

**UTT/17/3623/DFO – (GREAT DUNMOW)**

MAJOR

**PROPOSAL:** Details following outline application UTT/14/0472/OP (allowed on appeal under reference APP/C1570/A/14/2223280) for the construction of 22 no. self-build dwellings. Details of access, appearance, landscaping, layout and scale

**LOCATION:** Land East of St Edmunds Lane, Great Dunmow

**APPLICANT:** Mr R Kirby

**AGENT:** Mr R Haysom

**EXPIRY DATE:** 21 March 2018 – Extension of time to 14 May 2018

**CASE OFFICER:** Karen Denmark

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**1. NOTATION**

1.1 Outside Development Limits/Outside Town Development Area.

**2. DESCRIPTION OF SITE**

2.1 The application site is located on the eastern side of St Edmunds Lane between the Bowls Club and a property known as Hill View. There is a hedgerow to the front boundary. The southern boundary, beyond the boundary of the Bowls Club, is relatively open to the fields to the south. The boundary with the Bowls Club is a chain link fence. The eastern boundary is currently open and the northern boundary has hedging, especially to the boundary with Hill View and the new properties at Tower View Drive. These properties are substantial two storey dwellings.

2.2 The site is currently in agricultural use. The land falls from Hill View and Tower View Drive on the northern boundary towards the Bowls Club on the southern boundary. It also falls from St Edmunds Lane on the western boundary towards the east. A ditch/stream runs along part of the southern boundary which connects to a small woodland which is designated as a Local Wildlife Site.

2.3 It should be noted that when the outline planning application was considered for this site the development now known as Tower View Drive was proposed to be 5 dwellings with a substantial green buffer between those dwellings and the application site. Subsequently, the number of dwellings has been increased to 7 and the buffer between the two sites has been removed. This scheme was under consideration at the time of the Inquiry in respect of the appeal on this site.

**3. PROPOSAL**

3.1 The proposal relates to the reserved matters for 22 dwellings covering access, appearance, landscaping, layout and scale. The principle of development has been allowed on appeal.

3.2 The design of the houses has been based on a modular approach which will give good value and efficiency in construction. This modular system defines the general

form of the dwellings and also allows for great design flexibility within predefined parameters. This will maintain a coherence within the overall development in terms of scale, materials and appearance. In this way should future purchasers wish to customise their units to a greater degree this format defines an inherent design code which sets out the parameters of design control.

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

##### **4.1 Town and Country Planning (Environmental Assessment):**

The 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.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 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.

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

##### **5.1 The application is accompanied by the following documents:**

- Design and Access Statement
- Archaeological Evaluation Report
- Landscape Strategy
- Materials Schedule
- SUDS Checklist
- Building for Life Assessment

##### **5.2 Conclusion of Design and Access Statement:**

This application describes the details of access, appearance, landscaping, layout, and scale, for the release of the Reserved Matters in accordance with Condition 1 of the Outline Planning Approval for this site. In addition to the Reserved Matters the design has been developed having taken into account the requirements for sustainable urban drainage systems and surface water management.

The approval decision acknowledges the need for custom build housing. However, this process, as a method of procurement, is relatively new to the industry. This design proposes an innovative approach to the provision of custom build homes, which is reflected in the site layout, the modular design approach, and the procurement strategy. With this approach plot purchasers can start with a core unit and tailor their house both in terms of plan layout and materials. This represents a proposal which is able to respond to the needs of individual buyers whilst protecting the interests of neighbouring purchasers or residents.

The design proposal provides a well landscaped external shared environment with close connections to the surrounding landscape. This design has been developed to provide a rich habitat, appropriate to the local area and which will provide a comfortable, sociable space in which to live.

The dwellings have been designed to be attractive and of varied appearance with a scale, massing and materials which will complement the local setting in the edge of

the town.

This is an exciting and innovative proposal which should enhance the surrounding setting and provide attractive and desirable places in which to live.

## **6. RELEVANT SITE HISTORY**

- 6.1 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 provision and amenity space. Land East of St Edmunds Lane, Great Dunmow. Refused, allowed on appeal.

## **7. POLICIES**

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

GEN1 – Access  
GEN2 – Design  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards

### **Great Dunmow Neighbourhood Plan**

DS8: Building for Life  
DS9: Hedgerows  
DS10: Eaves Height  
DS11: Rendering, Pargetting and Roofing  
DS12: Integration of Affordable Housing  
DS13: Local Housing Needs  
NE4: Screening

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

Essex Design Guide  
SPD: Accessible Homes and Playspace  
ECC Highway Standards – Design and Good Practice – September 2009  
UDC Parking Standards – February 2013

### **National Policies**

National Planning Policy Framework  
National Planning Practice Guidance

## **8. TOWN COUNCIL COMMENTS**

- 8.1 28 January 2018: Strongly object as it conflicts with the Great Dunmow Neighbourhood Plan (made 2016) Policies DS10 and DS11. Additional visitor parking spaces are required to comply with UDC parking standards. There is also concern regarding the development layout on plot 10 where there is a public footpath separating the house from the remotely located garage.
- 8.2 29 March 2018: Supports the revised application. Previous objections relating to conflicts with the Great Dunmow Neighbourhood Plan have been addressed. Still only five visitor parking spaces and request an additional space is provided. We have been contacted by the resident in the neighbouring bungalow, Hill View, with

complaints that the property will suffer from overlooking by the new development. If there is a valid complaint of overlooking from the landing window of plot 7a we ask that the window be required to be fitted with obscured glass.

## **9. CONSULTATIONS**

### **Affinity Water**

- 9.1 You should be aware that the site is located within the groundwater Source Protection Zone (SPZ) of Dunmow Pumping Station. This is a public water supply and comprises of a number of chalk boreholes operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

### **ECC Ecology**

- 9.2 No objection. The proposals are unlikely to impact designated sites, protected/priority species or priority habitats according to the Phase 1 Habitat Survey (Skilled Ecology, Dec 2013).

### **Aerodrome Safeguarding**

- 9.3 The proposed development has been examined for aerodrome safeguarding; this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

### **ECC Highways**

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

## **10. REPRESENTATIONS**

- 10.1 This application has been advertised and 17 letters of representation have been received including multiple letters from the same objectors. Notification period expired 2 April 2018.

Original Plans:

Too close to our boundary

No access to drain for sewage outfall from septic tanks for adjoining properties

Bulk of houses will block light to our small garden

View will be obscured

Loss of privacy

No plan for flood prevention

Plots 12, 13 and 14 should be further down the hill

Dust and detritus from site could impinge on our quiet enjoyment of our property

Some plots have very large gardens in comparison to those adjacent to our property

Council has achieved its 5 year land supply

Character of area is being urbanised

Infrastructure cannot cope  
 Increased flooding  
 Self-build will result in increased disturbance to neighbours  
 Loss of precious green belt land  
 Outside Development Limits  
 Not in keeping with adjacent properties  
 Increased traffic  
 Riverside access increasingly dangerous  
 Shouldn't be two storey properties on plots 1-7  
 Timescale of build – disruption concerns  
 Working hours should be controlled  
 Adequate parking provision needs to be made  
 Concern there will be no control over what will be built  
 Existing hedgerow should be retained  
 Development not in accordance with indicative masterplan  
 Doesn't meet the criteria of the Essex Design Guide  
 Results in loss of light, overbearing impact, loss of outlook and overlooking to neighbouring properties  
 Ambiguity in relation to location of northern boundary  
 Design not in keeping – house type 3 is ugly

## 10.2 Revised Plans:

Overbearing impact on our property  
 Doesn't comply with Essex Design Guide  
 80% of our boundary is blocked causing loss of light  
 No provision to maintain ditch  
 Plot 12 shows ditch to be filled in  
 Klargesters and Hill View's cesspit currently drain into ditch  
 Not in keeping with our properties and materials  
 Should be a 10m woodland buffer along northern boundary  
 Affects privacy and loss of view  
 No flood and water drainage management plan  
 Filling of ditch contravenes Hedge and Ditch Presumption of 1810  
 Potential contamination of water course  
 Amended layout shows access to adjoining land which doesn't have consent for development

## 11. APPRAISAL

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

- A Access (ULP Policy GEN1)
- B Appearance (ULP Policy GEN2; GDNP Policies DS10, DS11)
- C Landscaping (ULP Policy GEN2; GDNP Policies DS9, NE4)
- D Layout and scale (ULP Policies GEN2, GEN8; GDNP Policies DS8, DS10 DS12, DS13)
- E Other matters

### A Access (ULP Policy GEN1)

- 11.1 Access to the site will be taken from St Edmunds Lane. This will necessitate the removal of a section of hedgerow to facilitate the access. The access would include 2m wide footpaths to either side of the carriageway. The proposals have been considered by ECC Highways who confirm that the proposal is acceptable subject to

conditions.

## **B Appearance (ULP Policy GEN2; GDNP Policies DS10, DS11)**

11.2 The application is for reserved matters relating to a custom/self-build scheme which by its very nature requires a degree of flexibility in design approach. Therefore, the issues of appearance, layout and scale can only be assessed in terms of their broad approach. If these are considered to be acceptable the parameters will be agreed subject to a condition requiring the final details in respect of these matters to be submitted for approval prior to works commencing on that plot.

11.3 The applicant has chosen a modular based design which is considered to offer flexibility but also a cost effective approach to the build process. In terms of appearance, a palette of materials is proposed from which the purchasers can select the range of materials they wish to construct their house from.

House type 1:

- Red or buff bricks to match local vernacular
- Render, natural colours and potential for pargetting
- Clay tiles or natural slate

House type 2:

- Buff bricks
- Coloured render
- Timber boarding
- Clay tiles

House type 3:

- Buff brickwork
- Stained/painted/limed white boarding
- Untreated larch or cedar boarding
- Untreated oak boarding
- Dark stained weatherboarding to match agricultural setting
- Natural slate

Extensions:

- Timber boarding
- Natural coloured render
- Buff and red brick
- Clay tiles

Garages:

- Buff brick
- Stained/painted/limed white boarding
- Untreated larch or cedar boarding
- Untreated oak boarding
- Dark stained weatherboarding to match agricultural setting
- Natural slate

- 11.4 The range of materials is considered to be acceptable and is in accordance with Policy DS11 of the Great Dunmow Neighbourhood Plan and Uttlesford Local Plan Policy GEN2.

**C Landscaping (ULP Policy GEN2; GDNP Policies DS9, NE4)**

- 11.5 A landscaping scheme and strategy are submitted with the application. This indicates a post and rail fence to the north eastern boundary, including a 5 bar gate which retains access to the field. The boundary with Tower View Drive indicates the retention of the hedgerow and trees with a native hedge infill. Hedgerows are also proposed to be planted adjacent to the highway within the gardens of the plots backing onto St Edmunds Lane and the remaining boundaries. The proposed mix of planting is considered to be appropriate and the proposals comply with the relevant policies.

**D Layout and scale (ULP Policies GEN2, GEN8; GDNP Policies DS8, DS10 DS12, DS13)**

- 11.6 Unlike a conventional reserved matters application the finalised layout and scale cannot be considered at this stage. This is due to the various extension types and garage options that are available for the proposed plots. These will be determined by the purchaser and, like materials it is proposed that these be controlled by condition for final details to be agreed prior to commencement of work on each plot.
- 11.7 The applicant is proposing three house types, six extension types and two garages. The house types are fixed for each plot and therefore establish the basic layout of the development. The variants come with the “bolt on” packages of extensions and/or garages. However, it should be noted that not all extension/garage options are available for each plot.
- 11.8 The scale of the house, extension and garage types are fixed by the submitted details.

Type	Width	Depth	Max height	No of beds
House 1	5.535m	8.555m	8.080m	2
House 2	11.560m	7.016m	9.050m	4
House 3	13.720m	7.520m	6.750m	3
Extension 1	5.350m	2.350m	4.525m	N/A
Extension 2	8.650m	5.025m	4.525m	N/A
Extension 3	11.050m	5.025m	4.525m	N/A
Extension 4	8.650m	5.025m	5.670m	1
Extension 5	11.050m	5.025m	5.670m	1
Extension 6	11.050m	5.025m	5.670m	1
Single garage	4.00m	7.680m	6.400m	1
Double attached	6.700m	7.680m	6.758m	1
Double detached	6.700m	7.680m	6.758m	1/office

- 11.9 The single garage is generally envisaged as being with house type 1, the attached double with house type 2 and the detached double with house type 3. House type 1 only has the option of extension 1. In addition, given the constraints of some of the proposed plots other options are not a feasibility. See schedule at end of report listing the options for each plot.
- 11.10 In order to demonstrate the potential maximum scale and mass the applicant has

submitted plans indicating the largest option for each plot. The scale and massing are considered to be appropriate with the lower house types set on the highest ground. The larger 4 bedroom properties are predominantly located towards the middle of the site.

- 11.11 Concern has been raised in the representations regarding the alterations between the masterplan put forward at outline stage and the current proposals. The masterplan was drawn up with the approved scheme at Tower View Drive in mind, which at that time consisted of 5 properties and a substantial landscape buffer between the two developments. Since then the number of properties on the adjacent development has been increased and the landscape buffer removed. Indeed, this was the situation at the time of the appeal being allowed.
- 11.12 The properties at Tower View Drive are located approximately 12-14m from the boundary and are substantial properties which would overlook the proposed development. Given the changes in circumstances between the masterplan being prepared and the fact that the masterplan is not an approved document, it is appropriate for the applicant to revisit the proposed layout.
- 11.13 Plots 12-14 are located adjacent to the rear boundaries of properties in Tower View Drive. These would be the smaller dwellings in terms of height (6.750m) and they have been positioned sideways on to the boundary so have the maximum width of 7.520m. As stated, the plans indicate the maximum amount of potential built form and therefore indicate the potential extension and garage options. Plot 12 would be located adjacent to the boundary with 4 Tower View Drive. With the maximum extension options possible this proposed dwelling could have a length of 18.57m. The plans indicate that this would be approximately 16m from the nearest point of the rear elevation of 4 Tower View Drive. The proposed dwelling would also be located approximately 4.5m from the boundary and would be on lower ground than 4 Tower View Drive. If this largest extension option is chosen and plot 13 opts to have a double garage there would be a gap of approximately 10m between the elements of built form on plots 12 and 13 which is roughly in line with the most sensitive rooms in the dwelling, the lounge and garden room.
- 11.14 3 Tower View Drive would have built form associated with plots 13 and 14 adjacent to the boundary. However, this property is angled to have views across the adjacent fields and therefore would have less impact on the views from that property. There would be some impacts on the rear gardens of 3 and 4 Tower View, but given the size of the plots this would not be significant and therefore would not warrant a refusal.
- 11.15 In terms of Hill View, this property is orientated to look down the hill. However, its outlook is currently onto the hedge forming the boundary of the site and properties are not entitled to a view. The proposed development would be located approximately 6m from the nearest elevation of the property, if the single garage (single storey and flat roof for this plot) option is chosen on plot 7. Should the garage option not be selected the built form, whilst taller, would be located approximately 12m from the nearest elevation of Hill View. Therefore, it is considered that the impacts on this property would not be significant and would not warrant refusal of the application.
- 11.16 The layout of the site has been amended since the original masterplan was prepared at outline stage. As discussed above, plots 12-14 have been turned within the plot and moved closer to the boundary. The reorientation of the proposed dwellings, subject to an extension option being selected, ensures that these



properties, in particular plots 12 and 13 would benefit from a private sitting out area without overlooking from the adjacent properties in Tower View Drive.

- 11.17 Each property has sufficient amenity space to serve the maximum size property which could be achieved given the extension/garage options. Plot 7, whilst this could include a garage this would be a flat roof garage with no potential for a bedroom option. This is to minimise the impact on the neighbouring property, Hill View, and to ensure that sufficient amenity space is available as this plot has a garden area of 83m<sup>2</sup> which would be deficient for a 3 bedroom property.
- 11.18 No overlooking or overshadowing issues would arise as a result of the development which would warrant refusal of the application. There is sufficient separation distances between the proposed dwellings. Whilst plots 12-14 are located in close proximity to the boundary with properties in Tower View Drive these do not have primary windows in the elevation facing towards the neighbouring properties. There is a secondary bedroom window in the side elevation which can be conditioned to be obscure glazed in these plots to protect residential amenity. Plot 12 is only permitted to have extension 3 as their largest option which is single storey. Plot 13 is permitted to have extension 5 as their largest option which does not have any windows overlooking the adjacent property.
- 11.18 Each property has sufficient parking provision for the maximum size property which could be constructed on the plot. The Town Council has raised concerns regarding the shortfall of visitor parking. However, 9 visitor parking spaces are proposed which is sufficient to meet the requirements of this development where the requirement is 6 spaces. In addition, some properties have 4 parking spaces provided so would be able to accommodate their own visitor parking within the plot. The proposals comply with Policy GEN8.

## **E Other issues**

- 11.19 The planning permission granted on appeal included an “affordable housing” option secured by way of a Unilateral Undertaking. The affordable housing option relates to plots 3-7 and 18-21. These would be sold to a nominated person at a discounted rate (30% discount). These plots would also be subject to a first time sale-on clause whereby they would be required to pay the Council a sum equivalent to 10% of the sale value. This would then terminate the “affordable housing” provision for the plot. If after a period of 12 months the affordable housing plots haven’t sold then the applicant has the right to sell these at market value subject to them paying the equivalent of the affordable housing discount direct to the Council, ie the Council would receive 30% of the plot sale value.
- 11.20 The affordable housing units are located in two different locations and therefore meet the requirements to integrate the properties within the development.
- 11.21 The site is located within the vicinity of a Local Wildlife Site. The potential impacts on this and biodiversity were considered at the outline stage and no objections are raised in respect of the reserved matters.
- 11.22 Policy GEN2 and the SPD: Accessible Homes and Playspace require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements can be secured by way of a condition. On a normal scheme to be delivered by a developer, there would be a requirement for 5% of the properties to be in accordance with the

requirements for wheelchair users. However, given the nature of the development it is not possible to enforce this requirement as this would be placing an unacceptable burden on individuals. Those securing earlier plots, which potential could be the more appropriate style properties to comply with these requirements, may choose not to comply with these more stringent building regulations. Therefore, this could result in those purchasing smaller properties being excessively burdened in order to meet these requirements. Therefore, in this particular instance it is considered appropriate that only the basic requirement of meeting Requirement M4(2) as imposed on smaller sites is appropriate.

- 11.23 The issue of drainage has been raised, in particular the lack of a SUDS drainage scheme. However, this was considered at outline stage and the final details of this are to be approved by way of a Discharge of Condition application. Likewise, the concerns raised with regards to the proposed infilling of the ditch would need to be part of the proposed drainage scheme to be submitted. Drainage does not form part of the reserved matters and is not appropriate to be considered here.
- 11.24 There are issues in relation to the boundary and its precise location. Both the applicant and the residents of Tower View Drive claim the boundary is in different locations. This is a civil matter and not for the planning application. The precise location of the boundary does not impact on the proposed layout of the site. There may be some potential impact on the garden sizes for plots 12-14 but considering these plots have garden sizes in excess of 200m<sup>2</sup> it is not considered that this would be detrimental to the residential amenity of these plots.

## **12. CONCLUSION**

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

- A** The access is appropriate and no concerns are raised.
- B** The proposed palette of materials and appearance of the proposed are considered to be appropriate. The final selection of materials for each plot will need to be secured by condition.
- C** The proposed landscaping scheme is considered to be appropriate.
- D** The plans indicate the maximum potential scale and layout of the proposed development. The final layout and scale of the dwellings will need to be secured by way of a condition.
- E** Affordable housing provision is made with an appropriate split within the site. There are no impacts on biodiversity. Drainage and boundary disputes are not for consideration as part of this application.

## **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. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing no P03K and the Landscape Strategy. The works shall be carried out before any part of the development is occupied or in

accordance with the programme agreed with the local planning authority.

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

3. Prior to the commencement of the construction of the dwelling on each plot, full details of the house type, extension and/or garage options, layout within the plot and the materials to be used in the construction for that plot shall be submitted to and approved in writing by the local planning authority. Subsequently, the dwelling for that plot 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 each plot have not been established to allow for flexibility in this custom/self-build scheme, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).

4. Prior to occupation of any dwelling, the provision of an access formed at right angles to St Edmunds Lane, as shown in principle on drawing no. X821-006 (dated 08/12/2017) to include but not limited to: minimum 5.5 metre carriageway width with two 2 metre wide footways and clear to ground visibility splays with dimensions of 2.4 metres by 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

5. Prior to occupation of any of the proposed dwellings, the provision of a dropped kerb pedestrian crossing across St. Edmund's Lane shall be provided south of the proposed site access, as shown in principle on drawing no. X821-006 (dated 08/12/2017).

REASON: In the interest of highway safety and accessibility, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

6. No dwelling shall be occupied until the associated parking and/or turning head indicated on the approved plans has been provided. The vehicle parking 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 interests of highway safety and that appropriate parking is provided, in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

7. No dwelling shall be occupied until the associated cycle parking facilities, as shown in principle on drawing no. P04, are to be provided and retained at all times.

REASON: To ensure appropriate cycle parking is provided, in accordance with Uttlesford Local Plan Policy GEN8 (adopted 2005).

8. No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests

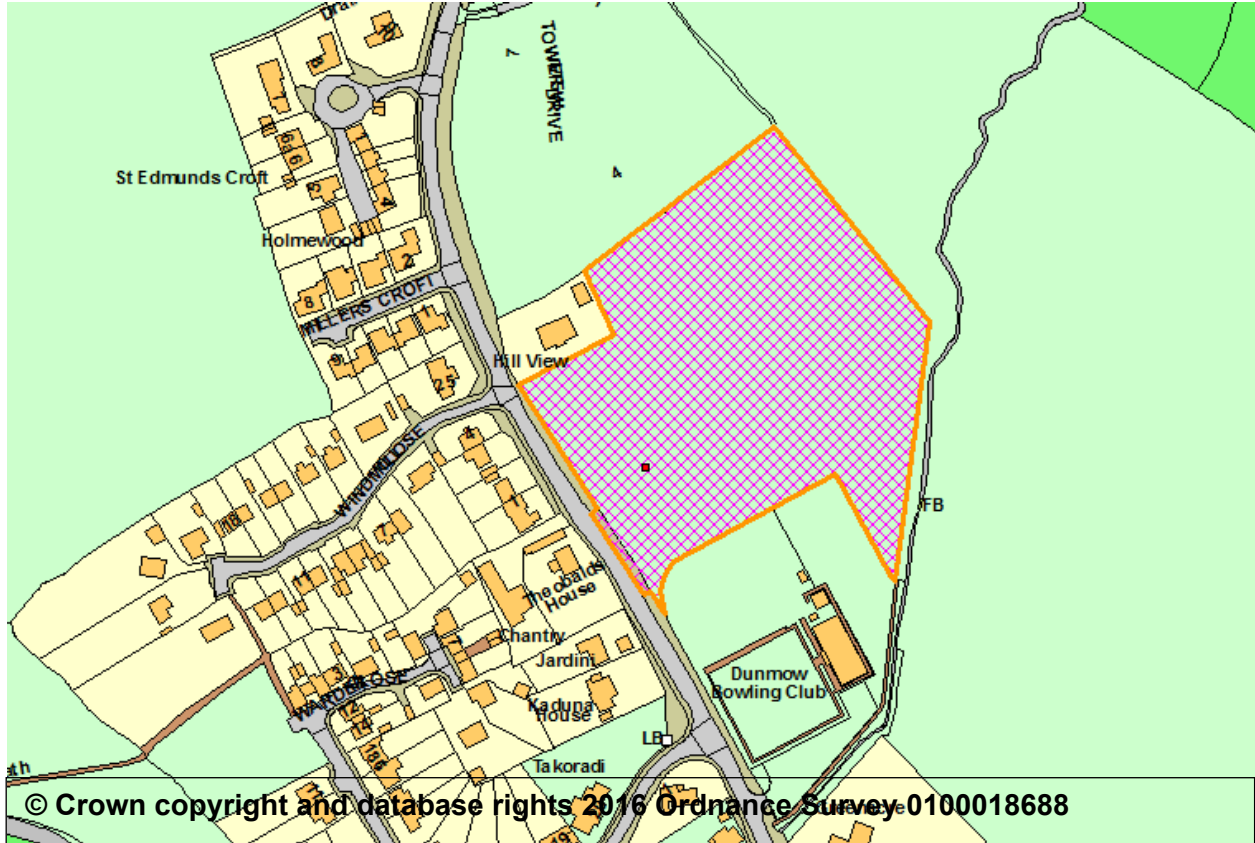
of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

9. The dwellings hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

Application: UTT/17/3623/DFO

Address: Land East of St Edmunds Lane, Great Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 27 April 2018