

**UTT/19/1437/FUL**

(MAJOR)

**PROPOSAL:** Demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping

**LOCATION:** 77 High Street, Great Dunmow, CM6 1AE

**APPLICANT:** K & J Archer & McCarthy And Stone

**AGENT:** The Planning Bureau Ltd.

**EXPIRY DATE:** 16.09.2019 (EOT 5<sup>th</sup> October 2020)

**CASE OFFICER:** Madeleine Jones

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**1. NOTATION**

1.1 Within Development Limits. Tree preservation. Groundwater Protection Zone. Conservation Area. Within 500m of Pollution Control Site. Archaeological Site. Listed building adjacent to site access.

**2. DESCRIPTION OF SITE**

2.1 The site is located to the southeast edge of the town centre, on the north eastern side of the High Street to the rear of 77 High Street, adjacent to the Great Dunmow conservation Area

2.2 The site is 0.3 hectares, is irregular in shape and has vacant light industrial commercial units associated with a vehicle repair workshop business, which has been vacant for some time.

2.3 Access to the site is via a shared driveway from the High Street, between number 75 and 77.

2.4 There is a Grade II listed building located adjacent to the south west of the site and further listed buildings located on the opposite side of the High Street.

2.5 To all boundaries of the site are residential properties. A car park serving Twyford Court is to the east of the site.

2.6 The site levels fall from the south of the site to the north.

**3. PROPOSAL**

3.1 The proposal is for the demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping

3.3 The development would consist of 11 x 1 bedroom and 18 x 2 bedroom apartments, a communal lounge, laundry room, guest suite and managers office.

- 3.4 23 parking spaces would be provided together with a communal green space to the rear of the building. There would also be storage and charging points provided for electric mobility scooters.
- 3.5 Access is via the High Street, utilising the existing access and will lead into a 6m wide internal access road.

#### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 Town and Country Planning (Environmental Assessment): This proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2 and therefore an Environmental Assessment is not required.

#### **5. APPLICANT'S CASE**

- 5.1 The applicants case is supported by the following documents:

- 5.2
- Design and Access Statement
  - Heritage Statement
  - Land Contamination Assessment
  - Preliminary Ecological Appraisal
  - Statement of Community Involvement
  - Sustainability Appraisal
  - Transport Statement
  - Tree survey
  - Biodiversity Checklist
  - Suds Checklist
  - Viability Assessment
  - Drainage Strategy
  - Flood Risk Assessment
  - Planning Statement
  - Archaeological Desk Based Assessment
  - Bat Survey

#### **6. RELEVANT SITE HISTORY**

- 6.1 DUN/004/68: Site for dwelling and workshop. Refused.
- 6.2 DUN/0138/58: Alterations and additions. Unconditional approval.
- 6.3 DUN/0149/51: Formation of new cycle store. Unconditional approval.
- 6.4 DUN/0155/70: Site for dwelling and vehicle workshop. Conditionally approved.
- 6.5 DUN/0182/58: Alterations to form showroom and office. Approved with conditions.
- 6.6 DUN/0226/66: Redevelopment of garage. Approved with conditions.
- 6.7 DUN/0255/59: Erection of new workshop. Approved with conditions.
- 6.8 DUN/0418/67: Formation of workshop stores. Unconditional approval.
- 6.9 UTT/0062/75: Proposed erection of workshops. Conditionally approved.

- 6.10 UTT/0500/02/FUL: Demolition of former filling station and erection of 2 commercial units and 8 two-bed apartments, cycle store, bin store, car parking for 12 cars and alterations to existing access. Conditionally approved.
- 6.11 UTT/0726/78: Erection of workshop buildings for light industrial use. Conditionally approved.
- 6.12 UTT/0855/81: Provision of further workshop space and renewal of existing machine shop for renovation of collectors' cars within existing business curtilage. Conditionally approved.
- 6.13 UTT/1161/87: Installation of an additional underground storage tank. Conditionally approved.
- 6.14 UTT/1233/83: Reposition office and extend showroom area. Petrol sales motor car sales and service. Conditionally approved.
- 6.15 UTT/0731/77: Change of use from office to private hire taxi office. Conditionally approved.
- 6.16 DUN/0182/58: Alterations to form showroom and office. Conditionally approved.
- 6.17 DUN/0255/59: Erection of new workshop. Conditionally approved.

## **7. POLICIES**

### **National Policies**

National Planning Policy Framework (Feb 2019)

### **Uttlesford Local Plan (2005)**

ULP Policy S1- Development Limits for the main urban limits  
 ULP Policy H4 – Back land development  
 ULP Policy H9 – Affordable Housing  
 ULP Policy ENV3 – Trees and Open Spaces  
 ULP Policy GEN1 – Access  
 ULP Policy GEN2 – Design  
 ULP Policy GEN3 – Flood Risk  
 ULP Policy GEN4 – Good neighbourliness  
 ULP Policy GEN7 – Natural Conservation  
 ULP Policy GEN8 – Vehicle Parking Standards  
 ULP Policy GEN6 – Infrastructure Provision to Support Development.  
 ULP Policy E2 – Safeguarding of Employment Land  
 ULP Policy ENV2 – Development affecting Listed Buildings  
 ULP Policy ENV4 – Ancient Monuments and Sites of Archaeological Importance.  
 ULP Policy ENV12 – Protection of Water Resources.  
 ULP policy ENV14 – Contaminated Land  
 ULP policy H1 – Housing Development.  
 ULP Policy H3 – New Houses within Development Limits  
 ULP Policy ENV1 – Development within Conservation Area.  
 ULP Policy E3 – Access to Workplaces.  
 ULP Policy GD1 – Town Centre

### **Great Dunmow Neighbourhood Plan (made 2016)**

Policy DS1 - Town Development Area  
Policy DS8 – Buildings for Life  
Policy DS12 – Eaves Height  
Policy DS13 – Rendering Pargetting and Roofing  
Policy DS15 – Local Housing Needs  
Policy LSC1 – Landscape Setting and Character  
Policy NE4 – Screening  
Policy DS14 – Integration of Affordable Housing  
Policy LSC- A - The Historic Environment  
Policy HSTC- E Town Centre Development.  
Policy E2 – Loss of employment Land.

### **Supplementary Planning Documents/Guidance**

SPD – Accessible Homes and Playspace

### **Other Material Considerations**

National Planning Practice Guidance (NPPG)  
Essex Design Guide  
ECC Parking Standards  
UDC Parking Standards

## **8. TOWN COUNCIL COMMENTS**

- 8.1 Great Dunmow Town Council supports this application but has concerns that the number of parking spaces proposed will be insufficient for the number of residents, visitors and staff.

## **9. CONSULTATIONS**

### **Aerodrome Safeguarding**

- 9.1 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal however, we would like to draw the applicant's attention to the requirement within the British Standard Institute Code of Practice for the safe use of cranes, for crane operators to consult the aerodrome before erecting a crane in proximity to an aerodrome.

### **ECC Highways**

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

### **ECC Ecology**

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

### **Crime Prevention Officer**

- 9.4 It would appear that a number of the ground floor and lower ground floor apartments have external doors opening into public/semi public space increasing

the risk of crime to these properties, we would like to see either these doors changed to windows or this garden area become a secure area. To comment further we would require the finer detail such as the proposed lighting, access control, visitor entry, mail delivery and physical security measures.

#### **Education. Infrastructure Officer**

- 9.5 As the proposed development comprises sheltered housing (retirement living) accommodation, an education contribution will not be requested.

#### **ECC SUDS**

- 9.6 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to appropriate drainage conditions being imposed on any planning permission being granted.

#### **UDC Housing Enabling Officer**

- 9.7 The delivery of affordable housing is one of the Councils' corporate priorities and will be negotiated on all sites for housing. The Councils policy requires 40% on all schemes over 0.5 ha or 15 or more units.

The affordable housing provision on this site will attract the 40% policy requirement as the site is for 29 (net) units. This amounts to 12 affordable housing units and it is expected that these properties will be delivered by one of the Council's preferred Registered Providers.

This housing scheme is specifically for retired persons over the age of 65 years. The Council would support a mixed tenure scheme, delivering 12, 1 and 2 bed flats for shared ownership with various share tranches from 25% to 75%. This tenure will be in keeping with the aspirations, attitudes, expectations and requirements of private owners and will meet the requirements of the lease.

These 12 flats for shared ownership will meet a strong need in the District of residents in owner occupation who wish to down size whilst having the security and confidence that sheltered housing provides. A one bedroom flat should accommodate 2 adults, whilst a 2 bed flat should accommodate at least 3 adults.

Following the submission of a viability assessment, which has been independently verified, the Council would accept a commuted sum in lieu of on site provision of affordable housing.

#### **Affinity Water**

- 9.8 No objections in respect of Assets Affected, Wastewater Services, Used Water Network and Surface Water Disposal subject to appropriate mitigation and Anglian Water informatives.

#### **Environmental Health**

- 9.9 No objection subject to imposition of recommended conditions below to address construction environmental and land contamination aspects of the proposed development.

#### **NHS Clinical Commissioning Group**

- 9.10 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. West Essex CCG would therefore expect these impacts to be fully assessed and mitigated

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation

A developer contribution will be required to mitigate the impact of the proposal. West Essex CCG calculates the level of contribution required, in this instance to be a total of £8,850. Payment should be made before the development commences.

West Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

### **ECC Conservation**

- 9.11 This application is for the demolition of existing buildings and erection of 29 no. Retirement Living (Category II Sheltered Housing) apartments for the elderly with associated communal facilities, car parking and landscaping.

The site affected by this application is adjacent to the Great Dunmow Conservation Area, which borders the site to the west. The Grade II listed building Blowers, 75 High Street, is south west of the site (list entry number: 1338199); the site is accessed via a route between 75 and 77 High Street.

Due to the proximity between the site and the Conservation Area, there is the potential for redevelopment of the site to cause harm to the significance of the Conservation Area, altering the way in which it is viewed, interpreted and understood. Similarly, the development could cause harm to the significance of the listed building, detracting from its setting and potentially having direct impact upon the fabric of the building, due to the increased traffic and footfall which will result from the proposals.

At present, there are existing buildings on the site which are not deemed to be of heritage value, therefore I have no objection to their removal. The stable block discussed by the heritage statement is indicative of the past usage of the site and the history of the Conservation Area, I recommend a building recording exercise is conducted prior to demolition of this unit, a level three, analytical record (as per Historic England guidance) should provide the appropriate detail required.

Although large, the proposed new building will not, I feel, cause harm to the significance of the Conservation Area and the neighbouring listed building. The sloped nature of the site and varying roof scape of the surrounding area provides precedent for a varied roof form and proposed height of the new building. Whilst the introduction of crown roofs, with large expanses of flat roofscape, are normally resisted in Conservation Areas, the location of the proposed building, just beyond

the Conservation Area boundary means the crown roof is not a strong cause for concern. The design of the building will also largely hide the crown roof element and breaks up the overall bulk of the building in a manner which responds positively to the surrounding area.

Should the local authority approve the application, I recommend a condition is imposed regarding all external materials of the proposed building, to ensure that appropriate materials are used and to ensure the significance of the Conservation Area is not undermined through the introduction of incongruous elements so close to its boundary.

### **ECC Archaeology**

9.12 No objections subject to a condition securing an Archaeological Programme of Trial Trenching followed by Open Area Excavation

## **10. REPRESENTATIONS**

10.1 Neighbours were notified by letter and site notices were displayed at the front of the site. The application has been advertised and eleven representations have been received. Expiry date 4<sup>th</sup> December 2019.

Summary of representations received as follows:

Objections:

- No need for development as there is room at the care home next door at Barneston Court.
- Concern that a party wall (over 150 years old) will fall down when buildings are demolished. Would it please be possible for the contractor to issue a method statement on how he will demolish the workshop and garages without the wall falling down as this is over 6 metres high in places. Could this be done before any work is started? I am very concerned about this as from previous experience when the flats were built on my other boundary my drains were cut off the building was too close to my boundary and had to be moved over and the flats with the access through had to be raised as there was not enough headroom for lorries to enter my property. This all involved solicitors and a lot of expenditure.
- Overlooking
- Highway safety. To pedestrians using High Street. The pavement is used heavily by pedestrians. This part of the High Street is very busy all day, particularly in the late afternoon and evening, with drivers pulling up to collect takeaway orders and late hours food shopping. Often there are cars parked both sides of the street, causing visibility problems for through traffic.
- Traffic congestion; Increase in traffic, including delivery vehicles, refuse collection vehicles, congestion in what is already a very busy High Street. Vehicles often park on both sides of the High Street, which causes problems with both visibility and traffic flow

- Access is too narrow. If additional parking and an alternative vehicular access could be found, away from the High Street, it might make the proposed development more viable. Very limited access to the site for construction vehicles.
- Noise during construction as the site is surrounded by residential housing.
- There are insufficient car parking spaces to accommodate residents, staff, visitors and service vehicles
- There is one very narrow entrance between two buildings, one being my shop. I am concerned that my building could be damaged and with the demolition taking place I am concerned that my building will be subject to debris, dirt and pollution.
- Pollution during construction.

**In support:**

- This site has been unused for a number of years and the proposal would bring much needed specialist housing on this brownfield site. This development would not only help a group of the population that needs this type of housing (especially as the population is ageing) but also bring benefits to the town centre. The residents of these proposed flats would be within walking distance of the towns facilities and will use the local shops which given the decline of many high streets has to be welcomed.
- It would be a great asset to the town
- This would release larger homes that growing families need.
- Diverse communities are known to be the best way forward.
- I support this application for its close proximity to the shops. I live in one of these types of development and know the benefits of retirement living.

**11. APPRAISAL**

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

- A Principle of development (ULP policies S1, H3, GDNP Policies DS1: TDA, E2)
- B Access (ULP Policy GEN1);
- C Design and impact on adjacent Listed Buildings and character of the Conservation Area. (ULP Policies ENV1, ENV2 and GEN2, GDNP policies DS13, and SPD “Accessible Homes and Playspace” );
- D Vehicle Parking Standards (ULP Policy GEN8);
- E Housing Mix (ULP Policy H10);
- F Affordable housing (ULP Policy H9);
- G Impact on residential amenity (ULP Policy GEN2);
- H Impact on health provision (ULP Policy GEN6 );
- I Impact on protected species (ULP Policy GEN7).
- J Flood risk and drainage (ULP policy GEN3)
- K Contaminated Land (ULP policy ENV14)



- A Principle of development (ULP Policies S1, H3, GDNP Policies DS1: TDA, E2
- 11.1 The site is located within the Development Limits of Great Dunmow where adopted Uttlesford Local plan 2005 policy S1 applies. This specifies that development within the existing built up areas, if compatible with the character of the settlement will be permitted.
- 11.2 Additionally Great Dunmow Neighbourhood Plan policy DS1; TDA; Town Development Area is material to the consideration of this application. This policy defines the town Development Area for the purpose of:
- Directing future housing growth in line with allocations set out in the plan
  - Protecting the rural setting of Great Dunmow and
  - Containing the spread of the town by promoting infill within existing built up areas.
- This site is located within the town Development area of the Great Dunmow Neighbourhood Plan.
- 11.3 The National planning Policy Framework 2019 (NPPF) at paragraph 118 also advises that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- Paragraph 121 of the NPPF further states that LPA's should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- Use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this framework and
  - Make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.
- 11.4 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 2.68 year land supply. As such the Council cannot demonstrate a five year supply of deliverable housing sites and because the figure is less than three years supply, the added protection of Paragraph 14 would not apply
- 11.5 As such subject to complying with other National and Local planning policies the principle of the development is acceptable.
- B Access ( NPPF, ULP Policy GEN1,)
- 11.6 Policy GEN1 seeks to ensure development proposals would not adversely affect the local highway network and encourage sustainable transport options. This is generally consistent with the NPPF and has moderate weight. Great Dunmow NP policies GA1, GA2 and GA3 relate to various aspect of sustainable transport promoting other means of transport other than the private car, namely public rights of way and public transport. These principles were in line with the 2012 NPPF and form part of the principles of sustainable development in the 2019 NPPF and as

such are considered to carry full weight.

- 11.7 The proposed development would utilise the existing access onto the High Street and will utilise the existing bellmouth access and lead into a 6m wide internal access road. The access dimensions ensure that two – way vehicle movements in and out of the site can occur.
- 11.8 In order to facilitate walking, a new pedestrian walkway (in the form of a hatched marking area) is proposed from the site to enable safe access to bus stops and also to the wider town facilities.
- 11.9 Ambulance parking area is marked on the plans.
- 11.10 Essex County Council highways officers have no objections to the proposal subject to conditions.
- 11.11 In view of the above it is considered that the proposal would comply with the aims of Policy GEN1.
- C Design and impact on adjacent Listed Buildings and character of the Conservation Area. (ULP Policies ENV1, ENV2, GEN2 and SPD “Accessible Homes and Playspace”);
- 11.12 Policy GEN2 of the adopted Local Plan sets out the design criteria for new development. In addition, section 12 of the NPPF sets out the national policy for achieving well-designed places and the need to achieve good design.
- 11.13 The site is located adjacent to the Great Dunmow Conservation Area and there are listed buildings located either side of the access and also opposite the access road. Due to the proximity between the site and the conservation Area, there is potential for the redevelopment of the site to cause harm to the significance of the conservation Area.
- 11.14 Local Plan policy ENV2 in relating to Listed Buildings states that “demolition of a listed building, or development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.” Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall “have special regard to the desirability of preserving the building or its setting...” and LPA's are required to apply this statutory advice when determining listed building applications.  
Local Plan policy ENV1 further states that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area, including plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain or significant natural or heritage features.
- 11.15 The design of the building breaks up the overall bulk of the various elements in a manner which responds positively to the surrounding area. The materials are of traditional materials and would respond well to the locality.  
The main entrance to the building would be visible from the approach from the High Street to make this legible and care has been taken in the design proposals to ensure it sits within the scale of development surrounding the site. The proposal has been the subject to pre- application advice and also has been revised several times to accommodate neighbours and consultee concerns (including, increased

parking and landscaping provision). The site slopes from the front of the site to the rear and the building has therefore been designed to respond to these change in levels across the site with a stepped design and varied roofscape.

- 11.16 The existing buildings to be demolished are not deemed to be of heritage value, however the stable block is indicative of the past usage of the site and the history of the conservation area, as such a building recording exercise is recommended prior to its demolition.
- 11.17 The existing trees and hedges on the western boundary are to be retained and additional planting to the rear boundary would provide screening from The Paddocks beyond.
- 11.18 The level of provision of amenity space has been based on McCarthy and Stone experience of 40 years of providing retirement homes and have undertaken several studies that look into how residents use the amenity spaces.
- 11.19 It is considered that the revised amount and quality of the amenity space provided is sufficient for the needs of residents.
- 11.20 The scale and design of the proposal are considered to be acceptable in this location and would comply with policies GEN2, ENV1 and ENV2 of the Local Plan.
- D Vehicle Parking Standards (ULP Policy GEN8);
- 11.21 ULP policy GEN8 specifies that development will not be permitted if the number, design, and layout of vehicle parking places proposed are not appropriate for the location.
- 11.22 In 2009 (updated February 2013), the Council adopted the Essex County Council parking standards, which can be viewed on the Council's website [www.uttlesford.gov.uk/planning](http://www.uttlesford.gov.uk/planning) under supplementary planning documents.
- 11.23 The required parking provision requirement for C3 (retirement developments) use is: A minimum of 1 spaces per dwelling and 0.25 spaces per dwelling for visitor parking. Each bay size should be 5.5m x 2.9m, (the width should be increased by 1m if the parking space is adjacent to a solid surface) Disabled parking bays should 6.5m x 3.9m when parallel to the access and 6.5m x 3.9m when perpendicular to the access 6.5m x 3.9m.; the minimum size for a parking space is 5m x 2.5m which should only be used in exceptional circumstances.
- 11.24 The proposed new building has 29 apartments and as such the parking standards require the provision of 29 parking spaces and 7 visitor spaces
- 11.25 All parking spaces will be provided with geometries of 2.5m x 5m which is in line with the minimum bay size stated within Essex County Council's (ECC) 'Parking Standards: Design and Good Practice (2009)'. The guidance indicates that the preferred bay size for cars is 5.5m x 2.9m. The Planning Inspectorate considered precisely this issue in a recent appeal decision within Essex where parking spaces measuring 2.4m x 4.8m were approved (ref. APP/C1570/A/11/2147113). The 5.0m x 2.5m parking spaces proposed here should therefore be considered acceptable.
- 11.26 A Transport Assessment (TA) accompanies the application, which concludes that the sites proximity to the existing pedestrian network and local amenities presents

an excellent opportunity to encourage the use of sustainable transport from the development site.

The TA justifies the under provision of parking spaces based on research carried out by McCarthy and Stone, which found that 34% of residents give up their car in the same year as entry into the retirement development and 14% of residents give up their car in the year after entry to the development. The research identified that an average car parking provision of 0.45 spaces per apartment for residents is required with a further 0.1 space per apartment for visitors. The overall requirement for 0.55 spaces per apartment therefore equates to 16 spaces overall.

- 11.27 A further material consideration is the proximity of local car parks to the site which would provide opportunities for visitors to park nearby in the event on-site parking provision is not sufficient.
- 11.28 The closest analogue to the proposed 'Retirement Living' apartments within ECC's guidance is 'Retirement Developments (e.g. warden assisted independent living accommodation)'. However, the standards also note that reductions may be considered if a development in an urban area has good links to sustainable transport, as is clearly the case here.
- 11.29 23 parking spaces would be provided and there would also be storage and charging points provided for electric mobility scooters. Due to contamination of the site, viability issues and previous appeal decisions regarding parking provision at retirement homes, it is considered that sufficient parking would be provided.

#### E Housing Mix (ULP Policy H10);

- 11.30 Policy H10 states that all development on sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of three or more homes must include an element of small two and three bed homes, which must represent a significant proportion of the total.
- 11.31 The proposal is for 11 x 1 bedroom and 18 x 2 bedroom apartments. The Great Dunmow Neighbourhood Plan states that "Uttlesford does not currently have the type of accommodation that older people in Uttlesford are looking for. Policy DS15 states that at least 5% of dwellings on all schemes of over 20 units should be 1 or 2 bedroom dwellings suitable for the elderly.
- 11.32 National Planning Policy Guidance has identified the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of all new households, and the benefits that accrue from downsizing in the local housing market.
- 11.33 Great Dunmow Town Council are in support of the proposal and housing officers have no objections. Although the proposal does not comply with policy H10, the housing mix is considered to be acceptable in this location.

#### F Affordable Housing (ULP Policy H9);

- 11.34 Policy H9 states that the Council will seek to negotiate on a site basis an element of affordable housing of 40% of the total provision of housing. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result

of this the Council will require a specific mix per development proposal.

- 11.35 The Strategic Housing Market Area Assessment supports the provision of a range of Affordable Housing: Affordable Housing provision (rounded up to the nearest whole number) 40% on sites of 15 or more dwellings or sites of 0.5ha or more.
- 11.36 The site area is 0.3 hectares and for 29 retirement apartments as such a provision of 40% affordable housing is required.
- 11.37 The applicant has stated that on site provision of affordable housing within the same block is not possible due to the functional and managerial issues surrounding retirement/sheltered developments; an issue which has been explored in substantive detail in various planning appeals. The applicant further states that it is not practical to mix “affordable retirement housing” with “open market retirement housing” within one building, due to the presence of communal facilities within retirement housing and the on-going service and maintenance arrangements which results in a weekly service charge. Housing Associations are unable or unwilling to meet these charges and thus it is not practical to have mixed tenure affordable housing within an open market retirement housing development. Mixed tenure developments cannot sustain, either economically or physically, independent facilities such as separate entrances, two wardens/staff etc, unless the site is large enough and of suitable configuration to accommodate two separate developments each of substantial size. This particular site is certainly not “substantial” and it is not possible to accommodate two blocks with the requisite facilities on site.
- 11.38 In view of numerous appeal decisions the Council are willing to accept a commuted sum in lieu of provision of on site affordable housing.
- 11.39 The applicants viability appraisal stated that £164,670 would be available for a financial contribution in lieu of on-site provision of affordable housing if ground rents are included and that this would be reduced to a negative figure of £23,800 if the developer could not charge ground rents in line with the Governments consultation paper (2017) “Tackling unfair practices in the leasehold market” At the present time it is not known whether this proposal will be subject to this legislation and therefore ground rents should be taken account when assessing the viability of the proposal.

An independent assessment of the viability statement has been made and it was concluded that the scheme is able to make a financial contribution of £852,727 towards affordable housing delivered elsewhere in the district.

- 11.40 The applicant has submitted further information which has also been subject to an independent assessment of the costs of the development and it was concluded that the scheme can support an off-site affordable housing contribution of £404,240 taking into account the abnormal costs in respect of contamination, retaining walls and piling costs and remain financially viable. This does not take into account the financial contribution in respect of health provision.
- 11.41 The applicant has therefore indicated that they are prepared to enter a S106 legal agreement to provide a financial contribution in lieu of the provision of affordable housing. Subject to this agreement being completed, the proposal would comply with the requirements of Policy H9.

G Impact on residential amenity (ULP Policy GEN2);

- 11.42 Policies H8 and GEN2 of the Local Plan state that development should not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 11.43 The originally submitted plans would have resulted in unacceptable overlooking of the properties to south of the site and also the Paddock to the north of the site.
- 11.44 The plans have now been revised so that the neighbouring properties would not be overlooked or overshadowed.
- 11.45 The proposal would not result in any material detrimental impact on neighbours amenity and therefore meets the criteria of ULP Policies GEN2 and H8 in respect of neighbours amenity.

H Impact on Health Provision (ULP Policy GEN6 );

- 11.46 Policy GEN6 of the Local Plan seeks to ensure development proposals meet the infrastructure requirements arising from the impacts of the proposals. This policy is generally consistent with the NPPF and is given full weight.
- 11.47 The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.
- 11.48 The development could generate approximately 43 residents and subsequently increase demand upon existing constrained services.
- 11.49 A developer contribution will be required to mitigate the impact of the proposal. West Essex CCG calculates the level of contribution required, in this instance to be a total of £8,850. The developer has indicated that they are prepared to enter a Section 106 legal obligation to make a contribution towards health provision.
- 11.50 The proposal therefore subject to compliance with the Section 106 agreement requirements would comply with policy GEN6 in respect of health provision..

I Impact on protected species (ULP Policies GEN7 and ENV3).

- 11.51 Policy GEN7 of the Local Plan seeks to protect biodiversity, protected species and habitats. The application is accompanied by a completed biodiversity questionnaire, a Great Crested Newt and Reptile Survey, a Preliminary Ecological Appraisal and an addendum to the Great Crested Newt and Reptile Survey and mitigation options report and a report to inform a Habitats Regulations Assessment.
- 11.52 Specialist Ecology advice has been sought and they advise that the mitigation measures identified in the ecological documents submitted should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species. These can be secured by condition.

11.53 Subject to conditions, it is not considered that the proposal would have any material detrimental impact in respect of protected species and would comply with ULP Policy GEN7.

J Flood risk and drainage (ULP policy GEN3)

11.54 The NPPF states that inappropriate development in areas of high risk flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

11.55 Policy GEN3 requires development outside flood risk areas to not increase the risk of flooding through surface water run-off. The NPPF requires development to be steered towards areas with the lowest probability of flooding. In addition, it should be ensured that flood risk is not increased elsewhere

11.56 The application has been submitted with a Flood Risk Assessment and this indicates that the site can be developed in such a manner that flooding would not result. The NPPF paragraphs 163 and 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. The Lead Local Flood Authority have been consulted and they have no objection to the proposal subject to conditions. These conditions would ensure that appropriate mitigation is provided. The proposals subject to conditions would comply with Policy GEN3 and the NPPF.

K Contaminated Land (ULP policies ENV14 , GEN4 and ENV12)

11.57 The site is located within the Groundwater Source Protection Zone 1. Policy ENV12 states that development that would be liable to cause contamination of groundwater will not be permitted. Environmental Health officers have been consulted and they have no objections to the proposal subject to suitable conditions. Anglian Water also has no objections subject to conditions if the application is approved.

11.58 Policy ENV14 states that where a site is known or strongly suspected to be contaminated, and this is causing or may cause significant harm, or pollution of controlled waters (including groundwater) a site investigation, risk assessment, proposals and timetable for remediation will be required.

11.59 A Phase 1 Desk study and Phase II Site investigation have been carried out and these identified the presence of contamination in both soils and groundwater on site, at levels above the site specific assessment criteria developed for the site. As such these pose potential risks to both human health and groundwater which will need to be remediated.

The report also advised further site investigations to be carried out following demolition of the existing buildings on site, as these constrained the extent of the site investigation undertaken to date and based on the available evidence there may be further risks to human health and groundwaters that need to be addressed. Environmental Health officers have been consulted and they recommend that the further site investigation works need to be carried out post demolition but prior to any construction works starting on site.

11.60 Policy GEN4 states that development will not be permitted where

- a) Noise or vibrations generated, or
- b) smell, dust, light, fumes, electromagnetic radiation, exposure to other

pollutants  
would cause material disturbance or nuisance to occupiers of surrounding properties.

- 11.61 The site is located adjacent to residential properties and includes demolition of existing buildings, therefore the proposal has the potential to result in noise, vibration and dust pollution.  
Representations have also been received expressing concern in this respect. It is therefore recommended that the construction works on the site are controlled through the submission of a Construction Environmental Management Plan (CEMP). This can be achieved by a suitably worded condition.

## **12. CONCLUSION**

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

- A** The principle of residential development is considered acceptable.
- B** The means of access to the site is acceptable and that the proposals would not result in harmful impacts on the strategic highway network
- C** The design, scale and layout is considered to be appropriate for this location
- D** Adequate parking provision would be provided
- E** Adequate parking provision would be provided to meet the
- F** The affordable housing financial contribution in lieu of provision is acceptable
- G** The proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact on neighbours amenity.
- H** The proposal therefore subject to compliance with the Section 106 agreement requirements would comply with policy GEN6 in respect of health provision..
- I** There would not be any adverse impacts on biodiversity, subject to implementation of identified mitigation
- J** There would be no increase in flood risk and the proposed drainage subject to conditions is acceptable.
- K** Subject to appropriate conditions the proposal is acceptable in respect of noise and pollution

### **RECOMMENDATION – APPROVAL WITH CONDITIONS AND S106 LEGAL OBLIGATION:**

**(I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following**

- (i) Financial contribution in lieu of 40% affordable housing**
- (ii) Financial contributions towards health provision**
- (iii) Ongoing maintenance of SUDS**
- (iv) Payment of the Council's reasonable legal costs**
- (v) Payment of monitoring fee**

**(II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below**



**(III) If the freehold owner shall fail to enter into such an obligation by 31 December 2020 the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reasons:**

- (i) Inadequate financial contribution in lieu of affordable housing**
- (ii) Non-payment of health contribution**
- (iii) lack of suitable long-term maintenance for SUDS**
- (iv) Non Payment of the Council's reasonable legal costs**
- (v) Non payment of monitoring fee**

### **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. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
  - i. Safe access into the site;
  - ii. The parking of vehicles of site operatives and visitors;
  - iii. Loading and unloading of plant and materials;
  - iv. Storage of plant and materials used in constructing the development;
  - v. Wheel and underbody washing facilities.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with ULP policy GEN1

3. Prior to occupation of the development improvement to the site access, to include but not be limited to the following:
  - i. Measures to improve pedestrian crossing facilities at the site access,
  - ii. Measure to improve access to and from the site from the footway.
  - iii. Signage from the site access with B1008 High Street along the access and vice versa to notify vehicles of pedestrians on the shared surface and public highway.
  - iv. Measures to control the speed of vehicles emerging to/from the site.Details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, prior to commencement of the development.

Reason: In the interests of highway safety and accessibility. In accordance with ULP policy GEN1

4. The Buggy/Scooter parking spaces shown in the Ground Floor Plan, drawing no. NL2545\_01\_03\_AC\_008 shall be provided. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate buggy parking is provided in the interest of

amenity, in accordance with ULP policy GEN1.

- 5 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area 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 interests of highway safety and that appropriate parking is provided, in accordance with ULP policies GEN1 and GEN8.

- 6 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

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

- 7 With the exception of demolition and site clearance works, no development approved by this permission shall take place until a further Phase 2 site investigation & report, as recommended by the previously submitted Crossfield Consulting Site Investigation Report dated January 2018 (Ref: CCL03054.CF85), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and the environment and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework in accordance with ULP policy ENV14.

- 8 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 and to minimise and prevent pollution of the land and the water environment in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

- 9 Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion

- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts in accordance with ULP policies GEN1 and GEN4

10. Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing. Only the details thereby approved shall be implemented.

Reason: To protect the amenity of neighbouring occupiers from obtrusive or spillover light impacts in accordance with ULP policy GEN2

11. Prior to demolition of the stable block a building recording exercise of level 3, analytical record (as per historic England guidance) shall be carried out and submitted and approved by the local planning authority.

Reason: The stable block discussed by the heritage statement is indicative of the past usage of the site and the history of the Conservation Area. In accordance with ULP policy ENV1

12. Prior to any above ground works commencing, a schedule of the types, texture and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: Impact on character of conservation area, in accordance with ULP policy ENV1.

13. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area. In accordance with ULP policy ENV4

14. A mitigation strategy detailing the excavation/preservation strategy shall be

submitted to the local planning authority following the completion of this work.

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of all areas of ground disturbance followed by open area excavation to assess the surviving heritage assets on the site and record them in accordance with ULP policy ENV4

15. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of all areas of ground disturbance followed by open area excavation to assess the surviving heritage assets on the site and record them.

16. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report

Reason: The Historic Environment Record shows that the proposed development lies within an area of known sensitive archaeological deposits located within the historic settlement of Great Dunmow. A medieval slaughterhouse was located northwest of the proposed development (EHER45191). Further archaeological deposits have been identified to the north dating to the thirteenth century including medieval structural remains (EHER45190). There is, therefore, the potential that medieval deposits, and further evidence of the early origins of the settlement, may exist within the proposed development area.

A recognised team of professionals should undertake the archaeological work. The archaeological work would comprise a programme of archaeological trial trenching of all areas of ground disturbance followed by open area excavation to assess the surviving heritage assets on the site and record them in accordance with ULP policy ENV4.

17. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd, January 2018) and Bat Survey Report (Greenlink Ecology Ltd, May 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve 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 ULP policy GEN7.

18. Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP policy GEN&

19. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 5l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change before discharging into the existing Anglian Water Sewer.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
  - To ensure the effective operation of SuDS features over the lifetime of the development.
  - To provide mitigation of any environmental harm which may be caused to the local water environment
  - Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In accordance with ULP policy GEN3

20. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

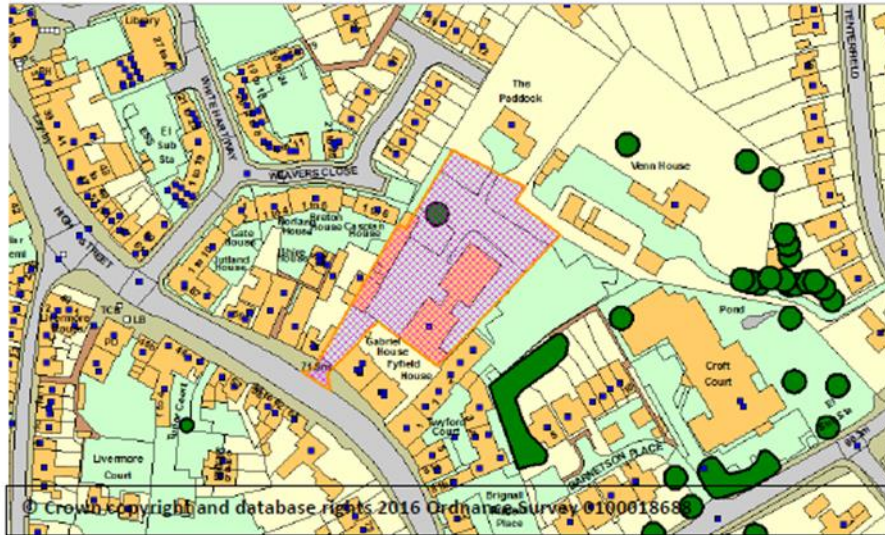
Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. In accordance with ULP policy GEN3.

21. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with ULP policy GEN3

22. No works except demolition shall commence until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition. In addition all pipes within the extent of the site should be cleared and restored to a fully working condition prior to occupation.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site. Failure to carry out the required maintenance before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. in accordance with ULP policy GEN3



Organisation: Uttlesford District Council

Department: Planning

Date: 18 SEPTEMBER 2020