

**3/09/2046/FP - Erection of 2no. semi detached houses with associated parking, landscaping, fencing and access at 122 Cambridge Road, Sawbridgeworth, CM21 9BU for Lasor Motor Co.**

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**Date of Receipt:** 04.01.2010

**Type:** Full – Minor

**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 (2E12)
3. Construction hours of working (6N07)
4. Landscape Design Proposals (4P12)
5. Landscape works implementation (4P13)
6. Contaminated land survey and remediation (2E332)
7. Before first occupation of the approved development, all access and junction/parking arrangements serving the development shall be completed in accordance with drawing number BRD/08/055/03 Rev A, unless otherwise agreed in writing by the Local Planning Authority.

**Reason :** In order to secure the provision of a suitable access and parking arrangement in the interests of highway safety and convenience.

8. Approved accesses only (3V044)
9. Construction parking and storage (3V221)
10. Withdrawal of P.D. (Part 1 Class E) (2E223) – amend reason:-

**Reason:** To ensure that the Local Planning Authority retains control over future development in the interests of securing appropriate levels of amenity space in respect of Plot 2 and in order to protect the openness and visual quality of the Green Belt in respect of Plot 1 in accordance with policies GBC1, ENV1 and ENV9 of the East Herts Local Plan Second Review April 2007.

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#### 11. Withdrawal of P.D. (Part 1 Class A)

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995, the enlargement, improvement or other alteration of the dwellinghouse on Plot 1, as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in order to protect the openness and visual quality of the Green Belt in accordance with policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007.

#### Directives

1. The applicant is advised that that work undertaken on the highway must be constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.
2. Street Naming and Numbering (19SN4)
3. The applicant is advised to ensure that no part of the public right of way adjacent to the site, or the entrance to the public right of way from Cambridge Road or Bullfields, is obstructed at any stage of the development.
4. With regards to relocating the cycle symbol marking on the adjacent footway the applicant should contact Hertfordshire Highways on 01438 757880.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular SD1, SD2, GBC1, EDE2, ENV1, ENV2, ENV24, HSG1, TR2, TR7, BH12. The balance of the considerations having regard to those policies and the amendments made to the

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proposed development following the withdrawn application reference 3/09/1302/FP is that permission should be granted.

\_\_\_\_\_ (204609FP.NB)

### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located adjacent to the A1184 (Cambridge Road), on the northern edge of the settlement of Sawbridgeworth. The existing site is largely covered with tarmac with a partly gravelled area of hard surfacing.
- 1.3 The site was formerly used for the storage of vehicles ancillary to the previous use of the site to the immediate south as a car sales business. The car sales site and the associated buildings are currently vacant.
- 1.4 The surrounding area comprises of a wooded area to the north, a residential area to the east, the vacant car garage to the south with further residential beyond this and a school and Public House to the opposite side of the highway to the west.
- 1.5 A section of the site, the northern most part of the site (some 6-7metres deep) is located within the Green Belt. This would equate to an estimated area of 130sqm. This area of land is within the graveled area of the site that is enclosed within the former car storage area by a 1.8metre timber fence.
- 1.6 The application proposes the erection of 2 semi-detached, 3 bedroom, dwellings on the site. The dwellings would have a new access off of the A1184 with a hard surfaced area allowing for parking for 4 cars. 1.8metre high close boarded fencing is proposed to the northern, southern, eastern boundaries of the site and part of the western boundary of the site, with 1.3metre picket fencing along the remaining front boundary of the site. The dwellings themselves would face west and would front onto the highway. The dwellings would be 2 storeys in height, with 2 storey front and rear projections, canopy porches and a central chimney stack.
- 1.7 The part of the site that is designated within the Green Belt is proposed to form an area of grass within the garden area of one of the proposed dwellings, with hedging and trees located along the boundaries. A small section of hard surfacing for the parking area and to the side of plot 1 is proposed within the land designated as Green Belt. The total area of this hard surfacing would be approximately 5sqm.

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1.8 The adjacent car garage site is currently being marketed without the benefit of the application site for the additional storage of vehicles. Since the original submission of the application, Officers have requested further information in order to assess the importance of the application site to the re-use of the adjacent site for employment purposes. A plan to demonstrate the ability to park 23 cars on the forecourt of the car garage has been submitted. In addition, the marketing agent for this adjacent site has confirmed that there has been considerable interest in the site, approximately 56 enquiries since August 2009 which have been for car sales and other uses, however, no offers have been made as yet. The main reasons given from the businesses that have shown an interest but chose not to make an offer for the site is the poor condition of the existing buildings at the site, the site is not registered for MOT services and the sale price.

### **2.0 Site History**

2.1 In 1988 planning permission was granted under lpa reference 3/88/1305/FR for the retention of the use of land for the storage of cars.

2.2 Outline planning permission was granted for residential development at the site in 1991 under lpa reference 3/91/1866/DC.

2.3 In 1994 planning permission was granted for an open mesh fence at the site under lpa reference 3/94/1079/FP.

2.4 Following the commencement of Enforcement Action an application submitted for planning permission was refused in 2005, under lpa reference 3/02/2052/FP for the extension of the car storage area into an area approximately 17 metres north of the existing site into the Green Belt. This unauthorised use then seized by June 2006.

2.5 A planning application was made in September 2009 for 2 dwellings under lpa reference 3/09/1302/FP. This was withdrawn in November 2009 following concerns raised by Officer in relation to the design and siting of the proposed dwellings and the lack of evidence to support the loss of land last used ancillary to an employment use.

### **3.0 Consultation Responses**

3.1 County Highways do not wish to restrict the grant of permission and have commented that whilst new access onto main distributor 'A' roads is not normally permitted, the new access arrangement is an improvement to the existing which fronts onto the footway/cycleway. The proposed access is now relocated further away from the Right of Way path and visibility onto

Cambridge Road is improved to the north. There are doubts that if all the parking spaces were occupied on-site delivery vans would not be able to manoeuvre and exit in forward gear as stated within the Design and Access Statement. However, they comment that on balance a refusal would not be justified in this case, given residential properties directly to the south of the site have similar parking arrangements. Compared to the previous commercial use vehicle movements are reduced, therefore the Highway Authority would have no grounds to oppose the development. A condition recommended by County Highways requests details of hard surfacing to be submitted and approved by the LPA. Drawing number BRD/08/055/03B specifies that shingle rolled in a tar surface is proposed for the hard surfacing at the site. County Highways have confirmed verbally that they have no objection to the use of shingle rolled in tar at this site.

- 3.2 Environmental Health has recommended conditions that relate to noise, air quality, contaminated land and refuse.
- 3.3 The Council's Landscape Officer has recommended consent subject to a condition to require further landscape design proposals to be submitted and agreed due to some concerns in relation to the choice of planting shown on the submitted site and landscaping plan.

#### **4.0 Town Council Representations**

- 4.1 Sawbridgeworth Town Council objects to the application and comments that the site lies partly within the Metropolitan Green Belt where permission will not be given except in very special circumstances. Referring to Policy GBC1 of the Local Plan the Town Council considers that no such special circumstances are apparent.

#### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 1 letter of representation have been received which objects to the proposal for the following reasons:-
- Hazardous and unsafe access;
  - Trees were felled to expand the garage parking area into the Green Belt;
  - Building on the site will make selling the garage extremely difficult as valuable parking space will be lost.

## **6.0 Policy**

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

GBC1 Appropriate Development in the Green Belt  
SD1 Making Development More Sustainable  
SD2 Settlement Hierarchy  
TR2 Access to New Developments  
TR7 Car Parking Standards  
EDE2 Loss of Employment Sites  
ENV1 Design & Environmental Quality  
ENV2 Landscaping  
ENV24 Noise Generating Development  
HSG1 Assessment of unallocated sites  
BH12 Development Affecting the Setting of a Listed Building

In addition to the above it is considered that Planning Policy Guidance 2: Green Belts is a consideration within this application.

## **7.0 Considerations**

7.1 The majority of the application site is located within the built up area of Sawbridgeworth where, in accordance with Policy SD1, there is no objection in principle to residential development. However, a section of the site is located within the Green Belt. The considerations for this application are whether there are very special circumstances to justify the use of Green Belt land within the application site for residential development and whether the proposed development that would occur outside of the Green Belt complies with the relevant Local Plan Policies.

### **Green Belt**

7.2 Both PPG2 and Local Plan Policy GBC1 outline specific types of development that are appropriate within the Green Belt, which includes agricultural related developments and essential facilities for outdoor sports and recreation. The development that is proposed within the Green Belt in this case would involve the change of use of a hard surfaced area previously used for storing cars into a soft landscaped residential garden with a small area of hard surfacing. The proposed development would not fall within the appropriate forms of development identified by PPG2 and Policy GBC1. PPG2 states that it must be demonstrated that the harm that inappropriate development would cause to the Green Belt would be clearly outweighed by other considerations.

- 7.3 The area of land that is within the Green Belt is within the graveled area of the site that is enclosed within the former car storage area by a 1.8metre timber fence. Despite being designated within the Green Belt there is a clear distinction between this area of the Green Belt within the site boundary and the Green Belt land outside of the site. In terms of openness the existing site is separated from the surrounding Green Belt by close boarded fencing and unlike the adjacent land within the Green Belt is devoid of landscaping and trees and is surfaced with gravel. Visually, this part of the Green Belt relates more to the hard surfaced land within the remainder of the site, which is within the built up area of Sawbridgeworth, than the wooded area outside of this, which is within the Green Belt.
- 7.4 The majority of the part of the site that is designated as Green Belt is proposed to be soft landscaped and would form the rear and side garden of Plot 1. In terms of openness this Green Belt land would be surfaced in a more appropriate manner than the existing site which would significantly improve the appearance of this part of the site. The proposed use of this Green Belt land as part of a residential garden would not detract from the openness of the Green Belt and the benefits that the development would bring by replacing a hard surfaced area with soft landscaping would clearly outweigh the harm caused by the minor incursion into the Green Belt.
- 7.5 Officers recommend that should planning permission be granted conditions be imposed to remove permitted development rights for outbuildings and extensions to Plot 1 which would ensure that without the prior permission of the Local Planning Authority the area of garden that is within the Green Belt remains undeveloped and open. A condition restricting outbuildings on Plot 2 is also considered necessary and reasonable in order to ensure the retention of adequate amenity space for the dwelling and an appropriate distance to the site boundaries in the interests of amenity.

#### Employment Use

- 7.6 Policy EDE2 states that development that would cause the loss of a site that was last in employment use will only be permitted where the retention of the site has been explored fully without success; the proposed use would not have a significantly adverse impact on the amenities of nearby occupiers and provided that the access, parking and servicing arrangements are satisfactory.
- 7.7 The application site was previously used for car storage purposes ancillary to the adjacent car showroom. Although the site itself did not offer direct employment it was an ancillary part of the employment use at the adjacent car sales garage.

- 7.8 During the course of the previous application received in 2009 Officers raised concerns that the loss of the application site may hinder the ability to re-introduce a new employment use at the adjacent garage site, this concern is also raised within the third party representation that has been received for the current application. The additional information that has now been received from the marketing agent for the adjacent site does however confirm that there is an ongoing high level of interest in the site without the storage area that forms the current application site. It has been demonstrated that there is an appropriate amount of space available within the adjacent site to store vehicles and that it would not appear that the level of parking available is a reason for companies not pursuing their interest in the site.
- 7.9 Officers are now satisfied that whilst the proposed development would result in the loss of part of a site that was previously used for employment purposes in association with the adjacent site, the re-development of this site would not harm the possible future re-use of the adjacent car sales site for an employment use, and sufficient evidence (including marketing of the site) has now been submitted to demonstrate this.

#### Siting, Design and Layout

- 7.10 The previous scheme that was withdrawn in 2009 proposed 2 dwellings that would face south, with a flank elevation facing towards the highway. Officers raised concerns that this development would fail to complement the surrounding pattern of development as required by Policy ENV1. The current proposal has overcome this concern by repositioning the dwellings within the site so that they face west towards the adjacent highway.
- 7.11 Other changes have been made to the design of the dwellings both since the previous submission and when the plans were originally submitted for this current application. Since the withdrawn application the ridge height of the dwellings has been reduced by 1.5metres, the front projections have been reduced in their size and prominence, the dormer windows and side 1<sup>st</sup> floor projections have been removed. A chimney stack, canopies over the front doors and brick work to differentiate between the two properties have also been added.
- 7.12 Officers consider that the changes made to the design of the dwellings form a significant improvement to the appearance of the development and are now satisfied that the proposal would appear sympathetic to the character and appearance of the surrounding area and furthermore would not detract from the setting of the adjacent Grade II Listed Building The Bull Public House, which is sited to the west of the application site.



Neighbour Amenity

- 7.13 The proposed dwellings would have rear elevations that face east, towards the front and side garden area of No. 96 Bullfields. No windows are proposed within the 1<sup>st</sup> floor rear projections of the dwelling that would be closest to this neighbour. The 1<sup>st</sup> floor windows within the rear elevation would be sited a distance of 7 metres from the boundary of the site and 18-22 metres from the neighbouring dwelling house itself.
- 7.14 With regards to any potential overlooking and loss of light that the development would cause, Officers consider that the distance of the proposed dwellings to the neighbouring properties, together with their design, would be sufficient to ensure that the proposal would not result in any unacceptable harm to privacy and natural light to the neighbouring occupiers. Furthermore, the development would not have an overbearing impact or result in an unacceptable outlook from these properties due to the distances between the buildings.

Other Matters

- 7.15 Concern has been raised from a local residents that trees were felled at the site to allow for the car storage area to be extended. The felling of trees would not have required any consent from the Council, as the site is outside the Conservation Area and there is no record of any Tree Preservation Orders.
- 7.16 The representation received from a local resident also expressed concern in relation to the impact the development would have upon highway safety. County Highways have stated that the proposal is acceptable from a highways perspective, and are satisfied with the proposed access onto Cambridge Road. Officers consider there to be no grounds to justify a refusal of the application on highway safety matters.
- 7.17 With regards to parking, 2 spaces are proposed for each dwelling. Appendix II of the Local Plan recommends a maximum provision of 2.25 spaces per 3 bedroom dwelling. Officers consider that the proposed parking provision is acceptable in this instance.

**8.0 Conclusion**

- 8.1 The proposed dwellings are located within the built up area of Sawbridgeworth and are considered to be of an appropriate size, scale, siting and design that would appear sympathetic to the character and appearance of the surrounding area. The previous concerns raised by Officers in relation to the design and siting of the dwellings have now been overcome.

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- 8.2 The development that is proposed within the part of the site designated as Green Belt, namely the replacement of gravel with grass and other planting, with approximately 5sqm of hard surfacing and the residential use of the site would improve the impact that the existing site has upon the openness of the Green Belt. The proposed development although forming a departure from policy, would not conflict with the intentions of PPG2 and GBC1 to maintain openness within the Green Belt.
- 8.3 The concerns previously raised by Officers in relation to the loss of land previously used in association with an employment use have now been overcome. Officers are now satisfied that sufficient evidence has been provided to demonstrate that the use of the site for employment has been fully explored without success and that the development would not result in the loss of an employment use at the adjacent site and as such would not conflict with the aims and objectives of Policy EDE2.
- 8.4 Having regard to the above considerations, it is recommended that planning permission is approved subject to the conditions at the head of this report.