. Many of the trees are proposed to be retained and are an important characteristic of the site and its relationship with rural landscapes. In this respect, Officers consider that it is necessary to protect these trees and hedgerows via a planning condition. The planning justification for adding hard and soft landscape proposals as a condition is discussed above.
- 7.41 The comments from the Councils ecological consultees, namely, Natural England, HRBC and Herts and Middlesex Wildlife Trust are noted. However, conditions relating to the issues raised in those consultation responses are not considered to be necessary as they are covered within the previous outline permission.

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7.42 It is noted that County Highways recommend the provision for financial contributions. Those contributions have however been agreed through an agreed S106 and are not therefore necessary.

8.0 Conclusion

8.1 Having regard to the above considerations it is considered that the reserved matters from the previous application under reference 3/07/1699/OP are acceptable. It is therefore considered that, subject to the conditions recommended at the commencement of this report, that planning permission be approved.