

**5b 3/11/0571/RP - Residential development of 55 dwellings with parking and related works including new site access at Land Adjacent to The Leventhorpe School, Cambridge Road, Sawbridgeworth, CM21 9BY for Hubert C Leach Ltd**

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**Date of Receipt:** 01.04.11     **Type:** Approval of Reserved Matters - Major

**Parish:**     **SAWBRIDGEWORTH**

**Ward:**     **SAWBRIDGEWORTH**

**RECOMMENDATION**

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

1. Three Year Time Limit (1T12)
2. Levels (2E05) insert '*and site cross sections*'
3. Materials of Construction (2E11)
4. Approved plans (2E10)

SAWB/AAA/0010, SAWB/AAA/0011, SAWB/AAA/0020,  
SAWB/AAA/0030, SAWB/AAA/0040, SAWB/AAA/0090,  
SAWB/AAA/0091, SAWB/AAA/0092, SAWB/AAA/0093,  
SAWB/AAA/0094, SAWB/AAA/0095, SAWB/AAA/0096,  
SAWB/AAA/0097, SAWB/AAA/0098, 5539/T/01-01, 1395.1 Rev A,  
SAWB/0840/AAA/0050, SAWB/0840/AAA/0051, SAWB/0912/AAA/0050,  
SAWB/0912/AAA/051, SAWB/1227/AAA/0050, SAWB/1227/AAA/0051,  
SAWB/GAR/AAA/0050, SAWB/1153/AAA/0050, SAWB/1645/AAA/0050,  
SAWB/1249/AAA/0050, SAWB/45-49/AAA/0050, SAWB/50-  
55/AAA/0050, SAWB/1885/AAA/0050

5. Completion of Roads (3V13)
6. Hard Surfacing (3V21)
7. Wheel washing facilities (3V25)
8. Tree Retention and Protection (4P05)
9. Hedge Retention and Protection (4P06)
10. Tree/Natural feature protection: fencing (4P07)

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11. Landscape design proposals (4P12)  
b), f), i), j), k), l) insert '*and crime prevention*' '*Policy ENV3*'
12. Landscape Works Implementation (4P13)
13. Details of earthworks/mounding (4P16)
14. Landscape maintenance (4P17)
15. Retention of landscaping (4P21)
16. Vehicular use of garage (5U10)
17. Construction hours of working – plant and machinery (6N07)
18. In accordance with a timetable to be agreed in writing by the Local Planning Authority, the area of land at the eastern boundary of the site shown as open space on plan ref SAWB/AAA/0010 shall be made available for use by the residents of the development, and shall be permanently maintained as open space.

Reason: In the interests of the amenities of the future occupants of the site in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of the development, details of a lighting scheme for all communal areas shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure that all publicly accessible areas are appropriately lit to provide a safe and secure environment, in accordance with policy ENV3 of the East Herts Local Plan Second Review April 2007.

20. Prior to the commencement of development above ground level full engineering details of the proposed junction onto Cambridge Road shall be submitted to and approved by the Local planning Authority in consultation with the Local highway authority. Occupation of any new dwelling shall not occur until the approved junction has been constructed in accordance with the approved plans.

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Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience in accordance with policy TR2 of the East Herts Local Plan Second Review April 2007.

#### Directives

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Outline permission relationship (07OP)  
Insert '24 November 2008' '3/07/1569/OP'
4. Street Naming and Numbering (19SN)

#### 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, HSG2, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR7, TR14, ENV1, ENV2, ENV3, ENV11, ENV21, LRC3, SA1, SA2, SA4 and IMP1. The balance of the considerations having regard to those policies and the grant of outline planning permission in November 2008 (ref. 3/07/1569/OP) is that permission should be granted.

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#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract, and is located on the north-western edge of the settlement of Sawbridgeworth, to the south of Leventhorpe School. The site has an area of 1.67 hectares and is bounded to the south by a public footpath, and partly by the residential properties in Walnut Tree Avenue, and the pitches of Sawbridgeworth Town Football Club. To the west and north of the site are the playing fields and buildings of Leventhorpe School. The site is accessed from Cambridge Road.
- 1.2 Outline planning permission (3/07/1569/OP) was granted in November 2008 for the residential development of the site. Reserved matters relating to the layout, scale, appearance and landscaping of the development have been applied for in this current application.

- 1.3 The application proposes the erection of 55 dwellings on the site, which includes 22 (40%) affordable units. The application proposes 4no. one bed units, 9no. two bed units, 22no. three bed units, 9no. four bed units and 11no. five bed units, in a mix of apartments, terrace, semi-detached and detached dwellings. The dwellings are proposed to be two storey and two and a half storey (accommodation provided within the roof space) in height. At the eastern boundary of the site an area of open space is proposed of approximately 860 square metres in size. Access to the site is proposed to be provided via a new junction onto Cambridge Road (as agreed through the grant of outline permission in November 2008 ref. 3/07/1569/OP). This access will replace the existing access to the adjacent swimming pool from Cambridge Road, and access to the swimming pool and its car park are proposed to be provided through the application site.
- 1.4 The site's southern boundary is currently well landscaped with mature planting varying between approximately 5 and 10 metres in height. This landscaping is proposed to be retained. Along the boundary of the site with Cambridge Road, in addition to the trees which needed to be felled to allow for the construction of the new access, three further trees are to be removed. The ground levels within the site do vary, and the site slopes up to the west from Cambridge Road. It is proposed that some levelling of the site will occur, however development will take account of the current gradient to the site. At the eastern end of the site there are a number of mounds/undulations which were formed many years ago as a result of spoil produced during construction undertaken at the adjacent school. This area is currently grassed, and it is proposed that this area will be re-contoured to follow the natural gradient of the land.

## **2.0 Site History**

- 2.1 The application site forms part of the larger Cambridge Road/Crofters site which was allocated in the Local Plan Review adopted in April 2007, as a Housing Site Allocation (policy SA2). The policy states that the site is identified for residential purposes, together with leisure, recreation and community facilities (although the preamble to the policy states that some of these latter facilities may be able to be accommodated within the remainder of the Leventhorpe School site); that the development should make provision for up to 40% affordable housing and that the development of the site should not proceed until appropriate replacement sports pitch provision has been made.

- 2.2 An application for outline planning permission for a new school sports hall, classroom building, all weather pitch, replacement tennis courts, extended hard play area, car parking and access works, plus residential development and related works including a new/amended site access from Cambridge Road was received in July 2007 (ref. 3/07/1569/OP). This application did not include the Crofters site which forms part of the overall policy SA2 housing site allocation, as there were various landowner issues which precluded this part of the site being brought forward for development at this time. In determining this 2007 application it was considered that the policy did not require both parts of the site to be brought forward for development at the same time. The Development Control Committee resolved to grant planning permission for the residential development of this land at a meeting on 17 October 2007, and planning permission was granted following the completion of a S106 agreement in November 2008. That outline application considered only the detailed matter of the proposed access to the site. Therefore, in approving the outline application the vehicular access to the site from Cambridge Road has been agreed.
- 2.3 Members may recall that in 2009 a reserved matters application (LPA Ref 3/09/0425/RP) for the residential development of 65 dwellings with parking and related workings including new site access was refused by the Council for the following reasons:
1. The proposal would result in overdevelopment of the site by virtue of its unsatisfactory plot sizes and the cramped and congested layout, and would result in a density of development which would be out of keeping with the density of nearby residential developments. It would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
  2. The proposed development would result in inadequate amenity space for the proposed dwellings to the detriment of the amenities of future occupiers. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
  3. The proposed development by reason of its layout, would result in a predominance of hard landscaping to the detriment of the character and appearance of the development. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
- 2.4 The subsequent appeal was dismissed. When considering the details proposed the Inspector concluded that:  
*'the proposed development would not relate well to the surrounding area*

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*in that it would appear cramped, the massing of the development would make it appear unduly prominent in the landscape and that the lack of soft landscaping would stand out in contrast to the prevailing character and appearance of the locality, contrary to the aims of Local plan Policy ENV1'*

2.5 In addition he stated that:

*'a significant proportion of the dwellings would provide inadequate living conditions for the occupiers of the dwellings with regard to private outdoor amenity space, contrary to the aims of Local plan policy ENV1.'*

2.6 Within the decision notice he raised the following specific concerns:

- The development would appear unduly prominent in the landscape;
- The size of the front gardens proposed were too small to sustain effective landscaping;
- The development would be dominated by hard landscaping and access roads;
- The south west corner would be dominated by the communal car park and would have a stark appearance;
- The affordable flats and plots 5, 6, 61, and 62 would have inadequate amenity space;
- The lack of space between the proposed development and school would detract from its open setting;
- The crime safety concerns raised are indicative of the impact of the development.

### **3.0 Consultation Responses**

3.1 Thames Water comments that the revised proposals for the foul drainage of the proposed development are in line with the principle requirements identified in the Drainage Impact Study report and are an acceptable solution.

3.2 The County Architectural Liaison Officer comments that in general the development is satisfactory. Concerns are raised however regarding the communal parking area to the rear of blocks 45 to 55 which is via an undercroft and incidents of anti social behavior which may result. Additional lighting, planting and fencing would help mitigate against this concern although the introduction of more natural surveillance and the removal of the undercroft access in favour of an access between the two blocks is preferred. A condition requiring the affordable housing to be built to Secure by Design standards is requested.

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- 3.3 The County Development Unit, HCC comment that regard should be had to the policies of the Waste Local Plan 1999 in determining the application.
- 3.4 The Herts County Council Historic Environment Unit comments that given the results of the archaeological investigations carried out in 2007 and 2010 the proposal is unlikely to have an impact upon significant heritage assets.
- 3.5 The Environment Agency comments that they are satisfied with the details submitted and therefore have no comments to make.
- 3.6 Environmental Health comment that any grant of permission shall include conditions relating to construction hours of working; dust, bonfires, soil decontamination and refuse disposal facilities.
- 3.7 The Council's Landscape Officer has commented that the revised layout and design has addressed previous concerns regarding the former development proposals for the site. The soft and hard landscape specifications and details will play a major role in the finished appearance of the completed development and there are reservations regarding the specific planting proposed in some places. These concerns, however, can be resolved via the use of appropriate landscape conditions.
- 3.8 The Council's Housing Development Manager has commented that the proposal is acceptable, however they are disappointed that the affordable housing has not been scattered about the development.
- 3.9 County Highways comments that they do not wish to restrict the grant of permission. They state that in a highways context this submission is in line with the considerable pre-application discussions and consultations that led to the outline approval. The form of the junction is appropriate to the number of dwellings now being pursued and the additional traffic generation will not be significant in terms of impact upon the existing traffic generation in and through Sawbridgeworth. Car parking provision is proposed at a rate which is compatible with the East Herts SPD which is an appropriate level to minimise the risk of parking extending onto Cambridge road rather than being contained within the site. Conditions are recommended requiring the provision of appropriately surfaced roads and parking areas before the development is occupied and the submission of full above ground engineering details for the proposed junction.

3.10 The Council's Engineer confirms that the site is located within Flood Zone1, is generally situated away from areas shown to be affected by overland surface water flows, there are no historic flood events recorded at the site, historic mapping shows no significant land drainage features and there are some sustainable drainage systems proposed as part of the design.

3.11 Sport England has no comments.

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

4.1 Sawbridgeworth Town Council has no objections to the proposed development.

#### **5.0 Other Representations**

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

5.2 Six letters of representation have been received from residents of Walnut Tree Avenue and Cambridge Road which can be summarised as follows:-

- The apartment blocks are out of keeping with the area;
- Loss of light;
- Increase in traffic on already over congested road;
- New junction will exacerbate existing congestion problems and cause more traffic problems;
- Overdevelopment of the site; the development proposes 5 more dwellings than indicated on the outline planning permission.
- Insufficient parking;
- Loss of open views;
- Increase in noise and disturbance;
- Additional fumes generated by the queues of stationary cars;
- Impact on existing services and amenities;
- Building work would be noisy and would impact upon local residents; the hours of construction working should be restricted;
- Over intensification of development in the area;
- Road safety; New junction is a hazard to residents and other road users and would be likely to result in an increase in traffic accidents in this area;
- Potential loss of trees;



5.3 Councillor Beeching comments that the revised proposal appears to answer all the questions that were raised on the original application and as the Local District Councillor and Chairman of Governors of Leventhorpe School endorses the application for approval.

## **6.0 Policy**

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG2	Phased Release of Housing Land
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Development
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
LRC3	Recreational Requirements in New Residential Developments
SA1	Housing Allocations – Sawbridgeworth
SA2	Cambridge Road/Crofters Site
SA4	Sports Pitch Provision
IMP1	Planning Conditions and Obligations

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 1: Delivering Sustainable Development,  
Planning Policy Statement 3: Housing

6.3 Finally, LPA Ref 3/09/0425/OP and the comments made by the Inspector are a material consideration

## **7.0 Considerations**

7.1 The principle of residential development on this site has been established by the allocation of the site as a Housing Site Allocation in the Local Plan, and the grant of outline permission in November 2008. In considering this

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application therefore, it is necessary only to consider the detailed aspects of the proposed development including the following:

- Density of development and site layout;
- Design;
- Landscaping;
- Impact on amenities of local residents;
- Access/Traffic/Parking.

#### Density of development and site layout

- 7.2 This application seeks planning permission for the erection of 55 dwellings on the site, 10 less than proposed in the previous application. PPS3 states that using land efficiently is a key consideration in planning for housing. The Housing Capacity Assessment October 2007 has indicated that a density of 40 dwellings per hectare can be achieved on housing developments across the District. Whilst the density proposed is now only 32 dwellings per hectare, it is considered that in this case a lower density of development is justified; it enables greater spacing and landscaping between properties, a criticism made by the Planning Inspector in relation to the previous application; is more in keeping with the existing pattern of development in the area and is more appropriate in this sensitive edge of town location. Officers are therefore satisfied that the density of the development proposed remains appropriate to the general policy considerations regarding making efficient use of land.
- 7.3 Policy ENV1 of the Local Plan states that all development proposals will be expected to be of a high standard of design and layout and to reflect local distinctiveness. The existing residential development to the east and south of the site is of varying densities, designs and layouts, although there is no predominant character, pattern or layout that the proposed development should respect.
- 7.4 The proposed layout of the development which has regard to the constraints imposed by the shape of the site, the proximity to Leventhorpe School and the need to provide vehicular access through to the remainder of the SA2 Housing Site Allocation (to the south of the application site), has been designed to maximize the developable area of the site whilst taking into account the concerns raised by the Council and Planning Inspector in relation to the previous scheme.
- 7.5 Development is now proposed to be set back some 15 metres from Cambridge Road, still retaining a meaningful belt of open green space between plots 1 and 4 and Cambridge Road whilst providing a transition

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between the older residential development to the south of the site and Leventhorpe Swimming Pool and School which are set much further back from the road. In my view this area of open space will allow the existing open and landscaped character of the site, when viewed from Cambridge Road, to be retained.

- 7.6 The site naturally rises up approximately 6 metres from the eastern to the western edge of the site. However currently there are several undulations/ mounds created from spoil produced during construction undertaken at the adjacent school resulting in the land at some parts of the site being significantly higher. It is proposed that the land be re-contoured to remove these manmade undulations resulting in the site following the natural gradient of the land. This re-grading of the land will help ensure that development does not appear unduly prominent
- 7.7 The site layout proposes the majority of the dwellings to front onto the access road, providing active frontages and a strong presence on the street. Two blocks of apartments are proposed to be located at the front of the development adjacent to the swimming pool. Whilst these blocks will be clearly visible from Cambridge Road, they are set back some 35 metres from the road and have been orientated to ensure that they will not appear overly dominate within the existing street scene creating a natural progression between the large massing of the swimming pool and school buildings and the more domestic scale of residential development to the south. The layout orientates several dwellings (plots 12 to 14 and 38 to 44) to face onto a large area of open amenity space in the centre of the development, creating the appearance of a village green. This is also advantageous in terms of crime prevention, providing natural surveillance over this space. All dwellings are proposed to have a meaningful area of private space to the front of the property and sufficient space is provided for landscaping which will contribute to the character and appearance of the development, and soften the streetscene.
- 7.8 The dwellings are sited such that there are appropriate distances between properties to reduce overlooking, loss of light and unacceptable impacts on the amenities of the future occupiers of them. The proposed dwellings all benefit from reasonable sized rear gardens (approximately 10 metres long). The Council does not have any amenity space standards to control the size of private amenity space, however Officers are satisfied that the space provided by this development is acceptable, and is comparable to other modern developments elsewhere in the District.
- 7.9 Overall, it is considered that the amended layout of the development is acceptable, and overcomes the inspectors concerns regarding the cramped nature of the previous scheme and its undue prominence within

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the landscape. The revised scheme complements the existing grain of development, and would provide an acceptable environment for future occupiers. The development would not appear cramped and sufficient space has been provided for landscaping and an open space for the benefit of the future residents of the site.

#### Design

- 7.10 The dwellings have been designed in their scale and appearance to sit comfortably within the surrounding area, and the two and two and a half storey height is representative of the scale of surrounding developments. Whilst standard house types of the developer have been proposed, a variety of styles are used and in Officer's opinion the design of the proposed dwellings are appropriate to the character of the area, and the proposed palette of materials (brick, weatherboarding, render, tiled roofs) would be representative of those found surrounding the application site, and of the local vernacular style. With regards to the proposed apartment blocks these are a mixture of two and half and three storeys in height with the second floor being accommodated within the roof space. Whilst these are larger in scale, the use of different materials of construction, roof heights, dormer windows and projecting gables ensures that their bulk is broken up and they relate well in appearance with the rest of the scheme.
- 7.11 Overall, it is considered that the proposed development relates well to the massing and height of adjacent residential buildings and the surrounding townscape, and would reflect local distinctiveness. The proposal would therefore accord with policy ENV1 of the Local Plan.

#### Landscaping

- 7.12 Apart from the eastern and southern boundaries, the application site is devoid of much planting or landscape features. The application does propose the removal of three existing trees at the frontage of the site, which are of amenity value. Whilst their removal is regrettable and the Council will always seek to retain such features when possible, I consider that in this case, in order to achieve the most appropriate layout for the site and ensure that the development is not unduly cramped, their removal is justifiable in this instance. Officers are therefore satisfied that in accordance with policy ENV11 of the Local Plan, all existing landscaping features are to be retained where appropriate.
- 7.13 Within the application site a large area of open space is proposed at the eastern end of the site, and generally throughout the site sufficient space is provided for soft landscaping. The comments from the Landscape Officer are noted and in light of the concerns raised regarding the proposed soft

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planting in specific areas of the site I consider it appropriate and reasonable to require the submission further landscape proposals via condition to ensure that the development would be an attractive and desirable place to live.

#### Impact on amenities of local residents

- 7.14 Objections have been received raising concerns in relation to the impact of the proposed development on the amenities of residents in Walnut Tree Avenue. The proposed development of the site would result in an impact on the outlook the occupiers of these properties currently benefit from. However, the principle of the development of this site has been established by the allocation of the site in the Local Plan and the grant of outline permission. It is therefore necessary to consider whether the detail of the proposed development would be detrimental to the amenities of nearby properties.
- 7.15 The properties in Walnut Tree Avenue are sited such that their rear gardens are adjacent to the southern boundary of the application site. The properties benefit from generous rear gardens (approximately 20-25 metres long) and the boundary of the application site is defined by substantial landscaping of between approximately 5 and 8 metres high. The rear elevations of the nearest dwellings on the application site are proposed to be between approximately 15-20 metres from the rear boundaries of the properties in Walnut Tree Avenue, with the proposed dwellings being approximately 9 metres height. Taking this into account and the fact that the new development will be sited to the north of Walnut Tree Close I am satisfied that the proposed layout of the development would not result in any unacceptable impact to the amenities of the occupiers of Walnut Tree Avenue.
- 7.16 Turning to the relationship of the proposed development to the school, it is acknowledged that any development on this site would result in some overlooking of the school buildings. However, it is considered that the proposed layout, and in particular the siting and orientation of the dwellings close to the northern boundary of the site is such that any overlooking of the school buildings would be at an oblique angle.

#### Access/Traffic/Parking

- 7.17 The proposed access to the site from Cambridge Road was agreed by the approval of outline permission for development on this site. Therefore the issue of the proposed access, it's siting and form does not need to be considered in relation to this application.

- 7.18 Local residents have raised concern however in relation to the additional traffic generated by the development and its impact on the already congested Cambridge Road. County Highways have confirmed that the form of junction remains appropriate for the number of dwellings being proposed and the additional traffic generation will not be significant in terms of impact upon the existing traffic generation in and through Sawbridgeworth. It should be noted that the Council did not raise any concerns in relation to traffic generation or similar when determining the previous larger scheme.
- 7.19 Turning now to the issue of parking, the application proposes a total number of 122 parking spaces, provided by a variety of off-street spaces, garages and visitor spaces throughout the site. The Supplementary Planning Document on Vehicle Parking at New Development indicates that the site falls within Zone 4 which requires a maximum of 128 spaces or 96 spaces allowing for the 25% reduction. Having regard to the sustainable location of this site, its close proximity to public transport, pedestrian links and local services it is considered that the level of parking proposed, which is only six short of the maximum standard, is acceptable. I am therefore satisfied that the proposed parking is of an appropriate level to ensure that car parking will be contained within the site and not extend onto Cambridge Road.
- 7.20 I have noted the Architectural Liaison Officers reservations regarding the undercroft access to the communal car park and the level of natural surveillance that will exist to that car park. I note however that there are various measures that can be put into place to help alleviate the issue such as landscaping, appropriate lighting and boundary treatment and details of these measures can be sought via condition. On this basis I satisfied that overall the design and layout of the proposed development minimises the opportunity for crime. Whilst there is some concern at the layout and design of some parts of the site, the opportunity for crime in these areas is not of a level of concern that would warrant refusal of the application and measures can be put into place to alleviate the issue. Accordingly it is considered that the application would accord with policy ENV3 of the Local Plan.

## **8.0 Conclusion**

- 8.1 Having regard to the above considerations, I consider that the proposed development overcomes the reasons for refusal relating to the previous scheme and adequately addresses the concerns of the planning inspector. The proposed development now accords with the relevant policies of the Local Plan, and would provide an appropriate residential development which has regard to the character and appearance of the local area, and

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would not result in any significant detrimental impacts on the amenities of local residents or highway safety. Accordingly it is recommended that approval is given to the reserved matters.