

**UTT/13/1779/FUL (LITTLE CANFIELD)**

**PROPOSAL:** Demolition of North View and residential development of 46 dwellings (including affordable housing) and associated works which include access to Dunmow Road, new bridleway to the Flitch Way, playspace, strategic landscaping and parking provision. Revision of UTT/13/0526/FUL

**LOCATION:** Land at Northview and 3 The Warren, Dunmow Road, Little Canfield

**APPLICANT:** Knight Developments Ltd

**AGENT:** ASP

**EXPIRY DATE:** 08 October 2013

**CASE OFFICER:** Alison Hutchinson

**APPLICATION TYPE:** Major

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**1. NOTATION**

1.1 Outside Development Limits,

**2. DESCRIPTION OF SITE**

2.1 The site comprises 1.9ha and occupies a roughly rectangular area of land to the south of Dunmow Road on the western edge of Little Canfield and to the south of Priors Green at Takeley. The northern frontage of the site extends along a section of Dunmow Road adjacent to the roundabout access with Warwick Road. To the south the site is bounded by the Flitch Way public bridleway.

2.2 The western portion of the site is currently occupied by a single dwelling, North View, which is a detached bungalow standing in large grounds. The eastern part of the site comprises part of the garden/grounds of Warren Cottages and the site wraps around these cottages to the south. The site is largely level, laid to lawn and contains a substantial number of trees particularly around the edges and has an area of scrub woodland between the properties.

2.4 To the west are existing residential properties whilst the listed Warren Cottages are located adjacent to the eastern boundary.

**3. PROPOSAL**

3.1 The application represents a resubmission of a previously refused planning application UTT/13/0526/FUL which was refused on 15 May 2013 on the grounds that the proposed development would provide an unacceptable layout with the location of the majority of the affordable housing within one area of the site and also contained a central parking court; that it was located within 50 metres of a currently permitted landfill site which is known to be producing landfill gas with no survey information or potential mitigation being provided to address the issue and also the lack of a S106

Agreement for education contributions. That application is currently the subject of an appeal which is being dealt with under the written representations procedures.

- 3.2 Discussions have taken place with the applicants and the layout has been revised to address the reasons for refusal. Additional information has also been submitted and agreed with the Environment Agency relating to the landfill site. The current application therefore proposes a similar development to the previously refused application for 46 dwellings which is to be served from an additional spur off the existing roundabout on Dunmow Road. A bridleway is provided through the site that links the Dunmow Road with the Flitch Way public bridleway. The proposed development will provide a mix of unit types with 1 bedroom flats, 1 and 2 bedroom bungalows and 2, 3 and 4 bedroom houses. The scheme will provide 18 affordable dwellings which equates to 40%. The affordable units are now split into two separate groups of 10 and 8 units.
- 3.3 The properties will be built predominantly of brick with render and tile with final details to be agreed. The dwellings are located within three main groups, those that face onto Dunmow Road, a group of properties arranged on the rear western portion of the site and the 'residential street' to the east which extends to the rear of Warren Cottages and with a small spur to serve two houses. The dwellings are all served by gardens ranging in size from 69sqm to 228 for the 3 and 4 bed units and 69sqm to 122sqm for the 1 and 2 bed dwellings. The flats will share a communal space of 100sqm.
- 3.4 The market housing is served by garages with several being accessed by undercrofts whilst the affordable housing is served predominantly by on plot or off street parking. Some visitor spaces are provided adjacent to the access into the site and to the rear of the site on the minor access road.
- 3.5 The mix of affordable housing is in accordance with Council policy and comprises 2 and 3 bed houses with smaller 1 bed flats and 1 and 2 bed bungalows.
- 3.6 Landscaping is provided along the Dunmow Road frontage with the retention of existing trees and hedgerow and within a central area along the existing brook. Two balancing ponds are proposed either side of the new section of bridleway with a LEAP shown located within this central area. The boundary hedgerows and trees along the Flitch Way to the south will remain and existing planting will be augmented with additional planting where appropriate.
- 3.7 The site is to be served by a new below ground foul water pumping station located to the south of one of the balancing ponds within the central area of open space.

#### **4. APPLICANT'S CASE**

- 4.1 The applicant has submitted a Planning Statement and a Design and Access Statement which sets out the design rationale for the development. The applicants have asserted that they have now addressed all the reasons for refusal with the current revised application.
- 4.2 The applicants have submitted that the land at Northview and 3 The Warren was considered to be deliverable and achievable for residential development in the Uttlesford District Strategic Housing Land Availability Assessment. That was included within the Role of Settlements and Site Allocations' DPD and is now allocated in the draft Uttlesford Local Plan 2012. The Council cannot demonstrate a five year supply of housing land in conformity with national planning policy requirements and thus there is a presumption in favour of granting planning permission on this basis also.

4.3 The application site is subject to Takeley/Little Canfield Policy 3 in the Uttlesford Local Plan 2012 and the proposed development has been prepared on the basis of maximising the site by providing 46 units instead of the 40 identified by policy. The proposal also provides the additional requirements set out in the criteria to that policy. The proposal therefore includes the following:

- Points 1 & 2: the development provides a mixed and balanced community with a mix of 1, 2, 3 and 4 bed housing and a range of bungalows. The mix of affordable units will reflect local housing need and will include both social rented and intermediate rental options in line with the Council Housing Strategy 2013.
- Point 3: Pre-application discussions confirmed that there was not a requirement for a full landscape buffer due to the extent of existing vegetation along the boundary with the Flitch Way. The proposal therefore supplements the existing strong landscaping through additional planting.
- Point 4: A bridleway is provided as required by Takeley/Little Canfield Policy 3. This will be constructed to County highway standards to be a safe off-road route for pedestrians, horse riders and cyclists.
- Point 5: A LEAP is to be provided in the central part of the site where it is easily accessible to all parts of the site and the bridleway. It will be constructed and provided as part of the development before being transferred to the Parish Council. Transfer of ownership and maintenance payments will be subject to a Section 106 Agreement.

4.4 The applicants have also submitted a Phase II Geo-environmental Assessment Report based upon the recommendations of the original desktop contamination report that confirms there will be no risk to any future development from the landfill site that lies to the south.

4.5 The S106 Agreement will also include other measures required to mitigate against any adverse effects upon existing residential and community interests. The application is accompanied by a Design and Access Statement, Planning Statement, Topographical Survey, Flood Risk Assessment, a Surface Water Management Plan, a Desktop Contamination Report and a Phase II Geo-environmental Assessment Report, a Transport Statement and Road Safety Audit Stage 1 together with an Arboricultural Survey and Arboricultural Impact Assessment, a Phase 1 Habitat Survey and further species specific surveys, a Desktop Contamination Report, a Site Waste Management Plan and Sustainability Checklist and Foul Drainage Assessment Form have also been submitted.

## **5. RELEVANT SITE HISTORY**

5.1 UTT/13/0526/FUL for the demolition of North View and the development of 46 dwellings and including a new access, bridleway, playspace, landscaping and parking. Planning permission was refused on 15 May 2013 for four reasons relating to layout, lack of education contribution and concerns regarding potential contamination from the nearby landfill site.

## **6. POLICIES**

### **6.1 National Planning Policy Framework**

## 6.2 Uttlesford District Local Plan 2005

Policy S7 - The Countryside  
Policy GEN1 - Access  
Policy GEN2 – Design  
Policy GEN3 – Flood Protection  
Policy GEN6 - Infrastructure Provision to Support Development  
Policy GEN7 - Nature Conservation  
Policy GEN8 - Vehicle Parking Standards  
Policy ENV2 – Development affecting Listed Buildings  
Policy ENV14 – Contaminated Land  
Policy H9 - Affordable Housing  
Policy H10 - Housing mix

Supplementary Planning Document - "Accessible Homes and Playspace"  
Essex Developers' Guide to Infrastructure Contributions (Adopted as Essex County Council Supplementary Guidance).

## 6.3 Draft Local Plan 2012

Takeley/Little Canfield Policy 3 – North View and 3 The Warren  
Policy INF1 – Protection and Provision of Open Space, Sports Facilities and Playing Pitches

## 7. Takeley Parish Council: Support

- 7.1 TPC support the proposal providing the following conditions are applied to the development:-
- Suitable landscaped buffers to be planted, including semi mature trees (not whips), on the east and west boundary of the site.
  - All construction traffic should come in and out of the site via the A120 and B1256 in an easterly direction. No construction traffic to be allowed through Takeley.

## 8 CONSULTATIONS

### ECC Highways

- 8.1 No objections subject to conditions.

### Environment Agency

- 8.2 No objection subject to conditions

### ECC Schools

- 8.3 There are sufficient early years and pre-school places to meet the need from the development. This development falls in the priority admissions area of Takeley Primary School which has a permanent capacity of 315 and 369 spaces will be required by 2017. Additional provision will therefore be needed at primary level and this development will add to that need. There would also be insufficient places at The Helena Romanes School and Sixth Form Centre which is the priority admissions secondary school for this development. ECC schools therefore require an education contribution of £125,112 for primary school provision, £126,712 towards secondary school provision and a contribution towards school transport of £28,860.

### **County Archaeologist**

- 8.4 Requires an archaeological programme of trial trenching followed by open area excavation.

### **ECC Minerals and Waste**

- 8.5 No Objections

### **Place Services**

- 8.6 Objection; Insufficient information contained in the Phase 1 Report, the Bat survey is out of date and lack of information regarding the potential impact of the development upon the Ancient Woodland at Runnel's Hey.

- 8.7 The applicants have now submitted additional information with an Enhancement Plan and Woodland Assessment and County Ecology have been re-consulted.

### **Thames Water**

- 8.8 No objections

### **Aerodrome Safeguarding**

- 8.9 No objections

### **NATS**

- 8.10 No objections

### **Sport England**

- 8.11 No Objections

### **Natural England**

- 8.12 No objections

### **Uttlesford Housing Enabling Officer**

- 8.13 Requires 18 affordable units; 5 x 1 bed, 11 x 2 bed and 2 x 3 bed to include bungalows and to be split between rented and shared ownership.

### **Access and Equalities Officer**

- 8.14 In general the dwellings meet the Lifetime Homes Standard as set out in the SPD. The bungalows provided are within the affordable housing scheme and not the open market. No plots have been assigned to meet the Wheelchair Accessible Housing Standard.

## **9 REPRESENTATIONS**

- 9.1 2 letters of objection have been received setting out the following objections. The first raises concerns regarding rubbish being dumped on the Flich Way which has happened on other development sites. The second letter of objection raises issues with

the contents of the Planning Statement accompanying the application on the following issues:

- The Phase II Geo-environmental assessment report stated that future residents will be at a High to medium risk of lateral migration of landfill gases and the landfill site is much bigger than stated.
- The brook is not suitable to be in proximity of a children's play area.
- Tree Tops is some 10m away from the site boundary.
- Contrary to the Flood Risk Assessment, the site suffers serious flooding annually and the property at North View has flooded.
- The Phase 1 Habitat Survey shows no significant habitats on the site. However, there are Fallow Deer, Muntjac, Badgers, Foxes and Rabbits and Bats present on and around the site as are most of the British Birds together with many small mammals and flora.

## **10 APPRAISAL**

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

**A The principle of development of this site for residential development (ULP Policies S3, S7 and GEN2)**

**B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**

**C The proposed scale, layout and form of the development (ULP Policy GEN2)**

**D Impact upon Listed Buildings (ULP Policy ENV2)**

**E Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**

**F Infrastructure provision to support the development (ULP Policy GEN6)**

**G Drainage and Contamination (ULP Policies GEN3, GEN6 and ENV14)**

**H Biodiversity (ULP Policies GEN7, ENV7 and ENV8)**

**I Other Material Considerations**

**A The principle of development of this site for residential development (ULP Policies S3, S7 and GEN2)**

10.1 The application site is located outside the development limits of Takeley and is located to the south of the area identified on the Proposals Map as Takeley/Little Canfield Local Policy 3 – Priors Green. That area has been developed and the current application proposal would extend development southwards onto the opposite side of Dunmow Road. Although the site is currently in residential use and is surrounded by other residential properties, the site is not within the designated development limits and, in policy terms, is therefore open countryside where ULP Policy S7 applies. It is not considered that the development would meet the requirements of Policy S7 of the Local Plan and that, as a consequence, the proposal is contrary to Policy S3 and S7 of the 2005 Local Plan.

10.2 The Council has commissioned a Compatibility Assessment which confirms that Policy S7 is partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but that the NPPF takes a positive approach, rather than a protective one. It is considered that whilst Policy S7 is still relevant to the consideration of this application, there is also a presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF.

- 10.3 Paragraph 49 of the NPPF confirms 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 five-year supply of deliverable housing sites.
- 10.4 The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land and that the site is one which is identified for development within the emerging Uttlesford Local Plan.
- 10.5 The Council recognises that it has a shortfall, and that it should consider favourably applications for residential development which will make a positive contribution towards meeting housing need. The Housing Trajectory and Statement of 5 – Year Land Supply 2013 records the average annual completion rate to be 456 (2006/07-2012/13) compared with the average annual completion rate required by the East of England Plan of 430 dwellings. Looking forward a total of 1618 dwellings are assumed to be delivered within the 5 year period 2014/15 to 2018/2019 taking committed sites only into account. This equates to an average annual completion rate of only 324 dwellings. The current level of delivery on deliverable sites for the 5 year period is therefore 72% which equates to 3.6 years of supply. This includes a 5% frontloading. The Council does not consider a 20% frontloading is necessary because there has not been persistent under delivery, and this has recently been confirmed by the Inspector in the Flitch Green appeals. If the proposed sites identified in the Draft Local Plan June 2012 are taken into account 116% of the requirement on deliverable sites for years 1-5 is met and this is equivalent to 5.8 years of supply against the RSS target.
- 10.6 The application site is identified as a proposed development site in the Draft Local Plan 2012 under Takeley/Little Canfield Policy 3 - North View and 3 The Warren for an allocation for a minimum of 40 residential dwellings and providing for a mixed and balanced community. This number has recently been reviewed in the Uttlesford Draft Local Plan Position Statement March 2013 up to 46 and the site amended to reflect the site ownership. The proposal therefore reflects the modifications in the Position Statement.
- 10.7 The Draft Local Plan is at an early stage in its preparation with the consultation on proposals taking place in June 2012 and a further pre-submission consultation was due to take place in January/February 2013 but this has now been put back to later in 2013 to allow further studies to be completed and considered in full. As a consequence, the sites identified have not yet been through the full consultation process and approval of sites identified in the Draft Local Plan may be regarded as being premature.
- 10.8 However, bearing in mind Government advice in the NPPF that housing applications should be considered in the context of the presumption in favour of sustainable development, that the Council cannot show a five year supply of housing land and that the application site performed well in the Strategic Housing Land Availability Assessment (SHLAA) and is available for development, it is considered that the bringing forward of this site at this stage would be in accordance with the guidance contained in the NPPF and would contribute towards the Council's 5 year housing land supply.
- 10.9 In terms of sustainability, the Transport Statement demonstrates that the site is located near to existing public bus stops and is served by existing bus routes that give access to Stansted Airport, Bishops Stortford, Stansted Mountfichet and Saffron Walden, and also provide access to railway stations along the routes. The site also

connects with existing pedestrian and cycle routes, including Flitch Way. The village of Takeley, including Priors Green is also relatively well served with facilities, many of which are within walking distance of the application site and development of the site would allow residents to access facilities by means other than the motor car. The site is therefore considered to be in a sustainable location.

- 10.10 In these circumstances and in view of the Council's lack of a 5 year housing land supply, it is considered that it is appropriate to bring forward the development of this site in advance of the adoption of the future Local Plan.

**B Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice; Development Management Policies)**

- 10.11 Access to the site is from the existing three arm roundabout junction for Dunmow Road (B1256) and Warwick Road, serving the Priors Green development. The site entrance will be within the 30mph speed limit. The local highway authority has confirmed that it has no objections to the submitted application subject to conditions. One of these requires the widening of the existing footpath on the southern side of Dunmow Road to accommodate cycles and to link in with the proposed bridleway. The applicants have submitted an amended plan to incorporate the adjacent highway land into the application site to facilitate this widening and this requirement can therefore be conditioned.
- 10.12 The proposed bridleway will link Dunmow Road and the Flitch Way and is a requirement of emerging Takeley/Little Canfield Policy 3. The bridleway extends through the centre of the site and is shown on the layout plan as being ramped at a 1:20 gradient where it connects into the Flitch Way. It is considered that the provision of the bridleway could be conditioned by way of a Grampian style condition to ensure that it is provided prior to the occupation of the dwellings.
- 10.13 In terms of parking, the proposal would generate a requirement for 116 parking spaces based upon the Council's 2013 adopted parking standards. The layout and the schedule in the Design and Access Layout shows that 119 spaces are provided. These are generally in accordance with the Council's parking standards although 4 of the 4 bed properties have only two spaces instead of the 3 spaces required by the Council's standards. However, 12 visitor spaces are provided as required by the standards and it is considered that the shortfall of parking spaces on the 4 bedroom properties is not significant and will not be an issue within the development.
- 10.14 The earlier application was refused partly on the grounds of the layout of the parking which incorporated an unacceptable parking court to serve some of the affordable housing. Following a meeting with the applicants, a revised plan has been agreed and this forms the basis of the revised layout. The courtyard has been removed and the properties now have parking directly in front of the dwellings or at the side. The block of 1 bed flats has a car park at the side but the rest of the parking throughout the site is on-plot.
- 10.15 It is considered that the revised layout and parking provision is acceptable and in accordance with Policies GEN1 and GEN8 of the Local Plan.

**C The proposed scale, layout and form of the development (ULP Policy GEN2)**

- 10.16 Local Plan Policy GEN2 seeks to promote good design requiring that development should meet with the criteria set out in that policy. Regard should be had to the scale

form, layout and appearance of the development and to safeguarding important environmental features in its setting to reduce the visual impact of the new buildings where appropriate. Furthermore, development should not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing or overshadowing.

- 10.17 The application site currently comprises the residential curtilage of Northview and part of the curtilage of 3 The Warrens and is located to the south of the recent development at Priors Green. The site is bounded by hedgerows and trees along its northern and southern boundaries, the latter extending along the Flitch Way to the south. The proposed development has been designed to retain the better quality groups of larger trees and large individual trees and proposes the augmentation of existing hedgerows, particularly through the central section of the site along the course of an existing brook. The development is shown split in two halves separated by the brook and proposed landscaped area which will contain the bridleway, the balancing ponds and the LEAP.
- 10.18 The development is served by the access from the roundabout and an access road which runs parallel to Dunmow Road before turning south to serve the eastern portion of the site. Semi-detached and detached dwellings extend along this road and face onto Dunmow Road. A further minor access road extends southwards and loops round to serve a courtyard style development on the western part of the site. This area has been redesigned and now the dwellings face inward over the parking area with their rear gardens backing on to others. The revised design and layout represents a significant improvement over the previous layout for this part of the site. With regard to the flats, these have been relocated and now face south towards the Flitch Way and the access road.
- 10.19 The application proposals are predominantly two storey with many of the frontage semi-detached dwellings sharing an undercroft which provides access to garages. The remainder of the development vary between detached, semi-detached and a small group of terraced properties and four flats. The properties incorporate a range of styles and materials are predominantly brick with render reflecting the material characteristics of the area. Five bungalows are also proposed, arranged in two small groups and is in excess of the 5% requirement for this site.
- 10.20 The layout follows a conventional street plan for the eastern part of the site with properties face onto the road. A small cul de sac off this roadway serves two bungalows that are positioned adjacent to the bridleway. The proposed layout sets the dwellings near to the road and provides minimum front to front distances of between 7.5 to 8m, thereby creating tight and intimate street frontages in places in accordance with guidance in the Essex Design Guide. Garden sizes vary considerably but several 3 and 4 bed properties fall below the 100sqm advocated in the Essex Design Guide. However, this did not constitute a reason for refusal for the previous scheme and it is considered that in general, the development will ensure that the new residents would have an acceptable level of amenity and privacy.
- 10.21 With regard to existing residents, Tree Tops is positioned to the west of the site and is a one and a half storey dwelling with windows orientated largely north/south. Plots 15, 16 and 17 back onto the boundary with Tree Tops and would be positioned some 27m from the eastern side elevation of the dwelling which contains two small secondary windows at ground floor level. It is considered that this layout will ensure that there is no direct overlooking between the properties. A hedge extends along the boundary and a garage is positioned in the south eastern corner of Tree Tops'

curtilage, providing additional screening for the existing property. It is considered that the amenity of Tree Tops would be adequately protected by the layout.

- 10.22 Warren Cottages and Warren Yard lie to the east of the site adjacent to Plots 35 to 42. Plots 36, 37 and 38 are proposed as bungalows which, combined with the high hedge and fence boundary to Warren Cottages, would protect the amenities of the residents of the Cottages. Plots 39, 40, 41 and 42 are all two storey with windows facing towards the existing dwellings. However, they have all been designed to minimise overlooking with the first floor windows facing the existing dwellings serving bathrooms and landings. The windows are proposed to be obscure glazed and it is considered that the amenities of the existing residents will be adequately protected. No other properties would be affected by the proposals.
- 10.23 Emerging Takeley/Little Canfield Policy 3 requires that a LEAP is provided within the development and the submitted plans show this playspace located centrally between the two halves of the site. The size of the play space is considered to be appropriate for a development of the scale proposed as it will provide a local play area mostly for residents' younger children.
- 10.24 This site is separated and some distance from existing play provision within Priors Green and it is considered that the current application site should accommodate appropriate play provision for future residents rather than be reliant upon Priors Green. Emerging Policy INF1 of the emerging Local Plan sets out the local requirements for the district which is 0.2 ha per 1000 population of playspace and this would equate to approximately 105 sqm. The proposed LAP measures 95 sqm and it is considered that the shortfall would be addressed by the provision of suitable play equipment which will be a requirement of a Section 106 Agreement.
- 10.25 The playspace is located between the access road and the bridleway and is adjacent to one of the proposed ponds. The ponds and the playspace would each be fenced, to ensure safety.
- 10.26 The layout proposes a foul water pumping station on the southern side of the site, approximately 11m from the nearest dwelling at Plot 11 and at the end of the access road before it turns the corner. This will be under ground and it is not considered that it will affect residential amenity.
- 10.27 It is considered that the measures incorporated into the design of the proposed development will protect the amenities of the existing residents and that they will not have a materially adverse effect on their reasonable occupation and enjoyment of their dwellings. The revisions to the design of the layout now make the application acceptable and in accordance with the provisions of Policy GEN2 of the Local Plan.

#### **D Impact upon Listed Buildings (ULP Policy ENV2)**

- 10.28 Policy ENV2 states that development affecting a listed building should be in keeping with its scale, character and surroundings. The site is located adjacent to Warren Cottage, a Grade II listed building. Warren Cottage forms a terrace of cottages dating from the late 15<sup>th</sup> Century and is timber framed with a red plain tile roof. It is predominantly 2 storeys with single storey additions and attics. No 3 Warren Cottages has been modified and incorporates modern windows, out of keeping with the character of the adjacent cottage. The cottages are set within relatively small gardens that are located at the rear of the cottages and therefore between the listed buildings and the application site. The gardens are bounded by hedging and fencing.

- 10.29 The development wraps around the listed building with Plots 37 to 42 being the most closely positioned and adjacent to the boundary with the listed building and its curtilage. Plots 36, 37 and 38 are proposed as single storey dwellings in order to reduce visual impact. Nos. 39, 40, 41 and 42 are all two storey and are located closer to No 3 Warren Cottages which has been modified in recent years and incorporates modern windows which appear out of character with the adjacent cottage.
- 10.30 It is considered that the design and layout of Plots 36 to 38 are such that they will minimise the impact upon the setting of the listed building. Plots 40 and 41 are rendered with a tile roof and have a traditional narrow span and depth similar to the listed buildings. Plot 42 is wider and will be seen more from Warren Yard than the curtilages of the cottages and it is considered that the proposals respect the scale, character and surroundings of the listed buildings in accordance with Local Plan Policy ENV2.

#### **E Mix of Housing and Affordable Housing (ULP Policies H9 and H10)**

- 10.31 Policy H9 requires that 40% affordable housing is provided on sites having regard to market and site conditions. In this instance, the affordable housing requirement would be some 18 units. The application includes a schedule of accommodation which shows the 18 affordable units. Following discussions with the Council's Housing Enabling Officer, the applicants have now agreed and submitted a revised layout and schedule of accommodation. The 18 affordable units (40%) will therefore comprise 2 x 3 bed, 11 x 2 bed and 1 x 1 bed dwellings and 4x1 bed apartments.
- 10.32 The previous application concentrated the affordable units in one main large group of 15 units on the western part of the site with the additional three units located on the eastern side. The revised application now addresses the Council's previous objections and reason for refusal and divides the affordable housing into a group of 10 located on the western part of the site and a further group of 8 located on the eastern portion. The provision will include three bungalows. It is considered that the revised layout will ensure better integration of residents within the development and as such, the design, layout and amount of the affordable units within the development is therefore acceptable and in accordance with Policy H9 of the Local Plan.
- 10.33 The development as a whole comprises a mix of 1, 2, 3 and 4 bed roomed dwellings together with the 1 bed roomed affordable apartments and provides an acceptable mix of dwellings on this site. As such the application proposals comply with Policy H10 of the Local Plan.

#### **F Infrastructure provision to support the development (ULP Policy GEN6)**

- 10.34 ECC Schools Service has indicated that there are sufficient early years and pre-school places to meet the need from the development but that there will be insufficient places at both Takeley Primary School and the Helena Romanes School and Sixth Form Centre. Additional provision will therefore be needed at both primary and secondary level and ECC schools require an education contribution of £ 254,736 of which £125,112 is for primary school provision and £126,712 towards secondary school provision. This would be provided by way of a Section 106 Agreement. The applicants have indicated their willingness to enter into a S106 Agreement to secure this provision and it is expected therefore that the application will make provision for infrastructure provision as required by Policy GEN6.

## **G Drainage and Contamination (ULP Policies GEN3, GEN6 and ENV14)**

- 10.35 The previous application was refused due to concerns relating to the landfill site to the south of the application site and the Flitch Way following objections from the Environment Agency. The application site is within 50 metres of the landfill site which is known to be producing landfill gas. The applicants have highlighted the presence of the landfill site in their Desk Study and Site Investigation Report which states that the site is only 22m from the landfill and that there is a moderate hazard to the application site. Further studies and testing have been carried out and submitted with the revised application. The applicants have also been in discussions with the EA both during the consideration of the previous application and prior to the submission of the current revised proposals and have sought to demonstrate that appropriate mitigation can be put in place so that there is no risk to future residents.
- 10.36 The Phase II Geo-environmental Report confirms that contamination and gas monitoring has been taking place and will need to continue but that to date, no gas has been detected within the site and that minor levels only of contaminants have been found.
- 10.37 The EA has advised that it now has no objections to the current application subject to appropriate conditions being put in place to address contamination and surface water flood risk.
- 10.38 The proposals therefore now address the issue of potential contamination and propose ongoing survey and mitigation which can be adequately conditioned. The proposals overcome the previous reasons for refusal and it is considered that the proposals are now in accordance with Policy ENV14 of the Local Plan.

## **H Biodiversity (ULP Policies GEN7, ENV7 and ENV8)**

- 10.39 The previous application submitted a Phase 1 Habitat Survey which did not identify the presence of any protected species on the site other than the possibility of bats. A Bat Emergence Survey was also submitted which noted minor activity from common species but no roosts were found in the site. No objections on biodiversity grounds were received in respect of the earlier application from the consultees. The current revised application incorporates the same information and Natural England has confirmed that it has no objections to the application. However, the County Ecologist has objected to the application on the grounds of insufficient information, the date of the bat survey and the potential impact on the nearby Ancient Woodland which lies to the south of the Flitch Way. The applicants have now submitted additional information with an Enhancement Plan and Woodland Assessment and County Ecology have been re-consulted. Discussion with the County Ecologist suggest that appropriate conditions can be attached to any planning permission in the event that the additional information is still not acceptable and the members will be updated at the meeting on any consultation responses.

## **G Other Material Considerations**

- 10.40 The comments of the Parish Council are noted. Conditions are to be attached relating to the submission of a detailed landscaping scheme and appropriate landscaping around the boundary of the site will be considered at that stage. With regard to the Parish Council's requirement for no construction traffic to be allowed through Takeley, your officers are not aware of any legal restrictions on traffic within Takeley

and it is not considered that it would be possible to preclude all construction traffic from using the B1256 to the west.

10.41 There are no other material considerations.

## **11.0 CONCLUSION**

11.1 The application site is currently identified for future development in the emerging Local Plan and with the fact that the Council is unable to demonstrate a 5 year housing land supply, it is considered that this site could be brought forward in advance of the adoption of the new Local Plan and in accordance with guidance in the NPPF. The previous objections regarding the layout in terms of the concentration of the affordable housing units in one area of the site and the use of parking courts and the potential risk from contamination have all been addressed in the current revised application and the proposals are now considered to be acceptable. The applicants have indicated a willingness to enter into a S106 Agreement and this is currently being drafted. In view of the above, it is considered that the proposed development is now acceptable and that the grant of planning permission would be in accordance with guidance contained in the NPPF and is generally in accordance with the policies of the Development Plan.

### **RECOMMENDATION - APPROVE SUBJECT TO A S.106 LEGAL AGREEMENT AND THE FOLLOWING CONDITIONS:**

(I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by the 4th October 2013 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) Community payment for education
- (ii) Provision of 40% affordable housing
- (iii) Provision and transfer of open space and play equipment
- (iv) Contribution towards maintenance of open space for 20 years
- (v) Provision and transfer of bridle way
- (vi) Pay Councils reasonable costs

(II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant 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) Community payment for education
- (ii) Provision of 40% affordable housing
- (iii) Provision and transfer of open space and play equipment
- (iv) Contribution towards maintenance of open space for 20 years
- (V) Provision and transfer of bridle way

## CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule below.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the 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. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2 and ENV1 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the erection of the development hereby approved full details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i. proposed finished levels or contours of the landscaped areas;
- ii. proposed ground floor levels of the dwellings;
- iii. means of enclosure and boundary treatments;
- iv. hard surfacing materials;
- v. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, Street Lighting, etc.);
- vi. proposed and existing functional services above and below ground (e.g. drainage, power),
- vii. communications cables, pipelines etc. indicating lines, manholes, supports.).

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).

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any dwelling 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).

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

7. Demolition or construction works (including deliveries) shall not take place outside 7.30 hours to 18.00 hours Mondays to Fridays and 8.30 hours to 14.00 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)

8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from construction works.

REASON: In the interests of the amenity of surrounding residential premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

9. No development approved by this planning permission shall be commenced until a scheme for gas monitoring and mitigation, based on the Phase II Geoenvironmental Assessment Report, prepared by GEMCO, dated May 2013, 383 R01: Issue 1, has been submitted to and approved in writing by the local planning authority.

REASON: to protect future inhabitants from potential contamination in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

10. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect the water environment. The submitted report indicates that there may be petroleum hydrocarbon contamination on the site in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005)..

11. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

REASON: To protect the water environment. Any excavations undertaken to remove contamination should be subject to verification testing of the sides and base of the excavation to demonstrate that the remedial targets have been achieved in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005)..

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

REASON: To protect the water environment. No site investigation can completely characterise a site. The previous intrusive investigations were done for soakage testing and not for contamination investigations in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005)..

13. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

REASON: To protect the water environment. Soakaways through contaminated soils are unacceptable as the discharge may mobilise contamination and pollute the

groundwater in accordance with Policy ENV14 of the Uttlesford Local Plan (adopted 2005).

14. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed "Proposed Development off Dunmow Road, Little Canfield, Ref: 4689" Flood Risk Assessment (FRA) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off rate and surface water storage on site as outlined in the FRA.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy GEN2, GEN3 and GEN6 of the Uttlesford Local Plan (adopted 2005).

15. No building shall be occupied until works for the drainage/ sewage disposal works have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure suitable drainage for the development, in accordance with Policy GEN2 Uttlesford Local Plan (adopted 2005).

16. No development shall commence until details of the estate roads, footways and bridleway (including layout, levels, gradients, surfacing and means of surface water drainage) and location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to the occupation of the dwellings.

REASON: To ensure roads/footways are constructed to an appropriate standard in the interests of highways safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

17. No development shall commence until details of the access as shown in principle on Drawing No 12-01-10 Ref G and to include a dropped kerb have been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwellinghouse.

REASON: To provide 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 the access in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005)

18. No development shall commence until details of the widening of the existing footway on the southern side of Dunmow Road to 3 metres from the proposed bridleway point to the existing roundabout to include the possible widening of the splitter island to accommodate cycles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwellinghouse.

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

19. The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or mews) from occupation of such dwelling.

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

20. 1 No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
2. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
3. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and the NPPF.