

## UTT/1147/12/OP - GREAT DUNMOW

**PROPOSAL:** Outline application for the erection of 73 no. dwellings (including affordable housing) with all matters reserved except access

**LOCATION:** Land north of Ongar Road, Great Dunmow

**APPLICANT:** Redrow Homes (Eastern) Ltd

**AGENT:** Woolf Bond Planning LLP

**GRID REFERENCE:** TL 627-210

**EXPIRY DATE:** 31 August 2012

**CASE OFFICER:** Mrs K Denmark

**APPLICATION TYPE:** MAJOR

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### **1. NOTATION**

1.1 Outside Development Limits/Adjacent Important Woodland and County Wildlife Site.

### **2. DESCRIPTION OF SITE**

2.1 The application site is approximately 3.8ha and is located on the south western approach to Great Dunmow. It is bound by the A120 to the west, set in a cutting at this point, and the Ongar Road to the south. A public right of way runs along the northern boundary with open fields beyond and there is residential development to the east. There is an existing access point onto the Ongar Road. The site is rough grassland and is currently very overgrown with brambles in some areas and there is evidence of off-roading activities and fly tipping. There are a number of trees throughout the site, some of which are mature specimens protected by a Tree Preservation Order. The site is adjacent to Olives Wood, an important woodland and County Wildlife Site.

2.2 There is a fall of approximately 2m across the frontage of the site from west to east. To the rear of the site there is a fall of approximately 8m from west to east. The western side of the site has a rise in ground levels of approximately 4m from south to north and on the eastern side of the site there is a fall of approximately 3m from the south to the north of the site.

### **3. PROPOSAL**

3.1 The proposal relates to an outline application for the erection of 73 dwellings, including affordable housing, with a new vehicular and pedestrian access from Ongar Road. With the exception of access, all other matters are reserved. An indicative plan has been submitted with the application detailing a layout including parking provision and open space. The mix of properties is not stated at the present time although it is envisaged that 44 of the units would be market housing and 29 units would be affordable, the mix and tenure to be determined. The indicative plan indicates that 164 car parking spaces would be available, including 18 visitor spaces. The density of the development, following the removal of the areas of open space and tree protection areas, would be 30 dwellings per hectare.

3.2 The scale of the development is a reserved matter which is not being considered at this stage. However, the parameters of the scale of development must be stated and these are set out below:

	Eaves	Ridge	Width	Depth
Single storey	2.2m - 2.8m	4.7m - 5.8m	3.2m - 9m	6.5m - 8m
1.5 storey	3.5m - 4.5m	6.3m - 7.3m	20m - 25m	7.5m - 9m
2 storey *	4.2m - 5.7m	7m - 8.8m	4.3m - 10.4m	6.2m - 10m
2.5 storey	5.4m - 6.4m	8.5m - 9.5m	10m - 11m	8m - 9m

\* There are 4 different scales of 2 storey development proposed and this gives the smallest and largest size parameters across the proposals

#### 4. APPLICANT'S CASE

4.1 The following reports have been submitted with the application:

- Design and Access Statement
- Planning Statement
- Arboricultural Implications Assessment and Method Statement
- Root Survey Report
- Ecological Assessment
- Archaeological Desk Based Assessment
- Landscape Assessment
- Visual Assessment
- Flood Risk Assessment
- Drainage Strategy
- Noise Assessment
- Air Quality Assessment
- Pre-Assessment for Code for Sustainable Homes
- Energy Performance Statement
- Transport Assessment
- Residential Travel Plan
- Statement of Community Involvement

4.2 Summary of Planning Statement:

The application site is located at Great Dunmow, one of only three identified service centres within the District. It is within walking distance from a range of local services and facilities and represents a sustainable location in providing for housing development to meet identified needs. The application scheme represents a well-conceived, high quality residential development that accords with spatial and development control type policy requirements of the Development Plan.

4.3 Policy set out in the NPPF allows for the release of sites, in accordance with the provisions at paragraph 47 where Councils are not able to demonstrate a 5-year supply of deliverable housing land. This is the case in Uttlesford. The proposed development is considered to achieve adopted policy objectives to include: good quality design, delivery of affordable housing, safe means of access, sustainable form and location of development, provision of new public open space, acceptable impact on the character and appearance of the local area and nature conservation interests. The application proposal accords with these requirements and provides for an entirely acceptable form of development.

4.4 The proposed development, in terms of dwelling mix, tenure and density, as well as design and functional requirements, is submitted in accordance with Local Plan Policy and has regard to relevant material considerations, including, inter alia, parking requirements, landscape buffers, ecological requirements, affordable housing, access arrangements and the need to respect and enhance the character of the adjoining urban area. The technical appraisal of the site and the surrounding area demonstrates that the application scheme will provide for a high quality residential environment in a sustainable location, within walking distance from local services and facilities.

## **5. RELEVANT SITE HISTORY**

5.1 UTT/0733/11/OP: Outline application for the erection of 73 no. dwellings (including affordable housing) with all matters reserved except access. Land north of Ongar Road, Great Dunmow. Refused 7 July 2011 on the grounds of:

- provide a harsh urban feature detracting from the countryside setting of this approach to Great Dunmow and detract from the countryside setting of Olives Wood;
- introduce an intrusive form of development in the open countryside and out of character of the street scene;
- failure to comply with the adopted SPD: Accessible Homes and Playspace;
- No mechanism for addressing or mitigating the shortfall in the provision of education facilities
- intensification of use of an existing access leading to conflict and interference with the passage of through vehicles to the detriment of highway safety;
- site location, lack of secure, hardened footways and limited access to public transport results in reliance on the private car which is not sustainable

Application was dismissed at appeal on 16 February 2012. The Inspector concluded that the site was outside of the defined Development Limits of Great Dunmow and constituted unsustainable development. He did not consider that the proposal caused harm to matters of highway safety. He was also satisfied that amenity issues could be protected through the imposition of appropriate planning conditions.

5.2 UTT/1113/10/FUL: Erection of 78 no. dwellings (including affordable housing), new vehicular and pedestrian access, associated parking, landscaping and public open space. Land north of Ongar Road, Great Dunmow. Refused 15 September 2010.

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework (NPPF)

### **6.2 East of England Plan 2006**

Policy SS1: Achieving Sustainable Development

Policy SS2: Overall Spatial Strategy

Policy SS4: Towns other than Key Centres and Rural Areas

Policy SS8: The Urban Fringe

Policy H1: Regional Housing Provision 2001 to 2021

Policy H2: Affordable Housing

Policy T4: Urban Transport

Policy T9: Walking, Cycling and other Non-Motorised Transport

Policy ENV7: Quality in the Built Environment

Policy ENG1: Carbon Dioxide Emissions and Energy Performance

### **6.3 Essex Replacement Structure Plan 2001**

None

### **6.4 Uttlesford District Local Plan 2005**

Policy S7: The Countryside

Policy GEN1: Access

Policy GEN2: Design

Policy GEN3: Flood Protection

Policy GEN5: Light pollution  
Policy GEN6: Infrastructure Provision to Support Development  
Policy GEN7: Nature Conservation  
Policy GEN8: Vehicle Parking Standards  
Policy ENV3: Open Spaces and Trees  
Policy ENV8: Other Landscape Elements of Importance for Nature Conservation  
Policy ENV10: Noise Sensitive Development and Disturbance from Aircraft  
Policy H9: Affordable Housing  
Policy H10: Housing Mix

Parking Standards: Design and Good Practice  
SPD: Accessible Homes and Playspace  
SPD: Energy Efficiency and Renewable Energy  
Great Dunmow Town Design Statement

## **7. PARISH/TOWN COUNCIL COMMENTS**

- 7.1 The Town Council fully concurs with and supports the reasons the District Council gave for refusing UTT/0733/11/OP as it relates to this latest application. We do not feel that this latest application addresses the District Council's reasons for refusal of the previous application.

## **8. CONSULTATIONS**

Essex County Council Highways

- 8.1 No objections subject to conditions and S106 requirements.

Essex County Council Ecology

- 8.2 Issues relating to legally protected species appear to have been addressed adequately. The mitigation proposed in the recommendations within the Ecological Assessment should be undertaken. Conditions relating to the following should be imposed if planning permission is granted:

- The proposed mitigation and other recommendations within the Ecological Assessment dated May 2012 and earlier ecological reports must be undertaken,
- All existing habitats to be retained must be protected during construction.
- A scheme of management should be agreed for establishment of new habitats and long term management of habitats.
- An appropriate lighting scheme to ensure that bats and other wildlife are not adversely affected by the development.
- Vegetation should not be removed during the nesting season (mid February to the end of August).
- Should there be a delay to the start of the development a revised ecological assessment should be undertaken which may require repeat protected species surveys.

Essex County Council Sustainable Drainage

- 8.3 None received. Notification period expired 29 June 2012.

Essex County Council Archaeology

- 8.4 The Essex Historic Environment Record shows that the proposed development lies within an area of archaeological importance to the west of Great Dunmow. The proposed development lies adjacent to an area of prehistoric deposits identified on the new A120. The first edition Ordnance Survey maps indicate two areas of water

filled features within the development area, which may be estate features or remains of a moated enclosure. Trial trenching and open area excavation condition requested.

#### Essex County Council Schools Service

- 8.5 Across the primary schools there will be a deficit of 13 places by 2016. Latest forecasts show that Helena Romanes Academy is predicted to be full in Year 7 cohorts from September 2015 and full across all year groups in the longer term as a result of full Year 7 cohorts moving through the school and to the predicted housing in the locality. Request this development is granted subject to a Section 106 Agreement to mitigate its impact on education.

#### Water Authority

- 8.6 None received. Notification period expired 29 June 2012.

#### Environment Agency

- 8.7 Within Flood Zone 1. In the absence of an acceptable Flood Risk Assessment we object.
- 8.8 Further comments: Further to our initial letter of 20 July 2012 we have received an e-mail directly from URS Infrastructure & Environment UK Limited, which included an Addendum (31 July 2012) to the initial Flood Risk Assessment submitted. After review of this additional information we confirm that based upon the additional information provided we have no objections to the planning application on surface water flood risk grounds subject to conditions.

#### Police Architectural Liaison Officer

- 8.9 No objections but seek a condition that Secured by Design certification be achieved across the site on all new builds.

#### English Nature

- 8.10 Based on the information provided with this planning application Natural England agrees with the assessment that the nearest Site of Special Scientific Interest (High Wood, Dunmow) will not be detrimentally affected by the development proposals. Natural England therefore raises no objection to these proposals in relation to statutory sites. We note that the site is bounded to the north-west by Olives Wood, a Local Wildlife Site. In order to protect the woodland (and its associated flora and fauna) we advise that no built development should be allowed in close proximity to the woodland (acting as an ecological buffer strip). We welcome the physical measures to avoid harm from dust during the construction phase and repairs to the existing fencing plus erection of kissing gates to control public access. The general approach to ecological surveys for protected species is acceptable to Natural England. With respect to bats, we welcome the soft felling approach for trees considered suitable to support bat roosts and the advice to stop works immediately and contact Ecology Solutions if bats are discovered. Welcome the mitigation measures for breeding birds and reptiles. Based on the survey data available we accept that great crested newts are not considered to be present in their terrestrial phase. Given the current badger activity on site and good badger habitat in the vicinity, we strongly advise that the applicant conduct a pre-construction check to determine whether a licence will be needed from Natural England. Welcome the amendments made to the site parameters plan to incorporate the 10m buffer strip along the northwest border of the development and the Olives Wood Local Wildlife Site.

Essex Wildlife Trust

- 8.11 None received. Notification period expired 29 June 2012.

Uttlesford Badger Group

- 8.12 None received. Notification period expired 29 June 2012.

Environmental Health

- 8.13 Request a condition is applied to implement the conclusions of the noise assessment.

Planning and Housing Strategy

- 8.14 The Council's most recent published 5-year supply is as at 1 April 2011 and shows that the Council only has sites for 81% of the requirement as set out in the Regional East of England Plan. Data for the situation as at April 2012 is still being prepared. The recent permission on appeal for 100 dwellings south of Ongar Road will only make a marginal improvement in the housing supply figure. The Council is making good progress in its preparation of a new Local Plan to cover the period up to 2028. It is considered that little weight can be given to the proposed housing requirement because it is at an early stage of preparation with demographic studies still ongoing. The appeal on this site was supported by the Inspector on all counts save for his assessment of sustainability, and the appeal was dismissed for the single reason that the site is beyond 400m walking distance from a bus stop. The current application aims to overcome this objection by proposing a bus stop in negotiation with ECC and First Group. If the addition of a bus stop and diversion of the bus route is considered to overcome the inspectors reason for objection there appear to be no reasons for refusal which would be upheld at an appeal. National policy sets a clear presumption in favour of sustainable development, which subject to the acceptable provision of access to a bus stop, this application provides. The Council cannot demonstrate a sufficient supply of deliverable sites and little weight can be accorded to the emerging local plan at this stage.

Landscaping

- 8.15 (Comments on previous application): There are 26 mature trees on the site which are the subject of TPO 1/78. The illustrative layout shows 7 protected trees to be removed. The condition of most of these subjects ranges from fair to poor with significant defects found present in 3 trees. T46 is in good condition and prominent on the Ongar Road frontage of the site. In addition to the protected trees the illustrative layout shows there are 9 individual trees proposed to be removed. The illustrative layout retains most of the principal trees and incorporates these into a series of open spaces. The proposed development is contrary to policy PP S7 and would be detrimental to the fabric of the countryside.

Leisure and Amenities

- 8.16 None received. Notification period expired 29 June 2012.

Accessibility

- 8.17 None received. Notification period expired 29 June 2012.

## 9. REPRESENTATIONS

- 9.1 This application has been advertised and 10 representations have been received. Notification period expired 17 July 2012.

- 9.2 The Dunmow Society: Object. Site lies outside the development limits. Application fails to comply with Policy GEN6 of the Uttlesford Local Plan and the Essex Development Guide to Infrastructure Contributions. If permission should be granted then this application should be included in the proposed Uttlesford District Council proposals for a Draft Local Plan and be part of the 1150 homes proposed.

Highways issues:

- 9.3 Previous application was rejected on the ground of not being sustainable due to a lack of public transport. The current proposal to divert a bus route around a roundabout on a narrow, already extremely busy and fast road does not make the development sustainable. It is difficult to exit Lukins Drive safely without the added complications of buses and the additional traffic which will be generated by this development.
- 9.4 Traffic on the Lukins Mead Estate would also increase where people will annex it for parking where there is insufficient parking on the new development. Foot traffic would also increase causing noise and security risks.
- 9.5 In their plans Redrow have stated that they have asked for route 42A to be re-routed along Ongar Road, around the roundabout at the end of Lukins Drive, with a bus stop outside the Kicking Dickey. The post box there has been sealed because people stopping their vehicles to post letters were a hazard to the flow of traffic, so how can a bus stop be sited there?
- 9.6 Entrance to site will be very close to the bridge across the A120 over which vehicles travel at great speed. Cars entering or exiting the site will be doing so at their peril. Extra traffic resulting from a development of this scale will make the road even more dangerous, not only for other road users but also the children walking to school and having to cross the entrance to the development. There are a number of elderly people who use scooters who regularly use these pavements and will have to cross the estate entrance.
- 9.7 Concerned that the appeal was apparently only rejected on sustainability grounds citing the fact that the proposed housing is not within 400m of a bus stop. The proposed diversion of the bus route and new bus stop is completely impractical, if not dangerous. It is apparent from the diagram that the mini roundabout could only just sustain a bus turning round. The proposed bus route shows impact with the kerb at several points and clearly struggles to navigate the mini roundabout in its current form. The plan omits to show the bus negotiating the existing mini roundabout where the B184 meets the Chelmsford Road as this important feature is obscured by the bus diagram. This junction is already crowded and would present a significant navigational difficulty for the bus along an existing cyclist's route.
- 9.8 Inspector states that there is no compelling evidence to indicate a highway safety problem and he states that there would be no delay to the free flow of traffic on the B184. As local residents we know that there have been a number of serious accidents on this stretch of road.
- 9.9 Very few people would use the bus as their main form of transport and would rely heavily on their own vehicles. The existing bus routes give very limited access to other major towns and cities where the majority of employment sits. The direct bus route to Bishop's Stortford has ceased. This proposal remains completely unsustainable.

Ecology:

- 9.10 Upgrading the footpath would also mean adding further street lighting which will be seriously damaging to the wildlife in Olives Wood.

9.11 Ecological buffer is in fact the back gardens of the houses. This is not a buffer zone as the planting in the gardens will not be natural to the woodland and there will be dumping of garden refuse over the fences into the woodland area, therefore providing no buffer at all. A true buffer zone would be a TOTAL NO BUILD zone for 15 to 20 metres along the woodland side of the development and a substantial reduction in the number of units.

9.12 Site is home to a wide variety of wildlife. Adjacent woodland would also be seriously affected. Trees from Olives Wood would also be cropped and damaged or destroyed to prevent them from overhanging the development.

#### Noise:

9.13 No amount of screening will negate the significant amount of noise that the A120 brings and the fact that fully established tree screening takes years to establish makes this extremely worrying. I live in Heywood Lane and the noise from the A120 is deafening at times and that is with the existing trees and foliage acting as our "screen". The affordable housing appears to have been placed as some sort of noise buffer for the more expensive houses further down the development.

#### General Issues:

9.14 Site does not fall within the Council's Draft Development Plans. Current infrastructure of Great Dunmow is already stretched and with this development and the proposed development of 100 houses on land to the south of Ongar Road, the situation will only get worse. Neither of these two developments appears to bring any benefits in terms of facilities to either existing or new residents. Proposed open space is wholly inadequate. Already issues with use of public open space in Lukins Drive. Percentage of affordable houses seems far too high. Location of proposed plots 46, 47 and 48 and associated car park is completely out of character with existing properties in Lukins Drive.

9.15 Proposed development is outside development limits and will aid in turning Great Dunmow into an unsightly urban sprawl obliterating the rural surroundings.

9.16 Will cause light and noise pollution to the Lukins Mead Estate in addition to that already caused by the A120.

9.17 Whilst I appreciate that further building is required within the area, this must not be at the expense of the rural setting and surroundings of Great Dunmow. Allowing this development on the grounds of adding a bus route would be an absolute travesty and will destroy totally an area which forms part of our greenbelt.

9.18 The Council needs to challenge the appeal decision that it isn't able to demonstrate a five year supply of deliverable land as it certainly can. If this isn't done it leaves the flood gates open for irresponsible and unnecessary development to take place.

9.19 Lots of promises made to the Inspector by the developers about how they are going to improve the existing plans, provide bridleways, improve existing footpaths, etc, all adjacent to an area of protected woodland. As families move in Olives Wood will become part of a readily used public thoroughfare. The Inspector himself states that the proposed planting of trees would take some 5 years to provide an effective screen. This issue needs to be challenged. He subsequently states that the harm that would be caused to the character and appearance of the area would be slight. A complete contradiction in terms.

9.20 The Inspector states that the benefits arising from the development would not be sufficient to outweigh the harm that would be caused on the grounds of sustainability. The developers have taken the view that the only reason that planning permission for



this development is now being withheld is that there is no bus stop nearby. The development of this area would do absolutely nothing to benefit the town and would further overburden local roads, services and amenities in the area. The repercussions in terms of traffic and highway issues alone would be enormous.

## 10. APPRAISAL

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

- A: The principle of development of this site and the requirement to maintain a 5 year supply of deliverable land for residential development (ULP Policy S7, RS Policies SS1, SS2, SS4, H1; NPPF; Great Dunmow Town Design Statement)**
  - B: The potential impacts on biodiversity and ecology (ULP Policies ENV3, ENV7, ENV8, GEN7; NPPF)**
  - C: The potential impacts of noise from the A120 and B184 (ULP Policy ENV10, NPPF)**
  - D: The mix and tenure of the development (ULP Policies H10, H9)**
  - E: The design of the development including public open space (ULP Policies GEN2, GEN6 ENV15; RS Policy ENG1; SPD Accessible Homes and Playspace; SPD: Essex Design Guide)**
  - F: Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice)**
  - G: The potential for increasing flood risk (ULP Policy GEN3, NPPF)**
  - H: Any other material planning considerations.**
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- A: The principle of development of this site and the requirement to maintain a 5 year supply of deliverable land for residential development (ULP Policy S7, RS Policies SS1, SS2, SS4, H1; NPPF; Great Dunmow Town Design Statement)**

10.1 The application site is located outside the development limits and as such there is a general presumption of protecting the countryside for its own sake and development will only be permitted that needs to take place there. The site forms a green wedge between the A120 and the built environment of Great Dunmow. The Great Dunmow Town Design Statement identifies that the approaches to Dunmow are generally rural in character. With regard to the Ongar Road the approach “gives an idea of the place of Dunmow in the surrounding countryside.” This site was also considered by the Inspector in his report on the Uttlesford Local Plan (2004). He states “I consider from my visit that the site reads as part of the countryside and is an important transition area separating the new A120 from the town. The site forms part of a green wedge opening out into the countryside beyond. Its development would create a promontory of housing development which would adversely affect the setting of the town. I consider that the tongue of Olive Wood is an element in the countryside and not a boundary separating housing from open land.” However, the Inspector in considering the previous appeal came to the conclusion that the A120 cutting and the B184 bridge over the A120 are physical features prominent in the overall view of the site on the approach road towards Great Dunmow. The Inspector’s view was that the application site does not function as a ‘buffer’ or transitional point between the built-up area of Great Dunmow and the open countryside. Instead the Inspector considered that the defining physical boundaries of the A120 embankment and Ongar Road provide the cut-off between the town and the countryside. Notwithstanding this, the Inspector concluded that the development of the site would not protect or enhance the character of the countryside. He concluded there were no special reasons for the development to be on the appeal site and that it was contrary to Uttlesford Local Plan Policy S7.

10.2 Part of the applicant's case to justify this proposal outside development limits is the requirement for the local planning authority to have a five year land supply of deliverable housing sites. The NPPF sets a requirement for local planning authorities to have a 5-years worth of housing against their housing requirement but with an

additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The buffer is increased to 20% where there is a record of persistent under delivery. It is considered that the Council would fall within the category where a 20% buffer would be applied. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable sites.

10.3 Current demographic evidence indicates that the plan will need to make provision for 338 new homes a year. The housing strategy, which is currently the subject of public consultation, proposes provision is made for 9870 dwellings between 2001 and 2028 which, taking into account completions and committed sites, leaves a requirement of providing new sites for 3300 dwellings. The land north of Ongar Road is not proposed as a site for development in the current consultation document.

10.4 The NPPF states that from the day of publication, weight can be given to the relevant policies in emerging plans according to:-

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

10.5 The Council's most recent published 5-year supply is as at 1 April 2011 and shows that the Council only has sites for 81% of the requirement as set out in the Regional East of England Plan. Data for the situation as at April 2012 is still being prepared. The situation as at 30 April 2011 is as follows:

Total Supply 2011 - 2016	1747
Total Requirement 2011 - 2016	2155
Surplus over Requirement	-408
Number of years supply (total supply/ average annual requirement)	4.3
Percentage of requirement (total supply/ total requirement x 100)	81%

Whilst not representing a complete picture insofar as it relates to the situation in relation to 5 year land supply, planning permission has been granted for the following major schemes since 1 April 2011:

- The Orchard, Elsenham - 53 units
- Hartford End Brewery, Felsted - 43 units
- Peggy's Walk, Littlebury - 14 units
- Rochford Nurseries site - 100 additional units
- Broadfield Road, Takeley - 10 units
- Wedow Road, Thaxted - 55 units
- Ongar Road South, Great Dunmow - 100 units

Members have resolved to grant planning permission, subject to S106 Agreement for:

- Crown Estates, Elsenham - 155 units (allocated site in draft Local Plan)
- Sector 4 Woodlands Park, Great Dunmow - 125 units

It is likely that the majority of these sites could come forward for development within the next 5 years. From the above it is clear that some progress has been made

towards the delivery of five year land supply, but it must be remembered that there are other factors which will affect these figures, not least an additional requirement of 431 units for the period 2012-2017.

- 10.6 In relation to the current proposal, it is clear that the Council cannot demonstrate a deliverable 5 year land supply for residential development. Therefore it is considered that the Council is failing to comply with a national policy and this must be a material consideration in favour of the proposal, to be weighed in the overall planning balance. The principal issue is whether the proposal would represent sustainable development.
- 10.7 The issue of sustainability was considered at appeal and the Inspector came to the conclusion that the site did not score highly in terms of environmental sustainability due to being beyond an acceptable walking distance to a bus stop. This proposal includes details of the provision of a new bus stop which would be located outside 22 Ongar Road. It is proposed, by way of a S106 Agreement, that payment would be made to Essex County Council to provide the appropriate bus stop features. It is also proposed, by S106 Agreement, that the developer will enter into a legal agreement with the bus company operating route 42A to ensure that this route will be diverted onto Ongar Road, turning at the roundabout at the junction with Clapton Hall Lane and Lukins Drive and then returning to its current route. Financial contributions for a set period to finance this diversion will also be included in a S106 Agreement. Essex County Council Highway's Department raise no objections to this proposal subject to the above being secured. It is therefore considered that the proposal has overcome the sustainability reason for refusal in the appeal decision.

**B: The potential impacts on biodiversity and ecology (ULP Policies ENV3, ENV7, ENV8, GEN7; NPPF)**

- 10.8 Olives Wood is a County Wildlife Site and Important Woodland and the proposal would affect the setting of the woodland (ULP Policies ENV7 and ENV8). Development that would adversely affect such designations will not be permitted unless the need for development outweighs the local significance of the site. Whilst the application site itself is not statutorily designed for wildlife purposes it is argued that it is an important part of the natural environment adjacent to the protected woodland and wildlife site (ULP Policy GEN7). The site contains 24 trees protected by Tree Preservation Orders and forms a visually important open space (ULP Policy ENV3) and again should be protected unless the need for development outweighs its amenity value.
- 10.9 The Arboricultural Implications Assessment submitted with the application identified 46 individual trees, 5 groups of trees and 1 hedge of arboricultural importance. The report indicates that 7 of the trees protected by TPOs will be removed, mainly due to being in a poor condition but also to facilitate the proposed development. It is the view of the Landscape Officer that the removal of these trees would not significantly impact on the general amenity of the site and its surrounds, with the exception of the removal of the oak tree adjacent to the frontage of the site. Nine other trees are also proposed to be removed, again due to the poor condition of the trees or in order to facilitate the development. However, 29 trees are to be retained and the Assessment sets out details of the protection measures that should be put in place in order to secure their long term health and viability. These measures include no-dig zones, hand trenching and protective fencing.
- 10.10 The indicative layout of the site has been designed around the constraints from the measures required to protect the trees. The general layout of the proposed development retains the principal trees on the site and successfully incorporates these into a series of open spaces.

- 10.11 The Inspector's conclusion in respect of the impact of the development was that it would not significantly erode the rural character. He stated that the extensive structural landscaping and the retention of protected trees within the site would reinforce the appearance and sense of rural character, although the proposed planting to the boundaries would take some 5 years to provide an effective screen.
- 10.12 A 10m buffer zone is proposed adjacent to the strip of Olives Wood adjacent to the site. This would also form the rear gardens to plots 34-37 as shown on the indicative layout. The Inspector viewed this buffer strip of planting as adequate mitigation measures to protect the setting of the wood.
- 10.13 An Ecological Assessment has been submitted with the application and this gives details of the four surveys which have been carried out on the site in 2009, 2010, 2011 and 2012. This identified the presence of sporadic use by foraging badgers and an outlier sett, 9 trees with the potential to provide suitable habitat for roosting bats, foraging Common Pipistrelle bats, nesting birds, a small population of common lizard, grass snake and slowworm. The mature trees are the only habitat considered to be of any value as the grassland is considered to be species poor.
- 10.14 The NPPF seeks to protect biodiversity and if planning permission is to be granted it should ensure that adequate mitigation measures are put in place. Where adequate mitigation cannot be secured and significant harm would result to biodiversity applications should be refused. The Ecological Assessment recommends the installation of bat boxes and bird nesting boxes to improve roosting and breeding potential. The Assessment states that a 'habitat area' will be formed within the site and the reptiles would be relocated to this area prior to construction starting. The habitat area is shown on the indicative plans as being adjacent to the footpath and open fields.
- 10.15 The application site has a close relationship with Olives Wood and this is a County Wildlife site. Development of this site is likely to increase use of the wildlife site for recreational purposes. The applicant is proposing the installation of a kissing gate, details of which would be covered in a reserved matters application, to restrict access to Olives Wood. These measures are supported by Natural England and as such it is considered that the proposal would not be contrary to policy.
- 10.16 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.
- 10.17 Recent case law has recently considered the application of this duty and in the case of *Morge v Hampshire County Council* [2011] in his judgment the Supreme Court Lord Brown said "I cannot see why a planning permission (and indeed, a full planning permission save only as to conditions necessary to secure any required mitigation measures) should not ordinarily be granted save only in cases where the Planning Committee conclude that the proposed development would (a) be likely to offend article 12(1) and b) be unlikely to be licensed pursuant to derogation powers." Therefore there is a requirement for the local planning authority to consider if development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

10.18 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

- The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- There must be “no satisfactory alternative”; and
- The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

10.19 The first two of the three tests are judgements as assessed by the local planning authority. The proposed development is not required to preserve public health or public safety. However, it must then be judged as to where there are other imperative reasons of overriding public interest including those of social or economic nature or that there is no satisfactory alternative. As set above, the site is located within an area of rural restraint and therefore not suitable for development, unless other material considerations indicate otherwise. One fundamental material consideration is the need to provide a deliverable supply of land for residential development. As discussed above this site is capable of providing a sustainable development which would make a positive contribution towards the Council's five year deliverable land supply for residential development. On the basis of the information received from Natural England, it is not considered that the proposal would be detrimental to the maintenance of the populations of protected species.

### **C: The potential impacts of noise from the A120 and B184 (ULP Policy ENV10, NPPF)**

10.20 The site is located adjacent to the A120 and the B184 (Ongar Road) and is therefore affected by noise issues from traffic. At this location the A120 is set into a cutting and a small amount of planting has been carried out on the embankment but has not matured significantly in order to mitigate noise issues. Indeed, residents on the Lukins Mead development have been paid compensation by the Highways Agency for on-going noise nuisance and disturbance. The NPPF seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. ULP Policy ENV10 states that housing will not be permitted if the occupants would experience significant noise disturbance. The SHLAA and the Great Dunmow Town Design Statement both identify noise as being a potential issue on this site. The latter states, in relation to this site, that the “A120 constitutes a major barrier and a source of intense and continuous noise almost 100 metres deep despite being in a cutting”.

10.21 The NPPF is silent on how noise issues should be assessed. The Draft Local Plan sets out the parameters which should be taken into account when considering applications. Whilst this document has minimal weight at the present time these parameters are based on those previously considered under the now superseded PPG24: Noise.

10.22 The Draft Local Plan sets out 4 Noise Exposure Categories (NECs) ranging from A-D. First it should be determined into which of the four NECs the proposed site falls, taking account of both day and night-time noise levels. Then regard should be given to the advice in the appropriate NEC, as set out below:

<b>Noise Exposure Categories</b>	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level

B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise
D	Planning permission should normally be refused

The Draft Local Plan sets out the recommended noise exposure categories for new dwellings near existing noise sources. In relation to road traffic are as follows:

<b>Noise Levels Corresponding to the noise exposure categories for new dwellings L<sub>Aeq</sub> dB</b>				
Noise Source	Noise Exposure Category			
	A	B	C	D
Road Traffic				
07:00 – 23:00	<55	55-63	63-72	>72
23:00 – 07:00	<45	45-57	57-66	>66

10.23 The Noise Assessment submitted with the application indicates that measurements were taken at 6 locations across the site between the two boundaries on Wednesday 22 April 2009. Location 1 was immediately adjacent to the A120 and location 7 was immediately adjoining the boundary with Lukins Drive. An additional measuring point (2) was situated adjacent to the Ongar Road.

10.24 The LAeq dB for each point was as follows:

Position 1 - Day: 60.3 (NEC B)  
Position 1 - Night: 57.2 (NEC C)

Position 2 - Day: 67.6 (NEC C)  
Position 2 - Night: 58.3 (NEC C)

Position 3: 55.9 (NEC B)  
Position 4: 55.4 (NEC B)  
Position 5: 49.6 (NEC A)  
Position 6: 48.4 (NEC A)  
Position 7: 51.4 (NEC A)

10.25 As can be seen from the above there is a swathe across the application site where the noise levels fall within NEC B and in such cases noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. The areas where the noise levels are sufficient to fall within NEC C have been identified as a constraint in preparing this revised scheme and no dwellings are proposed on land within NEC C.

10.26 The area affected by noise and falling within NEC B is approximately 60m deep into the site from the A120 and approximately 80m from the Ongar Road. This would affect approximately 53% of the site. The impact of noise need not result in the scheme being refused as mitigation measures could be secured by condition. In this instance the Environmental Health Officer does not dispute the findings of the noise report and recommends that mitigation measures, such as passive acoustic ventilators be installed.

10.27 In order to mitigate noise concerns in gardens it is proposed that gardens should be behind dwellings or the use of 1.8m high close-boarded timber fencing along boundaries where these abut the site boundaries adjacent to the roads. From the indicative layout it would appear that at least 5 properties would require timber fencing to the boundary. This could result in increased visual impacts of the development if adequate screening to obscure the fencing could not be provided. In principle, however, it is considered that the revised proposals have overcome the previous reason for refusal in relation to noise concerns.

#### **D: The mix and tenure of the development (ULP Policies H10, H9)**

10.28 This application is an outline application with all matters, except access, reserved. Therefore there are no specific details in relation to dwelling types. Policy H10 has a requirement for sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. The indicative drawing shows a mix of terrace, semi-detached and detached dwellings. The requirement for meeting the aims of Policy H10 can be conditioned if planning permission is to be granted.

10.29 Policy H9 seeks the provision of 40% affordable housing on windfall sites. The scheme includes such provision with the mix and tenure to be agreed. The Housing and Enabling Officer has indicated that the Council's Affordable Housing Policy currently outlines that 30% should be of intermediate tenure, with 70% being rented. This translates to 9 intermediate units and 20 rented units. They also note that 2 and three bedroom houses are currently in the highest demand. The proposals, in principle, comply with the requirements of Policy H9.

#### **E: The design of the development including public open space (ULP Policies GEN2, GEN6 ENV15; RS Policy ENG1; SPD Accessible Homes and Playspace; SPD: Energy Efficiency and Renewable Energy; SPD: Essex Design Guide)**

10.30 As this application is for outline planning permission only there are no specific design criteria to consider at the present time as these would form reserved matters if planning permission were to be granted. However, the indicative plan submitted with the application does give an indication of the proposed scale of the development, in particular the details of eaves and ridge heights and proposed spans and widths of the dwellings. The proposed ridge heights would range from 4.7m to 5.8m for the single storey elements which are restricted to garages. It is proposed to locate a 1 ½ storey block of 2 x 2 bedroom flats adjacent to 47 Lukins Drive (plots 49-52) and this would have a ridge height between 6.3m and 7.3m. Three plots are proposed to be 2 ½ storey dwellings (plots 28, 30 and 63) and these would have a ridge height between 8.5m and 9.5m. The remainder of the development would be two storey and the ridge heights would range between 7.0 and 8.8m, depending on house type.

10.31 The proposed dwellings with the highest proposed ridge heights are predominately on the outer edges of the application site, in particular plots 1-9, plot 13, plots 17-19, plot 55 and plots 70-73. The Inspector considered that these would not be intrusive and that the layout conforms to the spatial set-back of properties along Ongar Road. The proposed planting would provide natural screening and as such the development would not be out of character with the area.

10.32 The development has been designed to incorporate as many of the existing trees, in particular the mature trees, as possible. Additional constraints on the proposed development are requirements to protect roots and other tree protection measures. The design has resulted in a large proportion of the site being allocated as open space, which would also incorporate a sustainable urban drainage system (SUDS). The various areas of space left around the trees to be protected and retained would allow the provision of large areas for play. No formal details have been submitted in respect of play equipment although page 27 of the Design and Access Statement indicates that there would be a children's play area provided in the linear green

spaces. Play equipment would provide a 'natural play area' rather than the usual elaborate arrangement of fixed play items. The indicative layout suggests that the public open space areas would generally be overlooked by the dwellings, ensuring natural surveillance. However, there could be a potential weakness in this at plot 46 unless windows are proposed to the side elevation of this plot.

- 10.33 The proposal appears to include a link between the existing development and the open space on Lukins Drive. Representations have been submitted stating that this proposed link is not desirable and should be removed. The NPPF states that decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The proposal complies with this approach in so far as it aims to integrate the proposed development with the existing via the open space. However, the proposed installation of a pumping station and electricity sub-station in this area would result in a degrading of the existing open space on Lukins Drive, particularly if there is no separation between the two developments. This would be contrary to ULP Policy GEN2 but would not be sufficient to outweigh the requirement to deliver additional housing.
- 10.34 Adopted SPD: Accessible Homes and Playspace requires new residential development to be accessible to all and that a proportion of the development would be fully wheelchair accessible. The requirement for wheelchair accessible units on this development would be 4 units (5%) and these should be split between the market housing and affordable units. The applicant has indicated that 5% of the proposed dwellings would be designed to Wheelchair Standards. The Inspector was of the view that the Council's SPD is guidance and that Policy GEN2 seeks to encourage compliance. As such he was of the view that the standards should not be rigidly applied in each and every case. The requirements set out in the SPD will be covered by reserved matters.
- 10.35 Adopted SPD: Energy Efficiency and Renewable Energy requires new residential development to comply with Code Level 3 (Code Level 4 from 2012 but this is under review) and also in schemes of 5 or more dwellings to provide 10% of predicted energy requirements from on site renewables or low carbon energy sources. The Pre-Assessment Code for Sustainable Homes indicates that the proposed development could meet the minimum requirement to achieve Code Level 3. In relation to renewable energy, it is proposed to install a solar thermal system in all private and affordable houses and PV panels in the affordable apartment block. The calculations indicate that this would result in a site wide reduction of 17% of energy requirements for the proposed development and therefore would be compliant with the SPD and ULP Policy GEN2(g) and ENV15.

**F: Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies, adopted by Essex County Council February 2011 and adopted by Uttlesford District Council 17 March 2011)**

- 10.36 The proposed development would utilise an existing access point onto the Ongar Road. It is believed that the access was used in relation to the last known use of the site, which is understood to have been the grazing of sheep. The low-key use of the site would have resulted in minimal traffic movements at this access point. The access point complies with the current standards in terms of visibility and radii splays. The Inspector stated that highway safety and the free flow of traffic should be the determining factors in considering whether the proposed access would be suitable. He was of the opinion that there was no compelling evidence to indicate a highway safety problem and that there would be no delay to the free flow of traffic on the B184. As such the proposal was considered to be in accordance with Policy GEN1 from the Uttlesford Local Plan and Essex County Council Development Management Policies DM1 and DM3.



10.37 The Council has adopted parking standards that require a **minimum** of 2.25 parking spaces for residential units of 2 or more bedrooms. Parking spaces are required to measure 2.9m x 3m and garages are required to be 7m x 3m internally. Garages that fail to meet these internal measurements will not be considered as a parking space. The application proposes the provision of 164 car parking spaces (including 18 visitors) plus 1 x cycle space per dwelling in addition to 9 visitor cycle bays. This would accord with the requirements set out in the adopted standards. The proposed garages would appear to meet the required minimum size, although this level of detail would be included in any reserved matters application.

#### **G: The potential for increasing flood risk (ULP Policy GEN3, NPPF)**

10.38 A Flood Risk Assessment has been submitted with the planning application and this concludes that the site is at moderate risk from land flooding before mitigations, with low flood risk associated with ground water and sewer flooding and would have no flood risk from river, sea or artificial flood sources. Following the incorporation of SuDS the risk from land flooding/surface water would be reduced to low. The proposed SuDS, made by the provision of swales and retention basins, would be sufficient to attenuate surface water runoff generated during the 1% annual probability storm event, inclusive of climate change. Initially the Environment Agency objected to the proposals on the basis that the FRA failed to demonstrate that surface water can be suitably discharged from the site. Further information has been given to the Environment Agency and the Agency has now lifted its objection subject to a condition being imposed if planning permission is granted. It is therefore considered that the proposals satisfy ULP Policy GEN3 and the requirements of the NPPF.

#### **H: Any other material planning considerations.**

10.39 The Council is falling short of its target of 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, in accordance with ULP Policy H9. This is envisaged to be a total of 29 units. This is a further material consideration to be taken in favour of the proposal.

10.40 The residential development of this site would increase the pressure on local education facilities. In order to off-set this pressure a financial contribution would be required to be paid to Essex County Council if planning permission was granted. This has been calculated to be a requirement for £237,965 for primary education provision and £226,928 for secondary education provision and a S106 Agreement would be required to secure this payment, as set out in ULP Policy GEN6.

### **11. CONCLUSION**

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

A The site is located outside the development limits to Great Dunmow and constitutes a rural site on the approach to the built form of the town. The development would not protect or enhance the character of the countryside and would be contrary to Policy S7. However, the Council is required to have a 5 year supply of deliverable land for residential development and is falling short in the delivery of this. This site would make a positive contribution towards the delivery of housing subject to the development being considered sustainable. The previous scheme was dismissed at appeal with the Inspector being of the view that the site was not sustainable due to not being within an appropriate walking distance of a bus stop. This proposal includes arrangements to provide a new bus stop within 340m of the site entrance and the redirection of the bus route. It is now considered that the previous reason for refusal has been overcome. The measures proposed would need to be the subject of a S106 Agreement.

- B The site is adjacent to Olives Wood which is a County Wildlife Site. A buffer zone is proposed adjacent to the woodland and it is proposed to install a kissing gate to restrict public access. Subject to these measures being carried out the proposal should not result in adverse harm to the Wildlife Site. The site contains some wildlife and appropriate mitigation measures are proposed.
- C Part of the site would be affected by noise from the A120 and the B184. This would fall within noise categories NEC B and C and appropriate mitigation measures are proposed which can be secured by condition.
- D The mix and tenure of the development is a reserved matter. However, the indicative details are appropriate. It is proposed to incorporate 40% affordable housing within the scheme.
- E The design of the development is a reserved matter. However, the indicative details are appropriate and no objections are raised.
- F Access to the site is considered at the appeal and the Inspector considered this to be appropriate. The internal road layout and parking provision are reserved matters but the indicative details appear to be appropriate.
- G The application is accompanied by a Flood Risk Assessment and the Environment Agency raise no objections subject to the implementation of the measures set out in the FRA.
- H The provision of 40% affordable housing will make a positive contribution towards the Council's requirement in this respect and should be given appropriate weight. The requirement for additional school places can be secured by a financial contribution which would be the subject of a S106 Agreement.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

- (I) The applicant be informed that the committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the reasons set out in paragraph (III) unless by 31 October 2012 the freehold owner(s) enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
  - (i) the delivery of 29 units of affordable housing
  - (ii) payment of a financial contributions towards education provision
  - (iii) the payment of a financial contribution to secure the provision of a bus stop in Ongar Road, Great Dunmow
  - (iv) the payment of a financial contribution to secure the re-routing of bus route 42A
  - (v) Set up of a management company to maintain the areas of public open space
  - (vi) Provision of gateway feature works
  - (vii) provision of a Green Travel Plan including the provision of Travel Information and Marketing Scheme for sustainable transport
  - (viii) implementation of improvements to public rights of way
  - (ix) implementation of improvements to bridleways
  - (x) the payment of a financial contribution towards the investigation and works to improve the capacity and safety at the B184 Chelmsford Road/B1256 Hoblongs junction
  - (xi) payment of 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 obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:

- (i) The required affordable housing provision has not been forthcoming and as such the proposal would be contrary to Policy H9 of the Uttlesford Local Plan 2005 which requires an element of affordable housing on such schemes.
- (ii) The required education contribution has not been forthcoming and as such the proposal would be contrary to Policy GEN6 of the Uttlesford Local Plan 2005 which requires an element of affordable housing on such schemes.
- (iii) The required bus stop has not been forthcoming and as such the proposal would be contrary to policy S7 of the Uttlesford Local Plan 2005 which protects against unacceptable development within the countryside.
- (iv) The required re-routing of the bus service has not been forthcoming and as such the proposal would be contrary to Policy S7 of the Uttlesford Local Plan 2005 which protects against unacceptable development within the countryside.
- (v) The provision of the gateway feature works has not been forthcoming and as such the proposal would be contrary to Policy GEN1 of the Uttlesford Local Plan 2005 which requires development to be designed so as not to compromise road safety
- (vi) The provision of travel packs and public transport contributions has not been forthcoming and as such the proposal would be contrary to Policy GEN1 of the Uttlesford Local Plan 2005 which requires that development encourages movement by means other than driving a car.
- (vii) The required improvements to the public rights of way has not been forthcoming required education contribution has not been forthcoming and as such the proposal would be contrary to Policy GEN1 of the Uttlesford Local Plan 2005 which requires that development encourages movement by means other than driving a car.
- (viii) The required improvement to the bridleway has not been forthcoming and as such the proposal would be contrary to Policy GEN1 of the Uttlesford Local Plan 2005 which requires that development encourages movement by means other than driving a car.
- (ix) The requirement financial contribution towards the improvements required to the B184 Chelmsford Road/B1256 Hoblongs junction has not been forthcoming and as such the proposal would be contrary to Policy GEN1 of the Uttlesford Local Plan 2005.

#### **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.
2. Application for approval of all 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 housing 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.
3. The development hereby permitted shall be begun later than the expiration of 1 year 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 housing 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 plans and particulars submitted in accordance with condition 1 above shall include:
- (a) A plan showing (i) the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter of 75mm or greater, measured over the bark at a point 1.5 m above ground level, showing which trees are to be retained and the crown spread of each retained tree and (ii) the location of hedges to be retained and details of species in each hedge;
  - (b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
  - (c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;
  - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed elevation, within the crown spread of any retained tree or of any tree on land adjacent to the site or within 5 metres of any retained hedge;
  - (e) 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;
  - (f) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

In this condition 'retained tree or hedge' means an existing tree or hedge which is to be retained in accordance with the plans referred to in paragraph (a) above.

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 Uttlesford Local Plan Policy GEN2 (adopted 2005).

5. The plans and particulars submitted in accordance with condition 1 above shall include full details of both hard and soft landscape works which shall be carried out as approved. These details 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 (eg furniture, play equipment, refuse or other storage units, signs, lighting etc)
  - vii. proposed and existing functional services above and below ground (eg drainage, power)
  - viii. communications cables, pipelines, etc, indicating lines, manholes, supports)
  - ix. retained historic landscape features and proposals for restoration, where relevant.
  - x. a 10m buffer zone to Olive's Wood
  - xi. a buffer zone of at least 3-5m to the Ongar Road (B184) and A120 boundaries

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: 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, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

6. The landscaping scheme required in accordance with condition 1 above 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. Details of species, sizes, planting centres, number and percentage mix shall be submitted to and be approved in writing by the local planning authority before commencement of development, the approved details shall be implemented in the first planting and seeding season following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.  
REASON: To ensure that the long-term health and species rich nature of the existing landscape features within and adjoining the site are consolidated and maintained free of invasive or alien species in accordance with the policy for nature conservation in the Local Plan, in accordance with Uttlesford Local Plan Policies GEN2 and GEN7 (adopted 2005).
7. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.  
REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).
8. The plans and particulars submitted in accordance with condition 1 above shall include details demonstrating how the development as designed, specified and built shall achieve the equivalent of a 'Code for Sustainable Homes' rating of 'Level 3', namely the dwelling emissions rate (DER) achieved shall be at least 25% lower than the target emissions rate (TER) as calculated by the Building Regulations 2006 Part L1A SAP methodology, and will incorporate other water saving and environmental features agreed with the planning authority.  
  
The applicant will provide the planning authority with a design SAP rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as details of water saving and other environmental features. The applicant will provide a SAP rating of the as-built development and details of water saving and other environmental features incorporated once the development within four weeks following its completion.  
REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.
9. 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 Uttlesford Local Plan Policy GEN2 (adopted 2005).
10. 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/specification 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 Uttlesford Local Plan Policy GEN2 (adopted 2005).

11. 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 buildings are accessible to all sectors of the community. The buildings 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 Uttlesford Local Plan Policy GEN2 (adopted 2005).
12. 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 (adopted 2005).
13. The details and particulars to be submitted in accordance with condition 1 above shall include a schedule of materials to be used within the development. Subsequently the development shall be carried out in accordance with the submitted details.  
REASON: In the interests of the appearance of the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
14. 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 shall be submitted to and approved by the local planning authority. This should include provision for the storage of at least two 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 in the approved form thereafter.  
REASON: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Uttlesford Local Plan Policy GEN2 (adopted 2005).
15. 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 Technical Guidance to the National Planning Policy Framework (or any subsequent version), and the results of the assessment shall be provided to the local planning authority. Where a sustainable drainage system 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 Uttlesford Local Plan Policy GEN3, (adopted 2005).

16. The plans and particulars submitted in accordance with condition 1 above shall include details showing the means to prevent the discharge of surface water from the development onto the highway. 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 Uttlesford Local Plan Policy GEN1 (adopted 2005).

17. The plans and particulars submitted in accordance with condition 1 above shall include 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). The details shall be implemented as approved.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety, in accordance with Uttlesford Local Plan Policies GEN1 and GEN2 (adopted 2005).

18. The plans and particulars submitted in accordance with condition 1 above shall include details of the parking provision for cars, cycles and powered two wheelers in accordance with the requirements of the Parking Standards Design and Good Practice guide dated September 2009 unless otherwise agreed by the Local Planning Authority. The details shall be implemented as approved.

REASON: In the interests of highway safety, efficiency and accessibility, in accordance with Uttlesford Local Plan Policies GEN2 and GEN8 (adopted 2005).

19. The plans and particulars submitted in accordance with condition 1 shall include details of an access formed at right angles to the B184 Dunmow Road, as shown in principle on Steer Davies Gleeve drawing 221625\_SD001\_RevA. The access shall include:

- a) visibility splays with dimensions of 90m by 4.5m by 90m, as measured from and along the nearside edge of the carriageway, such visibility splays shall be retained free of any obstruction in perpetuity.
- b) 10.5m junction radii
- c) 6m carriageway width with two 2m footways.

The access as approved shall be constructed prior to the occupation of any dwelling on the development.

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

20. No development shall take place within the area indicated on the site location plan until the applicant or their 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 the NPPF.

21. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before any such change is made.

REASON: In the interests of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.

23. If the development hereby approved is not commenced within two years of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the survey, together with an amended mitigation strategy as appropriate, shall be submitted to and approved in writing by the local planning authority and implemented as agreed.  
REASON: To comply with the requirements of the Habitats Regulations and to protect species of conservation concern in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the NPPF.
24. The development permitted by this planning permission shall only be carried out in accordance with the approved Level 2 Flood Risk Assessment (FRA), prepared by Scott Wilson, dated May 2012, and Addendum, dated 31 July 2012, and the following mitigation measures detailed within the FRA:  
1. 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 20.8 l/s.  
2. Provide surface water attenuation on site for a volume of 1070m<sup>3</sup>.  
REASON: 1) To accommodate storm events up to and including the 1 in 100 year with climate change; 2) 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).
25. The development hereby permitted shall only be carried out in accordance with the scheme of mitigation measures submitted with the application as detailed in the Ecological Assessment prepared by ecology solutions ltd, dated May 2012 in all respects and any variation thereto shall be agreed in writing by the local planning authority before any such change is made.  
REASON: In the interests of protecting the residential amenity of the occupiers of the dwellings hereby permitted in accordance with Policy ENV10 of the Uttlesford Local Plan (adopted 2005).
26. No demolition or construction work relating to this permission shall be carried out nor machinery operated on, nor materials be delivered to the site at any time on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 07.30 and 18.00 on Mondays to Fridays and between the hours of 08.00 to 13.00 on Saturdays.  
REASON: To safeguard the amenities of the occupiers of neighbouring properties, in accordance with Uttlesford Local Plan Policy GEN4 (adopted 2005).





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