

**UTT/20/3226/FUL**  
**(Called in by Councillor Day)**

**PROPOSAL:** Demolition of redundant poultry shed and erection of 1 No. Bungalow with associated landscaping (amended scheme to that approved under planning permission UTT/20/2423/FUL)

**LOCATION:** Meadowview, Hill Road, Great Sampford, CB10 2RT

**APPLICANT:** Mr S Brock

**AGENT:** -

**EXPIRY DATE:** 17.05.2021

**CASE OFFICER:** Rachel Beale

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**1. NOTATION**

- 1.1 The following planning constraints apply to the application site:
- Outside Defined Settlement Limits

**2. DESCRIPTION OF SITE**

- 2.1 The site is situated on the north side of Hill Road at the western end of Great Sampford and is located to the rear of the dwellinghouses known as Meadowview and The Bungalow. Great Sampford is a small village located 5km to the north-east of Thaxted and 10km to the south-east of Saffron Walden. On the site at present is a traditional timber framed poultry shed. The site is situated outside development limits.

**3. PROPOSAL**

- 3.1 Demolition of redundant poultry shed and erection of 1 No. Bungalow with associated landscaping (amended scheme to that approved under planning permission UTT/20/2423/FUL)

**4. ENVIRONMENTAL IMPACT ASSESSMENT**

- 4.1 The proposal is not EIA development and an environmental assessment is not required to assess the environmental impacts of the development whereby the site does not fall within a "sensitive area".

**5. APPLICANT'S CASE**

- 5.1 The applicants have submitted the following documents in support of the proposal:
- Planning Statement
  - Ecological Appraisal
  - Biodiversity Checklist
  - Transport Statement
  - Speed Survey

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/20/0270/PAQ3 - Prior Notification of change of use of agricultural building to 1 no. dwelling – Prior approval not required – March 2020
- 6.2 UTT/19/2035/FUL - Demolition of redundant poultry sheds and erection of 1 No. Chalet Style Bungalow with associated landscaping – withdrawn November 2019
- 6.3 UTT/20/0881/FUL - Demolition of redundant poultry sheds and erection of 1 No. Chalet Style Bungalow with associated landscaping – Refused June 2020
- 6.4 UTT/20/2423/FUL - Demolition of redundant poultry shed and erection of 1 No. Bungalow with associated landscaping - Approved

## **7. POLICIES**

### **National Policies**

National Planning Policy Framework 2019 (NPPF)

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

ULP Policy S7 – The Countryside

ULP Policy GEN2 – Design

ULP Policy ENV2 – Development affecting Listed Buildings

### **Other Material Considerations**

The Essex Design Guide

## **8. PARISH COUNCIL COMMENTS**

- 8.1 The Parish Council have objected to the proposals on the following grounds:
  - harm to the countryside.
  - UTT/20/0881/FUL – this application was refused due to detrimental impact on the countryside and this still applies.

- 8.2 Officer comments:

The proposal that was refused (UTT/20/0881/FUL) was for a much larger two storey dwelling. This proposal forms a smaller, single storey dwelling.

## **9. CONSULTATIONS**

### **ECC Highways**

- 9.1 Revised response: The applicant has since undertaken a speed survey and demonstrated that visibility splays in accordance with the recorded 85th percentile speed of the road can be achieved from the proposed access. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.

## **Environmental Health**

- 9.2 The development site is outside of the M11 and Stanstead noise contours and the Air Quality Management Zone and it is considered that the development will not negatively impact neighbouring properties. I recommend a precautionary contaminated land condition as the site has historic agricultural use. I understand that an asbestos survey has Already been carried out. I therefore have no in principle objections to the application subject to condition.

## **ECC Place Services Ecology**

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

### **Summary**

We have reviewed the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology, July 2019) relating to the likely impacts of development on designated sites, Protected & Priority species & habitats. Place Services ecology commented on the previous application for this site UTT/20/2423/FUL.

We are satisfied that there is sufficient ecological information available for determination.

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. This includes precautionary working measures for foraging and commuting bats (lighting), nesting birds, reptiles, common toads, hedgehogs, badgers and Virginia Creeper.

We also recommend that a lighting scheme should be submitted as a condition of any consent. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2018). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If Light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'.

We also support the proposed reasonable biodiversity enhancements, which have been outlined in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology, July 2019). This includes native hedgerow enhancement and creation, flower-rich amenity grassland planting, and provision of bird and bat boxes within the proposed building or retained trees as appropriate. These proposals will ensure measurable net gains for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined

within a Biodiversity Enhancement Strategy 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 below based on BS42020:2013.

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

## **10. REPRESENTATIONS**

- 10.1 Neighbours were notified of the application by letter. No representations have been received.

## **11. APPRAISAL**

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

- A Principle of development (S7, NPPF, PPG)
- B Design (GEN2, NPPF, PPG, Essex Design Guide)
- C Highways safety and parking provision (GEN1, GEN8, NPPF)
- D Amenity (GEN2)
- E Biodiversity (GEN7, NPPF)
- F Land contamination (ENV14, NPPF)

### **A Principle of development (S7, NPPF, PPG)**

- 11.1 The principle of a residential dwelling on this site has been established through the previously approved prior approval application (UTT/20/0270/PAQ3) and subsequent approved application (REF) that very slightly increased the scale of the prior approval.
- 11.2 Nevertheless, the application site is outside of the development limits and in the countryside (ULP Policy S7). Development in this location will only be permitted if the appearance of the development protects or enhances the particular character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 11.3 The issue with this application is therefore whether the new proposal through its scale and design increases any harm caused to the countryside above and beyond any that was caused by the proposal already accepted under application UTT/20/0270/PAQ3.
- 11.4 This proposal will increase the scale of the building on the site but it is not considered to be cause harm to the countryside over and above that of the already approved application. In addition, this proposal introduces a new access, where the previously approved scheme utilised the existing access. Whilst introducing this new access will increase the hardstanding on the site compared to that of the approved scheme, it will run alongside the recently approved car park to the south of the site ensuring the harm is negligible and therefore, on the whole, the proposal is considered acceptable.

- 11.5 Taking all the above into account, on balance, it is considered that the principle of the proposed development has been established and that the appearance of the development will protect the particular character of the countryside within which it is set, in accordance with Policy S7.

**B Design (GEN2, NPPF, PPG, Essex Design Guide)**

- 11.7 The design of the building is very similar to that of the approved and remains in keeping with the style of buildings in the nearby area as are the materials to be used. Both reflect the design principles of the Essex Design Guide, a non-adopted but useful guidance document. The proposal is therefore considered to accord with the above policies.

**C Highways safety and parking provision (GEN1, GEN8, NPPF)**

- 11.9 The Highways Authority have been consulted and have raised no objections to the scheme subject to conditions and informatives. The number of parking bays proposed for the development complies with Uttlesford's 'Local Parking Standards 2013' and can meet the dimensions stipulated in Essex County Council's 'Parking Standards Design and Good Practice' September 2009. It is therefore concluded that the proposed scheme would accord with the above policies.

**D Impact on neighbours amenity (GEN2)**

The single storey nature of the proposed dwelling, and the distance from the neighbouring properties ensure no harm from loss of privacy, overbearing or loss of light would be caused on neighbouring properties and therefore accords the above policies and guidance insofar as they relate to amenity.

**E Biodiversity (GEN7, NPPF)**

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. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010.

The ECC Ecology Officer has been consulted and confirmed that they have no objections to the proposal, subject to condition.

**F Environmental Health (ENV14, NPPF)**

The Environmental Health Officer has been consulted and confirmed that, subject to condition, the proposal is acceptable. It is therefore concluded, subject to condition, the proposal complies with policy ENV14 and the NPPF.

## 12. CONCLUSION

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

- A The proposal would not have a harmful impact upon character and appearance of the surrounding area.
- B The proposal would be compatible with the surrounding settlement.
- C The proposal will not have a detrimental impact on highway safety.
- D The proposal would protect neighbouring amenity.
- E The proposal would not materially impact upon matters of biodiversity, subject to conditions.
- F The proposal would not impact upon matters of air quality or contamination, subject to conditions

## 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 any works above slab level, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls
- Roof
- Windows
- Doors

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

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

3. Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:

- Retained features
- New planting
- Hard surfaces
- Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons

following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology, July 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes precautionary working measures for foraging and commuting bats (lighting), nesting birds, reptiles, common toads, hedgehogs, badgers and Virginia Creeper.

Reason: : To conserve and enhance Protected and Priority species and 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), in accordance with Policy GEN7 of the Uttlesford Local Plan (2005).

- 5 Prior to slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology, July 2019). 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).
- The works shall be implemented in accordance with the approved details and 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), in accordance with Policy GEN7 of the Uttlesford Local Plan (2005).

- 6 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.

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

- 7 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment, in accordance with Policy ENV14 of the Adopted Local Plan.

- 8 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 100 metres to the south, as measured from and along the nearside edge of the carriageway. 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 access and those in the existing public highway in the interest of highway safety to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 9 Prior to occupation of the development 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 dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 10 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 to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

- 11 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety to ensure that the development accords with the Highway Authority's Development

Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1

- 12 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that that appropriate parking and turning is provided to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.