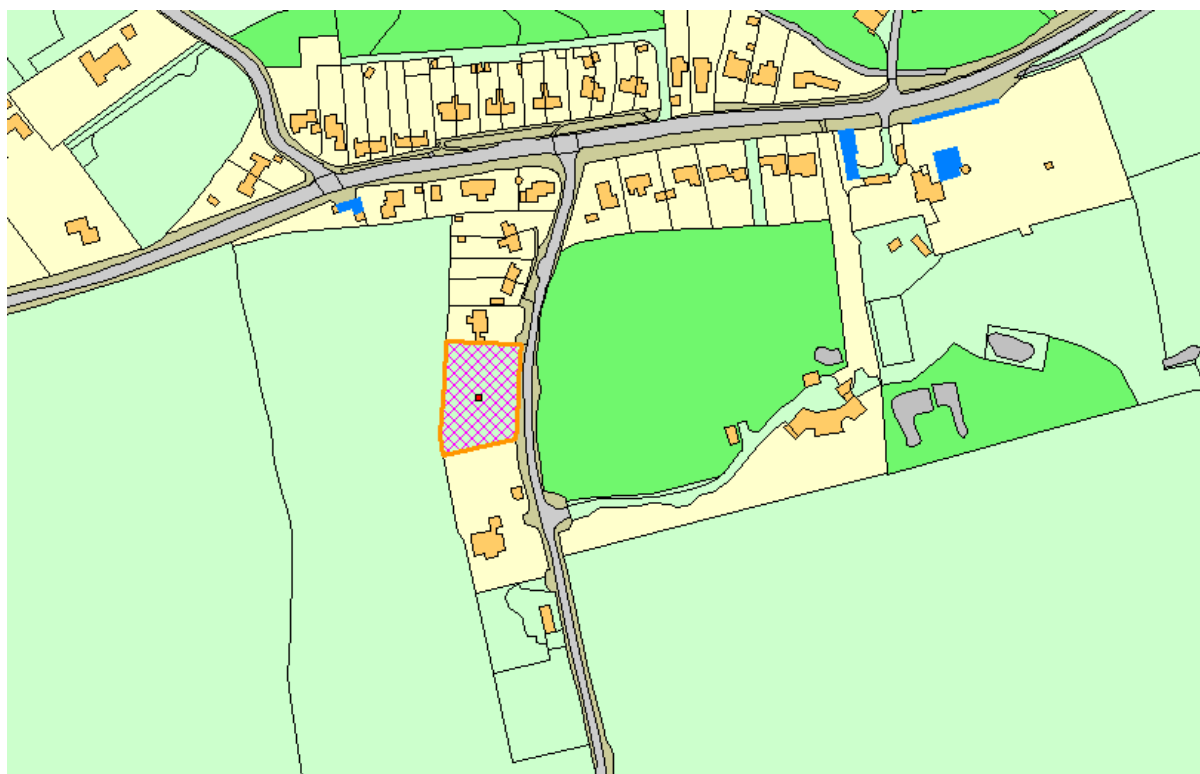


ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2697/OP

**LOCATION: Land At Rickling Road
Rickling Road
Wicken Bonhunt
CB11 3UH**

SITE LOCATION PLAN:



PROPOSAL: Outline Application with all matters reserved except for access, for development comprising 3 no. residential units with associated amenity space and parking.

APPLICANT: Mr J Sumpton

AGENT: Mr K Lilley

EXPIRY DATE: 27 Oct 2021 (Extension of Time: 14 Dec 2021).

CASE OFFICER: Mr Avgerinos Vlachos

NOTATION: Adjacent to Development Limits.
Protected Lane (Quendon & Rickling/Wicken Bonhunt – Rickling Road).
Road Classification (Rickling Road – Class III).

1. RECOMMENDATION: APPROVAL WITH CONDITIONS

1.1 CONDITIONS:

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

REASON: In accordance with Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

1.1.2 Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

1.1.3 The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

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

- 1.1.4** Prior to first occupation of the dwellings hereby approved, details of the comprehensive Sustainable Urban Drainage Scheme (SUDs) and measures referred to in the Planning, Design and Access Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Sustainable Urban Drainage Scheme (SUDs) measures shall then be installed in accordance with the approved details and shall be retained as such in perpetuity.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SUDs features over the lifetime of the development, in accordance with the adopted Uttlesford Local Plan Policy GEN3, and the National Planning Policy Framework (2021).

- 1.1.5** Prior to commencement of the development hereby approved, details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained as such in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment, in accordance with the adopted Uttlesford Local Plan Policy ENV12, and the National Planning Policy Framework (2021).

- 1.1.6** Prior to occupation of the development hereby approved, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 56 metres to the north and 2.4 metres by 54 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on the approved drawing (reference no. DR1 – Proposed Access and Visibility Splays). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction in perpetuity.

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 the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.7** Prior to occupation of the development hereby approved, the proposed private drive(s) shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway in the interest of highway safety, in accordance with ULP Policies GEN1, GEN8 and with the Uttlesford Local Residential Parking Standards (2013), the Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

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

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.9** Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Thereafter, the gates shall be retained as such in perpetuity.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interests of highway safety, in accordance with the adopted Uttlesford Local Plan Policies GEN1, GEN8, the adopted Uttlesford Local Residential Parking Standards (2013), the adopted Essex County Council Parking Standards: Design and Good Practice (2009), and the National Planning Policy Framework (2021).

- 1.1.10** All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, Aug 2021) 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. Thereafter, the enhancement measures and/or works shall be carried out by the appointed person strictly in accordance with the approved details and shall be maintained as such in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in

accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

1.1.11

Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details regarding pollutants on the neighbouring woodland, as well as species-specific method statements for reducing impacts on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse. No tree removal shall take place unless first approved by the local planning authority and a bat roost assessment has been undertaken.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities, particularly in relation to site clearance on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse and on pollutants to the neighbouring woodland.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present found on site i.e. cherry laurel to be replaced with native species of wildlife benefit.

Thereafter, the approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

1.1.12 Prior to slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, enhancements shall include: 1 no. integral bird box per dwelling, 1 no. integral bat box per dwelling, planting of new native trees and hedgerows, installation of 1 no. invertebrate box per dwelling, new tree planting, low impact lighting including no lighting of the boundaries, wildlife friendly planting scheme, boundaries which allow continued movement of species post-development i.e. badger and hedgehog, log piles and/or hibernacula.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (as above);
 - 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).
- Thereafter, the enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner in perpetuity.

REASON: To conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species), s17 of the Crime and Disorder Act 1998, in accordance with the adopted Uttlesford Local Plan Policies GEN7, ENV8, and the National Planning Policy Framework (2021).

1.11.13 If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify in writing the Local Planning Authority without delay and work must be halted on the part of the site affected by the unexpected contamination. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with Land contamination risk management published by the Environment Agency. A written Report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of remedial measures, a Verification Report shall be prepared that demonstrates the effectiveness of the remediation carried out. Any land contamination identified, shall be remediated and verified to the satisfaction of the local planning authority to ensure that the site is made suitable for its end use.

REASON: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act

1990, in accordance with the adopted Uttlesford Local Plan Policy ENV14, and the National Planning Policy Framework (2021).

- 1.11.14** Prior to occupation of the dwelling hereby approved, an electric vehicle charging point shall be provided on site. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity. Any potential changes in the future shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To encourage the use of electric vehicles for better air quality, in accordance with paragraph 107 of the National Planning Policy Framework (2021).

- 1.11.15** The development hereby permitted must be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition. Thereafter, the dwelling(s) shall be maintained as such in perpetuity unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compliance with the adopted Uttlesford Local Plan Policy GEN2, and the adopted Supplementary Planning Document 'Accessible Homes and Playspace'.

2. DESCRIPTION OF SITE:

- 2.1** The application site comprises grassland, located to the south of Wicken Bonhunt, immediately adjacent to the development limits to the north. The site is bounded by mature trees and hedging on all site boundaries, plus a steep verge on the front boundary, and is part of the village with neighbouring dwellings to the north and a Farmhouse to the south. There are very limited open views/vistas into the site from the public realm and no views to the wider open landscape further to the west that includes agricultural fields. Across the street to the east, there is dense woodland and further to the south-east a dwelling that was built under the excellent design exception policy (currently known as paragraph 80 of the NPPF). The overall area along the southern part of the village contains a distinct rural countryside character with dwellings in a linear development pattern on the western side of the lane. The road is classified and a Protected Lane (roughly until the north-eastern corner of the site).

PROPOSAL

- 2.2** Outline Application for development of 3 no. residential units with associated amenity space and parking, with all matters reserved except for access.

3. ENVIRONMENTAL IMPACT ASSESSMENT

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

4. **APPLICANTS CASE**

- 4.1 The application includes the following documents:
- Planning, design and access statement including transport
 - Preliminary ecological appraisal
 - Covering letter
 - Drawing register
 - Schedule of documents
 - Ecology response to place services comments
 - Speed survey
 - Biodiversity checklist.

5. **RELEVANT SITE HISTORY**

- 5.1
- **UTT/21/0197/OP** – Outline application with all matters reserved except access, for 4 no. dwellings.
Withdrawn (08.03.2021).

- **UTT/12/5644/FUL** – Proposed new dwelling.
Refused (20.12.2012) and appeal dismissed (30.10.2013):
The application site is located outside development limits in the countryside which is to be protected for its own sake. Planning permission will only be granted for development that protects or enhances the particular character of the part of the countryside in which it is set or there are special reasons why the development in the form proposed needs to be there. It is considered that a dwelling located on this site would have a detrimental impact on the character and appearance of the countryside. Furthermore, in the countryside, planning permission will only be granted for development that needs to take place there. It is recognised that the Council has a five-year housing land supply shortfall, however, the application site fails the tests in the National Planning Policy Framework in so far as this environmental harm and the unsustainable nature of the scheme. Therefore, there are no exceptions that would outweigh the presumption in favour of sustainable development and the protection of the countryside for its own sake. The development is contrary to the National Planning Policy Framework, as well as saved Policy S7 of the Uttlesford Local Plan adopted 2005.

6. **CONSULTATION RESPONSES:**

Wicken Bonhunt Parish Council

- 6.1 On behalf of the residents of Wicken Bonhunt, I wish to object to the above Planning Application to the Land at Rickling Road Wicken Bonhunt.

This application follows the planning application REF: UTT/21/0197/OP submitted in February 2021 which was withdrawn, and yet the criteria put forward by me and my residents still remains the same:
AS FOLLOWS-

An application to build a single retirement dwelling on this land was refused in 2012 as the plans “were outside the village envelope and the detrimental impact on the character and appearance of the countryside failed the criteria of the NPPF”

This land also has a sewage line right through this land and according to Thames Water “no new builds are allowed to build over these lines” 2012

Again, those criteria have NOT changed since that application, including the position of 2 very large oak trees that still grow on this land.

In fact many other factors are apparent in 2021 that might not have been observed in 2012. Since the building of Bradbury House was approved in 2013, the natural water drainage that ran through a gully on the right of Rickling Road leading to the Wicken Road cannot proceed. The excess water from extensive rainfall in recent years now cascades down the left of Rickling Road across the paths of 1- 4 Rickling Road and Howlands Farm Cottage, causing a mud and stones rivulet leading onto the Wicken Road. ECC Highways recently repaired a dangerous pothole in this part of Rickling Road that had been washed away by the excessive rain.

It is assumed that the application for 3 new properties with associated amenity space and parking, would indicate that the purchasers would either be working couples or indeed young family occupants. It would be expected that the huge movement of vehicles coming and going onto the single track lane that is 60+MPH outside the proposed dwellings, would join the presently careering vehicles that travel down towards the Wicken Road at great speed. The danger to children and new residents unfamiliar to the single track road use outside the properties is undeniable,

There is no infrastructure for more young families in Wicken Bonhunt. There are no shops, schools, public transport, lighting or footpaths leading from these proposed properties into the village of Wicken Bonhunt.

In the light of environmentally awareness of new property buildings observed by Uttlesford District Council and the hope of reducing vehicle movements as expressed by ECC Highways, I cannot see how these proposed dwellings can meet any of the criteria for both Councils. Vehicular use would be the expected transport activity unless cycling was an option for the new residents, and the disruption to the existing countryside and paddock environment would cause unnecessary unsustainability to an already beautiful village.

I trust you will take these considerations into account, together with the objections expressed by the residents of Wicken Bonhunt, when reviewing this application.

ECC Ecology

6.2

On 12 Oct 2021:

No objection subject to securing biodiversity mitigation and enhancement measures

Thank you for the ecological response dated 6th October 2021 regarding the above site, in relation to the holding objection by Place Services dated 27th September 2021, with regard to further information required for Priority Habitat, Bats, Badger, Reptiles, GCN and Dormice to provide the LPA with the certainty required to ensure their compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998. We have reviewed the additional information provided which is now sufficient for determination and can provide the following response:

Priority Habitats

The additional information provided regarding the habitat value of both the grassland and woodlands on site is now sufficient for determination. This new information has clarified that the grassland would not be classed as Priority Habitat due to the lack of management having only occurred recently, which resulted in a meadow looking grassland in the photos provided. In addition, the new information provided has shown that the two hedgerows on the East and West boundaries would be classed as Priority habitat, but would not be classed as 'Important' under the Hedgerow Regulations 1997, as is the same with the two hedgerows to the North and South which would not be classed as 'Important' due to their association with the neighbouring residential dwellings. This new information has provided the LPA with the certainty required that impacts on Priority habitat will not be incurred due to the proposed development. As Priority Habitat is present on site, mitigation for any loss or damage would be required should they be impacted by the proposals, but it is considered this can be dealt with by condition and at reserved matters once access has been proposed and it is clear how much hedgerow will be lost to the development if granted.

Assessment of potential impacts on the neighbouring woodland are still required, although it is considered unlikely there would be any direct effects on this Priority Habitat. Impacts would be limited to indirect effects i.e. from air pollution caused during construction which can be dealt with by condition for a Construction Environment Management Plan (CEMP) – Biodiversity.

Bats

Alongside comments from the Landscape Officer, the additional information provided regarding potential roosting features in trees, providing these trees are not affected by the proposals, there is sufficient information provided for determination of this outline application. Should this change at reserved matters, results of the Preliminary Roost Inspection for trees should be provided with surveys undertaken as necessary dependent on findings. This should form a condition of any consent.

Great Crested Newt

The information that has now been provided, details the ponds within the wider area and although we do not agree that residential gardens would create a dispersal barrier to GCN (particularly given the high association of GCN with golf courses which are heavily managed landscapes), the Natural England Rapid Risk Assessment which has now been provided, shows risk of an offence is Green: Offence Highly Unlikely. This information now provides the LPA with certainty of impacts and that appropriate mitigation can be secured. As risk of an offence is low, it is considered a species-specific method statement within the CEMP: Biodiversity will alleviate any residual risks of an offence and provides the LPA with the certainty required to comply with their statutory duties.

Reptiles

We do not agree with comments that residential gardens provide a barrier to reptiles, nor that they do not constitute reptile habitat. Reptiles are strongly associated with mature residential gardens, in particular slow worms where they often inhabit compost heaps / bins. The same is true for arable fields which have arable field margins and hedgerows, as with the neighbouring field. Aerial maps of the site show the arable field adjacent the proposed development has arable field margins, it is not possible to state from these images what condition these are in or should they be suitable for reptiles. Information on this potential feature would have aided the LPA in considering the information supplied. Woodland habitats have the opportunity to provide habitat in the rides and glades as well as through shelter / hibernation opportunities. The new information provided that the neighbouring woodland is dense and overshadowed (information which was not previously provided, and which could not be ascertained from aerial images) and as such would not be suitable for reptiles is noted. Given the potential colonisation from bounding properties and arable fields, as well as the road embankments and connecting hedgerows, it is still not considered the site can be classed as being isolated. Furthermore, the site itself is considered to contain suitable habitat, having long-sward grassland, mature trees and hedgerows. The limited records stand as lack of survey as much as absence of the species

and as such is arbitrary in the argument against their likely absence from site. The most robust argument provided against reptiles being likely absent from site is in the management, which is not clear from the information provided to date and has therefore had to be extrapolated from different aspects of the PEA report and letter dated 6th October 2021. The PEA states within the habitat assessment the site has “previously been subject to grazing and management” and that the sward is “commensurate with approximately 1 year of growth”. Furthermore, the additional information provided regarding the value of the grassland states the site is “colonised by fast growing common species and would be defined as ‘Modified Grassland’” and that management is “likely strimming/mowing/grazing”. In which case, it is now understood how the ecologist has concluded it would be difficult for a significant population of reptiles to have colonised the small site. Given this information, presence / absence survey is not considered proportionate to the possible impacts of the proposals on a likely small population of reptiles on site, if any. As such, a species-specific method statement within the CEMP: Biodiversity should be provided to ensure no killing / injury of reptiles during site clearance. In addition, proposed mitigation within the PEA to retain boundary habitats and enhancement measures to include native / wildlife friendly planting in the landscape scheme should be secured by condition of any consent. In addition, enhancements should also include provision of reptile shelter habitats including log piles and / or hibernacula to ensure the continued/future use of reptiles on this site post-development.

Badger

The additional information stating that ‘all reasonable efforts have been made to check the site and surrounds for badger’ is now considered sufficient for determination. The LPA has to have certainty of impacts on protected species and given an active Badger sett would be impacted by the proposals should one fall within 30m of the site boundary it is entirely reasonable to ask for additional information that provides the LPA with certainty that efforts have been made to assess the impact risk zone for this species if that information has not been provided upfront. Now this information has been clarified, we can advise the LPA that this information is sufficient for determination. Precautionary measures identified in the PEA should be secured by condition of any granted consent and a walkover undertaken prior to works commencing on site.

Dormice

The additional information provided regarding dormice, and the general lack of suitability of the hedgerows on the site for this protected species is now considered sufficient for determination. Whilst it is acknowledged there is a lack of records in the area, the lack of records are just as likely to be due to lack of survey than absence of the species. Therefore, due to the proximity of the woodland and some suitable habitat on site, the extent

of which will be impacted to provide access is as yet unknown, it is advised a precautionary method statement for any hedgerow removal required will be sufficient to provide the LPA with certainty of impacts on this protected species and that appropriate mitigation can be secured. This can be secured by condition of any granted consent through a specific method statement within a CEMP: Biodiversity.

Summary

The additional information provided was required to provide the LPA with certainty of impacts on legally protected and Priority species and habitats, and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. Now this missing information has been clarified, the LPA can demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

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

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

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

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4ecology Ltd., August 2021) 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 and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details regarding pollutants on the neighbouring woodland, as well as species-specific method statements for reducing impacts on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse. No tree removal shall take place unless first approved by the LPA and a bat roost assessment has been undertaken.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities, particularly in relation to site clearance on Bats, Nesting Birds, Badger, Great Crested Newt, Reptiles and Dormouse and on pollutants to the neighbouring woodland.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present found on site i.e. cherry laurel to be replaced with native species of wildlife benefit.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. As a minimum, enhancements shall include: 1 integral bird box per dwelling, 1 integral bat box per dwelling, planting of new native trees and hedgerows, installation of 1 invertebrate box per dwelling, new tree planting, low impact lighting including no lighting of the boundaries, wildlife friendly planting scheme, boundaries which allow continued movement of species post-development i.e. badger and hedgehog, log piles and / or hibernacula.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures (as above);
- 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 prior to occupation and shall be retained in that manner thereafter.”

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).

On 29 Sep 2021:

Some of the further surveys required can be undertaken at any time of year such as the Preliminary Roost Assessment of the trees for bats, a survey to determine if the hedgerows are ‘important’ (although it’s easier when they’re in leaf), Badger survey and an impact assessment on the neighbouring woodland. However, some of the surveys including the reptile and Great Crested Newt survey (if this is chosen over District Level Licensing) can only be undertaken at certain times of year i.e. spring and/or summer, which we have now passed.

On 27 Sep 2021:

Holding objection due to insufficient ecological information

We have reviewed the documents supplied by the applicant including the Preliminary Ecological Appraisal (T4 Ecology Ltd, August 2021) relating to the likely impacts of development on protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application in respect of Priority Habitats, bats, badger, reptiles, GCN and dormice.

The ecology report significantly downplays the ecological value of this semi-improved grassland, which is likely to provide habitat for protected and Priority species as well as providing an important habitat in its own right. The report needs to assess the value of the habitats on site. The photographs show a long-sward semi-natural grassland habitat and mature hedgerow habitats, which could both be classed as Priority habitat with the hedgerows also potentially being ‘Important’ under the hedgerow regulations 1997, and information should be provided to this effect with impacts assessed to the loss of the grassland habitats. In addition, an Arboricultural report has not been provided so although it has been assessed the hedgerow and mature trees will not be affected, this has not

been shown by an Arboricultural assessment to be practical at this site. Furthermore, potential impacts on the neighbouring woodland also require assessment.

The report states there are no trees with roosting potential that would be lost to the proposal, however access has not been agreed or proposed in this application and an Arboricultural survey has not been undertaken. As access could contribute a significant loss of hedgerow and trees to produce a safe visibility splay on this site. As such it not known whether trees will be lost to development or not, and therefore results of the Preliminary Roost Inspection for trees should be provided with surveys undertaken as necessary dependent on findings of the Arboricultural report or in lieu of should assume significant loss of trees and hedgerow.

The report attempts to state the site is not suitable for reptiles and GCN, however the site is a semi-natural grassland, with a long-sward height and mature hedgerows with mature trees and a shallow ditch which is understood to be at least occasionally wet. The site also sits opposite a mature woodland. All of which are suitable for reptiles and GCN. The site cannot be classed as being isolated as it is a rural location, with no dropped kerbs and the road between the site and woodland is a single track which could not be classed as a dispersal barrier. Furthermore, the site is within 250m of 4 ponds and within 500m of 8 ponds. The site partly site in an Amber Risk Zone for GCN.

The site appears to have suitable habitat for reptiles, is in a rural location with links to off-site habitats and as such a seven visit presence / absence survey following standard guidance (i.e. surveys undertaken during suitable weather, less than 17C in April, May and September). These will be required prior to determination.

The site also has suitable terrestrial habitat for Great Crested Newt, is partly within an Amber Risk Zone for GCN and within 500m of eight ponds with the only potential major barrier to dispersal within those 500m being Wicken Water. As such further survey for GCN is required, or the scheme should be submitted for District Level Licencing.

The site has a clear mammal path on site and suitable habitat for sett building within the immediate vicinity of site, the survey should extend to at least 30m around the site boundary to check for badger setts and that they will not be impacted by any proposed works.

The PEA report states there is no suitable habitat on site or within the vicinity for dormice, however the site sits opposite a woodland and surrounded by hedgerow habitats, all of which are known to be used by Dormice. Clarification is required as to the potential likelihood of dormice being present and affected on site by the proposed works.

The results of these surveys and further requested information are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected and Priority species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Once further survey and assessment has been completed and submitted to the LPA, tailored biodiversity enhancements can be submitted. This will ensure measurable net gain for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019.

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

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

ECC Highways

6.3

On 18 Nov 2021:

SUPERSEDES PREVIOUS RECOMMENDATION DATED 14TH SEPTEMBER 2021

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following measures:

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 56 metres to the north and 2.4 metres by 54 metres to the south, as measured from and along the nearside edge of the carriageway, as shown in principle on DWG no. DR1 (Proposed Access and Visibility Splays). Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times. Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

2. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

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

On 06 Oct 2021:

The speed limit 30mph/60mph changes immediately adjacent to the site access.

A visibility splay of 2.4 metres by 70 metres to the north of the access is acceptable, as this visibility splay is completely within the 30mph. A drawing would need to be submitted to demonstrate the full extent of the visibility splay can be achieved within highway and/or land of the applicant's control.

However, to the south, vehicles could be approaching the site up to 60mph, and without evidence of actual vehicle speeds, the Highway Authority is unable to determine if a 2.4 metre by 70 metre visibility is appropriate. A speed survey, to establish the 85th percentile speed of the road, could be undertaken by the applicant at the maximum extent of the achievable visibility splay from the site access. This will establish whether the visibility splay suggested is appropriate for actual speed of the road.

The Highway boundary can be obtained from Highway.Status@essexhighways.org and shall be overlaid onto the plans.

On 14 Sep 2021:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The applicant has failed to demonstrate adequate visibility splays are to be provided in accordance with the speed of the road, to the satisfaction of the Highway Authority. The lack of such visibility would result in an unacceptable degree of hazard to all highway users on Rickling Road to the detriment of highway safety. Therefore, this proposal is contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and Uttlesford Local Plan Policy GEN1.

UDC Landscape Officer

- 6.4** The oak large mature oak trees on the road frontage of the site are considered to be of amenity value and should be retained and protected by conditions if approval for the proposed development is granted. Also, a detailed scheme of landscaping should be sorted by condition.

With regard to the access the proposed widening of the existing access to 5.7m is acceptable. We would need confirmation that Highways are satisfied with the sightlines. If the sightline requirements were to necessitate the felling of either of the oak trees this would be unacceptable. The proposed access would have minimal impact on the character and fabric of the Protected Lane.

BAA Aerodrome Safeguarding

- 6.5** The Safeguarding Authority for Stansted Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria. We have no aerodrome safeguarding objections to the proposal.

7. REPRESENTATIONS

Representations were received from neighbouring residents, and the following observations have been made:

- **Objections:**
 - No change since last time.
 - Highway safety concerns / Traffic increase on small road and access issues.
 - Blind bend that changes from 60 to 30mph.
 - Busy road – heavy farm lorries and machinery.
 - Flooding concerns.
 - 2 no. large oak trees on site.
 - Paddock land, natural habitat for wildlife.
 - Sewage line runs through this land – Thames Water says no new builds are allowed.
 - Rickling Road is a country lane / No passing bays.
 - Construction traffic – damage to verges and hedgerows.

- Outside development limits.
- Lack of infrastructure and services in Wicken Bonhunt.
- Noise and amenity concerns.

8. POLICIES

8.1 National Policies

National Planning Policy Framework (NPPF)
Planning Practice Guidance

8.2 Uttlesford District Local Plan 2005

ULP Policy S7 – The Countryside
ULP Policy ENV3 – Open Spaces and Trees
ULP Policy ENV5 – Protection of agricultural land
ULP Policy ENV8 – Other landscape elements of importance for nature conservation
ULP Policy ENV10 – Noise sensitive development and disturbance from aircraft
ULP Policy ENV12 – Groundwater protection
ULP Policy ENV13 – Exposure to poor air quality
ULP Policy ENV14 – Contaminated land
ULP Policy H9 – Affordable Housing
ULP Policy H10 – Housing Mix
ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN3 – Flood Protection
ULP Policy GEN4 – Good neighbourliness
ULP Policy GEN6 – Infrastructure Provision to Support Development
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards

8.3 Supplementary Planning Document/Guidance

SPD Accessible Homes and Playspace (adopted Nov 2005)

8.4 Other Material Considerations

Essex Design Guide
Essex County Council Parking Standards: Design and Good Practice (Sep 2009)
Uttlesford Local Residential Parking Standards (Feb 2013)
Uttlesford District Council Interim Climate Change Planning Policy (Feb 2021)

9 CONSIDERATION AND ASSESSMENT:

9.1

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

- i) **Principle (S7, GEN1, ENV5, and the NPPF);**
- ii) **Design, scale, layout, landscaping (S7, GEN2, ENV3, ENV5, SPD Accessible Homes and Playspace, Essex Design Guide, and the NPPF);**
- iii) **Amenity (GEN2, GEN4, ENV10, ENV13, and Essex Design Guide);**
- iv) **Access and parking (GEN1, GEN8, parking standards, and the NPPF);**
- v) **Ecology (GEN7, ENV8, and the NPPF);**
- vi) **Contamination (ENV14, and the NPPF);**
- vii) **Flood risk (GEN3, ENV12, and the NPPF);**
- viii) **Housing mix and affordable housing (H9, H10).**

- i) **Principle (S7, GEN1, ENV5, and the NPPF);**

9.2

The Case Officer visited the site on 03 Dec 2021. Also, a site notice was erected on site and expired on 01 Oct 2021 and the neighbours were consulted.

9.3

The proposal includes:

- Outline application with all matters reserved except for access for 3 no. dwellings with associated amenity space and parking;
- Materials (indicative).

9.4

The proposal is located outside development limits, within the countryside, with Policies S7, ENV5, GEN1 being relevant. These were subject to a Compatibility Assessment (Jul 2012), concluding they are consistent with the NPPF:

- Policy GEN1(e) prerequisites that development encourages movement by means other than driving a car.
- Policy ENV5 allows development of the best and most versatile agricultural land only where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, developers should seek to use areas of poorer quality except where other sustainability considerations suggest otherwise.
- Policy S7 takes a more protective approach to countryside development, unlike NPPF's positive stance, but the aim to protect the countryside for its own sake remains entirely relevant and consistent with the NPPF in recognising the intrinsic character and beauty of the countryside (para 174(b)) while identifying opportunities for villages to grow where this would support local services (para 79). Development will be strictly controlled, and isolated houses will need exceptional justification (para 80). S7 states development will only be permitted if its appearance protects or enhances the 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. If there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside. The test would be about:

- (1) 'isolation' (i.e. spatial/physical separation from a settlement);
- (2) 'proximity to services';
- (3) 'impact on the countryside and local character'.

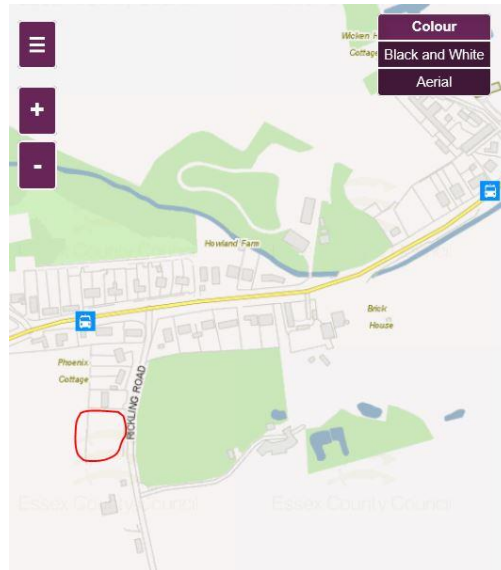
9.5 Applying policy S7 tests in conjunction with paragraph 8 of the NPPF

In economic terms, the proposal will potentially provide a small contribution towards the wider local economy during construction, via employment for local builders and suppliers of materials, and post-construction via reasonable use of local services.

9.6 In social and environmental terms:

For the 'isolation' issue, recent case law (Braintree DC v SSCLG [2018] EWCA Civ. 610) defined 'isolation' as the spatial/physical separation from a settlement or hamlet, meaning that a site within or adjacent to a housing group is not isolated. The site is adjacent to the development limits of Wicken Bonhunt to the north and another dwelling to the south, comprising an infill opportunity, and as such, it is not isolated. Paragraph 80 of the NPPF discourages new isolated homes in the countryside unless there are special circumstances to justify that location. Therefore, paragraph 80 is not applicable on this occasion.

9.7 For the 'proximity to services' issue, the site location is not ideal because access to key services and facilities (e.g. supermarkets), sustainable public transport, employment and leisure opportunities is limited, which means that for the majority of journeys the only practical option would be the use of cars. Although 3 no. new dwellings would support local services in nearby villages, complying with paragraph 79 of the NPPF, this contribution would be modest, and as such, it would hold some weight in decision-making. There is a bus stop within a 200m-radius from the site (see image), with a service twice every weekday. Therefore, the proposal fails to accord with paragraphs 104(c), 110(a) of the NPPF and Policy GEN1(e).



- 9.8** In terms of housing supply, the Council lacks a 5-year housing land supply (3.11 years, Jan 2021). The Local Plan is out-of-date in terms of housing delivery, but it does not necessarily follow that the housing policies per se are out of date. In an Inspector's words "*the implications of an absence of a 5YHLS would not apply more generally to the Council's approach to regulating development in the countryside*" (14/2220272 et al., 13) or in other words "*Policy S7 is the only policy within the LP reflecting the Framework provisions for the recognition of the landscape qualities of the countryside. The element of Policy S7 valuing countryside character and beauty has been identified as consistent with the Framework in most of the other appeal decisions*" (19/3223694, 72-3). Therefore, the proposed dwellings would contribute to the social strand of sustainable development and the housing figure to a modest degree.
- 9.9** Due to the 5YHLS shortfall, paragraph 11(d) of the NPPF is engaged to make sure harm is outweighed by benefits under 11(d)(ii).
- 9.10** For the 'impact on the countryside and local character' issue:
 The local character contains a distinct rural feel and countryside setting (see photographs), comprising grassland, bounded by mature trees and hedging on all site boundaries, plus a steep verge on the front boundary. The site is adjacent to the development limits of the village to the north. There are very limited open views/vistas into the site from the public realm and no views to the wider open landscape further to the west. Across the street to the east, there is dense woodland, so there are no direct views through the site. The development will introduce new built form, encroaching into the countryside but it will be seen as a continuation of the existing linear pattern of development in the area (continuing the development envelope) and the natural screening will mitigate any urbanising effects, leading to minimal countryside harm.



- 9.11** The site's history revealed an appeal (13/2199064 – UTT/12/5644/FUL) for 1 no. dwelling, which was dismissed on countryside harm and an unsustainable location. The Inspector noted the site falls within open countryside (3) and car reliance is unavoidable (7) but emphasized the visual intrusion into the open countryside will depend on the scale and height of the proposed dwelling, concluding "*the proposal would materially harm the character and appearance of the countryside*" (13).
- 9.12** A more recent appeal was allowed (19/3241983 – UTT/19/1381/FUL) for 3 no. dwellings in a site 160m to the north-west of the application site, despite conflicts with Policy S7. The Inspector concluded countryside harm would be minimal because that appeal site is not within open countryside, it "*is surrounded by houses and their gardens and two roads*", it is "*seen as a continuation of the existing pattern of development in the immediate area*", and, finally, it reflects the local character of large houses within large plots.
- 9.13** Another appeal on 01 Dec 2021 (21/3277218 – UTT/21/2697/OP) for 3 no. dwellings in a site 340m to the north-east of the application site, was

9.17

Applying policy ENV5 tests

The site comprises agricultural land of 'Very Good' quality (see images, Agricultural Land Classification 2010, Natural England), and thus it is part of the best and most versatile agricultural land in the district (BMV).

Despite the loss of BMV land, contrary to policy ENV5, the plot has not been used for farming purposes since at least 1999, and although there are no reasons why agricultural activities could not resume on site, good quality agricultural land is clearly plentiful within the locality, which means that this policy conflict would hold limited weight.



9.18

Therefore, on balance, the harm does not outweigh the benefits of the development, complying with 11(d)(ii) of the NPPF, and the location is appropriate for new housing.

9.19

Overall, the principle of the development is acceptable, and thus the proposal accords with the NPPF.

ii) Design, scale, layout, landscaping (S7, GEN2, ENV3, ENV5, SPD Accessible Homes and Playspace, Essex Design Guide, and the NPPF);

9.20

In terms of heritage impacts, there are no heritage assets in the vicinity, except for the Protected Lane (see Landscape Officer's comments below).

9.21

Design, scale, layout and landscaping are reserved matters but some preliminary comments can be made here using the indicative details.

9.22

In terms of size and scale, the proposed dwellings will be single storey to 1.5-storey (PDA Statement, 4.9) but no Elevation drawings have been submitted. The dwellings would be expected to respect the neighbouring dwellings and the streetscene, without exceeding their heights and footprints to avoid being visually obtrusive within the streetscene and to minimise countryside impacts. Bedroom numbers are unknown at this

stage. In terms of design, form and layout, the indicative layout is considered acceptable given the retention of trees and hedging to all site boundaries (except for the necessary visibility for highway safety purposes), the addition of new planting and the 'green corridor' to the front boundary that will retain and enhance the green screening of the site. The front drive will lead to the front entrances of the dwellings with parking being to their sides, in compliance with the Essex Design Guide principles. The form of the dwellings of traditional rectangular shape, and the roof gables, are in keeping with the local character.

9.23 In terms of landscape, the existing tree lines and hedging will be retained inasmuch as possible to accommodate appropriate access and visibility (PDA Statement, 3.7, 4.14, 4.21) but landscape is one of the reserved matters. The Landscape Officer wrote "*The large mature oak trees on the road frontage of the site are considered to be of amenity value and should be retained and protected by conditions if approval for the proposed development is granted. Also, a detailed scheme of landscaping should be sorted by condition. With regard to the access the proposed widening of the existing access to 5.7m is acceptable. We would need confirmation that Highways are satisfied with the sightlines. If the sightline requirements were to necessitate the felling of either of the oak trees this would be unacceptable. The proposed access would have minimal impact on the character and fabric of the Protected Lane*".

9.24 The materials will be scrutinised at the reserved matters stage.

9.25 The following conditions are necessary should planning permission be granted:

- Landscaping condition (pre-commencement), to minimise countryside impacts and impacts on the Protected Lane, and to safeguard privacy.
- Construction with Optional Requirement M4(2) of the Building Regs 2010 Doc M, Vol 1 (2015 edition), for all potential users.

9.26 The applicant agreed in writing to all pre-commencement conditions on 30 Nov 2021.

9.27 Overall, the above matters will be further scrutinised at the reserved matters stage.

iii) Amenity (GEN2, GEN4, ENV10, ENV13, and Essex Design Guide);

9.28 Design and layout are among the reserved matters, and as such the following comments are only preliminary at this stage.

9.29 In terms of the residential amenity of the occupants, the dwellings would be up to 1.5-storey with unknown bedroom/persons occupancies; their gross internal areas should be of more than the minimum standards (see

Technical Housing Standards – Nationally Described Space Standard). In terms of private amenity space (garden), the proposed dwellings will have adequate amenity spaces (100m² threshold, see Essex Design Guide).

9.30 In terms of noise, odours, dust and other disturbances, there will be no material increase on site that could harm the amenity of neighbouring occupiers. The Environmental Health Officer may be consulted in the reserved matters stage to confirm this. The Airport Safeguarding Authority raised **no objections** unconditionally.

9.31 In terms of the amenity of neighbouring occupiers, application of the design and remoteness tests (see Essex Design Guide) and the 45-degree tests (see SPD Home Extensions) will be conducted at the reserved matters stage to see whether there is material overshadowing, overlooking (actual or perceived) and overbearing effects, to the detriment of the residential amenity of any neighbouring or prospective occupants.

9.32 Overall, a reserved matters application would establish whether the development would materially harm residential amenities, and thus accord with ULP Policies GEN2, GEN4, ENV10, ENV13, and the Essex Design Guide.

iv) Access and parking (GEN1, GEN8, parking standards, and the NPPF);

9.33 The access is not a reserved matter, and therefore is for consideration under this application.

9.34 From a highway and transportation perspective, following submission of a Speed Survey conducted upon request from ECC Highways, the Highway Authority raised **no objections** subject to conditions in the interests of highway safety, as the proposal accords with ECC Supplementary Guidance – DM Policies (Feb 2011) and policy GEN1. The conditions refer to visibility splays, the dimensions of the drives, surface treatments of the access and inward opening gates.

9.35 As shown in the drawing Relationship Between Retained Oak Trees and Visibility Splays, the 2 no. oak trees that are of amenity value will be behind the visibility splays, and as such, the Landscape Officer's recommendation to retain those trees is adhered to. In other words, there will be no requirement to cut down the trees to provide appropriate visibility, and therefore will be sought to be retained within any future reserved matters application.

9.36 Parking arrangements will be agreed in the reserved matters application. The proposed dwellings will have known bedroom numbers at that time. Under local parking standards, there is a requirement for 2 no. or 3 no. parking spaces for each dwelling depending on number of bedrooms

proposed to meet parking standards. The indicative Proposed Site Access contains 2 no. parking spaces of appropriate dimensions for each dwelling, but visitors' spaces are not of appropriate dimensions (less than 5.5m x 2.9m). This, nonetheless, will be further considered in the reserved matters stage.

- 9.37** Overall, the proposal is acceptable in terms of access, and thus it accords with ULP Policies GEN1, GEN8, and the NPPF.

v) Ecology (GEN7, ENV8, and the NPPF);

- 9.38** Following additional ecological information from the applicant on 06 Oct 2021, the Ecology Officer raised **no objections** subject to securing biodiversity mitigation and enhancement measures, as per paragraph 174(d) of the NPPF. The conditions refer to action in accordance with the appraisal recommendations, a Construction Environmental Management Plan (pre-commencement), and a Biodiversity Enhancement Strategy.

- 9.39** The applicant agreed in writing to all pre-commencement conditions on 30 Nov 2021.

- 9.40** Overall, the proposal is acceptable in nature conservation and biodiversity terms, and thus it accords with ULP Policies GEN7, ENV8, and the NPPF.

vi) Contamination (ENV14, and the NPPF);

- 9.41** In terms of land contamination, the Environmental Health Officer may be consulted in the reserved matters stage to protect human health and the environment. A condition to notify the LPA if any evidence of land contamination is identified is necessary.

- 9.42** A condition is necessary for electric charging points to minimise air quality impacts, in accordance with paragraph 107 of the NPPF.

- 9.43** Overall, the above matters will be further scrutinised at the reserved matters stage.

vii) Flood risk (GEN3, ENV12, and the NPPF);

- 9.44** The site falls within Flood Risk Zone 1, and as such a Flood Risk Assessment (FRA) is not required. Policy GEN3 for flooding has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF.

- 9.45** Representations from the Parish Council and local residents raised concerns in relation to potential increase in flood risk. Although there is no evidence to suggest the proposed development would have an adverse effect on flood protection in the area, plus there is no policy requirement to

consult the Environment Agency or SUDS, the applicant has stated that “*It is anticipated that the proposal will incorporate a comprehensive SUDS scheme to deal with surface water runoff from the site*” (PDA Statement, 3.12). As such, a condition is necessary to ensure the applicant complies with their statement to protect the area from surface water drainage issues in compliance with Policy GEN3 and the NPPF. A (pre-commencement) condition for the details of the treatment plant for foul water is also necessary to prevent any potential pollution of water courses.

9.46 The applicant agreed in writing to all pre-commencement conditions on 30 Nov 2021.

9.47 Overall, the proposal is acceptable in terms of flood protection, and thus it accords with ULP Policy GEN3, and the NPPF.

viii) Housing mix and affordable housing (H9, H10).

9.48 Policy H10 states that on sites above 0.1ha or of 3+ dwellings, developments will be required to provide a significant proportion of market housing comprising small properties. In paragraph 6.30 of the Local Plan, it is stated that all developments on a site of 3+ dwellings must include an element of small 2 and 3 bed homes, which must represent a significant proportion of the total, for those households who are able to meet their needs in the market and would like to live in a new home. Notwithstanding the above and considering the latest UDC Housing Study, more sizeable dwellings are needed than smaller ones.

9.49 However, the proposed housing mix is yet unknown, and this matter will be considered at the reserved matters stage when the internal layout of the proposed dwellings will be brought forward.

9.50 In terms of affordable housing, the 40% contribution is not triggered on this occasion, as the development is for less than 0.5 hectares and for less than 10 no. new units.

9.51 Overall, the housing mix issue will be further scrutinised at the reserved matters stage, and the proposal is acceptable in terms of affordable housing, and thus it complies with ULP Policy H9.

10. EQUALITIES

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the

Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. CONCLUSION

11.1 The submitted would:

- (i) Be acceptable in principle.
- (ii) Have design, scale, layout and landscaping as reserved matters.
- (iii) Have no effect on visual or residential amenities of neighbouring occupiers subject to scrutiny of the reserved matters.
- (iv) Have an acceptable access with appropriate visibility splays that would not compromise highway safety.
- (v) Protect and enhance protected and priority species and habitats, providing net biodiversity gains.
- (vi) Not lead to land contamination.
- (vii) Not increase flood risk.
- (viii) Not provide, by nature, information for bedroom numbers; housing mix to be scrutinised at the reserved matters stage. No affordable housing requirement triggered.

11.2 It is therefore recommended that the application be approved subject to conditions.