

**UTT/20/0050/FUL**

**Call-in request by Councillor Bagnell if recommended for officer approval**

<b>PROPOSAL:</b>	<b>Demolition of existing garage and erection of 1 no. Dwelling with associated parking and landscaping.</b>
<b>LOCATION:</b>	<b>Yew Tree Cottage, School Lane, Takeley, CM22 6PJ</b>
<b>APPLICANT:</b>	<b>Castle Lane Securities Limited</b>
<b>AGENT:</b>	<b>BB Partnership Limited</b>
<b>EXPIRY DATE:</b>	<b>06.03.2020 (Extension of time agreed to 21.05.2021)</b>
<b>CASE OFFICER:</b>	<b>Clive Theobald</b>

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**1. NOTATION**

1.1 Outside Development Limits / Within Countryside Protection Zone (CPZ) / affecting setting of Grade II Listed Building / General aerodrome restriction.

**2. DESCRIPTION OF SITE**

2.1 The site lies on the south side of School Lane at the end of a line of existing frontage dwellings leading away from the junction with the road leading through Mole Hill Green and comprises the side garden of Yew Tree Cottage containing a largely reconstructed grade 2 listed building following fire damage, and also a small adjacent land plot upon which a modern garage stands, which serves a residential property opposite. The site is relatively flat, whilst a ditch line exists to the rear boundary and a pond adjacent on its east side as part of a linear pond chain running along the Lane.

2.2 Four pairs of very recently constructed two storey semi-detached dwellings front onto School Lane on its south side, situated at its corner with the main road, whilst two pairs of new two storey semi-detached dwellings front onto the north side of the Lane diagonally opposite further along the lane towards the application site. A new dwelling representing an infill plot fronts onto the lane to the immediate west of Yew Tree Cottage (Meadowside). The application site together with the property opposite marks the transition point between the now continuous linear built up frontage of School Lane leading from the road junction, and the more rural nature of the lane containing sporadic frontage dwellings leading down to its eastern end.

**3. PROPOSAL**

3.1 This full application relates to the residential development of the side garden of Yew Tree Cottage and small plot adjacent for the erection of two detached dwellings with associated hardstanding parking. Since the receipt of the application, one dwelling has been removed from the submitted scheme description, following agent/officer discussions and the Officer Report before you now considers the planning merits of the proposal as a single dwelling scheme.

3.2 The application is accompanied by the following reports:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment Report
- Preliminary Ecology Appraisal
- Bat Endoscopic Inspection Report
- Great Crested Newt eDNA Survey Report
- Heritage Statement
- Highways and Transport Statement
- Façade Noise Exposure Assessment

#### **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 applicant makes the case that the proposed development would allow for an efficient use of the land available in a sustainable location within walkable distance to bus stops on a regular bus route through Mole Hill Green, contributing to both UDC's Housing Land Supply deficit, and also supporting further growth within the District; further, it is the applicants opinion that the development is well-designed, which would complement the surrounding streetscape.

#### **6. RELEVANT SITE HISTORY**

- 6.1 None, although approved applications UTT/16/0417/DFO, UTT/19/1583/FUL and UTT/19/1784/FUL relating to recently approved frontage housing developments along School Lane as specifically referenced in the site description and surroundings above for this report are considered relevant to the planning merits of the current proposal.

#### **7. POLICIES**

##### **National Policies**

National Planning Policy Framework (NPPF) (revised February 2019)

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

ULP Policy S8 – Countryside Protection Zone (CPZ)  
 ULP Policy H1 – Housing development  
 ULP Policy ENV2 – Development affecting Listed Buildings  
 ULP Policy ENV10 – Noise sensitive development and disturbance from aircraft  
 ULP Policy GEN1 – Access  
 ULP Policy GEN2 – Design  
 ULP Policy GEN3 – Flood Protection  
 ULP Policy GEN7 – Nature Conservation  
 ULP Policy GEN8 – Vehicle Parking Standards

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

SPD "Accessible Homes and Playspace".

## **Other Material Considerations:**

Essex Design Guide

ECC Parking Standards – “Design and Good Practice” (September 2009)

UDC Parking Standards (adopted February 2013)

UDC Housing Trajectory and 5-Year Land Supply Statement Status at April 2020

UDC “Interim Climate Change Planning Policy” document

## **8. PARISH COUNCIL COMMENTS**

### **8.1 Object for the following reasons:**

- Site is located outside development limits and within the Countryside Protection Zone (CPZ). The development is therefore contrary to ULP Policy S8 of the adopted Local Plan;
- Local infrastructure is insufficient to support the development as relevant facilities and shops are located some distance away necessitating the use of car journeys;
- Site is located within close proximity to Stansted Airport and therefore susceptible to noise disturbance;
- Vehicular access to School Lane is via a very busy road through Mole Hill Green which is used as a rat run to the airport and which is heavily trafficked by HGV's;
- School Lane is very narrow and insufficient for emergency vehicles or dustbin lorries and has already reached its capacity for additional housing;
- Mole Hill Green suffers generally from poor drainage due to the existence of a complex set of drainage ditches whereby the proposed development would exacerbate this flooding issue further. This ongoing issue needs to be comprehensively examined;
- The granting of planning permission on appeal for a care home and 114 dwellings at Parsonage Road, Takeley means that any further applications for development within the CPZ have to be looked at very carefully to ensure that the CPZ is not further eroded;
- Mole Hill Green is bearing the brunt of a significant number of planning applications for new dwellings which are having an adverse effect on the nature of this quiet settlement and due consideration should be given to the cumulative impacts of such potential housing growth.

## **9. CONSULTATIONS**

### **Essex County Council Highways**

(revised comments received 16 April 2021):

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

### **Place Services (Heritage)**

- 9.2 This application is for the demolition of an existing garage and erection of two dwellings with associated parking and landscaping.

Yew Tree Cottage is a Grade II listed building, timber framed and assumed to date from the eighteenth century, if not slightly earlier (list entry number: 1322591). Following a fire in 2008, the house was largely rebuilt in 2012. The garage is not considered to be curtilage listed and is a modern construction.

I have no objection to the proposed scheme, which will not be harmful to the setting or significance of the listed building. I feel the design of the new buildings could be further refined, for example lowering the ridge height of the new dwellings to ensure the listed building remains prominent within the street scene, and using appropriate materials and design details. However, the principle of the proposal, namely demolishing the existing garage and constructing two new dwellings is not considered harmful to the listed building.

Should the local authority grant permission for the scheme, I recommend the following conditions:

- Construction of the new buildings shall not commence until samples and details of the materials to be used in the external finishes, including brick bond, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- The roof shall be clad in natural slate, samples of which shall be submitted to and approved in writing by the local planning authority before the construction of any of the buildings commences. The roof shall be constructed in accordance with the approved details.
- All rainwater goods shall be of cast metal and permanently maintained as such.
- Construction of the buildings shall not commence until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- At the time of works, the new casement windows shall be in painted timber, flush meeting within the frames, with matching joinery for opening and fixed casements, and without trickle vents or surface mounted glazing bars and shall be permanently maintained as such.

### **Place Services (Ecology)**

(revised comments received 17 December 2020):

9.3 No objections subject to securing ecological mitigation and enhancement measures:

#### Summary:

We have reviewed the Preliminary Ecological Appraisal (Tim Moya Associates, December 2019), Great Crested Newt Edna Survey Report (Tim Moya Associate, June 2020), and Bat Survey Report (Tim Moya Associates, June 2020) provided by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats.

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 & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

With regard to Great Crested Newts (GCN), an eDNA survey was carried out on pond P12 (located within the site) in order to confirm whether GCN will be present and affected by the proposed development.). Pond P7 (located 150m from the site boundary) was dry and an eDNA survey could not be undertaken. The results for pond P12 were negative for GCN and Pond 7 was considered unlikely to have GCN present. No further surveys, mitigation or licencing was recommended for these protected species.

With regard to Bats, further endoscope inspections were carried out on Trees T4 and T7. No bats or evidence of use by bats such as droppings were seen during the endoscope inspections of both trees. Roosting bats are considered unlikely to be present. It has been recommended a precautionary pre-felling check for bats is undertaken on the day the trees are due to be removed to ensure no bats are present.

We are therefore satisfied that certainty of likely impacts has been provided for these European Protected Species for the proposed works.

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 (SAM Ms) at Hatfield Forest.

To conserve protected and Priority Species, the mitigation measures identified in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2019) and Bat Survey Report (Tim Moya Associates, June 2020) should be secured and implemented in full.

We also recommend that a Wildlife Friendly Lighting Strategy is implemented for this application, following the recommendations made within the Bat Survey Report (Tim Moya Associates, June 2020). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to the known populations of foraging / commuting bats present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. 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.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

In addition, we support the proposed reasonable biodiversity enhancements which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d / 175d 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 conditions based on BS42020:2013.

## **10. REPRESENTATIONS**

10.1 5 representations received (object). Summary of representations as follows:

- 10.2
- School Lane is very narrow. Delivery vehicles to existing properties often get blocked during various construction works;
  - Disruption to verges by construction vehicles;
  - No footpaths along School Lane and only one street light;
  - Slight bend in lane at the site whereby a new vehicular entrance onto the lane could cause visibility issues for existing lane users;
  - Proposal would remove existing garage facility for White House Farm situated opposite;
  - Proposal would have effect on existing drainage system;
  - Proposal would have ecology impact on adjacent pond;
  - Buses run only once an hour
  - Mole Hill Green has lost all of its community assets following closure of the village shop and has no play areas for children;
  - Broadband speed is poor;
  - Cumulative impacts of further development within the hamlet/School Lane;
  - The hamlet should be given more local infrastructure if more housing is to be approved;
  - Consideration should be given to more affordable smaller sized bedroomed accommodation rather than family dwellings if permission is to be granted for more houses in the area.

## **11. APPRAISAL**

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

- A Principle of development having regard to countryside protection (CPZ), sustainability objectives, flood risk and 5YHLS (NPPF, ULP Policies S8, H1 and GEN3);**
- B Whether access and parking arrangements would be acceptable (ULP Policies GEN1 and GEN8);**
- C Heritage protection (NPPF and ULP Policy ENV2);**
- D Design (ULP Policy GEN2);**
- E Impact upon protected and priority species (ULP Policy GEN7);**
- F Noise from aircraft (ULP Policy ENV10).**

**A Principle of development having regard to countryside protection (CPZ), sustainability objectives, flood risk and 5YHLS (NPPF, ULP Policies S8, H1 and GEN3)**

- 11.1 The site lies outside development limits for Takeley) within the Countryside Protection Zone (CPZ) as defined on the Council's Proposals Map 2005 adopted Uttlesford Local Plan (ULP). ULP Policy S8 of the adopted Local Plan states that planning permission will only be granted for development that is required to be there, or is appropriate to a rural area, adding that there will be strict control on new development. Policy S8 adds that development will not be permitted in particular if either:
- a) new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside, or
  - b) it would adversely affect the open characteristics of the Zone.
- 11.2 A study was commissioned on behalf of Uttlesford District Council in June 2016 to assess the extent to which the land within the CPZ is meeting its purposes as set out in Policy S8. This in turn will enable the Council to make informed decisions should it decide to amend the CPZ through the Local Plan process. The study split the CPZ into distinct land parcels based upon their physical characteristics, with Mole Hill Green being included within Land Parcel 7. This parcel is identified as being (1) "High" for the purposes of the protection of the open characteristics of the zone, (2) "High" for the purposes of the restriction of the spread of development from the airport, (3) "High" for the purposes of the protection of the rural character of the countryside (including settlement) around the airport and (4) "Medium" for the purposes of the prevention of changes to the rural settlement pattern of the area by restricting coalescence.
- 11.3 The National Planning Policy Framework 2019 (NPPF) has a presumption in favour of sustainable development, whilst ULP Policy GEN3 seeks to steer development away from areas at medium to high risk of flooding. ULP Policy H1 sets out the number of new dwellings which are proposed to be provided for the district for the plan period 2000 to 2011, although this policy as a local housing policy is out of date when set against the housing requirements of the NPPF in terms of the statutory requirement for LPA's to have a five year housing land supply.
- 11.4 The extent to which Land Parcel 7 of the 2016 CPZ impact study contributes to the openness and permanence of the CPZ for the purposes of qualitative assessment criteria (i.e., "High", "High", "Medium") is noted. However, it is the case that the Council has granted planning permission for new dwellings within the CPZ where it has been considered that the impact on its openness would not have been significant when assessed against this criteria and where the tilted balance has then had to be made as to whether there would be a presumption in favour of sustainable development in all other respects against the provisions of the NPPF (economic, social and environmental objectives) mindful of the Council's current lack of a 5-year housing land supply.
- 11.5 The most recent examples of this with specific reference to School Lane and therefore direct relevance to the housing proposal site under current consideration has been the recent grants of planning permission by the Council firstly for the erection of an infill dwelling between Sunnyside and Yew Tree Cottage (UTT/16/0417/DFO), secondly for the erection of 8 no. semi-detached dwellings for land at the beginning of School Lane on its south side (UTT/19/1583/FUL) and thirdly

for the demolition of the existing dwelling at “The Bungalow” and erection of 4 no. semi-detached dwellings on its north side (UTT/19/1784/FUL).

- 11.6 The Planning Committee Report for approved application UTT/19/1583FUL for the aforementioned erection of 8 no. semi-detached dwellings, stated at paragraph 6.1 with regard to the principle of residential development within this CPZ land parcel making reference to the previous Committee Report for the outline approved development at this site stated that;

*“The principle of building in this part of the Countryside Protection Zone was considered [for UTT/18/0527/OP] on balance to be appropriate; the Committee report stated at paragraph 11.2 that: “The site's location is some distance from Stansted Airport and so the development would not merge into the Airport's environs. The development would obviously create a built form in an open area and so would impact on the countryside; however this negative consideration must be balanced against the NPPF's emphasis on sustainable development”.*

- 11.7 Paragraph 11.8 of the committee report went onto say that;

*“To summarise, the proposal must be assessed primarily against the NPPF as well as the Local Plan. The current lack of a five year supply of housing means that a development must be approved if the proposal meets the three tests of sustainability and its benefits outweigh any harm. The proposal would satisfy the economic and social criteria and, on balance, the environmental role as well, although there would be some negative impact in this respect. Providing the proposal creates a net benefit in planning terms by complying with all other relevant policies, the principle of the development on the site is acceptable”.*

- 11.8 The site the subject of the current full application forms the side garden of Yew Tree Cottage whereby this listed dwelling forms the easternmost extent of the now built up frontage along School Lane on its south side given the aforementioned planning approvals. The proposed dwelling, in the form of a traditional unit (whereby the number of dwellings for the application has now been reduced to one as stated at the front of this report) would stand directly opposite the dwelling at White House Farm thereby serving to “bookend” this shorter front section of School Lane from the much longer section of the lane running to the east, which has a more discernible rural nature and appearance.

- 11.9 Given this prevailing characteristic, it is considered that the proposal would not have a significantly adverse impact on the openness and appearance of the CPZ in terms of its environment effects at this semi-rural location and would additionally not give rise to coalescence with the airport. Furthermore, given the previously recognised relative sustainable location of School Lane from the committee reports for both applications UTT/19/1583/FUL and UTT/19/1784/FUL, it is considered that the proposal would represent a presumption in favour of sustainable development as the less than significant CPZ harm caused in terms of any adverse effects identified would not outweigh the planning benefits in terms of the housing and economic gains whereby the Council does not have a 5-year housing supply, albeit that this has recently increased from 2.68 years to 3.11 years, but where this supply increase is only applicable to housing policies within made Neighbourhood Plans whereby Takeley currently does not possess one.

- 11.10 The site is shown on the Government's flood risk map to be at a low risk of surface water and fluvial flooding meaning that it is not necessary for the site to be



accompanied by a flood risk assessment. As such, the proposal is not contrary to ULP Policy GEN3.

- 11.11 For the aforementioned reasons, it is considered that the proposed development is acceptable in principle against national and relevant local plan policy subject to its acceptance in relation to other relevant matters, which are now considered.

**B Whether access and parking arrangements would be acceptable (ULP Policies GEN1 and GEN8)**

- 11.12 School Lane is a tarmaced single track unclassified road which terminates at its eastern end at Swan Farm/Roseleigh. A network of public footpaths and byways leads off the end of the lane. The application site is on the inside of a gradual curvature of the lane. Vehicular access to the adjacent Yew Tree Cottage is in the form of an access to the side of the house.

- 11.13 The new dwelling proposed to the side of Yew Tree Cottage would have a separate dedicated wide vehicular access point onto School Lane as shown on revised site plan drawing FXR-116-01-rev D whereupon it would serve four parking spaces, two of which would be dedicated to the new dwelling and the other two being dedicated to White House Farm opposite in compensation to the single garaged space which currently provides off-plot parking for this dwelling which would be lost through the proposed development.

- 11.14 A swept path analysis plan has also been provided to show how resident vehicles for both properties would be able to access and egress School Lane safely from/to the new access point having regard to required visibility splays calculated in each direction along the lane as demonstrated. The new dwelling would be two bedroomed meaning that the two parking spaces shown to be provided for it would comply with UDC adopted parking standards, whilst the two spaces to be provided for White House Farm as compensatory parking arrangements would also comply with the parking standards in terms of the status quo position for that dwelling.

- 11.15 ECC Highways have considered the submitted drawings (as revised) and have not raised any highway objections subject to appropriate highway conditions. No access objections are therefore raised to the proposal under ULP Policies GEN1 and GEN8 relating to access and parking.

**C Heritage protection (NPPF and ULP Policy ENV2)**

- 11.16 Yew Tree Cottage is a grade II listed building. S66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 11.17 Paragraph 189 of the NPPF states that local authorities should require a planning application to describe the significance of any heritage assets affected to a level proportionate to the asset's importance, whilst paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. ULP Policy ENV2 of the adopted local plan states that development affecting a listed

building should be in keeping with its scale, fabric, character and surroundings and that demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted.

- 11.18 The proposal would necessitate the demolition of a modern 'A' framed tiled and block rendered garage which has no heritage value or significance as confirmed in Place Services' (Heritage) consultation response for this application proposal. The new dwelling as shown on revised elevational plan FXR-116-21-rev E would comprise a traditional cottage built in local vernacular style incorporating a first floor in the roofspace with matching front and rear dormers and conservation style roof lights with an overall height of 6.35m which would have both its eaves line and ridge line commensurate with that of Yew Tree Cottage. A flank separation distance of 22m would be maintained between the new dwelling and Yew Tree Cottage. The dwelling would have a slate tiled roof and rendered walls on a red brick plinth to match Yew Tree Cottage and would have timber framed windows. The dwelling would also incorporate a red chimney stack to add architectural interest.
- 11.19 Essex County Council Heritage Place Services have advised in their consultation response that they have no heritage objections to the proposed new dwelling scheme at this listed building curtilage location in principle, which they consider would not be harmful to the setting or significance of the listed building. It should be noted in this respect that this response relates to the two dwelling scheme as originally submitted for this application proposal rather than the now single dwelling as negotiated through the application process whereby it must fall that the reduction in the number of dwellings for the site as now sought for determination would have a lesser impact on the setting or significance of the listed building.
- 11.20 Place Services have further advised in their response that they feel that the design of the new dwelling(s) could be further refined, for example by lowering the ridge height of the new dwelling(s) to ensure the listed building remains prominent within the street scene and by using appropriate materials and design details. The applicant's agent has since positively responded to this request by lowering the ridge height of the new dwelling by 100mm so as to be slightly lower than the ridge of Yew Tree Cottage and so as to provide a subservient building form and relationship with the listed building. The stated materials specification of artificial slate would not be appropriate for the new dwelling given its siting juxtaposition with the listed building whereby Place Services have requested the use of natural slate instead. This can be conditioned along with the other recommended heritage conditions.
- 11.21 It is considered in light of the drawings revisions made and in light of the favourable comments received from Place Services that the proposal would lead to less than substantial harm to the significance of Yew Tree Cottage as a designated heritage asset under paragraph 196 of the NPPF whereby his harm has to be weighed against the public benefit of providing a new dwelling at this previously considered sustainable location into the Council's five year housing land supply. No heritage objections are therefore raised under ULP Policy ENV2.

#### **D Design (ULP Policy GEN2)**

- 11.22 The design aspects of this proposal have been influenced to a large extent by the heritage requirements of the scheme. However, in terms of other design matters, the new dwelling would have a protected garden area exceeding 100sqm meaning that this would comply with and exceed the 50sqm minimum private amenity space provision as recommended by the Essex Design Guide for two bedroomed dwelling

units. Level access would be able to be provided to the front door of the dwelling whilst the dwelling would be built to accessible dwelling standards.

- 11.23 The submitted drawings show that most of the existing frontage vegetation which exists onto School Lane at the proposal site would have to be removed to accommodate the required X-Y frontage site splays needed to make the vehicular access to the new dwelling and adjacent hardstanding area for White House Farm acceptable in highway terms. This would need to be compensated by new native mix planting behind the lines of the frontage site splays either side of the dwelling/parking hardstanding area so as to help soften the development within the lane context, although it is noted that a low picket fence is indicatively shown in front of the new dwelling which would provide a pleasing frontage enclosure feature. Areas within the site itself are shown to be subject to new planting, details to be agreed.
- 11.24 It is considered that the proposal is acceptable in terms of design and layout where these matters are not covered in this report above and no policy objections are therefore raised under ULP Policy GEN2.

## **E Impact upon protected and priority species (ULP Policy GEN7)**

- 11.25 The Preliminary Ecological Appraisal submitted for this proposal included an Extended Phase 1 Habitat Assessment, a Bat Scoping Assessment and a Great Crested Newt HSI Survey given the existence of trees at the site/immediate area, a small timber framed structure and garage to be demolished as part of the proposal and the existence of an adjacent pond which forms a linkage with further ponds to the east along the lane.
- 11.26 Place Services (Ecology) placed an initial ecology objection against the submitted application on the grounds that insufficient ecological information had been submitted through the submission details for LPA determination relating to protected species, namely Bats and Great Crested Newts and their habitats, where their initial comments were as follows;

*“The Preliminary Ecological Appraisal has advised there is a large pond present to the east of the site and further ponds in the surrounding area. Therefore, eDNA surveys have been recommended within the Preliminary Ecological Appraisal and the submitted Biodiversity checklist for ponds P12 (located within the site) and P7 (located 150m from the site boundary) in order to confirm whether Great Crested Newts (GCN) will be present and affected by the proposed development. If presence of GCN is identified within a pond, then a population size class assessment may be required for these ponds.*

*It is also highlighted that if European Protected Species are identified to be present as a result of the further surveys then a European Protected Species Mitigation (EPSM) licence may also need to be secured from Natural England. If required, the EPSM Licence would be secured by the LPA as a condition of any consent, prior to commencement.*

*The Preliminary Ecological Appraisal has advised Trees T4 and T7 were assessed as having features suitable for roosting bats. Two further endoscope inspections by a licenced ecologist have therefore been recommended within the Preliminary Ecological Appraisal and the submitted Biodiversity checklist between May and September, if these trees are due to be impacted by the works. If so, these further surveys are required to assess whether bat species will be present and affected by*

*the proposed development and to inform whether a European Protected Species Mitigation (EPSM) licence is necessary for this development. Clarification is therefore needed on likely impacts on bats”.*

- 11.27 Further, survey reports have subsequently been submitted by the applicant to meet Place Services’ request for further ecology information, namely Bat Survey Report Endoscope Inspections (Tim Moya Associates) and a Great Crested Newt eDNA Survey Report (Tim Moya Associates). Place Services has reviewed the survey reports for their initial holding objection and have since provided the following additional comments;

*“With regard to Great Crested Newts (GCN), an eDNA survey was carried out on pond P12 (located within the site) in order to confirm whether GCN will be present and affected by the proposed development. Pond P7 (located 150m from the site boundary) was dry and an eDNA survey could not be undertaken. The results for pond P12 were negative for GCN and Pond 7 was considered unlikely to have GCN present. No further surveys, mitigation or licencing was recommended for these protected species.*

*With regard to Bats, further endoscope inspections were carried out on Trees T4 and T7. No bats or evidence of use by bats such as droppings were seen during the endoscope inspections of both trees. Roosting bats are considered unlikely to be present. It has been recommended a precautionary pre-felling check for bats is undertaken on the day the trees are due to be removed to ensure no bats are present.*

*We are therefore satisfied that certainty of likely impacts has been provided for these European Protected Species for the proposed works”.*

- 11.28 Given the additional survey findings, Place Services have advised that they are now satisfied that there is sufficient ecological information available for determination which in turn provides certainty for the LPA of the likely impacts on designated sites, protected and priority Species & Habitats, adding that with appropriate mitigation measures secured, that the development can be made acceptable in ecology terms subject to the full implementation of recommended mitigation and biodiversity enhancement measures, including a bat friendly lighting scheme, whereby these recommended measures can be conditioned. No policy objections are therefore raised to the proposal under ULP Policy GEN7 on this basis.

## **F Noise from aircraft (ULP Policy ENV10)**

- 11.29 Any grant of planning permission for this proposal would need to carry an appropriate pre-commencement sound insulation condition to protect future residents of the proposed development from external noise from aircraft given the proximity of the site to Stansted Airport where UDC Environmental Health referred to the need for such a condition for both approved applications UTT/19/1583/FUL for the erection of eight dwellings at the beginning of School Lane and UTT/19/1784/FUL for the erection of four dwellings diagonally opposite at The Cottage. It is therefore necessary in the interests of consistency for the same recommended noise report condition to be imposed on any grant of permission for the current single dwelling proposal for full implementation. No objections are raised on this basis under ULP Policy ENV10.

## **12. CONCLUSION**

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

- A** The residential development of this site for the erection of a single dwelling as a reduced dwelling scheme from two dwellings as originally submitted for this full application is considered acceptable in principle against ULP Policy S8 whereby the development would not promote coalescence between the airport and existing development in the surrounding countryside or adversely affect the open characteristics of the Countryside Protection Zone whereby there would be a presumption in favour of sustainable development in the tilted planning balance in accordance with the provisions of the NPPF.
- B** The development would be acceptable in terms of highway safety and against adopted UDC parking standards subject to highway conditions (ULP Policies GEN1 and GEN8).
- C** The development would be acceptable in terms of its assessed impact upon the setting of the adjacent grade II listed building, Yew Tree Cottage subject to appropriate conditions, including the approval of external materials (NPPF, ULP Policy ENV2).
- D** The development would be acceptable in terms of design and layout subject to appropriate conditions, including the approval of landscaping details (ULP Policy GEN2).
- E** The development would be acceptable in terms of ecological impacts on protected and priority species subject to appropriate mitigation and biodiversity enhancement measures conditions (ULP Policy GEN7).
- F** The development would be acceptable in terms of airport noise subject to the submission of a noise report for approval and subsequent implementation (ULP Policy ENV10).

### **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. No development shall commence until full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - a) proposed finished levels
  - b) means of enclosure
  - c) car parking layout
  - d) vehicle and pedestrian access and circulation areas
  - e) hard surfacing, other hard landscape features and materials

- f) existing trees, hedges or other soft features to be retained
- g) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- i) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- j) location of service runs
- k) management and maintenance details

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with ULP Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the development can be assimilated in time into the local landscape at this location.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall 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 shall 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 shall 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 proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies S8, ENV3, GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

4. No development shall commence until samples and details of the materials to be used in the external finishes of the dwelling as approved, including brick bonding, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the LPA.

REASON: In the interests of preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development does not have a prejudicial effect upon the adjacent designated heritage asset.

5. The roof to the dwelling as approved shall be clad in natural slate, a sample of which (or alternatively manufacturer's specification details) shall be submitted to and approved in writing by the local planning authority prior to development taking place. The roof shall be clad in accordance with the approved details and shall be permanently maintained as such unless otherwise agreed in writing by the LPA.

REASON: In the interests of preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development does not have a prejudicial effect upon the adjacent designated heritage asset.

6. No development shall commence until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

Pre-commencement condition implementation: To ensure that the resulting development does not have a prejudicial effect upon the adjacent designated heritage asset.

7. All rainwater goods shall be of cast metal and permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

8. All new casement windows shall be in painted timber, flush meeting within the frames, with matching joinery for opening and fixed casements, and without trickle vents or surface mounted glazing bars and shall be permanently maintained as such.

REASON: In the interests of preserving the historic character and appearance of the adjacent Listed Building and its setting in accordance with ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005).

9. Prior to occupation of the development the vehicular access shall be constructed, as shown on principle on DWG no. 2019/4916/001 Rev. P1 (Proposed Access Arrangement) with associated visibility splays, 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 manner in the interest of highway safety in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

10. The proposed development shall not be occupied until such time as the vehicle parking area for the proposed dwelling and adjacent dwelling, White House Farm, indicated on DWG no. FXR-116-12 Rev. E (dated, 29/03/2021) shall be provided. The vehicle parking area and associated turning area shall be retained in this form at all times.

REASON: To ensure that appropriate parking is provided in accordance with ULP Policy GEN8 of the Uttlesford Local Plan (adopted 2005).

11. The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate bicycle parking is provided in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

12. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with ULP Policy GEN1 of the Uttlesford Local Plan (adopted 2005).

13. No construction above ground level shall be undertaken until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. Details shall be included in the scheme of the design, layout and acoustic noise insulation performance specification of the external building envelope, having regard to the building fabric, glazing and ventilation. The scheme shall be based on insulation calculations provided in British Standard 8233:2014 and shall be designed to achieve the following noise targets:

Bedrooms (23.00-07.00 hrs) 30 dB LAeq and 45 dB LAmax.  
Living Rooms (07.00-23.00 hrs) 35 dB LAeq

The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval.

REASON: In the interest of the residential amenity of future occupiers of the proposed development in accordance with ULP Policy ENV10 of the adopted Local Plan.

Pre-commencement condition implementation: To ensure that occupants of the resulting development are not prejudiced by aircraft noise.

14. 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 LPA adopted SPD "Accessible Homes and Playspace".

15. Prior to dwelling occupation the dwelling shall be provided with electric vehicle charging points. The charging points shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

REASON: To encourage/support cleaner vehicle usage in accordance with the NPPF and ULP Policies ENV13 and GEN2 of the Uttlesford Local Plan (adopted 2005).

16. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2019) and Bat Survey Report (Tim Moya Associates, June 2020) as



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

REASON: To conserve Protected and Priority species and allow the LPA to discharge its duties under the 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 ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

17. Prior to occupation, 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 in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2019) and Bat Survey Report (Tim Moya Associates, June 2020). The contents 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).

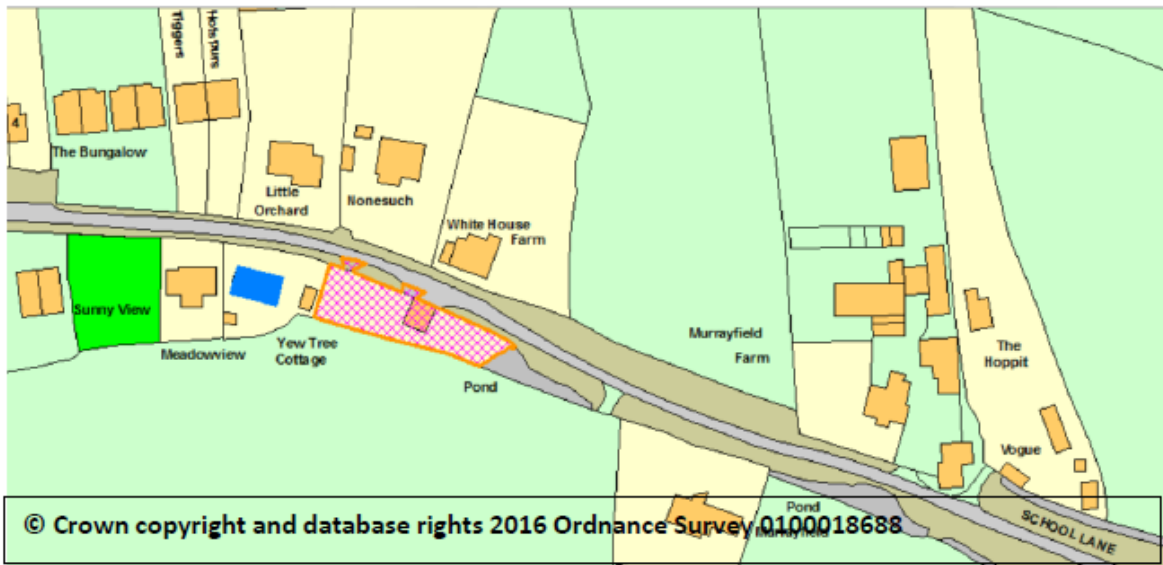
The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance protected and priority species/habitats and to allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).

18. Prior to occupation, 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 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 ULP Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council

Department: Planning

Date: 21 APRIL 2021