

UTT/13/0525/DFO (GREAT DUNMOW)

PROPOSAL: Details following outline application UTT/1147/12/OP for the erection of 73 No, dwellings with approval for appearance, landscaping, layout and scale

LOCATION: Land North Of Ongar Road, Ongar Road, Great Dunmow

APPLICANT: Redrow Homes(Eastern) Ltd

AGENT: Woolf Bond Planning

GRID REFERENCE: TL 627-210

EXPIRY DATE: 3 June 2013

CASE OFFICER: Mrs K Mathieson

1. NOTATION

- 1.1 Outside Development Limits / Trees protected by TPOs on site / Adjacent to Important Woodland and County Wildlife Site

2. DESCRIPTION OF SITE

- 2.1 The application site is approximately 3.8ha and is located on the south western approach to Great Dunmow. It is bound by the A120 to the west, set in a cutting at this point, and the Ongar Road to the south. A public right of way runs along the northern boundary with open fields beyond and there is residential development to the east. There is an existing access point onto the Ongar Road. The site is rough grassland and is currently very overgrown with brambles in some areas and there is evidence of off-roading activities and fly tipping. There are a number of trees throughout the site, some of which are mature specimens protected by a Tree Preservation Order. The site is adjacent to Olives Wood, an important woodland and County Wildlife Site.
- 2.2 There is a fall of approximately 2m across the frontage of the site from west to east. To the rear of the site there is a fall of approximately 8m from west to east. The western side of the site has a rise in ground levels of approximately 4m from south to north and on the eastern side of the site there is a fall of approximately 3m from the south to the north of the site.

3. PROPOSAL

- 3.1 This application relates to the reserved matters following the grant on appeal of outline planning permission for the erection of 73 dwellings in January 2013. The access to the site was determined at the outline stage and the matters now for determination are appearance, landscaping, layout and scale.
- 3.2 Out of the 73 dwellings, 29 of these will be affordable housing with 44 market houses. The dwellings on the site would primarily be two-storey with only 4 having two and a half storeys.

4. APPLICANT'S CASE

- 4.1 The applicant has submitted a detailed design and access statement. This provides a significant amount of information regarding the physical characteristics of the site, its planning history with details of the outline planning permission allowed at appeal and the requirements associated with that permission, the characteristics of the surrounding area, constraints and opportunities associated with the site, accessibility and sustainability. A number of reports and statements have also been submitted to supplement the planning application documents.

5. RELEVANT SITE HISTORY

5.1 UTT/1113/10/FUL

5.2 Application for erection of 78 no. dwellings (including affordable housing), new vehicular and pedestrian access, associated parking, landscaping and public open space refused September 2010.

5.3 UTT/0733/11/OP

5.4 Outline application for the erection of 73 no. dwellings (including affordable housing) with all matters reserved except access refused July 2011 and dismissed at appeal February 2012.

5.5 UTT/1147/12/OP

5.6 Outline application for the erection of 73 no. dwellings (including affordable housing) with all matters reserved except access refused August 2012 and allowed at appeal January 2013.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy GEN1 – Access

Policy GEN2 – Design

Policy GEN7 – Nature Conservation

Policy GEN8 – Vehicle Parking Standards

Policy ENV3 – Open Spaces and Trees

Policy H9 – Affordable Housing

Policy H10 – Housing Mix

Parking Standards: Design and Good Practice

Uttlesford Local Residential Parking Standards

7. TOWN COUNCIL COMMENTS

- 7.1 Defer decision until result of judicial review is known (should there be one) and recommends that Uttlesford DC takes the same stance.

[N.B. The site benefits from outline planning permission and it is not possible for Uttlesford DC as the Local Planning Authority to refuse to determine this application on

the basis that an application for a judicial review has been made when the outcome of that is unknown]

8. CONSULTATIONS

ECC Archaeology

- 8.1 The submitted Construction Environment Management Plan fails to contain any reference to the requirement for an archaeological programme. This needs to be addressed as no construction work or preliminary groundworks can commence until all of the archaeological work has been completed.

[The condition relating to archaeological work attached to the outline permission specifies that no development can commence until the archaeological work has been undertaken. The archaeological work therefore does not need to be referenced in the Construction Environment Management Plan]

Environment Agency

- 8.2 We have no objections to the reserved matters application.

ECC Ecology

- 8.3 I have some comments relating to the Ecological Mitigation Plan dated March 2013. The wildflower seed mix chosen for the wildflower areas (EW1) is a woodland flower mix, suitable for areas in moderate shade. It is hard to tell from plan ECO4 whether the sizes of the tree crowns are accurately represented, but there may be areas outside of the influence of the trees that will not be shaded. EW1 would not be suitable for those areas. I would suggest EW1 is sown underneath trees and to a 5m buffer around the crown, and EM3 Special General Purpose Meadow Mix is sown in the remainder of the areas.

Paragraph 4.2.8 – Birds. A 5m buffer around bird nests is proposed if any are found. A 10m buffer would be more suitable and ensure that there is no disturbance of the parent birds, nests, eggs or chicks.

The remainder of the Plan is suitable.

Natural England

- 8.4 No new comments to make following previous applications.

Environmental Health

- 8.5 I don't disagree with the report's conclusions. The salient points being-
- Passive acoustic ventilators can be installed within the walls of habitable rooms that have windows facing the A120.
 - The use of 1.8m high close-boarded timber fencing along the rear garden boundaries facing the A120.

Anglian Water

- 8.6 We have no comment to make.

Landscape Officer

- 8.7 The submitted planting plans [dwrg. no R.0254-14-A sheets 1 & 2] are considered to be satisfactory and can be approved. The Arboricultural Method Statement and Tree Survey Report are satisfactory and can be approved. The tree protection measures shown are satisfactory.

ECC Highway

- 8.8 The previous outline planning application UTT/1147/12/OP, won on appeal with the Decision dated 21 January 2013, was subject to a Section 106 legal agreement which required the following highway related works and financial contributions:
- **Financial contribution** towards the investigation and works to improve capacity and safety at the B184 Chelmsford Road/B1256 Hoblongs junction.
 - The provision of public rights of way improvements and a bridleway link.
 - The provision of a new bus stop and the diversion of service 42A.
 - The provision of a gateway traffic management feature.

On the basis that this S106 agreement is considered to be in place and the above mentioned financial contributions and works are forthcoming, the Highway Authority would not wish to raise an objection to the above application as shown in principle on Drawing No. REDR130209 SL01 Rev B subject to the following conditions.

9. REPRESENTATIONS

- 9.1 Six representations have been received objecting to the proposals. Period expired 11 April. Main points raised:
- The development should not be going ahead at all;
 - Great Dunmow Town Council has recommended that no decision is made on this application until the outcome of the judicial review against the appeal decision is known, I would like to endorse this recommendation;
 - There are insufficient services e.g. Doctor and schools provision in the locality to accommodate additional houses and no additional facilities or infrastructure support is proposed by the developers;
 - There is no recreation ground or open space for older children in this area of the town;
 - There is no need for further expansion of Dunmow until all houses between Dunmow and Takeley, Woodlands Park and other infill developments already approved have been built and sold;
 - No mention has been made to the issue of ambient noise for the residents of the site;
 - The site is overcrowded – the plans indicate that the majority will not meet acceptable standards (eg Lifetime Homes Standards) for parking, bathrooms or garden size; Affordable housing units propose 905sqft (84m²) for 5 people with even the largest houses providing 1621sqft (150m²) for 6-8 people and the plots are too small;
 - There is no evidence that previous legitimate concerns have been addressed
 - The proposed bus rerouting is impractical and potentially dangerous with insufficient room for buses to turn and does not take into account the volume of traffic which uses this road or cyclists undertaking local races;
 - The proposed ecological buffer between the proposed houses and Olives wood and the provision of a further two trees is insufficient in proportion to the size of the proposed development;

- The boundary materials layout shows fencing of 300mm high – these would be a trip hazard;
- There is no information regarding who would be responsible for maintaining fencing that is not part of property boundaries or for maintaining existing and proposed trees and landscaping on the site;
- Query how the diverted public footpath will join up with the adjacent footpath which runs along A120;
- The buffer zone is shown as having no fences so access to Olives Wood and the public footpath would be unrestricted, also unclear what the kissing gate will be for;
- The D&A statement incorrectly states the quickest route into the town centre from the site.

9.2 Comments received regarding the principle of the development of this site for housing, insufficient infrastructure provision or local service, the need for further housing, the proposed bus rerouting and ecological impact of the proposal are not relevant to the determination of this application. The site benefits from Outline Planning Permission which was granted at appeal and as these matters were considered during that appeal, they cannot be revisited at this time.

9.3 The definitive map shows that the other public footpath in the locality joins up with the footpath running through the site at a centre point on the northwest boundary of the site. It does not formally run along the boundary of the A120 therefore any diversion to the footpath through the site would not affect the other footpath. The kissing gates would be located adjacent to the existing boundary fencing between the site and the public footpath. The buffer zone would be open to the development but would be bounded by existing boundary treatment along the northwest site boundary. For other matters see Appraisal in section 10 below.

10. APPRAISAL

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

- A Design
- B Vehicle Parking Standards
- C Affordable Housing
- D Housing Mix
- E Open Spaces and Trees

A Design

10.1 The proposed dwellings would have a broadly traditional size, scale, form and appearance and it is proposed that the external materials would comprise a mix of brick, render and some timber boarding. These are all materials which are found locally and would not be out of keeping with the adjacent Lukins Mead and Heywood Lane residential development.

10.2 The proposed dwellings along the eastern site boundary adjacent to Lukins Mead and Heywood Lane have sufficient distance between them and existing dwellings to prevent any materially detrimental loss of amenity through overlooking or loss of privacy. In addition there would not be any materially detrimental overshadowing or overbearing impact to the occupiers of the existing dwellings.

- 10.3 The layout and distances between the proposed dwellings would also ensure that within the site there would not be any materially detrimental loss of amenity to the occupiers of the proposed dwellings.
- 10.4 The proposed garden areas vary in size with a number of gardens to the smaller properties being under the minimum standards set out in the Essex Design Guide. However this proposal is unusual with regard to the substantial areas of public open space proposed around the protected trees. On balance, and taking into account the amount and accessibility of the public open space, in this instance the garden sizes are considered to be acceptable. Where properties would have garden areas smaller than advocated by the Essex Design Guide (EDG) i.e. below 50m² for a two bedroom property or below 75m² (minimum standard usually applied by UDC, EDG standard is 100m²) for a three bedroom property it is appropriate to remove permitted development rights for outbuildings and extensions.
- 10.5 As a result of the appeal decision there is no requirement for the reserved matters to the outline permission to fully incorporate Lifetime Homes Standards into the proposed layout. Notwithstanding this, the applicant has submitted details of broad compliance with the Lifetime Homes Standards and 4 wheelchair accessible houses.
- 10.6 The submitted details include a refuse collection plan that indicates a refuse truck route through the site, bin collection points and an operator route that is no further than 25m from the bin collection and the refuse truck route. The applicant has demonstrated that the layout is acceptable in relation to refuse collection.
- 10.7 A plan has been submitted indicated the proposed boundary treatment both for each property but also around the areas of public open space. The dwellings would have a mix of close boarded fencing, post and rail fencing and brick walls. Around the public open space there would be low level post and rail fencing. All of these options are acceptable.

B Vehicle Parking Standards

- 10.8 The proposed parking provision indicates that each property would have a minimum of 2 parking spaces per dwelling and there would be 18 visitor spaces within the site. The sizes of the integral garages and open parking spaces do not entirely accord with the current standards however their dimensions are not so far below the standards that it would warrant refusal of this application.
- 10.9 A number of the larger properties have space within their plots to provide additional unmarked parking provision nevertheless there are 6 x 4 and 5 bedroom properties which do not have 3 parking spaces in accordance with the locally set parking standards. In light of the relatively short time that elapsed between the local standards being adopted and the submission of this application, it is considered that the number of spaces proposed for the overall scheme is acceptable.
- 10.10 Notwithstanding the above, where integral garages are proposed, it is proposed to remove the permitted development rights for their conversion in order to maintain sufficient parking provision for the development.

C Affordable Housing

- 10.11 The outline planning permission included a S106 legal obligation which set out a requirement for 29 affordable houses. The current plans indicate the provision of 29 x

two-storey affordable houses within the site and as such the proposal meets the requirements of ULP Policy H9.

D Housing Mix

10.12 The proposed mix of market housing units would be 24 x 4 and 5 bedroom properties and 20 x 3 bedroom properties. The policy requires a significant proportion of small 2 and 3 bedroom homes. This is usually interpreted as 50% 2 and 3 bedroom properties although if the 3 bedroom properties are proposed there is no policy requirement for the small market houses to also include 2 bedroom properties. Therefore the proposed housing mix is acceptable.

E Open Spaces and Trees

10.13 The application is accompanied by extensive plans, tree survey report and arboricultural method statement in relation to the protected trees on the site and proposed landscaping of the site. These details have been considered by the Council's Landscape Officer who has no objections. As such the proposals are acceptable with regard to the requirements of ULP Policy ENV3.

11. CONCLUSION

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

- A The proposed dwellings, layout and materials would reflect the characteristics of the local area and are acceptable with regard to ULP Policy GEN2
- B The proposed development would have sufficient parking provision with an acceptable layout that would comply with the adopted parking standards and ULP Policy GEN8
- C The proposed affordable housing would comply with the specifications set out in the legal obligation and would be spread out among the market housing in compliance with ULP Policy H9.
- D The proposed development would have an acceptable mix of small market housing of 2 or 3 bedrooms and larger properties in compliance with ULP Policy H10.
- E The proposed landscaping and protection of protected trees is acceptable and complies with the requirements of ULP Policy ENV3.

RECOMMENDATION –CONDITIONAL APPROVAL

1. 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), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission) or freestanding buildings erected on any part of Plots 3, 4, 11, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, 51, 62, 63, 64 without the prior written permission of the local planning authority.
REASON: The gardens for these plots are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in their size in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
2. 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 integral garages to dwellings on plots 8, 9, 14, 15, 35, 45, 46, 47, 50, 57, 58, 59 hereby approved shall be retained for the

parking of domestic vehicles in connection with the use of the property and shall not be converted to another use including conversion to habitable accommodation. REASON: To ensure that off-road parking is provided and maintained in the interest of traffic safety on the adjoining highway, and to avoid the requirement for further buildings for this purpose.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.
REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.
4. The dwellings on Plots 24 to 35 inclusive shall have passive acoustic ventilators installed to the walls of all habitable rooms facing the A120. For the purposes of this condition a habitable room is any of the following: kitchen, lounge, dining room or bedroom.
REASON: In order to allow appropriate ventilation of these habitable rooms without disturbance to the occupiers by noise from the A120 in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).
5. The 1.8m close boarded fencing to the boundaries facing the A120 of Plots 23 – 35 inclusive and 1.8m brick wall facing Ongar Road to Plot 73 as indicated on the boundary materials layout plan shall be erected prior to the occupation of any of these plots.
REASON: In order to ensure appropriate noise mitigation is provided for these properties in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).
6. The development shall be implemented in accordance with the submitted Ecological Mitigation Plan dated March 2013 with the exception of the following:
 - a) The specified wildflower seed mix EW1 shall be sown in areas underneath trees and to a 5m buffer around the crown with EM3 mix sown in the remainder of the areas.
 - b) A 10m buffer shall be implemented around any bird nests that are found.REASON: In order to ensure appropriate ecological mitigation is undertaken in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).
7. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out in parking bays. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).