

UTT/13/1123/FUL (FLITCH GREEN)

PROPOSAL: Erection of 9 no. residential units and 1 no. retail unit (Use Class A1) with associated parking and access

LOCATION: Land At Webb Road And Hallett Road, Webb Road, Little Dunmow

APPLICANT: Runton Developments (Flitch Green) Limited

AGENT: Miss Gaynor Parkinson, GL Hearn

EXPIRY DATE: 3 July 2013

CASE OFFICER: Miss S Wellard

1. NOTATION

1.1 Within Settlement Boundary, Oakwood Park Local Policy 1 Area

2. DESCRIPTION OF SITE

2.1 The site comprises some 0.25ha of land located at the junction of Webb Road and Hellett Road. The site was identified in the original permission for the development of Flitch Green for the development of a Public House to serve the settlement. Outline permission has been granted at the site for the erection of 7 residential units, a D1 non residential institution/D2 assembly and leisure unit, 2no. A1 retail units as well as parking, access and associated works (UTT/143/10/OP). These permissions have not been implemented. The site is currently undeveloped.

3. PROPOSAL

3.1 This is a full application for the erection of 9 residential units and one retail unit (Use Class A1) with associated parking facilities and access. The land proposed for development lies outside of the Cordon Sanitaire (a protective exclusion zone) which surrounds the Sewerage Treatment Works (STW). A car park providing 26 spaces, 15 to serve the shop (including 1 disabled and 2 parent and child spaces) and 11 to serve the residential properties (Plots 5 to 9) would be located to the east of the built form within the Cordon Sanitaire. This would be accessed via a new access from Hallett Road.

3.2 The retail unit would be located at ground floor level and face onto Hallett Road. It would provide a total area of some 386sqm with a shop floor of approximately 272sqm. A delivery bay would be provided to the frontage and delivery area accessed from the front of the building to a dedicated back of house area. The residential units would mostly front Webb Road towards the village green opposite. They would be two-storey comprising 3 bedrooms. An additional 3 flats are proposed over the retail unit which would comprise two bedrooms. A flat roof area to the rear of the retail unit would provide private terrace areas to serve the flats. An additional 8 parking spaces to serve 4 of the residential units would be located off Webb Road.

4 APPLICANT'S CASE - The application is accompanied by;

- 4.1 Planning Statement - Provides a detailed history of the site and alterations between this and the previous scheme. Outlines how this scheme would accord with national and local planning policy.
- 4.2 Design and Access Statement - Details with regards to the design and layout of the proposed buildings.
- 4.3 Marketing Report - Details the marketing undertaken since June 2012 with information regarding interest received. This has mostly been for the extension of the retail unit but there has been no interest of the D1/D2 use. Local doctors and the NHS have confirmed no demand for a doctor's surgery in Flitch Green.
- 4.4 Transport Statement - The levels of additional trip demand associated with the proposed development can be considered as modest. It is reasonable to assume there would be no significant traffic safety or capacity issues. The convenience store would be located within walking and cycling distance of all surrounding residential development at Flitch Green. No similar retail facility is currently provided at the site.
- 4.5 Code for Sustainable Homes Pre-Assessment Report - It is anticipated that the proposed development would exceed the minimum credit score required to achieve Code Level 3.
- 4.6 Utilities Statement - All services are currently provided to the existing Flitch Green site and these have been designed to meet anticipated demand for the village centre. There is currently sufficient capacity with local network to service the site by way of gas, water, electricity and sewage treatment.
- 4.7 Flood Risk Assessment - Located within Flood Zone 1 the proposed drainage strategy mitigates any flood risk the site may pose to the surrounding area.
- 4.8 Statement of Community Engagement - Runton Developments (Flitch Green) Ltd and their consultant team have worked with UDC and members of the public throughout this process. The opportunity for community involvement was widely advertised, including by the Parish Council Facebook page, and the applicant has undertaken various methods to engage and communicate including a poster and 2 public exhibitions.

5 RELEVANT SITE HISTORY

- 5.1 Oakwood Park/Flitch Green including the application site has an extensive planning history and the main applications relevant to this application are set out below;
- 5.2 UTT/0302/96/OP - Reclamation of despoiled land and demolition of redundant structures and redevelopment for residential purposes with associated local shopping, employment and recreational facilities, with associated works. Granted on appeal in 1998. The provision of the community facilities and the playing fields are regulated by a Section 106 tied to this permission.
- 5.3 UTT/0023/03/OP - Reclamation of despoiled land and redevelopment for up to 216 dwellings (being a net addition of up to 160 dwellings following appeal decision), public house, associated highway, engineering works and landscaping. Approved
- 5.4 UTT/0580/05/FUL - Provision of 38 residential units, retail space, doctors surgery and associated car parking. Application was refused and appeal dismissed in February 2006.

- 5.5 UTT/1816/05/OP - Development of land to the south for additional residential development and sports pitches. The Secretary of State dismissed the appeal in May 2007 and a High Court Challenge brought by the appellants was dismissed in October 2008.
- 5.6 UTT/110/07/FUL - Erection of 42 flats, 4 houses, 2 retail units, doctors surgery, public house and related parking on land identified in the Masterplan as the Village Centre. This received a resolution to grant permission subject to a S106 agreement, to secure the provision of the dwellings as affordable housing in December 2007. The agreement remains unsigned because of the liquidation of the applicant company (Colonade).
- 5.7 UTT/0365/09/OP - 168 residential units to bring the total settlement to 928 together with Multi-Use Games area (MUGA), Skate Park, parkland, landscaping and associated works. This site is located on land to the east of the application site within the designed Cordon Sanitaire. This application was refused and is currently the subject of a public inquiry.
- 5.8 UTT/0190/09/FUL - Development of other land to the south of the Stebbing Brook for sports pitches and a nature reserve together with a MUGA adjacent to the community building. This application was refused and is currently the subject of a public inquiry.
- 5.9 UTT/1211/09/FUL - The variation of Condition C901 (Not more than 650 dwellings shall be occupied in the former sugar beet works site until the doctors surgery, a public house and shopping facilities have been constructed (but not fitted out) thereon, in accordance with schemes submitted to and approved in writing by the local planning authority) on application UTT/0023/03/OP. Permission has been approved to vary this condition to read 'Not more than 693 dwellings shall be occupied until a D1 non-residential institution or D2 non-residential institution or D2 assembly and leisure unit, a public house and shopping facilities have been constructed thereon'.
- 5.10 UTT/1310/10/FUL - The variation of Condition C901 (Not more than 650 dwellings shall be occupied in the former sugar beet works site until the doctors surgery, a public house and shopping facilities have been constructed (but not fitted out) thereon, in accordance with schemes submitted to and approved in writing by the local planning authority) on application UTT/0023/03/OP. Permission has been approved to vary this condition to read 'Not more than 693 dwellings shall be occupied until a D1 non-residential institution or D2 non-residential institution or D2 assembly and leisure unit and shopping facilities have been constructed thereon'.
- 5.11 UTT/1403/10/OP - Outline permission granted on the site of the current application for the erection of 7 residential units, 1 D1 non-residential institution/D2 assembly and leisure unit, 2 A1 retail units with parking, access and associated works. This was granted conditionally and subject to a S106 Agreement to secure the construction and provision for use of the shop units and the D1/D2 units before the occupation of any dwellings approved under that application and a highways contribution.

6 POLICIES

6.1 National Policies

- National Planning Policy Framework (NPPF) (2012)

6.2 Uttlesford District Local Plan 2005

- Policy S2 - Development Limits/Policy Area for Oakwood Park and Priors Green
- Policy GEN1 – Access
- Policy GEN2 – Design
- Policy GEN6 - Infrastructure provision to support development
- Policy GEN8 - Vehicle Parking Standards
- Policy H1 - Housing Development
- Policy H10 - Housing Mix
- Policy LC2 - Access to leisure and cultural facilities
- Policy RS1 - Access to retailing and services
- Oakwood Park Local Policy 1/Masterplan (2004)

6.3 Supplementary Planning Documents

- Accessible Homes and Play Spaces (November 2005)
- Energy Efficiency and Renewable Energy (October 2007)
- Urban Place Supplement to the Essex Design Guide (March 2007)

7 PARISH COUNCIL COMMENTS

7.1 Comments awaited

8 CONSULTATIONS

ECC Education and Highways

8.1 Do not raise an objection subject to Section 106 requirements and conditions. In the previous application the parking bay sizes were 4.8m x 2.4m which was unacceptable as it is below the minimum bay size, 5m x 2.5m and therefore not considered as a useable parking space. They are now proposing minimum bay sizes. The parking provision for the shop is a maximum provision and they argue to justify the reduction, that they expect many of the customers to be on foot which is not an unreasonable assumption. I consider it an improvement on the previous scheme.

Anglian Water Services

8.2 No comments received

Affinity Water Ltd

8.3 No comments received

Environment Agency

8.4 The Environment Agency has assessed this application as having a low environmental risk and therefore have no objection to the proposal. No particular comments on the proposed surface water drainage strategy set out in the supporting Flood Risk Assessment. Suggest conditions with regards to sustainable construction including water, energy and resource efficiency and rainwater harvesting.

9 REPRESENTATIONS

- 9.1 Site notice displayed and the occupiers of 15 neighbouring properties notified via letter. Consultation ends 7 June 2013.

- 1 letter received from 1 Bright Road - one of my concerns is the parking as we live so close we wouldn't want to lose our parking space for someone doing their shopping. Also the second thing is that putting a shop there will encourage groups to hang around the area. Also thinking that it could attract the wrong kind of people to the estate, when you think now its lovely and quite once that goes in its going to be more loud as the shop will back onto the house.

10 APPRAISAL

- 10.1 The main issues to consider in the determination of the application are whether the proposals will provide an acceptable level of service provision for the community and:

- A Principle and form of development (ULP Policies S2, S7, Oakwood Park Local Policy 1, H9)
- B Adequacy of proposed community facilities (ULP Policies Oakwood Park Local Policy 1, GEN2, GEN6, LC2, LC3, LC4)
- C Design (ULP Policies Oakwood Park Local Policy 1 and GEN2)
- D Impact on residential amenity (ULP Policies GEN2, GEN4)
- E Highway and Access implications (ULP Policies GEN1 and GEN8)

A Principle and form of development (ULP Policies S2, S7, Oakwood Park Local Policy 1, H9)

- 10.2 The application site forms the southern part of the land that is identified in the approved Masterplan as the village centre which was allocated to contain shops, a doctor's surgery and a public house to serve the village of Flitch Green. The village centre has been identified in this location through the various versions of the Masterplan. The current proposals, whilst in general conformity with the Masterplan, effectively vary the disposition and size of the centre.

- 10.3 The public facilities of community facilities and retail units (Class A1 to A3) are the subject of a Section 106 Agreement relating to the original 1996 planning permission. Subsequently UTT/0023/03/OP imposed a condition requiring shops, a doctor's surgery and public house to be provided on the site. This required the facilities to be provided by the time the 651st dwelling was occupied/constructed. There have been subsequent applications and amendments since this original permission. The most recent situation is UTT/1310/10/FUL which granted permission for variation of Condition C90.I on application UTT/0023/03/OP to read 'Not more than 693 dwellings shall be occupied until a D1 non-residential institution or D2 non-residential institution or D2 assembly and leisure unit and shopping facilities have been constructed (but not fitted out)'. Condition 14 of this permission (UTT/1310/10/FUL) subsequently requires that 'Not more than 750 dwellings shall be occupied on the former sugar beet works site until a D1 non-residential institution or D2 assembly and leisure unit and shopping facilities have been constructed (but not fitted out)...' The Council's records show that 728 dwellings have been constructed to date however there are no clear statistics on how many are occupied.

- 10.4 The site originally intended for the village centre has been the subject of several planning applications and an appeal. The most recent application UTT/1110/07/FUL

was considered by Planning Committee in December 2007 and was the subject of a resolution to granted planning permission subject to a Section 106 Agreement relating to the provision of the affordable housing. That agreement has not been signed and it is understood that Colonnade, the applicants and main owners of the village centre site have gone into administration and therefore it appears that the creation of the village centre providing shops and a doctor's surgery on that site is unlikely to progress further at this time.

- 10.5 UTT/0023/03/OP relates to development of part of the wider estate which originally required by Condition C90.I that not more than 650 dwellings shall be occupied in the former sugar beet works site until the doctor's surgery, a public house and shopping facilities have been constructed. This has since been amended to read 'Not more than 693 dwellings shall be occupied until a D1 non-residential institution or D2 non-residential institution or D2 assembly and leisure unit and shopping facilities have been constructed thereon'. It has been agreed that a public house is not necessary as part of the development. Further, UTT/1211/09/FUL removed the requirement of a doctor's surgery and instead replaced this use with a less specific D1/D2 use to allow some flexibility in provision as a consultation exercise submitted as part of the application indicated that there was no longer a requirement for a doctor's surgery at the Flitch Green settlement.
- 10.6 Following the above decisions, planning permission was granted at this site in October 2012 (UTT/1403/10/OP) for outline permission for the erection of 7 residential units, 1 D1 non-residential institution/D2 assembly and leisure unit, 2 A1 retail units with parking, access and associated works. This was granted conditionally and subject to a S106 Agreement to secure the construction and provision for use of the shop units and the D1/D2 units before the occupation of any dwellings approved under that application and a highways contribution.
- 10.7 The current application proposes 9 residential units and the provision of one large retail unit but no D1/D2 use. The site lies outside of the Cordon Sanitaire and there are no constraints therefore upon the implementation of these facilities. Whilst there is no objection to the principle of the proposed uses at this site, it needs to be considered whether the facilities that are now proposed are adequate to comply with Local Policy Oakwood Park 1.

B Adequacy of proposed community facilities (ULP Policies Oakwood Park Local Policy 1, GEN2, GEN6, LC2, LC3, LC4)

- 10.8 This site was formerly the site set aside for a public house however it has been previously accepted that there is a case for not having such a facility in the village (see UTT/1310/10/FUL).
- 10.9 The application proposes one large retail unit and it is stated within the application that the unit is likely to be occupied by The Co-op. The 2007 application (UTT/1110/07/FUL) proposed 2 retail units with a combined floorspace of some 560sqm. The 2012 permission (UTT/1403/10/OP) proposed to provide some 195sqm of retail floorspace. The current proposals would provide a unit with retail floorspace of 292sqm. It has always been envisaged that the retail units in Flitch Green would be of a type to serve the immediate needs of the settlement rather than catering for a wider area. It is considered that a retail unit of the size proposed would achieve this. It would provide a convenience store which would have a floor area capable of providing a good range of products that would cater for the everyday requirements of local residents. Such a unit would no doubt be a beneficial addition to the settlement and this element of the scheme is supported by officers.

- 10.10 The D1/D2 use which was previously permitted at this site has however been removed. The application is accompanied by a Marketing Report. In summary, this report states that the site has been marketed since 25th June 2012 in the form of a board erected at the site, site particulars sent to local agents based in Dunmow, nationally in Estates Gazette and Property Weekly, on agency portals and on the GL Hearn website. The development was marketed in line with the UTT/1403/10/OP planning permission. Over 40 enquiries were received and 6 of these resulted in formal offers. All enquiries proposed the increase the size of the consented A1 retail unit and there was direct interest from food retailers. Separate interest in the D1/D2 space was not received and this was subsequently advertised separately. There has been no response to this advertising to date. Local doctor's surgeries were contacted to enquire whether they had any requirement for the space and the response was negative.
- 10.11 The loss of D1/D2 use on this specific site is disappointing. However other opportunities for such a use are still present within the wider site. The 2007 village centre development application (UTT/1110/07/FUL) proposed a doctor's surgery amongst other community facilities. Whilst this development has not progressed, the site still has potential to accommodate a D1/D2 use. For potential future developers of this site in the future (if UTT1110/07/FUL does not go ahead), the fact that a retail unit has already been permitted at the adjacent site and the removal of need for a public house are likely to mean that the D1/D2 use is more likely to come forward.
- 10.12 Whilst the loss of the D1/D2 unit is negative in comparison to the previous scheme, there is potential for it to be provided elsewhere within the wider Flitch Green settlement and therefore on balance, officers find the community provision acceptable.

C Design (ULP Policies Oakwood Park Local Policy 1 and GEN2)

- 10.13 The proposed building has been designed so that it would reflect the general character and form of the existing dwellings in Flitch Green. The buildings would be two-storey with gable ended roofs. A palette of external materials have been proposed including clay plain roof tiles and slate to the roofs and brick and render to the walls. These materials would reflect those of the adjacent dwellings and Uttlesford as a whole and are therefore appropriate. The shop unit has been designed to blend in well with the appearance of the street scene.
- 10.14 The general layout is considered to be reasonable. Each dwelling would have easy access to their designated parking bays. The garden sizes do not accord with guidance contained within the Essex Design Guide, which requires that dwellings of 3+ bedrooms should have 100sqm of private amenity area. Whilst the garden sizes fall considerably short of these requirements, this principle of this development has been established in the previous outline permission. Further, it is noted that a number of properties on the wider Flitch Green estate do not have garden sizes that are compliant. As such it is not considered that this element of the scheme could be objected to in this instance.
- 10.15 With regards to accordance with Lifetime Homes Standards, the Council's Access and Equalities Officer has noted that the WC compartments are not quite compliant on the houses. Therefore it is suggested that if approved, a condition should be imposed requiring compliance with a Lifetime Homes Drawing for the dwellings to be submitted prior to commencement of development.

10.16 The Environmental Agency have suggested that conditions be attached to any permission with regards to sustainable construction including water, energy and resource efficiency and rainwater harvesting. Sustainable construction is a matter to be considered via Building Regulations.

D Impact on residential amenity (ULP Policies GEN2, GEN4)

10.17 The 9 dwellings and retail unit proposed within the application are located outside the Cordon Sanitaire and therefore there are no concerns in terms of the impact on smell from the STW on the new dwellings.

10.18 The layout of the development is similar to that previously approved UTT/1403/10/OP whereby two-storey dwellings would be located adjacent to the side boundary/rear garden with No.8 Webb Road and adjacent the properties on Mandeville Walk which front the village green. Although outline permission, the previous layout was considered to have an acceptable impact on the amenities of the adjacent dwellings. The site is located due north of the dwellings on Webb Road and therefore the proposals would not cause any loss of daylight. No windows would overlook the private amenity areas of the adjacent properties. The terraces that would serve the flats above the convenience store would be at an angle to ensure they would not provide undue overlooking of the new or existing properties and would have boundary treatment to aid this.

10.19 As per the previous permission, it is considered that late night opening could give rise to disturbance to residents in the area and therefore a condition limiting the times of opening of the shop is appropriate.

E Highway and Access implications (ULP Policies GEN1 and GEN8)

10.20 A new access would be provided off Hallett Road and a car park to the east of the dwellings and shop. 26 spaces would be provided, 15 to serve the shop (including 1 disabled and 2 parent and child spaces) and 11 to serve the residential properties (Plots 5 to 9). A further 8 spaces would be located off Webb Road to serve Plots 1 to 4.

10.21 Parking provision should accord with Essex County Council Parking Standards (2009) and subsequent Uttlesford Local Adopted Parking Standards (2012). As such, each residential unit of 2 or 3 bedrooms needs to have 2 parking spaces. 0.25 visitor parking spaces should be provided per unit (2.25). Parking Standards require 1 space per 14sqm of retail floor space (food) which would equate to 20 spaces and 3 disabled bays should be provided.

10.22 Essex County Council Highways Authority have no objection to the proposed plans. With regards to parking provision, they have commented that in the previous application the parking bay sizes were 4.8m x 2.4m which was unacceptable as it is below the minimum bay size. 5m x 2.5m is the minimum bay size allowed and as such the spaces indicated are not considered as a useable parking space. The parking provision for the shop is a maximum provision and they argue to justify the reduction, that they expect many of the customers to be on foot which is not an unreasonable assumption. Ultimately the proposed parking is an improvement on the previous scheme.

11. CONCLUSION

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

- A The application proposes the siting of a community facility that is still to be provided at Fritch Green. The retail unit would be a benefit to the community. Whilst no D1/D2 use has been proposed, it is considered that there is still an opportunity for this to be developed at the site immediately to the north of the application site, in the designated village centre as identified in the Masterplan.
- B The size and siting of the buildings would be appropriate in this location and the parking provision would be adequate to serve the dwellings and the retail unit.

RECOMMENDATION – CONDITIONAL APPROVAL WITH S106 AGREEMENT

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless by 1 July 2013 the freehold owner enters into a binding agreement 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 construction and provision for use of the shop unit before the occupation of any of the dwellings approved under this application
 - (ii) Highways contribution
 - (iii) 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:
- (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:
 - (i) Lack of facilities to serve the community of Fritch Green

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. 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 of the Uttlesford Local Plan (adopted 2005).
3. No dwelling shall be occupied until the retail unit has been finished ready for occupation and is made available for use.
REASON: To ensure the early provision of the village facilities required by Oakwood Park Local Policy 1 of the Uttlesford Local Plan (adopted 2005).

4. The retail use hereby permitted shall not be open to the public other than between the hours of 0700 and 2300 Mondays to Saturdays and 0800 and 1700 on Sundays.
REASON: In the interests of the amenity of the area and of nearby residents in accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
5. Before development commences details of a dropped kerb crossover access to the parking court formed at right angles to the estate road, shall be submitted to and approved in writing by the local planning authority. Such access shall include;
 - a) Visibility splays with dimensions of 33m by 2m by 33m, as measured from and along the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity.
 - b) Minimum 5.5m width for the first 6m.The measures shall subsequently be implemented as approved before first occupation of the development.
REASON: To provide highway safety and adequate intervisibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).
6. Bollards shall be provided from the end of the residential parking bays to the loading bay in accordance with details to be submitted to and approved in writing with the local planning authority. The development shall be constructed in accordance with the approved details prior to the first occupation of the development.
REASON: To prevent parking on the verge/footway in the interests of highway safety in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005).
7. Prior to the commencement of development a Lifetime Homes Drawing for the dwellings shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved drawing.
REASON: To ensure the districts housing stock is accessible to all and to meet the requirements contained in the adopted SPD Accessible Homes and Playspace adopted November 2005.