

## UTT/20/0765/OP - TAKELEY

(Referred to Committee by Cllr Bagnall. Reason: inadequacy of parking, outside development limits)

**PROPOSAL:** Outline application, with all matters reserved except for access, for 2 no. dwellings.

**LOCATION:** The Chase, Jacks Lane, Takeley

**APPLICANT:** Mr D Evans

**AGENT:** Mr M Jackson, Mark Jackson Planning

**EXPIRY DATE:** 16<sup>th</sup> September 2020

**CASE OFFICER:** Rachel Beale

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### **1. NOTATION**

- 1.1 Within Development Limits. Within 6km of Stansted Airport. Public Right of Way adjacent to site. Within 250m of Local Wildlife Site.

### **2. DESCRIPTION OF SITE**

- 2.1 The application site forms part of the garden to The Chase, does not have any buildings located within it and is bounded to the south by a ditch into an area of scrubland through which it is proposed to route the access through, and then to landscape. The house curtilage and garden sits within a cluster of other housing, bordered by the school playground. To the north are detached dwellings, set in their own gardens in a sporadic suburban setting. Situated within the application site, within the eastern and southern portions of the planning application site, is part of the definitive footpath Public Right of Way 48. To the south is the private road, Broadfield Road. The road is characterised by Victorian houses, intermingled with more modern developments such as The Acorns which has seen the redevelopment of the north west portion of the road with modern housing and the two brick and boarded houses to the north east of 1 Broadfield Road.

### **3. PROPOSAL**

- 3.1 Outline planning permission is sought, with all matters reserved except for access, for 2 no. dwellings

### **4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **5. APPLICANT'S CASE**

- 5.1 The application includes the following documents:

- Planning Statement
- Biodiversity Validation Checklist
- Biodiversity Phase 1 Extended Survey
- Definitive Map information re PROW

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/16/2128/OP - Outline application, with all matters reserved except for access, for 2 no. houses including removal of remainder of existing prefabricated garage – WITHDRAWN.

## **7. POLICIES**

### **Uttlesford Local Plan (2005)**

- 7.4 Uttlesford District Local Plan 2005
- S2 – Development limits/Policy Areas for Oakwood Park, Little Dunmow and Priors Green, Takeley/ Little Canfield
  - GEN1 – Access
  - GEN7 – Nature Conservation
  - H3 – New Houses within Development Limits
  - ENV14 – Contaminated Land

### **Supplementary Planning Documents/Guidance**

#### **National Policies**

- 7.5 National Policies
- National Planning Policy Framework
  - Planning Practice Guidance

#### **Other Considerations**

- 7.6 Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 Takeley Parish Council object to this application for the following reasons:

1. The application for access is via a private road. The applicant would need permission from the owners of the road to gain access.
2. Neighbours are complaining about the access onto Broadfield Road due to the health and safety aspects of the narrow access and the related parking issues in the surrounding roads. ECC highways do not appear to have been consulted about the access and the traffic implications related to any pending parking restrictions.
4. The access is in close proximity to a public footpath and prone to flooding. ECC have been consulted about some ecology aspects and have suggested conditions, however this does not deter from the fact that the area is normally outside the “Permitted Development Limit.”

There are 10 plus objections from residents regarding this application online. We strongly urge all these to be considered and recommend a site visit. Under the current restrictions due to the COVID 19 outbreak it is not possible for site visits to take place. This application should therefore be put on hold until site visits resume.

## **9. CONSULTATIONS**

### **ESSEX COUNTY COUNCIL HIGHWAYS**

- 9.1 From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **ESSEX COUNTY COUNCIL ECOLOGY**

- 9.2 No objection subject to securing biodiversity mitigation and enhancement measures.

We have reviewed the application documents submitted in support of the above scheme including the Extended Phase 1 Survey (Hillier Ecology, November 2019), Essex Recorders Partnership Datasearch Report (Essex Field Club, November 2019), and Biodiversity Checklist (Mark Jackson Planning, March 2020); Magic Maps and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.

We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

Based on the statement that no trees will be affected in this development, we are satisfied that there is sufficient ecological information available for determination, should any trees become part of the development area further ecological surveys will be required.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. We support the reasonable biodiversity enhancements that should also be secured by a condition on any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Extended Phase 1 Survey (Hillier Ecology, November 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly, birds and mobile mammals. We also recommend that the informatives below are attached to any consent.

If trees will be affected by the scheme at any time (including the removal of limbs to aid access to the site) then we recommend a suitably qualified ecologist assess the potential for roosting features for bats. We also recommend an arborist is consulted to ensure protection of the trees during the construction phase.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent.

### **UDC ENVIRONMENTAL HEALTH**

- 9.3 Thank you for consulting Environmental Health on this application. Contaminated Land.

The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site therefore the following condition is requested;

#### **CONDITION**

If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To protect human health and the environment

#### **Air Quality**

NPPF 2018 supports provision of measures to minimise the impact of development on air quality by encouraging non car travel and providing infrastructure to support use of low emission vehicles. A condition requiring charging points for electric vehicles is requested.

### **AERODROME SAFEGUARDING**

- 9.4 The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the outline proposal subject to the following Condition:

- The aerodrome safeguarding authority for Stansted Airport must be consulted on the detail of the development, specifically:

Precise heights in metres AMSL; Landscaping species details; external lighting; full design details of any rooflights or PV solar panels.

It is important that any conditions or advice in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Stansted Airport, or not attach conditions which Stansted Airport has advised, it shall notify Stansted Airport, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

## **NATS SAFEGUARDING**

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

## **10. REPRESENTATIONS**

- 10.1 13 representations have been received. These are summarised as follows:
- a) Affect parking on Broadfield Road
  - b) Impacts on the PROW
  - c) Drainage concerns
  - d) Access is not appropriate size for emergency vehicles and refuse vehicles
  - e) Private road that is not maintained by authority
  - f) Private road so no access rights
  - g) Request conditions re landscaping
  - h) Impacts on highway safety and pedestrians
  - i) Impacts on the street scene
  - j) Disruption during construction
  - k) Impact property values of Broadfield Road
  - l) Increase in traffic noise
  - m) Access should be through host dwelling
  - n) Overdevelopment

The Officer comments on these representations are as follows:

The following points are addressed within the report: a, b, d, g, h, l, l, m, n. Points c, e, f, j, and k are not material planning considerations.

## **11. APPRAISAL**

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

- A Principle of Development (S2, H3, NPPF)
- B Access (GEN1, NPPF)
- C Biodiversity (GEN7, NPPF)
- D Contaminated Land (ENV14, NPPF)

### **A Principle of development (S2, H3, NPPF)**

11.1

The application site is located within the development limits for the area now known as Priors Green. Therefore the development of this site is acceptable in principle (ULP Policies S2 and Takeley/Little Canfield Policy 3 & SPD: Prior's Green Island Sites). The Supplementary Planning guidance (SPG): Prior's Green (The Island Sites) states that new development is acceptable in principle subject to the normal development control policy considerations. The SPG also states that the retention of trees and hedgerows of amenity value should be achieved.

- 11.2 The proposal will develop a piece of land situated between existing residential dwellings, meaning Local Plan Policy H3 applies. This policy permits infilling on land within Takeley if the development would be compatible with the settlement.
- 11.3 The proposed development site is located to the North of Broadfield Road, an internal estate road. The proposal would provide an access road from Broadfield Road road which achieves the second requirement of the SPG for all new development to gain access from the approved internal road network.
- 11.4 The SPG requires new proposals on island sites to be compatible with the Prior's Green development as a whole. This is an outline application for all matters to be reserved apart from access. Scale and design will need to be established in a subsequent reserved matters application. Nevertheless, the indicative layout shows that two dwellings can be sited in this location of a compatible scale with those of the Priors Greens development.
- 11.5 It must also be acknowledged that the Council is currently unable to demonstrate a 5 year housing land supply. The most recent housing trajectory, 'NPPF 2019 - Five Year Housing Land Supply update (October 2019)', identifies that the Council has a 2.68 year land supply. Therefore, in line with the NPPF, contributions towards housing land supply must be regarded as a positive effect.
- 11.6 On the basis of the above, it is considered that the proposed development accords with the Adopted Local Plan and the NPPF and so the principle of the proposed development is established.

#### **B Access (GEN1, NPPF)**

- 11.7 The site would be accessed via a new vehicular access from Broadfield Road. Policy GEN1 requires that access must be capable of carrying the traffic generated by the development safely and that it can be accommodated on the surrounding road network. It is considered that the amount of traffic generated from the development could be accommodated and that there would be no significant impact upon the surrounding road network.
- 11.8 The application was consulted on by Essex County Council Highways. They requested additional information in regard to the PROW to which the applicant subsequently provided. ECC have confirmed that they had no objection to the proposal. They requested an 'informative' was included in a permission in reference to the PROW. It is concluded that the proposal would be in accordance with the requirements of Policy GEN1.

## **C Biodiversity (GEN7, NPPF)**

11.9 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

11.10 The ECC Ecologist was consulted on the application and commented as follows: *“We have reviewed the application documents submitted in support of the above scheme including the Extended Phase 1 Survey (Hillier Ecology, November 2019), Essex Recorders Partnership Datasearch Report (Essex Field Club, November 2019), and Biodiversity Checklist (Mark Jackson Planning, March 2020); Magic Maps and aerial photographs, relating to the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.*

*We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map ([www.magic.gov.uk](http://www.magic.gov.uk)). Therefore, Natural England’s revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.*

*Based on the statement that no trees will be affected in this development, we are satisfied that there is sufficient ecological information available for determination, should any trees become part of the development area further ecological surveys will be required.*

*The mitigation measures identified in the Extended Phase 1 Survey (Hillier Ecology, November 2019) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly, birds and mobile mammals. We also recommend that the informatives below are attached to any consent. If trees will be affected by the scheme at any time (including the removal of limbs to aid access to the site) then we recommend a suitably qualified ecologist assess the potential for roosting features for bats. We also recommend an arborist is consulted to ensure protection of the trees during the construction phase.*

11.11 The above provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured by condition, the development can be made acceptable. It is therefore concluded that, subject to appropriate conditions to any planning permission, the proposal is considered acceptable with regard to Policy GEN7.

## **D Contaminated Land (ENV14)**

- 11.12 The Council's Environmental Health Officer was consulted on the proposals and confirmed that "The Council has no reason to believe this site is contaminated and is not aware of any potentially contaminative past use, however, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site". Therefore, subject to relevant conditions, the proposal is considered acceptable with regard to Policy ENV14.

## **12. CONCLUSION**

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

- A** The proposed development accords with the development plan and the NPPF, and no material considerations indicate that outline planning permission should be refused. It is therefore recommended that outline permission be granted.

### **RECOMMENDATION – APPROVAL WITH CONDITIONS**

#### **Conditions**

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) 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 must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

REASON: In accordance with 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 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.

REASON: In accordance with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hillier Ecology, November 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes mitigation for the construction phase, nesting birds, lighting and biodiversity enhancements of bird and bats boxes on the new building and permeable boundaries.



Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.), in accordance with Uttlesford District Council Local Plan Policy GEN7, and the NPPF.

5. A lighting design 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 should any other external lighting be installed without prior consent from the local planning authority.

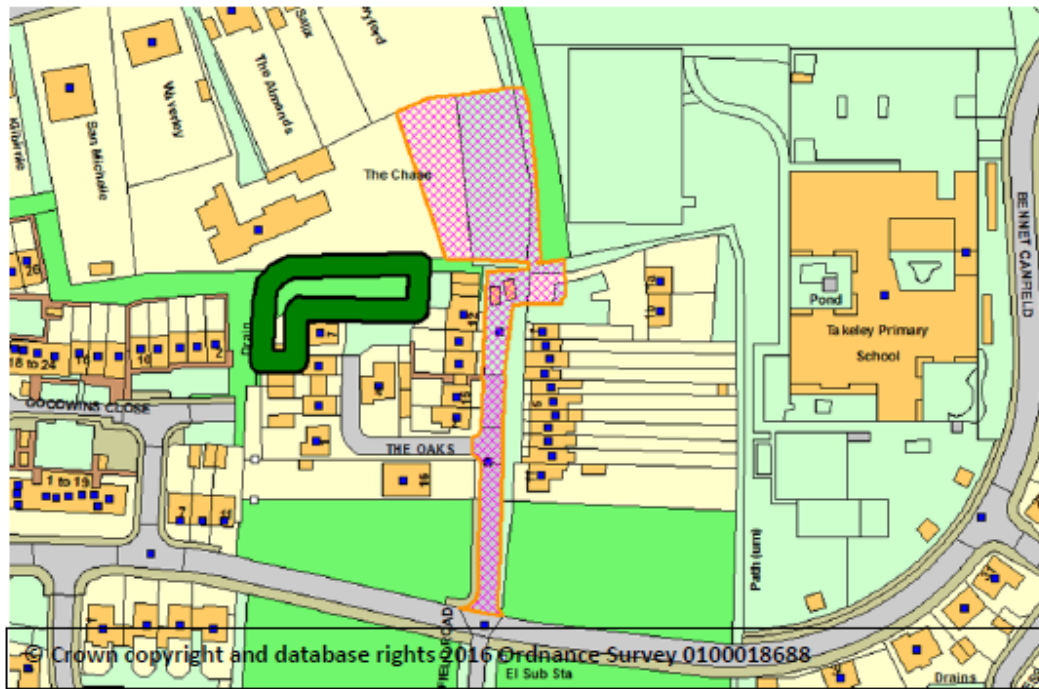
Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Uttlesford District Council Local Plan Policy GEN7, and the NPPF.

6. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified, shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990, in accordance with the NPPF and Uttlesford Local Plan Policy ENV14.

7. Prior to occupation each dwelling shall be provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.

REASON: to encourage/support cleaner vehicle usage in accordance with policy ENV13 of the Uttlesford Local Plan (adopted 2005) and the NPPF.



Organisation: Uttlesford District Council

Department: Planning

Date: 18 December 2019