

UTT/17/0649/OP - (FELSTED)

(MINOR)

PROPOSAL: Outline application with all matters reserved for proposed development of 8 no. dwellings.

LOCATION: Land off Stevens Lane, Felsted

APPLICANT: Mr K Robinson

AGENT: Acorus

EXPIRY DATE: 23 May 2017

CASE OFFICER: Mr C Theobald

1. NOTATION

1.1 Outside Development Limits / adjacent Grade II Listed Buildings.

2. DESCRIPTION OF SITE

- 2.1 The site lies on the outside of a gradual curve on the north side of Stevens Lane and comprises an area of flat undeveloped land of 0.59 ha set mainly to self-seeded trees, but with a line of more established trees which stand onto the side/rear boundary of the site which are subject to a TPO. Stevens Farm comprising a residentially converted grade II listed courtyard barn range and associated curtilage exists to the immediate east, whilst a 1960's built residential cul-de-sac (Cressages Close) exists to the immediate west. A couple of dwellings stand at the beginning of Stevens Lane on the south-west side from the junction with the Felsted to Rayne road around the beginning of the curve, including Yew Tree Cottage, another grade II listed building. A private unmade service track leads up the side of the site leading to buildings behind Yew Tree Cottage. Arable land lies to the north (rear) of the site.
- 2.2 A line of modern dwellings lie along the south side of Stevens Lane which extend around the inside of the curve to the road junction which are generally open plan in character, including a short row of recently constructed dwellings which stand opposite the site.

3. PROPOSAL

- 3.1 This outline application will all matters reserved relates to the residential development of the site to provide 8 no. market dwellings with associated garages and service road.
- 3.2 Three housing layout options have been submitted with the application for indicative purposes only to show how the proposed development could be accommodated at the site whereby "Options 2 and 3" have been submitted subsequent to receipt of the application. The development in each case is shown as 6 no. detached dwellings and a pair of semi-detached dwellings, although no elevational details have been provided. The development is shown to be a housing mix between 2 no. x 2 bed units, 2 no. x 3 bed units and 4 no. x 4 bed units (8 dwellings total).

- 3.3 The originally submitted housing layout (“Option A”) shows the eight dwellings laid out in two rows served by an access road leading off the existing side service track. “Option B” shows two rows of dwellings served by an access loop road leading both off the service track and Stevens Lane itself, whilst “Option C” shows a radial development served off Stevens Lane only. All three layouts show four dwellings fronting onto the lane as an active frontage with vehicular and garage access for these dwellings served directly from the lane.
- 3.4 The application is accompanied by the following documents:
- Flood Risk Assessment;
 - Ecological Assessment (including revised report relating to bats);
 - Combined Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The site proposal can be considered as an Infrastructure Project under Schedule 2 Column 1, Class 10 of the EIA Regulations where the site has a stated area of 0.59 ha and meets the applicable size thresholds and criteria for assessment under this class (0.5 ha). It is therefore necessary to consider the impacts of the development, including cumulative impact with regard to Characteristics of development, Location of development, and Type and characteristics of the potential impact and whether these impacts would be significant.
- 4.2 It is considered that the development would not have significant environmental impacts when assessed against this criteria where there would not be any significant cumulative impacts arising from the proposal (location/rural harm/ecology/transport/heritage assets).

5. APPLICANT’S CASE

- 5.1 A planning supporting statement has been submitted with the application which sets out the constraints and opportunities for this undeveloped piece of land and the reasons why planning permission should be granted for its residential use
- 5.2 The following verbatim comments have been made in the statement in support of the application proposal:
- The site off Stevens Lane is currently overgrown with no established use. Due to the size of the site and neighbouring dwellings, it would be impractical and unviable to develop an agricultural enterprise.
 - The proposed dwellings sit within the existing building line to the east and the west and will not extend into the open countryside to the north.
 - The Local Authority has under delivered for housing for a number of years (6 out of the last 10) with the housing delivery target only being met once since 2009/2010. A 5 year supply of deliverable housing sites cannot be demonstrated, therefore the relevant development policies cannot be considered up to date. Paragraphs 49 and 55 of the National Planning Policy Guidance therefore take precedence.
 - The NPPF clearly recognises the need to boost housing supply in rural as well as urban areas. It no longer seeks to protect the countryside for its own sake, but rather supports “thriving rural communities” within it (paragraph 17), whilst

balancing social, economic and environmental needs.

- Housing on a particular site must also be shown to be deliverable in line with footnote 11 of the NPPF. The proposal can be delivered on the subject site as it is available being owned by the applicant. It is also arguably sustainable being just outside the village boundary and can be achieved comfortably within the next 5 years.
- An assessment of any adopted policy to which the proposal is contrary and why in sustainability terms the proposal should not proceed contrary to the development plan is required.
- Bannister Green is located only 1.5 miles to Felsted, 6.5 miles to Great Dunmow, 7.5 miles to Braintree, 11 miles to Chelmsford and 11.9 miles to Stansted Airport. Braintree has a main line train station with trains running to London and Colchester on a regular basis.
- Bus services run from Bannister Green connecting with Gt Dunmow to the west and Braintree to the east and then to larger centres such as Chelmsford and Colchester. There is a bus stop nearby. In addition, there is a bus service to Stansted Airport from where the Stansted Express rail service runs to London Liverpool Street with a travel time of 50 minutes.
- Bannister Green and Felsted have a range of local facilities, including a traditional store/post office, bakers deli, arts and craft shop, a public house, several restaurants, village allotments, school, United Reform church and parish church.
- Employment opportunities in local towns are excellent. London is also within easy reach. In addition the erection of the dwellings will create employment opportunities during the construction phase of the proposed development. The development has the potential to provide a knock-on effect to local shops and businesses.
- This application scores highly as it will provide housing which is needed with reference to the 5 year housing supply, will provide employment during the development process and provide a positive effect on local businesses as well as tidying up and making use of a derelict site. The proposed mix of dwellings will encourage social integration.
- In terms of ecology, the spring assessment for newts is underway now that they are coming out of hibernation and this should be completed soon.
- Overall the proposal is sustainable.

6. RELEVANT SITE HISTORY

6.1 None.

7. POLICIES

7.1 Uttlesford Local Plan (2005)

- S7 – The Countryside
- ENV2 – Development affecting Listed Buildings
- ENV3 – Open Spaces and Trees
- H1 – Housing Development
- H9 – Affordable Housing
- H10 – Housing Mix
- GEN1 – Access
- GEN2 – Design
- GEN3 – Flood Protection
- GEN7 – Nature Conservation

- GEN8 – Vehicle Parking Standards

7.2 **Supplementary Planning Documents/Guidance**

Essex Design Guide.

7.3 **National Policies**

NPPF

7.4 **Other Material Considerations**

None.

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council is opposed to this application for a number of reasons:

- The site is in open countryside outside the settlement development boundary. The proposed development would therefore be contrary to Policy S7 of the Adopted Local Plan unless it was to satisfy the qualification as an 'exception site'; it is not offered as such.
- The site was not put forward in response to the call for sites to be submitted for consideration in the emerging Local Plan, which describes Felsted as a 'Type A' village in which some market housing development might be considered under certain of the scenarios suggested. Should this plan be adopted, the largest volume envisaged for Type A Villages is a total of 1,000 houses (Scenarios B, F and G) spread across 20 villages; Felsted's allocation might reasonably be expected to be 50 new houses over the 15 years up to 2033 or around 3-4 dwellings per year. There are already 22 new dwellings at Watch House Green and a further 25 have been approved at Hartford End. These meet the Village's requirements until around 2030. There is therefore no demonstrated further need for market housing.
- Unlike other recent developments in the street, this proposal is for backfill development extending into the countryside. Stevens Lane is part of Essex CC's Quiet Lanes network; it is very narrow and not adequate to provide access to eight additional dwellings.
- The removal of the last substantial stretch of hedge line along the lane would result in unacceptable urbanisation to the detriment of the rural setting of the two neighbouring Grade II listed buildings.
- The area is known to have poor surface water drainage (the owners of the neighbouring buildings are understood to have installed drainage pumps to protect their properties). Great crested newts were relocated to this site when displaced from an earlier development nearby.
- The applicants' responses to the Biodiversity Questionnaire are disingenuous: negative responses to questions on the felling of trees and on nearby water features (including ponds) both conflict with the applicants' own ecological assessment and tree survey. The tree survey omits to identify the group of trees along the north-west border of the site as subject to Tree Preservation Orders as is identifiable from Uttlesford DC's website.

9. CONSULTATIONS

Essex County Council Highways

- 9.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective.

Essex County Council Ecology

- 9.2 (*Initial comments*) - Holding objection:

The application is supported by an Ecological Appraisal (The Ecology Practice, March 2017). The Appraisal summarises the main ecological constraints in Table 10 (Page 40) and subsequently recommends measures to alleviate negative impact/ promote biodiversity net-gain where possible.

- 9.3 Bats are highlighted in Table 10 as a feature requiring further consideration, yet are discussed no further in the Appraisal. Given the high quality and comprehensive nature of the remainder of the report, I can only assume this is in error. Nonetheless, given the strict legislation protecting bats and their habitats (as well as planning policies), an assessment of the value of the site and impacts (in the context of proposal) must be included before this application can be considered further.
- 9.4 The site also holds value for great crested newt, breeding birds and white-letter hairstreak and contains important hedgerows and trees. Land to the immediate north (also under the land owner's control) is proposed as a receptor site for great crested newts and significant ecological enhancement, which is welcomed.
- 9.5 I will provide an updated response with recommended conditions once the requested information is received.
- 9.6 (*Revised comments*) – Holding objection removed.

No objections subject to conditions:

My response of 19 April 2017 placed a holding objection on this application due to a lack of ecological assessment information relating to bats. The Ecological Appraisal (The Ecology Practice, March 2017) to which those comments relate has now been updated to include the required information.

- 9.7 The site holds ecology value for bats, great crested newt, breeding birds and white-letter hairstreak and contains important hedgerows and trees. The Ecological Appraisal provides a thorough assessment of the impacts in the context of the proposal. Whilst a small area of land will be lost to development, remaining land to the north (within the blue line boundary and under the applicant's control) will be significantly enhanced resulting in biodiversity net-gain. This area should also be subject to a long-term management plan and safeguarded from future development.

UDC Landscape Officer

- 9.8 The application site has an overgrown and undeveloped appearance and character comprising mainly self-seeded vegetation, but with mature trees standing onto its western flank. The site is considered in this respect to be distinct in character from the residential nature of the south side of Stevens Lane which comprises a line of dwellings extending along the inside of the lane and new infill dwellings which then curve around on the inside to Braintree Road. In this way, the site has a closer relationship in terms of character and appearance with Stevens Farm containing converted rural buildings to the immediate east and the rural arable landscape to the

north, whilst the linear development on the south side of Stevens Lane has a closer relationship with the built form of Bannister Green to the south and south-west. Therefore, a strong character comparison can be made between these two distinct areas whereby the northern edge of the lane provides this character separation boundary.

- 9.9 It is accepted that the majority of the vegetation cover within the interior of the site is mainly self-seeded and that the site interior does not contain any tree specimens of particular amenity value, although a line of protected high amenity trees (TPO) form part of the rear/side boundary of the site adjacent to the track which are required to be protected by any resulting development. Whilst the frontage line of the site forming the northern edge of Stevens Lane is also mainly self-seeded vegetation, this frontage nonetheless provides a strong green edge onto the lane which reinforces the site's rural undeveloped character as distinct from the residential nature of the south side of the lane. It is highly unlikely that much of this frontage line would be retained through any of the presented housing layout options which would open up the site to the detriment to its rural character and setting along Stevens Lane.

10. REPRESENTATIONS

- 10.1 21 representations received (Object). Neighbour notification period expires 10 July 2017. Advertisement expires 27 April 2017. Site notice expires 9 May 2017.

Summary of representations

- Site lies outside development limits
- Development would not include social housing
- Loss of wooded area
- Loss of biodiversity
- Current relocation site for great crested newts has not worked (pond has dried up). No confidence that further newt relocation would work either
- Natural footpath through site
- Surface water flooding potential
- Extra dwellings would cause damage to road surface
- No pavements along Stevens Lane
- Stevens Lane is a "Quiet Lane"
- Negative impact on setting of adjacent listed building
- Lack of village infrastructure to support additional development

11. APPRAISAL

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

- A Whether the development amounts to a presumption in favour of sustainable development, including reference to the 5 year housing supply / Countryside protection / Flood protection (NPPF and ULP Policies S7 and GEN3)
- B Access and design (ULP Policies GEN1 and GEN2)
- C Housing Mix and Affordable Housing (ULP Policies H9 and H10)
- D Open Spaces and Trees (ULP Policy ENV3)
- E Impact on protected/priority species (ULP Policy GEN7)
- F Impact on setting of listed buildings (ULP Policy ENV2)

- A Whether the development amounts to a presumption in favour of sustainable**

development, including reference to the 5 year housing supply / Countryside protection / Flood protection (NPPF and ULP Policies S7 and GEN3).

- 11.1 The NPPF has a presumption in favour of sustainable development whereby paragraph 6 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF has three dimensions, or strands to sustainable development; economic, social and environmental whereby paragraph 8 states that these strands should not be undertaken in isolation to each other as they are mutually dependent, adding that economic, social and environmental gains should be sought *“jointly and simultaneously through the planning process to achieve sustainable development”*. Paragraph 17 sets out core land use planning principles which contribute to the presumption in favour of sustainable development.
- 11.2 Paragraph 11 of the NPPF states that planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise and that proposed development that conflicts with the development plan should be refused permission unless other material considerations indicate otherwise. Paragraph 49 states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”* Paragraph 10 states that *“Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas”*.
- 11.3 ULP Policy S7 of the Council’s adopted local plan seeks to protect the countryside for its own sake and states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area, adding that this includes housing infilling. The policy adds that *“development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there”*. The NPPF takes a more positive stance to development within rural areas providing that it represents a presumption in favour of sustainable development whereby para 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The Council’s Compatibility Assessment (July 2012) acknowledges that ULP Policy S7 is only “partially consistent with the NPPF”. As the Council does not currently have a 5 year housing land supply of deliverable sites within its district (the latest UDC Housing Projectory (August 2017) shows this to be between 3.77 and 4.2 years supply of housing depending on the housing targets used and the Council’s draft local plan shows that there will have to be new development within the countryside, ULP Policy S7 cannot be considered to be up to date as the settlement boundaries within the current adopted plan cannot contain the necessary housing growth. Whilst the aim of Policy S7 of protecting the countryside is clearly in line with the environmental strand of the framework, and in particular with paragraph 17 (bullet point 5), overall the policy can only carry limited weight. Accordingly, paragraph 14 of the framework is engaged and with it the tilted balance set out in favour of sustainable development.
- 11.4 In terms of assessment against the three sustainability strands of the NPPF, the site is located within a sustainable position on the eastern edge of Bannister Green relative to Felsted village whereby it is within reasonable distance of local services and amenities provided within the village and also Felsted Primary School at Watch

House Green nearer to the site. Whilst it is reasonable to say that the site is not within comfortable walking distance of these services and amenities with the exception of the primary school, the site is nonetheless adjacent to existing housing, whilst Members will be aware that a new housing development has very recently been built within close proximity of the site along the B1417 Braintree Road to the north-west when the sustainability credentials of that development were accepted. As such, it is considered that the proposal would be compliant with the social strand of the NPPF in this respect. The proposal would also be compliant with the economic strand of the NPPF in terms of providing local construction work for the period of development.

- 11.5 The site is currently undeveloped (greenfield) and serves as a natural buffer between Cressages Close to the immediate west and the barn conversion range at Stevens Farm to the immediate east. As such, the development of the site would represent an intrusion into the countryside on the outer side of Stevens Lane, which has a semi-rural feel as identified by the Council's Landscape Officer in his consultation response. Accordingly, the development would be contrary to the provisions of ULP Policy S7 and the environmental strand of the framework resulting in harm to the character of the lane. As such, it is necessary to measure the level of harm which would arise and the weight that should be attached to that harm in the overall planning balance.
- 11.6 The first thing to note is that the site is not derelict as described in the applicant's supporting statement. To suggest this would infer that there are buildings on the land that have become neglected over time and representing some form of visual detriment. This is not the case as the site does not contain any buildings. It is accepted that the site has been left to become overgrown over many years with self-seeded vegetation, although that is now the site's character as viewed from the lane. Notwithstanding this, the applicant would be entitled to clear the land of all self-seeded vegetation if desired without consent from the Council with the exception of the preserved trees which stand at the back of the site and also subject to any ecology licences being required. Whilst the site has the appearance of a large copse due to its extensive low tree cover, it nonetheless does not have any other local designation to it apart from being on the edge of the countryside and there is no assessment or evaluation of it to demonstrate that it is in any way out of the ordinary or a valued local landscape that warrants protection by virtue of paragraph 109 of the NPPF. Additionally, the site does not constitute farmland and the residential development of it would not represent the loss of food production. Whilst reference is made in third party representation to a "natural" footpath running through the site from Stevens Lane, it is the case that no PROW's run through the site, the nearest being public footpaths which extend northwards to arable land out of Cressages Close and Stevens Farm on either side. As such, the path has no lawful status, which indicates that it is used on an informal basis for recreational purposes by local residents.
- 11.7 The site can only be publicly viewed from one main place and that is from Stevens Lane itself as the area for the application site falls short of the hard edge of the open arable land which lies to the north of the site whereby the strip of overgrown land which exists in between would be used as a newt translocation site (see further discussion on this issue below). As such, any housing provided at the site would not be readily appreciated at a distance from fields to the rear from either of the aforementioned public footpaths leading to/from Stevens Lane and any wider countryside harm beyond the site itself would be limited. Taking this factor into account, any harm would be localised to Stevens Lane and it is further considered that any harm which would arise from the proposed development would diminish in

time and mitigated through the submission of a detailed landscaping scheme (reserved matter).

- 11.8 Given the above assessment, the proposal would by definition be contrary to the countryside protection aims of ULP Policy S7 in relation to the environmental harm which would be caused. However, this harm relates only to a single policy and the weight that can be given to that policy is less than full weight as Policy S7 is only partially consistent with the framework as previously mentioned, particularly given the site's favourable geographical location and the need to reduce the Council's housing supply deficit, which are material factors. Furthermore, the applicant has stated that the site is deliverable. The site is not included as an exception site for housing within the Council's local plan and has not been included as a site for inclusion within the Council's SHLAA, points highlighted by the Parish Council in representation. However, Felsted has been previously recognised as a village for new housing growth and the proposed development would contribute to this further growth.
- 11.9 In the circumstances, the adverse impacts of granting planning permission for the proposal would not significantly and demonstrably outweigh the benefits and it is considered that the proposal would therefore benefit from the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. The site is situated within Flood Zone 1 as shown on the Government's flood risk map, which means that the site has a low risk of flooding. As such, there are no reasons to refuse this application on flood risk grounds and it is not necessary for the applicant to provide a Flood Risk Assessment (FRA). The proposal would not therefore be contrary to ULP Policy GEN3 and it is considered that the application is acceptable in principle.

B Access and design (reserved matters) (ULP Policies GEN1 and GEN2)

Access:

- 11.10 Stevens Lane is a single carriageway unclassified lane which is also locally designated as a "quiet lane". Recent infill housing development exists on the inside of the lane on its west side before it curves round onto the main road. Whilst Access is a reserved matter, it is considered that the introduction of an additional eight dwellings at Stevens Lane as proposed would not give rise to an unacceptable intensification of use of the lane notwithstanding its quiet lane status whereby ECC Highways have not raised any highway objections subject to a standard highway condition. The three indicated site layout "options" submitted show that a service access road at the required width would be able to be provided, whilst private access points would also exist directly off Stevens Lane (ULP Policy GEN1).

Design:

- 11.11 Scale, Layout, Appearance and Landscaping are also reserved matters. The three housing layout options for the site are provided for indicative purposes only, although Layout "Option A" as originally presented and "Option B" both show a double row of dwellings incorporating effectively backland development which is considered to be an inappropriate form of development at this semi-rural location, whilst the third layout option provides for a more informal radial layout. All three options would appear to meet Essex Design Guide standards relating to private amenity space and also adopted parking standards. The development is shown at 12 dwellings per hectare, which is low and this would not therefore lead to an over-intensification of housing at the site in terms of site density whereby the loss of an

open grassed area originally shown at the rear of the houses on the site location plan would now be additional space for the dwellings whilst at the same time not compromising the newt relocation area proposed behind.

C Housing Mix and Affordable Housing (ULP Policies H9 and H10)

- 11.12 The housing mix indicated for the site between 2, 3 and 4 bedroomed housing units (ratio: 2-2-4) is considered to be an acceptable housing market mix for this edge of village location whereby there is a variety of house sizes and types within the vicinity of the site. No objections are therefore raised to the proposal under ULP Policy H10.
- 11.13 Affordable housing financial contributions can no longer be requested by the Council for housing developments of ten or less housing units in line with NPPG advice, the exception being if the site area is more than 0.5ha and would represent the equivalent to a 40% affordable on-site housing provision in line with ULP Policy H9 where the Council can still seek such financial contributions should the gross floorspace of the development exceed 1,000sqm.
- 11.14 The site has an area of 0.59 ha, although it is considered that it would not be a viable financial proposition or necessarily the right location to require the developer to provide the equivalent of just three affordable units (40% = 3 no. dwellings). In this respect, the applicant has confirmed that the gross floorspace of the proposed development would not exceed 1,000sqm. This can be conditioned and the applicant has advised that he is happy for such a condition to be imposed. The applicant has indicated, however, that he is willing to make a financial contribution to the Parish Council, possibly to the proposed Felsted Community Hub, as a way of provided the development with an additional community benefit.

D Open Spaces and Trees (ULP Policy ENV3)

- 11.15 The detailed tree survey submitted with the application has identified those trees which are of low to medium amenity value on the site and those which are of high amenity value, including those trees which stand towards the rear of the site which are subject to tree protection. The Council's Landscape Officer has seen the survey report and is satisfied at this outline stage that the residential development of the site would not significantly impinge on those existing trees recorded of being of medium to high amenity value. As Landscaping is a reserved matter, full consideration of this issue can only be appraised at detailed submission stage. No objections are therefore raised under ULP Policy ENV3.

E Impact on protected/priority species (ULP Policy GEN7)

- 11.16 A detailed ecology report (The Ecology Practice) has been submitted with this application which has subsequently been updated to take into account ECC Ecology's initial holding objection relating to impact on bats. The report takes into consideration a proposed newt receptor site (identified as Site C in the report) which exists to the immediate rear of the development site following the translocation of a total of 53 newts from a building site on the west side of Stevens Farm in late 2015/early 2016 under a Natural England licence (Site A - UTT/14/2626/FUL). The report states that any newts which may exist on the proposed development site area (Site B) could be able to be successfully relocated onto Site C as the new receptor site, together with the introduction of other enhancing refugia to make the new newt environment more conducive to their survival. Notwithstanding that the existing translocation newt pond formed on the current receptor site (e.g. the development site – Site B) is now dry, this fact does not in itself affect the merits of the current

application were the recommended safeguards as recommended in the report put in place to ensure that appropriate methods for newt re-capture were observed prior to development being carried out, which can be conditioned.

- 11.17 The survey findings have revealed that the development would not have a harmful impact on other protected species, including bats, reptiles, badgers and the White-Letter Hairstreak Butterfly, providing certain controls are put into place in mitigation, which can also be conditioned. ECC Ecology has considered the updated ecology report, including the recommended methods of GCN relocation and impact on bats and has now removed its holding objection whereupon it has commented that the ecology report is thorough. In the circumstances, no ecology objections are raised to the proposal under ULP Policy GEN7.

F Impact on setting of listed buildings (ULP Policy ENV2)

- 11.18 The site lies between two Grade II listed buildings (Stevens Farm Barn and Yew Tree Cottage). The various housing layouts submitted are indicative only and do not show elevational treatments for any of the proposed dwellings. That said, it is considered likely that a reasonable separation distance would be maintained between the proposed development and these adjacent listed buildings so that significant harm would not be caused to their settings. However, it is not possible at this outline stage to undertake a full assessment of any heritage harm which may be caused notwithstanding the representations received from the occupants of these two adjacent listed buildings whereby such impacts would be assessed at reserved matters stage (ULP Policy ENV2).

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The proposed residential development of this greenfield site lying just outside the settlement boundary for Bannisters Green would in the planning balance amount to a presumption in favour of sustainable development when tested against the provisions of the NPPF and the Council's lack of a 5 year housing supply, notwithstanding that harm to the site's semi-rural setting would be caused under ULP Policy S7. The site is located within a low flood risk zone and is not therefore at a risk of flooding (ULP Policy GEN3).
- B Matters relating to access, scale, layout, appearance and landscaping are reserved matters and do not fall to be considered with this outline application, although ECC Highways have already indicated that it has no highway objections in principle to the proposed development (ULP Policies GEN1 and GEN2).
- C The housing mix indicated for the proposed development would be acceptable for this edge of settlement location (ULP Policy H10). The applicant has confirmed that the development would not trigger the need for affordable housing financial contributions based upon the gross floorspace of the development and is happy for a condition to be placed on any planning permission granted to this effect (ULP Policy H9). The applicant has advised that he will be separately communicating with the Parish Council regarding making a financial contribution to the community.
- D The submitted tree survey reports show that the proposed development would not require the removal of any trees of significance at the site and any detailed application submission would ensure that the row of preserved trees at the side/rear of the site would be protected. (ULP Policy ENV3).

- E The submitted ecological report shows that the proposed development would not have a harmful impact on protected species subject to appropriate mitigation measures being incorporated into the development, including measures to relocate great crested newts to a new receptor area to the rear of the site (ULP Policy GEN7).
- F Impacts of the proposed development on the settings of adjacent listed buildings cannot be fully assessed until reserved matters stage (ULP Policy ENV2).

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. Approval of the details of access, layout, scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. A surface water drainage report shall be submitted with any reserved matters application showing how surface water drainage will be properly disposed of in accordance with sustainable drainage principles (SuDS). Subsequently, the drainage scheme for the site shall be carried out in accordance with the approved details.

REASON: To ensure that the development hereby approved does not present a surface water flood risk to occupiers of the site or to the occupiers of adjoining land and properties in accordance with ULP Policy GEN3 of the Uttlesford Local Plan (adopted 2005).

5. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal produced by The Ecology Practice

(March 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

6. No development shall take place (including demolition, ground works, vegetation clearance on either Site B or Site C (see Ecological Appraisal produced by The Ecology Practice dated March 2017)) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) 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).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

7. No development shall take place until an ecological design strategy (EDS) addressing habitat compensation has been submitted to and approved in writing by the local planning authority. The strategy shall accord with the recommendations in the Ecological Appraisal produced by The Ecology Practice dated March 2017. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.

- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 8. A landscape and ecological management plan (LEMP) for Site C shall be submitted to, and be approved in writing by, the local planning authority prior to 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 organization 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 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 will be implemented in accordance with the approved details.

NB: If the ecological consultant wishes; the CEMP, ecological design strategy and LEMP can be combined into one report.

REASON: To ensure that protected species are not harmed by the development and to promote bio-diversity enhancements in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

- 9. All of the 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.

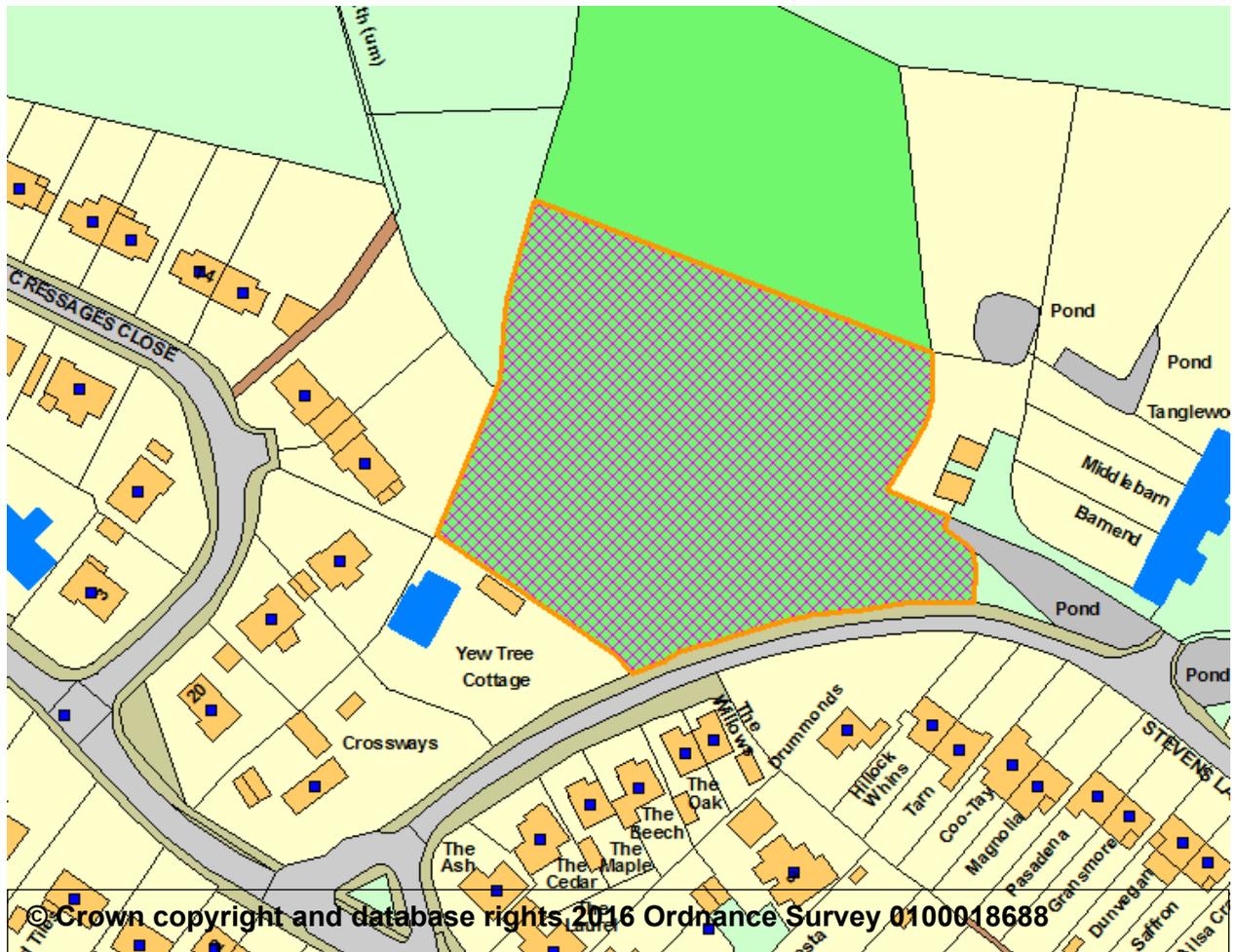
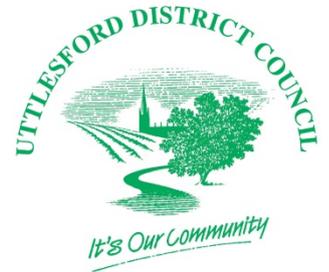
REASON: To ensure compliance with ULP Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.

- 10. The gross floorspace of the approved development shall not exceed 1,000sqm.

REASON: The development with a gross floorspace exceeding 1,000sqm would trigger the need for affordable housing contributions in accordance with ULP Policy H9 of the Uttlesford District Plan (adopted 2005).

Application: UTT/17/0649/OP

Address: Land off Stevens Lane, Felsted



Organisation: Uttlesford District Council

Department: Planning

Date: 15 September 2017