

UTT/20/2541/FUL- HENHAM

The application is referred to Committee due to the applicant being a Councillor

PROPOSAL:	Creation of new vehicular access
LOCATION:	Cott Moor, Old Mead Road, Henham, Bishops Stortford Hertfordshire, CM22 6JG
APPLICANT:	Garry Lecount
AGENT:	N/A
EXPIRY DATE:	27/01/2021
CASE OFFICER:	Alishba Emanuel

1. NOTATION

- 1.1 Outside Development Limits
Within 100M of Railway Line
Within 25M of Railway
Within 2KM of S.S.S.I
Within 6KM of Airport

2. DESCRIPTION OF SITE

- 2.1 The site is located at Cott Moor, Old Mead Road, Henham. The site consists of the curtilage of a detached bungalow and paddocks to the rear. The site is on the southern side of Old Mead Road.
- 2.2 The property has two vehicular accesses onto the highway forming an “in and out” driveway arrangement and an access, to the western side of the frontage to the site, to the paddocks associated with the property.
- 2.3 A railway is to the rear, to the south.
- 2.4 To the west is another residential property, Chestnut Rise. To the east is a Paddock in another ownership.
- 2.5 The site is within a cluster of houses in countryside to the northwest of Henham. The railway station at Elsenham is less than a mile and a half away as the crow flies to the south.

3. PROPOSAL

- 3.1 The application is for planning permission for creation of new vehicular access

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 No objection subject to securing biodiversity mitigation and enhancement measures

We have reviewed the documents submitted in support of the above development scheme, the Preliminary Ecological Appraisal (Essex Ecology Services Limited, October 2019), Biodiversity Checklist (G LeCount, September 2020) and Location Plan (Associated Surveying Consultants, October 2020) along with Magic Maps and aerial photographs to assess the likely impacts of the development on designated sites, protected & Priority species and habitats, and identification of proportionate mitigation and enhancement.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and, with appropriate mitigation measures and biodiversity enhancements secured, the development can be made acceptable.

The new access will go through a section of mixed tree species identified within the Preliminary Ecological Appraisal (Essex Ecology Services Limited, October 2019). None of the trees were found to hold potential roosting features for bats and no constraints were identified with regard to felling them. The new access will also affect a section of species poor amenity grassland.

5. APPLICANT'S CASE

- 5.1 Biodiversity Checklist
- Ecological Report
- Driveway Details
- Additional information on visibility
- Photo of proposed and existing access points
- Preliminary Ecological Assessment
- Traffic Report

6. RELEVANT SITE HISTORY

- 6.1 **UTT/2205/11/FUL** - Creation of a new vehicular access to side of property – **APPROVE WITH CONDITIONS**

UTT/15/1868/OP: Outline planning application, with all matters reserved except for access, for one dwelling and garage using existing vehicular access. – **APPROVE WITH CONDITIONS**

UTT/16/0764/DFO - Details following outline planning permission for the erection of 1 no. dwelling and garage (UTT/15/1868/OP) - Details of layout, scale, landscaping and appearance – **APPROVE WITH CONDITIONS**

UTT/19/2993/OP - Outline application for the demolition of existing dwelling and outbuildings and erection of 4 no. new dwellings with all matters reserved except access – **APPROVE WITH CONDITIONS**

7.0 POLICIES

Uttlesford Local Plan (2005)

- S7 The Countryside
- GEN1 Access
- GEN2 Design
- GEN3 Flood Protection

- GEN7 Nature Conservation
- GEN8 Vehicle Parking Standards

National Policies

- National Planning Policy Framework
- Planning Practice Guidance

Other Material Considerations

- Essex Parking Standards – Sept 2009

8. PARISH COUNCIL COMMENTS

8.1 No Objections.

9. CONSULTATIONS

Essex County Council Highways

9.1 The Highway Authority considers that from a highway and transportation perspective the impact of the proposal is acceptable to the highway authority, subject to conditions.

Essex County Council Ecology Services

9.2 No objection subject to securing biodiversity mitigation & enhancement measures.

10. REPRESENTATIONS

10.1 There were no representations received for this application.

11. APPRAISAL

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

- A** Character and Appearance (S7, GEN2, NPPF)
- B** Access and Parking Arrangements (GEN1, NPPF)
- C** Amenity (GEN2, NPPF)
- D** Biodiversity (GEN7, NPPF)

A Character and Appearance (S7, GEN2, NPPF)

11.1 The Local Plan identifies the site to be outside of the Henham settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development's design and scale conforms and respects the immediate character and setting.

11.2 The proposal is seeking to create a new vehicular access from Old Mead Road, into the Cott Moor Site. The site benefits from two existing drives into site however the proposed drive will serve a new dwelling approved under

application number: UTT/19/2993/OP and a new dwelling under UTT/19/2993/OP

11.3 The site is characterised by its rural and countryside aesthetic and greenery in the form of trees surrounding the curtilage of the site. It is considered that although the development will result in the loss of trees to allow for the vehicular access, the principle of the development/ openings for vehicular access has been established within the curtilage of the site due to the existing two access points currently available. Furthermore the access will add to the pattern of cleared access points and therefore will not appear as interrupting nor detracting from the rural setting significantly.

11.4 Therefore, on balance the proposed scheme is seen to accord with the NPPF and comply with Local Plan Policies S7, GEN2, NPPF

B Access and Parking Arrangements (GEN1, NPPF)

11.5 The proposal relates to two prior applications for new dwellings and as the site is located at a considerable distance from nearby amenities, the potential occupants of the proposed dwellings will require a car to access the town's services and facilities. Policy GEN1 states that development should encourage movement by means other than driving a car, There is also a protected lane (UTTLANE45: Lodge Road) close by to the site promoting occupants to walk to nearby sites, however in this instance due to the rurality and special character of this location in Henham, public transport infrastructure is not easily accessible.

11.6 Paragraph 103 of the NPPF highlights the significance of differentiating how sustainable transport solutions will vary between urban and rural areas, therefore the proposal to create additional vehicular access is considered to comply with the NPPF and the above policies insofar as they relate to

11.7 The Highway Authority have stated that it "has no objections to make on this proposal", subject to conditions.

C Biodiversity (GEN7, NPPF)

11.8 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.

11.9 Essex County Council Ecology were consulted and commented that they had no objection, subject to securing biodiversity mitigation and enhancement measures.

"Whilst the limited biodiversity enhancement measures outlined within the Preliminary Ecological Appraisal relate to the development of the site as a whole, the felling of trees to facilitate the new access will result in a loss of habitat for breeding birds and compensation in the form of nesting boxes, fixed in trees to be retained, and planting of replacement native trees as part of the

landscaping for the wider site should be secured by a condition of any consent. Also, as the boundaries of the site could provide foraging and commuting opportunities for bats, wildlife sensitive lighting is recommended for this access way and should be secured as a condition of any consent.

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

Impacts will be minimised such that the proposal is acceptable subject to the conditions”

12. CONCLUSION

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

- A** The principle of the development is deemed to be appropriate in that it would be acceptable sustainable development for a rural area and acceptable in terms of design, layout, and vehicular access, in accordance with local and national planning policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the first use of the development hereby permitted, the access arrangements and vehicle parking areas as indicated on the approved plans shall be provided.

Reason: To ensure that appropriate access and parking is provided, in accordance with Policy GEN1 and GEN8 of the Uttlesford Local Plan 2005.

3. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Essex Ecology Services Limited, October 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, precautionary approach during clearance and construction for reptiles, hedgehogs and other mobile species. Vegetation clearance to be undertaken outside the bird breeding season (March to August inclusive) or a nesting bird check carried out by a suitably qualified ecologist not more than 48 hours prior to commencement.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats &

species), in accordance with Policy GEN7 of the Uttlesford Local Plan 2005.

4.

PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT PLAN AND LAYOUT

“A Biodiversity Enhancement Plan and Layout, providing the finalised details and locations of enhancement measures, including but not limited to those contained within the Preliminary Ecological Appraisal (Essex Ecology Services Limited, October 2019), and to include installation of bird boxes and replace native tree planting, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and Uttlesford Local Plan Policy GEN7.

5.

PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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 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.”

6. **Reason:** To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Uttlesford Local Plan Policy GEN7.

Prior to first beneficial use of the access, the access at the centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres, as measured from and along the nearside edge of the carriageway (including tangential splay). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the accesses and those in the existing public highway in the interest of highway safety and Uttlesford Local Plan Policy GEN1.

7.

Prior to first beneficial use of the access, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (4.5 metres maximum), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate vehicular crossing of the highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and Uttlesford Local Plan Policy GEN1.

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