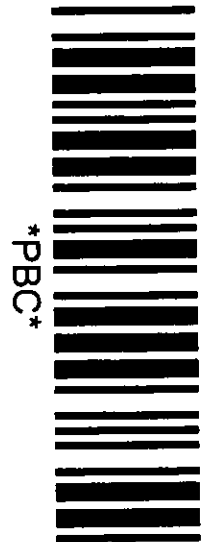


**ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA**

**DOCUMENT SEPARATOR**

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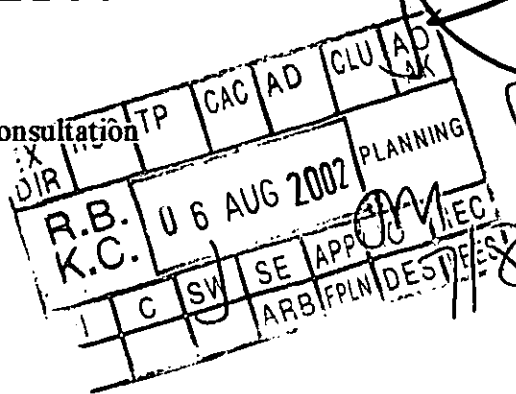
**PUBLIC COMMENT**



**\*PBC\***

40 Thames Quay  
Chelsea Harbour  
London SW10 0UY  
Tel 0207 352 9890  
e-mail [susanmconway@hotmail.com](mailto:susanmconway@hotmail.com)

Mr. M J French  
Executive Director, Planning and Consultation  
Environment and Planning Dept.  
RB Kensington and Chelsea  
The Town Hall, Hornton St.  
London W8 7NX  
August 2, 2002



Dear Mr. French

I am writing concerning the Circadian development proposed for the Lots Rd. and Chelsea Harbour sites.

As a user of public transport, and a pedestrian, particularly on my way to work, it is clear that people who drive cars in the region have always held all the cards. For example, elderly people, young mothers and fathers with push-chairs and the disabled risk their lives every day trying to cross local roads. It is not merely a question of physically crossing, but the inhalation of fumes by young and old. It is no good pointing to public transport as a solution. Take it from me as a user of local buses every day that they are driven dangerously by badly trained drivers and bus companies make little effort to provide an efficient and reliable service for us to arrive at work on time. As the car is always God, I cannot imagine that this will change.

It was with great relief that I saw the Council chose to reject the original overcrowded and potentially severely polluting development.

Now is an opportunity to create a more civilised development, not just for the wealthy and for car owners, but for all of us equally. Cut the number of dwellings and the number of car spaces dramatically. Improve the quality of our environment overall. That would be a great legacy for you to give us in what is potentially a beautiful area.

Yours sincerely

  
Dr. Susan Conway



# THE FULHAM SOCIETY

Please reply to:  
Mrs M. Donelan  
The Fulham Society  
4 Lilyville Road  
SW6 5DW  
020 7736 0717

0/55

5  
348

M J French  
Executive Director, Planning & Conservation  
Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

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August 2, 2002

Dear Mr French

## Proposed development at Lots Road Power Station, Lots Road, Chelsea SW10

The Fulham Society does not feel that this revised application answers enough of the reasons for refusal of the first application by Kensington and Chelsea.

We consider a 30 storey tower quite inappropriate to this site. It would be harmful to the skyline, would adversely affect light to the neighbouring residential properties and would overwhelm and dominate this mainly low level residential area. It is also contrary to the Council's UDP

We feel that the size of the whole development would result in the generation of traffic the quantity of which could not be adequately accommodated on the existing highway network, and that the proposals and funds for improving the public transport would certainly not be adequate.

As we stated in our response to the previous application, the Fulham Society is opposed to such an overdevelopment of the site and urges Kensington & Chelsea to reject the application in its present form.

We welcome the redevelopment of the Power Station building itself and welcome a development consistent with the Royal Borough's UDP and Planning Brief for the site

Yours sincerely

*Mrs Maya Donelan*

Mrs Maya Donelan  
Hon Secretary

2042

22

3 August 2002

Councillor L A Holt BSc FI Mech. E  
Flat 3  
25 Palace Gate  
London  
W8 5LS

0/J F  
349

Dear Councillor Holt

I refer to the proposal by Circadian (CH) Ltd concerning the redevelopment of Chelsea Harbour Phase II land and Lots Road PowerStation.

While I welcome the intent to complete the Chelsea Harbour Development for residential purposes, I am nevertheless extremely concerned about the plans that have been submitted by Circadian Ltd.

1. The size and impact of the proposed development are extreme in this area, particularly in view of the fact that an estimated 2,000 cars will be added to the already very congested Lots Road triangle area.
2. The population density that is planned is in excess of planning regulations, and is out of scale with our neighbouring communities.
3. The proposed buildings will overwhelm existing buildings in the area and will rob many apartments of their light.
4. The planned public transport measures by Circadian are vague and non-specific, with dubious references to additional buses and bicycles. Extra traffic lights will only add to the current congestion.
5. The proposals, as they stand, are in breach of UDP policies and do not reflect Government and Regional planning guidelines.
6. Security has not been sufficiently considered or addressed, especially with the recommendation that large volumes of residents will be encouraged into the Harbour and also the River Taxi.

I trust that my comments will be taken into consideration in making the decision on this application. I urge you to reject on the grounds that if the plans go ahead there will be significant damage to the local environment, and to the health and wellbeing of current and future residents.

Yours sincerely

Harry Kotchie

Harry Kotchie

CC: Environmental Services Department  
Committees Co-ordinator

2202

0/57

OAKLEY STREET RESIDENTS' ASSOCIATION

SW3 5NP

350

Dear Mr French

The reduction in the height of one of the tower blocks does not substantially alter the overcrowding of the riverside and our comments (letter of 9 March 2002) still apply.

The assessments of traffic generation appear to rely on uncertain estimates of probable car usage as these might affect movements and congestion in the vicinity. The levels of congestion locally, already high, are expected to worsen because of the Central Charging Zone next year. The effects from other large developments along the River are also relevant.

These are all matters of amenity and local sustainability of our environment that concern our residents and our objections therefore remain.

T. Nodder chairman

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(40)

MJ French  
Executive Director, Planning & Conservation  
Royal Borough of Kensington and Chelsea  
Town Hall  
Hornton Street  
London W8

Rachel and Walter Foster  
44b Whistler Avenue  
Morgan's Walk  
London SW11 3TS  
Phone & Fax 020 7924 7486

9 March 2002

3 August 2002

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						FEES

Dear Sir

Re: Proposed Lots Road Development OBJECTION:

You invited our comments on the proposed twin towers on the Lots Road Site.

We live directly opposite. Our terrace faces the river and the proposed loss of privacy

From the upper floors of the towers there would be an unobstructed view of our terrace and right into our living room and our bedroom. loss of sunshine and of light; development. At present we enjoy afternoon sunshine and get a fine view of the sunset. We fear that the tall towers will throw a long shadow and blot out the sun from our terrace.

Moreover we fear that tall twin towers in Central London directly on the flight path to Heathrow will prove an irresistible provocation to terrorists.

Chelsea Creek which is included in the proposed development is warmed by the power station and the confluence of the Creek and the river Thames is a natural bird sanctuary we have observed on some mornings as many as 23 great blue herons resting on a barge in the river there can be no doubt that the proposed building activity would seriously disturb the birds.

Thanking you for your consideration of our objections and looking forward to a favorable reply

Yours sincerely

W/F

2038

Office of the Secretary  
Department of the Interior  
Bureau of Land Management  
Washington, D.C. 20250

March 2002

March 2002

March 2002

March 2002

March 2002

March 2002

March 2002

March 2002

March 2002

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March 2002

VERONICA PINNEY  
6 LINVER ROAD, LONDON SW6 8RB

020 77311064

K.C.

- 7 AUG 2002

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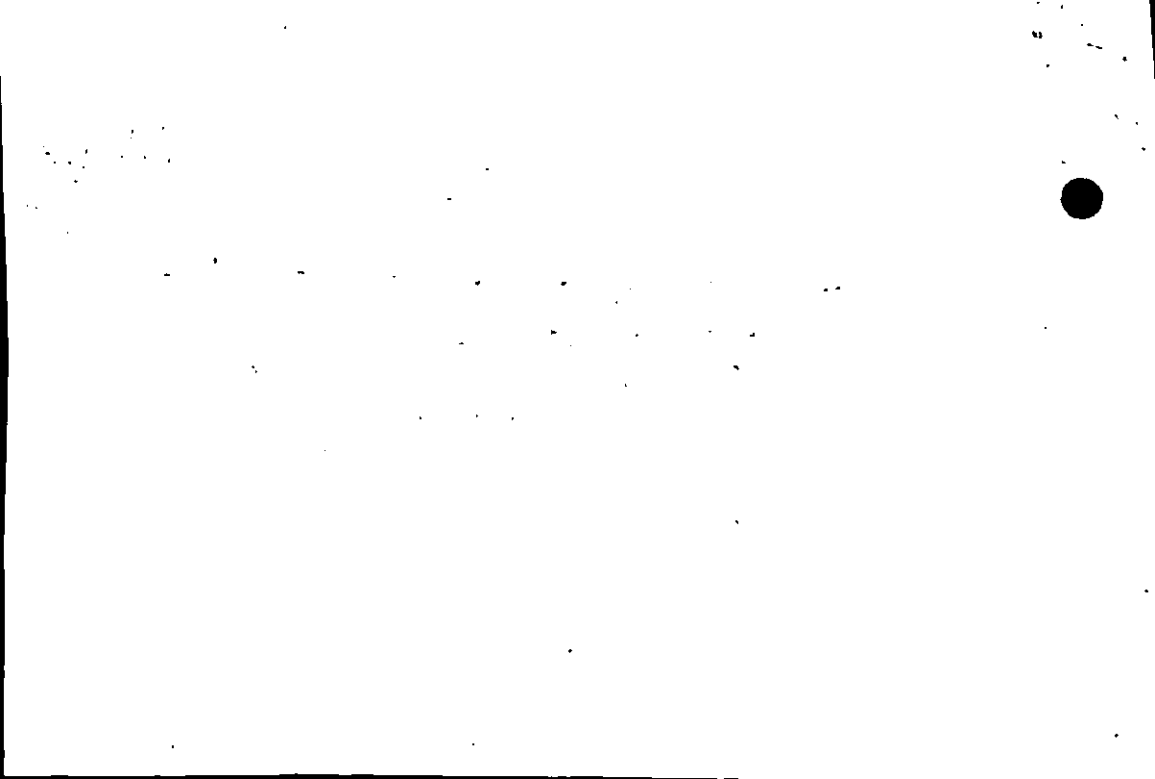
352

Dear Mr Pallace

Re Lots Road Power Station Development

I am writing to register my disapproval of this scheme as it stands. I feel the Imperial War Museum development should be completed first before this plan is begun. It is just not possible for so many more residents to be in the area before a sensible scheme is first put forward regarding how adequate transport facilities are proposed - a new train / tube





Line should be completed <sup>first</sup> before any  
further housing is marketed - any new  
form of housing must incorporate adequate  
private car parking space in addition.  
The proposed scale of the buildings are also  
much too high.

Yours faithfully

Veronica Purdy

353

Copy to:

MV H. J. French

Executive Director Planning & Conservation

R B K & C.



M.J French  
Executive director of planning and Conservation  
Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7N

49 Tetcoth Rd  
London  
SW10.

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(48)

6 August 2002

Dear Mr French  
LOTS ROAD POWER STATION DEVELOPMENT  
PLANNING APPLICATION REF: 01PP/011627

I would like to **object** to the development of Lots Road Power Station.

These are a number of points that are totally unacceptable to myself, as a local resident.

1. The size of the proposed towers will, without a doubt, impact hugely on the whole area. Not only are they completely out of keeping with the character of the area, but bigger towers brings more people, which in turn also has much farther reaching implications.
2. The towers will house far too many new residents in the area, without adequate compensation for parking. The parking in the area is just satisfactory that if you get home before 8 in the evening you can find a residents parking spot. If the parking for the new development is not totally covered the impact on the area will be appalling to all existing and new residents. The development should supply adequate parking for all new residents, so there is no need to impact on the existing residents permit spaces. Even now if you arrive home after 8 pm in the evening you will not find a parking space. **What will happen if a further 2500 new residents move to the area?**

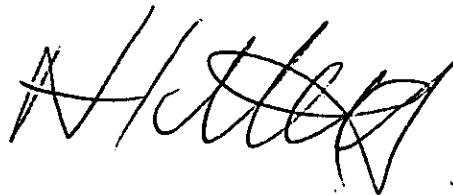
- (355)
3. The area is also badly serviced by public transport and the proposed new services to cope with the new residents falls far below what is required for this type of development. Even if they do lay on more buses this will only add to the congestion on the Lots Road and surrounding area. There are no other alternatives as far as transport are concerned, unless they propose there own tube station leaving direct from the power station.
  4. The extent of the development will also mean years of development for the local area. This will mean trucks, dust and noise for over five years

We have spent a lot of time and money on our house and are happy with the services that the RBKC provide in the borough. The neighbourhood is a great place to live and there is a very strong community spirit. If this size of development goes ahead it will change the area forever, but it will not be to the advantage of the area.

I am in agreement with new developments and urban regeneration but it has to be sympathetic to the area. What is proposed here is totally out of touch with local opinion, as it does not, in any way, fit in with the local area.

I am prepared to fight this development all the way and I know I am not alone. The sooner developers start thinking **COMMUNITY AND NOT CASH** the better

Yours sincerely



NATALIE HULLETT

M.J French  
Executive director of planning and Conservation  
Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7N

49 Tetford Rd  
London  
SW10

0/50

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6 August 2002

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PLANNING APPLICATION REF: 01PP/011627

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MS3

- 357
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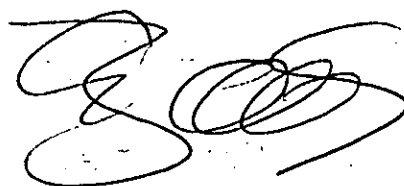
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I am prepared to fight this development all the way and I know I am not alone. The sooner developers start thinking **COMMUNITY AND NOT CASH** the better

Yours sincerely

GILES BURROWS



358 Copy

Nigel Pallace  
Director Environment  
London Borough Hammersmith & Fulham  
Town Hall  
King Street. W6 9JU

attn. Paul Entwistle

6<sup>th</sup> August 2002

Dear Mr Pallace,

**Lots Road Power Station    Application No 2001/1589/2933/2260/P**

The Wandsworth Society fully supports the comments made by the Hammersmith & Fulham Historic Buildings Group concerning this proposed development.

The Historic Buildings Group evaluates very carefully the History and Policy background of the site and makes concise comment on how the development does not accord with either local (UDP) or Government (RPG3B/9B) guidelines, or with the Thames Strategy, Kew to Chelsea.

At a time when the importance of the Thames and its hinterland (environmentally, visually and for recreation and commerce) to London and Londoners is increasingly recognised, nothing must be allowed to erode the principles set out in the various Policies and Strategies so clearly defined by the HFHBG.

We are particularly concerned with the height and mass of the two proposed towers. The height of the two towers will dwarf the landmark building of the power station, and that of Chelsea Harbour. The concept of 'landmark' is yet again at risk, as it has been on so many riverside developments on both banks of the river.

The 'artists impression' (Lots Road News) suggests these towers will be slender buildings. However, viewed from the north or the south, their bulk will be all too apparent and dominating. The Creek and the power station will be in shade for a considerable part of the day.

The other buildings along the Thames appear small by comparison with the towers but these buildings also tower over the existing and adjoining buildings. The loss of sky for people who live in the vicinity of bulky towers, and the damage such loss causes to longer views is to be deplored.



We are concerned also at the lack of any provision for river access or river-related uses. In conjunction with the tidal Creek there is ample scope for river activity. Small boat storage, access ramps, steps, overnight moorings etc. This is important for London generally. The opportunity here must not be missed.

The public open space to be provided is fragmented, rather sterile, and not traffic free and appears to have been slotted in around the buildings rather than designed as a significant part of the development. Significant green open space along the river should be sought in all Thames developments.

We ask that the application be refused for the reasons set out above

Yours sincerely,

S.V. Passmore.

(Rivers Sub-group)

# Wandsworth Society

From MRS. S.V. PASSMORE  
25 SPENCER PARK  
WANDSWORTH. SW18 2TB.

Telephone

ML French  
Executive Director Planning & Conservation  
Royal Borough of Kensington & Chelsea  
Town Hall  
Hornton Street W8 7NX

0/55 360

6<sup>th</sup> August 2002

Dear Mr French,

**Lots Road Power Station. SW10 Ref: DPS/DCS/PP/02/1324 & 1325/JT**

The Wandsworth Society asks you to reject the above application on the grounds stated in our letter to the London Borough of Hammersmith and Fulham, a copy of which is attached.

Whilst the regeneration of the area is to be applauded, this must be done in accordance with statutory guidelines, and without the environmental damage that the 'twin towers' will inflict both locally and from a more distant view.

The development needs to recognise the importance of both the Thames and the tidal Creek to London and not to look upon these waters as just an attractive backdrop to the buildings. It needs also to recognise that the power station is both visually and historically the important landmark which must not be diminished by the proposals.

Yours sincerely,

Shirley Passmore  
(Rivers Sub Group.)

EX	HDC	TP	PLANNING	CONSERVATION	PAK
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06 August 2002  
Our ref: ALJ/alj/06aug02.chelseaharbour

John Thawn  
Planning & Conservation  
Royal Borough of Kensington & Chelsea  
3/F Town Hall  
Houghton Street  
London  
W8 7NX

0/5T

6

GL Hearn

Leonard House  
5-7 Marshalsea Road  
London Bridge  
London SE1 1EP

Tel: +44 (0)20 7450 4000  
Fax: +44 (0)20 7450 4010  
Email: info@glhearn.com  
www.glhearn.com

361

GL HEARN 

Dear Mr Thawn

**Land at Thames Avenue, Chelsea Harbour, SW10: Objections**

Please find attached the objections that we submitted for and on behalf of our client Chelsea Harbour Limited to the London Borough of Hammersmith and Fulham on Friday 02 August 2002.

These objections refer to application numbers 2002/1366/P & 2002/1368/P, which as you are aware, lie on land adjacent to applications PP 02/1324 & PP 02/1325, which you are currently dealing with in your borough.

If you have any queries please do not hesitate me.

Yours sincerely

*Amy Jefferies*

Amy Jefferies MTCP(Hons)  
Planner  
amy\_jefferies@glhearn.com

cc. (letter only)  
Ana Farrington – Chelsea Harbour Limited  
Richard Goodman – Chelsfield plc.

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**Objections to Application Nos.  
2002/1366/P & 2002/1368/P on  
Behalf of Chelsea Harbour  
Limited**



PREPARED BY

**GL Hearn**

Property Consultants

Leonard House  
5-7 Marshalsea Road  
London Bridge  
London  
SE1 1EP

Tel: +44 (0)20 7450 4000  
Fax: +44 (0)20 7450 4010  
Email: [info@glhearn.com](mailto:info@glhearn.com)  
[www.glhearn.com](http://www.glhearn.com)

2 August 2002  
Ref: ALJ/alj/17july02.chelseah

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2 August 2002  
Our ref: ALJ/alj/17july02.chelseah

363

GL Hearn  
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Tel: +44 (0)20 7450 4000  
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Email: info@glhearn.com  
www.glhearn.com

Mr P Entwistle  
Development Services Division  
Environment Department  
London Borough of Hammersmith & Fulham  
Town Hall  
King Street  
Hammersmith  
London W6 9JU

## OBJECTIONS TO REVISED APPLICATION

GL HEARN 

**BY FAX & POST 020 8753 3485**

Dear Mr Entwistle

**PREVIOUS APPLICATION ADDRESS: LAND BOUNDED BY CHELSEA HARBOUR DRIVE, THAMES AVENUE, ADMIRAL SQUARE, FORMER POWER STATION COAL STOCKING BUILDING AND THE RIVER THAMES, LONDON SW10.**  
**APPLICATION NO. 2001/2933/P**

**PRESENT APPLICATION ADDRESS: LAND ADJACENT TO SOUTH SIDE OF CHELSEA CREEK, AND THE LAND AT THAMES AVENUE, CHELSEA HARBOUR DRIVE, LONDON SW10**  
**APPLICATION NO. 2002/1366/P & 2002/1368/P**

As you know, GL Hearn act for Chelsea Harbour Limited, who are the freehold owners of the existing Chelsea Harbour development. The proposal referred to above is on land which immediately adjoins their ownership.

Representations were made on the earlier application by GL Hearn on behalf of Chelsea Harbour Limited, and these were considered in the Officer's Report to the Committee Meeting at which your Council refused the proposed development.

### **Revised Submission:**

I am restating our original objections with the supporting evidence in order to compare these with any revisions made by the developer and to establish whether the new proposal overcomes those objections.

The reasons for refusal established by the Local Planning Authority (LPA) are set out in relation to our original objections and an analysis follows as to how far (if at all) we consider that the revised applications (2002/1366/P & 2002/1368/P) have overcome these objections.

#### **1. Lack of Justification for Increased Densities**

*"Whilst it is recognised that higher densities are encouraged by PPG3, the increase in density in this case is excessive and not justifiable. This site is not well served by public transport, and is relatively remote from a range of important shopping attractions and services. The location of the site on a section of London separated from the surrounding area by a railway line,*

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*Chelsea Creek and the River Thames, means that it will always be relatively inaccessible by public transport services".*

- 1.1 In support of this view, we noted in our objections on the previous application that:
- 1.2 The representations by Colin Buchanan & Partners usefully list at paragraph 16, Table 1, a comparison of development content. From this it can be seen that on the application site, the Chelsea Harbour Phase 2 approved scheme permitted 70 dwellings. In the current application, 209 dwellings are proposed.
- 1.3 Table 2 at paragraph 19 shows that in Phase 2 as approved, the density would be 282hrha, whereas in the submitted proposal, the density is 701hrha.
- 1.4 On a dwellings basis, this represents a 198% increase in density; on a habitable rooms basis this represents a 148% increase in density.
- 1.5 Table 2 tells us that if a account is taken of all three Circadian applications, the density rises to a range 783-943hrha, which even at the lowest level involves a 178% increase in overall density.
- 1.6 PPG3 paragraphs 30 and 31 give advice on considering the relative merits of sites for housing development, which include inter alia consideration of the capacity of existing and potential public transport, and the location and accessibility (and potential improvements thereto) to shops and services by modes other than the car.
- 1.7 It is significant that the UDP for the Borough of Hammersmith & Fulham has placed Chelsea Harbour in its 'lowest accessibility' category, even with the addition of a bus service.
- 1.8 On the basis of the sustainable residential development criteria included in PPG3 and the low accessibility characteristic identified in the UDP, housing of much increased density would not be justified on this site.
- 1.9 The applicant's material included in the Environmental Statement in Section 7, attempts to justify such increased housing density. Significantly the summary at 7.9 includes no conclusion that justifies higher densities. This is perhaps not surprising since the analysis includes reference at 7.7.4 to material from the report commissioned by the Mayor of London and entitled 'Homes for a World City: The Report of the Mayor's Housing Commission' (November 2000).
- 1.10 At 7.7.4-11, under the heading 'Residential Densities', the Environmental Statement includes the following:-

*"The Commission recommends that the SDS (Spatial Development Strategy to be published by the Mayor of London) should be predicated on the need to maintain high densities in central and inner London and to increase densities in outer London, especially around transport routes, but without compromising sustainable residential quality principles".*
- 1.11 The recommendation to increase densities is in outer London. The site subject of this application is in an inner London location where densities similar to that in the adjoining Chelsea Harbour development would involve compliance with the requirement 'to maintain high densities' specified in the Commission's report.

- 1.12 The material submitted by the applicants does not, in fact, justify their proposed higher densities.

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1.13 **Action by LPA:**

*"1. The proposed development is unacceptable in that it would result in an intensive form of development which would fail to comply with policies H07, EN34A, EN31 and TN13 in the adopted Unitary Development Plan and the emerging UDP Alterations."*

(All "Action by LPA" quotes are extracts from the Reasons for Refusal of previous applications.)



1.14 **Revised Proposals:**

- 1.15 Albeit the developers have made an overall decrease in the density of development (reducing from 626 to 444 units), the benefits of this will not be enjoyed by the existing local residents.

- 1.16 The revised average density is 164 dwellings/hectare, however this varies greatly within the scheme. The area subject of the previous planning permission has an average density of 146 dwelling/hectare (compared with 80 dwellings/hectare in the approved scheme), the consolidated affordable housing area (also adjacent to the Chelsea Harbour area) is 356 dwellings/hectare and the remaining market housing area (most remote from Chelsea Harbour) is 79 dwellings/hectare.

1.17 **Conclusions:**

- 1.18 There has been no significant reduction in the overall density in the areas close to Chelsea Harbour and therefore our original objection has not been addressed in the revised proposals. We therefore continue to object on the grounds originally set out.

**2. Conflict with Character/Scale and Density of Existing Chelsea Harbour Development**

*"The proposals would also be out of character with the scale and density of the existing Chelsea Harbour development to the south. The proposals are simply too intensive – there are too many dwellings proposed".*

- 2.1 **In support of this view, we noted in our objections on the previous application that:**

- 2.2 The Phase 1 of Chelsea Harbour is constructed at a density that is broadly similar to that included within the approved Phase 2 proposals.

- 2.3 The increased density in the current proposals means that there is a significant contrast between the scale of buildings and intensity of use between Phase 1 and the now proposed Circadian proposals.

- 2.4 This would not mean that the existing densities are being maintained. It also means that the development proposed in the current applications would be of a different scale to the existing recent development and would thus be out of character.

2.5 **Action by LPA:**

366

"2. The proposed development is unacceptable due to its height scale, massing, siting and relationship to existing development contrary to Policy EN8 of the adopted Unitary Development Plan and the emerging UDP Alterations."

**2.6 Revised Proposals:**

2.7 The developers have recognised the need to reduce the overall scale and massing of the development, and have therefore reduced the height of the tallest of the two towers, which are proposed at the mouth of Chelsea Creek. This has been reduced by 25%, which is the equivalent of 9 floors and now has a proposed height of 30 floors or 320 feet/98 metres.

2.8 Our main concern in our original objections was regarding the scale of the proposed buildings closest to our client's existing development.

2.9 The developer has maintained similar heights throughout the development, but has accentuated the prominence of building HF12, which is the building at the entrance to our client's existing development.

**2.10 Conclusions:**

2.11 There has been an increase in the scale of development closest to our clients' site and especially with the overbearing scale, mass and bulk we therefore retain our objection in its entirety.

**3. Public Transport Accessibility to Key Locations e.g. Underground Stations, Comprehensive Shopping Facilities**

*"Given the location and surrounding geography, Chelsea Harbour Ltd are not persuaded that the assumed modal split and the traffic generation assessment are realistic. Public transport accessibility to important attractions such as underground stations and supermarkets is and will remain relatively poor".*

**3.1 In support of this view, we noted in our objections on the previous application that:**

3.2 I have referred above to the fact that the site falls into a 'lower accessibility' category in the UDP.

3.3 Section 10 of the applicant's Environmental Statement attempts to convince the Local Planning Authority that the site is highly accessible.

3.4 The summary and conclusions at paragraph 10.6 draw attention to relatively unconventional transport modes (e.g. riverboats) as part of that accessibility, and place considerable reliance upon a proposed station on a not yet established rail route.

3.5 Reference to these forms of accessibility in practice highlights the shortcomings of the site, which is served by a single bus route, which does not, in fact, connect directly to the nearest comprehensive shopping centres at Kings Road, Chelsea, and Fulham Broadway. It is, of course, recognised that this bus service does link to the Sainsbury Supermarket in Townmead Road, but this is only one shopping option.



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- 3.6 The proposed new bus route will not link to these shopping centres.
- 3.7 The reality is that by inner London standards, this is not a highly accessible site by public transport.

**3.8 Action by LPA:**

*"6. The proposed development is unacceptable in that it would, both individually and in conjunction with the development of adjoining sites, result in the generation of traffic over and above that which could adequately be accommodated on the existing highway network, creating adverse conditions impacting on the highway safety contrary to Policy TN13 of the Unitary Development Plan and the emerging UDP Review....."*



**3.9 Revised Proposals:**

- 3.10 The transport assessment supporting the application suggested a 25% reduction in traffic generation when compared with the previous application. The reduction of 25% is not proportional to the decrease in the number of units proposed (reduced 5%); therefore the reduction has to be justified having regard to the changed assumptions of the study.
- 3.11 A key assumption is that traffic generation will be reduced by providing less on site car parking. We consider this assumption to be dubious in circumstances where there is not an across the board reduction in parking provision. In practice it is the affordable housing which is not provided with parking spaces, whereas the open market housing has what could be viewed as a generous provision (for this part of London) of 1.2 spaces per dwelling.
- 3.12 For practical purposes these households most likely to generate vehicle movements have unconstrained car parking, whereas those most likely to generate traffic movements (and therefore likely to need parking spaces) are those with minimal provision. Reducing assumed traffic generation rates as this assumption is clearly dubious.
- 3.13 The "improved" public transport provisions will not improve access to the nearest local shopping facilities and in some instances merely replicate one another in the areas served. This will encourage car use by those that can afford them and have parking spaces and will act as a disadvantage to those who rely on public transport.

**3.14 Conclusions:**

- 3.15 Our objection is more vociferous than before as we feel that the transport implications of this proposal are the cornerstone to its failure in providing anything near the level of integration and accessibility required for a development of this scale. We feel that this scheme is an inverted pyramid of logic balanced on a single and questionable assumption.

**4. Unacceptable Location of Affordable Housing**

*"In accordance with current thinking, the affordable housing element of the proposals should be dispersed throughout the entire scheme rather than located within a single block".*

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- 4.1 In support of this view, we noted in our objections on the previous application that:
- 4.2 The plans submitted with the application show that the affordable housing would be concentrated in an 8-storey terrace block known as Block 4.
- 4.3 This would be contrary to current thinking which aims to spread affordable housing units more evenly within developments of this scale, in order to achieve the accepted objective of social inclusion.
- 4.4 The present proposals do not comply with this principle.
- 4.5 **Action by LPA:**
- "9. The proposed development is unacceptable in that it does not provide sufficient affordable housing of an appropriate tenure and quality to meet the housing needs of the Borough and is therefore contrary to Policy H05 of the adopted Unitary Development Plan and the emerging UDP Alterations."*
- (Objection relates to insufficient supply rather than dispersal of Affordable housing)
- 4.6 **Revised Proposals:**
- 4.7 The developer has changed the overall format of the scheme, increasing the overall density of affordable housing in line with requirements from the relevant LPAs (Hammersmith & Fulham requiring 50% affordable housing and Royal Borough of Kensington & Chelsea requiring 35%). However the affordable housing has been consolidated, contrary to clearly stated government advice.
- 4.8 **Conclusions:**
- 4.9 We feel that there has been no endeavour to disburse the affordable housing throughout the entirety of the scheme and therefore our objection remains.
- 4.10 It is necessary to look at a recent appeal decision dated 19 November 2001, which was an appeal by Wickford Developments Co. Ltd at land at Sector 3, Woodlands Park, Great Dunmow, application no.: UTT/0711/00/OP. (**Appendix 1**) This application was for planning permission for the construction of 300 dwellings and associated roads and landscaping and open space.
- 4.11 It is necessary to look at paragraph 30 under the heading of 'Issues (iii) - Affordable Housing', where the Secretary of State agrees with the Inspector's view that low cost or affordable housing should not be grouped in one location, as it is contrary to national advice to distribute this kind of housing throughout a development.
- 4.12 Paragraph 106 states that:-
- "This relocation would group all the affordable housing in one area of Sector 2 and would, in my view, be very much contrary to the national advice to distribute this kind of housing throughout a development".*
- 4.13 Therefore, we feel that our objection is supported by this decision of the Secretary of State.

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## 5. Removal of Trees Subject to TPO

*"Removal of the entire avenue of trees on the southern boundary of the application site, which are subject of TPO in any event, results in loss of amenity to residents within Chelsea Harbour, and in particular in Admiral Square. These trees should be retained in entirety".*

- 5.1 In support of this view, we noted in our objections on the previous application that:
- 5.2 The horse chestnut trees to which reference is made are now a valued amenity for existing residents of Chelsea Harbour, and in recognition of their contribution to townscape, they are now the subject of a TPO.
- 5.3 The loss of this amenity, and its alleged compensation by the creation of a planted amenity area, which will be overlooked by new residents is an unacceptable element of the design. It is screened from the residents of the existing Chelsea Harbour, largely for the benefit of the proposed development rather than the wider community.
- 5.4 The retention of the existing established trees should be part of the architectural challenge for the designers of the Circadian proposals – it would make a mockery of the planning system if trees recently subject of TPO were to be removed to facilitate higher density development where there is already a consent which would allow their retention.
- 5.5 **Action by LPA:**
- 5.6 No action by LPA.
- 5.7 **Revised Proposals:**
- 5.8 There have been no alterations in the applicant's proposals and the removal of the trees subject to Tree Preservation Order is still proposed.
- 5.9 **Conclusions:**
- 5.10 We retain our original objections, as we strongly feel that these protected trees make a significant contribution to their local surroundings. This view is confirmed by the Tree Preservation Order, which was specifically set to protect and retain the avenue of 16 established chestnut trees adjacent to the gardens of Admiral Square. The removal of these trees would significantly impact upon the amenity of existing local residents who would not be compensated by the 'replacement' amenity area included within the application proposal.
- 5.11 Regardless of whether the Local Planning Authority has legal powers to ensure that a tree replacement scheme is implemented in the form of a condition for replanting within the consented area, we still retain our original objection as we feel that the avenue of trees gives an established character to the local surroundings.

## 6. Inadequate Traffic Capacity of Surrounding Highways

*"The proposals assume vehicular access via the unadopted highways within the existing Chelsea Harbour development. Whilst this might have been appropriate for density as assumed in the permitted schemes, the roads were simply not designed to take the increased traffic which would be generated by*

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*the 170% increase in dwellings proposed to which reference has been made".*

6.1 In support of this view, we noted in our objections on the previous application that:

6.2 More detailed consideration shows that the increase in density on a dwelling basis would in fact be 198%, and on an hrha basis, 148%. Looking at the wider proposals, the increase in an hrha basis would be a minimum of 178%.

6.3 It is evident from the plans that have been submitted that all traffic will have to use the existing Chelsea Harbour roads. The roads have not been constructed to a scale that would easily accommodate the increase in density proposed. Nor can they easily be modified to increase capacity.

6.4 From a highways viewpoint, this proposal is unacceptable. Its reliance upon less conventional and unimplemented increased public transport accessibility is a matter of concern, particularly as it could lead to greater reliance upon private car use.

6.5 **Action by LPA:**

"6. ....It is not considered that the measures indicated by the applicant to encourage greater public transport use are sufficiently robust or achievable to mitigate the increased congestion of the highway that would occur, or to demonstrate that the development would be acceptable in the light of objectives for the Borough's Air Quality Management Area."

6.6 **Revised Proposals:**

6.7 There are proposals for improvements to the local road network, which appear to be improvements of junctions (e.g. Lots Road with Cremorne Road and Cheyne Walk – pedestrian crossing facilities, tactile paving with a toucan crossing). Similar improvements include pedestrian signage, mini-roundabouts and improved road junctions.

6.8 **Conclusions:**

6.9 We feel that with these increased densities, there will still be increased congestion associated with the scheme. There is therefore a need for substantial improvements to the existing street format e.g. road widening and increased accessibility, not the token gestures of improved signage. A more overarching and far-reaching strategy needs to be designed in order to meet the requirements of both the proposed development and the potential pressures that will be added to the existing Chelsea Harbour Limited development.

## **7. Consequent Loss of Amenity**

*"In addition, the increase in traffic resulting from such an increase in the number of dwellings would materially reduce the level of amenity enjoyed by existing residents of Chelsea Harbour".*

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- 7.1 In support of this view, we noted in our objections on the previous application that:
- 7.2 Clearly, the traffic generation characteristics of the proposed higher density development will be greater than those from the permitted scheme. This will lead to an unacceptable loss of amenity for those residents and occupiers of the existing Chelsea Harbour development.
- 7.3 **Action by LPA:**
- 7.4 There was no direct reference to increased traffic creating a reduction or loss of amenity for the local residents, apart from reason for refusal No.6.
- 7.5 **Revised Proposals:**
- 7.6 For reasons noted earlier the assumed 25% reduction in traffic generation in comparison with the previously submitted scheme is questionable. As such we do not believe there will be any tangible improvements (in terms of reduced impact on amenity of existing residents when compared with the previous scheme.
- 7.7 We would also comment that any car parking which is associated with the affordable housing element (e.g. visitors) will inevitably take place on streets (legally or illegally), with particular implications for the existing Chelsea Harbour residents, given the proximity of the proposed affordable housing.
- 7.8 **Conclusions:**
- 7.9 We have concluded that the revised scheme will still have a significant impact on the amenities of existing residents due to increased traffic. However in this case there will be an additional loss of amenity due to increased parking demand that will not be accommodated on the site of the proposed development.

## **8. Loss of General Amenity**

*"Issues need to be addressed regarding the issue of loss of sunlight, daylight and increased overlooking."*

- 8.1 In support of this view, we noted in our objections on the previous application that:
- 8.2 Whilst this was not a matter referred to in our original objections, it is clear from more detailed consideration of the application that there are serious concerns regarding the loss of sunlight, daylight and overlooking, which make the proposal unacceptable.
- 8.3 Furthermore, it appears from consideration of the documents referred to in the introduction to this letter that parking provision is likely to be inadequate to prevent pressure for increased on-street parking, which would not be in the interests of good quality development nor of the amenity of existing residents.
- 8.4 **Action by LPA:**

*"5. The proposed development is unacceptable in that it would result in conditions prejudicial to the amenities of adjoining occupiers of Chelsea Harbour by reason of overlooking and loss of daylight due to the proximity, height and massing of the development. As such, the development would be*

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contrary to Standard S3 and S13 of the adopted Unitary Development Plan and the emerging UDP Alterations."

**8.5 Revised Proposals:**

8.6 Measures have been taken to reduce the loss of sunlight and daylight overlooking in order to make the proposal more acceptable.

**8.7 Conclusions:**

8.8 We still maintain our original objections, as we do not feel that enough has been done to overcome them.

**9. Housing Capacity Study**

*"In our view the council needs to undertake a housing capacity study before any development can be considered on the site."*

**9.1 In support of this view, we noted in our objections on the previous application that:**

9.2 The objections on behalf of the Residents Association submitted by Colin Buchanan & Partners refer to the need for the Council to undertake a housing capacity study before permitting proposals on the scale now sought in this planning application and the two allied applications.

9.3 We support this view.

9.4 Action by LPA:

9.5 No action by LPA.

**9.6 Revised proposals:**

9.7 No revised proposals

**9.8 Conclusions:**

9.9 We still maintain this objection.

**10. Height of Building HF12**

10.1 *"We strongly object to the height of building HF12 on the grounds that as one of the tallest and most prominent features of the western peninsula it is out of keeping with the massing of the remainder of the development, and will have a detrimental effect on our client land interest".*

10.2 This building is proposed as Affordable Key-worker housing units, but as the signature building at the entrance to the Hammersmith & Fulham site, we suggest the option of decreasing the height of the 12-storey block, desirably to 8 storeys, in order to significantly improve the development.

10.3 An alternative option is that the block be relocated further to the east within the development site, away from the entrance to Chelsea Harbour Limited's land.

- 10.4 Similarly, the reduction of units in the block could be eliminated altogether, which would also reduce our need for objection.

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#### 11. Car Parking Deficiency for Affordable Housing Units

*"The proposed number of car parking spaces allocated for affordable housing units is totally unrealistic and does not consider the full repercussions of such restrictions and will result in greater pressure on our clients and their land."*

- 11.1 At is widely recognised that Government, steered by PPG13, is endeavouring to discourage the use of the private car by encouraging planning and transport assessments, green travel plans and the promoted use of public transport.
- 11.2 We are not proposing that policy be ignored, but instead that it should be a realistic assumption by understanding the sociological patterns and physical constraints that are unique to every new development.
- 11.3 Parking provision at the rate of one space per ten dwellings of affordable housing is totally unsatisfactory.
- 11.4 We note that the reduction in car parking is a specific requirement enforced by the LPA and that the developer exceeds the standards. Nonetheless, nil car parking policy has to be considered in the context of individual sites not as a "one policy fits all". This site, prior to the submission of the application, was already suffering from low accessibility and a lack of public transport (see **Appendix 2**, extract from the GLA – The Draft London Plan – Map 2A.5, Access to Public Transport, where the site is listed as PTAL 2-3, low accessibility) The LPA should assess the car parking requirement in line with the existing characteristics.
- 11.5 We realise that there will be a clause in the lease of the affordable housing occupiers, preventing them from obtaining a parking permit, but we are sure that this will not restrict their visitors. We feel numbers of visitors and relatives will be impossible to control and the gesture of on site spaces will be inadequate to meet the demand. You can not prevent the visitors from owning cars. The traffic will be displaced elsewhere and our main concern is that our client will be directly effected.
- 11.6 Reference to article by Alec Samuels, 'No cars: A valid planning condition or agreement?' (2002)

*"The condition or agreement goes beyond planning powers. No cars on site is a perfectly valid condition. No cars even to be owned goes too far. It goes beyond regulating the use of land (Town and Country Planning Act 1990, s.72(1)(a)). Such a condition or agreement interferes with right of ownership, property, possessions. It interferes with personal privacy, family life, freedom of movement. How can we get to work or get the children to school? The condition or agreement is discriminatory, being imposed or in effect imposed only on some citizens, who may have no alternative accommodation available to them. In any event the condition or agreement is difficult to enforce, if not unenforceable".*

- 11.7 We agree with the above article and feel that it applies to the proposed development as such we would question the long term ability to control the number of cars generated by the affordable housing element.

- 11.8 We remain extremely concerned about the concentration of affordable housing, with an insufficient supply of any car parking associated with this part of the development.

**12. Twenty-Four Hour Control Point**

*"Movement must be controlled on and around the development site and this needs to be regulated by the developer and retained as a condition for development."*

- 12.1 The developers need to supply a 24-hour security system on site to regulate movements and avoid illegal entrance by pedestrians or vehicles and restrict parking.
- 12.2 Our clients object to the potential failure of the developers to manage the site, which as a result could cause unnecessary overflow onto their development (especially from the affordable housing element without car-parking facilities.) They object to the development causing them future costs and difficulties due to the poor management of the Circadian development.

- 12.3 The Section 52 Agreement dated 1986- Clause 10 (a) states that:

*"...so as to discourage the Site being used as a through route for general traffic shall have a twenty-four hour attended control point located at the position shown.....or such other method of control to be agreed and maintained to the satisfaction of the council."*

- 12.4 Clause 10 (b) goes on to state that the site:

*"....shall be managed so as to ensure that only those vehicles and pedestrians mentioned in paragraph (a) of this sub-clause (10) and private vehicles of those residing or staying on the site (but not of those working or visiting the Site) and vehicles essential for internal estate management and security purposes may pass through it." (Appendix 3)*

- 12.5 Our clients would feel that if there is a provision put in place to prevent parking by the residents, their relatives or visitors to the development on Chelsea Harbour Limited's land, then this would prevent unnecessary friction between the two developments.
- 12.6 A single management-controlled programme should be aimed at avoiding flight-parking, congestion and unrest in the area, and would also be a valid option that could be implemented by Circadian.

For the above reasons, the application is, in our view, unacceptable, and planning permission should be refused.

The previous representations apply directly to development on site C, but they also largely apply to the schemes on site B (within the Borough of Hammersmith & Fulham) and site A (within the Royal Borough of Kensington & Chelsea), also submitted by Circadian, to which Chelsea Harbour also object.

The revised application representations apply directly to the proposal on the London Borough of Hammersmith and Fulham side of the scheme, but they also largely apply to the proposed scheme on the Royal Borough of Kensington & Chelsea land, also submitted by Circadian, to which Chelsea Harbour also object.



I would be grateful if you could acknowledge receipt of these further representations.

Yours sincerely

*A Jefferies*

Amy Jefferies MTCP(Hons)  
Planner  
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cc. Ana Farrington – Chelsea Harbour Ltd.  
Richard Goodman – Chelsfield plc

APPENDIX 1  
2001 Appeal Decision

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# GO-East

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19 November 2001

Our Ref: APP/C1570/A/01/  
1056661  
Your Ref: MB/498

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78(2)  
APPEAL BY WICKFORD DEVELOPMENT CO LTD  
LAND AT SECTOR 3 WOODLANDS PARK GREAT DUNMOW  
APPLICATION NO: UTT/0711/00/OP**

1. I am directed by the Secretary of State for Transport, Local Government and the Regions to say that consideration has been given to the report of the Inspector, Mr J I McPherson, JP, BSc, DMS, CEng, MICE, MCIWEM, MIMgt, who held an inquiry into your clients' appeal against the failure of Uttlesford District Council to give notice within the prescribed period of their decision on an application for planning permission for the construction of 300 dwellings and associated roads and landscaping and open space and north west relief road, on land at Sector 3, Woodlands Park, Great Dunmow, Essex. In the Inspector's report and in this letter, your clients' appeal is referred to as Appeal No 2.
2. The inquiry into Appeal No 2 was held jointly with your clients' appeal relating to the construction of approximately 1400m of proposed north west relief road and roundabout to the B184 (Appeal No 1). The Secretary of State's interim decision on Appeal No 1 is the subject of a separate letter, which is also being issued today.
3. The Inspector, whose conclusions relating to Appeal No 2 are reproduced in the Annex to this letter, recommended that the appeal be dismissed. A copy of his report (IR) is enclosed.
4. The Secretary of State has given careful consideration to all the arguments for and against the Appeal No 2 proposals and to the Inspector's conclusions and recommendation.



INVESTOR IN PEOPLE

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## **The Appeal No 2 Proposals**

### **Post-Inquiry Representations**

5. On 22 June 2001 you wrote to the Planning Inspectorate on behalf of your clients bringing to the Secretary of State's attention a recent development that was relevant to one of the issues raised at the inquiry. You explained that one of the Council's Reasons for Refusal had contended that the appeal proposal was premature pending review of the Uttlesford Local Plan. The Council had suggested at the inquiry that one option being considered had been the deletion of the whole of Sector 3 Woodlands Park. However, on 14 June 2001 the Council had approved a draft of the Uttlesford Local Plan for consultation and it was clear that there could have been no basis for the suggestion.

6. The consultation draft showed Woodlands Park as a "major urban extension", to which 1,175 dwellings had been allocated, including 400 on Sector 3. The route of a north west perimeter road was also shown to be safeguarded. The residential allocation for Woodlands Park was carried forward into the consultation draft, subject to two changes:

(i) the area proposed to be allocated for development was different from that in the existing allocation in so far as land in the north west corner had been excluded. That difference could not affect the issue of prematurity.

(ii) The number of dwelling to be allocated to Sector 3 would be increased by 100 to 400.

The Consultation Draft therefore confirmed that the Appeal No 2 proposals could not be regarded as "premature" or prejudicial. The northern extension proposed by your clients had not been included and remained to be determined on its own merits.

7. In respect of the precise number of dwellings to be constructed, there was no difference of opinion as to the application of PPG3 to the circumstances of the case. Again there was no fundamental issue of prematurity. If necessary the application the subject of Appeal No 2 could be treated as being wholly in outline, leaving the precise density, mix, distribution and phasing to be settled in discussion with the Council.

8. The prematurity objection therefore was misconceived having regard to the advice in paragraph 47 of PPG1 because:

a) The existing allocation of Woodlands Park was and remained of Strategic Importance;

b) The location and scale was settled through the Local Plan 1995 and Structure Plan 2001 process;

c) No phasing or infrastructure issues arose;

d) The NW Perimeter Road was a commitment that would be brought forward by many years, if Appeal No 2 were allowed;

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e) If the prematurity argument were accepted, the "clock would be stopped" for 2 – 3 years. That would create uncertainty and be grossly unfair and prejudicial to your clients;

f) The "northern extension" would secure the direct relationship between the development and the road. By doing so the mechanism by which (i) the road can be brought forward to within 2 years of the grant of permission and (ii) environmental improvements provided in the centre of Great Dunmow, could be put in place;

g) There would be no material prejudice to the process of the Local Plan Review, with any permission on appeal reflected in the Local Plan, if necessary.

9. In their response, the Council explained that at the inquiry they had stated that the Woodlands Park allocation would be reviewed as part of the Local Plan process. A number of possibilities had been set out, including deleting the site in whole or in part and/or increasing the number of dwellings. The new Uttlesford Local Plan Deposit Draft proposed reducing the size of the previous allocation and increasing the proposed number of dwellings from 300 to 400. This action supported the Council's case presented at the inquiry. The grant of 300 dwellings would deny the Council the ability to review an allocation that was unambiguously contrary to advice set out in PPG3.

10. Prematurity was only one of several issues raised by the Council at the inquiry. There were two other land use planning issues of greater importance: (i) the appeal proposal was at an extremely low net density – less than half that suggested as the PPG3 minimum and (ii) a significant area lay beyond the Development Limits in the adopted Plan. That situation had not changed in the new draft plan.

11. A response to your clients' post-inquiry representations was also received from the Council for the Protection of Rural Essex, in which they noted that the new draft local plan contained a review of the Woodlands Park Sector 3 allocation.

12. The Secretary of State has had regard to all the post-inquiry representations in determining your clients' Appeal No 2.

### **Planning Obligations**

13. Following the close of the inquiry you forwarded to the Government Office copies of two executed Planning Obligations, one dated 21 June 2001 and the other dated 22 June 2001, both made under section 106 of the Town and Country Planning Act 1990 and both relating to Appeal No 2. The first Obligation had been executed by your clients, Barclays Bank Plc and the Council. The second Obligation had been executed by your clients, Barclays Bank Plc and Essex County Council.

14. The Obligation dated 21 June 2001 provides, inter alia, that:

i) Your clients shall lay out, landscape and maintain the Public Open Space in accordance with a landscaping scheme until it is transferred to the Council;

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- ii) Not more than 200 residential units constructed on the site shall be occupied before your clients have transferred the freehold of the Public Open Space to the Council; and
  - iii) Your clients shall pay the Council an agreed amount to represent the reasonable cost of maintaining the Public Open Space for a period of 20 years;
15. The Obligation dated 22 June 2001 provides, inter alia, that:
- i) Your clients will not implement the proposed development unless and until they have first entered into the Highways Works Agreement. That Agreement is defined as meaning an Agreement pursuant to section 278 of the Highways Act 1980 with Essex County Council to secure the provision of the Highway Works and regulate their construction, dedication and maintenance. The Highway Works are described in the First Schedule to the Agreement as the construction of a section of road connecting the existing Woodlands Park spur road to the Thaxted Road;
  - ii) No dwellings to be constructed on the appeal site shall be occupied prior to the commencement of the Highway Works and your clients shall complete those works in accordance with the Highway Works Agreement within 2 years of the date on which planning permission is granted; and
  - iii) Upon completion of the Highway Works, your clients would pay a contribution of £500,000 to Essex County Council to provide such transportation measures and highway improvements in Great Dunmow as were considered necessary in order to maximise the environmental benefits arising from the completion of the Highway Works.
16. The Secretary of State has had regard to the Planning Obligations in determining your clients' Appeal No 2.

#### **National Policy on Housing Development and Prematurity**

17. Government policy on Housing is contained in Planning Policy Guidance Note 3 (PPG3). One of the objectives of the guidance is that Local Authorities should provide sufficient housing land but give priority to, inter alia, re-using previously-developed land within urban areas in preference to the development of greenfield sites. Another objective is for more efficient use of land to be made – ie to avoid developments of less than 30 dwellings per hectare (dph) net and to encourage those between 30 and 50 dph net. Paragraph 38 of PPG3 advises that in considering planning applications for housing developments before development plans can be reviewed in line with the PPG, Local Authorities should have regard to the policy it contains as material considerations which may supersede the policies in their plan.

18. Planning Policy Guidance Note 1 "General Policy and Principles" (PPG1) advises that in some circumstances, it might be justifiable to refuse planning permission on grounds of prematurity. That might be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant

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permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context.

### **The Development Plan**

19. Under section 54A of the Town and Country Planning Act 1990, as introduced by section 26 of the Planning and Compensation Act 1991, the Secretary of State is required to determine your clients' Appeal No 2 in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the adopted Essex and Southend Replacement Structure Plan and the adopted Uttlesford District Local Plan.

20. In determining your clients' Appeal No 2, the Secretary of State has had regard to Structure Plan policies H1, H2, H3, H4, H5, C5 and NR4. The gist of these policies is set out in paragraphs 11 – 13 of the Inspector's report.

21. The Secretary of State has also had regard to the following Local Plan policies in determining your clients' Appeal No 2: GD8, H1, H2, H3, H4, S2 and C2. The gist of these policies is given in paragraphs 14 and 15 of the Inspector's report.

22. As recorded in the section above dealing with post-inquiry representations, the Council have published the new Uttlesford Local Plan Deposit Draft, which is to be placed on deposit later this year. Although this emerging Local Plan has some considerable way to go before being adopted and forming part of the development plan for the area, it is a material consideration in the determination of Appeal No 2. The Secretary of State has therefore had regard to emerging policies S1 (Settlement Boundaries for the Main Urban Areas); H1 (Housing Development); GD4 (Residential Development Within Great Dunmow's Built Up Area); GD5 (Woodlands Park) and T1 (Transport Improvements). The Secretary of State has also had regard to the Essex Design Guide for Residential and Mixed Use Areas, which the Council have adopted as supplementary planning guidance (IR 16).

### **The Main Issues in Appeal No 2**

23. The Inspector considered, for the reasons given in paragraph 90 of his report, the relief road aspect of Appeal No 2 to be acceptable (IR 91). Like the Inspector, the Secretary of State has given no further consideration to the relief road in determining Appeal No 2. He agrees with the Inspector that the main consideration with respect to the housing proposals within Appeal No 2 are:

- i) Whether it would be premature to allow more residential development on, or adjoining, the Woodlands Park Development at this time;
- ii) Whether the Appeal Proposals would make efficient use of land;
- iii) Whether the affordable housing provision would be adequate;

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- iv) Whether the lack of an agreed Master Plan would be likely to lead to an unacceptable development; and
- v) Whether the proposed development, and in particular the development of the northern area of the Appeal No 2 site, would have an adverse effect on the appearance of the countryside.

#### **Issue (i) – Prematurity**

24. The Secretary of State agrees with the Inspector that the principle of up to 1,275 dwellings on the allocated Woodlands Park site had long been established through the development plan process. Planning permission existed for 975 dwellings on Sectors 1 and 2 and the further 300 of the Appeal No 2 proposals would complete the planned total (IR 93). He agrees that PPG3 sought the efficient use of land for developments and advised Local Planning Authorities to determine planning applications in the light of the new policies (IR 94). At the time of the inquiry into your clients' appeals, the Council had not completed their housing capacity study. They envisaged that the small housing requirement to 2011 could probably be accommodated on the various previously-developed sites that existed within the District, or by density increases on other approved sites. The Inspector therefore concluded, for the reasons given in paragraph 94 of his report, that the Council could be correct in their view that at least some of the Airport Related Housing allocations could be removed from the Local Plan in the forthcoming revision. The Secretary of State notes from the post-inquiry representations that the Local Plan Review proposes a small reduction in the size of the Sector 3 allocation and an increased residential density.

25. In considering whether the Appeal No 2 proposals would be premature, the Inspector was of the opinion that the stage the Local Plan Review had reached towards adoption was not really the point in this case. Instead it was the emphasis in PPG3 on achieving efficient use of land. Paragraph 38 stated very clearly that planning applications should be determined with due regard to the policies in that guidance, and that they might supersede the policies in the development plan. In his view, those new policies would justify the dismissal of the appeal in this case (IR 96). The Secretary of State fully agrees with this conclusion. He also agrees, for the reasons given in paragraph 95 of the report, that very great weight should not be placed on your clients' financial risk, or the lack of the full utilisation of their installed infrastructure, when weighed against the prospect of possibly saving some significant areas of greenfield land from development.

#### **Issue (ii) – The Efficient Use of Land**

26. The Inspector noted that the proposed housing on the northern part of the appeal site would have a density of some 6.2 or 6.6 dph and the vast majority of the rest would be at a density of about 14.9 or 15.7 dph. Only the 60 high density dwellings would achieve about 45.8 dph. The overall density would be in the order of 12.5 dph or 13.9 dph depending on whether the Council's or your clients' figures were taken. These figures were well below the 30 dph called for in PPG3 in order to make efficient use of the land (IR 97). The Secretary of State agrees with the Inspector.



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27. Your clients argued that there was a considerable demand in the area for large detached houses standing in substantial plots (Arcadian style) (IR 98). The Inspector accepted that there was probably a sizeable demand for that kind of residential development in the area, particularly because of its close location to Stanstead Airport (IR 99). However, he concluded that most of the demand was probably not related to providing homes for airport employees, as envisaged for the Airport Related Housing in the development plan. Although there was probably a demand for this kind of housing from other sources, the Inspector was far from convinced of the specific level of need. The Secretary of State agrees with the Inspector. He also agrees that any need has to be balanced against other material considerations, including the advice in PPG3 to make the best use of housing land.

28. The Inspector took the view that the overall density of Great Dunmow was of little relevance to the decision on whether a proposed overall density on the site, of only about half that called for in national policy, was acceptable (IR 100). In his view it was not. The Secretary of State agrees. He also shares the Inspector's view that there was no sound reason why the density need necessarily be reduced on a site located on the edge of a town. He agrees that the Appeal No 2 proposals would conflict with the requirement contained in Structure Plan policy H4. The Secretary of State has considered your clients' fall-back position of a fully outline permission. He agrees with the Inspector that not only should the scale of development proposed under Appeal No 2 be properly planned, but there was a fundamental objection to development in the countryside, especially if it would harm a specially designated area (IR 101).

#### **Issue (iii) – Affordable Housing**

29. Your clients propose to provide 60 low cost market-housing units on the Appeal No 2 site and to transfer 0.4 ha of land within Sector 2 to a Registered Social Landlord at 45% of the market value, on which 20 – 30 dwellings could be erected for rent. The Council considered that only shared equity or rented accommodation would meet the requirement for some 290 units of affordable housing a year, as identified in their Housing Needs Survey (IR 102 & 103).

30. The Secretary of State shares the Inspector's view that the Council have quite properly assessed the local need in its Housing Needs Survey. He has also noted that the Council judged that, in their area, low cost housing would not meet that need. He therefore agrees with the Inspector that the proposed 60 low cost units would not meet a genuine need and should be disregarded from the number of affordable housing units (IR 104). He also shares the Inspector's doubts, for the reasons given in paragraph 105 of the report, about the viability of the 20 or 30 units proposed for what was intended to be a mixed-use area within Sector 2. In addition, he agrees that the proposal to group all the low-cost market housing or "urban grouping" housing at one location on Sector 3 would be very much contrary to the national advice to distribute this kind of housing throughout a development.

#### **Issue (iv) – The Master Plan**

31. Local Plan policies GD8 and H4 call for the development of the Woodlands Park site to be in accordance with an agreed Master Plan. The Plan submitted by your clients has not been agreed. Your clients argued that there would be no harm if the appeal were allowed,

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because all of the outstanding matters could be covered by conditions. For the reasons given in paragraphs 108 – 110 of his report the Inspector could not accept that viewpoint. The Secretary of State agrees with the Inspector and considers it highly desirable that matters should be resolved in principle before proceeding to more detailed design.

#### **Issue (v) – The Effect on the Appearance of the Countryside**

32. The Secretary of State agrees with the Inspector that there was no countryside policy objection in respect of the main southern part of the appeal site and that the effect of the “southern” development would be acceptable on the adjoining countryside, which in that area had no special designation (IR 111). He also agrees that the situation in respect of the northern part of the site was different.

33. The Secretary of State shares the Inspector’s view, for the reasons given in paragraphs 112 & 113 of the report, that the development of the northern part of the site would be contrary to Structure Plan policies C5 and NR4 and to Local Plan policies S2 and C2 (IR 114). He accepts that the proposed “Arcadian” style housing would be very apparent in the landscape, particularly when seen from the new relief road and that the dwellings would certainly not meet the policy set out in paragraph 2.14 of PPG7 “The Countryside – Environmental Quality and Economic and Social Development” to safeguard the countryside for its own sake. The Inspector was of the opinion that the development would substantially harm the appearance of the countryside. The Secretary of State agrees. He also agrees that the inclusion of this land between the relief road and the rest of the town was not a significant consideration (IR 116).

#### **The Benefits of the Appeal 2 Proposal**

34. The Secretary of State agrees with the Inspector that the additional approximately 2.4 ha of public open space would be of some benefit (IR 117). He also agrees that there was little relevance in the fact that the development of the northern land would provide a direct link with the relief road (IR 118). The Secretary of State considers that some weight should be given to the fact that the completion of the relief road would be of benefit to the community, as it would reduce traffic congestion in Great Dunmow and because the benefit to the community would be brought forward by perhaps 8 years (IR 119). The Inspector considered that, although there was no evidence of undue congestion at present or of a material accident record in the High Street, it was quite possible that a traffic calming type scheme would be of benefit to pedestrians and cyclists. Your clients’ £0.5m for such a scheme could be of some benefit to the community (IR 120). The Secretary of State agrees. Overall, he has given some weight to the benefits arising from the Appeal No 2 proposals.

#### **Other Considerations**

35. The Secretary of State shares the Inspector’s view that there was no objection on the grounds of sustainability to the Woodlands Park Development, as allocated. He also accepts, for the reasons given by the Inspector, that the proposed northern area of development would be less sustainable than the allocated land (IR 121 & 122). In respect of the effect on woodlands, the Secretary of State agrees with the Inspector that the main effect would come from the proposed relief road. However, like the Inspector, he is satisfied that the road

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proposal would be acceptable (IR 123). The Inspector could see no reason why footpaths crossing the Appeal No 2 site should not be accommodated within the site layout or the necessary procedures followed for their diversion at a later stage. The Secretary of State agrees. He also agrees that there would be no unacceptable effect on future flooding in the area and that there was no objection to the proposals on the grounds of the loss of high grade agricultural land (IR 124 - 126).

### Summary of Conclusions

36. The Inspector set out a summary of his conclusions relating to Appeal No 2 in paragraphs 128 - 136 of his report. The Secretary of State agrees with the summary. In respect of the conclusions in paragraph 129, the Secretary of State recognises that the Local Plan background has changed since the inquiry closed, following the publication of the Council's Local Plan Review, in which the Sector 3 allocation was slightly reduced in size and the number of houses increased to 400. However, he does not consider that this change affects the overall decision in respect of Appeal No 2. The Secretary of State agrees with the Inspector that there are objections to the proposed development - ie the inefficient use of land; the inadequate affordable housing in terms of number and distribution; the absence of an agreed Master Plan and the significant harm to the appearance of the countryside that would be caused by the development of the northern land. He is satisfied that when combined, the magnitude of the benefits arising from the Appeal No 2 proposals would not be sufficient to outweigh the substantial planning objections (IR 136). He therefore intends to dismiss Appeal No 2.

### The Secretary of State's Formal Decision in respect of Appeal No 2

37. For the reasons given above, the Secretary of State agrees with the Inspector's conclusions and accepts his recommendation in respect of Appeal No 2. Accordingly, he hereby dismisses your clients' Appeal No 2 and refuses planning permission for the development proposed in Application No UTT/0711/00/OP.

38. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision on Appeal No 2 may be challenged by the making of an application to the High Court.

39. Copies of this letter have been sent to the Council, everyone who appeared at the inquiry and those parties who asked to be notified of the Secretary of State's decision.

Yours faithfully

Andrew N Hayes

ANDREW N HAYES

Authorised by the Secretary of State  
to sign in that behalf

## Inspector's Conclusions

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(In my conclusions, the numbers in brackets indicate the preceding paragraphs where the relevant information can be found).

### **Full Application for Relief Road (Appeal No 1)**

90. At the time of the Inquiry, the Council had resolved to approve the full application for the relief road scheme (Appeal No 1) and intended to issue the formal notice shortly (1). Without formal approval, the Appellants had not withdrawn this appeal, but I did not hear any evidence addressed specifically to this proposal at the Inquiry (1 & 2). Nevertheless, the proposal for such a road is included in the adopted Local Plan (19) and planning permission for an equivalent road already exists on a very similar alignment (7). From my scrutiny of the plans, my inspection of the route and taking into account the benefits that would accrue to the community (2 & 42), I see no reason to disagree with the Council's resolution, and will be recommending approval on the same conditions as those intended by the Council.

### **Outline Application for 300 dwellings and the Relief Road (Appeal No 2)**

91. As indicated in the preceding paragraph (90), I consider the relief road aspect of this composite application to be acceptable, and will consider the matter no further.

### ***Main Considerations***

92. With respect of the housing proposals in general, I consider the main considerations in determining this appeal relate to whether it would be premature to allow more residential development on, or adjoining, the Woodlands Park Development at this time, and if so whether the Appeal Proposals would make efficient use of the land; whether the affordable housing provision would be adequate, and whether the lack of an agreed Master Plan would be likely to lead to an unacceptable development. In addition, for the northern area of the Appeal Site in particular, there is the further matter of the effect on the appearance of the countryside.

### ***Prematurity***

93. The principle of up to 1,275 dwellings on the allocated Woodlands Park site has long been established through the Development Plan process in connection with the expansion of Stanstead Airport (7, 14, 17, 63). The need for this number of dwellings was tied to the throughput of passengers at the airport being between 8 and 15 million passengers per annum (mppa); and it is currently about 12 mppa (17). Planning permission exists for 975 dwellings on Sectors 1 and 2 (7) and the further 300 of the Appeal Proposals would therefore complete the planned total, though only 258 of the 300 would be within the land allocated on the Proposals Map (63). There would therefore be a shortfall of some 42 dwellings within the allocated land, and this is particularly relevant to the efficient use of land which I consider below (97 - 100).
94. The current version of PPG3 was published after the Local Plan was adopted, and therefore the allocation of this land for housing (64). PPG3 seeks the efficient use of land for developments and advises Local Planning Authorities to determine planning applications in the light of the new policies, which include making the best use of existing urban land to avoid, where possible, the use of new greenfield sites (66). The Council have not yet completed their housing capacity study, but they envisage that the small housing requirement to 2011 could probably be accommodated on the various previously-developed

sites that exist within the District, or by density increases on other approved sites (67). That assertion was not seriously contested at the Inquiry and, with only 1,000 of the District's 5,200 housing allocation up to 2001 having been completed (68), that seems quite likely. Accordingly, it could be that the Council are correct in their view that at least some part of the Airport Related Housing allocations could be removed from the Local Plan in the forthcoming revision (67).

95. Not only is it possible that the planned number of dwellings could be sited on less land than is currently allocated, but it is suggested by the Council for the Protection of Rural Essex that the required number of Airport Related dwellings may have been over-estimated (75). Such a conclusion may be supported by the fact that only about 200 of the 975 approved dwellings on Sectors 1 and 2 of Woodlands Park have so far been completed (7). With such a substantial number of dwellings still to be erected there are many years worth of work available to the developer. I do not consider there is any sound reason to allow additional sites for the developer to cherry-pick the most profitable parts of the development. Accordingly, I do not place very great weight on the Appellants' financial risk, or the lack of the full utilisation of their installed infrastructure (33) when weighed against the prospect of possibly saving some significant areas of greenfield land from development.
96. I note the advice in paragraph 48 of PPG1 that the weight to be attached to new policies in development plans should relate to the stage that they have reached in the process towards adoption. The revision of the Local Plan has hardly started, but that is not really the point in this case, instead, it is the emphasis in PPG3 on achieving efficient use of land. Paragraph 38 of PPG3 states very clearly that planning applications should be determined with due regard to the policies in that guidance, and that they may supersede the policies in the Development Plan. To my mind, these new policies would justify the dismissal of the appeal in this case.

#### *Efficient Use of Land*

97. Paragraph 58 of PPG3 says that Local Planning Authorities should avoid developments that make inefficient use of land, and it defines inefficient use as being less than 30 dwellings per hectare (dph). The proposed housing is located in two different areas of the Appeal Site. Those on the northern part would have a density of some 6.2 or 6.6 dph (25, 64) and the vast majority of the rest would be at a density of about 14.9 or 15.7 dph (25, 64) with only the 60 high density dwellings achieving about 45.8 dph (25). The overall density would be in the order of 12.5 dph (64) or 13.9 dph (25) depending on whether the Councils' or the Appellants' figures are taken. Regardless of which figures are assumed, they are well below the 30 dph called for in PPG3 in order to make efficient use of the land.
98. The Appellants argued that there is a considerable demand in the area for large detached houses standing in substantial plots, of the kind described as 'Arcadia' housing in the Essex Design Guide, which has been adopted by the Council as supplementary planning guidance (29). The Design Guide indicates that such housing '..... cannot usually be achieved at densities of over 8 houses per hectare.' (16), and the Appellants argue that in order to provide some 40 or 50 of these houses must inevitably reduce the overall density on the site, unless the rest of the dwellings were developed as two-bedroomed terraced houses, and that would not produce the desired mixed form of development (29). They conclude that the guidance of 30 dph in PPG3 should therefore be tempered by the local circumstances (26).
99. This line of argument is based on a need for 'Arcadian' style housing in the area, and in support of this the Appellants put forward a letter from a reputable firm of national estate

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agents (29). I accept the conclusions in that letter that there is probably a sizeable demand for this kind of residential development in the area, particularly because of its close location to Stanstead Airport. The email from the Planning Director at Stanstead Airport makes the point however, that the majority of jobs there are for people who could not afford the likely £500,000 to £750,000 cost of such houses (65). In my view therefore, most of the demand is probably not related to providing homes for the airport employees, as envisaged for the Airport Related Housing in the Development Plan. Nevertheless, there is probably a demand for this kind of housing from other sources, though I am far from convinced of the specific level of need. This must in any case be balanced against the other material considerations, including the advice in PPG3 to make the best use of housing land.

100. The Appellants point to the advice in paragraph 56 of PPG3 that development should not be viewed in isolation and must be informed by the wider context (26). I agree with that view, but I do not accept that the whole of Great Dunmow is realistically 'the wider context' for this development. As far as I am concerned, Sector 3 would relate most closely to the adjoining Sectors 1 and 2, which themselves relate to the edge of the older part of Great Dunmow. In my view the overall density of the town (27, 65) is therefore of little relevance to the decision on whether a proposed overall density on this site, of only about half that called for in national policy, is acceptable. In my view it is not. Furthermore, I see no sound reason why the density need necessarily be reduced on a site located on the edge of a town. That is not my reading of PPG3. The proposals would conflict with the requirement in Structure Plan Policy H4 which calls for the achievement of maximum densities, subject to certain other considerations (65).

101. In addition, I do not accept the Appellants' fall-back position of a fully outline permission that would simply establish the principle of residential development leaving everything else, including the number and location of the dwellings, for subsequent determination (30). Not only should this scale of development be properly planned, as indicated in connection with the Master Plan consideration, but there is a fundamental objection to development in the countryside, especially if it would harm a specially designated area.

### *Affordable Housing*

102. The Appellant's proposal is to provide 60 low cost market-housing units on the Appeal Site (34). Some 0.4 ha of the land within Sector 2 would also be transferred to a Registered Social Landlord at 45% of the market value, on which the Appellants envisage 20 to 30 dwellings could be erected for rent. As the Appellants point out, this would amount to more than the 'up to 25%' figure sought for affordable housing in Local Plan Policy H4(b) (35, 61).

103. However, the Council contended that the 60 low cost market houses would not meet the housing needs of the district (61). In their view, these new dwellings would be more expensive than an equivalent 'second-hand' dwelling, and that to be really affordable they would have to be priced at considerably less than a second-hand unit, which would then make them unacceptably substandard dwellings. Accordingly, they considered that only shared equity or rented accommodation would meet the requirement for some 290 units of affordable housing a year, as identified from their Housing Needs Survey (59, 60).

104. As the Council observed, PPG3 refers to affordable housing, but says that the detail is in Circular 6/98. Looking therefore at the circular, that does indicate in paragraph 4 that low cost market housing can be included as affordable housing, but paragraph 15 also says that it should be directed at meeting the local needs (58, 59, 60). It seems to me that the Council have quite properly assessed the local need in its Housing Needs Survey and they

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also judge that, in their area, low cost housing would not meet that need. In my view the proposed 60 low cost units would not therefore meet a genuine need and should be disregarded from the number of affordable housing units.

105. The other proposed element of affordable housing would be provided by a Registered Social Landlord, but the Council envisaged that, even with a cost for the land of 45% of the market value, it was unlikely that a Registered Social Landlord could afford to erect suitable rented accommodation or shared equity units (61). There was no evidence to show that any prospective landlord had considered this matter and indicated that they could do so. I therefore have my doubts about the viability of the 20 or 30 units proposed for what was intended to be a mixed-use area within Sector 2.
106. In addition, the Appellant wished to relocate the 110 units of proposed affordable housing on Sector 2 (36). This relocation would group all the affordable housing in one area of Sector 2 and would in my view be very much contrary to the national advice to distribute this kind of housing throughout a development (62). A similar point can be made about the proposal to group all the low-cost market housing or 'urban grouping' housing at one location on Sector 3 (62).

#### *Master Plan*

107. Both Local Plan Policies GD8 and H4 call for the development of the Woodlands Park site to be in accordance with an agreed Master Plan, but the plan submitted by the Appellants has not been agreed (23, 55). The Appellants argue however, that there would be no harm if the appeal were allowed because all of the outstanding matters could be covered by conditions (23). Like the Council, I cannot accept that viewpoint (57).
108. In anyone's terms, this is a substantial site, and one that needs comprehensive planning to include not only the numbers of dwellings and their general locations, but also such things as the provision of suitable public open spaces. It is quite possible that a developer could produce a scheme that was appropriate for the site without going through the master plan process. However, I consider it highly desirable that matters should be resolved in principle before proceeding to more detailed design; after all, that is likely to avoid the unnecessary waste of much time and resources.
109. The Appellants had submitted their proposed Master Plan, but the Council had not agreed it, partly because of the preponderance of large dwellings, and partly because of the possible effects on the unsurveyed woodland that would end up within the curtilage of some of the dwellings (56). Both of these seem to me matters which need resolution, and may not be capable of satisfactory control by conditions.
110. Of fundamental importance however is the inclusion of a substantial area of land within the site that has not been allocated for development purposes (20). This is a matter that should be determined at this stage, and is certainly not a matter that could be dealt with by planning conditions.

#### *Appearance of the Countryside*

111. All of the above conclusions relate in one way or another to the whole site, and so does the effect that the proposals would have on the appearance of the countryside. The main southern part of the site is however quite flat, with future housing development on two sides, the relief road to the west and areas of woodland and the grounds of Newton Hall to the north (4, 5). Furthermore, such matters will already have been taken into account before the site was allocated for housing in the Local Plan. Accordingly, there is no countryside

policy objection and I am satisfied that the effect of this 'southern' development would be acceptable on the adjoining countryside, which in this area has no special designation.

112. The situation in respect of the northern part of the site is however different. The proposal is to develop some 42 'Arcadian' type dwellings on this land, which is outside the Development Limits of the settlement, as defined in the adopted Local Plan, and within an Area of Special Landscape Value (4, 20).
113. I note that the Local Plan Inspector considered the merits of the Area of Special Landscape Value designation in this area and concluded that it should be drawn back to the line of the proposed relief road, but that was not the Council's decision (21). Accordingly the proposal falls to be considered in the light of that designation.
114. Given the above situation, development of this part of the site would be contrary to Structure Plan Policies C5 and NR4, which seek to protect the countryside, particularly in Special Landscape Areas. It would similarly be contrary to the equivalent Local Plan Policies S2 and C2 (12, 13, 15).
115. I accept the Appellant's view that the proposed relief road is likely to materially affect the quality of the landscape next to this 'northern land' if, and when, is constructed (21). There is however agreement that this road should be open to traffic before the 651<sup>st</sup> dwelling on Sectors 1 and 2 is occupied (7). The road already has planning permission, though that is very likely to be superseded by the slightly different permission sought in Appeal No 1 (1). I therefore conclude that there is a high probability that this effect will occur at some stage. If the current appeal were allowed, that effect would be brought forward a number of years because the agreements would require the road to be open to traffic within two years, rather than the anticipated 10 years or so under the existing agreement. To my mind this earlier harm to the appearance of this specially designated area of countryside is a significant consideration in itself.
116. The substantive point however is the harm that would be caused to the countryside from the residential development. According to the Essex Design Guide, 'Arcadian' style dwellings are intended to create the illusion of a rural environment in a residential area (16). Nevertheless, I cannot accept the Appellants' assertion that these dwellings would cause little harm to the appearance of the countryside, even allowing for the slope of the land (22). I do not consider their geographic location, fairly close to Parsonage Downs, to be of any great relevance (27, 74). I do however consider they would be very apparent in the landscape, particularly when seen from the new relief road. They would certainly not meet the policy set out in paragraph 2.14 of PPG7 to safeguard the countryside for its own sake. I conclude that this development would substantially harm the appearance of the countryside and that the inclusion of this land between the relief road and the rest of the town is not a significant consideration because it is, in my view, well separated from the urban extent of the settlement by woodland, school playing fields and the grounds of Newton Hall (22, 52).

### *Benefits of the Proposals*

117. The Appellants refer to the additional approximately 2.4ha of public open space that would be made available on the northern land (41). That would increase the total sum of land open to the public in the area and therefore must be of some benefit, but the number of people living in the area would also be increased, so the net benefit would be somewhat reduced.

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118. The Appellants claim that development of the northern land would provide a direct link with the relief road (41). Clearly the two would be closely linked geographically, and the occupiers of the dwellings would use the road, but beyond that I see little relevance in providing a direct link. A direct link could have been quite significant if substantial weight were to be given to the proposal to build the road, but it already has planning permission and should come to fruition in due course, in accordance with the provisions contained in the Section 106 Agreement for Sector 2.
119. As asserted by the Appellants (42), it is true that the completion of the relief road would be of benefit to the community in that it should reduce the traffic congestion in Great Dunmow, particularly at peak periods. That benefit to the community would be brought forward by perhaps 8 years if the Appeal were allowed (42).
120. This reduction in the traffic flow would no doubt make it more acceptable to carry out the Appellants' proposed environmental improvement scheme in the High Street (46). Regardless of whether the traffic reduction in High Street as a result of the relief road would be about 10% or 20% (44, 45, 71), there is no sound evidence of undue congestion at present, or of a material accident record (72). Nevertheless, it is quite possible that such a traffic calming type scheme would be of benefit to pedestrians and cyclists using High Street. The needs of motorists and heavy goods vehicles must also be considered, and a fully engineered scheme would be required. At present there has been no proper consultation, other than with the Highway Authority who generally support the proposal in highway terms (46, 47, 72). The Appellant's £0.5m for such a scheme could therefore be of some benefit to the community.

#### *Other Considerations*

##### *Sustainability*

121. Not too surprisingly for a major allocated site in the Local Plan, in this peripheral location on the edge of Great Dunmow, Woodlands Park is reasonably well sited for access by car, by cycle or on foot to the significant range of facilities available in the town (39, 40). Although not provided at present, a bus service could be provided through the development (40). There would also be easy access to the site of the proposed primary school and to the existing Helena Romanes Secondary School (40). There would be very good access along the new A120 to Stanstead Airport, both for people who work there, and for travellers to other destinations (40). Accordingly, I am satisfied that there is no objection on the grounds of sustainability to the Woodlands Park Development, as allocated.
122. The proposed northern area of development, outside the Development Limits, would however be a little further from the town and would involve additional footpaths and cycleways in order to join up with those on the main part of the development (4). To that extent this northern land would be less sustainable than the allocated land.

##### *Woodlands*

123. The proposed development of the northern land would be on former agricultural land but would in part adjoin the mature wooded grounds of Newton Hall (4). I do not consider that to be of any material harm to those old woodlands. Some pedestrian and cycle routes would however be required through the wooded land between the northern and the southern parts of the site (4, 40). The main effect on woodlands would however come from the proposed relief road which would pass through part of a band of ancient woodland (74). Nevertheless, for the reasons that I have already indicated (90), I consider the road proposal to be acceptable.

### *Public Footpaths*

124. It is quite correct that several public footpaths cross the Appeal Site (77) but I see no reason why they should not be accommodated within the site layout or the necessary procedures followed for their diversion at a later stage, as proposed by the Appellants (39).

### *Flooding*

125. The Appellants intend to drain most of the surface water from the development via balancing ponds in order to limit the additional quantity of water flowing into the River Chelmer and its tributary streams. The Environment Agency are the organisation responsible for the operation of the River Chelmer. They have been consulted and, despite recent flooding in the vicinity of Bowyers Bridge, they have raised no objections (39, 76). I therefore conclude that there would be no unacceptable effect on future flooding in the area.

### *Agricultural Land*

126. Although some of the northern land is higher grade agricultural land, the total area is quite small and there is no objection from MAFF (4, 39). I therefore see no objection to the proposals on the grounds of the loss of high grade agricultural land.

### *Summary of Conclusions*

#### **Full Application for the Relief Road (Appeal No 1)**

127. I consider the appeal should be allowed on the conditions intended by the Council.

#### **Outline Application for Housing and the Relief Road (Appeal No 2)**

### *Relief Road*

128. This outline application includes the relief road but, as indicated above, I consider that to be acceptable. The rest of my conclusions relate to the housing elements of the proposals.

### *Housing Development*

129. It seems quite likely that when the Council complete their housing capacity study, it will be found that there is no need to allocate any more greenfield land to meet the District's housing allocation up to 2011. It may also prove that some allocated sites could be reduced or removed from the Plan. With the substantial number of dwellings still for completion on Sectors 1 and 2, I therefore consider the possible benefits of saving greenfield land have considerable weight when weighed against the harmful effects to the developer.

### *Efficient Use of Land*

130. The Appeal Proposals would result in densities well below the 30 dwellings per hectare advised in PPG3 in order to make good use of housing land. This is new advice which I consider supersedes the existing Development Plan policies, and I do not find any substantial need for low density dwellings that would outweigh this policy objection.
131. Although government advice acknowledges that low cost market housing may be included as affordable housing provision, that housing must indeed be affordable to the people who need it. From their housing needs survey, the Council conclude that only shared-equity or rented housing is likely to be really affordable in their area. On that basis, I consider the proposed 60 low cost units to be unlikely to be affordable, and therefore not to meet the Council's substantial need for such accommodation.

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132. I also express doubts about the financial viability of accommodation provided by a Registered Social Landlord when the land is charged at 45% of the market value.
133. Accordingly, I do not consider the proposed affordable housing element of the proposals to be adequate in terms of their number or indeed their distribution throughout the site.
134. The Development Plan Policies call for an agreed Master Plan, and I consider that desirable.
135. The northern land is not allocated for development, and is within specially designated countryside. I conclude that residential development on this land would significantly harm the appearance of the landscape.
136. Against these various objections, some additional open space would be made available to the public, the earlier opening of the relief road would be of benefit to the local community and there would also be some prospective benefit from the Appellants' environmental enhancement scheme for the High Street. I do not however, consider the combined magnitude of these benefits to be sufficient to outweigh the substantial planning objections to the proposals that I have identified.

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APPENDIX 2  
Extract from GLA- Draft London Plan





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## The draft London Plan

Draft Spatial Development Strategy for Greater London



June 2002



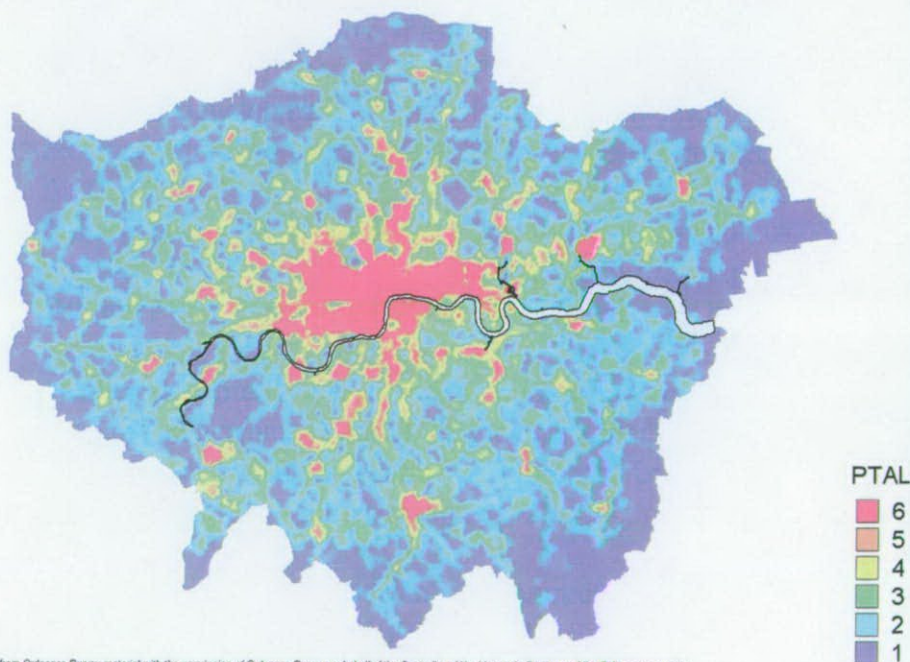


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- 2A.30 Very considerable growth is expected for the Central London sub-region. This growth is projected as 237,000 or 37 per cent of the total increase. Most of Central London's growth can be accommodated in the Central Activities Zone (CAZ) and in the identified Opportunity Areas.
- 2A.31 The other three sub-regions should all experience some employment growth. The West London sub-region is likely to see growth of 90,000 jobs (14 per cent of the total) and the North and South London sub-regions are likely to see smaller levels of growth, together accounting for 10 per cent of the total.
- 2A.32 The expected growth in population and jobs in London poses a critical question - can the transport system cope?

*Transport accessibility and capacity*

**Map 2A.5 Access to public transport**



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- 2A.33 The transport policies of this plan seek to address current problems of movement and to assist in achieving spatial development priorities, especially in stimulating and supporting the regeneration of the Thames Gateway. This will be done by integrating development with existing and future public transport infrastructure and services as well as exploiting





APPENDIX 3  
Extract from Section 52 Agreement

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persons duly authorised or instructed by the Council to enter upon and carry out works on all necessary land in the ownership of the Board to enable the extension of the River Walk beneath the railway line as indicated on Plan 2 to be constructed and when such extension to the River Walk is constructed it shall form part of the River Walk and will be either dedicated and adopted as a highway pursuant to the Highways Act 1980 or declared to be a walkway under the Greater London Council (General Powers) Act 1969 and be subject to the provisions of a Walkway Agreement made between the Council and the Board

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- (8) Unless and until the Developer has acquired ownership and control of the Green Land the Developer will provide or procure the provision of rights of access to the Green Land from Lots Road Bridge between the points marked A-B on both Plans 1 and 2 so that if necessary it may be developed separately from the remainder of the Site
- (9) (a) After the expiration of the period of seven years from the date hereof they or their successors in title will release or procure the release of that part of the Site shown cross hatched red on Plan 2 and if it should have acquired the Green Land that part of the Green Land also shown cross hatched red on Plan 1 as and when required by the Council or the relevant highway authority on the Council or the relevant highway authority first giving to the Developer not less than fourteen months prior notice in writing that the said land is required by the appropriate highway authority for a highway or related works provided always that such notice shall not be given by the Council or the relevant highway authority unless it realistically envisages that such works will commence shortly after the date of the expiry of such notice it being further agreed that prior to the expiry of such notice the Board the Developer or their successors in title shall first have cleared the said land of any buildings erected thereon or procure that the said land is clear of buildings erected thereon and that the said land is transferred to the relevant highway authority at a nil consideration and with vacant possession
- (b) If the land referred to in sub-clause (a) of this sub-clause (9) is transferred as aforesaid but the proposed works have not commenced prior to the Thirty-first day of March Two thousand and six or are constructed or are being constructed by such date in such a way that there is land or there shall be land surplus to requirements then the Council will use its reasonable endeavours to procure that the said land or such surplus land (if the case shall so require) will on demand be transferred to the Developer or as it shall direct at a nil consideration and with vacant possession
- (10) (a) They will make provision in the Development for emergency vehicles buses cycles and pedestrians to gain access through the Site between Lots Road and Townmead Road along the highways shown coloured brown on Plan 2 and so as to discourage the Site being used as a through route for general traffic shall have a twenty-four hour attended control point located at the position shown coloured brown and cross hatched black on Plan 2 or such other method of control to be agreed and maintained to the satisfaction of the Council
- (b) The twenty-four hour control point (or other method of control as agreed) as referred to in sub-clause (a) of this sub-clause (10) shall be managed so as to ensure that only those vehicles and pedestrians mentioned in paragraph (a) of this sub-clause

(10) and private vehicles of those residing or staying on the Site (but not of those working on or visiting the Site) and vehicles essential for internal estate management and security purposes may pass through it

(11) Throughout the period within which works of demolition clearance and construction are carried out:-

- (a) To use their reasonable endeavours wherever possible to remove excavated materials from the Site by means of the River Thames
- (b) To use their reasonable endeavours wherever possible to ensure that no vehicles involved in moving materials from the Site shall use Lots Road
- (c) To consult the Royal Borough regarding any temporary traffic control measures required as a result of the carrying out of such works and to pay the Royal Borough's reasonable costs of introducing such temporary traffic controls
- (d) To ensure that wheel washing equipment is in operation and used by all vehicles leaving the Site
- (e) To clean Lots Road and Townmead Road as and when necessary so that the said highways are kept in a condition comparable to other roads maintained at the Royal Borough's expense and the Council's expense as the case may require

(12) That the Development will be phased so that:-

- (a) None of the residential units in the following blocks that is to say F N W T J P and S on the land edged blue on Plan 1 and CC DD EE and FF on the Green Land shall be occupied until the improvements referred to in Clause 3(5) hereof have been implemented and the carriageway referred to in Clause 3(5) has been constructed to the reasonable satisfaction of the Council provided that the Council may in its absolute discretion waive or vary this condition on giving notice in writing to the Developer
- (b) None of the residential units in the following blocks that is to say A E S P T W FF EE DD and CC shall be occupied until that section of the River Walk adjacent to those units has been constructed in accordance with the Brief marked 'A' annexed hereto to the reasonable satisfaction of the Council provided that the Council may in its absolute discretion waive or vary this condition on giving notice in writing to the Developer
- (c) Block E and Block S shall not both be occupied until such time that a bridge over the Marina entrance has been constructed and is available for use either in the permanent position shown on Plan 2 or such temporary position agreed with the Council so as to form a link between the River Walk in front of Blocks E and S

- (13) (a) That subject only to the Developer in its reasonable discretion taking reasonable precautions for public safety and for security of the Site to make or procure to be made arrangements to be agreed by the Council so as to provide that the public will be able to gain access through the Site to the River Walk so that as each stage of the River Walk is completed it will be opened each end and made available for public use pending subsequent adoption as a highway or declaration as a walkway pursuant to sub-clauses 3(4) and 5(1) hereof but without prejudice to the generality of the foregoing an unrestricted public right of way along the pedestrian route shown marked red on Plan 2 or such route varied as necessary to allow for and accord with the landscaping details of the Development to be approved by the Council in accordance with the terms of the

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