

UTT/1519/12/FUL – GREAT DUNMOW

PROPOSAL: Demolition of existing building and reception of 10 residential dwelling and associated development

LOCATION: Barnetson Court, Braintree Road, Great Dunmow

APPLICANT: Newstraid Benevolent Fund and Stonebond Properties Ltd

AGENT: Capita Symonds

GRID REFERENCE: TL 630-217

EXPIRY DATE: 25th October 2012

CASE OFFICER: Mrs M Jones

1. NOTATION

1.1 Within Development Limits. Archaeological Site. Tree Preservation Orders.

2. DESCRIPTION OF SITE

2.1 The site is located on the northern side of the Braintree Road, just off Great Dunmow High Street (B184). The site is approximately 0.43 hectares in size and rectangular in shape. The site is accessed from Braintree Road via a shared access with the adjacent property, Croft Court and Croft House, which provide residential and care for the elderly. There is a building on the site which has until very recently been used as 16 bed roomed care home. There is car parking to the east of the site. There are numerous trees subject to Tree Preservation Orders to the front and rear of the site. To the west of the site is a residential development. The site is on a higher ground level than that to the east and the site slopes down from south to north at the rear of the site. There is also a summer house and concrete shed within the grounds.

3. PROPOSAL

3.1 The proposal is for the demolition of the existing buildings and the erection of 10 residential dwellings and associated development. The proposed development has been negotiated and the revised scheme would provide 10 houses comprising

- 1x 2 bedroom house
- 4x 3 bedroom houses
- 5x 4 bed room houses.

Access to the site would be via a shared access road with the site to the east. There would be 23 parking spaces provided (two for each dwelling and three visitor's spaces), three of which would meet blue badge parking standards

4. APPLICANTS CASE

4.1 Submitted with the application are the following documents: (please see main file for full details)

- Planning Statement
- Ecological Scoping Survey and Biodiversity Statement
- Design and Access Statement
- Extended phase 1 Habitat Survey
- Bat Survey
- Tree Survey and Arboricultural Impact Assessment

Transport Statement
Desk Top Study Assessment
Statement of Community Involvement
Lifetime Homes Checklist
Sustainability and Energy Efficiency Checklist.

5. RELEVANT SITE HISTORY

5.1 UTT/2228/07/FUL: Single storey extensions - Conditional Approval 2008

UTT/1055/92/FUL: - Conversion of care rooms into 8 no. very sheltered flatlets and a rear extension for a further 4 and convert first floor offices to a 2 bed roomed wardens flat - Conditional Approval 1992

UTT/0685/98/FUL: Erection of single storey front and side extensions. Conditional Approval 1998

UTT/0100/80: Outline application for new residential care centre. Conditional Approval 1980

UTT/0261/79: change of use to elderly persons rest home - Conditional Approval 1979

UTT/0487/81: Proposed residential care centre (16 units/ rooms) Conditional approval 1981

DUN/0325/72: Erection of residential houses with or without demolition of existing house. Refused 1972.

UTT/0101/80: Outline application for residential care centre. Refused 1980

UTT/0461/79: Outline application for 3 no. detached houses and garages. Refused - allowed at appeal.

6. POLICIES

6.1 National Policies

- NPPF- National Planning Policy Framework

6.2 East of England Plan 2006

- Policy H1 - Regional Housing Provision
- Policy SS1 - Achieving sustainable Development
- Policy ENV7 - Quality in the Built Environment
- Policy ENG1 - Carbon Dioxide Emissions and Energy Performance

6.3 Essex Replacement Structure Plan 2001

- Policy N/A

6.4 Uttlesford District Local Plan 2005

- Policy S1: Settlement Boundaries for the Main Urban Areas
- policy H1: Housing Development
- Policy H3: New Houses within Development limits

- Policy H10 - Housing Mix
- Policy GEN2: Design
- Policy GEN4: good Neighbourliness
- Policy GEN1: Access
- Policy GEN8: Vehicle Parking Standards
- Policy GEN7: Nature Conservation
- Policy ENV3: Open spaces and Trees
- Policy ENV12: Groundwater Protection

Supplementary Planning Documents:

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking standards have been adopted (January 2010)
- Accessible Homes and Playspace (November 2005)

7. TOWN COUNCIL COMMENTS

7.1 Support Development

8. CONSULTATIONS

ARCHAEOLOGICAL ADVICE

8.1 The Essex Historic Environment Record and the Historic Town assessment report shows that the proposed development lies within a sensitive area of the Roman town of Great Dunmow. The Roman town is centred around Chequers Lane and extending down the High Street. Excavations immediately to the west of the development area have identified a potential Roman pottery kiln and other Roman occupation (HER 46525) any ground disturbance associated with the development has the potential to affect surviving archaeological deposits. Recommends Trial trenching and Excavation condition.

ECC ECOLOGY

8.2 It is not considered that any protected species are likely to be present on site. The recommendations should be undertaken within these ecological reports. I understand that the trees are to remain on site. All existing habitats to be retained must be protected during construction. Should there be a delay of more than three years to the start of the development a revised ecological assessment should be undertaken which may require repeat protected species surveys. Despite ecological surveys being undertaken which suggest that bats are not using the application site, it is possible that they may be encountered once works commence. As such Natural England recommends that the following informative should be appended to the consent: 'should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.'

ESSEX COUNTY SCHOOLS

8.3 Additional provision will be needed at primary and secondary level and this development will add to that need. They request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. Should the final development result in the suggested net increase of 10 houses with two or more bedrooms, the sum of the Education contribution would be £63,684 index linked to April 2012 costs

ACCESS OFFICER

8.4 Review of design and access statement and plans shows compliance with Lifetime Homes and the SPG

ESSEX COUNTY COUNCIL HIGHWAYS

- 8.5 No objections. Subject to conditions.

LANDSCAPE OFFICER

- 8.6 No objection subject to the recommendations within the Hayden's Tree survey and Arboricultural Assessment report.

9. REPRESENTATIONS

- 9.1 This application has been advertised and three representations have been received.

1 The Dell:

Supports application: The drawings displayed at a presentation on 11th June show the proposed development to be attractive in appearance, well thought out with careful consideration being given to the impact it would have on its neighbours at the Croft and Brignall Place. Particular care seems to have been taken to ensure that it would not block light on the views from its neighbours' windows and I understand most of the trees at present situated on the site would remain providing natural screening. There appears to be adequate parking provided within the site which should obviate the necessity to park along the Braintree Road or The Avenue. I personally cannot imagine that the development would impact in any way other than favourably on the surrounding area and would be happy to see it granted permission to go ahead.

2 Croft Court:

Objects application: I have to strongly object to this development primarily owing to the use of the common access proposed. The existing property's use is by old and infirm who receive visitors and medical staff which is quite acceptable and similar to the neighbouring Croft Court and Croft House. These properties require regular access by doctors, ambulances and other medical support staff. Most importantly the entrance is transversed at all hours of daylight by old and infirm people owing to the very nature of the occupants of Croft Court and Croft House. All the residents are over 60, most in their 70's and 80's. Many have elderly disabilities, such as deafness, others utilise mobility scooters and walking frames resulting in very slow passage through and across this single narrow entrance. For obvious reasons to allow access to 10 properties, most of which will be 3 and 4 bedroom, with associated families and children all of which will have multiple cars driving in and out at all times of the day is a major health and safety risk to the elderly residents of Croft Court and house. Surely the council could overcome some of its sheltered accommodation requirements in this location to meet targets and empathise with the local environment and residents.

Dunmow Society;

No objections in principle.

We would ask that together with Sector 4 of woodlands Park this application, if approved, will be deducted from, and not in addition to, the total number of properties that UDC are proposing with the Draft Local Plan of 1150 units.

10. APPRAISAL

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

- A Whether the development of this site is acceptable in principle (ULP Policies);
- B The scale and design of the development is appropriate (ULP Policies H3 and GEN2 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);

- C Any amenity issues would result from the proposals (ULP Policies H3 and GEN2);
- D The access and car parking provisions are acceptable (ULP Policies GEN1 and GEN8)
- E There would be unacceptable impacts on protected species (ULP Policy GEN7 and PPS9).
- F Other material planning considerations.

A Whether the development of this site is acceptable in principle (ULP Policies S1);

The site is within the Development Limits of Great Dunmow and as such the Uttlesford Local plan policy S1 applies which states that development will be permitted within these boundaries for development within the existing built up areas, if compatible with the character of the settlement and in addition, for sites on the edge of the built up area, its countryside setting.

Additionally policy H3 states that new houses will be permitted on land within development limits provided that the development would be compatible with the character of the settlement provided that they meet the following criteria:

- a) The site comprises previously developed land;
- b) The site has reasonable accessibility to jobs, shops and services by modes other than the car, or there is potential for improving such accessibility;
- c) Existing infrastructure has the capacity to absorb further development, or there is potential for its capacity to be increased as necessary;
- d) Development would support local services and facilities; and
- e) The site is not a key employment site.
- f) Avoid development which makes inefficient use of land.

The proposal meets all of the above criteria. Although the previous use was for a care home, the site is not a designated key employment site within the Local Plan.

The rear of the site is located within the ground water protection zone. This is an area where contamination of ground water is a critical issue because of proximity to abstraction sites where water is drawn off for potable supply. Development must minimise its impact on the environment by adopting environmental best practice and necessary pollution measures. A report has been submitted with the application which states that the consequence of any contamination of the aquifer would be minor, however it does state that there is a high risk of asbestos on site and that a full asbestos survey is recommended, this however would be dealt with under separate legislation.

B The scale and design of the development is appropriate (ULP Policies H3 and GEN2 & SPD: Accessible Homes and Playspace and SPD: Energy Efficiency and Renewable Energy);

The design of the site has taken into account the heights of the neighbouring properties and the differing ground levels. The proposed buildings are a mix of two and three storeys in keeping with surrounding properties. Gaps between the dwellings reduce the massing of the buildings. The heights at the western side of the site are lower to avoid having an overbearing impact on the properties at Brignall Place. Additionally the designed layout has allowed for the retention of the trees protected by Tree Preservation Orders, with the buildings located away from the north, west and southern boundaries which are lined with protected trees. The character of the street view will be maintained. The dwellings have been designed to meet the Life Time Homes criteria.

Policy H10 requires that all developments of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. The application has been revised as the original plans were for 1 x2 bedroom, 3x3 bedroom and 6 x 4

bedrooms. The proposed development of this site would be relatively low density at around 23 dwellings per hectare. However, the site is constrained by the trees subject to tree preservation orders. The proportion is now a 50:50 split and is considered to be acceptable. The private amenity space requirements for 3 bed plus dwellings should be at least 100 square metres and 2 bedroom dwellings at least 50 square metres. The tree canopies are high off the ground and therefore the useable area of the gardens meets these requirements. The trees are an important part of the character of the site and are likely to be a key part of its selling feature. It is felt that the trees are unlikely to therefore come under pressure for pruning and are in any event by Tree Preservation Orders.

C Any amenity issues would result from the proposals (ULP Policies H3 and GEN2);

The proposed dwellings have been designed to minimise overlooking and overshadowing issues.

The development has been designed to minimise the potential for overshadowing or overbearing impacts of existing development. This has been overcome by an appropriate landscaping scheme, and the retention of existing trees. In addition the two first floor side windows to plot one, the first floor ensuite bathroom windows of plot seven and the first floor windows to plot 6 have been shown to be obscure glazed. The first floor window to bedroom 2 of plot 7 is 29m from the rear elevation of Brignall Place and would therefore not result in any loss of amenity.

The ensuite and bathroom windows and the window serving the sitting room, to the east elevation of plot 10 are also to be obscure glazed. The bay window serving bedroom 2 is set further back from the neighbouring property Croft House which is approximately 21m away. This view is partially obscured by existing landscaping. Further planting is proposed to increase this screening. As such it is considered that there would be no material overlooking caused by the development and no detrimental impact to neighbours amenity caused.

Therefore, it is considered that no adverse amenity issues would result from the proposals.

D The access and car parking provisions are acceptable (ULP Policies GEN1 and GEN8)

A representation response raises concern about the shared access road with Croft House and Croft Court, however the Highway's Department raises no objections to the proposals on highway terms, subject to conditions. In addition the Transport statement submitted with the application, illustrates that although the proposed development will generate a comparable number of trips in the peak hours when compared to the previous care home usage, it will result in fewer trips in the afternoon.

The proposal also indicates a change of materials and a breakdown of the existing access to provide less vehicular priority and to produce pedestrian refuge. These will be provided as both tactile and colour changes without raised kerbs. Visually and technically this will narrow down the access way, controlling vehicles and reducing their speeds. This is considered to be an improvement on the existing access arrangements where there are no pavements on either side of the access.

The proposals therefore satisfy the requirements of ULP Policy GEN1.

The proposed development would provide at least 2 parking spaces per dwelling and three visitors' spaces. Three spaces are also to disability standards. The proposal therefore satisfies the proposed parking standards and ULP Policy GEN8.

E There would be unacceptable impacts on protected species and biodiversity (ULP Policy GEN7).

The existing trees which are subject to Tree Preservation Orders are Wellingtonia and Cedar to the front of the site and two Swamp Cypress, a Maple, an Ash, a Lime and a Whitebeam to the rear of the site.

Under section 40 (1) of the Natural Environment and Rural Communities Act 2006, duty is placed on local planning authorities to have regard to biodiversity in exercising their functions.

In view of the trees on the site the proposed development may have possible impacts on wildlife and biodiversity. An Arboricultural impact assessment, bat survey, and ecological report have been submitted with the application. Provided that the recommendations within these reports are undertaken then Essex County Ecology has no objection. The Landscape Officer also does not have any objections to the proposal.

No evidence of bats were discovered during the external and internal inspection of the buildings to be demolished. All trees onsite also displayed negligible bat roosting potential. If foraging bats are using the site this is expected to continue after the development due to the retention of the tree belts onsite.

The ecology report states that the proposed re development of the site will not effect the local conservation status of any rare or protected species of flora and fauna.

11. CONCLUSION

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

- The principle of development is acceptable
- The revised development is considered to be of appropriate scale and good design
- The development would not cause any material detrimental impact to neighbours amenity
- Adequate car parking is provided and the proposal would cause no harm to issues of highway safety
- The proposal would not have any detrimental impact on protected species

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the reasons set out in paragraph (III) unless by 17 March 2013 the freehold owner(s) enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
 - (i) Education Contribution
 - (ii) Pay Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reason:
 - (i) The required education contribution has not been forthcoming and as such the proposal would be contrary to Policy GEN6 of the Uttlesford Local Plan 2005 which requires an element of affordable housing on such schemes.

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with policy Gen2 of the Uttlesford Local Plan (adopted 2005) .

4. The development as designed, specified and built shall achieve a 'Code for Sustainable Homes' rating of 'Level 3'. The applicant will provide the planning authority with a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor, before work commences on-site. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.

REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

5. No development, removal of foundations or preliminary groundwork's of any kind shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005).

6. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the

formation of ice on the highway in the interest of highway safety in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005)

7. Prior to commencement of the development details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, efficiency and accessibility in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005)

- 8.. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application within the Ecologist report, The Tree Survey and Arboricultural Impact Assessment dated June 2012 in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Uttlesford Local Plan policy GEN7.

Extra Informative: Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant or the council's ecologist contacted for further advice before works can proceed. All contractors on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

PLANS

The following plans are the subject of the recommendation above:

Drawing ref A.01Rev A
Drawing ref; A.02 Rev A
Drawing ref: A.05Rev A
Drawing ref: C.P1
Drawing No. 3150-D-AIA
Drawing No. 3072-D-AIA
Drawing No: A.04
Drawing A.07
Drawing A.03
Drawing A.06 Rev A
