

UTT/1151/11/FUL – (GREAT DUNMOW)
(Call in request by Councillor Davey)

PROPOSAL: Erection of 2 no. detached dwellings (resubmission of application UTT/0624/11/FUL)

LOCATION: Land between The Downs and Coppice Close, Great Dunmow

APPLICANT: Wild Boar Properties Limited

AGENT: Ken Philpot Design Limited

GRID REFERENCE: TL 626-223

EXPIRY DATE: 05 August 2011

CASE OFFICER: Mr C Theobald

1.0 NOTATION

1.1 Within Development Limits / Within Conservation Area / TPO's along site frontage.

2.0 DESCRIPTION OF SITE

2.1 The application site is situated at the northern end of The Downs close to the junction with The Causeway and comprises an overgrown parcel of former garden land of 0.13 hectares. The site slopes gradually down to The Causeway, although is comparatively level across the site. The site frontage contains a row of protected pollarded lime trees with a field gate entrance, whilst the rear boundary of the site backs onto Nos.9 and 11 Coppice Close. The site also includes for the purpose of this application an unused and sealed off ramped access drive leading down into the site from Coppice Close (to the rear) that was previously intended by developers to serve additional estate houses to be built on the land, although this proposed small extension of the estate was never the subject of a planning application.

3.0 PROPOSAL

3.1 This application seeks minor elevational changes to the front elevations of two detached dwellings proposed for this site following the refusal of planning permission on design grounds on 24 May 2011 under application ref UTT/0624/11/FUL which included associated garaging and new vehicular access. The changes refer specifically to the removal of front projecting ground floor bay windows/ conservatories originally shown under UTT/0624/11/FUL and reflect pre-application discussions between the Council and the applicant. However, the application has been called in due to concerns expressed by adjoining residents regarding the use of the rear ramped access into the site, which was not a reason for the refusal of the last application (see relevant history).

4.0 APPLICANTS CASE

4.1 The application is accompanied by the following documents:

- Revised Planning Statement dated June 2011
- Revised Design and Access Statement dated June 2011
- Extended Phase 1 Habitat Survey dated April 2011
- Transport Appraisal by Intermodal Transportation
- Tree Report
- Lifetimes Homes document

4.2 *Summary of applicant's planning statement:* The current application is largely identical to the last application and proposes the construction of 2 detached houses both fronting onto The Downs, but one accessed from Coppice Close to the rear and one from The Downs to the front. The only change from the last application is that the single storey projection proposed on the front of each house has been removed and replaced with windows to leave each property "flat fronted". This follows the recommendation of the planning case officer and is the design agreed in e-mail correspondence between our architect and the planning officer. It is felt in conclusion that this proposal, being the 6th planning application on the site in recent years, cannot now fail to meet both the stated requirements of the local planning authority and resolve the concerns expressed by the Inspector at the recent planning appeal.

5.0 RELEVANT SITE HISTORY

- 5.1 Planning permission refused in 2007 for a terrace of 4 dwellings with access off The Downs due to highways objection (UTT/0839/06/FUL). Permission refused in 2009 for terrace of 4 dwellings with alternative access from Coppice Close due to traffic and pedestrian conflict at bottom of Coppice Close including poor visibility, adverse effect on residential amenities of Nos.9 and 11 Coppice Close and No.1 The Causeway and as the proposal would be contrary to the conservation aims of the Great Dunmow Conservation Area Appraisal and Management Plan. Appeal dismissed in September 2010 when the Inspector commented that whilst the development would not be harmful to the character or appearance of the conservation area, the possibility for conflicting movements would be significant based upon the number of dwellings proposed and would not comply with ULP Policy GEN1, notwithstanding that ECC Highways had not objected to the proposal on highway safety grounds. The Inspector also remarked that the proposed access road would pass by very close to Nos.9 and 11 Coppice Close and that the comings and goings associated with the development would cause significant noise and disturbance to the occupiers of the houses and that some loss of privacy would result due to vehicle light glare to No.11 contrary to ULP Policy GEN2 (UTT/0836/09/FUL).
- 5.2 Permission refused in April 2011 for erection of 3 (No.) detached dwellings with vehicular access from both The Downs and Coppice Close similarly on highway/amenity grounds and as a bio-diversity report had not been submitted with the application to show whether any protected species would be harmed by the proposal (UTT/0351/11/FUL – currently subject to appeal). Simultaneous application submitted for reduction of number of proposed dwellings to two dwellings with one dwelling being served from The Downs and one dwelling being served from Coppice Close refused in May 2011. This was refused for the following reason:

ULP Policy GEN2 of the Council's Adopted Local Plan 2005 states that development will not be permitted unless it is of an acceptable design and has regard to adopted

supplementary design guidance. The design of the proposed dwellings would be unacceptable by reason of inappropriate front elevational treatment for residential development at this prominent location and would therefore be contrary to ULP Policy GEN2 and relevant supplementary design guidance.

It was considered by officers that the use of the rear ramp into the site for just one dwelling was considered by officers to be of a sufficiently low usage level as to not be significant and therefore overcame the previous Inspector's concerns regarding potential traffic conflict and loss of amenity. (UTT/0624/11/FUL). An accompanying Phase 1 Habitat Survey was considered to be acceptable. This refusal is now subject to appeal.

6.0 POLICIES

6.1 National Policies

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing
- Planning Policy Statement 5: Planning for the Historic Environment

6.2 East of England Plan 2006

- Policy H1: Regional Housing Provision 2001-2021
- Policy T8: Local Roads
- Policy ENV7: Quality in the Built Environment

6.3 Essex Replacement Structure Plan 2001

- None

6.4 Uttlesford District Local Plan 2005

- Policy GEN1: Access
- Policy GEN2: Design
- Policy ENV1: Design of development within Conservation Areas

7.0 TOWN COUNCIL COMMENTS

- 7.1 Object: i) The proposed access via Coppice Close is too narrow and the plans do not indicate the true practical width of the road, ii) Access from Rosemary Lane is very dangerous on this busy restricted road.

8.0 CONSULTATIONS

Natural England

- 8.1 The protected species survey has identified that the following European protected species may be affected by this application: bats and reptiles. The Standing Advice Species Sheet: Bats advises the authority that "Permission could be granted (subject to other constraints) and that the authority should "Consider requesting enhancements". Natural England supports the conclusions and recommendations made in the submitted

habitat survey, particularly with regard to site enhancements (e.g. creation of habitat linkages);

Anglian Water

- 8.2 Reply not received (due 7 July 2011).

Veolia Water

- 8.3 Reply not received; (due 7 July 2011).

Essex County Council Highways

- 8.4 (revised consultation response): No highway objections.

Specialist Advice on Listed Buildings and Conservation

- 8.5 This application follows pre-application discussions and now removes the over-elaborate and fussy conservatory style bay window detail shown to the front elevation of each dwelling. As a result, the dwellings have a simpler, cleaner appearance more reflective of local vernacular design and I therefore have no continuing objections to this scheme.

Building Control

- 8.6 Reply not received (due 7 July 2011) (Note: no objections raised regarding B5 Access and facilities for the fire service relating to UTT/0624/11/FUL).

Access Officer

- 8.7 Insufficient information provided to show compliance with the SPD for Lifetime Homes. Condition should be imposed requiring submission and approval of Lifetime Homes drawing and that level access would be provided into the principal entrances.

Climate Change Officer

- 8.8 Apply condition C.8.35 for Code Level 3 (less than 5 dwellings).

Drainage Engineer

- 8.9 The application states that surface water disposal would be by way of a sustainable system, but the submitted drainage plan suggests that surface water would be directed towards an existing surface water sewer, which is neither sustainable or the preferred option under PPS25. The drives are shown to be of "permeable gravel and blocks", but no details of the construction beneath these surfaces are provided. Apply sustainable drainage condition.

Landscaping

- 8.10 Reply not received (due 7 July 2011) (Note: no landscaping objections raised against UTT/0624/11/FUL subject to conditions concerning TPO tree protection).

9.0 REPRESENTATIONS

9.1 5 received. Notification period expired 7 July 2011. Site notice expired 15 July 2011. Advertisement expired 21 July 2011. The comments expressed within the representations are the same or similar to the representations received for the recently refused applications for this site (UTT/0351/11/FUL & UTT/0624/11/FUL), namely:

- justification for site development
- Use in principle of rear ramp for vehicular access into site/narrowness of access
- lack of visibility at corner with Coppice Close
- traffic congestion/parking problems/danger to pedestrians
- loss of residential amenity
- no affordable housing proposed
- threat to frontage TPO lime trees
- potential flooding
- refuse disposal arrangements

10.0 APPRAISAL main issue

The in considering this revised application is whether it has overcome the reason for the refusal of the last similar applications.

Other issues have been raised.

A Whether access arrangements are considered satisfactory

B Impact upon neighbouring residential amenity

C Whether the design of development is acceptable given the site's location within the conservation area

10.1 The two dwellings proposed have been slightly amended to re-design what was previously considered by the Council's conservation officer to represent unacceptable front facades through the introduction of unnecessary ground floor front projections. Their removal has resulted in cleaner, more simplified facades which have overcome the previous design objections and the proposal now complies with ULP Policy ENV1.

10.2 No other matters were included in the reason for the last application. Therefore the applicant can reasonably expect that the local planning authority considered the last application to be acceptable in all other respects and providing that the reason for refusal (given in full in section 5.2) is overcome he should obtain planning permission. As explained in the planning history, the Planning Inspector in determining the appeal for previously refused application UTT/0836/09/FUL for the erection of four dwellings on the site expressed the view that the possibility for conflicting movements at the bottom of Coppice Close would be significant. The last application was assessed in light of the Inspector's comments as to whether the use of the ramped access into the site for a reduced number of dwellings would overcome the Inspector's concerns or whether no vehicular access should be permitted whatsoever. ECC Highways has stated that the width of the access complies with minimum highway standards for what would be effectively a single private drive and that a highways objection cannot be reasonably sustained, notwithstanding the lack of a visibility splay at the top on the ramp where it meets Coppice Close. This lack of highways objection also applied to the 2009 application proposal. The view of ECC Highways therefore carries material weight and it is considered that the reduction in the

number of dwellings being served from the rear of the site off Coppice Close from four to just one dwelling as was the case with the last application would in the opinion of officers reduce the level of traffic movements to a level which could no longer reasonably be described as being significant. It was considered that the development would given these changed circumstances be acceptable under ULP Policy GEN1.

10.3 It must follow from the above that the level of amenity harm that could be caused to the occupants of Nos.9 and 11 Coppice Close by reason of comings and goings up and down the access ramp associated with a single dwelling would also be reduced from that of significant as previously assessed. The Inspector's acknowledgment that headlight glare could result for No.11 when vehicles were turning into the ramp have been addressed by the developer by the provision of a "hit and miss" fence along the boundary between the ramp and No.11 and this is considered to be a satisfactory means of enclosure. The last proposal was therefore compliant with ULP Policy GEN2. The previous impact noted upon No.1 The Causeway has been negated through the revised scheme for this side of the site.

11.0 CONCLUSION

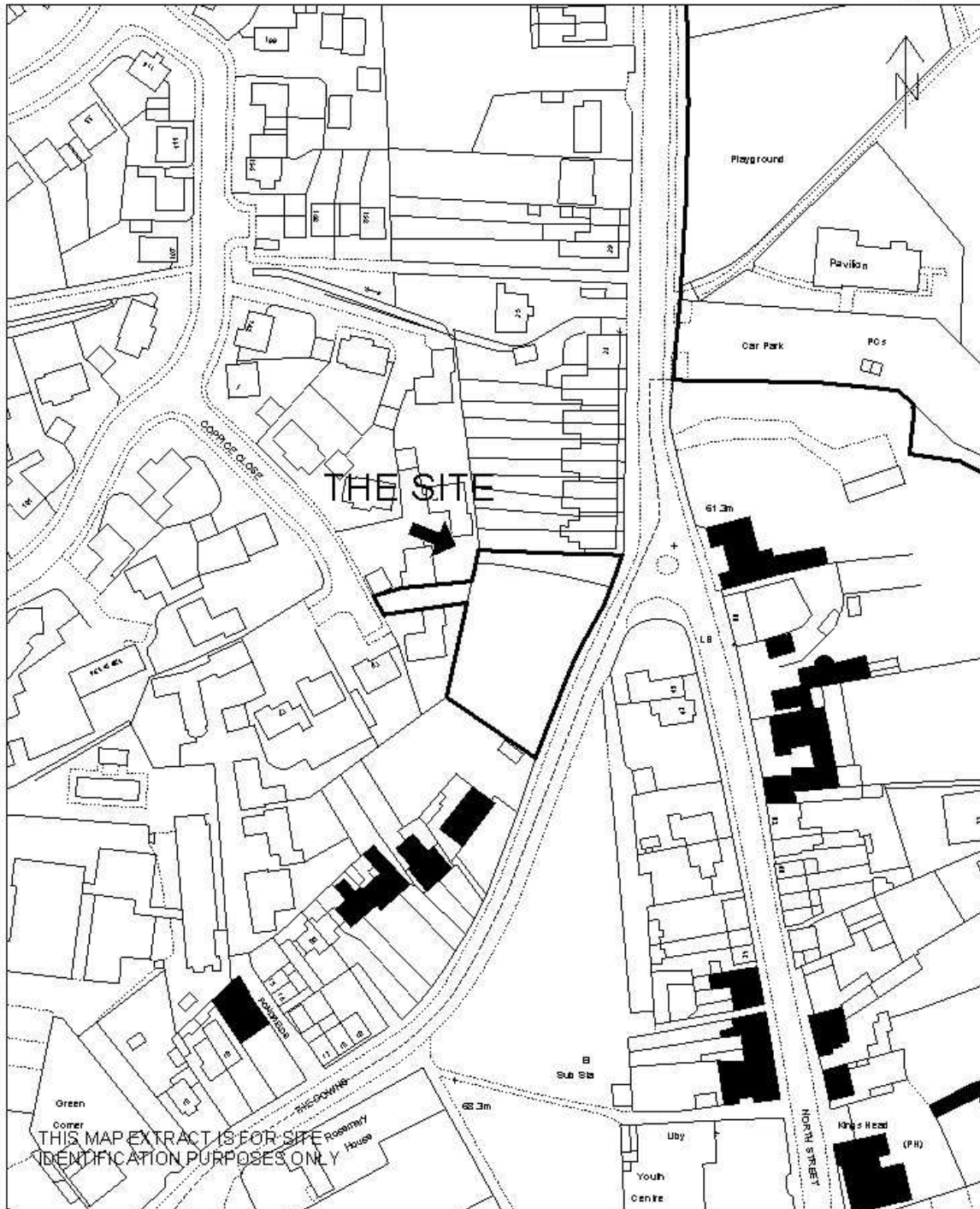
11.1 The following is a summary of the main reasons for the recommendation:

- The amended design for the front facades of the dwellings overcomes the sole reason for refusal of the last application.

RECOMMENDATION – CONDITIONAL APPROVAL

- 1 Time limit for commencement of development - listed buildings [conservation areas]
- 2 To be implemented in accordance with approved plans
- 3 Scheme of landscaping to be submitted and agreed
- 4 Implementation of landscaping
- 5 Retention and protection of trees and shrubs for the duration of development
- 6 Samples of materials to be submitted agreed and implemented
- 7 Excluding conversion of garages
- 8 Restriction of hours of operation 8.00 to 18.00 Monday to Friday 8.30 to 14.00 Saturdays. (No time on Sundays, public/ban holidays).
- 9 Before the commencement of development, details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently, the drainage shall be implemented in accordance with the approved details. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory

- undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
Reason: To control the risk of flooding to the development and adjoining land.
- 10 Condition for compliance with code level 3 (less than five dwellings)
- 11 Unbound material/surface dressing
- 12 Prevention of runoff from access
- 13 Gates over highway
- 14 Acceptable survey mitigation/management plan – Implementation of Scheme
- 15 If Protected Species discovered get licence from Natural England
- 16 Condition Restricting Construction Works to Specified Season to Protect Breeding Birds etc.
- 17 Implementation of accessibility scheme
- 18 Prior to commencement of the development, the vehicular access to The Downs shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.
- 19 Prior to occupation of the development, the existing vehicular access on The Downs shall be suitably and permanently closed to the satisfaction of the Local Planning Authority incorporating the reinstatement to full height of the footway and kerbing to the satisfaction of the Highway Authority.
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.
- 20 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport approved by Essex County Council.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.
- 21 Prior to commencement of the development, a 1.5 metre x 1.5 metre pedestrian visibility splay as measured from and along the highway boundary shall be provided on both sides of the vehicular access to The Downs. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.
- 22 Prior to commencement of the development, the Developer shall submit to the Council for prior approval and subsequent implementation a written statement explaining how construction traffic will access the site and what construction site signage may be necessary to direct vehicle drivers to the site.
REASON: In the interests of highway safety and neighbouring residential amenity.



THIS MAP EXTRACT IS FOR SITE IDENTIFICATION PURPOSES ONLY

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.

Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Uttlesford District Council Licence No: 100018688 (2007).

DATE:12/08/2011

MAP REFERENCE:TL6222SE

SCALE:1:1250