



Appeal Decision

Hearing held on 4 December 2012

Site visit made on 5 December 2012

by Mike Fox BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 January 2013

Appeal Ref: APP/C1570/A/12/2182870

Land north of Ongar Road, Great Dunmow, Essex, CM6 1EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Redrow Homes (Eastern) Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/1147/12/OP, dated 31 May 2012, was refused by notice dated 23 August 2012.
 - The development proposed is the erection of 73 dwellings (including affordable housing) together with a new vehicle and pedestrian access from Ongar Road.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 73 dwellings (including affordable housing) together with a new vehicle and pedestrian access from Ongar Road at land north of Ongar Road, Great Dunmow, Essex, CM6 1EX in accordance with the terms of the application, Ref UTT/1147/12/OP, dated 31 May 2012, and the plans submitted with it, subject to the conditions in the schedule below.

Application for costs

2. An application for costs was made by Redrow Homes (Eastern) Ltd against Uttlesford District Council. This application is the subject of a separate decision.

Procedural matters

3. All matters of detail except access have been reserved for future approval. In addition to a site location plan, and a plan showing the location and details of the proposed vehicular access, the following illustrative drawings were submitted: Drawing Ref. SL-01 Rev M, entitled *Illustrative Site Layout*; Ref. PP-01, entitled *Parameters Plan*; Ref. JBA 03/94 TS03, entitled *Arboricultural Implications Assessment Plan*; and Ref. JBA 03/94 TS04 Rev B, entitled *Tree Protection Plan for Access Road*. Although these drawings are not part of the planning application, they give a likely indication of the impact of the proposed development.

Reasons

4. The partially wooded appeal site of approximately 3.8ha is located immediately to the south-west of the existing urban area of Great Dunmow, about 1

kilometre from the town centre. It is defined in *Local Plan*¹ (LP) policy S7 as countryside, which should be protected for its own sake, and within which planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. The policy states that development will only be permitted if its appearance protects or enhances the character of the countryside or there are special reasons why the development in the form proposed needs to be there. There is no dispute between the parties that the proposed development would be contrary to LP policy S7. It does not require a countryside location and it would not protect the rural character of the appeal site.

5. The appeal turns on whether the contravention of LP policy S7 is justified, having regard to the following **main issues**: local housing need and the national requirement for a 5-year supply of deliverable housing land in the area; whether the appeal site's location is sustainable, e.g. in relation to facilities and services such as schools, shops, health facilities, and public transport; highway safety considerations; the effect of the proposed development on the character and appearance of the area and surrounding countryside; and the impact of traffic noise on the living conditions of future occupiers of the proposed development.

Reasons

Local housing need and the national 5-year requirement for housing land

6. At the date of the Hearing, the East of England *Regional Plan* (RP)² provided the basis for determining the housing requirements for Uttlesford. The Order revoking the RP subsequently came into force on 3 January 2013. This limits the statutory development plan for Uttlesford to the *Local Plan*, which is acknowledged by both main parties to be out-of-date.
7. The Council's *Housing Trajectory*³, dated April 2012, and rooted in RP policy H1, is the most up-to-date and robust available evidence of housing need for the area, and I have therefore had regard to it. It states that the former RP requirement for 8,000 net additional dwellings within Uttlesford over the period 2001 to 2021, which equates to 400 dwellings pa, needs to be increased, to take into account the District's underperformance from 2001-2006, to a revised total of 430 dwellings pa. The main parties agreed that this annual requirement reflected the housing need in the District.
8. The Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing land, as required by the National Planning Policy Framework⁴ (*the Framework*) (paragraph 47). The delivery of housing is also a national priority in the *Planning for Growth* Ministerial Statement⁵. It is therefore a significant material consideration in favour of the proposed development.
9. *The Framework* also states (paragraph 47) that where there is a persistent record of under-delivery of housing, local planning authorities should increase

¹ *Uttlesford Local Plan*; Adopted 2005.

² The Regional Strategy for the East of England (Revocation) Order 2012; December 2012.

³ Uttlesford District Council: *Housing Trajectory and 5-Year Land Supply*; April 2012.

⁴ Department for Communities and Local Government: *National Planning Policy Framework (the Framework)*; March 2012.

⁵ *Planning for Growth* – Written Ministerial Statement; issued by Greg Clark, Minister for Decentralisation; 23 March 2011.

the buffer, or additional amount of housing provision, from a 5% additional provision to 20%, to provide a realistic prospect of achieving the planned supply and to ensure a choice and competition in the market for land. The *Housing Trajectory* indicates 3.9 years of deliverable housing land on committed sites. The SCG states (paragraph 4.10) that the Council considers itself to be a '20% authority', which reduces the figure to 3.2 years. Furthermore, *the Framework* (paragraph 49) states that 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.

10. Several local residents and Council members referred to the emerging Uttlesford Local Plan, which allocates fewer dwellings than the RP for the area. They stated that the emerging plan would meet the needs of the area in more environmentally suitable and sustainable locations than the appeal site; and that a recent emerging plan consultation exercise showed no local support for housing development on the appeal site.
11. The emerging plan, however, is yet to be publicly examined, and I agree with the Council that it should be afforded little weight. Moreover, its anticipated submission for Examination has been delayed to November 2013, making adoption unlikely before late 2014. In the meantime, the current local plan period has expired. I also note the letter from the then Government Office for the East of England, dated 21 December 2007⁶, urging the Council to make good progress with its development plan preparation. This has not happened, and adds further weight to the urgent need to address the Council's housing shortfall.
12. Affordable housing would comprise 40% of the scheme (29 dwellings), in accordance with LP policy H9 and the findings of the SHMA⁷. It would be divided into 70% social rented and 30% shared ownership housing, which is not an unusual mix. Although some representations questioned the amount of affordable housing in the proposed development, the figure was not seriously challenged.
13. I conclude on the first main issue that the proposal would help address the shortfall in housing provision and provide affordable housing. This would be in line with *the Framework* and *Planning for Growth*, and it overrides the out-of-date policies in the Local Plan in relation to housing.

Sustainability

14. Concerns were expressed that the proposed development would place unacceptable pressure on an already overstretched physical infrastructure. This was not supported by the Council or any of the providers for services such as water supply, waste water treatment, gas, or electricity, and I see no reason to come to a different view.
15. The Council's principal concerns related to the walking distance from the appeal site to the town centre and social and community facilities such as schools and health centres, and public transport. Residents also expressed concerns over the pressure that an additional 73 dwellings would place on the capacity of some of these services to meet future needs. The proposal includes

⁶ The full letter is contained in Appendix 9 of the Hearing Statement by Woolf Bond Planning; October 2012.

⁷ London Commuter Belt (East)/M11 Sub-Region: *Strategic Housing Market Assessment* (SHMA); October 2009 – Appendix 14 of the Hearing Statement by Woolf Bond Planning; October 2012.

- contributions towards improvements to education and public open space provision, which are supported by the education authority and the local planning authority respectively, are addressed in the S106 Agreement.
16. My attention was drawn to an appeal decision in February 2012, which dismissed an outline application for 73 dwellings on the appeal site⁸. My colleague found that the development would be beyond an acceptable walking distance to a bus stop, the nearest one being about 620m from the site access. That led him to conclude that the environmental sustainability of the site did not score highly, especially in relation to Essex County Council's standards on accessibility and transport sustainability.
 17. In response to the previous decision, the appellant has agreed with the highway authority (Essex County Council) and the bus service provider (First Group) to divert the 42A bus service (which runs between Stansted, Great Dunmow town centre, Chelmsford and Galleywood) by approximately 200m along Ongar Road and to provide a new sheltered bus stop with real time information, about 345m from the site access. This would be within the 400m maximum walking distance based on both the *Essex Road Transport Strategy*⁹ and the Institute of Highways and Transportation (IHT) publication *Planning for Public Transport in Developments* (1999). The S106 Agreement provides financial support for the diverted service for three years from the date of the occupation of the 10th house, or for one year after the occupation of the last housing unit, with further payment in the event of delayed completion of the housing scheme.
 18. The appellant has provided an independent road safety audit¹⁰ which concluded that, subject to detailed modifications to be incorporated by the appellant, no part of the bus stop would obstruct pedestrian movement or forward visibility, whilst a 'swept path' analysis shows that a bus can negotiate the roundabout on Ongar Road without overrunning the kerb. I therefore consider that these safety concerns have been satisfactorily addressed.
 19. The appellant estimated that the proposed development would generate 15 bus passenger trips per day¹¹. The route would serve existing residential areas along Ongar Road, plus up to 100 new homes at Ongar Road South, opposite the proposed bus stop. The likelihood is that the diverted bus service would attract significantly more passengers than just from the proposed development. It is also reasonable to assume that the highway authority and bus service provider did not enter into this agreement without carefully considering viability. I am therefore satisfied that the diverted bus service is likely to be viable and therefore permanent.
 20. The Ongar Road South housing development was granted on appeal in July 2012¹². In view of its proximity to the appeal site, and the broadly similar

⁸ Appeal decision Ref. APP/C1570/A/11/2158377 which dismissed an outline planning application for the erection of 73 dwellings (including affordable housing) together with new vehicle and pedestrian access from Ongar Road; dated 16 February 2012.

⁹ *Essex Road Transport Strategy 2006-2011*, policy DM9 – Accessibility and Transport Sustainability - states that development should be located within 400m of a bus stop; referred to in page 13, paragraph 5.4 of the appellant's Hearing Statement-Transport Planning Matters; October 2012.

¹⁰ Appellant's Hearing Statement-Transport Planning Matters; October 2012; pages 16 and 17, Swept Path Analysis Drawing 22266703-101 and Appendix K.

¹¹ Appellant's Hearing Statement-Transport Planning Matters; October 2012; paragraph 6.1.

¹² Appeal decision Ref. APP/C1570/A/11/2164898 allowing outline planning permission for the erection of up to 100 dwellings (including affordable housing), facilitated by a new vehicular and pedestrian access from the

developments proposed, I have had regard to this decision, which states (paragraph 17): "It is recognised that the site is not especially close to local services, but in this it is not untypical of a suburban location, including those surrounding Great Dunmow. On balance, the proposal represents an adequately sustainable form of development in respect of accessibility to local facilities and public transport". This conclusion was reached prior to any commitment to a diverted bus service, whilst the appeal site before me is significantly closer to the town centre along the improved footpath/cycleway referred to above.

21. In view of Great Dunmow's limited job opportunities, its convenient commuting distances to several major employment centres, such as Stansted, the high percentage of trips that would be generated by the proposed development by car is not surprising. However, the appellant has addressed the issue of sustainable transport by submitting a Green Travel Plan in the S106 Agreement, which also includes the proposed improvements to both the local bus service and the footpath/cycle link that I have referred to. Moreover, in general accessibility terms, Great Dunmow is identified in the *Local Plan* as a suitable location for new housing, with good access to the A120 corridor (paragraph 2.2.2) and a range of employment opportunities.
22. I conclude that the proposal would be sustainable. By incorporating a bus stop within an acceptable walking distance of the site, it addresses the principal reason why the previous appeal was dismissed. It would not be contrary to LP policy GEN1 (e), the *Essex Road Transport Strategy / IHT* guidance on sustainable accessibility, or *the Framework*, which states that the use of sustainable transport modes should be maximised (paragraph 34), as well as setting down parameters for sustainable development in a wider context (paragraph 7).

Highway safety

23. Concern was widely expressed over the safety aspects of the proposed vehicular access, in relation to visibility and the speed of traffic on Ongar Road, and its effect on the free flow of traffic on this road.
24. The proposed standard priority access junction is supported by the highway authority. It would be located on the outside of a gentle bend in Ongar Road, which is advantageous for driver visibility, at a location within the 30mph speed limit. (The speed limit signs are a little further to the west). The appellant's figures show two road traffic accidents between the bridge over the A120 to the west and the roundabout to the east over the three years 2009 - 2011, one of which was serious; this does not amount to an accident cluster. Whilst this was questioned by several residents, it was not challenged by robust evidence.
25. It was alleged that many vehicles ignore the speed limit, especially when approaching Great Dunmow from the west, using the stretch including the proposed access junction as a 'transition' from high speeds down to 30mph. This was also my impression at the accompanied site visit. The crown of the bridge over the A120, about 130m to the west of the site, also limits forward visibility.

roundabout junction of Ongar Road and Clapton Hall Lane; dated 12 July 2012. The decision is being challenged in the High Court, which is discussed below.

26. In response to these concerns, the S.106 Agreement includes a 'Gateway' feature, to be located to the west of the 30 mph signs, with the exact location and design to be agreed by the Council. I consider that such a feature would encourage the reduction of traffic speeds entering the town past the appeal site.
27. In relation to the free flow of traffic, the appellant's highway modelling shows that the likely level of vehicular traffic generated by the scheme would result in minimal impact on both Ongar Road and at any nearby junctions.
28. I conclude that the proposed access arrangements would have a minimal impact on the free flow of traffic on Ongar Road, and subject to the proposed Gateway feature, there would be no adverse impact on highway safety. There would be no conflict with LP policy GEN1 or *the Framework*, which states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe (paragraph 32).

Character and appearance

29. The appeal site has well defined boundaries. The A120 dual carriageway skirts the site in a cutting to the south-west. The B184 Ongar Road forms its southern boundary, with a few isolated dwellings and open countryside further south. Arable land and an area of woodland which is also a local wildlife site, known as Olives Wood, lie to the north and north-east. The remaining, eastern boundary adjoins the Lukin's Mead housing estate on the edge of the built-up area. A public footpath (Ref. no. 55) runs along the north-west boundary to and from the town centre.
30. The site is overgrown and has been used for fly tipping. Despite a Tree Preservation Order, some trees are in a poor condition and the site appeared to be neglected. Although some residents considered the site to be parkland or former parkland, it has no public open space status.
31. The Council contends that the site's countryside location, outside the current development limits, forms a rural buffer, and that the proposed development would be detrimental to the character of the rural area. The *Great Dunmow Town Design Statement*¹³, however (page 28), states that the A120 cuts off the town from the countryside and that the edge of the town in this area is screened to a significant degree by the dense fringe of trees along the bypass. The extensive earthworks associated with the A120 and the Ongar Road bridge over the A120 are both significant physical features which define the cut-off point for drivers and pedestrians approaching Great Dunmow along Ongar Road, to the extent that I do not consider that the appeal site can be defined as a rural buffer. Ongar Road serves as a cut-off point between the site and the wider countryside to the south.
32. The proposed development would extend the arrival point of built development westwards as far as the A120. It would not, in my view, significantly erode the character of the open countryside which is defined by the above mentioned physical barriers. The site is also secluded by its peripheral tree cover and in particular by the mature quality of many of these trees.

¹³ *Great Dunmow Town Design Statement*, prepared by the Community of Dunmow 2007-2008, as a Supplementary Planning Document; adopted for development control purposes by the Council in 2009.

33. Although landscaping is a reserved matter, the appellant's illustrative drawings show the protection of most existing trees and significant tree planting, partly to strengthen the periphery facing Ongar Road and the A120. In particular, the drawing entitled *Tree Protection Plan for Access Road* shows the protection of the principal trees around the proposed access road junction with Ongar Road. I am therefore satisfied that the proposal could be implemented without conflicting with LP policy ENV3. The illustrative drawings also show two important lines of trees extending through the site and complemented by swales. These green corridors would contribute significantly to the character and appearance of the proposed development.
34. The *Illustrative Site Layout* shows a 10m wide planted buffer strip along the north-west boundary where the site abuts Olives Wood, together with a 'kissing gate' to restrict public access into the wood. The buffer would maintain a similar separation distance from the wood to Lukin's Mead residential area to the east. Although it was claimed that significant woodland damage had occurred through the proximity of existing housing, this was not supported by robust evidence, whilst English Nature has not objected. I consider that the combination of mitigation measures and the width of the buffer would ensure that the proposal would not conflict with LP policies ENV3 or ENV7.
35. The *Parameters Plan* shows two-storey houses on the southern fringes of the proposed development. They would be set some distance back from Ongar Road, with the exception of a short terrace occupying the same forward building line as the existing residential properties to the east. These dwellings would be located behind the existing tree screen, which would be reinforced by new planting. These houses would not be particularly intrusive in the streetscene, bearing in mind that existing dwellings, such as Tiggers, Brick Kiln and Oaklands, face the appeal site on the opposite side of Ongar Road. I therefore consider that the proposal would not be an unsightly urban sprawl, as some residents stated.
36. The additional tree planting would also reinforce the sense of rural character both along Ongar Road and facing the A120, although they would take about five years to have an appreciable effect. I therefore find no conflict with LP policy GEN2, in terms of harm to the character and appearance of the streetscene along Ongar Road.
37. Despite these parameters, the proposed development would change the character of the site, from rural to urban, albeit within a woodland context, and be contrary to LP policy S7. The illustrative drawings, however, show sensitivity to the natural context in relation to tree protection/ tree planting, landscaping and mitigation, the layout, and limited height of dwellings. I am satisfied, therefore, that the proposed development, could be implemented with only limited harm to the character and appearance of the site, whilst the immediate streetscene and the rural character of the surrounding countryside would be unharmed.

External traffic noise

38. Although not included in the Council's Decision Notice as a reason for refusal, noise from vehicular traffic has been identified as an issue by local residents. The *Design Statement* also states that the A120 trunk road lays a "blanket of noise" over a substantial distance. The appellant commissioned an

independent *Noise Assessment*¹⁴ which advised that, because the A120 is in a cutting, approximately 5-6m lower than the site, the noise contribution from this road is relatively low.

39. The *Noise Assessment* was based on the Noise Exposure Categories (NECs) which are included within the Government's former policy document PPG24 *Planning and Noise*. These NECs provided guidance on transportation noise in relation to proposed housing. The *Noise Assessment* concluded that the land on top of the cutting falls within Noise Exposure Category B during both day and night, where noise is an important factor but not of overriding importance, whilst most of the site fell within the lower level of Category A, where noise need not be considered a determining factor in granting consent. The only exception is a small Category C band, where there should be a strong presumption against permitting development, up to 17m from Ongar Road; although the levels of traffic are lower on this road, it is not screened by a cutting. No houses are proposed in this band.
40. Although PPG24 is no longer extant, the findings of the *Noise Assessment* have not been challenged and the evidence in it forms a robust base to reach a conclusion. At the reserved matters stage, it would be open to the Council to consider the recommendations contained within the *Noise Assessment*, i.e. to install passive acoustic ventilators within the walls of habitable rooms in dwellings along the site boundary facing the A120 or Ongar Road, and/or erecting a 1.8m high close-boarded fence along garden boundaries where they abut the site boundaries adjacent to the main roads.
41. The proposal therefore would not be contrary to LP policy ENV10 or *the Framework*, which states (paragraph 109) that the planning system should prevent development from being put at risk by unacceptable levels of noise pollution.

Other considerations

42. It was alleged that the development would bring no benefits to the local community. Whilst this would not justify dismissing the appeal, the provision of a significant amount of housing to meet local need could be viewed as a benefit, as could traffic calming, improved bus accessibility and improvements to pedestrian/cycle access to the town centre. Disruption caused by development on the site can be controlled by a detailed condition at the reserved matters stage.
43. The appeal site is not located within the Green Belt, so LP policy S6 does not apply. The possibility of light pollution could be addressed at the reserved matters stage if the Council considered this issue to be relevant. The references to lack of privacy between the existing housing at Lukin's Mead and the proposed development would appear to refer to the linking of the proposed and existing play areas. The direct links between the scheme and existing housing areas would provide some integration, whilst an extended area of public open space would have the potential of meeting the needs of both communities and counter the concern that there would be an inadequate provision of public open space, especially for children's play.
44. The High Court challenge by local residents to the Ongar Road South appeal decision was brought to my attention during the Hearing. I note that on 12

¹⁴ Acoustic Air Ltd: *Land at Ongar Road, Great Dunmow: Noise Assessment*; May 2012.

December 2012 the challenge was given leave by the High Court Judge to proceed to a full Hearing on the single ground of procedural unfairness¹⁵. Leave was not granted in relation to any linkages between the Ongar Road South site and the appeal site before me. I therefore consider that there are no reasons to delay my decision.

Section 106 Agreement

45. The signed and dated S106 Agreement provides for: (1) 29 units of affordable housing; (2) contributions towards primary and secondary school provision; (3) contribution towards a new bus stop; (4) diversion of bus route 42A with a minimum of one bus an hour in each direction; (5) a contribution towards the management and maintenance of public open space within the proposed development; (6) provision of a Gateway Feature on Ongar Road for traffic calming; (7) provision of a Green Travel Plan, including monitoring and a travel information and marketing pack; (8) provision of Public Right of Way Improvement Works; and (9) completion of a bridleway.
46. I am satisfied that all the parts of the S106 Agreement are necessary to make the development acceptable in planning terms; that they are all directly related to the proposed development; and that they are fairly and reasonably related in scale and kind to the development. The Agreement therefore complies with the tests in Community Infrastructure Levy (CIL) Regulation 122, and it is an integral part of the appeal proposal to which this decision relates.

Conditions

47. The Council put forward a list of conditions that it would consider appropriate were I to allow the appeal. I have considered these in the light of the helpful discussion session held at the Hearing, subsequent correspondence from the main parties and the advice set out in Circular 11/95 *The Use of Conditions in Planning Permissions*. I have omitted the Council's suggested condition referring to the diversion of a public right of way, as this is covered in other legislation.
48. I have not shortened the period for implementation of the scheme, which I consider would be unduly restrictive when viewed against the need for flexibility to respond to market conditions; and I do not accept that the Council's housing supply shortfall is a sufficiently strong reason to depart from the normal timescales in the standard conditions.
49. Subsequent correspondence from the appellant, with agreement from the Council, has suggested the inclusion of two new conditions, related to noise and construction disturbance, and changing the 'Lifetime Homes' condition with reference to the percentage of wheelchair accessible dwellings. After reflecting on these suggestions, I consider that the appropriate time for this level of detail is at the reserved matters stage. I have, however, attached a condition (4) which sets out various matters to be addressed at the reserved matters stage, including reference to noise attenuation, a Construction Management Statement and 'Lifetime Homes', which could include reference to wheelchair access.
50. It is also reasonable for condition (4) to cover, in principle, tree protection, landscaping (including the buffer zone to Olive's Wood), ecological mitigation,

¹⁵ High Court of Justice: Approved Judgment: Case No: CO/8954/2012; dated 12 December 2012.

sustainable house construction and energy efficiency, water efficiency, accessibility, 'Secured by Design' considerations, sustainable drainage, estate roads and car parking, including cycle parking provision, refuse disposal, and external materials. The reserved matters stage will be the appropriate time for the Council to condition the details and the timing of these matters. Agreement in principle for matters that are reserved for future approval is all that is required at outline stage.

51. Access is not a reserved matter and a condition needs to be imposed now to ensure adequate driver visibility in the interests of highway safety and the free-flow of traffic on Ongar Road. The inclusion of a condition relating to archaeological investigation (6) at outline stage gives an opportunity for initial work to be completed early on and minimise any delay that such work might cause to the implementation of the proposed development. Finally, condition (7) is required to minimise the risk of serious flooding.

Conclusion

52. The proposed development would be contrary to LP policy S7, which protects the countryside from development. For the reasons given above, I am satisfied that: the character and appearance of the wider countryside would not be harmed; the impact on the street scene would be minimal; and the development, if it were implemented along the lines of the illustrative drawings submitted with the appeal, would cause limited harm to the character and appearance of the area. This would not, however, add weight in favour of the development.
53. The conflict with LP policy S7 is outweighed by the lack of a 5-year supply of deliverable housing land, which the scheme would go some way to address. This consideration is strengthened by the prospect of the early provision of affordable housing. The proposal would be in line with *the Framework* and the Government's *Growth Agenda*.
54. The provision of an enhanced bus service and relocated bus stop within an acceptable walking distance of the appeal site overcomes the sole reason for the dismissal of the previous appeal for the same number of dwellings on the appeal site. The other matters that have been raised, such as the effect on character and appearance, highway safety, external traffic noise and infrastructure provision, have been satisfactorily addressed.
55. I have considered the S106 Agreement, which includes provision, both financial and in kind, in relation to matters which would have made the proposed development unacceptable if they had not been positively addressed, and which meet the tests in the CIL Regulations.
56. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Ref. LP.01 Revision A: *Location Plan*, dated 05/10; and Ref. 221625_SD001_Rev A: *Proposed Access Location – Option 1*, dated 12/05/10.
- 4) The details to be submitted pursuant to condition (1) shall include:
 - (a) plans and particulars to ensure effective tree protection and hard and soft landscaping, including a 10m buffer to Olives Wood;
 - (b) a scheme for ecological mitigation in accordance with the Ecological Assessment prepared by Ecology Solutions Ltd, dated May 2012;
 - (c) a scheme to demonstrate how the approved dwellings shall achieve a Code for Sustainable Homes rating of Level 3 or equivalent;
 - (d) an Energy Efficiency Report detailing the measures incorporated in the scheme to maximise the energy efficiency of the site;
 - (e) plans and particulars to maximise water efficiency within the development;
 - (f) an accessibility statement to demonstrate the accessibility of the development in relation to 'Lifetime Homes' standards;
 - (g) plans and particulars to demonstrate how the approved development will achieve 'Secured by Design' certification;
 - (h) plans and particulars to include details of the sustainable surface water drainage works and the means to prevent the discharge of surface water from the development onto the highway;
 - (i) details of estate roads and car parking, including cycle parking for each property;
 - (j) measures to achieve sound attenuation from external noise in accordance with the recommendations of the Report entitled *Noise Assessment* dated May 2012 by Acoustic Air Ltd submitted with the planning application;
 - (k) a refuse disposal strategy for the site, demonstrating that each property has adequate and accessible provision for the disposal of waste and recyclable material;
 - (l) a Construction Management Statement, to be adhered to throughout the construction period;

- (m) a statement to limit the times when construction work would be allowed on the site; and
 - (n) a schedule of materials to be used within the development.
- 5) The access details shall conform to drawing Ref. 221625_SD001_RevA and shall include:
- (a) Visibility splays with dimensions of 90m by 4.5m by 90m, as measured from and along the nearside edge of the carriageway; such visibility splays shall be retained free of any obstruction in perpetuity;
 - (b) 10.5m junction radii; and
 - (c) 6m carriageway width with 2m footways.
- 6) No development shall take place within the area indicated on the site location plan until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 7) The development hereby permitted shall be carried out in accordance with the approved *Level 2 Flood Risk Assessment* (FRA) dated May 2012 and *Addendum* dated July 2012 by Scott Wilson submitted with the planning application, and in particular the following attenuation measures detailed within the FRA:
- (i) limiting the surface water run-off generated by the 1 in 100 years storm event, inclusive of an allowance for climate change, so that it will not exceed the surface water run-off from the site of 20.8l/s; and
 - (ii) provide surface water attenuation on site for a volume of 1070m³.

APPEARANCES

FOR THE APPELLANT:

Jeremy Cahill QC	Counsel
Steven Brown	Associate, Woolf Bond Planning LLP – Chartered Town Planning Consultants
Keith Sowerby	Director, Steer Davies Gleave, Highways Consultants
Andrew Cook	Pegasus Planning Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Nigel Brown	Head of Development Management, Uttlesford District Council
Cllr Keith Mackman	Uttlesford District Council
Cllr Vic Ranger	Uttlesford District Council

INTERESTED PERSONS:

Michael Edwards	Saffron Walden Reporter
Richard Evans	Resident
Terry Kendle	Resident
Sarah McCarthy	Resident
Sandra San Vicente	Resident
Helen Tanner	Resident
Paul Townsend	Resident
Gary Warren	Resident
Richard Watson	Resident

DOCUMENTS

1. Statement of Common Ground (SCG): prepared by Woolf Bond Planning LLP (on behalf of Redrow Homes (Eastern) Ltd) and Uttlesford District Council, dated 15 October 2012.
2. SCG – Transport Matters: prepared by Steer Davies Gleave (on behalf of Redrow Homes (Eastern) Ltd) and Essex County Council, dated 15 October 2012.
3. First Group Timetables for Service Number 42/42A/542: valid to 23/02/2013.
4. Sustainability Checklist submitted by the appellant, for land North of Ongar Road, Great Dunmow; dated 4 December 2012.
5. Letter from First Group, Re: Land to the North of Ongar Road (agreeing to bus route diversion); dated 28 June 2012.
6. Signed Section 106 Agreement relating to Land North of Ongar Road Great Dunmow; signed by Uttlesford District Council, HB (ESTN) Ltd, Redrow Homes Ltd, Samantha Jane Chambers, Nicole Emma Redgwell, Justin Roy Anderson Fox and Kirsten Laura Ann Fox; dated 4 December 2012.
7. Response by local planning authority to appellant's application for costs; undated, but handed in at the Hearing on 4 December 2012.