

1) UTT/12/5270/FUL, 2) UTT/12/5271/CA & 3) UTT/12/5273/LB (GREAT DUNMOW)

PROPOSAL: 1) Erection of 12 no. apartments
2) Demolition of existing garage buildings, showroom and workshops
3) Alterations including making good of walls, rendering and bricking up of existing opening

LOCATION: 14 Stortford Road, Great Dunmow

APPLICANT: Crownfield Holdings Ltd

AGENT: Design Team Consultants Ltd

GRID REFERENCE: GR/TL 624-220

EXPIRY DATE: 17 December 2012

CASE OFFICER: Miss K. Benjafield

1. NOTATION

1.1 Within Development Limits / Conservation Area / Grade II Listed Building

2. DESCRIPTION OF SITE

- 2.1 The site comprises the Perkins Garage car showroom, garages and office buildings close to the centre of Great Dunmow. There is a two-storey, grade II listed building attached to a single storey and 1930s art deco style two-storey showroom building. To the rear are single storey garage buildings.
- 2.2 The side elevations of the garage buildings at the rear form the boundary wall to neighbouring residential properties adjacent to the northwest of the site. To the east of the site is the car park associated with the T.E. Foakes Memorial hall.

3. PROPOSAL

- 3.1 The three applications all relate to the redevelopment of the application site. There is an application for conservation area consent to demolish the non-listed garage and showroom buildings, a listed building consent application for alterations to the listed building and a planning application for the erection of a block of 12 flats with associated parking and amenity space on the site.
- 3.2 Planning permission and the relevant listed building and conservation area consents have previously been granted in 2010 for the proposed scheme and these remain extant until May 2013. The current applications essentially seek the renewal of those consents and permission.

4. APPLICANT'S CASE

- 4.1 No new information to support the application has been submitted however the supporting documents submitted for the 2010 applications have been resubmitted. The following is the summary of these documents, including the design and access statement, that was reported to Members in 2010:

“Design and Access Statement received 9 January 2009 which describes the site, its history, the proposal and planning policies.

A Phase 1 Environmental Study dated September 2008 by Stats Ltd considering ground contamination.

The applicant states that the business has expanded following modern day requirements and with greater numbers of vehicles on the site there are difficulties with parking, vehicle movements and deliveries. The effect on business means that the firm is no longer able to accommodate local needs.

The applicant has examined converting the building to residential use but this has proved uneconomical due to current building regulations and the internal modifications required for an alternative use.

It has been decided that the garage operation will leave Great Dunmow and relocate near to Rayne near to sister premises. Staff in Great Dunmow will be offered employment in Rayne.

A structural survey by Stephen Johnson Consulting Engineers supports the application to consider its feasibility for residential conversion and in particular the art deco façade.

The report refers to water ingress that has caused damage to masonry and timber windows. The report suggests that whilst the building has been maintained and repaired the cheap original construction techniques employed to achieve the buildings appearance.

The reports suggests that the foregoing would have implications for bonding the façade wall onto a replacement structure to the rear as the abutting walls and steel fanning are giving support to the buried lower section of the front wall. It would be difficult to stabilise the wall on its own because it would suffer lateral pressure from the forecourt. The scale of disruption together with the poor construction techniques would render the objective beyond structural feasibility and perhaps the collapse of the wall itself.

The report also concludes that conversion of the existing building in its entirety is not practical because it must be of a quality and standard to enable structural warranties to be issued. The longevity of the building would also be compromised.”

5. RELEVANT SITE HISTORY

- 5.1 UTT/1994/08/FUL, UTT/1996/08/LB and UTT/1997/08/CA
Applications for 1. Change of use from office to residential and erection of 12 No. apartments; 2. Alteration to existing building; and 3. Demolition of existing garage all refused in April 2009.
- 5.2 UTT/0193/10/FUL and UTT/0199/10/CA
Applications for 1. Erection of No 12 apartments and 2. Demolition of existing garage buildings, showroom and workshops conditionally approved May 2010.
- 5.3 UTT/0420/10/LB
Application for Alterations following demolition of adjoining showroom making good of walls, rendering and bricking up of existing walls conditionally approved May 2010.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

Policy H1 – Regional Housing Provision
Policy T14 – Parking
Policy ENV6 – The Historic Environment
Policy ENV7 – Quality in the Built Environment

6.3 Essex Replacement Structure Plan 2001

N/A

6.4 Uttlesford District Local Plan 2005

Policy S1 – Development Limits for the Main Urban Areas
Policy GEN1 – Access
Policy GEN2 – Design
Policy GEN6 – Infrastructure Provision to Support Development
Policy GEN8 – Vehicle Parking Standards
Policy ENV1 – Design of Development within Conservation Areas
Policy ENV2 – Development affecting Listed Buildings
Policy ENV14 – Contaminated Land
Policy H3 – New Houses within Development Limits
Policy H10 – Housing Mix

7. TOWN COUNCIL COMMENTS

- 7.1 UTT/12/5270/FUL: Members agreed in principle with the redevelopment of this site but objected to the current application on the following grounds:
- i. The top floor penthouse apartments impose on the street scene.
 - ii. The front elevation is out of character and out of scale with adjacent properties
 - iii. The development built right up to the eastern boundary of the site. The Town Council would want to see a gap of at least one metre between the boundary and the eastern wall of the development.
 - iv. The development encroaches onto the land owned by the neighbour (E.T. Foakes Memorial Hall Trust) by an overhang at the eastern boundary.

7.2 UTT/12/5271/CA: Support

7.3 UTT/12/5273/LB: Support

8. CONSULTATIONS

ECC Archaeology

- 8.1 The Essex Historic Environment Record and the Historic Town Assessment report shows that the proposed development lies within a highly sensitive area of the medieval town of Great Dunmow. Any ground disturbance associated with the development has the potential to affect surviving archaeological deposits. The

construction of the basement level of the development will remove any archaeological deposits surviving. Recommendation: Trial trenching and excavation.

ECC Highways

- 8.2 The Highway Authority would not wish to raise an objection to the application subject to conditions relating to 1. the prevention of surface water run off onto the highway; 2. the loading/unloading and storage of building materials, manoeuvring of all construction vehicles to all be undertaken within the application site area; 3. the vehicular access to be constructed at right angles to the existing carriageway and no less than 4.8m wide at the junction with the highway boundary; 4. the gradient of the access to be no steeper than 4% (1 in 25) for the first 6m and no steeper than 8% (1 in 12.5) thereafter; 5. no unbound material to be used in the surface treatment of the access within 6m of the highway; 6. any redundant vehicular access to be permanently closed; 7. the provision of bus stop improvements to the eastbound bus stop in Stortford Road in the vicinity of the site; 8. the developer shall be responsible for the provision of a residential travel pack for sustainable travel in Essex

ECC Schools

- 8.3 Requests a financial contribution of £35,026 index linked to April 2012 costs for primary and secondary provision within Great Dunmow at St Mary's Primary School and Helena Romanes as the development will add to the need for additional provision at those schools.

Conservation Officer

- 8.4 No objections to the renewal of the previously approved scheme subject to the imposition of conditions as imposed on the 2010 permission and consents.

9. REPRESENTATIONS

- 9.1 Two representations have been received. Period expired 1 November.
- 9.2 Letter from occupier of 4 Rosemary Lane requests that a section of the back garage wall to be retained and rendered to mark the border between that property and the development, that demolition of the buildings be undertaken considerately, that there be no intrusion onto that property by builders, that there be no clear glazed windows overlooking that property from the development.
- 9.3 Letter from occupiers of 61 Rosemary Lane. Unclear whether the level of the site closest to that property will be maintained or altered. Request clarification of the glazing to be used in windows on the higher floors of the north elevations. Request that details of the height and type of planting is specified in conditions to provide screening on the northern and western boundaries. Requests that existing leylandii trees are retained or replaced with new planting to provide screening in relation to 6 and 6a Rosemary Lane.
- 9.4 Conditions are recommended if the applications are approved for landscaping including planting within the site. It would not be appropriate to specify the exact type of planting required within a condition. The previous permissions had conditions relating to obscure glazing and if approved it is recommended that these be attached to these applications. It would not be reasonable to require any additional obscuration of windows above that previously required as there have been no material changes to

the site or the proposals since the previous permission and consents. Other matters raised are civil matters or would be dealt with by other legislation.

10. APPRAISAL

- 10.1 The issue to consider in the determination of these applications is whether there have been any material changes to the site, the development plan policies or any other material considerations which would warrant the refusal of these applications.
- 10.2 The site is still being used by Perkins Garage and has not altered since the previous applications were determined. There has been no material change to the site.
- 10.3 Since the determination of the 2010 applications for this development, national policy contained within Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) has been superseded by the National Planning Policy Framework (NPPF). The NPPF places an emphasis on development being sustainable with high quality design. In locations such as this site with listed buildings on and adjacent to the site and as it is within the Conservation Area, it is also necessary to ensure that the historic environment is conserved and enhanced.
- 10.4 The approved scheme was the result of significant pre-application discussions and negotiations with Officers and the Council's Conservation Officer. The existing 1930s building on the site is not capable of being converted and its demolition has previously been accepted. The proposed building would comprise a high quality scheme with a design that reflects the historic building that would be demolished. The proposed works to the listed building on the site would be undertaken to make good external walls which are attached to the existing showroom if consent is granted for the demolition of that structure.
- 10.5 Great Dunmow is one of the most sustainable locations within the district with public transport links and access to jobs, shops and services. The site is close to the town centre and the proposal would constitute sustainable development. The Council's Conservation Officer previously raised no concerns with regard to the proposals and this has not changed in the intervening time. The proposals would therefore comply with the aims of the NPPF.
- 10.6 Essex County Council's Schools Department has submitted a request for a financial contribution of £35, 026 to meet a need for additional primary and secondary school provision that the proposed development would add to. When the original 2010 application was considered at the beginning of March 2010 the data and forecasts available indicated that there would be sufficient places at primary and secondary level to meet the needs of the proposed development.
- 10.7 The position as to sufficiency of places has changed since 2010 and the current data and forecasts showing the deficit in places has been outlined in the letter from ECC Schools Department. The change in the sufficiency of the places constitutes a material change in circumstances from the previous application. As such the request for a financial contribution is justified and it is recommended that any approval of this application is subject to legal agreement to secure the requested contribution.

11. CONCLUSION

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

There has been no material change to the site since the previous applications in 2010.

The introduction of the NPPF has not materially altered the acceptability of the proposed development and it complies with the aims of the NPPF and all other relevant development plan policies.

There has been a material change in the provision of schools places in Great Dunmow since the determination of the 2010 applications and this proposal would increase the need for primary and secondary school places, however subject to the applicant agreeing to enter into a legal agreement to ensure the provision of a financial contribution towards school places, the proposal is acceptable.

RECOMMENDATION UTT/12/5270/FUL – 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) the payment of a financial contribution for education provision
 - (ii) pay the 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:

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. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [for example]:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, viii. communications cables, pipelines etc. indicating lines, manholes, supports.);

ix. retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

5. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the 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. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

6. Before development commences cross-sections of the site and adjoining land including details of existing levels around the building hereby permitted and any changes in level proposed together with the proposed floor levels within the building shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To protect the amenities of neighbours and in order to minimise the visual impact of the development in the street scene in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

7. There shall be no bonfires on the site.

REASON: In the interests of amenity.

8. No development shall take place within the site 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).

9. Unless otherwise agreed by the local planning authority development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 5 of this condition have been complied with. If unexpected contamination is found after development has begun development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment in addition to any assessment provided with the planning application must be completed in accordance with a scheme to assess the nature

and extent of any contamination on the site whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings crops livestock pets woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken proposed remediation objectives and remediation criteria timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required carrying out remediation unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the local planning authority in accordance with condition 3.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised together with those to controlled waters property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers neighbours and other offsite receptors in accordance with policy ENV14 of the adopted Uttlesford Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the prior written permission of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

11. The development hereby permitted shall incorporate all measures set out in the accessibility statement / drawing which accompanied the application.

REASON: To ensure that the premises can be readily used by people with physical disabilities in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

12. The ground floor kitchen and lounge windows of the flat closest to the northern boundary shall either be obscure glazed and non or high level windows with a sill height no lower than 1.7m above floor level unless otherwise agreed in writing by the Local Planning Authority. No further windows shall be inserted into the northern elevation of this flat.

REASON: In order to prevent overlooking in the interests of amenity.

13. The windows in the side (west) elevation marked as obscure glazed on the approved plans shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.

No further windows or other form of opening shall be inserted into this elevation without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity.

14. All electrical and telephone services to the development shall be run underground. All service intakes to the building shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the building in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured rendered wall in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the building. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

15. Before development commences particulars of the colour and finish of the facing render for external walls shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter retained in that form.

REASON: In the interests of visual amenity.

16. Before any of the development hereby permitted is first occupied provision shall be made for combined radio, TV aerial and satellite facilities to serve the development and no individual external radio, TV aerial or satellite dish or aerial shall be fixed on any individual residential property or flat or other unit of living accommodation or on any wall or structure relative thereto without the prior express grant of planning permission.

REASON: In the interests of visual amenity.

17. Before development commences particulars showing the position of any external vents, balanced flue outlets from central heating boilers, breather pipes and other gas appliances to be incorporated into the roof or walls of the building shall have been submitted to and approved in writing by the local planning authority. Such details shall be designed so as not to be positioned on street elevations and no larger than 150mm in diameter. The development shall be carried out in accordance with the approved details and thereafter retained in that form.

REASON: In the interests of visual amenity.

18. Before the development commences details of the material and external finish to be used for all windows, doors and openings shall be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained in that form.

REASON: In the interests of visual amenity.

19. Before occupation of any of the flats hereby permitted boundary treatment shall be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity.

20. The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway boundary shall not be less than 4.8 metres and retained at that width for 6 metres within the site.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

21. The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for the first 6 metres from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

REASON: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

22. Prior to occupation of the development hereby permitted the existing crossovers shall be removed and the footpath and kerb reinstated for use in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted in writing for approval before the commencement of development.

REASON: In the interests of highway safety.

- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- 1) There is insufficient provision for primary and secondary places in Great Dunmow and this development would add to the need for this provision. The application provides no mechanism for addressing or mitigating the shortfall in the provision in the locality. It therefore fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Developers' Guide to Infrastructure Contributions (Adopted as County Supplementary Guidance).

RECOMMENDATION UTT/12/5271/CA – CONDITIONAL APPROVAL

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place within the site 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).

RECOMMENDATION UTT/12/5273/LB – CONDITIONAL APPROVAL Conditions/reasons

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) 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. No historic timbers of the existing building shall be cut or removed without the prior inspection and written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

4. The post demolition exposed areas of the listed building shall be made good matching historic form materials and finished.

REASON: In the interests of the historic character and architectural qualities of the listed building.