

UTT/1110/07/FUL - LITTLE DUNMOW

Erection of 42 No. flats, 4 No. Houses, 2 No. retail units, doctors surgery, public house, and related parking

Location: Oakwood Park. GR/TL 665-208

Applicant: Colonnade Residential Ltd

Agent: Boyer Planning

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 24/09/2007

Classification: MAJOR

NOTATION: Within area subject to Oakwood Park Local Policy 1 & Masterplan

DESCRIPTION OF SITE: The site is in a central location at a three way road junction facing Hallett Road, Mandeville Walk and the village green and to the north and east are St Augustine Close and Britric Close. The adjoining land to the east and south is undeveloped at present. Separated from the site a little to the south east is Webb Close off Ranulf Road. A landscaped corridor will link the green, near to the proposed public house, to the primary school (under construction), community hall, playing fields and open space on the southern side of the overall development. There is a fall in levels from the north east corner of the site heading south.

DESCRIPTION OF PROPOSAL: The application seeks permission for the village centre – two retail units, a surgery and a public house - together with 42 flats and 4 houses. The overall design of the buildings of the village centre, in common with the rest of Oakwood Park, uses local traditional forms and materials.

The proposal involves the erection of a total of seven buildings on the two sites. These are shown as A-G on the application drawings:

Building A: Two and two-and-a-half-storeys, providing shop on ground floor, two 1-bedroom flats and two 2-bedroom flats (total) on the first floor and within part of the roof space. The building is proposed to be clad with brickwork, boarding, clay plain tiles and slates.

Building B: Two storeys, providing four 2 bedroom houses; clad with brickwork, render and slates. Buildings A and B are linked.

Building C: Two storey building with two 1 bedroom and four 2 bedroom flats clad with brick, render, boarding and slates. This building is free standing.

Building D: Two storeys with the surgery (with lift) on both floors. This building would be clad with a mix of brickwork, weatherboarding and a clay plain tiled roof.

Building E: This is a three storey building providing eleven 2 bed flats. This building would be clad with a mix of brickwork, render and a clay plain tiled roof.

Building F: Mostly three storey building, with a small four storey element and provides the shop on the ground floor and 8 one bedroom and 6 two bedroom flats (total) on the first, second and third floors. This building would be clad with a mix of brickwork, render, weatherboarding and a clay plain tiled roof. Buildings D-E-F are linked together and wrap around part of the corner of the site.

Building G: Three storeys with public house on the ground floor with flats on first and second floors providing one 1 bed and six 2 bed flats. This building would be clad with a mix of brickwork, render, weatherboarding and a clay plain tiled roof.

Ninety-nine car parking spaces are proposed (plus 11 motorcycle spaces and facilities 28 cycle parking) – 2 each for the four dwellings, 1 for each of the flats, together with parking for the surgery, the public house and visitors to the shops. These are located in various points

around the site convenient to their users and the overall level of provision is inline with that considered satisfactory by the appeal inspector.

This proposal is not affected by the current legal challenge against the Secretary of State's decision to dismiss the appeal for 162 further dwellings at Oakwood Park and rear of Station Road.

APPLICANT'S CASE: A Planning Statement (including as an appendix a minute of a public meeting with the local community prior to submission of the application), Transport Statement and Design and Access Statement has been submitted to explain the various aspects of the proposal. A Management and Operation Strategy document has been submitted jointly by the applicant and Moat Housing Group (RSL). In addition a detailed description of the various changes made to the proposal has also been submitted.

RELEVANT HISTORY: Outline application for reclamation of despoiled land and demolition of redundant structures and redevelopment for residential purposes with associated local shopping, employment school and recreational facilities highway, engineering and landscaping granted on appeal 1998.

Outline application for reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision), public house, associated highway, engineering works and landscaping approved June 2004.

Provision of 54 new residential units - 49 units of affordable housing, Retail units, Doctor's Surgery and associated car parking - The Village Centre - refused 2004. Appeal withdrawn.

Provision of 48 residential units - 46 units of affordable housing, retail space, doctor's surgery and associated car parking - The Village Centre - refused 2005 and dismissed on appeal in 2006.

Officers and architects have had a series of meetings since the dismissal of the appeal to discuss a revised scheme and this is the result. The applicant has also had regard to the Statement of Community Involvement and carried out pre application consultation with the local community. The proposal has been revised post submission to take into account some of the consultation replies and neighbour representations.

CONSULTATIONS: County Highways: Comments made on the shortcomings of the proposal.

Water Authority: None received.

Environment Agency: Object unless condition preventing pollution of the environment be attached. Also request a condition to achieve sustainable use of energy.

Police Architectural (Secured by Design): Confirm that pre submission discussions were held and the scheme is capable of achieving Secured by Design certification on whole development and request a condition requiring this.

PARISH COUNCIL COMMENTS: Original Plans: Little Dunmow: Pleased to see changes made to the scheme following pre application meeting; request conditions concerning delivery and service times; condition regarding pub closing times; enforcement of parking controls; suggest CCTV and suitable street lights.

Felsted: Suggest that any large delivery vehicles approach from the south; concerns about original location of lay-by (since amended); concerns about commercial vehicles traveling through Felsted Village.

Revised Plans: Any comments from either Parish Council will be reported.

REPRESENTATIONS: Original Plans: This application has been advertised and 9 representations have been received. Period expired 6.8.07.

COMMENTS ON REPRESENTATIONS: The architect has revised the proposal to address the concerns expressed in the representations. For example the impact on 52 Hallett Road by reducing the height of part of the adjacent building and changing the roof form as well as providing an electricity substation elsewhere on the site rather than enlarging the existing one. Some people have queried the need for a public house. A public house/restaurant is proposed in the Masterplan and which has formed the basis of the proposal. There are no sound planning reasons to require its omission now.

PLANNING CONSIDERATIONS: The context for considering the proposal is the adopted Masterplan, the Oakwood Park Design Guide, the Urban Place Supplement and the 2006 appeal decision relating to the last proposal for the village centre.

The original outline permission included the provision of shops within the overall development and these together with a surgery and public house/restaurant became embodied in the concept of a Village Centre which is a requirement in the Masterplan. The Masterplan identifies the two parcels of land straddling the local access road for the village centre and these are the parcels subject to the application. The Design Guide refers to the provision of a Landmark at the village centre which would be at the intersection of various pedestrian routes. The recently adopted Urban Place Supplement to the Essex Design Guide and Supplementary Planning Documents on accessible housing and energy efficiency have also informed the design.

Two previous applications have been submitted – both refused and appealed (although one appeal was withdrawn). The Inspector's comments on the previous scheme are material to this application and have formed the basis for drawing up this scheme. The Inspector identified three main issues which remain relevant for this proposal:

- 1) **Design issues - the impact of the proposal on the character and appearance, on the surroundings and the functioning, of Oakwood Park especially design, density and massing;**
- 2) **Convenience and safety of highway users, the quality, quantity and arrangement of car parking spaces and servicing of shops;**
- 3) **Living conditions of adjacent and nearby occupiers - privacy, over bearing, noise and disturbance**
- 4) **Since the time of the appeal decision there have been various changes to adopted policy documents which also require consideration**

1) There are significant differences between this scheme and the unsuccessful appeal proposal. The appeal scheme proposed all 48 dwellings on the larger of the two sites, together with the retail units and surgery (the major components of the village centre which were relegated to having a secondary importance in the overall scheme), essentially in two buildings. One was an L-shaped block of nine dwellings at the rear corner of the site with everything else provided in a long curved block of three and four storeys. It was similar to a scheme refused previously. Much of the site was to be taken up by car parking. The public house and car parking were proposed on the 'pub site, although no details were provided of the public house other than an indicative footprint.

This development would have a significantly different character and appearance. It reduces the density and the total number of dwellings to 46 and the number of dwellings on the larger of the two sites is reduced to 39 with 7 (6 of those being open market units) provided within the public house/restaurant building. The development has been broken down into seven buildings of two, two and a half and three storeys. All buildings are in a traditional style and

on a more human scale using traditional forms and a palette of traditional materials. The massing is very different and the overall effect is much more pleasing and integrates well with the styles of the rest of the buildings in Oakwood Park. Three storey buildings were noted by the Inspector as being “*much in evidence*” at Oakwood Park. Officers consider that the proposal has successfully addressed the design concerns held by the Inspector.

2) With regard to car parking, the Inspector considered that two spaces for each house and one space per flat was an appropriate standard to use, citing the experience of Moat Housing (RSL – also involved in this scheme) and their ability to control car ownership by contract, despite claims to the contrary made by the Council at the Inquiry. She also took the view that it was appropriate to recognise that the different uses operating at the site would use car parking at different times. For example the shops and the surgery would operate during the day while the pub would operate more in the evenings and so at other times the parking associated with each use would be available for neighbouring uses. This is a common approach. She also made reference to Government Policy in PPG3 and PPG13 which sought to reduce parking provision and that PPG13 states that Local Planning authorities should not require developers to provide more parking than they wish to provide. While PPG3 has since been replaced by PPS3, PPG13 remains in force. Officers are of the view that policies have not changed so much that a similar pro rata provision (reduced slightly to reflect the slightly reduced total number of dwellings and the reduction in the number of houses) could be demonstrated to be unacceptable.

There is a better relationship between uses and the parking and unloading spaces associated with them. The parking for the surgery is adjacent to the surgery, the unloading area is clear of the road between the two retail units and there are spaces near to the shops for those people calling in. The footpaths are much better integrated into the site and reflect the routes people are likely to want to travel and protected from traffic, overlooked by properties and are broad enough to be welcoming to users.

3) The Inspector was not particularly concerned about the impact of the appeal proposal on the amenity of adjacent occupiers for reasons of lack of privacy, over bearing, noise and disturbance and this reduced scheme is superior to it. The revisions since submission have reduced the mass of building A and improved its relationship with the adjacent occupier. The proposal would not create material overlooking, over shadowing or be overbearing on adjacent properties.

The retail opening hours are proposed to be 7am to 11pm. There is a balance to be struck between protecting residential amenity and the benefit of flexibility and the opportunity to use these facilities late into the evening. The public house hours are to be determined in a licensing application under the Licensing Act 2003 one of the issues of which is to protect the amenity of local residents. Therefore a planning condition to restrict the opening hours of the public house is not suggested.

4) The proposal has been designed in the knowledge of the Council’s requirements for energy efficient buildings and the provision of accessible homes. Four of the seven buildings (A, E, F and G) have accommodation above first floor level; two (E and F) having lifts. Building A has a single flat on the second floor which does not have a lift and Building G has three open market flats on the second floor which do not have lifts. On balance officers consider the applicant has done well to make all but four flats on the site either within the first two stories or have lift access. The applicant met the Council’s recycling officer prior to submission of the application and the scheme meets Council’s requirements. Police architectural liaison has confirmed that the proposal is capable of achieving Secured by Design certification.

CONCLUSIONS: This revised scheme meets the requirements of the Masterplan and successfully overcomes the problems of the previous schemes.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.2.1. Standard time limit for commencement of development.
2. C.3.3. Development to be carried out in accordance with the approved details.
3. C.4.1. Submission of landscaping scheme.
4. C.4.2. Implementation of approved landscaping scheme.
5. C.5.2. Submission of details of materials.
6. C.7.1. Submission of slab levels
7. C.8.29. Details of sustainable construction for new residential or commercial development
8. C.8.30. Provision of bin storage.
9. C.28.2. Accessibility – further submission.
10. No lighting shall be erected outside the buildings or on their exterior unless their details have previously been submitted and approved in writing by the local planning authority. Reason: To protect the amenity of adjacent residents.
11. The design and layout of the development hereby permitted shall be in accordance with the provisions of The Association of Chief Police Officers' 'Secured By Design' guidance. Reason: To ensure a satisfactory standard of development.
12. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted and agreed in writing with the local authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. Reason: To ensure a satisfactory method of pollution control.
13. The retail units hereby permitted shall not be open outside the hours 0700 to 2300 hours. Reason: To protect the amenity of residents.

Background papers: see application file.

1) UTT/1829/07/FUL & 2) UTT/1830/07/CA - GREAT DUNMOW

1) Change of use from school to 3 No. dwellings and erection of 27 No. dwellings with associated car parking and garages. Demolition of remaining school buildings and construction of new pedestrian access. Alteration to existing vehicular and pedestrian access.

2) Demolition of remaining school buildings.

Location: Former Great Dunmow Primary School Rosemary Lane Great Dunmow GR/TL 625-223

Applicant: Bellwinch Homes Ltd

Agent: Ian Bailey Architects

Case Officer: Mr M Ovenden 01799 510476

Expiry Date: 14/01/2008

Classification: 1) MAJOR 2) OTHER

NOTATION: Within Development Limits and approximately half in the Conservation Area.

DESCRIPTION OF SITE: The application site comprises the former Rosemary Lane Primary School which is vacant following the opening of the new one at Woodlands Park. The site occupies an irregular shaped parcel of land extending to approximately 0.84 hectares. The redundant school buildings are on the eastern part of the site and are of traditional appearance, some dating from the C19th, others are comparatively recent, characterised by red brick elevations below shallow hipped roofs finished in slate. Hard standing associated with the former playground and demountable classrooms extends westwards before giving way to (now) rough grassland and scrub and a number of mature trees are scattered within and bordering the site including a number subject to Tree Preservation Orders in a line along the northern boundary.

Residential properties along Rosemary Lane, the Downs, Godfrey Way and at Pondfields adjoin or face all of the site boundaries and comprise a variety of dwelling types and styles including three listed buildings to the south of the site. The former school hall building is close to the same ground level as the adjacent Pondfields (a relatively recent development of four dwellings on the site of the former Pondfield Garage). A little way in from the eastern and north eastern boundaries the land rises by up to two metres over a short distance and the land continues to rise but much more gently up to the western boundary. The land drops towards the northern and southern boundaries. Godfrey Way to the north is set at a slightly higher level. Vehicular access is gained via a narrow drive from Rosemary Lane. The application site includes part of the residential property to the west in order to permit alterations to the vehicular access.

DESCRIPTION OF PROPOSAL: There are two applications. One is for Conservation Area Consent to demolish all existing buildings except the original building dating back to the 1840's adjacent to Pondfields, but including the removal of an extension to that building. The other application is for full planning permission to redevelop the remainder of the site with 27 new dwellings resulting in a total of 30 dwellings on the site including the three proposed in the converted hall. This represents a density of just under 36 dwellings per hectare.

Eight house types (plus the conversions) are proposed providing a mix of dwelling sizes - Two 1 bedroom units; Four 2 bedroom units; Eleven 3 bedroom units (including the three units in the converted hall which have the third bedroom on the ground floor); and Thirteen 4 bedroom units. Most of the dwellings are two storey, except for the three units in the conversion which are effectively 1½ storey and six 2½ storey houses. Twelve of the

dwellings are proposed to be affordable equating to 40% of the total. Parking is to be provided in a mixture of detached garages, on plot parking, integral garages and one small parking court of seven spaces.

The layout is characterised by a small square as the site widens out enclosed on one side by existing trees, which will occupy a position at the head of the entrance drive into the estate from Rosemary Lane. The existing access is proposed to be widened and re-aligned and will form the only vehicular and pedestrian access to the new build dwellings. The three units contained within the converted school hall building are proposed to be accessed from the southern end of Pondfields, which runs adjacent to the eastern end of the site.

APPLICANT'S CASE: A detailed Design and Access Statement accompanies the application under the sub headings of introduction, site context, layout design, constraints and opportunities, built form and character, access, lifetime homes and wheelchair accessible houses, external materials, flood risk and sustainability. This document is contained in full on the application file. The application is also accompanied by a Habitat Survey, an Impact Assessment Survey on Trees, an Arboricultural Report, Bat Survey, a Flood Risk Assessment and an Asbestos Survey (of existing buildings).

RELEVANT HISTORY: A similar pair of applications were submitted earlier this year but were withdrawn due to objections from Highways.

CONSULTATIONS: ECC (Highways): To be reported

ECC (Education Services): Do not require educational contribution.

ECC (Tree Officer): To be reported

Design Advice: The principle of conversion is acceptable although the proposal has too many rooflights, front and rear which would detract from the simple design of the original building.

ECC (Archeology): No archeological requirements.

UDC Drainage Engineer: Recommends a condition requiring details to be submitted and approved of surface water disposal and measures to avoid flooding.

Natural England: Objects to the proposed development and recommends that the application be deferred on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. It does state that if permission is granted the applicant be advised that the permission does not overcome the requirement to comply with law relating to protected species.

Lifetime Home Standards are considered acceptable.

Environment Agency: Originally objected but then changed their view and raises no objections to the proposed development but request condition concerning agreement of details of surface water drainage.

Anglian Water: Request that if permission is granted then a condition is imposed requiring details of all foul and surface water drainage for the site to be submitted and approved by the local planning authority.

TOWN COUNCIL COMMENTS: Planning application: Object.

- Vehicular access from Rosemary Lane inadequate and very dangerous with a blind bend to the north and a blind summit to the west.
- The entrance from Rosemary Lane is inadequate in view of the amount of traffic that will be using it.
- Inadequate number of parking places, only 27 for 30 dwellings. A minimum of ratio of 1.1 parking spaces per dwelling is required particularly in view of the potential for further vehicles on the site in the future.

- Roof pitch on Types F & G excessively high which will only invite conversion, increase the numbers of residents and in turn lead to further parking problems.

Conservation Area Consent No objections.

REPRESENTATIONS: 13 letters of objection have been received predominantly from local residents surrounding the site. Their main points of concern are summarised as follows:

The backland (playing field) forms a backdrop to the conservation area and school buildings. Development of the scale proposed will be detrimental to the conservation area.

Conservation area status should take precedence and development should be scaled down to complement rather than overshadow the Conservation area.

Pondfield is a private road and vehicle access is not provided.

It is not clear that the entrance that ultimately leads to Pondfield has been considered by Essex Highways as no specific reference has been made to it.

Including the Pondfield residents there are up to 18 residential vehicles, plus visitors and delivery vehicles, using the road, which in parts is only 3.4m wide.

Using Pondfield as a manoeuvring area is not an option as this is a private road to which the ultimate residents of R1, R2 and R3 have no rights of access.

Whilst the theory and intention is for the Council to discourage vehicle ownership by restricting parking facilities, in reality there are limited public transport links servicing Dunmow. The lack of additional parking for the proposed site including to but not limited to visitors will inevitably result in vehicles being forced to illegally park on the grass verge of The Downs and down Starr Lane creating an additional hazard.

The proximity of proposed property number 17. This is in my view too close to my back garden, which will have an overbearing/shadowing impact and will reduce light to my garden and is generally out of line with distance between houses in the local neighbourhood of Godfrey Way.

The plans clearly show house number 17 to be inside the normal tree protection area for the Ash and I am concerned that if the development goes ahead it will damage the roots of the tree to the detriment of the health of the tree.

Will the integrity of the ditch to the east of my property be preserved by the developer?

Object regarding Plot 18 property type G. Feel the height of the property will prove to be an intrusion on our privacy.

I hope further consideration can be given to additional parking within the development site.

The rear windows of plots 21 and 22 will look through into a large area of both floors of our property. If you decide to approve the application the existing boundary should be approved including foliage. We also think there should be a solid screen to help protect overlooking at least into the lower areas.

Plot 19 is too close to our property due to the shape of our garden. The house on this plot will block out our morning sun.

Should you decide to approve the application the existing boundary should be maintained including foliage. We would also ask for a solid screen to avoid overlooking from Plot 19's proposed living room. Would you request the developer gives consideration to combining Plot 19 & 20 into one three-bedroom house to increase the distance between the new development and our boundary? Should consent be granted would you please ensure that the council remove the permitted development rights as any further enlargement would impinge on privacy and enjoyment of the garden further. We would ask that a planning condition be applied to ensure that the levels of the plots are appropriate to maintain our drainage.

COMMENTS ON REPRESENTATIONS:

PLANNING CONSIDERATIONS: The main issues are

- 1) **Residential conversion of hall building and removal of remainder of the existing buildings (ULP Policy ENV1)**
- 2) **Principle of redevelopment; affect on character of the conservation area, impact on trees, levels and impact on neighbours, provision of mix of dwelling sizes and affordable housing (ULP Policies S1, GEN2, GEN3, GEN7, ENV3, H3 H9, H10)**
- 3) **Re-alignment of access and provision of car parking including use of Pondfields (ULP Policy GEN1, GEN2, GEN4 and GEN8)**

1) The old hall building is an attractive building and officers have encouraged its retention and conversion as part of a scheme. The conversion of the hall building is acceptable in principle but the Conservation Officer is concerned about the proliferation of rooflights. A condition could be attached to reduce the number of rooflights if the development was approved. Its C20th extension is to be demolished and this is welcomed.

The other buildings are further away from the site boundaries and make no particular contribution to the character of the Conservation Area when viewed from the public domain. These buildings are not listable and Officers raise no objection to their removal. For this reason there are no objections to the application for Conservation Area Consent which is solely concerned with the demolition of those structures within the Conservation Area (except the old hall building).

2) The site is within the development limit where planning policy aims to focus development and the proposal represents an opportunity for further residential development in the town. The designs of the new dwellings are traditional and due to careful orientation, distances to boundaries and position of windows, material overlooking or overshadowing from most properties is unlikely. Materials, safeguards to prevent the insertion of further windows, site levels, achievement of lifetime home standards and use of sustainable technologies could be subject to conditions. In this way the proposal would serve to protect or enhance the character of the conservation area. However Unit 30 would give rise to material overlooking of gardens associated with properties on the Downs, which is unacceptable.

The realignment of the access would bring it close to a protected tree at Green Corner and advice has been sought from the ECC on the impact of this element of the proposal on that tree as well as other tree related issues on the site.

The provision of car parking for the three units in the conversion adjacent to Pondfields would be acceptable from an amenity and safety point of view (subject to confirmation by Highways). In some of the representations it is claimed that Pondfields is a private road. If the applicant needs to resolve and achieve access rights with existing owners this would be a private matter to be sorted out following permission.

The tenure of the affordable units could be secured in a S106 agreement if the scheme was approved.

3) The vehicular access is proposed to be realigned in order to overcome previous objections. This is understood to meet the ECC requirements and confirmation has been sought.

Most of the dwellings would have parking at or close to the maximum in the adopted standards. However the twelve affordable units – 2 x 1 bed; 4 x 2 bed and 6 x 3 bed houses) would be provided with only a single space each. There is a visitor space but this is not allocated to any particular unit or group of units. The adopted standards are a maximum but 2 spaces for each house was considered to be necessary by the Inspector at Oakwood Park village centre and the provision for the affordable units on this site falls below that level. In comparison to the level of provision for the market units it would also act to highlight the difference between the market and affordable units.

The comments of the Environment Agency are noted but its comments are equivocal to the extent that while objecting it also requests that if permission is granted the applicant should be reminded of its responsibilities under the law relating to protected species.

CONCLUSIONS: The proposal is satisfactory in most respects but makes inadequate provision for car parking for the affordable units and unit 30 would create an unacceptable degree of overlooking of properties front the Downs. Replies from the County Council regard highways and trees will be reported.

RECOMMENDATIONS:

1) UTT/1829/07/FUL - REFUSAL

1. The proposal would provide inadequate car parking for the twelve affordable houses which is likely to lead to parking problems and inconvenience to residents contrary to the requirements of policy GEN2 and GEN8.
- 2, The position and design of unit 30 is likely to give rise to material overlooking of the private gardens fronting Rosemary Lane to the detriment of their amenity contrary to policy GEN2.

2) UTT/1830/07/CA – APPROVAL WITH CONDITIONS

1. C.2.2. Standard time limit.
2. This consent does not relate to the demolition of the hall building coloured green on the Proposed Site Layout plan.
Reason: To ensure the retention of the hall building.
3. No demolition shall occur until details of how the site is to be cleared of all demolition materials. The approved scheme shall thereafter be carried out.
Reason: To protect the character and appearance of the site.

Background papers: see application file.
