

## **UTT/14/0127/FUL (GREAT DUNMOW)**

This matter was deferred from Planning Committee on 1.7.15 to allow members to visit the site.

<b>PROPOSAL:</b>	<b>Planning application for the erection of 99 dwellings, including 40 percent affordable housing, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a children's play area, green corridors, associated parking and landscaping.</b>
<b>LOCATION:</b>	<b>Land South Of Ongar Road Ongar Road Great Dunmow</b>
<b>APPLICANT:</b>	<b>Taylor &amp; Ms.J.R.Mortimer, Ms S.M.Staines &amp; Ms C.A.Stoneman</b>
<b>AGENT:</b>	<b>Boyer Planning Limited</b>
<b>EXPIRY DATE:</b>	<b>21 April 2014</b>
<b>CASE OFFICER:</b>	<b>Nigel Brown</b>

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### **1.0 NOTATION**

1.1 Outside Development Limits / Protected Lane (part).

### **2.0 DESCRIPTION OF SITE**

- 2.1. The application site is situated to the south-west of the town and comprises a broadly rectangular parcel of arable land comprising 4.07 hectares bounded by the B184 Ongar Road to the north, the unclassified Clapton Hall Lane to the east and south and residential properties and residential amenity land to the west. A mini-roundabout lies at the north-eastern corner of the site, whilst Hoblings Brook and the A120 bypass lie beyond the site's southern boundary. The land comprises countryside lying outside the settlement limits.
- 2.2. The northern side of Ongar Road is characterised by a line of post-war bungalows which stand behind highway verges, to the north of this row of housing is a modern housing estate accessed from Lukin's Drive. Clapton Hall Lane is characterised by a mixture of single and two storey dwellings, including Crofters (the exception with 2.5 storeys) and Crofters Barn, which are listed buildings. Another listed building, Gatehouse, is located close to the appeal site fronting Ongar Road to the east of the roundabout junction with Clapton Hall Lane.
- 2.3. The site is relatively level from east to west, but land levels slope from north to south to the south-western corner of the site with Clapton Hall Lane with a pronounced land level difference between the level of the site and the carriageway of Clapton Hall Lane at this point. The change in levels across the site overall is around 7 metres however on the parts of the site that are proposed to be developed the change in levels from the north to south in terms of finished floor levels is around 5 metres. The northern boundary of the site comprises a line of established trees and indigenous hedgerow with gaps that return along the western boundary, whilst the southern and eastern boundaries are relatively open with verges to Clapton Hall Lane.
- 2.4. A balancing pond is located between the site and the A120.

### 3.0 PROPOSAL

- 3.1. This application relates to a proposal for 99 dwellings, including 40 affordable houses, facilitated by new vehicular and pedestrian access from the roundabout junction of Ongar Road and Clapton Hall Lane, public open space including a central children's play area (LEAP), green corridors, associated parking and landscaping.
- 3.2. The proposed layout for the site shows the provision of a central green and play area and perimeter public open space totaling 0.31 ha, parking areas, landscaping, and sustainable drainage measures to include provision of drainage "swales" and a balancing (attenuation) pond with pumping station in the south western corner of the site.
- 3.3. The development would comprise an "outward facing" development, including 40 affordable housing units (40.4%) and a proportion of smaller market housing properties with an average net density of 33 dwellings per hectare across the developable area of the site (as opposed to the total site area). The highest site density is around the central street through the use of terraced and semidetached properties. The lowest density housing would be the detached bungalows on the eastern boundary facing out onto Clapton Hall Lane.
- 3.4. The Design and Access Statement provides a design code which states that the site lends itself to the provision of 1, 2 and 2.5 storey housing having maximum ridge heights of 9.6 metres and 10.5 metres with single storey dwellings fronting onto Clapton Hall Lane having a ridge height of 5 metres. The external appearance of the new dwellings would draw upon the Essex and Great Dunmow vernacular with the use of chimneys and dormers and a palette of external materials.
- 3.5. The highway layout shows the slight realignment of the proposed priority access road from the mini-roundabout to facilitate a short section of segregated access road with turning area for 1 to 7 Clapton Hall Lane rather than leading directly off of the new access road.
- 3.6. Pre application discussions were held to address the relationship of development with Heritage assets such as the Listed Building at Crofters. Units 23 was re-orientated and changed to a true bungalow in order to address previous reasons for refusal and the garage block at units 24 – 25 was reduced from two storey to single storey by way of the removal of the first floor flat and the consequential reduction in footprint was achieved by reason of the removal of a garage space.
- 3.7. The plans were amended in accordance with these agreed changes and the application was submitted. Following a meeting during the application processing further amendments were made to address the previous main reason for refusal and comments of third parties. These amendments included the change of all units on the eastern boundary (19 – 23 inclusive) to single storey bungalows – house type V.
- 3.8. Around the new junction plots 1 – 4 have been amended to provide two bungalows (plots 1 and 4) and two 1.5 storey chalet style half hipped detached dwellings to replace the detached two and two and a half storey gabled dwellings previously proposed. Units 5 – 7 are retained as two storey units but they all now have full hips on their main elevations facing Ongar Road. Units 53 – 56 are two pairs of semi-detached houses and these have been amended to incorporate half hips to reduce their overall mass. The detached unit 57 – 59 has been amended to fully hip its roof slopes in order to reduce the silhouette of this building, which is located adjacent to the

western boundary at the north western corner of the site.

- 3.9. Along the western boundary units such as plots 60, 61, 81, 82, 83 and 84 have been amended to provide half hips in lieu of gables and plots 67 and 80 as well as the units at 62-64 and 97-99 all have full hips in lieu of gables. A larger gap has been provided between plots 82 and 83 and the garages to plots 80 – 82 have been hipped.
- 3.10. On the southern boundary the land level of the site is elevated above Clapton Hall Lane. House types have been changes to reduce ridge heights and hips are again used on a number of properties (plots 26, 27 and 92) and half hips on plots 24 and 25, 93 and 94 and 95 and 96). The houses at plots 93 – 96 have been amended from two and half storey units to two storey units with consequential reductions in ridge height and vertical emphasis.
- 3.11. Within the site generally semi-detached House Types C and D have been changed to a half hipped roof design and House Type P to a fully hipped main roof design. The area has a mixed collection of house styles with a mix of hips, gables and half hips throughout the area. In terms of roof design the proposal now have a much greater mix of roof styles ranging from hips to half hips to gables as opposed to the previous scheme, which proposed exclusively gabled roof designs.
- 3.12. In terms of clustering the affordable housing units have been re-organised on site and 4 of the new bungalows are proposed to be for affordable housing purposes.
- 3.13. Finally amendments were submitted to change the three 2 bed flats above garages (FOGs) from two bedroom units to one bedroom units with inset balconies, these units would all be small relatively inexpensive open market units and the two FOG units previously used as affordable units would be replaced by a pair of semidetached 3 bedroom houses. This represents a significant enhancement on the original affordable housing offer when taken together with the four two bedroom bungalows previously offered.

#### **4.0 APPLICANTS CASE**

4.1 The application is accompanied by the following reports:

- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Landscape and Visual Assessment
- Tree Survey Report
- Ecological Appraisal
- Phase One Environmental Assessment
- Flood Risk Assessment
- Transport Assessment
- Noise and Air Quality Assessment
- Archaeological Desk Based Assessment
- Drainage and Services Report
- Site Waste Management Strategy
- Surface water Storage Requirements for Site
- Heads of Terms for any legal agreement
- Heritage Report
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## 4.2 Summary of applicant's case

- This is a suitable and sustainable site for housing development, confirmed by the Council's published SHLAA (December 2010) and the range of detailed assessments carried out by Taylor Wimpey in connection with the preparation of the application. The SHLAA assesses the site to be suitable, available and deliverable for the scale of development proposed and this application is within the indicative timeframes for development set out in the assessment;
- The recent appeal decision remains a material consideration and the Inspector found the site to be suitable for residential development.
- The Council is currently unable to demonstrate a five-year supply of deliverable housing land as required by national planning policy. In these circumstances there is a presumption in favour of the grant of planning permission for sustainable development.
- The development site relates well to the existing residential area on the southern side of the town and is within walking distance of the town centre, local employment opportunities and sustainable transport options;
- The proposed development of the site will contribute towards meeting requirements for both general market housing and the local need for additional affordable housing. In turn, the occupants of the development will support local businesses and service providers, whilst also contributing to the local labour market. The Framework is clear that sustainable development should not be refused if it complies with its policies, and in this case it is considered that development is needed now in order to help maintain a five year supply of housing land;
- The infrastructure required for the proposed development will either be met on site, funded through the proposed section 106 undertaking or can be accommodated within existing capacity.
- Provision of a new children's play area within the site will not only benefit new residents, but also those within the vicinity of the site;
- The technical reports prepared as part of the application show that there are no physical or environmental constraints, which would restrict or prevent development of this site and mitigation solutions have been developed to ensure that the development has no adverse effect on protected species.
- The amendments incorporated into this application overcome previous reasons for refusal relating to context, amenity and heritage assets.

## 5 RELEVANT SITE HISTORY

- 5.1. An outline application for 100 houses including details of access only (**ref. UTT/1255/11/OP**) was recommended for approval but refused on four grounds relating to the loss of and damage to the character of the countryside, failure to secure affordable housing, the inability of educational infrastructure to accommodate the development and the traffic generated by the development compromising the safety and convenience of road users.
- 5.2. That decision was the subject of an appeal, which was decided by way of a Hearing. The initial Hearing was adjourned due to issues with the notification of third parties and

following resumption of the hearing the appeal was allowed.

- 5.3. In his decision the Inspector concluded that the site and development would be capable, subject to details, of comprising a sustainable form of development, would not cause traffic safety or flow issues and was entitled to benefit from the presumption in favour of sustainable development arising out of the shortfall in deliverable housing land which outweighed the contravention with Policy S7.
- 5.4. The decision to allow the appeal was the subject of a successful challenge having regard to the conduct of the Hearing. The Inspector's decision to allow the appeal was Judicially Reviewed, and the allowed appeal was duly quashed. This decision was ultimately challenged by both the Planning Inspectorate and the applicant, and the quashed decision was reversed and the allowed appeal reinstated. The result of this later challenge has happened since this matter was reported to Planning on 7 May 2014.
- 5.5. The appeal decision therefore is a material consideration. It should also be reiterated that the site does have outline planning permission for 100 dwellings and this in itself is a material planning consideration.
- 5.6. A full application for the erection of 100 houses at the site was submitted in 2013 (**UTT/13/1979/FUL**) it contained identical access arrangements to the current application and a similar layout. However it contained a high proportion of 2.5 storey dwellings and no single storey dwellings. All buildings had gabled roof designs and tall buildings were located close to sensitive boundaries.
- 5.7. That application was refused under delegated powers for the following reasons:
  1. The proposal would fail to have proper regard to its context and site levels such that it would appear as an incongruous form of development introducing prominent buildings on this edge of town site in conflict with the existing form of development and contrary to Policies GEN2, therefore absent a satisfactory form of development for the site the proposal would cause harm to the countryside contrary to Policy S7 of the adopted Uttlesford Local Plan and the National Planning Policy Framework.
  2. The proposed dwelling at plot 23, by reason of the siting, orientation, levels and design, would lead to an unacceptable degree of overlooking and a loss of privacy to the occupiers of Crofters contrary to Policy GEN2 of the adopted Uttlesford Local Plan.
  3. The application makes no provision to secure the provision and retention of affordable housing needed to provide for local housing needs and as such would be contrary to the provisions of Policy H9 of the adopted Uttlesford Local Plan as well as the National Planning Policy Framework.
  4. The application makes no satisfactory provisions to secure necessary infrastructure in terms of contributions to primary and secondary education, healthcare facilities, improvements to the Hoblong's junction, provision of travel packs and a travel plan contrary to the provisions of Policy GEN6 adopted Uttlesford Local Plan as well as the National Planning Policy Framework
- 5.8. Reasons 3 and 4 could have been overcome by way of a satisfactory section 106 undertaking; however it was the applicant's position at that time that secondary school contributions were not necessary.

- 5.9. It should be noted that no in principle objection was made to the erection the 100 houses subject of that application at the same site.
- 5.10. That refusal of planning permission on detailed grounds was subsequently appealed, however, the appeal was withdrawn following the initial resolution approve of this current planning application.
- 5.11 This application was considered by Planning Committee on 7 May 2014. Members resolved to grant Planning Permission subject to the completion a S106 Legal Obligation and certain conditions. The Section 106 Obligation was completed and planning permission was issued on 31 July 2014.
- 5.12 The planning permission was subsequently legally challenged on the following grounds:
- a. Failure to carry out an Environmental Impact Assessment (EIA) Screening but relied instead upon screening opinions from previous similar applications;
  - b. Failure to consider the cumulative effects of planned developments in Great Dunmow;
  - c. The EIA Screening we relied upon was flawed
- 5.13 The Council accepted the failure on Ground a, but not on Grounds b & c. On this basis the Council did not contest the challenge.
- 5.14 The planning permission was quashed by the High Court on Ground a, alone, and the application has been returned to the decision maker, i.e. the Council, to be re-determined
- 5.15 In response to quashed planning permission, the applicant's submitted a formal request for an EIA Screening Opinion, registered as UTT/15/0460/SCO on 30 March 2015. An officer's screening opinion was provided on 20 February 2015; with a further revised opinion provided on 7 April 2015. Both concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.
- 5.16 On 15 May 2015; a letter was received from legal representatives of local residents raising various concerns over the robustness of the Screening Opinion of 7 April 2015. In response to this a further Screening Opinion was provided on 10 June 2015; accepting some and addressing other points raised. It was concluded that the Environmental Impact (including Cumulative) was not significant; so an EIA was not required.

## **6 POLICIES**

### **6.1. National Policies**

- National Planning Policy Framework
- National Planning Practice Guidance

### **6.2. Uttlesford District Local Plan 2005**

- ULP Policy S1: Development Limits
- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design

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

### **6.3. Supplementary Planning Guidance**

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

### **7.0 TOWN COUNCIL COMMENTS**

- 7.1. Object: This application refers to land outside the designated development limits and the Town Council does not accept that there is a deficit on the five year supply of deliverable housing. Full details are at 9.3.
- 7.2 Two further letters from the Great Dunmow Town Council since the reconsultation of this application are attached as Appendices A & B.

### **8.0 CONSULTATIONS**

#### **Highways Agency**

- 8.1. No highway objections are raised to the proposal. The Highways Agency does not intend to issue a Highways Agency direction as the application of itself is unlikely to materially impact on the A120 road at this location or Junction 8 of the M11.

#### **NATS Safeguarding**

- 8.2. The proposal has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly raise no safeguarding objection.

#### **Airside OPS Limited**

- 8.3. No aerodrome-safeguarding objection subject to the submission of a Bird Hazard Management Plan, which can be secured by condition.

#### **Environment Agency**

- 8.4. No objections in principle. Application site lies within Flood Zone 1 defined by Technical Guide to the NPPF as having a low probability of flooding. However, the proposed scale of development may present risks of flooding on site and/or off site if surface water run-off is not effectively managed. A Flood Risk Assessment has been submitted in support of the application. The Environment Agency has no objections to the proposed development on surface water flood risk grounds based upon the

information provided. Waste generation should be considered as early as possible in the property design phase to ensure that minimal volumes of waste arise during the construction of the development and water efficiency measures should be planned into the development. No objection subject to conditions

#### **Water Authority (Anglia Water)**

- 8.5. The local sewerage treatment works and foul sewerage network have sufficient capacity to accommodate the new development subject to discharge rates not exceeding 3.8 litres per second via a pumped regime.

#### **Natural England**

- 8.6. Refer to our comments on application 2013/01979. The proposal does not appear to significantly affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils. The protected species survey has identified that the following protected species may be affected by this application: Bats and Great Crested Newts. However subject to the imposition of conditions no objection is raised pursuant to the surveys submitted by the applicant. This application may provide opportunities to incorporate features into the design that are beneficial to wildlife and these measures should be secured from the applicant.

#### **Essex County Council Highways**

- 8.7. The access design was developed following discussions during the previous application between the applicant and the Highway Authority utilising the existing Clapton Hall Lane arm of the B184 roundabout into the site segregating the existing access for Nos. 1-7 Clapton Hall Lane from the new access road and this is considered acceptable.
- 8.8. The roundabout has no record of Personal Injury Accidents (PIA's) and the applicant's Transport Assessment demonstrates to the satisfaction of the Highway Authority that there is plenty of spare capacity.
- 8.9. The Highway Authority would not wish to raise an objection to the above application subject to the following highway conditions:
- Provision of turning and loading facilities etc within the site
  - An appropriate construction access
  - Parking area during construction
  - Wheel washing etc
  - Means of preventing surface water discharge onto highway
  - Subsequent approval of details of the provision of highway works to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/ Lukin's Drive roundabout along with the access amendments for Nos. 1-7 Clapton Hall Lane
  - Compliance with Essex Design Guide highway standards
  - Provision of bus stop improvements along Chelmsford Road
  - Compliance with adopted parking standards
- 8.10. Section 106 obligations as follows :
- Financial contribution of £27,183.00 toward investigation and works to improve capacity at the B184 Chelmsford Road with the B1256 Hobblings



- junction
- Residential Travel Information Packs
- A Residential Travel Plan

#### **Essex County Council - Archaeology**

- 8.11. The site lies within an area of archaeological importance to the south west of Great Dunmow and to the west of an area of prehistoric deposits. A condition is proposed to require trial trenches and open area excavation ahead of any works including preliminary ground works.

#### **Essex County Council - Ecology**

- 8.12. Subject to the imposition of conditions no objections are raised (comments from application 2013/1979).

#### **Essex County Council - SUDS**

- 8.13. No objections raised to the FRA subject to the Standing Advice Note

#### **Essex Police**

- 8.14. No objection subject to imposition of conditions

#### **Essex County Council - Education**

- 8.15. There are likely to be sufficient preschool places to serve the needs of the development. However primary and secondary provision in the area is likely to be at or beyond capacity and therefore contributions are required to mitigate the impact of the development. Contributions are calculated in accordance with the 2010 Developers Guide to Infrastructure Contributions and the Education Contribution Guidelines Supplement July 2010. If the development results in a net increase of 93 dwellings of two or more bedrooms contributions of:

£286,194.00 – toward primary education and  
£289,854.00 – toward secondary education would be sought.  
£576,048.00 - Total

#### **Sport England**

- 8.16. No comment.

#### **Uttlesford Access and Equalities Officer**

- 8.17. Please confirm that there will be level access to each dwelling on this site and that there will be no stepped access. I have reviewed the various house types and note that from the drawings submitted, house types N, R and R3 show no through floor lift space being identified. There is no mention of the plots to be Wheelchair Accessible plots, these need to be identified and there needs to be provision for 5. These need to be provided across both tenures.
- 8.18. **Note:** The threshold to each unit will be flat to accord with Part M of the Building Regulations. The revised plans show wheelchair accessible plots including seven two-bedroom bungalows of which four are affordable units.

## Uttlesford Housing Enabling Officer

- 8.19. I am pleased to confirm the size and tenure mix together with the location of each plot of affordable homes meets the Council's policies and I appreciate the changes Taylor Wimpey have made with regards to the flats over garage (FOG) property types on plots 39 and 85 which were not suitable for affordable homes. I accept the 2X3 bed properties, plots 95 and 96 as suitable alternative properties under the affordable housing banner.

## NHS Property Services

- 8.20. Raise a holding objection to the proposal, as the development of 99 new dwellings is likely to have a significant impact on the NHS funding programme for the delivery of healthcare within this area.
- 8.21. There is a capacity deficit in the catchment surgeries and a developer contribution of **£16,800.00**, required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal, is sought.

## 9.0 REPRESENTATIONS

- 9.1. The application has been advertised by means of letters of notification, site notices and a press notice. **170** letters of representation have been received in respect of the original receipt of the application some comprise multiple replies from the same address, however this does not diminish the weight that should be given to any material planning considerations raised. A petition has also been sent to the Council however it appears to be an on line document and no signatures are attached.

**37** further letters of representations have been received since the further reconsultation of this application.

### 9.2. The Dunmow Society

- Site is outside the settlement limits on countryside and will lead to the loss of such land contrary to Policy S7. The proposed Market housing does not need to be located in the countryside and will harm the character of the area which policy seeks to protect for its own sake
- The proposal would not be able to address local infrastructure shortages such as in education, healthcare and the local highway network contrary to Policy GEN6 and the Guide to Infrastructure Contributions.
- Unacceptable level of traffic generation that will adversely impact on road safety and convenience contrary to Policy GEN1.
- Poor visibility at the proposed roundabout junction
- The scheme is too dense and provides insufficient car parking
- Affordable housing is provided for the benefit of nonresidents of the District

### 9.3. Great Dunmow Town Council

The Council resolved to object strongly on the following grounds:

- Inconsistencies in the plan approach do not assist local councils and the status of a five year supply should not override local concerns
- The Town permitted built sites amounting to 1090 dwellings. The shortfall is caused

not by a lack of sites but unwillingness to deliver by a developer. The GDTC does not accept that the Council is correct to assert that there is a five year under supply of available housing sites.

- Outside the development limits contrary to Policy S7 which seeks to protect the countryside for its own sake.
- Would prejudice the Local Plan Consultation and it is noted that this site was not included as a draft allocation because of its negative score in the Sustainability Appraisal
- Unsustainable form of development contrary to the social, economic and environmental strands
- Adverse impact on neighbouring dwellings
- Damages the historic settlement pattern of Great Dunmow
- Will lead to the loss of 4 hectares of Grade 2 Agricultural Land which comprises the best and most versatile land
- The Traffic Analysis submitted with the application is inadequate and does not provide a sound basis for a safe decision
- No healthcare or secondary education provision made

#### 9.4. Great Dunmow Neighbourhood Plan Steering Group

No specific response has been received to this application but the summary comments made in respect of application 2013/1979 are reproduced below:

- The development of this site is not envisaged in the draft Local Plan and Sustainability Appraisal and was refused in 2011. The site is of significance to the town and its development would set an entirely negative precedent and is contrary to the emerging Neighbourhood Plan.
- Will adversely affect the rural agricultural setting of Dunmow contrary to the Town Design Statement 2008
- Adversely impacts on the setting of Crofters a Grade 2 listed building
- Poorly designed scheme
- A significant part of the site is blighted by noise from the motorway and trunk road

#### 9.5. Additional points

- In reality everyone drives in this area and the junctions are incapable of providing the additional capacity required
- There is no need for this development
- The site is surrounded by good quality low rise low density properties that will be overwhelmed by the proposed development
- Cramped site layout
- The bridleway will encourage quad bikes and noise
- Unacceptable loss of Greenfield site
- Great Crested Newts from Oaklands will be adversely affected by the development
- The site has been overwhelmingly rejected as a potential development site by residents and town council in questionnaires and at planning consultations well before Taylor Wimpey's planning application.
- The loss of the field and far reaching vistas beyond has been underplayed. UDC commissioned a report which recommended that the views from one side of a valley to another should be protected. In this case the Roding Plateau is considered special and it was recommended that the views from one side of the valley to the other should be protected and remain visible. Furthermore, the massive investment by Highways to sink the A120 to help retain these vistas will be wasted. At the time of building the A120 the Planning Inspector advised Dunmow residents that the A120 would not form

the boundary of the town.

- Residents do not agree with the design and the design does not reflect the rural and semi rural environment that exists. This is compounded by the raised height of the field and the proximity to the edge of Clapton Hall lane
- Unacceptable loss of attractive agricultural land
- This is another housing estate which is not needed in Dunmow
- There is far too little parking on the proposed estate as every working adult will need a car to get to work as public transport in Dunmow is almost nonexistent.
- The access to the estate is inadequate as this will soon be clogged with parked cars.
- Local services such as the doctors' surgeries struggle now to cope with the number of people in Dunmow, never mind hundreds more. The local primary schools are full and the comprehensive far too large and cannot cope with more children.
- Recent studies indicate that there will be future water shortages in this part of the country and the proposed plans do not indicate any water storage facilities for these houses or how they will use grey water for flushing toilets etc.
- Woodlands Park will provide for the needs of Dunmow
- Where will the children play and how will they get to school?
- The existing volume and tonnage of vehicles passing through the town are detrimental to the amenity of existing residents any increase would exacerbate this harm
- The proposed site has been farmed for at least 60 years with good management. It is Grade 2 (excellent) arable land providing much needed crops. This land forms an attractive entrance to Great Dunmow when travelling from the West.
- Despite an exhibition and a poorly managed design workshop, virtually nothing has been incorporated into the proposed plan and layout in response to residents' concerns apart from a few cosmetic changes to layout. Adjoining Clapton Hall Lane, proposed housing has an overbearing presence on existing properties due to house design, unit density, proximity to the lane and the fact that the site is at an increased elevation above existing properties
- Adverse impact on the setting of Crofters a Grade 2 Listed Building
- Major development should not be contemplated in Great Dunmow until the council is satisfied that key infrastructure issues such as water supply, sewage treatment have been addressed. There are general concerns also, which I share, that key demographic information is lacking with regard to provision of education facilities. A key element of this is that, 'pro tem', children of families living in any new development on this site will necessarily have to be bussed through the town to existing primary schools and to the Helena Romanes School and Sixth Form Centre. A pick-up and dropping-off point/bus-bay will be required on the Ongar Road itself.
- High quality agricultural land, and far reaching countryside vistas would be lost unnecessarily in exchange for an estate of 2 and 3 storey houses that do nothing to protect the character of the countryside

9.6. Uttlesford Ramblers do not accept the proposed open space will compensate for existing rights of way.

9.7. Following the receipt of amended plans a further consultation was undertaken. At the time of preparing this report having allowed 14 days for responses no further responses had been received. Any responses received ahead of the committee will be reported orally.

## **10 APPRAISAL**

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

A. The principle of development in this location (NPPF and ULP Policies S1, S7 and

ENV5)

- B. The Impact of the development on the Character and Appearance of the Area (NPPF and ULP Policies S7 and GEN2)
- C. Impact of the Development on the Setting of Heritage Assets (NPPF and ULP Policy ENV2)
- D. Impact on the Amenity of Occupiers of Neighbouring Properties (NPPF and Policy GEN2)
- E. Amenity of Future Occupiers (NPPF and ULP Policy GEN2 and Essex Design Guide)
- F. Mix of housing and affordable housing (NPPF and ULP Policies H9 and 10)
- G. Access to the site and parking provision (ULP Policies GEN1, GEN8; SPD: Parking Standards – Design and Good Practice, updated by Uttlesford Local Residential Parking Standards, 2013)
- H. Is this a Sustainable Form of Development? (NPPF and SPD4 Energy Efficiency and Renewable Energy)
- I. Infrastructure provision to support the development (NPPF and ULP Policy GEN6)
- J. Drainage, noise and pollution issues (NPPF and ULP Policies GEN3, GEN4, ENV10, ENV11, ENV13)
- K. Impacts on biodiversity and archaeology (NPPF and ULP Policy GEN7, ENV8, ENV4)

**A The principle of development in this location**

- 10.1. The site is located outside the development limits and is therefore located within the countryside, an area where there is a presumption against development except for that which needs to take place there.
- 10.2. Residential development would not normally be permitted outside development limits for housing, although an exception to policy can be made for proposals for affordable housing when supported by a Registered Provider. This scheme is for 99 residential units of which 40 would be affordable and the remainder would be market housing.
- 10.3. The NPPF sets a presumption in favour of sustainable development which means approving development which accords with the development plan; and where the relevant policies in the development plan are out of date, granting permission for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 10.4. The NPPF requires Councils to maintain a 5-year supply of deliverable housing land with an additional buffer of 5% .
- 10.5. The 5-year land supply is a rolling target, which moves forward a year each April and therefore the Council must continue to monitor this delivery closely. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with 5.4 year's supply. Based upon the Local Plan's Inspector's indication

that the Council requires a 5% buffer this would indicate that the Council has a 5.1 year's supply. Indications from recent appeal decisions have mainly accepted the Council as a 5% authority; a few decisions have cited the Council as potentially a 20% authority, although this stance is not accepted this would indicate that the Council's has a 4.4 year's supply. It should be highlighted that the outline permission for the site (UTT/1255/11/OP) is included within this supply.

- 10.6. Therefore policies of constraint such as those relating to the protection of settlement limits and the countryside may well carry less weight given the Council may not be able to demonstrate a five year supply of deliverable housing land and does not have in place an up to date development plan that allocates sites for at least the next five years. In any case sites relied upon to deliver the five-year supply of housing breach policies of restraint such as S7.
- 10.7. The development of the application site is programmed in the housing trajectory to come forward in the short term and there are no obvious barriers to delivery from the site.
- 10.8. Consideration must be given to establish whether the site is sustainable for residential development and whether the development proposed can be considered to be sustainable and thus benefit from the presumption set out in the Framework.
- 10.9. As established the site lies outside the development limits of Great Dunmow. The boundary of the development limits of the settlement run along the northern side of Ongar Road to the north of the site and to the east of Clapton Hall Lane along the eastern side of the site. The other two boundaries are with open countryside.
- 10.10. The site has its northern boundary to Ongar Road facing existing and established residential development comprising a row of bungalows interspersed with the occasional chalet bungalow. Behind, to the north of, these bungalows is an estate development of two storey dwellings accessed from Lukin's Drive that are located within the development limits of the settlement. The eastern boundary with Clapton Hall Lane is framed by a row of houses comprising a mix of bungalows chalet bungalows and two storey houses. In addition, and exceptionally for the area, there is also a two and a half storey house that comprises a Grade 2 Listed Building (Crofters). To the east of (i.e. behind) the houses fronting Clapton Hall Lane are open fields comprising a protected Landscape Area and allocated Employment Land both within the settlement development limits.
- 10.11. The southern boundary is largely open with a late twentieth century detached two-storey house with low eaves and ridge height occupying the north most part of this boundary. The western boundary again appears mostly open with the curtilage of Oaklands, a chalet bungalow, occupying the northernmost two thirds of the boundary. To the west of this boundary lies three more bungalows and running northwest – south east beyond them is the A120 trunk road.
- 10.12. The character of this part of Great Dunmow is urban fringe with the town petering out before it reaches the A120. Dwelling houses become more irregular in siting and location such as Oaklands, Tiggers etc.) or whilst maintaining a regular pattern of siting become less prominent via their scale (see the bungalows on the northern side of Ongar Road) or combine an element of both these characteristics in terms of Clapton Hall Lane travelling from north to south.
- 10.13. The Council's *Historic Settlement Character Assessment* (2007) indicates that the land forms part of the wider visual landscape, concluding that development of this area,

whilst not affecting the historic core, would diminish the sense of place and local distinctiveness. The loss of the rural appearance and quality of this site could also detrimentally affect entry into the town from the west, along Ongar Road. An appeal decision concerning housing on land to the north west of the site dated February 2012, concluded, inter alia, that this part of Ongar Road provides a cut-off between town and countryside.

- 10.14. The impact of the proposed housing would be minimised by the existing mature landscaping along approximately 75% of the northern perimeter and it is proposed to retain and enhance this landscaping if development was to be permitted.
- 10.15. The proposals therefore have to be considered in the context of not maintaining a five-year supply of housing and less weight being attributed to policies that restrain housing growth, such as S7 (albeit such policies are broadly consistent with the Framework).
- 10.16. The proposal would clearly lead to the loss of existing countryside formed by the open arable field that comprises the application site. Clearly there are local views over the site and it can be appreciated as part of the wider countryside. These views are most notably from the north east and east. The development of the site would not materially impinge on the parkland setting of Great Dunmow, any loss would be more localised. Therefore, the proposal would not have regard to the intrinsic beauty and character of this part of the countryside of which the application site forms part.
- 10.17. The site is contained on two sides by existing residential development and a third side contains some more sporadic existing residential development. Therefore the consequence of the grant of permission for housing on this site would be residential development that does not extend further west than existing residential development within the town and Development Boundary (i.e. the development along the north of Ongar Road to no. 60 and also within the Lukin's Drive development) and does not extend further south than existing residential development that fronts Clapton Hall Lane ending in 19 Clapton Hall Lane (Crofters) which comprises the edge of the town and Development Limits of Great Dunmow.
- 10.18. Therefore, whilst clearly contrary to the provisions of Policy S7 of the adopted Local Plan, which is in general conformity with the provisions of the Framework, it is material to note that in general townscape terms the development of the site would be contained on two sides by the existing development limits of the settlement (north and east) and would not protrude outwards beyond existing established development limits (west and south).
- 10.19. Given this level of containment the application site would not lead to the loss of land that is part of the open countryside beyond the confines of the settlement and its influence. In his decision on the previous outline application at appeal the Inspector concluded:

*The main detrimental effect would be the loss of the open vista from Clapton Hall Lane and around the Ongar Road roundabout. This has a value, recognised in the Historic Settlement Character Assessment, and helps to provide a visual connection between the urban areas and the wider countryside. However, this aspect is not of overwhelming importance. The field itself is relatively featureless, with limited intrinsic landscape value, and it is surrounded on two sides by residential development. The view of the countryside beyond, whilst characteristic of the wider area, is not subject to any special landscape status. There would be the potential, in the detailed design of a new scheme, to ameliorate the impact of the new development by the use of landscaping, and to replace the present openness with a*

*sense of containment. Changes to the area would not necessarily have a significant negative impact on its character.*

10.20. That decision remains a material consideration (following the decision being reinstated from the successful challenge reversing the quashing) Giving additional weight to these findings are the following two facts:

- The Council relies on the provision of circa 100 houses from this site to form part of its housing land supply figure.
- The previous application was refused on detailed grounds and not on grounds related to the principle of developing the land

10.21. The site is located on Agricultural Lane within Classification 2, which comprises the best and most versatile land (Grades 1, 2 and 3a). Given all land in Uttlesford would fall within the definition of best and most versatile land with the vast majority in Grade 2 it is not considered that an objection on the loss of such land could be sustained in the circumstance of the Council being unable to demonstrate a five year supply of deliverable housing land.

10.22. Accordingly it is not considered that the current proposal can be resisted on grounds relating to the principle of development on this site.

## **B Impact on the Character and Appearance of the Area**

10.23. It now falls to consider the details of the siting of the scheme. The northern boundary features outward facing dwellings fronting an internal access road or driveways to the west (i.e. plots 5 to 7 and 54 to 59) or an internal footpath (plots 1 to 4). All these plots are proposed to be located behind structural landscaping which would be a mix of existing and reinforced landscaping in terms of plots 5 to 7 and 54 to 59 but would be largely new planting in terms of plots 1 to 4.

10.24. The outward looking nature of this part of the development is welcomed and reflects the orientation of dwellings on the northern side of the road. The degree of spacing is less regular than on the northern side of the road but the proposal incorporates more generous spacing between buildings overall and this is a welcome and positive divergence from the pattern of development opposite.

10.25. The approach to the eastern boundary with Clapton Hall Lane is less formal and more spacious than that fronting Ongar Road, which to a degree reflects the differences between these two roads and their appearances. The scheme proposes two bungalows fronting Clapton Hall Lane (i.e. plots 20 and 21) and three bungalows with their side elevations facing the lane (such as plots 19, 22 and 23). Landscaping is proposed along the road frontage. In principle such an approach to siting is welcome and responds positively to local context.

10.26. The outward looking nature of the development along Ongar Road is continued on the western and southern boundaries of the site along its countryside boundaries. The southern boundary with Clapton Hall Lane is elevated above local land levels with the eastern part of this boundary some 1 metre above road level rising in the western part to over 1.5 metres.

10.27. Between the proposed housing at plots 24 – 27 and 92 - 96 and the southern boundary an 8 metres wide landscape corridor incorporating swales and a bridleway (in part) is proposed. There are reservations about the true width of the landscape



corridor given the obvious conflict between maintaining an open accessible bridleway and planting any landscaping and any conflicts between the proposed swales and maintaining structural landscaping. Such an approach in siting terms, subject to addressing any conflicts and a detailed landscaping proposal, represents an acceptable response to the local context softening the impact of the development on one of the countryside boundaries.

10.28. The western boundary is again characterised by outward looking dwellings that provide surveillance to the proposed access road and bridleway beyond. Plots 60 – 63 and plot 67 as well as plots 80 – 84 all front the western boundary of the appeal site. These houses are all sited between 14 and 22 metres away from the boundary and between the houses there are proposed to be an access road (4- 5 metres wide) a bridleway (3 meters wide) and the existing ditch (4 metres wide) which runs within the site boundary. Whilst there would appear to be limited opportunities for meaningful additional landscaping save to separate the bridleway and access road the removal of dead trees within and on the ditch side may well present new opportunities to increase screening along this part of the boundary and the combination of planting along the boundary will form a significant structural landscape boundary to the settlement (see Soft Landscape Proposals Plan 13.1705.02).

10.29. Whilst it is disappointing to note the relative proximity of Plot 58/ 59 to the side boundary (10 – 11.5 metres) overall the approach to this siting of dwellings along boundary in siting terms is not harmful.

10.30. In siting terms the internal arrangements within the site are successful and compare favourably with estate development in the area and the requirements of the Essex Design Guide. The central amenity green incorporating a Local Equipped Area for Play (LEAP) is noted and welcomed, as is the role of structural landscaping in this area to green the site.

10.31. The siting of the proposed development is to welcome and broadly follows the approach in the previous scheme to which no objection was raised.

10.32. Overall the scale and impact of the proposed houses was much less successful in the previous scheme and also in the original plans. Drawing 12/030/156B now shows the approach to storey heights at site. The existing area is characterised by a mixture of single storey and two storey dwellings. Of the 28 dwellings facing onto the application site (including Oaklands) the mix in terms of storey heights is:

<b>Storey Height</b>	<b>Percentage</b>
1	64%
1.5	21%
2	12%
2.5	3%

10.33. Taking the proposed buildings facing these properties along Clapton Hall Lane and Ongar Road the proposed mix in storey heights is:

<b>Storey Height</b>	<b>Percentage</b>
1	41%
1.5	12%
2	47%
2.5	0%

10.34. The proposed mix of dwellings together with the use of hips and half hips has led to a scheme that respects and harmonises with its context. In particular the street scene along the eastern boundary would be exclusively single storey, which responds positively to the context given the strong dominance of bungalows in this existing street scene.

10.35. Another positive change from the plans originally submitted has been the use of bungalows and 1.5 storey dwellings fronting onto the roundabout junction (plots 1 – 4). This serves to reinforce the strong pattern of single and 1.5 storey development in the area.

10.36. The presence of existing and proposed reinforced landscaping along the other parts of the northern boundary together with the use of hipped roof designs would make the use of two storey properties in this area complementary to the existing street scene providing both a degree of space and reduced building silhouettes that will assist in harmonising with the existing mixed street scene.

10.37. Overall the proposed development will provide a satisfactory response to the overall context, which is informed by more than just the dwellings fronting Ongar Road and Clapton Hall Lane. For instance the dwellings that sit behind 30 – 60 Ongar Road comprise an estate of late twentieth century housing predominately two storey in height arranged around Lukins Drive. Looking at an area of land from Ongar Road northwards as deep as the application site stretches south including the houses fronting Ongar Road and the houses in Lukins Drive it is estimated that the mix of storey heights is:

<b>Storey Height</b>	<b>Percentage</b>
1	10%
1.5	10%
2	75%
2.5	5%

10.38. Overall the proposed development comprises a mix of 1, 1.5, 2 and 2.5 storey dwellings. The storey heights as proposed are:

<b>Storey Height</b>	<b>Percentage</b>
1	7%
1.5	2%
2	78%
2.5	12%

10.39. The overall scale of the proposed development would therefore compare favourably to the local context both in terms of analysing the street frontages and the development overall.

10.40. I therefore consider that the proposed development will integrate with its urban fringe context successfully given the scale and spacing of dwellings both fronting Ongar Road and Clapton Hall Lane as well as throughout the site.

10.41. The amendments to properties along the western boundary have removed all 2.5 storey dwellings fronting this countryside boundary. Space between buildings has also been increased and the use of hips and half hips to the proposed buildings also assists in creating a sense of space along this boundary allowing viewed into and out of the site and views of landscaping beyond dwellings within and outside the site to form part

of its context.

10.42. The effect of amendments on the southern boundary have been to remove a large two storey flat and garage block, reduce ridge heights, remove two and a half storey properties and hip roofs. These amendments taken together with the generous spaces between the properties fronting this part of the site (i.e. 12 metres between plots 26 and 27; 10 metres between plots 27 and 92 and 12 metres between plots 92 and 93) all serve to present a sensitive response to this countryside boundary

10.43. As such, the proposed development would comply with Policy GEN2(a) insofar as it would be compatible with the scale, form and appearance of surrounding buildings. The Framework advises that good design is a key element of sustainable development (56). It is considered that the proposed development for the foregoing reasons would respond to local character and reflect the identity of local surroundings and therefore accords with policies of the adopted local plan which are consistent with the Framework as well as the Framework itself.

10.44. Furthermore, on balance the development of the fringes of the site by reason of the use of space, set back, scale and landscaping will provide a sensitive response to the countryside edge and whilst the development will be visible from the countryside to the south because of its elevated nature it will be viewed in the context of other buildings in the area and an open backdrop to existing buildings on higher ground (Ongar Road). Therefore the proposed development would provide a suitable edge to the settlement with space and building scale providing a suitable low-density boundary for the settlement. Whilst the development of the site must conflict with policy S7 of the local plan and its appearance would harm the particular character and appearance of the countryside within which the application site is set, it is not considered that the proposed layout and design of the development site would provide an unsuitable edge to the settlement given the issue of principle has already been established.

### **C Impact on the Setting of Heritage Assets**

10.45. Two Grade 2 Listed Buildings are located close to the application site. The Gatehouse fronts Ongar Road just to the east of the roundabout junction with Clapton Hall Lane. The proposed developments is separated from that building by the modern housing that already fronts Clapton Hall Lane and a series of single storey outbuildings that wrap around the southeastern limb of the roundabout junction.

10.46. The setting of gatehouse is already suburban with modern estate development in the form of David Wright Close directly opposite that building. It is not considered that the proposed development will have any material impact on the setting of Gatehouse.

10.47. Crofters (No. 19 Clapton Hall Lane) is located close to the southeastern part of the application site on land below the level of the application site. The closest buildings proposed to the Listed Building are the single-storey garages to plots 24 and 25 and the bungalow at plot 23.

10.48. The applicant's approach has been to locate single storey houses along the eastern boundary and to try and introduce some space between dwellings. The report addresses the impact of this approach in section A in terms of the wider context. Plot 23 comprises the closest single-family dwellinghouse. The combination of its overall height (5 metres to ridge) and level mean the proposed building will have a ridge level over 2.2 meters below that of Crofters.

10.49. The previous Inspector concluded that the present openness of the application site did

not especially contribute toward the setting of the Listed Building and that the development of the site would preserve the special historic and architectural character of Crofters and Gatehouse.

10.50. In this case it is considered that the amendment to house types fronting Clapton Hall Lane resulting in significant reductions in height and scale of those buildings will overcome objections previously raised in respect of the preservation of the setting of the Listed Building. The proposals will preserve the special historic and architectural character of Crofters in accordance with the duty under the act and the policies of the Framework.

#### **D Impact on the Amenity of Neighbouring Properties**

10.51. Whilst there are some height differences between existing houses facing the application site and two storey houses proposed on the site, those houses are generally located some distance apart and have front to front relationships. For instance the houses in Ongar Road and those proposed facing them are sited between 26 metres and 43 metres apart.

10.52. Such a degree of separation, across the road and with intervening existing and proposed landscaping, will ensure that the amenities of the occupiers of properties in Ongar Road are protected.

10.53. Similar conclusions can be reached in the main for properties in Clapton Hall Lane despite the proposed buildings being sited closer to the existing properties. The use of buildings that present their flank elevation to this boundary (plots 19, 22 and 23) also assists in presenting a more open boundary and removing the potential for overlooking. The remaining properties at plots 20 and 21 are single storey and do not feature any roof lights or dormers, as such there is no undue overlooking of neighbouring properties.

10.54. The second reason for refusal on the previous scheme related to overlooking from a two storey building into the garden of Crofters. That has been addressed in the amended scheme by the use of a re orientated single storey dwelling that will not lead to overlooking of any neighboring garden.

10.55. Accordingly, it is considered that the proposed development would not lead to harm to the amenity of occupiers of Crofters or any neighbouring properties and as such it would not conflict with the provisions of Policy GEN2 of the adopted Uttlesford Local Plan.

10.56. With regard to the western boundary only one property shares that boundary, it is known as Oaklands. Oaklands has an extensive curtilage and properties fronting this boundary are separated by a landscaping corridor and access road. Separation distances from the front elevation of plots 68 and 81 – 85 and the side boundary to the rear garden of Oaklands range from 14 – 19 metres and include a wide belt of existing landscaping which is proposed to be supplemented as part of the proposed landscape strategy.

10.57. It is considered that the relationship of the development to properties beyond the western boundary is acceptable.

#### **E Amenity of Future Occupiers**

10.58. All dwellings are provided with satisfactory private rear gardens. All gardens exceed

the Essex Design Guide requirements in terms of size. Average garden space for three bedroom units exceeds the 100 sq metre requirement, and there are notable excesses in terms of some of the two bedroom units with gardens to the two bedroom bungalows averaging 130 square metres.

10.59.The Flats over garages are now all one-bedroom open market dwellings and each comes with a six square metre inset balcony.

10.60.Back to back distances and orientation of units to one another are considered to be satisfactory such that units do not lead to significant amenity issues for occupiers of other proposed houses.

10.61.Car parking for individual units is largely provided within or adjacent to the curtilage of the proposed dwelling. The exceptions are the small parking courts to plots 85 – 87 and 99 and 35 - 37. However these spaces are provided in close proximity to the dwelling they serve. Other spaces are not immediately adjacent to the plots they serve, such as car parking spaces for plots i.e. 31, 51, 54, 69; however these spaces are typically located within 12 metres of the front door and/ or have direct access into the rear garden of the property.

10.62.Fifteen visitor car parking spaces are provided centrally within the site.

10.63.A central amenity green is provided incorporating a Local Equipped Area of Play (LEAP) no details of this area and the equipment are provided with the application. However such matters can be the subject of a suitably worded condition and there is adequate space to accommodate such equipment together with landscaping.

10.64.The landscape strategy plan was amended following concerns about the level of planting between buildings in some of the larger rear gardens. The applicant considered such matters could be the subject of conditions however given they include landscaping within their description of development and include a landscape strategy plan it was considered important that the overall strategy is reflected on this plan. The inclusion of more planting between buildings is considered to improve the overall appearance of the site and assist in breaking up the hard materials used on the buildings and hard surfaces.

10.65.All buildings are designed to meet Lifetime Homes requirements and potential through lift facilities can be incorporated on house types A N and R.

10.66.Overall satisfactory living conditions and amenity are considered to be provided for future occupants.

## **F Mix of housing and affordable housing**

10.67.The proposed development comprises a scheme of family dwelling houses with six one-bedroom units mixed in. Otherwise the scheme comprises a satisfactory mix of units as detailed below:

	1 bed	2 beds	3 beds	4+ beds
Proposed Overall	6	28	46	19
Affordable Mix	6	18	16	0

10.68.Policy H10 requires all new development on sites of 0.1 hectares and above to include a significant proportion of market housing comprising small properties. Paragraph 6.10 defines smaller houses as 2 and 3 bedroom market houses. The percentage mix of

market houses is set out below:

	1 bed	2 beds	3 beds	4+ beds
Overall Housing Mix	6%	28%	47%	19%
Market Housing Mix	0%	18%	51%	32%

10.69. It is considered that the proposed mix of market housing with 69% allocated to smaller dwellings would satisfy local need and the terms of Policy H10 and the mix of affordable intermediate units accords with the requirements of the Council's Housing Officer. Of particular note is the provision of four of the proposed bungalows as affordable units.

10.70. It is common ground that 40% affordable housing is necessary to meet the policy requirement and the housing should be split 70:30 between rental and split ownership.

10.71. Any failure to provide an undertaking to secure the satisfactory provision and retention of housing would comprise a reason to refuse planning permission. However the applicant has already indicated willingness to accord with these requirements.

10.72. Whilst the provision of affordable housing to meet identified and substantive local needs is a matter that would weigh in favour of the grant of planning permission any failure to secure such matters and thus not provide satisfactorily for the provision and retention of affordable housing would comprise an objection to the scheme that would carry substantial weight.

## **G Access and Parking Provision**

10.73. Access to the application site is via a limb of the Ongar Road roundabout. Such arrangements have been the subject of discussion and agreement between the Highway Authority and applicant.

10.74. Indeed the access arrangements were finalised as part of the previous appeal application (1255/11) and the Highway Authority raised no objection to these arrangements at that time. The Highway Authority maintain their position that the access arrangements are acceptable on safety and convenience grounds and accept that there is adequate capacity on the Ongar Road roundabout. No evidence that additional traffic from the site would exacerbate the likelihood of accidents on Ongar Road and that the proposed traffic from the application site would materially exacerbate queuing issues at the Hoblong's junction have been provided. The Highway Authority is content that a proposed s106 payment towards addressing queuing issues at the Hoblong's junction would overcome any issues associated with that junction.

10.75. The previous Inspector's decision, which remains a material consideration, did not object to the proposals on technical highway grounds and supported the view of the Highway Authority.

10.76. The Highway Agency raises no objection to the scheme on the basis of any adverse impact on the A120 or M11.

10.77. Therefore, despite the views of local residents, there is no evidence to assist the Council in refusing planning permission on highway grounds. Indeed it is considered that a decision contrary to the advice of the Highway Authority that also sought to go behind the substantive findings of the Inspector in the previous appeal at this site and was also contradictory of findings in the recent North of Ongar Road appeal decision

would run the real risk of being found to be unreasonable.

10.78. Bridle way access is provided along part of the west and south boundaries of the site the bridle way is 2 - 3 metres wide and proposed to be natural surfaced. Sustrans have objected to this approach and it was suggested as a compromise that at least 1 metre of the bridle way should be hard surfaced so pedestrians can access this resource.

10.79. When requested to consider such an amendment the applicant has responded

*“there are constraints that limit our ability to accommodate hard standing within the green corridors; those arising from drainage requirements (AWA), Ecological constraints (Newts) and Arboriculture. We have endeavored to reach a compromise, which allows DDA/cycle compliant access through the centre of the site and foot/horse access along the green corridor. Unless these other constraints are to be given less weight in planning terms than the need for a bridleway, we do not have a choice but to remain with our current proposal. “*

10.80. Sustrans do not accept this position. However it is not considered, having regard to the history of this site and the main function of the green corridors for ecology and drainage purposes that a reason for refusal could be sustained on this ground.

## **H Is this a Sustainable Form of Development?**

10.81. The application site is located within 1 kilometre of the town centre with its wide range of shops, employment and community facilities. Employment facilities are located close to the application site and primary and secondary schools facilities are provided within the town.

10.82. I note that the Inspector in his findings on the latest appeal relating to the North of Ongar Road site found that site to comprise a sustainable location for new housing development and noted that it would bring forward a new bus stop and diverted 42A service. That Inspector noted that the diverted service would bring forth sustainability benefits for the site subject of this application.

10.83. Moreover in his 2012 appeal decision at this site the Inspector noted that on balance the application site *“represents an adequately sustainable form of development in respect of accessibility to local facilities and public transport”*.

10.84. Given the findings of two independent Inspectors with regard to sites in Ongar Road it is concluded that the site comprises a sustainable location for new housing development.

10.85. The proposed houses will be constructed to Code for Sustainable Homes Level 3 (or its equivalent), which meets the minimum requirements of the adopted Energy Efficiency and Renewable Energy SPD. Further measures to reduce carbon dependency may well be capable of being incorporated into the proposed homes and the applicant has invited the Council to impose a condition to secure such matters.

10.86. The location for these new homes and their fabric can be considered to be sustainable together with the principal of developing this site. It is considered that the proposals would accord with the three strands of sustainable development insofar as they would provide satisfactory relationships with the existing urban properties that bound the site, respect their environment and context as well as allowing social cohesion with existing residents and populous and providing economic benefits in terms of the development

of the site and greater markets for local businesses.

10.87. Any failure to secure the affordable housing and its retention and necessary contributions toward infrastructure would create concerns about the sustainability of the proposed development in particular its social dimension.

## **I Infrastructure provision to support the development**

10.88. The application was the subject of pre application discussions to secure a range of facilities and or contributions to ensure that the development will be served by adequate infrastructure.

10.89. The application was accompanied by Draft Heads of Terms that relate to:

- the provision of 40% affordable housing split 70:30 between rented units and shared equity units
- to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years
- Primary education contribution of £294,013.00
- Highway contribution of £27,183 toward improvements of the Hobblings junction
- Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops
- Healthcare contribution of £16,800.00
- The Council's reasonable legal costs

10.90. It is understood that the applicant is willing to enter into an agreement with the Council to secure these necessary contributions and works. The Council's solicitor has advised that an agreement would be necessary and it is understood that the applicant has no objection to such an approach.

10.91. Subsequently confirmation has been received from the applicant that a contribution for secondary education (£297,773) is acceptable. Furthermore, the Heads of Terms and any undertaking can secure the Travel Plan and Travel information packs required by the Highway Authority.

10.92. One significant change since the previous consideration of the application in May 2014; is as from April 2015; under the CIL Regulations, pooling of contributions to a single project is restricted to only five planning permissions. This has resulted in a change of stance from Essex County Council Education with regards to contributions to secondary school education. In this case the County Council have indicated that contributions from this development would be considered as one of the five. As such, the contribution is still sought..

## **J Drainage, Noise and Pollution Issues**

10.93. A Phase 1 Environmental Assessment accompanies the application and confirms that the site has low to medium environmental sensitivity and has identified no potentially complete pollutant links to Human health. It is clarified that the site has never been used as landfill.

10.94. A Drainage and Services report also accompanies the application with no connection problems or issues identified and foul and surface water drainage solutions demonstrated to work. A packaged pumping station is proposed with connection to the Foul Sewer on Ongar Road. It is proposed that Anglian Water would adopt this facility.



- 10.95. The FRA confirms the site is located in zone 1 and proposes a surface water drainage solution for the site with a hierarchy of SuDS measures as well as ponds and swales.
- 10.96. The developable area of the site falls with Noise Exposure Category B where Annex 1 to the now revoked but not replaced PPG24 advised that Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
- 10.97. The scheme has been designed to mitigate the main sources of noise to the site (traffic noise from Ongar Road and the A120) with the private garden spaces to houses facing these sources either located to the rear of the dwellings and thus shielded by the dwelling itself from the source of noise or mitigated through the use of close boarded fencing to bring the amenity spaces within World Health Organisation noise criterion levels.
- 10.98. Air quality is also investigated and the report concludes that the annual mean air quality objectives will be met at the most exposed receptor locations and therefore air quality over the site is acceptable for residential development.

## **K Impact on Biodiversity and Archaeology**

- 10.99. There would be no impacts likely to ecological value of wildlife sites within 2 kilometres of the application site. The site is considered to have low nature conservation value and it is proposed that the landscape strategy would enhance ecological value by supplementing the existing gappy/ remnant hedgerow.
- 10.100. Great Crested Newts occupy ponds close to the application site and therefore it is reasonable to assume that they use terrestrial habitats within the site. Mitigation measures are proposed and will be the basis for a detailed mitigation strategy to be presented to Natural England as part of a post planning permission European Protected Species license application.
- 10.101. Green corridors are provided along the west and south site boundaries these will assist GCN dispersal between wet areas and ponds including the new large pond in the southwest corner of the site.
- 10.102. There is potential for the development to proceed subject to suitably worded conditions without significant ecological effects and with the potential for some habitat enhancement and biodiversity gains.
- 10.103. A desk based assessment has been undertaken and concludes that the site has been undeveloped throughout its mapped history. The study has identified low potential for Palaeolithic and Mesolithic, Iron Age and Anglo Saxon, Medieval, Post Medieval and Modern period. Moderate potential is identified for the Neolithic and Bronze age periods and Good potential for the Roman period.
- 10.104. The applicant has therefore suggested that a condition similar to that imposed by the Inspector on the outline permission would be appropriate. Essex County Council concurs and proposed the wording of suitable conditions.

## **11 CONCLUSIONS**

- 11.1. The proposal provides for development outside the existing settlement and would harm the aims of Policy S7, which seeks to protect the countryside for its own sake.

However reduced weight has to be given to such matters as the obligation of the Council to maintain a five year supply of housing. The current situation at 5.1 year's supply, and the fact that this site contributes to this supply (through the outline planning permission, this factor is material to the consideration of this application.

- 11.2. The proposed development would provide a satisfactory mix of market housing and affordable housing in an area where there is a need for deliverable housing land. These matters are to be afforded substantial weight in the planning balance. Satisfactory access arrangements are provided to the site and the landscaping strategy demonstrates that the site can be satisfactorily landscaped whilst incorporating an equipped play area.
- 11.3. The application, as amended, has overcome previous objections relating to the scale of proposed dwellings and a failure to relate satisfactory to the immediate and wider context. Concerns about overlooking of neighbouring properties and the impact on heritage assets have also been overcome.
- 11.4. The site would provide satisfactory amenity for future occupants with garden spaces largely conforming to or exceeding the Essex Design Guide requirements. Car parking is provided within or close to the curtilage of all dwellings and separation distances between all proposed dwellings are acceptable.
- 11.5. The agreement to secure necessary infrastructure requirements associated with the scheme overcome previous objections to the scheme.
- 11.6. The benefits of developing this site for housing in the short to medium terms outweigh any harm to outdated local plan policies seeking to protect the countryside. Therefore, the application is recommended for favourably.

## **12 RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO S106 LEGAL OBLIGATION**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless the freehold owner 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 provision of 40% affordable housing split 70:30 between rented units and shared equity units**
  - (ii) to provide public open space and a LEAP before first occupation and offer it to the Town Council for adoption with a contribution to ongoing maintenance for 20 years**
  - (iii) Primary education contribution of £294,013.00**
  - (iv) Secondary education contribution of £289,854.00**
  - (v) Highway contribution of £27,183 toward improvements of the Hobblings junction**
  - (vi) Bus stop improvement works to the Gatehouse Villas and Chelmsford Road stops**
  - (vii) Healthcare contribution of £16,800.00**
  - (viii) Travel Plan**
  - (ix) Council's reasonable legal costs**

- (x) Monitoring contribution**
- (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 by 28 August 2015 the Assistant Director Planning and Building Control shall be authorised to refuse permission in his discretion any time thereafter for the following reasons:**
- (i) Lack of contributions to essential healthcare and primary and secondary education facilities**
  - (ii) Lack of provision of 40% affordable housing**
  - (iii) Lack of open space and play equipment**
  - (iv) Lack of improvements to Hobblings junction, local bus stops**
  - (v) Failure to provide a Travel Plan**

Conditions/ reasons

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.

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 of the Uttlesford Local Plan (adopted 2005).

4. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works consistent with the approved Landscape Strategy Plan 13.1705.01E and the Soft landscaping proposals Plan 13.1705.02 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;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;

- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power,
- viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
- ix. retained historic landscape features and proposals for restoration, where relevant.

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

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

- 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 part of the development is occupied or in accordance with the programme agreed with the local planning authority.

**REASON:** In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

- 6. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Hannah Reed & Associates, reference C211058/MH/January 2014, and the following mitigation measures:
  - 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 10.76l/s.
  - 2. Provide surface water attenuation on site for a volume of 1200m. in accordance with drawing number C-211058/110P3.

**REASON:** To accommodate storm events up to and including the 1 in 100 year with climate change AND To mimic the current discharge rates to ensure flood risk is not increased off site.

**REASON:** To enhance the sustainability of the development through efficient use of water resources.

- 7. No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

**REASON:** To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

8. No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure suitable drainage for the development in accordance with Policies GEN2 and GEN3 of the Uttlesford Local Plan (adopted 2005).

9. Construction work shall not begin until a scheme for protecting the proposed dwellings from noise from the A120 has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is occupied.

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

10. 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 such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).

11. 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.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

12. 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.

REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.

13. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six 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 Planning Policy Statement 5.

14. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include confirmation of:

- planting and plant maintenance in the perimeter of waterbodies;

- measures to limit access during the development stage e.g. goose proof fencing surrounding all waterbodies;
- signs deterring people from feeding the birds;
- access to the site for representatives of Stansted Airport as required for the purposes of monitoring bird activity.

The Bird Hazard Management Plan shall be implemented as approved, prior to the start of development and remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

REASON: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Stansted Airport.

15. 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).

16. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - *Trees in Relation to Construction - Recommendations* has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- (a) All tree work shall be carried out in accordance with British Standard BS3998 - *Recommendations for Tree Work*.
  - (b) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [1-5 years] from [*the date of the occupation of the building for its permitted use*], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
  - (c) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition ( ), at such time as may be specified in writing by the local planning authority,.
  - (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - (e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
  - (f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
  - (g) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

REASON: In the interests of protecting the character and amenities of the locality in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

18. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in-use.

The applicant will provide the planning authority with a design SAP or SBEM rating of the proposed development carried out by an accredited assessor before work commences on-site, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed.

Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.

REASON: In the interests of the promotion of sustainable forms of development and construction and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.

19. The dwellings shall not be occupied until a means of vehicular, pedestrian and/or cyclist access has been constructed in accordance with the approved plans.

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

20. The garages and car parking spaces hereby permitted and shown on Planning Layout Plan 12/030/111E shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

REASON: In the interests of the highway safety and ease of movement and in accordance with Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan (adopted 2005) and the ECC Parking Standards (adopted 2009).

21. Before development commences, a Construction Management Plan including any phasing arrangements and which includes:

- a. adequate turning and off loading facilities for delivery/construction vehicles within the limits of the site
- b. an appropriate construction access
- c. an adequate parking area clear of the highway for those employed in developing the site
- d. wheel cleaning facilities
- e. dust suppression measures
- f. visitors and contractors parking facilities
- g. secure on site storage facilities

shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented on commencement of development and

maintained during the period of construction.

REASON: In the interests of amenity and highway safety

22. Before development commences the highway works as shown in principle on drawing number ITB6214-GA-010 Rev. G, to provide an appropriate access into the site from the Ongar Road/Clapton Hall Lane/Lukin's Drive Roundabout along with amendments to the access arrangements for 1-7 Clapton Hall Lane shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

REASON: To provide safe access and adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

23. Before occupation of any dwelling, the bridleway as shown in principle on Architectus drawing number 12/030/11A running from Ongar Road along the western and southern boundaries shall be provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: In the interests of highway safety, efficiency and accessibility.



Appendix A

## GREAT DUNMOW TOWN COUNCIL

**CAROLINE FULLER, MILCM**  
**FOAKES HOUSE**  
Town Clerk  
47STORTFORD ROAD  
& Responsible Financial Officer  
GREAT DUNMOW  
ESSEX CM6 1DG  
**CHARLOTTE BRINE**  
Deputy Clerk



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29<sup>th</sup> May 2015

Mr N Brown  
Development Manager  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex CB11 4ER

Dear Mr Brown

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended

The Town Council met on 28th May 2015 and resolved unanimously to continue to object strongly to this planning application as it does not comply with local or national planning policy and would cause significant unsustainable economic and social harm to the town and environmental harm to the countryside.

It is noted that Uttlesford District Council refused permission to applications UTT/1255/11/0P and UTT/13/1979/FUL. Although this latest application and its amendments go some way towards meeting those reasons for refusal, our objections remain as stated below:

### OUTSIDE DEVELOPMENT LIMITS

UDC refused planning application UTT/1255/11/0P as the site lies outside the development limit where, in accordance with Policy S7 the countryside is to be protected for its own sake and the countryside will be protected from development unless it needs to be there or is appropriate to a rural area. This development does not need to be there, would not protect the character of the countryside, and would be harmful to the character of the area. The Inspector in the 2012 appeal (paragraph 15 explicitly accepted this judgement). However he went on to give limited weight to the harm and without explaining his reasoning accepted the fact that S7 would be breached. We strongly disagree with this conclusion, which we consider is not justified. However, bearing in mind the ambiguity over the status of the ALP and S7 we would also argue strongly that the development of this site would be contrary to the core principles of the NPPF which require Councils to recognise the intrinsic character and beauty of the countryside, to protect and

enhance valued landscapes and to use land of lesser environmental value (14 and 109). We deal below with the specific characteristics and value of this particular site and with the very urgent and significant policy implications. Fails to comply with Policy S7.

#### CONTRARY TO UDC LOCAL PLAN CONSULTATION 2012

Responses to the draft Local Plan consultation (January-March 2012) showed overwhelmingly that development would be unacceptable to local people in this location (identified as GtDUN03). The sustainability appraisal that supported both the January 2012 and July 2012 consultations did not recommend the inclusion of GtDUN03 but, on the contrary, identified a number of strong negative factors. We are entitled to conclude that this site was not included as a draft allocation in 2012 precisely because of the negative score arrived at by the SA.

Fails to take regard of Local Plan Consultation and Sustainability Appraisal results

#### UNSUSTAINABLE DEVELOPMENT

The application does not contribute to the achievement of sustainable development as required by the National Planning Policy Framework (NPPF).

##### Economic

It is not sustainable to introduce the population of a further 99 homes, on top of Draft Local Plan allocations and other planning commitments, into the town which has limited employment opportunities. This development will speed it towards the inevitability of being a dormitory town with people living here but working elsewhere. The Neighbourhood Plan Questionnaire (2012) asked residents whether this was what they wanted for Great Dunmow over the next 15-20 years. Less than 1% of participants want this for the town.

This development will do absolutely nothing to broaden the economic base of the town. On the contrary it will impose economic burdens.

##### Social

The location of the development is detached from the town centre and will do nothing to further social interaction and healthy inclusive community as the NPPF requires (69). The high density of housing results in an overcrowded layout more suited to an urban setting. The design is inappropriate in this rural setting.

The proliferation of tandem parking may address the developer's need to provide sufficient parking spaces, but in practice residents will often find themselves blocked in and park elsewhere which will not only look unsightly, but could result in damaged property and blocked streets.

As can be seen at Flich Green, garages 'en bloc' tend not to be used for the purpose of parking cars, which park out on the roads. These garages are often used for storage instead and are therefore more vulnerable to vandalism and being broken into. The Town Council would prefer to see individual garages placed next to houses to encourage cars to park off the roads and discourage crime.

Contrary to NPPF Policies 56 & 64

The current application does not provide an acceptable or accurate analysis of the accessibility of the site but focuses merely on modelled traffic movements. This is

unacceptable and should not be used as a basis for taking a decision. More analysis that demonstrates the sites sustainability should be required.

The Transport Report contains an accessibility assessment and design review. The document shows all the main facilities are outside the 'acceptable' 1km walking distance. Hence the town centre, for example is, at 1.3km, beyond an acceptable walking distance.

The nearest bus stop is 450m away and bus services are shown but without making it clear that only the 42, 42A and 542 (which are essentially the same service) are valid being 7 day, and run at best once per hour. The Rodings service can be ignored for this purpose as it runs only once per week.

The development demonstrably does not support reductions in greenhouse gas emissions and reduce congestion as set out in NPPF Policy 30.

The development does not fulfil the NPPF's policy to promote sustainable transport. Contrary to NPPF Policy 30

#### Environmental

The Adopted Local Plan contains no locally specific policies. The environment section, 5, however has the following aims:

- To safeguard the character of Uttlesford historic settlements;
- To conserve and enhance the historic buildings in Uttlesford and their settings;
- To protect the natural environment for its own sake particularly for its biodiversity, and agricultural, cultural and visual qualities.

The evidence base of the local plan contains the Historic Settlement Character Assessment and the Landscape Appraisal. The landscape appraisal discusses the western fringe of Dunmow but not in great detail. It is quoted in the Town Profile

*'Views across the (Rodings) plateau to Great Dunmow are an important characteristic of this area'.*

Great Dunmow Town  
Profile 2012 (UDC)

It recommends protecting the rural character and it recognises the pressures such as ' the expansion of suburban character and pattern .... Pressure on open character of countryside gaps.

**It recommends a policy to protect and enhance the locally distinctive and historic character of the ..urban settlements and their settings..' ( 8.3.6)**

The Historic Settlement Character Assessment described the area of the site as follows:

This general approach, whilst being rural in nature, is also characterised by the presence of occasional buildings before the A120 crossing is reached. At this point the A120 is in a cutting and because of this its impact on the landscape is minimal. Immediately beyond the new bypass and to the north, there is an area of former parkland with a number of quality individual trees whilst to the south west there is an area of flat open arable countryside hemmed in by the bypass and Clapton Hall

Lane. The open arable farmland with the clear-cut and precise urban edge abutting it makes a firm transition point between town and country. Despite being separated by the bypass from the wider countryside beyond, the arable farmland is visually part of the wider landscape because the A120 is in cutting in this location.

And it concluded:

*'It is considered that development in this sector (Land on the Ongar Road approach north of the A120)*

*would diminish the sense of place and local distinctiveness of the settlement.*

Historic Settlement Character  
Assessment 2007 (UDC)

The Town Design Statement which the Council adopted in its Guidelines for New Development draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. (pps 30-31)

The Inspector in the 2012 appeal explicitly accepted much the same view:

"Whilst the rectangular shape, gentle slope, and lack of internal landscape features gives the appeal site a utilitarian, arable character, views across it provide continuity with the countryside beyond. This effect is most marked at the north eastern end of the site, which presently has an open, semi-rural appearance"

The site is bounded by a protected land, which despite new frontage development largely retains its rural character and continues to be worthy of protection and enhancement.

In addition and by no means least the site is adjacent to a very significant colony of great crested newts, a protected species. The ecological report accepts this but fails to reflect the cumulative effect on this unique habitat of this development and those of Smiths Farm and Ongar Road North. The inevitable result of this massive scale of development would be serious ecological damage and the loss of the protected species. We are not persuaded that the scrutiny given to the ecological evidence matches the importance of the asset.

It is the firm view of the GDTC that the significance of the site, described in the above extracts from important policy documents is poorly reflected in the application.

The developer's statement in the Design and Access Statement that 'the site is unused field land with no significant features' does not convey the reality that the land is on the outer fringe of this rural market town offering long reaching views over the countryside. The application does contain a landscape analysis that touches on the site and the developer has provided a Built Heritage Impact Assessment, but we request that a landscape appraisal is carried out by an independent body (eg ECC), and the impact on the listed building in Clapton Hall Lane should be the subject of a specific appraisal by the Conservation Officer or independent expert.

Furthermore the GDTC believes that the low weight given to this site in the past is a direct result of the inadequacy of the policies to protect and enhance the unique setting of Great Dunmow in general and this site in particular. We intend that the emerging Neighbourhood Plan will propose such policies and trust that the Council will give greater weight to the setting as described in the above documents in particular the Town Design Statement in the interim so that irrevocable damage is avoided.

## AGRICULTURAL LAND

The development would result in the loss of 4 ha of the best and most versatile Grade 2 agricultural land. The NPPF requires Councils to take into account the economic and other benefits of BMV. Faced with the need to develop agricultural land it should seek land of lesser value. There is no evidence of the value of this land being taken into account. The case for the applicant is based on mere supposition. In the absence of such an evaluation the proposal is contrary to the NPPF (112 and Annex 2).

## INFRASTRUCTURE

There is not the necessary evidence for assessing the implications of new development for infrastructure in the town as clearly required by the NPPF (156, 157 and 162). It is urgent and essential that this gap is remedied so that decisions can be taken on major developments with more consistency and confidence and that necessary financial contributions can confidently be secured.

### Doctors

One of the town's doctor's surgeries is at capacity and the other is close to it. This development will put further strain on the town's health facilities. It is noted however that a financial contribution of £16,800 would be secured via a Section 106 agreement.

### Schools

UDC refused application UTT/1311979/FUL on the grounds that it made no satisfactory provisions to secure the necessary infrastructure in terms of contributions to primary and secondary education. Essex County Council has calculated an education and childcare contribution of £591,786 for this size of development. However, only £294,013 has been included in the draft Heads of Terms of the Section 106 agreement for primary education. There is no financial provision as yet for secondary education.

### Sports

The Neighbourhood Plan Steering Group has identified that all of the town's sports clubs are at capacity. There are deficiencies in sports and recreational and play facilities. This proposal will exacerbate these deficiencies.

The approval of this application will stretch the local infrastructure close to breaking point. No provision is made for community facilities, school capacity, public services or transport provision.

Fails to comply with Policy GEN6 and the infrastructure requirements of the NPPF (7, 17, 21, 156, 157 and 162).

## ROADS & ROAD SAFETY

Ongar Road carries over 5000 vehicles per day and the peak flows are in excess of 500 (ECC 2007). UDC refused the outline proposal on the grounds that it would 'give rise to unacceptable level of road safety and traffic generation which would compromise the safety and convenience of users of the highway'. This application does not address this reason for refusal and concerns remain that the increased amount of traffic using the only access onto the roundabout (Clapton Hall Lane/Ongar Road) will result in increased safety risks for vehicles and pedestrians.

The plans show a visibility distance of only 35m at the roundabout junction of Clapton Hall Lane and Ongar Road. We need assurance that this is adequate for road safety when exiting Clapton Hall Lane. The design of the roundabout shows visibility lines for the internal junctions but omits any for the roundabout itself. This underlines the need to have the roundabout independently verified in the light of the increased flow onto it.

The accompanying traffic analysis is considered to be inadequate and does not provide a sound basis for a safe decision.

Fails to comply with Policy GEN1 and the NPPF (32 and 35).

The Town Council has listened to residents and strongly objects to this development. It urges the District Council to uphold its original refusal of planning permission on this site on the grounds that it is unsustainable and contrary to local and national planning policies.



## GREAT DUNMOW TOWN COUNCIL

**CAROLINE FULLER, MILCM**  
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3<sup>rd</sup> June 2015

Mr N Brown  
Development Manager  
Uttlesford District Council  
Council Offices  
London Road  
Saffron Walden  
Essex CB11 4ER

Dear Mr Brown,

UTT/14/0127/FUL Land South of Ongar Road, Great Dunmow – Amended Application

Further to my letter dated 29<sup>th</sup> May 2015 this letter raises further objections to the above application particularly in light of two recent planning appeal decisions. The reasons given for dismissal in each case could apply equally to the above application.

Firstly, appeal ref: APP/C1570/A/14/2222950 by Gladman Developments Ltd. Up to 120 dwellings on Land off Walden Road, Thaxted which was dismissed on 1<sup>st</sup> June 2015 for the following main reasons:

- The effect on the character and appearance of the surrounding area.
- The provision of open space within the development along with the provision of affordable housing and contributions to mitigate the impact on healthcare and education would do little to make up for the harm of the loss of the countryside.
- The effect on heritage assets, including nearby listing buildings and conservation area.
- Acceptance that the five year housing supply is close to the target.

The inspector concluded that extent of harm to the character and appearance of the area and balancing social, economic and environmental roles would still not result in sustainable development. He noted that the Thaxted Design Statement was produced by local people with guidance from professionals and subject to public consultation and 'reasonable weight should be attached to it'. The benefits of the development would not outweigh the harm.

Secondly, appeal ref: APP/C1570/A/14/2221494 by Kier Homes Ltd. Up to 300 dwellings on Land off Thaxted Road, Saffron Walden which was dismissed on 2<sup>nd</sup> June 2015 for the following main reasons:

- The effect on the character and appearance of the area. The inspector noted that the appeal site is in a location where the countryside meets the town and development will amount to a 'substantial urban built form that will have a very significant effect on the character of the area.
- A materially adverse effect on the efficient operation of the local highway network.
- Loss of the best and most versatile agricultural land which was not justified.
- Effects on local infrastructure and services including education and waste water treatment.

The inspector concluded that, in the presence of a five year housing supply, along with the reasons above, the development is not sustainable and should be dismissed.

With the failure of the Local Plan at examination in 2014, Land South of Ongar Road remains outside of development limits in the adopted 2005 Local Plan. The site is also outside development limits in the emerging Neighbourhood Plan which, although not yet 'made', has reached its current stage with full public involvement.

The Great Dunmow Town Design Statement draws specific attention to the need to protect and enhance the setting and the agricultural land to the west of the town fringing the A120. It was, as was the Thaxted Design Statement, produced by local people, guided by professionals, subject to public consultation and adoption by the Town Council, and should therefore have 'reasonable weight' attached to it.

The Winslow Neighbourhood Plan, which succeeded at examination, set out what it deemed to be sustainable housing numbers for the town when the Vale of Aylesbury Local Plan had been withdrawn. The Great Dunmow Neighbourhood Plan sets out development limits when the Uttlesford Local Plan had been withdrawn and these limits do not include Land South of Ongar Road. The Neighbourhood Plan Steering Group and the Town Council therefore feel fully justified in omitting the Land South of Ongar Road (and indeed Land North of Ongar Road) from the development limits and are encouraged by the Winslow case that this decision would be supported if tested in law.

The application does not take into account the impact of the development on the town's infrastructure, nor the cumulative impact with other recently granted applications, eg Smiths Farm. The Town Council feels that the consents already granted will push the town's infrastructure and public services to (and in some cases beyond) its limits.

The Neighbourhood Plan Steering Group and the Town Council strongly object to the application as the proposed development is unwanted, unnecessary and unsustainable and urges the District Council to refuse planning permission.

Yours faithfully

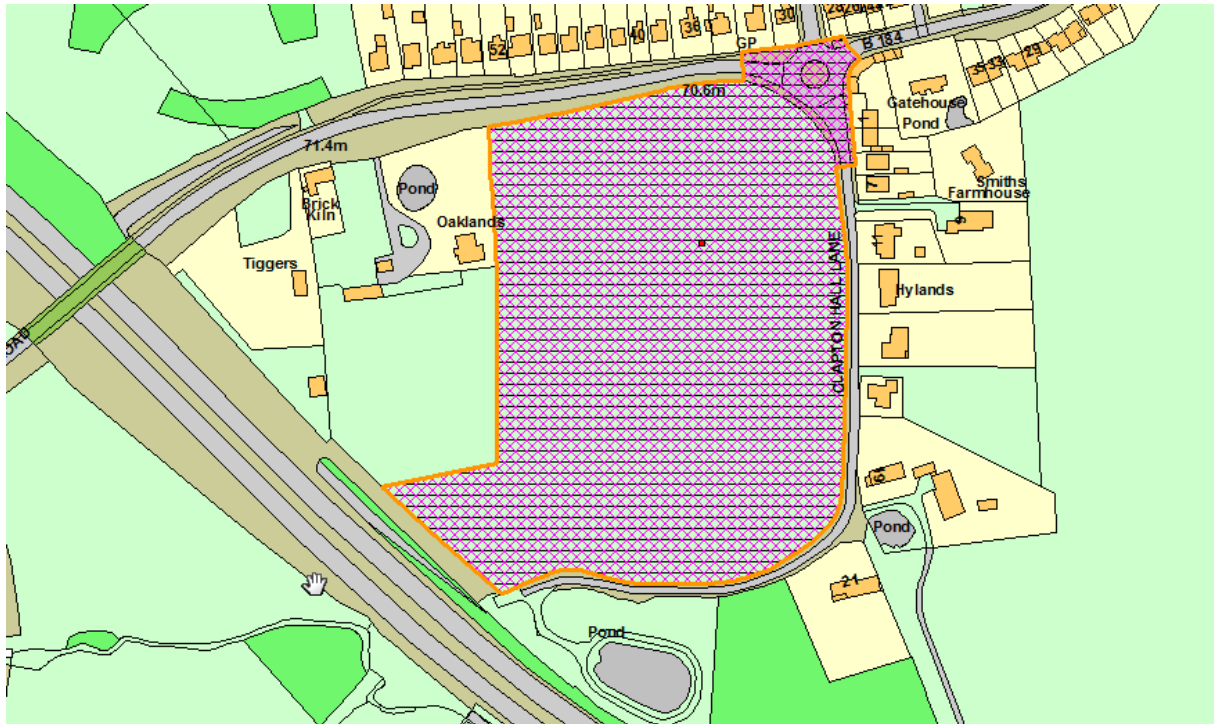
Caroline Fuller  
Town Clerk

Cc District Councillors G.Barker  
J.Davey  
P.Davies  
E.Hicks  
V.Ranger



Application number: UTT/14/0127/OP

Location: Land South of Ongar Road Great Dunmow



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Organisation: Uttlesford District Council

Department: Planning

Date: 15 July 2015

SLA Number: 100018688