

**UTT/16/0270/FUL (GREAT DUNMOW)**

**(MAJOR)**

**PROPOSAL:** Erection of 13 dwellings with associated landscaping

**LOCATION:** Land at Dunmow Road, Little Canfield, Essex.

**APPLICANT:** Mr R Mackay

**AGENT:** Mr T Blanchard

**EXPIRY DATE:** 1 July 2016

**CASE OFFICER:** Madeleine Jones

---

**1. NOTATION**

1.1 Outside Development Limits. Adjacent to County Wildlife Site

**2. DESCRIPTION OF SITE**

2.1 The application site is located to the south of the Dunmow Road (B1256) in Little Canfield and is 0.49 hectares.

2.2 The site was formally a service station. The previous commercial buildings have been demolished. The site is flat and consists mostly hard standing and rubble piles generated through the demolition of the former service station buildings.

2.3 To the south of the site is the Flitch Way a County Wildlife Site and there are residential properties to the east and west of the site.

2.4 The site benefits from two approved planning permissions, for residential use, UTT/1249/09/OP and UTT/ 1155/10/OP, (UTT/12/6172/REN, UTT/13/3038/DFO) for the erection of a total of eight dwellings. The permissions (UTT/1264/09/OP and UTT/12/6172/REN) relating to the front of the site have expired.

**3. PROPOSAL**

3.1 The proposal is for the erection of twelve dwellings and related landscaping.

3.2

	No of bedrooms	Garden Sizes	Parking Provision
1	2	80	2
2	2	50	2
3	2	50.5	2
4	3	105	2
5	3	105	2
6	3	105	2
7	3	122	2
8	4	155	3
9	4	163	3
10	4	142	3

11	4	142	3
12	5	225	3
Visitor Parking			3

3.3 Revised plans have been received:

- The original plans were not to scale
- Amending the position of the parking spaces
- Added landscaping to parking areas

Further revisions:

- . The applicant has since requested that all of the affordable housing is delivered by way of a financial contribution in lieu of the provision and the number of housing units reduced to twelve.

3.4 The density of the development would be 26 dwellings per hectare.

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

4.1 The application is accompanied by a Design and Access Statement, Ecological Appraisal, Contaminated Land Survey, Flood Risk and SUDS design Statement, Drainage Statement, Transport Statement, Biodiversity Questionnaire and soft landscaping details.

4.2 The Design and Access Statement provides information in relation to the site and its surroundings, the proposed development, site context and analysis, planning policy, design principles, mix, provision of affordable housing, landscaping, appearance, parking provision, access, and pre- application discussions

#### 5. **RELEVANT SITE HISTORY**

5.1 UTT/1264/09/OP: Outline application for the erection of 4 No. dwellings and cartlodges with some matters reserved. approved with conditions

5.2 UTT/1155/10/OP: Erection of 4 no. dwellings with garages (details of appearance and landscaping reserved) Refused. Allowed at appeal.

DUN/0030/65: Site for display and sale of caravans

DUN/0614/69: Erection of garage for 4 cars. Conditionally Approved.

UTT/005/02/FUL: Continuation of use of premises for car sales. conditionally approved

UTT/0095/06/FUL: Removal of condition C90B (No more than three dwellings shall be accommodated within the site) Allowed at appeal.

UTT/0193/95/FUL: Construction of car and jet wash. Conditionally Approved

UTT/0450/86: Proposed parking area. Conditionally Approved

UTT/0527/05/FUL: Retention of existing security fence & gates to front boundary. Refused

UTT/0627/98/FUL: Change of use to car sales. Erection of replacement

workshop building. Conditionally Approved

UTT/0800/88: Proposed alterations and erection of new sales building and canopy. Approved with conditions

UTT/0898/82: New sales kiosk and office; new 6 000 gall. above ground derv. storage tank; new 6 000 gall. underground spirit storage tank; revised pump island layout. Approved with conditions

UTT/1035/07/OP: Outline application for the erection of 11 No. dwellings. Refused

UTT/1155/10/OP: Erection of 4 no. dwellings with garages. Refused. allowed at appeal

UTT/12/6172/REN: Renewal of planning application UTT/1264/09/OP for the erection of 4 No. dwellings and cartlodes with some matters reserved. approved with conditions

UTT/1264/09/OP: Outline application for the erection of 4 No. dwellings and cartlodes with some matters reserved. Conditionally approved

UTT/13/2225/REN: Renewal of planning permission UTT/1155/10/OP for erection of 4 no. dwellings with garages (details of appearance and landscaping. Refused

UTT/13/3038/DFO: Details (appearance and landscaping) following outline application UTT/1155/10/OP for 4 no. detached dwellings. approved with conditions.

UTT/1608/05/OP: Outline application for residential development with all matters reserved. Approved with conditions

## **6. POLICIES**

### **6.1 National Policies**

National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

Policy S7: The Countryside

Policy H10: Housing Mix

Policy H9: Affordable Housing

Policy GEN1: Access

Policy GEN2: Design

Policy GEN6: Infrastructure Provision

Policy GEN7: Nature Conservation

Policy GEN8: Vehicle Parking Standards

Policy ENV7: The Protection of the Natural Environment Designated Sites

Policy ENV14: Contaminated Land

Policy GEN3: Flood Protection

Policy GEN4: Good neighbourliness

SPD: Energy Efficiency and Renewable Energy

SPD: Accessible Homes and Playspace

SPD Parking Standards: Design and Good Practice Guide

Developers Contribution Guidance document February 2016

Essex Design Guide

Uttlesford Local Parking Standards

## **7. PARISH COUNCIL COMMENTS**

7.1 No reply received

## **8. CONSULTATIONS**

### **Environmental Health Officer**

8.1 No objection subject to conditions.

### **Essex County Council Ecology**

8.2 I have no objections subject to the imposition of a condition requesting a Biodiversity Enhancement and Management Plan.  
The application is supported by an Ecological Appraisal, dated December 2015. The appraisal identifies the site to be dominated by hard standing and tall ruderal habitat. Features of note include a mature oak tree (T1) in the south eastern corner, and mature hawthorn trees along the eastern boundary. It should also be noted that the Flitch Way (Local Wildlife Site), runs along the southern boundary and Runnels Hey woodland (also a Local Wildlife Site) lies c.50 metres to the south of the site.  
**Reptiles and amphibians**  
Although the potential for reptiles and amphibians on site has been identified as limited, the site abuts residential gardens (and the Flitch Way) and herptiles may occasionally enter the site. As such, measures 1-6 set out on Pages 12 and 13 should be adhered to, to ensure reptiles and amphibians are appropriately protected.  
**Nesting birds and foraging / commuting bats**  
Section 4.2 of the Appraisal states 'The scrub and trees around the site perimeter provide potential nesting bird habitat and bat commuting/foraging habitat. Together these features may provide dispersal corridors for amphibians and small mammals etc. and should therefore, be retained.' I note that a landscape

buffer has been incorporated into the proposal layout, along the southern boundary. This allows the retention of oak T1 and this is welcomed. It is unclear whether or not the mature hawthorn trees are to be retained, and this should be clarified.

An ecologist should provide input into the design of the landscape buffer to ensure appropriate species inclusion and long-term management. This detail can be provided in a Biodiversity Management Plan, following consent

#### Section 41 Priority Species

Section 4.6 of the Appraisal states, 'In time, once lawn areas have established they will provide valuable foraging habitat for hedgehogs. Ideally, native species hedgerows will be planted to mark all or some of any new garden boundaries to provide refuge and foraging habitat. If fence panels are erected, small holes (c. 150 x 150mm in size) should be cut at the bottom of the fence panels or gravel board (whichever is in contact with the ground) to allow the free passage of hedgehogs to forage and disperse safely without the need to cross busy roads such as Dunmow Road. A minimum of 1 hole at each end of a straight run of fence is required. This detail should be provided in the Biodiversity Management Plan.

### **Thames Water**

- 8.3 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Reason- to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

### **Essex County Council Highways**

- 8.4 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:

1. The width of the accesses at their junction with the highway boundary shall be reduced to no less than 5.5 metres and retained at that width for 6 metres within the site.

Reason: To ensure that vehicles can enter and leave the highway in a safe and controlled manner.

2. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

3. Prior to occupation of the development, any redundant access width shall be

removed, the footpath resurfaced and kerb and tactile paving reinstated for use as approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

6. The cycle/powered two wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

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

#### Informatives

(i) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

(ii) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

(iii) The Applicant should provide for agreement, information regarding their drainage proposals i.e. draining by gravity/soakaways/pump assisted or a combination thereof. If it is intended to drain the new highway into an existing highway drainage system, the Developer will have to prove that the existing system is able to accommodate the additional water.

(iv) Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

(v) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

#### Infrastructure Planning Officer

8.5

I have assessed the proposed development on the basis of 13 houses. A development of this size is below Essex County Councils new threshold for

education contributions, and thereby, a s106 education contribution would not be sought

### **Essex County Council SUDS**

- 8.6 The SUDS team have sent in several responses which the applicants have responded to. (full details can be viewed on the main file) They raised concerns in respect of drainage, infiltration, run off, storage provision, water quality, site levels, contamination, ground testing.
- 8.7 Final Response 20<sup>th</sup> April:  
Lead Local Flood Authority position  
Having reviewed the Flood Risk Assessment and the new associated documents which accompanied the planning application, we do not object to the granting of planning permission.  
The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the documents submitted with this application are implemented as stated.
- Condition 1  
No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
1. Surface water run-off restricted to a maximum of 5l/s.
  2. Attenuation storage for the 1 in 100 inclusive of climate change storm event and urban creep.
  3. An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
  4. A drainage plan highlighting final exceedance and conveyance routes, location and sizing of storage features, discharge rates and outfall/s from the site.
  5. Demonstration that properties will be safe from flooding in a 1 in 100 inclusive of climate change critical storm event.
  6. Demonstration of agreement with the relevant authority to discharge into the relevant surface water sewer.
- Reason
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
  - To ensure the effective operation of SuDS features over the lifetime of the development.
  - To provide mitigation of any environmental harm which may be caused to the local water environment
- Condition 2  
No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented. The scheme shall be implemented as approved.
- Reason  
The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

**Condition 3**

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

**Reason**

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

**Condition 4**

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

**Reason**

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

**Summary of Flood Risk Responsibilities for your Council**

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

**INFORMATIVES:**

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management



Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

#### 8.10 **Specialist Archaeological Advice**

The historic environment record shows that the proposed development lies to the south of the main Roman Road (EHER 4697) from Colchester to Braughing. The development area also lies to the south of the Prior's Hall development which has shown the presence of multi-period occupation from the Neolithic through to the post medieval period.

Recommendation Archaeological trial trenching and excavation

"No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

#### **Environment Agency**

#### 8.11 No objection.

We have the following advice on land contamination, the use of Sustainable Drainage Systems and underground storage tanks.

Contaminated land;

The preliminary risk assessment shows there is contamination to ground, which may be affecting the secondary aquifer beneath the site. These proposals therefore need to be dealt with in a way which protects the underlying groundwater.

Following a reduction in Grant in Aid funding, our ability to respond to Local Planning Authorities for some planning consultations has been affected. Our Groundwater, Hydrology and Contaminated Land Team in Hertfordshire and North London Area are not providing specific advice on the risks to controlled waters for this site as they must concentrate their local resources on the highest risk proposals.

We recommend, however, that the requirements of the National Planning Policy Framework and National Planning Policy Guidance (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified, so that appropriate remedial action can be taken. We expect reports and Risk Assessments to be prepared in line with our 'Groundwater protection: Principles and practice' document (commonly referred to as GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause
  - Groundwater pollution.
  - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- 
- The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:
  - Groundwater Protection: Principles and Practice (August 2013)
  - Technical Guidance Pages on our website, which include links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section.
  - The Planning Practice Guidance
  - British Standards when investigating potentially contaminated sites and groundwater:
  - BS 5930: 1999 A2:2010 Code of practice for site investigations
  - BS 10175:2011 Code of practice for investigation of potentially contaminated sites
  - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
  - BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters
  - MCERTS accredited methods for testing contaminated soils at the site: (<https://www.gov.uk/government/collections/monitoring-emissions-to-air-land-and-water-mcerts>)

We only consider issues relating to groundwater and watercourses. Evaluation of any risks to human health arising from the site should be discussed with your Environmental Health Department.

#### Sustainable Drainage Systems

In brief, our general requirements with regards to Sustainable Drainage Systems (SuDS) are: 1. Infiltration SuDS such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment. 2. Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination. 3. Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.

4. The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. 5. Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction). Please also refer to the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and the draft National Standards for SuDS (Defra, 2011) for more information.

#### Underground Storage Tanks

We recommend the removal of all underground storage tanks (USTs) that are unlikely to be reused. Once the tanks and associated pipelines have been removed, samples of soil and groundwater should be taken to check for subsurface contamination. If soil or groundwater contamination is found, additional investigations (possibly including a risk assessment) should be carried out to determine the need for remediation.

The applicant should refer to 'Pollution Prevention Advice and Guidance on Storing and handling materials and products' and 'Defra - The Groundwater Protection Code: Petrol stations and other fuel dispensing facilities involving underground storage tanks - for England and Wales', specifically those sections relating to decommissioning redundant underground fuel storage tanks and infrastructure

#### 8.12 **Housing Enabling Officer**

The proposed scheme will provide a ground floor one bedroom wheelchair accessible unit, and a 2 bedroom 4 person 1st floor apartment. 2 shared ownership affordable units in total in accordance with the advice provided at pre-application stage. Financial contributions would also be acceptable in lieu of the provision.

### 9. **REPRESENTATIONS**

- 9.1 This application has been advertised and 67 neighbouring properties written to. No representations have been received. Expiry date 21<sup>st</sup> March 2016

### 10. **APPRAISAL**

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

- A **The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7, H3);**
- B **The layout, design and scale of the proposals is appropriate (ULP Policies GEN2, S7 & SPD: Accessible Homes and Playspace);**
- C **The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);**
- D **Biodiversity (ULP policy GEN7)**
- E **Affordable Housing, Education Contributions (ULP policies H9, GEN6 and Developers Contributions Guidance Document)**

**F                    Contamination and Drainage Issues (ULP policies ENV14 and GEN3)**

**A                    The development of this site for residential purposes is appropriate (NPPF and ULP Policies S7, H3);**

10.1                In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.

Policy S7 is a policy of general restraint which seeks to restrict development to that which needs to take place there, or is appropriate to a rural area in order to protect the character of the countryside. This includes infilling in accordance to paragraph 6.13. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

Within the supporting text of policy S7, it sets out at paragraph 6.13 of the Local Plan that outside development limits, sensitive infilling proposals close to settlements may be appropriate subject to the development being compatible with the character of the surroundings and have a limited impact on the countryside will be considered in the context of Local Policy S7. Paragraph 17 of the NPPF does however state that planning should take account of the different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

A review of the Council's adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas. The policy strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. As such this reduces the weight given to the restraint implied by Policy S7 and this must be weighed against the other sustainability principles.

The most recent housing trajectory was presented to the Planning Policy Working group on 8 June 2015, an updated statement was presented to the Group on 26 November 2015 The Council is required to identify annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Council considered that it is a '5% authority' and this has been supported by the Local Plan Inspector and at a number of appeals

The Statement explains that until the Council has determined its objectively assessed need it considers its housing requirement is between 568 to 580 dwellings a year. The Council estimates that 3530 dwellings will be delivered over the next 5 years which provides the District with between 5.1 – 5.3 years of supply, depending on the housing target, but including a 5% buffer.

National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable

development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

The Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this any applications will have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.

In view of the above, any new proposal should aim of securing sustainable development as it is a golden thread running through the Framework. Paragraph 14 sets out a presumption in favour of sustainable development and paragraph 7 provides a definition for planning purposes. This identifies three mutually dependent strands; an economic role, a social role and an environmental role.

**Economic:** The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. In economic terms the proposal would have short term benefits to the local economy as a result of construction activity and additionally it would also support existing local services, as such there would be some positive economic benefit.

**Social:** The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal would make a contribution towards the delivery of the housing needed in the district, including provision of affordable housing units or financial contributions to provide affordable housing. Furthermore, the site is located near to existing public bus stops (immediately to the front of the site) and is served by existing bus routes that give access to Stansted Airport, bishops Stortford, Stansted Mountfitchet and Saffron Walden and also provide access to railway stations along the routes.

The site also connects with existing pedestrian and cycle routes, including the Flitch Way. The village of Takeley, including Priors Green is well served with facilities, many of which are within walking distance of the application site and development of the site would allow residents to access facilities by means other than the motor car. There is a school, shops and community centre located at Priors Green. In terms of the rural nature of the district, the facilities and public transport options are relatively good.

**Environmental:** The development of this site would result in additional built form in the countryside. The development would result in re-use of a previously developed site. The site is contaminated and this proposal would result in remediation of the site. The site is located to the County wildlife site, the Flitch Way, however, the design includes a landscape buffer to the rear of the site to respect the wildlife site and any impacts can be mitigated by way of condition. (please see below) Either side and opposite of the development are residential properties. As such it is not considered that the proposals would give rise to substantial harm in terms of environmental impact.

The proposal is considered to meet the three strands of sustainability as set out in the NPPF and is therefore acceptable in principle. The weight to be given towards sustainable development would outweigh the policy objection as set out

in Policy S7 given its partial incompatibility with the NPPF.

A further material consideration is that there is one extant planning permission for this site and one that has recently expired, which gave planning permission for a combined total of eight dwellings. No affordable housing provision or contributions were required for either of the approved schemes.

**B      The layout, design and scale of the proposals is appropriate (ULP Policies GEN2, S7 & SPD: Accessible Homes and Playspace);**

Policy H10 has a requirement for sites of 0.1 hectares and above or of 3 or more dwellings will be required to include a significant proportion of market housing comprising small properties. All developments on a site of 3 or more homes must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. The housing mix of this application meets the requirements of Policy H10.

The supplementary Planning Document Accessible Homes and playspaces requires that developments of 10 and over should provide bungalows, however, there have been two recent approvals on nearby sites which do not have any bungalow provision and it is considered that bungalows in this location would not be in keeping with the surrounding character. The development would result in an increase in density of the previously approved developments for the site.

All of the units have private amenity spaces. The Essex Design Guide recommends that dwellings or 3 bedrooms or more should have private amenity spaces of 100sqm+.and 2 bedroom properties 50 sqm+. The gardens accord with the requirements of the Essex Design Guide Each plot has adequate private amenity space to accord with the requirements of the Essex Design Guide

The design and scale of the proposed dwellings is considered appropriate for this location. The dwellings would all be two storey, the front row of houses are set back from the road to respect the building line created by the dwelling immediately adjacent on the site to the west and to allow soft landscaping to minimise the impact of the built form from the street view.. A landscape buffer has also been incorporated into the design to protect the Wildlife site to the rear of the site. New hedging and planting is proposed along the front of the site to complement the adjacent housing and developments.

It is proposed to use a combination of red and buff coloured face brick and the roofs to be clad in red pantiles and black slate. Materials can be controlled by condition if planning permission is granted.

The development has been designed to minimise the potential for overshadowing or overbearing impacts. In view of the distances between neighbouring properties) the proposal would not result in any material overlooking.

**C      The access and parking arrangements are appropriate (ULP Policies GEN1 & GEN8 & SPD: Parking Standards: Design and Good Practice);**

The proposed properties are a mixture of one, two, three, four and five bedroom dwellings. The adopted Essex County Council parking standards require the provision for two parking spaces per dwelling for two and three bedroom dwellings and three parking spaces for three+ bedroomed properties and additional visitor parking spaces. The proposal meets these standards in that each dwelling would have two/three parking spaces as required and there would also be three unallocated parking spaces within the development to provide

visitor parking. Vehicular access to the site is acceptable.

The Highway's Department have been consulted and raise no objections to the proposals on highway terms. The proposals therefore satisfy the requirements of ULP Policies GEN1 and GEN8.

**D Biodiversity (ULP policy GEN7)**

Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.

A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. Some of the questions were answered with a yes and accordingly an ecology report has been submitted with the application.

Essex County Council Ecologists have been consulted and have no objections to the proposal subject to condition.

As such it is not considered that the proposal would have any material detrimental impact in respect of protected species and accords with ULP policy GEN7

**E Affordable Housing, Education Contributions (ULP policies H9, GEN6 and Developers Contributions Guidance Document)**

Affordable Housing:

Policy H9 states that the Council will seek to negotiate on a site for site basis an element of affordable housing of 40% of the total provision of housing

The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the District. As a result of this the Council will require a specific mix per development proposal.

The Strategic Housing Market Area Assessment supports the provision of a range of affordable housing:

Affordable housing provision (rounded up to the nearest whole number)

- 40% on sites of 15 or more dwellings or sites of 0.5ha or more;
- 20% on sites of 5-14 dwellings or sites between 0.17ha and 0.49ha or an equivalent financial contribution as advised by the District Council; and
- Financial contribution on sites of 2-4 dwellings

The site area is 0.49 hectares and the application is for thirteen properties, as

such a provision of 20% affordable housing or an equivalent financial contribution would be required. The applicant has indicated that they are prepared to enter into a Section 106 legal agreement to either provide the affordable housing or make a financial contribution. Subject to this agreement being completed, the proposal would comply with the requirements of policy H9 and the adopted Developer Contributions Guidance Document.

**Education Contributions:**

Essex County Council (ECC) is the Education Authority for the District. ECC have published a 'Developers' Guide to Infrastructure Contributions' which sets out how contributions for Education are calculated. A development of this size is below Essex County Councils new threshold for education contributions, and thereby, a s106 education contribution is not sought.

**F                    Contamination and Drainage Issues (ULP policies ENV14, GEN2, GEN4 and GEN3)**

The site is a redundant service station and as such there is the potential for the site to be contaminated. Accordingly a contamination report has been submitted and it has been identified that there is some hydrocarbon contamination in the ground in the area of the fuel tanks and pump area of the petrol filling station. As a result the Environment Agency, internal Environmental Health officers and the County SUDS teams have been consulted.

Insufficient information was initially submitted with the application and further information requested in relation to infiltration, run-off rates, maintenance of any drainage scheme and on site water treatment.

The SUDS team have now withdrawn their objection and confirm that provided the development is implemented by way of their suggested conditions, the proposed development would meet the requirements of the National Planning Policy Framework.

Additionally Environmental Health officers have confirmed that subject to appropriate conditions the proposal is acceptable.

- G                    Impact on Archaeological remains(ULP policy ENV4**  
Policy ENV4 seeks the preservation or investigation of important archaeological remains as appropriate. The site fronts the roman road from Braughing to Colchester, while to the rear lies the historic railway line of the flitch Way. Taking into account the comments of the Historic Environment Officer, it is considered appropriate to require a condition that appropriate archaeological investigation is carried out before development commences. Subject to this condition, it is considered that there is no conflict with policy ENV4

**11.                CONCLUSION**

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

- A                    The development comprises sustainable development and is acceptable in accordance with the NPPF**
- B                    The design is considered to be acceptable and complies with eh Essex Design Guide and ULP policy GEN2**
- C                    Adequate parking provision for the number of dwellings is provided to comply with ECC parking standards (adopted 2009) and locally amended March 2013.. Adequate visitor parking spaces are provided. The Highways Authority has no objections. The proposed accesses are acceptable. The proposal complies with of ULP Policies GEN1 and GEN8.**



- D It is not considered that the proposal would have any material detrimental impact in respect of protected species in accordance with ULP policy GEN7 and the NPPF.
- E The applicant has agreed to enter into a S106 legal agreement to provide or pay financial contributions in respect of affordable housing in accordance with policy H9.
- F Subject to appropriate conditions, the proposal would not result in any material detrimental issues relating to flooding or contamination.
- G The proposal subject to an appropriate condition complies with policy ENV4

### **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 by the 1<sup>st</sup> July 2016 the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
  - (i) Financial contributions in respect of affordable housing
  - (ii) Pay the Council's reasonable costs
  - (iii) Maintenance of SUDS
  - (iv) Pay the Monitoring fee
- (II) In the event of such a variation to the extant obligation being made, the Director of Public Services shall be authorised to grant permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such a variation of the extant obligation, the Director of Public Services shall be authorised to refuse permission in his discretion at any time thereafter for the following reason:
  - (v) Provision or financial contributions in respect of affordable housing
  - (vi) Pay the Council's reasonable costs
  - (vii) Suds maintenance
  - (viii) Pay the Monitoring fee

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Before development commences full details of soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping

details to be submitted shall include:-

a) Planting plans, including specifications of species(including details of landscaping to be retained), sizes, planting centres, number, percentage mix and 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).

Justification: The site is adjacent to a County Wildlife Site, the landscaping may impact on other areas of design of the proposal.

- 3 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).

- 4 One dwelling approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

5. No development shall take place until a Biodiversity Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be informed by the Ecological Appraisal (dated December 2015) and shall include:
- a) A description and evaluation of features to be enhanced and managed, particularly the boundary with Flitch Way and the proposed landscape buffer. Details shall be in line with the enhancement suggestions provided in Section 4.7 of the Ecological Appraisal;
  - b) Any potential for protected and Section 41 Priority Species on site that might inform enhancement and future management; particularly reptiles and amphibians, nesting birds, foraging / commuting bats and hedgehogs;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving the aims and objectives of the project;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) On-going monitoring and remedial measures.
- The Plan shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out

(where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development hereby permitted shall be implemented in accordance with the approved plan.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved, in the interests of biodiversity and in accordance with Local Plan Policies GEN7 and ENV4

Justification: The site is adjacent to a County Wildlife Site, this condition is required to be a pre-commencement condition due to the statutory requirements relating to protected species

- 6 Prior to commencement of the development, samples of the materials to be used for the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.

REASON: To ensure a satisfactory appearance for the development, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

- 7 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
1. Surface water run-off restricted to a maximum of 5l/s.
  2. Attenuation storage for the 1 in 100 inclusive of climate change storm event and urban creep.
  3. An appropriate amount of treatment in line with the CIRIA SuDS Manual C753.
  4. A drainage plan highlighting final exceedance and conveyance routes, location and sizing of storage features, discharge rates and outfall/s from the site.
  5. Demonstration that properties will be safe from flooding in a 1 in 100 inclusive of climate change critical storm event.
  6. Demonstration of agreement with the relevant authority to discharge into the relevant surface water sewer.

REASON:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment

Justification: This pre- commencement condition is required to ensure the drainage scheme is appropriate for the site

- 8 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The

scheme shall subsequently be implemented. The scheme shall be implemented as approved.

**REASON:**

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Justification: This pre- commencement condition is required because construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 9 No development other than that required to be carried out as part of an approved scheme of remediation shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health, [property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.]
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

**REASON:** In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification: This pre- commencement condition is required because the carrying out of the development without it may result in harm to human health.

- 10 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health and controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**REASON:** In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

Justification: This condition is required to be a pre-commencement condition to ensure that all relevant contamination is dealt with as advised by Environmental Health Officers.

- 11 The remediation scheme shall be implemented in accordance with the approved timetable of works prior to the commencement of development (other than that required to carry out the remediation) unless otherwise agreed by the local planning authority. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority and work halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition ENV1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition ENV2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition ENV3.

REASON: In the interests of safety, residential amenity and proper planning of the area, in accordance with Policies GEN2, GEN4 and ENV14 of the Uttlesford Local Plan (adopted 2005).

- 13 The width of the accesses at their junction with the highway boundary shall be reduced to no less than 5.5 metres and retained at that width for 6 metres within the site.

Reason: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Uttlesford Local Plan Policy GEN1.

- 14 Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Uttlesford Local Plan Policy GEN1

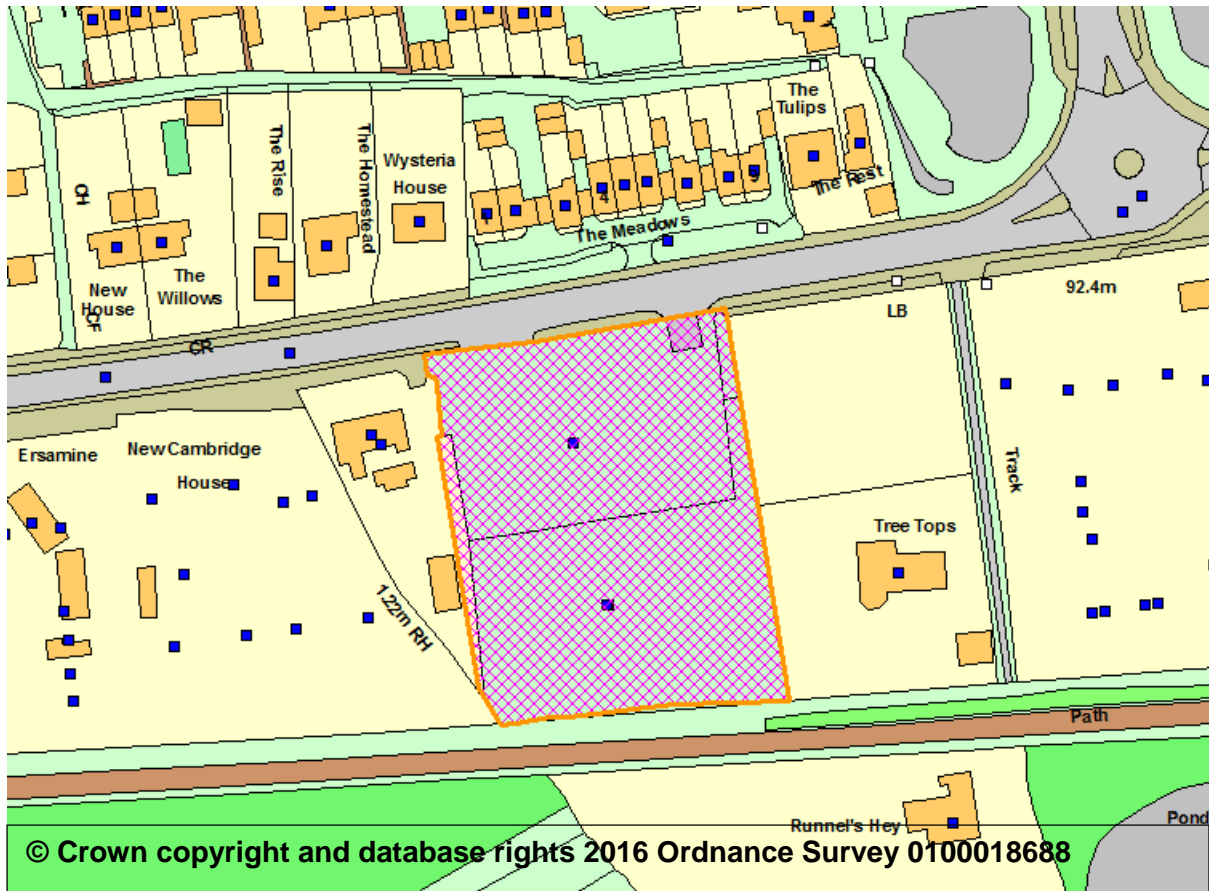
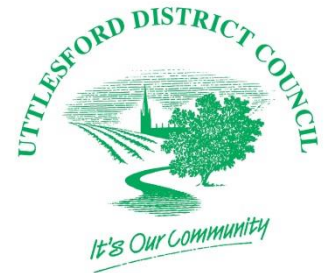
Justification: The above condition is required to ensure that the development does not result in unacceptable highway safety issues

- 15 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological trial trenching and excavation in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

REASON; The historic environment record shows that the proposed development lies to the south of the main Roman Road (EHER 4697) from Colchester to Braughing. The development area also lies to the south of the Prior's Hall development which has shown the presence of multi-period occupation from the Neolithic through to the post medieval period, in accordance with Uttlesford Local Plan Policy ENV4

Justification: Once works are started any historic records could be destroyed.

Application no.: UTT/16/0270/FUL  
Address: Land at Dunmow Road, Little Canfield



Organisation: Uttlesford District Council

Department: Planning

Date: 15 June 2016