

UTT/18/2600/FUL

(Application by Uttlesford District Council)

PROPOSAL: Proposed demolition of 12 no. bungalows and replacement with 16 no. fit for purpose dwellings (8x 2B4P dwellings and 8x 1B2P Flats).

LOCATION: The Moors, Moors Lane, Little Dunmow

APPLICANT: Uttlesford District Council

AGENT: R Howard c/o Ingleton Wood LLP

EXPIRY DATE: 27 December 2018 (Extension of time agreed)

CASE OFFICER: Clive Theobald

1. NOTATION

1.1 Outside Development Limits / adjacent to Conservation Area / affecting setting of adjacent Listed Buildings.

2. DESCRIPTION OF SITE

2.1 The site lies at Pound Hill at Little Dunmow at the junction of The Street and Station Road adjacent to Moors Lane and comprises a row of 12 no. post-war built Uttlesford District Council owned semi-detached bungalows with associated curtilages which are set back from the highway on slightly elevated ground behind a wide greensward with frontage lay-by (formerly the beginning of The Street) and adjacent small frontage resident parking area and also rear service road with additional resident parking. Two Grade II listed cottages (Brights Cottage and The Cottage) stand to the immediate east of the site fronting onto Moors Lane, whilst a further Grade II listed cottage (Willow Cottage) lies behind the site at the end of Moors Lane. Open agricultural land lies to the rear. The site for the purposes edged in red has an area of 0.53 ha. A large mature Maple tree stands onto the site's eastern boundary, whilst other trees stand within the south-east corner of the site.

2.2 The site slopes gently from east to west across the site before inclining again towards the main village settlement. All of the bungalows are presently unoccupied after the termination of UDC tenancies, whilst the site itself is fenced off. Bus stops, one with a shelter, stand just to the south-west of the site along The Street. A large modern detached dwelling in grounds (Barley Barn) lies to the south-west of the bus stops before further 1½ and 2 storey houses beyond leading into the settlement itself.

3. PROPOSAL

3.1 This application submitted by Uttlesford District Council relates to the demolition of the existing 12 no. bungalows and their replacement with 16 no. "fit for purpose" 100% affordable dwelling units for local needs which would be for ownership and management by the district council together with the provision of a new 4.5m wide private service road and existing access improvements.

- 3.2 The development would comprise terraced dwellings, a pair of semi-detached dwellings and two blocks of flats situated at right angles to each other consisting of 8x 2 bed 4 person dwelling units and 8x 1 bed 2 person flats whereby it is proposed that the 8 no. dwellings would be for affordable rent and the 8 no. flats would be for social rent.
- 3.3 Plots 1-5 would contain 1½ storey cottage style dwellings, whilst Plots 6-8 would contain larger 1½ storey dwellings, whilst Plots 9-16 would contain two small blocks of 1½ storey flats with shared amenity space. Both the new dwellings and flat blocks would stand on the footprints of the bungalows to be demolished. The new dwellings and flats would be externally clad in grey pantiles and cream through-colour render on red brick plinths and would have grey uPVC windows, fascias and soffits.
- 3.4 Resident parking would be in the form of retained frontage resident parking, new on-plot hardstanding parking and also retained rear service road parking. The existing frontage greensward would be retained through the proposal as a soft landscaping feature.
- 3.5 The application is accompanied by the following reports:
- Drainage Strategy (Rossi Long Consulting)
 - Tree Survey and Report BS5837:2012 (Norfolk Wildlife Services, November 2017).
 - Ecology report (Wild Frontier Ecology, August 2018)
 - Phase 1 Desk Study Report (Richard Jackson, December 2017)

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application has been considered against The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, although does not qualify as Schedule 2 development given the size of the development.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a Design & Access Statement (Ingleton Wood, 12 December 2017 - updated) which informs the submitted proposal with reference to the site and its surroundings, the wider site context, mix and density, layout, scale and massing, design, access and parking, trees and landscaping.
- 5.2 Supplementary information in support of the application was submitted by Ingleton Wood on 27 February 2019 which states the following:

“A meeting was held on the 21st February 2019 between the planning consultant and architect from Ingleton Wood acting on behalf of Uttlesford District Council, the applicant from Uttlesford District Council and also planning officers from Uttlesford District Council. Following this meeting and in support of this proposal are amended plans. These plans show the following changes:

- Wording on the block plan amended to state ‘tree to be retained’
- Variation to the palette of materials (grey UPVC windows, grey pantiles, cream render) as shown on the elevational plans
- The addition of gabled dormer windows to the two storey units
- An amendment to the ridge on the flats to show a lower ridge height.

In addition, further justification is provided for both the mix of dwellings proposed, the amended palette of materials, and the scale and height of the proposed development”.

5.3 The supplementary information concludes as follows:

The application proposes a mix of 16 high quality homes, creating a sustainable, inclusive and a mixed community on the edge of Little Dunmow. The scheme providing 16 no. affordable units would meet an identified need of housing in the district; this forms a material consideration of substantial weighting.

The principle of the site accommodating residential development is accepted given the current lawful use of the site. The proposal, by reason of its design, layout and landscaping is considered to result in a visual enhancement to both the immediate and wider locality, especially from the views of the site afforded from Station Road. The scheme by reason of its scale, bulk and height is considered to result in a sympathetic addition to the streetscene, taking cues from the scale and massing of other residential properties in the vicinity.

In terms of the quality of accommodation, the scheme is in accordance with the Essex Vehicle Parking Standards and the Essex Design Guide standards, and the scheme provides a high quality, usable and accessible level of Public Open Space which has been retained to the north of the site, providing an additional source of open space for future occupiers to access.

The scheme, as a result of its affordable housing contribution, dwelling mix which meets an identified need, quality of accommodation, and visual appearance proposes an enhancement to the area, and a sustainable residential development to the District. Accordingly, the proposed development is entirely consistent with the adopted Development Plan and underpinned by the principles of the National Planning Policy Framework. On this basis, it is therefore respectfully requested that the application is approved”

6. RELEVANT SITE HISTORY

6.1 The proposed replacement Council housing scheme at the site the subject of the current planning application has been the subject of pre-application discussions with Council Planning Officers when it was confirmed that the proposal to replace the existing Council bungalows with new fit for purpose dwellings for social housing would be acceptable in principle at this edge of settlement location.

6.2 Subsequent discussions have taken place between UDC Housing Officers, UDC Planning Officers and the Council's planning consultant and architects following the submission of the current application, most notably on 21 February 2019 in response to consultation comments received from the Parish Council and local residents on the submitted scheme in relation to the scale and appearance of the development which has resulted in revised drawings being submitted showing modifications to the elevational treatments of the proposed dwellings and flats (see Applicant's Case above for further discussion and also below).

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside

ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV3 – Open spaces and trees
ULP Policy H1 – Housing development
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy H11 – Affordable Housing on “Exception Sites”
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Emerging Local Plan (2018)

Policy SP1 – Presumption in Favour of Sustainable Development
Policy SP2 – The Spatial Strategy 2011-2033
Policy SP3 - The Scale and Distribution of Housing Development
Policy SP10 – Protection of the Countryside
Policy SP12 – Sustainable Development Principles
Policy H1 – Housing Density
Policy H2 – Housing Mix
Policy H5 – Residential Development in Settlements without Development Limits
Policy H6 – Affordable Housing
Policy H10 – Accessible and Adaptable Homes
Policy TA1 – Accessible Development
Policy TA3 – Vehicle Parking Standards
Policy D1 – High Quality Design
Policy D2 – Car Parking Design
Policy D8 – Sustainable Design and Construction
Policy D9 – Minimising Carbon Dioxide Emissions
Policy EN1 – Protecting the Historic Environment
Policy EN3 – Protecting the Significance of Conservation Areas
Policy EN4 – Development affecting Listed Buildings
Policy EN7 – Protecting and Enhancing the Natural Environment
Policy EN10 - Minimising Flood Risk
Policy EN11 – Surface Water Flooding
Policy EN16 – Contaminated Land
Policy C1 – Protection of Landscape Character

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Playspace

National Policies

National Planning Policy Framework (NPPF) (July 2018)

Other Material Considerations

National Planning Policy Guidance (NPPG)
Essex Design Guide
ECC Parking Standards
UDC Parking Standards
Felsted Neighbourhood Plan (Reg 14 stage completed)

8. PARISH COUNCIL COMMENTS

- 8.1 Little Dunmow Parish Council have the following comments to make regarding the above planning application:

Although the Council does not object to replacing the 12 bungalows with 16 small family homes, it does not think the provision of 8 flats is suitable for the area for the following reasons:

Little Dunmow is an ancient village of national importance: recorded in the Domesday Book, Augustinian Priory (est. 1106), the Lady Chapel of which remains as a place of worship, Magna Carta village and the origin of the Flitch Trials. The planned development at the entrance to the village (and where the village sign resides) is an opportunity to enhance and protect the area.

The building of flats therefore is wholly inappropriate and would set a precedent for any future development in or near the village, also adding density to the site. There is enough land to build 12 no. small family homes more in keeping with the village. Building upwards seems unwise given the putative reason for demolishing the bungalows is subsidence.

Good parking provision is made for all future tenants of The Moors. However, there appears to be no planned restriction of parking on the access road or in front of the designated parking spaces.

At present there is no parking in front of the bungalows which helps maintain a clear aspect and adds to the open nature of the site. If parking is not restricted to those allocated spaces behind the building line then this could resemble the familiar sight of terraced houses with their gardens converted to parking areas.

We note that the parking allocated to Plots 1 and 2 encroach on the grassed area. It may be better to place them at the eastern side of the existing parking area so there are no vehicles parked semi-permanently obscuring the open aspect.

A physical barrier needs to be present between the access road and grassed areas (a low wall or sturdy bollards). In addition, there should be a restriction on daytime parking ahead of the building line (possible tenancy agreement or by-law?).

We also have concern over the parking areas you have designated to the east of the site as it is encroaching on the green area in front of the properties. In addition, the large maple tree (T1) seems to be under threat. Tree T1 must be retained as it enhances the site and provides a screen for listed buildings off site.

The potential for off road parking by people leaving their cars whilst flying from Stansted for a fortnight or more also needs to be considered.

We would also ask that planning conditions be put in place to prevent work lorries parking on or using the nearby green area which is an area the Parish Council is working hard to protect and take responsibility for.

9. CONSULTATIONS

MAG London Stansted Airport

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its

potential to conflict aerodrome Safeguarding criteria. It has no aerodrome safeguarding objections to the proposal.

ECC Highways

- 9.2 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to highway conditions.

ECC Place Services - Heritage

- 9.3 The application is for the demolition of the existing 12 bungalows on the site, and replacement with 16 new fit for purpose dwellings (8x 1B2P Flats and 8x 2B4P).

The site is located in close proximity to the Little Dunmow Conservation Area, within which are located a number of listed buildings and places of historic interest; it also sits adjacent to a number of listed buildings, including Willow Cottage (Grade II listed, HE Ref: 1112813), The Cottage (Grade II listed, HE Ref: 1322294), Brights Cottage (Grade II listed, HE Ref: 1168349), and Penash (Grade II listed, HE Ref: 1112812). Given the above, the site is particularly sensitive in terms of impact to the setting of designated heritage assets.

The existing buildings within the site do not adequately complement its historic setting and potential for improvement is acknowledged. The proposed scheme, however, does not offer considerable change in the aesthetic quality of the buildings and exacerbates the harm to nearby heritage assets by proposing an increased height of built form. Visually dominating by virtue of their scale, the proposed buildings would detract from the significance of the nearby listed cottages and negatively impact on the views into the conservation area. It is recommended that the height of any new dwellings is kept as existing, especially the proposed dwelling adjacent to the listed buildings.

Further to this, the proposed buildings are visibly designed as purely functional dwellings, with little to no architectural merit and low-quality materials. Features such as concrete tiles and uPVC elements should be avoided. A more sympathetic approach regarding the design and finish of the proposed development is encouraged.

In its current form, the proposal is considered to cause 'less than substantial harm' to the significance and setting of the conservation area and adjacent listed buildings and as such paragraph 196 of the NPPF is relevant.

ECC Place Services - Ecology

- 9.4 No objection subject to securing biodiversity mitigation and enhancement measures.

Summary

I have reviewed the Ecology Report (Wild Frontier Ecology Ltd, Aug 2018) supplied by the applicant relating to the likely impacts of development on Protected & Priority habitats and species, particularly reptiles and identification of proportionate mitigation.

I am satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. I support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Ecology Report (Wild Frontier Ecology Ltd, Aug 2018) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species, particularly reptiles.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent.

ECC SuDS

9.5 Initial SuDS consultation response dated 8 October 2018 as follows:

“Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

- The information provided does not allow us to assess the development. Please provide information as required within the Detailed Design Checklist on Essex County Council’s website: <https://flood.essex.gov.uk/new-development-advice/how-to-design-suds-in-essex/detailed-drainage-design-checklist/>”.

Updated comments received 27.3.19 withdrawing objection subject to imposition of condition.

9.6 Further SuDS consultation comments received by email dated 21 March 2019 as follows:

- “The LLFA cannot alleviate its holding objection at the present time as drain-down time is not provided. The LLFA requires drain-down time with 24 hours for all SUDS features whether or not the drainage scheme is based on infiltration. Ingleton Wood have explained the betterment of run-off rates, but haven’t explained why the final discharge could not be limited to 1 in 1 Greenfield run-off rates. We can only accept betterment in brownfield rates if it is demonstrated that the scheme is unviable if the peak discharge would be limited to 1:1 Greenfield rates. We need further time to review the addition information submitted to formally comment on it, although I hope this pending email response will help you in your meeting”.

Note: Further SuDS comments to be reported to Members if received.

Anglian Water

9.7 ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Felsted Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Section 3 - Used Water Network

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has not confirmed a discharge regime and final connection point at this time and this will need confirming to conduct an accurate impact assessment. We therefore request a condition requiring phasing plan and/or on-site drainage strategy (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy with infiltration on site as the preferred disposal option followed by discharge to a watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations into discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

Surface Water Disposal (Section 4)

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason:??

Crime Prevention Officer

9.8 Design (d) states" It helps reduce the potential for crime".

Although the existing properties have parking to the rear abutting farmland, there are greater crime risks associated with this. Consideration will need to be given to lighting and boundary treatments and it is recommended that rear gates are key lockable from either side.

Whilst there are no other apparent concerns with the layout, however to comment further we would require the finer details such as the proposed lighting, boundary treatments and physical security measures.

We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" at the same time as achieving a Secured by Design award.

From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring of the development are agreed prior to a planning application.

UDC Housing Strategy and Operations Manager

9.9 The proposed mix of housing for the site at The Moors, Little Dunmow has been developed to be in accordance with the housing need as indicated by the Housing Register. The older persons bungalows currently on this site have for many years been hard to let and the fact that they have now become uneconomic to repair due to subsidence has given the Council the opportunity to provide housing on this site that is better suited to the needs of those on the Housing Register.

UDC Environmental Health Officer

9.10 Recommendation

No objections subject to imposition of recommended conditions below.

Comments:

Thank you for consulting Environmental Health on this application.

This is an application made by Uttlesford District Council for the demolition of 12 existing Council owned housing units, to be replaced with 16 affordable rent housing units.

Land Contamination:

The site has been used for residential purposes since the existing bungalows were constructed, which is believed to have been sometime in the 1950's. Part of the site includes hardstanding for vehicles and some areas of made ground, with the rest being given over to residential gardens and grass verges. It is noted that the site has already been subject to some land contamination remediation works to remove Japanese Knotweed from the site. Although the site has been occupied for residential purposes since the 1950's, the previous history of the site is not known.

In view of the fact that: remediation works to address identified contamination with Japanese Knotweed have already been undertaken on the site; the proposed development is for a contamination-sensitive end use of residential occupation with gardens; and the need to ensure that no potential future liability is likely to arise under Part IIA of the Environmental Protection Act 1990, it is recommended that contamination conditions are attached to any planning consent granted for the development as proposed.

Noise & Other Environmental Matters:

The site is an existing residential development located in a set-back position at the junction of The Street and Station Road. The site will be subject to some noise from road traffic on Station Road, as this is the main route through the village linking Little Dunmow to adjoining settlements. There may also be some low contributory background noise from the A120 which is some 650m to the north. However, noise from road traffic sources overall is not considered to be a barrier to development and a reasonable internal and external noise environment should be achieved with good design, layout and suitable mitigation measures. I would therefore recommend a noise condition is attached to any consent granted for the development to secure this:

10. REPRESENTATIONS

10.1 9 representations received (Object). Neighbour notification period expires 30/10/18 (22/03/2019 - revised drawings), Advertisement expires 1 November 2018, Site Notice expires 8 November 2018.

10.2 Summary of representations received as follows:

- Little Dunmow is an ancient village mentioned in the Domesday Book. There is no development within the village that conflicts with its historic appearance;
- Proposal represents a high density housing proposal which would be at odds with the low density housing grain of the existing village;
- The two storey flats would be very prominent leading out of the village along The Street eastwards and would be wholly inappropriate for the site's setting near to the village conservation area boundary. Single storey housing would be more preferable;
- The development would be harmful to the setting of the adjacent listed

- buildings;
- Would be forward of the established building line;
- Contest that subsidence is a significant factor for redevelopment as the extent of damage is relatively minor and restricted to one or two dwellings and looks historic;
- Query whether the parking provision shown would be sufficient for 16 new dwellings, including visitor parking;
- Any parking should be provided to the rear of the site and not the front to preserve the openness of the site to the front;
- Proposal lacks screening and perimeter landscaping
- Existing green at the front of the site should be protected and not encroached upon
- Existing prominent trees along the site's eastern flank boundary, including the mature maple should be retained to protect and screen the existing listed buildings
- UDC should consider a better housing scheme.

11. APPRAISAL

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

- A Principle of development (NPPF, ULP Policies S7, H7, H11, GEN3);
- B Access (ULP Policy GEN1);
- C Design (ULP Policy GEN2 and SPD's "Accessible Homes and Playspace" and "Replacement Dwellings");
- D Vehicle Parking Standards (ULP Policy GEN8);
- E Housing Mix and Affordable housing (ULP Policies H10, H9);
- F Impact on heritage assets (NPPF and ULP Policy ENV2);
- G Impact on residential amenity (ULP Policy GEN2);
- H Impact on protected species (ULP Policy GEN7);
- I Contamination (ULP Policy ENV14).

A Principle of development (NPPF, ULP Policies S7, H7, H11, GEN3)

- 11.1 The submitted scheme is for the proposed demolition of the 12 no. existing Council owned bungalows at this edge of settlement location which the Council considers are no longer fit for purpose and their replacement with 16 no. fit for purpose affordable dwellings and flats to be occupied by Council tenants whereby the proposal would lead to a net gain of 4 no. additional units of residential accommodation at the site, albeit that the four additional units would be provided as part of the flats element of the scheme. The site represents previously developed land (PDL) and paragraph 63 of the NPPF in this respect encourages LPA's to support the re-use of brownfield land where vacant buildings are being re-used or redeveloped to make more efficient use of the land. The NPPF has a general presumption in favour of sustainable development whereby the three defined roles of sustainable development, economic, social and environmental are required to be met and the proposed scheme would need to demonstrate that it would be aligned to this overarching objective when set against these roles.
- 11.2 The site lies outside development limits (none for Little Dunmow) and therefore falls within the countryside for the purposes of ULP Policy S7 of the adopted local plan which seeks to protect the countryside for its own sake and states that planning permission will not be granted unless the development needs to take place there or is appropriate to a rural area. ULP Policy H7 states that replacement dwellings will

be permitted if they are in scale and character with neighbouring properties and, if the site lies outside development limits, that they must protect the character of the countryside in which they are set. ULP Policy H11 states that development of affordable housing will be permitted outside existing settlements where housing would not normally be permitted if it meets the qualifying criteria set out in that policy, namely that a) 100% of the dwellings are to be affordable and provided through a Registered Social Landlord, b) the development will meet a particular need which cannot be met in any other way, c) the development is of a scale appropriate to the size, facilities and character of the settlement and d) the site adjoins a settlement. The preamble to that policy states that *“as a consequence of the scale of affordable housing needs and the need to retain mixed and balanced communities, the Council will also exceptionally release suitable land in rural areas for local needs housing that would not otherwise normally receive planning permission”*. ULP Policy GEN3 relates to flood risk.

- 11.3 The revised drawings as submitted following the meeting held between various officers of the Council and the Council's planning consultant and architects now show the proposed dwellings for Plots 1-3 and Plots 4 and 5 with a different pallet of external materials, whilst the fenestration treatment for Plots 6-8 and Plots 9-16 has changed to now incorporate more sympathetic roof gables, whilst the ridge line for Plots 9-16 (flats) has been lowered to reduce the impact of the two storey height of these two flat blocks within the streetscene (see further discussion below - Design). As a result, it is considered that the development by reason of its scale, form and appearance would not have a significantly detrimental impact on the rural amenities of the area at this end of the village compared to the tired single storey form of development which it would replace and would be commensurate in scale following the design changes which have been made with the built form which exists along The Street where it has been identified by Housing Services that the form and mix of the proposed development as an “Exception Site” has been informed by the latest Housing Needs survey for the area as indicated by the Housing Register. As such, no objections are raised under ULP Policies S7, H7 and H11. The site is located within Flood Zone 1 (lowest risk of flooding) meaning that the site is not vulnerable to flooding from fluvial sources and no objections are raised in this respect under ULP Policy GEN3.
- 11.4 The site lies immediately adjacent to bus stops along The Street on the No.133 Stansted Airport to Colchester bus route on the Felsted loop and is within close distance of Flich Green which now has a range of local services, including a small supermarket whereby the No.133 runs past Flich Green with bus stops outside this satellite village centre. Given this and the foregoing, the proposal would amount to a presumption in favour of sustainable development in accordance with the NPPF when assessed against the three strands of sustainability as previously confirmed by the Council at pre-application stage.

B Access (ULP Policy GEN1)

- 11.5 The new development would be served by the existing but improved vehicular access at the south-western end of the site, whilst a new 4.5m wide private access road with 2m wide parallel footway would serve the front of the site and the existing rear service road retained to the rear to serve an enlarged and improved rear parking area.
- 11.6 ECC Highways have been consulted on the proposal and have commented that they have no highway objections to the proposal subject to highway conditions, including that the access point be widened to a minimum width of 5.5m and that no

dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. A tracking drawing (swept path analysis) has been provided of the improved site access and internal layout (dwrg. 48448-P-010) which demonstrates that a UDC refuse vehicle would be able to negotiate the improved vehicular access point, new service road and the existing rear service road to the maximum depth.

- 11.7 It is considered from this that the highways aspects of the scheme are acceptable and no objections are raised under ULP Policy GEN1.

C Design (ULP Policy GEN2 and SPD's "Accessible Homes and Playspace" and "Replacement dwellings")

- 11.8 There are no adopted policies within the NPPF that relate to the density of new development. The NPPF makes it clear that LPA's should refuse applications which they consider fail to make efficient use of the land. The proposal intentionally replicates the footprint of the bungalows to be demolished and therefore seeks to replicate the grain and layout of the existing development within the streetscene whilst adding 4 no. additional affordable units as previously mentioned. There is a ground level difference of approximately 2m through the site from north-east to south-west and the development has been purposely designed so that the lower eaved and ridge lined dwellings start from the site's north-east corner extending to the higher eaved and ridge lined dwellings and flats to the site's south-west corner making use of the drop in natural ground level along The Street. This scale alignment is considered acceptable whereby it would have a general consistency with surrounding built form, albeit that the return block of flats for Plots 13-16 would have in effect a 2 storey flank elevation profile when viewed from the west.
- 11.9 As previously stated, the design of the dwellings and flats for this development has been subject to drawing changes following UDC discussions so as to reduce and soften the overall impact of the development within the streetscene and so as to provide for a more vernacular appearance through the development. Additionally, the flats have been designed to appear as dwellings. It is considered that the changes made which can be fully appreciated on streetscene elevation, dwrg. no.2010-P2 now provide for a more appropriate design of development within the site's semi-rural setting compared to the design of the dwellings as originally submitted whereby all of the dwellings and the flats now have a consistent vernacular theme incorporating gabled first floor windows and where the pallet of materials to be used (slate pantiled roofs, render on brickwork and grey uPVC windows) would be an appropriate materials mix.
- 11.10 All of the dwellings for the development, including those for Plots 2 and 6, would have private rear gardens which would comply with Essex Design Guide minimum rear private amenity space standard of 50sqm for 2 bedroomed dwelling units, whilst the 8 no. 1 bedroomed flats would have a communal area of 200sqm which would also comply with Essex Design Guide minimum communal space standards of 25sqm for 1 bedroomed flats (8 no. x 25sqm = 200sqm). The dwellings and flats would have level access to the front doors.
- 11.11 In the circumstances, the development complies with ULP Policy GEN2 relating to design and housing layout.

D Vehicle Parking Standards (ULP Policy GEN8)

- 11.12 The proposed development would utilise and improve upon existing resident parking

at the site and provide additional on-plot resident parking. A total of 24 no. parking spaces is provided for the development in total whereby Plots 3, 4, 5 and 6 and 8 would have two on-plot parking spaces each (10 no. spaces in total) which would comply with ECC Parking Standards for two bedroomed dwellings, whilst the remaining 14 spaces within the site would serve the remaining 2 bed dwellings (Plots 1, 2 and 7 = 6 no. spaces in total) and the 8 no. 1 bedroomed flats (8 no. spaces in total) = 14 spaces. Each parking space is shown at 5.5m x 2.9m bay size which would comply with the standards also. Visitors to the development would be able to park in the existing/retained parking lay-by at the front of the site. The proposal therefore complies with ULP Policy GEN8.

E Housing Mix and Affordable Housing (ULP Policies H10, H9)

- 11.13 The submitted scheme represents a 100% affordable housing scheme for Uttlesford District Council consisting of 8x 2 bed 4 person dwelling units and 8x 1 bed 2 person flats whereby it is proposed that the 8 no. dwellings would be for affordable rent and the 8 no. flats would be for social rent. The housing mix and housing tenure accords with UDC housing needs as indicated by the latest Housing Register, including the provision of 1 bedroomed flats where it has been identified that there is now an increased demand for this type of accommodation to reflect demographic change within the district and where it is stated in the consultation response from UDC Housing Services that the older persons bungalows currently on the site have for many years been hard to let. The proposal therefore accords with the aims of ULP Policies H9 and H10 where it is not necessary in this instance for the Council to enter into a S106 agreement for its own application proposal where all of the dwellings and flats would be Council owned and managed "in-house".

F Impact on heritage assets (NPPF and ULP Policy ENV2)

- 11.14 It is noted that the proposed scheme has resulted in a heritage objection from ECC Place Services whereby they state in their consultation response that the site by reason of its close proximity to Little Dunmow Conservation Area, which contains a number of listed buildings and places of historic interest, and lying adjacent to three Grade II listed buildings (Brights Cottage, The Cottage and Willow Cottage) is particularly sensitive in terms of impact to the setting of designated heritage assets. The consultation response acknowledges that the existing bungalows on the site do not adequately complement the site's historic setting and that potential improvement is acknowledged. However, they have commented that the proposed development by reason of its scale, particularly the height of the new dwellings shown adjacent to the listed buildings is inappropriate for the site and would cause harm to their setting, whilst the materials to be used would not be appropriate, adding that a more appropriate approach regarding the design and finish of the proposed development should be encouraged. As such, they conclude that the development would cause "less than substantial harm" to the significance and setting of the conservation area and adjacent listed buildings and as such paragraph 196 of the NPPF is relevant.
- 11.15 Due regard has been given to the heritage comments expressed by ECC Place Services with regard to the overall scale and external finishes treatment for the proposed development. However, paragraph 196 of the NPPF is clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. The scheme in this instance would provide 100% affordable housing, providing a significant public benefit, and meeting an identified need of housing in the district, and thus meeting the requirements as set out in the Framework. As such, the visual

enhancement that the scheme would bring compared to the existing tired bungalows at the site coupled with the public benefit of providing an increased number of affordable units at the site (16 as opposed to 12) provides substantial weight in the planning balance.

- 11.16 A mature Maple tree which stands along the site's eastern boundary with the listed buildings would be retained through the proposal which would help to screen the development from these heritage assets as shown on the proposed site layout drawing.

G Impact on residential amenity (ULP Policy GEN2)

- 11.17 The orientation of the proposed dwellings for the development with front to rear aspects would ensure that the residential amenities of the adjoining properties to the side and rear on the site's eastern/SE side would not be materially affected by the development in terms of overbearing effect, loss of light, overshadowing or loss of privacy. Two first floor rear bathroom windows are shown for Plots 12 and 16 which could have the potential to overlook the flats communal garden area and the rear garden of Plot 8. However, these would be expected to be obscure glazed which can be conditioned, although it is considered that the windows should also contain opening hinge restrictors as an additional amenity precaution. No residential amenity objections are raised under ULP Policy GEN2 subject to this amenity condition.

H Impact on protected species (ULP Policy GEN7)

- 11.18 The submitted ecology report has found that there are no designated nature conservation sites close to the site and that the developed nature of the site, including areas of hardstanding means that the predicted impacts to habitats are expected to be no more than minor and can be acceptably mitigated by post-construction enhancement of the site. The surveys for roosting bats which have involved an inspection of the buildings and an emergence survey completed at dusk in May 2018 found no evidence of any bats roosting in the buildings so it is the case that a neutral impact is expected. The reptile survey found one grass snake and one slow worm at the site and the report advises that mitigation is advised to ensure the clearance works do not result in harm or death to these protected species. The report further advises that the site is unsuitable for most other protected and priority species and no signs of any such species (other than nesting birds) were recorded at the site, adding that the potential for impacts to other protected or priority species can be addressed through standard best-practice mitigation measures. The report concludes that it is likely that the proposed development would have a negligible long term impact on protected and priority species subject to mitigation measures, including a Construction Environment Management Plan and incorporating ecological enhancement measures.
- 11.19 ECC Places Services (Ecology) have advised that they have no objections to the proposal based upon the report findings subject to securing biodiversity mitigation and enhancement measures to be conditioned. No objections are therefore raised under ULP Policy GEN7.

I Contamination (ULP Policy ENV14)

- 11.20 The submitted environmental report has identified a low risk of contamination at the site whereby remedial work has already been undertaken to eradicate Japanese Knotweed. The Council's EHO has reviewed the report and has advised that no

contamination objections are raised subject to standard contamination/remediation conditions and no objections are raised under ULP Policy ENV14.

12. CONCLUSION

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

- A The principle of a fit for purpose 100% affordable Council housing scheme through redevelopment at this existing Council housing site at this edge of village location is accepted whereby the scheme would amount to a presumption in favour of sustainable development as an affordable housing “exception site” which would not cause harm of significance to the rural amenities of the area.
- B Proposed access arrangements would be acceptable.
- C The design and layout of the proposed development would be acceptable.
- D The development would be compliant with adopted parking standards.
- E The housing mix and housing tenure for the proposed dwellings/flats would be acceptable as an affordable rent/social rent Council owned and managed housing scheme.
- F The development would cause “less than substantial harm” to adjacent heritage assets, although the public benefits of the scheme by providing new affordable housing at the site for identified Council register needs through redevelopment to replace redundant Council housing deemed not fit for purpose would in the tilted planning balance outweigh any heritage harm which would otherwise be caused.
- G The development would not have a material impact on residential amenity.
- H The development would not have a significant impact upon protected or priority species.
- I Contamination risks have been identified and can be remediated by condition.

RECOMMENDATION – APPROVAL WITH CONDITIONS

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 commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
 - a) proposed finished levels
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained, including the large Maple located on the site's eastern boundary where this is shown to be retained on Proposed Site Plan LITTLD-IW-XX-XX-DR-A-1100-P4 dated 24/09/18.
 - g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the

- development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this exposed site within the streetscene 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 ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

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 in accordance with ULP Policies GEN2, ENV3 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. Prior to commencement of development 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, ecology enhancement and in order to protect the significance of adjacent heritage assets in accordance with ULP Policies GEN2, ENV3, GEN7, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

5. The walls to the development hereby permitted shall have a smooth rendered surface. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In order to protect the significance of adjacent heritage assets in accordance with ULP Policies ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

6. Prior to occupation of any dwelling, the provision of a vehicular access formed at right angles to The Street as shown in principle on drawing no. LTTLE-IW-XX-XX-DR-A-100 Rev P4 (Proposed Site Plan) shall be provided. Footways to the new service road as shown shall be at a 2m footway width.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

7. No dwelling shall be occupied until the associated parking and/or turning head

indicated on the approved plans has been provided. The vehicle and turning heads shall be retained in this form at all times.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur in the interest of highway safety and that appropriate parking is provided in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

8. All vehicular hardstandings provided shall be a minimum of 5.5 metres x 2.9 metres.
REASON: To ensure a satisfactory standard of development in the interests of highway safety and to comply with ECC adopted parking standards in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).
9. The area set aside for car parking shall be laid out and surfaced before the dwellings hereby permitted are first occupied, and shall be retained permanently thereafter for the vehicle parking of residents/occupiers and shall not be used for any other purpose.
REASON: To ensure a satisfactory standard of development in the interests of highway safety and to comply with ECC adopted parking standards in accordance with ULP Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).
10. One dwelling approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.
11. The first floor rear bathroom windows shown for the dwellings for Plots 12 and 16 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 and shall be fitted with opening hinge restrictors. Glazing of that obscuration level and the fitting of hinge restrictors shall thereafter be retained in those windows.
REASON: To avoid overlooking of the adjacent properties in the interests of residential amenity in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
12. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
 - A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination. This report shall adhere to BS10175:2011.
 - A Phase 2 Site Investigation (where shown as necessary in the Phase 1 Desk Study).
 - A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation).

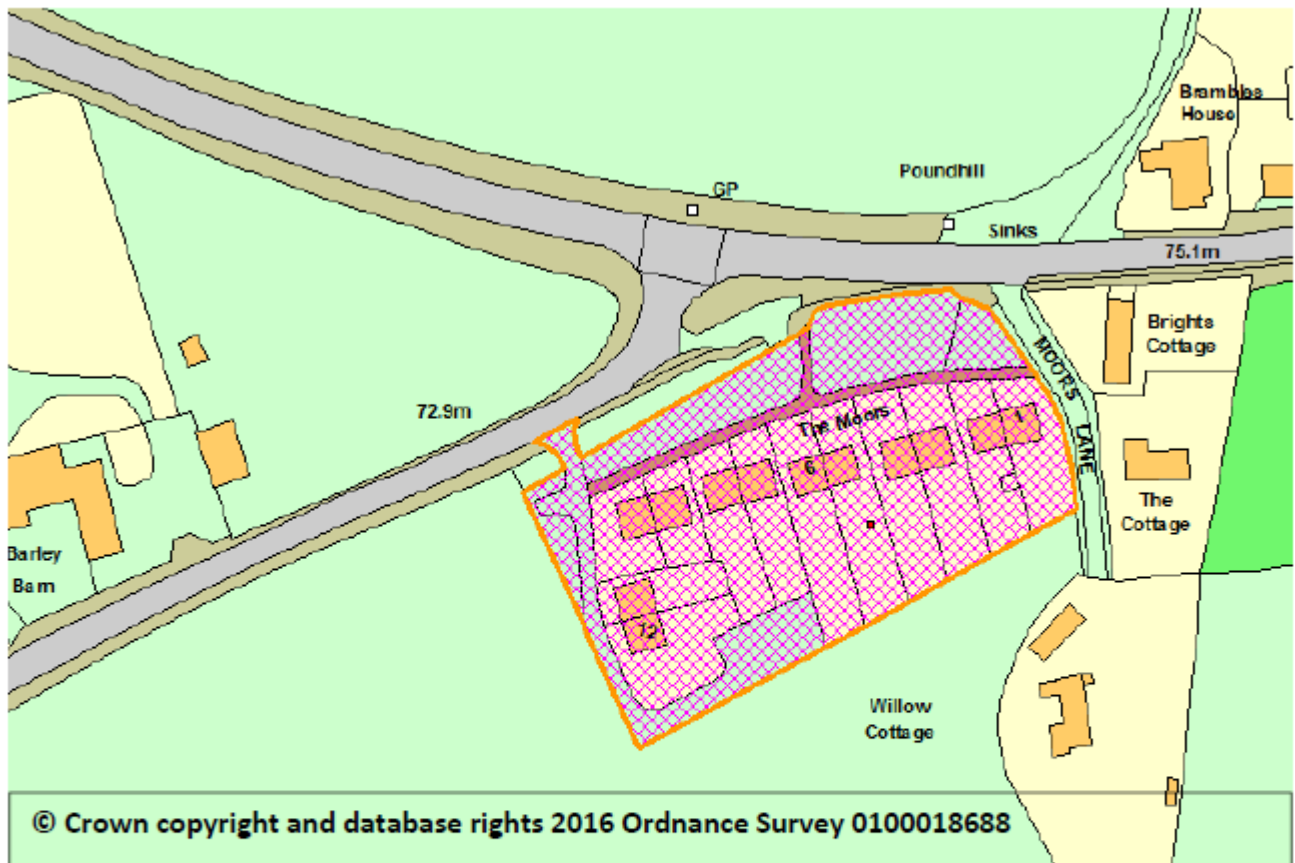
All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health, groundwater and the wider environment.

REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

13. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.
REASON: To protect human health and the environment in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).
14. No construction of the dwellings hereby permitted shall commence until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until a scheme has been implemented in accordance with the approved details and shown to be effective, and it shall be retained in accordance with the approved details.
REASON: To ensure that future occupiers are able to enjoy a reasonable internal and external acoustic environment in accordance with ULP Policy ENV10 of the Uttlesford Local Plan (adopted 2005).
15. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Wild Frontier Ecology Ltd, Aug 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This includes the mitigation measures (section 7.2) and the enhancements (section 8). Due diligence regarding nesting birds, two for one replacement of trees, ecological clerk of works for the destructive search for reptiles (under the appropriate weather conditions), checking trenches, storing material on pallets, enhancing the site with native planting, retaining permeable boundaries. Install 8 bird boxes as specified and 3 bat boxes as specified.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 27 March 2019