

## UTT/1255/11/OP (GREAT DUNMOW)

**PROPOSAL:** Outline application for the erection of up to 100 dwellings (including affordable housing) with all matters reserved except access (to include roundabout modifications).

**LOCATION:** Land to the south of Ongar Road and to the west of Clapton Hall Lane, Great Dunmow.

**APPLICANT:** Taylor Wimpey UK Ltd.

**AGENT:** Boyer Planning Limited.

**GRID REFERENCE:** TL 629-208

**EXPIRY DATE:** 23 September 2011

**CASE OFFICER:** Mr C Theobald

**APPLICATION TYPE:** Major

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### **1.0 NOTATION**

1.1 Outside Development Limits / Protected Lane (part).

### **2.0 DESCRIPTION OF SITE**

2.1 The application site is situated to the south-west of the town centre and comprises a broadly rectangular parcel of arable land comprising 4.07 hectares bounded by the B184 Ongar Road to the north, the unclassified Clapton Hall Lane to the east and south and residential amenity land to the west. A mini-roundabout lies at the north-eastern corner of the site, whilst Hoblongs Brook and the A120 bypass lie beyond the site's southern boundary. The northern side of Ongar Road is characterised by a long line of post-war bungalows which stand behind deep highway verges, whilst Clapton Hall Lane is characterised by a mixture of single and two storey dwellings, including a listed building (Crofters).

2.2 The site is relatively flat from east to west, but slopes gently down from north to south to the south-western corner of the site with Clapton Hall Lane with a pronounced land level difference at this point. The northern boundary of the site comprises a line of established trees and indigenous hedgerow with gaps which returns along the western boundary, whilst the southern and eastern boundaries are open with verges to Clapton Hall Lane. A balancing pond is located between the site and the A120.

### **3.0 PROPOSAL**

3.1 This application relates to an outline proposal for up to 100 dwellings, including affordable housing, facilitated by a new priority vehicular and pedestrian access from the mini-roundabout junction with all matters reserved with the exception of access. An illustrative masterplan has been submitted with the application showing an indicative housing layout for the site, the provision of a central green and play area and perimeter public open space totalling 0.31ha, parking areas, landscaping, and sustainable drainage measures to include provision of drainage "swales" and a balancing (attenuation) pond with pumping station. The proposal was reported to Members as an advancing reporting item at the Planning Committee meeting held on 21 September 2011.

3.2 The housing mix and tenure has not been specified in the application, although the Design and Access Statement submitted with the application states that the development

would comprise an “outward facing” development, including a proportion of affordable housing and a proportion of smaller market housing properties with an indicated average net density of 33 dph whereby the highest site density would be a central street and the lowest density would be facing out onto Clapton Hall Lane where buildings would sit within a landscape setting. The statement provides a design code which states that the site lends itself to the provision of 2 and 2½ storey interior housing having maximum ridge heights of 9.6 metres and 11.5 metres respectively with 1½ storey dwellings fronting onto Clapton Hall Lane having a maximum ridge height of 8.4 metres given the slight difference in land levels. The external appearance of the new dwellings would draw upon the Essex and Great Dunmow vernacular with the use of chimneys and dormers and a palette of external materials.

- 3.3 A revised highway layout has been submitted following receipt of the application showing the deletion of an originally proposed emergency “secondary” access point from Ongar Road into the site and the slight realignment of the proposed priority access road from the mini-roundabout to facilitate a short section of segregated access road with turning area for Nos.1 to 7 Clapton Hall Lane rather than leading directly off of the new access road as originally proposed. This highways revision was originally conceived by residents of Clapton Hall Lane following initial local highway concerns and has since been approved by ECC Highways and incorporated into the final highway design for the scheme.

#### **4.0 APPLICANTS CASE**

- 4.1 The application is accompanied by the following reports:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Tree Survey
- Ecological Appraisal
- Phase One Environmental Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise and Air Quality Assessment
- Archaeological Desk Based Assessment
- Drainage and Services Report
- Site Waste Management Strategy

#### **4.2 Summary of applicant's case**

- This is a suitable and sustainable site for housing development, confirmed by the Council's recently published SHLAA (December 2010) and the range of detailed assessments carried out by Taylor Wimpey in connection with the preparation of the application. The SHLAA assesses the site to be suitable, available and deliverable for the scale of development proposed and this application is within the indicative timeframes for development set out in the assessment;
- The Council are currently unable to demonstrate an identified minimum five year housing land supply as required by national planning policy. In these circumstances there is a presumption in favour of the grant of planning permission subject to specified criteria. Those criteria are met in this case.
- The development site relates well to the existing residential area on the southern side of the town and is within walking distance of the town centre, local employment opportunities and sustainable transport options;
- The proposed development of the site will contribute towards meeting requirements for both general market housing and the local need for additional affordable housing. In turn, the occupants of the development will support local businesses and service providers, whilst also contributing to the local labour

market. PPS3 is clear that suitable, sustainable development should not be refused on the grounds of prematurity, and in this case it is considered that development is needed now in order to help maintain a five year supply of housing need;

- Provision of a new children's play area within the site will not only benefit new residents, but also those within the vicinity of the site;
- The technical reports prepared as part of the application show that there are no physical or environmental constraints which would restrict or prevent development of this site and mitigation solutions have been developed to ensure that the development has no adverse effect on protected species.

## **5.0 RELEVANT SITE HISTORY**

5.1 There is no previous planning history for this site. However, it should be noted that Members refused planning permission on 7 July 2011 for an outline scheme for 73 dwellings, including affordable housing, with new vehicular and pedestrian access gained directly from Ongar Road with all matters reserved except access on land on the north side of Ongar Road in line with officer recommendation as the proposal failed to meet Council's policies on countryside protection, ecology, highway safety/sustainable transport and Lifetime Homes (UTT/0733/11/OP refers – different applicant). That site lies to the immediate north-west of the site the subject of the current application. The application proposal is currently the subject of appeal.

## **6.0 POLICIES**

### **6.1 National Policies**

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 3: Housing
- Planning Policy Statement 5: Planning for the Historic Environment
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Statement 9: Biodiversity and Geological Conservation
- Planning Policy Guidance 13: Transport
- Planning Policy Statement 23: Planning and Pollution Control
- Planning Policy Guidance 24: Planning and Noise
- Planning Policy Statement 25: Development and Flood Risk

6.2 In July 2011, the Secretary of State (DCLG) issued a Draft National Planning Policy Framework for consultation. The consultation period expires on 17 October 2011. From the day it was published, the Council has received appeal decisions referring to the document as a material consideration. Officers have had regard to this document when considering this report.

### **6.3 East of England Plan (Revised May 2008)**

- EEP – SS1: Achieving Sustainable Development
- EEP – H1: Regional Housing Provision 2001-2021
- EEP – ENV7: Quality in the Built Environment
- EEP – ENG1: Carbon Dioxide Emissions & Energy Performance

### **6.4 Essex Replacement Structure Plan 2001**

- None.

### **6.5 Uttlesford District Local Plan 2005**

- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design

- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E4: Farm Diversification: Alternative use of Farmland
- ULP Policy ENV2: Development affecting Listed Buildings
- ULP Policy ENV5: Protection of agricultural land
- ULP Policy ENV10: Noise Sensitive Development
- ULP Policy ENV13: Exposure to poor air quality
- ULP Policy ENV15: Renewable Energy
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix

## 6.6 Supplementary Planning Guidance

- SPD2 Accessible Homes and Playspace
- SPD4 Energy Efficiency and Renewable Energy
- Essex Design Guide
- ECC Parking Standards (Design & Good Practice) September 2009

## 7.0 TOWN COUNCIL COMMENTS

7.1 Object: This application refers to land outside the designated development limits.

## 8.0 CONSULTATIONS

### Highways Agency

8.1 No highway objections are raised to the proposal. The Highways Agency does not intend to issue a Highways Agency direction as the application is unlikely to affect the A120 road at this location.

### Environment Agency

8.2 No objections in principle. Application site lies within Flood Zone 1 defined by PPS25 as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on site and/or off site if surface water run-off is not effectively managed. PPS25 requires applicants to submit a Flood Risk Assessment (FRA) when proposing development on this scale in such locations and a Flood Risk Assessment has been submitted in support of the application. The Environment Agency has no objections to the proposed development on surface water flood risk grounds based upon the information provided. Waste generation should be considered as early as possible in the property design phase to ensure that minimal volumes of waste arise during the construction of the development.

### Water Authority (Anglia Water)

8.3 The foul drainage from this development is in the catchment of Great Dunmow STW that at present has available capacity for projected flows and the sewerage system at present has available gravity flow capacity. However, if the developer's intention is to pump, they will need to submit further details to Anglian Water. The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to the sewer seen as the least preferred option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We request that the agreed strategy is reflected in the planning approval.

### Natural England

- 8.4 The proposal does not appear to significantly affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils. The protected species survey has identified that the following protected species may be affected by this application: Bats and Great Crested Newts. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife and these measures should be secured from the applicant.

### Essex County Council Highways

- 8.5 The applicant originally wished to access onto the B184 Ongar Road via a priority junction, which was not supported by the Highway Authority. A subsequent access design was developed following discussions between the applicant and the Highway Authority that now utilises the existing Clapton Hall Lane arm of the B184 roundabout into the site, which is considered acceptable. A revised access design submitted by the applicant still utilises the Clapton Hall Lane arm, but which now segregates the existing access for Nos.1-7 Clapton Hall Lane from the new access road and this is also considered acceptable.
- 8.6 The roundabout has no record of Personal Injury Accidents (PIA's) and the applicant's Transport Assessment demonstrates to the satisfaction of the Highway Authority that there is plenty of spare capacity. The ARCADY assessments demonstrate that the roundabout will operate at a maximum Ratio of Flow to Capacity (RFC) of 0.5 in 2016. RFC's are calculated as being between 0 and 1 and the Highway Authority are concerned with RFC's of 0.85 or higher. The Highway Authority would not wish to raise an objection to the above application subject to the following highway conditions:
- Provision of turning and loading facilities etc within the site
  - An appropriate construction access
  - Parking area during construction
  - Wheel washing etc
  - Means of preventing surface water discharge onto highway
  - Subsequent approval of details of the provision of highway works to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive roundabout along with the access amendments for Nos.1-7 Clapton Hall Lane
  - Compliance with Essex Design Guide highway standards
  - Provision of bus stop improvements along Chelmsford Road
  - Compliance with adopted parking standards

### Section 106 obligations as follows:

- Before development commences a financial contribution of £27,183 towards the investigation and works to improve capacity and safety at the B184 Chelmsford Road/ B1256 Hoblongs junction.
- Before occupation of any dwelling the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council for each dwelling, to include Essex bus journey scratch cards.

### Essex Education Authority

- 8.7 The application has been assessed as being 100 units all with two or more bedrooms. The nearest primary school to the proposed development is Dunmow St Mary's. The school has 432 places, but is forecast to require space for 448 pupils by 2015. According to the latest Essex School Organisation Plan, the local group of schools already have less

permanent capacity than required and therefore action will be needed to provide additional spaces. According to our forecasts and published information, there should be sufficient early year and childcare and secondary school places. It is clear that at primary school level, action will be needed to provide additional places and that this development will add to that need. Based upon the information supplied, it is estimated that this development, if approved, would result in 30 additional primary school places being required. A Section 106 Agreement to provide a primary education contribution is therefore requested to be drawn up on the basis of the formula outlined in the Developer's Guide to Infrastructure Contributions. On the unit mix stated, the education contribution from this formula would amount to £298,590. This figure is calculated using the April 2011 cost multipliers and would be index linked from this date. Should the number or types of dwellings planned be altered, or the net site area changed, ECC Education reserves the right to amend the sum requested.

#### Essex County Council Archaeology

- 8.8 The proposed development lies within an area of archaeological importance to the south-west of the town. The proposed development lies to the east of an area of prehistoric deposits identified on the new A120. A desk based assessment provides a detailed summary of the known archaeological deposits in the immediate vicinity of the development area highlighting the potential for surviving prehistoric and Roman deposits. The District Council should inform the applicant of the archaeological recommendations and its financial implications. The archaeological work would consist of initial trial trenching of the total area which needs to be undertaken and completed followed by open area excavation under a new archaeological programme where archaeological deposits are identified.

#### Special Verges

- 8.9 There are no special roadside verges in this area. The road is a protected lane, so ULP Policy ENV8 applies and the Council's Landscape Officer should be consulted. It is presumed that a full ecological survey will be carried out as Grass Snake and Stag Beetles have been found in Grid Square TL6222.

#### BAA

- 8.10 The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless BAA conditions are imposed relating to the type of landscaping to be specified and implemented (potential for bird strike) and types of renewable energy schemes to be introduced. BAA has no objections to the proposal providing that the above conditions are applied to any planning permission. BAA should be consulted on all reserved matters relating to this development.

#### Planning and Housing Policy

- 8.11 The two national planning policies relevant to housing for this particular site are PPS3 – Housing and PPS7 – Sustainable Development in Rural Areas. In addition, the Draft National Planning Policy Framework (July 2011) is now being treated as a material consideration for planning applications. Para 14 of this document – presumption in favour of sustainable development and a grant of planning permission where relevant policies are out of date, Para 107 – Government's key objective is to increase significantly the delivery of new homes, and Para 109 – identify and maintain a rolling supply of specific deliverable sites sufficient to provide 5 years worth of housing against (UDC's) housing requirements are all relevant. Para 109 states that the supply should include an allowance of at least 20% to ensure choice and competition in the market for land.
- 8.12 The principle of the proposed development needs to be judged against ULP Policy S7 and all the GEN policies of the Council's adopted local plan. Uttlesford District Council's Sustainable Community Strategy is a long term vision for Uttlesford and its people. It aims to create a sustainable community by addressing economic, social and

environmental needs. The vision, themes and priorities outlined in the strategy have been developed through extensive consultation with partners and the local community. The theme of 'Protecting the Environment' is supported by 5 specific priorities for action of which 2 are relevant to this application, namely:- 1) Ensuring new development is sustainable and 2) Environmental protection. The theme of 'Getting Around' is supported by 5 specific priorities for action of which 2 are relevant to this application, namely:- 1) Public and community transport and 2) Safer journeys to school.

- 8.13 **General UDC Policy Comments:** The site lies beyond development limits and is therefore contrary to Policy S7. The applicant is correct in their statement that the Council cannot demonstrate a 5 year supply of housing land when compared with the RSS housing target. A total of 1813 dwellings are assumed to be delivered within the 5 year period 2011/12 to 2015/16. This equates to an average annual completion rate of 361 dwellings. The average annual completion rate required by the East of England Plan is 430 dwellings, so over the 5 years the Plan's requirement is 2150 dwellings. Therefore, the percentage of the plan target on deliverable sites within the district over the 5-year period is 84% (equivalent to 4.2 years – i.e., less than the required 5 year supply).

<b>Five Year Land Supply 2011/12 – 2015/16 (based on RSS requirement)</b>	
Total supply on deliverable sites years 1-5	1813
Total of Plan Target years 1-5 (5 x 430 dwellings)	2150
% of Plan Target available on deliverable sites years 1-5	84%

The applicants are correct in their assertion that the site performs well in the Strategic Housing Land Availability Assessment (SHLAA). But Members should be aware that other sites also perform well.

- 8.14 **Conclusions:** The Council has had to consider a number of applications for residential development beyond development limits where the applicants have argued that planning permission should be granted because the Council cannot demonstrate a 5-year supply of housing. Paragraph 69 of PPS3 gives the best guidance as to how to judge these applications. In relation to this application, it appears to be a matter of how much weight to give to the environmental value of the site – specifically its visual importance - and whether this overrides the presumption in favour of sustainable development.

Landscape Officer

- 8.15 The site presently forms open agricultural land (i.e. undeveloped land) and the principle of residential development on the site should be resisted on the basis that the site falls outside development limits. Should planning permission be granted, I would need to review the proposed enhanced landscaping arrangements as it may be necessary to replant the Ongar Road frontage with a stronger hedgeline rather than enhance the existing hedgerow.

Environmental Health

- 8.16 No objections in principle subject to the conclusions of the noise and air quality assessment being conditioned. Passive acoustic ventilators should be installed within those habitable rooms that have windows facing onto roads. Also, 1.8m fencing should be provided where garden boundaries abut the site boundaries adjacent to roads.

Drainage and Engineering

- 8.17 The Environment Agency should be consulted on this proposal as the site area exceeds 1ha. In addition, details should be supplied to Essex County Council, the lead local flood authority, in connection with the sustainable drainage proposals. Both the Flood Risk assessment and the Drainage and Services Report refer to the surface water run-off from the site being maintained at greenfield levels. PPS25 recommends that if possible these rates should be reduced by means of an appropriate sustainable drainage scheme. Details of the surface water drainage works should therefore be conditioned.

#### Building Control

- 8.18 No adverse comments.

#### Access and Equalities Officer

- 8.19 There is reference to the SPG on Lifetime Homes and Wheelchair Housing within the submitted documents. However, the applicant should be aware that five dwellings will be required to meet the 5% allocation on this site for wheelchair accessible dwellings. I would suggest that this could easily be achieved with bungalows, which would meet the changing demographics of Uttlesford and nationally with an ageing population. How the wheelchair accessible housing is to be addressed on this site will need to be identified.

#### Climate Change Manager

- 8.20 Condition C.8.29 - condition for compliance with Code for Sustainable Homes Level 3 - and condition C.8.32 - compliance with the 10% rule to incorporate on-site renewable technology to provide 10% of the annual energy needs of the approved site development.

### **9.0 REPRESENTATIONS**

- 9.1 29 representations received (all objections). Neighbour notification expired 5 August 2011. Advertisement expired 5 August 2011. Site notice expired 22 July 2011.

#### Policy

- The application site is located outside development limits
- The development if approved would set a precedent for more “off limits” applications
- The site is unsuitable for development as greenfield
- There is already a surplus of newly built dwellings within the town
- There are still sites in Dunmow where approved developments have either not been completed or yet to be started where the latter are being “saved” in view of the present economic climate
- The applicant’s housing shortage rationale and justification is misleading as Woodlands Park is a much larger housing development which has yet to be completed and which is scheduled for further expansion. There is sufficient land within the town upon which to build already without developing south of Ongar Road. The Springfields development is just commencing
- The developers at Woodlands Park have been unable to date to sell all the houses they have built and have experienced a slow construction rate. There is therefore no requirement for more houses to be built on a different site within the town
- Smiths Farm has yet to be developed and has allowed to become an eyesore. It is vital for UDC to treat this neglected site on the town’s southern approach along Chelmsford Road as a priority for redevelopment ahead of the application site. There is huge scope here to meet much of the town’s housing needs, whilst still adding some commercial space
- There are very few jobs within the town/industrial estates at present which could provide employment for the occupants of the proposed new development. There has been a decline in passengers using Stansted Airport and associated local economic generated activity
- Great Dunmow must not be sacrificed as an urban extension of Stansted and Harlow to protect the north of the district.



### Infrastructure

- The town's present infrastructure cannot cope with further developments of this size and scale. Existing local services are already close to, or at full capacity. Already long waiting times are being experienced to book doctors' appointments in the town and there is often standing room only in reception
- The extra increase in traffic would result in further delays at the Hoblongs Road junction at peak hours during the week, with drivers seeking alternative routes through the town
- Any benefit arising from the scheme if approved would be all the developers and not the community
- Infrastructure is already in place at Woodlands Park. The applicant should consider building there instead to help getting the Northern Bypass built
- Any use of the application site should be incremental to allow gradual infrastructural improvements.

### Environmental

- The site presently forms a "green" barrier between the edge of town and the A120 bypass and affords a panoramic view across the valley to open countryside beyond
- The proposed development would result in irreversible environmental harm to the area
- The site's present rural character would be completely compromised and changed
- Development would completely urbanise this end of the town and add to the town's increasing urban sprawl
- The town's character has already been ruined by existing new developments which have taken place in the last few years
- Proposed mitigation measures planned for the development would not compensate for the environmental damage which would be caused
- Clapton Hall Lane is a protected lane with high banks at the bottom. This feature would be lost forever
- The proposed site to the north of Ongar Road is better suited to development than the south side.

### Access

- The B184 Ongar Road is already a busy road down to Chelmsford Road, including use by HGV's and will not be able to cope with the expected increase in traffic flows created by this development of 100 dwellings, which could generate up to 200 extra cars on the road if the calculation of two cars per family is used
- The modified and increased use of the roundabout is likely to give rise to an increase in traffic/pedestrian accidents at this location where accidents have previously occurred Presently Clapton Hall Lane is blind to the roundabout
- Proposed access from development onto the roundabout would be too close to Nos.1, 3, 5 and 7 making it dangerous for cars being driven out of their driveways. A safer access would be on the enclosed drawing.
- The new development would make it difficult for traffic to exit from Lukins Mead onto the roundabout as the new estate would benefit from right of way around it. Virtually all journeys from the development would necessitate the use of private cars due to the site's location – there are minimal public transport services available – and up to 100 new houses would generate heavy traffic flows
- Foot traffic will greatly increase through Lukins Mead as the foot link will be the most direct route to town from the development site
- The development will add to increased traffic signage.

### Ecological

- The site is home to a variety of wildlife.
- Birds rely on farmland for food supplies at various times of the year
- Development of this site would push existing wildlife further out of the town
- The adjacent pond at Crofters contains Great Crested Newts.

### Design and Amenity

- The proposed development would have a higher housing density compared with existing surrounding development
- The existing properties along Ongar Road comprise a line of detached bungalows. The dwellings proposed for the new development would be incongruous with this street pattern
- The provision of flats on the development would be out of keeping with the local housing mix of cottages, listed buildings, detached and semi-detached houses
- The development would overpower and overlook the existing Clapton Hall Lane properties, which include occupation by the retired and elderly, especially as the proposal site is considerably higher
- Development will seriously erode the amenity and outlook for the occupants of existing properties.

#### Parking

- The roads within the development site appear to be too narrow to park in. This will lead to an overflow of parking onto adjacent roads, assuming there would be up to 200 cars parked
- What provision is UDC making for increased parking within the town centre for when residents want to drive into town to shop and use local services? Would new bus services be provided?

#### Noise/Air Pollution

- The site would be close to the A120 bypass. What measures have been taken by the applicants to protect residents of the development from excessive noise and air pollution?
- The development would, if approved, result in a prolonged construction process with the resultant detrimental impact on the quality of life for existing residents resulting from construction noise.

#### Other

- The Council's Strategic Housing Land Assessment describes the proposed site as high quality agricultural land. The present farmer rates it as good farmland for growing crops. It is a false claim of the developer to suggest that it is compromised for agricultural use as a consequence of its size, proximity to existing housing, and "severance from the farming unit" and is aimed at influencing perception of the location. The site has no connection with any nearby farm and continues to be successfully contract farmed
- The development would have a detrimental effect upon a listed building
- The development will not benefit locals as the occupants will be mainly from outside of the town.
- The developer is profiteering at the community's expense. The application also uses the affordable housing as a means to win favour. Where will the affordable housing be situated?
- Growth should be properly and strategically planned by authorised governance, not as commercial bargaining.

## **10.0 APPRAISAL**

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

- A The principle of development of this site (PPS1, PPS3, PPS7 and PPS9, RS Policies SS1, SS2 and SS4, ULP Policies S7, GEN7, E4 and ENV5 and Great Dunmow Design Statement);
- B Whether the development would increase the risk of flooding PPS25 and ULP Policy GEN3);
- C The potential impacts of noise and reduced air quality from the A120 bypass/B184 Ongar Road (PPS23, PPG24 and ULP Policies, ENV10 and ENV13);
- D The design, mix and tenure of the development, including open space (RS Policies ENG1 and ENV7, ULP Policies GEN2, GEN6, H9, H10, ENV15 and SPD

Accessible Homes and Playspace, SPD Energy Efficiency and Renewable Energy and Essex Design Guide);

E Access to the site and parking provision (PPG13, ULP Policies GEN1, GEN8, SPD Parking Standards – Design and Good Practice

F Impact of development on adjacent listed building (PPS5 and ULP Policy ENV2);

G The requirement for the Local Planning Authority to demonstrate that they have a 5 year supply of land for residential development and a corporate target to provide 100 affordable residential units per annum (PPS3, RS Policy H1)

## A) The principle of development of this site

10.2 The application site is situated outside the development limits for Great Dunmow as identified in the Council's Uttlesford Local Plan where, in accordance with ULP Policy S7, the countryside is to be protected for its own sake and planning permission will only be granted for development that is required to be there or is appropriate to a rural area, adding that there will be strict controls on new building. In terms of national policy, the principal aims of PPS1, PPS3 and PPS7 are to promote sustainable forms of development. PPS1 states in this regard that sustainable development should be facilitated by *“protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities”*, whereas Paragraph 20 requires *“the protection of the wider countryside and the impact of development on landscape quality”* to be considered. PPS7 states that *“new building development in the open countryside outside areas allocated for development in development plans should be strictly controlled”*, whereas PPS3 seeks to predominantly direct development towards previously developed land and this is also reflected in PPS7.

10.3 As stated above, the application site is located outside development limits and as such is classified as countryside for the purposes of the local plan. In terms of landscape character and quality, neither the site nor the adjoining countryside is covered by any statutory or non-statutory designations. A screening opinion of the site was carried out by the Council at the applicant's request prior to it receiving the current application when it was considered that an Environmental Impact Assessment (EIA) would not be required for the proposed development as it was not considered likely to give rise to significant environmental effects on the environment when assessed against the relevant tests. The Great Dunmow Town Design Statement provides a detailed design strategy for the different geographical and physical areas of the town. For the Ongar Road area, it is stated that *“Ongar road has a feeling of space due to the large, well kept verges and houses set back from the main road. There is a mix of houses, 1960s semi-detached on one side and 1940/50 bungalows and houses on the other side. On approaching Dunmow here there is a view of the Chelmer Valley and fields beyond which gives an idea of the place of Dunmow in the surrounding countryside”*.

10.4 The site comprises grade 2 agricultural land on the Agricultural Land Classification Map. Paragraph 28 of PPS7 states that *“The presence of best and most versatile land (defined as land in grades 1, 2 and 3a) should be taken into account alongside other sustainability considerations when determining planning applications”*. It is understood that the land is contract farmed as a separate land parcel and it is known that the field yielded an arable crop in 2011. However, whilst the loss of this agricultural land at just over 4 hectares would strictly be contrary to Policy ENV5, this loss has to be viewed in the context of the other main issues under consideration in this report in terms of its potential release for housing. In terms of its alternative use for residential development as proposed, ULP Policy E4 sets out four criteria which must be met. It is considered in this respect that the proposal meets this criteria in that the application proposal includes indicative details for landscape and nature conservation enhancement, the noise assessment report has concluded that noise levels would not be excessive, the land parcel is separate from any wider agricultural holding and the accompanying transport assessment report has concluded through trip analysis findings that the development would generate between 56 and 63 vehicle trips during peak hours, which is not considered to be excessive for the adjacent road network.

- 10.5 A Phase 1 Habitat Survey and ecology report for the site has been submitted with the application, which has concluded that there would be no likely adverse impact to the ecological value of the site or the immediately surrounding area given that the site is dominated by arable land. Great Crested Newts have been identified in ponds close to the site, although the report states that mitigation measures for newts would be provided as part of the development, whilst only a very small proportion of the habitat on the site is considered to offer any suitability for common reptile species and offering low value for bat foraging. It is stated that the proposed balancing pond and drainage swales would provide further breeding and hibernating opportunities. Overall, it is considered that the proposal would not be harmful to protected species and would be compliant with ULP Policy GEN7 and government advice contained within PPS9.

**B) The potential for increased flooding**

- 10.6 A Flood Risk Assessment (FRA) has been carried out by the applicant as required by PPS25 and has shown that the site is located within Flood Zone 1, i.e. the lowest risk flood zone, with no immediate flood risk from fluvial sources. A Sustainable Drainage System (SUDS) has been devised by the applicant as an appropriate flood mitigation measure, which makes provision for a balancing (attenuation) pond with connecting drainage "swales" to hold/drain surface water. The Environment Agency and the Council's Drainage Engineer have not raised any objections to the proposal providing the SUD measures proposed are implemented as a planning condition.

**C) The potential impacts of noise and reduced air quality from the A120 bypass/B184 Ongar Road**

- 10.7 The site is located approximately 70 metres from the A120 bypass to the north-east and immediately adjacent to the B184 (Ongar Road) and is therefore affected by traffic and air noise issues. The A120 at this location is set into a cutting and a small amount of planting has been carried out along the embankment, although has not matured significantly enough in order to mitigate noise issues, whilst the site stands at a higher level to it. PPS23 and PPG24 state that air quality and the impact of noise respectively can be material considerations in the determination of planning applications.
- 10.8 Paragraph 6 of PPG24 states that proposed housing developments should normally be regarded as noise sensitive development and that these should not normally be permitted in areas which are "*or are expected to become*" subject to *unacceptably high levels of noise*", whereas ULP Policy ENV10 states that new housing will not be permitted if the resultant occupants would experience significant noise and disturbance. The SHLAA and the Great Dunmow Town Design statement both identify noise as being a potential issue within this general location, the latter stating that the A120 constitutes a major physical barrier and a source of intense and continuous noise.
- 10.9 The Noise and Air Quality Assessment which accompanies the application has identified that the site is split into three Noise Exposure Category (NEC) areas. It states that the south-western corner of the application site immediately adjacent to the A120 falls within NEC C category ("planning permission should not normally be granted") during both the day and night and that this extends to a distance of approximately 65m from the road. However, the proposed site layout shows that this zone area would be used for the proposed balancing pond and pumping station and not for the siting of any residential dwellings. Land forming the northern strip of the site along the B184 where dwellings would be sited would fall within NEC B category ("noise should be taken into account and where appropriate conditions should be imposed to ensure an adequate level of protection against noise"), whilst the middle of the site where dwellings would also occur would fall within NEC A category ("noise need not be considered as a determining factor in granting planning permission"). The report has also considered the potential noise impact of the proposed development on the existing residents of Ongar Road and has concluded that the noise increase would be small with "no impact". Noise mitigation

measures have been recommended within the report and these would be expected to form planning conditions were planning permission to be granted for the proposal. Environmental Services have not raised any objections subject to the imposition of these conditions. In the circumstances, the proposal is considered acceptable with regard to noise in terms of the site's location.

- 10.10 PPS23 states that the precautionary principle should be applied to proposed housing developments where there is potential for pollution, including air-borne pollution. The Noise and Air Quality Assessment has used both national air quality standards and the Council's own air quality review in consideration of the proposal, which has shown that the highest ambient pollutant concentrations for new dwellings on this site arise towards the A120, but that the annual mean concentrations at the most exposed receptor locations lie well below air quality objectives and that ambient concentrations for new dwellings adjacent to the B184 similarly lie well below the air quality objectives, adding that the proposed development if approved and implemented would result in annual mean concentrations for existing dwellings adjacent to Ongar Road still below the air quality objectives and that the level of change due to traffic generated by the development would be very small and would not have a significant impact upon local air quality. From these findings, the report concludes that *"air quality over the site is acceptable for residential development and that baseline plus development traffic will not have any adverse impacts on ambient air quality for existing dwellings"*. In the circumstances, the proposal is considered acceptable with regard to air quality in terms of the site's location.

**D) The design, mix and tenure of the development, including open space**

- 10.11 This application is an outline application only with all matters reserved except access. No specific details have been submitted in relation to dwelling types or tenure, although the indicative drawings show a mix of terraced, semi-detached and detached dwellings. ULP Policy H10 has a requirement for sites of 0.1 hectares and above to include a significant proportion of market housing comprising smaller properties and the applicant has stated that this could be achieved. The requirement for meeting the aims of ULP Policy H10 can be conditioned if planning permission is to be granted.
- 10.12 ULP Policy H9 seeks the provision of 40% affordable housing. This would mean that up to 40 affordable housing units would have to be provided if up to 100 dwellings were ultimately to be provided on this site. The scheme includes such provision with the mix and tenure to be agreed.
- 10.13 As this application is for outline planning permission, there are no specific design criteria which can be considered at this stage and design would form a reserved matters application if planning permission were to be granted. However, the Design and Access Statement does give an indication of the proposed layout and scale of the development with particular reference to building ridge heights and roof pitches, building footprints, fenestration detail and external boundary treatments. It states that the proposed central green would contain a Locally Equipped Area for Play (LEAP) meaning that it would be within walking distance from all dwellings within the site.
- 10.14 The density of the development is indicated at 33 dwellings per hectare (dph). The indicative masterplan submitted with the application includes a set of density principles that the applicant considers should be followed to create a varied development form, including lower density housing around the perimeter of the site and higher density in the middle. This dwelling density is at the lower end of the density scale and it is considered that this would be an appropriate density at this edge of town location when compared with existing adjacent housing patterns where a linear form of close knit bungalows exists along the northern side of Ongar Road and a looser line of dwellings exists along the eastern side of Clapton Hall Lane.
- 10.15 On the basis of the information submitted, it is not possible to assess the potential impact of the scheme on neighbouring properties in terms of overlooking, overshadowing or overbearing issues. Clearly, any development proposed for the southern side of Ongar

Road as shown would have to respect the single storey form of the bungalows on the north side, although the proposed dwellings are shown at a separation distance of approximately 35 metres and indicative enhanced boundary landscaping is shown for the northern boundary of the site which would both help to reduce amenity problems. The housing alignment which would potentially cause the greatest amenity issues is along the Clapton Hall Lane side where the site is slightly raised than the adjacent road at the top end of the lane and is more pronounced at the lower end with a banked verge and where careful consideration would have to be given to site levels, the heights of new dwellings and window positioning.

- 10.16 The adopted SPD on Accessible Homes and Playspace requires that new residential development shall be accessible to all and that a proportion of the development shall be fully wheelchair accessible. The Council's Access Officer has commented that five dwellings would be required to meet the 5% allocation on this site for wheelchair accessible dwellings and has suggested that this could easily be achieved. Details of this requirement and Lifetime Homes can be addressed in any reserved matters application. Details of energy efficiency measures have been provided showing a range of potential measures to conform to the Council SPD on Energy Efficiency and Renewable Energy.

#### **E) Access and parking provision**

- 10.17 Vehicular access is the only matter which is being considered at outline stage for this application. As previously stated, revisions have been made to the application layout regarding access since receipt of the application, namely that emergency access into the site is now intended to be gained via the proposed priority access road rather than separately from Ongar Road and for those properties in Clapton Hall Lane nearest the roundabout to be separated from the proposed access. A new footpath shown to be running with the new access road up to the roundabout would link with the existing footpath and carriageway along Ongar Road down to Chelmsford Road, whilst a new pedestrian and cycle link crossing point is shown to be proposed across Ongar Road as a key linkage point. In terms of physical road layout, ECC Highways have not raised any objections to the proposal subject to conditions and Section 106 monies being made available for highway improvements at Hoblongs junction and travel packs.
- 10.18 The wider issue of transport sustainability has to be considered with this application as it was with the 2011 refused application proposal for 73 dwellings on land north of Ongar Road where the officer report for that application stated that the applicant had failed to clearly demonstrate that accessibility from that site to local services could be gained other than by means of the motor car. As previously mentioned, the principal aims of PPS1, PPS3 and PPS7 are to promote sustainable forms of development. The Transport Assessment accompanying the current application identifies that the site is in a sustainable and accessible location for residential development and that it is also served by two local bus routes. The site is marginally closer to the town centre than the Ongar Road "north" site, although it is still considered sufficiently far out for reasonably high dependency usage by the motor car to local services rather than by alternative means (walking/cycling/bus). It is likely that pedestrians would walk through the nearby Lukins Mead estate as a shortcut to the High Street, whilst the site is within walking distance to the Chelmsford Road Industrial Estate, which is a significant source of local employment, and also to bus stops.
- 10.19 Whilst it is debatable as to whether this is a truly sustainable location as the applicant asserts, the site does nevertheless form an edge of town location close to the link to the A120 interchange to the south and now has the A120 running along its south-western boundary to form effectively an "island" site. The site's favourable location in this sense therefore has to be considered in the context of the need for the Council to find appropriate sites for additional housing given the present housing supply shortage it has within its district. In terms of available sites, the Ongar Road "south" site has been viewed favourably in the SHLAA review given its location and lack of physical hindrances.

- 10.20 The local representations received concerning the adjacent Smiths Farm site are noted. However, each application must be considered on its own merits.
- 10.21 Parking for the development is also a reserved matter and the Design and Access Statement states that parking is likely to be a mix between on-street parking, shared courtyard parking, curtilage garages and dwellings over garages. Such provision can be negotiated at reserved matters stage, although Officers are aware of Members' general reluctance to grant permission for "compound" parking.

**F) Impact of development on adjacent listed building**

- 10.22 Crofters, a C18 Grade II listed farmhouse with early C19 alterations with outbuildings set within large grounds with central pond sits off of the south-east corner of the site on the lower bend of Clapton Hall Lane. Modern detached properties lie to the immediate north and south of the site. PPS5 states that *"When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval"*. ULP Policy ENV2 of the local plan states that development affecting a listed building should be in keeping with its scale, character and surroundings.
- 10.23 The listed building presently has an open aspect on its western side in terms of its wider historic setting, namely the field forming the application site. Whilst it is accepted that this element of its setting would be lost through the adjacent development proposal, sensitive modern housing design could be introduced on this side of the site with frontage landscaping treatment through subsequent reserved matters. It is considered that any harm could be adequately mitigated.

**G) The requirement for the Local Planning Authority to demonstrate that they have a 5 year supply of land for residential development and a corporate target to provide 100 affordable residential units per annum**

- 10.24 A significant part of the applicant's case is the requirement for the local planning authority to have a five year land supply of deliverable housing sites. This is set out in Paragraph 71 of PPS3, which states;

*"Where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, for example where Local development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS, including the considerations in paragraph 69"*. The Council interprets "consider favourably" to mean recognising the contribution that a development would make to achieving a five year land supply as a significant material consideration.

Paragraph 69 of PPS3 states:

*"In general, in deciding planning applications, Local Planning Authorities should have regard to:*

- *Achieving high quality housing – ensuring that developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;*
- *The suitability of a site for housing, including its environmental sustainability;*
- *Using land effectively and efficiently;*

- *Ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives, i.e. addressing housing market renewal issues.”*

- 10.25 Central guidance from the Department for Communities and Local government is that local authorities should continue to have a five year land supply of deliverable sites. If it does not – and Uttlesford does not – local planning authorities should look favourably on applications that increase that supply. The most recent housing trajectory and statement of five year land supply was published in December 2010. This updates the Annual Monitoring Report 2010 which provides the information as at April 2010 and takes into account the appeal decision at The Orchard, Elsenham allowed in November 2010. In coming to his decision on that appeal, the Inspector considered that the estimated delivery of housing at Woodlands Park, Great Dunmow was unrealistic in that it is progressing very slowly and the Council has amended the trajectory accordingly for the Five Year Land Supply 2011/12 – 2015/16, which is reflected in the table of figures in this report within the consultation response from Planning and Housing Strategy. Members will be aware that they recently approved an outline application with all matters reserved for 55 housing units at land off Wedow Road, Thaxted.
- 10.26 The Draft National Planning Policy Framework currently out for consultation includes many changes to the planning system, but in particular proposes that planning authorities should provide more than five years supply of land for house building (5 year supply plus 20%). As it is, the Council’s position is that as it does not have a five year land supply it accordingly does not have a supply under this enlarged measure. Consequently, it could be argued that the shortfall in land supply as defined in this draft document is greater than previously stated, which adds weight to the applicant’s justification.
- 10.27 Another area where the Council is falling short is the need to meet a corporate target of providing at least 100 affordable housing units per year. This development would make provision of 40% affordable units (i.e. up to 40 units) in accordance with ULP Policy H9, which would go some way of meeting this shortfall total and this is a further material consideration to be taken in favour of the proposal. Affordable housing in this respect can be acceptable in such locations as there are other policy considerations.

**Does the requirement for additional housing within the district to meet a 5 year land supply as required by Paragraph 71 of PPS3 in this case override the need for the site to be protected for its own sake, including its environmental sustainability, when assessed against Paragraph 69 of PPS3?**

- 10.28 As previously mentioned, in strict policy terms the proposal is considered contrary to ULP Policy S7, which seeks to protect the countryside for its own sake, and rural restraint advice as set out in PPS7. However, the site has been identified as a possible preferred development site within the SHLAA to meet the Council’s housing shortfall and the Government’s Ministerial Statement on Planning for Growth and the recently published Draft National Planning Policy Framework encourages sustainable economic growth and sustainable development respectively. The site does not appear to have any particular physical impediments for its use for residential development and has a low risk of flooding. The applicant has stated that the site is commercially deliverable. These attributes are important material factors in favour of granting planning permission, particularly in view of the current timeframe in bringing forward the Council’s LDF programme through its Core Strategy within the development plan process.
- 10.29 *PPS 3: Achieving high quality housing:* It is difficult at this outline stage to comment on whether the development would achieve a high quality design, although this would be subject to detailed design considerations at reserved matters stage. With the scale of housing proposed, it can be assumed that a mix of housing types can be achieved, including affordable housing.



*Environmental sustainability:* The development would involve the loss of farming land between the town and the A120, although other than any impact on the section of protected lane to the south of the site and the one listed building, the development proposes no significant harm to any heritage or ecological assets. The Council's Historic Settlement Character Assessment (August 2007) identifies the application site as a 'transition point between town and country. Despite being separated by the bypass from the wider countryside beyond, the arable farmland is visually part of the wider landscape because the A120 is in a cutting in this location'. It concludes that the 'principal effect of development in this location would be to extend the urban area onto open arable farmland' and 'it is considered that the development would diminish the sense of place and local distinctiveness of the settlement.' The Great Dunmow Design Statement also recognises the visual importance of this undeveloped site to the approach to the town.

*Using land effectively and efficiently:* Whilst PPS3 no longer makes reference to minimum densities, it does refer to 'using land efficiently'. Whilst the site could clearly remain in agricultural production, it is considered that its farming loss as an "island" site at just over 4 hectares at this location would not be so damaging to the local farming economy as to warrant a refusal of planning permission on this basis alone and could, it is argued, be used more effectively for housing if this is needed, which it is. Density assumptions used in the Strategic Housing Land Availability Assessment (SHLAA), which are founded on the density of various existing residential developments, found that development adjacent to Great Dunmow should be in the range of 30-50 dwellings per hectare. The proposal falls within the lower end of this density range (average stated net density of 33 dph) and would therefore be acceptable for this location.

*Ensuring the proposed development is in line with planning for housing objectives:* The includes a provision of an affordable housing element at the required 40% and includes a proportion of smaller properties, which are both much needed within the district given the findings of the Council's Strategic Housing Review.

10.31 It is considered that the proposal would meet the tests of Paragraph 69 of PPS3. Furthermore, the requirement for the Council to identify additional appropriate sites for housing within its district to meet its current housing shortfall is a significant material factor which weighs heavily in favour of development at this site, particularly in the light of recent government advice to local planning authorities. Essex County Council Highways have raised no objections to the proposal on highway grounds and it is recommended that planning permission be therefore granted for the application subject to a Section 106 Agreement.

## **11.0 CONCLUSION**

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

- The proposal would provide for additional housing which is required to provide an ongoing deliverable supply of housing within the district.
- Accessibility to the site has been found to be satisfactory. Parking standards can be met through the use of conditions.
- The application is outline only and therefore it is not possible to comment in detail about the design aspects or potential neighbouring amenity impacts of the scheme. The use of Design Codes and compliance with current adopted Council standards, such as the Essex Design Guide and the Council's SPD's should ensure the development would be acceptable in design terms. Conditions can be used to protect neighbour amenity during construction phase.
- The proposal includes mitigation measures for identified protected species and recommends bio-diversity measures for the site.
- It has been demonstrated that conditions can be applied to ensure a SUDS scheme is developed as part of the reserved matters application and the scheme as presented indicates such a scheme (balancing pond and drainage swales).

- An archaeological trial and excavation condition is required in order to ensure proper recording of any archaeological remains that may be present on this site given its location.
- Impacts on infrastructure have been considered and the requirement for highway improvements and the impact on education provision are material considerations. These can be mitigated by way of financial contributions secured by a section 106 Agreement.
- Other material considerations are the requirement for the Council to demonstrate a 5 year supply of deliverable land for residential development and a target to provide 100 affordable units of accommodation per annum. The Council is failing in both these issues and therefore considerable weight must be given to these. It is considered that these material considerations outweigh the rural restraint issues highlighted and the proposal should be approved.

## **RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A S106 LEGAL AGREEMENT**

- (I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless within 3 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
- (i) payment of a contribution of £27,183 towards the investigation and works to improve capacity and safety at the B184 Chelmsford Road/ B1256 Hoblongs junction
  - (ii) provision of a Travel Information and Marketing Scheme for sustainable transport
  - (iii) payment of contributions towards education provision
  - (iv) provision of 40% affordable housing
  - (v) pay the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) No contributions for highway improvements or travel packs provided
  - (ii) No contributions towards education provision
  - (iii) No affordable housing

## **CONDITIONS:**

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved. REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Plans and particulars of the Reserved Matters referred to in condition 1 above relating to layout, scale, landscaping and appearance shall be submitted in writing to the local planning authority and shall be carried out as approved.

REASON: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission.  
REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
4. The development hereby permitted shall be begun no later than the expiration of 12 months from the date of approval of the last of the Reserved Matters to be approved.  
REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
5. The plans and particulars submitted in accordance with condition 1 above shall include:  
(a) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;  
(b) the plans and particulars submitted shall include the details of the size, species and positions or density of all trees or hedges to be planted, and the proposed time of planting. The landscaping scheme shall consist of suitable species for the locality with a preference for native species in accordance with the reasonable requirements of the local planning authority  
In this condition, "retained tree or hedge" means an existing tree or hedge which is to be retained.  
REASON: The landscaping of the site is required in order to reduce the visual impact and enhance the appearance of the development hereby permitted in accordance with Policies GEN2, GEN8, GEN7 ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
6. The plans and particulars submitted in accordance with condition 1 above shall include details of both hard and soft landscape works. The landscaping details submitted for prior approval shall include:-
  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. car parking layouts;
  - iv. other vehicle and pedestrian access and circulation areas;
  - v. hard surfacing materials;
  - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
  - vii. proposed and existing functional services above and below ground (e.g. drainage power),
  - viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
  - ix. retained historic landscape features and proposals for restoration, where relevant.

*Note:* Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, implementation programme.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with a programme agreed with the local planning authority.  
REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
8. If within a period of 5 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.  
REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
9. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/bio-diversity enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.  
REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).
10. The plans and particulars submitted in accordance with condition 1 above shall include a further ecological survey/report of the site to update the information on the species and the impact of development, together with an amended mitigation strategy as appropriate. The amended mitigation strategy shall thereafter be implemented as agreed.  
REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and PPS9.
11. No removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.  
REASON: To protect roosting birds which use the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and PPS9.
12. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) with accompanying appendices prepared by Hannah Reed and Associates, reference C211058/AJB dated June 2011. These include the following mitigation measures detailed within the FRA:  
(i) Limiting the surface water run-off generated by the 1 in 100 year storm event, inclusive of an allowance for climate change so that it will not exceed the current run-off from the site of 11.03 l/s.  
(ii) Provide surface water attenuation on site for a volume of 2200m<sup>3</sup>.  
REASON: To accommodate storm events up to and including the 1 in 100 year storm event with climate change and to mimic the current discharge rates to ensure flood risk is not increased off site in accordance with Policy GEN3 of the Uttlesford Local Plan (adopted 2005).
13. The plans and particulars submitted in accordance with condition 1 above shall include details of the surface water drainage works. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:  
i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;  
ii. Include a timetable for its implementation; and

iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

14. Before development commences, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.  
REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
15. The plans and particulars submitted in accordance with condition 1 above shall include measures as to how the proposed dwellings would be constructed so as to provide sound attenuation against the external noise to which they will be exposed on the site as defined by the Noise Exposure Categories (NEC's) as set out in the Noise and Air Quality Assessment Report submitted with the application insofar as they relate to the site. Such measures shall include the use of recognised double glazing installation and passive acoustic ventilators within dwellings and the use of 1.8m high close boarded timber fencing along garden boundaries where appropriate as recommended in the report.  
REASON: To ensure a satisfactory living environment for the occupiers in accordance with Policies ENV10 and ENV13 of the Uttlesford Local Plan (adopted 2005)
16. The plans and particulars submitted in accordance with condition 1 above shall include details as to how the proposed dwellings as designed, specified and built shall achieve a "Code for Sustainable Homes" rating of "Level 3". The details to be submitted will include a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.  
REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy adopted October 2007 and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
17. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in use. The plans and particulars submitted in accordance with condition 1 above shall include a design SAP or SBEM rating of the proposed development carried out by an accredited assessor, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed. Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.  
REASON: In the interests of the promotion of sustainable forms of development and construction in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005)
18. The plans and particulars submitted in accordance with condition 1 above shall include details of the location and design of the refuse bin and recycling materials storage areas and collection points to and approved in writing by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and

vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

19. The plans and particulars submitted in accordance with condition 1 above shall include an accessibility statement/drawing. The details submitted shall set out measures to ensure that the dwellings are accessible to all sectors of the community. The dwellings shall be designed as "Lifetime Homes" and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.  
REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
20. The plans and particulars submitted in accordance with condition 1 above shall demonstrate how the permitted development will achieve Secured by Design certification. The details submitted shall cover the seven attributes of the Safer places document.  
REASON: To ensure a satisfactory form of design where the potential for crime or fear of crime is reduced in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
21. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for water efficiency within the development. The scheme shall be implemented in accordance with the agreed details  
REASON: In the interests of sustainable development and prudent use of natural resources in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005).
22. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for the provision and implementation of energy and resource efficiency during the construction and operational phases of the development. The scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme.  
REASON: To enhance the sustainability of the development through better use of energy and materials in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005).
23. No development shall take place within the area indicated until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.  
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.
24. Construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 7.30 hours to 13.00 hours on Saturdays and at no time on Sundays or Bank Holidays.  
REASON: In the interests of the amenity of the area in accordance with Policies GEN2 and GEN4 of the Uttlesford Local plan (adopted 2005).
25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.  
REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of

protection of Controlled Waters and in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

26. The plans and particulars submitted in accordance with condition 1 above shall be in accordance with the Design Code as set out in the Design and Access Statement dated June 2011.  
REASON: To ensure a high quality design which minimises the impact of the development on the character of the area and draws on the local vernacular in accordance with ULP Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the Great Dunmow Design Statement.
27. The reserved matters application shall contain details of the mix of house sizes for written approval. The mix shall provide a significant proportion of small two and three bedroom homes. The development shall be carried out in accordance with the approved mix unless otherwise agreed in writing by the local planning authority.  
REASON: To meet the requirements of housing mix in ULP Policy H10.
28. Prior to the commencement of the development hereby permitted the developer shall submit details showing the provision of:
- adequate turning and off-loading facilities for delivery/construction vehicles within the limits of the site
  - an appropriate construction access
  - an adequate parking area clear of the highway for those employed in developing the site
  - wheel/chassis cleaning facilities
  - a "before" condition survey of Clapton Hall Lane to be undertaken by the developer/contractor with the Highway Authority present to ensure any damage occurring to the road as a result of construction traffic during development is made good. This shall be followed up with an "after" condition survey following completion of construction and any identified damage to be made good. Details of how and when the surveys are to be undertaken are to be submitted to and agreed in writing by the Local Planning Authority and implemented.
- The aforementioned provisions shall be provided at commencement of development and maintained during the period of construction.  
The details shall be submitted to and agreed in writing by the Local Planning Authority and subsequently implemented as approved.  
REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
29. Before development commences details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.  
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
30. Before development commences the provision of the highway works as shown in principle on revised drawing ITB6214-GA-010 Rev. D dated 2 August 2011 to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive Roundabout along with amendments to the access arrangements for 1-7 Clapton Hall Lane. Details to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority.  
REASON: To provided highway safety and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

31. Before development commences details of the estate roads and footways to accord with the Essex Design Guide (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and agreed in writing by the Local Planning Authority.  
REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
32. Before occupation of any dwelling, provision shall be made for bus stop improvements to the north and south bound bus stops at Gatehouse Villas, Chelmsford Road. Features to include shelter improvements, seating, raised kerbs, bus stop markings, flag and timetable casing. Details to be submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority prior to commencement of development.  
REASON: In the interests of sustainability and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
33. Before occupation of any dwelling the parking provision for cars, cycles and powered two wheelers should accord with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless otherwise agreed by the Local Planning Authority. Details to be submitted to and agreed in writing with the Local Planning Authority and implemented.  
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

(The above highway measures are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1, GEN2, GEN6 and GEN8.





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