

**COMMITTEE CASE:**

**UTT/0816/00/OP, PRIORS GREEN, TAKELEY/LITTLE CANFIELD**

Outline application for the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycleways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure, north of the Dunmow Road at Takeley and Little Canfield. The application originally included the phrase 'approximately 700 dwellings' in its description. However by letter dated 15 April 2002, the applicant amended the description to that set out above, following concerns expressed by Members about 'scale and density' of developments in the District, at their Environment and Transport meeting on 10 April 2002. This letter also advises that 'We accept that your Council may wish to impose a limit on the number of dwellings by means of a condition, and that this limit is likely to be less than the 700 dwellings originally applied for. We would suggest that any such condition should take full account of the advice on densities in PPG3', (ie a minimum density of 30 dwellings per hectare net.)

GR TL 574-214

*Case Officer John Bosworth 01799 510453*

Expiry date 22<sup>nd</sup> September 2000.

**NOTATION:** Within Takeley Local Policy 1 area in Adopted District Plan (ADP) and within Takeley/Little Canfield Local Policy 3 – Prior's Green Site (excepting the woodland at Broadfield Road which is beyond the settlement expansion area) in the Deposit Draft Local Plan (DLP)

**DESCRIPTION OF SITE:** The site lies on flat land to the north of the A120 and east of Smith's Green. Jack's Lane, a byway, bisects the site. To the south of Jack's Lane is the derelict Takeley nursery site and fragmented under-utilised land in need of environmental improvement, including an area of woodland either side of Broadfield Road. To the north of Jack's Lane is open agricultural land.

**DESCRIPTION OF PROPOSAL:** The amended proposal is for "the development of a new residential neighbourhood, including residential development, a primary school site, local centre facilities, open space, roads, footpath/cycleways, balancing ponds, landscaped areas and other ancillary or related facilities and infrastructure". The planning application dated 9 June 2000 states that all details are reserved for subsequent approval. However its accompanying planning statement advises that the proposed means of access forms part of the formal application. Recent advice clarifies this ambiguity and confirms all details are reserved for subsequent approval. The application excludes pockets of existing development on Broadfield Road, Clarendon Road, Warwick Road and Hamilton Road. These roads provide access to a limited number of existing dwellings and will be retained along their existing routes. It also excludes parcels of land fronting the A120, including one to the west of Broadfield Road, for which an outline planning application for residential development (no numbers specified) has recently been received, and another to the east of Southview Villas.

**APPLICANT'S CASE:** Countryside Properties state the company is committed to create places which are attractive, convenient, safe and pleasant to live in and indicates it has extensive experience in developing such communities. They state that their flagship developments have created a strong sense of identity, an innovative and imaginative building style and special emphasis on landscape design. The development objectives include fulfilling the aims of the relevant local policy as it relates to the site, achieving high quality

design, local distinctiveness, opportunities for more sustainable modes of transport, domestic energy efficiency, sustainable use of water resources and biodiversity and conservation of the natural environment. The development concept is to provide three distinct housing clusters each with its own separate identity. The landscape structure will help the area absorb the visual impact of dwellings, giving protection to important views from distant and close up viewpoints. The management of the ecology of Broadfield Wood, Jack's Lane and existing hedgerows will form the basis of a network of interconnecting wildlife corridors across the site. Balancing ponds will be designed as permanently wet features.

Principal means of vehicular access would be via two junctions onto the Dunmow Road. . A new bus service to Bishops Stortford is proposed to penetrate the site. New bus stops will be provided on the A120. Thus public transport would offer realistic options for journeys to the airport and other local employment centres, secondary schools and leisure facilities. There would be a planned network of pedestrian footpaths and cycleways. It is correctly stated that the proposals have been extensively scrutinised through the planning process and the site has been adopted as part of the District Plan. Consultation has been wide and a Master Plan approved.

**MASTER PLAN:** Members may recall considering a Master Plan at their Planning and Development Committee in June 2000 and subsequently approving a slightly revised version in November 2000. It was subject to public consultation. Two access points are shown, one in the east and the other in the west. Private roads will be retained and the proposed road geometry has been designed to accommodate them. The local centre and school site is south of Jack's Lane in a central position. The locations of affordable housing will be considered at the detailed stage. However 25% genuine affordable housing will be provided in small groups of 20-25 dwellings dispersed throughout the development. Public open space, some 10 acres in extent is provided at several locations. The woodland, either side of Broadfield Road is retained and will be managed. Jack's Lane, east of Jack's Green will be integrated into the site and principally used for recreational purposes. Recent discussions have secured funding for its enhancement. Members approved the Master Plan in principle as a basis for considering planning applications and Section 106 agreements subject to several requirements. Importantly this included requirements that "the approval of the Prior's Green Master Plan must be subject to all future development in the development area allocated in the Adopted District Plan including the McGowan land (for which a planning application has now been received) having vehicular access from the approved internal road network, the number of dwellings to be built on the combined areas of the submitted Master Plan and the McGowan land not exceeding 700 and provision within the local centre for a health facility".

**RELEVANT HISTORY:** None of consequence. Within the application area itself seven previous applications have been submitted. Most of these are minor and all date from the 1970's, prior to the adoption of the Adopted District Plan in April 1995. An application for 14 houses was refused at Takeley Nurseries in 1974.

**CONSULTATIONS:** Parish Councils and Essex County Council have been advised of the amended description of the application referred to in paragraph 1 above. Any further comments from them will be reported verbally at the meeting.

*Government Office for East of England:* Parts of the site were formerly occupied by the Takeley Nurseries and therefore can be properly regarded as previously

developed land. However part of the site, which would accommodate more than 150 dwellings, would be on what appears to be on greenfield land and the application may therefore be called in for determination by the Secretary of State under the provisions outlined in National Planning Policy Guidance.

*Environment Agency:* Surface water control measures will need to be carried out to prevent increased risk of flooding and to improve water quality. The environmental statement does not make it clear where the additional sewage arising from the proposal is to be treated and what its impact would be on the receiving watercourse. Existing linear features within the site, such as ditches and hedges should be protected where possible by buffer strips that would allow wildlife to flourish. The Agency welcomes the commitment to long-term management of the water courses and ponds within the site, but says the extent of features which are to be lost are not clear and asks what compensatory works will be undertaken to cover this loss. There are two wells within the site which need to be dealt with for safety reasons and to prevent contamination of groundwater. Advice is given on measures, which could be taken to reduce domestic water consumption of housing within the site.

*Essex County Council [TOPS]:* Discussions with the company have very recently been concluded. There should be no occupation of dwellings until the A120 bypass is opened. The company will make financial contributions to transport enhancement, construction of a cycleway to Takeley village, enhancement of Jack's Lane, a contribution to public transport penetrating the site, a contribution to enhance bus stops at the Four Ashes junction and provide four new bus stops on the A120 close to the new access roundabouts. Additionally 3 crossings, 2 Pegasus ( for pedestrians,cyclists and equestrians) and 1Puffin (pedestrians only) would be provided in association with construction of the access points to the site. There would be an eastern extension to the existing 40 mph restriction. Proposed roads within the site should be designed to accommodate the new bus service. Prior to the eastern roundabout being constructed, a priority junction would provide access for up to 80 dwellings. The eastern access should be constucted prior to the 81<sup>st</sup> dwelling and the western roundabout should be constructed prior to the 351<sup>st</sup> dwelling.

*Essex County Council [Learning Services]:* The applicant has agreed to provide a site suitable for a 420-place primary school under a planning agreement. The site shown on the indicative master plan is acceptable, subject to a detailed topographical assessment.

*English Nature:* The Environmental Statement refers a to a small population of great crested newts in one of the ponds on the site, and bats are likely to roost in the mature trees around the moat feature. These animals are European protected species. There is a possibility that there are other newt sites nearby: The application should not be determined until this information has been clarified. Other protected species, e.g. the slowworm and common lizard should also be investigated in order to keep the protected animals *in situ*. Recommends that there should be a management plan forming part of a planning agreement particularly for hedgerow retention and for surface water management.

*Essex Police:* Recommends that development as a whole should seek to meet the Secured by Design principles; particular care should be taken with the design of open spaces.

*Thames Water:* Drainage of the site should be discussed with local area management, and should be dealt with by means of conditions attached to a consent.

*Property Services [Engineering]:* Surface water drainage strategy is in accordance with requirements, but details still to be approved.

**PARISH COUNCIL COMMENTS:** *Little Canfield Parish Council:* Expresses concern that only limited reference is made to the Parish. It is unclear what is intended in relation to the co-ordination of development with the construction of the new A120 trunk road: The Parish Council believes that construction of new housing on the site should wait until the by-pass around the area has been opened in the winter of 2003/2004. Concerned that the proposal would intrude into open countryside, and would take up land, which is currently greenfield land, contrary to national policy.

*Takeley Parish Council:* Does not accept that there is a need for airport related housing on the scale originally proposed. If designated land is released prematurely, then developers will want more land released when the housing is really needed. Objects very strongly to land being developed before the new A120 is open for traffic. The proposed school should be opened as soon as possible as the existing primary school is already overcrowded. Welcomes proposal for sports field. Concerned that Jack's Lane extension would become 'urbanised' under the application proposals.

*Great Canfield Parish Council:* Asks that provision should be made for housing the elderly, and for producing community policing posts, the latter by means of an agreement with the developer.

**REPRESENTATIONS:** The application was advertised as a major development likely to be of wide concern and development affecting a public right of way.

A total of fifty-three representations have been received. Four representations have been made by local organizations. These are: 1. *CPREssex:* There is no further highway capacity on the existing A120 road through Takeley to enable this development to have access. Para 4.23 in the adopted District Plan says that the provision of airport related housing would be formally monitored to control the pace of releases. Unless there is clear evidence of a need for this development, it should be refused on the ground of prematurity. Loss of greenfield land to housing is in conflict with national policy. Suggests that a study of the existing A120 in Takeley should be carried out to reduce traffic speed. Severing of Jack's Lane byway will adversely affect this ancient landscape feature. Essex County Council should undertake a review of the effect of the development proposed to reduce traffic flows and speed along the section of the A120 that will be de-trunked. Insufficient weight may have been given to the effect on the area as a whole of the increase in general disturbance and light pollution arising from the proposed development. No consideration appears to have been given to the effects of noise from the airport and whether this should be mitigated in the interests of the quality of life of residents within the scheme. The severing of Jack's Lane involves the loss of an ancient landscape feature. The loss of agricultural land within the proposal area is in breach of National Planning Policy Guidance. 2. *Ramblers' Association:* The proposal should seek to preserve the rural character of the footpaths and byways crossing the site. Where these are bisected by new roads, a Puffin type crossing should be provided. There is a right of way along the western boundary of the site that is likely to be obstructed by the proposal. 3. *Bishop's Stortford and District Footpaths Association, and Ramblers' Association:* Concerned that proposed development would encroach on or block footpaths along northern and western boundaries of the site. Where the byway within the site is crossed by a new road, puffin type crossings should be provided. 4. *Essex Field Club* Concerned about the effects of lighting associated with the development: Recommends that proposal should conform to Institution of Lighting Engineers' published guidance.

Forty-nine other representations have been received from local residents, mainly from people living close to the site. The main points raised in these representations are:

### *General matters*

[a] It has not been established that there is an effective demand for the housing proposed, bearing in mind the numbers of properties available at places such as Braintree and Bishop's Stortford. Concern that the District Council is allowing the commercial considerations of a developer to over-ride its proper concerns as a planning authority. [Two representations incorrectly refer to the District Council being the 'landowner' of part of the site.]

[b] The scale of development proposed is not in keeping with the rural aspect of the area as a whole; the site in part is greenfield land and its development is in conflict with national policy. There is no pressing need for housing to be built close to Stansted Airport, and there are more appropriate sites available for housing at Bishop's Stortford, Harlow and Great Dunmow.

[c] The application site forms part of a larger area identified for comprehensive development in the adopted District Plan. The proposal omits parts of the area and does not therefore provide for a comprehensive development as required in policy TAK1 in the plan. The Council should recognise that the sites omitted from the application but forming part of the TAK1 site can contribute to the overall housing total. The overall total of housing to be provided by the applicant should be reduced to reflect this situation.

[d] Development should not be permitted to start until the new A120 trunk road bypassing Takeley has been opened for traffic. Representations refer to additional construction traffic using new junctions onto the existing main road and resulting traffic congestion and delays to emergency services; to concerns about road safety and to air pollution from stationary and slowly moving traffic. When the new road is opened, traffic calming measures should be introduced on the existing main road.

[e] The overall density of the development would be too high and should be kept at the same level as surrounding land.

[f] The development of the area would result in the loss of a substantial area of wildlife habitat, some of which is used by nationally rare species [e.g. curlew bunting]. The development would cause light pollution of the surrounding area, with effects on wildlife in the locality.

[g] Concerns that some houses stand on 'islands' within the site [which were originally to be purchased by the developer] would in future be surrounded by development with resulting loss of amenity. Their occupiers seek assurances that landscaping and fencing 'buffers' would be provided and maintained, and that housing would not be built close to them. Similarly occupiers of housing outside the site but immediately adjoining it seek reassurances that their houses would be buffered to reduce amenity loss.

### *Other detailed points*

[h] The proposals involve the closure of the long-established access from Hamilton Road direct onto Dunmow Road. Some occupiers of Hamilton Road want this junction to be retained.

[i] Insufficient numbers of existing trees within the site, particularly those in the wet spinney area off Broadfield Road would be retained.

[j] Ditches and drainage facilities within the site, and on land adjoining it would need to be improved and properly maintained.

[k] Concern that services to the site would be installed across Smith's Green, immediately to the west of the site.

[l] The proposal would not prevent vehicular access to the section of Jack's Lane that is a byway, and would not protect its character and enable its current use for riding and footpath purposes to be continued.

[m] Concern that the layout of the school site would cause noise and disturbance to neighbouring housing.

[n] Concern that the layout should allow for better pedestrian access to local services at Brewer's End.

[o] Concern that the development and noise and disturbance from construction work will disturb poultry on nearby land.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Land Use Consultants prepared an assessment for the District Council in January 2001 as to whether the proposal fell within the paragraph 10 (b) of Schedule 2 of the EIA Regulations. They concluded that the development would be likely to have a significant effect on the environment in terms of its size and potential impact and should be subject to an Environmental Assessment. The Council accepted this advice. A scoping statement prepared for Countryside Properties identified the environmental issues requiring assessment and considered the relevant methodologies. This was submitted to the Council who advised that several issues were inadequately covered but these were rectified. The Environmental Impact Assessment was published in October 2001. Copies were sent to the two Parish Councils and other interested parties and consultees. It was advertised on site and in the local press and the following is a very brief summary of its findings.

*Landscape and Visual Impact.* Some extensive views from Bambers Green Road and partial views from Smiths Green, Jacks Lane, the A120 and Broadfield Road would be affected by the development. Jack's Lane and public rights of way would be severed. There would be a change in character from arable and grassland to residential development. There would be a night time effect resulting from street lighting etc. There would be some loss of hedgerow and trees.

*Socio Economic effects.* All socio-economic effects are identified as beneficial. The development will widen the range and choice of housing and create a balanced community and would benefit the local economy.

*Impact on ecology and nature conservation.* A small number of hedgerows and ditches would be lost but new hedgerows would be planted. Retained ditches would be maintained and managed. Polluted run off water from the development could potentially enter ponds. The loss of grassland may affect common lizards and slow worms. Some Great Crested Newts have been identified in a small pond in the north east corner of the site whose presence needs safeguarding.

*Impact on Agriculture and Soil.* The development would only affect one operational farm holding.

*Cultural Heritage.* None of the known archaeological sites within the study area would be affected by the proposal. For unknown archaeological remains impact would be uncertain.

*Hydrology and Hydrogeology.* Development would not impact on ground water flow or disturb aquifer improvement to surface water quality. Potential contaminants associated with increased traffic loads should be expected. There would be more litter associated with increased population. An increase in potential run off could result in some flooding of drainage ditch

*Noise.* Impact of construction unlikely to be significant but should be confirmed through a noise assessment when details become available. Following construction, traffic would only have a significant impact in peak hours.

*Air quality.* The air quality assessment concentrates on traffic pollution but does not assess the potential impact on existing residents resulting from dust etc. created in the construction stages. It is stated that both existing and future particle concentrations are within the National Air Quality standards.

17 representations have been received and are set out below. Some repeat representations received on the planning application.

1.	Local resident	Questions type, nature and maintenance of landscaping to the rear of property. Retention of views. Effect of light pollution, screening. Protection against flooding. New water main-impact. What protection and methods are to be installed to stop increased traffic using Smiths Green? Distance and type/density of new houses from boundary.
2.	Environment Agency, Planning Liaison Officer.	To prevent flooding and improve water quality, surface water control measures be carries out in accordance with details that should be submitted and approved by LPA. Statement fails to address the issue of sewage disposal. 700 units will generate a considerable volume of sewage – where is it to be treated? If new sewage works is proposed or expansion of treatment works is proposed what will be the impact on the receiving watercourse? Environmental statement does not include details as to the treatment of linear features (ditches, hedges etc) – buffer strips should protect them. Welcome the commitment to the long term management of watercourses, ponds and associated habitats. Statement does not quantify lengths of watercourses to be lost – what provision is made for water that would have passed through? What is the scope for creating new watercourse features to take surface drainage from the site? Advice to applicants on Bores/wells exist on the site could result in contamination. Advice on water conservation – low or dual flush toilets, installation of spray taps, showers etc. Installation of water and energy efficient

		domestic appliances. Installation of water conservation in gardens. Water butts. Thick layer of good quality topsoil. Drought tolerant turf and plants in planting schemes.
3.	CPRE	Traffic Issues have been addressed in terms of air quality – traffic generated by the scheme on rural tranquillity (noise, disturbance) should also be addressed. Should be a study of the most likely impact of the development on any proposals to reduce traffic flows and speed along the old A120 and to downgrade the road to a local rural route. Insufficient weight may have been given to the potential reduction in population as a result of the loss of habitat area and other impacts such as general disturbance and lighting at night time. Loss of night time character as a significant adverse impact both on habitat and rural tranquillity. The study has not considered the effect of the noise from aircraft movements and ground noise Stansted Airport and the need to mitigate this in the interest of quality of life within the scheme. Regard severing of Jacks Lane and hedge removal as a significant adverse impact due to the irreplaceability of this ancient landscape feature. Regard the loss of greenfield agricultural land to housing as a significant adverse consequence.
4.	Consultant on behalf of local resident.	Query approach to development numbers/areas because some land within the Policy area has been omitted, thus preventing comprehensive development as required by the policy.
5.	Local resident.	Development should be contingent on completion of new A120. Construction of the A120 bypass will itself result in an increase in traffic on the existing A120 due to the closure of some roads. Ownership of footpath/application boundary. Confirm that it is the intention to retain the boundary adjacent to the footpath leading from Jacks Lane to the A120 in the vicinity of the school site. Existing structure of interlinked ditches will need to be improved and retained. Ditches are important habitat but also in flood protection. Type of lighting should not unduly increase the light pollution at night. The report states there is no evidence of owls/badgers – both have been seen in the vicinity of Jacks Lane. Impact statement is not consistent with latest plan from Countryside showing one access point. Clarity on extent and status of Jacks Lane.
6.	English Nature	Council should seek clarification from the applicant on whether the potential for this land to support newts has been considered. The application should not be determined until this information has been received and commented upon. Conditions should be attached to ensure work would not be carried out until approved mitigation measures have been put in place. Translocation represents a means of last resort. Scope for habitat enhancement that favours the common lizard and slowworm should be explored with the applicants prior to the determination of the application. Timing of the works should ensure that clearance of any potential nesting

		<p>habitat is carried out between August and mid March. Pleased to note reference to Essex BAP. Provision of management plan for the site offers the opportunity to present a joined up approach to these opportunities, e.g. work to enhance the habitat for great crested newts offers potential habitat gains for a wide range of species. Planning condition should be used to safeguard hedgerows to be retained where they coincide with a residential boundary. Retention of hedgerows and ditches together with ponds for GCN all combine to support the use of a sustainable urban drainage system on site. Pleased to see management “along ecological principles.” A suitable management plan will need to be drawn up. This is normally achieved by use of a legal agreement. Management plan should include reference to monitoring of the protected species on site (and off site where translocation is judged to be the preferred option).</p>
7.	Local resident and letter signed by 12 other residents.	<p>Concerns about impact on wooded area and link road across access road. Destruction of the woodland will have a major impact upon the habitat. Area includes bats and barn owls. No reason for separation of road and pathway through the woodland. Plan for restricted use of the road not mentioned in most recent plans. Worried about the apparent lack of planning for drainage in the Master Plan statement. Building of houses to the west of the wood will dramatically increase the flow of surface water into the water causing it to flood constantly. Construction vehicles could damage existing drainage under the road. Would like written guarantees from Countryside that the wet woodland or residents of Broadfield road will not suffer as a consequence of their development.</p>
8.	Great Canfield Parish Council	<p>Run-off likely to occur , represents potential for flooding.</p>
9.	Essex County Planning archaeology	<p>Document falls significantly short of the type of report that is expected for a development of this nature. Evaluation should consist of field walking and trial trenching or just trial trenching. Recommended that this evaluation should be undertaken and form part of a revised environmental statement.</p>
10.	Local resident	<p>Density of building will destroy our wildlife.</p>
11.	Essex Police	<p>Fails to address the impact of crime and anti social behaviour as an impact factor. There is currently a low crime rate; the development of these additional homes must impact on this. Crime and disorder act – LA’s when exercising functions should have due regard to the effect that these are liable to have on crime and disorder in their area. eg. connections between environmental areas, footpaths, estate permeability, anti social behaviour and crime and disorder are well known.</p>
12.	Local resident	<p>Oppose the development of the land before the A120 is completed. No indication on earlier plans to install traffic lights. Traffic volume on the A120 has increased considerably since the last survey. Emergency services have great difficulty negotiating traffic.</p>

13.	Local resident	Seen a dramatic reduction in the quality of life in the village in the past 18 months due to a massive increase in noise pollution caused by over-flying aircraft and traffic using the B183 as a rat run. Construction of such a major development at Takeley can only increase the problem of traffic and reduce the quality of life still further for residents of Hatfield Broad Oak and other villages along the B183.
14.	Local resident	Our property is no longer part of the comprehensive development site. How can Countryside leave out areas of land without a reduction in the number of houses they are allowed to build? I have no intention of giving up my right of way over Hamilton Road yet the interim plan clearly shows it blocked off without landscaping.
15.	Local resident	Our land is not included in the comprehensive plan, along with other plots, which if built on would add at least another 80 houses to the development. This would mean that if Countryside built 700 houses and exclude us all we would be precluded from building on them ourselves in order to move away from the pollution, mess and noise.
16.	Highways Agency	No comments to make on the proposal.
17.	Essex Wildlife Trust	Calcareous grassland to the South of the Nursery is relatively uncommon in Essex. Recommend retention in situ. Do not agree with the statement that impacts are of minor significance and no mitigation is required. Creation of new wildflower area is welcomed but compensatory habitat should be viewed as second best in this case. Welcome the retention of woodland in Broadfield Road and the moat. Potential ancient hedgerows should be protected and provision made for future management. Agree that 4 ponds should be kept and enhanced. Prevention of the input of pollutants should be included in the developments. Removal of scrub should only take place outside the bird-nesting season. A full inspection of the water tower should be carried out by a competent ecologist also all mature trees should be inspected before any tree surgery or felling is carried out. Presence of a small number of great crested newts implies that comprehensive mitigation survey must be adopted to safeguard this vulnerable population. Advice and recommendations in the ES are acceptable. A licensed ecologist should oversee works that will impact on great crested newts. Support recommendation on the capture and relocation of viviparous lizard and slowworm but no details of the potential relocation site are given. Support proposal to retain as much grassland as possible and to manage large areas of rank grassland with 2 yearly hay cut. Balancing pond provides the opportunity to create a valuable new wetland habitat and ecological design principles should be incorporated. Suggest the District Council produce a binding long-term management agreement that would safeguard wildlife during construction and post- development.

OBLIGATIONS OFFERED BY LEGAL AGREEMENT. Following discussions with Officers at District and County the following has been agreed.

#### ESSEX COUNTY COUNCIL

- Provision of a school site, 1.92 hectares in extent, for a 420-place primary school
- (Discussions are ongoing regarding timing of first phase of school which will be reported at meeting.)
- An index linked contribution for transport enhancement of £100,000.
- Provision of a bus service between Bishop's Stortford and Prior's Green throughout the day for the first two years of the development, giving a 45 minute service. In the subsequent two years, as the number of dwellings increase, the service will increase to half hourly between Bishop's Stortford, Prior's Green and Dunmow.
- An index linked contribution to undertake works to Jack's Lane of £37,500.
- An index linked contribution of £50,00 to a cycleway to Takeley village (this is in addition to cycle ways to be provided within the site).
- A new bus route to penetrate the application site. Negotiations with existing services with view to enter the site.
- An index linked contribution of £7,500 to enhance bus stops at the Four Ashes junction.
- Provision of 4 new bus stops with shelters etc on the Dunmow Road close to the access roundabouts with associated footway links.
- The provision of 3 crossings (2 pegasus and 1 Puffin) on the A120 with associated footway/cycleway links.
- A bus promotion and marketing campaign, including one months free season tickets for householders of the development.
- Access works, including priority junction for up to 80 dwellings prior to construction of eastern and western roundabouts. The eastern roundabout to be constructed prior to the 81<sup>st</sup> dwelling and the western prior to the 351<sup>st</sup> dwelling.
- An extension of the 40mph speed limit.
- Submission of traffic management plan prior to development commencing.

#### UTTLESFORD DISTRICT COUNCIL

- 4 hectares of open space and play areas together with adequate financial contribution for maintenance for 20 years. This includes Broadfield Wood and the moated site. To be passed to the District Council or other agreed bodies.
- Structural landscaping within the application area to be transferred to the Council or other agreed bodies, together with a 20-year maintenance sum.
- Structural landscaping beyond the application boundary to be provided and managed by the company in accordance with an agreed management plan.

- The provision of a 3500m2 Community Hall and associated car parking and landscaping.
- A contribution of £100,000 for the enhancement of local sports and or community facilities.
- The provision of land, 0.8 hectares in extent, for local retail commercial and health facility and/or day nursery at the local centre on site.

## **PLANNING CONSIDERATIONS**

The main planning considerations are:

- 1) The principle of development of a greenfield site notwithstanding its allocation in the Adopted District Plan. (PPG3; ERSP H2 housing development, the sequential approach and H3; ADP H2, location of contingent airport-related housing and Takeley Local Policy 1, land at east Takeley and DLP Takeley/Little Canfield Local policy 3- Prior's Green.)**
- 2) Whether the number of homes proposed is acceptable (PPG3; ADP Takeley Local Policy 1 and DLP Local Policy 3.)**
- 3) Whether the development should be phased (PPG3; ADP H3-Phasing of airport related housing.)**
- 4) Whether the proposal would enable delivery of a comprehensive development (ADP H4 Development form of new residential developments and Takeley Local Policy 1 and DLP Local Policy 3.)**
- 5) Whether a sustainable residential environment would be created (ESCP CS4, sustainable new development; DLP GEN2 Design; H8 Affordable Housing and H9 housing mix.)**
- 6) The transport effects (ERSP T3- promoting accessibility; ADP T1- new development and general highway considerations; DLP Gen 1 – access.)**
- 7) Whether adverse impacts would be satisfactorily mitigated (ERSP BE5- planning obligations; ADP H4 - development principles for airport related housing: DLP Gen 6- mitigation of impacts; Environmental Impact Assessment)**

**1) Principle of development.** The application forms part of a larger site for housing and associated facilities and infrastructure in both the ADP and DLP for 700 dwellings. This application forms the substantial part of DLP Policy area 3 but there are other sites, notably fronting the Dunmow Road that are beyond the current application site. Recently in considering representations on the DLP, Members resolved to defer consideration of any proposed changes pending further consideration. Planning Policy Guidance Note 3 (PPG 3) dated March 2000 is an important material consideration. Despite government office advice that part of the site can be regarded as previously developed land, it is considered the site falls within the definition of greenfield. Therefore, notwithstanding its allocation in the ADP, Government advice is that a Council should have regard to the contents of PPG3, which may supersede the policies in its plan. Any application relating to a greenfield site allocated for housing should be assessed and a decision made on

the application in the light of the policies set out in the guidance. Comparison with the previously developed land in urban areas will be a relevant consideration. PPG3 requires a search sequential test starting with previously developed land in urban areas identified by the urban housing capacity study, then looking at urban extensions and then at opportunities around nodes in good transport corridors. PPG3 particularly identifies the importance of public transport delivering access to jobs, education and health facilities, shopping, leisure and local services. The ERSP Policy H2 follows a similar theme, saying new housing provision should be located as far as possible within existing large urban areas and then by planned peripheral development on the edge of large urban areas and then by expanded settlements. ERSP Policy H1 indicates there is provision for a net dwelling increase in Uttlesford of 5,600 between 1996 and 2011. The urban areas of Uttlesford identified in the urban capacity study are Saffron Walden, Great Dunmow and Stansted. Whilst the application site does not fall within an urban area, it is adjacent to the Dunmow Road, which is already well served, in the Uttlesford context, by a number of bus services, many running on an hourly basis. Importantly the site is in close proximity to job opportunities at Stansted Airport and relatively easily accessible to other job opportunities, shopping facilities, health facilities and other services at Bishops Stortford. Additionally, there is reasonable access to train services at both Stansted and Bishops Stortford.

Thus the location of the site is still considered appropriate for comprehensive residential and associated development as it satisfactorily meets the criteria of PPG3 and ERSP.

Members will need to consider whether or not the proposal raises issues that should more properly be resolved through the Local Plan process. However, as the application is considered to conform to PPG3 and bearing in mind other decisions that the Council has recently taken, it is considered that it would be difficult to justify such a stance.

**2) Dwelling numbers.** The net site area of the application has been carefully measured and is 21.41 hectares. In considering this application it is necessary to meet the standards set by PPG3 whereby new developments should achieve a net housing density of at least 30 dwellings per hectare. It also needs to be consistent with the ERSP Policy H4 requirement that proposals should maximise densities having regard to the quality of urban living and other design, social and environmental criteria. As set out above Takeley is not an urban area and the policy area is surrounded by and contains pockets of existing development, much of it low density. Concern has been expressed about high density on this site. Any development in this location should achieve the twin objectives of meeting government guidance and achieving an appropriate density relative to the area, bearing in mind government advice. Applying the minimum density of 30 per hectare net would generate a total number of dwellings 642. A total of 650 dwellings is considered appropriate in this location and would deliver an overall density of 30.36, thus meeting PPG 3 requirements. This housing density can be secured by conditions.

**3) Phasing.** Stansted Airport exceeded 8 mppa in 1999 and is expected to have a throughput of 15mppa in 2003. No need therefore exists to constrain development to ensure that it relates to this policy consideration. Essex County Council require that no houses be occupied prior to the A120 being completed and open to traffic

between junction 8 and Great Dunmow. It would be appropriate for this be covered by condition.

**4) Comprehensiveness.** A Master Plan has been approved and this indicates the comprehensive nature of the proposal and broadly defines the two points of access, the location of the primary school site, local centre, strategic landscaping and woodland to be retained. A condition would ensure the development follows this comprehensive approach. The Master Plan and Members resolution in approving it, secures that any subsequent applications for the development of other parcels of land beyond the application site, but within the policy area, will be achieved in a comprehensive manner when such applications are determined in the future.

**5) Sustainable development.** Achieving a net density of more than 30 dwellings per hectare net is an important consideration in this respect. The retention of the woodland off Broadfield Road is an important gain as is the retention and enhancement of Jacks Lane and other vegetation on the site together with any protected habitats. Securing 25% of the homes for genuine affordable housing using an appropriate mechanism to ensure this meets the needs in the Council's Housing Needs Survey is also very important. Similarly the provision of significant landscaping and commitment to community facilities and transportation including public transport, is very important. In determining detailed applications the Council would seek to ensure that the layout and its orientation, the use of materials and accessibility by public transport achieves an overall sustainable solution of high quality.

**6) Transport.** The main issue in Planning Policy guidance on transport has three objectives: to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reduce the need to travel especially by car. In considering planning applications, local authorities in rural areas should locate most development in local service centres, which are designated in the development plan as focal points for housing, transport and other services. It also says that the Government places great emphasis on people being able to travel safely by their chosen mode. Negotiations with the developer have secured improvements to road safety on the Dunmow Road and enhanced public transport to and from the main centres of employment and other services. Taking these factors into account, Officers' view is that the transport issues arising from this development have been appropriately addressed. A condition ensuring no dwelling is occupied before the A120 is completed and open would overcome County Council concerns and other representations received. Traffic calming within the site can be achieved by means of planning conditions attached to detailed applications.

**7) Mitigation of adverse impacts.** The obligations offered would satisfactorily address the policy requirements and the impact of a development of this size. The Highway Authority has agreed the transport packages and the levels of contribution. The representations in relation to the planning application and the Environmental Impact Assessment and comments received thereon raised a number of detailed environmental and ecological considerations. Arising from the Environmental Impact Assessment, informed landscape and ecological solutions should evolve. This can be achieved by a condition requiring a comprehensive

landscape and ecology strategy to be prepared identifying mitigation measures before development commences. The terms of reference would be agreed with the developer and include identifying trees, hedges, watercourses and ditches to be retained, the wildlife to be protected and the means of doing this and the principles to be followed in relation to the structural landscaping, particularly in those locations adjacent to existing residents. It would include assessing potential wildlife habitats in buildings to be demolished. It would also identify any contaminated land, should it exist, and propose necessary remedial measures. It would identify the management regime and proposed enhancements of Broadfield woodland, Jack's Lane and the moated site. It is considered such a condition would be appropriate and go a long way to satisfy those residents and environmental bodies who raised related issues. Archaeological evaluation can be adequately covered by condition. Similarly a condition can be imposed relating to dust control and construction working. Minimising lighting spillage can be considered at detailed application stage.

The site has been assessed for the impact of noise from air traffic and other sources in accordance with PPG24. The assessment has assumed that the new A120 will be completed and in use. The site falls into category A where 'noise should not be considered a determining factor in granting planning permission.' The Council has received no complaints relating to ground noise from the airport since the introduction of a new procedure whereby prior approval has to be obtained from BAA Stansted. This is not therefore considered to be a problem, particularly in this area to the east of the existing built up area and furthest from the airport.

Construction noise levels. The close proximity of some existing residential property near and within the site means that maximum noise levels (measured as a 15 minute LAeq) from construction activity need to be specified. To enable the developer to monitor the effects of noise, a maximum level should be set at a distance of 5 metres in from the site boundary. The existing ambient noise level has been assessed as about 50LAeq (assuming the new A120 to be open). This should not be exceeded by construction noise outside the core times. Within core periods noise from construction activities should not exceed 60LAeq at any point within 5 metres of the site boundary adjacent to existing residential property. An appropriate condition can cover this.

Questions about drainage have been raised. It is a sensitive issue locally.

Surface drainage will flow to existing ditches and streams which will be retained. The developer advises that a range of sustainable urban drainage techniques will be used. Landscaped balancing ponds will regulate outflows and create a new ecological environment.

The drainage strategy for the development has already been agreed in principle between Thames Water and the developer. Thames Water will need to confirm to the Council when adequate 'downstream capacity' has been provided. Foul drainage will be connected to the pumping station at Little Canfield which will be upgraded. It will then be taken by an existing rising main along the A120 to the Four Ashes cross roads, thence by a new gravity sewer (picking up the Barker's Tank site) to the foul pumping station at Stansted Airport and then to Bishop's Stortford Sewage Treatment Plant who would upgrade their existing facilities as necessary to meet the new flows. Countryside Contractors will carry out surface

water works and gravity sewers on site. Off site work associated with foul discharge will be carried out by Thames Water. Surface water and foul sewers will be adopted by Thames Water. A condition would ensure that adequate capacity would be available prior to development commencing. A small number of connections would be permitted to the existing sewer. Officers have discussed these matters with Thames Water who advise the proposed condition would be acceptable.

There are existing properties within and adjacent to the proposed development site that do not have mains drainage. The design of the new drainage system should allow existing properties to make future connections to it. Thames Water, the developer and the Council would need to liaise closely to achieve this.

**CONCLUSION:** PPG 3 advice would be met and a density of at least 30 dwellings per hectare would be achieved if the proposed development were restricted to 650 dwellings. The proposal would be in accordance with the recently Adopted Essex and Southend on Sea Replacement Structure Plan and with the Deposit Draft Uttlesford Local Plan. It would also be in accordance with the Adopted Uttlesford District Plan 1995 except for those policy elements that have been superseded by national planning policies in Planning Policy Guidance Note 3 issued in March 2000. Many of the local concerns would be met through legal agreement or by condition.

**The Green Field Land Direction 2000 requires the Council to consult the Secretary of State if it decides not to refuse planning permission and requires it not to grant permission for 21 days following notification to him.**

**RECOMMENDATION:**

**UTT/ 0816 /00 /OP - APPROVAL WITH CONDITIONS RESTRICTING THE PROPOSAL TO 650 DWELLINGS , SUBJECT TO A S106 OBLIGATION COVERING ISSUES DETAILED ABOVE AND WITH PRIOR NOTIFICATION TO THE SECRETARY OF STATE.**

**Conditions**

1. C.1.1 Submission of reserved matters 1.

2 C.1.2 Submission of reserved matters 2.

*Reason: This outline application does not provide sufficient details to consider these reserved matters.*

3. C.1.3 Time limit for submission of reserved matters.

4. C.1.4. Time limit for commencement of development.

*Reason: To comply with section 92 of the Town and Country Planning Act 1990.*

5. No more than 650 dwellings. Within the area defined by the planning application no more than 650 dwellings shall be erected.

*Reason: To ensure the development complies with the Development Plan and is appropriate to this location.*

6. Net density of 30 dph. Within the area defined by the planning application an overall net density of 30 dwellings per hectare shall be achieved.

*Reason: To comply with Government advice in achieving an overall density of 30 dph.*

7. Approval of phasing and development densities. Prior to the first application for approval of reserved matters (and in any event not later than 6 months after the date of this decision notice), a schedule or schedules with detailed plan(s) of the boundaries of each area which is to be developed shall be submitted to the local planning authority for approval in writing showing the following:

- a) the phasing of the development hereby permitted
- b) the residential density attributable to each area of housing consistent with the approved Master Plan.

The development shall subsequently be carried out in accordance with the approved schedule(s) unless otherwise agreed in writing with the local planning authority.

*Reason: To secure appropriate phasing and densities in a comprehensive manner.*

8. Linking to approved Master Plan. The development hereby permitted shall be carried out in accordance with the Master Plan, drawing 1071/MP/6 Rev A, dated 10.08.00 approved by the local planning Authority, unless otherwise agreed in writing with the local planning authority.

*Reason: To ensure development proceeds in broad accordance with the principles set out in the approved Master Plan.*

9. Details of materials to be submitted and agreed: No development/works shall take place until written approval of details of materials to be used in the construction of the external surfaces of the buildings hereby permitted has been obtained from the local planning authority. The development/works shall be implemented in accordance with the approved details. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

*Reason; To ensure development is of a high quality.*

10. C.4.1 Scheme of landscaping as reserved matters to be submitted.

11. C.4.2 Implementation of landscaping.

12. C.4.6 Retention and protection of trees, shrubs and hedges.

*Reason : To provide a high quality environment and minimise the visual impact of the development.*

13. Preparation of landscape and ecological strategy. No development/works shall take place until a landscape and ecological strategy for the site has been approved by the Council. The strategy will set out an agreed programme of mitigation works for the resident flora and fauna and a plan for the future management and protection thereof. The programme of works and management plan shall be agreed in writing with the local planning authority and

implemented in accordance with the agreed details, including any phasing. Any variation to the agreed programme of works and management plan shall be agreed in writing with the local planning authority before that variation is carried out.

*Reason: To minimise impact of the development on existing landscape and wildlife..*

14. C.16.2 Full archaeological excavation and evaluation.

*Reason: To allow for archeological excavation and recording.*

15. Surface and foul drainage systems: No development/works shall take place until a programme of works for the provision of surface and foul water drainage has been submitted and approved in writing by the local planning authority, following consultation with Thames Water. Subsequently, the works shall be implemented as approved, including any phasing in relation to the occupation of buildings.

*Reason: To ensure adequate surface and foul drainage systems are provided for the development and there are no adverse effects on the wider community.*

16. Circulation/parking areas to be agreed: No development/works shall take place until details of the car parking layouts, vehicle and pedestrian accesses, cycleway and circulation areas relevant to each phase of the development have been submitted to and approved in writing by the local planning authority. The details shall subsequently be implemented as approved unless otherwise agreed in writing with the local planning authority.

*Reason: To ensure there are sufficient spaces for vehicles accessing the site and there are safe areas for pedestrians and cyclists.*

17. The position, layout and construction of bus stops to be agreed at engineering stage.

*Reason: To provide a safe facility for bus users and buses accessing the development.*

18. Provision of street furniture: No development/works shall take place until details of street furniture, play areas, play equipment, refuse and storage units, signs, lighting and bus shelters within the site (including the siting, location and design and appearance thereof) have been approved in writing by the local planning authority. The details shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

*Reason: To provide an adequate and high quality environment and to ensure minimum adverse effects of light spillage.*

19. 12.1 Boundary screening requirements.

*Reason: To provide privacy and in the interests of amenity.*

20. Maximum construction noise levels: Construction noise associated with the development of the site shall not exceed 60LAeq during core hours. Outside core hours construction noise shall not exceed 50 LAeq, measured as a 15 minute LAeq.

The core hours are 07.30 to 18.00, Mondays to Fridays ( Sundays, Bank and Public Holidays excluded) and 07.30 and 13.00 on Saturdays;-

*Reason; To protect the amenities of residents during construction.*

21. The construction vehicle access shall be a left in/left out priority junction. Right turning movements in and out of the junction will not be permitted.

*Reason: In the interests of highway safety.*

22. Construction traffic including deliveries of building materials: Except in emergencies, no deliveries of materials shall be permitted to the site during the period of construction of development:-

Prior to the opening of the A120

- a) before 10.00 and after 16.00 on Mondays to Fridays
- b) before 08.00 and after 13.00 on Saturdays
- c) on any Sunday or Bank or Public Holiday

After opening of the A120 bypass

- a) before 07.30 and after 18.00 on Mondays to Fridays
- b) before 08.00 and after 13.00 on Saturdays
- c) on any Sunday or Bank or Public holiday.

*Reason: To protect the amenities of residents and to minimise impact of traffic on the Dunmow Road, prior to the new A120 opening.*

23. Haul route for construction vehicles and wheel washing facilities to be provided on site.

*Reason: To protect the amenities of residents.*

24. No development shall take place until cross sections of the site and adjoining land, have been submitted to and approved by the Council.

*Reason: To minimise overlooking and loss of privacy on nearby existing properties..*

25. No houses will be occupied until the new A120 has been completed and open to traffic between the M11 and Great Dunmow.

*Reason: In the interests of highway safety.*

26. No development shall take place until details of dust suppression methods relating to construction work have been submitted and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

*Reason To protect the amenity of nearby residential properties.*

27. The development shall not be commenced until an Affordable Housing Scheme has been submitted to and approved in writing by the local planning authority. For the purposes of this condition, an Affordable Housing Scheme is one which:

- (a) ensures the provision of 25% of the permitted housing units as affordable housing intended to be occupied by persons in need as defined in the Affordable Housing Scheme, including housing for rent and shared equity but excluding low cost market housing and

- (b) secures the involvement of a Registered Social Landlord ( as defined in the Housing Act 1996) and
- (c) provides affordable housing units of such types, sizes and mix as are appropriate to meet local needs to a Registered Social Landlord on such financial and other terms as will ensure that such units will be capable of being let at affordable rents and
- (d) identifies a specified alternative arrangement in the event that the involvement of a registered Social Landlord has not been secured within five years of the commencement of the development.

The Affordable Housing Scheme shall be carried out in accordance with its terms as approved. The affordable housing shall not be used for any purpose other than the provision of housing accommodation which meets the objectives of the Registered Social Landlord, provided that if, within five years of the approval of the affordable housing scheme, the involvement of a Registered Social Landlord has not been secured in the terms of the affordable housing scheme, the affordable housing may be used for the specified alternative set out in the the approved Affordable Housing Scheme.

*Reason: To ensure the development provides sufficient genuinely affordable houses, consistent with the Council's Housing Needs Survey.*

