



ITEM NUMBER: 16

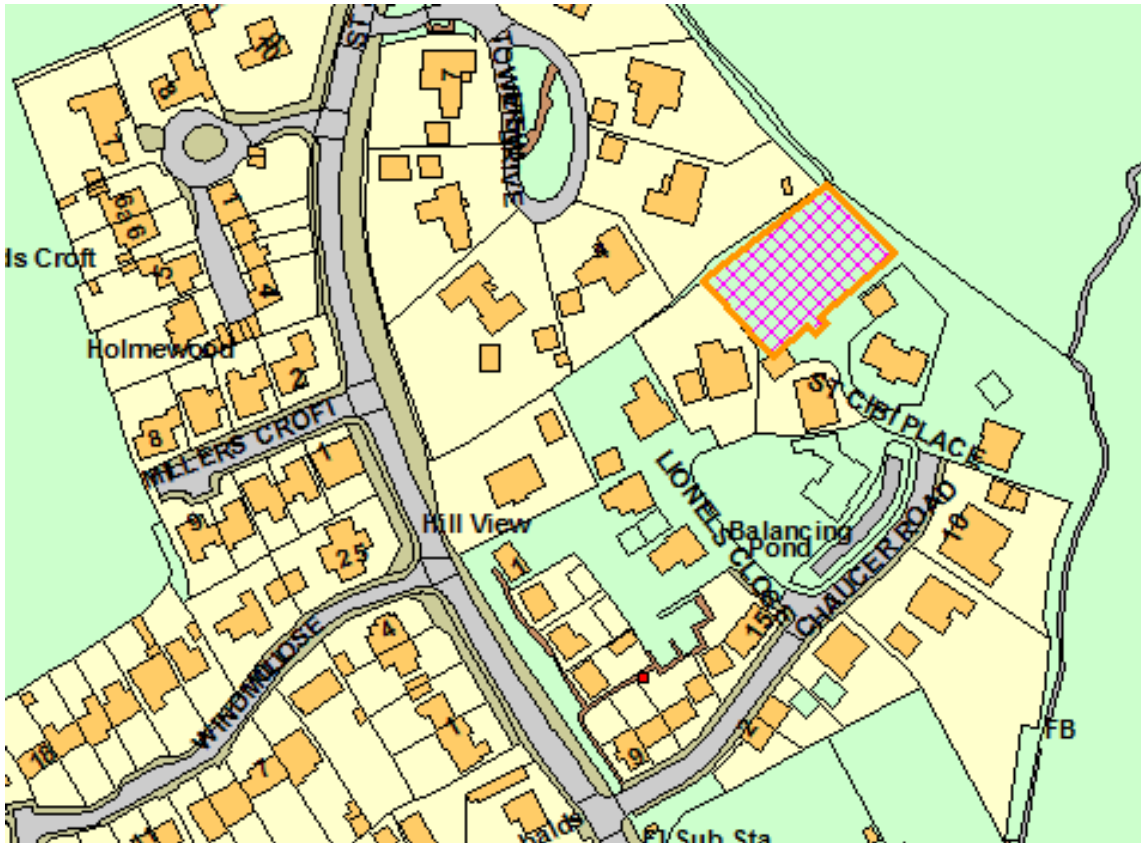
PLANNING COMMITTEE 5 April 2023

DATE:

REFERENCE NUMBER: UTT/21/3563/FUL

LOCATION: Land East Of St Edmunds Lane, St Edmunds Lane, Dunmow

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council - Date: 15th Feb 2023

PROPOSAL: Amendment to UTT/19/1508/FUL in order to change plot 13 from a single dwelling to 2 no. separate dwellings and provide a total of 24 dwellings.

APPLICANT: Mr Rupert Kirby- St Edmunds Lane Management Ltd

AGENT: Mr S Bampton- Pelham Structures Ltd

EXPIRY DATE: 25th January 2022

EOT Expiry Date: N/A

CASE OFFICER: Chris Tyler

NOTATION: ULP: Outside Development Limits,
GDNP: Outside Town Development Area.

REASON THIS APPLICATION IS ON THE AGENDA: Revision of a previous major application

1. EXECUTIVE SUMMARY

- 1.1 The principle of the development for this residential development has been established under planning permission UTT/19/1508/FUL and subsequent amendment UTT/20/1986/FUL.
- 1.2 The proposal includes the splitting of plot 13 into two separate dwellings (Plots 13 and 13A) at this approved self-build / custom build site. In terms of matters relating to access, layout, scale, appearance and landscaping these are subject to appropriate conditions (where necessary to be imported from UTT/19/1508/FUL & UTT/20/1986/FUL).
- 1.3 The application is subject to a Deed of Variation to the original S106 agreement varying the terms of the previous planning obligation and taking into account the additional dwelling proposed.

2. RECOMMENDATION

That the Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report

- A) Completion of Deed of variation to the original S106 Agreement
- B) Conditions

And

If the freehold owner shall fail to enter into such an agreement, the Director of Planning shall be authorised to REFUSE permission following the expiration of a 6-month period from the date of Planning Committee.

3. SITE LOCATION AND DESCRIPTION:

3.1 The site lies on the east side of St Edmunds Lane to the immediate south-east of Tower View Drive and comprises gently sloping land falling to the south-east which is currently a construction site to provide 23 no. self-build / custom-build dwellings approved under ref; UTT/19/1508/FUL and amended under planning approval UTT/20/1986/FUL. Various road and service infrastructure has already been laid at the site and a number of the dwellings have been built.

3.2 A further dwelling was approved to be included in the development under planning application UTT/20/1986/FUL taking the total number of dwellings 23.

4. PROPOSAL

4.1 This full application relates amends the original planning application (UTT/19/1508/FUL erection of 22 no. dwellings) in order to change plot 13 from a single dwelling to 2 no. separate dwellings. Taking into consideration the approval of an additional dwelling under UTT/20/1986/FUL the development will now provide a total of 24 dwellings.

5. ENVIRONMENTAL IMPACT ASSESSMENT

5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. RELEVANT SITE HISTORY

Reference	Proposal	Decision
UTT/14/0472/OP	Outline application with all matters reserved for the development of land for the provision of 22 custom / self-build dwellings with associated access, parking	Refused- allowed at appeal

	provision and amenity space.	
UTT/17/3623/DFO	Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no. custom/ self-build dwellings. Details of access, appearance, landscaping, layout and scale Approved	Approved
UTT/19/1508/FUL	Construction of 22 Dwellings	Approved
UTT/20/1986/FUL	Erection of 1 no. detached dwelling (additional dwelling to the 22 no. dwellings approved under planning permission UTT/19/1508/FUL) Approved – Delegated Decision	Approved

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 The Local Planning Authority is unaware of any consultation exercise carried out by the applicant for this current proposal.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 None Received.

9. PARISH COUNCIL COMMENTS

9.1 None Received.

10. CONSULTEE RESPONSES

10.1 UDC Environmental Health

10.1.1 No objections subject to conditions, these include:

- Identification of contamination if found,
- Use of electric vehicle charging points,

10.2 Place Services (Ecology)

- 10.2.1** No objection subject to securing biodiversity mitigation and enhancement measures, conditions include the submission and approval of a Biodiversity Enhancement Strategy.

11. REPRESENTATIONS

- 11.1** 115 notifications letters were sent to nearby properties, 1 letter has been received neither objecting or supporting the scheme, comments include:

This is the second amendment to the original planning application, there would be 24 properties with associated parking etc as opposed to the 22 originally applied for.

12. MATERIAL CONSIDERATIONS

- 12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

(a)The provisions of the development plan, so far as material to the application,;

(aza) a post-examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

12.3 The Development Plan

- 12.3.1** Essex Minerals Local Plan (adopted July 2014)
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
Uttlesford District Local Plan (adopted 2005)
Felsted Neighbourhood Plan (made Feb 2020)
Great Dunmow Neighbourhood Plan (made December 2016)
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
Thaxted Neighbourhood Plan (made February 2019)
Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (Made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2021)

13.2 Uttlesford Local Plan 2005

13.2.1 Policy H1- Housing Development
Policy S7 – The countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN3 -Flood Protection
Policy GEN4- Good Neighbourliness
Policy GEN6-Infrastructure Provision to Support Development
Policy GEN7 - Nature Conservation
Policy GEN8- Vehicle Parking Standards
Policy ENV13- Exposure to Poor Air Quality
Policy ENV14- Contaminated Land

13.3 Great Dunmow Neighbourhood Plan

13.3.1 DS1- Town Development Area
LSC1- Landscape, Setting and Character
LSC3 - The Chelmer Valley
GA3 – Public Transport
HEI-A - Infrastructure Delivery
DS8 - Building for Life
DS10- Eaves Height
DS11- Rendering, Pargetting and Roofing

13.4 Supplementary Planning Document or Guidance

13.4.1 Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)
Widdington Conservation Area Appraisal and Management Proposals (2013)
Widdington Village Design Statement (2009)
Uttlesford Protected Lanes Assessment (2012)
Uttlesford Local Residential Parking Standards (2013)
Essex County Council Parking Standards (2009)
Supplementary Planning Document- Accessible homes and play space homes
Essex Design Guide Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

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

- 14.2** **A) Principle of development – provision of self-build / custom-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision**
B) Access
C) Character, Appearance and Neighbouring Amenity
D) Contaminated land
E) Air Quality
F) Ecology
G) Climate Change
- 14.3** **A) Principle of development – provision of self-build / custom-build housing, sustainability principles, countryside protection, protection of agricultural land, flood risk, infrastructure provision**
- 14.3.1** The principle of the development at this former field location lying outside development limits for Great Dunmow on its east side within a reasonably sustainable location relative to local services and public transport has already been established as being acceptable at appeal under ref; UTT/19/1508/FUL (construction of 22 Dwellings) whilst an additional dwelling was approved within the development under application UTT/20/1986/FUL (total 23 dwellings).
- 14.3.2** The proposal will result in the omission of the larger single dwelling and erection of two smaller dwellings. The location of the dwellings will utilise plot 13 and will not encroach outside of the surrounding open countryside. As the dwellings are of a smaller footprint the overall built form would not be overly dominant or intrusive and would therefore fill this gap as a natural continuation of the street-scene.
- 14.3.3** The division of the plot for two dwellings would have a negligible impact upon rural amenity at this former field location, no objections are therefore raised to the development under Policy S7 of the Uttlesford Local Plan (adopted 2005) or GDNP Policies LSC1, LSC3.
- 14.3.4** A Deed of Variation of a planning obligation made under S106 of the Town and Country Planning Act 1990 accompanies the planning application which varies the planning obligation dated submitted for the UTT/20/1986/FUL (additional dwelling to the 22 no. dwellings approved under planning permission UTT/19/1508/FUL).
- 14.3.5** The Deed of Variation, varies the original obligation by making specific reference to Plot 13 as representing an additional residential plot as a separate planning application and thus separate planning permission at this approved self-build / custom-build site, committing and binding the applicant to self-build / custom-build housing at the site and also the requirement to make adjusted commuted sum financial contributions to take account of the additional residential unit proposed towards Early Years and Childcare, Primary and Secondary Education.

14.4 B) Access

- 14.4.1** The proposed additional dwelling for Plot 13 would be served by the existing access road which would also serve the development from St Edmunds Lane. The Highways Authority have been consulted as part of the development, no objections or further recommendations have been raised.
- 14.4.2** It should be noted that the proposed deed of variation does not change the highway contribution from the original unilateral undertaking as a planning obligation for the 22 no. dwellings approved under UTT/19/1508/FUL. The Highway Authority have been consulted in regard to this current application and have not requested the applicant for an amended contribution for the additional proposed dwelling in isolation to the original highway contributions.
- 14.4.3** It is considered that no highway objections can reasonably be raised to the current application under ULP Policy GEN1 given that the road infrastructure for the approved development at the site is currently being laid out in accordance with the originally approved scheme and as an additional unit of residential accommodation at the site would not lead to any tangible intensification of the road access.

14.5 C) Character, Appearance and Neighbouring Amenity

- 14.5.1** Unlike a conventional detailed application, the finalised (bespoke) layout and scale of this proposed self-build / custom-build dwelling cannot be considered at this submission stage. This is due to the various layout, extension and garage options that are available for the buyer of the proposed plot as is similarly the case with approved application UTT/20/1986/FUL for the 22 no. dwelling self-build / custom-build scheme. These options would be determined by the final purchaser and, like external materials, it is proposed that these be controlled by condition for final details to be agreed prior to the commencement of development of each plot.
- 14.5.2** Therefore, only the broad plot parameters pertaining to the indicated layout and scale of the proposed additional self-build / custom-build dwelling for the current application can be considered now whereby a design code has been submitted for this additional dwelling in accordance with the self-build / custom-build design code protocol used for approved application UTT/20/1986/FUL as referenced above meaning that self-builders would be able to design and build a house of a bespoke design on this plot subject to compliance with the design code.
- 14.5.3** Based upon these design parameters, the proposed layout and scale of the dwellings for Plots 13 and 13a as indicated would be acceptable whereby it would be consistent with the dwellings layout approved for the residential development under UTT/20/1986/FUL. A total of four on-plot parking spaces comprising two covered and two hardstanding spaces

would be provided to the side of each dwelling which would meet and exceed locally adopted parking standards for the indicated three bedroomed dwelling for the plot. Landscaping would be in line with that approved for UTT/20/1986/FUL, however the details of landscaping are secured by condition.

14.5.4 The proposed dwellings as indicated at this stage, would consist of a traditional detached dwelling designed in the local vernacular style which would be consistent with, and characteristic of, the mixed style and appearance of the other dwellings included in the overall development of the site for approved under UTT/19/1508/FUL and UTT/20/1986/FUL.

14.5.5 As such no design objections are therefore raised under ULP Policy GEN2, or GDNP Policies DS10 and DS11 similarly in this respect.

14.5.6 The proposed development does not compromise neighbouring amenity in terms of unacceptable loss of light, over shadowing or overbearing impacts due to the distances between proposed dwellings and distance between the neighbouring sites. The siting respects residential amenity, with the nearest dwellings being some distance away from proposed plots 13 & 13a.

14.5.7 ULP Policy GEN4 advises that development will not be permitted where noise would cause a material disturbance to occupiers to surrounding properties. The introduction of an addition single dwelling is not considered to result in an intensification of use that will result in any harmful impact to neighbouring dwellings from increase of noise and disturbance.

14.6 D) Contaminated land

14.6.1 Although no objections have been made in regards contamination, taking in to regards the Environmental Health Officers comments there is no reason the site is contaminated and is not aware of any potentially contaminative past use, however a condition should be imposed for the developer to inform the Council if any contamination is found during the construction of the development.

14.7 E) Air Quality

14.7.1 ULP Policy ENV13 considers whether the development considers exposure to poor air quality and advises development will not be permitted if the occupants are exposed to extended long term poor air quality. The site is not in an area currently monitored for air quality as a designated management area (AQMA). Additional traffic from the proposed development at the busy times will make up a relatively small proportion of the total emission load when assessed over a 12-month period, which the annual mean based air quality objectives requires.

14.7.2 The impact can be minimised by adopting non car travel and further mitigation can include the introduction of electric vehicle charging points as recommended by the Council's Environmental Health Officer. As such it is considered the development accords with ULP Policy ENV13 and the NPPF.

14.8 F) Ecology

14.8.1 Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife and Biodiversity. Taking into the consultation response from the Council Ecology Officer it is considered a Biodiversity Enhancement Strategy for protected and Priority species should be provided prior to the commencement of the development above ground level. That being said the commencement of the overall development has commenced, and this specific application only considers plots 13 and 13a. As such the condition should be triggered prior to the occupation of the development. Overall, it is considered the splitting of plot 13 into two dwellings will not have a harmful impact on protected species or biodiversity and is in accordance with policy GEN7 and the National Planning Policy Framework.

14.9 G) Climate Change

14.9.1 Following the recently adopted UDC Interim Climate Change Policy 2021 due consideration should be made by developer to demonstrate the path that their proposals take towards achieving net – zero carbon by 2030, and all the ways their proposal are working towards this in response to planning law, and also to the guidance set out in the NPPF and Planning Policy Guidance.

14.9.2 Although not included with the current application, the previous application include a planning statement which has made due consideration to Co2 Technology / Renewable Energy and the aim is that the proposed houses will be to achieve energy rating A and will include:

- Solar panels; which take advantage of the renewable source of the sun's energy to power photovoltaic electricity cells and solar water heated panels, etc.
- Timber frame construction; Using pre-fabricated 'renewable' timber frame manufactured within workshop environment which speeds up construction time and allows better levels of insulation,
- Waste recycling; during construction and future occupation.
- Air source heat pumps; which can take heat from the outside air and use this to heat the dwelling.
- Low voltage lamps; using less electricity than more traditional tungsten lamps.
- Insulation; higher levels of insulation with timber frame construction.

14.9.3 As the development is a self-build development the details of each dwelling have to be approved prior to being constructed, the overall details of the dwellings will be considered at a later stage of the development. The proposed measures will ensure the proposed development appropriately addresses climate change, is future proofed and capable of adapting to the move towards a low carbon economy. Compliance with climate change objectives of the NPPF and Uttlesford Interim Climate Change Policy.

15. ADDITIONAL DUTIES

15.1 Public Sector Equalities Duties

15.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

15.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

15.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

15.2. Human Rights

15.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

16 CONCLUSION

16.1 The principle of the development for this residential development has been established under planning permission UTT/19/1508/FUL and subsequent amendment UTT/20/1986/FUL.

16.2 The proposal includes the splitting of plot 13 into two separate dwellings (Plots 13 and 13A) at this approved self-build / custom build site. In terms of matters relating to access, layout, scale, appearance and landscaping

these are subject to appropriate conditions (where necessary to be imported from UTT/20/1986/FUL). Subject to the a Deed of Variation of the original S106 Agreement varying the terms of the previous planning obligation to take into account the additional dwelling proposed.

- 16.3** The landscaping details are considered appropriate however more detailed plans will be required and secured by condition. Therefore the proposal accords with ULP Policies S7, GEN2, and ENV3.
- 16.4** The submitted layout plan shows that impacts on residential amenity are not likely to be significant and therefore accords with ULP Policies GEN2 and GEN4.
- 16.5** The proposal would not be harmful to protect/priority species subject to accordance of conditions imposed on the outline planning application (ULP Policy GEN7).
- 16.6** The proposed highway access is not considered to have any harmful impact to highway safety and in accordance with ULP Policy GEN1.

16.7 RECOMMENDATION- APPROVE SUBJECT TO CONDITIONS

17. CONDITIONS

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Prior to the commencement of construction of plot 13 and 13A, full details of the house type, extension and/or garage options, layout within the plot, the materials to be used in the construction of the dwelling for the plots and landscaping details shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwellings for these plots shall be constructed strictly in accordance with the approved details.

REASON: In the interests of the appearance of the site and because the final details for the plot have not been established to allow for flexibility in this custom/self-build dwelling scheme in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 3** Prior to occupation of the development hereby approved 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 to include at least one integrated bird and bat box per unit;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation 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) and in accordance with ULP Policy GEN7.

- 4** Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation of the dwelling and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and sustainability in accordance with Policies GEN1 and GEN8 of the Uttlesford Local Plan (adopted 2005).

- 5** The 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 (adopted 2005) and Uttlesford District Council's adopted SPD "Accessible Homes and Playspace".

- 6** A minimum of a single electric vehicle charging point shall be installed at plot 13 and plot 13A. These shall be provided, fully wired and connected, ready to use before first occupation.

REASON: The requirement of the charging points are required to mitigate the harm for poor air quality due to the increase in vehicle movement and being within and in accordance with ULP policy ENV13 and paragraph 105 of the NPPF.

- 7** If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and the environment and in accordance with ULP Policy ENV14.

- 8** All hard and soft landscape works shall be carried out in accordance with the approved details as shown on landscape drawing 0055 and 'Landscape Strategy' prepared by Pelham Structures accompanying planning application UTT/19/1508/FUL. The works shall be carried out before the dwellings for Plots 13 and 13A are occupied or in accordance with a programme agreed with the local planning authority.

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

- 9** Any air source heat pumps to be installed at the development shall be specified and designed, enclosed, or otherwise attenuated to ensure that noise resulting from their operation shall not exceed the existing background noise level as measured at the nearest noise sensitive receptor inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014

REASON: To safeguard the residential amenity of neighbouring properties from the impact of noise and disturbance, in accordance with ULP Policy GEN4 and the NPPF.