

UTT/2507/11/OP - (Great Dunmow/Little Easton)

PROPOSAL: Demolition of derelict former Brookfield Farmhouse and construction of up to 125 No. dwellings and associated estate roads, garages, car parking spaces, footpaths, cycleways, cycle stores, refuse storage, public open space, landscaping and foul and surface water drainage with pumping station, foul sewer along the B184 and dry balancing pond. Access to the development will be obtained from the un-constructed northern section of the Great Dunmow North West By-pass of approximately 0.55km in length (approved under Ref. No. UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane). Removal of existing spur from roundabout

LOCATION: Sector 4 Woodlands Park

APPLICANT: Bovis Homes Ltd

AGENT: Melville Dunbar Associates

GRID REFERENCE: 562000 223500

EXPIRY DATE: 24 September 2012

CASE OFFICER: Andrew Taylor

APPLICATION TYPE: Major Outline

1. NOTATION

1.1 Outside Development Limits.

2. DESCRIPTION OF SITE

2.1 The site is former agricultural land and has a quoted area of 11.1 hectares. The land is enclosed by the approved route of the bypass and 5.5 hectares is proposed for residential development. It has a curving, almost crescent shape and its northern and western edges are defined by the line of the uncompleted North-West ByPass (NWBP). From the line of the NWBP the site slopes down towards Hoglands Brook on the south eastern boundary and there is an overall slope down from west to east. The changes in level are significant. For example, along the line of the bypass the existing levels rise up from the south west by about three metres to the point of the proposed T-junction into the residential part of the site before descending by fourteen metres to the roundabout on the B184. From the line of the bypass to the south eastern corner of the site there is a drop of about ten to twelve metres. To the south and outside the site are areas of woodland and the playing fields of the Helena Romanes secondary school.

3. PROPOSAL

3.1 This is an outline application for a maximum of 125 dwellings (a density of approximately 23 dwellings per hectare) associated roads, garages, car parking spaces, footpaths, cycle ways, refuse storage, public open space, landscaping, foul &

surface water drainage with pumping station and a dry balancing pond and the construction and opening of the bypass. The application includes details of access. Planning legislation indicates that Access covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

3.2 This application deals with matters of principle and access. Only matters of Layout, Scale, Appearance and Landscaping would be left to be considered at the reserved matters stage i.e.:

- Layout – *the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.*
- Scale – *the height, width and length of each building proposed in relation to its surroundings.*
- Appearance – *the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.*
- Landscaping – *this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.*

3.3 The existing farmhouse (Brookfield Farm) near to the roundabout would be demolished. The application shows one vehicular accesses into the site mid way along the site forming a T-junction with the bypass. As a result of this application the approved design of the bypass would be amended to incorporate a right turn lane for vehicles travelling to the site from the direction of Tesco. A three metre wide cycle path would link this site to the three approved sectors of Woodlands Park. The current access from the roundabout on the B184 would be removed and this area of the site would be landscaped.

3.4 An indicative Masterplan plan shows a suggested layout of the estate. The design and access statement talks of two and two and a half storey dwellings and flats. Indicative elevations show dwelling types similar to those used elsewhere at Woodlands Park.

3.5 The applicant is offering to complete the remaining section of the bypass within a set period of the date of a grant of outline permission. The applicant is proposing to provide 40% (50 units) affordable housing and 3 hectares of additional public open space. If permission is to be granted a S106 agreement will be needed to secure these.

4. APPLICANT'S CASE

4.1 Documents submitted with the application form and drawings are: Design and Access Statement and master plan , Highway Statement, Utilities Statement, Flood Risk Assessment, Archaeological evaluation & field walking survey, Arboricultural assessment and ecological report.

5. RELEVANT SITE HISTORY

5.1 There have been previous applications relating to the bypass and development of the site. The most relevant ones are as follows:

UTT/0710/00/FUL Construction of 1400m of the North West relief road and roundabout on to the B184, access to Sector 3 and Brookfield Farm associated earthworks, re-grading and drainage. Duplicate application UTT/0084/01/FUL. Both approved.

UTT/0711/00/OP (Outline application for) Construction of 300 dwellings and associated roads, landscaping, open space and North West relief road. Appealed on grounds of non determination and appeal dismissed. Duplicate application UTT/0066/01/OP refused.

UTT/0449/02/OP and UTT/0450/02/OP Erection of 100 and 300 dwellings on Sector Three. Approved June 2003 subject to S106 Agreement bringing previous S106 agreements.

UTT/1020/09/OP Demolition of farmhouse, construction of 190 dwellings, associated roads, garages, car parking spaces, footpaths, cycleways, refuse storage, public open space, landscaping, foul & surface water drainage with pumping station & dry balancing pond. Access to the development will be from (i) the un-constructed northern section of the North West bypass of approx 0.55km in length (approved UTT/0084/01/FUL but amended by this application to incorporate a right hand turn lane) & (ii) existing roundabout on the B184.

Refused on 9 August 2010 for the following reason: The site lies outside of development limits where in accordance with Uttlesford Local Plan Policy S7 the countryside is to be protected for its own sake. The proposal fails to comply with this policy and material considerations do not justify an exception to this policy.

Appeal dismissed. Copy of appeal decision attached as an appendix.

6. POLICIES

6.1 National Policies

National Planning Policy Framework for consultation.

6.2 East of England Plan 2006

- EEP – SS1: Achieving Sustainable Development
- EEP – H1: Regional Housing Provision 2001-2021
- EEP – ENV7: Quality in the Built Environment
- EEP – ENG1: Carbon Dioxide Emissions & Energy Performance

6.3 Essex Replacement Structure Plan 2001

None relevant

6.4 Uttlesford District Local Plan 2005

- ULP Policy S7: The Countryside
- ULP Policy GEN1: Access
- ULP Policy GEN2: Design
- ULP Policy GEN3: Flood Protection
- ULP Policy GEN6: Infrastructure Provision to Support Development
- ULP Policy GEN7: Nature Conservation
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy E4: Farm Diversification: Alternative use of Farmland
- ULP Policy ENV2: Development affecting Listed Buildings
- ULP Policy ENV5: Protection of agricultural land
- ULP Policy ENV10: Noise Sensitive Development

- ULP Policy ENV13: Exposure to poor air quality
- ULP Policy ENV15: Renewable Energy
- ULP Policy H9: Affordable Housing
- ULP Policy H10: Housing Mix
- ULP Policy T1: Transport Improvements

6.5 Supplementary Planning Guidance

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

7. PARISH/TOWN COUNCIL COMMENTS

Great Dunmow Town Council

- 7.1 19 January 2012 - Council objected to planning application UTT/1020/09/OP on 30th November 2009 and although this application presents fewer houses and some community benefits by way of a Section 106 agreement, the Council OBJECTS to planning application number UTT/2507/11/OP on the following grounds:

The Local Plan

The proposed development is outside the development limits as defined in the adopted Uttlesford Local Plan and is contrary to Policy S7 of the Plan.

The Bypass

The completion of the North West Bypass is already covered by a S106 agreement tied to the development of a previous phase of Woodlands Park. To accept this new application with its associated S106 agreement would set an undesirable precedent.

Sustainable Development

The site is detached, isolated and inaccessible to amenities and facilities of the town. It lies some 1.8Kms from the market place. The nearest primary school is 1.5 Km. Good practice in sustainable development requires new facilities to be within 800m. This means that, in order for the new development to conform to current good practice in sustainable development, it will be necessary to provide community facilities such as, medical facilities, social facilities (pub, community hall / meeting place); community open space; a local shop – in fact, all of the things which together form the ‘hub’ of a settlement, which are part of good ‘place making’.

Local schools and doctors’ surgeries are either at, or reaching, capacity and Helena Romanes School anticipates steady growth and the need to expand in the coming years.

Sustainable Travel/cycle routes/footpaths/public open space

There are no proposals to encourage sustainable travel, through minimising use of the car, creating walking and cycle routes around, and in to the town, from the new estate. Allowing this development in the format proposed would compound the regrettable lack of such facilities on Woodlands Park. The site layout should allow for more public open space, footpaths, cycle ways, and minimise use of the car through siting new local facilities for this development, and for the Woodlands area in general. The bypass should have a joint user footpath/cycleway/bridle path running along it as has been suggested by Sustrans and Essex Bridleways Association, to allow more to gain safe access to the Flich Way and the Chelmer Valley in general.

In these respects, the proposed development singularly fails to meet 'good practice' in terms of sustainable development;

The Countryside/linkage to Little Easton

The site is significantly elevated from the B184 road to Thaxted. The proposals will result in a significant urban intrusion to this largely rural part of the town, which is largely characterised by Beaumont Hill, the ponds, with views across fields, to the Chelmer valley. The importance of the urban 'edge' of this part of the town is particularly important, and this is stressed in the Town Design Statement. If implemented, the proposals will effectively link Gt. Dunmow with Lt. Easton village, setting a dangerous precedent.

This was the Inspector's over-riding objection to the previous application which led to the appeal being dismissed, and the issue is not addressed by this new application.

Helena Romanes School/B184 congestion

Any future development of this land must allow a vehicular access to the playing field of Helena Romanes School and thus to the main hub of the school. The school is expanding and vehicular access is extremely limited via the B184/Parsonage Downs causing disruption to traffic in the town at school start and finish times. A development such as that proposed will severely limit the expansion of the school and will result in a diminution of playing fields when additional teaching accommodation, driven by greater numbers of housing is, through necessity, built on the School's playing fields.

Town Design Statement

The application fails to respect principles and guidance in the Dunmow Town Design statement (agreed and adopted by the District Council) and, as previously stated, it is contrary to the adopted Local Plan.

UDC Local Development Framework/GDTC Neighbourhood Plan

The emerging UDC Local Development Framework will involve public consultation on a district wide basis on sites being put forward for development. In addition the Town Council has embarked on a neighbourhood plan with the support of UDC, which will also concern itself with site allocations.

For both projects to be meaningful the community must be allowed to come to a view about the options for the future development over the whole of Great Dunmow.

In view of the above this council feels it would be premature to support this application.

Environment/Wildlife

The proposal represents an unacceptable loss of countryside and would have an adverse impact on wildlife, including Daubenton bats and Great Crested Newts.

Any application for development should be accompanied by a recent environmental impact assessment, up to national survey guidelines, along with any necessary surveys dictated by district and national policy should be carried out to ensure there would be no adverse impact on the ecology of the site and the surroundings by such development.

Further comments 9 July 2012 – Reiterate its objection.

Little Easton Parish Council

7.2 9 January 2012 - The Parish Council strongly objects to the application for this island site within our parish boundary. Our initial response is based on our strong objection to the previous application for this site, the planning appeal decision on APP/C1570/A/11/2146338 by Inspector John Head, 25th August 2011 and reasons for refusal of an outline application of just 7 homes in Duck Street in July 2011.

- A development at this location would result in the coalescence of Great Dunmow and Little Easton and therefore we find the location of the application to be unacceptable. In dismissing the previous appeal in August 2011, the Inspector stated, “This gap is important in providing some physical and visual separation between the built-up areas of the two settlements and preventing an impression of them merging together”.
- The proposed site is outside the development limits of Great Dunmow and Little Easton and does not comply with UDC Local Plan Policy S7, without any valid reason to allow an exception.
- The site is not sustainable. In dismissal of the recent appeal, the Inspector stated “the site does not score highly on environmental sustainability. It is not a suitable site for housing.” On visiting the site last June, he found the site to be “over 1.5km from shops and services in the town centre and is almost as far from the Tesco superstore and Great Dunmow Primary School”. The only facilities in Little Easton are a church, a public house and a village hall and none would be within reasonable walking distance of the application site.
- Construction on the Woodlands Park development ceased in June 2008 although permission exists for a total of 1253 homes of which less than half have been delivered. Homes constructed prior to this date still remain unsold, whereas new developments such as Rosemary Lane, White Street and Springfields have proved popular. The Wickford Development homes are constructed to an award-winning high standard; they are priced competitively, with incentives, and marketed by an on-site sales office, open 7 days a week. In addition, they are marketed through a prominent Estate Agency in the Town Centre. It can only be concluded that the comparatively low demand for the more recent additions to the Woodlands Park estate is due to the fact that the unsold properties lie some distance from the primary school and Tesco store and even further from the amenities of Great Dunmow Town Centre.
- The Masterplan proposes an urban development on an elevated site at the entrance to our village, comprising of 2 and 2 ½ storey buildings with a proportion of high density development. There is a proposed area of open space but this is also balancing pond. The proposal is in stark contrast to the rural character of our parish and we consider it to be unacceptable. The existing settlement includes a many timber-framed cottages, some being Grade II listed, a Grade I listed church and other historical features. Little Easton is a rural parish comprising 182 homes and a population of approx 338. The construction of an urban development of 125 homes within our parish would also cause problems of community identity.
- The only other relevant planning decision to which we can refer is UTT/0591/11/09 where the refusal reason for just 7 homes in Duck Street was “The application site is located within the countryside beyond defined village development limits for Little Easton. As such, the proposal would be contrary to government advice contained within PPS1, PPS3 and PPS7 and would also be contrary to ULP Policy S7 of the adopted Uttlesford Local Plan which seeks to protect the countryside for its own sake in addition to being contrary to ULP Policies S3 and H3. Additionally, no overriding need has been demonstrated by the applicant for the proposed development to take

place at this site". We consider these reasons to be all-the-more relevant to an application further removed from development limits and far removed from existing settlements.

- The remaining stretch of the by-pass, where access to the new development is proposed, is desired but is due to open when triggered by a legal agreement. This was a condition of planning permission granted previously and is mentioned as criteria to be met under GD5 in the adopted Local Plan. An earlier completion date should not be agreed as any part of permitting a wholly unacceptable new development.
- The Parish Council is aware that great crested newts are present on the adjoining land at Newton Hall, as confirmed in reports relating to UTT/0474/FUL, and there is a strong possibility that they are present on the application site. When consulted on the previous application, Natural England recommended further surveys and Essex Wildlife Trust, in its objection, commented that there was insufficient information on protected species. We note that no such surveys have been carried out.

Additional comments 11 July 2012 - Little Easton Parish Council (LEPC) has been consulted on receipt of the updated environmental surveys regarding the Sector 4 Woodlands Park planning application. We wish to add further comments, in addition to those sent to you on 9th and 27th January 2012.

LEPC reiterates its points of strong objection to this application and it remains our position that there is nothing in this application that could mitigate the damage this proposal would certainly inflict on this sensitive site.

LEPC notes that, yet again, confirmation has been given that Great Crested Newts and other protected species are present in areas adjacent to the application site, although coverage of the actual site and surrounding land was incomplete.

Since our last correspondence, more public consultation has taken place on the possible development sites in the Uttlesford District. Initial sites in and around Great Dunmow included this application site. Data from the public consultation provides evidence that public opinion is firmly against development to the north of the town and evidence is particularly strong in opposition of this specific site.

As part of the formation of the new LDF, a public exercise was conducted by UDC which gave residents attending open days and local forums the opportunity to indicate with red and green dots on a map where development was favoured or opposed. This potential site was opposed by the vast majority of the participants and from this UDC has identified three policy areas to the south of the town. The June 2012 Draft Local Plan consultation provides site allocations for the new homes required to be built in the next 15 years.

Another conclusion of the consultation is the need for developers to provide recreational public open space, including the provision of children's play spaces, within new developments. There is no such provision as part of this application and no payment is offered to LEPC for provision of these facilities or the intense maintenance schedule associated with the proposed planting scheme.

Furthermore, LEPC disputes findings of the Ecological Assessment dated 22nd June, that Policies ENV3, 7 and 8 are satisfied and we find the applicant's arguments unconvincing.

The developer claims that “more than 3 ha of the 11.1 ha of the whole scheme has been set aside for sympathetic landscaping and planting designed to improve the biodiversity at the local level and with the addition of individual planted gardens it is considered that this habitat loss would be negligible and more than compensated by the new development proposals, being a significant positive impact at the local level.” Observations in the most recent submission of Essex Wildlife Trust differ significantly from the developer’s opinion.

The developer seems to deploy methods of double- and even triple-counting when referring to its provision of open space. Depending on the argument it seeks to make, the land on which there is no proposal to build houses is at times a public recreational space, at times a balancing pond and also an enhanced nature reserve.

LEPC would ask that these additional comments are taken into account, along with the report submitted by the Essex Wildlife Trust.

8. CONSULTATIONS

Essex Police Architectural Liaison

- 8.1 Essex Police have no objection to this application but would seek conditions on planning approval, these being
- 1) all new builds achieve Secured by Design Certification and applicant to work with Essex Police ALO service to achieve certification.
 - 2) provision of a youth shelter to be installed on open space within the Woodlands Development site following consultation with local residents and police and within 1 year of first 50 units being handed over.

Natural England

- 8.2 *6 January 2012* - This application is in close proximity to High Wood, Dunmow Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

The lack of further comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may be able to make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process.

However, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:

Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

The following link to some guidance Natural England Standing Advice on our website has been produced to help the authority better understand the impact of this

particular development on protected or BAP species should they be identified as an issue at this site and whether following receipt of survey information, the authority should undertake further consultation with Natural England.

We note that a Phase 1 Habitat Survey dated November 2008 and a Bat Survey dated August 2009 has been submitted. We advise that because of the potential obsolescence of the survey information provided and the location and features within the site further surveys should be conducted prior to the determination of the application. This should include an updated Phase 1 survey and Bat Survey, and any other recommended/following surveys. Further information about the periods of time that survey data is acceptable can be found at the link below.
<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/sandingadvice/faq.aspx>

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

- 8.3 *16 January 2011*- Further to our conversation on 13 January 2011, and our letter dated 6 January 2012 I can confirm that we have looked at the correspondence from Landscape Planning dated 2 December 2011.

Natural England's Standing Advice for protected species includes the following guidance in relation to survey timing, and the periods for which survey results are valid:

8. How up to date does a survey need to be?

8.1 Surveys should not be over 2-3 years old for medium to high impact schemes or multi-plot or phased developments. Where a European Protected Species licence is to be applied for once planning permission has been granted, Natural England now expects applicants to carry out a walk-over of the development site within 3 months of an application being submitted to check that the habitats have not changed significantly since the survey was carried out .

<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/faq.aspx#q8>

Because of the types of habitat within the site and the age of the current surveys, we would recommend that sufficiently comprehensive surveys should be conducted **prior** to determination (e.g. updated Phase 1 Survey and any other recommended additional surveys for individual species), therefore our advice in our letter dated 6 January 2012 remains applicable.

- 8.4 Additional comments 11 July 2012 - This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

Natural England's advice is as follows:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application in the same way as any individual response received from Natural England following consultation and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that the following European protected species may be affected by this application: Bats and Great Crested Newts.

Our standing advice sheets for individual species provide advice to planners on deciding if there is a „reasonable likelihood“ of these species being present. They also provide advice on survey and mitigation requirements.

The standing advice has been designed to enable planning officers to assess protected species surveys and mitigation strategies without needing to consult us on each individual application. The standing advice was issued in February 2011 and we recognise that it will take a little while for planners to become more comfortable with using it and so in the short-term will consider species surveys that affect European protected species against the standing advice ourselves, when asked for support by planners.

We have not assessed the survey for badgers, barn owls and breeding birds¹, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

How we used our standing advice to assess this survey and mitigation strategy

We used the flowchart on page 10 of our Standing Advice Species Sheet: Bats beginning at box (i). Working through the flowchart we reached Box (vii) – We determined that No, the application does not involve a medium or high risk building as defined in our standing advice. This took us to Box (iii). Box (iii) advises the authority that “Permission could be granted (subject to other constraints)” and that the authority should “Consider requesting enhancements”.

We used the flowchart on page 8 of our Standing Advice Species Sheet: Great crested newts beginning at box (i). Working through the flowchart we reached Box (ix) - Using the table at 6.5 (which is on page 35 out of 77) of the Great Crested Newt mitigation guidelines we looked at the survey report and determined that the report was not clear enough to decide whether the scale of impact is low and if mitigation has been provided that will: ensure no net loss of habitat in terms of quantity and

quality maintain habitat links secure long-term management of the site for the benefit of newts. We advise that the applicant should provide further information. For future applications, or if further survey information is supplied, you should use our standing advice to decide if there is a “reasonable likelihood” of protected species being present and whether survey and mitigation requirements have been met. If you would like any advice or guidance on how to use our standing advice, or how we used the standing advice to reach a conclusion in this case, please contact us on the number above.

This advice is given to help the planning authority determine this planning application. On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of Bats and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

BAA Airports

- 8.4 The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding unless any planning permission granted is subject to a condition. (NOTE: Added as condition 21)

We would also like to make the following observations:

- Large numbers of feral geese have been recorded at Little Easton
- If attenuation times for the ponds exceed 24 hours the following mitigation will be required:
 - If permanently damp they should be planted as a reed bed (phragmites australis is the preferred reed as it does not die back in winter)
 - If deeper water is retained for longer periods, ponds should have steep sites and a continuous border of dense marginal planting
 - Goose proof fencing should be erected while vegetation is being established
 - Surrounding grassland to be kept long
 - Bird management plan to be put in place that includes zero tolerance of breeding feral geese and not more than 5 birds on the site at any one time.

We therefore have no aerodrome safeguarding objection to this proposal providing that the conditions are applied to any planning permission.

Further comments 4 July 2012 – No objection

NATS

- 8.5 No safeguarding objections to the proposal.

Essex Bridleways Association

- 8.6 The Essex Bridleways Association (EBA), a charity whose aims include the creation of rights of way suitable for non motorised users including horse riders, cyclists, carriage drivers, walkers and wheelchair users.

My submissions are concerned with the applicants undertaking to complete the north west bypass and to provide cycle routes within the proposed development. At the southern end of the bypass a path with an all weather surface accessible via kissing gates has been constructed. It runs parallel to the west side of the bypass behind a hedge and within an area landscaped with grass and trees. Further north the bypass is crossed by public footpaths.

The kissing gates mean that this new path cannot be used by cyclists, wheelchair users, pushchairs, horse riders or carriage drivers. However with a little additional work this path could be made available for the enjoyment of all non motorised users.

Once the bypass is opened it will by general agreement be a very busy road unsuitable for vulnerable road users such as children, wheelchair users, cyclists, horse riders or carriage drivers.

It is not clear whether the applicant proposes to extend this new path to run the length of the bypass to link up with the roundabout at Bowyers Bridge. The plans show cycle tracks to the east of the bypass and cycle routes within the proposed development.

I submit that if the planning authority is minded to grant the application, planning permission should be conditional on the applicant first (and before any houses are built) constructing a safe multi user track separate from the bypass and with safe crossing points to link the south end of the Woodlands Park Development (at Tesco) with the Bowyers Bridge Roundabout. Furthermore that all cycle tracks within and associated with the development be constructed as tracks suitable for use by all non motorised users.

This would accord with the governments current views on integration of use of off road networks as expressed by Richard Benyon MP, Minister for Natural Environment and Fisheries in June when he stated that cycle routes should be made available to horse riders and specifically that Multi User routes have been shown to be readily adopted and well appreciated by local people. . .they bolster community cohesion and create a better understanding between users. (Letter to Anne Main MP concerning the Alban Way).

We already have an example of a popular multi user track in the Flitch Way south of Dunmow which is enjoyed by local residents and visitors all the year round as a safe place to spend time outdoors walking, running, riding and cycling.

A multi user track alongside the bypass would provide a safe link between routes to the south and north of Dunmow. It would also connect the east and west sections of the Flitch Way via existing bridleways and footpaths. It would open up access for Woodlands park residents to the Chelmer Valley countryside to the north of Dunmow and the rights of way to the west of Dunmow (Little Easton lakes, the Flitch Way etc) and would permit residents of Little And Great Easton and Church End with a means to enter Dunmow, travel to school and to Tesco without having to use their cars. As such it would be an extremely valuable addition to the public rights of way network

and be of immeasurable benefit in fostering a sense of connection with the rural landscape whilst promoting sustainable, free, safe opportunities for outdoor exercise.

As Dunmow expands the need to provide residents with free safe outdoor recreational space to play and exercise is imperative. The opportunity to compensate residents of Dunmow for loss of rural areas by creation of safe routes linking the town to the countryside and providing means whereby residents can travel safely to and from different parts of the town without the need to use their car must not be missed.

Essex Wildlife Trust

- 8.7 17 January 2012 - The proposed development site is directly adjacent to part of a Local Wildlife Site (Ufd 224), known as Frederick's Spring; this LoWS complex includes Hoglands Wood, an ancient woodland lying 200m to the south of the development site. In addition, the River Chelmer valley is also within 200m of the development site.

Essex Wildlife Trust objected to a previous application pertaining to this site from the same developer in a letter dated 29 September 2009. In this letter it was pointed out that the close proximity of these designated wildlife sites had been ignored in the Extended Phase 1 Habitat Survey. This fact has still not been acknowledged in the current application which, given the sensitive nature of these valuable wildlife sites, is a serious omission. This complex of habitats is already under severe pressure, having been bisected in recent years by the northern section of the Great Dunmow bypass. Accordingly the Trust wishes, once again, to emphasise most strongly that this proposed development requires an Environmental Impact Assessment under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999: it clearly falls within the category of *other developments which are proposed for particularly vulnerable and sensitive locations and developments with unusually complex and potentially adverse environmental effects*. The justifications for this opinion are documented in *Environmental Impact Assessment: An RTPI Planning Practice Standard*.

An Environmental Impact Assessment must include all designated and non-designated sites; direct impact on the site as a result of the development; and indirect impact on the site through increased activity. All the protected species surveys recommended in the Phase 1 Survey need to be conducted, plus the following surveys:

- Bat surveys of the woodland and a more thorough survey of the buildings on site. This is necessary in order to achieve best practice guidelines as set out by Natural England. A minimum of three repeat visits at the appropriate time of year is essential. This should include an investigation into the perceived impact on bats and their foraging activity and ability. There are reports of significant numbers of bats using the area for both roosting and foraging, including the rare Daubenton's bat.
- A Great Crested Newt survey is required due to the close proximity of potential breeding ponds, which lie within 500m of the proposed development. A private survey of the ponds at Newton Hall, undertaken by the Essex Amphibian and Reptile Group on 15 April 2010, confirmed the presence of a highly significant population of Great Crested Newts. The ponds were described by the Essex ARG (in a letter dated 20 May 2010 to Roger Harborough of UDC) as constituting "one of the largest known recorded colonies of newts found in the Uttlesford District. The population is very significant on a local and county basis". In addition, Great Crested Newts have been recorded in the lake adjacent to the proposed development site.

- A reptile survey is required due to their protected status. Grass snakes have been recorded on land adjacent to the development site.
- Invertebrate survey
- Badger survey (protected under the Badger Act 1997). Badgers have been recorded on land adjacent to the development site.
- Grey Legged Partridge survey
- Brown Hare survey

Predicted impacts must include:

- Increased frequency of traffic
- Light and noise pollution
- Impact and increased disturbance due to increased usage of the Local Wildlife Site through visits by residents, dog walking, etc.

In addition to this mitigation, compensation and enhancement measures must be documented in detail to permit Essex Wildlife Trust to make an informed decision with regard to impacts on protected species.

Non-statutory Local Wildlife Sites, of which there are in the region of 35,000 in England, make a vital contribution to delivering both the UK and Local Biodiversity and Geodiversity Action Plan targets and maintaining local natural character and distinctiveness. They provide important and widely distributed wildlife refuges for most of our fauna and flora and, through their connecting, stepping stone and buffering qualities, support other site networks. The Government's recent Planning Policy Statement on biodiversity and geological conservation (PPS9) reaffirms the importance of the contribution such sites can make to our overall biodiversity objectives.

PPS9 Biodiversity and Geodiversity Conservation states in its key principles:

Development plans and planning decisions should be based upon up to date information about the environmental characteristics of the area. These characteristics should include the relevant biodiversity and geological resources of the area. In reviewing environmental characteristics, local authorities should assess the potential to sustain and enhance those resources.

It is the view of Essex Wildlife Trust that these principles have clearly not been adequately adhered to in this application and the granting of planning permission, based on the incomplete and out of date information submitted, would be in breach of PPS9.

PPS9 also documents the appropriate weighting to be given to Local Wildlife Sites and states:

Sites of regional and local biodiversity and geological interest [...] local nature reserves and local sites, have a fundamental role to play in meeting overall national biodiversity targets, contributing to the quality of life and the well being of the community and in supporting education and research.

Essex Wildlife Trust would also like to bring your attention to Section 74 of the Countryside and Rights of Way Act 2000, which states:

Every minister and Government department has a duty to have regard to the purpose of the conservation of biological diversity in the exercise of its functions; and to take,

or promote the taking by others, of steps to further the conservation of the habitats and species which together are of principal importance for the conservation of biodiversity.

Section 74(7) of the Act defines conservation as including the restoration or enhancement of a population or habitat; this effectively imposes a legal duty on the government to restore threatened species and habitats. Local planning authorities therefore have a duty to protect such areas from inappropriate development and to have due regard for the value of biodiversity.

Many species' populations exist not as spatially isolated groups but as meta-populations (Levins 1969; Hanski 1999), sets of local populations linked by the dispersal and movement of individuals to adjacent populations. Meta-populations have some well understood properties (Hanski 1999). If one or more of the linked patches of habitat are lost (either because the habitat is destroyed, or even if it deteriorates through poor management), surviving populations on adjacent patches may decline (or go extinct), even if surviving patches remain in good condition. As the distance between individual populations increases, larger (or better quality) habitats are needed to maintain viable individual populations.

There are some obvious messages for the design of an effective ecological network:

- (a) Maintaining fragments of surviving semi-natural habitats in good condition matters, not only for the species and individuals currently within them, but also for those on adjacent habitat patches linked as a meta-population, and for other mobile and wide-ranging species.
- (b) Connectivity matters. As populations in a metapopulation or of mobile species become more and more isolated, it is harder and harder to maintain them, even with excellent local habitat management.

Article 10 of the EU Habitats Directive says that:

Member states shall endeavour, where they consider it necessary, in their land use planning and development policies, and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild flora and fauna.

This has been transposed into UK law in regulation 37 of the Habitats Regulations 1994:

For the purposes of the planning enactments...policies in respect of the conservation of the natural beauty and amenity of the land shall be taken to include policies encouraging the management of features of the landscape which are of major importance for wild flora and fauna.

Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.

These planning policies, referred to as "Regulation 37 policies", should be included in land use plans or spatial strategies. Local sites systems contribute to fulfilling this requirement and play an essential role in maintaining the links that join up and support the nationally and internationally recognised sites.

The document *Working With The Grain Of Nature: A Biodiversity Strategy For England* outlines the government's vision for conserving and enhancing biodiversity:

To conserve, enhance and restore the diversity of England's wildlife and geology by sustaining and, where possible, improving the quality and extent of natural habitat, geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.

The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. When granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot be reasonably located on any alternative sites that would result in less or no harm; in the absence of any such alternatives, local planning authorities should ensure that before planning permission is granted, adequate mitigation measures are put in place. Where a planning permission would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, then appropriate compensation measures should be sought; if that significant harm cannot be prevented, adequately mitigated against or compensated for, then permission should be refused.

It is the strongly held view of Essex Wildlife Trust that none of the aforementioned policies and guidelines has been addressed. It is quite clear that the proposed development is inadequately mitigated against and the lack of survey information compounds this problem. It is impossible to mitigate the loss of a species from a site when the extent of the species population on that site is unknown. The Trust maintains the belief that the development can be relocated elsewhere within the district.

The very considerable pressure of expanding development on the wildlife of Essex and the consequent high value of sites such as this one should not be underestimated. Due to the designation of Frederick's Spring/Hoglands Wood as a Local Wildlife Site, it is abundantly clear that the site is of highly significant ecological importance; the proposed development would consequently have a seriously adverse impact, not only on this site, but also on the wildlife of the surrounding area.

Due to the reasons documented above, Essex Wildlife Trust most strongly objects to this proposed development and repeats the request that a full Environmental Impact Assessment be conducted.

- 8.8 Additional Comments 10 July 2012 - Thank you for consulting Essex Wildlife Trust regarding the submission of additional ecological and protected species surveys in respect of the above application.

Whilst we welcome the inclusion of all the appropriate ecological survey information accompanying this proposal, the Trust remains firmly of the opinion that the development would impose unacceptable adverse impacts due to (1) its location in close proximity to Hoglands Wood/Broomhills/Frederick's Spring Local Wildlife Site (Ufd 224) and (2) disturbance and loss of foraging habitat for bats and a significant number of red and amber listed bird species.

The proposed residential development would have a substantial adverse impact on the resident bat population, due to the intrusion of the development footprint into the valuable foraging and commuting habitat along the eastern and north-eastern woodland edges of the site. This intrusion would create permanent and irreversible disturbance through increased noise, lighting and visual disturbance. Whilst the

landscape lighting provided by the developer can be sympathetically designed, domestic lighting is not controlled by legislation and does not require planning permission; given that the rear gardens of properties on the proposed development would abut directly onto the woodland edge, there is the potential for considerable adverse impacts on the resident bat population.

The application site also provides important foraging and display habitat for a number of bird species of high conservation concern, including grey partridge, linnet and skylark; and species of medium conservation concern, including kestrel, green woodpecker, mistle thrush, house martin and swallow. The breeding bird survey concluded that the application site has the potential to support lapwing, common quail and a broad assemblage of farmland birds. The loss of this site would have an unacceptable adverse impact on the aforementioned bird species.

As we pointed out in our letter of 17 January 2012, this complex of habitats is already under severe pressure, having been bisected in recent years by the northern section of the Great Dunmow bypass. The edges of habitats abutting a more hostile environment (in this case, the proposed housing development) often differ markedly in microclimate and other characteristics from the habitat centre (Ries et al. 2004). These edge effects can penetrate surprising distances into a habitat, making them less suitable for many species and effectively reducing the working size of the habitat, which consequently has an adverse impact on biodiversity. For obvious geometric reasons, the proportion of 'edge' increases with smaller sites. The quality of the wider environment surrounding these small areas has very significant impacts on the wildlife within them, because of the 'edge effects' described above. Second, the small size of sites means that many species are unable to reach sufficient population size within them to be self-sustaining.

The application site currently plays an important role through the provision of foraging habitat for important and protected species; additionally, through its buffering and connecting qualities, it acts to link the Local Wildlife Site complex to the wider landscape. Local Wildlife Sites have an important role in supporting populations of species **within the wider landscape**. Such species may not depend on any single site or piece of habitat but rather require a habitat resource which is comprised of numerous patches which are accessible and are potentially parts of a functional network.

Individual sites, such as the application site being considered here, need to be considered in terms of the contribution they make to networks of natural habitats which provide a valuable resource. They can link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment. In order to protect and enhance the biodiversity of an area, it is essential to maintain such networks by avoiding or repairing the fragmentation and isolation of natural habitats; these connecting sites within habitat networks should be protected from development, and, where possible, strengthened.

In conclusion, Essex Wildlife Trust remains opposed to this planning application for the reasons outlined above. We remain firmly of the opinion that this proposal would result in adverse impacts on the Hoglands Wood/Broomhills/Frederick's Spring Local Wildlife Site; adverse impacts on populations of protected species (bats) and bird species of high conservation concern; and an overall reduction in biodiversity both on the LoWS and in the wider landscape.

- 8.8 The Society would like to clarify our position as we feel that the overall objective is to open the by-pass for the reduction of traffic through the town and that an impasse had been reached with Wickford Developments. This application appears to be hurried through with small benefits to the community and an increase in development on land not previously zoned for development.

If Bovis can be held to an incontrovertible agreement to meet the statutory planning regulations and this is not altered or diluted at detailed stage then this could be of benefit to the community. However the time scale given to consider the application means that there are still a number of issues that the UDC should pursue and question.

1. That open green space should be maintained between the bypass and the road to Little Easton and additional planting to screen any houses beyond the new road at the roundabout.
2. That the application should be considered for a longer period to ensure that all the social amenities, public open spaces, landscaping can be inspected and discussed from detailed proposals and plans.
3. The contributions to Essex C.C. and Helena Romanes School should be discussed in greater detail including the improvements to public transport and the relationship to routes and position of bus stops etc.
4. There is no mention of ecological or archaeological research but confirmation should be a statutory requirement.

Our concern is that this application is being hurried through without sufficient information to make an informed decision.

Environment Agency

- 8.9 We consider that planning permission should only be granted if the planning conditions, as set out below, are appended to any permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Flood Risk

Surface Water Management

The proposed development lies within Flood Zone 1, the low risk zone, as defined in Table D.1 of PPS25 and illustrated by our Flood Zone maps. Whilst the site is outside the floodplain, development in this category i.e. operational development greater than 1 hectare, can generate significant volumes of surface water. The impact and risk posed by this will vary according to both the type of development and the characteristics of the catchment and needs to be addressed by a Flood Risk Assessment (FRA).

A FRA, reference number DJB/1905E, dated May 2007, was submitted in support of this planning application. After careful consideration we recommend conditions are appended to any planning permission granted.

Foul Water Disposal

We refer to the Utilities Statement, dated December 2011, submitted in support of the planning application.

It is proposed to dispose of foul water into the main sewer network which is served by Great Dunmow STW. We recommend that Anglian Water is consulted to ensure that there is adequate capacity within the main sewer network and the receiving wastewater treatment works.

We noted under previous planning application UTT/1020/09/OP that Anglian Water stated that they could accept a foul flow from the previously proposed 190 units on the development to the public foul sewer in Thaxted Road. We commented at the time that it was not clear whether the response from Anglian Water indicates that there is capacity for flows within the sewer only or both the sewer and the sewage treatment works (STW) and your Authority may still wish to clarify this.

Your authority should also be aware that the Uttlesford Water Cycle Study (11 September 2009) (WCS) has highlighted that there is insufficient capacity at the Great Dunmow STW to accommodate the flows from the proposed growth. The WCS specifically highlights that completion of the existing allocations at Woodlands Park will exceed process capacity and consented volumetric capacity. It is likely that significant investment will be required at the works to deliver the upgrades required, which may have implications for deliverability. It may be that the quality consent standards required to accommodate the increased flows will be beyond 'best available technology not exceeding excessive costs'.

We commented under previous application UTT/1020/09/OP that we understood from a Water Cycle Study Steering Group meeting held late 2009 that plans to extend Great Dunmow STW at the end of AMP 5 have been included within Anglian Water Service's final business plan. We understand that the growth profile delivered by your authority, which may possibly include this development, may be able to be taken into account when designing the upgrade.

We acknowledge that there has been a significant reduction in the proposed number of dwellings on site from 190 to 125 and so this will reduce the amount of foul water produced. That said, we still recommend that your Authority clarify the above with Anglian Water to ensure that there will be sufficient capacity within the STW for the proposed development. This is alluded to in section 3 of the Utilities Statement.

Should planning permission be granted, your Authority may wish to condition that foul drainage details are submitted.

Ecology

The land to be developed is of low ecological interest due to its past agricultural usage. The ecological assessment includes a bat survey and an extended Phase 1 survey. The bat survey found no evidence of activity in any buildings to be demolished, although only one survey was undertaken. We suggest that it would be advisable to contact the Essex Field Club county recorder for mammals to provide more accurate baseline bat data than is currently included in the report.

The report mentions the need for further surveys of bats in the crack willow, great crested newts and reptiles, these are to be welcomed and should be completed and mitigation conducted before development proceeds, as discovery of a protected species would mean a halt to the works and consultation with Natural England.

Green and Blue Infrastructure

A consideration of both green and blue infrastructure is an important component in the adaptation to climate change. Green infrastructure is defined in PPS 12: Local Spatial Planning as 'a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities'.

Blue infrastructure (e.g. rivers, streams, ponds, wetlands) concerns the management and development of water sources and resources. It forms an integral component of green infrastructure; its primary function is to convey water but it also has an important range of secondary functions including biodiversity and amenity.

Green infrastructure is capable of being incorporated within all scales of development including individual properties and neighbourhoods. Types of green infrastructure including green walls, green roofs, providing a bird box for every apartment / house, and incorporating a built-in growing plot on apartment balconies can be used at the level of individual buildings. Other wider approaches include maximising areas of water, providing a range of environmental conditions (including moist, dry, and semi natural habitats), and incorporating nectar rich vegetation to benefit butterflies.

There are many benefits associated with green and blue infrastructure and the adaptation to the impacts of climate change, including:

- Reducing the impact of urban run-off by reducing surface flow;
- Safeguarding areas for biodiversity and creating or retaining links between urban and rural areas;
- Improve water quality and attenuation; and
- Provide shading to buildings and outdoor spaces;

Establishing ecological corridors and networks helps to form more ecologically resilient landscapes. The ability to design a joined up strategic approach green and blue infrastructure network provide important connectivity to allow species to move around which will be important in the adaptation to climate change.

Designing and incorporating green and blue infrastructure into all scales of development, will form an important part in adapting to the impacts of climate change. We would encourage you to consider opportunities for incorporating green and blue infrastructure within your development.

Further guidance can be found on the Town and Country Planning Association website at <http://www.tcpa.org.uk/pages/climate-change-adaptation-by-design.html>

Land Contamination

We consider that the controlled waters at this site are of low environmental priority, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports should be followed.

Sustainable Development

In order to minimise the use of resources and the production of waste, we suggest the development incorporates principles of sustainable construction and design.

This can include the use of passive systems using natural light, air movement and thermal mass, as well as using energy produced from renewable sources. In addition to this, there is the opportunity to install water efficient and water saving devices in the proposed development. Water butts, low flush toilets and efficient appliances would be obvious measures but there may be opportunities for more innovative technologies such as grey water recycling.

Pollution Control

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. All washdown and disinfectant waters shall be discharged to the foul sewer. Any detergents entering oil separators may render them ineffective.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Further comments 9 July 2012 – Under the Wildlife and Countryside Act 1981 LPAs should take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

We note the findings of the report in that the habitat suitability results indicate that all ponds within the immediate surround have the potential to support populations of great crested newt. We support the approach of contacting Natural England for the relevant licence as required by legislation. We support the approach of safeguarding and protecting newts during the construction process and to minimise future and cumulative impacts upon the significant local great crested newt population. Your authority may wish to consider appending a suitably worded condition to cover the suggestion of producing a strategy.

CPRE

8.10 On behalf of the Essex Branch of Campaign to Protect Rural England I write to strongly object to the application for the following reasons:

- A development at this location would result in the coalescence of Great Dunmow and Little Easton which would lead to a loss of identity of the two settlements. I understand that in dismissing the previous appeal in August 2011, the Inspector had similar concerns and stated, “This gap is important in providing some physical and visual separation between the built-up areas of the two settlements and preventing an impression of them merging together”.
- The proposed site is outside the development limits of Great Dunmow and Little Easton and does not comply with UDC Local Plan Policy S7, without any valid reason to allow an exception.
- The site is not sustainable. In dismissal of the recent appeal, the Inspector stated “the site does not score highly on environmental sustainability. It is not a suitable site for housing.” On visiting the site last June, he found the site to be “over 1.5km from shops and services in the town centre and is almost as far from the

Tesco superstore and Great Dunmow Primary School". The only facilities in Little Easton are a church, a public house and a village hall and none would be within reasonable walking distance of the application site.

- We have doubts regarding the need for another housing development so close to the Woodlands Park development in Great Dunmow which we understand continues to have unsold properties available and planning permission for more.
- The application proposes a large development which in terms of its scale and architecture would be out of keeping with Little Easton's existing historical features, village identity and rural setting.

Anglian Water

- 8.11 The foul drainage from this development is in the catchment of Great Dunmow STW that will have capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water.

ECC Highways

- 8.12 The Highway Authority would not wish to raise an objection to the above application subject to various S106 requirements and conditions. The measures are required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1, GEN2 and GEN8.

ECC Ecology Officer

- 8.13 I support the recent advice relating to this planning application from Natural England.

Extended Phase 1 Habitat Survey and protected species

The Extended Phase 1 Habitat Survey was undertaken in 2008 and is therefore now out of date. It should be undertaken again prior to determination. The report should follow guidelines set out by the Institute of Ecology and Environmental Management <http://www.ieem.net/>. It should include desk based data and a clear colour Phase 1 map.

The above mentioned 2008 survey recommended additional surveys for European Protected Species- a bat survey of derelict buildings and crack willow, great crested newts. It also recommended a reptile survey which is a nationally protected species. Of these only the bat survey for the buildings for carried out. It also identified the possibility of nesting birds on the site. It is likely that these surveys will need to be undertaken/ re-done prior to determination, though this may depend on the outcome of the revised Extended Phase 1 Survey.

Bats and Great crested newts

Great crested newts and all species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 making Great crested newts and all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act
- <http://www.legislation.gov.uk/ukpga/1981/69/contents>
- The Countryside and Rights of Way Act:
http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2010
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Reptiles

The adder, common lizard, grass snake and slow worm are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). The sand lizard and smooth snake are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 making them European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act <http://www.legislation.gov.uk/ukpga/1981/69/contents>
- The Countryside and Rights of Way Act:
http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2010
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Natural England's Standing Advice can be found at:
http://www.naturalengland.org.uk/Images/Reptile%20feb11_tcm6-21712.pdf

Birds

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the barn owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young.

I refer you to the Natural England Standing Advice
<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx> (see protected species 'Decision Tree') which endorses the need for information to be assessed prior to determination, as does PPS9. Please refer you to Part IV of the Circular:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147570.pdf>.

This is reiterated on the FAQ page of NE's Standing Advice:
<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/faq.aspx#q6>

6. Can a survey be conditioned?

6.1 ODPM Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System' advises that surveys should only be conditioned under exceptional circumstances. The presence of protected species is a **material consideration** when a local authority is considering a planning application that could affect a protected species. If surveys are not carried out before planning permission is granted there is a risk that not all material considerations will have been addressed (see paragraphs 98 and 99).

6.2 There are some occasions when it is appropriate to condition surveys, usually where additional surveys are likely to be required but only if the full impacts of the proposal are understood at the planning application stage. Further survey work may be required for instance to inform the detailed mitigation, or where there may be a time lag between granting of permission and the development commencing. In these cases, a condition could be used to secure additional/updated ecological surveys to ensure that the mitigation is still appropriate for the current situation. This is particularly important for outline applications or multi-phased developments.

Ufd224 Hoglands Wood/ Broomhills Local Wildlife Site (Local Site)

The proposed site is adjacent to Local Wildlife Site (LoWS) Ufd224 Hoglands Wood/ Broomhills, designated predominantly for its ancient woodland, as well as some wetland areas. The LoWS abuts the proposed development site and therefore its potential impact upon the LoWS should be considered within the planning application. I assume the Essex Wildlife Trust has been consulted? The proposed development is also relatively close to the River Chelmer and impact of such a large development on the river- as well as general drainage- should have been considered.

I refer you to PPS9

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>, which states:

9. Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education.

Natural Environment and Rural Communities Act 2006 (NERC Act)

Section 40 of the NERC Act states that:

'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'

Section 40(3) also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Section 41 of the NERC Act states that the Secretary of State will produce a list of living organisms and types of habitat which are of principal importance for the purpose of conserving biodiversity. Details of the habitats and species contained within the Section 41 list

Requires an Environmental Impact Assessment.

I note that an EIA has been proposed by a local resident, but assume that you have already considered and dismissed the need for one.

Landscaping

The developer might wish to use the landscaping scheme to help mitigate impacts upon potential protected species and the neighbouring Local Wildlife Site (depending on the outcome of the future wildlife surveys) and therefore the consultant ecologist should be used to help design any landscaping scheme for the proposed development. This should include future management details (details of which could be agreed post planning permission).

Additional comments 11 July 2012 - No objection subject to the following conditions

Thank you for sending me additional ecological surveys for this site. Reference is made below to the following surveys, all dated June 2012.

- Bat Survey Report
- Breeding Bird and Activity Survey Report
- Entomology Report
- Great Crested Newt Survey
- Reptile report
- River Suitability Investigation
- Ecological Assessment
- Ecological Appraisal

The site is predominantly semi improved grassland and is clearly valuable for biodiversity, particularly as it is adjacent to a range of habitats which can support a number of protected and other species. As the Bird Report states, "the site has high ecological interest owing to the wider landscape and proximity to both locally designated sites in the form of remnant ancient woodlands of Broomhill, Hoglands, Fredricks, Grace's woodlands, and given the wider foraging resource of the Chelmer Valley..." The most sensitive part of the proposed development site is that bordering these habitats adjacent to the eastern boundary. Without sufficient mitigation the adjacent Ufd224 Hoglands Wood/ Broomhills / Frederick's Spring Local Wildlife Site (LoWS) will be adversely affected.

Without sufficient mitigation various legally protected species could be adversely affected either during construction and / or by the completed development, including great crested newts, bats, breeding birds, reptiles, otters, white clawed (native) crayfish and water voles, as well as terrestrial invertebrates. Please note that I have not seen the areas shaded out within the Ecological Assessment.

Great Crested Newts

Despite less than optimum survey conditions a medium population of breeding great crested newts was found to be present on the adjacent land. The proposed development site is considered to contain terrestrial foraging and dispersal habitat which will be adversely affected by the proposals.

A development licence for this European protected species will be required from Natural England. The Great Crested Newt Survey Report recommends that the licence:

“... will encompass a Mitigation and Design Strategy to ensure that the development is undertaken in accordance with safeguarding and to protect newts during the construction process and to minimise future and cumulative impacts upon the significant local great crested newt population. The focus of this strategy will be based on exclusion and corridor enhancement to further facilitate dispersal.”

Bats

The Bat Survey Report states that, *“The eastern boundary provides a valuable foraging / commuting route and is anticipated to support high levels of insect activity given the proximity of numerous standing and flowing water bodies / courses. The survey results indicate that this habitat supports foraging Common Pipistrelle, Soprano and Myotis spp. bats.”*

The boundary trees have a high potential to contain bat roosts but no roosts were found on the boundary trees or within the buildings on site. A Natural England Development licence European protected species is therefore not required. The boundary trees were used for foraging and roosts are present on the adjacent land as well as foraging habitat.

The recommendations within the report should be conditioned, including ensuring appropriate lighting and ensuring that the area is protected during construction and beyond. For further information regarding lighting please refer to Appendix 2 of the report. All boundary trees should be retained.

Breeding Bird and Activity Survey Report

The report states that, *“The site has high ecological interest owing to the wider landscape and proximity to both locally designated sites in the form of remnant ancient woodlands of Broomhill, Hoglands, Fredricks, Grace’s woodlands, and given the wider foraging resource of the Chelmer Valley it is therefore considered that habitats found on site provide a wider resource for foraging birds.....”*

“The developer has informed Landscape Planning Ltd that a provision will be made to establish a wildlife corridor along the northern edge of the site. They will also provide a larger green open space to further enhance the ecological potential of the finished development and suggest a site wide management plan would be beneficial in the creation and management of new habitats.....”

A detailed habitat creation and long-term management plan should be provided to assist this”

The site was found to be used by a good number of species of bird. A suitably worded planning condition to cover the following recommendations within the report should be attached to any planning permission:

- A suitable buffer between the proposed development and the boundary of the LoWS
- Nest boxes
- Retention of areas of grassland, particularly on the margins, but also within the site.
- Creation of rough grassland
- Appropriate landscape planting to encourage numbers of diversity of bird usage

- Incorporation of biodiversity within the development
- A detailed habitat creation and long-term management plan

Entomology Report

The above report recommends:

- Creation of flower-rich grassland ought to be undertaken in an alternative area within a kilometre of the site
- Limited species sampling should be undertaken during summer 2012 to guide appropriate levels of mitigation. The Ecological Appraisal states that additional surveys have been commissioned.

Reptiles

The eastern boundary is suitable for reptiles, but the centre of the site is suboptimal. A grass snake was found on the eastern boundary indicating a small population. No common lizards or slow worms were found during the surveys. Conditions should include the following:

- A detailed habitat enhancement scheme to be provided at the detailed design stage through a Method Statement and Mitigation Strategy to safeguard any reptile population utilising the site.
- Any reptiles present will require trapping and translocation to a suitable donor or receptor site, set away from the proposed development. Details are included within the report.

River Suitability Investigation

Potential impacts to water vole populations are listed on page 15 of the above report.

Conditions should ensure that:

- Maintenance of the edge habitat of the site and current boundaries bordering water courses during and throughout the construction process.
- Watercourses are maintained and protected during construction process by the use of a construction management plans and adherence to current construction guidance
- A suitable buffer zone is maintained along the confluence of Fredrick's Brook, to minimise pollution incidents and full reference is made by operatives to current safe construction practices in regards to water bodies (CIRIA C532 2001).

Planning conditions

Should you be minded to grant planning permission to the above proposals I recommend that you include a number of suitably worded conditions. A summary of condition requirements outlined in the above reports is set out below:

- Protection of the Local Wildlife Site during construction.
- Maintenance of the edge habitat of the site and current boundaries bordering water courses during and throughout the construction process.
- Watercourses are maintained and protected during construction process by the use of a construction management plans and adherence to current construction guidance
- Maintenance of a suitable buffer zone along the confluence of Fredrick's Brook, to minimise pollution incidents and full reference is made by operatives

to current safe construction practices in regards to water bodies (CIRIA C532 2001).

- Method Statements and a Mitigation and Design Strategy.
- A detailed habitat creation and long-term management plan with sufficient long term funding.
- All boundary trees to be retained
- Appropriate lighting scheme (for birds and bats)
- A suitable buffer between the proposed development and the boundary of the Local Wildlife Site.
- Retention of areas of grassland, particularly on the margins, but also within the site.
- Creation of rough grassland
- All vegetation removal to be timed to avoid the bird nesting season.
- Nest boxes for bats and birds
- Appropriate landscape planting to encourage numbers of diversity of bird usage
- Incorporation of biodiversity within the development

In addition,

- Access to the Local Wildlife Site from users of the new development must be prevented.
- There should also be a covenant on any gardens backing onto the border of the LoWS preventing inappropriate lighting.
- Should there be a delay to the start of the development a revised ecological assessment should be undertaken which may require repeat protected species surveys.

These conditions could be incorporated within a Construction Environment Management Plan and an Ecological Management and Mitigation Plan, as proposed within the Ecological Appraisal. More details can be found within the individual reports as well as the Ecological Appraisal.

The landscape scheme for the site must incorporate the recommendations within the above ecological reports.

ECC Schools

8.14 4 January 2012 -

UDC Energy Manager

8.15 Please apply the following conditions: condition for compliance with code for sustainable homes level 3 (5 or more dwellings) and condition on compliance with the 10% rule (developments of 5 or more dwellings).

UDC Building Control

8.16 No Comment.

UDC Environmental Health

8.17 If this outline application gains approval I would ask for noise and air quality reports to be submitted at full plans stage. This is based on the lands proximity to the main road and new link road when built.

I share the concerns expressed by other contributors about the suitability of a pumped sewage system and potential odour nuisance.

UDC Access and Equalities Officer

- 8.18 This development will need to meet the requirements of the SPG on Lifetime Homes in design. I note from 5.4 of the Design and Access Statement that apartments within the affordable housing site, will meet the wheelchair housing standards as set out in Appendix 2 of the SPG which is a requirement.

UDC Drainage Engineer

- 8.19 The flood risk assessment for this proposal was approved by the Environment Agency in 2007.

That assessment made an assumption that the impermeable area created on the site would be 60% of the total area. If this figure varies the run-off and storage figures may need to be reassessed.

The following condition should be applied:

Notwithstanding the submitted details, before the commencement of development details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. Subsequently the drainage shall be implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. The assessment should also include details of the management of exceedence flows when the piped system is surcharged. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To control the risk of flooding to the development and adjoining land.

UDC Housing Enabling Officer

- 8.20 The affordable housing provision on this site meets the 40% requirement, equating to 50 properties, and the housing mix has been agreed with the Council's strategic housing section. It is expected that further discussions will take place on the location of the affordable housing units at the relevant time, and that these units will be delivered by a Registered Provider to be agreed with the strategic housing section.

8 REPRESENTATIONS

9.1 A total of 33 letters of objection have been received to the original consultation, a further 11 letters have been received to the recent consultation all raising the following planning objections:

- Outside Development Limits
- Impact on ecology of the area
- Lack of water supply in the area
- Coalescence of Great Dunmow and Little Easton
- Impact on the character of Great Dunmow
- No guarantee that the bypass will be completed
- An alternative sewer route should be found (not the B184)
- Insufficient detail about the proposed improvements to bus turning/parking at Hellena Romanes School
- Harmful impact from new sewerage works
- Harmful impact on highways
- Harm to the amenities of surrounding residents
- Change to the rural character of the area
- Potential for increased flooding in the area
- Poor cycling and riding provision.

9.2 A total of 2 letters have been received supporting the principle of opening the bypass but also commenting on the detail of the application as above.

9.3 A total of 1 letter and a petition containing 395 names and addresses have been received supporting the opening of the bypass.

9.4 1 letter has been received asking a question relating to the S106 agreement and securing contributions for the secondary school.

9 APPRAISAL

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

- A Principle of development (UDP Policy S7) and national policy in NPPF
- B Earlier completion of the northwest bypass
- C The need to provide additional dwellings and maintain a five year supply of building land
- D The indicative master plan and effect on the landscape
- E Provision of affordable housing
- F Highway matters
- G Energy efficiency and accessible homes
- H Education contribution
- I Ecology
- J Other matters

10.1 The starting point for the determination of any planning application is the Development Plan. Taken together the Planning Acts require decision makers to have regard to the Development Plan where it contains relevant policies and if regard is to be had to the Development Plan any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 10.2 Therefore the main issue is whether the proposal complies with the Development Plan and whether there are material considerations which justify a departure from the Development Plan.
- 10.3 As can be seen from the site history the application site has recently been the subject of an appeal. This appeal related to a refused application for a larger residential scheme. While the council only refused the scheme as it was outside development limits in dismissing the appeal the Inspector commented specifically on a number of issues. The applicant has sought to overcome these issues in this resubmission by reducing the number of units applied for, increasing the landscaping, carrying out and submitting further highway surveys and justification and a change to the applicant. The report will assess the differences between the dismissed appeal and this scheme and consider whether the Inspectors reasons for dismissing the case have been overcome.

Principle of development (UDP Policy S7) and the National Planning Policy Framework

- 10.4 The application site lies outside of the development limit and therefore for the purposes of the development is within the countryside. Policy S7 requires the countryside to be protected for its own sake; that permission will only be granted for development which needs to take place there or is appropriate to a rural area. Development will only be permitted if it protects or enhances the particular character of the part of the countryside in which it is set or there are special reasons why the development in the form proposed needs to be there. This policy is similar to the NPPF which states that planning should be 'recognising the intrinsic character and beauty of the countryside'. Residential development is not a form of development that is generally appropriate outside of development limits and it would fail to protect or enhance the particular character of the part of the countryside in which it is set. Special considerations aside, this type of development does not comply with Policy S7 and on this measure should be refused.

Earlier completion of the North West bypass

- 10.5 The key component that differentiates this application from others elsewhere is that it would achieve the completion and opening of the northwest bypass much earlier than currently required. It is this item that the applicant puts forward as one of the main justifications for granting permission. This earlier completion of the bypass is a material consideration, the merits and weight of which must be assessed in determining the application.
- 10.6 The terms under which the bypass will be delivered have varied over the years but current requirements are set out in a S106 Agreement dating from June 2003. Under this agreement construction of the bypass shall be commenced within nine months of the occupation of the 651st dwelling and completed two years thereafter. The opening of the bypass is therefore entirely dependent on the speed of development and does not contain an explicit date. Current information is that there are about 406 further dwellings which would have to be built and occupied to reach the occupation of the 651st dwelling. Completion of the bypass would be required within a further two years. At the present rate of building this is likely to be many years. Last year it is estimated that about 16 dwellings were completed at Woodlands Park. The Dunmow Village Design Statement predicts completion in 2024. The developer is therefore not in breach of the current planning agreement and there is nothing the Council can do to speed up the bypass delivery.

- 10.7 The applicant proposes to deliver the bypass complete and open to the public within a set timeframe of the date of granting permission for this outline application. The proposal is that the completion and opening of northwest bypass would be delivered by the applicant. Specifically the applicant would submit the detailed drawings for the Highway Works to Essex County Council for approval within 4 months of the date of the decision notice and would complete the Highway Works within 10 months of the date Essex County Council approve the detailed drawings. This proposal makes it clear that if the authority accepts the principle of the development and grants permission the developer will bring forward the completion of the bypass. A legal agreement would be required before the permission is issued and therefore the time period would not start from the date of the committee's resolution but from the issuing of the permission with its completed S106 agreement.
- 10.8 Officers are of the opinion that there are significant benefits in bringing forward the opening of the bypass in the timescale proposed; it would end the delay and uncertainty, provide a route for vehicles that would otherwise pass the school and drive through the town and provide scope for improvements within the town. A further aspect to the proposal is that it would provide a potential route for buses leaving the school. Currently congestion from buses trying to enter and leave the school is a significant problem. The applicants highway reports that the opening of the bypass would divert some 500 vehicle movements per hour out of the town centre to the bypass. This is a significant benefit to the town centre and residents who live on or close to the main routes through the town.
- 10.9 In the recent appeal the Inspector considered the opening of the northwest bypass would be a benefit to the town. However, he was concerned at the lack of evidence to substantiate the benefits claimed by the applicant. In addition the Inspector considered that the bypass was required as a result of the Woodlands Park development rather than there being some wider community benefit.
- 10.10 The applicants have now submitted additional highways information following discussions with Essex County Council as highway Authority. This information demonstrates that there would, in my mind, be a significant benefit to the town centre environment from the reduction in traffic caused by the opening of the bypass. Further more the Council has always been clear that the bypass had wider benefits to Great Dunmow, its environs and wider District and is not only required as a result of the direct impact of the Woodlands Park development. I therefore give the proposal to complete and open the northwest bypass substantial weight.

The need to provide additional dwellings and maintain a five year supply of building land

- 10.11 As the committee are aware the East of England Plan (Policy H1) requires the authority to deliver a further 6,390 dwellings up to 2021. This is equivalent to 430 dwellings per year. National policy requires authorities to maintain a five year plus 2-% supply of building land, in our case 6 x 430 (2580) dwellings. Current figures show that the supply of building land in the district is at about 4 years worth or 1720.
- 10.12 A significant part of the applicant's case is the requirement for the local planning authority to have a five year land supply of deliverable housing sites. This is set out in Paragraph 14 of the NPPF, which states;

"Where the development plan is absent, silent or relevant policies are out of date (permission should be granted) unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole;*
- or
- *specific policies in this Framework indicate development should be restricted.”.*

The Council does not have a five year land supply and therefore its plan is not up to date. This is a clear statement from the Government that a development making a contribution to achieving a five year land supply should be considered as a significant material consideration.

- 10.13 The NPPF makes clear that authorities should have a five year (plus 20%) land supply of deliverable sites. If it does not – and Uttlesford does not – local planning authorities should look favourably on applications that increase that supply. The most recent housing trajectory and statement of five year land supply was published in December 2011. In coming to recent decision on appeals across the District, Inspector considered that the Council does not have a Five Year Land and that this is a key issue which weighs strongly in favour of granting consent.
- 10.14 As previously mentioned, the proposal is considered contrary to ULP Policy S7, which seeks to protect the countryside for its own sake, and rural restraint advice as set out in the NPPF. However, the site has been brought forward by the developer and is clearly deliverable quickly. The Government’s Ministerial Statement on Planning for Growth and the National Planning Policy Framework encourages sustainable economic growth and sustainable development respectively. The site does not appear to have any particular physical impediments for its use for residential development. The applicant has stated that the site is commercially deliverable. These attributes are important material factors in favour of granting planning permission.
- 10.15 It is considered that the proposal would meet the tests of Paragraph 14 of the NPPF. Furthermore, the requirement for the Council to identify additional appropriate sites for housing within its district to meet its current housing shortfall is a significant material factor which weighs heavily in favour of development at this site, particularly in the light of government advice to local planning authorities. In addition the provision of affordable housing is both a corporate and planning priority and should be given significant weight. This former agricultural land raises no development problems that would prevent its development; it could be developed independently and with the new road in place would be accessible.

The indicative Masterplan and effect on the landscape

- 10.16 The site slopes as described in ‘DESCRIPTION OF SITE’ above. Little Easton Parish Council has expressed concern about Dunmow and Little Easton coalescing as a result of the development, this is a concern which the Inspector attached weight to in his decision. To some extent the gap has been eroded and will be eroded, due to the roundabout and the bypass as suggested in the Dunmow Town Design Statement. While the changes in levels will mask the development of the southern end of the site to some degree it must be accepted that the proposal would further change the character of the site over that of the bypass on its own. However with substantial strategic planting, careful choice of house types and levels the degree of change could be restricted. Little Easton Parish Council whilst objecting to the proposal does suggest that in the event of permission being granted that these measures be required to limit the degree of change. The applicant has made some significant changes to the scheme previously dismissed by the Inspector. A significant area of planting close to the roundabout has been introduced as a result of

the reduction in housing numbers. In addition the spur road from the roundabout to the site has been removed meaning that access to the development would be solely from the bypass itself. These changes, increase in landscaping and change to access, mean that the appearance of the site from the roundabout would significantly change from that previously dismissed. The view would be of landscaping and woodland with the bypass extending into the distance. Housing would not dominate the view and in addition the wide landscaping edge to the bypass would reduce the dominance of the housing to this area further. In my view the applicant has made considerable changes to the proposal to mitigate its impact and to directly address the concerns raised by the Inspector.

- 10.17 The application contains an indicative layout referred to by the applicant as a Masterplan. It shows the site to be self contained although linked to the rest of Woodlands Park by the bypass, a cycle and footpath. There has been some debate in representations about whether the site is remote and opposing parties make reference to different parts of the town in support of their case. In my view the site is clearly close to existing development and close to facilities such as schools and shops although travel, as with many other properties within a rural district, may predominately be by car.
- 10.18 The applicant has made significant changes to the dismissed appeal scheme to overcome the concerns raised by the Inspector. While there would undoubtedly be some impact from the new development this has been mitigated to a considerable degree by the planting close to the roundabout and bypass start and by the wide planting areas on the edge of the bypass. In addition the applicant has provided considerable open landscaped space within the development. I consider that this proposal overcomes the objections raised by the Inspector previously and would not result in a detrimental harm to the landscape.

Provision of affordable housing

- 10.19 The provision of housing outside of development limits can be acceptable where it provides 100% affordable housing. Sites for such developments are known as exceptions sites. This is not one of them as it is not exclusively for affordable housing. As such it would not meet Policy H11. The applicant proposes 40% affordable housing as if it were within development limits. The applicant is proposing to provide the 50 affordable units in two groups of 25 units.
- 10.20 The Council has fallen short in recent years on a corporate target of providing at least 100 affordable housing units per year. This development would make provision of 40% affordable units (i.e. up to 50 units) in accordance with ULP Policy H9, which would go some way of meeting this shortfall total and this is a further significant material consideration to be taken in favour of the proposal. The Inspector in The Orchard appeal gave considerable weight to the provision of affordable housing. The Inspector in the previous appeal on this site was more circumspect about the affordable housing delivery however this was due to the applicant and the slow level of development on its current sites. The applicant for this application, Bovis Homes, has no record of building slowly within the district and therefore there is a strong argument in favour of the assumption that the dwellings, including the affordable provision would come forward at an early opportunity. To help secure this any permission could have a reduced commencement period to ensure early delivery.
- 10.21 These units would be provided via a Registered Social Landlord (RSL). This is a significant provision of affordable housing and should be given significant weight in the consideration process. This can be secured through the S106 obligation.

Highway matters

- 10.22 The highways authority does not raise objections to the proposal subject to conditions relating to temporary construction access, provision of sufficient parking, design of roads, provision of bus stops and road marking prior to occupation, £50,000 (S106 agreement) relating to enhanced passenger transport services, provision of travel packs for occupants, completion of bypass, provision of access into Sector 4, provision of footpath/cycle route to Sector 3. The highways authority is supportive of the proposal to provide a pedestrian exit from the school grounds.
- 10.23 The highways authority is also strongly supportive of the bypass being finished and brought into use. The authority considers that this is a significant benefit from the scheme.
- 10.24 Policy T1 of the Local Plan proposed the northwest bypass and protects the site from other development. The provision of the bypass has been a long held goal of the District Council. This development can help deliver this policy goal of the Council.

Energy efficiency and accessible homes

- 10.25 The proposal would be required to achieve the appropriate code level for the Code for Sustainable Homes. A planning condition is proposed relating to compliance with the Supplementary Planning Document Energy Efficiency and Renewable Energy including the requirement to achieve Code Level 4 on all housing. The development would also be required to meet adopted lifetime homes standards and provision of wheelchair accessible housing. This can be covered by planning condition.

Education contribution

- 10.26 The applicant has agreed to enter into a legal agreement to make the appropriate payments to contribute towards provision of education. In addition the application proposes a contribution of some £225,000 to be used for improvements to bus turning and bus parking and/or the enhancement of the playing fields for Helena Romanes School. This latter contribution would be able to be used to provide bus parking and turning facilities within the school grounds (subject to planning permission). The applicant has submitted an indicative proposal as part of the application. This proposal would improve the flow of traffic into and out of the school grounds by removing the busses from the access point quickly and allowing other cars and pedestrians to leave the site easily and safely.

Ecology

- 10.27 The application is supported by a number of surveys and studies into ecology. These have been assessed by ECC Ecology on behalf of the Council. Their latest comments conclude that they have no objection subject to a number of conditions which have been applied to the recommendation.
- 10.28 The NPPF states at paragraph 118 that 'local planning authorities should aim to conserve and enhance biodiversity'. It goes on to set out 6 principles to follow. It is clear in the submission documents and the comments from ECC Ecology that these have been followed. The suggested conditions will ensure that adequate mitigation and control are put in place.

- 10.29 In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 10.30 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
 - There must be “no satisfactory alternative”; and
 - The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.
- 10.31 Taking into account the comments of ECC Ecology there is a high likelihood of a licence being granted for these works. No objection to the proposal on ecological grounds is therefore raised.

Other matters

- 10.28 The applicant has indicated that further wildlife surveys are required and these should be carried out before the submission of reserved matters and inform the final layout.

11 CONCLUSION

- 11.1 The fundamental policy issue in this case is that the site lies outside of the development limit. The proposal is therefore contrary to this aspect of policy and as such could be recommended for refusal. However it is necessary to assess the other material considerations and therefore the decision will rest on the relevant weight to be attached to the various material considerations.
- 11.2 I attach significant weight to both the provision of the bypass and the provision of affordable housing. In addition the proposal would make a substantial addition to the Districts supply of developable land and a corresponding reduction in the five year land supply deficit. Taking all these matters into consideration the proposal is considered to be acceptable and is recommended for a conditional approval subject to a section 106 obligation.

RECOMMENDATION – CONDITIONAL APPROVAL SUBJECT TO A S106 LEGAL OBLIGATION

- (I) The applicant be informed that the committee gives delegated powers to the Assistant Director Planning and Building Control in his discretion to refuse planning permission for the reasons set out in paragraph (III) unless by 21 September 2012 the freehold owner(s) enters into a binding obligation to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant Chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:
- (i) completion and opening of the northwest bypass (clause to include the submission of detailed drawings for the Highway Works to Essex County Council for approval within 4 months of the date of the decision notice and to complete the Highway Works within 10 months of the date Essex County Council approve the detailed drawings), provision of appropriate signage, footway and cycleways
 - (ii) provision of a Travel Information and Marketing Scheme for sustainable transport
 - (iii) provision of Public Transport contribution of £50,000
 - (iv) provision of and maintenance of public open space
 - (v) payment of contributions towards education provision
 - (vi) payment of financial contribution of £225,000 to be used by Helena Romanes School for bus turning/bus parking and/or playing fields enhancement
 - (vi) provision of up to 50 units of affordable housing
 - (vii) payment of the Council's reasonable costs
- (II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:
- (III) If the freehold owner shall fail to enter into such an obligation, the Assistant Director Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (i) The required completion and opening of bypass has not been forthcoming and as such the proposal would be contrary to policy S7 of the Uttlesford Local Plan 2005 which protects against unacceptable development within the countryside.
 - (ii) The provision of travel packs and public transport contributions has not been forthcoming and as such the proposal would be contrary to policy GEN1 of the Uttlesford Local Plan 2005 which requires that development encourages movement by means other than driving a car.
 - (iii) The required education contribution has not been forthcoming and as such the proposal would be contrary to policy ** of the Uttlesford Local Plan 2005 which requires an element of affordable housing on such schemes.
 - (iv) The required bus turning/bus parking and/or playing fields enhancement for Helena Romanes school has not been forthcoming and as such the proposal would be contrary to policy GEN1 and GEN2 of the Uttlesford Local Plan 2005 which requires development to mitigate the impact on the road network of development and meet the needs of all potential users.
 - (v) The required affordable housing provision has not been forthcoming and as such the proposal would be contrary to policy H9 of the

Uttlesford Local Plan 2005 which requires an element of affordable housing on such schemes.

CONDITIONS:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.
REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and as the outline application as submitted does not give particulars sufficient for consideration of these reserved matters.
2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 12 months from the date of this permission.
REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
3. The development hereby permitted shall be begun no later than the expiration of 12 months from the date of approval of the last of the Reserved Matters to be approved.
REASON: Permission is granted in this case because the planning authority cannot demonstrate a sufficient supply of house building land at this point in time and the deliverability of this site weighs in its favour and permission should therefore be implemented rather than banked as it would make no contribution to delivering new dwellings.
4. The plans and particulars submitted in accordance with condition 1 above shall include details of both hard and soft landscape works. The landscaping details submitted for prior approval shall include:-
 - i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;soft landscaping;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground (e.g. drainage power);
 - viii. communications cables, pipelines etc. indicating lines, manholes, supports;
 - ix. retained historic landscape features and proposals for restoration, where relevant;
 - x. details of all external lighting.

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

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

5. If within a period of 10 years from the date of planting the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
REASON: To ensure the suitable provision of landscaping within the site in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).
6. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/biodiversity enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.
REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 and PPS9 of the Uttlesford Local Plan (adopted 2005).
7. Prior to any development occurring further ecological survey/report of the site to update the information on the species and the impact of development, together with an amended mitigation strategy as appropriate shall be submitted to and agreed in writing by the Local Planning Authority. The amended mitigation strategy shall thereafter be implemented as agreed.
REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and PPS9.
8. No removal of hedgerows or trees shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority.
REASON: To protect roosting birds which use the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and PPS9.
9. Before development commences, samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.
REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
10. The plans and particulars submitted in accordance with condition 1 above shall include measures as to how the proposed dwellings would be constructed so as to provide sound attenuation against the external noise to which they will be exposed on the site as defined by the Noise Exposure Categories (NEC's) as set out in the Noise and Air Quality Assessment Report submitted with the application insofar as they relate to the site. Such measures shall include the use of recognised double glazing installation and passive acoustic ventilators within dwellings and the use of 1.8m high close boarded timber fencing along garden boundaries where appropriate as recommended in the report.
REASON: To ensure a satisfactory living environment for the occupiers in accordance with Policies ENV10 and ENV13 of the Uttlesford Local Plan (adopted 2005).

11. The plans and particulars submitted in accordance with condition 1 above shall include details as to how the proposed dwellings as designed, specified and built shall achieve a "Code for Sustainable Homes" rating of "Level 4". The details to be submitted will include a Code for Sustainable Homes design-stage assessment of the rating of the proposed development, carried out by an accredited assessor. The developer will provide a Code for Sustainable Homes post-construction assessment of the rating of the as-built development within four weeks following its completion, also carried out by an accredited assessor.
REASON: In the interests of the promotion of sustainable forms of development and construction to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy adopted October 2007 and in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
12. The applicant shall incorporate on-site renewable or low-carbon energy technologies to provide 10% of the annual energy needs of the approved development in use.

The plans and particulars submitted in accordance with condition 1 above shall include a design SAP or SBEM rating of the proposed development carried out by an accredited assessor, as well as technical details and estimated annual energy production of the proposed renewable or low carbon technologies to be installed. Within four weeks following its completion, the applicant will provide a SAP or SBEM rating of the as-built development and details of the renewable or low carbon technologies that were installed.
REASON: In the interests of the promotion of sustainable forms of development and construction in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005)
13. The plans and particulars submitted in accordance with condition 1 above shall include details of the location and design of the refuse bin and recycling materials storage areas and collection points to and approved in writing by the local planning authority. The refuse storage and collection facilities shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.
REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).
14. The plans and particulars submitted in accordance with condition 1 above shall include an accessibility statement/drawing. The details submitted shall set out measures to ensure that the dwellings are accessible to all sectors of the community. The dwellings shall be designed as "Lifetime Homes" and shall be adaptable for wheelchair use. All the measures that are approved shall be incorporated in the development before occupation.
REASON: To ensure that the district's housing stock is accessible to all and to meet the requirements contained in adopted SPD Accessible Homes and Playspace Adopted November 2005 in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
15. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for water efficiency within the development. The scheme shall be implemented in accordance with the agreed details
REASON: In the interests of sustainable development and prudent use of natural resources in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005).

16. No development shall take place within the area indicated until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved programme.
REASON: In the interests of archaeological protection in accordance with Policy ENV4 of the Uttlesford Local Plan (adopted 2005) and Planning Policy Statement 5.
17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters and in accordance with ULP Policy ENV14 of the Uttlesford Local Plan (adopted 2005).
18. Prior to the commencement of the development hereby permitted the developer shall submit details showing the provision of:
 - a. adequate turning and off-loading facilities for delivery/construction vehicles within the limits of the site
 - b. an appropriate construction access
 - c. an adequate parking area clear of the highway for those employed in developing the site
 - d. wheel/chassis cleaning facilities
 - e. a "before" condition survey of Beaumont Hill to be undertaken by the developer/contractor with the Highway Authority present to ensure any damage occurring to the road as a result of construction traffic during development is made good. This shall be followed up with an "after" condition survey following completion of construction and any identified damage to be made good. Details of how and when the surveys are to be undertaken are to be submitted to and agreed in writing by the Local Planning Authority and implemented.The aforementioned provisions shall be provided at commencement of development and maintained during the period of construction.
The details shall be submitted to and agreed in writing by the Local Planning Authority and subsequently implemented as approved.
REASON: In the interests of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
19. Before occupation of any dwelling the parking provision for cars, cycles and powered two wheelers should be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of highway safety, efficiency and accessibility in accordance with Policy GEN1 of the Uttlesford Local Plan (adopted 2005).
20. The plans and particulars submitted in accordance with condition 1 above shall include a scheme for the provision of a youth shelter to be installed on open space of the development. The scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme prior to the occupation of the 50th house.
REASON: To enhance the sustainability of the development through better use of energy and materials in accordance with Policy ENV15 of the Uttlesford Local Plan (adopted 2005).

21. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority, details must comply with Advice Note 3, 'Potential Bird Hazards from Amenity Landscaping and Building Design' available at www.aoa.org.uk/publications/safeguarding.asp. These details shall include:
- drainage details including SUDS – such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS) available as above.

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

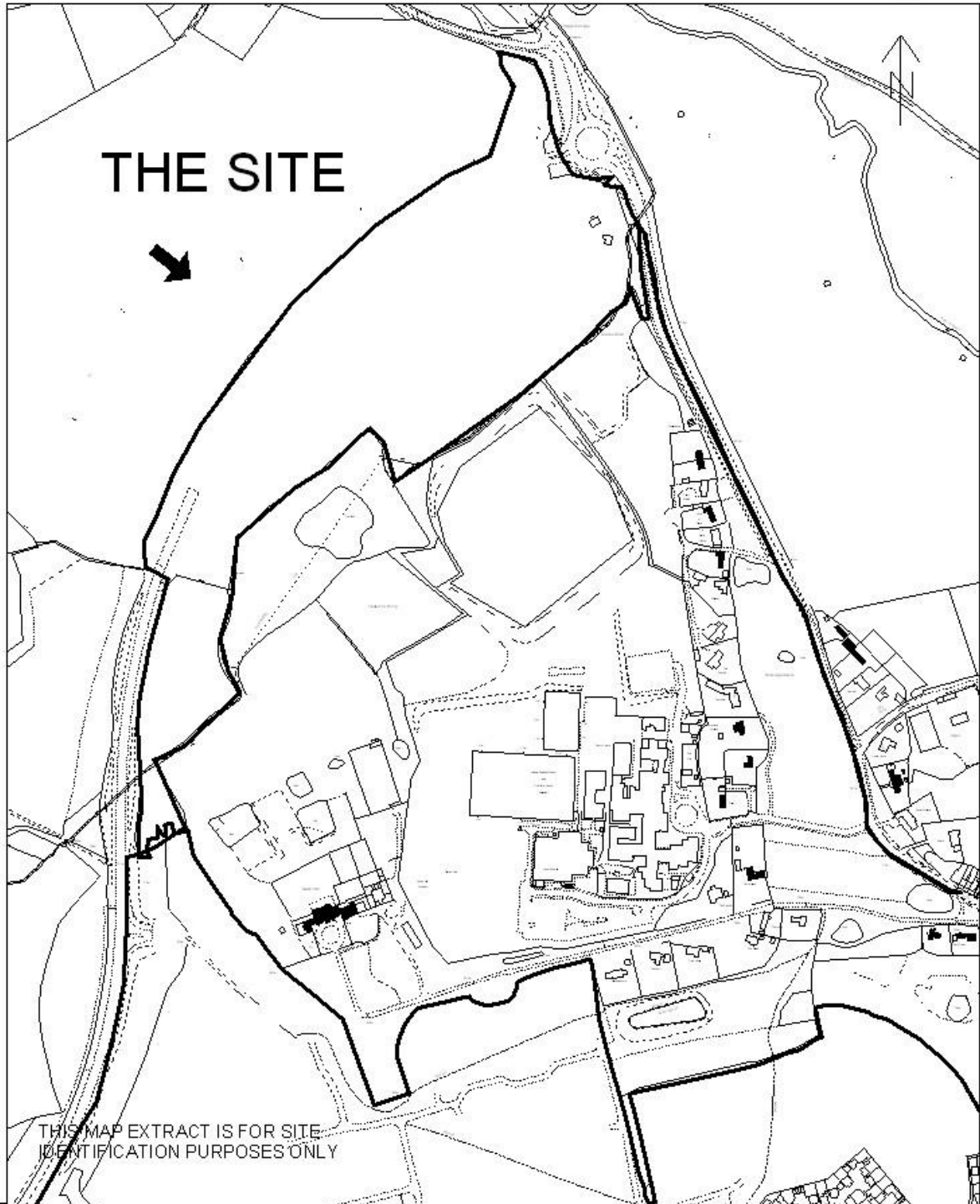
REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted airport through the attraction of birds and an increase in the bird hazard risk of the application site in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

22. Surface water shall be discharged from the site at the calculated Greenfield runoff rates as detailed within the submitted Flood Risk Assessment.
- REASON: To ensure that flood risk on and off-site will not be increased as a result of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
23. Surface water storage shall be provided on site within a dry storage area to accommodate the 1 in 100 year storm, inclusive of climate change.
- REASON: To ensure that flood risk on and off-site will not be increased as a result of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
24. Prior to the commencement of development, details of who shall be responsible for the maintenance of the entire scheme, including the dry storage area, stone filled trench and the flow control structure shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.
- REASON: To ensure that the scheme will be maintained at its design standard in perpetuity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).
25. Prior to occupation of the development, the small spur on the B184 roundabout between B184 south of roundabout and the spur for the North West Bypass shall be permanently closed.
- REASON: In the interests of highway safety, efficiency and accessibility in accordance with policy GEN1 of the Uttlesford Local Plan (adopted 2005).
26. Prior to any development occurring on site a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
- REASON: In the interests of proper planning, highway safety, residential amenity and ecological protection in accordance with policies GEN1, GEN2, GEN4, and GEN7 of the Uttlesford Local Plan (adopted 2005).

27. Prior to any development occurring on site a Ecological Management and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
REASON: In the interests of proper planning and ecological protection in accordance with policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Informatives

- a. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.
- b. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.



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