

UTT/15/0564/DFO (TAKELEY)

(MAJOR APPLICATION)

PROPOSAL: Reserved Matters Application Following Outline UTT/13/1393/OP-Details of Landscaping

LOCATION: Land South of Dunmow Road, Brewers End, Takeley

APPLICANT: Bovis Homes Limited

EXPIRY DATE: 29 May 2015

CASE OFFICER: Nigel Brown

1. NOTATION

- 1.1 Reserved Matters application following the approval of outline application, and subsequent reserved matters application.

2. DESCRIPTION OF SITE

- 2.1 The site comprises 9.7 hectares and occupies a roughly rectangular area of open land to the south of Dunmow Road on the western edge of Takeley. The northern frontage of the site extends along a section of Dunmow Road while the wider, eastern boundary is shared with another development site (application ref: UTT/1335/12/FUL) for 41 dwellings. The site narrows to the west, where it is bounded by the existing dwelling Southside and the land to the rear. To the south the site is bounded by the Flich Way public bridleway which is largely hidden from view by the intervening hedgerow and trees. Opposite the site on the north side of Dunmow Road is Church Lane and a listed building 'Millers', a dwelling that has curtilage buildings fronting the site.
- 2.2 The site was given outline planning permission under UTT/13/1393/OP for erection of up to 100 dwellings to include provision of 6.3 hectares of public open space, means of access was committed as part of this consent.
- 2.3 Subsequent consent for all other reserved matters (i.e. appearance, layout and design) was approved under planning application UTT/14/3295/DFO by this Committee on 11 February 2015. The only outstanding reserved matter is landscaping which is covered by this application. Although works are progressing on the site, it is considered by officers that this does not prejudice in any way the consideration or the subsequent implementation of the landscaping scheme.

3. PROPOSAL

- 3.1 This planning application is solely for the landscaping reserved matters.
- 3.2 The boundary of the adjacent development site (UTT/1335/12/FUL), being implemented by Countryside Developments, consists of existing substantial planting. This planting has been retained by the adjacent developers; as such minimal planting is required on this boundary by these applicants.
- 3.2 To the south of the site on the boundary with the Flich way, the intention is to retain this boundary with gapping up with a native mix of planting.

- 3.3 Currently there is minimal planting to the north of the site fronting Stortford Road, and to the west of the site bounding the proposed country park area. It is proposed to plant with significant native hedgerow planting. The applicant has revised their scheme to address the requirements of the Council's Trees & Landscape Officer namely:

60% Acer campestre [field maple]
15% Corylus avellana [hazel]
10% Viburnum opulus [guelder rose]
5% Cornus sanguinea [dogwood]
5% Ligustrum vulgare [common privet]
5% Rosa arvensis [field rose]

4. APPLICANT'S CASE

- 4.1 The applicant has submitted a Design & Access Statement with the application.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/1393/OP, Proposed residential planning application for erection of up to 100 dwellings, to include provision of 6.3 hectares of public open space, with all matters reserved except access. Approved subject to Section 106, 23.8.13.
- 5.2 UTT/14/0783/DFO, Details following outline application UTT/13/1393/OP, Proposed residential planning application for erection of up to 100 dwellings, to include provision of 6.3 hectares of public open space, details of appearance, landscaping, layout and scale. Refused 30.9.14
- 5.3 UTT/14/3295/DFO, Details following outline application UTT/13/1393/OP, Proposed residential planning application for erection of up to 100 dwellings, to include provision of 6.3 hectares of public open space, details of appearance, layout and scale. Approved 13.2.15

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- S3 Other Settlement Boundaries
 - S7 The Countryside
 - GEN1 Access
 - GEN2 Design
 - GEN6 Infrastructure Provision to Support Development
 - GEN7 Nature Conservation
- Essex Design Guide

7. PARISH COUNCIL COMMENTS

7.1 Takeley Parish Council

Whilst TPC appreciate the changes that have already been proposed to the 'country

park' area the following concerns remain:

TPC recommends a condition to replace all planting that dies within the first 2 years. TPC recommends that the area where whips are to be planted should be fenced off to (a) protect from rabbit & deer and, (b) to prevent walkers and dogs travelling through these areas until the trees are established.

TPC suggest some fruit tree varieties e.g. crab apple, plum, cherry etc.

The prescribed maintenance programme of the young trees is unrealistic and uncoated (Page 20 - Bird Hazard Management Plan.)

The footpath material is described a 'planings'. These should be 20mm in size and rolled to compact it to make the surface stable and yet still allow drainage. It is imperative that the 'country park area' is provided with litter and dog bins. UDC approved Priors Green without litter and dog bins and the Parish Council has subsequently had to install them at a cost to local residents. It is unacceptable that a developer escapes from providing a necessary facility by merely referencing the ongoing cost of collections/emptying.

Bird Hazard Management Plan page 19 states: 'Consideration has been given to the long term maintenance & management cost of the park, acknowledging that the local Parish Council will be responsible for the area'. TPC is surprised by this statement. TPC is under no obligation to take on the long term maintenance of this area. Under no circumstances will TPC take on responsibility for the open space. This is the responsibility of the developer and Uttlesford DC (planning authority).

7.2 Hatfield Broad Oak Parish Council

No objection

8. **CONSULTATIONS**

Tress & Landscape Officer (UDC)

8.1 Dunmow Road frontage

The Dunmow Road frontage treatment with the provision of mixed native species hedging is considered appropriate. However, the hedge runs should have a dominant species in the mixture. It is recommended that the following mixture is used:

60% *Acer campestre* [field maple]
15% *Corylus avellana* [hazel]
10% *Viburnum opulus* [guelder rose]
5% *Cornus sanguinea* [dogwood]
5% *Ligustrum vulgare* [common privet]
5% *Rosa arvensis* [field rose]

The above mix excludes common holly as this is rarely found in field hedges in this area, except as a very occasional hedgerow tree. Adding a couple of holly trees to the hedge run would be acceptable. The proposed interplanting of field maple is appropriate, however, the use of the cultivar 'Elsrijk' is not considered entirely appropriate. Whilst this variety has greater regularity in its crown shape, the native species is consider more appropriate in this rural location.

The grassed areas adjacent to the site frontage are shown to be 'amenity grass' using the seed mix BAR 11 by Barenbrug. I consider that there is an opportunity here to

specify an herb/wild flower mixture which would be of greater ecological benefit and visual interest. It is advised that a specialist seed house provides advice on an appropriate seed mixture for this location and conditions.

Western boundary

The western boundary of the development should be delineated with a timber post and rail, or timber post and wire fence, of not more than 1.5m in height. A native species mix hedge is sort to be planted along this boundary using the species mixture recommended above for the Dunmow Road frontage.

The planting of *Betula pendula* [birch] along this boundary, as shown in the submitted plan, is not considered appropriate in this context. It is advised that the birch is substituted with *Acer campestre*, together with a couple of *Sorbus aucuparia* [rowan]. The liquidambar shown to be planted should be substituted for rowan. Whilst the liquidambar is a fine tree with splendid autumn leaf colour, is non-native and not considered appropriate in this context.

Eastern boundary

As part of the landscaping proposals for the Countryside development, presently under construction, a native species hedge is required to be planted along the length of the boundary with the Bovis development. Enclosure of the of the rear gardens of the Bovis site alongside this hedge run is sort be either timber post and rail, or timber post and wire fencing not exceeding 1.5m in height.

The proposed tree planting adjacent to the eastern boundary is considered to be appropriate.

Southern boundary

The proposed planting of common hornbeam [*Carpinus betulus*] as shown on the submitted plan is consider appropriate.

The enclosure of the southern boundary should be either with timber post and rail, or timer post and wire fencing not exceeding 1.5m in height.

Tree planting within garden areas

The proposed tree planting within garden areas, as shown on the submitted plan, is considered to be acceptable.

Shrub and hedge planting in front garden areas

Hedges are sought to be planted to the frontages of dwelling plots to provide garden enclosure and a unifying and softening element within the development. The recommended hedging species are *Carpinus betulus* [common hornbeam], and *Ligustrum vulgare* [common privet]. In addition, the submitted plan shows ornamental hedging [*Photinia*; *Escallonia*; *Euonymus*; *Lonicera*] it is advised that this hedging is substituted with common hornbeam or privet. Whilst it is recognised that hornbeam and privet hedges have high higher maintenance requirements, such hedges are less ornamental and more appropriate in the context of the site setting.

Revised scheme submitted fully accords with the requirements of the Trees & Landscape Officer

Airside OPS Limited

- 8.2 In response to previous consultations on this development Stansted Airport raised an objection due to the increased risk of bird-strike. However we also advised that we would be prepared to review that objection if certain measures could be incorporated into the landscaping strategy and proposed BHMP.

Amended details have been submitted which have been examined from an aerodrome safeguarding perspective. I can advise the submitted details now accord with safeguarding requirements. The scheme has been designed to mitigate bird hazard and avoid endangering the safe movements off aircraft and the operation of Stansted Airport through the attraction of birds. Stansted Airport is prepared to remove its objection to this development provided:

All landscaping works including details of SUDS are carried out in accordance with the approved scheme and no alterations to the approved scheme are to take place unless submitted to and approved in writing by the Local Planning Authority

NATS Safeguarding

- 8.3 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En-Route Public Limited Company ("NERL")) has no safeguarding objection to the proposal.

Health and Safety Executive

- 8.4 HSE's advice is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

Place Services Ecology

- 8.5 It is clear that the proposals will have an overall positive impact on site ecology and I welcome the creation of wildflower grassland within the country park. The recommendations for mitigation and enhancements should be adhered to, to secure the long term ecological benefits.

There are no remaining protected species issues.

I have no further comments or objections.

ECC Flood and Water Management

- 8.6 Having reviewed the Bird Hazard Management Plan, we support the granting of planning permission as the information submitted appears acceptable.

Natural England

- 8.7 The application is in close proximity to the Hatfield Forest Site Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining the application.

ECC Minerals & Waste Planning

8.8 No comments

Sport England

8.9 Sport England does not wish to comment on this application.

Environment Agency

8.10 No comment

ECC Highways

8.11 No Comments

9 REPRESENTATIONS

One letter of representation received.

- Impact on residential amenity due to proximity of access to open space.
- Management of access to prevent illegal access to open space
- Security of open space
- Requirement for screening

10 APPRAISAL

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

- A The Design and Details of proposed landscaping to ensure development is assimilated into area. (Local Plan Policies GEN2 & ENV8)
- B The Design and Details of proposed landscaping to ensure no conflict with operations of the airport (GEN2)
- C Nature Conservation (GEN7)
- D Other Matters

A The Design and Details of proposed landscaping to ensure development is assimilated into area. (Local Plan Policies GEN2 & ENV8)

- 10.1 The submitted landscaping submission has been revised to take on all the matters raised by the Council's Trees & Landscape Officer.
- 10.2 The scheme includes a suitable choice, mix and standard or native hedgerow and trees to allow the development to assimilate appropriately into its edge of countryside location.
- 10.3 The scheme suitably protects and where required appropriately bolsters existing planting, especially on the southern boundary adjacent to the Flich Way.
- 10.4 An appropriate condition is recommended to ensure the timely implementation of the landscaping scheme, and the replacement where required of any planting that may die early on after the completion of the development.

B The Design and Details of proposed landscaping to ensure no conflict with operations of the airport (GEN2)

- 10.5 Stansted Airport through Airside OPS Ltd, have raised no objections to the revised landscaping scheme. The selection of species, including their distribution and proportions cause no concerns in terms of the encouragement of potential bird strikes.
- 10.6 It is noted that Takeley Parish Council have raised concerns at the absence of fruit trees from the scheme. The inclusion of fruit trees would have resulted in an objection from the airport as such trees would encourage birds.

C Nature Conservation (GEN7)

- 10.7 No objections have been raised from the Council's engaged ecologist, they have welcomed the provision of the open space secured through the planning application.
- 10.8 Natural England has considered the application with regards the proposal's relationship with the Hatfield Forest SSSI and has raised no objections.

D Other Matters

- 10.9 Takeley Parish Council has raised concerns regarding the ongoing management of the open space to the west of the site, including the applicant's assumption that the parish council would adopt the open space. Matters related to the management of the open space are covered with in the Section 106 included with the outline planning permission, UTT/13/1393/OP. Takeley Parish Council are quite correct that they are not obliged to adopt the open space, but do have first refusal. If the parish council decide not to adopt the open space then it would default to a management company. Whatever the final destination for adoption/management of the open space then the standard of maintenance would be agreed beforehand and this would include the matters raised by the parish council.
- 10.10 Members will note that the Health & Safety Executive have advised against approval due to the proximity of the gas main under the public open space. This matter was considered in detail by the applicant at the outline stage and cannot be revisited at this stage.

11.0 CONCLUSION

- 11.1 It can be concluded that the landscaping submission is acceptable in terms of choice of species and distribution. The proposed scheme was also not conflict with the safe operations of the airport through the enhanced likelihood of bird strikes.

RECOMMENDATION – CONDITIONAL APPROVAL

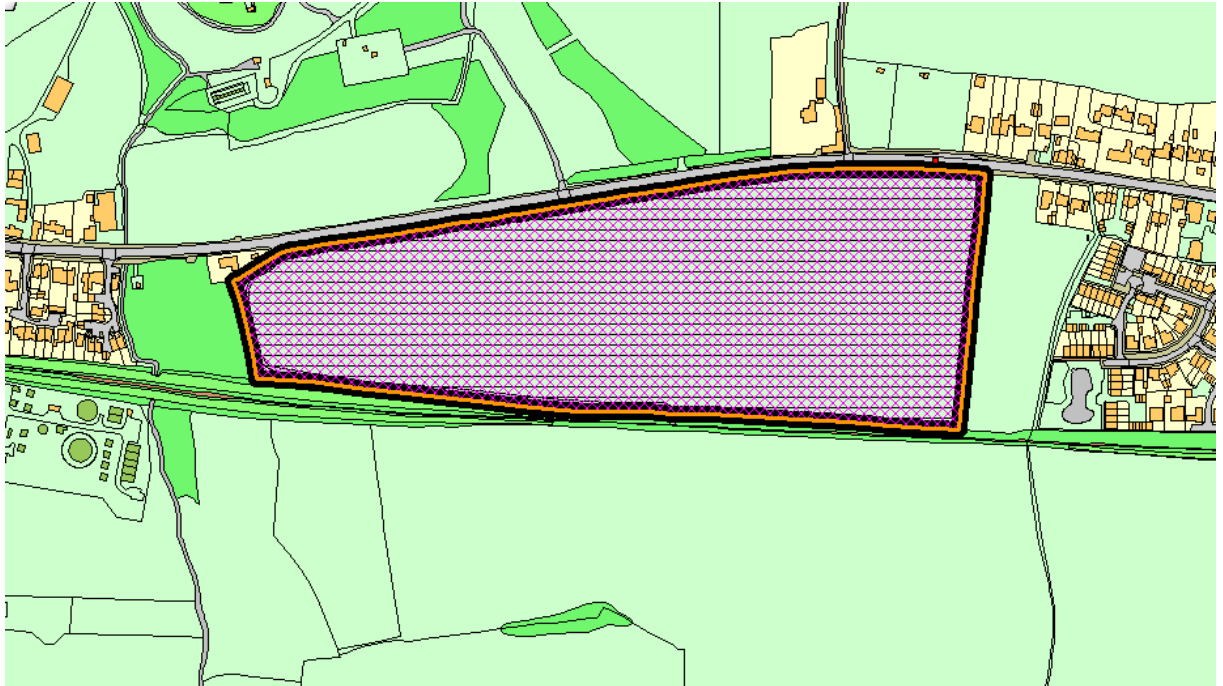
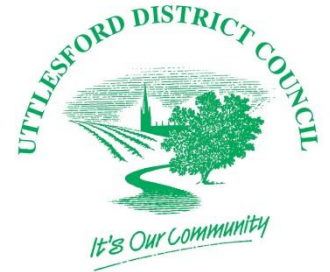
1. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning

authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with policy GEN2 of the Uttlesford Local Plan (adopted 2005).

Application Number: UTT/15/0564/DFO

Address: Land South of Dunmow Road Brewers End Takeley



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