

UTT/20/02757/FUL (Newport)

Referred to planning Committee following a call-in request by Councillor Hargreaves for the following planning reason: Outside development limits and thus Policy NQRHA1 applies.

PROPOSAL: Demolition of the existing outbuildings and erection of 2 no. Dwellings and alterations to existing access and new car parking and turning area for the existing dwelling

LOCATION: Wyndhams Croft, Whiteditch Lane, Newport, CB11 3UD

APPLICANT: Mr and Mrs Hammali

AGENT: Mr C Anderson

EXPIRY DATE: 16th June 2021

CASE OFFICER: Robert Davis

1. NOTATION

1.1 Outside development limits, Within 2km of SSSI.

2. DESCRIPTION OF SITE

2.1 The application site is located on the eastern side of Whiteditch Lane, Newport. It is approximately 300m outside of the development limits, as defined within the local plan.

2.2 The site consists of a dwelling, Wyndhams Croft, with its gardens and a collection of outbuildings including stables and buildings for domestic storage.

2.3 To the north of the site is a dwelling known as Branksome, to the south is the Amherst development at King Edwards Mews of 16 dwellings, to the west are developments of 20 dwellings on Pastures Close and 84 dwellings on the Cala homes site. The Joyce Frankland Academy is located to the south east.

2.4 The site is within the Environment Agency Flood Zone 1 and therefore not at risk from fluvial flooding.

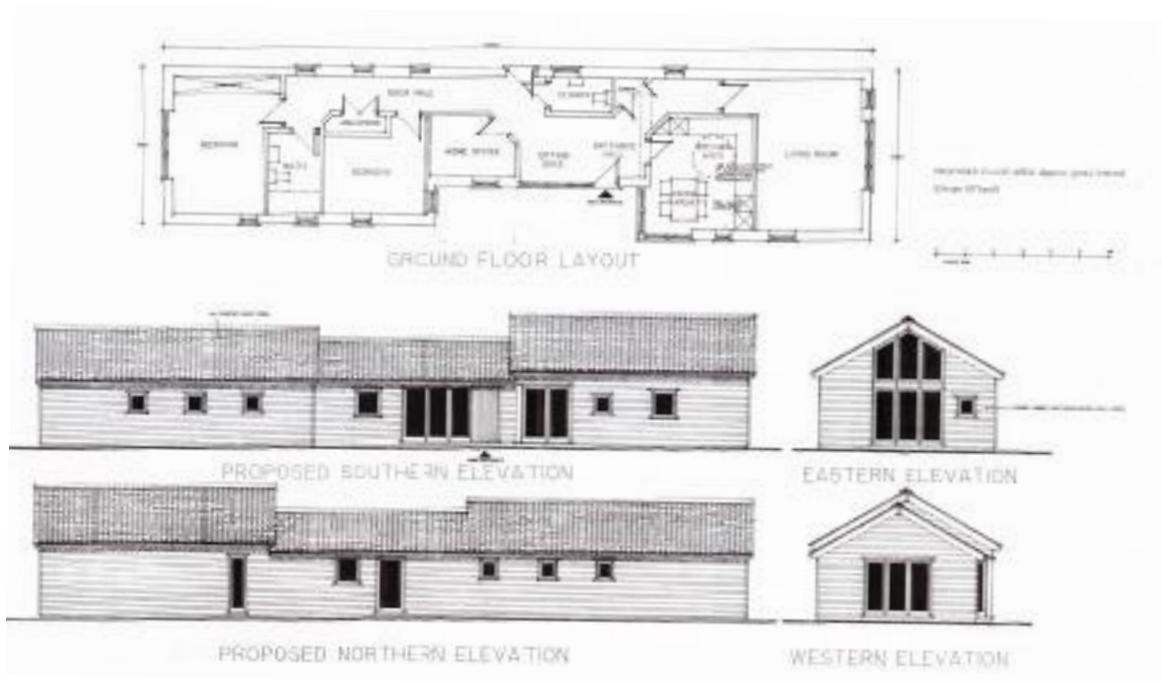
3. PROPOSAL

3.1 The application is for the demolition of the existing outbuildings and the erection of two new dwellings and for alterations to the existing access to Wyndhams Croft with the provision of a new car parking area and turning area for the existing dwelling.

3.2 The proposed dwellings would be located on the site of the existing outbuildings and have been designed in such a way as to appear to be converted rural outbuildings.

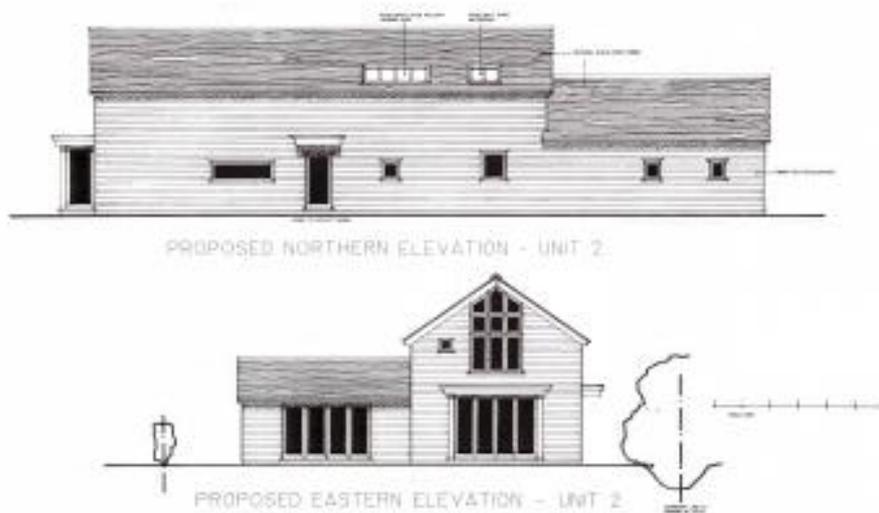
Fig 1 Proposed Block Plan

Fig 3 Unit 1



- 3.4 Unit 2 is a larger two storey unit, but with same east west orientation on the site as Unit 1. It would be located deeper into the site but still on the footprint of the existing outbuildings. It would feature one ground floor bedroom with three further bedrooms at first floor level. Whilst it is two storey, the building has been designed with a low volume and minimal eaves height with a modest roof pitch. The materials for this dwelling are proposed as natural slate for the roof, stained timber weatherboarding over soft red brickwork to walls and stained softwood joinery timber. Between the two dwellings it is proposed to have a covered parking facility with matching building materials.
- 3.4 Both dwellings would have a south facing main aspect to allow for solar gain. A new boundary hedge with tree planting contained within is proposed between the application site and the host dwelling to create privacy for the existing and new build dwellings. An existing entrance is to be widened and utilised for Wyndhams Croft, and a new parking area and turning area located to the front of the existing property

Fig 4 Unit 2



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 following documents have been submitted in support of the application

- Planning Statement
- Biodiversity Checklist
- Preliminary Ecological Appraisal Report
- Sustainable Construction Checklist
- Transport Survey
- Bat Survey

6. RELEVANT SITE HISTORY

- 6.1 UTT/17/0140/OP Outline application with all matters reserved except for access and layout for the demolition of existing outbuildings and the erection of 5 no. detached dwellings with associated amenity spaces and parking. Refused.
- 6.2 UTT/18/1027/FUL Proposal for the demolition of existing outbuildings and the erection of 4 no. detached dwellings with associated amenity space and parking. Refused.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside
ULP Policy H10 – Housing Mix
ULP Policy H1- Housing Development
ULP Policy ENV3 – Trees and Open Spaces
ULP Policy ENV15 – Renewable Energy
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Risk
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN7 – Natural Conservation
ULP Policy GEN8 – Vehicle Parking Standards

Newport and Quendon & Rickling Local Plan

NQRHA1 – Coherence of the villages
NQRHA3 – Building in the countryside
NQRHD1 – Parking standards
NQRHA2 – Housing design

Supplementary Planning Documents/Guidance

SPD – Accessible Homes and Play Space
Interim Climate Change Policy (2021)

National Policies

National Planning Policy Framework (NPPF) (February 2019)

Other Material Considerations

National Planning Policy Guidance (NPPG)
Essex Design Guide
ECC Parking Standards
UDC Parking Standards

8. NEWPORT PARISH COUNCIL COMMENTS

8.1 Summary

The proposed plot is outside the development limits for Newport as specified in the Newport, Quendon and Rickling Neighbourhood Plan (approved by Uttlesford District Council on the 24th November 2020) and is consequently in the countryside. The NQRNhP now carries significant weight in the determination of planning applications. The site is also outside the settlement limits in the ALP and so Policy S7 also applies. The proposal is contrary to policy H4 and GEN2 of ALP, policy NQRHA3 of the NQRNhP and paragraph 127 of the NPPF.

8.2 Location and Cummulative Impact

Whiteditch Lane has undergone a massive transformation in recent years from a quiet rural byway with 12 large dwellings – something of a millionaire's row within

Newport – to a byway with 80 houses across fourteen separate developments. Whiteditch Lane has been blighted by speculative small-scale development with no improvement to infrastructure to support it.

Whilst the inspector who granted permission for two houses at Charlotte's Meadow at the top of Whiteditch Lane in May 2019 under APP/C1570/W/18/3207601 / UTT/18/0834/FUL did not apportion weight to the cumulative impact of recent development on the lane, it is the duty of Newport Parish Council to represent this critical issue.

It should be noted that an application UTT/18/3293/FUL for 1 replacement and 1 additional dwelling next door at Branksome was refused by UDC in June 2019 on the grounds that:

“The proposal would exacerbate further the cumulative impact of development in Whiteditch Lane and Bury Water Lane resulting in significant detrimental harm upon matters of highway safety and harm to the rural countryside setting of the area contrary to Policies GEN1 and S7 of the Uttlesford Local Plan 2005 and Paragraphs 109 & 180 of the National Planning Policy Framework 2019.”

In addition, it should also be noted that an application UTT/20/0843/FUL for 5 additional dwellings at Five Acres, adjacent to this site, was refused by UDC in July 2020 on the grounds that:

“1. The proposal would exacerbate further the cumulative impact of development in Whiteditch Lane and Bury Water Lane resulting in significant detrimental harm upon matters of highway safety and harm to the rural countryside setting of the area contrary to Policies GEN1 and S7 of the Uttlesford Local Plan 2005 and Paragraphs 109 & 180 of the National Planning Policy Framework 2019.

2. Insufficient information is provided within the application to demonstrate that the proposed mitigation is deliverable and therefore the impact on the highway network caused by this proposal is acceptable in terms of highway safety and efficiency. The application proposal is therefore considered to be contrary to Policy GEN1 of the Uttlesford Local Plan 2005 and paragraph 109 of the National Planning Policy Framework 2019.”

8.3 Layout

The proposed plot adjoins the boundary with the neighbouring property at Branksome and is currently occupied by outbuildings and stables which is entirely appropriate for a rural location. In sub-dividing the garden at Wyndhams Croft the proposed plot is narrow and contains minimal garden space for each of the proposed dwellings, particularly plot 1. No precise dimensions are given so it is not clear if the garden space proposed adheres to the minimum requirements of the Essex Design Guide. It is also not clear why the space in front of Wyndhams Croft has been included within the site layout as this is evidently the parking and turning space for the existing dwelling and not for the use of the proposed dwellings other than for access to the houses.

8.4 Design, Density and Overlooking

The properties are considered to be of an appropriate appearance for the setting. However, the extremely close proximity of the site to the boundary of Branksome in a narrow, constrained plot with limited garden space is not in keeping with the surrounding properties.

The planning statement included within the application pack states in para 2.8 that *“There has been considerable development in the vicinity over the last few years. The character of this part of Whiteditch Lane has changed considerably, and the*

*application site is now surrounded on both sides by in-depth development.” There has been development to the south of the site, but dwellings in the northernmost part of Whiteditch Lane (where this site is located) remain comprised largely of large detached properties in generous grounds, as noted in the recent appeal decision for Charlotte’s Meadow APP/C1570/W/18/3207601 / UTT/18/0834/FUL where the Inspector noted that “*The pattern of development along Whiteditch Lane at this point is dispersed, with many buildings set in large plots. Dwellings are located in varying positions in relation to the lane. The appeal dwellings would be set well back from the lane, behind Bramblemead. I consider that the proposed dwellings set well within large plots and with generous spacing to each other and their garages would have regard to and reflect the character and appearance of the area.*”*

The proposal is therefore contrary to policy NQRHA3 of the NQRNHP which requires that development “protects and enhances the historic settlement pattern, especially scale and density.” It is also contrary to policy GEN2 of the ALP which states that development “*is compatible with the scale, form, layout, appearance and materials of surrounding buildings*” and paragraph 127 of the NPPF.

Critically, the proposed properties would overlook into the entirety of the garden at Branksome and also the entire garden and swimming pool of Wyndhams Croft. This is contrary to Policy H4 of the ALP which only allows backland development where there would be “no material overlooking or overshadowing of, and no overbearing effect on, nearby properties, where access would not cause disturbance to such properties.”

- 8.5 The transport statement included within the application pack notes that Whiteditch Lane has been improved as a consequence of recent planning permissions with several passing bays installed. This is correct. The statement however omits to note that Whiteditch Lane is a byway, not an adopted road. No assessment of the surface of the byway prior to the commencement of works was completed and no remediation work has been completed to repair the damage caused by 14 successive housing developments. The surface of the byway is acknowledged as not being fit for purpose by UDC and Essex Highways, however there is no funding available to repair the damage, as the byway is only maintained by Essex Highways to that level, not to full adopted road status.

In addition, the site location not walkable in the recommended 800m (circa 15 minutes) to essential services such as the village Primary School or the train station. This is contrary to recommendations in guidance by CIHT, 'Planning For Walking'. It is essential to curb car use, reduce carbon emissions, protect the environment and reach current targets of net zero by 2050.

- 8.6 It should be noted that there is no mains sewerage connection for the majority of the lane. Surface water drainage is achieved via an informal collection of ditches and culverts, the ultimate outfall of which is unknown. The 5 drains at the bottom of the lane have not been cleared for decades and are not functional. During winter water runs down the surface of the byway and freezes. ECC will not clear them as Whiteditch Lane is a byway not a public highway.

9. CONSULTATIONS

9.1 ECC Highways

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, as shown in principle on DWG no.P415 RevA 'proposed block plan, Oct 2020', subject to conditions.

- Construction of private driveway
- Visibility splays
- No unbound material within 6m of highway
- Any gates to be set back 6m
- Provision of vehicle parking area
- Construction management plan
- Provision of residential travel back
- Provision of cycle parking

9.2 ECC Ecology

We have reviewed the Preliminary Ecological Appraisal Report (Greenwillows Associates Ltd, October 2020) and the Bat Survey (Chris Vine, May 2021), Magic Maps (<https://magic.defra.gov.uk>) and aerial photographs relating to the likely impacts of development on designated sites, protected and Priority species and habitats.

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). 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.

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

In addition, a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats. 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 recommended to secure measurable net gains for biodiversity, as outlined under 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.

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.

- Action required in accordance with ecological appraisal recommendations
- Biodiversity enhancement strategy
- Wildlife sensitive lighting design scheme

9.3 **MAG London Stansted Airport**

No aerodrome safeguarding objections

9.4 **ESP Utilities**

Guidance notes provided

10. **REPRESENTATIONS**

The neighbouring properties have been consulted of the application and a site notice has been erected on site. As a result the following representations have been received raising the following comments.

Summary of representations below:

- Contrary to neighbourhood plan
- Whiteditch Lane cannot be subject to any further development
- Road needs repairing and adopted
- Whiteditch Lane case study in getting it wrong
- Dangerous for pedestrians, cyclists and cars
- Transport statement flawed
- Impact on wildlife
- Archaeological investigations need to take place
- Frequent flooding in area
- Impact on neighbours privacy

11. **APPRAISAL**

The main considerations are:

- A Principle of development for residential development**
- B Design and Impact on Neighbouring Amenity**
- C Parking, Access, and Impact on the Highway Network**
- D Impact on Biodiversity**

A Principle of development for residential development (NPPF, ULP Policy S7 Neighbourhood Plan)

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the planning policies set out in the Adopted Development Plan, unless material considerations indicate otherwise. The adopted development plan for Uttlesford comprises the Uttlesford Local Plan which was adopted in 2005.
- 11.2 S70 (2) of the Town and Country Planning Act 1990 states that "*in dealing with a planning application the local planning authority shall have regard to the provisions of the Development Plan so far as is material to the application and to any other material considerations*". S38 (6) of the Planning and Compulsory Purchase Act 2004 states that "*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" Paragraph 2 of the NPPF reiterates this requirement and paragraph 3 confirms that the NPPF is a material planning consideration.

Policy S7

- 11.3 The application site is located outside the development limits of Newport and is therefore within the countryside where ULP Policy S7 applies. This specifies that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area, and this includes infilling in accordance with the housing chapter of the plan. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. Chapter 6.14 of the ULP specifies, in the context of Policy S7 if there are opportunities for sensitive infilling of small gaps in housing outside of settlements limits but close to settlements these will be acceptable if development would be in character of the surroundings and have limited impact on the countryside in the context of existing development. The proposed development is considered to be consistent with the allowance for infill development, in being between existing housing and close to recent housing development, with facilities offered by Newport close by. Given the nature of surrounding development and that the proposal would replace existing built form it is not considered there would be harm to the countryside or any other conflict within the purposes of Policy S7.

National Planning Policy framework

- 11.4 The Glossary in the National Planning Policy Framework defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. In this instance as the proposed housing development would occupy the site of existing outbuildings it is considered to be previously developed land.

- 11.5 The NPPF stresses that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework also sets out objectives for achieving this aim. Paragraph 8 of the NPPF confirms the 'presumption in favour of sustainable development' and explains that there are three dimensions to sustainable development, namely, economic; social; and environmental.
- 11.6 Paragraph 11 of the NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In this regard, the most recent housing trajectory identifies that the Council has a 3.11 year land supply.
- 11.7 It is therefore necessary to assess whether the application proposal is sustainable and presumption in favour is engaged in accordance with paragraphs 7 - 11 of the NPPF.
- 11.8 Economic: The NPPF identifies this as contributing to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. The proposed development would provide economic benefits by the provision of jobs during the construction phase, although these would be of a temporary nature. The occupiers of the proposed dwellings could provide some additional economic support for the local facilities, such as the school, community facilities, village shops, restaurants and pubs within Newport. As such the economic benefits have weight in the planning balance.
- 11.9 Social: in regards to the social component, the site is well located and within walking and cycling distance of a wide range of services within Newport, and the additional residents will make a contribution towards the continued viability of these services and facilities, as well as the development making a contribution to housing supply. As such the social benefits have weight in the planning balance.
- 11.10 Environmental: The environmental role seeks to protect and enhance the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. The proposed housing would be of a relatively modest scale and be positioned on the site of existing development thus it is not considered that there would be an adverse impact on this part of the countryside or nearby built development. Both dwellings have a south facing main aspect allowing solar gain, and be efficient in terms of structure, orientation and energy efficiency. As such the environmental benefits have weight in the planning balance.
- 11.11 It is considered that weight to be given to the requirement to provide a 5-year land supply. The site is relatively sustainable and, in balancing planning merits, taking into account the benefits of the proposal, it is considered that the principle of the development is acceptable in accordance with the NPPF.

Newport, Quendon & Rickling Neighbourhood Plan

- 11.12 The Newport, Quendon & Rickling Neighbourhood plan Referendum was held on the 6th May 2021. The Yes vote was 90.5% confirming a clear support for the Neighbourhood Plan and its policies now carry substantial weight. The site is outside of the development limits as show on Map13 Neighbourhood Plan Development

Limits. Of relevance to this application are Policy NQRHA1 – Confluence of villages and Policy NQRHA3 – Building in the countryside.

- 11.13 Policy NQRHA1 – Confluence of villages states that further development outside of the development limits shown in the Development Limits maps will not be supported other than for the stated exceptions which includes “small scale infill development within clusters of development”. As stated in paragraph 11.3 of this report it is considered the development proposal amounts to infill development, with regards to Policy S7. As such it is also considered to meet the infill requirement of the Neighbourhood Plan policy.
- 11.14 It is noted that Newport Parish Council have stated that the application is contrary to Policy NQRHA3 – Building in the countryside. This policy states that development will be permitted provided that:
- Cross valley views in the river valleys are maintained with development on valley sides respecting the historic linear Newport settlement plan, form and building materials of the locality;
 - Panoramic views of the plateaux and uplands are maintained especially open views to historic buildings and landmarks such as the churches of St Mary’s Newport and All Saints Rickling;
 - The development protects and enhances the historic settlement pattern, especially scale and density, and that it uses materials and colours that complement the landscape setting and landscape character. Such development should be well integrated with the surrounding landscape;
 - The development protects and enhances the landscape pattern and structure of woodland areas, hedgerows and individual trees and does not diminish the role they play in views across the landscape;
 - The development protects and enhances the historic landscape character of field patterns and field size, greens, commons and verges;
 - It preserves and enhances the landscape significance and better reveals cultural heritage links.
- Notwithstanding the views of the Parish Council it is not considered that the development is contrary to this policy and that the existing character of the Newport environment would not be adversely impacted by the proposed development.
- 11.15 In conclusion the principle of the proposed development and the proposal accords with ULP Policy S7, the NPPF and the housing location requirements of the Newport, Quendon & Rickling Neighbourhood Plan.

B Design and Impact on Neighbouring Amenity ULP Policy GEN 2 and NPPF)

- 11.16 Policy GEN2 sets out the design criteria for new development. In addition, section 12 of the National Planning Policy Framework 2019 sets out the national policy for achieving well-designed places and the need to achieve good design.
- 11.17 The proposed dwellings would be located on the site of the existing outbuildings and have been designed in such a way as to appear to be converted rural outbuildings, taking design inspiration from the differing heights and sizes of the existing buildings. Use would be made available of external finishing materials to reflect local character. The dwellings are considered to be of a quality design and would provide appropriate internal living space and living conditions for future occupants.

- 11.18 Unit 1 would be provided with garden areas either side and Unit 2 would be provided with a garden area to its eastern side. Each will provide an amenity area in excess of the 100m² requirement outlined within the Essex Design Guide.
- 11.19 In terms of the relationship between Unit 1 and the existing dwelling to the north, Branksome, the rear of the dwelling which is at an approximate right angle to the neighbouring property would be inset approximately 3m from the site boundary. The proposed dwelling is single storey and the ground floor windows facing the boundary all serve non-habitable rooms. The existing hedging would be retained. As such it is not considered there would be an adverse impact on privacy, nor would there be significant overshadowing or an overbearing relationship with adequate separation between the properties. A new hedgerow would be planted to delineate the proposed dwellings from the site of the existing dwelling of Wyndhams Croft and provide enhance privacy.
- 11.20 In view of the above it is considered that the proposal would be in accordance with Policy GEN 2 and the NPPF.

C Parking, Access, and Impact on the Highway Network (ULP Policy GEN 1, GEN8 and the NPPF)

- 11.21 Policy GEN1 states that development will only be permitted if it meets all the following criteria:
- a. Access to the main road network must be capable of carrying the traffic generated by the development safely.
 - b. The traffic generated by the development must be capable of being accommodated by the surrounding transport network.
 - c. The design of the site must not compromise road safety and must take into account of the needs of cyclists, pedestrians, public transport users, horse riders and people whose mobility is impaired.
 - d. It must be designed to meet the needs of people with disabilities if it is development to which the general public is to have access.
 - e. The development encourages movement by means other than driving a car.
- 11.22 The applicant has submitted a Transport Statement applying the TRICs database data for residential development. This states that the proposed two dwelling development can be expected to generate a total of 5 arrivals and 5 departures per day. During the AM peak the proposed two dwellings are likely to generate 1 departure and similarly during the PM peak and in context of the current vehicular stress on the local highway infrastructure, the traffic impact resulting from the development is likely to be imperceptible. The report concludes that the proposals will result in a very minimal level of additional traffic, likely to be no more than 1 movement per hour and that it was considered that there is a good provision of passing bays along Whiteditch Lane which allow sufficient spacing and forward visibility to enable oncoming vehicles to manage any conflicting movements.
- 11.23 Unit 1 would retain the use of an existing garage on-site with parking space in front and be provided with a further parking space to the rear of the garage. Unit 2 would be provided with a 'cart lodge' style garage containing two parking spaces with a further space in front of the dwelling. Cycle storage would be available within the garaging. The exiting property at Wyndhams Croft would be provided with a parking area featuring four spaces and a manoeuvrability area. Such details accord with local parking provision requirements.

- 11.24 Objections have been received from residents regarding the status and quality of Whiteditch Lane with concerns raised about additional vehicular traffic and impact on pedestrians, horse riders and cyclist. Notwithstanding these views the Highway Authority has been consulted on the application and has no objection to the development subject to recommended conditions.
- 11.25 As such it is considered that the proposed development is in accordance with Policy GEN1, GEN 8 and the NPPF.

D Impact on Biodiversity (ULP Policies ENV3 and GEN7, NPPF)

- 11.26 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species. Policy ENV3 states that the loss of fine individual tree specimens will not be permitted unless the need for development outweighs their amenity value.
- 11.27 The applicant has submitted a Preliminary Ecological Appraisal Report (Greenwillows Associates, October 2020) and a Bat Survey (Chris Vine, May 2021).
- 11.28 The Preliminary Ecological Appraisal Report found that suitable habitat existed for nesting birds and recommended mitigation and the provision of nesting boxes. The habitat on site provided suitable habitat for foraging/commuting badgers but no evidence of the species was found during the survey. Habitat existed for resting/sheltering reptiles but there were limited foraging opportunities within the site and reduced connectivity to other suitable habitat in the area as a result of the site being predominantly bordered by new housing developments and sports pitches. Evidence of hedgehogs was found but with proposed mitigation it was considered that there would be no significant impact on hedgehogs. It was considered the site to be unsuitable for Great Crested Newts and therefore works were not considered to impact on this species.
- 11.29 The Bat Survey recorded no evidence of bats within any of the five outbuildings and no bats were seen to emerge from the buildings during daylight inspections and evening emergence surveys. Common Pipistrelle, Soprano pipistrelle, Serotine and Noctule bats were recorded from the site, likely to have been overflying the site at the time of the survey. The report concluded that the potential for disturbance and the scale of impact on bats as result of the proposed development is considered to be low and unlikely to adversely affect bat populations in the area.
- 11.30 ECC Ecology have no objection to the development subject to recommended conditions.
- 11.31 An Arboricultural Impact Assessment (Ligna Consultancy, September 2020) has been submitted with the application which sets out which trees are to be removed and what works need to be undertaken to ensure the existing trees are encouraged to flourish. In addition the report identifies what areas of root protection zones there needs to be onsite, and where no dig foundations are to be used. Two trees would be removed and six others would be pruned. A condition is recommended to ensure adherence to the tree protection measures contained within the Assessment.
- 11.32 As such it is considered that the proposed development is in accordance with ULP Policies ENV3 and GEN7 and the NPPF.

12 CONCLUSION

- A** The principle of the development has been established and the proposal accords with ULP Policy S7, the Newport, Quendon & Rickling Neighbourhood Plan and the NPPF.
- B** The proposal accords with the design and amenity criteria of ULP Policy GEN2 and GEN4 and the NPPF.
- C** The Highway Authority has no objection on highway safety and the development satisfies the parking requirements. The proposal therefore accords with ULP Policies GEN1 and GEN8 and the NPPF.
- D** The Ecology Officer raises no objection subject to conditions securing biodiversity mitigation and enhancement measures. The proposal therefore accords with ULP Policy GEN7 and the NPPF.

RECOMMENDATION – CONDITIONAL APPROVAL

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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. Prior to any development above slab level details of the materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials, 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. Prior to occupation of the development, the access at its centreline shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by site maximum, as measured from and long 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 interests of highway safety in accordance with ULP Policy GEN1.

5. Prior to occupation of the development, the proposed private drive shall be constructed to a width of 5.5m for at least the first 6 metres from the back of the byway and provided with an appropriate vehicular crossing of the verge, as shown in principle on DWG no. P415 Rev.A 'Proposed Block Plan'

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in accordance with ULP Policy GEN1.

6. No unbound material shall be used in the surface treatment of the accesses within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material in the interests of highway safety in accordance with ULP Policy GEN1.

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - i. Safe access into the site;
 - ii. The parking of vehicles of site operatives and visitor
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities
 - vi. Timing of construction and delivery vehicles to avoid peak school travel times.
 - vii. Appropriate monitoring of the surface of the byway during the construction period and repair any damage causes to the byway/verge by vehicles associated with development.

REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with ULP Policy GEN1.

8. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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.

9. Prior to the occupation of the dwellings hereby permitted Electric Vehicle Charging Points shall be made available to every dwelling.

REASON: In order to reduce carbon emissions and encourage renewable energy in accordance with ULP Policy ENV15.

- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenwillows Associates, October 2020 and the Bat Survey (Chris Vine, May 2021) as already submitted and agreed in principle prior to determination.

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).

- 11 Prior to works commencing above slab level a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (Greenwillows Associates, October 2020 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. Location 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)

REASON: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 12 Prior to works commencing 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 13 The development shall be carried out in accordance with the tree protection measures as detailed in the Arboricultural Impact Assessment (Ligna Consultancy, September 2020.

REASON: In order to safeguard the longevity of retained trees in accordance with ULP Policy ENV3.

- 14 Notwithstanding the details submitted, before development commences 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 [earthworks to be carried out]
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- h) location of service runs
- i) management and maintenance 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. This condition must be 'pre-commencement' to ensure that the development is only carried out in accordance with the above details.

- 15 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with 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.

- 16 The dwellings hereby approved 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 Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace.