



Appeal Decision

Hearing Held on 28 February 2023

Accompanied Site visit made on 1 March 2023

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 13 March 2023

Appeal Ref: APP/C1570/W/22/3296064

Helena Romanes School, Parsonage Downs, Great Dunmow CM6 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Helena Romanes School against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1929/OP, dated 28 July 2020, was refused by notice dated 1 October 2021
 - The development proposed is outline planning application for up to 200 dwellings, demolition of existing school buildings, public open space, landscaping, sustainable drainage system and vehicular access from the B1008 Parsonage Downs. All matters reserved except for means of access.
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Decision

1. The appeal is allowed, and planning permission is granted for up to 200 dwellings, demolition of existing school buildings, public open space, landscaping, sustainable drainage system and vehicular access from the B1008 Parsonage Downs. All matters reserved except for means of access. At Helena Romanes School, Parsonage Downs, Great Dunmow CM6 2AU in accordance with the terms of the application Ref UTT/20/1929/OP, dated 28 July 2020, and subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Following the submission of the appeal in March 2022 various additional documents have been provided by the main parties in relation to housing land supply, viability and planning obligations. This includes an agreed Statement of Common Ground (SoCG) in relation to viability, which was presented prior to the hearing, and helpfully distils the remaining area of dispute.
3. The application is in outline with all matters reserved except for access. Whilst layout, scale, appearance and landscaping would be matters for future consideration, the proposal was accompanied by parameter plans in relation to a land use framework plan and building heights, both of which would form part of any approved plans at this outline stage. Additionally, an indicative layout plan has been provided for illustrative purposes only and is not for approval. The Local Planning Authority (LPA) considered the proposal on this basis and so shall I.
4. On submission of the appeal scheme the appellant provided an amended site location plan and Parsonage Downs junction visibility drawing to reflect the need to secure appropriate visibility splays at the junction of Parsonage Downs

with the B1008, which could be secured by way of a planning condition. These plans were available when the appeal was notified, and appropriate notice served on parties with an interest in the affected land. The Local Highways Authority (LHA) have separately confirmed that the plans would meet their requirements regarding visibility. Accordingly, no one would be prejudiced were my decision to be based on these amended plans.

5. Prior to the hearing, the appellants circulated a final draft Unilateral Undertaking (UU) containing provisions for planning obligations under Section 106 (S106) of the Town and Country Planning Act 1990. A signed and dated version of the UU was submitted shortly after the close of the hearing. The UU contains obligations in relation to habitat mitigation, play space provision, healthcare, public transport and footway/cycleway provision and monitoring, as well as a mechanism to review scheme viability in relation to affordable housing provision. I return to the planning obligations later in this decision.

Main Issues

6. The main issues in this appeal are as follows:
 - (i) Whether the appeal proposal would make adequate provision for: (a) any additional need for infrastructure, services and facilities arising from the development; and (b) affordable housing; and
 - (ii) The effect of the proposal on the setting of proximate Grade II listed buildings including: (1) Newton Hall, the cottage east of Newton Hall and curtilage listed buildings within the Newton Hall complex; and (2) listed buildings to the east of the appeal site on Parsonage Downs; and whether the proposed development would preserve or enhance the character or appearance of the Great Dunmow Conservation Area.

Context

7. The development plan at the appeal site comprises the Uttlesford Local Plan 2005 (the ULP) and the more recent Great Dunmow Neighbourhood Plan 2016 (GDNP). For the purposes of the ULP the appeal site is not allocated and is within countryside to which Policy S7 applies. The GDNP identifies the appeal site within a defined Town Development Area (TDA) to which Policy DS1 states future housing growth will be directed including in line with allocations in the GDNP and by contained infilling. The Helena Romanes School (HRS) site is one of the GDNP housing allocation sites as set out at Policy DS2. The GDNP has been independently examined plan, subsequently put to a local referendum and adopted by Uttlesford District Council in December 2016 and is clearly predicated on residential development on the HRS site (a minimum of 100 units) enabling and part funding the development of a new secondary school subject to various caveats to ensure that would occur in a comprehensive and coordinated way. Section 38(5) of the Planning & Compulsory Purchase Act 2004 states that where there is a conflict between development plans, the conflict should be resolved in favour of the policy which is contained in the last document. In this case, that is Policies DS1 and DS2 of the GDNP.
8. Allied to this, the GDNP protected land south of Stortford Road and east of Buttleys Lane for the development of a new secondary school. Planning permission has subsequently been granted in April 2021 by Essex County

Council for a new 'all-through' school at the Buttleys Lane site¹. I note this is for a wider 'learning village' project including two form entry primary school provision, a new high school, sixth form centre and ancillary sports facilities. However, the Design and Access Statement for the proposal clearly sets out that it would deliver capacity for 1,350 place secondary school and 250 place sixth form places, capable of replacing existing provision at HRS. In approving the Buttleys Lane site, Essex County Council, as the relevant planning authority, found the scheme accorded with the GDNP.

9. Given the context described above, I am satisfied that the principle of what is being sought through this appeal proposal is long-established and would not be contrary to the development plan. Accordingly, the main issues in this appeal relate to matters of implementation, primarily arising from the scale of what is proposed.

Services and Infrastructure

10. As stated above, since the LPA made its decision, the appellant has submitted a UU containing various planning obligations. The LPA has raised no objection to the content or format of the UU and has separately submitted a compliance statement to justify that the obligations to Uttlesford District Council contained within the UU would meet the legal tests². On this basis, the LPA confirmed at the hearing that the provisions in the UU, if found lawful, would address its reason for refusal pertaining to any conflict with Policy GEN6 of the ULP.
11. In respect of viability, the initial assessment work had made an allowance of £2,500 per dwelling for S106 costs. The viability SOCG presents an agreed cumulative sum for the cost of planning obligations. On viability terms I have no reason to find that the appeal scheme could not deliver the identified planning obligations.
12. Various representations refer to the infrastructure capacity to accommodate additional housing in Great Dunmow, notably in respect of health and transport. There are, however, no representations before me as part of the consultation on either the planning application or the appeal that indicate an infrastructure 'showstopper' that would now preclude an allocated housing site coming forward or that a scheme of up to 200 dwellings at the appeal location would have an unacceptable impact on infrastructure capacity, including the wider highway network. The West Essex NHS Clinical Commissioning Group (CCG) have sought a proportionate financial contribution to expand existing medical facilities in town. This forms part of the planning obligations in the UU.
13. With regards to the various planning obligations contained in the UU before me, I have had regard to the LPAs compliance statement and the representations on the planning application from Essex County Council on transport matters, the CCG, the National Trust and Natural England. I am satisfied that the obligations relating to open space provision and arrangements for its future management are in accordance with development plan requirements and are proportionate to the development proposed. I have therefore taken them into account. Similarly, I also find the obligation for a per property tariff towards visitor management at Hatfield Forest to be necessary for the effective mitigation of potentially adverse impacts on this

¹ Reference CC/UTT/90/20

² Community Infrastructure Regulations 2010 (as amended) – Regulation 122(2)

important habitat and so make the development acceptable in planning terms. The sum sought is fairly and reasonably related in scale and kind to the development and so I have therefore taken the obligation into account.

14. With regards to health infrastructure, there is a demonstrable capacity issue in Great Dunmow and the CCG have set out an identified project to enlarge local surgery provision and have provided a proportional cost that could be fairly attributed to the demand arising from the appeal proposal. I have therefore taken the obligation into account. In respect of transport, the B1008 passes close to the site and the submitted plans for the appeal proposal would include bus stop provision close to the appeal site access. To encourage modal shift, and in the absence of rail provision in the town, bus services provide the best opportunity for medium to long distance journeys for future occupiers of the appeal proposal. I therefore find the identified financial contribution would meet the relevant tests and so I have taken it into account. The same applies for a modest contribution for off-site footway and cycleway connections to ensure the appeal site fully and safely integrates into the existing path network in the town. The site is sustainably located and so foot and cycle represent the best opportunities for modal shift for regular, shorter journeys and so the contribution is justified and therefore taken into account.
15. I therefore conclude on the first part of this main issue that the various obligations contained within the submitted UU are lawful and would appropriately address various infrastructure and environmental demands arising from the appeal proposal. Accordingly, with the submission of the UU and the planning obligations therein, there would be no conflict with Policy GEN6 of the ULP.

Affordable Housing

16. Policy H9 of the ULP states that on appropriate sites (0.5 hectares or of 15 dwellings or more) the Council will seek to negotiate on a "site to site basis" an element of affordable housing of 40% of the total housing provision, having regard to, including amongst other things, "market and site considerations". Paragraph 6.29 of the ULP provides context for Policy H9 and advises: "The percentage and type of affordable housing on any given site will be subject to negotiation at the time of a planning application, to allow issues of site size, sustainability and economics of provision to be considered." Policy H9 is now of some age such that it is not an 'up-to-date' policy that has been subject to scrutiny as part of a recent, comprehensive plan-wide viability assessment. As such, Policy H9 does not sit within paragraph 58 of the National Planning Policy Framework (NPPF) where development should be expected to meet policy contributions and be assumed to be viable. Whilst I heard from the LPA that they have a good track record in securing 40% affordable housing, viability assessments are nonetheless a material consideration, the weight to be given to them reflecting, amongst other things any change in site circumstances since the ULP was adopted in 2005.
17. As set out above, the most significant change in site circumstances since the ULP has been the adoption of the GDNP as part of the development plan. Policy DS2 of the GDNP is clear that residential development on the site (a minimum of 100 units) should "be enabling development, in order to part fund the development of a new secondary school appropriately located to serve the growing population of Great Dunmow...". Policy DS2 is silent on whether it exempts the site from the requirements of Policy H9, but it patently expects

the site to contribute towards the cost of a replacement secondary school. That is a specific requirement of the HRS site not to be found for other site allocations in the GDNP. As such there are bespoke development plan policy requirements for the HRS site which have a fundamental bearing on viability.

18. Furthermore, I cannot put aside entirely the fact that the recently withdrawn Local Plan for Uttlesford allocated the HRS site for 150 dwellings at submitted Policy GtDun2 for the similar purposes of enabling delivery of a new secondary school and with the express reference to not having to provide affordable housing. I accept that Policy GtDun2 envisaged a lower quantum of development and is now withdrawn but the circumstances that informed the withdrawn plan appear to remain largely unchanged. No one has provided details of a new and significant source of funding that would facilitate the delivery of a new secondary school in Great Dunmow. Additionally, the LPA has not advanced a new Local Plan that might indicate an alternative approach to the site is to be preferred. Accordingly, I give a moderate weight to the most recent planning policy intentions for the site in the withdrawn plan.
19. As set out above, the Viability SOCG has helpfully moved matters forward from the various preceding viability assessments such that all key inputs are now agreed between the two main parties. This results in a positive residual land value of £30.88million. The residual matter in dispute is the approach to benchmark land value (BLV).
20. The Planning Practice Guidance (PPG) on Viability advises that a BLV should be based on Existing Use Value (EUV), the premium to incentivise land release and, for example, any abnormal costs or site-specific infrastructure costs (EUV+). I have little doubt that under normal circumstances, when looking at the residual land value and all other matters being equal, that a BLV based on an EUV+ approach would viably deliver 40% affordable housing at the appeal site. The PPG is an important material consideration, but there will be exceptions that do not neatly fit what is necessarily general national guidance. The PPG advises what BLV should be based on, not what it must be based on in all cases. The difficulty I have with the LPAs approach is that the HRS site carries a very site-specific cost, set out in GDNP Policy DS2, in terms of part funding a new secondary school. As an enabling development, I consider it legitimate to test BLV (the minimum value under which a site would be released to the market) in the context of the prospect and cost of a replacement new secondary school.
21. In terms of delivery, as set out above a site for a replacement secondary school and sixth form centre now has planning permission on land east of Buttleys Lane. As such there is an implementable scheme that can be part funded from the capital receipt from the sale of the HRS site as envisaged in the GDNP. Furthermore, in terms of assurance of delivery, the replacement school scheme would be front funded by the Department for Education (DfE) with an agreement that the net capital receipt from the disposal of the HRS site would go to recouping that investment insofar as it relates to the secondary/sixth form elements only.
22. It is important to tease out the costs associated with just the secondary school, sixth form and associated facilities at the Buttleys Lane site and not to conflate this with a higher figure for total cost of an all-through school including the primary school element. The secondary school part is currently costed by the

appellant at £32.63million. Whilst this figure is disputed by some (not the LPA), I note that it has remained reasonably consistent over the lifetime of the planning application process and is underpinned by a value engineering process and a detailed breakdown is provided³. Overall, I have no compelling reason not to treat it as a reliable figure. Accordingly, the cost of providing a replacement high school exceeds the agreed RLV at the HRS site based on the increased capacity of up to 200 dwellings. In headline terms there would be no surplus at this stage, based on the agreed inputs (including sales values and identified S106 costs) for other policy requirements. I am advised that the gap in funding would be met by Essex County Council⁴ (as the Local Education Authority) but this would need to be kept to a minimum as there is no elasticity in the public purse to compensate for any reduction in the capital receipt from the HRS site.

23. I have queried whether an element of the capacity of the replacement high school would be needed to support housing growth in the catchment and so could be funded through S106 monies from other housing developments thus reducing the burden on the capital receipt from the HRS site. I am advised that the existing HRS has a potential capacity for 1,593 pupils but only 1,302⁵ are currently on the roll. The school submits that this in part due to the physical condition (and attractiveness) of the existing school such that some pupils are selecting to go to alternative schools. As such the planned capacity at the replacement high school at some 1,600 places is intended to largely accommodate the existing roll numbers but also to attract displaced pupils already within the catchment. As such I am satisfied that the cost identified for the replacement school is attributable to meeting existing demand and potential such that S106 funding from other developments is unlikely.
24. As such the HRS site is not a typical development site to which a conventional EUV+ approach to BLV would be appropriate. Its allocation and housing delivery is clearly predicated on being 'enabling development'. The cost of the development to be enabled exceeds the agreed RLV and there are no identified alternative sources of funding. Consequently, there is a legitimate judgement to be made as to whether the benefits of relocating the HRS and funding its replacement outweigh the harm arising from an absence of affordable housing provision.
25. The existing HRS site has evolved incrementally since the first buildings were constructed in 1958. This includes expansion in 1970 and further modest additions in the 1980s and 1990s. The school is now identified as part of a tranche of 61 schools for the DFEs schools rebuilding programme⁶ because of its poor physical condition, with two of the main buildings being declared unfit for purpose. Matters have come to point where the cost of continually repairing buildings is questionable in terms of value for public money. As I observed on site and heard from the school representatives, the condition of the school buildings and their ability to provide a standard of facility for modern education presents challenges for both pupils and staff but also the effect it may be having in displacing pupils who are now travelling further afield. There are rooms that too small, the layout in places is constricted and oppressive, space for circulation is poor and some of the buildings are clearly experiencing

³ Appendix 6, Mr Fell's Viability Statement for Rapleys LLP, March 2022

⁴ Set out in correspondence dated 31 March 2022 at Appendix 15 to Phase 2 Planning Statement of Case

⁵ Verbal evidence of Catherine Davis, Headteacher

⁶ At July 2022, as per page 8 of Mr Fell's Viability Addendum January 2023

- structural issues. I am also concerned that the dual arrangement of the HRS and the publicly accessible leisure centre on the same site, with a shared access point, creates potential safeguarding issues with little scope to safely segregate pupils on parts of the HRS estate from users of the leisure centre.
26. Overall, the HRS is a tired and operationally inefficient site. The evidence submitted by the Saffron Academy Trust demonstrates that they are not permitted to borrow funding to redevelop or rebuild the existing site and that they have reasonably explored a number of options in this regard without success. In the absence of any serious plan or funding to rebuild or reorganise the HRS on its existing site⁷ (a potentially disruptive 2 year programme), the proposed school relocation would present a significant opportunity to improve the secondary school environment in Great Dunmow (and its catchment).
27. The planned relocation of the HRS to the Buttley Lane site would form part of the critical mass to establish an efficient and inclusive new 4-18 years through-school in the town, at a point well-located to serve the expansion of Great Dunmow. As such there would be a significant public benefit in a relocated high school supporting the delivery of new co-located 420 place primary school. I heard from Mr Clarke that an all-through school at the Buttleys Lane site was not the basis for the GDNP and by association the principle for Policy DS2. Whether that was the case or not, the fact remains that planning permission has been granted for a new all-through school at Buttleys Lane including capacity to replace HRS together with a primary school facility to meet the growing need in the town. There are no details before me that expanding the existing HRS site would be a reasonable alternative option to Buttleys Lane.
28. Importantly, I am also satisfied that a new, modern high school would improve educational opportunities and attainment in the local area as a result of the standard and quality of proposed accommodation and without the draw on limited capital resources being deployed on a perpetual repairs programme at the existing HRS site. Moreover, a secure stand-alone school site would provide a safe and protected learning environment. For these educational reasons, funding a new high school, a facility which would be free for the local community, would be a substantial public benefit.
29. Additionally, a new modern high school would be likely to attract some pupils within catchment that are travelling further afield because of potential issues and perceptions with the existing HRS site. This would potentially reduce the need to travel and so there would be a moderate environmental benefit in terms of delivering the new school. Increasing pupil numbers at a relocated high school to where the roll number should be also presents further employment opportunities in Great Dunmow and I give moderate weight to the potential economic benefits in this regard.
30. Bringing this together, I find the ability of the appeal proposal to almost entirely fund a new high school would be a public benefit of substantial weight. In terms of securing this, the submitted UU contains provisions that preclude the disposal of the HRS site until such time as a new school site is operational. The UU also binds the use of the net capital receipt from the disposal of HRS to a replacement school and for no other purpose. In this way, the provisions of the UU would secure the requirements of Policy DS2 of the GDNP including "...a clear and binding commitment, subject only to funding from the release of this

⁷ Saffron Academy Trust letter dated 24 March 2022

site for development, to the provision of a replacement secondary school.” Accordingly, the appeal proposal would genuinely enable development in the wider public interest.

31. As the LPA indicated, in terms of the requirements of Policy H9, a residential development of 200 dwellings should ordinarily be capable of delivering some 80 affordable units (40%). I have no doubt that there is a pressing need for more affordable housing in Uttlesford and this is a priority for the District Council. The LPA confirmed at the hearing that they have a good track record of securing 40% affordable housing in the terms that Policy H9 is not typically creating viability issues. On this basis, it seems to me that the HRS site would be a genuinely exceptional circumstance and not part of any wider pattern of qualifying housing proposals not delivering affordable units. Whilst there would be a harm in not securing affordable housing, that in itself would not be contrary to Policy H9, which recognises that on site to site basis there may be circumstances, including viability, where policy compliant provision may not be possible. The appeal site is demonstrably one of those circumstances.
32. In considering the harm in not providing affordable housing, this would be tempered to some degree by the review mechanism contained in the UU. Necessarily, the UU has applied the RLV agreed between the two main parties as the point from which to review, and I consider that approach reasonable. The review mechanism would enable an early assessment prior to construction that could facilitate on-site provision and a subsequent re-evaluation upon the sale of 75% of the housing which could trigger a financial contribution. On this basis I am satisfied that there would appropriate scope to secure affordable housing were viability to improve. In the circumstances of the appeal, I consider this to be a justified approach.
33. As the appellant emphasises, case law⁸ has established that compromises in securing policy requirements can be legitimate and necessary on viability grounds. In this case, because the more up to date GDNP allocates the appeal site on an enabling basis and there is a clear framework and mechanism to deliver a much-needed replacement high school I consider the appeal proposal is justified in its approach regarding the BLV. Applying an EUV+ approach would not enable the delivery of the new high school. The public benefit balance is firmly in favour of securing a replacement high school. Accordingly, there are the exceptional circumstances that negate the provision of affordable housing in the first instance unless the proposed review mechanisms in the UU establish that some form of provision becomes viable over time.
34. I therefore conclude that there are exceptional circumstances in this case that justify what would ordinarily be the subsidy for affordable housing provision being redirected in this case to fund the delivery of a much-needed high school. Accordingly, such a compromise on viability grounds means there would be no conflict with Policy H9 of the ULP.

Heritage

The Newton Hall Assemblage

35. The heritage significance of the Newton Hall complex, including the Grade II Hall, the separately listed Grade II cottage to the east and the various curtilage

⁸ R v Westminster CC. ex parte Monahan [1990]

listed structures, including the courtyard cottages arrangement closest to the appeal site is the status, scale and architectural quality as a detached country house of moderate grandeur. A tree-lined approach to the Hall extends west from Parsonage Downs, immediately to the south of the appeal site, further reinforcing the prestige of Newton Hall as a country house, detached from settlement and to be experienced in a countryside setting.

36. The LPA has provided historical mapping and records that clearly demonstrate that the appeal site and surrounding land had a functional, historic relationship with Newton Hall. The current openness of large parts of the appeal site closest to the Hall buildings only provide a very limited sense of countryside setting given the highly maintained and somewhat institutional character of the school playing fields, the intrusive presence of floodlit sports courts, external lighting to the leisure centre car park together with the bulky form, scale and utilitarian character of the Twentieth Century HRS and leisure centre buildings further to the east. Nor is the setting particularly preserved at the wider appeal location more generally due to the highly visible encroachment of modern housing to the south of the Hall at Woodlands Park, which when complete will significantly erode the experience of Newton Hall and its ancillary buildings as a stand-alone country house.
37. The scale and architectural quality of the listed Newton Hall house is particularly pronounced on its front, south-facing façade, including a noteworthy, glazed lantern feature in the roofscape. As such, the house and its immediately adjoining buildings were clearly laid out to be principally experienced from the south. This elevation is not towards the appeal site. Due to existing vegetation and the presence of a large, detached garage building to the south-east of the Hall, there would be only a very limited visibility of the appeal proposal in principal perspectives to the south of the Hall. Any intervisibility would be reduced by the proposed landscaping and the setting back of nearest dwellings by a reasonably sized intervening green space at this edge of the appeal site. As such from this important perspective, the heritage significance of the Hall assemblage as a country house would remain largely unaffected.
38. To the east of the listed Hall and cottage are further buildings which due to being within the immediate grounds of the Hall and functionally linked to its historic use should be deemed as curtilage listed. This includes a courtyard arrangement of buildings which now take the form of cottages including a short range that faces directly towards the appeal site. Here boundary vegetation is limited such that there would be direct intervisibility, albeit this would reduce over time with proposed landscaping. Accordingly, the urbanising effect of the appeal proposal would be palpable in the outlook from and in immediate setting of these curtilage listed buildings. On this basis the setting of this part of the Hall complex would be tangibly impinged and adversely affected.
39. The LPA also raise issues of diurnal effects as part of experiencing the Newton Hall assemblage as an isolated country house. As set out above, the encroaching large housing estate to the south would generate significant light and noise impacts at points as equally close to Newton Hall as the appeal site⁹. Given the presence of sports pitches, floodlights, lighting columns and vehicle movements for the leisure centre car park the diurnal environment at the

⁹ See Figure 2 & Paragraph 3.3, Phase 2 Planning Statement of Case, 2022

appeal site, as part of the setting of how Newton Hall is experienced, is already significantly compromised. On this basis I find the appeal proposal would have only a limited diurnal impact on the setting of the Newton Hall assemblage and given the wider context, the impact would not be harmful.

40. Overall, I find there would be some limited harm to the setting of curtilage-listed buildings at the eastern edge of the Newton Hall assemblage. In considering the harm identified, I accept there would be some modest heritage benefit in that a publicly accessible green space in this corner of the appeal site would enable a greater appreciation of the architectural quality of Newton Hall and its curtilage buildings. This benefit, however, would not entirely mitigate the harm identified. The residual harm would be less than substantial, and for the reasons given, it would be towards the lower end of any spectrum of such harm.

Listed Buildings at Parsonage Downs

41. The appeal site is situated to the west of Parsonage Downs, a pleasant green area, where the original pattern of vernacular buildings fringing around the perimeter of the green can still be discerned. A number of these buildings are Grade II listed. Matters have narrowed such that it was agreed at the hearing that there would be no harm to the setting No.21 Parsonage Down, Herb of Grace and Nos. 29-31 Parsonage Down. Having visited the area and observed the extent of past infilling around these buildings and the consolidation that has arisen from the new large, detached dwellings on Graces Lane I am satisfied that there would be no harm to the setting of these listed buildings from the appeal proposal.
42. Focus therefore turns to the four Grade II listed buildings on Parsonage Downs closest to the existing school entrance, namely Pink Cottage, Friars, No.15 Parsonage Downs and Burntwood Cottage. The heritage significance of these properties is the vernacular architecture and materials and their orientation and relationship around the periphery of a green or common area at what would have been a rural edge to historic settlement pattern at Great Dunmow. Over time, the green at Parsonage Downs and these listed buildings have become subsumed within the wider fabric of Great Dunmow including examples of modern infill housing but more substantially the construction of the HRS, initially in the late 1950s and subsequently expanded, and through other developments including the Great Dunmow Leisure Centre complex.
43. Taller parts of the utilitarian school complex can be seen in the backdrop to these listed buildings in a few perspectives from within the green and the access road to the school and leisure centre is directly between the curtilages of Pink Cottage and Friars. More widely, any sense of openness at the playing fields to the north-west is not prominent in the setting of these listed buildings due to the intervening school buildings and mature vegetation. Any perception that the existing HRS site and use preserves a rural openness or tranquillity as part of how these listed buildings should be experienced is negligible, being further eroded by the extensive vehicle movements, noise and external lighting associated with the school and leisure centre uses.
44. Whilst the appeal proposal would bring built form slightly closer to the curtilage of the listed buildings there would remain an appreciable degree of separation, in large part due to a proposed landscaped buffer along the eastern edge of the appeal site. This landscaping would tie-in with the verdant garden and treed

setting to the rear of these listed buildings. Whilst there would be some development at 2½ - 3½ storeys and a moderate density to the overall development (only 34 dwellings per hectare (net)), the proposed housing would not be as visually obtrusive as the existing taller school buildings (comparable in places to 4 storeys) in the setting of these listed buildings. The principal relationship of these buildings to Parsonage Downs would not be affected and they would remain to be read as traditional buildings conceived to fringe around the periphery of this historic green open space. Overall, I find the setting of these listed buildings closest to the existing HRS site would be preserved.

Great Dunmow Conservation Area (GDCA)

45. Parsonage Downs is at the northern end of the Great Dunmow Conservation Area (GDCA), a widely drawn area which includes most of the pre-Twentieth Century settlement pattern of the town. The heritage significance of the GDCA is the historic settlement pattern in this part of the rural Chelmer valley encapsulated in the arrangement of vernacular buildings and later Eighteenth and Nineteenth Century consolidation, and what would have once been a nearby rural satellite of settlement and green on higher land at Parsonage Downs. The appeal site is immediately to the west of the GDCA such that the existing school entrance gates are on the boundary. Whilst the sense of Parsonage Downs as a historic green space with ponds, trees and open grassland remains evocative it is nonetheless now largely enveloped by development including examples of modern infilling and by the HRS site to the west such that any wider rural character has been reduced.
46. There is very limited intervisibility with the wider appeal site when standing on those parts of the green/common in the GDCA due to intervening housing and mature vegetation. As described above, the taller parts of the existing school buildings in the form of the utilitarian blocks can be glimpsed and appear at odds with the mixed residential and verdant character and appearance of this part of the GDCA. I also observed activity associated with the school at the PM peak including significant volumes of traffic, people and buses congregating around the Parsonage Downs approach to the school. Additionally, the Leisure Centre adjacent to the HRS site draws traffic and people through this part of the GDCA, including in the evenings. The floodlit sports pitches and the car park to the leisure centre are only a short distance from the GDCA boundary. As such I find existing uses mean this part of the GDCA is not particularly tranquil and with urban influences on the diurnal environment.
47. Given the circumstances described above I do not find the appeal site makes a positive contribution to the setting of the GDCA. There is little, if at all, when within the GDCA of the school playing fields providing a sense of openness that tangibly denotes or reinforces what would have been the original rural context for the satellite settlement around Parsonage Downs. This is in large part a consequence the scale, massing, and intensity of use of the existing school and leisure centre complex. Through a combination of reducing the scale of built form on that part of the appeal site currently occupied by the main school buildings closest to the GDCA and through the proposed extent of setting back and landscaping there would be no discernible impact arising from a development of up to 200 dwellings on the quasi-rural elements of the character of this part of the GDCA. The removal of the taller school buildings would represent a minor enhancement to the setting of the GDCA. In terms of

the impacts on aspects of character relating to tranquillity and diurnal effects I find an overall neutral impact with some of the intensity associated with school use removed but replaced by lower levels of vehicle movements, noise and external lighting albeit over a longer period. Given the enveloping residential character around this part of Great Dunmow, I find the proposed amount and extent of housing development at the appeal site would not be harmful in appreciating the heritage significance of this part of the GDCA.

Heritage Conclusions

48. To conclude on heritage, I find the appeal proposal would preserve the character of the GDCA and the setting of the historic rural green/common at Parsonage Downs would not be adversely affected. Additionally, it would not harm the setting of those listed buildings to the east of the site. There would, however, be less than substantial harm, to the setting of the Newton Hall assemblage to the south-west of the appeal site. This harm would be at the lower end of any such spectrum. In light of this harm, the proposal would conflict with Policy ENV2 of the ULP which states that development affecting a listed building should be in keeping with its scale, character and surroundings.
49. Policy ENV2 predates the NPPF by some margin such that it is not consistent with national policy and the balanced approach now set out at paragraph 202 of the NPPF. As such, I only give moderate weight to any of conflict with Policy ENV2. That said, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a statutory duty to pay special regard to the desirability of preserving a listed building or its setting. Consequently, it is incumbent that I attach considerable importance and weight to the harm that has been identified. I return to this in the heritage balance in the final concluding section of this decision.

Other Matters

50. In terms of impact on wider character in this part of Great Dunmow, the appeal site currently has a functional, institutional nature due to the formally laid out sports pitches and courts, floodlights, car parking and the school buildings and leisure centre. Due to adjacent new housing at Graces Lane, Woodlands Park and Woodlands Meadow, it is not a semi-rural location. The plans for approval before me including appreciable areas for green infrastructure including public open space which would help the site integrate with adjoining pockets of woodland and allow for a meaningful green buffer from neighbouring housing. The resulting net developable areas would deliver at a typical density for modern housing in country town locations. Overall, I consider there would be no harm to wider character and appearance from the uplift in the number of dwellings compared to the GNDP allocation figure. At this outline stage, based on the plans for approval at this stage, the appeal proposal would broadly accord with the site requirements in Policy DS2 of the GNDP including green buffers at the site edges and an attractive central open green space.
51. There are several dwellings that have openings and rear gardens orientated towards the appeal site. The outlook for these properties would change with the loss of the openness of the playing fields but this change has been established as part of the plan-led approach in the GNDP. I observed that the topography of the appeal site slopes down from south to north such that the existing playing fields are terraced with the northern parts of the appeal site slightly above adjoining land levels. A significant part of the northern section

of the site would be fixed as part of plans for approval at this outline stage as a green corridor and a further green buffer is established along the eastern side of the appeal site. As such I find there would be ample separation distances between existing and proposed housing. Concern is raised about a footpath, cycleway within the eastern green buffer but with appropriate landscaping within what is a reasonably generous corridor there would be no significant harm in terms of loss of privacy in properties and rear gardens to the east. Overall, I find the appeal proposal would not give rise to unacceptable impacts on living conditions of the occupiers of surrounding dwellings.

52. Part of the appeal site fringes into Frederick's Spring, a remnant of ancient woodland and Local Wildlife Site to the west. The plans before me would retain that part of the woodland within the appeal site and provide for some buffering within a wider green area through the centre of the site. Various species have been identified at the appeal location and I am satisfied these could be appropriately accommodated and harm avoided through various measures secured by condition where necessary and I deal with this below. I am also satisfied the proposal has the potential to secure biodiversity net gain. Ultimately, subject to conditions being imposed, the proposal would not result in unacceptable harm to local biodiversity in and around the site.
53. More widely, it is recognised that occupiers of the proposed homes could be attracted to visit nearby Hatfield Forest, a publicly accessible landscape which is also a nationally recognised Site of Special Scientific Interest (SSSI). On the evidence before me, including from Natural England and the National Trust, the impact of potential adverse effects arising from visitor numbers generated by the appeal proposal could be mitigated through a combination of on-site open space and connectivity (for example, space and networks for dog walking) and through a per property tariff contribution to measures at Hatfield Forest. The tariff is proposed to be secured through the UU, which I have addressed above. Whilst layout and landscaping remain detailed matters for separate determination, from the proposed land use framework plan for approval at this stage, the appeal site would allow for attractive green spaces on the appeal site and connectivity to a wider network of paths and green spaces. On this basis I am satisfied that the appeal proposal would not result in an adverse effect on the biodiversity of Hatfield Forest SSSI.
54. As set out above, amended plans were submitted with the appeal which satisfy LHA requirements regarding visibility at the B1008 and Parsonage Downs junction having regard to the highway conditions including the 30mph speed limit (which has been measured at 34mph at the existing 85% percentile speed). Consequently, there is little to demonstrate that the proposed use of the existing Parsonage Downs junction would be unsafe. The proposal is also accompanied by a Transport Assessment which has compared existing vehicle movements associated with HRS and those likely to be generated by the appeal proposals using the widely recognised TRICS¹⁰ database and other sources. Perhaps, unsurprisingly, the twice daily peaks associated with the HRS are generally smoothed out and whilst the appeal proposal would result in a net increase in vehicle movements over the course of the day, the difference would be modest given the reasonable prospect that residents at the appeal proposal could safely and reasonably walk or cycle to a good range of facilities in Great Dunmow. I attach significant weight to the absence of a highway safety

¹⁰ Trip Rate Information Computer System

objection from the LHA subject to the imposition of conditions and contributions to support modal shift. Having regard to paragraph 111 of the NPPF this is not an instance where development should be refused on highways grounds.

55. I have representations before me from 1 Life, who operate the Great Dunmow Leisure Centre under a Private Finance Initiative (PFI) arrangement with Uttlesford District Council. The operator is concerned that the relocation of the school would harm the sustainability and viability of the leisure centre and potentially infringe the terms of the PFI contract. The latter would be a separate private contractual matter and not a material planning consideration. Whether the appeal proposal would result in a social harm in terms of impacting operations at the Leisure Centre, there is very little to substantiate this. The principle of the appeal proposal (relocating the HRS) conforms with an allocation in the adopted development plan. I have nothing before that circumstances in relation to the operation of the leisure centre have materially changed since the GDNP was adopted. In terms of the 'agent of change' principle, detailed matters of layout and design for the proposed housing would have to respond to the leisure centre, the external courts and floodlighting and the lawful hours of operation. This can be secured by condition. Overall, I find there would be no social harm in terms of impacts on the leisure centre.
56. In December 2022 the LPA issued its five-year housing land supply position statement as of 1 April 2022 asserting a supply of 4.89 years. There is no dispute between the main parties that the housing requirement should be based on the latest Local Housing Need figure of 693 dwellings per annum plus a 5% buffer to reflect recent delivery performance. The appellant disputes the scale of deliverable supply and the extent of evidence behind the LPAs position statement against the requirements in the PPG¹¹, notably in relation to several large outline planning applications in the district. From all that is before me, there is some force to the appellant's assessment of deliverable supply, including the need for more judicious lead-in times and delivery rates on larger outline planning permissions and otherwise a general lack of the evidential threshold set out in the PPG including agreed delivery statements with site promoters and/or developers.
57. The LPA have not sought to rebut the appellant's evidence and suggested at the hearing that to some extent the consequence is immaterial, in that both parties agree there is not a requisite deliverable supply such that paragraph 11d) of the NPPF would be engaged. I return to the matter of the overall balances to be applied below, but conclude here based on the evidence before me, that the deliverable housing land supply to be closer to the 4 years invited by the appellant. The consequence of this is that the appeal proposal would make a significant contribution towards meeting housing need and given the extent of the shortfall identified, the public benefit arising from additional new homes should be given very significant weight in any balancing exercise.

Balances and Conclusion

58. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permissions be determined in accordance with the development plan unless material considerations indicate otherwise. As set out I have found that there would be no conflict with Policies GEN6 and H9 of the

¹¹ Paragraph 68-007-20190722

ULP. The principle of what is proposed would be in accordance with the more up to date GDNP at Policies DS1 and DS2.

59. In relation to heritage assets, there would be less than substantial harm to the Newton Hall listed assemblage to the south-west of the appeal site. I have determined this harm to be at the lower end of any spectrum of less than substantial harm. In accordance with paragraph 202 of the NPPF such harm should be weighed against any public benefits of the proposal. I have set out above (at paragraph 49) the basis that even though the harm is at the lower end of less than substantial, this harm must be given great weight.
60. On the other side of the balance would be various public benefits. This includes the appeal proposal funding the delivery a new, modern fit-for-purpose high school to serve the community of Great Dunmow and its catchment, with the real prospect of improving educational attainment and experiences. The relocation of the HRS to Buttleys Lane also creates important critical mass to support the delivery of a needed all-through school with wider public benefits in terms of NPPF paragraph 95 and the need to give great weight to providing sufficient school places. I therefore give the social and economic benefits of a new replacement secondary school substantial weight.
61. The proposal would also deliver up to 200 new homes in the context of a notable shortfall in the supply of deliverable housing land. The scale of a development of up to 200 homes would enable a good variety of dwellings to help meet the needs of different groups. This would amount to a social benefit of very significant weight in the context of NPPF paragraph 60 and the need to boost the supply of homes. Additionally, the appeal proposal would enable the implementation of a public footpath/cycleway north-south through the site connecting new housing developments in this part of Great Dunmow and I give this environmental benefit moderate weight. On this basis I am satisfied that the public benefits in this case clearly outweigh the identified heritage harm. Accordingly, in turning to the application of paragraph 11(d) of the NPPF (and footnote 7), there is no clear reason to refuse the development proposed.
62. On the wider tilted planning balance, there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the development plan when taken as a whole. Whilst the lack of affordable housing would be harmful in light of a need for such housing in Uttlesford, exceptional circumstances have been made out in this case in terms of the public benefit of the value from the sale of the appeal site serving no other purpose than to fund delivery of a modern, attractive high school for the wider local community as planned for in the locally determined GDNP. Overall, the appeal proposal would amount to sustainable development, for which there is a presumption in favour of, and planning permission should be granted.
63. I have taken into account all other considerations, but there is nothing that leads me to conclude other than the appeal should be allowed for the reasons given.

Conditions

64. A list of proposed conditions was provided in advance of the hearing, without prejudice, in the event of planning permission being granted. I have considered the suggested conditions having regard to the PPG on the use of conditions and paragraphs 55 and 56 of the NPPF. Given the outline nature of

the proposal, a notable number of pre-commencement conditions are proposed. The appellant has provided their written agreement to the pre-commencement conditions in the terms sought by Section 100ZA(5) & (6) of the Town & Country Planning Act 1990 (as amended).

65. In addition to the standard time limit conditions (2 & 3) for the submission of reserved matters and commencement of the development, a condition (1) defining the remaining reserved matters to be approved and a condition (4) requiring the development is carried out in accordance with the plans and details approved at this stage are all needed in the interests of proper planning and for the avoidance of doubt. To achieve a well-designed place and ensure a satisfactory appearance a condition (5) requiring details and samples of external materials is necessary. I have amended the wording slightly to clarify that these details should be submitted up and until the plots have reached slab level so as not to delay early demolition and site preparation works.
66. Conditions (6, 7 & 8) are proposed to ensure the development would not be at risk of flooding or increase flood risk elsewhere. All are necessary, and conditions 6 & 7 are necessarily pre-commencement conditions, in order to ensure that the development is designed at the outset to ensure surface water can be managed appropriately and for the development to accord with Policy GEN3 of the ULP and national planning policy on climate change and flooding. Having regard to biodiversity at the appeal location and the evidence provided as part of the planning application, including the submitted Ecological Impact Assessment, various conditions (9, 11, 12, 13, & 14) are all necessary to ensure that identified species at or around the site are protected and appropriate biodiversity enhancement measures are secured in accordance with relevant legislation¹², applicable Regulations and Policies GEN2 and GEN4 of the ULP. Given the sensitivity of some species at the appeal location a number of these conditions are necessarily pre-commencement so that appropriate measures can be taken at the earliest stages.
67. A condition (10) requiring a construction and environmental management plan is necessary to ensure that works take place in a way which protects the amenities of nearby dwellings and highway safety. This is necessarily a pre-commencement condition so that measures are agreed and where necessary in place before any work, including demolition, starts. A number of conditions (15, 16, & 17) are all necessary for highway safety and to ensure that the development comes forward in accordance with the timely implementation of approved details. These conditions are all necessary given that access is not a reserved matter. To ensure modal shift opportunities are maximised at what is otherwise a sustainable location, conditions (18 & 19) are necessary to implement effective travel planning. A condition (20) requiring 5% of the housing is built to wheelchair adaptable standards (M4(3)(2)(a)) and the remainder is built to an accessible homes standard (M4(2)) is necessary to ensure that the proposed homes are built to an appropriately high standard and are readily adaptable over time if the need arises.
68. Notwithstanding the submitted surveys and Phase 1 report, I have imposed a condition (21) to require further assessment of contamination and remediation if required given the use of the site and the age of the buildings. This condition is necessary to protect the well-being of future residents and the environment

¹² Primarily Section 40 of the Natural Environment and Rural Communities Act 2006

more generally. I have also imposed a condition (22) to reflect the 'agent of change' principle given parts of the appeal site are close to the leisure centre complex including its outside sports courts. The new homes should be insulated from noise accordingly so as to protect the amenities of future occupiers and not impinge or restrict the lawful use of the leisure centre. In light of the representations from the Environment Agency at the planning application regarding available treatment capacity at the Great Dunmow Water Recycling Centre, I have imposed their recommended condition (23) regarding the submission of details of a scheme for foul water disposal. This was discussed at the hearing and there was no objection to its inclusion. I have, however, not imposed the suggested condition requiring details of electric vehicle charging arrangements for each dwelling as this is now covered by Part S of the Buildings Regulations.

David Spencer

Inspector.

APPEARANCES

FOR THE APPELLANT:

Dr Ashley Bowes – Of Counsel
Michael Calder – Director, Phase 2 Planning
Katie Dickson – Heritage Consultant
Nick Fell – Rapleys LLP (for viability matters)
Catherine Davis – Headteacher, Helena Romanes School
Paul Wilson – Director of Finance, Saffron Academy Trust
Jo Lilliot – Solicitor, Holmes & Hills (for S106 matters)
Paul Calder – Real 8, Infrastructure Planning

FOR THE LOCAL PLANNING AUTHORITY:

Nigel Brown – Head of Development Management & Enforcement
Thomas Muston – Built Heritage Consultant, Essex Place Services
Bradley Tollon – Senior Development Consultant, Altair (for viability matters)

INTERESTED PERSONS:

Tony Clarke – Local Resident
Keith Exford CBE – Local Resident
Rev Mark Hayes – Chair of School Governors, Helena Romanes School

DOCUMENTS received at the hearing:

Doc 1. Statement from Mr Clarke

DOCUMENTS received after the hearing:

Doc 2. Completed Unilateral Undertaking received 1 March 2023

Doc 3. Appellant's written agreement, dated 1 March 2023, to the terms of proposed pre-commencement conditions.

SCHEDULE OF CONDITIONS

1. Approval of the details of layout, scale, landscaping, and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before the development commences and the development must be carried out as approved.
2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
3. The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans:
 - Site Location Plan 1228.001.02
 - Development Framework Land Use Parameter Plan 202.03
 - Building Heights Parameter Plan 203.03
 - Access Plan 198130-001B
 - Access Visibility 198130-005C
5. No development above damp-proof course level, in a particular phase, shall commence until full details/samples of the external surfaces of the development hereby permitted shall been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
6. No works except demolition shall takes place until a detailed surface water drainage scheme on the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 2.9 l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes.
 - FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

7. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
8. Prior to the first residential occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies and annual monitoring, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. Subsequently, the development shall be carried out strictly in accordance with the approved maintenance arrangements with maintenance monitored annually.
9. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer or successor in title with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

10. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
- a) Hours of operation, site office locations, delivery, and storage of materials details.
 - b) Vehicle parking, turning, and loading arrangements.
 - c) Construction Traffic Management Plan.
 - d) Construction Dust Management Plan including wheel washing measures to control the emission of dust and dirt during construction including on the public highway.
 - e) Waste management plan.
 - f) Measures to limit noise and vibration from construction activities.
 - g) Risk assessment of potentially damaging construction activities.
 - h) Identification of 'biodiversity protection zones'.
 - i) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - j) The location and timing of sensitive works to avoid harm to biodiversity features.
 - k) The times during construction when specialist ecologists need to be present on site to oversee works.
 - l) Responsible persons and lines of communication.
 - m) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - n) Use of protective fences, exclusion barriers and warning signs.
 - o) A scheme for early structural planting.
 - p) Measures to provide temporary localised surface water run-off management systems for construction stage activities.
 - q) A soil management plan for construction stage activities.
 - r) A Bird Hazard Management Plan (BHMP) to minimise the risk of bird strike.

The development must be carried out in accordance with the approved CEMP.

11. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology, July 2020) already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Including mitigation measures to offset the potential for recreation impacts on the Hatfield Forest SSSI and NNR, such as: high quality informal and semi-natural areas; circular dog walking routes >2.7km and/or links to surrounding public rights of way; signage/leaflets to householders to promote these areas for recreation and dog waste bins.

12. The development shall not commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified;
 - b) confirmation of the site registration and a method statement supplied by an individual registered to use a Low Impact Class Licence for Bats; or
 - c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
 - d) a licence issued by Natural England pursuant to the Protection of Badgers Act 1992 authorising the specified activity/development to go ahead; or
 - e) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
13. Prior to the commencement of the development hereby permitted a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Ecological Impact Assessment (July 2020). The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the approved strategy and enhancement measures shall be retained thereafter.
14. Prior to installation of any external lighting a lighting scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed without prior written consent from the local planning authority.
15. Prior to occupation of the development, the access, provision as shown in principle on submitted drawing 198130-001 rev B and 198130-005 rev C shall be provided, including a carriageway of minimum width 5.5m and footway on the southern side of minimum width 2m, traffic calming measures, clear to ground visibility splays with dimensions of 2.4 metres by 77 metres to the north and 2.4 by 45m to the south, as measured from and along the nearside edge of the carriageway such vehicular visibility splays shall retained free of any obstruction at all times thereafter.

16. Prior to occupation the bus stops and associated drop kerb crossings on either side of the B1008 as shown in principle on drawing number 198130-005 rev C shall be provided, the bus stops shall comprise (but not be limited to) the following facilities: shelters; seating; raised kerbs; bus stop markings; poles and flag type signs, timetable casings.
17. Prior to first occupation (or at an appropriate phase of the development construction agreed with the planning authority) the internal footway/cycleway shown in principle in drawing number 202.03, with a minimum width of 3.5m shall be provided. At the northern end it shall link to the footway cycleway in Woodlands Park Sector 4 to the south it shall provide a connection to the access and Great Dunmow Leisure centre.
18. Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented by a travel plan co-ordinator for a minimum period from first occupation of the development until 1 year after final occupation.
19. Prior to first residential occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
20. 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
21. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority.

This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site, and must include: a survey of the extent, scale and nature of contamination; and an assessment of the potential risks to human health, the water environment, property (existing or proposed), service lines and pipes, adjoining land and any other receptors identified as relevant. If found to be necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme must include all works to be undertaken, proposed remediation objectives, an appraisal of remedial options, a timetable of works and site management procedures.

The remediation scheme for each phase shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report

demonstrating that the remediation objectives have been achieved must be submitted to and approved in writing by the Local Planning Authority.

In the event that contamination that was not previously identified is found at any time after the development of any phase has begun, development must be halted on that part of the site affected by the unexpected contamination. The contamination must be reported in writing within 3 days to the Local Planning Authority. An assessment must be undertaken in accordance with the requirements of this condition, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

22. Before development commences details shall be submitted to and approved by the local planning authority in writing of sound insulation measures to be undertaken to insulate from noise the dwellings hereby permitted. No dwellings shall be occupied until the approved scheme has been completed and written confirmation has been received from the Local Planning Authority. Thereafter the sound insulation measures shall not be changed without the prior written agreement of the local planning authority.
23. The development shall not be commenced until a statement has been provided, and approved in writing by the Local Planning Authority, detailing the proposed method of disposal of foul water which addresses the capacity issues at Great Dunmow Water Recycling Centre. The scheme shall be implemented as approved.

Schedule ends.