

UTT/17/3556/OP – (LITTLE DUNMOW)

PROPOSAL: Outline application with all matters reserved except for access for the demolition of all commercial buildings and removing of commercial storage and the erection of 8 no. detached dwellings, modifying the existing access to Priory Lodge.

LOCATION: Priory Lodge, Station Road, Little Dunmow

APPLICANT: Mr & Mrs B Moore

AGENT: Sue Bell

EXPIRY DATE: 13 December 2017 (extended to 18 April 2018)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / Adjacent to Linear Country Park/County Wildlife Site/PROW (Flitch Way).

2. DESCRIPTION OF SITE

2.1 The site lies on the eastern side of Station Road to the immediate south of the former railway line (now the route of the The Flitch Way) and comprises a large triangular shaped area of land with a total site area of 0.49 ha which for the purposes of the application can be divided into three parts, namely a frontage residential property containing a detached Victorian dwelling (Priory Lodge), land situated behind the dwelling comprising B1/2 and B8 agricultural contractor workshops with associated external storage areas (commercial), and a smaller area of land situated behind this extending to the diminishing rear north-eastern corner of the site which is used as additional garden land to Priory Lodge. All three land parts are within the control and ownership of the applicant. The northern side of the site is set mainly to bare grassland and is hedged and fenced onto The Flitch Way.

2.2 The site rises steadily from the road frontage through towards its north-eastern boundary whereby the rise is more pronounced on its northern side and is enclosed to the road frontage on the north side of a northern "in-out" vehicular access point by a double parallel line of established hedging with a line of pollarded trees that stand behind the rear hedge line and also by a frontage hedgerow with a line of further pollarded trees that stand behind extending from this access point down to a southern "in-out" access point whereby these two lines of pollarded trees form a frontage feature. Arable farmland lies to the south-west of the site.

2.3 The large housing development comprising Flitch Green lies diagonally opposite the site across Station Road to the immediate south-west beyond a frontage greensward, whilst the recently constructed Persimmon housing development lies to the north of The Flitch Way on higher ground above the Council managed travellers' site. The range of buildings which make up Bourchiers lies to the north-east of the site on the north side of The Flitch Way at the end of a long private drive.

3. PROPOSAL

- 3.1 This outline proposal with all matters reserved except access relates to the demolition of the existing commercial workshops and external storage areas and the erection of 8 no. detached dwellings by way of change of use with associated 3.7m wide service road with modifications to the existing “in-out” vehicular access to Priory Lodge.
- 3.2 An illustrative proposed site layout drawing (10855 04E - 23.02.18) has been submitted with the application which shows how eight dwellings with associated service road, parking and private amenity space could be accommodated at the site behind and to the side of the existing dwelling at Priory Lodge, which would be retained. The site layout has been revised since application submission showing all of the new dwellings with a clear separation distance of 5m from the northern boundary with The Flitch Way. The existing “in-out” access driveway to the front of the existing dwelling would be closed off with vehicular access to the dwelling being only achievable from the existing southern access point into Priory Lodge. The proposal would have an indicated density level of 15 dph.
- 3.3 Whilst the application is submitted in outline form as “in principle” with access to be considered, an indicative accommodation schedule has been provided on the revised site layout drawing to show the possible housing mix for the development and how parking arrangements could be provided, which is as follows:

Plot No.	Bedrooms	Private Amenity	Parking
Plot 1	5	654sqm	4
Plot 2	3	309sqm	2
Plot 3	3	182sqm	2
Plot 4	4	239sqm	4
Plot 5	4	304sqm	3
Plot 6	4	179sqm	3
Plot 7	4	158sqm	3
Plot 8	5	211sqm	4

- 3.4 The application is accompanied by a planning supporting statement and an updated ecology survey report (Essex Mammal Surveys, February 2018) which includes an assessment of the impact of the proposed development on The Flitch Way

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The site can be loosely described as being an “Urban development project” for the purposes of Schedule 2 of the The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the site area at 0.49 ha and number of dwellings involved would not meet the application thresholds and criteria to trigger the need for an Environmental Impact Assessment (0.5 ha and above). That said it is considered that the impacts of the proposed development would not be significant.

5. APPLICANT’S CASE

- 5.1 The case is made in the accompanying planning supporting statement that the site

represents previously developed land (PDL) whereby the front part of the site comprises a dwelling with associated residential curtilage, the middle part of the site having the benefit of a Lawful Use Certificate as B1/B2 and B8 industrial/commercial storage use and the rear part of the site having the benefit of a Lawful Use Certificate as garden land in association with Priory Lodge. It is contended from this that as brownfield land the entirety of the site should be considered for housing under the Housing and Planning Act 2016 that allows "Permission in Principle" for the residential development of suitable brownfield sites whereby housing would lead to an environmental gain for the larger middle section of the site presently used for commercial purposes, that the use of the site for housing would lead to a more efficient use of the land as a whole, that the proposal would amount to a presumption in favour of sustainable development given the site's favourable location on a bus route adjacent to bus stops along Station Road and close to local services and facilities at Flitch Green, that any resulting environmental harm would not be significant and that the development would not lead to coalescence. It is further contended that the site would be able to accommodate 8 no. dwellings comfortably in terms of site density, layout, parking and private amenity space, that the housing mix indicated would be acceptable and that there is a shortfall of housing within the district whereby the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The statement concludes as follows:

- 5.2 *"The principle of housing development at this previously developed site located outside development limits is considered acceptable given the site's good transport access links to nearby communities Flitch Green, Felsted and Little Dunmow and both Great Dunmow and Braintree. The NPPF encourages the use of brownfield sites for housing purposes providing the site is not of high environmental value. The site is functionally close to other residential properties and not remote from everyday services and facilities so that the proposed dwellings would not be reliant on private vehicles".*
- 5.3 *"The development would be in line with the aims of paragraphs 7 and 17 of the Framework of locating new dwellings in rural areas close to services and facilities as a means of reducing unnecessary travel by car, with its associated carbon emissions as well as other environmental benefits accrued from visual enhancement. The proposal as illustrated would lead to an environmental gain through the suggested sensitively designed housing layout which respects the characteristics of the area and would represent sustainable development for which the NPPF provides the presumption in favour. Overall, this represents a good quality development that is supported by the NPPF and all planning policies".*

6. RELEVANT SITE HISTORY

- 6.1 A Certificate of Lawfulness was granted by the Council on 16 June 2017 for the use of land at Priory Lodge identified on the certificate plan as Area A as business use - sales and repair and storage (B1/B2 and B8) associated with an engineering business and identified on the certificate plan as Area B as garden land in association with Priory Lodge (UTT/17/1018/CLE). These lawful uses cover the majority of the site in terms of site area and have continued to date.
- 6.2 The currently registered outline planning application for housing at Priory Lodge follows on from preliminary advice provided by the Council at around the time of the aforementioned Certificate of Lawfulness application which stated that planning permission may be forthcoming for the residential development of Priory Lodge

given the lawful commercial nature of part of the site and the established residential nature of the remainder of it and given the site's sustainable location in view of its close proximity to Flitch Green, notwithstanding that the site lies outside development limits and that ULP Policy S7 applies subject to it being demonstrated at formal application stage that the site would be able to accommodate 8 no. dwelling units to appropriate layout standards, would not have a significantly harmful impact on environmental amenity and that site access arrangements would be acceptable to ECC Highways given the site's location onto Station Road.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV7 – Protection of the Natural Environment Designated Sites
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD “Accessible Homes and Playspace”

National Policies

National Planning Policy Framework (NPPF)

Other Material Considerations

Essex Design Guide
ECC Parking Standards “Design and Good Practice (Sept 2009)
UDC Parking Standards (Feb 2013)

8. PARISH COUNCIL COMMENTS (Little Dunmow)

- 8.1 The only concern the Parish Council has is about the access in and out of the proposed development. There is a very poor sight line from traffic coming from the north and with the potential increase in traffic due to other developments nearby will make this stretch of Station Road/Pound Hill even more dangerous than it currently is. The Parish Council has been lobbying Essex County Council for years to have the speed limit on this road reduced from 40mph to 30mph with little success so far.

PARISH COUNCIL COMMENTS (Flitch Green)

- 8.2 Although this application falls just into the parish of Little Dunmow, Flitch Green PC considers it will have a significant detrimental impact on the use and safety of Station Road - the main road used by all Flitch Green residents to exit the parish.

The proposed access onto Station Road is very concerning. Vehicles travel very fast down the hill from Little Dunmow, often as fast as 60mph, and therefore any access onto Station Road from the proposed development is likely to be extremely

hazardous. The parish council does not consider that the access "has good visibility in both directions" and does not consider that the applicant has any real awareness of how fast traffic travels down Station Road.

The application document states that "most services are accessible by means of transport other than the car" and that "the site is not remote or isolated and there is the option for residents to use buses or walk/cycle to reach services and facilities". The parish council disputes this very strongly and believes it is much more likely that residents of the proposed Priory Lodge development will not walk to Felsted or to Flitch Green to access its facilities, including the Co-operative store. Instead, it is highly likely that they will drive and be trying to pull out onto a road with a blind bend and restricted vision due to the old railway bridge. There is also only a very poor bus service (with one bus per hour) - hardly a comprehensive bus network.

Each household will initially have at least two vehicles (possibly more) and as families grow older more vehicles will be attached to each property. This trend has been demonstrated in Flitch Green where higher numbers of vehicles (sometimes up to four or five per property) are now parked at and around homes as residents' children grow older and become drivers themselves with their own vehicles. Any pedestrians who do try to cross Station Road will have a very hazardous time trying to cross safely.

Flitch Green PC would also like to stress that the location plan identifies the Flitch Way as a "dismantled railway" with no reference to its use as a local resource for the community. The council would want UDC to ensure the status of the Flitch Way is portrayed correctly and that its benefit to local people is highlighted and not infringed or devalued in anyway.

9. CONSULTATIONS

London Stansted Airport

- 9.1 The proposed development has been examined for aerodrome safeguarding. This proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

ECC Highways (revised response received 2 February 2018)

- 9.1 The existing business use (B1/2 and B8) of the site is not controlled by planning conditions. The proposed 8 no. residential dwellings, compared to the lawful use of the site, are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove commercial vehicle movements associated with the lawful use of the site. Consequently the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency on the road network at this location.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to highway conditions and informatives (including permanent closure of the existing access to the west of Priory Lodge as shown on the Proposed Site Entrance Details (DWG no. 06).

ECC Ecology

- 9.2 No objection:

The Bat Survey by Essex Mammal Surveys dated December 2017 included with the

application does not raise any concerns over the protected species investigated. The author should, however, be aware that all protected and priority species (i.e. those protected under the Wildlife and Countryside Act (1981), the Conservation of Habitats and Species Regulations (2010), the Protection of Badgers Act (1992) and the Natural Environment and Communities Act (2006)) as well as protected sites and priority habitats should be included in an ecological assessment, even if they are subsequently scoped out.

10. REPRESENTATIONS

10.1 Neighbour notification period expires 15 January 2018. Advertisement expires 18 January 2018. Site Notice expires 24 January 2018.

6 representations received (object):

- 10.2
- Station Road is a very busy road and the proposed access shown for the proposed development will only add to the high risk safety factor of vehicles entering onto a 40mph road on a bend;
 - Cars regularly overtake buses along this stretch of road by the bus stop opposite the site;
 - Housing on the site with two storey height buildings would completely change the character and appearance of the land, which only has single storey outbuildings and non-permanent structures and also its immediate surroundings;
 - Walkers regularly cross over Station Road to and from The Flitch Way;
 - Housing at the site would erode the adjacent Flitch Way as a linear nature reserve and change the rural experience for those many people who regularly walk along it at this section to an urban one.
 - Residential development would drive out any wildlife that may be present within The Flitch Way during construction stage which may never return;
 - The proposal will not provide any benefit to the local community;
 - The outlook and semi-rural aspect presently enjoyed by properties within Flitch Green facing onto Priory Lodge would be compromised;
 - Property values would be affected;

Friends of The Flitch Way and Associated Woodlands

10.3 The Flitch Way volunteers work for the benefit of the community to conserve, protect and improve the physical and natural environment of The Flitch Way and other sites throughout Essex under the guidance of Essex County Council (ECC) Park Rangers and Public Right of Way teams.

10.4 The Flitch Way is a popular linear wildlife-rich trail comprising a range of habitats of around 25 km length following the former Braintree to Bishops Stortford Railway Line with a small gap at Great Dunmow. It forms a vital long wildlife corridor covering approximately a third of the breadth of Essex. It connects the four Essex Wildlife Trust Living Landscape Areas of Hatfield Forest, Pincey Valley, Upper Chelmer and Pods Brook Valley and the nature reserves and open spaces of Hatfield Forest, David Cock Community Woodland (Great Dunmow), Oak Meadow (Rayne), Great Notley Country Park and Hoppit Mead and John Ray Park (Braintree). The Flitch Way provides an easily accessible resource, with a well surfaced 2m wide granite dust path running along most of its length, giving people the freedom of access to learn about our wildlife and industrial heritage. The Flitch Way Country Park is already designated a Local Wildlife Site (reference Ufd196) and we are working with ECC Park Rangers to declare it a Local Nature Reserve. The neighbouring section of the Flitch Way also forms part of National Cycle

Network Route 16 and is classified as a bridleway with shared usage by pedestrians, cyclists and horse riders.

- 10.5 We are disappointed to see the development proposal as this stretch of the Flitch Way has a particularly strong rural feel, with views out over open countryside between Stebbing Road and Station Road, which will be lost if the application proceeds. The Flitch Way is under increasing pressure from development and proposals like this will change its character forever.
- 10.6 We are concerned about the current configuration of the site, narrowness of the buffer zone, disturbance to wildlife and restriction of light along the southern boundary of The Flitch Way with the site. If planning is approved, we ask that the site be re-configured to address the concerns especially as the preferred buffer zone between the Flitch Way and proposed development should be at least 20 metres wide and ideally be 100 metres wide. The buffer zone should be landscaped sensitively and be attuned to the specific habitat of that part of the Flitch Way. Having a wide buffer zone next to the Flitch Way boundary along with the installation of secure boundary fencing would help to mitigate habitat damage. It is essential to retain good light access along the Flitch Way southern boundary to maintain as diverse a range of wildlife as possible and for The Flitch Way not to be over shadowed by buildings or inappropriate fencing or planting.
- 10.7 Under the current proposal five of the proposed new houses would be very close to the Flitch Way with an insufficient buffer zone and we urge the Council to refuse the application.

Applicant's agent's response to third party representations as follows:

- 10.8 *"I refer to the recent objections raised by those concerned about the impact of the proposal on The Flitch Way. The objections are generally and as voiced by the Flitch Way Group that the Way has 'a strong rural feel, with views out over open countryside between Stebbing Road and Station Road, which will be lost if the application proceeds'. This is not strictly true. The application site boundary with the Way is only 180m long where all but 44m is not visible from the Way. There is currently a thick hedge and trees, but it is accepted that the central part of the site is visible from The Flitch Way that is used for commercial storage where there is a lawful development certificate for this use. This short section provides some views as shown in the photographs accompanying the application. Whilst this can be clearly seen from the footpath, it should be borne in mind that the nature of the storage, i.e. the intensity and the height, is not currently controlled. The result of the proposal would be to replace this view with landscaping and gardens that would provide a more pleasant vista and encourage/support more wildlife. Whilst there is concern about the proposed layout of the site, the application is in outline where only access is being considered at this time. The layout shown is illustrative where scale and landscaping are also matters for later consideration.*
- 10.9 *With regard to the comments from ECC Highways, I attach revised plans 02B, 04C and 06 that show access arrangements to comply with the ECC highway's requirements. This includes the blocking off by fence or planting between the proposed access to the new development and the existing one to Priory Lodge and the dropped kerb to allow those crossing to the opposite public footway. With regard to the footpath, The Flitch Way entrance is some 1m away to the north. This is the definitive ROW from highway records marked in pink, but the proper ROW shown with a black arrow on Plan 02B is 7m from the site boundary, this land being owned by ECC".*

11. APPRAISAL

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

- A Principle of development having regard to the site's location, flood risk and impact on countryside character (NPPF, ULP Policies GEN3 and S7);
- B Access (ULP Policy GEN1);
- C Design, including consideration of parking standards (ULP Policies GEN2 and GEN8);
- D Housing Mix (ULP Policy H10);
- E Impact on nature conservation and protected species (ULP Policies ENV7 and GEN7);
- F Impact on Trees (ULP Policy ENV3).

A Principle of development having regard to the site's location, flood risk and impact on countryside character (NPPF, ULP Policies GEN3 and S7)

- 11.1 The NPPF has a presumption in favour of sustainable development whereby planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 49 of the NPPF states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development"*, adding that *"Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*. Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities if it is to promote sustainable development in rural areas, for example *"where there are groups of smaller settlements, development in one village may support services in a village nearby"*, and that LPA's should avoid new isolated homes in the countryside unless there are special circumstances. Paragraph 14 states that permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole"*.
- 11.2 The NPPF states that there are three strands to sustainable development; economic, social and environmental and that these strands should not be undertaken in isolation because they are mutually dependent. Core principle 8 of the NPPF states that planning should *"encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value"*. The site for the purposes of the land edged in red for the current application comprises the immediate residential curtilage of Priory Lodge (front section), commercial workshops and external storage areas (middle section) and further garden land pertaining to Priory Lodge (rear section). Given this combination of land uses, the site as a whole can be described as being previously developed land (PDL), or brownfield, where the commercial area of the site has the benefit of a lawful use certificate granted in 2017 as mentioned in the planning history section of this report. As such, the applicant makes reference to the new regulations relating to the Brownfield Land Register whereby LPA's are required to prepare and maintain registers of brownfield land that is suitable for residential development, where part of the register will be complied by the end of this year. The application proposal would qualify under the "Permission in Principle" procedure and is therefore a material consideration and carries weight.
- 11.3 The site is located close to the residential development of Flich Green connected by a footpath of the west side of Station Road which is considered to be a

sustainable satellite settlement to Felsted containing its own primary school, a new small supermarket and a community centre amongst other local services provided whereby these services would be reasonably accessible to the proposal site and it is reasonable to presume that they would be used to some extent by the residents of the proposed development, although it is the case that the site is not as accessible to these local services compared to the Flitch Green development itself given that the site lies on the east side of Station Road. That said, the newly constructed and now occupied Persimmon housing development located towards the top end of Station Road also built on previously developed land (Dunmow Skips) where the residential development of this brownfield site was considered to represent an environmental gain to the area compared to the previous established user is located further away to the centre of Flitch Green than the application site.

- 11.4 In addition, Priory Lodge is located very close to bus stops within Station Road whereby the Arriva 133 Stansted Airport-Colchester bus service, the Stephenson's 16 Wethersfield-Chelmsford bus service and the Lodge's M1 Stansted Mountfitchet-High Easter school bus run along Station Road outside the site, which also serve the frontage of Flitch Green. Whilst it is inevitable that the proposed housing development at Priory Lodge would still be reliant to some extent on the car to access these local services and to access services further afield in say Felsted village or Great Dunmow, this is not to say that the reliance on the car as a means of transport would be significantly greater than the use of the car by some residents in the outer-lying parts of Flitch Green to access such services.
- 11.5 Given the above assessment, it is considered that the development would accord with the economic and social strands of the NPPF in terms of accessibility and the ability for the proposed development to support local services and infrastructure.
- 11.6 Priory Lodge has a road frontage of some 78m and a depth of some 167m at its north-eastern point. The land does not have any significant environmental value containing as it does, mainly bare grassland across its centre behind and to the north of the commercial workshops with garden land either side. The proposed residential development of the site for 8 No. dwellings would result in a much greater building footprint for the site compared to the workshops and other chattels which currently exist whereby the existing dwelling which is Priory Lodge would be retained as part of the housing proposal. The site is screened along its northern boundary with The Flitch Way by a good tree line and is similarly screened along its southern boundary by trees, although this tree cover is not as extensive and substantial as the northern boundary whereby the southern boundary represents the more exposed boundary onto open countryside.
- 11.7 There would inevitably be some views into the development site from longer views from the east, including from a public footpath which runs NW-SE across farmland from The Flitch Way to Stebbing Brook and beyond. Whilst it is stated that the new dwellings for Priory Lodge are likely to be two storey in scale, this scale is only indicative at outline stage, whilst the residential development of the proposal site needs to be read from the east in context with the backdrop of Flitch Green beyond, which rises up on the west side of Station Road beyond a wide parallel greensward with the road and which contains some imposing 3 storey dwellings at the entrance with Baynard Avenue and similarly some 3 storey dwellings within Fitzwalter Road at the northern end of the Flitch Green estate which overlook Station Road and the site. Whilst it is appreciated that the new Persimmon development to the north of the site has replaced an "unneighbourly" commercial use (Dunmow Skips) and the redevelopment of the site represented a planning gain, the development presently stands very stark against the skyline on the northern approach to the site, whereby

the housing proposal for Priory Lodge in contrast would stand at lower level and would not be visible when approached from the north in view of the “hard” northern boundary of the site which represents the SW-NE alignment of the former railway line.

- 11.8 Given the above assessment, it is considered that the development would accord with the environmental strand of the NPPF in terms of its potential impact on the particular character of the countryside. The proposal would be contrary to ULP Policy S7 of the Uttlesford Local Plan given that the site lies outside development limits. However, Policy S7 as a local rural constraint policy to new development has been found by the Ann Skippers local plan policy - NPPF compatibility review to be only partially consistent with the provisions of the NPPF, which takes a more positive stance towards development within the rural areas providing that there would be a presumption in favour of sustainable development.
- 11.9 The site lies within Flood Zone 1 as shown on the government's flood risk map meaning that it has a low risk of flooding compared to Flood Zones 2 and 3 (medium to high risk of flooding). As such, it is not necessary for the application to be accompanied by a Flood Risk Assessment (FRA). The proposal for 8 No. dwellings would, however, need to be accompanied by a SuDS equivalent drainage scheme at reserved matters stage should Members be mindful to approve this outline planning application “in principle” given that the site rises quite sharply from the road frontage within a pronounced natural dip in the road before levelling across the remainder of the depth of the site and as it would be imperative from this that any surface water flooding which could arise from the development could be successfully contained within the site so as to not otherwise discharge into the highway. Such measures can be controlled by condition (ULP Policy GEN3).
- 11.10 It is concluded from the above that the development would represent a presumption in favour of sustainable development in accordance with the provisions of the NPPF when assessed against the three dimensions (or strands) of sustainability taken together whereupon the principle of the residential development of Priory Lodge for housing is considered acceptable whereby the brownfield status of the site and the Council's lack of a 5 year housing supply are factors of weight in the planning balance.

B Access (ULP Policy GEN1)

- 11.11 Station Road is a Class III highway which is used on a daily basis by both motorists travelling between Felsted and from further beyond to the south and the A120 and further beyond to the north and similarly by residents of Flitch Green whereby it is most frequently trafficked by commuter traffic and also traffic travelling amongst other destinations to Felsted School in the early mornings and late afternoons. It is a fair comment to say that at peak periods the road is very busy. Priory Lodge is situated within a 40mph speed limit along Station Road.
- 11.12 The proposal would involve the modification of the existing “in-out” vehicular access to Priory Lodge and land to the rear and a 3.7m wide service road indicated as a shared road surface with speed bumps, passing bays and rear Type 3 splayed turning head would be provided.
- 11.13 ECC Highways have been consulted on the proposal, who initially responded to the proposal by making the following highway comments on the originally submitted site layout drawings;

- The proposed private drive should be constructed to a width of at least 5.5m for at least the first 6 metres from the back edge of the highway boundary;
- The existing access for the existing dwelling (to the north-west) conflicts with the access to the proposed development as demonstrated on drawing No. 04B. The access to the existing dwelling should be closed (or separated) to prevent conflict and oblique access manoeuvres;
- A dropped kerb pedestrian crossing should be provided opposite the site access;
- The applicant should note that the proposed development would not be considered for adoption by the highway authority;
- The applicant should ensure that the proposal does not obstruct The Flich Way (public bridleway 43 Little Dunmow). Highway boundary information can be obtained from Highway Records.

Please could the applicant provide a drawing demonstrating the above”.

- 11.14 Revised/additional drawings have been submitted to the Council (10855 04E and 10855 06) in light of ECC Highways' initial comments which show the mouth of the access to the service road widened to 5.5m for the first 6m depth from the highway edge with the site entrance finished with block paving or similar to avoid tracking out onto the highway and a pedestrian crossing point shown on the pavement opposite the site with tactile paving dropped kerb. ECC Highways have been re-consulted on the proposal who have now formally recommended approval for the housing scheme on the basis that the proposed housing use of the site would have a less detrimental effect on the highway than the current commercial use of the majority of the site, namely;

“The existing business use (B1/2 and B8) of the site is not controlled by planning conditions. The proposed 8 residential dwellings compared to the lawful use of the site are expected to have an inconsequential net impact on the highway network. Furthermore, it would also remove commercial vehicle movements associated with the lawful use of the site. Consequently, the Highway Authority concludes that the proposal will not have a detrimental impact upon safety or efficiency on the road network at this location”.

- 11.15 The concerns raised by the Parish Council and others relating to highway safety and particularly that the 40mph speed limit along Station Road is constantly exceeded and that cars pulling in and out of the site and pedestrians crossing Station Road from and to the site should the proposed development be approved are noted. However, given that ECC Highways have not objected to the proposal on highway safety grounds following the changes made to the access arrangements as requested and as sight lines are deemed to be acceptable at the site at the point of access in both directions (2.4m x 90m as shown on drawing 10855 05) it is considered in the circumstances that the development is acceptable on highway safety grounds and would accord with ULP Policy GEN1.

C Design, including consideration of parking standards (ULP Policies GEN2 and GEN8)

- 11.16 The application as submitted is for a prescriptive number of dwellings, namely eight dwelling units and consideration therefore has to be given at outline stage as to whether or not the site is large enough to be able to accommodate this quantum of dwellings. The submitted illustrative housing layout for the site as revised (drwg. no.10855 04E) reflects the somewhat elongated nature of the site and has been adjusted showing the proposed development to be 5m clear of The Flich Way as a “no-build” buffer zone following concerns expressed by Officers that the

development could compromise the ecology and setting of this linear country park/local wildlife site/PROW. Layout, scale, appearance and landscaping are all reserved matters that do not fall to be considered with the current outline application, although it is stated in the application supporting statement that the dwellings are likely to be two storey in height. However, the layout of the development and also the scale of the dwellings by reference to dwelling height, bedroom sizes or both are able to be negotiated at reserved matters stage should planning permission be granted for the development in principle.

- 11.17 The revised site layout submitted indicates that private amenity space for each dwelling would be able to achieve and exceed Essex Design Guide minimum standards, whilst the level of parking provision shown for each dwelling would meet ECC adopted parking standards either as garaged or hardstanding parking or a combination of both. The submitted layout drawing also shows that the dwellings would have reasonable separation distances to the flank boundaries with essentially a “front to front” dwelling layout meaning that inter-amenity would not be significantly compromised, whilst there would be a 15m boundary to boundary distance between Plot 8 for the development and the existing Priory Lodge to be retained, which would also be acceptable.
- 11.18 Therefore, notwithstanding the issue concerning The Flitch Way, which is further discussed below, the submitted details show that an eight dwelling housing development would be able to be accommodated on the site and no design objections are raised at outline stage to the proposal under ULP Policy GEN2.

D Housing Mix (ULP Policy H10)

- 11.19 ULP Policy H10 requires that all developments of 0.1 ha and above or 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. However, since this policy was adopted, the Strategic Housing Market Assessment (SMMA) has identified that the market housing need is now generally for dwellings with three or more bedrooms. The dwellings shown for the proposed development in indicative form on the revised site layout would be a mixture of 3, 4 and 5 units and it is considered that this would represent an appropriate housing mix for the site given the latest SMAA evidence base. It would be possible to seek changes to the housing mix at reserved matters stage, say to request the inclusion of an additional 3 bedroomed unit in favour of one of the 4 bedroomed units shown in the Accommodation Schedule if this was found to be either appropriate or expedient to do so and providing this did not fundamentally change the financial viability of the scheme. No objections are therefore raised at outline stage to the proposal under ULP Policy H10.

E Impact on protected species and nature conservation (ULP Policies ENV7 and GEN7)

- 11.20 The site stands adjacent to The Flitch way, which is a linear country park/local wildlife site (ref; Ufd196)/PROW frequently used by walkers and cyclists. As such, the impacts that the proposed development would have on this local wildlife asset have to be considered. The site comprises mainly maintained lawns, bare short grassland/paddock and a vegetable plot, together with one or two storage containers along its northern boundary with The Flitch Way whereby the boundary line itself comprises open metal rail fencing and metal corrugated sheeting in places and a hedge line along the first part of the boundary from the road. The application is accompanied by an updated Ecological Survey and Assessment for Land adj. The Flitch Way (Essex Mammal Surveys, February 2018) which has assessed the

flora and fauna value of the strip of land within the application site running parallel with the alignment of The Flitch Way.

- 11.21 The ecology report states in its findings that the walkover survey showed that there was no evidence that the 5m strip of land running parallel to The Flitch Way was being used by protected species, namely Bats, Badgers, Reptiles, Barn Owls or Great Crested Newts and that the land in question does not offer any natural habitats or high habitat value to make it conducive to occupation by such species given the managed nature of the land strip. As far as bats are concerned, the report adds that *“It is probable that bats from nearby roosts would forage in the gardens of the site and along The Flitch Way. With the vegetation due to be retained, this foraging behaviour would be expected to continue after the completion of the building work and therefore it is considered that the proposal for this site will not have a detrimental effect on the local bat population, or on protected species. It is recommended that no artificial lighting be introduced at the site that would illuminate The Flitch Way”*. ECC Ecology have been consulted on the proposal and have not raised any ecology objections to the submitted ecology report by Essex Mammal Surveys in terms of the protected/priority species which have been scoped out in the report.
- 11.22 It should be acknowledged that the land adjacent to The Flitch Way within the site is currently used either as residential garden land or as external storage areas in connection with the lawful B1/B2 and B8 engineering business run from the site by the applicant. Therefore, the applicant is entitled, and does use the land for these dual purposes to a greater or lesser extent, whilst it should be borne in mind that all of the centre part of the site could be used for additional external storage areas by way of intensification either by the applicant or by any successor in association with this lawful commercial use in the absence of planning controls as referenced by the applicant's planning agent earlier on in this report. Therefore, whilst the comments received from the Friends of the Flitch Way and Associated Woodlands are noted, it is considered in view of the lawful commercial activities which can be conducted at the site and in view of the findings of the updated ecology report relating to protected species that it would be inappropriate in this instance to maintain a 20m development buffer zone across the site relating to any proposed residential development whereby a 5m buffer zone as shown pulling the development away from the edge of The Flitch Way would be an appropriate distance, together with measures restricting artificial lighting, which could be conditioned on any reserved matters application. Clearly, a 20m buffer zone would make the submitted development scheme an unworkable proposition.
- 11.23 In the circumstances, it is considered that the proposal would be acceptable under ULP Policies ENV7 and GEN7 in terms of the environmental impact that the housing scheme would have on local biodiversity and protected species subject to any reserved matters application reflecting the need to maintain a 5m buffer zone along the boundary with The Flitch Way.

F Impact on Trees (ULP Policy ENV3)

- 11.24 The site does not contain any trees which are subject to a Tree Preservation Order, although a Walnut tree of good quality stands within the site to the north of the existing house some 45m in from the road frontage as shown on the site layout drawing. The remainder of the interior of the site is fairly open apart from a few ornamental trees. The Walnut tree would be retained and protected as part of the proposed development whereby it would stand between the dwellings shown for Plots 1 and 2 with the adjacent buildings being shown a sufficient spacing from the

centre of the tree so as not to detrimentally affect its health. No amenity objections are therefore raised under ULP Policy ENV3.

12. CONCLUSION

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

- A** The principle of residential development at this residential/commercial location lying outside development limits but within a sustainable location close to local services is considered acceptable.
- B** Access arrangements are considered acceptable subject to recommended highway conditions being imposed.
- C** The layout of the indicative housing scheme as presented is considered acceptable whereby it has been demonstrated that 8 no. dwellings could be satisfactorily accommodated on the site in terms of housing density, garden amenity standards and adopted parking standards without unduly impacting on The Flitch Way.
- D** The indicated housing mix is considered acceptable.
- E** The proposed development would not have a harmful effect on protected species, whilst the biodiversity and setting of The Flitch Way would not be significantly compromised subject to a 5m building buffer zone being maintained.
- F** The proposed development would not have a harmful effect on trees.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compensation Act 1991.

4. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the

back of carriageway as shown in principle on drawing no. 06, and provided with an appropriate dropped kerb crossing of the footway/verge.

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

- 5 The existing access (to the west of Priory Lodge) shall be permanently closed, as shown on the Proposed Site Entrance Details (DWG no. 06), incorporating the reinstatement to full height of the highway verge / kerbing within one month of the proposed new access being brought into first beneficial use.

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

- 6 Prior to occupation of any of the proposed dwellings, the provision of a dropped kerb pedestrian crossing shall be provided opposite the proposed site access, as shown in principle on drawing no. 06.

REASON: In the interest of highway safety and accessibility in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

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

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

- 8 The reserved matters application shall be accompanied by a surface water drainage strategy for approval by the Local Planning Authority which shall demonstrate how surface water drainage will be disposed of at the site which shall include details and calculations of surface water discharge and run-off rates to cater for storm events and climate change in accordance with sustainable drainage principles.

REASON: No drainage details have been submitted with the outline application to demonstrate protection measures against flood risk in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

- 9 The housing layout drawings submitted for the reserved matters application shall show a continuous 5 metre exclusion zone between The Flitch Way and any dwellings and garages shown for the proposed development.

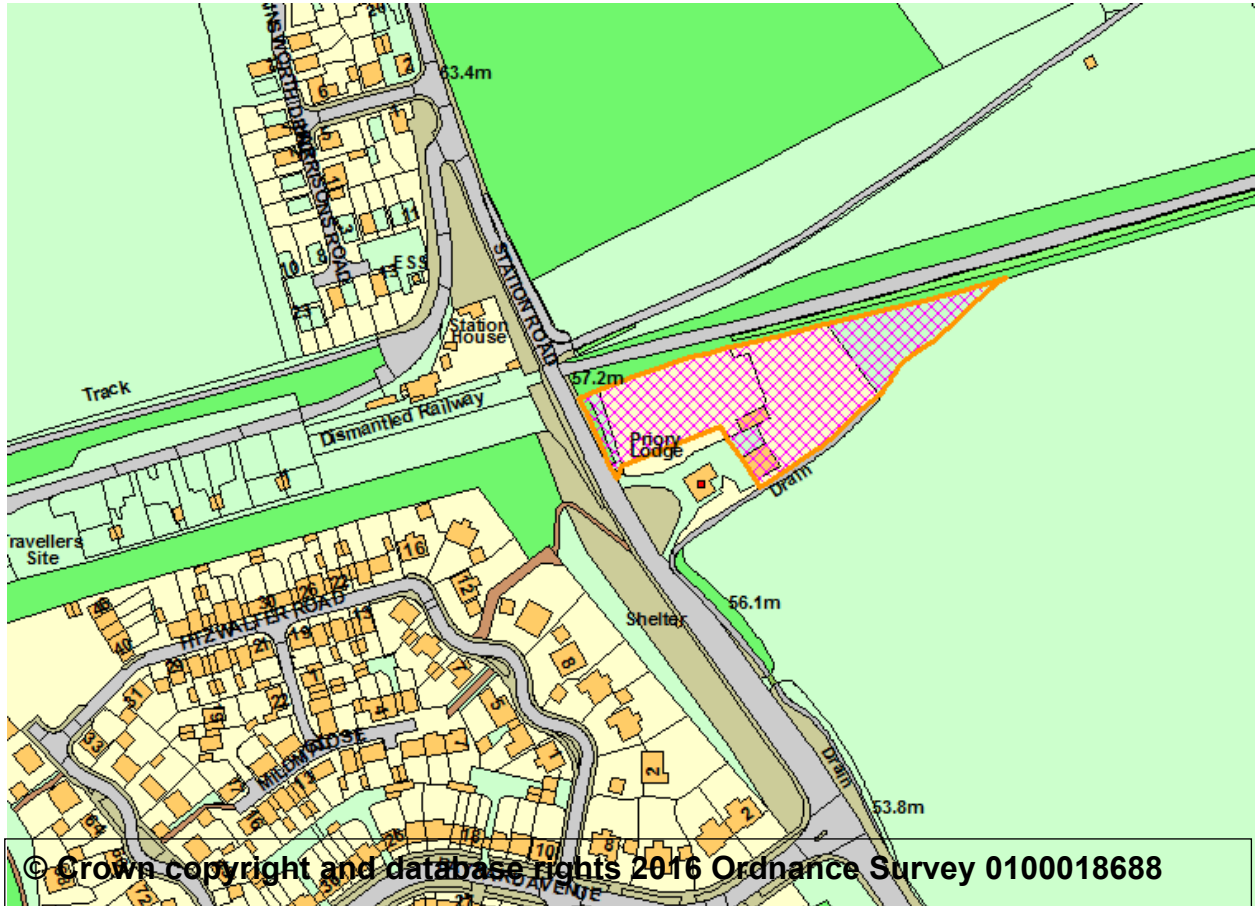
REASON: In the interests of bio-diversity protection given the linear country park/Local Wildlife Site status of The Flitch Way in accordance with ULP Policies ENV7 and GEN7 of the Uttlesford Local Plan (adopted 2005).

- 10 All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

Application: UTT/17/3556/OP

Address: Priory Lodge, Station Road, Little Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 29 March 2018